

Legislative Council

Thursday, 21 September 1989

THE DEPUTY PRESIDENT (Hon J.M. Brown) took the Chair at 2.30 pm, and read prayers.

PETITION - WESTERN AUSTRALIAN OPERA CO INC

Government Dissolution Action - Opposition

The following petition bearing the signatures of 316 persons was presented by Hon P.G. Pandal -

TO: The Honourable the President and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament Assembled.

We, the undersigned, strongly reject any Government action -- direct or in direct -- that will lead to the dissolution of the W.A. Opera Company as a pioneering and successful performing arts group. We are concerned to see that:-

- (1) The Western Australian Opera Company, which is the oldest regional opera company in Australia, remains financially and artistically strong and independent;
- (2) Co-operation with the Australian Opera Company continues, but without threat to this State's own company's existence and growth.

[See paper No 405.]

A similar petition was presented by Hon Derrick Tomlinson (207 persons).

[See paper No 406.]

PETITION - LEDA LAND

Western Ridge - Development Opposition

The following petition bearing the signatures of 50 persons was presented by Hon P.G. Pandal -

To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament Assembled:-

We, the undersigned, believing that the land at Leda known as the Western Ridge should be preserved in its natural state, and knowing that the land is owned by the State urge that all necessary steps be taken to prevent this priceless public asset from being developed for residential purposes -

[See paper No 398.]

MOTION

Standing Orders Committee - Consideration of Chapter XXI - Bills

HON J.M. BERINSON (North Metropolitan - Leader of the House) [2.35 pm]: I move -

That the Standing Orders Committee consider the following proposal and report thereon not later than 28 November 1989-

CHAPTER XXI - BILLS

Private Bills

222.

The joint standing rules and orders relating to private Bills* are suspended.

[*see 1969 print of Standing Orders of Council]

Introduction and first reading

223. (1) Bills originating in the Council may be introduced at any time, but not so as to interrupt any proceeding, by the Minister or member having charge of it moving *That a Bill for an Act [long title] be introduced and read a first time.*
- (2) Bills originating in the Assembly are introduced by message.
- (3) After introduction, the question for the first reading of a Bill shall be put and decided without amendment or debate.
- (4) Copies of the Bill may be distributed to members and otherwise published after the first reading.
- (5) Each clause in a Bill must relate to the title as it was given on introduction.

Temporary Laws

224. A Bill providing for a temporary law shall state clearly, in a separate clause, the date on which the law is to expire.

Readings required

225. (1) Unless otherwise ordered, a Bill shall be given a first, second and third reading and in each case the short title only shall be read.
- (2) A motion for any reading of a Bill does not require seconding.

Cognate debates

- 226 Interrelated Bills may be debated cognately at 1 or more stages.

Second reading

227. (1) After the first reading motion may be made-
- (a) *"That the Bill be now read a second time"* and the speech of the Minister or member in charge given. At the conclusion of that speech the debate is thereupon adjourned without question put. Resumption of the debate is an Order of the Day for the next sitting; or
- (b) that the second reading be made an Order of the Day for the next sitting.
- (2) Where, in the case of a Bill received from the Assembly, the Minister or member having charge of the Bill moves *"That the Bill be now read a second time"* it is in order to table a copy of the speech if it is the same in all substantive respects as that delivered in the Assembly. A speech so tabled is deemed to have been delivered orally.

Amendments

228. (1) An amendment to the question for the second reading which, if passed, delays resolution of that question by deleting *"now"* and adding *"this day 6 months"* disposes of the Bill.
- (2) An amendment is in order that-
- (a) does not have the effect of delaying the second reading by making it depend on the happening of a certain event; and
- (b) confines itself to an expression of opinion on a matter related to the content of the Bill, or its intended administration or application, or is otherwise relevant to the Bill.

Effect of defeating second reading

229. Notwithstanding any custom, usage or rule to the contrary, where the question for the second reading is negatived, the Bill is disposed of.

Dispensing with committee of whole

230. By leave, the House may immediately proceed to the third reading after the second reading.

Committal

231. (1) Except as provided in order 230, a Bill stands referred to a Committee of the Whole after its second reading.

Procedure in committee

232. (1) Unless the committee otherwise determines, or grants leave to consider the Bill as a whole, a Bill is considered as follows:
- (a) clauses as printed;
 - (b) postponed clauses;
 - (c) new clauses*;
*[but see subcl (4)]
 - (d) schedules as printed and new schedules;
 - (e) preamble (if any);
 - (f) title.
- (2) Where a clause is amended, and subject to order 233(2), consequential amendments may be made to a clause already agreed to.
- (3) Intervening clauses on which no discussion is sought may be disposed of by putting a question "*That clauses ... stand as printed*".
- (4) Where it is proposed to delete a clause in order to insert a new clause, the question for the adoption of the new clause may be put immediately following that deletion.
- (5) If a clause is amended, a further question shall be put "*That the clause stand as amended*" but a clause may be postponed at any time prior to that question being put.

Amendments

233. (1) Subject to Standing Orders, an amendment, otherwise relevant to the subject matter of the Bill, may be made to any part of the Bill.
- (2) In the same committee, no new clause or other amendment shall be proposed that is substantially the same as one already negatived or that is inconsistent with a previous decision of the same committee.
- (3) Where an amendment is made that falls outside the title, the title shall be amended accordingly and reported specially to the House.

House not to note committee proceedings until reported

234. The proceedings of any Select or Standing committee or of a Committee of the Whole on a Bill shall not be noticed by the Council until they are reported.

Recommittal

235. (1) A motion to recommit may be moved at any time after

presentation of the committee's report and prior to the question being put for the third reading and that motion shall supersede any question then before the House in relation to the Bill.

- (2) A motion for recommittal shall state the reasons.
- (3) On a recommittal of a Bill the procedure shall be the same as that applied in the original committee.

Progress

236. At any time before consideration of a Bill is completed and when so directed by resolution of a committee or by operation of any order or rule, the Chairman shall report to the House that progress has been made and seek leave to sit again.

Final report

237. When a committee's consideration of a Bill is completed, the Chairman shall report to the House and state whether or not the Bill has been amended.

Adoption of report

238. (1) The report on an unamended Bill may be adopted on presentation.
- (2) Except by leave, consideration and adoption of the report on an amended Bill shall be made an Order of the Day for a future sitting and the Bill, incorporating the amendments, shall be printed meantime.
- (3) Subclauses (1) and (2) apply to the adoption of a report following a recommittal.

Third reading

239. (1) Subject to subclause (2), when the report on a Bill is finally adopted, the question shall be put "*That the Bill be now read a third time*" either then or at a future sitting.
- (2) Except to recommit the Bill, no amendment to the motion for the third reading may be made.
- (3) After the third reading a Bill has passed and no further question may be put in relation to it.

Certificate, etc after third reading

240. (1) The Clerk shall endorse Bills originating in and passed by the House to that effect and arrange for their transmission by message to the Assembly.
- (2) A Bill originating in the Assembly that fails to pass the Council shall be returned with a message to that effect.
- (3) Amendments of a formal nature and typographical or clerical errors in a Bill may be made by the Clerk.

The motion is very long but my comments can be relatively brief. All that I am seeking at this stage is a reference of proposed changes to Standing Orders to the Standing Orders Committee and I think I need do no more than indicate that and make a few salient points that are worth emphasising. I believe that all of us have had the experience over the years that we keep coming across certain Standing Orders and saying to ourselves, "That really ought to be changed." There never seems to be a right time for doing that. Other matters invariably crop up which are given higher priority, and the result is that our Standing Orders in many respects are really unsatisfactory and certainly behind the times. I suggest to the House that our processing of Bills in this Chamber comes within that category and it is time that we took some action to bring ourselves up to date.

Members who have had the opportunity to look through the proposals which I have listed will, I believe - with one possible exception - agree that nothing radical is being proposed; indeed, nothing really novel. The suggestions which I have listed in these proposed amendments are in fact largely drawn from experience elsewhere. I draw attention to only three matters at this stage. The first relates to the way in which we handle the introduction to the Parliament of Bills in this Chamber. Effectively it takes us three days before we even get started. Day one requires the initiator of the Bill to give notice of motion for leave to introduce the Bill - that takes all of day one. On day two the motion is moved that leave be given; certainly never in my experience has leave been denied.

Hon D.J. Wordsworth: Careful!

Hon J.M. BERINSON: It is an automatic process, and so is the following procedure, which is the motion and vote in favour of the first reading of the Bill. That takes all of day two. At the end of two days all that is known is the name of the Bill - nothing about its content and nothing about the reasons for it or the arguments in favour of it. It is only on day three that we have for the first time an opportunity by way of the motion for the second reading of the Bill to actually present the Bill and to give the second reading speech which indicates the name of the proposed legislation and the reasons which have led to its being introduced. I was going to say it is difficult, but frankly it is impossible, to find any justification for that long-winded procedure.

Members will see that one of the proposals which I have listed would enable a Bill to be introduced and carried through to the presentation of the Bill and the giving of the second reading speech on the first day of proceedings. Attached to that is the minor provision which has the effect that the adjournment of the debate, which again is the almost invariable practice, follows automatically without the need for a motion or vote. That is taken from Standing Orders applying in other Parliaments and is really another recognition of the fact that if we have automatic, or virtually automatic, procedures going on we may as well reduce the formality involved.

Yesterday we had the experience with Mr Pandal's Bill of a request that he be permitted to proceed from the first reading to the second reading forthwith; and that is really an exception which proves the rule. In his case, in other words, we reached the second reading stage within two days rather than three. That required leave and perhaps I should make the point that there would be nothing in the proposals that I am putting forward that would affect the processing of Bills being modified by appropriate leave. So this question of the time taken on the introduction of Bills is, I suppose, the first major change that is proposed by my motion.

The second change relates to the way we handle the Committee process. We have not had much of that this session yet but we have already had at least one occasion - I think it was the Wills Amendment Bill - where the second reading is carried, the President leaves his Chair, the Chairman of Committees takes his Chair, calls the title, calls the clauses and calls the short title. Nobody has said a word so far, except "Aye" as each clause is mentioned. The Chairman of Committees calls for the motion to report, the Minister moves the Bill to report, the Chairman reports to the President, and the President then takes the motion that the report be adopted - and we go on to consider the motion for the third reading. Nothing at all has happened from the time we carried the second reading to the time the motion for the third reading is moved.

That was just an isolated case; but we have had occasions in this Parliament where there have been either Bills taken cognately or a build-up of fairly short Bills to the second reading situation. There has been a consistent jack-in-the-box movement between the President's Chair and the Chairman's Chair; in and out and up and down, innumerable motions to report, short titles and long titles, and clauses that are simply numbered.

On many occasions I have had the thought pass my mind that I am grateful that our galleries do not have a more magnetic attraction for public attendance than they do because with that sort of thing happening I dread to imagine what members of the public would think. I imagine the average person coming into the gallery while we are engaged in that funny process would wonder why grown men and women spend time doing that.

We have the simple example in the Commonwealth Parliament, and in other Parliaments,

where after the second reading is carried, the President simply asks, "Is it the wish of the House to proceed to the third reading forthwith?" In other words, is leave granted to proceed to the third reading? If there is no objection to the motion, the third reading is thereupon taken.

Again, I emphasise that in proposing that we should adopt that procedure there is no thought in my mind of amending the Standing Orders in any way which would restrict to the slightest degree the present capacity of members to use the Committee stage in the broad way that the Committee stage allows: Detailed probing, the moving of amendments and so on. Nothing in this proposed amendment would affect that. It would simply require one member to indicate that he or she does not agree with the Bill proceeding to the third reading forthwith, and the normal processes for the Committee as a whole would proceed. That is the second matter I thought I would draw attention to; I hope that the Standing Orders Committee and members subsequently will support it.

The third matter, I have to confess, may be a little more contentious; that is, the proposal dealing with the treatment of second reading speeches of Bills which have been transmitted from the Assembly. One of our many continuing - I cannot find a neutral word - I will use "self-delusions" -

Hon P.G. Pendal: That should be familiar to you.

Hon J.M. BERINSON: That is about as neutral as I can get with something which is mythical and mirage-like. One of our continuing self-delusions is that we really can never be expected to know anything about a Bill coming from the Assembly until it actually reaches here. What happens in the Assembly is none of our business. We cannot expect to know the content of the Bill or what the second reading speech says. We have to start from scratch. The result of that is that on many occasions non-contentious Bills have a very simple passage through the Assembly; they come here, and precisely the same speech as was given by the Minister in the Assembly is given by the representative Minister here. I

have included in my proposals the opportunity to allow, in such cases, for a second reading speech to be taken as read and incorporated in *Hansard*. I draw attention to that now not because it is really a matter of the same order as the two earlier questions I have dealt with but really because I recognise that that could well be more contentious -

Hon N.F. Moore: The response could be incorporated in *Hansard* as well, and we could all go home.

Hon J.M. BERINSON: The response to what?

Hon N.F. Moore: The Opposition's response. You want to incorporate the second reading, so incorporate the response as well.

Hon J.M. BERINSON: I would be prepared to consider that and on many occasions I would find it preferable. Let us be practical about it. It is not beyond our experience - I am speaking of my earlier experience as a member of the Opposition and even as present member now - for the response from the Opposition to be limited to a form of words which state, "We agree with this Bill and have nothing to add" - a single sentence. When I was in Opposition, I adopted the practice on some occasions of saying nothing at all. That indicated self-evidently that we agreed to the Bill and it went straight to the vote.

If Mr Moore suggested to the Standing Orders Committee an amendment to my proposal which would accommodate his wish, I would expect the committee to consider his amendment and when it makes its recommendations I will be happy to consider it as well. I have drawn attention to this matter only because I recognise that it probably does, in its own way, cut across the nature of this Chamber more than any of the other suggestions do. I am sure that the Standing Orders Committee will look at it in that light before bringing its recommendations back to us.

It should be said that the Standing Orders Committee has gone from rags to riches. It has been a very neglected group for some years. I think that is a shame and, even though we are beginning to refer a significant number of matters to it, that is really in an effort to make up for lost time. I commend the motion to the House.

Debate adjourned, on motion by Hon Margaret McAleer.

PRISONERS (RELEASE FOR DEPORTATION) BILL

Committee

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

Clauses 1 to 3 put and passed.

Clause 4: Release for deportation -

Hon GEORGE CASH: What would happen under this arrangement if a person who had been deported returned to this country. Would there be a need for him to serve the balance of his sentence? I have sought advice and I understand that that may not be the case. Perhaps my advice is not correct and I seek the Attorney's interpretation of the matter.

Hon J.M. BERINSON: Mr Cash's advice is correct or, at least, it coincides with mine.

I refer the Committee to clause 6 of the Bill. I have checked the files and we explored a number of possibilities for meeting the situation raised by Hon George Cash. Any other than the provision in clause 4 became extraordinarily complicated and, in the end, the view was taken that the form of release as provided by clause 6 ought to be pursued.

The fact that the person has been deported almost invariably arises from the nature of the offence. In those cases, one would look to the immigration authorities to exercise a proper discretion about whether such a person should be readmitted. In any event, the question is a straight forward question and I think I can do no more than give a straight forward answer: In cases where the person is released for deportation and deportation actually ensues, that is the end of his obligation in terms of the original sentence.

Clause put and passed.

Clauses 5 and 6 put and passed.

Clause 7: Exclusion of the rules of natural justice -

Hon PETER FOSS: Why was it necessary to exclude the rules of natural justice?

Hon J.M. BERINSON: It is a serious step to take. I assure the Committee that it is not taken lightly. This is not the only point, however, in the Offenders Probation and Parole Act where such a provision is found. The basic approach to the granting of parole and, in particular, in instances where it could not automatically apply under any circumstances is that the grant of parole is a privilege and not a right. It is available at the unrestricted discretion of the Parole Board and/or the Executive, as the case may be, in the circumstances, and is not open to review.

That I know is a strong stand to take but it was always understood in the early days of the parole system, and only came to be questioned as a result of High Court decisions about four years ago. The Government amended the Act at that time to reassert the nature of parole as a privilege and not a right. That was done as a direct response to an indication by the court that if such decisions were not to be subject to judicial or other challenges, constant reviews and so on, the Legislature should so provide. The Government provided that in the general case, and it is consistent with the privileges applying generally to the availability of parole, that the same provision should apply in the special case of release for deportation in lieu of the grant of parole.

Clause put and passed.

Clause 8 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon J.M. Berinson (Attorney General), and transmitted to the Assembly.

CONVICTED INEBRIATES' REHABILITATION REPEAL BILL

Second Reading

Debate resumed from 6 September.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.04 pm]: The Opposition supports the Bill before the House. This Bill is designed generally to repeal an Act of Parliament that has been in force for more than 20 years. The original Bill was introduced into the House in December 1963, although it was not proclaimed until 1966. At the time it was generally believed that in the case of persons convicted of an offence where alcohol played a dominant part, it should be possible to send them to institutions where - as it was described in those days - a forced rehabilitation program could be inflicted upon them. In general terms Karnet Rehabilitation Centre was used for this purpose many years ago. At that time more than 20 years ago an attempt was made to distinguish between alcoholism as a mental disease and alcoholism in connection with the committing of unlawful acts. In cases where it was determined that alcoholism was purely a mental condition and no unlawful acts had been committed, people were on their own. Very few rehabilitation programs existed apart from such organisations as Alcoholics Anonymous and other general programs in the community. When unlawful acts were involved it was felt that rather than sentence people to terms of imprisonment, the system had to provide a rehabilitation program. It was a negative situation and the Convicted Inebriates' Rehabilitation Act was established. Whether or not it was successful is a matter of opinion; certainly in recent years a change has taken place in community feeling with regard to dealing with alcoholism. It is now no longer believed that one should force people into institutions and inflict rehabilitation programs on them.

In today's parlance it is generally believed that diversionary programs, set up on a voluntary basis, where the person involved is prepared to subject himself to a particular program, are more successful than the compulsory programs. It is true that in recent years this Act has fallen into disuse, and in response to a recent question I asked in this Parliament I understand the number of persons convicted in recent years under the provisions of this Act is either nil or, if any, very few. Quite clearly other programs are now established and other methods used to deal with the problem of alcoholism whether or not it relates to unlawful acts.

Further, I suggest the repeal of this Act is a precursor to the Government's earlier stated intention to introduce a Bill that will decriminalise drunkenness in Western Australia. I understand the Bill will probably be introduced in the coming week and I think we shall enjoy a fair amount of debate on whether that is a wise move on behalf of the Government, and whether the community as a whole is prepared to accept that situation. That can be dealt with when the Bill in question is introduced; at the moment we are dealing with the repeal of the Act to which I referred earlier. While clearly the Government wants to repeal this Act and the Opposition has no objection to that repeal, it is incumbent on the Government and the Minister in response to the second reading debate to acknowledge the existing diversionary programs and other treatment available to people suffering from alcoholism, and especially those who commit unlawful acts while their state of mind is disturbed by alcoholic substances.

Some years ago I referred to the Edith Hart Foundation as a foundation worthy of Government support. For a few minutes I will address the House on that foundation, which has been established for a number of years in Western Australia. The founders of that organisation have on a number of occasions taken their case to the Government and set out programs which would clearly be of assistance to those people who have a problem with alcohol. The Edith Hart Foundation believes that the incarceration of such people does not achieve very much at all. It could in fact be argued that there is nothing to be served by the period of time that such a person remains in custody, at great cost to the community. Members will be aware that incarcerating people in prisons in Western Australia today costs in the order of \$800 a week. The Government has over recent years refused the requests by the Edith Hart Foundation for assistance; and that is something about which the foundation and I are very disappointed. I urge the Government to reconsider the propositions put to it by the foundation over recent times. I believe they would be of benefit to the community, and particularly to those who currently suffer from an alcohol related problem, which may be affecting their family, work, or life in general.

