Legislative Council

Thursday, 29 November

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

CRIMES (CONFISCATION OF PROFITS) AMENDMENT BILL

Assent

Message from the Governor received and read notifying assent to the Bill.

MINISTERIAL STATEMENT - BY THE LEADER OF THE HOUSE

State Government Insurance Commission and State Government Insurance Office Changes

HON J.M. BERINSON (North Metropolitan - Leader of the House) [2.33 pm] - by leave: On 16 May 1990 the Government gave an undertaking to implement a number of changes to the State Government Insurance Corporation and State Government Insurance Office that were considered desirable in the light of recommendations of the Auditor General and the Burt Commission on Accountability.

I am advised by the Deputy Premier, as the responsible Minister, that since that time the Government has made substantial progress in implementing that seven part agreement.

(1) The agreement firstly required the provision of answers to a series of Opposition questions relating to the SGIC. I provided the replies to those questions directed to me on 17 May 1990, and these were incorporated into *Hansard*. The answers to the questions directed to the SGIC were provided to Hon Peter Foss on 7 June 1990. Mr Foss pointed out, however, that he had amended one of the questions since it was first put to Mr Michell of the SGIC. Mr Foss did not furnish the amended question to Mr Michell and, as he was overseas at the time, the reply to the amended question was not provided until 26 June 1990.

In the debate in this House on 30 October 1990, Mr Foss impugned the character and reputation of Mr Rees and Mr Michell. That was unjustified and grossly unfair and the Government takes the strongest objection to its senior officials being attacked under parliamentary privilege in this way. The member well knows that the officers in question are unable to defend themselves publicly against his assertions. I do not believe that either Mr Rees or Mr Michell has acted to mislead the Parliament or the public.

In his attack on Mr Michell and Mr Rees on 30 October, Mr Foss made a number of allegations. In particular, he alleged that, contrary to an undertaking, Mr Michell's written answer to the amended question was different from a verbal answer given privately on 16 May, and that the change was made at the direction of Mr Rees.

I am advised that Mr Michell, at the meeting of 16 May, indicated to Messrs Foss, Evans and Trenorden that if asked a question on investments, similar to that asked of him by the Standing Committee on Government Agencies in December 1988, he would reply in a similar manner. He did not give any undertaking to answer a specific question in a particular way, and when he did provide a written answer he did so without reference to Mr Rees.

(2) The agreement next required the immediate provision to the Auditor General of the services of the Commonwealth Insurance Commissioner to enable him to determine whether the SGIO meets the prudential solvency ratios of the Insurance Act 1973. I am advised that the Auditor General wrote to the Commonwealth Insurance Commissioner on 24 August 1990 seeking advice as to whether the commissioner's facilities would be available to the Auditor General or his agent. The commissioner advised on 20 September 1990 that while he was not able, under his legislation, to perform any supervisory role in respect of the State Government Insurance Commission in Western Australia, he would be prepared to assist the Auditor General and his officers in gaining a better understanding of the requirements of the Commonwealth legislation and how the Insurance and Superannuation Commission performs its supervisory functions.

On 30 October 1990 arrangements were initiated to take up the commissioner's offer. This has culminated in an officer of the firm, which undertakes the audit of the State Government

Insurance Corporation for the Auditor General, spending two days with the Insurance and Superannuation Commission in Canberra in mid-November 1990. Documentation on such matters as audit programs, methodology and the approach to assessing solvency and minimum valuation requirements imposed on insurers has also been provided.

The assistance of the insurance commissioner is also being sought in the training of a further officer early next year. I am advised that the officer who attended on the Insurance and Superannuation Commission has verbally reported most favourably on the guidance and assistance provided and is finalising a report to the Auditor General.

As a result of this training, the office of the Auditor General will assess the solvency of the State Government Insurance Corporation as part of the audit of the 1989-90 accounts. In that process it will follow the approaches and minimum valuation requirements of the Commonwealth Insurance Commissioner. I am advised that the SGIO has conveyed to the Auditor General that it is prepared to meet any additional costs associated with the provision of this briefing.

It should be remembered that formal arrangements between a Commonwealth Government instrumentality and a State authority raise issues of State/Commonwealth relations. It is not within the power of he Commonwealth Insurance Commissioner to formally provide advice to State agencies.

(3) The third term of the agreement requires the introduction of legislation to –

(i) separate the boards of the State Government Insurance Corporation and the State Government Insurance Commission;

(ii) reconstitute the board of the corporation to require that a majority of its members be experienced in the insurance industry;

(iii) authorise the Auditor General entering into an agreement with the Commonwealth Insurance Commissioner to provide the same supervisory and auditing services with respect to the SGIO as are imposed on insurance companies under the Insurance Act;

(iv) require the SGIO to pay for those services and comply with the requirements of the Auditor General as recommended to him by the Commonwealth Insurance Commissioner;

(v) return the direct control of the investments and assets of the SGIO to its board;

(vi) limit directions by the SGIC to prudential matters.

Cabinet approved the drafting of a Bill to amend the State Government Insurance Commission Act on 5 June 1990. Drafting instructions were received by Parliamentary Counsel on 11 June and drafts were issued on 18 June, 21 June, 28 June, 29 June, 16 August and 24 August. Replacement pages were issued on 14 and 19 September. I am advised that the State Government Insurance Commission, in the spirit of the Government undertaking, has from 1 July 1990 changed the membership of the corporation board to ensure that the majority of board members have an insurance background.

The investment division of the SGIC is undertaking a separation of the cash flow of the commission and the corporation and is examining methods of separating the combined portfolio. The separation of the portfolio cannot, however, be completed until the amendments are passed.

(4) The fourth term of the undertaking requires that the provisions of the Statutory Corporations (Director's Liability) Bill be incorporated into the SGIC Bill – not including section 237 of the Companies Act in so far as it relates to insurance. Provisions have not been incorporated at the present stage of drafting of the SGIC Bill, pending completion of work on the seventh term of the undertaking. This requires the Government to consider introducing a general Bill dealing with the liabilities of directors of statutory corporations.

(5) The agreement next requires the Deputy Premier to make a statement. The Deputy Premier made the statement on 16 May 1990 and it was read to the House during debate on the motion on 17 May 1990.

Point of Order

Hon D.J. WORDSWORTH: All I can hear is the Leader of the House mumbling and there is little hope of members hearing what he is saying. We do not have copies of his statement and I do not think people in the gallery can hear him.

Hon J.M. Berinson: Why don't you ask me to speak up?

The PRESIDENT: Order! I have two things to say: First, the Leader of the House should take account of the fact that it is difficult to hear him. Second, members should take account of the fact that it would be easier to hear the Leader if they refrained from private discussions in this place.

Debate (Ministerial Statement) Resumed

Hon J.M. BERINSON: Thank you, Mr President.

(6) Under the sixth term of the agreement the Auditor General, as advised by the Insurance Commissioner, must be satisfied that the State Government Insurance Office does meet the prudential solvency ratios of the Insurance Act 1973. If he is not satisfied, remedial steps are to be undertaken immediately including, if necessary, measures related to the SGIC. It is required that any such measures relating to the SGIO be both fixed immediately and agreed to by all parties.

I have mentioned that I have been advised that the Auditor General intends to review the solvency of the corporation during the audit of the 1989-90 accounts pursuant to the Financial Administration and Audit Act. This audit is currently under way and it is expected that it will be completed by the end of the year.

(7) Finally, the agreement requires the Government to take up the suggestion of the Auditor General that it consider drafting and introducing a Statutory Corporations (Directors Liability) Bill. Consideration is being given to the suggestion of the Auditor General, which in fact mirrors the recommendations of the Standing Committee on Government Agencies. The Deputy Premier has also announced recently the proposals to corporatise Government business enterprises, including the intention to make board members accountable under the Companies Code or provisions equivalent to them.

On 15 October 1990 the Premier announced sweeping changes to be made to the SGIC-SGIO which exceed the undertaking made on 16 May 1990 and in many ways enhance it. The main benefits of the corporatisation of the SGIC–SGIO announced by the Premier on 15 October 1990 are –

Clarification of the role and commercial objectives of the SGIC–SGIO;

full accountability of board members under the Companies Code;

removal of the Government's capacity to influence individual investment decisions of the board; and

establishment of annual performance targets, rates of return and dividend policies.

A Government panel was established to recommend a program to corporatise the SGIC–SGIO. Contrary to Opposition allegations, this panel is not the "Rees review". Mr Rees was invited, as was Mr Michell, to be a member of the panel which reports to the Deputy Premier and which is chaired by a Treasury official. The panel has reviewed expressions of interest received from several national and international firms to conduct a review of the SGIO and the SGIC, which will form the basis for corporatisation. The Deputy Premier announced on 20 November that the successful applicant is a consortium comprising Ernst and Young, Mallesons Stephen Jacques and Potter Warburg.

The Government acknowledges its continuing obligation to draft legislation in fulfilment of its undertakings to the Opposition. Although the agreement does not stipulate a timetable for drafting, it is accepted that the task should be carried out expeditiously. It goes without saying, however, that the general review of the SGIC will require amendments to the State Government Insurance Commission Act. For this reason the Government has decided to place the draft SGIC Bill on hold pending the outcome of the review. To substantially amend the enabling legislation of such an important State insurance business twice within 12 months could only be counterproductive to its operations.

Documents: Part (b) of the motion seeks the tabling of documents falling into three categories. The first of these is correspondence with the Commonwealth Insurance Commissioner in relation to the provision of his services. I am able to table two letters from the Acting Auditor General which indicate that his office has entered into such correspondence, and which explain the nature of it.

The motion next seeks copies of all timetables relating to the carrying out of the undertakings. The officers charged with acting on the undertaking prepared and periodically updated an action plan, copies of which I am able to table. The third category of documents comprises any that may assist the House in determining the degree to which the undertaking has been honoured and the immediacy or otherwise of its being completed. The documents which I will table under the first two categories, together with the details contained in my statement today, should assist the House in making that determination.

[See paper No 812.]

Resolved, by leave, on motion by Hon Peter Foss –

> That consideration of the statement and tabled paper be made an Order of the Day for the next sitting of the House.

PETITION – BICYCLE HELMETS LEGISLATION

Hon George Cash (Leader of the Opposition) presented a petition bearing the signatures of 235 persons requesting that the Government –

(1) Introduce legislation and/or regulations to make the wearing of an approved safety helmet mandatory whilst riding a bicycle.

(2) Continue the scheme whereby parents are reimbursed a portion of the cost of approved safety helmets purchased for their children.

(3) Promote the safety benefits of wearing bicycle safety helmets for both riders and pillion passengers through a campaign of public awareness and education.

[See paper No 811.]

PETITION – DUCK SHOOTING

Controlled Season Support

Hon George Cash (Leader of the Opposition) presented a petition from 399 citizens of Western Australia supporting the continuation of controlled duck hunting.

[See paper No 810.]

STANDING ORDERS SUSPENSION – BILLS

All Stages – Business Procedure

HON J.M. BERINSON (North Metropolitan – Leader of the House) [2.49 pm]: I move –

> That Standing Orders be suspended for the remainder of this session so far as will enable –
>
> (a) Bills to be introduced and put through any or all stages in one sitting; and
>
> (b) business to be proceeded with beyond the times appointed for the sitting and adjournment of the House.

This is the motion in standard form which is normally moved at this stage of each session in order to facilitate the processing of the backlog. Item (a) is particularly important in that it will enable any amendments carried in this Chamber to be moved quickly to the Legislative Assembly for its consideration. I do not think any further argument is required, given the fact that we are all well acquainted with the procedure and the need for it at this stage of the year.

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

MOTION – GOVERNMENT AGENCIES

Business Transactions – Documents Tabling

HON MAX EVANS (North Metropolitan) [2.51 pm]: I move –

> That consideration of the motion for the tabling of documents regarding GESB, SGIC and others standing as Order of the Day No 46 for Wednesday, 28 November be made the first Order of the Day for Tuesday, 4 December 1990 and that it remain as the first Order of the Day thereafter until disposed of.

On 21 November I moved a motion requesting that a number of documents be tabled in this House not later than three sitting days from the passage of that motion. Time is now fast running out. There may not be three days left in which, after the passage of the motion, the papers can be tabled in this House. That would be most unfortunate because I would then have to wait until the next sitting of the House in March 1991 before I would get the answer to that request. My request that these documents be tabled is made not lightly but seriously, and it is now even more serious because we are looking at a Royal Commission, and some of these documents may be required to prepare submissions in respect of matters to be investigated by the Royal Commission. I believe those papers are valid papers which should be made available under the powers of this House.

Yesterday this motion calling for the tabling of these documents was No 46 on the Notice Paper. Today it is No 49. I fear that if we wait any longer it may go further down the Notice Paper. The importance of this motion is such that it should be brought up the Notice Paper before it makes the half century and goes down below the 50 mark.

HON J.M. BERINSON (North Metropolitan – Leader of the House) [2.53 pm]: I was rather surprised when the adjournment of the previous motion was moved, given that it was a procedural matter only. Nonetheless, and in spite of my reservations about this motion, I do not propose to seek any delay of it. However, I must say – and I am conscious that this merely repeats what I have said on many other occasions – that it is undesirable for motions of this kind to be moved, since their purpose and effect can be only to take out of the hands of the Government the management of the business of the House.

I point out, first, that no request has been made to me to bring this item up for early discussion. Secondly, I point out – as I also had occasion to do previously – that there is a standing arrangement which allows the Opposition on Wednesday night of each week to create its own priority for the matters listed by its members. It is undesirable in principle to have motions of this kind; but I do not seek to stand in its way on this occasion now that it has been moved, and the Government will not oppose the motion.

