

Legislative Council

Thursday, 3 May 1990

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

CONDOLENCE MOTION - JAMIESON, HON COLIN JOHN

HON J.M. BERINSON (North Metropolitan - Leader of the House) [2.33 pm]: During the recent parliamentary recess members were saddened to learn of the deaths of no less than four former members of the Parliament, two from the Legislative Assembly and two from this House. I refer to Hon Colin John Jamieson, Mr Cecil Thompson Oliver, Hon John Carmichael Tozer, and Hon George Edward Jeffery. I move without notice, firstly -

That this House records its sincere regret at the death of Hon Colin John Jamieson, former member of the Legislative Assembly, and extends its deepest sympathy to members of his family in their bereavement.

It is most appropriate that we record in this condolence motion the regret felt by members in this House, many of whom were close colleagues of the former Minister and most of whom knew him as a result of his extraordinary period of service in the Parliament. I know that not only members on this side of the House, but all members will want to extend to the family of the former member our sympathy at the great loss they have suffered.

My first knowledge of Colin Jamieson came about in rather extraordinary circumstances; it happened in the mid-1950s when I was a new and raw recruit to the State Executive of the Australian Labor Party. At one of the first meetings I attended I was more than a little surprised at a procedure which emerged when one member of the Executive charged another member of the Executive with failing to do his duty as a member of the party by not assisting the aggrieved member in his recent election campaign as much as he should have. A young man in his early thirties, I thought, then advanced to the front of what in those days was a large body of members and proceeded to give his defence. That man was Colin Jamieson. All of this struck me as an extraordinary way of going about the political business of the State and the country, but the aspect which I remember most vividly is that Colin Jamieson spoke for a very short time and was very quickly vindicated by an overwhelming vote of the Executive. Not only that, but a few weeks later he was appointed a senior officer of the party and a couple of years later he became the State President, a position he filled for no less than 18 years. That record in the leading position of the lay Labor Party in this State is itself testimony to the ability of Colin Jamieson and the high respect in which he was held.

He rendered extraordinary service to the Parliament, the people of this State and the Australian Labor Party. I have referred already to his lengthy period of service as State President of the Labor Party. That almost pales into insignificance when one considers his membership of the Legislative Assembly, which extended over a period of no less than 33 years, from 1953 to 1986. It included a term as Leader of the Opposition and three years, from 1971 to 1974, as a Minister in the Tonkin Government when he held the portfolios of Works, Water Supplies and Electricity, and later Traffic Safety. Colin Jamieson was at the helm of the Labor Party in quite turbulent and difficult times. He had the satisfaction of seeing the ALP move back, both at State and Federal levels, to lengthy periods in Government, to which he contributed in an important way. Even after his resignation from the Parliament in 1986 we often saw him in the Parliament building. I do not think that was so much an expression of withdrawal symptoms as a continuing attachment to this institution and to the many friends which he had made on all sides.

Colin Jamieson came from a humble background and committed his life to improving the condition of the less well off in the community. Members on both sides of the House acknowledged that he was a tough, honest and straightforward member of Parliament. He was a staunch supporter of the parliamentary system; he followed keenly the parliamentary debates; and his eye for detail ensured that high standards for legislation were retained. It was more than appropriate that in 1988, after his retirement from the Parliament, he was awarded the Order of Australia.

I am confident that I speak for all members in this House, and for many others, when I

express our profound regret at the sudden and unexpected death, at far too early an age, of the late Colin Jamieson. I extend our sincere sympathy to his wife, Emily, and to all the members of the family on their bereavement.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [2.42 pm]: On behalf of the members of the Opposition I join with the Leader of the House in this condolence motion for the late Colin John Jamieson. The Leader of the House outlined a brief history of Colin Jamieson's parliamentary career, which accurately reflects the very long period during which he served as a member of the Legislative Assembly in this State.

Mr Jamieson was born in Perth in 1923, and died a short time ago on 6 March 1990, at much too early an age for a man of his capacity and ability, as was expressed by the Leader of the House, and as I am sure all members agree. Members would be aware that Colin Jamieson was in the House only a matter of weeks before his sudden demise.

Colin Jamieson was called up for military service in 1941. He served first in the Australian Infantry Forces in a transport company, and later was transferred to the Royal Australian Air Force, where he worked as a radar mechanic. He was discharged in 1946 and went to work for the Midland Railway Company as a storeman. He later left that company to train as a carpenter under the re-establishment scheme for returned servicemen. Having trained as a carpenter, Mr Jamieson then decided that he could contribute to the affairs of State and to those less fortunate than himself by becoming a member of Parliament. He was elected to Parliament in February 1953 as the member for Canning. Even in those days electoral redistributions occurred from time to time, and in April 1956 he was elected as the member for Beeloo. In March 1968 he was elected as the member for Belmont, and in March 1974 as the member for Welshpool. He held that seat until his retirement from the Legislative Assembly in 1986.⁷ He was a Minister in the Tonkin Government, and held a number of important portfolios.

Mr Jamieson had the honour of being the longest serving president of the Australian Labor Party in Western Australia - for a period in the order of 18 years. I understand from advice I have received from members of the Australian Labor Party that he was elected as a life member of that organisation in recognition of the tremendous amount of work he did for it. There is no question that Colin Jamieson was committed to improving the lot of those who were less fortunate than he.

I think I am probably the only member of this House who had the honour of working with Mr Jamieson while he was a member of the Legislative Assembly and while I was also a member of that Chamber. In 1984, when I was first elected to the Legislative Assembly, we shared seats on an aisle, admittedly on opposite sides of the House, but from time to time, as the longest serving member of the Government at that time, he would lean across and give me words of advice and encouragement, which I can remember to this day. I appreciated the friendship that he extended to me as a young and new member of the Legislative Assembly. Colin Jamieson was inclined to study carefully the Bills which came before the Parliament, and one of the things that he mentioned to me very early in my membership of the Legislative Assembly was that Ministers cannot be expected to understand all the clauses of a Bill, but I as a backbencher had the opportunity, and obviously the time, to study them very closely and to make an impression in the House by asking relevant questions of the Minister in charge of the Bill.

With those remarks, and with my personal appreciation of the encouragement that Colin Jamieson offered to me, I extend our sincere condolences at this time to his wife, Emily, to his son and his daughter, and to his family.

HON E.J. CHARLTON (Agricultural) [2.48 pm]: On behalf of the members of the National Party I endorse the comments made by the Leader of the House and the Leader of the Opposition in extending the Opposition's sympathy to the family of the late Colin Jamieson. It is undoubtedly a very important privilege for any person in our society to be given the opportunity of representing part of this State of Western Australia, as did Colin Jamieson and those who have gone before him, and as do those of us in this Chamber. Colin Jamieson played a very significant role on behalf of his party.

No matter when a death occurs within a family, and no matter at what age or under what circumstances, it is always very final, and it is something which we all must accept from time

to time. We all know that a great deal of sadness is associated with death, and on behalf of the National Party we extend our sympathy to Colin Jamieson's family.

HON T.G. BUTLER (East Metropolitan) [2.49 pm]: I join in the tributes that have been paid to the late Colin Jamieson. I knew Colin for more than 30 years. I owe a great debt of gratitude to Colin and to the late George Jeffery, to whom we will be paying tribute shortly. They first knocked on my door in 1955 in the course of Mr Jeffery's campaign for his subsequent election to this Chamber in 1956, and it was as a result of their knocking on my door that I became a member of the Labor Party. Colin Jamieson has had a highly distinguished career in the labour movement and there was no position in the Labor Party in Western Australia which he did not fill at some time, either on a full time or a relieving basis.

Colin Jamieson had an equally distinguished career in Parliament. He was a Minister in the Tonkin Government and later the Leader of the Opposition in another place. He was also President of the Australian Labor Party for some 18 years and of those of us who remember Colin's presidency and his chairmanship of the State Executive of the ALP, many came away with scars when we attempted to mix it with him because, as Hon George Cash said, he had a great eye and a good ear for detail and one had to have one's Standing Orders well and truly fixed in one's mind before one decided to take Colin on in any form or fashion. He was also an ALP Executive member for well over 30 years, so his career was long and distinguished and was recognised with an Order of Australia in 1988 which was well and truly deserved by him.

Colin was fiercely proud also of his trade union ties and his working class background, and his visits to the Court Hotel on Friday evenings to mix with his trade union friends were almost traditional; he had a strong following among them. As a matter of fact, when he was deposed as Leader of the Opposition it was the trade union movement which really rallied around Colin and expressed its discontent with that decision. He was fiercely loyal to the Labor movement as well, and to all of the things it stood for.

I have many happy memories of Colin over many years and I have many scars from the many battles we engaged in; nevertheless he was a man who at all times earned the respect of all those who knew him and worked with him. He was a man of very strong compassion and conviction, and although I have already offered my sympathies to his wife Emm and to Ron and Jane, I join with other members of this House in formally extending my condolences.

HON P.G. PENDAL (South Metropolitan) [2.52 pm]: It would be a pity for this motion to be passed without some mention being made, for the record, of the activities of Hon Colin Jamieson in perhaps the ultimate stage of his parliamentary career as a founder member of the Parliamentary History Advisory Committee. It is a sad coincidence or irony that he should die in the year in which this Parliament will celebrate 100 years of operation under the bicameral system, because it was the early work of that committee, which was established in 1982, to which he contributed in a very substantial way.

Anyone who knew Colin Jamieson - and I knew him for almost 20 years, first as a journalist and then as a member of Parliament - would know that he lacked nothing in learning. He may well have missed out on a university education but he more than made up for that by the sheer breadth and depth of the knowledge that he had about so many things in life. Some people might describe him as having an encyclopaedic knowledge of what went on in Parliament over three decades, and I know many of the historians who were involved in putting together the eight volumes that will ultimately be produced this year for the anniversary relied on Colin Jamieson - on his memory and, as Hon Tom Butler has said, on his eye for detail. I do not think it is going too far to say that Colin Jamieson, in his own way, was an intellectual of considerable proportions. I join with other members in acknowledging the work he did for the Parliamentary History Advisory Committee. My regret is that he, like so many other members, left this place but did not leave behind any serious set of memoirs, although I think members will find his memories were recorded via the oral history program attached to the Parliamentary History Advisory Committee.

I also remember with some affection the overseas trip I made to the Cook Islands with Colin Jamieson not long after I came here. His great sense of humour and his learning came through very much in that association. I therefore join with other members in extending to Emm and his family my condolences on the passing of a great Western Australian.

HON FRED MCKENZIE (East Metropolitan) [2.55 pm]: I support the motion and the remarks made by previous speakers. Along with Tom Bateman I was asked by Colin Jamieson's family to deliver the eulogy for Colin at his funeral. Tom Bateman believed it would be better left to one person and he gave me that sad privilege. Of course, I delivered it. Much has been said about Colin's history in a political sense and Hon Phillip Pandal has rightly referred to Colin's interest in the history of the Parliament. Those who knew him for a long time realise he was very interested in the protection of the parliamentary system and its history, which we do not think much about. It is very important and Colin contributed to the Parliamentary History Advisory Committee.

In respect of Colin's memoirs I must point out that I did have a pleasant surprise from his family in that there are some memoirs which were done in conjunction with some people from the Battye Library. I think that is fortunate because we do not have very much in the way of this kind of history. Those memoirs are about to be released and Mrs Jamieson recently received a copy of them. During Colin's last bout of illness he was contacted by the person in charge of that body and asked to contribute for the record; so all will not be lost and I wanted members to know that.

People may not realise that apart from Colin's involvement in politics he had other pursuits, mainly in the sporting area. He was also a very community minded person and just because he left the Parliament it did not mean he was going to retire. For example, just prior to his retirement from Parliament he became the President of the Swan Electorate Council and continued in that position until his death. Quite apart from that, members may not be aware that he was a member of a number of bodies. He did not cease attending ratepayers' meetings in Belmont, nor the branch meetings of the Australian Labor Party; so he was very committed in that area.