The Edith Hart Foundation put forward a proposition to the Government some time ago that

magistrates in Courts of Petty Sessions be required to consider a diversion program for persons appearing before them on an alcohol related charge; that is, an unlawful act which may have been related to some alcohol induced state. The Government has not, over the past two years, been ready to accept that proposition. I recognise that magistrates have a discretion to order a diversionary program for persons appearing before them, but it appears to me, and to many others in the community, that much more can be done in that area. I am absolutely convinced that offering medical help and some form of rehabilitative program to a person who has an alcohol induced problem is a lot better for that person's wellbeing, and the community interest, than a custodial sentence.

I invite the Minister handling this Bill to reflect on some of the comments I have made, and to make further inquiries in respect of the Edith Hart Foundation. I believe that is a genuine and sincere organisation which aims to assist those who have a problem with alcohol. The community would, in the long term, be much better off if the Government were to adopt some of the practices and principles which the foundation offers and advises to its clients, rather than the situation which currently exists in Western Australia.

With those comments, the Opposition supports the Bill.

HON FRED McKENZIE (East Metropolitan) (3.13 pm): I support the remarks made by the Leader of the Opposition. It is not often - and I think it will not be often - that I support him.

Hon Max Evans: You can change your ways!

Hon FRED McKENZIE: When a good idea comes forward, I think it deserves support.

Two or three years ago I had some dealings on this matter with Mr Armstrong, and other people from the Edith Hart Foundation. I accompanied Mr Armstrong and Mr Hart to the then Minister for Health -

Hon George Cash: Ian Taylor.

Hon FRED McKENZIE: It might have started even before that time. I was very impressed with the propositions put to me, and I think the Government should have taken them on board. We finished by arguing with the Executive Director - or whatever his title may have been at that time - of the Alcohol and Drug Authority, and we did not make any progress. I was very disappointed in the end that the Minister was reluctant to grasp the nettle and issue some instructions to the effect that this organisation should be given an opportunity to make a contribution.

Mr Armstrong is a former Air Force officer, who had at one time been an alcoholic. It has been said that "once an alcoholic, always an alcoholic", but he certainly does not drink now. I believe his program would have been of great benefit. It had been tested by the foundation, which had a hospital available in Melville - I have forgotten the name of it - and it would have been a wonderful opportunity for the Government to take that program on board. The Minister's reluctance to disregard the advice being given to him by the bureaucrats is to be deplored. I am not an authority on the rehabilitation of alcoholics, but I assure the House that Mr Armstrong was. I join with the Leader of the Opposition in urging the Government, even at this late stage, to take notice of that program because it has great merit. I did my best at that time, but I was not listened to, simply because the advice of the people in the Alcohol and Drug Authority was that the matter should not be pursued because there were already adequate facilities available for the treatment of alcoholics. I do not believe that is the case.

Hon George Cash: It enjoyed wide cross-party support, which was pleasing at the time.

Hon FRED McKENZIE: Sure, but the root of the problem was the Alcohol and Drug Authority. I have forgotten the name of the gentleman who was in charge of the Alcohol and Drug Authority at the time -

Hon George Cash: Professor David Hawkes.

Hon FRED McKENZIE: Yes, and he would not have a bar of it. We received sympathy from Dr Spencer, I think it was - I do not have my notes or my file with me - who was very impressed with what Mr Armstrong - who is a son-in-law of Mr Hart - had proposed. However, I could not make any progress at that time. Hon Joe Berinson will remember something about that as well because when we talked about magistrates, we also, through the

Minister, referred the matter of alcoholics to the Chief Stipendiary Magistrate, Sir Clifford Grant. I do not know whether the Minister can remember those things in detail. It would be two or three years ago now, and I know the Opposition has been pretty tough on him in recent times because it has asked him to remember specific dates. I am not asking him to remember a specific date; I am only asking him if he can cast his mind back to remember the incident that we are speaking about.

This matter is apolitical. We are trying to do something for the community. Mr Armstrong had something going for him. We ought to listen to people who have experience in this area, and he was very well qualified. He had a number of letters of support from people in the armed services, who stated he was a man of integrity. He knew the subject well, and had been involved in alcohol rehabilitation programs in the armed services, not only here but in the United States. It is a great pity that we could not achieve something in respect of the Edith Hart Foundation. I believe its program was worthy of trial, and I am disappointed that it never took place. I hope it can be reconsidered because, as members can see from my participation in the debate, it has the support of individuals within both parties, and it is unfortunate that the Government has not taken it on board. I believe it ought to be re-evaluated.

HON J.M. BERINSON (North Metropolitan - Minister for Corrective Services) [3.20 pm]: The discussion on this Bill has gone rather wider than I had expected but, having noted that, I must say that the broader area that has been covered is very appropriate in consideration of the general problem with which this Act was supposed to deal. Hon George Cash has referred to the Government's proposal to decriminalise drunkenness and, like him, I will not anticipate the debate that will be listed for next week or the week after. What has struck me, though, since the introduction of this Bill is the number of media queries I have had which all start with the question, "Is this a measure to solve the problem of alcoholism?" Of course it has nothing really to do with attempting to solve the problem of alcoholism. It has a much more restricted scope than that and it is really only looking to what we should do with people who are drunk in public places.

Hon E.J. Charlton: You should have come down to Tammin on Monday.

Hon J.M. BERINSON: Has Hon Eric Charlton done anything about a sobering up centre down there? I would expect him to have a positive attitude towards this.

Hon E.J. Charlton: I would have, if I had been there.

Hon George Cash: Hon Eric Charlton was away yesterday.

Hon J.M. BERINSON: I must say that even having the question put to me in that form was a bit disturbing, as it indicated some lack of general understanding in the community of the seriousness of the problem of alcoholism, but also the difficulty of finding an effective way of tackling it. The thought that it could be tackled by decriminalising it is almost self-evidently wrong.

The Leader of the Opposition suggested that I should acknowledge the programs that are directed towards meeting this problem of alcoholism, and I am certainly happy to do that. I confess that, given the nature of this Bill, I made no more than passing reference to other alcohol-related programs in my second reading speech, but that should certainly not be taken as indicating any lack of appreciation for both the Government and the non-Government agencies that are acting in this field. I am not aware, simply because my own duties do not take me into the area, of the work of particular institutions and I am sorry that in spite of the fact that Hon Fred McKenzie brought the Edith Hart foundation to my attention three years ago I do not have a vivid recollection of what he had to say at that time.

Hon Max Evans: Did you get benefit from it?

Hon J.M. BERINSON: I cannot do more than say I am not aware of the particular institution, and if it is said it is not receiving financial support then that is said by people who know the position, and I accept that.

Hon George Cash: Can I help you a little there? I do so quite seriously. In fact, as I recall, your letter to the Edith Hart foundation at the time was generally supportive of the idea and I think you referred it to the Minister for Health because it was his area at the time; notwithstanding that you also made representations to the Chief Magistrate, as Mr McKenzie said.

Hon J.M. BERINSON: I thank the Leader of the Opposition for that. The invariable practice in my position has to be that proposals for assistance of this nature must be initiated by the responsible Minister. It is impossible to attempt to do that from any other point. I can only say to those who support this particular foundation that if they believe they should be pursuing that further, they must again look to the Minister for Health as the initiating authority. However, whether or not that institution receives financial assistance I can say, even without having the relevant papers available, that I am confident a very large part of the funding for alcohol-related problems which goes to the Health Department, and more particularly the Alcohol and Drug Authority, is redirected to non-Government organisations, and there is a very strong awareness within the Government of the importance of making maximum use of the people and the institutions outside of Government who are prepared to apply themselves to this very important work.

It is important, of course, in terms of the individuals who are affected by it; but if I can be selfish about my own portfolios of Attorney General and Corrective Services I have to say that the tackling of this problem of alcoholism is really fundamental to the effort to combat the incidence of crime. We have had some studies made in recent years of the extent to which particular prisoners were affected by alcohol at the time of their offence. I do not remember the exact proportion, but it was appallingly high - much higher, for example, than the associated incidence of drug abuse. I use the word "drug" in that sense in terms of cannabis and hard drugs. Alcohol itself, of course, is a drug in the wider sense. So, from both the affected individuals' point of view and the interests of the community at large there is absolutely no doubt that efforts to tackle the problem of alcoholism at all levels, Government and non-Government alike, have to be supported so far as that is possible.

As I indicated earlier, I believe that the discussion really has gone beyond the narrow limits of the Bill.

Hon D.J. Wordsworth: We have actually been debating the next Bill, which is about No 17 or 18.

Hon J.M. BERINSON: I am precisely not debating the Bill on the decriminalisation of drunkenness - I made that point earlier. I see that Bill as quite irrelevant to the problem of tackling alcoholism.

What I was about to say is that, in spite of the fact that the debate has led us beyond the limits that might have been expected with a Bill that has as narrow a scope as this one has, I think the introduction of this issue is to be welcomed; not only that, but it ought to be seen as not the end of the process but perhaps just a way of encouraging further interest in tackling this serious issue in whatever ways are open to us.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee and Report

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

Third Reading

Bill read a third time, on motion by Hon J.M. Berinson (Attorney General), and transmitted to the Assembly

COMPANIES, AND SECURITIES AND FUTURES INDUSTRIES, LESIGLATION (ACTS AMENDMENT) BILL

Second Reading

HON J.M. BERINSON (North Metropolitan - Attorney General) [3.32 pm]: I move -

That the Bill be now read a second time.

Since July 1982, the law relating to the companies and securities industry has been substantially uniform across Australia. That uniformity was achieved by a form of cooperative federalism which has served the Western Australian and, indeed, the Australian business community very well.

Under the cooperative scheme, the National Companies and Securities Commission was established as the principal body responsible for the administration of the scheme. It reports to the Ministerial Council for Companies and Securities.

The budget for the NCSC is currently provided one half by the Commonwealth and the balance between the participating jurisdictions in proportion to their population. In addition, each of the jurisdictions is required to resource a Corporate Affairs Office to assist in their administration of these scheme laws in their own State or Territory.

The growth in the Australian business sector in the last decade has led to many Australian companies having substantial operations in more than one State of Australia and many of them having significant international operations. This growth has imposed very heavy demands on the limited resources of the National Companies and Securities Commission.

In response to the commission's need for additional resources to enable it to adequately regulate the Australian capital markets, the Ministerial Council decided at its meeting in March this year that those resources should be funded through increased fees, particularly in those areas where the actual cost of performing functions is not met by the fee presently charged. The decision included targeting those parts of the business community which are the principal "users" of the commission's services and imposing additional fees or levies on the annual returns of listed corporations and the holders of securities and futures industry licences.

The fees which will ultimately be imposed are designed to raise approximately \$3.5 million nationally in a full year of operation. They will enable the commission to recruit over the next two years some 38 additional staff. The majority of these additional staff will be allocated to enforcement and surveillance functions by the commission.

The amendments to the various application of laws Acts made by this Bill are necessary for the application in this State of scheme regulations which impose fees, even though the fees imposed may amount to a tax.

While the exact amount of the new fees has yet to be settled by the Ministerial Council, it is likely that the fee could be expressed as a percentage of the value of a company's listed securities. For example, a company with over \$150 million of listed securities could pay a levy of \$1 500 plus \$25 for each \$10 million of the value of its listed securities over \$150 million.

In the case of takeover documents, the registration fee is likely to be expressed as a percentage of the consideration payable under the terms of the offer being made, with a minimum fee of \$2 000. Similar fees can be expected to be made with respect to prospectuses and section 170 statements.

Additional fees are also expected to be raised from participants in the securities and futures industries by increasing the fees payable in respect of licence applications and lodgment of annual statements. An application for a dealer's licence, for example, by a body corporate, could rise from about \$160 to \$1 500.

The Bill before the House also substantially mirrors changes made to the Commonwealth (Fees) Acts which are designed to facilitate on-line computer access to the Corporate Affairs Offices' public records. I am pleased to say that plans are well in hand for the Western Australian Corporate Affairs Department to implement the computerisation of its offices as part of a nationally-linked computer system by November this year.

The Ministerial Council for Companies and Securities has approved the form of the Bill.

The commencement provisions of this Bill are linked to the commencement of part IX of the Co-operative Scheme Legislation Amendment Act 1989 of the Commonwealth and are designed to ensure that uniform changes will be implemented throughout Australia at the same time.

I expect that each of the States and the Northern Territory have either passed or will be passing in the near future, similar amendments to their applications of laws legislation.

I commend the Bill to House.

Debate adjourned, on motion by Hon Peter Foss.

STATUTORY CORPORATIONS (DIRECTORS' LIABILITY) BILL

Second Reading

HON PETER FOSS (East Metropolitan) [3.37 pm]: I move -

That the Bill be now read a second time.

Purpose: This Bill seeks to extend to statutory corporations in the public sector accountability for directors similar to that which is imposed upon directors of corporations in the private sector.

In fact, this liability to account already exists at law, but there has been a far greater development in the case law relating to the private sector. Furthermore, there is not an adequate method by which accountability can be enforced in the public sector nor is there any provision for penalties upon directors who fail to meet the appropriate fiduciary standards.

Historical background: It has long been accepted that directors of companies owe a fiduciary duty to the company. They may owe a wider duty, and I refer members to Baxt, *The Duties of Directors - "To whom are they Owed?"* Monash 1986.

Fiduciary duties are imposed on individuals in a number of circumstances and they were invented and elaborated in the Court of Chancery in the 18th and 19th centuries to ensure that persons who hold assets or exercise functions in a representative capacity for the benefit of other people act in good faith and conscientiously protect the interests of those they represent. The best known and the easiest example of the imposition of these duties is with respect to trustees of property.

However, in the 19th century it was extended to others who acted in a representative capacity - such as agents, company promoters, and directors of companies. In the cases dealing with these duties the directors were often metaphorically described as "trustees" and it was made quite clear that they were bound to use fair and reasonable diligence in the management of their company's affairs and to act honestly. The law developed over the years with the duties of the director being more closely defined as the courts worked out the appropriate measures.

In due course the duties of a director also became included in the Statute law. For instance, section 124(1) of the Companies Act 1961 of this Parliament provided that "A director shall at all times act honestly and use reasonable diligence in the discharge of the duties of his office", and in subsection (2) that "An officer of a company" - which included a director - "shall not make use of any information acquired by virtue of his position as an officer to gain directly or indirectly an improper advantage for himself or to cause detriment to the company", and penalties were prescribed under subsection (3). It was also provided in subsection (4) that the section "is in addition to and not in derogation of any other enactment or rule of law relating to the duty or liability of directors or officers of a company". This section was taken from the 1958 Victorian Act. The explanatory memorandum presented to Parliament for consideration of the Bill which became the Companies Act 1958 of Victoria said in regard to this section that it is new "and so far as is known is not to be found in any other legislation relating to companies in the English speaking world". It was "introduced as a result of consideration of the Statute Law Revision Committee's Report" on the inquiry into the affairs of Freighters Ltd by an inspector appointed pursuant to the provisions of the Companies (Special Investigations) Act 1940 of Victoria.

The explanatory memorandum went on -

It was decided to introduce this provision rather than the particular provisions suggested by the Statute Law Revision Committee as it was thought that a more general provision would be more effective. To a large extent the section is declaratory of the existing law, but it is believed that a restatement of the principles of honesty and good faith that should govern directors' conduct clearly set out in the Act will be an effective deterrent to misconduct and will free the courts from the technicalities of the existing law in dealing with all forms of dishonesty and impropriety by directors.

Then the Companies Act 1961 was replaced by the Companies (Western Australia) Code. This code, whilst repeating in section 229 the general duty to act honestly in the exercise of

powers and discharge of office, went further and provided in subsection (2) that "an officer of a corporation shall at all times exercise a reasonable degree of care and diligence in the exercise of his powers and the discharge of his duties". There are many other more specific provisions in that code relating to the duties of directors.

The introduction of the code had a very salutary effect. Whereas people up to that time had been prepared to lend their names as directors on the payment of a fee without any real regard for carrying out their duties, there became a greater degree of circumspection amongst respectable members of the community as to what companies they lent their name. This is not to say that the abuse of a director's position disappeared overnight. What it did mean was that those persons taking on the duty of director were much more diligent to ensure that they carried out those duties, and in particular people with special skills realised that those special skills had to be devoted to the benefit of the company. This was a very good and much applauded result of the tightening of the legislation.

It is arguable that the enacting of this legislation did not in fact change the law all that much, but it did have the result that had been foreshadowed in the explanatory memorandum to the Victorian Parliament in 1958 that it was an effective deterrent to misconduct and did free the courts from the technicalities of existing law in dealing with all forms of dishonesty and impropriety by directors.

I have made the point that the development of the law with regard to the fiduciary duties of directors did not rely upon Statute. Furthermore, the principles which were applied did not arise out of the fact that they were officers of a company incorporated under the various joint stock company Acts. It arose out of the relationship between the director and the corporate body for which he was responsible. Therefore those principles would apply equally well to any other corporation no matter how formed.

Support for this is found in the report of the Commission on Accountability. At the end of section 4 the commission says there are fundamental differences between the ideas of accountability and of public scrutiny when applied to the investment activities of individuals, partnerships and companies incorporated under the Companies Code on the one hand and investment activities of Government agencies on the other and goes on in part 5 to indicate that in fact, if anything, there is a greater need for accountability in public sector corporations because of the fact that the taxpayers are involuntary participants whereas the shareholders are voluntary participants.

At page 16 the commission sets out the escalating degrees of necessary accountability as follows -

The sole trader is accountable from himself as manager to himself as owner. There has been no need for Parliament to legislate to facilitate this accountability. Partners are accountable amongst themselves, as owners with the Parliament having enacted legislation detailing the rights and obligations amongst partners, including joint or joint and several liability for the actions of the partners to the community at large.

The Companies Code provides a means for a number of persons to voluntarily come together and share in the ownership and profits of a business venture with some limits to their liability. It codifies the rights of share holders and the responsibilities of both those elected to direct the ventures and the persons employed to manage the operations. While detailing relations between the corporate entities so created and the community at large it also provides for accountability to the shareholders through general meetings and annual reports. The auditor of the company is appointed by the shareholders in a general meeting.

Those who participate in business ventures as sole traders, partners or shareholders in companies do so voluntarily. It is their capital which they are putting at risk.

By contrast, Government has the power to compulsorily acquire financial resources and uses this power to tax members of the community. Except where the revenue streams have been otherwise appropriated by the legislature, the taxes and charges are required to be paid into and form one Consolidated Revenue Fund.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon PETER FOSS: The report of the Commission on Accountability states at page 17 -

These differences are embodied in the procedures for Parliamentary control of the "public purse" reflecting the demands for representation with taxation. They have been developed over the centuries, converging in Gladstone's "Circle of Control".

At page 18 it states -

Greater access to information is likely to be required for this purpose than is normally provided to shareholders as owners.

Companies are reporting to shareholders who have invested voluntarily and who can exercise a choice to realise upon their investment. Government is reporting to persons who have compulsorily provided resources and who are "locked in". The standard required in the latter case should be no less than the standard prescribed in the Financial Administration and Audit Act and Treasurer's instructions.

Quite plainly, then, the Commission on Accountability sees a rising degree of responsibility from sole trader through to Government corporation - from the person who is responsible only to himself to the person who is responsible to a public who have involuntarily invested in the Government Corporation. The proposition of this Bill, then, is to apply with respect to public corporations the same principle as was embodied in the Companies Act 1958 of Victoria when it was initially introduced and which has been embraced successively by Australian Parliaments with great effect. It appears to be an omission that when the law was brought up to date for private sector companies in Western Australia nothing was done about public sector corporations.

