

# Legislative Council

Tuesday, 26 March 1991

**THE PRESIDENT** (Hon Clive Griffiths) took the Chair at 3.30 pm, and read prayers.

## SELECT COMMITTEE ON STATE INVESTMENTS RELATING TO PETROCHEMICAL INDUSTRIES LTD, WESTERN AUSTRALIAN GOVERNMENT HOLDINGS LTD, ROTHWELLS LTD

### *Motion - Paragraph Incorporation*

**HON R.G. PIKE** (North Metropolitan) [3.36 pm]: I seek leave to incorporate in my motion the following new paragraph -

4. Evidence, documents and other material provided to the committee that has not been published by order of the House or the committee shall not, after its transmission to the Royal Commission, be published or used by the Royal Commission other than in conformity with the Standing Orders of the Legislative Council. And for the avoidance of doubt, it is hereby declared that any transmission is part of the proceedings of the Select Committee. In the event that the Royal Commission is of the opinion that the inability to publish or use the evidence, documents or other material transmitted is likely to hinder its inquiries, the Royal Commission may apply to the President who is hereby authorised to permit the Royal Commission to deal with such evidence, documents or other material in a manner that is otherwise inconsistent with Standing Orders.

Leave granted.

### *Motion*

**Hon R.G. PIKE:** I move -

1. That the Select Committee on State Investments relating to Rothwells Ltd, Petrochemical Industries Ltd, Western Australian Government Holdings Ltd, constituted by this House on 16 May 1990, be reappointed with the same orders of reference and membership (save as set out herein) as it had at the previous session for the following purposes -
  - (a) To complete without undue delay its second interim report without calling for any further witnesses, the necessary exception to this being to reissue and enforce the summons to witness directed to the Attorney General and which at the date of prorogation of Parliament had not been complied with.
  - (b) To report to the House as soon as practicable the committee's progress to date. In doing so to keep in particular, consideration of matters that may be of use to the inquiry of the Royal Commission into the commercial activities of Government.
  - (c) Having made its report to the House, the committee is to release to the Royal Commission such papers and information as the committee may have which in its opinion is relevant to the Royal Commission's inquiry. The release of papers and information is hereby expressly authorised.
  - (d) The committee may consult with the Royal Commission as to which evidence and information is relevant.
2. That clause 5 of the existing Orders of Reference be deleted and this clause substituted -
 

in presenting any report, the committee may annex any papers, evidence or transcripts or other documents if it is satisfied that nothing in a report or annexure would have prejudicial effect on the conduct of any trial or civil litigation.

3. To deal with any matter where it appears that it may need to report to the House as to -
  - (a) the failure of a witness to answer any summons; or
  - (b) the intimidation of, or making of retribution upon any witness by reason of their giving evidence to the committee.
4. Evidence, documents and other material provided to the committee that has not been published by order of the House or the committee shall not, after its transmission to the Royal Commission, be published or used by the Royal Commission other than in conformity with the Standing Orders of the Legislative Council. And for the avoidance of doubt, it is hereby declared that any transmission is part of the proceedings of the Select Committee. In the event that the Royal Commission is of the opinion that the inability to publish or use the evidence, documents or other material transmitted is likely to hinder its inquiries, the Royal Commission may apply to the President who is hereby authorised to permit the Royal Commission to deal with such evidence, documents or other material in a manner that is otherwise inconsistent with Standing Orders.

The paragraph incorporated in the motion by leave is in substance and in detail the same as the paragraph incorporated in the motion moved by Hon Peter Foss. In speaking to this motion I want to address a question to the generality of the inquiry of this committee, which hitherto has not been addressed. The contemptuous act of Premier Lawrence in proroguing the Parliament has resulted in a loss of three months, which means that unfortunately we are now debating the re-establishment of this committee, which had it been left to complete its proper inquiries would have concluded in the normal run of events and reported to the House prior to the sittings of the Royal Commission. That is now a matter of record.

Hon J.M. Berinson: It is not a matter of record at all. The record is to the contrary.

Hon R.G. PIKE: The record to the contrary is that without regard for the traditions of the Westminster system, and with a contemptuousness which almost stands alone, the Premier, with the support of the leader in this place, set aside the traditions of the Parliament in order to gag both this committee and Hon Peter Foss' committee. The editorials in *The West Australian* and the *Australian*, and the public at large, have already made judgments. I do not intend to dwell on that.

Hon J.M. Berinson: I will dwell on it, in my reply.

Hon R.G. PIKE: The proposition is that former Liberal and Labor Governments of this State - people such as Tonkin, Wise, A.R.G. Hawke, David Brand and Sir Charles Court - approached government with an integrity and honesty of application which the record now shows is not the case with the Burke Government, the Dowding Government or the Lawrence Government.

Hon J.M. Berinson: Dig a hole for yourself!

Hon R.G. PIKE: Today we are confronted with a lack of integrity, wrongdoing and wrong saying, lies in the Parliament - some of which have been proved by the record - and statements by Labor Ministers which confront and deny the essence of the nature of the Westminster system. The Attorney General proposes, as does the rest of his party, that the committee be authorised to hand over its papers, information and witnesses' evidence, to the Royal Commission without reporting to the House. Therefore, the nub of the debate today is simply: Shall the committee be authorised to complete its report, consult with the Royal Commission and hand over its papers, or shall it not? The essence of the matter is simple: Allegations of improper and unethical conduct in the Parliament by the Premier, by the Cabinet, or by any member of Parliament can, in the nature of the Westminster system, be investigated only in the Parliament, by the Parliament, or by a committee of the Parliament. The Government would have this House and the people of Western Australia believe that the nub of the debate is whether we merely hand over our evidence and report information, or whether we should first report to the House. The nub of the question is that only the Parliament can investigate improper, unethical conduct - and God knows, we have evidence of that - but more particularly only Parliament under Article 9 of the Bill of Rights and section 1 of the Parliamentary Privileges Act can reprimand, censure, arguably fine, and most

certainly imprison, members of Parliament for wrongdoing and wrong saying in the Parliament and contempt of Parliament.

Hon J.M. Berinson: So you are limiting investigation to conduct in the Parliament? I do not think that the member knows what Article 9 means.

Hon R.G. PIKE: The Attorney General will have his turn. In the meantime, section 1 of the Parliamentary Privileges Act makes clear -

Several members interjected.

The PRESIDENT: Order!

Hon R.G. PIKE: I do not want to indulge in a shouting match. I can handle one interjection at a time, but not seven or eight.

The PRESIDENT: Order! I certainly will not indulge in allowing interjections to prevail this afternoon, so I suggest that honourable members understand that early in the piece.

Hon R.G. PIKE: Section 1 of the Parliamentary Privileges Act states -

The Legislative Council and Legislative Assembly of Western Australia respectively, and the Committees and members thereof respectively, shall hold, enjoy, and exercise such and the like privileges, immunities, and powers as, and the privileges, immunities, and powers of the said Council and Assembly, and of the Committees and members thereof respectively, are hereby defined to be the same as are, at the time of the passing of this Act, or shall hereafter for the time being be, held, enjoyed, and exercised by the Commons House of Parliament of Great Britain and Ireland and by the Committees and members thereof.

Article 9 of the Bill of Rights states -

That the freedom of speech, and debates or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament.

This House and certainly the people of Western Australia generally - because they are seeing that record of obscenity of WA Inc - need to know who will be punished, how and when they will be punished, and what authority exists for members of Parliament to be punished. I emphasise that the Parliament can reprimand, imprison, censure, and arguably fine, if contempt of Parliament has been committed; it can certainly discipline a member under the authority of Article 9, and it can declare his seat to be vacant. It can therefore expel the member; that is, rid the Parliament of persons unfit to hold office. I repeat also that it can imprison. So we are talking about a case in two parts. First, the Premier and Cabinet are desperate to avoid the scrutiny of their actions in Parliament by the Parliament.

Hon J.M. Berinson: What a load of codswallop!

Hon R.G. PIKE: They have obscured -

Hon J.M. Berinson: Mr Pike is 100 miles away from where he started.

Hon R.G. PIKE: They have obscured the issue; it is not a simple proposition whether papers should be merely passed to the Royal Commission, and/or to report; they know that the committee has power under the Bill of Rights and under section 1 of the Parliamentary Privileges Act to make recommendations in respect of wrongdoing, wrong saying and contempt of Parliament -

Hon J.M. Berinson: In Parliament only!

Hon R.G. PIKE: How much *deja vu* can we take? We should consider all debate on WA Inc, since the beginning. Every time the issue has been raised in this place the Opposition has said that this is wrong and that is wrong, and has asked questions. However, we hear the same hip, hip hooray reply led by the Attorney General. He says, "That is wrong; where did you get the information from?" When it is all over, when the froth and bubble subsides, we find that the Opposition has been correct; the evidence given to the Royal Commission seems to indicate that what we have been saying all along is correct. Without in any way being critical of the Royal Commission, neither it nor the courts - nobody - can investigate wrongdoing and wrong saying in the Parliament; that is beyond the power of any institution, except Parliament itself. Therefore, the issue before us today is not whether the Royal Commission gets our information or evidence. Clearly the Government

and the Opposition are at one on that, as witnessed by the motions on the Notice Paper. The issue is whether the committee is to be given authority to report. During debate which occurred following a motion by Hon Peter Foss, the Attorney General asked by interjection, "What do you have to hide?" What does the Government have to hide when it seeks to avoid the proper scrutiny of its actions in the Parliament by a committee of the Parliament?

Hon J.M. Berinson: Mr Pike, you cannot use that line any more; it is borne out by the Royal Commission.

Hon R.G. PIKE: The Attorney General sought to terminate the activities of the Select Committee by his support of the contemptuous prorogation of the Parliament. The Attorney General was involved because he was the recipient of a subpoena served by the committee, and I will come to the detail of that in a moment. Meanwhile the Attorney General can wait with bated breath.

Hon J.M. Berinson: What does receipt of a subpoena have to do with the prorogation of Parliament?

Hon P.G. Pendal: It meant that you did not have to appear.

Hon J.M. Berinson: I did not have to, anyway.

Hon R.G. PIKE: I want to talk about the adversarial relationships in Parliament.

Several members interjected.

The PRESIDENT: Order!

Hon R.G. PIKE: Frequently, argument occurs in this place that this or that Select Committee is not effective, or is wrong or improper because the nature of the inquiry of the Select Committee is political. There have been Select Committees in this place hitherto -

Hon Fred McKenzie: Garry Kelly is our secret weapon.

Hon R.G. PIKE: - where findings have been made and the Labor Party in this place has attacked the findings on the basis that the nature of the inquiry was political; therefore, the determination is of no consequence. If we take that proposition in its most simplistic form we can anticipate the argument that we are about to hear against this motion, which is that this committee has a non-Government majority, albeit that it has two Labor members, and those members have the absolute right and privilege to present a minority report. Truth does not depend on majorities.

Hon J.M. Brown: Which we have done in the past.

Hon R.G. PIKE: Members must have rocks in their heads if they think that those two members would not present another minority report when the committee reports next.

Hon Fred McKenzie: How did you guess that!

Hon R.G. PIKE: In the meantime it is the nature of politics that there is always a majority and a minority; and it is the nature of political parties and committees of inquiry, be they Standing or Select Committees, that if the subject of inquiry is non-partisan, such as de facto relationships, which is the responsibility of one committee of this place, it is arguable that the committee will conduct an objective, comprehensive, and in-depth inquiry without heat or volatility and with its members being pretty passive about the terms. It is not, nor will it ever be, an argument to be put forward by either side of politics that because a committee has a majority and a minority, of its very nature that committee is controversial and therefore biased. The old saying springs to mind, *res ipsa loquitur*; that is, the facts will speak for themselves. If a committee calls witnesses to give evidence and that evidence is corroborated by more than one witness, whether the majority of that committee be 3:2 - or conversely 2:3 - the facts will speak for themselves. Notwithstanding a minority determination by one of the parties represented on the committee we will have a proper presentation of the facts and this House and the community will make a judgment on the relevance of the recommendations and their creditably and, therefore, of the notice that should be taken of them.

That is not, nor could it ever be, a reason for the committee of inquiry system of this House to be terminated, bastardised, or prorogued in the bloody-minded way that Premier Lawrence did in this State by stopping the very functions of Parliament. It is an indictment of the

understanding that people have of the parliamentary system that in the main this dreadful action went unremarked. For the Premier, who is a servant of the Parliament, to be able to terminate the actions of the Parliament, and to say as she did without apology "I did it to shut them up, to stop them proceeding", is a matter that historians will record as one of the most single and abhorrent actions that have taken place in this State. Even if any Select Committee investigation were subsequently proved to be unnecessary, which in this case I am certain will not occur, eventually the contemptuousness of the action remains; that is, a Premier halted the functions of a properly elected Parliament for about three months because it did not suit her politically in the face of the problems of the whole of Western Australia. It highlights that where we have a Government, an Executive, a Cabinet of people of integrity like A.R.G. Hawke, Sir Charles Court, and Sir Ross McLarty - people who knew and understood the Westminster system - none of those gentlemen would ever have begun to think about stopping the proceedings of a democratically elected Parliament for the partisan political purpose of shutting it up.

Hon J.M. Berinson: And none of them would have chaired a committee in the disgraceful way you have.

Hon N.F. Moore: How would you know anyway?

Hon R.G. PIKE: If members accept that argument they would never accept the proposition that a servant of the Parliament - that is, the Premier - should wield power over the very proceedings of the Parliament.

Hon Fred McKenzie: How much work did the committee propose to do during the prorogation period?

Hon R.G. PIKE: It is almost a reversal of the stopping of Supply. It is a case of a Premier using the unfettered power of the Executive for partisan political purposes.

Hon N.F. Moore: And it is not the first time.

Hon R.G. PIKE: I understand it was done previously in only one instance in the history of this place, by the Burke Government. Previous Governments understood and respected the integrity of a parliamentary system which Carmen Lawrence and Leader Berinson clearly do not. Publication of a majority report with the truth and the facts corroborated with evidence will speak for itself. The people of this State must ask themselves why the Labor Party in the upper House seeks to delay, defer and deny the right of the Legislative Council to bring down its report after a year and a half of effort. I might say that it has been a very frustrated effort -

Hon J.M. Berinson: We are doing nothing of the sort.

Hon R.G. PIKE: - because of the shortage of finance imposed upon this House. We can contemplate why that is so, bearing in mind the Government has two members on the committee who have already proved their competence and ability in bringing forward a sufficient and proper minority report. We also know that the two Labor members had significant success in bringing their minority report to the attention of the media. They had the absolute right to publish what they liked in their report. What did they say? They said *inter alia* that the majority on the committee had published selected evidence. Let us look at those words. They allege that the majority members of the committee had looked at the evidence, to which they had access, and had selected evidence in a biased way. The real issue is that the minority members then had, and now have, the absolute, unfettered right to publish in their report any evidence given by any witness or any information gained by way of subpoena that is to the contrary of the majority report. They claimed that the majority report referred to selected evidence, but they did not publish any details.

Hon Fred McKenzie: Why didn't you bring back Judge?

Hon R.G. PIKE: I am the first to acknowledge that they had a major coup because the Press took it up. The bottom line was and is that they could have published any evidence to the contrary that was available.

Hon J.M. Berinson: It was not only selected but untested.

Hon R.G. PIKE: As Hon Tom Helm said yesterday on radio and by way of comment during another debate, it is the right of those members, who are very competent, hard working,

honest, and straightforward members, to publish a minority report and that will speak for itself. This debate would have been unnecessary except for Carmen Lawrence's contempt for the Westminster system. On 1 December the Attorney General was summoned by the committee to produce vital documents. I will not reveal the detail of the documents because of the confidentiality provisions -

Hon J.M. Berinson: I am free to say what was in it.

Hon R.G. PIKE: - but details will be made public in the report. The committee requested documents to be supplied by 12 December. An extension of time was granted by the committee, and I ask members to look at this detail because it poses a question which remains unanswered, a question of credibility and fair mindedness.

Hon J.M. Berinson: It is the pot calling the kettle black.

Hon R.G. PIKE: The Attorney General has in his keeping all the files as a consequence of the McCusker inquiry and task force. I would not imagine his department to be other than efficient to the degree that it could have quick access to the information. Nevertheless the department requested an extension to 25 January and with my normal goodwill and cooperation that extension was granted. I became aware of the arrangement some time subsequently. I make no comment on that and I do not mean to be critical. I spoke to one of Attorney General's senior employees stating that I was anxious to get whatever details were available because the committee wanted to get on with finalising its report.

Hon J.M. Berinson: But you were not going to sit.

Hon R.G. PIKE: I was given assurances that was to be done and that the files were to be made available to the committee. That was in the process of being done when on the following morning I had a telephone call from that gentleman to say that Parliament had been prorogued and that he had been instructed not to provide the information which I sought.

Hon J.M. Berinson: It was not provided because it could not be provided.

Hon R.G. PIKE: This motion directs that the committee complete without delay its second interim report without calling for more witnesses, the necessary exception to that being the reissuing and enforcement of a directive to the Attorney General to provide documents and evidence, which at the date of prorogation of Parliament had not been complied with. I am one person among many who is saying that it is passing strange that the Government had to keep the House sitting because it needed to pass the corporations legislation. Why did the Attorney General's department ask for a delay in producing information? I have always found that department's staff inordinately efficient in collecting information. When I have asked for certain information previously his officers have been capable of immediately plucking that information from the files. Nevertheless, it is curious that the committee's request was delayed until 25 January and then Parliament was prorogued. Enough has been said on that matter. At a time when Premier Carmen Lawrence is endeavouring to portray herself as whiter than white she has, by that one action of proroguing Parliament, established an attitude of contemptuousness which is historical for Western Australia. It is unfortunate that we must now debate this issue. The committee could have completed its report three months ago. I ask members to support the motion.

**HON J.M. BERINSON** (North Metropolitan - Attorney General) [4.05 pm]: I believe I am safe in suggesting that none of us expected anything very impressive from Hon Bob Pike.

Hon N.F. Moore: I thought it was very impressive.

Hon J.M. BERINSON: I confess that even I did not expect anything quite as pitiful or puerile as what we have just heard. All of a sudden Article 9 of the Bill of Rights has become a matter for close attention in this House. Hon Peter Foss referred to it last week in a discussion about his committee, but at least Hon Peter Foss understood what Article 9 of the Bill of Rights provides. Hon Bob Pike on the other hand in referring to Article 9 and section 1 of the Parliamentary Privileges Act attempted to rely on them as justification for the re-establishment of his committee. They are nothing of the sort. Hon Bob Pike conveniently glossed over the fact that the limitations on action against certain members of Parliament, as provided by Article 9 of the Bill of Rights and section 1 of the Parliamentary Privileges Act to which he referred, relate solely to what members have said or done within

the Parliament. Not only that, he does not appear to know that nothing that a committee of this House can do can affect in any way the performance within the Parliament - or for that matter outside the Parliament - of any member of Parliament who is not a member of this House. In other words, his lengthy reference to Article 9 of the Bill of Rights and section 1 of the Parliamentary Privileges Act was simply another example of the lengths to which he is prepared to go in order to justify the unjustifiable and to defend the indefensible, by which I refer to his performance as chairman of this committee.

Last week the House considered a motion to re-establish the Foss committee. I opposed that move then as being unnecessary and undesirable. Both of my objections related in the main to the appointment of the Royal Commission since the Foss committee was established. The re-establishment of the Pike committee is unnecessary and undesirable for the same reasons as were argued last week. In this case, however, there are additional and even stronger grounds for objection, and these relate to the incompetent, unprofessional, and shameful conduct of the committee, but most especially the conduct of the committee's chairman.

The Pike committee was established in October 1989; 17 months ago. Other committees of this House have achieved more in 17 days, though I admit at once that other committees could have proceeded for 17 years without the extent of self-aggrandisement which Mr Pike, as chairman of this committee, has sought. His guiding theme throughout has been anything for a headline, and proper procedure, balance or even basic fairness has not been allowed to stand in the way of that objective. The result has been a sham and a disgrace. It is only a pity that the media has not subjected the record to more than superficial scrutiny, because the record of this committee speaks for itself and it condemns itself.

I refer in this respect to the first interim report of the Select Committee which was presented in April 1990; that is, fully six months after the committee's establishment. That was not just a weak or bad report, but one which should not have been presented. It neglected and, indeed, mocked the traditions of committees of this House in at least two very important respects. In the first place it quoted at length some selected extracts of evidence which in the committee's own words, "reflected adversely on individuals". In the second place this was done in a context where again, by the committee's own admission, the reason that the individuals concerned were not quoted in reply and were not quoted in rebuttal was because they had been given no opportunity to comment or rebut; they had simply not been heard. It followed from that, that the committee was forced to report that, "the committee has not reached any conclusion" and to concede as well in respect of individual witness's statements, "the fact of the reporting should not be taken to be an endorsement by the committee of that witness's evidence". This leads to some very obvious questions: The first question is: Why was the evidence quoted at all? The answer, clearly, is that it should not have been quoted. The next question is: What possible legitimate, let alone decent, purpose could the quotation serve? The answer is none.

In an earlier debate Hon Bob Pike attempted to defend the indefensible by saying that after six months or so there was an obligation on the committee to report. Quite so, but not in the terms that were used. That the work of the committee after six months did not provide a basis for proper report was nothing unusual. On the contrary, that is a very common experience. What this committee should have done in April 1990 is what other committees have properly done; that is, to report that inquiries were in progress but were incomplete and to seek further time for subsequent report. That is what should have been done by this committee.

Hon Mark Nevill: That was the honourable thing to do.

Hon J.M. BERINSON: It was the honourable thing to do; it was the correct thing to do; and it was the traditional thing to do.

Several members interjected.

The PRESIDENT: Order!

Hon J.M. BERINSON: By the way -

Several members interjected.

The PRESIDENT: Order!

Hon J.M. BERINSON: - one would expect that after all these sermons by Hon Robert Pike -

Several members interjected.

The PRESIDENT: Order! I want honourable members to come to order when I call order and not to carry on with their interjections. I ask the Attorney General to direct his comments to the Chair.

Hon J.M. BERINSON: Mr President, I have outlined the usual and proper course which committees in the position of the Pike committee in April 1990 have always taken. That is what should have been done by this committee as well, but that would not have got Hon Bob Pike a headline so out with the right thing and on with the half-baked assertions and verbatim untested evidence. That is what Hon Bob Pike did then, and now he has the hide to ask the House to let him do it again. His intentions to this effect are quite explicit because his own motion anticipates that there will be no more witnesses. Unless everyone referred to in the first report has now been heard, that can only mean that at least parts of the former untested quoted evidence will remain untested. Any reference to additional material which the committee may now go on to obtain and quote from will also necessarily be untested. I put it to the House that one experience of this sort of abuse of the system should be more than enough and Hon Bob Pike's motion, which in effect calls for a repeat of that improper process, should not be entertained.