However, more important and closer to home was his involvement in sport; I will mention football and tennis. Colin was an active member of the Belmont Tennis Club and played there until 12 months prior to his death when his knees began to give him problems. His knees caused his hospitalisation which finally, while not responsible for his death, may have been a contributory cause because complications occurred during his period of hospitalisation for that knee operation. In respect of his football connections, an article appeared in a publication entitled *Westside Football*, a football magazine printed by Community Newspapers. I will mention some of the things Colin was involved in, because he was involved for longer in football than in the Parliament - but he was not involved in football for longer than he was in politics, because he was born with that political streak in him.

With regard to Colin's sporting achievements, as they relate to the Amateur Football League, he joined the Midland Junction amateurs as a playing member in 1946. He became a club delegate at the same time and remained in that position for a remarkable unbroken 44 years of service on the amateurs' council. That is a long time to serve any organisation. He was club secretary at Midland and then transferred to the Bayswater club at the start of 1949 and was immediately elected as secretary and held that position for three years. Colin was elected club president of the Bayswater Amateur Football Club from 1953 until 1971 and was presented with life membership at Bayswater in 1956. At the 1953 Adelaide amateurs' carnival, Colin was Western Australia's assistant manager and was subsequently appointed manager of the Western Australian Amateur Football League teams that competed in the 1956 Hobart and 1959 Perth carnivals. From 1956 till 1985, Colin Jamieson was a delegate to the Australian Amateur Football Council and also the executive member from this State. That represents almost 30 years' service to amateur football.

Colin Jamieson also served two terms, from 1967 to 1971 and from 1979 to 1983, as President of the Australian Football Council, and in 1985 he was given life membership of that governing body. Colin was also a life member of the Western Australian Amateur Football League and served as president from 1971 to 1983. In 1958, Colin was honoured with life membership to the WAAFL, and in 1971 he received the National Football League merit award for services to football.

I thought I would bring these matters forward because they are not widely known; Colin was more commonly talked about for his services to the Parliament of this State. I would like to read a letter from Mr Trevor Howard, President of the Western Australian Amateur Football

League, because we would all agree with the sentiments expressed in this message. They apply equally in the political arena as they do in the sporting arena. The letter reads -

The sudden passing of Colin Jamieson on Monday, March 26 was a great shock to all of us in Australian football and left us with a deep sense of loss.

Colin's contribution to the WAAFL and to the AAFC is well documented, but what that contribution meant to individuals may not be.

Colin was a great friend to many people in football. He gave them his time, he shared his knowledge and his fair sense of judgement.

His willingness to contribute was the essence of the man. He served on committees such as the Reinstatement Committee and the Investigation Committee and his sense of fairness and commonsense was well respected by all those who came before him.

Colin's ability to recall past events or decisions and present them in a current debate gave us the comfort of knowing that we were not sailing into uncharted waters.

That is an important point, because I witnessed that, both inside and outside the Parliament, Colin's knowledge and memory of things was remarkable. He could recall events way back in the late 1940s and 1950s, and beyond. Quite often he saved me from putting my foot in it, as the saying goes, simply because of his memory. The letter continues -

Many decisions were blessed with his knowledge.

Socially, Colin was a delight to be with; on carnival trips, trophy nights or simply after meetings he was entertaining and obviously enjoyed the company of his football colleagues.

We will go into the 1990 season without Colin as our coach. But we will be a well-prepared team because of his contributions.

The Jamieson family has indicated its gratitude for the many condolences and messages received - and they are numerous, as one would expect. Happy memories will be with that family during this period of extreme grief and for the rest of their lives; and that has assisted and will continue to assist them no end. Mr President, I know that you have written to Mrs Jamieson - as have many other people - and that was very much appreciated.

Colin Jamieson was a great family man. He was married to Emily - she was his only wife, and that is some achievement these days when many people change partners during a lifetime. The Jamieson family is a very happy one; we have been neighbours for the past 20 years. We live about a kilometre apart and I saw a lot of Colin. With Tom Bateman and our wives, I had the privilege of celebrating Colin's sixty-sixth birthday on the *Indian Pacific* train returning from a parliamentary bowls carnival in Queensland during May 1989. Even though Colin did not play bowls he joined with the team and that had been the case for many years - long before I became involved in bowling carnivals.

Colin was very proud of his family and extremely proud of his daughter-in-law, Jo-Maree, and his grandchildren who were probably the greatest interest he had in his life. Although it is sad to see Colin pass away, we know he led a full life right to the end, and no-one could wish for better. That thought will assist his family during this time of grief.

HON GARRY KELLY (South Metropolitan) (3.08 pm): I would like to pay tribute to the late Colin Jamieson. I first came across Colin in 1966, almost a quarter of a century ago, when I joined the Australian Labor Party and attended the State executive as a visitor. In those days, meetings were held in the dungeon of the Trades Hall in room 33. That room had many columns, and those were the days before the Quit campaign, so if a person could see between the pillars and through the smoke he would see Colin Jamieson plying his art as chairman of the State executive. As an 18 year old, I could not help but be impressed with his knowledge of standing orders. I remember David Parker saying, when he was active on the State executive, that being in a meeting with Colin Jamieson presiding was good training because if one transgressed Standing Orders he would know that one had done so and it was highly probable that one would not err again. From my experience, Colin was a tough chairman but a very fair one. He taught many of the members of the ALP the whys and wherefores of meeting procedures and how to conduct themselves in that forum. From a distance, as a young person, initially my impression was of a very brusque man and one who

was hard to get to know. But that goes to show how wrong first impressions can be because over time Colin proved to be anything but that. He could be brusque but generally speaking, especially at a personal level, he was warm, gregarious and, as has already been said, very good company socially. Without reiterating everything said by other speakers, it is important to realise that Colin was a true son of the labour movement, both in the industrial wing and the political wing. He was dedicated to the principles of the labour movement and he was a man of principle. When Colin said something one knew he meant it. However, that did not mean that one necessarily agreed with everything he said. Hon Tom Butler mentioned that he has a few scars from the disagreements he had with Colin. At the end of the day, disagreements or not, one of the highest accolades that can be paid to him is that he was a good bloke. All who knew him would appreciate that.

On a very personal level, come this 26 May I will not be ringing Colin to wish him a happy birthday - something I have been doing for quite a number of years; not because my knowing that his birthday was on 26 May is special, but because both he and I shared the same birth date. We could have been called celestial twins. Every year on 26 May I rang him and wished him happy birthday. The loss of that fairly minor involvement with Col is another reason that I will miss him very much. I express my deepest sympathy to his family. Colin will be missed deeply by all who knew him, particularly his family. So long Jamo!

HON J.M. BROWN (Agricultural) [3.13 pm]: I join with the Leader of the House, the Leader of the Opposition, the Leader of the National Party and my parliamentary colleagues in expressing my condolences to Mrs Emily Jamieson and family. In doing so, I am mindful of my service as a member of the Tonkin Government in 1971 and of the position Colin held as a Minister of the Crown. At the beginning of this debate Colin's background was mentioned; I recall that during a debate an Opposition member made an observation about Colin's being a carpenter and one of Colin's colleagues quickly responded that he was real Cabinet material. That expression has lived with me through all these years and I felt it incumbent upon me to relate that experience to the House because he certainly was Cabinet material.

As a country member, I always admired Colin's contribution on behalf of the rural people when he held the portfolios of Works and Water Supplies. His vast knowledge and his consideration for people from all walks of life has already been amply described by members of this House. One of the happiest occasions I experienced was in 1982, when Colin organised a delegation of seven of us to visit China under the direction of the Institute of Foreign Affairs to encourage goodwill and progress between Australia and China generally. As a result of his endeavours I believe we were able to make an impact within the Chinese community that was the forerunner to the continued success that Western Australia enjoys in trade and commerce with China. I conclude my remarks by joining others in expressing sincere regret on his sad passing.

THE PRESIDENT (Hon Clive Griffiths): As is usual, I intend to say a few words on this motion about the late Hon Colin Jamieson. I met him in exactly the same way as Hon Tom Butler indicated except I met him a couple of years earlier; it was in 1953 when he was a brand spanking new candidate for the seat of Canning. In those days the State seat of Canning's boundary was South Terrace in South Perth, and I lived on the side of South Terrace that was in Canning. Colin knocked on my door and presented as a pretty good looking, energetic young person, a lot older than me but nevertheless reasonably young! I should whisper this because I do not want a lot of people to know about it: Colin knew that as a result of that visit I actually voted for him; but I do not want members to let people know about that.

Colin was a dynamic member of Parliament. He had a very long and distinguished career which has been elaborated on by numerous speakers and I do not intend to go over that ground. I first met him as an opponent during my own election when he was the member for Beeloo which was part of the South-East Metropolitan Province that I contested in 1965. Over the years that we shared an electorate he was always a pretty tough opponent at election times. He certainly gave no quarter and he asked for none. I can honestly say in all the years that we shared an electorate together we never exchanged a solitary cross word to one another. Sharing his electorate, I had the opportunity of attending literally hundreds of functions with Colin and his wife. One of the very pleasant attributes nobody has mentioned was Colin's horticultural skills - I do not know how the devil he had enough time to do all the things he did. Colin was an avid grower of dahlias and he was a very active member of

the horticultural societies in his electorate in Victoria Park and Belmont. Not only was he an avid grower of dahlias but he was also a very good grower of them because he won many prizes at horticultural shows. Colin will be missed, even by those involved in that activity. His association with the Amateur Football League, which has been mentioned and covered by Hon Fred McKenzie, was a distinguished career on its own. I offer my sad condolences to his wife Emily and two children and I regret that when his funeral took place, I was out of the State.

Question passed, members standing.

CONDOLENCE MOTION - JEFFREY, HON GEORGE EDWARD

HON J.M. BERINSON (North Metropolitan - Leader of the House) [3.19 pm]: I move without notice -

That this House expresses its sincere regret at the death of Hon George Edward Jeffery, a former member of the Legislative Council, places on record its appreciation of his public service to the people of Western Australia and extends its deepest sympathy to members of his family in their bereavement.

George Jeffery died on 24 July 1989 at the age of 68. He was born at Tumby Bay at South Australia and moved to Western Australia as a child. He was educated at the Mt Hawthorn and Plympton Primary Schools, Perth Boys School and Perth Technical School. After a period of service with the Police Department, George Jeffery became a chemical plumber. His trade was interrupted by service in World War II with the 13 Field Company of the Royal Australian Engineers. On his discharge from the Army, he returned to his trade and became a member of the executive plumbers' union of Western Australia. From 1956 to 1962 George Jeffery was the Labor member for the Suburban Province of the Legislative Council and he served with distinction. After leaving Parliament he was with the Crown Law Department for several years and was a company representative for Burns Philp from 1963 to 1968.

In and out of Parliament George Jeffery was a tireless worker for the communities of Bassendean, Guildford, Armadale and Kelmscott in a wide range of activities. For long periods he was actively associated with the Swan Districts Football Club, the Bassendean Swimming Club and the Bassendean Youth Centre and he was a member of the Pollard Hospital Board in Guildford.

Later in life George Jeffery became President of the Kelmscott Agricultural Society, President of the Armadale Kelmscott Historical Society and a member of the Armadale History House Management Committee. He was also active in Armadale's participation in Australia's bicentennial celebrations.

George Jeffery will be remembered warmly by all those who came in contact with him. On behalf of the Government members of this House and, I am sure, of others I extend to his family our sincere sympathy in their loss.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.21 pm]: On behalf of the members of the Opposition I support the motion moved by the Leader of the House.

George Edward Jeffery was born in South Australia on 5 September 1920 and he died at Perth on 24 July 1989. He was educated at Tumby Bay in South Australia, the Mt Hawthorn State School, the Perth Boys School and the Perth Technical College before joining the Police Force where he served from 1935 to 1938.