Question put and passed.

MOTION – SELECT COMMITTEE ON STATE INVESTMENTS

Confidential Information Disclosure, Hilton Letter – Committee of Privilege Inquiry

HON SAM PIANTADOSI (North Metropolitan) [2.55 pm]: I move –

> That a Committee of Privilege be established to inquire into and report on allegations contained in a letter to the President from Mr J. Hilton dated 23 November 1990 that information forwarded to the Select Committee on State Investments was disclosed to the media, the committee to report not later than 21 December 1990.

I believe firmly that the evidence of a witness should be protected and that he or she should not suffer personal damage or embarrassment as a result of a person or authority in a position of trust misusing such information deliberately and particularly for political gain. Not only this Parliament but all Western Australians should be alarmed at the allegation that information confidential to the Pike Select Committee was leaked to the ABC's "The 7.30 Report". I understand further that this matter was raised with the Leader of the Opposition, but he obviously condones the leaking of information because he has been silent on this issue. Members may recall that in the past he has been very vocal in calling for various inquiries and Royal Commissions, but in respect of this most serious issue, which could affect the lives of all Western Australians, he is silent.

Hon George Cash: Who?

Hon SAM PIANTADOSI: Hon Barry MacKinnon. I apologise to the Leader of the Opposition in this House.

Hon George Cash: You don't need to apologise. I still don't agree with you.

Hon SAM PIANTADOSI: I believe that the Leader of the Opposition has the evidence to clarify this matter, but that it obviously serves his interests to keep silent. The Leader of the Opposition has made requests for inquiries and for a Royal Commission, and I am very disturbed that all of a sudden he has completely forgotten his beliefs about arriving at the truth of a matter.

The only possible sources from which this information could come are the Corporate Affairs Department's Rothwells' task force or the Select Committee on State Investments. A person has been damaged by certain allegations, and information which is privileged information to both those bodies has been leaked. I am of the opinion, and I know that many members in this House share my belief, that a Committee of Privilege should be established to get to the bottom of this allegation, to see whether it has any foundation and whether there is any truth in it. We owe that not only to this Parliament but to all Western Australians. Members will be aware that in the near future many people will be called to give evidence to the Royal Commission and to other inquiries, and they will need to be reassured that their positions will be protected. I am heartened by Mr Pike's comment yesterday that he will support a Committee of Privilege. I urge the House and this Parliament to support my motion.

HON PETER FOSS (East Metropolitan) [3.00 pm]: I support the motion, but I wish to amplify it a little. The first thing we should realise about this is that there is an allegation by Mr Hilton that there were only two sources from which this leak could occur. Let us leave aside the question of whether that is correct and merely assume for the time being that it is correct. The first thing that must be determined is whether, if there was a leak, it came from the Select Committee on State Investments.

Quite properly, when Mr Hilton saw the item on "The 7.30 Report" he wrote to you, Mr President. You are the appropriate person to whom this complaint should be directed, or possibly the Chairman of the Select Committee as well. As was pointed out yesterday by my colleague, Hon Robert Pike, Mr Hilton also sent copies of the letter to the Premier and the Leader of the Opposition. In the circumstances I think that was a perfectly understandable action on his part, although I believe technically he should not have done so because his letter contained details of evidence given to the Select Committee. Thus technically it was a breach, but I think all members here would regard that as being a mere technicality. It was done by a person not familiar with the procedures and rights of this House, and is not something of which I believe this House need take note.

Hon Fred McKenzie: Where is that in the letter? What did it say?

Hon PETER FOSS: I will deal with that in a moment. The interesting thing about this is that, quite properly, when the Leader of the Opposition received the letter he gave it the confidence that it required. He obviously recognised that it would be improper to do anything with this letter because it contains information confidential to the Select Committee. As we know, in the meantime Hon Robert Pike was taking appropriate action with you, Mr President, and the Clerk of the House to deal with this matter, and probably the only real way in which this matter could have been properly brought before this House is by way of the Select Committee reporting to the House that there had been a leakage.

However, before that could occur something else occurred. On Tuesday night a Mr Robert Willoughby, who I believe is employed by the Ministry of Premier and State Administration, distributed copies of this letter to the Press, scattering them around like confetti. That in itself is a breach of the privilege of this House, and I believe that should also be investigated. The reason is that it was further compounded by the Deputy Premier in another place bringing to the attention of the public that the allegations made on "The 7.30 Report" were not mere rumour but that they were evidence given to a Select Committee of this House. By giving prominence to that rumour he gave it credit and caused considerable concern as to whether the Select Committee was in fact a secure committee when, in fact, if members read the letter they will see there are at least two places the leak could have come from.

The Deputy Premier not only did that, but also went so far as to make outrageous allegations that it was leaked by Liberal members of that Select Committee. One would suppose that if

the Deputy Premier had had some evidence of that he would have offered it. Alternatively, we can draw the conclusion that he had no such evidence whatsoever but wanted to get a good headline, and I suspect that is what it was. In fact, what he was doing was taking the most irresponsible attitude of all because he turned what was, I will admit, a worrying thing into a highly damaging thing. He was the one who gave credit to what happened on "The 7.30 Report" and I believe his behaviour in this matter has been disgraceful. If he knew the proper way to behave he would have made certain this matter was drawn properly before the attention of the House without the form of distribution that was given to it.

In response to the suggestion that Liberal members of the Select Committee would want to leak this report, I ask: Why would we need to leak it? We are regularly told by members opposite that we have the numbers on that committee, and should we wish to draw that report, with names, to the attention of the people, we could do so at any time, just like that. However, we have not done so and I draw the attention of members opposite to the fact that we have not done so. Members do not see before the House such a report. I am putting to the House the logic of this matter. Why would we want to leak it? We do not even need to leak it. We can quite legitimately put this report before the people of Western Australia with names and with all of the details. Members do not see such a report because that is not the way this Opposition works.

Therefore, not only was the Deputy Premier's behaviour absolutely reprehensible because of the publicity that he gave to it; but also the Premier's own Press Secretary was reprehensible in distributing this document to the Press to give it maximum impact so that the maximum amount of knowledge was spread to the community about what was happening in the Select Committee, actually continuing the breach far more effectively than did Mr Hilton. Mr Hilton can be excused but there is no excuse for the Premier, the Premier's Press Secretary and the Deputy Premier for themselves compounding the matter.

I hope that if nothing else comes out of this, it will be realised that the cheap political tricks of the Deputy Premier and the Premier will be shown up. That at least will be a start.

Hon Mark Nevill: We might find out who did it.

Hon PETER FOSS: That would be worthwhile too. I wish to draw the attention of members to another thing in the letter distributed by the Premier's Press Secretary. I have read the letter, and one of the things one is able to recognise in life is a letter written by a lawyer. I do not believe this letter was written by Mr Hilton at all.

Hon J.M. Brown: Are you reflecting on his ability?

Hon Mark Nevill: It is full of jargon.

Hon PETER FOSS: Hon Mark Nevill has accurately picked the point – it is full of jargon and it stinks of lawyers, and I am sure members will all agree with that phrase. It has obviously been written by a lawyer and I would be most interested to find out about this. I hope the Committee of Privilege asks Mr Hilton about this because it might lead it back to the person who had the motivation for this document to be released. I would not make the outrageous allegation – which I would do if I were the Deputy Premier – that it was not the members of our committee who leaked it but the Government, because the Government thought it was a good way of embarrassing the Pike committee and taking the heat off the Government. That is a fairly standard reaction.

Hon J.M. Berinson: The Pike committee does a good enough job of embarrassing itself.

Hon PETER FOSS: I would not make that sort of allegation – I will leave that to the Deputy Premier. What is most interesting in the letter is this statement in the second paragraph of the letter, which I think also ought to be investigated. –

> While the Select Committee has had the information for some time it was not until the last two weeks that it was looked into.

This is a letter from Mr Hilton. How does Mr Hilton know that?

Hon P.G. Pendal: Inside information.

Hon PETER FOSS: It is a letter written to embarrass the Opposition, and, interestingly enough, it happens to contain a piece of information that I would have thought was available only to members of the Select Committee.

Unlike the Deputy Premier I draw no conclusions, but I invite the members of this House to draw their own, and I suspect that that is a matter that will bear most interesting investigation when this Committee of Privilege sits. I for one will be suggesting an amendment to Hon Sam Piantadosi's motion to ensure that these two matters are dealt with: Firstly, Mr Willoughby's disgraceful behaviour of spreading this document all over the place; and, secondly, I think perhaps the terms of the letter should be looked at, and not just the particular sentence I read out to the House. I suspect that with a little more investigation and a little clearer look at it we might find some other interesting things in it, because that is what I read in this letter in the short period of time I looked at it.

So, yes, I agree that it is most important that a Privilege Committee be established – it would be a most interesting committee. I support the motion subject to the fact that I will be ensuring that it will be amended.

HON J.M. BROWN (Agricultural) [3.10 pm]: I did not have any intention of contributing to the debate until I heard the outrageous comments made by the previous speaker. Undoubtedly, he is using his position on the Select Committee, and the information available to him, to denigrate Mr Hilton, who has taken the only course available to him.

Hon D.J. Wordsworth: He is not.

Several members interjected.

Hon J.M. BROWN: The member has used his position on the Select Committee in this instance. I listened and suffered him in silence.

Several members interjected.

Withdrawal of Remark

Hon PETER FOSS: I believe I have been maligned on that point.

The PRESIDENT: Order! If the member indicates to me what he wishes to be done, I will consider it.

Hon PETER FOSS: I wish for that comment to be withdrawn.

The PRESIDENT: Which comment?

Hon PETER FOSS: The suggestion that I had abused my position on the Select Committee; that is derogatory.

The PRESIDENT: The honourable member will withdraw.

Hon J.M. BROWN: With due deference, Mr President, I withdraw.

Debate Resumed

Hon J.M. BROWN: Certain information has been made available to the Corporate Affairs Department and through the task force led by Mr Malcolm McCusker. That information was given to "The 7.30 Report".

I believe that members of Parliament had knowledge of what was contained in what was given to "The 7.30 Report". It has been clearly demonstrated that if a matter of privilege has been breached by Mr Hilton in writing this letter, it is clearly demonstrated that members of this House –

Point of Order

Hon D.J. WORDSWORTH: I request that the papers Mr Brown is holding be tabled. He has now put the papers down and picked up the letter.

The PRESIDENT: Order! Hon D.J. Wordsworth can ask the honourable member to identify the papers he wants tabled, and at the conclusion of the member's speech Mr Wordsworth can seek to have the documents tabled.

Hon D.J. WORDSWORTH: I request that the member identify the papers from which he was quoting.

Hon J.M. BROWN: I believe the honourable member is suffering from an illusion because I was not quoting from any paper. I was looking through the papers to find one – I am quite happy to table it – which was not given to me courtesy of Mr Willoughby; that is the only paper from which I will quote.

Debate Resumed

Hon J.M. BROWN: I now refer to Mr Hilton's letter, and I believe he has every right to do what he did. I support his representations to the President of the Legislative Council.

Point of Order

Hon R.G. PIKE: I watched Hon Jim Brown closely while he was speaking, and while I acknowledge that the member answered the last point of order, the fact of the matter is that when Hon David Wordsworth asked that the papers be tabled, Hon Jim Brown had a bundle of papers in his hand. While Mr Wordsworth was speaking he put them down and picked up Mr Hilton's letter. That is a fact and cannot be repudiated. Therefore, the honourable member is seeking not to table the papers he then had in his hand.

Hon Fred McKenzie: You are casting an aspersion on the member.

The PRESIDENT: Order! I will make the decision here. Several features of this procedure need to be understood: Firstly, if somebody disagrees with my actions or comments, the time to disagree is when I take such action, and not subsequently. Secondly, Hon J.M. Brown was asked to identify the documents from which he was quoting. He said that he was not quoting from any documents; he did not say that he did not have a handful of documents – he said that he was not quoting from any of them. Thirdly, it is not for me to know whether he was quoting; he said that he was not, so I take it that he was not. Therefore, the honourable member is perfectly free to proceed with what he was doing. Some rules associated with documents exist which all members should study very carefully, because in the future they may well be called upon to table documents. Members should, for their edification, study that aspect of the Standing Orders.

Debate Resumed

Hon J.M. BROWN: Thank you, Mr President.

I now quote from a document; that is, the one to which I have already referred and which was the subject of comments by members opposite, and in particular by the last Opposition speaker. Mr Hilton wrote –

> There are only two possible sources of this information, the Corporate Affairs Department/Rothwells Task Force and the Select Committee on State Investments. Both bodies obtained under compulsion of law copies of notes that I prepared for my own private use and which were quoted in the news item.

I now raise the point regarding Mr Hilton's representation; he further wrote –

> I believe that I have suffered considerable personal damage and embarrassment as a result of someone in a position of trust and authority misusing information and deliberately leaking that information to the press for political gain.

It certainly would cause concern if this letter were written by a legal person. However, to my mind, the letter has no connotation that indicates that it is a letter written by a legal person. The letter was written by a very capable person who held a very responsible position. One does not need a law degree to write a letter of concern to the Parliament, and it reflects on Mr Hilton to suggest that he is not capable of writing this letter. This is the reason that I am speaking in this debate; I speak for the rights of a person who has been maligned – a word often used by the Opposition. He is entitled to make his representations. Having met the person, I am aware that he is quite competent to write such a letter. He writes in the concluding paragraph –

> I am seeking legal advice with regard to what courses of action are open to me should Parliament itself fail to take some action in this matter.