About six months after the presentation of the first interim report there was an instructive exchange in the House when Hon Jim Brown moved to have the committee provide a further report. Hon Bob Pike opposed that motion with transparently spurious arguments in the course of which it became quite clear that his real reason for not wishing to report was because he had nothing of any substance to present. That was extremely interesting if only because of the further extensive work which was foreshadowed in the first interim report. This leads me again to a few simple questions. For example, on page five of the report appears the comment that Mr Judge will be recalled. The question is: Was he? Again on page five it is said that Mr Judge identified witnesses who will be required to give evidence. The question is: Have they? On pages six and seven the committee indicates that a minimum of 14 witnesses would be called. The question is: How many witnesses have in fact been called? I suspect very few, if any. I would have hoped that Hon Bob Pike might at least spare us a repeat of his attack on prorogation as the reason for his committee's failure. The reason for the failure of Hon Bob Pike's committee is Mr Pike.

Government members: Hear, hear!

Hon J.M. BERINSON: Added to that is the nature of the committee, but above all it is the performance of the committee which led to that disgraceful first interim report and which now leaves Hon Bob Pike to attempt to go down the same path.

Hon P.G. Pental: If it is going to fail again, you would not prevent it from happening.

Hon Graham Edwards: You look embarrassed about the whole thing.

Hon P.G. Pental: Not at all.

Several members interjected.

Hon J.M. BERINSON: I want to deal for a moment with the question of prorogation that Hon Bob Pike raised as an excuse for his masterful inactivity and ineffectiveness. I concede that the prorogation of Parliament prevented the committee from meeting since the end of December. However, committee members have publicly indicated the committee was not scheduled to meet until early March even if prorogation had not occurred. That is on the public record from members of the committee; and what is not on the public record is any denial of that timetable from the chairman of the committee, Hon Bob Pike. I would have expected him to spring to his own defence when that statement was made and say it was quite wrong and that it was perhaps going to meet in the middle of January or at the end of January at the very latest. However, members of the committee said it had been agreed in December that the committee would not meet again until the end of February or the beginning of March at the earliest. That is the position; it is not prorogation at all which is relevant to the inactivity and ineffectiveness of this committee. Eventually, Hon Bob Pike really does have to face up to the facts of the matter and those are, as I have already indicted, that the shortcomings of the Pike committee and his own shortcomings are in fact one and the same thing.



I conclude with two brief points: Firstly, while I have criticised the committee in general terms I naturally exclude from that criticism Hon Jim Brown and Hon Fred McKenzie whose minority report in April put the faults of this committee in a nutshell. Hon Bob Pike had the nerve to say that the answer to an improper selection of untested evidence should have been met by the minority on that committee improperly publishing extracted untested evidence that, in the first place, may not have been available.

Several members interjected.

The PRESIDENT: Order!

Hon J.M. BERINSON: I would not know. Certainly, an invitation that his improper activities should be reflected in the response by the minority and in disagreement with him is an absolutely fatuous suggestion, apart from being improper in itself. Secondly, I remind the House of the innumerable occasions on which Opposition members, particularly Hon Bob Pike, have said that a Royal Commission would end the need for the committee and that nothing would make his members happier than to wind it up if and when a Royal Commission was established. A Royal Commission has been established and those members of the Opposition, including Hon Bob Pike, should put their good intentions into effect by rejecting the re-establishment of this committee and providing its material to the Royal Commission without further delay. For two weeks or so there has been on the Notice Paper a motion to be moved by Hon Fred McKenzie which would have that effect - motion No 3.

Hon George Cash: Is that not now superseded by your motion No 4?

Hon J.M. BERINSON: I was about to refer to motion No 4 standing in my name, which goes further.

#### *Point of Order*

Hon R.G. PIKE: Discussion of motions Nos 3 and 4 on the Notice Paper in the context of the debate on this motion is not relevant and the Attorney General should know that.

The PRESIDENT: I do not understand the point of order.

Hon R.G. PIKE: The Attorney General is not speaking to the motion before the Chair but to other motions listed on the Notice Paper

The PRESIDENT: The Attorney General knows that he must speak to the appropriate motion.

#### *Debate Resumed*

Hon J.M. BERINSON: That is precisely what I have been doing. I have indicated that among the many reasons - perhaps the innumerable reasons - why this motion should not be agreed to is the fact that already on the Notice Paper are at least two alternative routes to take both of which are preferable to this one. Firstly, we have Hon Fred McKenzie's motion, which moves that all of the committee's documents, reports and material should go to the Royal Commission. The further motion, standing in my name, takes the matter wider than the Pike committee, in particular by suggesting that the same course of action should be followed in respect of all and any Select Committees of this House which might have material of interest to the Royal Commission. That is the route that we should be taking.

If we take that route it will be at no loss to the public benefit or to anybody except perhaps Mr Pike's continuing ambition to grasp whatever few headlines remain for his misrepresentation of the affairs of his committee. We do not need that committee because of the reasons established by section 9 of the Bill of Rights and section 1 of the Parliamentary Privileges Act; we do not need it to elucidate facts which will undoubtedly be part of the Royal Commission's considerations and findings since, whatever might have been said last week about the Foss committee, the undoubted fact of the current matter is that the Royal Commission's terms of reference cover the entire area of Hon Bob Pike's committee in full and, indeed, more extensively. Further, the Royal Commission has resources vastly greater and more professional than those which we can bring to bear with a committee of this House, bearing in mind the admittedly limited resources our committees must work with.

This work can be done better by the Royal Commission. It will undoubtedly be done better by the commission and in a less political way than the way in which the Pike committee has proceeded. Above all, it will be done more fairly by the Royal Commission than the Pike

committee. I repeat that the first interim report of the Pike committee was disgraceful, for the reason that it took selected pieces of untested evidence, to which the persons referred to had no opportunity to reply, and published them. It did that to the great detriment of the people at whom those references were directed. The committee acknowledged the weakness of its position by saying that it did not endorse what it had published. It went further - indeed, it had to go at least that far - and said that no-one else should draw any conclusions from that, either. That was the extent of the report and the value that could be attached to it. It is not just that it was a weak report - it was an unprincipled report.

The worst thing about this motion is that it seeks to repeat entirely the same process. Its terminology makes clear that the committee will have no opportunity to further test the evidence it has already received or to test the contents of any material still to be collected that emerges from its own very proper restrictions upon itself now that the Royal Commission has been established. The committee's restrictions upon itself suggest that no additional witnesses are to be called before its further report.

By arrangement between the parties the discussion of this matter will not proceed beyond 4.30 pm today. The Opposition should at least anticipate that the Government will move an amendment to the motion.

Hon George Cash: As a matter of record, it is agreed that this matter will not proceed past 4.30 pm today for reasons contained in a letter to me this morning from the Attorney General. However, there is also an agreement that the debate will reach conclusion tomorrow.

Hon J.M. BERINSON: Quite so.

Hon George Cash: So long as that is a matter of record, as I did not want the Attorney General to leave matters halfway.

Hon J.M. BERINSON: I am happy to confirm that. I do not want to go off on too many tangents, but the Leader of the Opposition reminds me that that is the answer to the implied criticism made by Hon Bob Pike that there was some effort on this side to delay consideration of his motion: We do not want to delay the motion but want to defeat it as that is what should happen to it! Apart from any other consideration, I foreshadow that when debate resumes tomorrow Government members will move that if the House does not see its way clear to reject this motion completely we should at least ensure that any further report by this committee should come early and be the final report presented by it.

HON PETER FOSS (East Metropolitan) [4.30 pm]: I wish to correct one thing in relation to the first interim report.

[Leave denied for motions to be continued.]

## ADDRESS IN REPLY - FOURTH DAY

### *Motion*

Debate resumed from 20 March.

HON B.L. JONES (South West) [4.31 pm]: Hon members, do you respect yourselves? Do you think before you drink? Members may have recognised that I am quoting slogans from the Drinksafe campaign. The subject of my speech today is the use and abuse of alcohol. Perhaps I should begin by saying that I am not a teetotaler myself. I enjoy the occasional drink, particularly a good wine with a meal. I say that because when I told an honourable member the subject of my speech would be alcohol he asked if I was a wowser.

An Opposition member: Are you?

Hon B.L. JONES: No, I am not a wowser. As I have already said, I enjoy a drink when I can. I also accept that there is a school of thought that says that the occasional drink of alcohol can be beneficial to one's health. However, if members can answer yes to both those questions I posed earlier they will probably have no great concern at a personal level with the contents of my speech, although I hope members will have some concern for the matter in view of their positions as leaders within their communities. If they cannot answer yes to whether they respect themselves or whether they think before they drink, perhaps I can give them some food for thought.

Hon T.G. Butler: I do not think alcohol has anything to do with the level of respect.

Hon B.L. JONES: First of all I would like to establish whether or not alcohol is a major cause for concern in our community, and I shall pose a few questions. Does the regular consumption of alcohol above what are considered safe limits affect one's health? I guess we have to answer yes. Does excessive drinking often lead to breakdowns in family life? Again we have to answer yes. Does abuse of alcohol result in a significant number of hospital beds being unavailable for other health care? Again we must answer yes. Does excessive drinking lead to personality disorders, blackouts, memory loss and sometimes violent behaviour? Again the answer is yes.

Clearly, from the above, it has been demonstrated that alcohol can be and often is a major cause for concern in our community. To explore the matter a little further, perhaps I should give members my definition of the four main types of drinkers. There are probably variations, but these are the four main types, as I classify them. First there is the social drinker, in which category I classify myself. We can enjoy a drink now and again but it does not injure our health or get us into trouble. The second category is the younger drinker. People from 18 to 24 years of age. Their drinking tends to be more of a binge variety. If they are still at school, at university or working, they drink mostly at the weekends. It is these kids that we often see getting into trouble with the law, stealing cars, becoming involved in break-ins and in traffic accidents.

The third group is the heavy drinker, and I mean the really heavy drinker, who will sit for hours at home or elsewhere throwing as much grog down his throat as he can. Perhaps these people have nothing else to do. These are the sorts of drinkers who are often found up north going into the pub at the end of the day and consuming vast quantities of alcohol. Sometimes there is a fine line between the really heavy drinker and the alcoholic, who is the fourth category on my list. The alcoholic is in a different category altogether. These people drink not because they want to but because they have to. One drink and they have a mental obsession and a physical compulsion. What a hypocritical lot we are in our society! We laugh at the chap who has been on the booze. Those people say, "Must have had a wonderful time last night; can't remember a thing about it; had a blackout." On the other hand the alcoholic, who is really the person who deserves our sympathy, is suffering from a disease. He is the one we scorn and turn our backs on. The heavy drinker can stop when a crisis occurs which will affect his life. The alcoholic cannot; he has to keep on drinking.

Turning to the question of health, in a recently published draft of the National Health Policy on Alcohol in Australia, alcohol was cited as the country's fourth most serious health problem. The Health Department of Western Australia is targeting alcohol abuse amongst its five immediate priority areas. Alcohol is a major cause of death in Western Australia. Four per cent of all deaths are caused by alcohol. Among our younger age groups more person years are lost through alcohol than all other diseases combined. In the age group of 18 to 24, approximately four in 10, or 41 per cent of men, reported that they had been involved in fights as a result of alcohol. Twenty eight per cent reported that they had been injured in a fight as a result of alcohol. By comparison, 11 per cent of women have been involved in fighting as a result of alcohol. That is not a figure I am proud of but it is considerably less than their male counterparts. In the same younger age group, males spent \$66 per week on alcohol and \$31 was spent by women. When one considers that many of these young people are on the dole, that represents a very significant part of their income.

If one were to ask most people what damage alcohol causes to one's health they would probably quote cirrhosis of the liver. I wonder how many honourable members know that many alcoholics have had limbs amputated as a result of gangrene? It was quite a shock to me when I discovered how many. Heart attacks are also attributed to alcohol, as are gall bladder diseases and many complications which arise as a result of blood poisoning. I guess the one complaint that almost all alcoholics, if they continue to drink, suffer, is an impairment to their mental capacities. This is often also reflected within the household. Spouses who have to live in an alcoholic household suffer greatly as a result of living in that sort of atmosphere. I was once told there are more spouses of alcoholics in mental institutions than actual alcoholics themselves.

Let us look at some of the costs to the community of the abuse of alcohol. In 1986, five years ago, the health cost to the community was assessed at \$31.4 million. I have no doubt it

has increased substantially since then. This represents a very significant drain on the public purse. Hospital costs alone for the 18 to 24 year age group I spoke of earlier is assessed at \$6 million per year. This age group also occupies 10 000 hospital day beds per year - I was staggered when I heard that. That is as a direct result of alcohol consumption. When members consider the outcry about the shortage of beds in public hospitals, and when they consider that 10 000 beds are occupied by people with self-inflicted illnesses as a result of their drinking, they will realise the enormity of the problem.

I came across another interesting statistic recently: On average Western Australian households spend more on alcohol than on health care. This is particularly ironic considering that many people with alcohol problems claim they cannot afford private health care, yet they will require hospitalisation at the public's expense. We have a strange set of values when alcohol is put ahead of our health needs, do we not? Added to that cost is the cost to industry due to lost working time through sickies - or, more accurately, sickies following a binge the night before. Other costs include industrial accidents and unemployment payments - for those who have lost their jobs through alcohol - and supporting parents' pensions. These pensions are usually paid to women, but not exclusively so, who have been forced out of an alcoholic home because they can no longer live in that situation. Also, money is paid to women's refuges because women seek crisis accommodation when they are forced from their homes, and frequently this is as a result of violent husbands who become this way as a result of excessive alcohol consumption.

I hope that I have convinced the House that alcohol abuse is a major cause for concern. I pose another question: What can we do, individually or collectively, to try to improve the situation? Perhaps the first question we can honestly ask ourselves is, do we condone the excessive use of alcohol by friends and family? Do we condone it by our acceptance of their antisocial behaviour? I suspect that the answer is probably yes. We laugh when our friends have had too much to drink, and in doing so we are condoning that behaviour. Are we personally satisfied that our drinking is above reproach? Do we really know what quantities of alcohol are considered safe, bearing in mind that safe quantities vary according to one's weight, sex, age, physical condition and other drug use? Do we know what constitutes a standard drink? Most members have heard that four standard drinks for a man, and two for a woman, are considered safe. However, how many of us know what a standard drink is? Do we encourage our friends to have "just another for the road" before they go home, or do we discourage them from doing so?

Another cause for concern is advertising; not the "what, where, when and how much" type but the emotive advertising which implies that drinking certain beverages suggests that one is sexy, cool, tough or sporty.

Hon Fred McKenzie: Coca Cola is the best at that.

Hon B.L. JONES: Certainly, alcoholic beverage companies have not cornered the market on that, however members would be aware of recent media coverage concerning the banning of alcoholic beverages advertising.

A recent survey indicated that two-thirds of persons questioned wanted tougher laws for alcohol advertising; a similar number believed that advertising was targeted to influence the 18 to 24 years age group. An article in *The West Australian* on 23 March linked teenage drinking of spirits to advertising. It read -

The report, by the National Campaign against Drug Abuse, showed a link between advertising and consumption, Federal Health Services Minister Peter Staples said.

Its publication added weight to arguments that the liquor industry's voluntary advertising code needed to be toughened and better policed.

The report said the proportion of youths of 16 and 17 whose last drink was spirits increased between 1988 and 1989, during which time the amounts of spirits advertising on television aimed at teenagers rose 27 per cent.

At the same time, wine consumption among teenagers fell as wine advertising aimed at teenagers decreased, despite an overall increase in advertising of wine.

That indicates that advertising certainly influences people, particularly the young. Another recent survey indicated a general acceptance that alcohol represented a potential danger and

that advertising should be curtailed; this applied particularly to television advertising. Most members would have to agree that the Quit campaign aimed at cigarette smoking has been extremely successful. The Drinksafe campaign has also received positive feedback; I hope all members will give their support to that campaign. I ask members to provide input to change their own, and other people's, attitudes to antisocial drinking, and to give serious support to toughening laws regarding the advertising of alcohol and the restriction of role models provided to youngsters.

How many members of this House are aware of Alanon and Alateen? I am sure that many members would be aware of Alcoholics Anonymous, but I wonder how many members have come into contact at their electorate offices with people with problems in their homes - I certainly have; these people are at their wits end and do not know where to turn. Often these people are not aware of Holyoake or Alateen.

Hon Derrick Tomlinson: What is Alateen?

Hon B.L. JONES: This supports teenage children of alcoholics.

Hon Derrick Tomlinson: I know the services well.

Hon B.L. JONES: Years ago I had a close family member who was an alcoholic and as a result I joined Alanon. I was recently invited to speak at an AA/Alanon convention during the Easter weekend, and again I started to think about the problems which alcohol can bring to our society, hence the subject of this speech today. At Alanon one meets the relatives and friends of alcoholics who come in despairing not knowing which way to turn. Frequently they blame themselves for what is happening; they often feel guilty for feeling hatred towards their spouse; their children are affected and they do not know what to do with their lives. Perhaps if some members take the trouble to find out a little more about Alanon - to discover where they are within members' electorates - they could direct people who are crying out for help to such places. Holyoake conducts a counselling service for relatives and children of alcoholics. The group runs courses for young and teenage children.

Hon P.G. Pandal: It is a top organisation.

Hon B.L. JONES: It does an excellent job in teaching people to accept that alcoholism is a disease and is not something which just affects the dregs of society. Although the Minister for Police is not in the chamber at present, I would like to ask him if he may see some merit in his department holding some discussions with the Minister for Health and the Minister for Racing and Gaming because in one way or another each of those departments deals with the abuse of alcohol through issuing permits or through the horrendous cost to the community through the Health and Police budgets.

I support the motion.

Debate adjourned to a later stage of the sitting, on motion by Hon P.G. Pandal.

[Continued on page 437.]

## **CHILDREN'S COURT OF WESTERN AUSTRALIA AMENDMENT BILL (No 2)**

### *Introduction and First Reading*

Bill introduced, on motion by Hon J.M. Berinson (Attorney General), and read a first time.

### *Second Reading*

HON J.M. BERINSON (North Metropolitan - Attorney General) [4.51 pm]: I move -

That the Bill be now read a second time.

In 1988 the Government introduced legislation to establish a new Children's Court. While juvenile crime remains a matter of very great concern, the new court has significantly improved the capacity of the judicial system to deal with juvenile offenders. For the most part, this Bill does not involve a new policy departure. Its main purpose is to deal with a number of technical deficiencies which have emerged in the practical operation of the legislation. The provisions regulating the appointment of full and part-time magistrates, and for the transition of the appointments of magistrates from the old court, have not proved to be as clear or convenient as is desirable. The provisions regulating part-time appointments have been separated from the provisions for full-time appointments, as have the transitional provisions. These clauses necessarily operate retrospectively.

Another, more minor, problem concerns the taking of a judicial oath by members of the court on appointment. The Act currently requires all new members of the court to take an oath, even if they have already done so on a prior judicial or magisterial appointment. The Bill removes the duplicated requirement. The procedural provisions, particularly for the trial of indictable offences by a judge of the court, have been expanded. For the most part, the provisions of the Criminal Code have been applied. Doubts have been expressed about the capacity of police prosecutors and departmental officers to conduct prosecutions, because of the terms of section 32 of the Act. The Bill clarifies the position. The Act currently prohibits the publication of proceedings before the court, and the disclosure of a person's conviction or appearance before the court. However, no specific penalty or sanction is provided. The Bill makes improper publication punishable as a contempt of court. It also provides for a maximum penalty of \$10 000 fine or 12 months' imprisonment in the case of summary convictions.

Members will be aware of recent cases of publication of the names of juveniles who have escaped from custody. There is widespread support for the view that, where the escapee poses a serious threat to public safety, it should be possible to publish his identity and description. The Bill provides a new section 36A to deal with the publication, broadcast or disclosure of matters referred to in the existing sections 35 and 36 concerning the identification of juveniles who are or have been involved in Children's Court proceedings. The Bill proposes that a judge of the Supreme Court may, after taking into account the interests of the child and the public, allow publication of identifying material. Proposed new section 36A(2) indicates matters to which the court may have regard in reaching its decision. Those matters are -

- the age, safety or wellbeing of the child;
- the safety or wellbeing of a person other than the child;
- the safety of the public or the protection of property;
- the public interest in the apprehension of escapees for the purposes of returning them to lawful custody; and
- the public interest in the prevention or detection of a crime.

The Bill stipulates that only the Attorney General or the Commissioner of Police may apply to the Supreme Court for an order relating to the identification of a child. That will be an *ex parte* application, but section 36A(3) clearly indicates that the Supreme Court will have the power to hear submissions from other persons; for example, the child or his legal representatives. The decision of the Supreme Court can contain such directions as the court thinks fit including directions concerning the content of any matter to be published, broadcast or disclosed; when, where and by what means the publication, broadcast or disclosure may be made; and the duration of the order. Members will appreciate that the Bill, in leaving the question of publication to the Supreme Court, provides the necessary safeguards and balance to protect both the community's interests and the civil rights of the child.

Finally, on this aspect of the Bill, I draw attention to Article 16 of the United Nations Declaration on the Rights of the Child, which provides as follows -

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home, or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Contrary to some recent public comment, the Bill does not contravene the convention. Under the provisions of the Bill, authorised disclosure of the child's identity will not be arbitrary or unlawful. As I have indicated, the Supreme Court will protect the child's interests and rights. The Bill will also bring the appeal provisions of the Act more into line with those which apply to adult courts. Appeals from decisions of magistrates, or members of the court, will be made pursuant to the provisions of the Justices Act in the same way as an appeal from a decision of a magistrate sitting in the Court of Petty Sessions. Decisions from the court constituted by a judge are made to the Full Court, and it is proposed that the appellate provisions of the Criminal Code will generally apply. This should remedy a number of deficiencies in the existing appeal provisions.

Doubt exists as to the validity of the exercise of the court's jurisdiction when it mistakenly assumes the person who comes before it to have been under 18 at the time of the offence. The Bill provides that where this occurs the proceedings are not invalid, but any conviction may be set aside on appeal on the application of the Attorney General in a case where it is thought the offender should be dealt with as an adult.

This legislation is also important to the efficient operation of the Children's Court. Members will be aware that following the appointment of a second judge - Judge Blaxell - to be available to the Children's Court, the appointment of Judge Jackson as president of the court has been confirmed. Doubt has arisen about whether, in the absence of the president during leave or illness, or for other reasons, the power to review decisions under section 40 of the Children's Court Act can be exercised by the second judge. There is no express provision in the Act, and the Interpretation Act appears to cover only administrative decisions. The Bill therefore enables the most senior available judge to perform the functions of the president when the president is absent from duty or unable to act. It also enables the president to request another judge to perform any of the president's functions.

Finally, the Bill amends section 11 of the Evidence Act and makes other consequential amendments to that Act. Section 11 was amended by the Evidence Amendment Act 1990 to enable judges and magistrates, but not justices, to compel answers to incriminating questions. The definition of "judge" in section 3 of the Evidence Act does not include a judge, magistrate, or member of the Children's Court. The Bill rectifies this situation to enable judges, magistrates and members of the Children's Court to exercise the same powers as other judges, magistrates and justices. However, as with justices, members of the Children's Court cannot exercise the powers in sections 11 and 12.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Derrick Tomlinson.