In 1941 George Jeffery enlisted with the 13 Field Company of the Royal Australian Engineers and was discharged from the Army in 1943. As the Leader of the House said, George Jeffery represented the Suburban Province in the Legislative Council for the period from 1956 until May 1962 when he retired. He was very active in the community and had a very close association with the Swan Districts Football Club, having served as secretary of that organisation from 1965 to 1970. He was later made a life member of that club and he was an inaugural member and joint founder of the Bassendean Swimming Club and the President of the Bassendean Youth Centre.

On behalf of Opposition members I extend condolences to his family and close friends.

HON T.G. BUTLER (East Metropolitan) [3.23 pm]: I join in the tribute to George Edward Jeffery, who I first met when he and Colin Jamieson knocked on my door seeking my support of George's candidature for the seat of Suburban Province. George Jeffery was cast in the same mould as Colin Jamieson and he was fiercely proud of his working class and trade union background and, as already stated, he served for many years as an executive member of the Plumbers and Gasfitters Union.

George Jeffery loved to tell of the days when his family was young and was battling to survive on the pay of a plumber. He highlighted this by saying that shortly before Colin Jamieson and Mrs Ruby Hutchison called on him at Cresco Fertilisers, where he worked as a maintenance plumber, to have him sign his preselection form for endorsement of his seat he had accidentally torn the backside out of his trousers. He spent most of his time while talking to Colin Jamieson and Mrs Hutchison making sure that he did not turn around - I am sure that was one of the highlights of his career.

I came to know George Jeffery very well because he was a constant visitor to the branches of the Labor Party of which I was a member and he often visited the area where I lived, which was in his constituency. George was always willing to take up the cause of those people I referred to him. He was a person with a great sense of humour, a very intelligent wit and very strong Labor principles. Unfortunately, I did not see very much of him in his latter years but when we did meet it was obvious that the same fierce loyalty to his working class origins were present - he never lost his fierce loyalty to the Labor movement.

Along with Colin Jamieson I owe George Jeffery a great debt of gratitude and I have passed on my condolences to his family and have pleasure in supporting the motion.

THE PRESIDENT (Hon Clive Griffiths): I also knew George Jeffery, who was my upper House member at one time. I might add that I did not vote for him, but I knew him very well. After he ceased to be a member of Parliament he was a constant visitor to Parliament House and as a member of the Former Members Association he continued to fraternise with both his old compatriots as well as the present members of Parliament. I join with other speakers in extending condolences to his wife and family.

Question passed, members standing.

STANDING ORDERS - SUSPENSION

Condolence Motions

On motion without notice by Hon J.M. Berinson (Leader of the House), resolved with an absolute majority -

That Standing Orders be suspended so far as will enable the obituary motions to be dealt with and for formal business and motions to be taken before proceeding to Orders of the Day.

CONDOLENCE MOTION - TOZER, HON JOHN CARMICHAEL

HON J.M. BERINSON (North Metropolitan - Leader of the House) [3.28 pm]: I move without notice -

That this House expresses its sincere regret at the death of Hon John Carmichael Tozer, a former member of the Legislative Council, places on record its appreciation of his public service to the people of Western Australia and extends its deepest sympathy to members of his family in their bereavement.

Mr John Carmichael Tozer died on 23 April this year at the age of 67. He was born in Perth and educated at Hale School and the Perth Technical College and took an external studies course from Melbourne Technical College.

John Tozer began his working life as a clerk and became a cadet in the civil engineering branch of the Western Australian Government Railways. In September 1940 John Tozer began a distinguished period of military service. He served in the Middle East, South East Asia, New Guinea and Australia with the Royal Australian Engineers, the Royal Australian Infantry, the 2/6 Commando Squadron and the Australian Parachute Training Centre. He was wounded in action in 1943, commissioned as Lieutenant in 1944 and discharged in 1946.

After the war, John Tozer was field engineer with the British Phosphate Commission until 1952 and then a local government engineer and executive officer. In 1961 he became shire clerk and engineer for Harvey, a position he held for three years. In 1964 he began what was to become a distinguished involvement with the administration and development of the north west of the State when he became its assistant administrator and later administrator. In addition to those roles he was also chairman of the Kimberley central north and north west consultative councils and a member of the north west co-ordinating authority.

A member of the Liberal Party from 1967, John Tozer was elected as the Liberal member in the Legislative Council for North Province in 1974, a position he held for six years. He was a respected member of this House and will be remembered warmly by many on both sides.

John Tozer's fine record of public service did not end when he left the Parliament. He had an active involvement in the Junior Church of Christ and was closely involved at senior levels in both the Lions and Rotary movements.

John Tozer served with distinction and integrity in a wide range of positions. On behalf of the Government members of this House, and of many others, I extend to his widow, Madeline, and family sincere sympathy in their sad loss.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.32 pm]: On behalf of members of the Opposition I join with Government members in the condolence motion moved by the Leader of the House in relation to Hon John Carmichael Tozer who was born in Perth in June 1922 and died only a month ago in Perth. His wife Madeline and son Peter were always strong supporters of his career, both as an engineer/administrator and member of Parliament.

John Tozer was educated at Nedlands State School, Hale School, Perth Technical College and later did external studies at the Melbourne Technical College. As advised by the Leader of the House, John Tozer was originally employed as a cadet engineer with the Western Australian Government Railways Department until he entered the Army in 1940. Those who knew him would be aware of his fine Army record. I think it is fair to suggest that some of the dedication he showed as an Army officer came from the fact that he was the son of Major Hubert John Harris Tozer, who was awarded the Military Cross and the Military Medal during his distinguished Army career.

John Tozer had a strong affinity with the north west of Western Australia and was elected as member for North Province from 1974 to 1980. He was highly regarded for the positive initiatives he proposed and sponsored to ensure that the north west was strongly represented. If one turns to his maiden speech, delivered in this House on 25 July 1974, one sees many references to the hardship that he believed residents of the north west were suffering when compared to those people who had the fortune to live in the metropolitan area or the south west of our State.

As a former shire clerk and engineer for the Shire of Harvey, he often used a reference to Halls Creek in the north west, comparing it to Harvey in the south west when making points about the difference in the cost of living between those two places. In fact, in his maiden speech in July 1974, when talking about the cost burden imposed by huge distances that goods had to be transported into the north west, he made the point that in Halls Creek every tonne of goods carried a transport cost of \$4.50 while for Harvey the figure was only 20¢ per tonne. That again indicated not only his strong affinity for the north west but also the positive way in which he represented that area.

To his wife, Madeline, son Peter and their close friends the members of the Opposition extend our sympathy on this sad occasion.

HON P.H. LOCKYER (Mining and Pastoral) [3.35 pm]: I would like to associate myself with this condolence motion for Hon John Carmichael Tozer because I knew him for as long as anybody, having first met him in the late 1960s when he visited Carnarvon to see some of his old Army friends. He subsequently went on to become administrator of the north west. When I shifted to Port Hedland in 1972 he was a well known citizen in the north of our State and highly involved in the development of the State, which was in full swing, particularly the iron ore industry.

John Tozer was member for North Province when I was President of the Shire of Port Hedland. I found him to be a member of Parliament of the highest possible integrity. His

integrity and the respect he received around the countryside was well known in the north and those who knew him knew that he was a gentleman at all times. A former boss of mine served with John Tozer in New Guinea during World War II and he spoke to me on many occasions about the great respect he held for John Tozer as a soldier saying that he was a great leader of men who had to make decisions in the field which hopefully no man of his age will ever have to make again. They were unpleasant decisions to make, but John Tozer at all times had in mind the best interests of his men.

John Tozer was defeated as a member of Parliament by Hon Peter Dowding in 1980 and as was his wont he accepted that defeat like a total gentleman. As the Leader of the House and the Leader of the Opposition have both said, he did not cease his involvement with the community then. I saw him many times during the past 10 years. He was a person to whom one could always look with respect. His very carriage and his silver hair and the fact that he was always a fit man right until the time he passed away could only breed respect, and I join with previous speakers in expressing my condolences to his wife Madeline and his son Peter. I attended his funeral because he was a man for whom I held enormous respect. In my view not only this Parliament but also the State of Western Australia is poorer for the passing of John Tozer.

HON MARGARET McALEER (Agricultural) [3.39 pm]: By an odd chance I was speaking on the telephone yesterday to Mr Russell Keble from Victoria whom I have never met previously. Mr Keble is presently in the Mingenew area revisiting the places where he was encamped as a soldier some 45 years ago. The occasion for his coming to Western Australia was the national reunion of the Australian Paratroopers Association of which Mr Tozer was a member. Mr Keble looked forward keenly to meeting John Tozer again as he had known him from the end of 1944 to the end of 1945.

Mr Keble arrived early at that annual luncheon and took the trouble to find out where John Tozer and his wife Madeline would be seated, and waited with anticipation to meet them again. Sadly, they did not arrive and later during the luncheon it was announced that John died suddenly while on the point of leaving his house for that reunion. I learnt from Mr Keble that all members of the Paratroopers Association, which was either a brigade or a division, were volunteers and that most of them, like he and John Tozer, had seen active service and been in action with other units.

As the Leader of the House said, John had seen a great deal of action, particularly in the commando service in New Guinea when he was mentioned in dispatches. He very rarely referred to his early experiences in the war. He liked to be referred to as a parachutist, but one thing in which he felt great pride was that he joined the services as an infantryman - a foot soldier - and was later commissioned in the field. However, the fact that he was "one of the boys" was something in which he took great pleasure. There were many other paratroopers at the reunion who were saddened by the news of John's death. Anyone who was able to go to his funeral would have been touched by the guard of honour presented by the Red Berets.

I knew John Tozer only in the Parliament. We came into this House in the same year, 1974. However, I had known of him, as had many other people, from his work in the north. The Liberal Party at that time was extremely proud and pleased to have him as a member. He had the honour of being asked to move the Address-in-Reply as his maiden speech. He was a very self-effacing man with very gentle manners. He spoke little of his own achievements but was not so reticent when it came to representing North Province. The Leader of the Opposition and Hon Phil Lockyer have highlighted this. He pressed tirelessly and painstakingly for the needs and wants of the people of North Province. It gave him great satisfaction to represent the north because his imagination had been captured by it as a young man. It gave him a feeling of self-fulfilment - which many of our members have - to represent the people in an area to which he was attached.

John Tozer was a very popular man, as Hon Phil Lockyer has expressed. He had the charming and inestimable gift when he met us of making us feel he was particularly pleased to see us. This was more than a superficial gesture because he had the reputation of helping many people from all walks of life in North Province. He is well remembered by the people he met in the early days of development in the north. Those people are scattered around the State now but he was a man who was very well liked and respected by all, irrespective of

their politics. All through his short career in this Parliament he was of great value to the Government of the day. He displayed courage, fortitude and perseverance, particularly during bitter political attacks. He showed the same sort of courage that he must have shown as a soldier in the field. There have been many tributes to him in the columns of the newspapers, but none that meant more nor was more justified than that made by Alan Ridge, a former Minister for Lands and the member for Kimberley at the time. He said that John was -

... a true friend and counsellor whose lifetime devotion to public service was distinguished by his absolute honesty, integrity and concern for others.

I hope that the many tributes of affection and esteem paid to John Tozer will be a comfort to his wife, Madeline, his son Peter, and the rest of his family.

HON FRED MCKENZIE (East Metropolitan) [3.43 pm]: I support the motion. Before I became a member of Parliament I never thought that I would get up and say something kind about the Liberals. However, John Tozer was one of the people who changed my attitude. I am grateful for that because he was a true gentleman. His performances in this Chamber were always friendly and because of that I began to alter my mind about Liberals; I can now say kind things about them. I guess I had a bias prior to that. Many of the fights I had were with people with political views opposite to mine. I could not see any good in my party's opponents. However, John Tozer was a perfect gentleman and a great contributor. He worked hard and assiduously in preparing his speeches in this House. I respected the manner in which he presented those speeches. They were often lengthy because he wanted to get across every single point. If one takes the time to study his speeches there is much that one can learn from them. People like John Tozer are a great loss to our society. He showed us that each of us can be gentlemanly to the other. One does not always have to be a gentleman in this Chamber but John Tozer was. It is not a good thing that we are not all like John Tozer, but it is good to have somebody like him around.