I have just mentioned the Financial Administration and Audit Act and it is probably appropriate at this time to say that that Act, to some extent, recognises this concept in part II, division 10 which is headed "Write-offs and Recoveries". It is somewhat limited in its scope and imposes on an officer who, by his misconduct or performance of duties in a grossly negligent manner, causes or contributes to a loss, deficiency, destruction or damage an obligation to pay to the State a certain amount. That Act, of course, is broader in its application because of the definition of "officer" in that Act.

By section 47 of the Financial Administration and Audit Act authority is given to the Auditor General, the Under Treasurer or an accountable officer to take proceedings to bring back to the State the deficiency which has occurred. Interestingly enough, section 49 places the burden on the officer to satisfy the court or person conducting an inquiry that he is not liable, and section 50 recognises that quite apart from the Act there may be proceedings at law to recover the loss and it provides that there is not to be two recoveries. However, that is a much more limited area of recovery and is probably directed more towards the little man who may be responsible for the minor destruction or damage of property rather than to the persons who by the misapplication of their skills and knowledge have caused serious financial loss to a public corporation.

Scheme of the Bill: The Bill, essentially, does three things. First, it declares the duties of a director of a statutory corporation. This will, in part, be a declaration of the law as it presently stands. What is clear is that being directors of a statutory corporation they owe a fiduciary duty. But the Bill sets beyond dispute the minimum limit of these fiduciary duties. They are defined by reference to duties of a director of a company which is incorporated under the Companies (Western Australia) Code. It is left to the court to determine, should it ever be material, whether the duties as declared in the Bill widen the ambit or not. In my opinion the Bill will not widen those duties. It is also left to the court to determine whether by reason of the special relationship which exists between involuntary shareholders and statutory corporations - as adverted to in the report of the Commission on Accountability - there is some greater duty than that owed by directors of companies under the Companies Code and it is open for them to so find and for the procedures under this Bill to be used for recovery of any loss.

The second part of the Bill is to impose penalties upon directors. As members would appreciate, the usual result of the imposition of a duty is to give rise to an action for damages but it has been appropriate in addition to imposing a liability in damages for it to be open to the State to proceed by way of prosecution against the directors who have failed in their duties. For this purpose, particular provisions of the Companies Code have been applied for the purpose of the Bill.

The third part of the Bill is to provide a mechanism by which the liability for damages is likely to be enforced. I will deal with the mechanism when dealing with the particular clauses, but at this stage I will say that I have tried throughout this Bill to adhere to the principles which I outlined in my maiden speech to this Parliament with regard to the drafting of legislation. Firstly, the Bill is drafted in broad terms. They are terms which are readily understandable and concepts which are readily amenable to opinion by lawyers. It has not been attempted to go into intricate detail. Secondly, it has been intended to try and make the Bill self-enforcing, and clauses 5 and 6 are indications of that.

I now deal with the particular provisions. Clause 2 sets out the interpretation. The definition of "Code" and "company" are, I believe, quite clear. The definition of "statutory corporation" requires it to be a public corporation and it must be an authority, an instrumentality or agency and it must be a body corporate. It does not direct itself to any other body that may be set up which does not have corporate existence. It may very well be after some period of experience of this as an Act that it would be possible to contemplate looking at other persons who stand in a fiduciary duty with regard to the State.

However, for the time being it applies only to bodies corporate and only to those which are of a public nature. Furthermore, the corporation has to be established under a written law. It does not apply to corporations which are established "pursuant to" a written law; that is, to corporations under the Companies Code or under the Credit Unions Act or the like where a mechanism is provided by which incorporation will occur, but where the Act does not actually establish the corporation. I believe it would be a sensible idea for there to be a Statutory Corporations Act pursuant to which statutory corporations may be incorporated. This could lead to a more uniform law relating to statutory corporations and lead to the better development of a body of law as to the proper conduct and accountability of those corporations.

I commend the Government for the Financial Administration and Audit Act, which I see as a useful starting point in this, although I see that it still needs a lot more to be done to it to meet the standards required by the Commission on Accountability and to meet the expectations of the people of Western Australia for proper Government. However, it is a good move in the right direction and I would hope that the Government would explore the possibility of taking it further.

The only persons who are affected by the Bill are those who are directors; that is, members of the governing authority whatever called. It does not apply to any other officers of the corporation. To this extent it departs from the Companies Code which now has a very broad definition as to the persons who are caught by the fiduciary duties imposed. The intent is, purely and simply, to direct the Bill to those people who are responsible for the governance of the corporation. It is not directed to what are essentially public servants responding under them.

Clause 3: Clause 3, as I mentioned, is the clause which declares that a director owes to a statutory corporation such duties as a director of a company owes to that company. It is not exclusive of any other duty that may be imposed by law, nor necessarily is it novel. But whatever else may be the duty that is owed by a director of a statutory corporation, he does owe such duty as a director of a company owes. The Bill refers to the duties that a director owes to a company "and the shareholders of the company". There have been arguments that the duty of a director is owed only to the company and not to the shareholders. I make no comment on this. I had originally contemplated that the Bill should provide that the director owed the duty also to the people of Western Australia but have removed that from the final draft. This is not to say that they may not owe a duty to the people of Western Australia, but for the time being I wish to keep the procedure under the Bill simple and straightforward.

Clause 4: Clause 4 is the clause which applies the provisions of the code listed in the schedule. It applies them with any necessary modifications "as they apply to the directors of a company". Now in many places in the code instead of the word "director" being used the word "officer" is used. A director is an officer of the company as defined in the code and therefore a reference in the code to an officer would include a director of a statutory corporation when that is applied by this Bill. It would also include any other reference in the incorporated provisions which would extend to include a director, whether under that name or otherwise. I will deal with the particular provisions when I come to the schedule. Clause 4, as well as applying the penal provisions, also applies to impose a statutory duty.

Clause 5, subclause (1): Clause 5 (1) is the clause which provides for the recovery of damages, and there are three possible ways in which they can be recovered. The more conventional way is that the statutory corporation should itself sue for damages. This is the usual way with companies under the Code. There is a greater possibility of that occurring with companies under the Code because the shareholders may cause a change in the board of directors so as for there to be a possibility of the company being directed by its board to sue former directors. It does not take a great deal of imagination to realise that current directors of a corporation are unlikely to commence action against themselves.

It is not usual for shareholders of a corporation to be able to bring action directly against the directors for their breach of duty. There are, of course, exceptions to that rule. Interestingly enough, the case which establishes this rule is called *Foss v Harbottle*, which is a decision of the Court of Chancery in 1843 in which a Mr Foss and a Mr Turton brought an action on behalf of themselves and all other shareholders against the defendants, who consisted of five directors, a solicitor and an architect of the company, alleging that by concerted and illegal transactions they had caused the company's property to be lost. The court held that the action would not lie at the suit of the shareholders but there was nothing to prevent the company itself bringing the action. It might be said that the provision in this clause for the "shareholders" - that is the people of Western Australia - to bring an action is a case of Foss striking back. But I do believe that, because of the nature of statutory corporations, where there is little possibility of the shareholders actually doing anything to motivate the board to take action against itself, there is ample reason to allow it in this particular case.

As well as the statutory corporation it has been provided that the Auditor General may bring action, and when he does so he does so in the name of the statutory corporation, thus the idea that the corporation itself should bring the action is preserved. It is just that the Auditor General has the right to take over and move the corporation where he believes that there has been a breach of duty. I believe that this is consistent with the approach that has been followed in the Financial Administration and Audit Act and is probably the only practical way in which it could be carried out. The Auditor General is responsible to Parliament, and Parliament itself is responsible to the people who are the shareholders of the statutory corporation. The Executive, by reason of the power of a Minister to direct statutory corporations, is really at one with the board and therefore cannot be expected necessarily to take the appropriate action. Of course, if the Executive is so minded, it can either change the board of the statutory corporation, or the responsible Minister could give a direction to the statutory corporation to bring proceedings to recover the damages. Thus the right of the statutory corporation to bring its own action is preserved, but if in the opinion of the Auditor General it should fail to do so he has the power to move the corporation to bring that action and, as members will see from clause 5(1)(a), the action is brought on behalf of and in the name of the statutory corporation.

Clause 5, subclause (1)(b): Clause 5(1)(b) also allows a "shareholder" to bring an action. This action is brought in his own name but for the benefit of the statutory corporation. That is, all proceeds from the action are held in trust for the corporation. However, he does so at his own risk as to costs. If he secures an order for costs, that is his order for costs. If an order for costs is made against him, he must meet that order for costs. If he wishes to seek an injunction and give an undertaking as to damages, he must personally satisfy the court that he is able to give that undertaking and he must take responsibility for it.

An individual is not at complete liberty to commence an action; he must obtain the leave of the court. The Bill does not fetter the discretion of the court as to the grounds for giving that leave. The courts have had enormous experience in developing appropriate rules for the granting of leave for all manner of things and it would be foolish for Parliament to seek to set the machinery and the criteria to be used by the court. The intent, however, is to set some sort of barrier to be overcome before a writ can be issued in the name of an individual. It is not intended that the barrier to be crossed should be as great as that in the case of *Foss v Harbottle*. It may very well be appropriate for the court to say that if the action is not whimsical and if the Auditor General and the corporation have not indicated their intention to commence the action, an individual should be allowed to proceed. After all, he faces a considerable risk in commencing his action and the only benefit that he can receive is the satisfaction of seeing the coffers of the State appropriately restored. In those circumstances I would not wish to see too great an obstacle placed in the way of a public minded citizen. On

the other hand it should not become a means for distracting or annoying a corporation where there is no initial indication that the action is justified.

Clause 5, subclause (2): Clause 5(2) allows the Auditor General to take over and continue in the name of the statutory corporation an action which has been brought by the statutory corporation or which has been brought by a person. The reason for this is that the corporation may commence an action against a director, but the Auditor General may not be satisfied with the manner in which it is being pursued. It is obviously appropriate that he should be able to take it over rather than that he should be shut out by the commencement of a half-hearted action by the corporation. On the other hand, an action may be commenced by an individual as a dummy, or the Auditor General may come to the opinion that it is a highly meritorious decision and one in which the individual persons should not have to bear the liability and that it should actually be carried on by the corporation. In either case, or in any case where he thinks fit, he can take over and conduct the action which would thenceforth be continued in the name of the corporation.

Clause 5, subclause (2): Clause 5(3) allows the litigant in person to apply to the court for the action to be continued in the name of the statutory corporation. Again the grounds for the basis of leave are not stated in the Bill, and I have confidence that the judges of the court would be able to devise appropriate rules to govern the exercise of this discretion. I see, however, the application being granted where the court is of the opinion that the case is of sufficient strength that quite plainly it ought to be brought, that there is a public interest to be served, and it is no longer appropriate that the individual should bear the cost of bringing the action. I would expect that the court would, before making such an order, require the Auditor General and the statutory corporation to be served and for them to explain to the court why an order should not be made. I would hope that in most cases the matter would then become sufficiently clear so that if an order was suitable to be made the Auditor General would most likely take over the action under clause 5(2). However, it is still open to the court, notwithstanding any reluctance on the part of the Auditor General, to order that the case continue in the name of the statutory corporation. The Auditor General could of course then, even at a later stage, take over the conduct himself. The consequences of the action being continued in the name of the corporation is that any order for costs against the corporation or for undertakings as to damages would be given by the corporation.

Clause 5, subclause (4): Clause 5(4) provides the circumstances under which a person who has brought an action may be indemnified for the costs of the action, including an allowance for his time. I mention at this stage that this is not intended to be limited to what are called party/party costs. This is intended to be an indemnification for all of the costs that the person has incurred, including remuneration for his own time. This is because it is appropriate under these circumstances that the public minded citizen who has commenced this action should be fully indemnified for all the effort he has put into it. There are four circumstances under which that person is to be indemnified. The first is that the action is successful. Obviously if the action is successful it should have been brought and the public minded citizen should be indemnified. The second circumstance is if the court orders that the action be continued in the name of the statutory corporation. This is logical because at that stage it is the statutory corporation's action and once again the public minded citizen has been justified. The same applies to the third case which is when the Auditor General takes over the action. The fourth case is again a discretion in the court, and again no attempt is made to fetter that discretion. Again the court has had immense experience in the case of costs as to what is a fair order to make and I am sure that it does not even need an indication from me as to how this discretion should be exercised.

Clause 5, subclause (5): Clause 5(5) prevents more than one action from being current at any one time in respect of any one breach of duty. This I believe to be a practical measure so that there is not a multiplicity of actions. There is nothing to stop a number of plaintiffs combining in the one action or being joined even at a later stage in the one action. But, essentially, there should be either an action brought in the name of the statutory corporation, or an action in the name of one or more persons, and the action brought in the name of the statutory corporation can be directed either by the corporation itself or by the Auditor General. However, there will be only one action.

Clause 6: Clause 6 is intended to exclude what is described as the "Nuremburg excuse". This term derives from the Nuremburg trials of war criminals after World War II when the

most common excuse given by persons who had perpetrated the atrocities was that they were acting under orders. As members will appreciate, all statutory corporations have been recommended by the Burt Commission to have included in their charter that they are obliged to act upon the direction of a Minister if given. We have had the experience of late, when inquiring into Government dealings through statutory corporations, of being told by the Minister that it is all being done by the corporation and being told by the corporation not to deal directly with them, but to deal with the Minister. I have some doubts as to propriety of that response in any event, but leaving that aside it is important that a number of principles are recognised.

Firstly, persons who go on to the board of any corporation, by doing so, lend their names to the credit of that corporation. It has been stated in cases dealing with companies under the Companies Code that shareholders have a right to expect that the persons who are on the board will be exercising the skill that they have for the benefit of that corporation. They rely on the quality of the people and the professional and commercial background of them as a reference as to the quality and direction that that corporation has. If one lends one's reputation to a corporation, one must live up to that reputation. The presence of a director on a corporation is not the only indication as to its state. If a reputable director or a number of reputable directors resign from the board of a corporation, it is one of the clearest signals to the public, or in that case to the shareholders, that something is wrong. So it should be with directors of statutory corporations.

Secondly, the giving of a direction by a Minister should not absolve a director of his obligations to act properly with respect to the conduct of the business of the corporation. In fact, a director who remains on the board of a corporation carrying out a policy which he considered to be entirely wrong and contrary to the interests of the corporation would be placed in an amazingly difficult position whenever a decision arose in the carrying out of that policy. How could he carry out a policy for the benefit of the company when the policy itself he believes to be wrong? He cannot say, "Well, with respect to this part of it, I am absolved by my direction and with respect to that part of it, I still have a duty." Really, the only sensible and simple resolution to the matter is that they resign.

Thirdly, there must be a reasonable opportunity for an orderly changeover when a director resigns. It is possible, of course, that if a Minister gives a direction which is unacceptable to the board, the entire board may resign. Therefore, in clause 6 the resignation does not have to be instantaneous, but merely with due expedition, keeping in mind that there should be an orderly changeover. This does not mean that the director should wait until his replacement has been made. All he should do is give appropriate notice and bail out as soon as possible without necessarily disadvantaging the corporation. Clause 6 in its essence is an example of what I spoke of in my maiden speech as a "self-enforcing" clause. It is a conscience crunching clause. It puts obligations on directors to look closely at a direction given to them by a Minister, and not merely to say, "Well, that is that. We do not have to worry about our duty any more because we have been told to do this." They were appointed with a duty to the corporation and they cannot be absolved of that duty by a direction from the Minister. I believe this would be the law in any event; that is, that the direction would not remove the obligation at all times to act in the interests of the corporation and, where an insuperable obstruction occurred, to resign. An example of this is when a board of directors as a majority decides upon a course of action which one of those directors cannot support. His only sensible reaction in those circumstances is to vote against the measure and to resign. What is proposed by this clause is really no different. The Minister is a self-constituted majority, and if the other directors do not like what the majority is doing they have no alternative but to resign.

Schedule: The schedule of the Bill sets out the sections of the Companies (Western Australia) Code which have been applied. Section 228 deals with disclosure of interests in contracts, properties and offices, and I believe this section to be a fairly simple one to operate in respect of statutory corporations. Similarly section 229 deals with the general duty and liability of officers. Members will note if they look at section 229(7) that there is a specific provision for recovery of compensation when a person contravenes the section in relation to a corporation. This is an alternative way in which compensation may be recovered, given in respect of companies under the Companies Code. It is an alternative method because the right to sue for damages also exists. Section 230 deals with loans to directors. It extends

beyond the director of the company himself to spouses, relatives, related corporations, trusts and corporations. It also extends to the giving of guarantees and, in the light of the extensive use of guarantees recently, this may be a very salutary conclusion. Section 230(3) provides exceptions and it is thought that exceptions (a) to (e) are not appropriate for a statutory corporation.

Section 231 requires a register of directors' shareholdings. So far as shares in the corporation itself are concerned, it is obviously inapplicable but otherwise it would appear to have a salutary effect on the conduct of statutory corporations. Section 232 deals with matters to be disclosed by a director and imposes a general duty to make that disclosure. Section 233 deals with benefits for the loss of or retirement from office, but does not pick up all the provisions; in particular it does not pick up some of the exceptions to subsection (1), but of course it allows for appropriate retirement benefits. Section 237 deals with the indemnification of officers so that it is impossible to circumscribe the duties by providing for the company to indemnify those officers. There may very well be other specific duties which in the fullness of time should be incorporated. For instance, I believe that directors should have some liability when the corporation fails to file its account with the Auditor General in time. However, this would probably require slightly more complicated drafting and it would perhaps be more appropriate for this to be dealt with under the Financial Administration and Audit Act. I by no means suggest this list should be regarded as perfect, but it seems to me to encompass the more important aspects and the more easily transferable aspects of the duties of directors to statutory corporations.

Conclusion: Finally, what is being proposed for the directors of statutory corporations is no more than that which is already in existence and has been in existence for directors of corporations in the private sector for over a century in some cases and in other cases for nearly 30 years. There is no logical reason to exclude these duties from the directors of statutory corporations. In fact quite the contrary; the Burt Commission on Accountability indicates that stricter obligations should be placed on directors of statutory corporations than those pertaining to directors of private sector corporations. The law has had a salutary effect on the conduct of the affairs of private sector corporations, and I believe this proposed law will have a salutary effect on public sector corporations.

There has been considerable concern in the community about the activities of a number of statutory corporations - the State Energy Commission, the State Government Insurance Commission and the Western Australian Development Corporation, to name but three. It is important, if public faith is to be restored in these corporations, that people know the directors realise what their obligations are, and realise that there is a mechanism available which will enforce those obligations. It is not good enough for the responsibility to be tossed between Ministers and the corporation - each has a duty and each must carry out that duty.

I trust that the Government will accept this Bill for what it is - a genuine attempt to put accountability into Government and a genuine attempt to improve the administration of public corporations in this State. I think they will benefit from knowing this legislation is in place. It will take accountability from mere statements in a White Paper to real responsibilities in the corporations.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Fred McKenzie.

TRANSPORT CO-ORDINATION AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Graham Edwards (Minister for Racing and Gaming), read a first time.

Second Reading

HON GRAHAM EDWARDS (North Metropolitan - Minister for Racing and Gaming) [4.37 pm]: I move -

That the Bill be now read a second time.

The effects of this Bill are fourfold -

- (1) It will remove the licence fee rates from the Act, and enable them to be placed in the regulations. This is consistent with many other Acts, where the "detail" is contained in the regulations, while the "policy" aspects are found in the Act.
- (2) It will clarify the authority to issue number plates for omnibuses licensed under the Act.
- (3) It will enable the Minister to transfer certain moneys collected under the Transport Co-ordination Act to be transferred to the Main Roads Department.
- (4) It will enable the balance in the transport coordination fund at the end of a financial year to be retained in that fund. This is also consistent with many other funds.