[Questions without notice taken.]

## ADDRESS-IN-REPLY - FOURTH DAY

### *Motion*

Debate resumed from an earlier stage of the sitting.

**HON P.G. PENDAL** (South Metropolitan) [5.21 pm]: I join with other members in supporting this Address-in-Reply motion, and in doing so I express my own and my region's gratitude to His Excellency the Governor and Lady Burt for the role they are continuing to play in our society. It is fair to say that Sir Francis and Lady Burt had a pretty hard act to follow because they were the successors in office of the late Professor Gordon Reid and Mrs Ruth Reid. It would not be easy to follow people whose service was as outstanding as the service given by the Reids. I have no difficulty in saying that Sir Francis and Lady Burt are upholding the best traditions of the Vice Regal office.

In the course of the next 59 minutes I will cover a number of matters, which I will break up into a number of subheadings, not the least being some of the ethical matters that are referred to in the Governor's Speech, to which we are now responding as individual members. This is a good opportunity to do so, given that our society is questioning more vigorously and rigorously than at any time in the past the standards and conduct of people in public life. It seems ironic, given that background, that we are being asked in this session of Parliament to address ourselves to so many of those ethical matters. I do not believe it is drawing a long bow to say that there is a crisis of confidence in the community's attitude towards the Parliaments and the Governments of Australia and towards individual members of Parliament. While I intend to direct some of my criticism specifically to Federal and State Governments, it is not lost on me that every member of Parliament in Australia suffers when the sort of conduct that we have become used to in Western Australia begins to be tolerated by our society.

Some months ago a major issue of public importance - the issue of duck shooting - was debated here and in the wider community. Members will be aware that in the course of that debate a number of polls were taken by news organisations to determine where public opinion might lie on the matter. It has come to my notice that a poll which was conducted

via Channel Nine, using the Telecom network, was rigged. I use the occasion of this debate to say that arising out of some information which I shall read into the record in a moment, a good case is now made out for a full-scale Federal inquiry into the rigging of that television poll about duck shooting. I understand that the manipulation took the form of a Telecom official actually changing the result.

Hon Mark Nevill: Those television polls are notoriously unreliable anyway.

Hon P.G. PENDAL: I will deal with that in two parts. The member is right if he is saying that those polls are notoriously unreliable because they are open to manipulation by people who are for or against a proposition because they can jam the telephone lines and thus distort the outcome. In fact, I responded in the same way to the constituent who brought this evidence to me. However, that constituent was not talking about that type of manipulation. The information which has come to my attention is far more serious and sinister than that. I state from the outset that there is no suggestion on my part or on the part of anyone else that Channel Nine was involved in this rigging. I must say also, in fairness, that while Telecom's system was apparently used, Telecom acted promptly in January of this year to investigate the allegation, and should be commended for its openness in this matter. However, that is not where the matter should rest, for reasons that I will outline. There is a need for a proper Federal inquiry to put in place new procedures to protect the integrity of future telephone polls. There is no way that people can have any respect for polls which can be manipulated. In this case, the poll had apparently been manipulated to reflect badly on the anti-duck shooting people. Even though the attitude of these conservationists was not shared by Liberal Party members or by National Party members, nonetheless I am sure that every member of this House would support my assertion that these people are entitled to have their views reflected accurately in a poll.

Telecom acknowledged in a letter dated 12 March, under the signature of the Manager of Human Resources, Telecom Western Australia, that something had gone badly amiss. That letter was written to the Perth Coalition Against Duck Shooting. The letter states -

In response to the letter written by yourself and Ms. Sally Carryer, on 3 January 1991 an investigation conducted by Telecom Protective Services has confirmed your allegation that the telephone system was used in what I believe to be a limited endeavour to manipulate the result of the Channel 9 Telephone Poll Question - should duck shooting be banned? While it is not possible to determine the actual degree of manipulation the circumstances were such that it was far less a level of distortion in the vote than suggested in your letter.

Telecom Australia is seriously concerned that in this instance the telephone system was used without authority and intends taking internal disciplinary action.

It goes on to invite the group to submit further details if Telecom is to be the subject of inquiry. Returning to the ethical matters outlined in the Governor's Speech, I raise this matter here because no doubt if we live in a society where it is possible, by the use of a public agency such as Telecom, to distort the truth - albeit by an individual member of that organisation - that should be seen in the light of other similarly unethical activities in our society. To me at least, they indicate some pretty ominous signs for our society of an emerging totalitarian mentality. I have already offered an example where an individual Telecom employee - not Telecom - has been involved. More ominous than that is when Governments themselves set out in an organised and deliberate way to act in a way that might be likened to a fascist mentality.

Hon Kay Hallahan: You don't suggest that the Government organised this situation!

Hon P.G. PENDAL: The Minister has not been listening, and I do not intend to backtrack for her benefit.

Hon Kay Hallahan: I have been listening.

Hon P.G. PENDAL: I am drawing an analogy between the activity of one Telecom employee and the actions of the Federal Government in attempting to ban the advertising of political and quasi-political material.

Hon Kay Hallahan: Other countries do that.

Hon P.G. PENDAL: We will speak of other countries in a moment.



Hon N.F. Moore: Russia; Ethiopia!

Hon P.G. PENDAL: If we were seeing one isolated example, such as that of the Telecom employee, then members of this House could pass it off as just an isolated instance. However, I am suggesting that it does not represent an isolated instance but a mentality that is developing in this country, a mentality that we would find in totalitarian countries around the world. At page 7 of the Governor's Speech, among other things, we were told -

Other measures to address crime include a Telecommunications Interception Bill which will allow carefully regulated telephone tapping in major criminal investigations . . .

I find it sadly ironic that that highfalutin statement of principle comes at a time when we in this society have experienced, for example, some months ago a position where political telephone tapping was laughed off and passed off as though it was a bit of political fun. Indeed, I am reminded of an interview given in Perth a few weeks ago by former Premier Burke when he relieved himself of that obligation, as an ambassador, not to talk about things political. Anyone who wants to see the evidence of what I say need only to listen to the comments made during that Burke television interview. He was all but defending as proper, adequate, and appropriate the sorts of actions we now see being dealt with in our courts of law.

Hon Kay Hallahan: I saw one interview; I did not see anything improper.

Hon P.G. PENDAL: The day will come when Mr Burke's financial maladministration will come to be judged as being minor compared with the sort of mentality that he ushered in that said that telephone tapping and political surveillance was not all that much out of order.

Hon Kay Hallahan: He didn't say that.

Hon P.G. PENDAL: He did. He defended his use of Mr Robert Smith. The time will come when the evidence relating to financial maladministration of the State will be of comparatively minor significance compared with the abuses -

Hon Peter Foss: It is the root cause.

Hon Kay Hallahan: And the maladministration of some of the private sector as well.

Hon P.G. PENDAL: We see the appalling impact and consequence of that conduct on public life in this State. When our society can accept that sort of explanation, it shows that we have become a society so blunted by public misbehaviour and activities of this kind that we will tolerate an evil that is Nazi-like - to be charitable.

Hon Mark Nevill: Your views are blunted by your own perception.

Hon P.G. PENDAL: I quote from page 6 of the Governor's Speech -

The second Bill will seek to achieve greater openness and accountability in the financing of elections by establishing principles governing disclosure of election campaign funding and expenditure.

Hon Mark Nevill: Oppose that! What hypocrisy!

Hon P.G. PENDAL: That is the correct word to use. I find it utter hypocrisy that a Government can sponsor those words out of the mouth of a Governor at a time when the same Government two or three weeks ago sought to prevent such disclosures to the Royal Commission when it first got under way.

Hon Kay Hallahan: Hang on. Let's get clear what was to be made public. What about the 500 Club? What about the Liberal Party making disclosures? It has not provided the information. The member defends that. It is disgusting.

Hon P.G. PENDAL: The Australian Labor Party's lawyers appeared at the Royal Commission -

Hon Mark Nevill: You are a hypocrite.

Hon P.G. PENDAL: I have no doubt that if the Royal Commission wanted, and was entitled to obtain, the 500 Club records, it would do so. To use Hon Mark Nevill's remarks it is utter hypocrisy that at the very moment in our history when the Government seeks to achieve greater openness and accountability in financing elections, it has the gall to be represented at

the Royal Commission by Rene Le Miere and to argue that it should not have to disclose that information to the Royal Commission.

Hon Kay Hallahan: Who is the hypocrite?

Hon Mark Nevill: We are consistent. I will support the legislation if you -

Hon W.N. Stretch: Absolutely inconsistent.

Hon P.G. PENDAL: As Hon Bill Stretch said, the Government is absolutely inconsistent. The matter does not stop there. I refer to a further highfalutin promise of more ethical conduct by arguably the most disreputable and unethical Government in this nation's history.

Hon Kay Hallahan: Are you talking about a Liberal Government?

Hon P.G. PENDAL: Not even someone with a bubs' grade political knowledge and understanding outside the House, both within Australia and internationally, is in any doubt about which party has pulled the reputation of this State into the gutter. The Minister would do well to remain silent and not try to defend that misbehaviour.

Hon Kay Hallahan: I don't take counsel from the likes of you.

Hon P.G. PENDAL: The Governor's Speech continues, telling us of the ethical things the Government wants to achieve -

The Government has indicated its intention to introduce a complementary pair of Bills to address the complex issues surrounding the question of public access to information, and protection of privacy.

That sounds good and it sounds as though the Government is making a commitment. However, one of the Ministers who made the decision to protect our privacy was none other than Hon Bob Pearce who is still a Cabinet Minister and who, but a few years ago, used parliamentary privilege to disclose the deposits in the Teachers Credit Society of a prominent member of the society.

Hon Kay Hallahan: What did Hon Peter Foss do in a Select Committee in the last week?

Hon P.G. PENDAL: What utter hypocrisy.

Hon Kay Hallahan interjected.

Hon P.G. PENDAL: The Minister will be thrown out in a minute, and she deserves to be. What motivates a Government to give the Governor such a Speech? The words must have stuck in his throat because he is an eminent jurist in his own right. In relation to the Privacy Bill he had to read that the Government is out to protect the privacy of individuals when he knows that one of the Ministers sitting around the Cabinet table endorsing that proposition is the same Minister who used his power to disclose, in another place, the financial records of a person who was a depositor with the Teachers Credit Society. If that is not another example of the hypocrisy of this Government masquerading as people who talk about ethical conduct, I do not know what is. The matter does not stop there. The Speech read by His Excellency will go into history as being a litany of doublespeak.

Hon Kay Hallahan: Not even your speech could do that to that Speech, Mr Pendal.

Hon P.G. PENDAL: The Speech continues on page six and I quote -

The Members of Parliament (Financial Interests) Bill will impose standards similar to those which obtain in other Parliaments, requiring disclosure of members' financial interests.

Hon Kay Hallahan: You do not want to do that either, I suppose.

Hon P.G. PENDAL: The Minister should see that in the context of which I am being critical now. It refers to the promise in the Governor's Speech for new rules for openness on election funding at the very moment in history when Labor officials in this State are doing everything in their power to keep secret the details, and even the existence, of the leader's number one account.

Several members interjected.

The DEPUTY PRESIDENT (Hon Muriel Patterson): Order! Too much cross-Chamber talk is taking place. I have been pretty patient. Members should give the speaker on his feet an opportunity to make his address. Other members' turns will come later.

Hon P.G. PENDAL: That is the fourth example of hypocrisy and, incidentally, they all appear in the space of only about 10 paragraphs in the Governor's Speech. At the time legislation is being considered to cover financial interests of members of Parliament, the very people who are organising the Bill are those who did everything in their power to stop the existence of the leader's number one account becoming public. How can anyone believe that not just the Government, but we as a group of parliamentarians would have the gall to speak in such principled terms as are contained in the Governor's Speech while acting the equivalent of 180 degrees in the other direction. Only last week in an open speech the Chief Justice, Mr David Malcolm, made a timely venture into what otherwise would be rather delicate territory for a jurist. He called the speech "Leadership, Ethics and Morality". God only knows we are overdue for a bit of that. Even as the Chief Justice sought to lift standards, the furore broke out over the heads of the State Government along with the Federal Government seeking to further erode the rights of ordinary citizens. The Government seeks to comprehensively ban political advertising not only by parties, but also by any organisation which has the temerity, such as St Vincent De Paul or the Brotherhood of St Laurence, to reflect - as is their right - on actions or policies of the Government of the day. It is an ominous sign; it is not just an isolated case of a Telecom official rigging the system; it is not just a case of one person's actions in Government. I have not even started yet on Julian Grill's role, which is associated with at least one man being in prison tonight and another man being sent broke for the rest of his life in an incident which involved a Minister of the Crown, as I have said on many occasions in this Parliament. All those matters are emerging to justify the remark I made earlier.

Hon Peter Foss: It is an error of judgment.

Hon P.G. PENDAL: I would call it more the adoption of those Nazi-like tactics which, for the last 60 years, have been denounced by everyone in the free world. Members should bear in mind it was one of the favourite tricks of the Nazis or fascists or anyone of the extreme in politics and one of the fundamental tenets of their political faith that they held up as being desirable certain high standards which they systematically set about destroying in the background under a veil of secrecy. That was one of their favourite methods of operation.

It meant that they got the best of both worlds. It meant that Governments could go out into society - whether it was prewar Germany, prewar Italy or 1990 Australia - and hold up glossy documents and say that they were responsible for better standards. When people were distracted by the gloss and fine words the Governments systematically did the very things that would debase those principles.

We are seeing in Australia something that is far more serious than many good Australians could dare to understand. Last year I put a series of questions to the Minister for Police concerning the nature of the Government's involvement, if any, in paying Robert Smith to tap telephones. I asked a number of fairly straightforward questions which were designed to determine one simple piece of information: Did the Government pay Robert Smith's bills for tapping Aslan's telephone - or anyone else's - with public funds? I gave the Minister for Police the opportunity on 13 November to say yes or no to that simple question. I asked him whether the police were investigating that matter and, as is his wont, the Minister waffled a bit and said among other things at page 7265 of *Hansard* that he was not in a position to comment about police investigations. That was the response I received to a question asking whether the police had begun inquiries to determine whether the payments made to Robert Smith, in the case of the Aslan telephone tapping, were made by a Government department or agency. Earlier I asked the Minister the following question -

Will he investigate or refer to the appropriate authorities for investigation the circumstances of payments made to Robert Smith for bugging the Aslan phone to determine whether such payments were made not by the person who hired Mr Smith but rather were included in payments made by the Government for Mr Smith's services?

At page 7159 of *Hansard* the Minister's reply was as follows -

My strong view is that these matters are not for me to investigate -

I know that. He went on to state -

- but are matters which should be and are being investigated by the police.

From that I assumed that was the state of affairs and so did most other people. Certainly, the Press assumed that because the Minister's response appeared in *The West Australian* two days later on 16 November. The article stated exactly the Minister's answer, namely -

The WA police are investigating whether taxpayers paid the bill for the bugging of Gary Aslan's telephone by convicted phone-tapper Robert Smith.

I was surprised to hear that answer, and I am sure other members were surprised to hear it. I even got the impression that Hon Graham Edwards was also surprised by his own answer. Therefore, to be absolutely sure that I understood the plain meaning of the words I asked another question of the Minister. Question 805 asked the Minister to clarify or confirm that the police were already investigating the possibility that the bugging was carried out at public expense. Mr Edwards responded by stating that I was trying to put words into his mouth. He also said that he had already said that the matters were being investigated by the police. Therefore, his first remark appeared to be an attempt to diffuse the matter. Not only had he misunderstood but he complicated it by saying that the matters were being investigated by the police. Two days later I asked him in question 830 whether police inquiries on the matter had begun. Hon Graham Edwards explained that he was not in the position to comment about active police investigations. A fortnight later I asked in question on notice 1295 whether he could yet confirm if the police were investigating the allegations. He replied by stating that the State police officers of the Internal Affairs Unit were investigating all State issues arising from the Smith papers. He added that any matters regarded as pertinent were being pursued.

There the matter rested because the Parliament finished on 27 December. Members will recall that I asked a question as late as Wednesday of last week asking if the Minister was yet in a position to state categorically that Government funds were not used to pay Smith to tap telephones. The Minister responded by saying that he would need to take the question on notice. That I have now done and I wonder for how long I will have to ask questions in this place before I receive a reply. I do not think it is unreasonable to expect such a reply. It has been four months since I asked the first question relating to this matter and it is a long time to have to wait for a simple yes or no. Either the Government paid Smith to tap telephones or it did not. If the Government did pay for Smith to tap telephones I would suggest that every member of the Cabinet should feel compelled to visit the Governor and resign. Financial maladministration is one thing; people can be forgiven for making a few blunders when making bad investments. However, the Opposition is not saying that this Government is merely guilty of making a few bad investments. The Government actually turned that into an art form.

Hon Peter Foss: For good reasons!

Hon P.G. PENDAL: Western Australia even makes the news in the United States. We are no longer a backwater at the bottom end of the globe.

Hon T.G. Butler: There you go.

Hon P.G. PENDAL: Do members know that one of the major American newspapers, *The Wall Street Journal*, had a feature story about what had happened in Western Australia. It talked about all the things which we have talked about in this House for five years and which the Government said were of no consequence.

*Sitting suspended from 6.00 to 7.30 pm*

Hon P.G. PENDAL: That newspaper on Friday, 12 October 1990 gave a comprehensive rundown on the way in which Australia, along with Western Australia, is now viewed by people in American business and banking circles. A couple of quotes from the article underline the gravity of that position and perhaps will indicate to members of the Government that their actions not only have drawn attention to Western Australia and to wider Australia, but also have drawn the attention of the international business and banking community to this nation in such a way that it brings Australia no credit. The article, in referring to the bail out by Mr Keating of the State Bank of Victoria, stated -

Commonwealth Bank's rescue of State Bank of Victoria wasn't the first sign of industry weakness. Loan-loss troubles at another state owned bank, Rural & Industries Bank of Western Australia, led late last year -

That was late 1989. The article continues -

- to a major management reorganisation. Several small financial institutions failed on the freewheeling West Coast in mid-1987, and the trend has spread across the country in recent months.

The premier United States financial newspaper actually found the time to run a three column 15 inch story on Australia, and that article actually comes as close to home as the R & I Bank of Western Australia. The article, which was published four or five months ago, states that for the Australian economy the implications run deep, and we all know that. The implications for the economy are now becoming more apparent. The article also stated -

Hard times began in October 1987, when the global stock-market crash flushed out some weaker financiers. Rothwells Ltd., a Perth investment bank, nearly collapsed. It failed a year later.

If anyone has any doubt about the impact all this has had on Western Australia's reputation internationally, he should take the time to read some of the world Press. It is not only confined to the United States of America; it applies also to the London Press.

Hon Garry Kelly: Who was the author of the article?

Hon P.G. PENDAL: The article was written by S. Karene Witcher who is a staff reporter of *The Wall Street Journal*. It is a great pity that we should be receiving that sort of coverage internationally because of the actions and misdemeanours of this Government which, to this day, continues to live in a make believe world and which says it was really a bad dream and a lot of it did not happen.

The final matter I raise in the Address-in-Reply debate is a matter which I am sure is of some interest to you, Mr President, as Chairman of the Commonwealth Parliamentary Association, and one which I have raised previously in this Parliament; that is, the future of Hong Kong after 1997 when it is absorbed into mainland China. The Legislature of Hong Kong is a member of the Commonwealth Parliamentary Association and its members, like members in this House, are individual members of the CPA. I will continue to make the point which I have made in the past that we are standing idly by watching a repeat of what we have been through in the Gulf war. We are watching happen to Hong Kong that which in 1982 the Commonwealth countries were not prepared to see happen to the Falkland Islands.

Hon Garry Kelly: It was Britain mainly.

Hon P.G. PENDAL: I draw the analogy between the actions of the British Government in defending the right of the Falklands to remain part of the British speaking countries of the world and I contrast its conduct then with its conduct in respect of Hong Kong. I was a great admirer of former Prime Minister Mrs Thatcher, but her actions on the absorption of Hong Kong into mainland China reflect no credit on her, nor do the actions of her successor. I originally took up this matter a few years ago because many Hong Kong Chinese people who live in my electorate were concerned about a free Hong Kong being absorbed into a country which has no respect for the personal rights and liberties of people, as we saw during the Tiananmen Square massacre of 1989. Last year, after I raised this matter in this Parliament at the request of those Hong Kong Chinese people, I went to Hong Kong where I had a number of meetings with prominent people, including Martin Lee, QC, a member of the Hong Kong Legislative Council and by anyone's standards an impressive man in the parliamentary arena. I also had formal appointments with people in industry and in the media, and with students leaders and others. They too are apprehensive about the prospect of being absorbed into China after 1997. It is worth remembering that it is not a question of their being returned to mainland China. There was no such thing as Hong Kong before the British colonised it with the agreement of a small fishing village back in the 1850s. It is not a question of a people having been colonised and now wanting to return to their parentage. In fact, the people of Hong Kong, although ethnically Chinese - and there can be no doubt about that - are culturally as much part of the Commonwealth system of parliamentary Government as we are, albeit that Hong Kong's Legislature is at about the same level of independence as Western Australia's was more than 100 years ago.

Hon Fred McKenzie: They do not have responsible Government.

Hon P.G. PENDAL: No; they have a representative of the British Crown in the form of the

Governor, and a Legislative Council much as we had here prior to 1890. The colony is moving towards free and open elections in the next few years. However, many people there do not believe that they will make it; they believe that they will be absorbed into China and that fair and open elections will never occur.

Hon Fred McKenzie: Are the present members elected?

Hon P.G. PENDAL: The proposal was that some members should be elected in 1988 under the joint Chinese-British agreement. The sad bit is that the elections were never held. The first stage of elections will occur this year. The idea was that the Hong Kong Legislative Council would be wholly elected by the time it was absorbed into China in 1997. One wonders about the constitutional position of their being absorbed and having a fully elected group of people operating under our system of Government becoming a special trade and economic zone of the People's Republic of China. I do not know how they can exist in both worlds. That is the concern of people like Martin Lee, QC, MLC, a person I judge to be in the centre politically or perhaps slightly to the left of centre of the political spectrum in Australian political terms.

In February this year I wrote to the new British Prime Minister to be one small voice putting the views that those people had put to me. I did so because the fears that Hong Kong people expressed to me last year were coming to pass. Responses are now coming from the Foreign and Commonwealth Office in London that indicate it is not up to date with the position in Hong Kong. For instance, a letter I have which comes from the head of the Hong Kong department in the Foreign and Commonwealth Office dated 7 March this year and addressed to me states in part -

I have not seen the Australian press reports to which you refer.