I was not a close friend of John Tozer, but whenever we met socially he always had something to say to me. His period in this Chamber was beneficial to all of those people who were here at the time. I certainly learnt very much from him and I am saddened to learn of his death. Unfortunately, I was not aware that he had passed away until I read it in the newspaper earlier this week. One does not always get the opportunity to pay last tributes. Had I known that John Tozer had passed on I can assure his loved ones that I would have paid my last respects for a thorough gentleman. I take this opportunity to express my sympathy to his family, his wife and son Peter.

HON N.F. MOORE (Mining and Pastoral) [3.45 pm]: I wish to be associated with the condolence motion for the late John Tozer. I first met John Tozer when I was a humble schoolteacher in Tom Price in the 1970s. I was a friend of his both politically and personally. During those days Bill Withers and John Tozer were members for North Province. John Tozer was a very fine person and a gentle man. He had a great sense of duty. When one thinks back on the things that John Tozer did during his life one realises how his sense of duty was developed. As a member of Parliament he worked extremely hard and diligently. He was a conscientious member of Parliament, as Hon Fred McKenzie has said. The work that went into his speeches was quite incredible.

Sitting suspended from 3.46 to 4.05 pm

Hon N.F. MOORE: John Tozer was a diligent and conscientious worker on behalf of the north west and on behalf of his constituents. His speeches to the House and his contribution as a member in the north are very well known to members here and to the people of the north. His passing is a very sad loss for Western Australians and particularly for those people who were in the north in what I could call the "old days" in respect of the period of development there. People who knew John Tozer and knew of his work in the north will miss him sadly. I wish to extend my sympathy to his wife and family.

HON TOM STEPHENS (Mining and Pastoral) [4.07 pm]: I also wish to associate myself with the expressions of sympathy of this House and of the other speakers in this condolence motion. Like the previous speaker, Hon Norman Moore, I first knew John Tozer as one of his constituents.

I first met John Tozer in 1977 when he came through the Kimberley region. I could tell from that first meeting exactly what a hard working member of Parliament he was. I also knew

from that first meeting that the task of people associated with the Labor Party, which was to beat him in the next poll, would be a formidable one. Although I was known to him as one of his political opponents - being associated with the Labor Party in Kununurra - I always received from him the gentlemanly behaviour which was described earlier in the House. As a constituent I also received from him the diligence of a member of Parliament working for a constituent regardless of that constituent's political beliefs. In my own case that was regardless of the fact that he knew my energies were being devoted towards a campaign aimed at relieving him of his seat. I thoroughly respected the way he chose - as my local member at that time and as the member for North Province - to continue to process my various representations with politeness and diligence. The campaign launched by the Labor Party in 1980 was a vigorous one and it is testimony to John Tozer's great personal skills and his skills as a member of Parliament that the formidable campaign we put up did not deliver the results we anticipated in regard to his position. We only narrowly won that seat despite the nature of the candidate we put up at that time, who was Hon Peter Dowding. John Tozer marvellously defended his seat and was defeated by only a narrow margin in that campaign, with substantial swings against him in the Kimberley electorate, although he had a handsome retention of support in the Pilbara.

I subsequently had the opportunity to meet John Tozer's son, Peter, who was a constituent of mine in the town of Newman. I know how proud - rightly proud - Peter was of his father's personal involvement in the north, both as a member of Parliament and before that as a civil servant. Subsequently, like Hon Philip Lockyer, I had the opportunity to admire and be impressed by the physical stamina of John Tozer. On a number of occasions I met him in the surf at Cottesloe when he would go swimming in the early morning. I do not know how regularly he swam because I could not often go swimming regularly myself, but when I did meet up with him I could appreciate how well he had retained his physical fitness. Consequently it was with great surprise that I read in the paper this week of his sudden death. I therefore want to express my personal sympathy to Peter, whom I know, and to Mrs Tozer, whom I do not know. As one of his successors in the seat of North Province, I know that the constituency respected his hard work and diligence. Therefore, I would like to place that respect, and my own, on the record.

HON D.J. WORDSWORTH (Agricultural) [4.13 pm]: It was a pleasure to be a member of the Legislative Council at the time when Hon John Tozer held the seat of North Province. He was great company, had a fund of knowledge on many subjects and was a loyal friend. He was a man of military stature and when one saw the guard of honour at his funeral wearing the red berets, it was clear that he belonged to a much respected section of the Army. He served his Queen and country with a great group of people for he was the Commander of the Paratroopers which were concerned in many theatres of war; as other members have stated, he did not speak very much about this, which is very much to John's credit. John looked very distinguished and displayed himself as a gentleman. I am sure that he was the sort of person whom electors could feel proud to have as their member of Parliament. He was a man of unquestionable integrity and honesty and set a standard that everyone can follow.

John Tozer worked his way up in local government - he was the Shire Clerk at Harvey - and was always very loyal to local government. His speeches in this House reflected his knowledge of the north west which he gained as Administrator, and Deputy Administrator before that, of the North West. We see more of those positions today around the State, but at that time he was the one and only in an area which was poorly served with communication - indeed, he was almost the king of the north west with the power he exercised and the responsibilities he carried so well. John Tozer's speeches were very well prepared and exact in detail. I am sure that Governments of all persuasions took note of his suggestions. When John served the Parliament we were not catered for so well as we are today with electoral expenses. John and I shared a secretary in Parliament House and I know that the time he spent in the north west, with the expense of travelling and accommodation, must have eaten strongly into his salary - I am sure that his whole family had to contribute so that he could carry out the work that he believed was necessary.

I pass on my condolences to his wife, Madeline, and his family.

THE PRESIDENT (Hon Clive Griffiths): Before I put the question, I wish to add some words to those spoken by members. John Tozer was a great credit to this House of

Parliament. He was a gentleman of integrity and energy. I have already expressed, on behalf of the House, our sincere condolences to his wife, Madeline, and his family.

Question put, members standing.

CONDOLENCE MOTION - OLIVER, MR CECIL THOMPSON

HON J.M. BERINSON (North Metropolitan - Leader of the House) [4.16 pm]: I move without notice -

That the House records its sincere regret at the death of Cecil Thompson Oliver and tenders its deep sympathy to his family in their bereavement.

Cecil Thompson Oliver was known universally as Charlie Oliver. He was a member of the Legislative Assembly representing the seat of Boulder from 1948 to 1951. He died in February 1990 in New South Wales. Charlie Oliver emigrated to Western Australia at the age of 18 and was active in the union movement on the goldfields before entering Parliament in 1948. He resigned his seat in 1951 to become the New South Wales Secretary of the Federal Australian Workers Union. He later became the State Secretary and then the President of the New South Wales branch of the Australian Workers Union. He retired in 1985 and died at the age of 87. He was awarded the Order of Australia in 1984.

Charlie Oliver's service in the Legislative Assembly was so long ago that it is unlikely that any member can recall him from his parliamentary days. My own contact with him was in the 1960s when we were delegates for our respective States to the Federal Conference of the Australian Labor Party. If I remember correctly, Charlie Oliver was the President of the New South Wales Branch of the ALP. Whatever position he held, both he and that branch of the party played a pivotal role in restoring the stability and the rejuvenation of the Labor Party after its traumas of the split in the 1950s. His work for the Labor Party in that respect will always be remembered with gratitude, just as I am sure will his extraordinary period of service for something over 50 years to the AWU. He will be remembered both by that union and the general trade union movement of this country.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [4.20 pm]: On behalf of the Opposition I support the motion moved by the Leader of the House in respect of the late Cecil Thompson Oliver, universally known as Big Charlie Oliver. Charlie Oliver was the member for Boulder in the Legislative Assembly from 4 December 1948 until he resigned on 16 August 1951. A search of *Hansard* revealed his intense loyalty to that area. Prior to joining the Parliament he farmed in the Perenjori area from 1931 to 1934, but he later returned to the Murchison area in the mid 1930s and remained until 1941-42. Charlie Oliver was a stalwart of the union movement. He was Secretary of the New South Wales branch of the Australian Workers Union for 33 years until his retirement in 1985.

Charlie Oliver was recently described as the last giant representative of a distinctive and turbulent era in union affairs in Australia. If one could cast his mind back to the forties, fifties and sixties when Charlie was at his peak as a union representative in Australia - he was the boss of the Australian Workers Union - one would recall he was a very strong and fearless leader. People from New South Wales who knew him well described him as a man who had a fearless organisational and negotiating style and who was a strong leader of his union membership. To the family of the late Charlie Oliver the Opposition extends its sincere sympathy on his recent passing.

HON T.G. BUTLER (East Metropolitan) [4.24 pm]: As a delegate to five congresses of the Australian Council of Trade Unions I came to know Charlie Oliver. An ACTU congress is a forum where good orators are a dime a dozen and Charlie was one of those. One of the joys of attending a congress was to watch Big Charlie striding down to take his position at the rostrum and in the loudest possible voice reprimand the entire audience for the way it had neglected its duties. I do not remember Charlie ever saying that we had done the right thing.

I came to know Charlie from attending the social functions that were part of ACTU congresses. I would arrive early and make a beeline for Charlie's table to be regaled by his stories and the history of the early days of Western Australian trade unionism and the part he played in the Labor movement.

An obituary which appeared in *The Sydney Morning Herald* described Charlie as a

well-sinker, fencer, timber worker, miner, parliamentarian and trade union mover and shaker. With that background it will come as no surprise to the people who knew him to hear he became the secretary of the miners division of the Australian Workers Union in Western Australia before being elected to the seat of Boulder. The obituary described all his activities in the trade union movement and his history.

Charlie Oliver joined the Agricultural Employees Union in Wales when he was aged 13. He emigrated to Australia at the age of 18 and took up all those occupations described in the obituary with the seeming inevitability of a flash flood after a goldfields downpour. As I mentioned he became secretary of the miners division of the AWU which says a lot about Charlie. He was a fierce competitor. The obituary reads as follows -

Asked years later if he regretted that the long period devoted to union affairs had deprived him of a family life, he appeared a little sad. Then he said: "There's no place for married life in the union or politics - not the way I played it."

That is not the way I play it, but I guess that is the way he played it. I have much pleasure in supporting the motion moved by the Leader of the House.

HON MARK NEVILL (Mining and Pastoral) [4.27 pm]: I did not know Charlie Oliver personally, but I heard a lot about him during my years on the goldfields. I did know his son John who was the first resident manager of the Kambalda Nickel Operations and he also passed away recently.

It would be an understatement to say that Charlie Oliver was one of the most powerful figures in Australian politics in the post war era. He was the President of the New South Wales branch of the Australian Labor Party and was on the Federal Executive of the ALP during the 1960s when issues such as the North West Cape base and the "faceless men" were raised. He also opposed the movement to expel Gough Whitlam from the Australian Labor Party in the 1960s.

The announcement of Cecil Oliver's death yesterday did not mean much to me as he was always known as Charlie Oliver. It is a pity our newspapers do not have obituary columns like the great newspapers of the world, such as the *New York Times* and *Washington Post*. If they did more of us would find out a little more about what is going on.

I read the speeches Charlie Oliver made during the short time he was in this Parliament. He was preoccupied with local issues, particularly with underground mine safety. He developed silicosis, a disease which played havoc with his health in later years, but he lived to the age of 87 and was Secretary of the AWU in New South Wales up to 1985 at the age of 83. He had to be persuaded to retire even at that age - he had an amazing amount of energy.