I propose to deal with these points seriatim, and outline the background and rationale behind these amendments. The proposal to remove the rate of licence fees from the Act dates back several years to a request from the road transport industry. The industry requested access to annual transport licences in place of the single trip permits that, until then, operators had been required to take out for each trip that was undertaken to the north of the State. Annual licences were then restricted to transport generally operating in the southern half of the State. The situation can perhaps be best illustrated by using as an example a six-axle semitrailer, which is typical of the type of vehicle in use, carrying 20 tonnes of general cargo to Broome. On a single trip permit basis, and assuming he undertakes 40 such trips in a year, he would pay a total of \$5 392 for the year. For a road train carrying 50 tonnes, and on the same basis, the fee would be \$13 480 per annum.

If those operators were able to take out an annual licence - the fee for which is based on truck weights, not the weight of the goods - the maximum fee that the Act would allow is \$1 620 per semitrailer, or thereabouts, depending on the weight of the vehicle. The Government accepts that an annual licence scheme would be much more convenient, and administratively better for all concerned, and is willing to agree to the industry's request. However, the maximum fee allowed under the Act inhibits us from moving in that direction. It is felt that a more realistic annual licence fee for this type of transport operator should be in the region of \$2 400 for a semitrailer. This is the fee the Government intends to charge, and is of course much less than half the fee that a regular operator would be paying on a single trip permit basis. In the case of the road train operator, the annual licence fee would be in the region of \$4 800, a little over one third of what is paid on a single trip permit basis. Operators will still have the option of taking out single trip permits if they so desire; the choice is theirs to make - single trip permits or annual licence, whichever best suits their mode of operation. To facilitate lifting the licence fee structure above the present maximum permitted in the Act, and thus enable the annual licence system for northern operations to be fully implemented, it is proposed to remove reference to the rate of licence fees, but not the method, from the Act, and place them into the regulations. This will apply to the rate of licence fees for other modes of transport, not just trucks. This will then give the Government of the day greater flexibility to adjust licence fees to meet prevailing circumstances. No doubt some cynics will suggest that this is a subtle way of raising licence fees, and to remove the fees from Parliament's gaze. However, as the maximum rates will be in the regulations they will be subject to parliamentary scrutiny.

As I indicated earlier, the maximum rate for commercial goods vehicle licence fees will be increased, and in addition the maximum rate per seat for omnibuses will also be increased in the proposed regulations as the current charge is near the maximum now allowed by the Act. In the case of the bus charges there has been an ongoing need to rationalise the licence fees on an equity basis to minimise the differential between those operators paying licence fees on a percentage basis and those paying on a flat rate per seat. The Licensed Coach Operators Division of the WA Road Transport Association has been consulted and has indicated agreement with these proposals to rationalise the fees. In many cases its members will be paying less fees than under the old percentage basis, and in addition there will be considerable savings in administration costs for both the operator and the department. It is not proposed to alter the rates for aircraft, ships or ferries. As a point of interest, the maximum rates shown in the Act for trucks has not increased since 1975, and for buses and aircraft the rate has not changed since 1968.

The second effect this Bill will have will be to clarify the power to issue number plates for tour and charter buses. Honourable members will have undoubtedly seen buses all over the

countryside with distinctive red letters on white plates. These have been on issue for some seven years, and the Act clearly indicates that the Department of Transport may make a charge for the plates and require them to be fixed to the vehicle in a certain manner. However, the Crown Law Department is of the opinion that the power to actually issue the plates is less clear. This amendment will clarify beyond doubt the department's ability to issue the plates.

The third amendment in this Bill relates to road cost recovery - a term which members will know, and will no doubt come to hear more and more in the future. A situation has arisen in which, as a result of a relaxation of the Government's bulk fuel policy, road transport of bulk fuel to certain areas is now allowed. These additional trucks on the road are causing greater wear and tear on the road network.

The Government feels it appropriate and justified that part of the transport licence or permit fee collected by the Department of Transport should be directed to the Main Roads Department to help compensate for the additional road damage these trucks are causing. This amendment will permit the transfer of such funds, which at present cannot be made due to the wording of the Act.

The final amendment proposed in this Bill will permit the retention of surplus moneys in the transport coordination trust fund at the end of the financial year rather than have it transferred to the main roads trust fund, as is at present required by the Act. This is consistent with the provision of many other trust funds, and will give the department greater flexibility and convenience with its budgeting arrangements.

I trust I have made the Government's intentions with this Bill quite clear, and I commend it to the House.

Debate adjourned, on motion by Hon George Cash (Leader of the Opposition).

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Consideration of Tabled Paper

Debate resumed from 20 September.

HON BARRY HOUSE (South West) [4.43 pm]: I congratulate you, Mr Deputy President (Hon J.M. Brown), and the President on your elections to your respective positions. I am sure both of you will serve the Chamber and the Parliament with distinction. I congratulate the three Ministers in the House and, although I will not go as far as Hon Tom Stephens did last night, the front bench are as worthy as anyone on the Government benches. I welcome Hon George Cash as our leader; I am sure members will agree that he has made an immediate impact and will continue to make a large impression on the Chamber. Also, my congratulations go to Hon Sam Piantadosi on becoming an Italian knight. It is about time we had some royalty in the Chamber.

I begin my speech on the Budget by referring to the project which made the front page of *The West Australian* this week, the North West Shelf gas project. The story told us that the project was fired up and ready to go. It is an enormously expensive project which was initiated by the Court Government. It is Australia's largest tangible resource project and offers huge benefits to the State and the nation. In contrast to that is the petrochemical project which has become a phantom deal. It has cost the State an enormous amount of money, and at the end of the day there is nothing to see for it. That is something upon which history will judge the respective Governments.

The Budget this year was launched as a family Budget and I welcome the emphasis on families. In acknowledging the initiative for the family, we must also acknowledge that many aspects of the Budget are illusionary. For example, already families have lost the benefit of the decrease in their drivers' licence costs because of the increase in road taxes in the form of the fuel levy; that is a 36 per cent increase. Up until this stage I am not aware whether the Government has responded to the request to commit that increase in tax to roads. The National Party and Liberal Party have been committed to that cause. If this does not happen, there is a danger that all the increases in the fuel levy will end up in the Consolidated Revenue Fund to be used for metropolitan transport. In that case we would have a situation where people in the country - where fuel is a necessity - are paying for the metropolitan Transperth tickets on buses they never use.

Hon Fred McKenzie: How many people that you represent in Bunbury do not have a bus service?

Hon BARRY HOUSE: It is a very good service.

Hon P.G. Pental: Do people still play that game?

Hon BARRY HOUSE: You mean spot the passenger?

Hon Fred McKenzie: The service is not bad up here in that regard.

Hon BARRY HOUSE: The services are tremendous and good for the community involved, but the money raised in the country should be spent there also.

Other charges were increased on 1 July just before the Budget was announced; the Government got in early.

Hon Sam Piantadosi: Do you think that the money raised in the city should be spent in the city as well, because you said that money raised in the country should be spent in the country?

Hon BARRY HOUSE: That is fair enough.

Increases in a whole range of rates and charges earlier in the year do not appear in the Budget, but they will present no benefit to the family. The Federal Labor Government, because it has lost control of the economy, has caused banks to impose extremely high home loan interest rates on the community. Tonight's *Daily News* is forecasting a rise in home loan interest rates of another one per cent - a total of 18 per cent. The Federal Government has already eroded the benefits that families may have gained by way of the State Budget. The long and short of it is that families are already paying and will continue to pay heavy charges imposed on them by the Government.

On top of that we must take into account the Government's failed business dealings, which represent a cost to each family in this State of \$1 000 or more. That sum of money would have gone a long way to relieving families of their suffering and would have assisted them to achieve their ambitions. The Budget clearly indicates that \$63.2 million has been allocated to cover losses incurred on the petrochemical project. We have absolutely nothing to show for that expenditure and it is greater than the total increase in taxes and charges this financial year. If losses had not been incurred in this area there would not have been a need for increases in taxes and charges in this year's Budget.

In addition, the Government is engaged in selling off its assets to cover its expenditure program. For example, it proposes to sell the Percy Markham collection of veteran cars for a miserly \$1 million to help meet the cost of its business dealings. It is like selling one's furniture to pay one's debts. Many families, because of their increased mortgage payments, will be forced to sell their homes. The selling off of Government assets represents a short term solution to a Government which is in desperate trouble; in the long term it will represent the failure of this Government to face up to its economic responsibilities. Australia is one of the few countries in the world which has an abundance of natural resources and it is a terrible shame that the benefits of those resources are not being transferred to Western Australian families.

In the last few years, as a result of the increased economic activity in this State, the Government, by way of taxation and charges receipts, has made a windfall profit which has now been lost and that is a shame for the people of Western Australia.

The family benefits announced in this year's Budget have to be considered in the context that they have been funded by a brutal assault on business, particularly small business. The day after the Budget was brought down the Government's actions were summed up in a cartoon in *The West Australian* and it is a shame that we cannot record cartoons in *Hansard*. The cartoon showed the Treasurer walking through a foyer and in the corner is a fellow from business who has been kicked in a vital spot and put down for the count. The caption is the Treasurer saying, "After all, he got us into this mess." The cartoonist targeted the wrong person because it was big business that got the Government into a mess and the Treasurer has taken it out on small business.

Small business has been hit by increased payroll tax and has not being given much incentive to employ people. To me, it is double Dutch. We must compare the Government's action

with the Liberal Party's pledge made during the last election campaign. The Liberal Party said that if it were elected to Government it would phase out payroll tax. Payroll tax is a tax on employment and we must provide employment for our young people and our not so young people.

The 133 per cent increase in the financial institutions duty affects everybody, but because of the increased volume of transactions undertaken by business it will be affected to a greater extent.

Hon T.G. Butler: How much per annum is that increase?

Hon BARRY HOUSE: The greater the volume of business the greater the increase.

Hon T.G. Butler: It works out to about \$6.

Hon BARRY HOUSE: I remind Government members that prior to 1983 there was no financial institutions duty. It did not exist before the Labor Party was elected to power. In reality the increases in taxes to be met by small business will be passed on to the consumers, and those consumers are families. Business has nowhere else from where to recoup increased taxes and charges. We have completed a 360 degree turn and the so-called family Budget is hitting the family in the pocket and, at the end of the day, they will be worse off.

In this morning's *The West Australian*, on page 4, is an article headed "State spending blows out", and it gives a warning that the State Government's Budget strategy is already very much in doubt. It reinforces the fact that the Government has no money in its coffers for its employees in the teaching profession, the Police Force and its other employees who are becoming very restless due to the Government's failed business dealings.

Last night in this House several members mentioned that I was a former school teacher and, therefore, I feel it appropriate that I comment on the education dispute which is seriously affecting Western Australia at the moment. It has reached a ridiculous stand off that is starting to affect students' education and the education system as a whole. The genesis of the dispute goes back several years; it is not just a flash in the pan which has occurred without warning. It is highlighted in an advertisement which appeared in this morning's *The West Australian* - I must have read that paper very well because this is the second time I have referred to it. The advertisement was placed by the State School Teachers Union of WA and it is headed "Morale hits all time low" and it highlights in an effective way five points which read as follows -

- 30% of our teachers want to quit their jobs in Government schools
- 27% have applied for other jobs since January last year
- 20% are working on projects which will enable them to leave teaching
- 46% would not choose teaching as a career again
- 63% advise their own children not to be teachers

It is a terrible indictment of the education system. We have a large group of teachers who are totally disillusioned and disenchanted with what has happened in the education system and they have just cause to feel that way.

Also in this morning's *The West Australian* was an open letter to both the Minister for Education and the State School Teachers Union of WA from the Western Australian Council of State School Organisations Inc. The message from the organisation is for the ministry and the union to get together and negotiate to bring about an end to the dispute. It indicates that the community is fed up with the current situation.

Hon Garry Kelly: She is meeting with the union now.

Hon BARRY HOUSE: I hope the Minister approaches the meeting in a conciliatory mood and that a satisfactory outcome is forthcoming.

Hon T.G. Butler: I am amazed at the pro union attitude of members opposite.

Hon BARRY HOUSE: I have considerable sympathy and respect for the teachers' position. I have been out of teaching for two years and I am sure had I been still teaching when the first strike was called about six weeks ago I would have been on strike that day. I am not sure I would have continued with the industrial action, but these strikes were the culmination of total frustration amongst the teachers.

Hon T.G. Butler: Were you teaching from 1981 to 1983?

Hon BARRY HOUSE: Yes.

Hon T.G. Butler: You would have been pretty frustrated then as I recall.

Hon BARRY HOUSE: No, that is about when I left the union in fact.

The main issues in the teaching dispute are not really the salary considerations. They were the catalyst that sparked off the dispute; I think we would all agree with that. The main issues go back a few years. The teachers have deep concerns about the education system in Western Australia and where it is heading and where it has been going in the last few years. They have gone through a huge upheaval in recent years connected with the Better Schools program, unit curriculum and vast changes in the ministry itself, or the former department.

Hon N.F. Moore: Mainly Bob Pearce.

Hon BARRY HOUSE: I think those changes were accepted far better by the teachers than just about any other group of workers anywhere in Australia would have accepted them. However they have had enough; their frustration is being vented through industrial action. Their main concern is for the future of the education system in Western Australia. Their concern centres around the fact that the teaching profession is simply not attracting quality graduates. Students graduating from high schools do not want to go near the teaching profession; and who can blame them, because they see teachers with a large degree of disillusionment. They see their teachers barely adequately rewarded in monetary terms for their efforts. If one wants to compare teachers' salaries in relative terms with other sections of the Public Service, a good example was brought to my attention a few days ago, where a computing teacher in the south west is leaving his school at the end of this term, I think it is, to join SECWA. His new job will involve his teaching a small group of people - five or six people at a time - how to operate a computer. He will be working in good conditions, will be paid \$7 000 more than he was earning as a teacher and will have the use of a car and other facilities. One can see from that the conditions do not really stack up.

Hon Graham Edwards: How many weeks annual leave?

Hon BARRY HOUSE: Normal, I suppose - four weeks.

Several members interjected.

The DEPUTY PRESIDENT (Hon J.M. Brown): Order! I remind members this is not a question and answer time across the Chamber.

Hon BARRY HOUSE: Regarding the Minister's remark, I hope he is not implying that teachers work only 41 weeks a year. I think that is a slight on the teaching profession that they would not be too pleased to hear.

Hon Graham Edwards: In deference to the Chair I will not get involved in the debate.

Hon BARRY HOUSE: I will give the Minister for Education her due; she is a good communicator. However, I do not think she has proven to be a very good negotiator. She is a good communicator because she has been around the countryside throughout Western Australia fobbing off the teaching profession.

Hon T.G. Butler: What do you mean, fobbing off?

Hon BARRY HOUSE: She has totally conned the teaching profession into believing that this Government would start delivering in terms of wages, salaries, conditions, upgrading buildings and providing the necessary capital works to replace schools that were built 25 to 30 years ago.

Hon T.G. Butler: They have had an offer on wages and, for anybody who would like to pick it up, it is opposed by the Liberal Party.

Hon BARRY HOUSE: I will get to that. There is a standoff between the union and the Minister and obviously there is a breakdown in negotiations somewhere. The Minister, while being a good communicator, has perhaps been communicating only one way. The offer made by the ministry has to be a realistic offer. I believe in most respects there is a fair bit of realism about it, but I would like to mention a couple of examples that show that it has been worked out by people without real knowledge of the education system what it is like to work in a school and in a classroom. The offer loudly and proudly admits that about

26 primary principals will be significantly better off to the tune of something like \$10 000. However the long term classroom teachers have given me no indication that they are satisfied with the offer. That is where the crux of the problem lies. The long term teacher has no career structure; it has been destroyed in recent years. Teachers have nowhere to go in a career and that is where the morale problem stems from. They have been offered precious little.

Hon Sam Piantadosi: Sixty dollars a week? Were no figures given?

Hon BARRY HOUSE: Did the member say \$60 a week?

Hon Sam Piantadosi: No, I am asking the question, I heard it was \$60 a week.

Hon BARRY HOUSE: No, I am positive Hon Sam Piantadosi is wrong.

Hon T.G. Butler: It will build up to \$3 000 a year.

Hon BARRY HOUSE: In rough ball park figures, I believe it involves an offer of about \$1 000 per annum at the top of the AA scale. That is not \$60 a week, that is more like \$20 a week.

Hon T.G. Butler: My understanding of the wage offer is that it will build up over 12 months to \$3 000 per annum.

Hon BARRY HOUSE: That is not the way I have read it.

Hon T.G. Butler: That is not the way the Teachers Union read it either.

Hon BARRY HOUSE: To indicate that whoever drew up the offer did not fully understand some of the implications involved in education at the pit face, as it were, a couple of the classifications which have been included and actually quoted in ministry correspondence as providing benefits for teachers simply do not exist. One cannot really talk about benefits for teachers on the AA 1, 2 and 3 scales because to reach that scale one has to be a four year trained teacher and AA 1, 2 and 3 do not exist. Another example is that the offer involves the return to an old classification system of country high schools which I think was disbanded last year. One principal of a country high school has told me that one classification will actually receive \$200 less. If that is a positive offer I cannot work it out.

Hon T.G. Butler: Two hundred dollars less than what?

Hon BARRY HOUSE: Two hundred dollars less than they presently receive.

Hon N.F. Moore: It is all part of the broadbanding scheme.

Hon BARRY HOUSE: The broadbanding scheme has not been understood by whoever drew up the offer. They need to talk to someone who understands the system and what is happening in schools. The offer cannot come from someone who is involved in liaison for the Minister's office or in a political sense with the Education Ministry. It has to come from somebody with an education background. However, Mr Pearce in his wisdom almost destroyed all of that in the past few years and there is hardly anybody with an education background running education in this State at the moment.

Hon Sam Piantadosi: Are they acting positions or permanent positions?

Hon BARRY HOUSE: Permanent positions. I am not saying the situation cannot be fixed up; it can be, but it needs to be done by somebody with an education background who really understands what broadbanding means and exactly what has been done and what has been suggested to the principals in this category of schools.

Hon Sam Piantadosi: I understood that people in acting positions were affected, not permanent positions.

Hon BARRY HOUSE: No, this is a permanent position.

I appeal to the Minister to surround herself with people who actually have a deep seated knowledge of the education system, rather than political advisers only, so that these matters can be ironed out before they are put to the teachers of Western Australia.

I can understand the frustration which has led the Teachers Union to take some of the positions it has taken. I was certainly very sympathetic initially of the teachers' position. I do not condone some of the industrial action which has since been taken, but the teachers

have been totally frustrated by the Government's renegeing on the deals struck last year prior to the election. It must be recognised also that the Teachers Union probably had a hidden agenda in all this. It was obviously concerned that many teachers were not only disenchanted with the education system; they were pretty disenchanted with the Teachers Union for being politically naive in entering into that agreement with the Minister prior to the last election. The union is paying for it now. It had to take the lead in the dispute to restore the confidence of teachers in their union. I think the union has achieved that objective, but it should now just back off a bit. It is time for the union to enter into a spirit of negotiation. This ridiculous situation is in the same mould as the pilots' dispute, where there are two parties who absolutely will not budge, and where there will be no future for the community to get on with education or transport until the issues have been resolved.

The union has to take account of the fact that it has a responsibility to control a few isolated hotheads within the organisation who have suggested action such as the withholding of TEE marks. I understand the suggestion was made at one meeting not to actually do that but to investigate the possibility of doing it. That motion was passed by a majority of people, but it was not a large majority. However, it was taken completely out of context, and this did an enormous disservice to the cause of teachers in Western Australia when it was splashed across the front pages of newspapers.

Hon T.G. Butler: That really is a tragedy, and I think someone in the Teachers Union did suggest that tactic could be used. It was taken out of context, but it should never have been said in the first place.