We are fortunate that it is not necessary for Mr Hilton to seek legal advice, because the Parliament will take action. The underlying issue in the motion moved by Hon Sam Piantadosi is that the aggrieved person should have the right to find out who leaked the information. I have an opinion about the source of the leak and I am not frightened to express it. I am very sure of the source of the leak.

Hon P.H. Lockyer interjected.

Hon J.M. BROWN: I certainly will. A number of other things can be told to the committee.

I do not appreciate being part of the Select Committee on State Investments relating to PICL, WAGH and Rothwells, which is so often publicly denigrated for its actions. I cannot speak further on the matter because consideration of the committee's interim report is on the Notice Paper – the one and only report after 13 months of deliberation – and I would be breaking the rules of the Legislative Council if I were to speak on that now. My being involved in the Pike Select Committee does not give me any joy or satisfaction.

Hon P.G. Pendal: You belong to the Government also and that cannot give you much satisfaction.

The PRESIDENT: Order! Hon Jim Brown is on dangerous ground when he begins to cast aspersions on a committee of this House. He must be very careful about that.

Hon J.M. BROWN: I was not casting aspersions on the committee. I said that I did not like being involved with a committee which is continually denigrated in the public arena, and that I derive no satisfaction from being a member of that committee. I would like to say more, but while the committee still functions that is not possible. I respect the Standing Orders of this House.

I am concerned that on 23 November Mr Hilton felt obliged to write to the President following a leaked report on 22 November after deliberations of the committee on 21 November. It is alarming that the leak occurred. It is correct and proper that Mr Hilton took the action he did and that Hon Sam Piantadosi has brought the matter to the attention of this House in order that a Select Committee of Privilege can investigate it so that justice can be seen to be done. The matter deserves the support of us all.

Government members: Hear, hear!

Tabling of Papers

Hon D.J. WORDSWORTH: I request that Hon Jim Brown table the sheath of papers from which he quoted.

Hon J.M. Berinson: He did not quote from all the papers.

Hon D.J. WORDSWORTH: As the Leader of the House knows, if a member quotes from a file, he must table the whole file.

The PRESIDENT: Order! I sometimes have the feeling there is not much point in my being here and that disturbs me. Under the Standing Orders, the paper from which the member quoted can be tabled. Over the years, arguments have arisen about what constitutes a document. I will ask Hon Jim Brown to table the document from which he quoted. My request does not extend to the bundle of papers in his hand, although I was alluding to that when I warned members earlier that they must be careful about material from which they are quoting. The honourable member knows from which document or documents he quoted and that is what I want tabled.

Point of Order

Hon TOM STEPHENS: My interpretation of Standing Order No 136 is that a member must ask for identification of a document from which a member has quoted and at the conclusion of the member's remarks he can ask for that document to be tabled. Hon David Wordsworth sought to have a document identified and Hon Jim Brown made it quite clear he was not quoting. Subsequently Hon Jim Brown quoted from a document which he identified but from which he was not quoting when Hon David Wordsworth first rose. It is not appropriate for Hon David Wordsworth to call for a document which was not identified at the time that Hon Jim Brown sat down.

The PRESIDENT: Order! Hon David Wordsworth asked Hon Jim Brown to identify the paper from which he quoted. At the time, the member indicated that he was not quoting from a document, but went on to say that he would quote from the letter to which the member was referring. I take that as identification of a document. I will overrule Hon Tom Stephens and ask the honourable member to table the letter from which he quoted.

[See paper No 813.]

Hon D.J. WORDSWORTH: I requested the sheath of documents Hon Jim Brown held in his hand to be tabled because we are referring to evidence given by a Mr Hilton to a committee.

From my observation, when Mr Brown was questioning the other side he had among his papers probably some evidence from Mr Hilton which appeared before that committee. He was shuffling papers saying that he was quoting from Mr Hilton.

The PRESIDENT: Order! If the honourable member wants a sheath of documents or a file to be tabled, according to Standing Order No 136 he must ask the member speaking to identify those papers. That Standing Order was changed in order to clarify the position because previously it was unclear. It is very clear to me that he was not asked to identify that handful of papers. I forecast that this issue would arise; that is why I warned members earlier. I was hoping Hon Jim Brown would get the message and drop his papers, but he did not. It is not for me to tell members what to do. Hon Jim Brown has tabled the only document I believe he should have tabled. If members wish any other action to be taken they can move to disagree with my ruling. However, he has done what I have asked him to do.

Debate Resumed

HON R.G. PIKE (North Metropolitan) [3.30 pm]: As I spoke on this matter yesterday, I do not intend to retread the matter. I intend to take the opportunity to make a very valid point, not only with regard to this matter but also with regard prospectively to the quite comprehensive and properly performing committee system of this House.

[Resolved, that the motion be continued.]

Hon R.G. PIKE: The very real and abiding responsibility of parliamentary committees, and this committee in particular given its controversial nature, is to assess and evaluate evidence, and to use their undoubted power for compulsion by their power to subpoena in a very proper and responsible way. What has happened in regard to the unfortunate occurrence was outlined by me yesterday, and has also been outlined today by Hon Peter Foss. The question that has not been addressed is that when allegations of a very serious nature are made in the confidentiality of a committee sitting in camera, which is most certainly the case with regard to the Select Committee on State Investments, the committee has a very real authority to look at the evidence, test the evidence and properly judge it. If it finds that testing and judging wanting, it has a responsibility not to publish that evidence. In this case, because the letter has been written, information has been made public which should not have been made public.

Hon Fred McKenzie: The evidence was not given orally and that should be clearly pointed out.

Hon R.G. PIKE: The point made by Hon Fred McKenzie is reasonable; that is, this is evidence properly presented to the committee and deliberated upon. The committee was warned in very firm terms at the time of the confidential nature of that letter.

Point of Order

Hon J.M. BROWN: The honourable member is digressing from the subject because he is talking about the committee having been warned and in doing so is considering the internal matters of the Select Committee on State Investments.

The PRESIDENT: I am not prepared to rule that he is doing so.

Debate Resumed

Hon R.G. PIKE: We now find being publicly ventilated a matter which may well have been found to be lacking in substance by the absence of corroborating evidence and which may never have seen the light of day, except that unfortunately it has been published. That is regrettable and it should not have happened. Hon Peter Foss has made the point that had the committee determined to publish the letter it could have done so anyway and done so quickly.

The other point raised by Hon Jim Brown is that reference is made continually by members opposite to the first report released by this committee and, in the nature of adversarial politics, it is denigrated at every opportunity by the Premier, the Deputy Premier and all those who are worried about this committee. The first report stated quite precisely that the committee made no findings or determinations in relation to this matter but that it merely published the evidence. Those people about whom the evidence was published are quite properly being given the opportunity to rebut the evidence and their rebuttals will also be published.

Hon J.M. Brown: How do you know that?

Hon R.G. PIKE: No findings or determinations were made in the report but the Government, particularly the Premier and members in this place such as Hon Jim Brown, are always emphasising the unfairness of it. It was, is, and always shall be, open to any members of parliamentary Select Committees to release minority reports. That could have been done and any evidence obtained on any matter could likewise have been presented in a report by those members at the time. It is facile, futile and puerile to make the point that it is all wrong and should not have happened that way when the undoubted rights, prerogatives and privileges of the minority group of that committee would have allowed them to publish their choice of evidence at the same time.

Debate adjourned, on motion by Hon W.N. Stretch.

BILLS (2) – THIRD READING

1. South West Development Authority Amendment Bill

   Bill read a third time, on motion by Hon Graham Edwards (Minister for Police), and returned to the Assembly with amendments.

2. Government Railways Amendment Bill

   Bill read a third time, on motion by Hon Tom Stephens (Parliamentary Secretary), and returned to the Assembly with amendments.

WAGH FINANCIAL OBLIGATIONS BILL

Second Reading

Order of the Day read for the resumption of debate from 28 November.

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

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Second Reading

Order of the Day read for the resumption of debate from 22 November.

Debate adjourned to a later stage of the sitting, on motion by Hon George Cash (Leader of the Opposition).

[Continued on p 8071.]

MINES REGULATION AMENDMENT BILL

Report

Report of Committee adopted.

WESTERN AUSTRALIAN (SHARK BAY) HERITAGE PROTECTION AUTHORITY BILL

Report

Report of Committee adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Hon P.G. Pendal, and transmitted to the Assembly.

CORPORATIONS (WESTERN AUSTRALIA) BILL

Second Reading

Debate resumed from 22 November.

HON DERRICK TOMLINSON (East Metropolitan) [3.43 pm]: On Wednesday, 16 May the following resolution was adopted by this House –

(1) To inform the Attorney General that it does not support the proposal being

discussed as it constitutes in substance and effect a breach of the principles set out in the motion adopted by this House on Thursday, 3 May 1990 which said in part –

BUT SUBJECT ALWAYS to the following conditions precedent –

(3) That this Parliament should not be asked to approve any law that transfers constitutional power or authority to the Commonwealth.

(4) That the State should retain the full benefit of and rights under the High Court decision.

(5) That the State should not concede the benefit of any undecided constitutional doubt in favour of the Commonwealth.

(6) That there should be real and substantial political, constitutional and administrative power retained by the State.

(2) To warn the Attorney General that the House is unlikely to adopt any legislation which gives effect to the deal done and the consequences of rejection of any such legislation will rest with the Attorney General and the Government.

(3) To suggest to the Attorney General that the records of the Corporate Affairs office or any related State office should not be made available to the Australian Securities Commission or any other agency of the Commonwealth.

That was the position of the Liberal Party on Wednesday, 16 May and remains the position of the Liberal Party.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon DERRICK TOMLINSON: The position of the Liberal Party on 16 May this year is the same as the position of the Liberal Party now. The Attorney General asked me to give him the long and short of what was our position. The short of our position is that the Liberal Party opposes the passage of the Corporations (Western Australia) Bill. The long of it is the reasons for the position we have adopted and I will now give those to the House.

To understand this Bill, one has to read two documents. The first is the so–called Alice Springs agreement of 29 June of this year. The second is the Bill. It is necessary to read the two because some of the consequences of the Bill which cannot be inferred from the Bill can only be understood in the context of the agreement reached at the Ministerial Council of 29 June. In fact, there is no formal agreement. This House had presented to it on 11 July a draft of the agreement. This House was privileged when the Attorney General tabled that draft and it is the only House of Parliament which was offered that privilege. The Opposition in Victoria has not seen a draft and did not know the contents of the agreement negotiated at the Ministerial Council, even after the Bill was presented to the Victorian Parliament on 20 November. Likewise, the South Australian Parliament did not have the privilege of seeing the draft that was tabled in this House. In spite of a series of questions by the Opposition in the South Australian Parliament, the South Australian Attorney General held that it was privileged information not to be released to the Parliament. Therefore, we were privileged. However, it was only a draft. In fact, when the Attorney General of the Commonwealth, Hon Michael Duffy, presented his second reading speech in the House of Representatives on 8 November 1990, he indicated that the agreement had not been finalised. In his second reading speech to the House of Representatives, he said –

> Governments have agreed that the Ministerial Council for Companies and Securities established under the Formal Agreement relating to the co–operative scheme should continue in operation under the new national scheme, but with a redefined role and under the Chairmanship of the Commonwealth Minister.

That was the clear understanding which we had from the draft which was tabled by the Attorney General in this place on 11 July. However, it was a draft. The Attorney General then said –

> To that end a new Formal Agreement for signature by Heads of Government is

currently under preparation. When that Agreement has been signed, the Government will seek to have it annexed to the corporations legislation.

I assume that some fine tuning was undertaken to the draft that was tabled in this House as the Attorney General foreshadowed some of the changes which would be negotiated. I assume that those matters were dealt with when the Ministerial Council met on 18 September.

It is essential to recapitulate the features of that agreement among the Attorneys General since, as I have said previously, a full appreciation of the consequences of the Bill before us can be obtained only from a reading of the Bill in the context of the agreement. Therefore, so that we can understand what the Commonwealth understands the agreement to contain, I refer to the explanatory memorandum which was circulated by the authority of the Attorney General, Hon Michael Duffy MHR, when he introduced the Corporations Legislation Amendment Bill 1990 into the House of Representatives. The four features of agreement that I would like to draw to the attention of the House are as follows –

30. The applied law is to have the characteristics of, and is to be treated, for all practical purposes within each jurisdiction as if it were, a Commonwealth rather than a State law.

It should be treated as a Commonwealth law, rather than a State law even though it depends on the legislative authority of the States for its existence. The agreement continues –

(ii) Administration

31. The Australian Securities Commission is to be the sole administering authority, and on the commencement of the ASC, the States are to have no further responsibility for matters transferred to the ASC's authority. The ASC is to be formally accountable and responsible to the Commonwealth Attorney–General and the Commonwealth Parliament and is not to have any formal responsibility or accountability to State Ministers or State Parliaments.

(iii) Investigations and Prosecutions

32. The ASC and the Commonwealth Director of Public Prosecutions (DPP) are to have responsibility for the prosecution of offences under the Corporations legislation and the Australian Federal Police (AFP) is to primarily assist the ASC as required in the performance of its investigative role under the national legislation.