Charlie Oliver was elected to the seat of Boulder following the death of the longest serving member and also a Premier of the Western Australian Parliament, Sir Philip Collier, who served in that seat for 43 years. Sir Philip was another great figure in Western Australian politics. It is interesting to note that the person who opposed Charlie Oliver in the by-election for the seat of Boulder was a young 21 year old man named Billy Mackie Snedden. Many great characters from the goldfields have honed their political and industrial skills in that area. Charlie Oliver did not last long in politics; his main love was the union movement. He left politics after being re-elected unopposed after the first election he contested; not many politicians do that. It is a pity the passing of Charlie Oliver did not gain more notice in the Western Australian Press but he left his mark in New South Wales. I am sure that had he stayed in this Parliament he would have become a formidable figure. His contribution to the AWU and the Australian Labor Party will go down in the annals of history. In fact his name is mentioned in almost every Australian book on Federal politics. As a member representing the goldfields area I am pleased to support the motion.

THE PRESIDENT (Hon Clive Griffiths): Before I put the question, I must say that it can be a little worrying when one is constantly standing to support condolence motions, particularly relating to people with whom one has served in the Parliament, as they start to get a bit close to home. However, in regard to the late Charlie Oliver, not only did I not have the privilege of knowing him, but I also was not in the Parliament with him as he finished in 1951.

However, I also wish to be associated with the comments made by the various members who have spoken and to extend to his family our deepest condolences; we extend our condolences

too to the families of all the other former members who have been mentioned. I will see that the various families involved are provided with a copy of the comments made and I ask members to now support the motion before standing in their seats for a minute's silence for these four people.

Question passed, members standing.

[Questions without notice taken.]

MINISTERIAL STATEMENT - COMPANIES AND SECURITIES LEGISLATION

Cooperative Scheme

HON J.M. BERINSON (North Metropolitan - Attorney General) [5.01 pm] - by leave: Legislation relating to the companies, securities and futures industry is currently administered by the National Companies and Securities Commission under a formal agreement entered into between the Commonwealth and the States on 22 December 1978. These arrangements are commonly referred to as the "Cooperative Scheme". The main feature of the cooperative scheme is that through a system of interlocking State and Commonwealth legislation, uniform companies, securities and futures industry legislation applies throughout Australia. This legislation is for the most part administered by the State Corporate Affairs administrations under delegation by the NCSC.

The formal agreement provides that the NCSC, in performing its functions and exercising its powers, shall have regard to the principle that there should be maximum development of a decentralised capacity. This principle, combined with the role of State Corporate Affairs administrations, ensures that the State regional economies are offered a full range of services. It also enables the effective integration of companies and securities regulation into other aspects of business regulation provided by the States, such as the business names legislation. As a result an integrated regulatory network is maintained in each jurisdiction, thereby offering efficient and cost effective service to business.

In April 1987 the Senate Standing Committee on Constitutional and Legal Affairs reported on the role of the Federal Parliament in relation to the cooperative scheme. That committee found and reported that the cooperative scheme worked remarkably well. Nevertheless, in the belief that the Commonwealth had the constitutional power to enact comprehensive companies and securities legislation, the committee recommended that the Commonwealth Parliament should assume exclusive powers in this field. Later in 1987 the then Commonwealth Attorney General, Hon Lionel Bowen, announced that the Commonwealth would enact unilateral Commonwealth legislation and he sought the support of the States. Western Australia made it clear from the outset that it was opposed to a Commonwealth takeover, and the Government's view in this respect has had almost universal support in the State's business and professional community. It is fair to add, I believe, that we have had the support - at least in general principle - from the Opposition as well.

In 1988 Mr Bowen introduced into the Commonwealth Parliament a package of 14 Bills by which the Commonwealth sought to achieve exclusive control of companies and securities regulation. That package was subsequently enacted, but, with the exception of the Australian Securities Commission Act, it has yet to be proclaimed. Following the passage of this legislation, Western Australia, South Australia and New South Wales challenged its constitutional validity before the High Court. The challenge was initially wide ranging, but following negotiations between the Commonwealth and the challenging States the High Court was asked to rule on what the Commonwealth and the challenging States considered to be the key issue; that is, whether the Commonwealth had the power to incorporate companies. It was understood at the time that if the States' challenge was upheld, the Commonwealth would not proceed with substantial parts of its scheme. The High Court decided six to one against the Commonwealth.

While its legislation was being challenged by the States, the Commonwealth moved to establish an infrastructure for the administration of its proposed laws. A Chairman of the Australian Securities Commission, Mr Hartnell, was appointed and detailed administrative planning commenced. Following the High Court decision the Commonwealth indicated that

it intended to press on with its legislation in any event, with the deletion of the incorporated provisions only. The Commonwealth again called on the States to refer power so that its scheme could proceed without further doubts as to its constitutional validity.

I refer next to a set of compromise proposals which have recently emerged. Since the announcement by the Commonwealth of its proposal to enact unilateral Commonwealth legislation in the companies and securities area, the State Government has adopted a consistent policy of opposition to the Commonwealth's proposal. That opposition is based on concerns that the Commonwealth proposals are unconstitutional, that they would lead to a deterioration in the level of service provided to business in this State, and that they would artificially separate companies and securities regulation from the regulation of other aspects of the existing business regulatory framework administered by the States. This could only result in duplication, inefficiencies, inconvenience and an increased cost to business.

The State Government has consistently argued that the existing cooperative scheme is a more practical model for Australia given the significance of its regional economies and that any deficiencies in it could be dealt with in the framework of the scheme itself. The State Government has consistently indicated its willingness to discuss all perceived weaknesses with the Commonwealth and the other States with a view to identifying and implementing solutions. Unfortunately, the Commonwealth has not been prepared to discuss solutions or State concerns about its proposals except within the framework of a full referral of powers to the Commonwealth and complete Commonwealth control of companies and securities regulations.

Since the High Court decision on the threshold question of incorporation was handed down on 8 February 1990 the States have attempted to develop a number of compromise proposals with a view to overcoming their current impasse with the Commonwealth. All States accept that the uncertainty flowing from the current deadlock is undermining the effectiveness of the existing regulatory system and that this is damaging in turn to business confidence both within Australia and overseas. A compromise proposal, commonly referred to as the "Sumner Proposal", was considered by the States at a meeting of State and Territory Ministers held in Melbourne on 2 April 1990. The proposal takes its name from South Australia's Attorney General, Chris Sumner. This proposal, which had the support of all States except Victoria and the Northern Territory, had the following main features -

- (1) The cooperative scheme should continue but with the Commonwealth Attorney General as permanent Chairman of the Ministerial Council and with the National Companies and Securities Commission being replaced by the Commonwealth's proposed Australian Securities Commission. This proposal was designed to improve overall accountability, to take advantage of the developmental work with respect to the Australian Securities Commission and overcome some acknowledged deficiencies in NCSC operational matters.
- (2) The State and Territory Corporate Affairs Commissioners were to be appointed part time members of the ASC to ensure continued local involvement in overall decision making.
- (3) In recognition of the Commonwealth's special interest in national and international issues it was proposed that the Commonwealth have a final say in respect of the nature of laws relating to public fundraising, takeovers, the securities industry and the futures industry. It was proposed that, as with the existing cooperative scheme, all States, the Northern Territory and the Commonwealth would continue to have equal votes, through the Ministerial Council, on other companies and securities laws.
- (4) State Corporate Affairs administrations would be styled as regional offices of the ASC with a requirement that the substantive work of the ASC should continue to be delegated to the regional offices to the maximum extent practicable. To ensure uniform administration, it was proposed that the ASC should have an enhanced directive role over its regional offices.
- (5) To ensure a consistent level of service throughout Australia it was proposed that the regional offices be staffed and funded to at least a minimum level to be determined by the Ministerial Council.

- (6) The ASC to be funded by the Commonwealth but the State regional offices to continue to be funded by the relevant State or Territory.
- (7) It was proposed that a Commonwealth parliamentary joint committee, as contemplated by the Australian Securities Commission Act, be established to ensure the independence and accountability of the ASC and to provide a vehicle by which the Commonwealth Parliament could actively participate in the law reform process.
- (8) A consultative committee would be established to advise the Commonwealth Attorney General, the Ministerial Council and the ASC, as originally proposed by the Commonwealth. The committee would comprise representatives nominated by each State, the Northern Territory and the Commonwealth. It was also agreed to establish a takeovers panel as contemplated by the Commonwealth's Corporations Act.
- (9) It was proposed that a national computer system be developed in respect of corporate data with a consultant to advise whether, having regard to cost benefit considerations, this should be established on a centralised or distributed network basis.

The Sumner proposal was formally put to the Commonwealth on behalf of the Northern Territory and all States, with the exception of Victoria, on 9 April 1990. The Commonwealth's response, unfortunately, was that it was not a suitable starting point for negotiations. Before the Commonwealth formally responded to the so-called Sumner proposal, the New South Wales Government had a series of meetings with the Business Council of Australia. The Business Council has been the strongest and most vocal supporter of the Commonwealth's attempts to assume control of companies and securities regulation. The discussions to which I have referred were followed by a second compromise proposal, known generally as the "New South Wales Proposal". This was presented as having the support of the Business Council and, although modelled closely on the Sumner proposal, contained the following additional concessions to the Commonwealth -

- (1) Rather than requiring the ASC to delegate its functions and powers to "the greatest extent practicable", it was proposed that the ASC delegate those functions and powers only to the extent that the ASC considered it "efficient" to do so.
- (2) The ASC would have the right to prosecute and undertake other civil litigation arising from the performance of its functions and powers. At present these matters are undertaken by the State Corporate Affairs Administrations on behalf of the NCSC.
- (3) State Corporate Affairs commissioners would not be part-time members of the ASC. The ASC would have a power of veto over the appointment of State commissioners and senior staff in the regional offices. The regional offices would remain staffed by State and Territory public servants under the direction of the ASC, but the relevant State or Territory Minister would remain responsible for the efficient and effective performance of companies and securities functions.
- (4) The Ministerial Council would continue to have its existing deliberative role on a one vote per member basis in respect of companies and securities legislation, but the Commonwealth would have a right of veto over all legislative proposals. The Ministerial Council would have no directive powers over the ASC.
- (5) The Commonwealth would provide half the cost of the ASC takeover panel and advisory committee with the States contributing the remaining 50 per cent on a pro rata head of population basis.
- (6) All major reforms contained in the Commonwealth's legislative package would be adopted for enactment within the cooperative scheme context.

Western Australia expressed a number of reservations about the New South Wales proposal. In particular, the State Government was concerned that it did not ensure a continuation of a

full range of companies and securities services to the regional economies, or that a centralised bureaucracy would not be rapidly built up to the detriment of the regional economies. The State Government recognised, however, that control of investigations, prosecutions and related civil litigation could best be coordinated on a centralised basis, and supported the proposals to that extent. It was considered that the authority of the ASC to veto the appointments of regional directors and senior staff in the State administrations would be inconsistent with established principles of ministerial responsibility and was not acceptable. It was also considered that there was some difficulty in adopting all measures in the Commonwealth's legislative package without more open and extensive public debate of them. Nevertheless, the Government supported the New South Wales proposal as a basis for further negotiation.