Hon N.F. Moore: It was raised in the various meetings, and was voted against.

Hon BARRY HOUSE: I understand it was passed in only one case.

I would like now to switch my comments to a new project in the south west of Western Australia, and to a couple of projects which have actually got off the ground. The first is the Bunbury Regional Entertainment Centre. I am very pleased to see that taking shape in Bunbury at the moment. It is an example of the community, the Government and the Opposition working together jointly to produce a project which will be of benefit to everybody in the south west. I do not think there has been any acrimony over the objectives of this project, and it is pleasing to see that a bipartisan approach can sometimes be taken. I would like to put on record that although the part played by the Opposition may not be recorded in any annals, it did play a significant role. I promoted the entertainment centre project during my initial by-election campaign as being one of the major issues, and we subsequently promised during the State election campaign last year that we would give funding equivalent to that promised by the Government. Hon Phil Pental suggested during my campaign that the local committee could attract tax deductability through donations to the National Theatre Trust, and this idea was taken up by the committee, which has done a tremendous job. It was headed by Ross Ransom in the south west, and raised in excess of \$1.5 million through donations from corporate and individual sponsors. It contributed a huge amount to the financing of that project, which is now there for all to see.

I would like to acknowledge the roles played by the Bunbury City Council and the South West Development Authority, which combined in this project to come up with what I think is the best site for the regional centre. There was a debate about different sites, but they have finally settled on lot 3 of the old marshalling yards in Bunbury; and the centre will be a big attraction for the city as it takes shape. I hope that in future years the ongoing finance for that regional centre does not become a millstone around somebody's neck, and that it can become self-funding. The project is being coordinated by a local developer, Merv Waugh, who is the best person I can think of to organise the project.

Another project which is nearing completion is the Barrack Silicon project, which I believe will be operational in November this year. I recently inspected the site at Kemerton, and members may remember that earlier this year I mentioned in this House some of the industrial problems that were holding back this project. I am pleased to report that they seem to have been largely overcome by a productivity agreement between the developers and unions involved, which has produced a steady work pattern and harmony in the workplace. That productivity agreement is working because they have negotiated a bonus at the end of the project, and they did not make the mistake which was made previously on some other projects in the south west, where the productivity bonus was paid in advance, and where they

then still ran into all sorts of problems along the way. The most important word here is "incentive", which plays a large part in my personal philosophy. I believe in this case that the incentive has been provided to the workers on the site, and they have responded and produced some excellent projects. There is a lesson to be learned there for other projects. We have to acknowledge that the industrial problems on the site have still set back the project by about six to eight weeks, and if we quantify that in dollar terms we realise that it has been an expensive exercise. Barrack Silicon is at present developing stage 2 of the project, and this will of course be subject to satisfactory solutions to the problem of supplying power, and dead jarrah to feed the plant to produce the charcoal, and other environmental considerations.

I move now to some other projects in the south west that are worthy of comment. If I were writing a book I would have to head this section "Inaction and Confusion on the part of the Government", as the Government is hindering development rather than aiding it.

The first problem relates to electricity generation. This is a Statewide problem but it has special ramifications for some parts of the south west. We all know that the State is approaching crisis point and that demand for electricity will very soon outstrip supply, but the Government is procrastinating on a whole range of issues in relation to electricity generation. It is procrastinating on the siting of the next power station - that is, whether it should be in Collie or elsewhere. Other sites have been suggested; for instance, Mt Lesueur, Geraldton, and perhaps some others of which I am not aware. There is also continuing debate about whether the proposed power station should use coal or gas and whether it should be a publicly or privately operated and funded project.

The Government's inactivity in this matter is causing confusion and problems in the Collie area; it is also retarding potential industries being attracted to develop in Western Australia. Surely the first thing a potential industry would ask the Western Australian Government is, "Can you supply us with power?" The only answer the Western Australian Government could give at the moment would be a very doubtful one. The Deputy Premier, Mr Parker, also has not helped the situation in Collie. He has made several statements since the election reneging on commitments made in the pre-election atmosphere, and this really has not helped anybody; it has only confused the situation further. Perhaps my South West Region colleague, Hon Doug Wenn, will be able to solve all these problems when he moves his office to Collie.

Hon Doug Wenn: Absolutely.

Hon BARRY HOUSE: I do hope so, for Collie's sake.

The other project which has been given a lot of mileage in the Press and elsewhere is a pulp mill. We all know that a proposal for a pulp mill caused much comment, and that an interesting political situation developed in Tasmania, but there seems to be a very determined push - from the Premier, Mr Dowding, and Mr Grill in particular. They have made public comments about the need for a pulp mill in Western Australia as if they are saying we need one tomorrow. We all know that is not only unrealistic but also a bit of a smokescreen to cover up their petrochemical disaster. So much money has gone into the petrochemical project and we have absolutely nothing to show for it. They are suddenly realising that unless they get a few projects up and running now there will be no long-lasting monument to this Labor Government left in Western Australia.

Hon Reg Davies: There is one big one.

Hon BARRY HOUSE: Yes, but it is not a tangible monument, it is a monetary one.

Before we talk seriously about a pulp mill there is a need for much more consideration and discussion, first of all about the source of the raw materials. The native forests cannot fully supply a pulp mill and I believe there is a growing realisation that the timber will have to be provided from plantations in the future. Some plantations have been planted but, looking at the earliest possible projection, it will be 1996 or probably later before plantation trees are available to source the pulp mill. As well, the water provided to the pulp mill must be of very high quality, and that is another consideration - as is waste disposal, because of the very dangerous dioxins involved in the chlorine bleaching process. I have done some investigations about producing paper without using the chlorine bleaching process. Some paper can be produced but it is not of high quality and I do not know of any other process by

which the top 15 per cent of high quality paper can be produced. It does require some chlorine processing, which produces the dioxin waste products.

The net result of all that is that the Kemerton area, which has been earmarked by Mr Dowding and Mr Grill as the site for the pulp mill as if it were a fait accompli, does present problems in just about all of the areas I have mentioned. The first is the water quantity and quality to provide the pulp mill. The Brunswick River would have to be dammed and that would entail a huge social dislocation for many landowners in the area. The underground water supply is also a concern because I believe the aquifers underneath the Kemerton area do not have a clay base and the waste products from any pulp mill could easily filter into those aquifers, which provide Bunbury and other south west regions with their water. As well, there is not a local supply of timber by any means, and it would have to be carted long distances.

Because I live right on the coast in Geographe Bay the waste disposal problem is a high priority for me as well as for many other people. It has been accepted in the Kemerton industrial structure plan and many others that waste disposal from industrial projects in that area would be pumped straight into the ocean. It is not good enough simply to assume that that should happen. The currents in that area are onshore currents in both winter and summer, and the result would be that anything pumped into the Indian Ocean from the Kemerton area would end up on the beaches in Bunbury, Busselton, Capel, Dunsborough, and right throughout Geographe Bay. That certainly needs further investigation.

I have spoken to a self-styled researcher - Mr Maurie Johansen of Eaton - on many of these issues, and he has produced a very detailed paper.

Hon Doug Wenn: He always produces very detailed papers.

Hon BARRY HOUSE: He researches things very thoroughly. Members might remember him from the argument over the initial plan to site the Barrack Silicon project at Picton - he did a lot of research into that. Mr Johansen recently visited 11 existing pulp mills in other parts of Australia and researched very carefully their mode of operation and some of the problems they experience. He came back with a list of the criteria, in order of priority, considered by Australian Paper Manufacturers when siting a pulp mill. I think it is worth reciting those seven criteria. They are -

1. Closeness to forest resources which satisfy the state of the technology.
2. A reliable and adequate water supply.
3. Easy access to an established and regular transport system.
4. An area of flat land at reasonable cost which could contain a mill, aeration basins and a woodyard.
5. Ready availability of power or fuel.
6. A satisfactory outlet for effluents and residues.
7. Proximity to a residential centre.

Mr Johansen concludes that -

Having observed the operations of all the forgoing mills and by applying the above site selection criteria, I have come to the definite conclusion that Kemerton is not an appropriate site for the establishment of a pulp mill for the production of bleached or unbleached pulp from Eucalypts. At present I am researching alternative sites as I believe a pulp or pulp and paper mill can be established in Western Australia but only after very careful site selection.

I have a great deal of respect for him; he does his homework very well. Notice should be taken of him, and of other people.

Another area which has suffered from the Government's inactivity in the south west is that of mineral sands, and the transportation of it. As members may know, several large high-grade deposits of mineral sands exist south of Nannup; one is at Jangardup, which will be operated by Cable Sands, and the other is at Beenup near Augusta, to be operated by BHP-Utah.

Concern has been expressed about the transportation of mineral sands, as well as other concerns about other things. I chaired a public meeting at Augusta on 9 June which attracted

about 300 people and addressed the benefits and costs involved with sand mining. One group in the community says no to sand mining. However, that is a little unrealistic because we cannot bury our heads in the sand - excuse the pun! We cannot ignore the fact that we need jobs for our children; and we cannot ignore the real benefits from the products from sand mining in everyday life.

The major problem is with the transportation of mineral sands to Bunbury for treatment and for shipping. The Government seems to have automatically assumed that this will be by road. Little or no account seems to have been taken of the social and environmental costs in the studies done so far.

Hon Doug Wenn: That is being studied fully at the moment.

Hon BARRY HOUSE: The study is being undertaken by a task force which I will mention in a moment. Only the short term economic costs seem to have been taken into account. The McFarlane report commissioned by the South West Development Authority, the Busselton Shire, the Nannup Shire, and the Augusta-Margaret River Shire, recommended among other things: First, that the Capel-Busselton section of the Bunbury-Busselton railway line be recommissioned as a commercial railway for the purpose of future freight, commuter and tourist railway services. Second, that the Wonnerup-Nannup line and railway easements be retained by Westrail, but that the railway recommissioning be deferred for the time being.

That is a thorough report; it confirms that there is a real place for rail in the transportation of mineral sands within the south west. However, the Government has buried that and has hived off the report onto a task force of Government departments and employees. The Government-appointed task force has met to determine the appropriate mode of transportation; that is, road or rail. However, the investors, developers, tourist operators, mining companies, environmental groups, local government authorities and community groups are not represented on that task force. It is an "in-house" committee of Government departments which will produce the report that the Government wants. This represents a very poor example of community consultation. The Government keeps the community in the dark like mushrooms and feeds it all sorts of stuff. There is common ground between conservationists, the tourist industry and developers, as well as local government in the south west over the transportation of mineral sands. I believe that should be used and not abused.

A possible solution to the last two matters I have mentioned - the pulp mill and the mineral sands situation - a solution that is looking better each day, is to use the existing railhead at Jardee for the transportation of mineral sands. In this area, south of Nannup, not only do two deposits of mineral sands exist, which will be developed, but also potentially there are many others. So down the track we will not see 28 trucks, for instance, rumbling through Nannup transporting the mineral sands, we will see upwards of 50 trucks. That will totally destroy the tourist industry along that road, and the road could not handle that volume of traffic anyway. In the future we will see downstream processing at the mine sites rather than the carting of the untreated mineral sands to Bunbury for treatment; then the carting of the final product.

Another thought which is becoming more attractive to many people every day is to site the pulp mill in the Northcliffe-Pemberton area. That meets many of the criteria which I read out a few moments ago which were suggested by developers of pulp mills elsewhere in Australia. The area is close to a source of timber; water is available from the underground reserves recently discovered in the Donnybrook swamplands, and waste disposal into the Southern Ocean would not present the same problems as disposal into the Indian Ocean due to the offshore currents around the south coast rather than onshore currents.

Another topic I wish to cover is the Government's cavalier attitude towards taxpayers' money through the Government's involvement with Rothwells and the petrochemical plant. That cavalier attitude seems to be alive and well in relation to the south west through the accounting procedures of the South West Development Authority. Members might remember that earlier this year I raised these matters. The community has very strong concerns at the moment about the accounting procedures of the South West Development Authority following the tabling of the Auditor General's report in this House on 5 September.

If I can refresh members' memories, this concern arose initially out of the interim report of

the Auditor General tabled during the April sitting which stated that the 1987-88 annual report of South West Development Authority would be tabled late. This followed the late tabling of the annual report of the previous year. I asked questions on this matter that day which caused a flurry of activity at the authority; so much so that it released a Press statement that the report had been tabled about 12 hours before it hit the table in Parliament. The Auditor General heavily qualified that annual report and implied that some problems with accounting procedures had occurred at the South West Development Authority. At this stage, in April, the other House was not sitting; it had finished its business and the Legislative Council was sitting for a few days. I faxed a series of questions to the Minister for South-West asking for a reply through the relevant Minister in this House. That was on the Friday. On the Tuesday, when the questions were asked, the answers were not available. Members must bear in mind this was at the same time as the Parliament of Western Australia was considering legislation on accountability arising out of the Burt commission report. So that made a total mockery of the fact that the Government was trying to convince the public of Western Australia that it was embracing accountability. Yet I could not get the answers to a few simple questions.

I subsequently received a letter from the Minister for South-West answering those questions and that cleared up most points; although some questions remain in my mind about the date the \$3.5 million received from the sale of the old marshalling yards in Bunbury was actually transferred to the Consolidated Revenue Fund. Whether it was in December 1988 or April 1989, I am not sure. Many other people have doubts also. The Minister was very defensive about some of those criticisms and promised the community that everything would be fixed in super quick time.

I asked a question about an increase from three to seven in the board of management of the South West Development Authority. Subsequently, the Minister reduced the number to three. I know this is going over old ground a little, but that legislation should have been introduced in that session of Parliament because I understand a report was tabled in this House which recommended that change. It was published yesterday after being produced in May 1988. That is another example of the tardiness and sloppiness of some of the procedures of that organisation. The increase in the number of board members would have received our support because, prior to the State election last year, we advocated as part of our policy on the south west an increase in the number of board members to include wider regional representation. It is regrettable that very capable people like John Brockman and Rosanne Pimm have been removed from the board because of the Government's inability to introduce legislation to legitimise their positions on the board. However, I am encouraged by the fact that very capable people like Sir Donald Eckersley, Jenny Wright, and Malcolm Wills are on that board and they are very committed and capable people.

That matter died down until 5 September this year when the Auditor General's report was tabled in Parliament. That report vindicated all of the concerns I raised in the April session. I am running out of time, but I will read out some of the recommendations in that report. It states -

The Balance Sheet initially understated Private Borrowings and Loans by \$1.6 million. Money borrowed by the Authority from the Western Australian Treasury Corporation and on-lent to a private sector organisation based in the Bunbury region had been omitted from the Balance Sheet. The Balance Sheet was subsequently amended to include these transactions.

It was also noted that moneys borrowed during the year were used to make non-repayable grants and subsidies.

Members can interpret that in a couple of different ways. It continued -

The operating statement included income from land sales of \$3.5 million, together with a note which stated "Land Sales represents sale of Lots 1 and 3 (ex-Westrail land) and does not represent a sale of South West Development Authority assets"... The consequences of this were to:

reduce Income by \$3.5 million, with a corresponding effect of turning the operating result from a surplus to a deficit; and

recognise a liability of \$3.5 million at June 30 1988 in the Balance Sheet.

In black and white, the Auditor General's report has raised serious doubts about the accounting procedures of the South West Development Authority.

The south west media took up this matter. They sought a comment from me instead of my going to them. It was a refreshing change to have the community of the south west fed the facts because the *South Western Times* on Tuesday published the Auditor General's comments in full. That followed a threat from people in the South West Development Authority to issue writs against the newspaper for daring to publish my comments and criticisms of the authority. It was a blatant attempt by the Minister for South-West to silence his critics.

The DEPUTY PRESIDENT: Order! The member's time has expired.

HON DOUG WENN (South West) [5.45 pm]: I know I do not have much time, and I will reserve my right to continue my speech next week. However, there are a couple of matters about which I wish to speak tonight.

First of all, I congratulate you, Mr Deputy President, on your appointment to the position of Chairman of Committees and Deputy President - a Deputy President whose voting rights have been taken from him. I also congratulate the President on his reappointment to that position. I extend my best wishes, again, to those newcomers to the place. Their learning process will be long. Twenty-five years of legal work does not equip anyone to be an expert in this place although, in the last two or three weeks, attempts have been made to change the place. I wonder what it will be like in four years' time if the Opposition continues to have the numbers in this place and is able to make the changes it wants.

It was interesting to hear Mr Wordsworth suggest yesterday that this place will become a House of Review. Two years ago, Hon Phillip Pendal told the Bunbury ABC that it is not a place of review, it is a place for blocking things and that is the Opposition's job.

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

Hon DOUG WENN: I have the transcript which I can show to him any time.

I extend a special welcome to my colleagues, Hon Bob Thomas and Hon Cheryl Davenport. They both made excellent maiden speeches and the Press even used them, but particularly referred to Hon Cheryl Davenport's speech. There were more people in the Gallery to listen to Hon Cheryl Davenport's speech than there were on that disgraceful day when we brought that gentleman before the Bar of this House.

I wish to pay a special tribute to the Nos 4 and 5 on the ticket at the last election, Joe Lynch of Albany and Dane Carroll of Busselton. They helped tremendously in returning us to this place and we owe them a special thanks and look forward to their support in the future.

I do not think any member could go through an election without the support of his or her spouse and children. I offer a special thanks to my wife, Eileen, who had to put up with much from me throughout the campaign. She also puts up with plenty from me at other times, but that is the world of politics. I love both my daughters, Cherree and Deanne, very much. In fact, the reason I wanted to speak tonight was to congratulate my eldest daughter, Cherree, who turns 18 on Saturday and I wanted that happy event to be recorded in the history of this place in *Hansard*. She is looking forward to it.

Hon P.G. Pendal: Hear, hear from her long lost relative on this side of the House.

Hon DOUG WENN: I have tried not to tell her about that side of the family. I try to keep her mind clear.

Hon P.G. Pendal: My career took a dive once people knew I was related to you, too.

Hon DOUG WENN: I wanted to place on the record the wishes of her family and friends for a very special happy birthday on Saturday.

Several members: Hear, hear!

Hon DOUG WENN: I also want to refer to comments made by Hon Tom Helm earlier in the year. They were important. In his speech in this place he asked us to talk to the public about the making of the oath of allegiance to the Queen when they become citizens of this country. When I was doorknocking for the elections, I asked people what they thought about that, particularly when they said they were not citizens of Australia and could not vote. I received

the same answer that Hon Tom Helm told us about that night. I was asked why they, as British citizens who had moved to this country, should have to take an oath of allegiance to the Queen when they did not have to make it in their own country. The ironic part is that when members of Parliament are sworn in they have the choice of taking an oath of allegiance or make an affirmation. Many people have told me that they would like a choice between swearing an oath of allegiance to the Queen of Australia and an oath of allegiance to the Government of Australia. They would prefer to become Australian citizens with that choice. I am not an anti-royalist in any way. I accept the position of the monarchy in our situation, but many people are very concerned that they are required to swear an oath of allegiance to the Queen of Australia before becoming Australian citizens. As Hon Tom Helm said, we must give this matter serious consideration. I am not a square eyed person by any means, but I do watch some television programs. My family were in the Chamber when Hon Tom Helm made his speech on this subject and they decided to record an episode of "A Country Practice" one night which revolved around this topic. A number of people would like to become Australian citizens but refuse to do so because it would mean swearing an oath of allegiance to the Queen of Australia. Just as members of Parliament in a spiritual manner have the choice of swearing an oath on the Bible or making an affirmation when becoming members, others should be given a choice. I believe that the spiritual needs of people are more important than the question of taking an oath of allegiance to royalty, but if a choice is available in one situation, it should apply in all cases. While doorknocking during the campaign and talking to people since about their voting rights, many have said they will not become Australian citizens for that reason. These people contribute a great deal to Australia; they are in the work force and contribute through their taxes and in other areas. They want the right to vote allegiance to the ruling Government of this country. Most of the people to whom I spoke vote for the Labor Party, and not the Liberal Party. It was interesting to note in the television program to which I referred that when some people took the oath during the citizenship ceremony they crossed their fingers and felt that was their way of taking that oath without committing themselves totally to what they were saying. Although the citizenship ceremonies in Bunbury are conducted on an individual basis, apparently in other areas the swearing in is done in a group. A person who took part in a group ceremony told me that some people did not say the words but only mouthed them. It was their way around the problem. Hon Tom Helm pointed out that this is a Federal Government issue and not a State Government matter, but we should still consider it seriously. For the record I repeat that I am not against royalty, but I believe people should have a choice.