Paragraph 33 is headed "Role of Ministerial Council for companies and securities". This is crucial to an appreciation of why the Liberal Party stands opposed to the legislation. The agreement continues –

33. The Ministerial Council is to continue, although with a revised role in the light of the new national arrangements. The Commonwealth Attorney–General will become the permanent chairman of the Council. The Council is to have no power of direction or control over the ASC. The Ministerial Council is to be consulted in relation to all legislative proposals involving amendment of companies and securities laws.

(v) Law Reform

34. The Commonwealth is to have sole responsibility in relation to legislative proposals for the national markets (ie takeovers, securities, public fundraising and futures). In relation to other legislative proposals, the Ministerial Council is to approve the legislation before introduction into the Commonwealth Parliament. However, the Commonwealth is not to be obliged to introduce any such proposal with which it does not concur.

That is the interpretation of the heads of agreement which, as has been pointed out, was tabled in this House on 11 July. They indicate a very interesting shift of responsibility for the administration and prosecution of corporations law in this nation.

Hon P.G. Pendal: Given the High Court decision, what is the position of a company takeover within one State, one company to another? Will it be affected by the new legislation?

Hon DERRICK TOMLINSON: Yes, it will be affected by the new legislation. It was, in fact, under the jurisdiction of the old legislation of the old cooperative agreement. The old

cooperative agreement was based on a concept of national law – a cooperative federalist agreement. This new national law does the same as the old law; that is, it depends upon the legislative authority of the States for its existence.

Hon Mark Nevill: The takeover code is part of the new corporations Bill.

Hon DERRICK TOMLINSON: When the Attorney General presented the Bill to the House he paused during his speech and asked if I was listening to him. I advised him that not only was I listening, but I was reading a couple of sentences ahead of him. He wanted to draw to my attention the fact that the Bill does not refer powers from the State of Western Australia to the Commonwealth and that the new corporations law will be State law. That is technically correct. The corporations law does not depend for its existence upon that section of the Constitution of the Commonwealth of Australia which was challenged by Western Australia, South Australia and New South Wales in the High Court. It does not depend for its validity upon those sections of that part of the Constitution which the High Court found did not extend comprehensive powers to make laws with respect to corporations in Australia. This national law depends for its validity in the case of the Australian Capital Territory on section 122 of the Commonwealth Constitution; that is, the power of the Commonwealth Parliament to make laws with respect to Territories. The laws to be adopted by the States – that is, the Bill before the House which is mirrored by matching legislation in every other State and the Northern Territory – depend for their validity upon the legislative powers of the States.

The Attorney General's statement that the Bill does not refer powers from the State of Western Australia to the Commonwealth is technically correct and cannot be refuted. While legislative powers remain intact Executive authority is transferred to the centre and it is this which the Liberal Party is unwilling to accept. It is unwilling to accept a form of public administration in which all legislative power reposes with one level of government and all other authority with respect to that law rests with another level of government. Any system in which there is a separation of legislative power and Executive authority in that way is a thoroughly unsound system and the Liberal Party stands opposed to such a separation. For that reason the Liberal Party stands opposed to the passage of this Bill.

I refer now to some of the features of the Bill because they illustrate further the extent of the transfer of administrative authority – to put it another way, the centralisation of administrative authority with regard to corporations law in Australia. Under the terms of agreement I referred to, Commonwealth criminal law and administrative law will apply exclusively in relation to the corporations law.

Under division 3, clauses 34 to 39 of the Bill, the Commonwealth administrative law package is enabled to apply to all of the provisions of corporations law. In other words, the Administrative Decisions (Judicial Review) Act 1977, the Administrative Appeals Tribunal Act 1975, the Freedom of Information Act 1982, the Ombudsman Act 1976 and the Privacy Act 1968, all Commonwealth legislation, will provide exclusive right of review of the decisions of the Attorney General, the Australian Securities Commission, the Companies and Securities Advisory Committee and the Companies Auditors and Liquidators Board as they apply to the provisions of the corporations law. It is not the laws of Western Australia applying to the corporations law of Western Australia, but the administrative laws of the Commonwealth of Australia applying to the corporations law of Western Australia. The Commonwealth law will apply in exclusion of relevant State laws. It will probably be pointed out in defence that those Commonwealth laws to which I referred will apply in Western Australia only to the provisions of the corporations law and only to matters of securities, takeovers, public fundraising and futures. They will not apply to other aspects of companies law in this State.

It does not take much imagination to anticipate that if two sets of laws are to apply to the interpretation of one set of companies law or corporations law in Western Australia, confusion will follow. It does not take much imagination to anticipate that the resolution of that confusion will be by the application of a single set of laws. I will take the expectation one step further: It does not take a great deal of imagination to conclude that the single set of laws which will be made to apply in Western Australia will be Commonwealth law.

So while the Attorney General is technically correct in saying that in the corporations Bill before us there is not a transfer or a referral of power to the Commonwealth, the inevitable

consequence of this law will, on the one hand, be the transfer of administrative authority to the centre, and, on the other hand, the adoption of uniform laws covering all aspects of companies law in Australia. That may or may not be a bad thing, but if we are to have centralism and uniformity in legislation, let us be open and honest about it. Let Parliaments make a decision on the basis of informed legislation brought to them, not by a process of incremental centralisation.

The same will apply to criminal law. Offences against the implied provisions of State law will be treated in the same way as offences against Commonwealth law. Hence Western Australia, along with the other States, will apply the relevant provisions of Commonwealth law covering investigation and prosecution of offences, arrest, bail, trial, conviction, sentencing, proceeds of crime, and so on, as State law in respect of offences against the corporations Act. In other words, the Commonwealth Crimes Act 1913 and the Australian Federal Police Act 1979 will operate as if they were State law. Again, Commonwealth law will apply to the exclusion of State law. State investigating and prosecuting authorities will have no involvement in the enforcement of the corporations law except in those cases where there is a crossing of jurisdictions. An offence which is an offence against both State and Commonwealth law may be investigated by agreement by either Commonwealth or State authorities. However, in the provisions of the corporations law which we are being asked to enact, the Commonwealth criminal law will apply to the exclusion of the State law.

I turn now to the jurisdictions and procedures of the courts. The agreement and the Bill before us envisage a system of cross-vesting of civil jurisdiction among the Federal, State and Territory courts. That cross-vesting is intended to achieve two objectives. First, it will enable any one of those courts to exercise civil jurisdiction under the corporations law of its own or any other jurisdiction. Secondly, it will enable proceedings to be transferred from one court to another where the interests of justice so require. Similarly, with regard to the criminal jurisdiction, a cross-vesting regime will be provided for offences arising under the corporations law of the various jurisdictions. In the case of summary offences, the Supreme Court of Western Australia will be able to exercise jurisdiction without limitation to locality in respect of offences under the corporations law. In the case of indictable offences, the Supreme Court will be able to exercise jurisdiction only where the offences committed began or ended within Western Australia.

One of the objectives of that cross-vesting is that it will enable proceedings to be transferred from one court to another where that is deemed desirable in the interests of justice. Hence, where proceedings are in relation to a civil matter in the Supreme Court of Australia, the court will be able to transfer the proceedings to another court having jurisdiction; for example, the Federal Court, the Supreme Court of Victoria, or the Supreme Court of any other State. That will be possible where the interests of justice make that appear to be appropriate. There are some complications in that cross-vesting and in the transfer of proceedings which will apply to the jurisdiction of lawyers within the jurisdictions of the separate supreme courts. I believe those complications will be simply overcome.

I have made the point with regard to criminal and administrative law that the inevitable consequence of the adoption of the corporations legislation will be in time the universal application of Commonwealth criminal and administrative law to all jurisdiction within the Commonwealth of Australia; in other words, a centralisation of legislative power in the Commonwealth. Likewise, with respect to courts, it is anticipated that the Federal Court and the Supreme Courts of the States and Territories will develop uniform rules of court for corporations law matters. Again, the logical consequence of uniform rules with respect to one set of laws will lead to uniform rules with respect to all laws. Again, it will be the Federal Court rules which will be made to apply to the Supreme Court.

In summary, the intention is that the Corporations (Western Australia) Bill, if passed, will apply Commonwealth law as State law, but will be administered as though it were Commonwealth law. Secondly, the Australian Securities Commission will be the sole administering authority. The ASC will be formally accountable and responsible to the Commonwealth Attorney General and the Commonwealth Parliament, and will not have any formal responsibility or accountability to the State Ministers or State Parliaments. Thirdly, the ASC and the Commonwealth Director of Public Prosecutions will be responsible for the prosecution of offences, and the Australian Federal Police will primarily assist the ASC, as required, to the exclusion of State agencies.

The Commonwealth law package is to apply as if it were State law. We return to the proposition that there is not a reference of power entertained in this Bill. However, while legislative power is to be retained by the State, Executive authority is to be assumed by the Commonwealth. There will be that separation, which I describe as a thoroughly unsound system of government, where all power with regard to legislation resides in one level of government and all authority with respect to those laws reposes with another.

That proposition of the separation of Executive authority and legislative power gets to the heart of the criticisms of the flaws of the previously existing cooperative scheme, and I draw attention to the report of the Senate Standing Committee on Constitutional and Legal Affairs. As the Attorney General pointed out in his second reading speech, that committee identified three flaws in the cooperative scheme: Firstly, the collegiate decision-making dispersed Ministers' and officials' responsibility and accountability to Parliament; in other words, it dispersed Executive authority and accountability. Secondly, it led to administrative duplication and general inefficiency because of that distribution of functions between the National Companies and Securities Commission and the State Corporate Affairs Departments.

Hon Murray Montgomery: Does that mean it had to take place to be inefficient? Did it have to be inefficient to be taking this course?

Hon DERRICK TOMLINSON: I put it to the member that where there is no direct line of ministerial responsibility, no direct line of authority and no direct line of accountability over a public body; where there is a dispersal of authority amongst State Legislatures and Commonwealth agencies; and where there is a duplication of administration and of Executive function, there must inevitably be inefficiency. So the inefficiency was built into the previously existing cooperative scheme because of that separation.

The report of the Senate Standing Committee identified the third flaw of the previously existing scheme; that is, that the quality of regulation produced under this scheme was the result of "lowest common denominator decision-making". It has concluded – and I want to quote, because this quote is often made but frequently incomplete – "The Committee received evidence that, under the circumstances, the scheme performed remarkably well." So often we are told that the Senate Standing Committee concluded that the scheme performs remarkably well; seldom do we get the qualifier that "under the circumstances" the scheme performed remarkably well. If I were to say to you, Mr Deputy President (Hon J.N. Caldwell), that you looked remarkably well I am sure you would feel quite comforted. However, if I were to say, "Under the circumstances you look remarkably well", you would start feeling somewhat discomforted, and every time I read that "under the circumstances the scheme performs remarkably well" I feel discomforted.

The reason for the inadequacy of that scheme was quite clearly that there was no clear line of ministerial responsibility. Legislative power was dispersed, as was Executive authority. There was no direction for the accountability of the NCSC; nobody was really responsible; nobody was really willing to assume financial responsibility.

Hon Garry Kelly: Was that "dispersed" or "disbursed"?

Hon DERRICK TOMLINSON: I said "dispersed" with a "PE" not "disbursed" with a "BU". That is an in joke which Hon Garry Kelly appreciates, since he has had trouble with the spelling of those two words.

I was saying that the problems in the cooperative scheme get to the very heart of some principles of federalism, and they are these: In a Federal system, by the very nature of federalism, there is a separation of legal powers, and with that separation of legal powers there is a concomitant separation –

Hon Garry Kelly: Communist?

Hon DERRICK TOMLINSON: No, not "communist" – Hon Garry Kelly has it on the brain. I said a concomitant separation.

Hon Garry Kelly: Did you swallow a dictionary this morning?

Hon J.M. Berinson: Be fair – it is a concomitant dispersal!

Hon DERRICK TOMLINSON: For the benefit of Hansard I will start again.

Hon Garry Kelly: Please don't.

Hon J.M. Berinson: We will stop, Mr Tomlinson – anything but that!

The DEPUTY PRESIDENT (Hon John Caldwell): Order!

Hon DERRICK TOMLINSON: It is a principle of federalism that there is a separation of legislative power and, with that, a concomitant separation of Executive authority among the several jurisdictions of the Federal system. The two go together. Legislative power and executive authority are consequential one upon the other. While there might be a separation of those powers among the jurisdictions of a Federal system, within the jurisdiction the two are inextricably combined; one is a necessary consequence of the other. That jurisdiction which exercises legislative power must likewise exercise Executive authority.

We do not have that principle in the Corporations (Western Australia) Bill before the House and in the associated heads of agreement negotiated at the Ministerial Council of 28 and 29 June. In fact what we have is legislative power being retained by the States, and the validity of the legislation in the States and the two Territories depending entirely upon the legislative power of the States' jurisdiction, the Northern Territory jurisdiction and the Commonwealth jurisdiction with respect to the Australian Capital Territory. However, once this Bill is enacted, State Executive authority ceases to apply and Executive authority is transferred entirely to the Commonwealth.

So in this new scheme of national corporation law the same flaws are present which led to the demise of the previous scheme. It pretends not to centralise as it does not centralise legislative power. However, it separates legislative power from Executive authority. Two consequences will flow from that: First, the scheme will fail for exactly the same reason that the previous scheme failed; and, second, it will lead to the same inefficiencies and inadequacies of the previous scheme. The alternative will be a necessary transfer of authority. That transfer of authority could be from the centre to the States, or from the States to the centre. All Federal systems have a tendency to be not centrifugal in the dispersal of authority but centripetal. In other words, Federal systems tend to centralise. In spite of the disclaimer made by the Attorney General, the inbuilt consequence of this Bill is to centralise control. The Liberal Party does not oppose change to the Federal system. The separation of power and authority in any Federal system is not immutable – it is not set in stone. It must adapt to changing circumstances. The Federal system must not only have the possibility to adapt, but also to cooperate among its jurisdictions if it is to survive. The best illustration of that cooperation is proposed by a gentleman of the name of Mr Morton Grodzins.