Before the New South Wales proposal was able to be discussed by the States on a more formal basis, the New South Wales and Victorian Governments, in a joint document entitled "Basis for Discussion" dated 26 April 1990, published a third compromise proposal. This has been described as the "New South Wales/Victoria Joint Proposal". This proposal, although using the legislative framework of the existing cooperative scheme, moves further in the direction of accommodating full Commonwealth control of the companies and securities area. It contains the following main concessions -

- (1) There would be a unified system of administration of companies and securities matters under the sole control of the Commonwealth's Australian Securities Commission. Although State staff could be seconded to positions within the ASC's proposed regional offices, they would act as ASC officers and be totally outside State ministerial control as far as the performance of companies and securities functions was concerned. Regional directors would be appointed by the ASC on a contract basis with the relevant State Ministers having a right of veto over their appointment. That would be in recognition of their regional significance and, I might add, in limited recognition of their regional significance.
- (2) In respect of legislation, it is proposed, consistent with the Sumner proposal, that the Ministerial Council have an advisory role only in respect of legislation relating to takeovers, public fundraising, the futures industry and the securities industry, with the Commonwealth having a final say on all such matters. In respect of other companies and securities matters, the Commonwealth would be given a weighted vote; the Commonwealth Minister would have four votes, each State and Territory Minister would have one vote, and the Commonwealth would also have a casting vote as permanent Ministerial Council chairman. Under these arrangements the Commonwealth could secure approval of any legislation it sponsored in these areas with the support of any two States.
- (3) The cooperative scheme legislative framework would be retained, but only to overcome any constitutional weaknesses in the new regulatory scheme.
- (4) The operations of the head office of the ASC would be shared between Melbourne and Sydney.
- (5) A centralised data base of corporate information would be established in the La Trobe Valley in Victoria. While the proposal is not altogether clear on this point, it would seem that no further consideration would be given to a distributed network.
- (6) The Commonwealth would receive all revenue generated from future companies and securities administration but would guarantee payment to the States of current net revenue, indexed for inflation in perpetuity, on the basis that this would not prejudice the position of the States in respect of general revenue grants.
- (7) Continuing State functions related to business regulation would be "quarantined" from ASC functions and be required to operate in separate offices.

In response to the New South Wales/Victorian joint proposal I have again indicated that it

can be accepted as a basis for further negotiation between the Commonwealth and the States, and that Western Australia is prepared to participate in negotiations in a constructive way in the interests of overcoming the uncertainty which currently exists. I have also indicated, however, that Western Australia will not move from its basic position that the level and extent of regional services in the companies and securities area must be maintained in any new scheme. I have also stressed the need to ensure the continued integration of all aspects, both Commonwealth and State, of companies and securities administration.

In response to the New South Wales/Victorian joint proposal the Commonwealth Government has indicated that it is now prepared to have further discussions with the States. A meeting is to be convened in Sydney tomorrow for this purpose. I will issue a further statement to the Parliament following my return from that meeting.

While I welcome the break in the previous total deadlock on this issue, I remain concerned at some associated developments. In this respect I quote some preliminary comments from my detailed response yesterday to the joint proposal, which was directed to the Commonwealth and other State participants, as follows -

I record my strong objection to the way in which the meeting date of 4 May has been set by the Commonwealth with three days' notice and, effectively, on a no-alternative basis. Because of the resumption of our Parliament this week, that has created almost insuperable difficulties in terms of essential prior consultation (not to mention the need to attend the preliminary States' meeting immediately after seven hours air travel commencing midnight Thursday, going via Melbourne).

Acknowledging the tight Commonwealth legislative timetable, it has to be said that that is not a problem of the States' making, but due to the Commonwealth's reluctance, over a lengthy period, to discuss earlier proposals.

I record this objection by way of preliminary comment because the Commonwealth insistence on the meeting date is not only unfortunate and unhelpful in itself, but inconsistent with the spirit of consultation and negotiation which will be essential to the success of our forthcoming discussions.

MOTION - COMPANIES AND SECURITIES LEGISLATION

State and Federal Attorneys General Meeting - New Scheme Requirements

HON J.M. BERINSON (North Metropolitan - Attorney General) [5.24 pm] - by leave: I move, without notice -

Noting that the State and Commonwealth Attorneys General are to meet tomorrow to discuss the future regulation of companies and securities in Australia -

This House supports the view of the Western Australian community that a minimum requirement of any new scheme should be that there will be -

- (1) No reduction in the level of regional services.
- (2) No unnecessary duplication between companies and securities administration and the general business regulatory framework.

Given the extent of the ministerial statement I have just made, I do not propose speaking at length on this motion. I should, however, make one aspect of this motion clear. I refer to what is listed as a primary requirement of any new scheme; namely, that there should be no reduction in the level of regional services. In referring to the level of regional services in this way, I want to make clear that the level we are looking to has two branches. Of course, we are looking for a sufficient level of staff to provide the sorts of services that one might expect at the front counter. That goes without saying, but that is only one part, and the lesser part, of the preservation of standards of service to which our efforts are directed.

More important is the level of service in the sense of the ability of regional offices to provide the sort of local, prompt and authoritative responses to inquiries or requests for assistance which come from local business and the professional community. To put it in a nutshell, we do not want another version of the situation which is experienced with the regional office of the Australian Taxation Office, for example. There the instances of delays are innumerable and great frustration is experienced by our business and professional communities in their

attempts to obtain the sort of advice and, more than that, the decisions to which one should be entitled in a properly regionalised system. With that elaboration only, I commend the motion to the House.

I believe, as I indicated in my statement, that this has the support of the Western Australian community. I appreciate the fact that in earlier discussions similar support, at least in general principle, was forthcoming from the opposition parties. It is my hope that in discussions between the Commonwealth and the States tomorrow our position might be strengthened by a further expression of the sort of support the motion invites.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [5.28 pm]: I indicate the Opposition's general support for the motion. It is clear, having just listened to the Attorney read his statement, which I might say is 13 pages long -

Hon J.M. Berinson: That was condensed.

Hon GEORGE CASH: The Attorney tells us his statement was condensed, but the Opposition has not been afforded much time to give it the very detailed consideration that a ministerial statement of this type deserves. Having had discussions earlier with the Attorney General and the Leader of the National Party, we understand and recognise the indecent haste with which the Commonwealth is working to try to push through its proposed legislation. We also recognise the somewhat confused situation which exists with various other States' positions on the Federal legislation.

I have said that in general terms we support the principle of the motion moved by the Attorney General. At a meeting yesterday I was instructed to prepare a motion to give general support to the Attorney General in his opposition to the Federal legislation, but clearly, because this motion is being debated today, there will be no need for the Opposition motion to come forward. The Opposition is pleased that the Attorney General continues to oppose the Federal Government's position on this legislation, and recognises the likely effect of the Commonwealth's actions on the administration of the companies, securities and futures industry legislation generally in this State. I was reminded that it was very important to advise the Attorney General that the Liberal Party in particular remains opposed to the Federal legislation.

The Liberal Party wants to make it quite clear that it is not in favour of allowing the Federal Government to take over any more of the powers currently exercised by the States. The Opposition supports the general contention put forward by the State Government that it is opposed to the Commonwealth's proposal. We also support the Government's view that the Commonwealth's proposal is unconstitutional. We agree with the Government that the Federal proposal would lead to a deterioration in the level of services provided to business in this State. We also agree with the Government that the Federal Government's scheme would artificially separate companies and securities regulations from the regulation of other aspects of the regulatory framework administered by the States, and this would lead to duplication, inefficiency, inconvenience, and increased costs to business in this State.

It has been said that the State Government has consistently argued that position, and to date, from the media reports that I have read, that would appear to be the case. However, I am concerned that today we have heard a 13 page ministerial statement which the Attorney General acknowledges has been presented in a somewhat condensed form from what might have been presented had time been on his side. We are unsure of what developments may occur at the proposed meeting in Sydney tomorrow. It is important for this House to indicate its position to the Attorney General on the proposed Commonwealth scheme. Having regard to the limited time available to debate this motion tonight, it is my understanding that we should take this matter to a vote. When the Attorney General leaves tonight on the midnight plane for the Eastern States, and when he attends the meeting in Sydney tomorrow, he should be clear about where this House stands with regard to the Commonwealth proposal.

Amendment to Motion

Hon GEORGE CASH: Notwithstanding our general support of the principles outlined in the motion now before the House, I submit that the following amendment should be supported by the House. I move -

To add the following words -

BUT SUBJECT ALWAYS to the following conditions precedent -

- (3) That this Parliament should not be asked to approve any law that transfers constitutional power or authority to the Commonwealth.
- (4) That the State should retain the full benefit of and rights under the High Court decision.
- (5) That the State should not concede the benefit of any undecided constitutional doubt in favour of the Commonwealth.
- (6) That there should be real and substantial political, constitutional and administrative power retained by the State.

That amendment is a clear indication from this side of the House of our concern at the Commonwealth's proposal, and the fact that some very firm guidelines or ground rules should be laid down by this House to enable the Attorney General to reflect properly the position taken by this House. I invite the House to support the amendment.

HON E.J. CHARLTON (Agricultural) [5.37 pm]: In supporting the Opposition's move to add to what the Attorney General has moved, it is essential that a clear indication be given of the attitude of Western Australia and this House to the moves afoot and their possible consequences. We need to do that because it is one thing to say that this is the best that the Government can achieve in the light of the decisions which have been made by the Commonwealth. It is another thing to say that this House fully understands and supports what the Attorney General has put forward.

We are not criticising the Attorney General and his motion, but simply trying to ensure that as far as possible Western Australia is protected from the consequences of any further arrangements and decisions. In recent times we have seen far too many of our decision making processes taken away with a soft shoe approach, particularly by the Commonwealth Government, which is trying to centralise everything in Canberra. As a result we have lost not only our decision making options, but more importantly, we have lost the ability for Western Australians to retain the processes involved in the implementation of those decisions.

I think the words of Hon George Cash do not take away from the ministerial statement made by the Attorney General, nor do they depart from the very broad points contained in the Attorney General's motion. Importantly they state this House's position as a consequence of any decisions made by the Attorney General in respect of the negotiations or what might come out of the meeting tomorrow.

Finally I emphasise that I am not being critical of anyone but in this case, as so often in the past, we have been given only a few minutes to make a decision which might have fairly important consequences for this State. To make a decision as significant as this in a broad brush, quickly passed motion - a motion which could have a fairly substantial effect on many people - is not appropriate. This motion may be dealt with by this House in a matter of minutes, with the Attorney General going off to Canberra, only to come back saying, "Look, folks, this is what I got out of it. This is what will happen, but remember: No problems at all because you agreed to this, this and this." Although I support what has been said, I think we should agree to the amendment to the motion because otherwise the motion would not acknowledge and take on board our views and we might be left with the situation of, "There it is; we just have to like it or lump it."

I have pleasure in supporting the amendment. I want to ensure that the Attorney General leaves no doubt in anyone's mind - although he has surely spelt it out himself - that members of this Chamber do not like what is happening very much.

HON R.G. PIKE (North Metropolitan) [5.42 pm]: I congratulate the Attorney General for the opposition and steadfastness he has shown in this matter thus far. I was delighted when he took Western Australia to the High Court; I was delighted when he took the powerful attitude he did. It is one of the very few things this State Labor Government has done about which I have been on the record at Liberal Party meetings and elsewhere as saying that so far the Government has done very well. Members on the Government benches must admit that they do not hear me say that very often.

Hon J.M. Berinson: Do not correct the *Hansard*.

Hon R.G. PIKE: Having said that, I wish to say that this is probably the most important debate to come before this House in a decade, because we are talking about the massive transfer of real, practical and actual business control to a centralist authority in Canberra. I think the forums of the Business Council of Australia are dominated by the Eastern States, particularly New South Wales, Victoria and unfortunately by Queensland. I go on record in this place as saying that I absolutely and categorically disagree with Moore, who was the President of the Liberal Party in Queensland, because I believe he betrayed true federalism by proposing to the Federal Parliamentary Liberal Party that this should be implemented. It should not be implemented. If we pass this proposition today, the very authority of the State Government in Western Australia will be so massively eroded that prospectively this House will have very little to debate.