The report to which I referred specifically appeared in *The West Australian* of 13 February this year. It described China's elder statesman Deng Xiaoping as having threatened to send troops to Hong Kong if democracy groups started "a rebellion". That appeared in a pro-Beijing magazine. That is the sort of fear expressed to me last year by an exiled dissident professor by the name of Fang Lizhi who had just left Hong Kong and arrived in London. Professor Fang stated that the United Kingdom should not allow its concerns over the future of Hong Kong to prevent it speaking out clearly against human rights abuses in China. One must understand that this was said in the post-Tiananmen Square massacre period of 1989. That remark by professor Fang was significant because it confirmed information given to me in Hong Kong by people who are members of the same Commonwealth Parliamentary Association of which I am a member that Britain is deferring to China at almost all costs; in other words, it will be history repeating itself. We saw this during the Second World War when the small countries of Europe were thrown to the wolves as part of the game plan for the larger nations. Of course, it was that very argument that was used this year to justify the United Nations' and the United States' intervention in the Gulf war, an action I think was fully justified. That same professor said in the same context when talking about the Gulf war something which to us as fellow CPA members ought to be a most chilling remark, that his friends in Hong Kong are very afraid - and they are his words - that there is no guarantee of democracy after 1997. He added -

If the same people are still in power in Beijing then there is no doubt that they will remove all democratic rights in Hong Kong whatever their promises now.

Mr Paul from the Hong Kong department of the Foreign and Commonwealth Office says these sources are not authoritative, and I say that with the utmost respect to him there. I have already quoted from Professor Fang, and I have quoted as well the so-called Chinese elder statesman from *The West Australian* of 13 February, and the Chinese Premier who made those rather infamous comments in March 1990. Equally concerning is the letter from the Foreign Office, which says this -

In recent months the Chinese leadership have repeatedly and in a wide range of fora, reaffirmed their commitment both to the Joint Declaration and the Basic Law.

That is the joint declaration between the Chinese and the United Kingdom. It is hard to see the British taking refuge in that, given that the basic law is not a document which represents the views of the Chinese, the British and the Hong Kong people. The basic law, as it is called, or the intended Constitution, is a creature of the Chinese Government itself. It is not

surprising that we should find the Chinese leadership repeatedly and in a wide range of forums reaffirming its commitment both to the joint declaration and the basic law.

New indications are emerging that China has not the slightest intention of doing anything to protect the interests of the people in Hong Kong after the absorption occurs in 1997. The Hong Kong leaders to whom I spoke are equally realistic when they say that independence for an island of that size is not a practical proposition, particularly as they rely on mainland China for so much of their raw necessities of life, including water. What they want, and they demand it as much as they are in a position to demand it from Parliaments like ours, is that we and others around the world should continue to draw attention to their potential plight and ensure that the provisions of the joint declaration of 1984 are adhered to. I was pleased that that was one of the things which Mr Paul from the Foreign and Commonwealth Office agreed on when he said it would be neither practical nor in Hong Kong's interests to seek to renegotiate the agreement with China. He said -

Far better, as you suggest in your letter of 20 July 1990, to restate our support for the Joint Declaration - and to do all we can to make it a success.

This is not a problem coming from some remote corner of the globe, or from people with whom we have no common interests. It is a problem coming from our doorstep; from people who enjoy the sorts of freedoms that we do; from people who, in a cultural sense, are of the British mould and who share many things in common with us. Those people are looking to places like Australia to put their case and to argue, even if it is in a forum such as that in which I am raising it tonight. I ask members to address themselves to that. On that basis I join with other members in supporting the motion moved by Hon Jim Brown on opening day.

**HON E.J. CHARLTON (Agricultural) [7.54 pm]:** Along with other members I support the Address-in-Reply. The situation facing rural Western Australia was covered in debate on a motion moved last week by Hon Mark Nevill and I shall not cover old ground. However, in view of what has happened since then I have some brief comments to make. Today we have witnessed the Government make what is probably an historic decision in agreeing to the proposition put forward in the other place by Mr Monty House for the State to underwrite Western Australia's wheat crop in 1991. Prior to that the whole emphasis, not only from within this place but also from various industry groups and farmers themselves, was to attempt to get the Federal Government and the Federal Opposition to agree to changes to the formula for setting the price for wheat, or to underwrite the total Australian wheat crop at a Federal level to \$150 a tonne. At that time and ever since - in fact right up to the present day - the Federal Government has refused to do that. As a consequence of the introduction into the Legislative Assembly by Monty House of a Bill to guarantee the price at the State level, we have seen a total change of direction by farming members, various industry groups and individual farmers themselves in regard to the State's underwriting Western Australia's potential wheat crop.

We are very pleased with that combination of factors. In many businesses and homes around Western Australia tonight, a number of people are probably taking hope. They have some hope at last of planting a crop with the potential of being rewarded with the cost of production and the capacity to service some of their outstanding capital commitments. While acknowledging that the decision is an historic one, this questions should never have been before us or before the State. Without elaborating on the original decision to change the formula put forward last year by the Federal Government, with the support of everyone else who counted, the formula was changed so that the possible return to the farmer would be based upon what the world was prepared to pay in any one year. While many people thought that disastrous decision might come to light some years down the track, that disastrous decision was applied in regard to the 1990 crop. As a consequence of that decision the price paid was \$25 a tonne less not only for Western Australia but for the whole of Australia, and this affected the economy of the State and the nation.

As a starting point, those who produce a thousand tonnes of grain this year will be roughly \$25 000 worse off. Those who produce a couple of thousand tonnes will have \$50 000 less in their bank account and will have less borrowing capacity to put in this year's crop. Therefore, what has been done today will make no difference to the current financial position of those involved in the wheat industry; it will certainly make no difference to those in the associated service industries who have been placed in an invidious financial position as a

consequence of the damned Federal Government decision of last year. We must be thankful for small mercies, and at least there is a chance of a reasonable return in the coming year. Of course, we do not know how the world prices for this sort of commodities will fluctuate. We might have no need for the guaranteed price - let us hope so - in which case the State Government and the people of Western Australia would not have to underwrite the crop at all. We all hope that the world wheat price will settle down to a figure way in excess of the guaranteed minimum price, because no profit is involved with the \$150 per tonne price.

We must monitor the situation as we go along. We must not sit back and say that we have fixed up the situation and move on to other lines of decision making which will take away the benefit of today's decision. We must consider other problems which confront the people who are the basis of this State's economy; that is, transport, power, water, education and health charges. As we move through 1991 we should not subject the people in this industry, or in the service industries in country Western Australia, to further hardship. This attitude has been supported by all members who came with me on the two day bus trip into country areas. We all returned and agreed to go to the Minister for Agriculture. We met last week and presented ourselves as a unit with a unanimous approach. We believed that the Government should respond to the six points we raised to regain confidence and security in the rural sector of Western Australia.

I will run through these points briefly. We said to the Minister for Agriculture that we must have a \$150 per tonne guaranteed minimum price for wheat; changes must be made to the Rural Adjustment and Finance Corporation; and changes must be made to the State Energy Commission's rate of charges. The charges for commercial operations in the agricultural regions of Western Australia must be reduced from 18.46¢ per unit to 12.05¢, which is the domestic rate; the single rate must apply across the agricultural regions. The current situation is crucifying small business, particularly those involved with perishable goods, and the small manufacturing operations which use a great deal of power. That has yet to be done.

We would like to see a reduction in the education costs met by rural people. It is easy for people in the metropolitan area, and members representing such areas, to let this issue go straight over their heads. However, the members of Parliament who went on the trip to which I referred met people suffering hardship and saw tears in their eyes and heard the concerns they had regarding how they would survive and educate their children. Members must remember that although the wheat industry may suffer in a particular year, without the benefit of a proper education a child will continue to suffer for the rest of his or her life. It was agreed on that trip that the State Government, which is totally responsible for education, should make up the difference in the financing of the isolated families. Consider the formula for funding for families who do not have access to schools or a school bus service. In these cases the parents are paid the difference between what it costs to keep a child at home and the cost of sending a child to a boarding facility. If it costs \$10 000 a year to board a child at a hostel and \$2 000 or \$3 000 to keep the child at home, the difference should be paid by the Government. Some people might say that that would be an horrific cost to educate those children. However, we must balance that cost against the fact that these families are providing a great deal for the rest of Western Australia. For example, \$41 million went into the Shire of Mukinbudin in 1990, and that shire has a population of about 800 men, women and children. However, at the end of that year nothing was left - indeed a deficit existed. What an extraordinary economic circumstance!

Hon Fred McKenzie: Where did it go?

Hon E.J. CHARLTON: It went on the cost of transporting goods in and out of the area; that is, the imports and exports involved with the agricultural industry and on the small goods in the local grocery store. I cannot provide the exact figure, but the prices are about 20 per cent above those paid in Perth because of the transport factor. Four overnight transporters operate into Mukinbudin every night, which results in a freight cost of \$17 per item when it is up to five kilos in weight. Those are the kinds of goods that Hon Fred McKenzie has access to without such added costs.

Hon Fred McKenzie: The railway system has been destroyed. I warned the man.

Hon E.J. CHARLTON: Why does Westrail not have one transport service operating into Mukinbudin every day - that could even be by road?



Hon Fred McKenzie: I agree. I am an old fashioned socialist and you are speaking like one tonight. I am thinking of signing you up for the broad left.

Hon E.J. CHARLTON: I spoke at a meeting last year and mentioned the debate on the motion to which I referred earlier. I am often called "that agri-socialist". In the National Party we operate on a collective system to try to overcome problems. There is a great difference between a group of people getting together to bring down costs and to analyse the whole system - which is what I stand for - and trying to make everyone equal.

Hon J.M. Berinson: In your example of what I understood to be inefficiency and wastefulness in having four overnight transporters, why don't the people get together and patronise one service with a view to getting lower prices?

Hon E.J. CHARLTON: Hon Joe Berinson might remember that when a Japanese company decided to buy Planet Fisheries about 18 months ago I suggested to the fishermen involved that, if that took place, the Japanese would initially offer them an extra \$23 or \$24 a kilo for their rock lobsters and then after that they would put everyone else out of business and become a monopoly, which would not be in anybody's interests. In a deregulated situation a company agrees to cart the goods at so much a kilo and another company will do it for less.

Hon J.M. Berinson: How can you be confident that a single operator can deliver cheaper?

Hon E.J. CHARLTON: I suggested to my colleagues during the recent two day tour of the country areas - not everybody agreed with me - that I should call tenders for a three to five year contract to transport goods to a specific area. Competition would result from the tender system into which a consumer price index factor would have to be built to allow for increases or reductions in fuel prices. The operator who won the contract to cart the goods would know that he had access to all the commodities.

Hon J.M. Berinson: Is it too impossible to organise the local community to do that?

Hon E.J. CHARLTON: What does the Minister mean? Nothing is impossible.

Hon J.M. Berinson: By saying "This is what I will do" are you referring to yourself? To whom are you looking to engage in that system?

Hon E.J. CHARLTON: I would put to Government that we split up the country areas. It is not economically viable to operate in any other way, except to charge a very high freight rate, as happens now. Operators come and go; sometimes four operators are working, as now, and sometimes two or three. That is free enterprise.

Hon Fred McKenzie: Westrail used to service all the small communities and they were all treated alike.

Hon E.J. CHARLTON: In answer to Hon Joe Berinson's question, one of the other options to be looked at without the system being completely regulated, but in order to build in an economic base for the benefit of the operator on the one hand and the consumer on the other, is to zone the areas, call tenders and allow the successful contractors to service the different areas. It is done with milk vendors and can be done with other contractors. Cartage contracts for bulk commodities are undertaken throughout the State.

Hon J.M. Berinson: Are you suggesting it be extended to all road transport?

Hon E.J. CHARLTON: I am suggesting it be extended to small goods transport in country areas. That system currently takes place in the north of the State.

It was agreed during the country trip that services like education should not be seen as a cost to the State. The cost must be balanced by what can be produced for the State. Too often we hear about a service to the community such as Transperth which loses \$40 to \$60 million a year.

Hon J.M. Berinson: It would be at least one and a half times as much.

Hon E.J. CHARLTON: We say that Westrail's operations in country areas must make a profit or run at cost.

Hon J.M. Berinson: It does not do that; not by a mile.

Hon E.J. CHARLTON: Yet the Government tries to achieve that year after year. That is why, over the last couple of years in particular, Westrail has dismissed many of its employees and curtailed its services.

Hon J.M. Berinson: It has not increased its rates significantly.

Hon E.J. CHARLTON: That is true, but it has cut back on its operations. Fewer people are now doing Westrail's job. In another five or 10 years, if the system continues, it will be carting only grain - nothing else.

Hon Fred McKenzie: It does not cart small consignments now.

Hon E.J. CHARLTON: With all due respect, Hon Fred McKenzie should come on a tour next time to ensure his contribution on rail is a bit broader.

Hon Fred McKenzie: I know they do not cart small items.

Hon E.J. CHARLTON: Twelve months or so ago Westrail carted wool, but it does not do that any more.

Hon Fred McKenzie: Because that was not economical.

Hon E.J. CHARLTON: Westrail carted wool, but immediately it stopped the road contractors gained the business and the freight rates were doubled. If the Government wanted Westrail to be competitive with road transport, why did it not increase its freight rate to \$10 a bale? Instead it kept the rate down and walked away from the situation. It is doing the same thing today with fertiliser. The Government has stipulated that it has to be packed in lots of a minimum of 25 tonnes and that any weight less will be charged as though it weighs 25 tonnes. People are moving away from that method of transport as they did with wool and in a few years' time very little fertiliser will be carted by Westrail. That is fine if that is what the Government wants. I called a conference at which Hon Jim Brown spoke on behalf of the Government; Hon Bill Stretch from the Liberal Party attended as did representatives from shires from Northampton to Esperance. They do not want to see fertiliser carted on roads, contrary to what some people are led to believe.

Hon Mark Nevill: We set up a facility at the Port of Esperance. When that closed, did the freight rates increase on roads?

Hon E.J. CHARLTON: Yes. I do not know what occurred in Esperance; someone else may be able to tell me. A different situation exists there. It is not possible to apply one policy over the State because circumstances, such as distance, differ from place to place. Westrail will incur a high capital cost to maintain the railway system throughout most of Western Australia's agricultural areas - not pastoral areas - for very little use. Westrail implements the Government's policy for transporting grain, knowing that that will make money. But should money be spent on maintaining the roadways of Western Australia because of the extra road traffic, or should the Government be prepared to lose a little extra money than it is currently to maintain a service by rail to preserve the roads? The issues must be balanced and that is not happening.

Hon J.M. Berinson: You know I do not claim any particular knowledge of your industry, but was it not your position to oppose the 1¢ a tonne per kilometre charge on road traffic which was designed, as I understood it, to assist the competitiveness of rail?

Hon E.J. CHARLTON: My very word it was my position to oppose it. It was a negative, stupid decision. How could anyone make a decision to deregulate the rail service so that users could use whichever form of transport they liked, while at the same time adding an extra 1¢ a tonne per kilometre to road transport.

Hon J.M. Berinson: Would that not have achieved, on the one hand, some contribution to the cost of road transport and, on the other hand, assisted the competitiveness of the rail system?

Hon E.J. CHARLTON: It did not assist the competitiveness of rail at all because the day the Government decided to deregulate, put the cost up on road and then later introduce a minimum of \$25 a tonne rate, it decided that it did not want rail. It decided that it wanted to transport by road and ensured that happened by putting up the price so that it got some of the money back for the damage that road transport causes to the roads. The point the Leader of the House is making is that they will have the option to cart by road. However, it will cost a little more so Westrail can put up its freight rate! The end result is that the cost of production increases. Hon Fred McKenzie asked earlier where the \$41 million went. We do not understand what we want. That was the point I was trying to make the other night. If we want to have a grain industry we should accept that it is a big and important industry for

Western Australia and then ask ourselves whether we want the farmers to maximise the returns from it. We should then make it as cheap as possible to produce as much as possible for the benefit of everyone in this State.

Hon J.M. Berinson: It does not make production cheaper if you artificially lower the cost of rail and, as a result, put increased costs on the community. That is not a real reduction in costs.

Hon E.J. CHARLTON: The priorities seem to be wrong.

Hon J.M. Berinson: I am really asking you whether that is so.

Hon E.J. CHARLTON: The Leader of the House can ask me that and justify the answer on economic grounds. How does he answer me when I ask him about the benefit from running Transperth buses and trains which are losing a hundred million dollars a year? How does he justify the benefit from that? Would it not be better to put the price up on the buses and encourage fewer people to use their cars, because that is common economic logic? It is the same logic that the Leader of the House is using to demonstrate his argument.

Hon J.M. Berinson: Are you suggesting encouraging or discouraging private car use?

Hon E.J. CHARLTON: I am suggesting encouraging people to use public transport. I said that if bus fares are increased people will be discouraged from using public transport.

Hon J.M. Berinson: That is not what you said, but you have corrected it now.

Hon E.J. CHARLTON: The economic rationale being used by the Leader of the House will not make the industry better by charging less. The Government is making it cheaper to ride on public transport by keeping costs down. I am asking the Leader of the House whether in relation to grain the same economic principle can be applied to growing more and carting more because it would be more economically viable to cart more. The reason for the Government's underwriting the wheat crop today is that, if there is no return from the crop, the commodity will not be there.

Hon J.M. Berinson: I think that analogy is a bit suspect.

Hon E.J. CHARLTON: I think the Leader of the House should come on the next bus trip.

Hon J.M. Berinson: I would have enjoyed it last time had it been possible.

Hon E.J. CHARLTON: I am sure he would have. We would have been pleased and privileged to have him there.

I think it is important that, when we have to consider serious issues, we do not simply get people into our party rooms to talk about the issues so that we come down here with our respective and often opposing ideas. On appropriate occasions we should go out together and look at the environmental problems at Kwinana or at the meatworks or the abattoirs operation. We should do that instead of having individual party positions on issues. In that way we would make better decisions in the interests of Western Australians than we make now. If I become aware of another issue in future about which I am concerned, I will put forward that proposition.

If we looked at *Hansard* for the last 50 or 100 years, we would read that members representing country areas have been saying the same things; that is, that it is tough in the bush and that things are not what they were and there should be better communication.

Hon J.M. Berinson: The future is not what it used to be.

Hon E.J. CHARLTON: That is right. Often I have stopped and wondered why that is so. I guess the main reason is that in Australia, unlike in many other countries, 85 per cent of the people live close together on the coast with the remaining 15 per cent scattered around the rest of the country. I guess we will always have that imbalance. Therefore, I guess it is easy to consider first the needs and the lives of the 85 per cent at the expense of the 15 per cent. It is easy to say that it was the decisions of those people to live in the country and, therefore, they cannot expect to have the same goods and services as people living in the metropolitan area. Country people accept that. However, we should remember that the people in country areas produce something and make a quid. This State needs them to live on the land and produce because we do not have anything else. When the day arrives that we can stand in this place and say that, although it is nice to have wheat, wool, meat and other agricultural

exports to support this country, we also have a fine motor vehicle industry, we have a downstream processing of iron ore and we are able to refine our mineral sands, we will stand proud. However, in 1991 we do not have those industries. A representative of this Government said, correctly, that 98 per cent of Western Australia's export earnings comes from outside the metropolitan area. That is new dollars for Western Australia and for Australia.

Hon J.M. Berinson: However, the greatest proportion of that is in minerals.

Hon E.J. CHARLTON: Absolutely.

Hon J.M. Berinson: I am not minimising the importance of the rural industry.

Hon Max Evans: Not more than wheat and wool, surely?

Hon E.J. CHARLTON: About 30 per cent is from agriculture and that is in a depressed situation. It has not always been the same and it will not be that way, certainly in the near future. That is the sort of thing that the group put to the Minister for Agriculture and which he wholeheartedly supported. I hope that support continues for operations outside the metropolitan area.

I think it is time this Government made a decision about opening trade centres in the Middle East and in South East Asia with hard nosed business people operating them.

Hon J.M. Berinson: Now you are talking.

Hon E.J. CHARLTON: I am pleased to hear that we are on the same wavelength. We are in the great situation of being able to mutually benefit the great mass of people to our north. It is absolutely unbelievable that Western Australia has an Agent General in London. With all due respect, if that operation were closed tomorrow it would not make the slightest difference to the wellbeing of Western Australia. The funding saved on that closure and with a few hard nosed, energetic, enthusiastic people placed in the Middle East and in South East Asia and being rewarded for their efforts for opening up trade and gaining the confidence of those people would do us a great service. The cost and effort required to set that up would be minimal compared with the benefits to be derived down the track and, therefore, we should get stuck into it as a matter of urgency.

I now refer to the housing, health care and education of the Aboriginal communities. I have been the spokesperson on Aboriginal affairs for the National Party for some time, and members may recall that I chaired a Select Committee which travelled around the State and into the Northern Territory to examine the use made of the funding provided to Aboriginal groups. I was pleased to note from the last Budget that the Government had taken initiatives to implement some of the recommendations on those funding programs. I place on the record again - in the hope that if the wheel squeaks loudly enough it will get some oil later - that the Government should take aggressive action to ensure that Federal Government funding allocated to Aboriginal affairs in Western Australia is handed to the State Government to be held in trust and spent on the projects for which it is intended. Rather than having a bureaucratic jungle in Canberra moving through the system and distributing funds in a very inefficient way, I envisage funding being allocated from Canberra to Western Australia, resulting in a massive decrease in the number of Government and bureaucratic employees in Canberra, to be handled at the local level, which would be much more efficient, in close cooperation with local authorities in this State.

I can assure the Leader of the Government in this place that if the Federal Government would entertain such a proposition, the savings would be phenomenal. It seems that previous Governments have been power hungry regimes which believed they were best suited to developing policies to fund housing, health and education programs. In many instances facilities in this State are duplicated. The amount of money wasted is unbelievable because the finance made available has achieved nothing; it certainly has not helped the Aboriginal people in our society. After all, if we are making available to Aborigines \$1 billion more than is available to the rest of the community we must ensure that the money is spent in an effective and efficient manner. It must be remembered that the \$1 billion is somebody else's money; it is not money belonging to the Aborigines. Many of the funding programs have lost sight of the original objective, which was to benefit Aboriginal people. This issue has caused dissension in our community which is growing by the day; people resent the funding made available to Aboriginal people because they see that the money is wasted. If they saw

Aboriginal people becoming better educated and finding jobs in the private sector, or improving their skills in greater numbers, they would applaud that. That is not happening overall; although it may be happening in a small way, the success rate is dismally low. We should aggressively approach the Federal Government and try to talk sense to it on this question - as we should on many other issues.