Hon Garry Kelly: What a name!

Hon DERRICK TOMLINSON: He probably has a giggle when he hears the name of Garry Kelly.

Hon Garry Kelly: Maybe.

Hon DERRICK TOMLINSON: Mr Grodzins proposed the analogy of a marbled cake when describing the Federal system. The responsibilities and powers are separated among three levels of government; that is, Federal, State and local Government. He states –

> The Federal system is not accurately symbolized by a neat layered cake of three separate and distinct planes. A far more realistic symbol is that of the marbled cake. Wherever you slice it you reveal an inseparable mixture of different colored ingredients. There is no horizontal stratification. Vertical and horizontal lines almost obliterate the horizontal ones, and in some places there are unexpected whirls and an imperceptible merging of colors, so that it is difficult to tell where one ends and others begin.

The marble cake analogy is interesting to use in the context of the Australian Federal system because a neat separation does not exist among the three levels of government. These different layers involve cooperative agreements and challenges in the High Court and which follow from such things as referendums – these are a matter of interpretation. We have had many such challenges in the Federal system in Australia. I would take his proposition one step further: The Federal system is not only not set in stone – as in marble cake – it is fluid, ever changing and dynamic. A Federal system which is not dynamic, is dead. Australia is alive, vibrant and dynamic. The Liberal Party recognises that and does not fix its mind

against a change to the national system of corporation law because of some inflexible ideology. We must accept change. We have accepted and supported changes which have come through such things as referendums and High Court challenges. We have negotiated some of the agreements. We have initiated some of the High Court challenges.

Hon J.M. Berinson: You have summarised your Opposition to both the NCSC cooperative scheme and the ASC pattern. Are you proposing an alternative?

Hon DERRICK TOMLINSON: Yes. We recognise that fatal flaws existed in the cooperative scheme. The separation of State legislative power and Commonwealth Executive authority, to which I have referred, was the major one. We recognise that because of the changes in corporate activities and because of the changes in the national money market – it is more of an international market – and because of the need of national regulation of securities as well as State regulation of securities, we require a national system.

The Liberal Party also recognises that national corporations cannot be separated from State corporations because they are like that marble cake; they blend and sometimes are quite inseparable. A system which avoids that premise would be unacceptable.

Hon J.M. Berinson: What form would it take?

Hon DERRICK TOMLINSON: The form explored by the South Australian Attorney General which was the so–called Sumner proposal, had a great deal to commend it; it was not perfect, but Mr Sumner did not get past first base with his proposal because it was never discussed by the Ministerial Council. This was not done because the Commonwealth Attorney General opposed it and the New South Wales Government and the Australian Business Council came up with an alternative.

Hon J.M. Berinson: To correct that: It was discussed and after initial reservations, Western Australia substantially supported it.

Hon DERRICK TOMLINSON: I recognise the position taken by the Attorney General in all negotiations; that is, from the beginning of the debate and public discussions which led to this Bill the Attorney General has been steadfast in the position that Western Australia would agree to a system only which protected the rights and privileges of Western Australia. He stood up for a system which was no less efficient than the current Corporate Affairs Department. He stood out for a system in which decision making was devolved upon the States and which allowed a degree of autonomous decision making. He recognised that a total functional autonomy is not possible in a national system.

I thank the Attorney General for pointing out to me that the Sumner proposal was discussed and was supported by Western Australia. I suggest to the Attorney General that he take up those negotiations. We are opposed to the present system. It represents a loss of authority for Western Australia. It does not offer the same administrative efficiencies as are now provided by the Corporate Affairs Department and neither does it promise the degree of functional autonomy and autonomous decision making that is in the best interests of the business sector of Western Australia. The Opposition is inclined towards the Sumner proposal. It stands implacably opposed to the Corporations (Western Australia) Bill which has been presented to the House.

Debate adjourned, on motion by Hon J.N. Caldwell.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Second Reading

Order of the Day read for resumption of debate from an earlier stage of the sitting.

Debate adjourned, on motion by Hon Fred McKenzie.

INDUSTRIAL LANDS DEVELOPMENT AUTHORITY AMENDMENT BILL

Second Reading

Debate resumed from 20 November.

HON J.N. CALDWELL (Agricultural) [5.13 pm]: This is not a large Bill. It transfers responsibility for this legislation to the Minister for Lands. We have become accustomed to

this Government transferring responsibilities for legislation from one Minister to another. It also extends the operation of the existing Act for a further 12 months.

When I first came into this place, the Industrial Lands Development Authority was looking into the development of lands for industrial purposes, and was especially involved in the Midland saleyard complex. In her second reading speech, the Minister for Planning said –

> Since its inception in 1966, the Industrial Lands Development Authority has very successfully met its mission of ensuring, as an instrument of the State's economic development, that suitable land and facilities are available to meet the anticipated needs of industry.

The important words there are "Since its inception in 1966". I probably have not grasped it properly, but when the investigation into the sale of the Midland saleyard was being carried out, there were many references to the workings of ILDA. The report of the Select Committee inquiring into the Sale, Closure and Future Resiting of the Midland Saleyards states –

> Committee to investigate the alternative uses for the structures/plant/equipment and land located at the Midland division of the Western Australian Meat Corporation.

It continued –

> This Committee was convened by the General Manager of the Western Australian Meat Commission, together with representatives of the Treasury, the Department of Industrial Development (DID) and the Industrial Lands Development Authority (ILDA).

That occurred in 1981. Further in that report, there is indication that ILDA was involved in the relocation of the Metropolitan Markets. It actually considered the Midland complex and Canning Vale as alternative locations before Canning Vale was decided upon. That was in 1983. Further in that report reference is made to the Midland abattoirs study and it states –

> This study was commissioned by ILDA and prepared by GHD–Dwyer Pty Ltd in association with Feilman Planning Consultants Pty Ltd, K Palassis, Architect, Taylforth and Associates Pty Ltd and Baillieu Justin Seward Pty Ltd.

That study was done in 1985. Because of all that activity between 1981 and 1986 I wonder why the Minister said in her second reading speech "since its inception in 1966". Every indication is that ILDA has been operating for considerably longer than 1966.

The Industrial Lands Development Authority has been involved in looking for a new area of land for the Midland saleyard complex and has done a fairly lousy job. There has been a lot of controversy about the complex and there are still grave doubts about the saleyard. Hon Ernie Bridge will have to put something concrete forward shortly so that it is not left to the producers to finance that development. Much consultation with Mr Ellett will have to take place to find an area suitable for everybody.

As I said, the Bill is a machinery Bill extending the operation of the existing Act for a further 12 months and transferring the responsibility for the legislation to the Minister for Lands. The National Party supports the Bill.

HON KAY HALLAHAN (East Metropolitan – Minister for Planning) [5.18 pm]: I appreciate the support of both Opposition parties for the Industrial Lands Development Authority Amendment Bill. It is a small machinery Bill and its intentions are clear.

Hon Norman Moore expressed concern not so much about the inclusion of the Industrial Lands Development Authority in the Office of Land Services but more about the Office of Land Services being included in the Department of Land Administration. His experience is that the department would not drive in the right direction if that occurred. There have been significant changes – which was the comment he said I would make – and the formation of the Office of Land Services will include clear direction and, I suppose, a clear culture in the organisation to pursue its task in an energetic and efficient way. In saying that, I do not want in any way to reflect upon the Department of Land Administration. Historically it is one of the older departments with a mandate to look after Crown land and it has required a different approach from that of the Industrial Lands Development Authority and other development agencies; in other words, the concerns expressed by the member have been taken into

account. We are aware of the different tasks of these agencies, and the ability of the department to carry out those tasks will not be compromised by the formation of the new office or a relocation.

Hon John Caldwell referred to my speech and the inception of ILDA in 1966. He mentioned dates of 1981 and 1985 and said that ILDA had been around a lot longer than had been indicated. I am not clear what the member meant by that statement because obviously 1966 is a lot earlier than 1981 or 1985. Something was missing from his speech.

With regard to matters involving the Metropolitan Markets and the Midland saleyard, perhaps the debate is not about the land development agencies' activities but rather about the use of the land and the possibility of decommissioning the use made of it. They are broader and separate issues from those in the rather narrowly focused Bill before the House.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon J.N. Caldwell) in the Chair; Hon Kay Hallahan (Minister for Planning) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 4 amended –

Hon N.F. MOORE: This clause will transfer responsibility for the authority from one Minister to another. No indication was given in the second reading speech or in the Minister's response of the reason that ILDA will be placed under the new organisation. What benefits will be obtained by moving ILDA to within the Office of Land Services and how will the change affect its ability to do the things it has done in the past?

Hon KAY HALLAHAN: Clause 4 simply proposes to delete the definition of "Minister". No definition of "Minister" is included in more modern Bills, in order to allow flexibility in terms of which Minister will be responsible for which portfolio.

With regard to the Office of Land Services, some criticism has been made of the Government that there are too many agencies dealing with land development, and that greater coordination in this area would be beneficial. The Government has listened to that concern and is taking action. It will mean the bringing together of a number of units which will retain their identity in the new structure. It will provide access to expertise across the agencies and also provide an opportunity for them to focus on their particular developmental tasks. They all have separate target areas, but it is not necessary for them to be separate and diverse and to carry out their land development tasks from different portfolios of the Government. They can service the particular needs of the various portfolios which require their services, while being part of a coordinated unit. That new unit will be the Office of Land Services. Over the years perceived needs have been responded to and it makes sense to bring these agencies together, while still acknowledging that they have particular tasks; they are all involved in land development.

Clause put and passed.

Clauses 5 and 6 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon Kay Hallahan (Minister for Planning), and passed.

EDUCATION AMENDMENT BILL (No 2)

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Tom Stephens (Parliamentary Secretary), read a first time.

Second Reading

HON TOM STEPHENS (Mining and Pastoral – Parliamentary Secretary) [5.30 pm]: I move –

That the Bill be now read a second time.

The purpose of the Bill is to make provision for parents and other interested members of the community to join with school staff and, in some cases, students, in setting the educational directions of schools. This purpose is achieved by the introduction of a requirement that all schools establish a school decision making group which will play an important role in the formulation of the school development plan. In addition, the Bill empowers the Minister to make regulations prescribing the functions and membership of school decision making groups.

The introduction of a provision requiring schools to establish school decision making groups is a key strategy in the Government's program of devolution, which will enable schools to become more flexible, responsive and accountable. Previous amendments to the Education Act to make provision for community involvement in school decision making created the impression that school decision making groups would be able to take part in the day to day operations of the school. While that is subject to interpretation, it is necessary to be quite clear about the intention of the legislation.

The present amendments repeal sections 6 and 7 of the Education Amendment Act 1988 and replace them with provisions which give school decision making groups a significant role in determining the educational objectives and priorities of schools, while ensuring that school principals retain responsibility for school operations. School decision making groups will formulate the schools' priorities and objectives through the school development planning and review process. Information about a school's educational progress will be provided to assist school decision making group members with this responsibility. Through this process, school communities will be able to ensure that schools are responsive to local needs, within the framework of Statewide policies for schooling.

The school development plan, in addition to setting out a school's priorities, will contain strategies for implementation, information on the allocation of resources over which the school has control, and performance indicators. The plan will therefore be a key instrument in demonstrating accountability. When a school decision making group is satisfied that the school development plan adequately reflects the objectives and priorities it has established, it will be responsible for endorsing the plan. In the case of a dispute arising over this issue, the school decision making group will have recourse to the district superintendent.

Parents and citizens' associations will be responsible for providing for the election of parent and community representatives to school decision making groups from among their own membership. This additional responsibility will strengthen the roles of parents and citizens' associations by linking them more closely with the educational functions of schools. There will also be provision for members of the community to be co-opted to school decision making groups in an advisory role should a group consider that it would benefit from a particular kind of expertise.

The current practice of encouraging staff participation in school decision making processes will be formalised through the election of representatives of the teaching and support staff to serve as members of school decision making groups. The regulations will provide for an appropriate balance in the number of elected parent and staff members. School principals will play an important part in school decision making and will be key members of school decision making groups. The principal will also be responsible for establishing the school decision making group for his or her school and for ensuring its effectiveness in enabling all members to make a significant input into the planning and review process for the school. Secondary students will have the option of electing members to school decision making groups. This will enable those students ready to take on such responsibilities to participate in discussions concerning the future directions of their school and will play an important part in educating young people about democracy and decision making. Schools will become more effective when they increase their responsiveness to local issues within the parameters established by the Ministry of Education.

This legislation gives effect to the Government's policy of enhancing the quality of

education in Government schools through ensuring that parents, community members, school staff members and the school principal all have the opportunity to make a significant contribution to educational decision making at the local level. I commend the Bill to the House.

Debate adjourned, on motion by Hon N.F. Moore.

WESTERN AUSTRALIAN COLLEGE OF ADVANCED EDUCATION AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Tom Stephens (Parliamentary Secretary), read a first time.

Second Reading

HON TOM STEPHENS (Mining and Pastoral – Parliamentary Secretary) [5.33 pm]: I move –

That the Bill be now read a second time.