Now I start expressing concern: The Commonwealth National Companies and Securities Commission, as members know, is a combination of the authorities from each State. If one compares the National Companies and Securities Commission with the State Corporate Affairs Department, it has just been so-so in its efficiency and administration. Certainly, if one draws an analogy, the Commonwealth police are no better in their administration and result-producing than are the State police. I am critical of the Attorney General's desire to retain only little control; that includes dealing with State Liberal Premiers. Bearing in mind that we are dictated to by New South Wales and Victoria, I remind the House - my figures I think are not incorrect - that only about 6.275 per cent of all the business transacted within this great Commonwealth is in fact transacted in Canberra. The rest is performed in the States. What we are doing here is giving that centralist body absolute control which the founding fathers, when they supported Federation, would have died before even contemplating giving. It is worse than Braddon's block; I am not about to describe that to members because it would take too long. However, the final effect is this: I think the Attorney General's proposal in the end will become merely a staging post which will enable staff preservation for the time being. It will be a temporary halt and eventually, the authority of the Public Service being such that it is, the loyalty of public servants will be won over in the promotion stakes and within a very few years there will be total centralist, absolute control from Canberra, which is the very antithesis of everything the Liberal Party, as I understand it, represents.

I believe there is no room for negotiation or for turning the other cheek or saying, "Well, let me at least as the Attorney General in this State grab what I can see is able to be grabbed." I think the Attorney General is doing that very well but it is not enough. I am sorry the report is so long and I am sorry it was given to me only in the last two minutes; I am not critical of the Attorney General because of the time limits placed upon him, but I think this was one of those occasions when he could have released the ministerial statement prior to reading it out. There is no way it can be properly determined and discussed, but we can hold steadfastly -

Hon J.M. Berinson: It was provided to the leaders of the parties.

Hon R.G. PIKE: I am sorry; I did not realise that. We can hold steadfastly to the important principles of State control and therefore we should enthusiastically support the amendment moved by the Leader of the Opposition.

SITTINGS OF THE HOUSE - EXTENDED AFTER 6.00 PM

Thursday, 3 May

On motion without notice by Hon J.M. Berinson (Leader of the House), resolved -

That the House continue to sit after 6.00 pm to the extent required to allow the debate on both the amendment and the motion to be taken.

Amendment to Motion Resumed

HON J.M. BERINSON (North Metropolitan - Attorney General) [5.48 pm]: I want to address the amendment separately from the motion because I have the impression from some of the comments made that the terms of the amendment are thought by Mr Cash to be in an important sense significant. I do not want to be critical of them or to denigrate their intention, but the truth of the matter is that they are not significant in that they really do no more than put the State Government's established position into different words.

Nonetheless, having said that, there are some reasons I would encourage a little more consideration before we proceed to adopt the amendment. Let me go quickly through the four items: Firstly, we should not be asked to refuse to transfer powers. We have made it unequivocally clear to the Commonwealth that there is no question of the State Government making any attempt to accommodate a Commonwealth request in that respect.

That is why at the end of the day, after all the convoluted compromise proposals, everybody is still coming back to look at the cooperative system because they know that at least some other States, no matter what the recent changes indicate, will join our refusal to transfer power. Point 1 of the amendment does not even put our position into different words as it is putting it in the same words. While I appreciate some of Mr Pike's comments regarding my representation of the State's position, I assure him that it is not simply a matter going back a few days or a few months; this is a matter we have been grappling with for two years. From day one of the process we have been unequivocal in the way we have acted; there is no question about that. We have demonstrated through the initial challenge that the State would retain its full benefits and rights under the High Court decision. One of the problems with this amendment arises when one comes to consider a proposal like that.

The attraction I hoped my original motion would have is that it is not only simple, but it also refers to what we will actually do. Once we get beyond that into the murky, obscure and esoteric areas of the constitutional effects of various High Court decisions, we start to lose the track. That is one of the huge problems we face with one compromise after another having been jumbled up in a mix, so to speak. The fact of the matter is that one of the reasons that the Commonwealth has been threatening - I do not think that is too strong a word - to proceed with its original package to delete the reference to corporation is that the only effect from the High Court decision was that the Commonwealth Government could not provide for incorporation. That is the extent of the decision. Of course, we will take the full benefits of that. That goes without saying; we do not need to be reminded of it in the amendment. The real problem is that the Commonwealth says, "Good luck to you. You can take whatever benefits you like out of the High Court decision and we will take whatever is left." In its submission, what is left is the ability to resubmit the whole of its legislative package with the exception of the incorporating power only. Horrific practical consequences would flow to industry if that line were to be pursued by the Commonwealth next week.

The same can be said about points 3 and 4 in the amendment - they add nothing and only attempt to put it into different words. It seems to be saying that the Opposition agrees with the Government, but it does not agree that it is going far enough.

Hon George Cash: The idea of the amendment is to strengthen your hand at the table tomorrow. If you say it adds nothing, just vote for it.

Hon J.M. BERINSON: It does not strengthen it at all. What it does do, if it impresses anybody, is to direct attention precisely to the area where the real concern is not. The real concern is about what can be done and is not about what the lawyers will say in future constitutional disputes. I stress to Hon Bob Pike that he misunderstands the situation if he believes that I am coming into the House with a motion of this kind with a view to coming back next week and saying I have these two points and have surrendered all the others. Would I come back and state that I did so because I had his approval for that action? Of course not! The second paragraph of my motion contains a significant word; that word is "minimum". We are not looking at these items in isolation as to what we want out of the companies and securities regulations in Australia. It is necessary to read 13 pages of the statement to have something by way of an introduction to what we are looking for. We are trying to come down to a simple proposal about which nobody will have any doubts or have any room for argument.

Hon R.G. Pike: The minimum will become the maximum.

Hon J.M. BERINSON: No, it will not! We do not want to go there tomorrow and state that the constitutional rights protect us, because the Commonwealth will say that they do not. We may then say that we have good advice that they do, and the Commonwealth will say that it has better advice stating that they do not. People then will turn to the High Court decision and say that the States won that decision by six votes to one. The Bill has been printed and is ready to be introduced into the Commonwealth Parliament next week and I am not interested in that sort of argument. I am interested in the actual nature and physical structure of what

will be involved. What authority will be involved? How best can we preserve the level of service in the business community in the two important senses that I have stressed?

I do not want to be put to the point of voting against this amendment, but I ask the mover and the seconder to reconsider it and not to pursue it, because it will not be helpful. It adds nothing to what we are saying. If the response is that all they are trying to do is put the Government's position in other words - and what is wrong with the other words - I put it to them that for three years it has been too easy to go up every sidetrack and avoid the real problem. Now we have come to the crunch and we have to make it clear where we see the crunch point to be. All this talk about the Constitution and our determination not to transfer power is unnecessary as we do not have to be exhorted or reminded about it, because we have been saying for three years that we will not move from that position. I can assure members that the amendment will not solve the problem. If it would solve the problem, we would not have a problem at all because we have always had some States in a position as expressed by members opposite. If it were possible to stop the Commonwealth's determination simply on that basis, it would have been stopped a long time ago. Therefore, I ask the mover and the seconder to withdraw the motion.

I briefly refer to the comments regarding the pressure cooker situation and the availability of the 13 page ministerial statement on short notice. I appreciate the difficulties, especially given the complexity of the various formulae which I tried to summarise the best I could within that document. It was a pressure cooker situation that led me to register the strongest objection against the meeting going ahead this week. We received the New South Wales and Victoria joint proposal last Friday afternoon, and by Monday advice reached my office that the meeting would be held this Friday. That was in the context of two existing compromise proposals which had not been discussed in a coordinated way by the States, never mind by the States with the Commonwealth. This resulted in a pressure cooker situation in which our officers and I had to respond and produce the statement today. I assure members that their situation is no worse; in fact, it is far better than the circumstance we have had to face in trying to prepare for the sort of meeting which will be held tomorrow on the limited notice we have had. However, I regret those circumstances we have had to face today.

Unless members say something substantially different I will use this debate as what is effectively a request for a withdrawal of the amendment and as a reply to the main motion.

Amendment put and passed.

Question (motion, as amended) put and passed.

House adjourned at 6.00 pm

QUESTIONS WITHOUT NOTICE

PARLIAMENTARY SECRETARIES - PORTFOLIOS

5. Hon GEORGE CASH to the Leader of the House:

Last Tuesday when the Parliament met the Leader of the House advised of the appointment of three Parliamentary Secretaries of State and explained briefly their role and function. Will he now indicate to the House which portfolios those members will be responsible for in order that we may direct appropriate questions to them?

Hon J.M. BERINSON replied:

The representative portfolios have not yet been determined for the Parliamentary Secretaries, but I will ensure that all honourable members are advised as soon as they are.

SENATORS - SENATOR CHANEY RESIGNATION *Vacancy Election Meeting*

6. Hon GEORGE CASH to the Leader of the House:

When is it the Government's intention to arrange for a joint sitting of the Legislative Council and the Legislative Assembly to elect a Senator to fill the Senate vacancy caused by the resignation of Hon Fred Chaney, given that the Liberal Party has endorsed the nomination of Mr Ian Campbell to fill the vacancy and the Premier has been advised accordingly?

Hon J.M. BERINSON replied:

This matter came to my attention only today and I have asked that the formalities required be proceeded with as urgently as possible. I do not have a firm date for the Executive Council meeting, which will be required to initiate the message. However, I am confident that all formalities will be taken in hand as quickly as possible.

UNITED NATIONS CONVENTION - RIGHTS OF THE CHILD

7. Hon GEORGE CASH to the Attorney General:

- (1) Has he been consulted by the Federal Attorney General regarding the United Nations Convention on the Rights of the Child?
- (2) If so, when?
- (3) Has any position been conveyed to the Federal Attorney General on behalf of the Western Australian Government regarding this issue and, if so, what is that position?
- (4) Does he anticipate any further meetings taking place between him and the Federal Attorney General relating to matters affecting the United Nations Convention on the Rights of the Child?

Hon J.M. BERINSON replied:

(1)-(4)

A question on notice has come to my attention in relation to this matter. I cannot recall whether it was from a member of this House or of the Legislative Assembly. In any event, I refer members to the answer when it appears in *Hansard*, because the detail will go rather further than my memory can. However, I can advise the Leader of the Opposition that all matters related to Australia's participation in discussions leading to and following on from the drafting of international conventions are regularly put on the agenda of the Standing Committee of Attorneys General with a view to keeping the States informed.

I have not met with the Federal Attorney General on this particular convention, nor from memory on any other. There is, however, a procedure in place which I believe goes back to 1983 and which ensures that there is

regular consultation between the Commonwealth and the States in addition to the participation by State representatives in appropriate international discussions and forums.

The role of the State in all of these matters does not go beyond indicating a view on the issues as they arise and, in particular, drawing attention to any matters in State legislation or administration which might require special attention when the Commonwealth comes to consider its position. It is as a result of State input most often, for example, that the Commonwealth inserts reservations into its indications of adherence to conventions, and that follows from representations made by the States.

I think one of the matters that I have included in the draft at least of the answer to the question on notice to which I have referred is that at the end of the day all matters relating to Australian conventions are matters for decision by the Commonwealth and they have been firm in the approach that the decision is ultimately up to them and that consultation with the State is as the term suggests; that is, to have an opportunity to consider the views of the States, particularly relating to any difficulties which the States are able to flag as potential danger points for an uncritical adherence to any particular draft.

POLICE ACT - SECTION 50AA(2)

Minors' Fingerprints and Photographs - Destruction Prevention

8. Hon GEORGE CASH to the Minister for Police:

- (1) Is he aware that under Section 50AA(2) of the Police Act it is not possible to have photographs or fingerprints destroyed when a minor is found guilty of an offence but a court orders the charge be dismissed under the Child Welfare Act.
- (2) If so, does he support an amendment to this legislation which would enable those fingerprints or photographs to be destroyed once a charge is dismissed?

Hon GRAHAM EDWARDS replied:

(1)-(2)

I am not aware of the exact section of the Act, but this is a matter which is currently being discussed in my office. If the member cares to put that question on notice I shall give the matter some consideration.