Because of the lack of time available I will not develop the main theme of my speech, but will wait until next week. However, I wish to make a few points about what happened in Western Australia during the weekend. One event was the Rally Australia. I was in Collie on Friday to welcome the drivers, navigators and workers, and I congratulate the workers on the tremendous work they have done. More than 1 000 people were involved in the organisation of that event and many held off their annual holidays to work on the rally. The condition of some of the cars after they had driven through the fairly rugged section from Collie to Perth and back was remarkable. One of the international drivers kept saying "trees too close". Apparently in Europe more space is allowed for driving the rally cars in the sections between the trees. It brought to mind problems about vehicles going through forests because we are always conscious of how important our forests are to this State. In fact, the Government's tree planting schemes around Western Australia - for which I congratulate it - are very important. I also congratulate all the farmers who have now recognised the problems created by their forefathers in many farming areas. Members who served with me on the Select Committee inquiring into soil salinity have witnessed a change of attitude in farmers, who are now planting millions of trees in this State. It is a great asset.

Hon E.J. Charlton: They are the trendsetters.

Hon DOUG WENN: They are the people who have looked into the future and are doing something about it. I think a nicer term would be to call them honest and realistic people. Some people who are trendsetters go in the wrong direction.

Hon E.J. Charlton: I have noticed that.

Hon DOUG WENN: One of the huge problems in our forests is dieback and I asked the Minister about this problem on Friday afternoon. He advised me that \$40 000 was spent on upgrading portions of the route for the Rally Australia as a preventative measure. This

included bridges being constructed over several creek crossings to prevent interference with water flow. Hon Barry House pointed out the importance of water schemes in the south west, and in view of the fact that water shortages may occur this year, we must ensure that the water flows are not interfered with. The initial route was prepared in full consultation with the Department of Conservation and Land Management and the Water Authority of Western Australia. I fully agree with that consultation which is very important. A pre-check of the course was completed by officers from the Department of Conservation and Land Management, and a check completed after the event has revealed minimal damage. I spoke to the regional manager who confirmed that he was quite happy with the situation. Prior to the course being approved, a scientific dieback survey was completed on all parts of the route within the disease risk areas. Washdowns were completed by Department of Conservation and Land Management officers on all vehicles immediately prior to entering disease risk areas. They were at points in each stage to monitor the damage to vegetation, litter and spectator movement. All servicing areas were placed in a confined and controlled area by officers of CALM and WAWA. We owe a great debt to those people who were present and were concerned enough to assist in this event.

I was concerned recently when I read the supplementary Notice Paper indicating that 276 questions without notice had been asked and answered to date. I usually pick out the information I want and put the rest in the waste paper basket. One question Hon David Wordsworth asked the Minister for Racing and Gaming referred to the fact that ruminants contribute to the greenhouse effect by belching 2.2 million tonnes of methane into the atmosphere each year. I could not believe that. I asked the cost of replying to each question without notice and was told that it was \$169. Multiply that by 276 and it is a significant amount. The question referred to asked the cost of a pill which has been developed to overcome the problem, to which the reply was \$8.

For the price of answering one question on notice, we could purchase 21 capsules. So I asked, in view of the greenhouse effect, what consideration could be given - after what we have heard from members opposite, particularly from one of our new "25 years of legal service" members - to administering the said capsules to members opposite in an effort to reduce the emission of hot air and other noxious gases.

Several members interjected.

Hon DOUG WENN: That was the question. I got that right. Let me give members the answer.

[Pursuant to Sessional Orders, debate adjourned.]

ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Metropolitan - Leader of the House) [6.00 pm]: I move - That the House do now adjourn.

Adjournment Debate - Australian Wheat Board - Economic Success

HON E.J. CHARLTON (Agricultural) [6.01 pm]: Today is the 50th anniversary of the Australian Wheat Board, and I would like to take a couple of minutes to congratulate *The West Australian* for today's article about the success of the Australian Wheat Board. I know that I have in the past been a little critical of *The West Australian* for its failure to report the facts. I believe all members should look at that very brief article, to become better informed about the workings of the Australian Wheat Board and the tremendous contribution it has made to the economy of Australia.

This is a time when we have a serious problem with the export of live sheep and the marketing of our beef. The Taiwanese are pulling out of the markets. The Japanese are fluctuating in respect of the amount of product they import. The Japanese have one importing agency for all commodities. Australia has a significant number of licensed exporters. The Australian Wheat Board is a single exporter, which has stood the test of time, and has been able to efficiently market - not trade - the Australian wheat crop for 50 years.

There have been many changes to the operations of the Australian Wheat Board during that time, but those changes have, with one exception, been totally in line with what the industry requested and demanded. The changes which have taken place recently were an exception

because they were not totally in line with what the industry wanted, and it has yet to be seen whether those changes will be of positive benefit to the industry and the nation.

The Australian Wheat Board is made up of highly qualified staff, who are absolutely dedicated to the wellbeing of this great industry, which produces 15 million tonnes, at about \$200 a tonne, of wheat annually. That is a significant contribution to Australia's economy. We heard today about the terrible imbalance in our trading deficit, so it is important to recognise that we have here an operation which is operating efficiently, contrary to so many other things in Australia today.

I and other members of the National Party had the opportunity to look at the operations of the Australian Wheat Board in New York and London. I am sure you, Mr Deputy President (Hon J.M. Brown) would endorse my comment that it comprises highly qualified and dedicated people. The Wheat Board is made up also of growers' representatives from each State, and their life is also one of dedication to this industry. They are people to whom the industry can relate. The mining industry, the beef industry, and a host of other export industries in this nation should have a very good look at the operations of the Australian Wheat Board. We often hear people say that Australian grain farmers are the most efficient in the world. I always thought that was probably Australians saying that to their fellow Australians, to make them feel good about their industry, but after having been to the United States and Canada, and seeing for myself what has been done over there - in comparison with what Australian farmers are able to produce, in a greatly inferior soil type, with about half the rainfall - it certainly became clear to me that is not a myth at all; it is a real fact.

The grain industry is a tremendous industry, which comprises an ageing population in the farming areas of Australia. The average age of the farmers is 54 years. Those farmers are carrying the industry because of the imposts which have been placed on them, for a lot of reasons which I will not go into now.

I congratulate the Australian Wheat Board for the part it is playing in providing this great example of efficiency and success not only in Western Australia but in the nation as a whole.

Adjournment Debate - Pike, Hon R.G. - Point of Order - Deputy President, Apology

HON R.G. PIKE (North Metropolitan) [6.06 pm]: Mr Deputy President, during the week when you were in the Chair, and during a very heated debate, I rose on a point of order. I reflected on that point of order at that time, and I took the view that my emphasis was placed on the latitude that you had displayed. I did not recollect using the word "absurd", but it is quite clear that I did, and I do not resile from it. Therefore, because I did use that word, it is proper that I apologise to you, and I now formally do so.

Question put and passed.

House adjourned at 6.07 pm

QUESTIONS ON NOTICE

VIDEO TAPES CLASSIFICATION AND CONTROL ACT - FEDERAL
CLASSIFICATION*Government Agreement - Finalisation*

280. Hon P.G. PENDAL to the Leader of the House representing the Minister for The Arts:

I refer to the Video Tapes Classification and Control Act and ask -

- (1) Has the Federal and State Government agreement, required under the Act, to allow the Commonwealth Government to classify video tapes been signed?
- (2) If this agreement remains unfinalised, why is this so when the Act was proclaimed approximately 16 months ago?
- (3) Has the procrastination in finalising this agreement resulted in the situation where the WA Police Force vice squad is unable to prosecute people who possess, sell or exhibit X rated videos?

Hon J.M. BERINSON replied:

The Minister for The Arts has provided the following reply -

- (1) Yes.
- (2) Not applicable.
- (3) National classification agreements take a considerable time to put in place. For example, the agreement required between the States and the Commonwealth under the Censorship of Films Act 1947 took two years to finalise. It should also be noted that the Government took the opportunity to review and update the 1949 agreement while putting the video tapes classification agreement in place. The agreement now having been signed, the Western Australian Police Force vice squad is able to prosecute those people who possess, sell or exhibit video tapes not classified under Western Australian legislation.

CONTAINER TERMINAL - CATHERINE POINT

Building Proposals

281. Hon P.G. PENDAL to the Minister for Racing and Gaming representing the Minister for Transport:

- (1) How far have proposals to build a container terminal at Catherine Point progressed?
- (2) If plans for such a terminal are formulated, will he undertake to ensure that proposed details of the terminal plan are made available for public comment before any final decision is made to establish the terminal?
- (3) What are the reasons behind the concept of building a large container terminal at Catherine Point?
- (4) Would such a terminal proposal involve the reclamation of land?
- (5) If so, what would be the exact location of this land?
- (6) Do proposals envisage a terminal being built on freehold and/or Government owned land?
- (7) Has an assessment been made of the impact of a large container terminal on -
 - (a) James Rocks;
 - (b) traffic and transport in the Cockburn area; and
 - (c) the future development of Cockburn Sound?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

(1)-(7)

The Port of Fremantle which currently handles almost two thirds by value of the State's trade is undergoing substantial change to improve its short and medium term outlook and improve its operation efficiency and utilisation of resources. The indications are that the existing and upgraded inner harbour facilities will serve the needs of the Port of Fremantle and Western Australia for many years to come.

Recognising, however, the importance of modern port facilities to the economy of the State, I recommended and obtained Cabinet approval for a future port site options study to be undertaken. The steering committee, under the chairmanship of the Director General of Transport, is due to provide me with a preliminary report later this year on where and how provision should be made in the general planning for the greater Perth metropolitan area to accommodate the State's principal port needs if/when the Port of Fremantle outgrows its present inner harbour facilities. We are looking at and planning for the long term future, possible 2010 and beyond, and I commit to providing adequate opportunity of public comment on the detailed study when it is completed in 1990. The various points covered in the detailed question I am sure will be adequately covered by the study when it is released in due course.

POLICE - AUGUST, RUSSELL, POLICE OFFICER CIB DETECTIVE
Private Investigator Partnership - Permission Granting

405. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) Has the required permission been granted to serving police officer CIB Det Russell August to establish and participate in a company or partnership with a private investigator who is currently facing charges related to telephone interception?
- (2) If not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply-

(1)-(2)

No permission is required.

PETROCHEMICAL PROJECT - DOCUMENTS TABLING
Deputy Premier - "Dear Peter" Letter

433. Hon PETER FOSS to the Leader of the House representing the Deputy Premier:

I refer the Deputy Premier to the letter addressed "Dear Peter" dated 17 October 1988 - Legislative Assembly tabled document No 266S -

- (1) Who is the person addressed in the letter as "Dear Peter"?
- (2) In what capacity was the letter -
 - (a) addressed by the Deputy Premier; and
 - (b) addressed to the addressee?
- (3) What is meant by the term "the 'credit enhancement'" referred to in the first paragraph?
- (4) Had any person, and if so who, suggested that the Government had or would back away from its willingness to put a credit enhancement in place as is inferred in the second paragraph of the letter?

- (5) Was the letter delivered to the addressee on his behalf, and if so, who, and if so, when did that delivery take place?
- (6) At the time of writing and at the time of delivering the letter did the Deputy Premier intend to put the "credit enhancement" in place, and at that time when did the Deputy Premier intend to put it in place?
- (7) What is the "facility" referred to in the second paragraph of the letter?
- (8) If that document has been tabled in this House or the other place, will the Minister identify it by reference to its tabled number?
- (9) As at the date of the letter, what was -
 - (a) the capitalisation of WA Government Holdings Ltd; and
 - (b) the Deputy Premier's understanding of the capitalisation of WAGH?
- (10) What are the cross guarantees referred to in paragraph 3 of the letter?
- (11) If these documents have been tabled in this House or the other place, will the Minister identify them by reference to their tabled numbers?
- (12) If any of the documents have not been tabled in this House, will the Minister undertake to table the same?

Hon J.M. BERINSON replied:

The Deputy Premier has provided the following reply -

(1)-(12)

These matters are the subject of litigation and I do not propose to answer.

TREE TRUST - NAME CHANGE

Directors - Tree Plantings

440. Hon W.N. STRETCH to the Minister for Racing and Gaming representing the Minister for Conservation and Land Management:

- (1) What is the current name of what was once called the WA Tree Trust prior to the February 1989 State election?
- (2) Why was it necessary to change the name of the Tree Trust?
- (3) Who are the directors of the Tree Trust under its old and new name?
- (4) What number and area of -
 - (a) pines;
 - (b) hardwoods; and
 - (c) other species
 have been planted by the Tree Trust?
- (5) What number and area of trees have died?
- (6) What area has had to be replanted?
- (7) What are Department of Conservation and Land Management planting rates per hectare for flat cleared pasture land for -
 - (a) pines;
 - (b) globulous; and
 - (c) other eucalypts?
- (8) Who is the Chief Executive of the Tree Trust or its current equivalent?
- (9) How many -
 - (a) full time staff; and
 - (b) full time workers
 does the Tree Trust employ?

Hon GRAHAM EDWARDS replied:

The Minister for Conservation and Land Management has provided the following reply -

(1)-(2)

Tree Trust is the name given to the proposal to plant 100 million trees in Western Australia by the year 2000. The name is still retained for this concept. It is proposed that a company called Tree Fund Ltd will be formed to raise finance and manage the project. Under current law it is not possible to use the word "Trust" in a public company, without the agreement of all States and the Federal Government.

(3) No directors have been appointed.

(4) Neither Tree Trust nor the proposed company, Tree Fund Ltd, have undertaken any tree planting. However, under the hardwood sharefarming scheme which is a model for Tree Fund Ltd, 1 991 hectares were planted in 1988 and 4 030 hectares of *Eucalyptus globulous* have been planted in 1989.

(5)-(6)

Answered by (4).

(7) (a) pines - 1 300 stems/ha;
(b) globulous - 800 - 1 500 stems/ha; and
(c) other eucalypts - 650 - 1 500 stems/ha;
depending on rainfall, soil type and purpose of planting.

(8) Answered by (1)-(3).

(9) Answered by (1)-(2).

ASSET MANAGEMENT TASK FORCE - QUO VADIS PROPERTY, BYFORD
Special Rural Rezoning

448. Hon DERRICK TOMLINSON to the Deputy Premier:

- (1) Has the Asset Management Task Force initiated action through the Shire of Serpentine-Jarrahdale to have the Quo Vadis property at Byford rezoned to Special Rural?
- (2) Has the Asset Management Task Force recommended that Quo Vadis be subdivided and sold as "special rural" lots?
- (3) Has the Minister considered alternative uses for Quo Vadis?
- (4) Has the Aboriginal Lands Trust made recommendations for the use of Quo Vadis?
- (5) If yes to (4), what was recommended?

Hon J.M. BERINSON replied:

The Deputy Premier has provided the following reply -

(1) No; however, the Asset Management Task Force has written to the Shire of Serpentine-Jarrahdale seeking its comments on a number of alternative uses for the Quo Vadis Reserve, Byford.

(2) No.

(3)-(5)

The Asset Management Task Force is currently considering a number of potential options regarding the Quo Vadis reserve, Byford, including the ALT proposal for use as a centre for employment training, cultural development and the care of neglected children. As part of standard AMT procedures, a final decision in respect of this property will ultimately be made by Ministers in Cabinet.

PORTS AND HARBOURS - PILOTAGE FEES
Marine and Harbours Department - Collection

451. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Transport:

- (1) In which Western Australian ports are pilotage fees collected by the Department of Marine and Harbours?
- (2) What was the total number of vessels for each of those ports in which pilotage fees were collected for the financial year 1988-89?
- (3) What was the total revenue collected for pilotage fees for 1988-89?
- (4) What were the reasons for the reduction from \$3 532 037 to \$2 191 000 for pilotage fees as set out in the 1989-90 Budget?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) Albany, Broome, Bunbury, Camarvon, Esperance, Geraldton, Port Walcott and Wyndham.
- (2)

Albany	-	71
Broome	-	69
Bunbury	-	217
Camarvon	-	42
Esperance	-	70
Geraldton	-	167
Port Walcott	-	132
Wyndham	-	38
- (3) Total revenue for pilotage in 1988-89 was \$3 532 036.90 of which the Dampier contribution was \$1 299 573.90.
- (4) The reduction in pilotage for 1989-90 is due to the fact that the role of the Department of Marine and Harbours in bringing to account pilotage fees at Dampier ceased from 1 March 1989, following the commencement of the Dampier Port Authority.

MINING - MAWSON PACIFIC MINE, MARVEL LOCH
Workers - Hydrogen Cyanide Fumes Exposure

452. Hon GEORGE CASH to the Leader of the House representing the Minister for Mines:

- (1) Have there been any incidents of workers being exposed to hydrogen cyanide fumes in the Mawson Pacific Mine, Marvel Loch, during the past 12 months and will he provide details?
- (2) Was the handling of sodium cyanide a factor in the incidents referred to above?
- (3) Were any of the workers hospitalised and, if so, for what period?

Hon J.M. BERINSON replied:

The Minister for Mines has provided the following reply -

- (1) The Department of Mines is aware of one incident of a worker being exposed to hydrogen cyanide gas levels above the threshold limit value (TLV) of 10 parts per million at Mawson Pacific's Marvel Loch mine.
 In November 1988, a mill operator opening a drum of cyanide without wearing a protective mask suffered ill effects and was given oxygen for almost one hour. He responded to treatment and the incident was not reported as a lost time injury. At no stage did he lose consciousness.
- (2) Yes.
- (3) No.

STATE FINANCE - ESTIMATES OF REVENUE AND EXPENDITURE

Asset Management Task Force - Revenue Sources

453. Hon GEORGE CASH to the Leader of the House representing the Treasurer:

Will the Treasurer indicate the sources of revenue comprising the Asset Management Task Force referred to on page 14 of the 1989-90 CRF Estimates of Revenue and Expenditure statements?

Hon J.M. BERINSON replied:

The Treasurer has provided the following reply -

The estimated 1989-90 Land-Territorial Asset Management Task Force revenue referred to on page 14 of the 1989-90 Consolidated Revenue Fund Estimates is derived from the anticipated disposal of surplus and under-utilised State Government land and property assets through the asset management program.

ARTS - LOUIS ALLEN COLLECTION OF ABORIGINAL ART

Purchase Price - Commission Payment

456. Hon P.G. PENDAL to the Leader of the House representing the Deputy Premier:

I refer to the purchase of the Louis Allen art collection in which the Deputy Premier's office was involved and ask:

- (1) Was any commission paid on the \$2.1 million purchase price?
- (2) If so, to whom was any commission paid?
- (3) What was the amount involved?
- (4) Is the Deputy Premier aware of assertions by the leading anthropologist Dr John Stanton on ABC radio on Saturday afternoon on "Arts National" that the collection was overpriced at \$2.1 million and that the collection could have been purchased by the UWA for \$US420 000 a few months earlier?