The purpose of this Bill is to amend the Western Australian College of Advanced Education Act 1984 to redesignate the college as a university. In so doing I take this opportunity to remind honourable members of the processes which have been followed which have confirmed that this is the right course of action.

The Australian binary system of universities and colleges of advanced education – which failed to recognise the diversity of institutions to be found in each sector and perpetuated funding inequities based on the somewhat arbitrary classification of institutions rather than their academic profile – has been abolished. The Committee of Review of Higher Education in Western Australia 1989 acknowledged the strong prima facie case for the redesignation of the college to university status. After considering the options, the review committee decided to recommend that the college be invited to submit itself to a formal assessment procedure. In view of developments elsewhere in Australia, the review committee felt that it was in the interests of the college, its staff and its students for this to occur sooner rather than later.

Accordingly, an expert committee was appointed by the then Minister for Education to provide advice on the extent to which the college met the criteria for university designation as defined by the Commonwealth's Task Force on Amalgamations in Higher Education. The committee was chaired by Professor David Caro, former Vice-Chancellor of the University of Melbourne. Other members of the committee were Professor Jillian Maling, the Deputy Vice-Chancellor of Western Sydney University; Professor Cliff Turney, the Dean of Education of the University of Sydney; and Professor Roy Lourens, the Deputy Vice-Chancellor of the University of Western Australia. The committee was required to examine such matters as the college's site and facilities; its missions and objectives; the needs of the communities currently served by the college and their ongoing need for access to higher education in the future; the range and standard of academic programs and the capacity of the college to carry out research and scholarly activity. The committee also assessed the sources of funding, the level of resources, the quality of staff and the conditions of service. This rigorous process of accreditation had been undertaken with the knowledge and support of the Commonwealth Government.

In the process of its deliberations the committee called for submissions from the college community and interested parties; and it held discussions with representatives of the college council, with staff and students and with the heads of the three existing universities. The committee also visited the college and thoroughly familiarised itself with its facilities and teaching program. The advice was unequivocal: The committee was satisfied that in comparison with other newly designated universities, and having regard to its size, its accomplishments to date and its future role as a major provider of higher education in Western Australia, the State would be well served by redesignating the Western Australian College of Advanced Education as a university. The Bill seeks to amend the WACAE Act to give effect to the recommendations of that report.

The new university will be called the Edith Cowan University, and it will be the first university in Australia to be named after a woman. It is particularly significant that we take

this opportunity to acknowledge one of Western Australia's pioneer women. Born in Geraldton in 1861, Edith Dircksey Cowan moved to Perth when she was seven, following the death of her mother. As a young woman she was well aware of the shortcomings of the society of her time regarding women's rights, particularly with the deficiencies in medical and hospital provision. She worked tirelessly for the advancement of women through education and the training of nurses. She was involved in the establishment of a maternity hospital, day nurseries, kindergartens and play centres and a number of women's organisations in which she held office. She became one of the first woman Justices of the Children's Court in 1915 and became the first woman member of an Australian Parliament when she was elected to the seat of West Perth in 1921. She continued to work for social justice until her death due to ill health in 1932 at the age of 70. Strong indications of support have been received over the naming of the new university.

By Australian standards the college is large. It is ranked thirteenth in size among 34 institutions of higher education. The Curtin University of Technology is eleventh, the University of Western Australia is seventeenth and Murdoch University is thirtieth in that ranking. The college has six teaching divisions in the fields of arts and applied sciences, business, community and language studies, education, nursing and the WA Academy of Performing Arts – which includes the Conservatorium of Music – and a branch at Bunbury. Its well developed academic program is in strong demand and is held in high regard. The college offers courses ranging from associate diplomas to bachelor and masters degrees and doctorates. The college has nearly 600 academic staff and more than 15 000 students. More than 21 per cent of the staff currently hold doctorate degrees, and this figure is likely to exceed 25 per cent in the relatively near future.

In recognition of university status, the words "to support and pursue research and scholarship" will be added to the objects and functions of the university. However, in proceeding to redesignate the college as a university, the Government has been anxious to ensure that existing strengths in teaching, particularly at the undergraduate level, and the vocational and practical emphasis of its academic program are not jeopardised. The college's reputation for social justice and equity should be retained. Assurances have been given that widely accepted practices in other Australian universities will be followed regarding the selection and appointment of professors and other senior staff, the development of research and the examining of candidates for honours and higher degrees. The Minister for Education has accepted these assurances which will go a long way toward ensuring that the high standards generally associated with universities in Australia will be perpetuated at the Edith Cowan University.

Essentially, the Bill sets out to effect the minimum necessary changes to achieve the redesignation from college to university. Many of these changes deal with nomenclature, including the consequential amendment to The Superannuation Act, which is relevant. However, endeavours were made to ensure that the new university will receive comparable treatment to other existing universities in Western Australia. For example, regarding the co-option of members to the university council and the appointment of the chief executive officer, reference to the requirement for ministerial approval for the council's decision has been deleted. This is in keeping with the responsibilities accorded the Senates of the University of Western Australia and Murdoch University, and the Council of Curtin University of Technology. A similar approach has been adopted when dealing with real or personal property and the granting of leases of land vested in the university where the provisions mirror those of Curtin University. The only change of substance to the composition of the governing council is to make provision for the Chief Executive Officer of the Ministry of Education, as it is currently known, or a person nominated to the Minister by that chief executive officer, to be added to the council. A similar provision exists regarding the senates and council of the other three universities. In keeping with other Australian universities, the Bill provides for the establishment of an academic board which will be the primary source of advice on academic matters to the university council. Existing campus committees will thereby become redundant.

The Bill provides for the Bunbury Institute for Advanced Education to be constituted a campus of the university. This will be known as the Bunbury campus. However, unlike the other campuses of the university, which are all Perth-based, the Bunbury campus will continue to have an advisory board to ensure that local interests are not overlooked. The

advisory board will be responsible to the university council for the affairs and concerns of the Bunbury campus, and for the campus itself. Details of the board's composition, method of appointment, terms of office, conduct of meetings and so on, will be prescribed by Statutes. The chairman of the advisory board will be a member of the university council. I believe that the preservation of the special status of the Bunbury campus will be welcomed by the people of Bunbury.

The Bill provides for the preservation and the continuance of the body corporate. The change of name does not in any way affect the conditions of service or the accrued and continuing entitlements of staff, nor is the operation of the student guild changed by virtue of these amendments. Transitional arrangements ensure continuity in moving from college to university. All Western Australians justifiably can take pride in the achievements of the college. The redesignation of the college as a university is apt recognition of its past achievements and future prospects.

I commend the Bill to the House.

Debate adjourned, on motion by Hon N.F. Moore.

DEBITS TAX BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Leader of the House), read a first time.

Second Reading

HON J.M. BERINSON (North Metropolitan – Leader of the House) [5.42 pm]: I move –

That the Bill be now read a second time.

This Bill imposes the debits tax on liable debits made by a financial institution to an account held in that institution. The Bill complements the Debits Tax Assessment Bill and together they give effect to the transfer of the debits tax from the Commonwealth. The provisions of the Bill are based on the corresponding Commonwealth Act and the rates contained in the Bill are identical to those currently imposed by the Commonwealth. There will therefore be no change whatever in the impact on taxpayers. The tax ranges from 15¢ for debits of up to $100, to $2 for debits of $10 000 and over. This Bill and the Debits Tax Assessment Bill are proposed to come into operation on the day the Commonwealth's Debits Tax Termination Act is proclaimed. I commend the Bill to the House.

Debate adjourned, on motion by Hon W.N. Stretch.

DEBITS TAX ASSESSMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Leader of the House), read a first time.

Second Reading

HON J.M. BERINSON (North Metropolitan – Leader of the House) [5.43 pm]: I move –

That the Bill be now read a second time.

Together with the Debits Tax Bill, this Bill will give effect to the transfer of the debits tax scheme from the Commonwealth to the State, as announced in the 1990 Commonwealth Budget papers. The Commonwealth has indicated that it wishes to withdraw from the debits tax scheme as from 1 December 1990. It has indicated that the States and Territories will have their financial assistance grants reduced by the amount of the revenue which they derive from the debits tax. The States or Territories which do not adopt this tax will have their grants reduced by a notional amount based on what they would have collected if they had enacted the necessary legislation.

Debits tax is a tax on debits to accounts on which cheques or payment orders may be drawn. It was originally known as bank accounts debits – or BAD – tax reflecting its application to bank accounts only. In 1987 it was extended to include accounts kept with non–bank financial institutions, such as building societies and credit unions.

This Bill follows the provisions of the Commonwealth Debits Tax Administration Act except for modifications necessary to reflect the change in jurisdiction. For instance, the nexus for the tax in Western Australia has been confined to transactions within the State. The recovery provisions have also been modified to enable recovery through State courts and for appeals against assessments to be made to the Supreme Court rather than through the Administrative Appeals Tribunal under the Commonwealth law.

Collections for the last six months in 1990–91 are estimated to be $19 million. There will be no net change in the financial positions of the State or the Commonwealth. Nor will there be any change in the level of the impost on, or the administrative arrangements required of, financial institutions. The Australian Taxation Office will continue to administer the tax on an agency basis on behalf of the States for a period of up to two years. Provisions for that arrangement are contained in this Bill. This Bill and the Debits Tax Bill are proposed to come into operation on the day the Commonwealth's Debits Tax Termination Act is proclaimed. I commend the Bill to the House.

Debate adjourned, on motion by Hon W.N. Stretch.

CORPORATIONS (TAXING) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Leader of the House), read a first time.

Second Reading

HON J.M. BERINSON (North Metropolitan – Leader of the House) [5.45 pm]: I move –

That the Bill be now read a second time.

This Bill imposes as a State tax the taxation component of fees and levies which are to be imposed and collected by the Australian Securities Commission in administering the corporations law. This Bill, together with the Corporations (Western Australia) Bill 1990, forms the package of State legislation designed to give legislative effect in Western Australia to the Commonwealth's new national scheme for regulation of companies, and the securities and futures industries. The intended operation of this package of legislation is explained in more detail in the explanatory memorandum accompanying the Corporations (Western Australia) Bill, which has been introduced in the Legislative Council. I commend the Bill to the House.

Debate adjourned, on motion by Hon W.N. Stretch.

HOUSING AGREEMENT (COMMONWEALTH AND STATE) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Tom Stephens (Parliamentary Secretary), read a first time.

Second Reading

HON TOM STEPHENS (Mining and Pastoral – Parliamentary Secretary) [5.47 pm]: I move –

That the Bill be now read a second time.

The intent of this Bill is to ratify the Commonwealth–State Housing Agreement 1989 which has been approved formally by the Prime Minister and the Premier. The required enabling legislation has been passed by the Federal Parliament and now needs to be ratified formally by the Western Australian Parliament as the Housing Agreement (Commonwealth and State) Bill. The agreement is deemed to have come into effect for the Commonwealth Government on 1 July 1989. For Western Australia, it was 20 March 1990, the date the agreement was signed by the Premier.

The objective of the agreement, which this Bill ratifies, is –

> . . . the provision by the States, with financial assistance from the Commonwealth, of housing assistance for rental housing and for home purchase . . .

> . . . to ensure that every person in Australia has access to secure, adequate and appropriate housing within their capacity to pay.

The objective is to be achieved by seeking to alleviate housing related poverty and providing equitable delivery of housing assistance. This is guided by principles in two main areas: First, in the area of general assistance to ensure that people's needs are the prime consideration in delivering housing assistance; that there is to be equal choice of housing programs; and, that the social benefit of previous public housing investment is maximised. Second, in the area of rental housing security of tenure is to be guaranteed subject to the fulfilment of tenancy terms; public housing is to be developed as a viable and diversified sector to reflect general community standards in catering for the needs of current and future applicants; and assistance is to be coordinated with assistance provided to private tenants and recognise the income support nature of housing assistance as well as its interrelationship to other types of assistance under the Social Security Act 1947. States will be able to exercise maximum autonomy in developing administrative arrangements necessary to achieve these principles.

Financial assistance, by way of grants, will be provided for the 10 years ending 30 June 1999. In the first year – just completed – Western Australia received $97.7 million in specific housing assistance and untied assistance. An equal amount, at least, will be provided in each of the next three years – forecast to be $99.98 million in 1990-91 and $102.2 million in 1991-92 – with any additional assistance determined by the Commonwealth Government. For the remainder of the agreement, the amount of assistance provided will be determined by the Commonwealth in a consultative process through a joint officers group comprising Commonwealth and State members.

The Commonwealth requires that housing assistance be handled through two separate accounts – the rental capital account and the home purchase assistance account – which are to be reported on annually by 30 November through an audited statement certified as correct by the relevant State Minister. States are required to establish a rental capital account which will receive the following funds –

(1) Untied assistance – a proportion of untied assistance as determined by the Federal Minister – $22.88 million in the first year and 7.37 per cent of untied allocations in years two and three.

(2) Specific housing assistance grants agreed between the State and Commonwealth Governments.

(3) Matching funds from the State, which in years two to four are to be an amount equal to housing and untied assistance.

(4) Rental operation surpluses, proceeds of rental sales after 1 July 1989 and sales of land acquired under previous agreements.

(5) Unexpended moneys from previous years.

(6) Other moneys approved by the State and other funds as agreed between the State and Commonwealth Governments.