POLICE - CAR THEFT TASK FORCE

Recommendations

9. Hon GEORGE CASH to the Minister for Police:

- (1) I refer to the report of the car theft task force of which he now has knowledge and ask which of the recommendations have been implemented to date?
- (2) Given the implementation of those recommendations, can he advise if there has been a substantial reduction in car theft in Western Australia?

Hon GRAHAM EDWARDS replied:

(1)-(2)

This is the sort of question which needs to be put on notice.

MUSEUMS - WESTERN AUSTRALIAN MUSEUM

Asbestos Removal

10. Hon P.G. PENDAL to the Minister for The Arts:

This is a question in eight parts of which notice has been given -

- (1) Is it correct that proposals are under way to remove asbestos from the Western Australian Museum's building in Francis Street?
- (2) Is she aware that to achieve the removal of these dangerous substances the Building Management Authority approached qualified people in the private sector to quote for the job?

- (3) Is she also aware that, following receipt of this private sector costing, Westrail, a Government agency, was invited to submit a competitive tender?
- (4) Has Westrail in fact been awarded the contract?
- (5) If so, what is the contract price?
- (6) Why has a Government agency whose task it is to transport passengers and goods been given preference over a private company specialising in asbestos removal?
- (7) Is she aware that Westrail carries no specific public liability insurance for asbestos work - something which is demanded of private contractors?
- (8) Will she intervene to reverse the decision which allows a Government agency to compete unfairly with the private sector?

Point of Order

Hon TOM STEPHENS: I wonder whether, as the question is directed to the Minister for The Arts, it is appropriate for the member to ask her questions about portfolios such as Transport and Works?

The PRESIDENT: There is no point of order.

Questions without Notice Resumed

Hon KAY HALLAHAN replied:

I appreciate notice of this question which is in eight parts.

- (1) Yes. From the upper basement of the Francis Street building.
- (2) No. The Building Management Authority was asked by the Museum to prepare an estimate of costs and pre-tender documentation.
- (3) The job has not gone out to tender. The BMA estimate was in excess of the funds available. The Museum is investigating whether Westrail's asbestos removal team is able to do the work within budget.
- (4) No.
- (5) Not applicable.
- (6) Westrail has a licensed asbestos removal team which does not tender in the private sector.
- (7) The Government is a self-insurer.
- (8) I shall continue to support the Museum's endeavours to use the most cost effective measures, within established health and safety guidelines, to remove asbestos from its buildings.

POLICE - RANDOM BREATH TESTS

0.08 Legislation Amendment

11. Hon E.J. CHARLTON to the Minister for Police:

In view of the recent public comment and media attention to the suggested reduction in the alcohol limit for driving, would the Minister inform the House of the Government's position and whether it has any intention of amending the current legislation?

Hon GRAHAM EDWARDS replied:

I cannot inform the member what the Government's position is because the matter has been put to me only since I have accepted responsibility for the Police portfolio. I have indicated my support for random breath testing at 0.08. I would want to be convinced that there is a significant benefit to be gained by moving from 0.08 to 0.05. I say this because we have very strong support in the Western Australian community for random breath testing, but that support is based on the figure of 0.08. I do not know if we would

continue to have that strong support if we moved to 0.05. This is a question which must be considered responsibly, consequently I have referred the matter to the Road Traffic Board and asked that board to consider the matter and put some recommendations to me at a suitable time.

POLICE - RANDOM BREATH TESTS

0.08 Legislation Amendment

12. Hon E.J. CHARLTON to the Minister for Police:

In view of the last part of the Minister's answer, to his knowledge are statistics available, or will they be, to support any move which would require the Government to seek to amend the legislation?

Hon GRAHAM EDWARDS replied:

My view is that the first and foremost advice I should take on this matter is from the commissioner. The commissioner is the person in charge of the Road Traffic Board. I have seen many statistics and arguments put forward in support of 0.05, and I feel that these should be taken into account and considered by the Road Traffic Board before it makes recommendations to me. That process is being implemented at the moment.

TAXIS - DEREGULATION

13. Hon MURIEL PATTERSON to the Minister for Police representing the Minister for Transport:

- (1) Does the Government have any plans to deregulate the taxi industry in Western Australia?
- (2) Has there been any consultation with the industry concerning deregulation?
- (3) If yes to (1) and (2), will the Minister provide details?
- (4) When is it planned to implement such deregulation?

The PRESIDENT: I am inquiring from the Clerk, but I understood the honourable member to direct the question to the Minister for Transport.

Hon MURIEL PATTERSON: I directed the question to the Minister for Police representing the Minister for Transport. I gave notice of the question.

Hon GRAHAM EDWARDS replied:

I can explain that the proper notice has been given.

The PRESIDENT: The member did not tell me.

Hon GRAHAM EDWARDS: I am just telling you. The answers are as follows -

- (1) No.
- (2) No.
- (3)-(4) Not applicable.

KARRAKATTA CREMATORIUM CHAPEL - HERITAGE VALUE

Demolition Stop Order

14. Hon P.G. PENDAL to the Minister for Heritage:

I notice that the Governor announced in his Speech the Government's intention to introduce heritage legislation into the Parliament this session -

- (1) Is the Minister aware of the urgent moves being made to save the old crematorium chapel at Karakatta from demolition?
- (2) Is she aware that this building contains a number of features which make it unique, including plaster depictions of Western Australian fauna and flora?
- (3) Will she give a commitment today to put a stop order on the demolition to give the National Trust time to assess the building and its heritage value?

Hon KAY HALLAHAN replied:

(1)-(3)

The matter has been drawn to my attention and to the attention of the Metropolitan Cemetery Board which I understand will consider the matter at a meeting either this week or next. Given the outcome of that consideration, I would be prepared to discuss the matter with the Minister for Local Government who has a responsibility in that area.

LAND ACT - NEW LEGISLATION

15. Hon BARRY HOUSE to the Minister for Lands:

In view of the lack of reference to the contrary in the Governor's Speech outlining the Government's legislative program, is it indeed the intention of the Government to introduce an amendment to the Land Act in this session to give pastoralists security of tenure?

Hon KAY HALLAHAN replied:

It is possible that legislation could proceed this session, although it is also possible that it may have to wait until the spring session. When I have made the decision about the timetable for that, I will certainly discuss it with the honourable member.

MINISTERS OF THE CROWN - GRILL, HON JULIAN

Minister for Resources Office - Responsibility

16. Hon MAX EVANS to the Minister for Resources:

(1) Does Hon Julian Grill have any responsibility within the Minister's office for resources?

(2) If so, what functions does he perform for the Minister?

Hon J.M. BERINSON replied:

(1) No.

(2) Not applicable.

POLICE - MULTANOVA

17. Hon E.J. CHARLTON to the Minister for Police:

As intimated in the Governor's Address, is it the intention of the Government to introduce legislation for the implementation of the Multanova equipment for speed control this session?

Hon GRAHAM EDWARDS replied:

What we require is owner onus legislation. I think that legislation was introduced into the Assembly by the previous Minister. I am considering our legislative program in its finer detail at the moment and I will probably want to move on that as a matter of priority. I may actually reintroduce the Bill in the Legislative Council.

I must say I was greatly disturbed over the course of the Easter break to see the way in which motorists thumbed their noses at the request by the police for people to abide by road traffic rules, and the number of motorists who were observed to be speeding by the processes of the Multanova was of great concern to the police and therefore to me. If we can get the legislation through in order to enable us to much more efficiently use the Multanova, we should do so speedily.

POLICE - MULTANOVA

18. Hon E.J. CHARLTON to the Minister for Police:

I know the Minister cannot give an opinion but could he advise the House whether this sophisticated radar equipment will be used only on the type of road system on which - so I believe from public advice - traffic moves at speed without any accidents or injuries?

Hon GRAHAM EDWARDS replied:

It is not for me to tell the police where they should use the technologically sound and advanced pieces of equipment they have at their disposal. I have witnessed the Multanova used in places where it is impossible or very difficult to establish or set up other means of speed control. However over Easter the Multanova was not used in places like that and subsequently a large number of motorists were observed to be offending. If we are to give these resources to the police, we have to ensure they are allowed to use them in places of their own choice to the best effect.

POLICE - MULTANOVA

19. Hon MAX EVANS to the Minister for Police:

Local government has the power to automatically render council parking to car owners. The legislation dealing with the Multanova will define the owner of the car, which in a lot of cases might be the Government, companies, leasing companies and so on. How is that to be handled and has the matter been considered?

Hon GRAHAM EDWARDS replied:

Right from the word go I want to dispel any notion that the Multanova is there simply to make a quid because it can record a large number of offenders at a given time. As a matter of fact the police have used this equipment very cautiously and indeed have used it mainly to send out warnings to people observed to be speeding. The police have used it very well and effectively as a good public relations exercise. The aim is to try to reduce the number of speedsters on our roads. The Multanova is first and foremost a speed control mechanism. The other matters raised by Hon Max Evans touch on issues which are to be reconsidered in the legislation and I am sure he will be interested in the Bill the Government puts before the House at a later stage.

PLANNING - DUNSBOROUGH STRUCTURE PLAN

20. Hon BARRY HOUSE to the Minister for Planning:

- (1) Is the Minister aware that the Dunsborough structure plan was with the previous Minister for Planning for at least six months before ministerial responsibilities were changed earlier this year and was not released despite several commitments to do so?
- (2) Is the Minister also aware of the existence of this plan and of the pressure building up within the Dunsborough area for further land availability in order to meet rapidly rising demands for land for housing, recreation and industrial purposes?
- (3) Can the Minister give any indication of the reasons for the delay in releasing this plan from her office?
- (4) Can the Minister indicate when she intends to release the Dunsborough structure plan?

Hon KAY HALLAHAN replied:

- (1) No.
- (2)-(3) Yes.
- (4) The report will be released very shortly.

POLICE - FINANCIAL CUTS

21. Hon GEORGE CASH to the Minister for Police:

- (1) Is the Minister aware of the announcement made by the Premier on assuming office that the areas of law enforcement, health and education would not suffer from financial cost cuts owing to the repercussions of WA Inc?

- (2) Is it a fact that inadequate relief staff for police officers on annual leave, long service leave and other leave is hampering police operational activities and has contributed to the current low morale within the WA police?
- (3) What guarantee or commitment is he prepared to give the hard working police officers of Western Australia that they will not suffer from the financial cuts through the disastrous financial dealings of this Government?

Hon GRAHAM EDWARDS replied:

(1)-(3)

In my brief time as the Minister for Police - and I might say that it is a portfolio which I am absolutely delighted to have - I have not been made aware of general low morale within the force. What I have been made aware of is a very strong feeling by the police that they have had enough of being used by Hon George Cash and members opposite as political pawns. It seems to me that sort of question exactly demonstrates the way in which the police have been consistently used by that man opposite, to the detriment of the police and their morale.

I will continue to give the strong support which was given by previous Ministers of this Government to the Police Force, and this Government will continue to provide the very strong resource support it has given since it took office in 1983. As an indication of that, in the year this Government took over from the former Liberal Government, the former Government did not increase the Police Force by a single person. Members might remember that the most important resource the Police Force has is the individual police officer. In my view this Government has done the Police Force proud by the way in which it has moved to increase the number of police. For the record - and certainly for Hon George Cash's information, as it would appear he has a fairly short memory on these matters - this Government gave a commitment to increase the Police Force by 1 000 officers. Come the end of this financial year we will be exactly halfway towards the fulfilment of that commitment; we will have increased the Police Force by an additional 500 officers. We will ensure that in the future this ongoing support and commitment is maintained for the very good Police Force of this State.

POLICE - RELIEF STAFF

Adequate Numbers

22. Hon GEORGE CASH to the Minister for Police:

Are adequate relief staff provided for police officers who take annual leave, long service leave or any other leave in the Police Force in Western Australia?

Hon GRAHAM EDWARDS replied:

Yes.