The succession of Federal Ministers with responsibility for Aboriginal affairs has been nothing short of a joke and the way they have managed that portfolio has been a disgrace. The funding should be distributed to Western Australia, with local authorities scattered around this State playing a major part in ensuring that the type of housing provided is that wanted by the local Aboriginal communities and that it will do the job it is intended to do. The local authorities can also ensure that the type of education provided will benefit Aboriginal people, and that the health services will improve their health. I am absolutely dismayed when I read, as I do continually, that the mortality rate for Aboriginal children is much higher than that in the rest of the community. The response to that issue is usually that the amount spent on health services for Aborigines should be increased. The reason for that high mortality rate is abundantly clear: The Aboriginal people are not adopting the basic health practices necessary to improve their quality of health and reduce the mortality rate of children. We should not throw more money into that area, but should ensure that Aboriginal people keep a watchful eye on the health and hygiene practices of Aboriginal communities on a day to day basis. The whole problem comes down to the behaviour of individuals. It is no good putting a statistic on these matters and quoting a 50 per cent mortality rate in one area and a 36 per cent rate in another area. What is the cause? It is because some families do not have the capacity to look after themselves in a manner that will improve the quality of their lives. Instead of talking about the negative aspects of these situations, we should get to the cause and do something about it. It can be done. It needs will and determination rather than emotion and people playing politics about what might have happened 200 years ago.

Finally on this issue, one thing that is often neglected when talking about the treatment of Aborigines when the first settlers arrived in this nation - many of whom were convicts - is the way some of the early settlers and convicts were likewise treated by their fellow British peers. This treatment is depicted on the television program "Eureka" which has been shown a number of times. Many of the British treated their fellow countrymen in a harsh and brutal way. Although they treated the native population harshly, many treated their own countrymen just as badly. Although it was horrendous and absolutely wrong - and should always be regarded in that way, and certainly we should learn from those terrible mistakes and make future decisions in a manner befitting this time in history - we should not forget what happened to other people of other cultures at that time.

I trust that we will do more constructive research on these issues. The bus trip was a great exercise for all of us. On our way back to Perth it was refreshing to see members from vastly different backgrounds agree totally on the initiatives that should be taken for the benefit of those people and their respective industries. I support the motion.

**HON CHERYL DAVENPORT** (South Metropolitan) [8.41 pm]: In supporting the Address-in-Reply motion I want to speak briefly about how I believe we may collectively - that is, Governments at all levels, Federal, State and local, in conjunction with non-Government organisations and the community - address the fair delivery of social justice for the people of Western Australia and, to a much smaller extent, globally. In speaking about inequality in Australia I will quote some passages from a book called *Inequality in Australia - Slicing the Cake*. Secondly, I will describe what I believe social justice is, and how its practical application can assist in breaking down inequality. Thirdly, I will link social justice to two great projects in which I have been participating as a member of Parliament, projects that I believe go some way towards providing an improved quality of life by delivering social justice within the community at the grass roots level. The book from which I will quote was launched last month in Sydney. It is a selection of essays, compiled by the Social Justice Collective as part of a research grant extended by Macquarie University. The book is an excellent and up to date analysis of how continued concentration on economic growth alone will not eradicate either economic or social inequality. The introduction of this book was written by its editor, Rachel Sharp, who makes some valid observations at page xi -

Inequality is produced by a range of economic and social processes, of which the

normal workings of the economy in a largely market-based society are of fundamental significance. Governments can play some mediating role in economic change through their monetary, fiscal, social and cultural policies, as well as those relating to industry and foreign trade. But they are not equipped to completely and autonomously remove economic and structural constraints. Each individual employer or firm is forced to confront a similar reality. In the same vein, private choices of individuals - whether to have children, contribute to a superannuation scheme, stay married or become a single parent - may have some impact on the individual's welfare or otherwise. But the range of objective possibilities for people to exercise their choices is often severely limited.

The essays raise some interesting questions. The first essay is called "Australia and the Changing Global Economy". The book then moves on to some specific issues, and later I will quote a passage from an essay written by Bob Connell called "The Money Measure: social inequality of wealth and income". Another essay which I thought was very interesting is called "Education: Producing or challenging inequality?" Other essays are headed "Inequality and Family Policy", "Housing and Urban Inequalities", and so on. Bob Connell says on page 136 -

Taking all forms of wealth together, as a broad generalisation emerging from these studies, it would be fair to say that approximately half of all the personal wealth of Australians is owned by the richest five per cent. The level of inequality approximates that of the United States, and is less than that of Britain.

Further on the essay illustrates very interestingly several other areas of inequality in the social division of income. The first area is division by gender. He writes at page 143 that -

*Men have a spectacular income advantage over women.* In the early 1980s, I estimate from official statistics, the average income of an adult woman was only 45 per cent the average income of an adult man. This is due to a devastating combination of lower labour-force participation, higher rates of part-time work, higher rates of dependency on pensions, less saleable training, lower levels of unionisation, higher rates of unemployment, less access to wealth, and massive employer discrimination, culminating over time.

He writes that the second area of social discrimination is between people in the labour market and people out of it.

One of the ways that the continued existence of these social and economic inequalities can be addressed is through the development and implementation of a comprehensive social justice strategy. Social justice is one of the major reasons I joined the Australian Labor Party in 1968. I believed that this party was a vehicle which could deliver social justice within the community. That was also one of the major reasons I sought preselection and went on to become an elected member of this Parliament. Social justice is a major plank of my party's basic principles and objectives. As a consequence, I have been part of a collective which has sought to promote social justice objectives within the Australian Labor Party. I currently convene the ALP social justice working group, which will deliver a comprehensive policy at the ALP State Conference later this year. Over the last two years I have served on the ALP's national social justice policy committee in developing a policy for presentation at our June national conference. Last Friday I was pleased to attend a Press conference where the Trades and Labor Council of WA and the Western Australian Council of Social Service delivered a joint communique on social justice. I congratulate both those organisations for taking up that issue as a major strategy, which they see as a way to eliminate the gap between Australia's rich and those who are below the poverty line. This book still defines the poverty line as the Henderson poverty line which was developed during the Whitlam Government years. It is claimed that two million Australians still live below that poverty line.

The description of social justice which is given in the Trades and Labor Council and the WACOSS document and the one which the Labor Party uses is almost identical. The document says -

In the simplest terms, social justice is about the fair distribution of resources, the exercise of rights, access to opportunities and power in society.

The four major objectives of social justice, or of giving everybody in our society a fair go, are -

**EQUITY**

- achieving equity (or fairness) within our society with respect to the distribution of economic and other resources, social opportunities and political power.

**ACCESS**

- access for all citizens to good quality services and entitlements, such as housing, health, education, public transport, energy, childcare, etc.

**PARTICIPATION**

- participation in decision making about matters affecting people's lives, including government decision making, and in social and community activities.

**RIGHTS**

- protecting, extending and assuring basic rights to all people, which can be exercised equally. Such rights include freedoms of assembly and speech, but also rights with respect to information about government activities.

Simply stated, people in a democracy have rights and responsibilities. Social justice is about giving people a fair share of goods and opportunities, a right to an active role in society, to be involved, as well as to vote. It represents more than social welfare or the rights of individuals; it is about the wellbeing of communities. Social justice is not charity or welfare, and it is not a new concept. It underpins the Australian ethos of a fair go for all. But it is still fair to say that not all Australians get a fair go. Social justice is not a luxury; it cannot be deferred to better times when more money is available.

All decisions made by Governments about economics and resource development, transport, housing, the delivery of legal services and so on, should take into account the four social justice principles; that is, access, equity, participation and rights. The shift to a social justice will not be easy to achieve structurally because its very philosophy challenges traditional economic thinking. It needs constant participation by many departments in the development of socially just policies. For example, the development of new housing estates requires input from the Departments of Planning and Urban Development, the Environment, Transport, Education, Health, Community Services, Energy, and Local Government. In this way we can ensure that people do not face social isolation when they purchase new homes; they will have equity and access at the beginning, not five years later or thereabouts when the infrastructure catches up. Social justice is a very exciting concept, perhaps overwhelming, because it casts its net so wide. It is a concept in which we can all participate to ensure the very best outcomes in the pursuit of improving the wellbeing of all Western Australians.

As I said earlier, I want to talk about several projects in which I have been working, and which deliver social justice outcomes. First, since early 1988 I have been a board member of the Harold Hawthorne Senior Citizens Centre in Carlisle. Currently it has a membership of about 400 seniors. At the 1986 census it was determined that the highest growth rate in WA in the 55 plus age group was concentrated in the suburbs of Victoria Park, Carlisle, Bentley, and St James. East Victoria Park, for example, has 35.5 per cent of people aged 55 and over; therefore it is an area of rapid growth and needs to be looked at carefully when seniors' programs are decided. The centre is managed by a community board of management, and funded by the Perth City Council and the State and Federal Governments. Community projects operate out of the centre, one of which I have chaired for about 18 months. I refer to the home and community care program which was first established at the Harold Hawthorne Centre in 1988 largely due to the efforts of my Federal colleague, Kim Beazley.

I will give a brief history of the home and community care program. The historical background of HACC, as it is commonly known, is that it began with the development of a program to provide basic support and services in the home or community to frail aged and younger disabled people at risk of premature or inappropriate admission to institutional care. The program is also designed to support carers; that is, it also supports a day care project for people who are not able to be by themselves totally. These people go in and have a day's care in a supportive community atmosphere. The program also provides respite care for the carers of those folk. The introduction of the home and community care program in 1985 by

the Federal Government was essentially to integrate, coordinate and expand services which had been previously provided under four different Acts: The States Grants (Home Care) Act 1969, the States Grants (Paramedical Services) Act 1969, the Delivered Meals Subsidy Act 1970 and the Home Nursing Subsidy Act 1956. Such services were targeted at a population loosely described as aged persons. It is invaluable to both the community and to Governments that, first, the quality of life of people who are able to stay with this sort of care within their homes is greatly enriched. Also the cost to the community where the population is growing rapidly is much lower per head of population than the cost to care for people who would otherwise need to go into hostel or nursing home accommodation. On that basis I commend both the Federal and State Governments for undertaking the development of HACC.

Funding for HACC is on a dollar for dollar basis by both the State and Federal Governments. My program administers an annual amount of about \$200 000. I pay tribute to the people who have worked on my committee over the last couple of years. Our treasurer, Bill Morris, lets us know in no uncertain terms if we run over budget. We have administered that budget very strictly due to Bill's great contribution. I commend also Bob Harvey who is one of our seniors; we call him our consumer representative. He is not using home and community care at this stage but he can tell us how people in the community feel about the program, and whether we are measuring up to the mark. I mention also the contribution of Keith Hayes, Andrew Murfin, Ida Smithwick, David Sagers, and our program coordinator, Iris Riches.

The service delivery provided by the program is excellent. Over the past two years we have petitioned for extra funding. Unfortunately that has not been made available but nevertheless the service delivered by four part time home carers and four care aides, one full time coordinator, one full time handyperson, and a part time receptionist/bookkeeper is a tribute to the efforts of these people.

I will now cite the categories of people that we manage to keep in their own homes as a result of our service delivery. Of the 400 clients on our books we have 90 in excess of 70 years of age, 110 in excess of 80 years, and 30 who are 90 years and more. That is an incredible record and gives members an idea of how many people in the community need services like this. In the main we service an aged population but we also provide for a small number of younger disabled people. Over the last 12 months that number has grown. We have reached the point where we cannot handle any more clients because we do not have the staff resources for such a service. In one instance last week the scheme coordinator was telephoned and asked whether we could look after triplets and quads. We felt this was a little out of our area, so we referred the request to other services. The demand for services continues to grow. We hope that down the track we may be able to increase our work force. I take this opportunity to congratulate Iris Riches, the coordinator of the project. Her commitment to and rapport with our senior citizens is second to none. She has been coordinator since the program's inception in 1988. The minimal staff turnover, despite the incredible pressure that these workers are confronted with, bears testimony to her leadership skills. She is a very warm and vital person and makes those people whom she serves and with whom she works feel confident in her ability. It is very important, I believe, that I take the opportunity in this forum to publicly acknowledge the commitment that people like Iris and her staff display. These are jobs which I would find difficult to do, and I place on record my appreciation both as a member of Parliament and as a member of the community.

The Harold Hawthorne Centre will shortly embark on an exciting project. It will cause a little inconvenience over the next six to eight months, but it will be worth it. The Perth City Council has budgeted in this financial year and in the next for \$800 000 to completely upgrade the centre, which has existed for the past 25 years and which has done a superb job; but obviously it has reached the stage where it needs a good upgrade, and that should be completed by early next year. I also acknowledge the three Perth City councillors who represent the Carlisle ward and who all serve on our community board of management: Councillor Andrew Martin, the board chair; Councillor Ida Smithwick, the treasurer; and a very dedicated identity, Councillor Mick Lee. They are three hard working councillors who are completely committed to the centre and the local community's wellbeing. Last Saturday we held a monster fete which was our contribution to the fundraising efforts to ensure that our new centre comes into being. I am pleased to say that over the day we raised \$9 500. In these economic times that is an extremely good effort and I commend all the folk who



worked last Saturday for their efforts. I am sure the funds will be put to good use as the year progresses. Objectives of social justice are in real evidence in this sort of program, because this is a project with local government, community and consumer participation and State Government input. Also my colleague, Kim Beazley, has been involved so we have a Federal Government reflection as well.

The second project I wish to mention is global social justice. Last September I had the very good fortune, with my colleague in the other place, Dr Judyth Watson, and Senator Pat Giles, my Federal colleague, to visit Zimbabwe as a delegate to the World Women Parliamentarians for Peace conference. The World Women Parliamentarians for Peace organisation was formed in 1985 in Stockholm, Sweden, as part of the celebrations to mark the end of the Decade for Women. At the start of the Zimbabwe conference we were told - and I am very proud of this - that the organisation is composed of 600 women members of Parliament from around the world, from 63 different nations, from different political parties, different cultures, both from the developed and the developing nations. It has non-Government organisation status at the United Nations, and conferences have been held - now including the one I attended at which you, Mr President, were present at the opening - on all continents. The next conference will be in Barcelona in 1992. The theme of the conference in Zimbabwe was peace, disarmament and development. As part of the development theme Dr Watson and I had the very good fortune to visit a small rural community in Gutu. Dr Watson had visited Zimbabwe in the previous March as part of a Commonwealth Parliamentary Association delegation, accompanied by the President, Hon Jim Brown and Hon Doug Wenn. Like the other members she was quite concerned at the lack of access to school books. Zimbabwe, on attaining independence in 1980, had as one of its commitments agreed to 10 years' compulsory schooling for its children, and I believe it is still the only African country committed to such a course. As a result of that it decided that the curriculum or examination system to be implemented would be the Cambridge system. But the difficulty in the rural areas was the lack of access to English school books. Dr Watson said to the people at Gutu that if she got the opportunity she would return and bring books. We went to Gutu on our first weekend in Zimbabwe and we took with us eight archive boxes of books, which Qantas transported free of charge. It was quite an incredible experience for both of us. We visited Gutu on that Saturday morning and 350 African primary school children came to school in their uniforms to receive three boxes of those books. It was the most moving experience. They sang to us, thanked us profusely and Dr Watson and I came back feeling we had done something very worthwhile for those people. On our return we approached the Minister for Education, Dr Gallop, and suggested that it might be possible for him to circularise schools, at both the high school and primary school level, and ask students to bring back to school any books which they had no use for. We also approached Rotary International and asked if its clubs would act as collection points. It agreed to do so. I pay tribute to Rotary for its efforts in this matter.

While the collection has not been successful in all parts of the State, it has been successful generally. I congratulate Lindsay Archer, the District Governor of Rotary who galvanised Rotary into supporting this project. The upshot was that he provided storage space at a warehouse in Spearwood. At the moment that warehouse is storing 30 tonnes of books which are to go to Zimbabwe. The cut-off date for collection was 14 March and the last lot of books are coming into the warehouse at the moment. Together we and Rotary will hold a busy bee to package the books on 8 April. One great difficulty we experienced was that of finding a way of transporting the books to Zimbabwe. We considered finding a shipping company to take them to the coast of Mozambique from where they could be transported by rail to Harare. That did not work. However, with the advocacy of the Federal Minister for Transport and Communications, Kim Beazley, we now have been successful in having Qantas agree to transport them, given the fact that it flies into Zimbabwe twice a week.

Hon P.G. Pandal: What volume of books are you talking about?

Hon CHERYL DAVENPORT: Thirty tonnes - a lot of books. They will be packed into boxes of reasonable carrying size. Qantas will take as many as it has space for, therefore it will take some time to get all of the books to Africa. Nevertheless it is a way of transporting these books to Zimbabwe for the use of those kids. At the Zimbabwean end Australia's High Commissioner, together with Rotary in Zimbabwe, the Zimbabwean Minister for Education, Faye Choong, and the Zimbabwean Deputy Minister for Transport, Amina Hughes, will

organise distribution. The books will not be sent to metropolitan schools in Zimbabwe but will be distributed in rural areas where there is a much greater need. It has taken much cooperation and coordination to complete this task. We have not had a perfect run but good efforts have been made by both the non-Government organisations, such as Rotary, and Government bodies at the State and Federal levels. I also thank June Putland who works for Dr Watson, and my staff, Carol Treleor and earlier Pat Tassell, who have put much effort into this project.

I feel as though collectively we have achieved a lot. Our efforts are further evidence of how, by participating together, we can help others. The schoolchildren I have addressed here since my return have risen to the occasion. It has been great to see their consideration for their African counterparts and their not taking their own education for granted. These efforts have brought home to me how lucky we are in this country to have the opportunities we have. I felt proud and privileged to be able to visit the people of Africa by participating in this project. I feel I have put something back given the enjoyment I derived from the trip. It has also been another way of showing how social justice can be achieved. It was gratifying to assist these rural children of Africa. I commend the motion to the House.

Debate adjourned to a later of the sitting, on motion by Hon Peter Foss.

[Continued below.]

## MINISTERIAL STATEMENT - BY THE LEADER OF THE HOUSE

*Sittings of the House - No Sitting 9-11 April*

**HON J.M. BERINSON** (North Metropolitan - Leader of the House) [9.15 pm] - by leave: I thank the House for accommodating me as I have to leave before the adjournment debate. It was agreed by the parties in the Legislative Assembly earlier today that that House would not sit in the week commencing 9 April, being the week prior to the Geraldton by-election. I have discussed this matter with the Leader of the Opposition and the Leader of the National Party here and they have also agreed that this House should not sit during that week. I take this first opportunity to advise all members and those involved in the administration of the House to that effect.

## ADDRESS-IN-REPLY - FOURTH DAY

*Motion*

Debate resumed from an earlier stage of the sitting.

**HON PETER FOSS** (East Metropolitan) [9.16 pm]: I have pleasure in supporting the motion addressed to His Excellency the Governor. His Excellency is probably one of the most outstanding lawyers this State has ever known. Sir Francis Burt is one of those people who comes from an era - I hesitate to use that word in case it makes it sound further away that it should do - when lawyers appeared to have a much broader knowledge of the law than they do now. I cannot put my finger on exactly why it is lawyers in their practice now tend to specialise and have much narrower segments of the law with which they are familiar; however, that is the case. It is hard to say whether that is due to their education or the quantity of law that is being spewed out. My familiarity with some of Sir Francis' colleagues in law, people such as my former senior partner, Mr Robert Ainslie, QC and Mr Frank Downing, QC, indicated to me that these were men with the widest possible knowledge of the law. They were able to turn their hand one day to being top commercial lawyers and the next day to being top litigation lawyers. Of course, with their wide knowledge of the law - the law being a complete body of learning - they were able to be far more effective as lawyers than lawyers are able to be now. Sir Francis Burt stood head and shoulders above his colleagues. Not only did he have the same breadth of knowledge of the law that other lawyers had but he also had the keenest mind of the members of the Bar. He was certainly the acknowledged leader of the Bar during his time there. He was always an amazing person to appear before during his time as a puisne judge and as Chief Justice of Western Australia. One would always put on one's greatest mettle as a lawyer - especially with regard to one's knowledge of the law - when appearing before him because Sir Francis Burt has the most keen interest in legal problems and has a knowledge of the law as wide as one could come across. Appearing before him could be a rewarding but sometimes frightening experience due to his vast knowledge of the law and his incredibly incisive mind.

He has been a great credit to Western Australia and I am sure that he is applying those talents to his position as Governor of this State. We are extremely fortunate to have a man of such high calibre.

It is appropriate to dwell on one aspect of the law which is a matter of some considerable concern around Australia, particularly in Western Australia; that is that the law, whether it is litigation or non-litigation, has become increasingly expensive. The only people who have the ability of going to law are the very rich or the very poor, the very rich because they can afford the services of lawyers and the very poor because the Government can help them afford the services of lawyers. It is not enough to say we have a good legal system where justice is done, where the laws are good and where the administration of justice is evenhanded and of a high quality if the majority of the population is prevented from having access to that law because of the cost. Many people attribute the expense of the law to the voraciousness of the lawyers. Perhaps I am the wrong person to say whether that is the reason for the high cost of the law. Although that may be one aspect, I suspect there is another aspect which has caused the cost of law to rise and it is connected to a change from the people who trained at the same time as His Excellency and who experienced a different type of business and legal atmosphere to that which is being experienced now. Even when I started in law, which was not very long ago, it was a very different life. The photocopier is probably the most single influential item which has increased the cost of law.

Hon Garry Kelly: What about the fax machine?

Hon PETER FOSS: The fax machine has certainly helped, but the photocopier leaves it for dead. When I started in law if I was doing a brief for counsel every single document which was to be included had to be typed on a typewriter. We were not able to go to a photocopier machine and run off a copy for the judge, a copy for the associate, a copy for the court reporter, a copy for the two counsel on the other side and a copy for every man and his dog who happened to be around. If we wanted a copy of any document it had to be typed on a typewriter, not on a word processor. It was a laborious exercise and if there was a typographical error in the document it was unacceptable. The documents had to be typed very slowly and carefully. As a result, we tended to make fewer copies and the documents were shorter. When we went to court we carefully read through all the documents and picked out only those essential documents to hand to the judge.

Hon Garry Kelly: Are you saying the photocopier has caused the demise of many trees?

Hon PETER FOSS: Absolutely. I do not need to prove that point.

It certainly had an effect on people involved in the law and they made shorter pleadings. When a lawyer goes to a civil court he sets out in succinct form, either by way of complaint or by way of defence, the case he is going to make. In the days when the documents were typed manually, with carbon copies, they were kept short. With no word processors and no photocopiers available the client also operated under the same regime and as a rule he did not have many documents. As soon as the photocopier was invented there was an explosion in the number of documents used in a brief.

I will give to the House an example of a case on which I worked and which involved the construction of a large engineering works. The construction took something like four years which was followed by two or three years of disputes. In total seven years correspondence was involved. The engineering firm had a circulation list with 39 names on it and every single document which was produced had to be duplicated 38 times. To do what is called a discovery; that is, to produce a list of documents involved in the case we had to look at each one of those copies in case someone had written something on one of them and if they had it would then become another document which had to be discovered. All because someone decided to put 39 names on the list the quantity of documents which had to be discovered as originals over a seven year period became enormous. One can imagine the explosion in the amount of work involved when everything had to be duplicated 39 times. The people who had to sift through the mountain of documents did not have time to do other things. This ties in with why lawyers tend to be more specialised today - they really do not have time to look at the law in the way lawyers used to. They are too busy reading thousands of photocopies.