These funds are to be used for all aspects of rental housing supply from the acquisition of land, through construction of infrastructure, housing and community facilities, to upgrading of existing properties and urban renewal. There is to be a general allowance of up to 25 per cent. This is an arrangement whereby the States are allowed to use some funds that the Commonwealth required to be used in rental operations in other programs that were funded under previous agreements. The allowance is subject to a formula and provides up to 15 per cent of untied funds to be transferred to programs under the home purchase assistance account. It also subsidises non-capital arrangements to assist those in particular need and provides funds for non-profit and charitable rental organisations which may need to be repaid if the properties are sold or used for other than rental purposes.

The conditions covering the administration of rental housing have been tightened considerably, especially in the areas of rent fixing and recovery of costs –

> rents are to be applied to tenants in relation to their capacity to pay, including a provision for charging market rents to those tenants whose capacity to pay is sufficient;

market rents are to be phased in over three years or less, by agreement between the Commonwealth and State;

rents are to be reviewed annually; and

operating expenses, real and notional interest charges, and depreciation are to be recovered through the rental structure.

These arrangements are important in that they reflect the requirements of the Commonwealth for greater accountability and efficiency in the use of public sector funding. The agreement guarantees moneys in nominal terms for the first four years. Funding beyond this period is to be negotiated triennially.

In line with Commonwealth requirements of accountability and efficiency, the State is committed to larger amounts of matching funding. In addition the Commonwealth emphasis on the provision of rental accommodation has foreshadowed the need for tighter conditions of financial responsibility in rental operations during the life of the agreement. The State Government supports these requirements.

The home purchase assistance account receives funds from the Commonwealth as the general allowance, as agreed by the Commonwealth Minister and the relevant State Minister. It also receives moneys from the State in the course of home purchase program operations and any other funds allocated to home purchase by the State. From the account may be paid any principal or interest due on home purchase program borrowings as well as any program management costs and outgoings.

It is a requirement of the agreement that the real value of HPA funds be maintained and that 15 per cent of general funds be credited annually. The agreement ensures that the use of funds outside the agreement, such as State allocations for housing programs and the mobilisation of private funds, through schemes such as Keystart, be maximised. The agreement further provides that assistance and subsidy, where necessary, be given on the basis of need. The possibility of recouping subsidies is to be reviewed at least every three years with the assessed capacity to pay indexed by a suitable indicator such as the consumer price index. It further provides that funding of HPA programs is to take into consideration market conditions, schemes appropriate to need – including shared ownership and rental purchase if necessary – and the necessity to provide fall back assistance. Finally, the agreement provides that assistance may be given to public tenants and people eligible for rental housing, with preference to be given to shared ownership schemes. These provisions do not impose changes of the order of those required through the rental capital account. The State Government, through Homeswest, has been upgrading home purchase programs on an ongoing basis and is the equal of any State in terms of scope and accessibility.

Other important provisions of this agreement include specific housing assistance in the areas of –

rental housing assistance for pensioners and Aborigines;

mortgage and rent relief;

crisis accommodation;

local government and community housing; and

other areas as agreed.

Information is to be supplied to the Commonwealth Government by 30 November each year on –

estimates of financial resources and program output;

revised estimates for the current year; and

final figures for the previous year.

Observance provisions in the agreement are that States are responsible for funds under this agreement through designated responsible agencies where funds applied incorrectly are to be repaid, where funds matched inadequately must be repaid and where amounts not repaid may be deducted from allocations in later years.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Reg Davies.

ACTS AMENDMENT (BETTING TAX AND STAMP DUTY) BILL (No 2)

Receipt and First Reading

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

Second Reading

HON GRAHAM EDWARDS (North Metropolitan – Minister for Police) [5.53 pm]: I move –

That the Bill be now read a second time.

The amendments proposed in this Bill have been introduced on a previous occasion during this session of Parliament. Members will be aware that recently this House disallowed a Bill because it did not comply with the Constitution Acts Amendment Act. As a consequence, the Bill has been split in two. This is the second of those Bills. It amends the Stamp Act and the Betting Control Act.

In 1987 the Government announced an inquiry into the horseracing industry under the chairmanship of Mr C.W. Quin. The Quin report released its recommendations early in 1988. Many of those recommendations were implemented by means of the Acts Amendment (Racing Industry) Act. This Bill implements a further recommendation of the Quin report; namely, that stamp duty on bookmakers' betting tickets be abolished.

The Bill also makes amendments to the Betting Control Act. These result from the abolition of the stamp duty on betting tickets, and an amendment proposed in another Bill to reduce the rate of bookmakers' betting turnover tax. Bookmakers' betting tickets attract stamp duty at the rate of 2.5¢ per ticket for metropolitan operations and 1¢ per ticket for non-metropolitan operations. The Quin report recommended that this stamp duty, equivalent to approximately $50 000 per annum, be abolished, and this Bill implements that recommendation. The amendments are retrospective to 1 August 1989 in accordance with a commitment given to the industry.

I commend the Bill to the House.

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

BOOKMAKERS BETTING TAX AMENDMENT BILL

Receipt and First Reading

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

Second Reading

HON GRAHAM EDWARDS (North Metropolitan – Minister for Police) [5.56 pm]: I move –

That the Bill be now read a second time.

Members will be aware that this House recently disallowed a Bill because it did not comply with the Constitution Acts Amendment Act. As a consequence, the previous Bill has been split in two. A taxation provision has been separated from amendments to other Acts. This Bill contains that taxation provision. It amends the rate of bookmakers' turnover tax in the Bookmakers Betting Tax Act.

In 1987, the Government announced that there would be an inquiry into the horseracing industry under the chairmanship of Mr C.W. Quin. The Quin inquiry released its recommendations in a report early in 1988, and many of those recommendations were implemented by means of the Acts Amendment (Racing Industry) Act 1988. This Bill also implements a recommendation of the Quin report that there be a change in the rate of bookmakers' turnover tax. At present bookmakers' turnover is taxed on a sliding scale. The first $100 000 of a bookmaker's annual turnover is taxed at two per cent and thereafter at 2.5 per cent. The Quin report recommended that the higher level of turnover tax be reduced from 2.5 per cent to 2.25 per cent, of which 0.125 per cent was to be paid into a racing industry development fund. The Quin report recommended that the lower rate of two per cent on the first $100 000 should remain.

The Government has not yet accepted the recommendation that there be a racing industry development fund and so has reconsidered the recommendations in the Quin report. Rather than maintain a two–tiered system of taxation, the Government believes that a single rate of 2.25 per cent tax on all bookmakers' turnover is simplest and fairest.

As a result of these amendments, the taxation burden on bookmakers will be reduced to the extent of about $500 000 per annum. The amendments are retrospective to 1 August 1989 in accordance with a commitment given to the industry.

I commend the Bill to the House.

Debate adjourned, on motion by Hon P.H. Lockyer.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE AMENDMENT BILL

Second Reading

Debate resumed from 27 November.

HON J.N. CALDWELL (Agricultural) [5.59 pm]: This simple Bill is consequential to the Mines Regulation Amendment Bill. The National Party supports the legislation.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon Doug Wenn) in the Chair; Hon J.M. Berinson (Leader of the House) in charge of the Bill.

Clause 1: Short title –

Hon W.N. STRETCH: Can the Leader of the House assure me that full consultation has taken place with the coalmining union in Collie to ensure that the provisions applying to mines safety have been properly addressed in this Bill?

Hon J.M. BERINSON: I am reasonably confident that that has been done, but in any event this matter still must be dealt with in the Assembly. If there is any doubt on that score I will ensure that that process is followed before the Bill is pursued in the Assembly.

Clause put and passed.

Clause 2 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

House adjourned at 6.02 pm

QUESTIONS ON NOTICE

MARINAS – EXMOUTH MARINA
Deputy Premier's Comments

1143. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

(1) Is the Minister aware of comments made by the Deputy Premier in Exmouth with regard to the construction of the Exmouth Marina?

(2) If not, will arrangements be made to have a briefing from the Deputy Premier with regard to comments he made?

(3) Is the Government intending to call tenders to allow private developers to possibly develop the marina?

(4) What other options are being examined by the Government now that the promised marina is not being proceeded with this financial year?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response –

(1) Yes.

(2) Not applicable.

(3)–(4)
A proposal is being developed for Cabinet's consideration.

SCHOOLS – SPENCER PARK PRIMARY SCHOOL
Down's Syndrome Child Enrolment – Full Time Aide Appointment

1205. Hon MURIEL PATTERSON to the Minister for Planning representing the Minister for Education:

(1) In 1991 it is anticipated that a multiple handicapped Downs Syndrome child with severe behavioural problems will be enrolled at the Spencer Park Primary School. Will the Government allocate a full time aide to assist the teachers?

(2) If so, when will such appointment be made?

(3) If not, why not?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following answer –

(1) The Spencer Park Primary School will have three teachers and 1.4 aides from the education support establishment to support students with physical and/or intellectual disabilities enrolled in the school.

(2) The above staff will be available from the beginning of the 1991 school year.

(3) Not applicable.

SCHOOLS – SPENCER PARK PRIMARY SCHOOL
Asbestos Cement Roof Condition

1206. Hon MURIEL PATTERSON to the Minister for Planning representing the Minister for Education:

(1) Is the Minister aware of the condition of the Spencer Park Primary School's roof which was built 27 or 30 years ago and from which asbestos fibres are constantly coming loose?

(2) If so, what has been done to alleviate this condition?

(3) If not, why not?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following reply –

(1) Yes. The conditions of asbestos cement roofs at the Spencer Park Primary School was surveyed on 1 November 1990 by the Building Management Authority. Also a letter was received from the Spencer Park Primary School P & C Association dated 14 November 1990 on this matter.

(2)–(3)

The Ministry of Education is proceeding with the development of an asbestos management plan. Upon completion of the plan, the situation at Spencer Park Primary School will be considered in relation to the needs of other schools with asbestos cement roofs.

ROAD TRAINS – UPPER SWAN–MARKET CITY ROUTE
Special Arrangements

1221. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

(1) What is the present position with possible special arrangements for road trains to be able to use a route from Upper Swan to Market City in hours when little traffic uses the road?

(2) Is the Government aware of the potential increased return to growers if this arrangement was in place?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response –

(1) Some time ago the West Australian Road Transport Association approached the Main Roads Department for agreement to the operation of road trains south from the Upper Swan road train assembly area to metropolitan destinations in the Kewdale, Guildford and Bassendean areas. Investigation into this matter is expected to be completed by the end of March next year. It will be necessary to establish if road trains can operate to the areas mentioned above before consideration could be given to examining the possibility of access to Market City.

(2) Yes.

WESTRAIL – NORTH FREMANTLE LAND
Caltex Storage Tank Lease

1223. Hon P.G. PENDAL to the Minister for Police representing the Minister for Transport:

(1) Is it being proposed, or has it been put into action, that Westrail land in North Fremantle is to be leased, long term, to Caltex for the accommodation of large fuel storage tanks?

(2) If so, has an assessment of the site been carried out regarding its environmental and functional suitability as a storage tank site?

(3) What are the advantages and disadvantages of using this site for storage tanks?

(4) Have other sites been considered for these tanks?

(5) If so, which sites?

(6) If other locations have not been considered so far, will he undertake to set up a study to examine alternative sites?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response –

(1) Caltex Oil Australia Pty Ltd proposes to enter into a long term lease of

Westrail land for terminal extensions at North Fremantle. The extensions are subject to the approval of the City of Fremantle and other relevant statutory authorities.

(2) The company has undertaken a full public environmental report which gives the Fremantle community the opportunity to examine the proposal and to provide comment to the Environmental Protection Authority.

(3) The advantages of the site from the perspective of the Government agencies concerned are its access to port and rail infrastructure, and utilisation of the proposed site will make wharf and port related land available in the north wharf area.

(4)–(6) These are matters for consideration by the Caltex Oil Company.

SCHOOLS – MIDVALE PRIMARY SCHOOL
Community Morning Tea

1226. Hon DERRICK TOMLINSON to the Attorney General representing the Premier:

I refer the Premier to the community morning tea which she attended on the grounds of the Midvale Primary School at 9.30am on Friday, 16 November 1990, and ask –

(1) How many people attended the morning tea?

(2) What was the cost of the function?

(3) Who met the cost?

(4) Which local members of the Legislative Assembly and Legislative Council were invited to attend?

Hon J.M. BERINSON replied:

The Premier has provided the following reply –

(1) Approximately 40 to 50 people.

(2)–(3) The function was catered for by the Midvale Primary School P & C Association on the basis that the cost would be met by Swan Hills MLA, Gavan Troy.

(4) None. The Premier Hon Carmen Lawrence attended on invitation from the host, Hon Gavan Troy.

RESERVE 28199 – MINISTER FOR LANDS' APPROACHES
Town of Cottesloe and North Cottesloe Surf Life Saving Club Response

1228. Hon BARRY HOUSE to the Minister for Lands:

Referring to question on notice No 1171 of 1990, what is the response of the Town of Cottesloe and the North Cottesloe Surf Life Saving Club to the Minister's approaches regarding reserve 28199?

Hon KAY HALLAHAN replied:

The town thus far opposes a leasing agreement; however, the North Cottesloe Surf Life Saving Club has indicated it will conditionally accept direct leasing.

COX, MR IAN – SPORT AND RECREATION MINISTRY TRANSFER

1236. Hon MURRAY MONTGOMERY to the Minister for Police representing the Minister for Sport and Recreation:

(1) Is it correct that Mr Ian Cox has been transferred, or is about to be transferred, from the Minister's office to the ministry?

(2) If yes, what will his position in the ministry be and at what salary level?

(3) Will the Minister deal detail the procedures followed to ensure that the procedures laid down by the Public Service Commission were complied with in Mr Cox's appointment?