Hon J.M. BERINSON replied:

The Deputy Premier has provided the following reply -

- (1) No.
- (2)-(3) See (1).
- (4) The Deputy Premier is aware of Dr Stanton's assertions. In the absence of any evidence to support this claim it must be rejected. The quoted offer price is ridiculously low. It would value each piece at an average of about \$400, which is a fraction of the market price at the time. A valuation above the price paid by the Government was arrived at after a personal examination of each piece by Anne Marie Brody, Curator of Aboriginal Art for the Robert Holmes a Court collection, a recognised authority in the area.

EDUCATION - SANDSTONE PRIMARY SCHOOL

Principals - Teacher Changes

457. Hon N.F. MOORE to the Minister for Local Government representing the Minister for Education:

With respect to the Sandstone Primary School, will the Minister please advise -

- (a) the names of the principals at the school from 1984 to the present, including acting principals and/or relieving principals;
- (b) the duration of the terms of each principal at the school from 1984 to the present, including acting principals and/or relieving principals; and

- (c) the number of changes in classroom teachers each year for that same time period?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following reply -

- | | | | |
|-----|-------------------------------|--|-------------------------|
| (a) | 1984 | Alan Hansen. | |
| | 1985 | Lindsay Harby. | |
| | 1986 | Lindsay Harby. | |
| | 1987 | Lindsay Harby relieving Principal David Watt all year. | |
| | 1988 | Lindsay Harby relieving Principal Bruce Levett all year. | |
| | 1989 | Ian McCooke Acting Principal this year. | |
| (b) | Alan Hansen 1983-end of 1984 | | 2 years |
| | Lindsay Harby 1985-1988 | | 4 years |
| | David Watt R/Principal 1987 | | 1 year |
| | Bruce Levett R/Principal 1988 | | 1 year |
| | Ian McCooke 1989 | | current. |
| (c) | 1984 | Alan Hansen. | |
| | 1985 | Lindsay Harby | Lesley Campbell (P/T). |
| | 1986 | Lindsay Harby | Lesley Campbell (P/T). |
| | 1987 | David Watt | Suzanne Sloan (P/T). |
| | | | Allison Watt (P/T). |
| | 1988 | Bruce Levett | Suzanne Sloan (P/T). |
| | | | Catherine Levett (P/T). |
| | 1989 | Ian McCooke | Daphane Podolan (P/T). |
| | | | Bethel Walton (P/T). |

MARINAS - EXMOUTH

Hotel Resort Site - Australian City Properties, Government Agreement

458. Hon N.F. MOORE to the Minister for Racing and Gaming representing the Minister for Transport:

Further to his answer to my question 400 of 5 September 1989, will the Minister -

- (a) table the agreement that has been reached between Australian City Properties and the Government, and if not, why not; and
- (b) advise what terms and conditions are currently being negotiated between Australian City Properties and the Government?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) I am unable to comply with your request until the terms and conditions of agreement have been finalised and the covering legal documentation has been executed.
- (2) As for (a) above.

SODIUM CYANIDE, LIQUID - SPILL

Date and Location - Previous Spills Involvement

469. Hon GEORGE CASH to the Leader of the House representing the Minister for Mines:

- (1) What was the date and location of the spill referred to in his answer to question 350 on 30 August 1989?
- (2) Has the company which operated the tanker vehicle referred to in his answer been involved in any previously reported spills of sodium cyanide, and if so will he advise of the circumstances of such spills?

Hon J.M. BERINSON replied:

The Minister for Mines has provided the following reply -

- (1) 8 June 1989. Kaltails operation, Kalgoorlie.
- (2) No.

WESTRAIL - LAND

Advertising Hoardings - Australian Posters Pty Ltd, Contract Subject of a Public Tender

471. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Transport:

- (1) Further to his answer to question 203 on Tuesday, 5 September 1989, will the Minister indicate the specific reasons why this contract was not the subject of a public tender and how the Government can justify not allowing the matter to be the subject of a public tender given the Government's public acceptance of the criteria laid down in the Burt Commission on Accountability report and the numerous statements in Parliament on the subject of accountability and the criteria set down in the recent Government White Paper on the need for greater Government accountability?
- (2) When was tobacco advertising withdrawn from Westrail hoardings?
- (3) Which Westrail officers or other Government advisers or officers had the carriage of negotiations in the renegotiation of the existing contract between Australian Posters Pty Ltd and Westrail for outdoor advertising on Westrail land?
- (4) Has the renegotiated contract been executed by all parties and, if so, on which date did the parties execute the renegotiated contract?
- (5) Were the terms of the renegotiated contract approved by Cabinet?
- (6) If not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) I refer the honourable member to the Minister for Transport's response to question 203(6) of 5 September.
- (2) Tobacco advertising on Westrail hoardings has been withdrawn progressively as contracts between the tobacco industry and Australian Posters Pty Ltd expired and a total ban was put into effect on 1 July 1989.
- (3) The negotiations were conducted on behalf of the Western Australian Government Railways Commission by its commissioner, marketing director and in-house solicitor.
- (4) Yes - 13 September 1989.
- (5) No.
- (6) The Minister for Transport approved renewal of the contract.

STATE GOVERNMENT INSURANCE COMMISSION - ATRIUM, ST GEORGE'S TERRACE

Occupancy - Annual Cost

474. Hon PETER FOSS to the Leader of the House representing the Treasurer:

- (1) Has the SGIC - by which term I include the commission, the corporation and their subsidiaries - made any assessment of the annual cost of occupancy of its present premises at the Atrium in St George's Terrace?
- (2) What area does the SGIC presently -
 - (a) occupy; and
 - (b) have available to it at the Atrium?

- (1) Has the SGIC made any assessment of the corresponding annual occupancy cost per square metre and in total for the proposal to relocate at Mirrabooka?
- (2) If so, what was that annual occupancy cost per square metre and in total?
- (3) What is the area of the part of the premises that it is proposed that the SGIC occupy in Westralia Square?
- (4) What is -
 - (a) the proposed annual rental per square metre for those premises;
 - (b) the total annual rental for such premises;
 - (c) the total of all other charges relating to such occupancy?
- (5) If these amounts listed in part (6) are not known as a dollar figure, what is the basis upon which the same will be fixed or calculated?
- (6) Is there a rental guarantee in which the Government or any governmental corporation or instrumentality is involved with regard to Westralia Square?
- (7) If so, who are the parties to that guarantee and what are the terms of that guarantee with regard to -
 - (a) area to be occupied;
 - (b) period of occupation;
 - (c) rental to be paid; or
 - (d) other charges?

Hon J.M. BERINSON replied:

The Treasurer has provided the following reply -

- (1) Yes.
- (2) (a) Five and a half floors of nine levels.
(b) Nil.
- (3) The SGIC is not relocating to Mirrabooka.
- (4) Not applicable.
- (5) Not yet determined.
- (6)-(7) Commercially sensitive information.
- (8) No.
- (9) Not applicable.

MARINE AND HARBOURS DEPARTMENT - POLICE DEPARTMENT
Marine Operations Merger Proposal - Rationale

477. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Transport:

Will the Minister explain the rationale for the proposed merger of the operations of the Marine and Harbours inspectors with the Police Force?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

There is no merger to take place. A working agreement has been arrived at between the Minister for Police and Emergency Services and the Minister for Transport.

STATE FINANCE - ESTIMATES OF REVENUE AND EXPENDITURE
Marine and Harbours, Rents - Revenue Source

478. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Transport:

With reference to the estimated revenue for 1989-90 as shown against

"Marine and Harbours, rents" on page 17 of the CRF Estimates of Revenue and Expenditure -

- (1) Is this revenue obtained from rental of berthing facilities for vessels, such as berths, pens or moorings, or is it revenue from some other kind of rental?
- (2) If not for vessels' berthing/mooring facilities would the Minister indicate from what source the revenue is obtained?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) No.
- (2) The rental relates to the lease of land and buildings at various ports and harbours throughout the State controlled by the Department of Marine and Harbours.

MINES INSPECTORATE - PROSECUTIONS RECORD

479. Hon MARK NEVILL to the Leader of the House representing the Minister for Mines:

Would the Minister please advise the recent prosecutions record of the mines inspectorate?

Hon J.M. BERINSON replied:

The Minister for Mines has provided the following reply -

Summary of recent prosecutions by the mining engineering inspectorate:

Eighteen persons were prosecuted for offences against mining legislation during the year ended 30 June 1989.

A manager of a quarry was prosecuted for a breach of regulation 8.15(4) relating to dry drilling. He pleaded guilty and was fined \$500 with \$60 costs.

A mine manager pleaded guilty to six charges made under the regulations. He was fined \$250 on one offence and \$100 on each of two other offences against part XIV for operating a diesel engine underground without a permit. He was also fined \$100 on each of these offences under part XIII for failing to ensure that a trackless vehicle operator had been tested and certified. Costs were assessed at \$23.20 for each offence. In consideration of the defendant accepting full responsibility for the breaches of the law, charges relating to the same incident against the deputy registered manager, underground manager, deputy underground manager and shift boss were dropped.

A truck driver was fined \$40 with \$23.20 costs for failing to wear a safety helmet. This case was the first conducted under the new \$5 000 maximum penalty regime which came into force when sections of the Mines Regulation Amendment Act, 1987 were proclaimed.

A manager was charged with three offences under section 30(1) of the Mines Regulation Act for failing to enforce regulations 8.30(2), 12.9(2) and 12.2(1) relating to ventilation, lighting and men working alone underground. The charges related to a fatal accident. The defendant was found guilty and fined \$200 on each charge with total costs of \$3 138.60. Gaol terms in the event of default were stipulated.

A shift boss was prosecuted, following a fatal accident, for an infringement against regulation 3.25(2) in that he failed to ensure that a working place was maintained in a safe manner. The shift boss entered a plea of guilty to the charge and was fined \$80 with \$143.20 cost charges.

A shift boss was charged with a breach of regulation 12.2(1) for failing to visit a person working alone, every two hours. He pleaded guilty and was fined \$400 with \$63.20 costs.

A registered manager charged with a breach of section 24(5) of the Mines Regulation Act during the previous year pleaded guilty when the case was heard in July 1988. He was fined \$50 with \$50.20 costs.

The case against a shift supervisor charged during the previous year for a breach against regulation 17.10(1) was heard in October 1988. The complaint was dismissed and the supervisor awarded \$540 costs.

A jumbo drill operator was charged with a breach of regulation 7.24(1) for failing to clean out butts. He pleaded guilty and was fined \$400 with \$14 costs.

Four contractors were charged with a breach of section 38(1)(c) of the Act for working more than 13 consecutive days on a mine. All pleaded guilty and were each fined \$500 plus costs.

A registered manager was charged with six breaches for failing to enforce the requirements of section 38(1)(c) of the Act. He was fined \$50 for each offence with \$283.20 costs on the first offence and \$23.20 for each of the remaining offences. The department has appealed against the fines imposed on the grounds that they were insufficient.

A mining company, as the owner of the mine, was prosecuted on six counts of failing to enforce the requirements of section 38(1)(c) of the Act. The company was fined \$100 for each offence with \$283.20 costs on the first offence and \$23.20 for the remaining offences. The department has appealed against the fines imposed on the grounds that they were insufficient.

A mining company and the registered manager were successfully prosecuted for offences against section 38(1)(c) of the Act. The company was fined \$1 500 on each of two offences with \$106.40 costs. The registered manager was fined \$500 on each of two offences with \$106.40 costs.

The division participated in an investigation and subsequent successful prosecution of a company under section 155(1) of the Mining Act 1978 for illegal mining operation. The defendant pleaded guilty, was fined \$100 plus costs and ordered, pursuant to section 155(5) of the Act, to rehabilitate the land.

Since 30 June 1989, a registered manager, who was also underground manager and supervisor, was prosecuted for failing to ensure maintenance of a safe workplace. He was fined \$1 000 and costs.

Several other prosecutions are pending. One has been referred to Perth for sentencing.

ROADS - WEST PERTH SUBWAY-WELLINGTON STREET *West Perth Market Closure - Access Road Realignment*

481. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Transport:

Is it intended to realign the access road from the West Perth Subway to Wellington Street after the closure of operations at the West Perth Market and if so will he provide details?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

All the roads involved are local roads under the control of the City of Perth. Therefore, the question of possible realignment is a matter to be

resolved between the Perth City Council and the owners of the market site.

The Main Roads Department will be available to liaise with the Perth City Council and advise on traffic management aspects.

RAILWAYS - AUSTRALIAN NATIONAL RAILWAYS

Westrail - Merger Negotiations

482. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Transport:

What is the current state of negotiations between Australian National Railways and Westrail on the proposed amalgamation or takeover of some of the current services provided by Westrail?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

Earlier this month Australian National Railways made a fresh approach to the State Government on a possible takeover of all or part of Westrail. No firm offer was made.

A feasibility study to form a national freight corporation to market and operate interstate freight services has been initiated by Westrail together with the railway systems of New South Wales, Victoria and Queensland. The study will examine how a national freight organisation would be formed and operated. The State and Federal Governments fully support the initiative to form a national freight corporation. Westrail would be a full partner in the corporation.

Two important initiatives are also currently under way with Australian National Railways.

The first is the proposal to amalgamate ANR's Parkeston terminal into Westrail's West Kalgoorlie terminal, and negotiations are well advanced. The second initiative is for one railway system to be responsible for management of intersystem passenger services. Discussions on this proposal are expected to be resumed shortly.

STATE GOVERNMENT INSURANCE COMMISSION - INVESTMENTS

Companies - Tobacco Product Activities

484. Hon GEORGE CASH to the Leader of the House representing the Treasurer:

- (1) Has the State Government Insurance Commission or any of its subsidiaries, during the past five years, invested in organisations whose major activities include the -
 - (a) manufacture of tobacco products;
 - (b) wholesaling or retailing of tobacco products; or
 - (c) promotion of tobacco products?
- (2) If so, will the Treasurer nominate the extent of such investment and the company or organisations in which the investment was made?
- (3) Does the State Government Insurance Commission and/or its subsidiaries still have investments in any of these organisations, and if so will he provide details?
- (4) If not, why not?

Hon J.M. BERINSON replied:

The Treasurer has provided the following reply -

- (1) The SGIC has advised me "no".

(2)-(4)

Not applicable.

TRANSPORT DEPARTMENT - FERTILISERS
Deregulations Policy - Review

485. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Transport:

- (1) Has the Department of Transport completed its review of the policy for the deregulation of fertiliser transport, and if not, why not?
- (2) When is this policy review expected to be completed?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) The review has not yet been completed. The rail system plays a central role in the existing fertiliser distribution system. Accordingly, a key task for the review has been to examine whether significant productivity improvements are possible on the rail system before considering whether an expanded role for road transport should be pursued. This has involved a lengthy examination of existing practices, focusing particularly on the role played by ageing four-wheel wagons.
- (2) The above examination should be completed shortly and, subject to this, I am advised that the review should be complete by the end of this year.

TRANSPORT DEPARTMENT - LICENSING SYSTEM
Review

486. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Transport:

- (1) Is the Department of Transport currently reviewing the transport licensing system in Western Australia and in particular the transport licensing system as it is affected by regulatory policy, and if so, when will this review be completed?
- (2) Is the department consulting the transport operators in the private sector and other interested organisations?
- (3) If not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) A review of the commercial goods vehicle licensing system is in the Department of Transport's 1990 work program. The review has the objective of improving efficiency and removing anomalies. It is hoped that the review will be completed before the end of 1990.
- (2)-(3) The department will consult with interested parties as the need arises. However, this cannot occur until after the review has commenced.

TRANSPORT - FUEL, BULK
Deregulation - Government Policy

487. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Transport:

What is the current Government policy in respect of the continued deregulation of the transport of bulk fuel and which areas will be recommended for deregulation in the next few months?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

There are no specific proposals to further deregulate the transport of bulk fuel.

STATE FINANCE - ESTIMATES OF REVENUE AND EXPENDITURE

Pilotage - Revenue Reduction

488. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Transport:

With reference to the Estimates of Revenue and Expenditure for the year ending 30 June 1990, and in particular page 17 of the Consolidated Revenue Fund, would the Minister detail the reasons for the significant reduction in pilotage revenue which was \$3 532 037 in 1988-89 and is now estimated at \$2 191 000 for 1989-90?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

The reduction in pilotage revenue for 1989-90 is due to the fact that the role of the Department of Marine and Harbours in bringing to account pilotage fees at Dampier ceased from 1 March 1989, following the commencement of the Dampier Port Authority.

PORT OF PERTH - REDEVELOPMENT

Timetable - Ferry Operators' Concern

489. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Transport:

- (1) Is it intended to proceed with the redevelopment of the Port of Perth and if so will the Minister provide details and the proposed timetable for the redevelopment?
- (2) Is the Minister aware of the concern among ferry transport operators currently utilising the facilities at the Barrack Street Jetty that the proposed redevelopment could seriously affect pedestrian and vehicular traffic at the foot of Barrack Street and have a detrimental effect on their operations?
- (3) If he is not aware will he consult with representatives of the various ferry operators to inform himself of this concern and if not, why not?
- (4) Will he identify the body coordinating the proposed redevelopment and the group or groups who will participate as investors in this project?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) Yes, a redevelopment for the Port of Perth is intended. Provided an application to secure a liquor licence is successful it is understood that the developers propose to commence construction in January 1990 and complete construction for opening by December 1990-January 1991.
- (2) Yes, the Minister is aware.
- (3) See answer to (2).
- (4) The body coordinating the proposed redevelopment is the Department of Marine and Harbours.

The groups presently intending to participate as investors comprise -

Margaret River Land Holdings
Paramount Australia Limited
Hawkins Court Limited
Red Triangle Pty Ltd
Miura Pty Ltd
Comvest Pty Ltd
Sandwell Investments Pty Ltd
Charles Ooi.

TAXI CONTROL BOARD - MEETINGS
Members Standing Down - Breach of Regulations

491. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Transport:

- (1) Has any current member of the Taxi Control Board stood down from attending meetings of the board during the past 12 months and if so, will the Minister provide the reasons for this member's standing down?
- (2) Has the department been advised of an alleged breach of Taxi Control Board regulations by a member of the board and if so will he provide details?
- (3) Is there provision under the Taxi Control Board Act and or regulations to charge a member of the Taxi Control Board with a breach of regulations?
- (4) Can the Minister assure the House that any breach of the Taxi Control Act and or its regulations by a member of the Taxi Control Board will be pursued under the provisions of the Act or regulations?
- (5) If not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) Yes. A member voluntarily stood aside while inquiries were undertaken into matters relating to several private taxi-cars.
- (2) Yes. The inquiries failed to establish any breach.
- (3) Any persons who breached the Taxi-Car Control Act or regulations can be charged.
- (4) Yes.
- (5) Answered by (4).

YOUTH AFFAIRS BUREAU - GRANTS
Organisations Applications

492. Hon GEORGE CASH to the Minister for Sport and Recreation:

- (1) How many organisations made applications for grants from the Youth Affairs Bureau between 1 January 1989 and 30 June 1989, and how many of these applications were processed prior to 30 June 1989?
- (2) Will decisions affecting any applications for grants be deferred until the 1989-90 Budget has been formally passed by Parliament?
- (3) How many applications for grants from the Youth Affairs Bureau are still outstanding and awaiting a decision, and when will the applicants receive advice as to the success of the application?

Hon GRAHAM EDWARDS replied:

- (1) 98 applications have been received and all have been processed. Applicants are currently being notified as to the outcome of their applications.
- (2) No.
- (3) 22 applications, all received since 1 July 1989, are currently being considered. Applicants will be notified in due course as to the outcome of their applications.