Members of Parliament have a responsibility in this area and I ask that, at some stage, they look at the Statutes of Western Australia and at the thickness of the volumes. They should

start at about the year 1900 and work their way through them. In 1989 a small volume was put out and we should congratulate ourselves on that achievement because we should be producing small volumes. Every time we put out a Statute there is a multiplier effect -

Hon Garry Kelly: The same thing could be said about *Hansard*.

Hon PETER FOSS: People can ignore *Hansard*, but they cannot ignore the Statutes. They can go to lawyers to ask what they mean.

Hon Garry Kelly: Not only can, but do.

Hon PETER FOSS: They have to because at the rate at which we produce legislation it is not always of the best quality. I say that also in respect of the Federal Parliament which is equally churning out vast quantities of Statutes. We have people reading what we produce and asking lawyers what it is about. The lawyers write hundreds of letters trying to explain what the law means and what we should do about it. We have a multiplier effect in the community. A person may spend \$40 000 building a house, but it has a multiplier effect and it may yield \$120 000 in the community.

Hon P.G. Pental: They get that information and photocopy it 39 times and send it to their legal colleagues in the Law Society.

Hon PETER FOSS: Every time we pass a Statute in this Parliament -

Hon Fred McKenzie: Lawyers get richer.

Hon PETER FOSS: That is the point. Not only do lawyers get richer, but it is costing the community money. Members should not think that the cost of passing legislation is only the cost of maintaining members of Parliament, the officers of Parliament, the printer and the parliamentary draftsman. Those costs are very small compared with the cost of passing that law on to the community. The bigger, the fatter and the wordier the Statute passed the more it costs the community. We should be as careful as we possibly can before we pass legislation. We should give some thought to whether the legislation we are dealing with is for the good of the public. I am happy to see lawyers kept in a reasonable style -

Hon Garry Kelly: In a manner to which they have become accustomed.

Hon PETER FOSS: Lawyers spend money. We employ people.

Hon Sam Piantadosi: Not often.

Hon PETER FOSS: There is a multiplier effect which comes from keeping lawyers in an occupation.

Hon P.G. Pental: Those new ties have to come from somewhere.

Hon PETER FOSS: Thank you very much. We employ people, which results in a spin-off to the community.

Hon Sam Piantadosi: Very little.

Hon PETER FOSS: It is kind of Hon Sam Piantadosi to say that.

Hon Fred McKenzie: Accountants are worse.

Hon Garry Kelly: Had a hair cut today, too.

Hon PETER FOSS: There is an example of a lawyer spending money in the community.

The PRESIDENT: Order!

Hon PETER FOSS: This is a serious matter. The cost to the community of having to comply with Statutes, both Federal and State, and local government by-laws is considerable. One sees piles of paper come through this House. The cost of complying with the laws contained in those papers is enormous

Hon Fred McKenzie: It would not be so bad if they were written so one could understand them.

Hon PETER FOSS: I agree entirely with Hon Fred McKenzie. I hope he agrees that when I write something I try to do so in that style.

Hon Fred McKenzie: Yes.

Hon PETER FOSS: I would like to see this Parliament move closer to the style used in the Victorian Parliament.

Hon Fred McKenzie: Good.

Hon PETER FOSS: Merely changing the Interpretation Act is not sufficient. I agree with Hon Fred McKenzie on that point. We can blame all sorts of people, but ultimately we must blame members of Parliament who pass laws willy nilly. If we thought more about our laws they would be shorter. If we put more thought into our laws so they achieved what we were trying to achieve instead of their coming through at the end of the session like a line of sausages we, as members of Parliament, would realise the quantity of useless rubbish that we pass and would be more insistent upon the quality of our legislation. We would serve the public better. We owe them a duty to keep our laws to a minimum, simple and effective. Quite apart from the word processor and the photocopying machine - and as Hon Garry Kelly mentioned, the fax machine - we have played a major part in putting the cost of the law beyond the reach of the ordinary citizen. We should recognise that responsibility. Furthermore, we have been a party in reducing the quality of legal services. The giant minds of the law, which I believe were the generation of Sir Francis Burt and his colleagues, were not just due to the fact that those men were of great learning and ability but also that they learnt at a time when it was easier to comprehend the full breadth of the law and there was more time to sit and comprehend the law and from the greater and broader knowledge gained do a better job. It is beyond the wit of ordinary man now to gain that breadth of view of the law which will enable him to produce in the way that those people produced. That is a matter of considerable concern for our whole future. We cannot turn back time. We will always have this problem in our society where we spend more time administering our lives than living them. If one thinks about one's ordinary day and looks back at what one has achieved and then perhaps reads an historical journal about what people like Darwin did in their ordinary day one asks oneself how on earth they managed it. They achieved an amazing breadth of knowledge. They achieved a thousand things in a day. How did they do that? They were not interrupted by telephones and did not have to fill in tax forms or chase around to Government departments filling in forms. Life was easier to get on with and tended to be lived more than administered. Maybe they could do that because they had servants who removed part of the administration, but if one follows that through, even people who lived in Western Australia who did not have servants achieved an amazing amount during the course of their day.

One of the things we must look to is ensuring that we put more time into living our lives and less into administering them. We of all people have an opportunity to do something about this and are the people who have that responsibility. We are at the peak of the pinnacle that sets all administration in place. We are the ones who pass the laws, establish local government, allow Governments to exist, set up departments, implement regulations and allow other people to legislate. We cannot walk away from that responsibility. Therefore, I suggest we all make a New Year's resolution - because this is a new parliamentary year - to look at legislation more carefully to ensure that we deal with it more diligently and try to achieve some of the aims I have spoken of during my speech. I hope that matters such as those I raised at the end of last year will be addressed. I said at the time that I would like to offer an award for the most useless piece of legislation of the year. I meant that seriously and we did last year. We must be careful in the coming year not to pass useless legislation. I intend to speak when such legislation comes forward and say I believe it is useless. We should ensure this Parliament sends a message to the people who set up such legislation that we consider the function of the Parliament is being abused by it.

Hon Mark Nevill: You will make a lot of speeches.

Hon PETER FOSS: Hon Mark Nevill is probably right. We cannot just say that things have always been like this. We have a responsibility in this area and if members on both sides of the House take up this challenge we will achieve things. The Legislation Committee has a responsibility in this area and I hope that Hon Garry Kelly joins me in attempting to set up some sort of strategy to achieve a change in attitude. Most of these things happen through some sort of inertia. They will continue to happen while we continue to let them happen.

Hon Fred McKenzie: How would you tidy up the Companies Code?

Hon PETER FOSS: We do not have that any more as it has gone to the Commonwealth,

which managed to increase its size by something like three times, which was not a brilliant step forward.

Hon P.G. Pendal: We might face a challenge with the Local Government Act.

Hon Fred McKenzie: We have had several goes at that.

Hon PETER FOSS: Like anything in life, if one wants to achieve something one must have a goal. We must adopt as our goal that the purpose of this Parliament is to pass laws that are necessary for the peace, order and good government of Western Australia. They must not be passed because somebody wants a rubber stamp on an idea. If the right goal is in mind, and if we strive for that goal, it will be achieved. That is a matter with which both sides have no hesitation in agreeing. We may sometimes disagree about the means of getting somewhere, but I hope there is no disagreement with the statement that that is the goal of this place. We can do a lot towards that in matters not political, ones related to how we run our Parliament so as to achieve the right result.

The next matter I will speak on coincidentally arose today because a film called *Dances with Wolves* was awarded seven Academy Awards. I was invited by a friend to see the film the other day. I knew nothing about it, but I was told it was a good film so I went to watch it, and I walked out before the end. The reason was the gratuitous violence. The film started with gratuitous violence and finished with gratuitous violence. The middle tended to be fairly free of gratuitous violence, but what really concerns me about our modern society is that we have some characteristics similar to those of the Roman civilisation during the time of its decline. Members will remember having to read in school about how decadent the Romans had become because they would go down to the circus to see Christians being fed to the lions; they would watch fights between gladiators, and they would see all forms of violence and terribly cruel entertainment. We think of the Romans as being terribly decadent for doing that, but we should analyse our own motives in going to see films which depict that same violence. To what degree is the person watching it any different from the people who sat in the amphitheatre watching gladiatorial combats? What degree of depiction of violence must there be in order to get the point over?

Think back. For years and years violence has been portrayed in plays not by going into the gory detail of every single part of that aspect, including the consequences, but by allusion. I have been to plays where violence has been portrayed by allusion and have found the horror fully conveyed to me. I have got the message of those plays without needing to see that violence dwelt on in all its gory detail. This is a film about a member of the United States Army who, during the period of the American civil war, was sent to the frontier in the west of America. There he goes to man a lonely outpost, where he finds that he is the only person. He eventually befriends a number of people in a local Indian tribe. The man who takes him there returns to civilisation, and on his way back is set upon by another band of Indians who kill him. One of the points I found objectionable in this film was that he was killed by being shot with arrows; not one arrow, but something like six or seven arrows. For some reason that I do not fully understand, the producers and directors of this film decided that we should see in graphic detail every single arrow go into this man, and we should continue to see in graphic detail all the consequences of that. We should then see in graphic detail how the Indians finally despatched him. What was necessary about that detail? The point was made that he was shot with an arrow. The incredible detail gone into in this film appeared to me to be entirely gratuitous. What purpose is being served by that detail? It may be that there are people who particularly want to see that detail, but I find the desire to see that detail somewhat akin to the type of interest evinced by those people who sat in the seats in the amphitheatre in Rome. I cannot see why it is necessary and why people should want to do it.

What really concerns me is that after seeing this film - or having seen part of it, as I walked out of it - I spoke to a number of people to gain their impressions of it. The really frightening thing I found was that the degree of upset felt by these people as a result of the graphic violence was in direct proportion to their age.

Hon P.G. Pendal: Exactly!

Hon PETER FOSS: Young people did not turn a hair; they could not see anything wrong with it at all.

Hon Mark Nevill: Our generation is into blue movies and sex, according to the distributors.

Hon PETER FOSS: Are young people seeing so much violence in their comics and on TV that they are totally inured to this violence?

Hon Mark Nevill: What classification was it?

Hon PETER FOSS: It happens to be M. I will not allow my children to purchase most comics. When I was a kid I used to like reading *Superman*. I will not read it now, nor will I allow my children to read it, because of the extraordinary things it now has. It is filled with arcane violence, entirely unsuitable for children. I do not mind the children reading *The Phantom*, although it does depict violence, but it does not depict it in such a way as to desensitise people to that violence.

The news on television tends to desensitise people to violence. Children are often not able to tell the difference between what they are watching there and a cops and robbers show. Our children are growing up believing that when they see violence the victim can walk away, wipe off the blood, and be perfectly all right. The problem is that they have lost the ability to distinguish between what is real violence and assumed violence as a result of this obsession with reality in the depiction of violence. The good thing about having to make people imagine some of it is that one is able to tell the difference between real violence and assumed violence. One has to suspend one's disbelief to assume that there is violence. At the moment many of our films leave nothing whatsoever to the imagination. One does not have to imagine a single thing because it is all there on the screen, so it becomes impossible for people to distinguish between what is real and what is imagined. The result is that we have a society becoming increasingly desensitised to violence and increasingly desensitised to the effect of violence on our society.

I want to take up a matter raised by Hon Reg Davies; that is, the classification of films. I find the present classifications entirely confusing. If members look at *The West Australian* to see the classifications for films, they will see R, M and then G and PG in that order. One would assume that the R is on top and that it ran in the decreasing order; however, that is not the case. In fact the G is the general exhibition, and that is the one which is most suitable for the children. A little explanation is provided afterwards, but I do not know the reason for the classifications to be in that order. I can see difficulty in determining the difference between a mature person in the M classification and the parental guidance of the PG classification. However, the M classification is more restricted than PG. This is a little hard to determine because of the confusing way it is shown in the newspaper. This is not as clear as the old system which comprised AO, for adults only, and A, for adults. The current names are a little confusing and, as Hon Reg Davies said, it is very worrying that in the review the classifications were not made stricter but looser.

When the changes were made it was hoped that the classifications would be moved up so that the general classification would become parental guidance and the mature age classification would move to the R classification. When the Ministers met to decide this point, I thought that that was the case. However, the guidelines for the classifications show that that did not happen and that things went the other way. It is difficult to determine that fact, but one has to realise that the description now for each class is for a film which is worse. If one talks about something which is worse before it qualifies for classification, one is actually lessening the strictness of the qualification. For example, to ban a film is worse than giving it an R classification. Prior to the review the description in the guide referred to "detailed and gratuitous depictions of considerable violence or cruelty". The new classification talks about "unduly detailed and/or relished acts of extreme violence or cruelty". That is referring to something nastier. The old reference was to "detailed" and the new one refers to "unduly detailed". The former reference was "considerable violence" and the new guideline refers to "extreme violence". In order for a film to be banned it must be worse than was the case with the old guidelines; therefore, the effect has been that the film must be much worse before it is banned.

We were told that these classifications were to be stricter; in fact they are looser. To establish whether a film applies to the top classifications it must be worse than the case in the past. The same situation applies to all of the classification groups. The R rating used to say "implied, obscured or simulated depiction of sexual activity". The new classification refers to "sexual activity may be realistically implied". Referring to violence the former guide stated "explicit depictions of violence, but not detailed and gratuitous depictions of acts of

considerable violence or cruelty", and now it refers to "highly realistic and explicit depictions of violence may be shown, but not if unduly detailed, relished or cruel". In other words it has to be more realistic than before to achieve the rating. Instead of being detailed it talks about being "unduly detailed" and once again it is necessary to show more before it receives an R classification.

The M rating used to refer to language as "excessive, assaultive or sexually explicit", and now it refers to "unduly assaultive" language. The classification regarding sex used to say "the depiction of discreetly implied sexual activity", and now it refers to "sexual intercourse or other sexual activity which may be discreetly implied or simulated". When referring to violence the former classification referred to "realistic and sometimes bloody violence" and the new classification refers to "a high degree of realism or impact". It also states that the use of such violence is permitted if it is contextually justified. Therefore it does not matter whether a high degree of realistic violence is involved; it is just a matter of whether it can be contextually justified. I suspect that *Dances With Wolves* gained its classifications on the grounds of "contextually justified".

The PG classifications prior to the past two months referred to violence in a "discreet or an inexplicit manner". The guidelines now refer to the "depictions of violence must be mild in their impact, and/or presented in a stylised or theatrical fashion, or in an historical context". That is probably not that much different. However, the effect of these changes has been to restrict the classifications of a ban so that a film must be much worse to receive that rating. That is a matter of considerable concern. Far too many films engage in this form of depiction and they are becoming too much a part of our everyday life. This is a matter of concern for the future of our society in that we allow violence to be commonly around our children.

Finally, I refer to the law of defamation. This is a matter about which politicians have not been greatly motivated to do anything over the years. The last person who did anything useful regarding the law of defamation in Western Australia was Sir Winthrop Hackett. Perhaps one could say that Sir Winthrop Hackett had a reason to liberalise the defamation law - he was the proprietor of *The West Australian* newspaper! However, it is important that we have a law of defamation which permits newspapers to have an active role in assisting the people of Western Australia to judge our performances.

I do not wish to get into a politically controversial debate - I hope I will not be seen to be doing so - but the ill of WA Inc could have been prevented if our newspapers had been able to be considerably more frank in reporting allegations and comments than they were permitted under the law of libel. It would have been in the interests of the people of Western Australia if this had been the case. Many members opposite say that they did not know what was happening at the time of these deals and it has taken the Royal Commission to bring these matters out. That is so because the Royal Commission can be reported under privilege. It was also known that former Premier Mr Brian Burke was very quick with a writ. That had an impact on the attitude of reporters in Western Australia. He took the attitude that unless it could be proved that he had committed a criminal offence, he would sue any person who alleged political impropriety on his part. The fact remains that essentially our system of freedom and open democracy should allow us, as public personages, to be able to be commented upon openly. We should be subject to more open comments than are private citizens.

The address of His Excellency contained a reference to the law of privacy and the belief that private persons are entitled to privacy. Having stepped into the public arena, so far as public conduct is concerned one must face the possibility of being subject to a more liberal regime of criticism than a person who is not in the public arena. As members know, the United States of America has what is called the rule about public persons. In the United States a public person may not sue for defamation unless he can show that the report complained about was actuated by malice. One must show that the person who is defaming one not only got it wrong, but also maliciously got it wrong. I do not think that members of this Parliament would go quite that far, but we should amend the law to provide a specific defence for defamation of a public person. A publication which relates to a public person's public behaviour or his fitness to hold that public office, provided it is in good faith, should be privileged. I also believe that had we had such a law in 1983 the disasters which have overtaken this State since then could have been averted not only for the benefit of this State



but also as far as the Labor Party is concerned. We would have seen a greater degree of publication in the newspapers of the things which were happening and which we now know as the events of the disgraceful WA Inc. We would have had brought to our attention those matters which only now are coming out with the Royal Commission. Even though we are the section of the public which would most frequently be the victim of this type of defamation, we should be facing this ourselves and looking to make this change. With such a law comes a greater degree of responsibility on newspapers. All too often journalists are confronted with the same things as lawyers: They are overwhelmed with information, with paper and words. The days of investigative journalism are almost over. I have had some experience with journalists over the years because for many years my firm acted for *The West Australian* and the *Daily News* newspapers. That meant that we investigated the information collected by journalists of both those newspapers and various television and radio stations. I can say with some degree of certainty that the number of journalists who were truly investigative, who truly researched their facts, and who put up a story that was hard for a lawyer to cut back on the basis of the laws of defamation, were few. There were some who did a fantastic job, and often when one finished vetting a story it was more defamatory than when one started. That is because one of the ways of being safe with the laws of defamation is to make allegations unequivocal and unambiguous; at least in that way the journalist could prove what he meant to prove, whereas if it were too vague he might end up defaming others who could sue him when he meant to accuse only one person. One of the things I found when I was finished with a story was that it was far more defamatory than at the beginning. It is not a quick point of the law being unreasonable, but of the journalist not being sufficiently investigative. Leaving that aside I still believe that a good investigative journalist often has problems in getting a matter past the subeditors and editors. Even when a journalist has properly researched the subject and the allegation is sufficient to call for an investigation, because of our law of defamation he is often prevented from proceeding. Under those circumstances the public is not being well served by our law of defamation.

We do have the possibility of a better law of defamation in the Criminal Code as it stands at the moment. The Criminal Code is a remarkable document and next week I will be in Sydney attending the Centenary Constitutional Conference to celebrate 100 years of the original Constitutional Conference in 1891 at which the Parkes Resolutions were passed, and at which conference the Constitution was originally drafted. Also at that conference will be His Honour the Chief Justice, the Clerk of the Parliaments, and Ms Marcelle Anderson of the Ministry of the Premier and Cabinet. The reason I mention this is not that we are going to the Centenary Conference, but that one of the people who attended that original Centenary Conference was Sir Samuel Griffith, the drafter of the Criminal Code and an author of incredible ability who with great succinctness was able to state the law of libel as it was in 1900 when he drafted the Criminal Code. He managed to take what is now explained in a very large volume and encompass it in one chapter of the Criminal Code, brilliantly drafted and stated. Unfortunately, due to a different implementation in Western Australia from that in Queensland, we do not get the full benefit of the defences that he included. Some of the defences in the Criminal Code do carry across into the civil law of Western Australia. Unfortunately some of them do not and it is those which do not carry over which are probably the ones most directed toward the public interest. That is a change we should be looking at as well. They are an excellent statement of law and we could make an improvement if we were only to carry across into our civil law the defence which we have at criminal law for criminal defamation. That would not even be a radical step; it is the law in Queensland so far as criminal and civil law is concerned, so why do we not make a small change in our Criminal Code and allow that to have effect in our civil law? I would go further and suggest that we seriously consider - and I ask honourable members to give some thought to this - putting aside the interest we have as public persons in keeping people from saying nasty things about us, and consider an amendment to the law which would result in a form of defence related to the nature of a person's being a public person. That sort of statement by politicians would help restore some respect to this Parliament. One constant criticism of politicians is that we are accused always, and wrongly, of being here only for our personal benefit. If we were to make that change it would be seen by the public as a move by us to be more accountable to them. If we were seen to be trying to be more accountable to them, we might be able to convince the public that we are here in their interests trying to do a good job and that we are prepared to have our conduct as public persons opened to

greater scrutiny and criticism by ordinary private citizens. I hope that members of this Parliament will support such a move. I know that it may take some time to adjust to the idea. However, I raise the matter during the Address-in-Reply because I hope that members will take this matter seriously and be prepared to be more receptive to it.

During my speech I have dealt with three matters that concern me greatly: The cost of law, the complexity of law and our role; the growing acceptance of violence in our community and the failure of legislative protection to prevent that violence having an effect on our children; and, finally, the need for public accountability by politicians and public persons to the people of Western Australia. I hope that members support each of those concerns. I thank the House for the opportunity to raise those matters and also for the opportunity to pay my respects to His Excellency, the Governor, and to thank him for his address to us and for his service to Western Australia. I commend the motion.

Debate adjourned, on motion by Hon Bob Thomas.

### ADJOURNMENT OF THE HOUSE - ORDINARY

**HON KAY HALLAHAN** (East Metropolitan - Deputy Leader of the House) [10.12 pm]:  
I move -

That the House do now adjourn.

#### *Adjournment Debate - Kerr, The Late Sir John - Condolences*

**HON GEORGE CASH** (North Metropolitan - Leader of the Opposition) [10.12 pm]: At the weekend, we learned of the death of Sir John Robert Kerr who passed away on Sunday in Sydney. I was somewhat surprised that at the commencement of the Parliament today the Government did not move a condolence motion in respect of the recent death of Sir John Kerr. On behalf of the Opposition, I now record its sincere regret at the death of Sir John Kerr, the former Governor General of Australia, and extend the deepest sympathy to members of his family in their grief.

Sir John Robert Kerr was born on 24 September 1914 in Sydney. He was the son of a boilermaker who lived in the working class suburb of Balmain. He died on 24 March 1991. In 1938 he was married to his first wife Alison who died in 1974. There were two daughters and one son from that marriage. In 1975 he married Anne Taggart. Sir John was educated at Fort Street High School and at the University of Sydney, graduating as a bachelor of law with first class honours and the university medal. He was admitted to the New South Wales bar in 1938. After joining the Army in 1942, Sir John saw four years of military service. He served as an advisor to General Blamey on civil government in New Guinea and Borneo and represented the general in discussions in London on military government in Borneo. In 1946 he became the first principal of the Australian School of Pacific Administration and, later, an adviser to Australia's United Nations' delegation. He resumed his legal career in 1946 when he returned to the New South Wales bar. He became a Queen's Counsel in 1953 and sat on many public tribunals and committees of review during the 1960s. From 1966 to 1972 he was a judge of the Supreme Court of the Australian Capital Territory and a judge of the Commonwealth Industrial Court. He served as the Chief Justice of New South Wales from 1972 to 1974. In 1973, Sir John was appointed the Lieutenant Governor of New South Wales and was sworn in as the Governor General of Australia and Commander in Chief of the Defence Forces of Australia on 11 July 1974.