ARVIN CONSULTANCY PTY LTD - HICKMAN, MR SYD
Minister for Regional Development - Engagement

493. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Regional Development:

- (1) Has Mr Syd Hickman, a former staff member attached to the Federal Minister for Defence, or Arvin Consultancy Pty Ltd or any employee at Arvin Consultancy Pty Ltd, been engaged by his department or any authority or instrumentality under his ministerial control?

(2) If so, will he provide details?

Hon GRAHAM EDWARDS replied:

The Minister for Regional Development has provided the following reply -

(1) No.

(2) Not applicable.

ARVIN CONSULTANCY PTY LTD - HICKMAN, MR SYD

Minister for Mines - Engagement

494. Hon GEORGE CASH to the Leader of the House representing the Minister for Mines:

(1) Has Mr Syd Hickman, a former staff member attached to the Federal Minister for Defence, or Arvin Consultancy Pty Ltd or any employee at Arvin Consultancy Pty Ltd, been engaged by his department or any authority or instrumentality under his ministerial control?

(2) If so, will he provide details?

Hon J.M. BERINSON replied:

The Minister for Mines has provided the following reply -

(1) Mr Syd Hickman is not an employee of the Department of Mines or any authority or instrumentality under the Minister's control. There is no information available to suggest that he or any other employee of Arvin Consultancy Pty Ltd has been so employed in the past.

(2) Not applicable.

PORT OF DAMPIER - PILOTAGE FEES

Payment Transaction Details - Revenue

496. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Transport:

(1) Were pilotage fees at the Port of Dampier prior to 1 March 1989, paid to the Department of Marine and Harbours and then reimbursed to Pilbara Harbour Services, and if not will the Minister provide details of the manner in which transactions were carried out?

(2) Is it intended that pilotage fees at the Port of Dampier will now be paid direct to the Dampier Port Authority, and if not will he provide details?

(3) What is the anticipated revenue for pilotage at the Port of Dampier for 1989-90?

(4) What were the total receipts for pilotage fees at the Port of Dampier for the 12 months ended 30 June 1986 to 30 June 1989?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

(1) Yes.

(2) Yes, for third party vessels. Pilbara Harbour Services charge and receive pilotage fees for their operations; and Woodside provide their own pilotage for the LNG and condensate ships. The Dampier Port Authority would only collect fees for any third party vessels.

(3) \$19 000 - for Dampier Port Authority.

(4)	1985-86	\$1 191 000
	1986-87	\$ 987 000
	1987-88	\$1 005 000
	1988-89	\$1 299 000

LAND - FREMANTLE TOWN LOT C7

Title Holder

498. Hon P.G. PENDAL to the Minister for Lands:

Who now holds title to, and what now stands on that piece of land being Fremantle Town Lot C7 and being the whole of the land comprised in grant from the Crown dated 22 August 1870 and enrolled in the Deeds Office No 2906?

Hon KAY HALLAHAN replied:

The land, formerly Fremantle Town Lot C7, now comprises portion of Reserve 17035 which is set aside for "School Site". John Curtin Senior High School is located on the reserve and I understand that the portion in question is vacant and used in part for the school playing field.

LAND - GOVERNMENT PROPERTY ACQUISITION

Carlisle, Victoria Park, Lathlain - Demolition, Future Road Upgrading

500. Hon P.G. PENDAL to the Minister for Racing and Gaming representing the Minister for Transport:

- (1) How many properties have been purchased by the Government in the suburbs of Carlisle, Victoria Park, East Victoria Park and Lathlain, for demolition related to future road upgrading in these areas?
- (2) What are the addresses of the properties purchased?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) 21 properties owned by the Main Roads Department, of which 14 have houses on the land.
- (2) 14 houses are -

House No	Street	Suburb
238	Great Eastern	Lathlain
244	Great Eastern	Lathlain
240	Great Eastern	Lathlain
242	Great Eastern	Lathlain
104	Orrong	Lathlain
106	Orrong	Lathlain
108	Orrong	Lathlain
34	Canning	Victoria Park
239	Shepperton	East Victoria Park
249	Shepperton	East Victoria Park
257	Shepperton	East Victoria Park
259	Shepperton	East Victoria Park
52	Dane	East Victoria Park
2	Cardiff	East Victoria Park

Seven vacant lots are -

Lot No	Street	Suburb
172	Mint	East Victoria Park
4	Harvey	Victoria Park
13	Shepperton	Victoria Park
11	Albany	Victoria Park
146	Shepperton	Victoria Park
8	Castle	Lathlain
71	Cornwall	Lathlain

ROADS - RUTLAND AVENUE, LATHLAIN

Upgrading

501. Hon P.G. PENDAL to the Minister for Racing and Gaming representing the Minister for Transport:

- (1) Are there any plans to upgrade Rutland Avenue in Lathlain?
- (2) If so, what are the details of the planned upgrading?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) Rutland Avenue, Lathlain, is a local road under the control of the City of Perth.
- (2) It is understood that the City of Perth has no plans for upgrading at this stage.

EDUCATION - PRIMARY SCHOOL, WINTHROP

Need

503. Hon P.G. PENDAL to the Minister for Local Government representing the Minister for Education:

- (1) Is there a need for a primary school in the suburb of Winthrop?
- (2) If so, when will this school be constructed and ready for student use?
- (3) Is the Minister aware that the Winthrop P & C Association Committee has conducted a survey of nearby schools and estimated that 305 students with Winthrop addresses are currently enrolled at these schools and that this figure is considerably more than the 220 students estimated by her department?
- (4) Would these 305 students, plus others moving into the area due to the rapid residential development, during the next six months, constitute an adequate number to justify the construction of the Winthrop school during the current financial year?
- (5) Is it correct that both Ardross and Booragoon Primary Schools have refused, or will be refusing, to accept students with Winthrop addresses?
- (6) Is the Minister aware that students residing in Winthrop have to cross busy highways to reach other schools, thereby facing daily an unnecessary hazard for children of their tender years?
- (7) Given the points made above, will the Minister agree to revise the decision on the establishment of the Winthrop school so that its construction can take place during the current financial year?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following reply -

- (1) Yes.
- (2) It is anticipated that construction will be undertaken during 1990 and be completed for the commencement of the 1991 school year.
- (3) Yes. Ministry data were based on a comprehensive survey conducted in February. Numbers have increased since then as new houses have been occupied.
- (4) Yes, if funds were available.
- (5) Yes. These schools have reached their capacities.
- (6) Yes. This is the case whether the students attend Government or non-Government primary or secondary schools.
- (7) No. Funds are not available for the construction of the school during the current financial year.

ELECTIONS - CITIZENS' INITIATIVE AND REFERENDUM CAMPAIGN PUBLICATION

More Votes than Eligible Voters Claim

505. Hon P.G. PENDAL to the Leader of the House representing the Minister for Parliamentary and Electoral Reform:

- (1) Is the Minister aware of the Citizens' Initiative and Referendum Campaign publication which states that "In WA last February 36 000 more votes were cast than there were eligible voters"?
- (2) Is this claim correct?

Hon J.M. BERINSON replied:

The Minister for Parliamentary and Electoral Reform has provided the following reply -

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

EDUCATION MINISTRY - COUNTRY HIGH SCHOOL HOSTELS AUTHORITY

Transfer Proposal - Initiator

509. Hon N.F. MOORE to the Minister for Local Government representing the Minister for Education:

Further to her answer to my question 406 of 5 September, will the Minister advise:

- (1) Who initiated the proposal to transfer the authority to the Ministry?
- (2) What is the rationale behind the discussions?
- (3) Which groups are being consulted about the proposal?
- (4) Has the Minister read the Standing Committee on Government Agencies' report into the Country High School Hostels Authority?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following reply -

- (1) I requested that the Ministry of Education, with assistance from the Office of Public Sector Management, review the report of the Standing Committee on Government Agencies on the Country High School Hostels Authority in the context of the overall needs of isolated children in this State. The proposal to transfer the authority to the Ministry arose from this review.
- (2) The proposal seeks:
 - to ensure an integrated provision of services to isolated students;
 - to streamline administrative tasks and responsibilities to allow hostel boards more time to focus on pastoral care; and
 - to provide greater career opportunities for staff.
- (3) All involved groups.
- (4) Yes.

REGIONAL DEVELOPMENT - COMMUNITY DEVELOPMENT PROJECTS

Small Town Self-Help Projects - Details

512. Hon BARRY HOUSE to the Minister for Racing and Gaming representing the Minister for Regional Development:

Would the Minister provide details of -

- (a) the nine community development projects around the State which will be funded this financial year at a cost of \$400 000;
- (b) the nine small town self-help projects which will be supported by the Department of Regional Development?

Hon GRAHAM EDWARDS replied:

The Minister for Regional Development has provided the following reply -

- (a) Funding for 1990 will be determined following assessment of performance and proposed performance targets in 1990. All projects are currently funded until 31 December 1989.

It is expected that a decision will be finalised early November.

- (b) The Local Development Unit in the Department of Regional Development and the North West has been invited by the local communities to conduct the Small Town Self Help Program in the following towns -

Shark Bay
Newman
Marble Bar
Paraburdoo
Bruce Rock
Tammin.

Negotiations are proceeding with a number of other towns which have requested participation in the program.

REGIONAL DEVELOPMENT DEPARTMENT - LOCAL DEVELOPMENT UNIT

Role - Town Based Officers

514. Hon BARRY HOUSE to the Minister for Racing and Gaming representing the Minister for Regional Development:

- (1) What is the role of the local development unit of the Department of Regional Development?
(2) In what towns are officers from the local development unit based?

Hon GRAHAM EDWARDS replied:

The Minister for Regional Development has provided the following reply -

- (1) The role of the Local Development Unit is to administer the community economic development program in rural areas. In addition to this, officers are involved in community planning processes as requested by communities on a Statewide basis. Officers also provide advice to community based organisations in developing innovative approaches to enterprise development in their area.
(2) Bunbury to service the south west and the great southern area.
Perth and Northam to service the wheatbelt.
Perth to service the rest of the State.

LAND - RESERVE 33471 BUNBURY

Freehold Title Concern - Adjoining Landholders' Complaints

515. Hon BARRY HOUSE to the Minister for Lands:

- (1) Is the Minister aware of concerns over the freehold title of Reserve 33471 adjoining Lee Street, Bunbury?
(2) Is the Minister also aware that one of the adjoining landholders, Mr C. B. Moulton of 1 Lee Street, Bunbury, has paid \$635 for the purchase of the reserve adjoining lots 32 and 182?
(3) Is the Minister further aware that an adjoining landholder, Mrs Fehr, has complained to the Parliamentary Commissioner on the purchase?
(4) Has this approach been considered?
(5) If so, when will a decision be made?

Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

- (1) Yes.
- (2) Yes.
- (3) Yes.
- (4) A Department of Land Administration report dated 6 September 1989 has been forwarded to the Parliamentary Commissioner. The Parliamentary Commissioner also sought a report from the City of Bunbury on this matter.
- (5) The Department of Land Administration proposes to forward a compromise solution to Mrs Fehr and Mr Moulton whereby each will be offered an equal portion of the reserve adjoining their respective properties.

HOUSING - HOMESWEST

Towns - Rental and New Housing, Applicants

516. Hon BARRY HOUSE to the Leader of the House representing the Minister for Housing:

- (1) For the towns of
 - (a) Bunbury;
 - (b) Australind;
 - (c) Eaton;
 - (d) Gelorup;
 - (e) Busselton;
 - (f) Donnybrook;
 - (g) Capel;
 - (h) Boyanup;
 - (i) Dardanup;
 - (j) Harvey;
 - (k) Mandurah;
 - (l) Waroona;
 - (m) Pinjarra;
 - (n) Collie;
 - (o) Brunswick;
 - (p) Albany;
 - (q) Mt Barker;
 - (r) Denmark; and
 - (s) Boyup Brook

will the Minister advise the -

- (i) existing rental housing stock for each town;
 - (ii) number of applicants for Homeswest housing for 1989-90;
 - (iii) annual turnover of applicants; and
 - (iv) projected new houses to be provided by Homeswest for 1989-90?
- (2)
 - (a) How many aged accommodation units are planned for each town in 1989-90; and
 - (b) how will the units be described?

- (3) Are there any proposals for joint venture housing projects between Homeswest and private enterprise in any of the towns listed in (1) above?

Hon J.M. BERINSON replied:

The Minister for Housing has provided the following reply -

(1)

	(i) Existing Rental Stock	(ii) Current Rental Applic.	(iii) Turnover Rental Stock	(iv) Proposed Building Program
Bunbury	1 031	365	292	70
Australind	13	8	2	-
Eaton	nil	nil	not applicable	-
Gelorup	nil	nil	not applicable	-
Busselton	279	240	39	41
Donnybrook	28	16	14	-
Capel	38	15	16	-
Boyanup	10	5	3	-
Dardanup	nil	nil	not applicable	-
Harvey	88	42	26	-
Mandurah	306	569	27	95
Waroona	62	18	21	-
Pinjarra	97	53	29	-
Collie	414	41	124	11
Brunswick	41	4	21	-
Albany	585	241	136	43
Mr Barker	45	6	15	-
Denmark	24	24	6	1
Boyup Brook	41	7	14	-

(2)-(3)

	1 bedroom	2 bedroom	Joint Venture
Bunbury	11	2	20 x 1 bedroom
Busselton	6	5	30 x 1 bedroom
Mandurah	25	9	-
Collie	4	-	-
Albany	-	-	21 x 1 bedroom

ENERGY - WIND FARMS

Moses Rock Area, Yallingup - Site Consideration

518. Hon BARRY HOUSE to the Leader of the House representing the Minister for Fuel and Energy:

- (1) Is the Moses Rock area, south of Yallingup, being considered by SECWA as a possible site for a wind farm to generate electricity?
- (2) If so, is the property at Moses Rock, jointly owned by the Deputy Premier, Mr Parker, one of the sites being considered for the wind farm?

Hon J.M. BERINSON replied:

The Minister for Mines has provided the following reply -

- (1) SECWA is planning to establish wind monitoring stations in a number of locations, including the Moses Rock area, to assess the potential for future wind farms.
- (2) The selection of a specific wind farm site will be dependent on current testing programs.

QUESTIONS WITHOUT NOTICE

QUESTIONS - No 449, POSTPONED

Answer Date

243. Hon GEORGE CASH to the Attorney General:

The Attorney General will be aware of postponed question No 449, in my name, which I referred to in question without notice No 198 on Thursday, 7 September 1989. I ask him when I can expect an answer to question No 449, given his comments last night to question without notice No 238? I appreciate that I have quoted only question numbers to the Attorney General and I am more than happy to hand over the questions to him.

Hon J.M. Berinson: Is it question No 449 you are asking about?

Hon GEORGE CASH: Yes, and it has some bearing on the Attorney's answer to question No 238 yesterday. My main question is: When can I expect an answer to it?

Hon J.M. BERINSON replied:

No later than Tuesday of next week.

ROTTNEST ISLAND AUTHORITY - 6KY'S LICENCE RENEWAL *Chairman's Influential Actions - Photographs Prohibition, Elitist Institution*

244. Hon P.G. PENDAL to the Attorney General representing the Minister for Planning:

- (1) Does the Minister support the actions of the Chairman of the Rottnest Island Authority in the authority's bid to influence the outcome of 6KY's licence renewal before the Australian Broadcasting Tribunal?
- (2) Was the Minister consulted by Mr Dempster before he took this action?
- (3) Given the current action, and the Rottnest Island Authority's decision earlier this year to prohibit the taking of photographs on Rottnest Island without permission, does she have any fears that the island is developing an elitist mentality amongst board members where scrutiny is seen as objectionable and unpalatable?

Hon J.M. BERINSON replied:

I thank the member for advance notice of the question. The Minister for Planning has provided the following reply -

- (1) Yes.
- (2) The Minister was informed by the Rottnest Island Authority that it intended to write to the Australian Broadcasting Tribunal.
- (3) The authority did not decide earlier this year to prohibit the taking of photographs without permission. The authority decided to do away with the long established requirement to gain permission for the taking of photographs for private or media purposes. It therefore appears that the member has got his facts wrong. As to the rest of the member's question, this Government has absolutely no fears that the island will become an elitist institution. Unlike our predecessors, who promoted the rape of the island by private profiteers, this Government is committed to providing fair and equal access to Rottnest Island as an affordable and desirable destination for all Western Australian families. Our policies and achievements have proved this.

Other indications of change are -

Massive increase in occupancy rates - now more than 85 per cent year round;

a record number of applications for summer holidays in 1989-90 with a completely random system of selection based

on application date. The system cannot be manipulated to favour anybody;

a fairer and more equitable system of allocating moorings which provides for greater sharing of moorings and does not depend on friendship or inheritance;

more than 400 000 visitors a year;

virtual elimination of rowdy incidents;

upgrading of most services on the island;

a massive environmental conservation and enhancement program; and

a Rottnest Island management plan which will guide future management of all aspects of the island's physical environment.

THOMPSON BAY GENERAL STORE - LEASEHOLDERS

Lease Grant Date - Tenders

245. Hon P.G. PENDAL to the Attorney General representing the Minister for Planning:

I preface my remarks by saying that notice has been given of my question.

- (1) Who are the parties who hold the lease for the Thompson Bay general store?
- (2) When was the lease awarded and for how long?
- (3) When were tenders for the lease called and closed?
- (4) How many tenders were received?
- (5) Was one of the successful tenderers in any way associated with the failed Rothwells Bank and, if so, in what capacity?

Hon J.M. BERINSON replied:

I thank the member for advance notice of this question. The Minister for Planning has provided the following response -

- (1) The lease is held by Crioxe Nominees Pty Ltd. The directors of this company are Mr W.A. Burgess, Mr T.M. O'Connor and Ms H.C. O'Connor.
- (2) The lease was granted on 15 April 1985 for a period of five years.
- (3) An advertisement was placed in *The West Australian* on 23 and 27 February and 2 March 1985. The closing date was 12 noon on 19 March 1985.
- (4) Two.
- (5) Mr W.A. Burgess was a director of the Rothwells Bank.

LEE, MR PETER - STATE BUDGET

Balancing - Extra Borrowings Requirement, Statement Confirmation

246. Hon P.G. PENDAL to the Minister for Budget Management:

Will he confirm the view of the General President of the Western Australian Farmers Federation, Mr Peter Lee, that the State has balanced its Budget, but that an extra \$110 million of borrowings has been required to achieve this end?

Hon J.M. BERINSON replied:

I was not aware of that statement. Quite frankly, on hearing it for the first time I am not sure of what Mr Lee's comment is intended to convey. I ask the honourable member to put the question on notice and I will be happy to secure a reply.

PRISONERS - SEX CHANGE TREATMENT*New South Wales - Western Australia*

247. Hon GEORGE CASH to the Minister for Corrective Service:

- (1) Has he seen the article in tonight's *Daily News* in which it is alleged that 13 male prisoners have undertaken sex change treatment while serving time in New South Wales gaols?
- (2) Regardless of whether he has seen the article would he advise whether any prisoners in Western Australian gaols have, in fact, been afforded sex change operations while serving time in gaol?

Hon J.M. BERINSON replied:

(1)-(2)

Once again I am obviously behind the times because I have not come across the *Daily News* article, but as Hon George Cash indicates the second part of his question is the relevant part; that is, whether any such operations have been conducted on prisoners within the Western Australian prison system. I can only say I am not aware of any such operations having been performed and I would expect to have been aware had they, in fact, been performed.

LOTTERIES - SPORT AND CULTURE INSTANT LOTTERY*Net Income - Sport and Culture Percentage*

248. Hon R.G. PIKE to the Minister for Racing and Gaming:

What percentage of the net income from the sport and culture Instant Lottery is paid to sport and culture?

Hon GRAHAM EDWARDS replied:

I am not sure what the percentage is, but if the member wishes to rephrase his question and put it in monetary terms then I will be happy to answer.