It is now history that Sir John became the centre of controversy when on 11 November 1975 he dismissed the then Prime Minister, Mr Gough Whitlam, dissolved both Houses of Parliament and appointed Mr Malcolm Fraser as the leader of a caretaker Government. While two subsequent general elections confirmed electorate support for Mr Fraser's Government, it is also history that Sir John's decision to dismiss the Government of Mr Whitlam effectively ended his long and distinguished public career. He resigned as the Governor General of Australia in November 1977. In February 1978, his appointment as Australian Ambassador to the United Nations Educational, Scientific and Cultural Organisation - UNESCO - in Paris was announced. However, following renewed controversy Sir John announced his resignation the following month without taking up the position.

During his long and distinguished career he was awarded many honours. He was appointed a

Commander of the Order of St Michael and St George in 1966, Knight Commander of the order in 1974, Chancellor of the Order of Australia and Principal Companion in the Civil Division in 1975, a Knight Grand Cross in the Order of St Michael and St George in 1976 and Principal Knight of the order in the General Division in 1977. Sir John was made a member of the Privy Council in the Queen's new year's honours list in 1977.

On behalf of members of the Opposition, I extend to his widow, son and two daughters our sincere condolences on his recent death.

*Adjournment Debate - Royal Commissioner - Information Leak Rumour - Premier's Press Conference*

**HON PETER FOSS** (East Metropolitan) [10.17 pm]: I raise a matter that appeared on page 8 of this morning's *The West Australian*. I hope my remarks will not be reported. I say that for reasons that will become clear during my speech. An article headed "Premier quashes probe rumours" reported that the Premier held a Press conference in which she denied rumours relating to the possibility of information being pre-leaked by one of the Royal Commissioners. It is clear from the report that the person who gave rise to the rumour, a Mr Bannister, got things wrong. Anybody who knows Hon Mr Justice Kennedy knows that his being the source of such an indiscretion would be absolutely and utterly wrong because he is the most discreet and proper person one could ever hope to meet. People who meet him immediately know that to be the case.

I am concerned that the Premier held a Press conference to talk about this matter -

**Hon Kay Hallahan**: It was the Premier's post-Cabinet Press conference.

**Hon PETER FOSS**: That is what worries me. The classic way to spread a rumour is to raise it and then deny it. Had it not been for the highly public way in which the Premier denied the rumour, 99 per cent of the population would never have heard it.

**Hon Kay Hallahan**: That is your ill-informed judgment.

**Hon P.G. Pental**: She was probably deliberately setting out to reflect on the commission.

**Hon Kay Hallahan**: I expect that from you.

**Hon PETER FOSS**: May I complete my remarks? The fact remains that the Premier, by raising this matter at a Press conference, gave this rumour the widest possible dissemination. Most people read newspaper articles cursorily and would not read that part in which the Premier said the rumour was clearly wrong. They would read the early part of the article. The appropriate place to deny the rumour would have been where it came from; that is, the Western Australian Art Gallery.

**Hon Kay Hallahan**: She did that as well.

**Hon PETER FOSS**: The Premier should have made sure that that is where the rumour was denied. It is unfortunate, whether the Premier intended it or not, and I sincerely hope she did not. I understand what the Deputy Leader of the House is saying and she believes that was not the intention of the Premier, but in effect that is what the Premier has done by denying it in the public forum in the way she did.

I urge the Premier, if she is seeking to deny a rumour at sometime in the future, to be very careful. Tonight in the Address-in-Reply debate I referred to the need to be responsible when criticising public persons. They should not be immune from criticism, but when it has been ascertained that the rumour is completely and utterly wrong that is not the time to give it a wide dissemination. I do not care whether the Premier intended to do it, that is the effect of what she has done. It must be put on record that I regret what took place and members in this House should ask the Premier to be more careful in future with the way she goes about trying to do what she has done. In this instance she has done harm to a person of the utmost impeccable reputation. He is a man who would find it impossible to contemplate anything of this nature. I say with as much sincerity as I possibly can that Geoffrey Kennedy is absolutely and completely the most ethical person one would come across and it is very important that point be hammered home to members.

I do not wish my speech to be taken up by the Press because the sooner this matter is buried the better, but I hope that in the future the Premier will realise she has to be more careful in what she says.

**HON KAY HALLAHAN** (East Metropolitan - Deputy Leader of the House) [10.23 pm]: In response to the gratuitous comments by Hon Peter Foss about the manner in which the Premier handled a certain matter I advise the House that he comes from a position of being ill-informed about the inquiries the Premier had received on this matter. It was in her judgment the better way to deal with it in order that there be no undermining whatsoever of individual commissioners or, indeed, of the processes of the Royal Commission.

Hon P.G. Pental: Or was it on the recommendation of one of the Press secretaries?

Several members interjected.

Hon KAY HALLAHAN: The interjection from Hon Phillip Pental is once again a reflection on him and on his position.

The Premier dealt with the matter adequately and sensibly yesterday. I do not intend to add anything further except to put it on the record of this House that from the knowledge I have on this matter it seems to me that the Premier handled the matter in the most responsible way. She does not in any way need advice from Hon Peter Foss on how she should carry out her duties or what consideration she should give to such matters.

Question put and passed.

*House adjourned at 10.25 pm*

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## QUESTIONS ON NOTICE

### REES, MR WYVERN - BELL GROUP SHARES

*Perth Return Date, April 1987*

6. Hon MAX EVANS to the Leader of the House representing the Minister for Fuel and Energy:

- (1) Will the Minister advise the exact time and date of the return to Perth in April 1987 of Mr W Rees to finalise the Bell Group Ltd shares?
- (2) Who discussed the Bell deal with Mr Rees overseas?
- (3) Did he rush home to finalise the deal?

Hon J.M. BERINSON replied:

The Minister for Fuel and Energy has provided the following reply -

(1)-(3)

The honourable member is referred to his question without notice 592 of 1990 asked on 13 September 1990 for the reply to this question.

### LOCOMOTIVES - "KATIE"

*Heritage of Western Australia Act Classification*

8. Hon P.G. PENDAL to the Minister for Education representing the Minister for Heritage:

I refer to the 111 year old locomotive, known as "Katie", currently in possession of the Australian Railway Historical Society's WA Division and ask -

- (1) Would it be possible to classify this locomotive, and other vintage rolling stock, under the Heritage of Western Australia Act?
- (2) Can the railway tracks and storage buildings, used in the past to operate and house the 111 year old locomotive and other vintage rolling stock, be classified?

Hon KAY HALLAHAN replied:

The Minister for Heritage has provided the following reply -

(1)-(2)

The register of heritage places established under the Heritage of Western Australia Act will deal only with places. Where moveable items contribute to the cultural heritage significance of a place, then they can be recorded in the statement of significance and associated documents in the register. Thus the buildings and lines can be entered in the register, together with any stationary or fixed rolling stock associated with those places. Moveable items generally can be protected under the Museum Act. If the concern underlying the question is about funding rather than protection, the honourable member should note that any funding provided under the Heritage of Western Australia Act is not limited to registered places.

### ELECTRICITY - GENERATION PERCENTAGES

*Oil, Gas, Natural Gas or Renewable Sources*

18. Hon P.G. PENDAL to the Leader of the House representing the Minister for Fuel and Energy:

What percentage of Western Australia's electricity production results from -

- (a) the use of oil;
- (b) the use of coal;
- (c) the use of natural gas; or
- (d) the use of renewable sources such as solar, winds or any other?

Hon J.M. BERINSON replied:

The Minister for Fuel and Energy has provided the following reply -

SECWA generates approximately 70 per cent of the electricity requirements of Western Australia. Approximately 97 per cent of electricity generated by SECWA is to supply the south west interconnected system. The table below details the fuel use in this system.

Period	Coal %	Gas %	Oil %
Jan-Mar 89	68	32	<.5
Apr-Jun 89	71	29	<.5
Jul-Sep 89	69	31	<.5
Oct-Dec 89	66	34	<.5
Jan-Mar 90	72	28	<.5
Apr-June 90	72	27	1
Jul-Sep 90	78	12	<.5
Oct-Dec 90	86	14	<.5
Jan 91	82	18	<.5
Feb 91	81	19	<.5

Around 0.01 per cent of electricity generated in Western Australia is produced from renewable sources. Of the electricity not generated by SECWA the fuel requirement are approximately 70 per cent natural gas, 23 per cent oil and seven per cent coal.

#### ABORIGINAL HERITAGE - LEGISLATION PROPOSAL

22. Hon P.G. PENDAL to the Minister for Education representing the Minister for Aboriginal Affairs:

- (1) Is it proposed to introduce into Parliament this session any legislation relating to Aboriginal heritage?
- (2) If so, could the Minister outline the focus of such planned legislation?

Hon KAY HALLAHAN replied:

The Minister for Aboriginal Affairs has provided the following reply -

(1)-(2)

Amendments to the Aboriginal Heritage Act are a priority of this Government. The Minister for Aboriginal Affairs is currently considering a format for the proposed legislation.

#### LEGISLATIVE COUNCIL - SITTING LABOR MEMBERS

##### *Endorsements, Premier's Guarantee*

32. Hon E.J. CHARLTON to the Leader of the House representing the Minister for Parliamentary and Electoral Reform:

- (1) Is the Minister aware that the Premier stated that she guaranteed the endorsement of all sitting Labor Members of the Legislative Council?
- (2) Can the Minister advise by what means the Premier can honour her guarantees?

Hon J.M. BERINSON replied:

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

(1)-(2)

Early media reports along the lines of the wording in question 32 were clarified by the Premier to explain the nature of the process of endorsements of candidates within the Australian Labor Party. Nominations will be called and endorsements made by the Australian Labor Party in accordance with its rules. The Labor Party will take into consideration suggestions from the Premier and from any of its members about these matters.

**MINDARIE REGIONAL REFUSE SITE - LEACHATE MOVEMENT RATE**

36. Hon GEORGE CASH to the Minister for Education representing the Minister for Health:

- (1) At what rate is the leachate from the Mindarie Regional Refuse site expected to move and in which direction is the leachate expected to move?
- (2) What is the likely chemical composition of the leachate material?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) Groundwater flow in the area is 60m to 120m per annum in an east-west direction. The environmental management and monitoring program advised that it will take six years to saturate the rubbish following which leachate will be generated. The leachate will then take some years to reach the groundwater table where it will be sufficiently diluted and dispersed so as to be of no health or environmental concern.
- (2) Typical leachates contain nitrogenous compounds resulting from breakdown of organic materials. No significant amounts of heavy metals or hazardous substances have been detected at other sites in sandy soils in the Perth region.

**MINDARIE REGIONAL REFUSE SITE - MONITORING BORES**

*Ground Water Quality*

41. Hon GEORGE CASH to the Minister for Education representing the Minister for Environment:

- (1) What requirements have been imposed on the Mindarie Regional Council or other authorities, for the establishment of monitoring bores, to obtain information on ground water quality, both on site and off site, at the Mindarie Regional Refuse site?
- (2) Have these monitoring bores been established?
- (3) If so, will the Minister provide details of the location of each bore and the depth of each bore?
- (4) What analysis has been made of water samples from these bores to establish the water quality prior to sanitary landfill operations commencing?
- (5) Which Government departments or authorities are required to be informed of the results of the ground water quality monitoring?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) Sampling system of 30 points across site and off site down to the aquifer has been imposed - reference grid system of monitoring boreholes as detailed in Tamala Park environmental management and monitoring program 1989.
- (2) Yes.
- (3) Yes. I will write to the honourable member when this information is available.
- (4) Background levels of chemical constituents have been established.
- (5) Western Australia Water Authority, Environmental Protection Authority, Department of Mines and Health Department.

**MAIN ROADS DEPARTMENT - CONTRACTS TO PRIVATE SECTOR**  
*Freight Value - Goods Movement, Perth-Kimberley Region*

50. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

What was the value of freight for the movement of goods from the Perth metropolitan region to the Kimberley region including Broome, included in the contract price, in respect of contracts awarded to the private sector by the Main Roads Department for the financial years ended 30 June 1989 and 30 June 1990?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

Main Roads Department does not obtain this information from a contractor.

**MARINE AND HARBOURS DEPARTMENT - CONTRACTS TO PRIVATE SECTOR**  
*Freight Value - Goods Movement, Perth-Kimberley Region*

52. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

What was the value of freight for the movement of goods from the Perth metropolitan region to the Kimberley region including Broome, included in the contract price, in respect of contracts awarded to the private sector by the Department of Marine and Harbours for the financial years ended 30 June 1989 and 30 June 1990?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

There were no formal standing contracts to individual freight operators during the two year period. The department moved freight during this period by one-off arrangements as and when required.

**HEALTH DEPARTMENT - CONTRACTS TO PRIVATE SECTOR**  
*Freight Value - Goods Movement, Perth-Kimberley Region*

53. Hon GEORGE CASH to the Minister for Education representing the Minister for Health:

What was the value for freight for the movement of goods from the Perth metropolitan region to the Kimberley region including Broome, included in the contract price, in respect of contracts awarded to the private sector by the Health Department for the financial years ended 30 June 1989 and 30 June 1990?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

This information is impossible to obtain as detailed records are not kept.

**HOMESWEST - CONTRACTS TO PRIVATE SECTOR**  
*Freight Value - Goods Movement, Perth-Kimberley Region*

54. Hon GEORGE CASH to the Leader of the House representing the Minister for Housing:

What was the value of freight for the movement of goods from the Perth metropolitan region to the Kimberley region including Broome, included in the contract price, in respect of contracts awarded to the private sector by Homeswest for the financial years ended 30 June 1989 and 30 June 1990?

Hon J.M. BERINSON replied:

The Minister for Housing has provided the following reply -

Homeswest contracts are let for the construction of one or more dwellings. A contractor would make provision for freight costs in the tender price but this does not form a separate or identifiable part of the contract.



**MAIN ROADS DEPARTMENT - VALUE OF PAYMENTS TO PRIVATE CARRIERS**  
*Goods Movement, Metropolitan Area-Kimberley Region*

60. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

What was the value of payments made directly to private sector carriers for the movement of goods from the metropolitan area to the Kimberley region including Broome by the Main Roads Department for the financial years ended 30 June 1989 and 30 June 1990?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

Year ending 1988-89, approximately \$130 000.

Year ending 1989-90, approximately \$140 000.

**MARINE AND HARBOURS DEPARTMENT - VALUE OF PAYMENTS TO PRIVATE CARRIERS**  
*Goods Movement, Metropolitan Area-Kimberley Region*

62. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

What was the value of payments made directly to private sector carriers for the movement of goods from the metropolitan area to the Kimberley region including Broome by the Department of Marine and Harbours for the financial years ended 30 June 1989 and 30 June 1990?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

1988-89	\$35 404.
1989-90	\$32 831.

**HEALTH DEPARTMENT - VALUE OF PAYMENTS TO PRIVATE CARRIERS**  
*Goods Movement, Metropolitan Area-Kimberley Region*

63. Hon GEORGE CASH to the Minister for Education representing the Minister for Health:

What was the value of payments made directly to private sector carriers for the movement of goods from the metropolitan area to the Kimberley region including Broome by the Health Department for the financial years ended 30 June 1989 and 30 June 1990?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

Total payments made directly can only be approximated as in many cases, although freight is invoiced separately, the cost is charged against the particular item purchased. Total freight costs as a separate item were -

To 30 June 1989	\$95 000
To 30 June 1990	\$129 000

**HOMESWEST - VALUE OF PAYMENTS TO PRIVATE CARRIERS**  
*Goods Movement, Metropolitan Area-Kimberley Region*

64. Hon GEORGE CASH to the Leader of the House representing the Minister for Housing:

What was the value of payments made directly to private sector carriers for the movement of goods from the metropolitan area to the Kimberley region including Broome by Homeswest for the financial years ended 30 June 1989 and 30 June 1990?

Hon J.M. BERINSON replied:

The Minister for Housing has provided the following reply -

1988-89	\$38 405.74
1989-90	\$38 580.51

**SWAN BREWERY SITE - HERITAGE ACT**  
*Aboriginal Heritage Act*

80. Hon P.G. PENDAL to the to the Minister for Education representing the Minister for Heritage:

Is it the Government's intention to use the provisions of the Heritage Act to override the Aboriginal Heritage Act in the matter of the Swan Brewery development?

Hon KAY HALLAHAN replied:

The Minister for Heritage has provided the following reply -

The Government has never formally or informally considered this approach to resolving the Swan Brewery issue.

**ABORIGINES - NEWMAN AREA**  
*Ablution Areas Delay*

106. Hon P.H. LOCKYER to the to the Minister for Education representing the Minister for Aboriginal Affairs:

- (1) When will ablution areas promised to the Aboriginal people living closest to Newman, be completed?
- (2) Since these were promised in 1990, why have they been delayed?

Hon KAY HALLAHAN replied:

The Minister for Aboriginal Affairs has provided the following reply -

- (1) Work is under way and will be finished on or about 19 April 1991.
- (2) The Water Authority of Western Australia, which will soon be taking over responsibility for services in Newman, required different engineering specifications to Mt Newman Mining, which is the current agency responsible. Plans and specifications needed to be altered. Care has been taken to consult the relevant Aboriginal people to ensure that the design and layout is appropriate. Redrawing has taken place to incorporate lessons learned from similar developments in the Northern Territory and other parts of Western Australia as well as to incorporate the preferences of the future inhabitants.

**STATE ENERGY COMMISSION - ELECTRICITY SUPPLY**  
*Eucla Takeover Inquiry*

111. Hon P.H. LOCKYER to the to the Leader of the House representing the Minister for Fuel and Energy:

- (1) Have any discussions of investigations been taken by the State Energy Commission with a view to taking over the Supply of electricity to Eucla?
- (2) If so, what was the result of these investigations?

Hon J.M. BERINSON replied:

The Minister for Fuel and Energy has provided the following reply -

- (1) Yes, the most recent of which was an informal discussion held in November 1990 involving Eucla residents, Eucla police, Goldfields-Esperance Development Authority and officers of SECWA.
- (2) It is uneconomic for SECWA to take over the power supply to Eucla.

**HOMESWEST - FITZROY CROSSING TENANTS**  
*Rental Payment Problems - Water Account Problems*

116. Hon P.H. LOCKYER to the Leader of the House representing the Minister for Housing:

- (1) Are problems still being experienced by Homeswest tenants in Fitzroy Crossing with regard to payment of rents?
- (2) Have the problems of water accounts being experienced by Homeswest tenants been resolved?

Hon J.M. BERINSON replied:

The Minister for Housing has provided the following reply -

- (1) No. Rents are assessed in accordance with the tenants' ability to pay. Should any tenant be experiencing a difficulty, the matter should be discussed with the local Homeswest officer.
- (2) Tenants are now receiving regular accounts for water used, and the regional manager from Homeswest's South Hedland office met with the community in November 1990 to address the issue. No further complaints have been received.

**SECONDARY EDUCATION AUTHORITY - CERTIFICATES**  
*Inaccuracies*

122. Hon BARRY HOUSE to the Minister for Education:

- (1) Is the Minister aware of complaints about widespread inaccuracies in this year's Secondary Education Authority certificates where units were either not accredited or recorded incorrectly?
- (2) If so, what has been done to inquire into the matter and to ensure it does not happen again?

Hon KAY HALLAHAN replied:

- (1) After the despatch of the certificate of lower school studies on 12 February 1991, certificates from eight schools - there were 180 on the unit curriculum in 1990 - were reprinted after students found omissions.
- (2) The problems last year arose from the fact that many schools are now submitting results to the SEA on floppy disks. As this is a different procedure some initial problems have occurred. SEA staff have been in contact with schools who have had problems. SEA staff have also met with the schools administrative systems staff at the Ministry of Education to discuss procedures to overcome the difficulties being experienced.

**UNIVERSITIES - EDITH COWAN UNIVERSITY**  
*Non-guild Members - Library Use*

123. Hon N.F. MOORE to the Minister for Education:

- (1) Is it a fact that the students at the Edith Cowan University who do not join the student guild are not permitted to use the university library?
- (2) If yes, and bearing in mind that the library is not a guild-provided service, will the Minister ensure that this practice is terminated?

Hon KAY HALLAHAN replied:

- (1) No. Student identity cards, which are also used as library borrowing cards, are not issued to students until they have complied with the various requirement of enrolment. One of these requirements is that they join the Student Guild or register a conscientious objection to guild membership and pay an amount equivalent to the guild subscription to a recognised charitable organisation. Without a student identity card a student may use the library but

not borrow from the library. Possession of a student identity card ensures access on the part of enrolled students to the various services provided for them.

- (2) Not applicable.

**CARAVAN PARKS - ESPERANCE BUSHLAND CARAVAN PARK**  
*Esperance Aboriginal Corporation Purchase*

133. Hon GEORGE CASH to the Minister for Education representing the Minister for Aboriginal Affairs:

- (1) When did the Esperance Aboriginal Corporation purchase the Esperance Bushland Caravan Park?
- (2) What was the purchase price of the Esperance Bushland Caravan Park?
- (3) What was the amount attributed to -
  - (a) goodwill;
  - (b) written down value of plant and equipment;
  - (c) stock; and
  - (d) freehold and improvements?
- (4) What items comprised the improvements?
- (5) What profit or loss did the Esperance Bushland Caravan Park make for the financial years ended 30 June 1989 and 30 June 1990?

Hon KAY HALLAHAN replied:

The Minister for Aboriginal Affairs has provided the following reply -

- (1) The then Commonwealth Development Commission provided funds for the purchase of this property by the Esperance Aboriginal Corporation in October 1988.
- (2)-(5) Any questions relating to this matter should be directed to the Commonwealth Aboriginal and Torres Strait Islander Commission or its responsible Minister.

**AUSTRALIAN SECURITIES COMMISSION - LEGISLATION**  
*Inconsistencies*

135. Hon GEORGE CASH to the Attorney General:

- (1) Is the Minister aware of any anomalies or inconsistencies in the Australian Securities Commission legislation?
- (2) Are cooperatives registered in Western Australia subject to the provisions of the ASC legislation?

Hon J.M. BERINSON replied:

- (1) There are a number of minor problems and technical amendments proposed to be made to the ASC legislation shortly.
- (2) Certain provisions of the ASC legislation apply to any person or corporation in Western Australia including cooperative companies.

**RAILWAYS - NORTHERN SUBURBS TRANSIT SYSTEM**  
*Overhead Bridges, Mitchell Freeway-Burns Beach Cost*

138. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) In the allocation of \$223 million quoted as the "over all cost" of the northern railway system, will the Minister please advise if the seven proposed overhead bridges along the Mitchell Freeway to Burns Beach have been included in the over all cost?

- (2) If not, will the Minister advise the estimated cost of the seven proposed overhead bridges?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

(1)-(2)

The cost of the four railway bridges is in the \$223 million northern suburbs transit system cost. The three road bridges form part of the Mitchell Freeway development and will be funded from road sources.

#### SPEED LIMITS - GOOMALLING, DOWERIN-MERREDIN ROAD

139. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) What are the speed limits within five kilometres of entering/leaving Goomalling on the Dowerin-Merredin Road?
- (2) At what distance from Goomalling are the appropriate speed limit signs placed?
- (3) Have the locations of the speed limit signs been changed in the past twelve months?
- (4) If so, will the Minister advise of the changes?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) Sixty kilometres per hour, 90 kilometres per hour and 110 kilometres per hour.
- (2) Travelling into Goomalling from Dowerin speed limit signs are located 2.74 kilometres and 1.02 kilometres from the Railway Terrace and Throssell Street junction. These signs designate a speed limit of 90 kilometres per hour and 60 kilometres per hour respectively. Leaving Goomalling in the direction of Dowerin the signs are at the same locations. The first sign encountered states 90 kilometres per hour and the second 110 kilometres per hour.
- (3) No.
- (4) Not applicable.

#### TAFE - MINISTERIAL CONSULTANTS

140. Hon GEORGE CASH to the Minister for Education:

- (1) How many positions exist for ministerial consultants for Technical and Further Education?
- (2) When were these positions created for the Department of TAFE?
- (3) What are the qualifications, experience and duties required for the positions?
- (4) Were the positions advertised?
- (5) If so, when and in which publications?
- (6) Have the present incumbents substantial work experience in TAFE?
- (7) Who are the present incumbents of such positions and what was the work experience and salary level of the present incumbents prior to joining TAFE?
- (8) What is the salary applicable to the current position?
- (9) Does the position include the use of a Government motor vehicle?

Hon KAY HALLAHAN replied:

(1) Nil.

(2)-(9)

Not applicable.

## TAFE - CORPORATE DEVELOPMENT MANAGER

141. Hon GEORGE CASH to the Minister for Education:

- (1) What is the position level applicable to the Manager, Corporate Development in TAFE?
- (2) Which persons have occupied this position in a permanent or temporary position during the past two years?
- (3) Who is the present incumbent of the position?
- (4) When was the present incumbent appointed to this position?
- (5) In which department or Government agency was the present incumbent previously employed and at what Public Service classification?
- (6) When is the current position to be advertised as a substantive position?
- (7) Has the present incumbent ever worked as a ministerial adviser?
- (8) If so, will the Minister advise details of such position held?

Hon KAY HALLAHAN replied:

- (1) TAFE does not have a position of manager, corporate development.
- (2)-(8) Not applicable.

## TAFE - HUMAN RESOURCES MANAGEMENT ASSISTANT DIRECTOR

142. Hon GEORGE CASH to the Minister for Education:

- (1) What is the level and salary relating to the position of Assistant Director, Human Resources Management in TAFE?
- (2) Which persons have occupied the position in either a permanent or temporary position during the past two years?
- (3) Were the changes of personnel in this position advertised?
- (4) If so, in which publications and on which dates did the advertisements appear?
- (5) What criteria for selection applied to this position?
- (6) Does the position include the use of a Government vehicle?
- (7) Has the present incumbent ever worked as a ministerial adviser?
- (8) If so, will the Minister advise details of such position held?

Hon KAY HALLAHAN replied:

- (1) Level 8, \$56 665 - \$61 615.
- (2) G. Hawke  
T. Lyons  
N. McAullay.
- (3) G. Hawke - Yes  
T. Lyons - No  
N. McAullay - No.
- (4) G. Hawke - *The West Australian* 14 December 1988  
Public Service notices 17 December 1988  
T. Lyons - Not applicable  
N. McAullay - Not applicable.
- (5) Experience at a senior management level preferably in human resource management.  
Demonstrated leadership skills.  
Experience in development and implementation of policy and in preparation of corporate and human resource plans.

High levels of interpersonal skills; communication skills, written and oral; analytical and conceptual skills.

(6)-(7)

No.

(8) Not applicable.

#### CHILDREN'S COURT - NEW BUILDING

145. Hon GEORGE CASH to the Attorney General:

(1) When is the proposed new Children's Court building to be completed?

(2) What is the estimated cost of this building?

Hon J.M. BERINSON replied:

(1) June 1992.

(2) Total cost including fit-out is estimated at \$9 million.

#### BUNBURY TOWER - SALE

161. Hon BARRY HOUSE to the Leader of the House representing the Treasurer:

(1) Has the Bunbury Tower, situated at 61 Victoria Street, Bunbury, been sold?

(2) If so, who are the current owners and what was the purchase price?

Hon J.M. BERINSON replied:

(1) Yes.

(2) The current owners are Obtala Pty Ltd. The Government does not know the purchase price.

#### ROADS - GUIDE POSTS

##### *Timber Posts - Metal Posts Consideration*

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

(1) Why are the guide posts on the side of our roads constructed of timber and not metal?

(2) Has consideration ever been given to using metal posts?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

(1) Timber guide posts are used in preference to metal due mainly to the lower material costs.

(2) Yes.

#### SWAN BREWERY SITE - REGISTER OF HERITAGE PLACES CONSIDERATION

##### *Aboriginal Heritage Act - Heritage of Western Australia Act*

171. Hon DERRICK TOMLINSON to the Minister for Education representing the Minister for Heritage:

(1) Is the Swan Brewery site and buildings being considered/evaluated for inclusion in the Register of Heritage Places?

(2) Does Government intend to invoke section 36 of the Heritage of Western Australia Act 1990 to declare that the Aboriginal Heritage Act shall not apply to or have effect in relation to the Swan Brewery site?

Hon KAY HALLAHAN replied:

The Minister for Heritage has provided the following reply -

(1) The Heritage Council has not yet met. It may be a month or so before

any decisions are made on entry of places in the register of heritage places. I have not made any approaches to the council to consider the Swan Brewery as a priority.

- (2) See answer to question 80.

### SCHOOLS - PRIMARY SCHOOLS

#### *Handwriting Style Change*

172. Hon N.F. MOORE to the Minister for Education:

- (1) Is it correct that the Ministry of Education has adopted, as part of the primary school curriculum, a different style of handwriting for school pupils?
- (2) If the answer is yes -
  - (a) what is the reason behind this change;
  - (b) from whence did the new writing style come; and
  - (c) is it necessary for all current primary pupils from years one to seven to unlearn the old style and learn the new style, bearing in mind that the new style is quite different from the old?

Hon KAY HALLAHAN replied:

- (1) Yes. The ministry is in the process of introducing the Victorian modern cursive style into the Western Australian Government school curriculum.
- (2) (a) National consistency of approach is desirable and the new style ensures this; the existing Western Australian style is no longer illustrative of contemporary approaches to handwriting; many schools are already introducing a "simple modern hand" approach and have requested an authorised ministry policy on it.
- (b) Victoria.
- (c) By the beginning of 1994 all children in year 1 should have been introduced to the new style. Schools may phase in the style during the 1990-94 period at their discretion.

### SCHOOLS - PARENTS AND CITIZENS ASSOCIATIONS

#### *Education Ministry Allocation*

175. Hon GEORGE CASH to the Minister for Education:

- (1) Does the Ministry of Education provide an allocation each year to all schools for use by the respective Parents and Citizens Associations?
- (2) If the answer is yes, will the Minister advise if there are guidelines concerning the expenditure of this allocation?

Hon KAY HALLAHAN replied:

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

### RAILWAYS - FENCING

#### *Perth-Fremantle Railway Line*

193. Hon MAX EVANS to the Minister for Police representing the Minister for Transport:

- (1) What is the length of new wire fencing being erected along the Perth to Fremantle railway line?
- (2) What is the total cost and who is the contractor?
- (3) Why is a fence required for electric trains when this was not required before for diesel trains?
- (4) If security is the reason, what safeguards exist at all unmanned stations and crossings?



Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) 6 981 metres.
- (2) \$147 500, Boral Cyclone.
- (3) The electrified railway system is more hazardous due to the overhead electric traction wiring and the quieter and faster railcars. Additional fencing is being erected to restrict unauthorised access and crossing of the railway tracks and to encourage use of the authorised pedestrian crossings.
- (4) Safety is the reason, not security.

**RAILWAYS - FENCING**  
*Perth-Midland Railway Line*

194. Hon MAX EVANS to the Minister for Police representing the Minister for Transport:

- (1) What is the length of new wire fencing being erected along the Perth to Midland railway line?
- (2) What is the total cost and who is the contractor?
- (3) Why is a fence required for electric trains when this was not required before for diesel trains?
- (4) If security is the reason, what safeguards exist at all unmanned stations and crossings?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) 2 328 metres.
- (2) \$59 900, Boral Cyclone.
- (3) The electrified railway system is more hazardous due to the overhead electric traction wiring and the quieter and faster railcars. Additional fencing is being erected to restrict unauthorised access and crossing of the railway tracks and to encourage use of the authorised pedestrian crossings.
- (4) Safety is the reason, not security.

**RAILWAYS - FENCING**  
*Perth-Armadale Railway Line*

195. Hon MAX EVANS to the Minister for Police representing the Minister for Transport:

- (1) What is the length of new wire fencing being erected along the Perth to Armadale railway line?
- (2) What is the total cost and who is the contractor?
- (3) Why is a fence required for electric trains when this was not required before for diesel trains?
- (4) If security is the reason, what safeguards exist at all unmanned stations and crossings?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) 13 063 metres.
- (2) \$246 800, Boral Cyclone.
- (3) The electrified railway system is more hazardous due to the overhead electric traction wiring and the quieter and faster railcars. Additional

fencing is being erected to restrict unauthorised access and crossing of the railway tracks and to encourage use of the authorised pedestrian crossings.

- (4) Safety is the reason, not security.

#### RAILWAYS - FENCING

##### *Northern Railway*

196. Hon MAX EVANS to the Minister for Police representing the Minister for Transport:

Could the Minister advise -

- (1) If a wire fence will be erected each side of the northern railway for its full length?
- (2) If no, why have fences along the other railway lines to Fremantle, Midland and Armadale been erected?
- (3) If yes, what is the estimated cost?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) Yes, where the railway is outside the existing Mitchell Freeway median. Elsewhere the existing freeway fencing and the freeway itself will provide the safety barrier.
- (2) Not applicable.
- (3) \$531 000.

#### QUESTIONS WITHOUT NOTICE

##### EDWARDS, MR KEVIN - LLOYD, MR TONY

##### *Legal Costs - Government Payment*

57. Hon GEORGE CASH to the Attorney General:

Will the Attorney General advise whether the Government is paying the legal costs for both Tony Lloyd and Kevin Edwards in the legal action which concluded on Friday, 22 March 1991?

Hon J.M. BERINSON replied:

Not to my knowledge. I say that because I would not be aware of any Legal Aid Commission provision, for example.

#### QUESTIONS ON NOTICE - UNANSWERED

58. Hon D.J. WORDSWORTH to the Minister for Police:

Does the Minister have any intention of answering the questions I have asked on notice before the House rises for 10 days?

Hon GRAHAM EDWARDS replied:

Of course.

##### GRILL, HON JULIAN - WESTERN COLLIERIES LTD

##### *Rural & Industries Bank of Western Australia Account - Illegal \$6 million Withdrawal*

59. Hon P.G. PENDAL to the Attorney General:

I refer to questions that I asked in this House in 1988 and 1989 relating to the alleged illegal \$6 million withdrawal from Western Collieries Ltd's R & I Bank account.

- (1) Will the Attorney General report to this House on the extent to which inquiries were made by investigating officers from such as the Police Force, the Corporate Affairs Department or the National Companies

and Securities Commission into the involvement of Hon Julian Grill?

(2) If not, why not?

Hon J.M. BERINSON replied:

(1)-(2)

No, because the inquiries of investigating officers are never matters for public reference of this kind.

**GRILL, HON JULIAN - WESTERN COLLIERIES LTD**

*Rural & Industries Bank of Western Australia Account - Illegal \$6 million Withdrawal*

60. Hon P.G. PENDAL to the Attorney General:

Was the alleged involvement of Hon Julian Grill in the illegal \$6 million withdrawal from Western Collieries Ltd's account in the R & I Bank ever discussed in Cabinet?

Hon J.M. BERINSON replied:

This is an objectionable question, and not only because Cabinet matters are confidential and not open to question. The member should know that. I make it clear that the answer that I am giving in general terms is not to be taken as indicating any suggestion of an affirmative response.

**GRILL, HON JULIAN - WESTERN COLLIERIES LTD**

*Rural & Industries Bank of Western Australia Account - Illegal \$6 million Withdrawal*

61. Hon P.G. PENDAL to the Attorney General:

Did the Attorney General ever directly or indirectly discuss with Hon Julian Grill the matters relating to the illegal \$6 million withdrawal from Western Collieries Ltd's R & I Bank account?

Hon J.M. BERINSON replied:

Not to my knowledge; not to my recollection.

**PRISONS - GERALDTON PRISON**

*Maximum Security Proposal*

62. Hon E.J. CHARLTON to the Minister for Corrective Services:

Has a decision been made or will there be a public announcement that the Geraldton prison will become a maximum security establishment?

Hon J.M. BERINSON replied:

No such proposal is before the Government.

**PRISONS - BUNBURY REGIONAL PRISON**

*Security*

63. Hon BARRY HOUSE to the Minister for Corrective Services:

In view of community concern over the seven escapes from the Bunbury Regional Prison in the last few weeks, I ask -

- (1) Will the Minister satisfy this House that the current work on the prison upgrade will not affect security?
- (2) Will any relaxation of the classification of prisoners being sent to Bunbury affect security?

Hon J.M. BERINSON replied:

(1)-(2)

I was approached on this matter earlier today by Mr Phil Smith, the member for Bunbury, and he made me aware of Hon Barry House's interest at the

same time. I undertook to Mr Smith to obtain a report from the department. I expect to have that by tomorrow or Thursday.

**GRILL, HON JULIAN - WESTERN COLLIERIES LTD**

*Rural & Industries Bank of Western Australia Account - Illegal \$6 million Withdrawal*

64. Hon P.G. PENDAL to the Attorney General:

To enable me to better understand the Attorney General's earlier answer, will he distinguish between an answer that says, "Not to my knowledge" and an answer that says, "Not to my recollection"?

Hon J.M. BERINSON replied:

I would have thought the difference was quite clear. To speak in terms of something not being "within my knowledge" is to refer to matters with which I am not directly connected. When I say "Not to my recollection" in response to a question about a possible conversation, it would hardly be sensible to talk about a conversation not having occurred to my knowledge and my correction of myself -

Hon P.G. Pendal: So there is a possibility that the conversation took place?

Hon J.M. BERINSON: I do not believe so. I do not believe there was any such discussion. I cannot think of any reason that there should have been. I am simply saying that, especially considering that we are now dealing with matters a couple of years old, I do not recall any such conversation.

**SCHOOLS - ASBESTOS ROOFS REMOVAL**

*Perth Modern Senior High School, John Curtin Senior High School - Vacancy Period Claim*

65. Hon PETER FOSS to the Minister for Education:

Is the Minister aware of the claim that when the roofs are removed from Perth Modern Senior High School and from John Curtin Senior High School, it is believed from a health point of view that those places should be left vacant for six months owing to the asbestos fibres discharged into the air by the removal of the roofs?

Hon KAY HALLAHAN replied:

No-one has put that proposal to me.

**SCHOOLS - ASBESTOS ROOFS REMOVAL**

*Perth Modern Senior High School, John Curtin Senior High School - Vacancy Period Claim*

66. Hon PETER FOSS to the Minister for Education:

Will the Minister investigate the matter and report to the House?

Hon KAY HALLAHAN replied:

The whole question of asbestos is being dealt with carefully. Certainly, the removal of those two roofs is being dealt with very carefully. Every consideration is being given to cleaning up the sites. Air monitoring will take place after the work is done to gauge whether the areas are hazardous to students, staff or other people associated with the schools. The member can be assured that the most thorough attention will be given to all aspects of safety in that situation.

**POLICE VEHICLES - NSW GIO BUMPER STICKERS**

67. Hon BARRY HOUSE to the Minister for Police:

- (1) Is the Minister aware that police vehicles are carrying bumper stickers which read "Drive to Stay Alive" sponsored by the New South Wales Government Insurance Office?
- (2) Does this indicate that the WA Government is insuring vehicles with the New South Wales GIO?

- (3) If not, has the Government given approval to the GIO to advertise on WA Government vehicles?
- (4) If that is the case, what return is being obtained by the Government for this advertising?

Hon GRAHAM EDWARDS replied:

(1)-(4)

No, I am not aware of this. I have not seen any of those stickers. The stickers I have seen are more in line with the campaigns we have been running in this State which relate to drink driving, and include "If you drink and drive you are a bloody idiot" and "Speed kills". Police in this State are very resourceful. If, somehow or other, they have got hold of a universal message, whether it is here, in New South Wales or in Victoria, they would be well served to look at that message. I assume the member is treating this as a serious matter, particularly at this time of the year when people will soon be moving out of the city in large numbers to enjoy the Easter break. It is a time of the year when Western Australia has launched its own very serious road campaigns aimed as much as possible at reducing road trauma during the Easter period. For instance, last week I was involved in the launching of our Easter road safety program which is very strongly supported by the Motor Trade Association of Western Australia. It has committed resources, through 82 outlets, to making available for motorists free checks on brakes, tyres and other safety features of vehicles. I congratulate the police on their resourcefulness. It is immaterial whether the message comes from Victoria or New South Wales; it is a universal message, particularly at this time of the year, and it is trying to drive home the need for people to take care and to be cautious on our roads. Now that the matter has been brought to my attention, I will certainly have a look at it.

#### CONTRACTS - MAXIMUM AMOUNT AWARD

##### *Police Shirt Contract - Tender Submissions*

68. Hon GEORGE CASH to the Minister for Education representing the Minister for Services:

- (1) What is the maximum amount that can be awarded for a contract which is not the subject of a tender?
- (2) How many manufacturers submitted tenders for the recent contract awarded to Cinar Pty Ltd for the manufacture of shirts for the Western Australia Police Force?
- (3) Did the other tenderers quote on a "made up garment" basis?

Hon KAY HALLAHAN replied:

The Minister for Services has advised as follows -

- (1) The State Tender Board Act does not specify any maximum amount; however, all contracts of more than \$500 000 per line item awarded by the Tender Board require Executive Council approval.
- (2) Four.
- (3) Cinar Pty Ltd was the only supplier which offered an alternative quote on a "made up garment basis".

#### SHIRTS CONTRACT - POLICE DEPARTMENT

##### *State Tender Board Agreement*

69. Hon GEORGE CASH to the Minister for Education representing Minister for Services:

- (1) Did the State Tender Board recently let a tender for approximately 25 000 metres of fabric on behalf of the Police Department?
- (2) In view of the recent decision to award Cinar Pty Ltd a contract to manufacture and supply shirts for the Western Australia Police Force, does the Tender Board intend to honour the tender for fabric referred to above?

Hon KAY HALLAHAN replied:

The Minister for Services has advised as follows -

(1)-(2)

Yes.

#### BUSES - SCHOOL BUS ROUTES

##### *Perenjori Parents and Citizens' Association and Shire Council Request*

70. Hon MARGARET McALEER to the Minister for Education:

Has the Minister made a decision about the school bus routes requested by the deputation from the Perenjori Parents and Citizens' Association and the Perenjori Shire Council on 13 March in Geraldton?

Hon KAY HALLAHAN replied:

Members may be interested to know that, at the instigation of Hon Margaret McAleer, I met a deputation of people who were concerned about this matter. Yesterday I wrote to a number of people along the following lines: The matter is being reviewed and the Government will be in a position fairly soon to give an indication to the community and the honourable member about whether the proposal is acceptable to the Ministry of Education. As we are approaching a holiday period I hope it will be dealt with at the latest during that time and that things will be settled for the commencement of the second term.

#### SCHOOLS - BRIDGETOWN HIGH SCHOOL

##### *Inadequate Facilities*

71. Hon BARRY HOUSE to the Minister for Education:

- (1) Is the Minister aware of the totally inadequate facilities available at the Bridgetown High School to deliver education to the students?
- (2) Is it her intention to visit this school to see at first hand the need for regular maintenance and capital expenditure?
- (3) Is it also her intention to also visit other schools in the south west in the near future?

Hon KAY HALLAHAN replied:

(1)-(3)

I do not accept that any school in Western Australia can be accurately described as totally inadequate. Some schools may need upgrading, some may need expanding and others may need new facilities.

Hon Barry House: Have you been to the Bridgetown High School?

Hon KAY HALLAHAN: No, I have not visited the Bridgetown High School and I would be very surprised if, on such a visit, I found that it could be fairly described as Hon Barry House has described it.

Hon Barry House: You may be surprised.

Hon George Cash: He extends an invitation to you to visit it as soon as possible.

The PRESIDENT: Order! The Minister is required to answer only the question the member asked while he was on his feet. The other questions do not apply.

Hon KAY HALLAHAN: Thank you, Mr President, for that advice, but I indicate that during your absence this question arose a number of times and I am happy to comment on it. Members will find me a very cooperative and accessible Minister for Education, and I accept that many members are concerned about schools in their electorates. However, I am not interested in dealing with members who describe the schools in their electorates as totally inadequate. I will be happy, whenever it is possible, to join members in meeting school communities and inspecting the facilities that they think should be improved. However, I will not do so on the basis that everything is

totally inadequate; it will be on the basis that people want certain things improved.

**ROADS - HAYES OR COBHAM AVENUE, DIANELLA**  
*Closure Gazetted*

72. Hon GEORGE CASH to the Minister for Police representing Minister for Transport:

- (1) Has any section of Hayes Avenue or Cobham Avenue, Dianella been gazetted for closure?
- (2) If so, will the Minister provide details?
- (3) Is the Minister aware of any intention of the local authority to change the current status of either of these roads?
- (4) If so, will the Minister provide details?

Hon GRAHAM EDWARDS replied:

(1)-(4)

I am advised that every effort has been made to provide an answer for the member but, due to the short notice, it has not been possible to do so. I invite the member to put the question on notice.

**PROROGATION OF PARLIAMENT - PREMIER**  
*Attorney General's Recommendation*

73. Hon W.N. STRETCH to the Attorney General:

Did the Attorney General recommend to the Premier in late 1990 that she should prorogue the Parliament before the end of 1990?

Hon J.M. BERINSON replied:

That matter is completely at the discretion of the Premier and recommendations by me or any other Minister, while perhaps available to her on request, are not necessary.

**GOVERNMENT VEHICLES - INSURANCE**  
*State Government Insurance Commission - Attorney General's Department*

74. Hon W.N. STRETCH to the Attorney General:

- (1) How many vehicles under the control of his department are not insured with the State Government Insurance Commission?
- (2) If some of those vehicles are not insured with the State Government Insurance Commission, why not?

Hon J.M. BERINSON replied:

- (1) I do not have the faintest idea.
- (2) Not applicable.

In summary, I would be surprised if the insurance of any vehicle within my department were outside the regular process. It may help members to know that that regular process effectively involves a system of self-insurance by the Government of its own property and equipment.