(4) Was the position advertised or in any other way open to competition for appointment?

(5) If yes, when and how?

(6) Can the Minister assure the House that Mr Cox has been appointed on merit only?

(7) Is the appointment permanent?

(8) If not, when does the appointment expire?

Hon GRAHAM EDWARDS replied:

The Minister for Sport and Recreation has provided the following reply –

It is my view that it is inappropriate for the member to be asking details concerning the appointment of a public servant through the Parliament. The member is aware that he could have approached me personally for this information. However, as the question has been put and thus must be answered, I provide the following –

(1) No. However, the "full time equivalent" to allow for Mr Cox's employment within the office of the Minister for Sport and Recreation is managed administratively from the Ministry of Sport and Recreation.

(2) Not applicable.

(3) Mr Cox holds appointment as an officer under the Public Service Act 1978 in accordance with the Public Service Commissioner's powers under section 30(1)(a) of the Act.

(4) His position with the Minister's office is not a promotional position and was therefore not required to be advertised for open competition.

(5) Not applicable.

(6) The Minister is happy to give the House the assurance that Mr Cox is sufficiently well qualified and experienced to carry out the duties of his present position.

(7) No. Mr Cox is appointed on conditions equivalent to those of a temporary officer under the Public Service Act.

(8) His current appointment is for the term of the present Government.

GOLDFIELDS–ESPERANCE DEVELOPMENT AUTHORITY – LOAN POLL SUPPORT

Advertising Authorisation

1238. Hon N.F. MOORE to the Minister for Police representing the Minister for Regional Development:

(1) Did the Minister authorise the advertisements placed by the Goldfields–Esperance Development Authority in support of the loan poll conducted by the Kalgoorlie–Boulder City?

(2) If so, why?

(3) If not, why not?

(4) What was the total cost of advertising placed by the authority with respect to the loan poll?

Hon GRAHAM EDWARDS replied:

The Minister for Regional Development has supplied the following response –

(1) No.

(2) Not applicable.

(3) It is not common practice for every small expenditure on promotion by a Government agency to be subject to ministerial approval. However, as the member would know Hon Ian Taylor has made his support for the project very clear.

(4) $130.50.

MINING – "CONCEPTUAL PLAN FOR MINING DEVELOPMENT ON THE GOLDEN MILE"

Buffer Zone – Residential Areas, No Effects Assurance

1239. Hon N.F. MOORE to the Leader of the House representing the Minister for Mines:

I refer the Minister to a document entitled "Conceptual Plan for Mining Development on the Golden Mile" and ask the Minister if he will give an unqualified assurance that no existing residential areas will be affected by the proposed buffer zone?

Hon J.M. BERINSON replied:

The Minister for Mines has provided the following reply –

The buffer zone proposed in the document entitled "Conceptual Plan for Mining Development on the Golden Mile" is intended to minimise adverse impacts of mining activity on adjoining residential areas. No firm proposal has yet been presented to Government as a number of alternatives are still being discussed by the Golden Mile Mining Development Committee.

THEATRE – METROPOLITAN THEATRES

Payments Listing

1242. Hon P.G. PENDAL to the Minister for The Arts:

(1) Will the Minister list the payments to all metropolitan theatres being made for the current financial year?

(2) Will the Minister also list how these payments compare with allocations for the same purpose last year?

Hon KAY HALLAHAN replied:

(1) Theatre companies in WA are funded through the Department for the Arts on a calendar year basis. The general purpose grants to theatre companies for 1991 are –

Deck Chair Theatre	$190 000
Spare Parts Theatre	$257 000
Swy Theatre	$300 000
Hole in the Wall Theatre Company	$150 000
WA Theatre Company – yet to be confirmed.	

The funding to WA Theatre Company and the Hole in the Wall Theatre Company will be for a six month period, January to June 1991, pending the formation of the new State theatre company.

(2) General purpose grants allocated to theatre companies in 1990 were as follows –

Deck Chair Theatre	$165 000
Spare Parts Theatre	$240 000
Swy Theatre	$124 000
Hole in the Wall Theatre Company	$260 000
WA Theatre Company	$663 000

AIRCRAFT – JANDAKOT AIRPORT
Maximim Size Aircraft

1243. Hon N.F. MOORE to the Minister for Police representing the Minister for Transport:

What is the maximum size aircraft which can use the runway at Jandakot Airport?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response –

The determination of the types of aircraft which can use a specific runway is a technical matter which must reflect factors such as pavement strength, runway length, operating conditions and aircraft characteristics. Assessments are made on the basis of specific aircraft. I would suggest that if the member has a specific aircraft in mind he should contact the Federal Airports Corporation at Jandakot.

ROADS – TURKEY CREEK–WYNDHAM ROAD
Construction Cessation

1244. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

(1) Has construction on the Turkey Creek–Wyndham road ceased?

(2) Have problems arisen from heavy rain which have made the road impassable at times?

(3) When is it anticipated that the road works will be completed?

(4) Will extra costs be incurred?

(5) If so, what is the estimated amount of extra costs?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response –

(1) No.

(2) Yes, but for short periods of time only.

(3) Mid–December.

(4) The contractor may incur extra costs.

(5) Unknown at this stage.

MARINAS – EXMOUTH MARINA
Expenditure

1245. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

(1) How much money has been expended on the proposed Exmouth Marina so far?

(2) Is the amount of funds estimated in the budget related to funds already spent?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response –

(1) Total expenditure of funds for the years 1987-88, 1988-89 and 1989-90 on the Exmouth marina project is $765 826.

(2) Funds shown in the Budget Estimates for 1990-91 represent carryover expenditure for commitments made in 1989-90.

PORTS AND HARBOURS – PORT OF WYNDHAM
Cargo Tonnage

1246. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

(1) What was the tonnage of cargo handled by the Port of Wyndham in –

(a) 1988;

(b) 1989 and

(c) to the present date in 1990?

(2) How many wharf labourers are presently on the roster for Wyndham?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response –

(1) (a) 90 818 tonnes
(b) 132 815 tonnes
(c) 82 406 tonnes till October 1990.

(2) 23.

POLICE – POLICE OFFICERS, EUCLA
Internal Charges

1250. Hon P.H. LOCKYER to the Minister for Police:

(1) Has any police officer who is presently serving or has served in the past, at Eucla, been charged internally by the police for any actions alleged to have occurred?

(2) What is the nature of those changes?

Hon GRAHAM EDWARDS replied:

(1)–(2)

An investigation into alleged actions was launched in May by the internal investigations branch. The concerns raised and other matters of a disciplinary nature are currently under continuing investigation and some time yet will be required before proper recommendations can be made. As soon as I am able I will make a further statement to the Parliament.

SHARK BAY – USELESS LOOP SALT PROJECT EXTENSIONS
Denham Fishermens Association Discussions

1252. Hon P.H. LOCKYER to the Minister for Resources :

(1) Have any discussions taken place with the Denham Fishermens Association with regard to the proposed extensions to the salt project at Useless Loop?

(2) If not, will steps be taken to consult with this association with regard to its concerns?

(3) If not, why not?

Hon J.M. BERINSON replied:

(1) I am advised that the Denham Fishermens Association has been involved in discussions with the Environmental Protection Authority, the Fisheries Department and Mount Resources – the project managers.

The association has also provided a detailed submission to the Environmental Protection Authority concerning Mount Resources' public environmental review for the expansion.

(2)–(3)

Not applicable.

JUSTICES OF THE PEACE – CARNARVON
Children's Court Duties

1253. Hon P.H. LOCKYER to the Attorney General:

How many justices of the peace in Carnarvon are able to carry out Children's Court duties?

Hon J.M. BERINSON replied:

Five persons currently holding appointments as members of the Children's Court are recorded as residing in Carnarvon, but one is understood to have left the area. A further five appointments are under consideration. All of the persons involved also hold appointments as Justice of the Peace.

QUESTIONS WITHOUT NOTICE

GOVERNMENT EMPLOYEES SUPERANNUATION BOARD – SALAND PTY LTD
Transfer of Land No D229370 Agreement

885. Hon GEORGE CASH to the Leader of the House representing the Minister for Finance and Economic Development:

Some notice has been given of this question. Will the Minister provide details of the agreement between Saland Pty Ltd and the Superannuation Board dated 9 April 1986 in respect of the land the subject of transfer of land No D229370 lodged with the Registrar of Titles on 10 April 1986; and if not, why not?

Hon J.M. BERINSON replied:

I thank the Leader of the Opposition for some notice of this question. I am advised as follows –

The agreement which was signed on 8 April 1986 was for the assignment by way of sale for the sum of $1.9 million of Saland Pty Ltd's interest in the land, business, plant and equipment of Fremantle Steam Laundry Co Pty Ltd.

SENIORS' CARD – EXTRA CONCESSIONS

886. Hon J.N. CALDWELL to the Minister for The Aged:

Does the Minister envisage any extra concessions – such as a rebate on heating fuel – being granted over the next couple of years for holders of the Seniors' Card?

Hon GRAHAM EDWARDS replied:

Two types of concession are provided for holders of the Seniors' Card. One is provided by the Government, and it amounted to $9 million this financial year. The other concession is provided by the private sector, such as discounted entrance fees to theatres, and store discounts, depending on where the card holder resides. A concession on the cost of heating fuel has not been considered. However, Hon Bob Thomas did put to me the question of a Seniors' Card concession on licence fees for pleasure boats charged by the Department of Marine and Harbours. A committee exists which considers these various concessions so the situation is constantly under review. Should the Minister wish to refer to a specific issue I suggest that he put a request in writing so that the matter can be considered.

HOUSING – HOUSING AND RESORT PROJECT, MEIYU MANDURAH AREA
Government Delay

887. Hon P.G. PENDAL to the Minister for Planning:

(1) Is the Minister aware of the plans for a $50 million housing and resort development near Mandurah at Meiyu which is currently being assessed by Department of Planning and Urban Development and the Environmental Protection Authority?

(2) Is she aware that this project, which will provide many job opportunities and service contracts at a time of recession, is being held up within Government circles?

(3) Will she undertake an urgent speed-up of the project in view of the obvious benefits it will bring to this State?

Hon KAY HALLAHAN replied:

(1)-(3)

It would be very useful were the member to place the question on notice; the investigations that he suggests would then be carried out quickly.

GOVERNMENT BUILDINGS - VACATED BUILDINGS
Housing Emergency Service Groups

888. Hon MURRAY MONTGOMERY to the Minister for Emergency Services:

In areas where Government buildings have been vacated, could the Minister investigate the possibility of using them for housing emergency service groups?

Hon GRAHAM EDWARDS replied:

It would be difficult to agree to that suggestion across the board. However, if a particular situation has been brought to the attention of the member, were he to give me the details I would consider the matter. If there is the possibility of our achieving some benefit for emergency services organisations I would be happy to do that.

SWAN BREWERY SITE - IMPASSE
Union Discussions - Aboriginal Leader Discussions

889. Hon P.G. PENDAL to the Minister for Planning:

My question relates to the Government's plans to redevelop the Swan Brewery.

(1) Is the Minister in a position to tell the House the outcome of any discussions the Government has had with union representatives in order to break the impasse - from the Government's points of view - on the matter?

(2) Will the Minister inform the House whether she has been or is prepared to meet with Aboriginal leaders to discuss their outstanding claims to that site?

Hon KAY HALLAHAN replied:

(1) No.

(2) Very extensive consultation has taken place with Aboriginal people over the question of the old Swan Brewery. This has been an ongoing matter, and the Aboriginal Cultural Material Committee has played a major role. At this stage, I do not see anything additional that can be achieved; however, should something arise it would be considered.

POLICE RECORDS - CAR RENTAL COMPANY ACCESS
Constituent's Name

890. Hon PETER FOSS to the Minister for Police:

I refer the Minister to a question I asked some time ago regarding access to police records by car rental companies. I was subsequently asked for the name of the person involved; I checked with that person who stated that that name should not be used. I advised the police of that, but I have not received a reply regarding an investigation.

Hon GRAHAM EDWARDS replied:

I was interested in the matter raised by Hon Peter Foss at the time. I requested my office to contact him because for obvious reasons I wanted to

pursue the matter by way of further investigation rather than in a public way via a question on notice – not in order to hide anything but to ascertain whether an opportunity existed for us to pursue matters without driving people underground. My understanding was that an officer from my office contacted the member. The police were given details of the matter. My understanding is that the matter was being pursued. I will ascertain the current status of the matter and advise the member accordingly.

Hon Peter Foss: I will clarify something for the Minister in case he misunderstood the question. His office did contact me and ask the name of my constituent. I have been advised that the constituent does not want his name used, so the Minister's office will need to follow it up on a general basis.

ARTS IN PUBLIC PLACES PROGRAM – PROGRESS

891. Hon BOB THOMAS to the Minister for The Arts:

Can the Minister give the House an update on the progress of the arts in public places program?

Hon KAY HALLAHAN replied:

I thank the member for his interest in this subject and for giving me some prior notice. The arts in public places program is one that the Government has been working on for some time. A number of overseas countries and cities have well developed programs and in Western Australia we are in a position to progress with such a program. This involves setting aside one per cent of a project's cost for the inclusion of art of some kind. It might be the use of stained glass windows; it might be that a building's security gate can be constructed attractively. The Government has endorsed a number of projects, including a child care centre, a primary school, a high school, the Joondalup Courthouse and a TAFE college. I hope that over the years we will see a transformation of public buildings by the early involvement of artists' working alongside architects, landscapers, engineers and construction workers to bring a more imaginative environment to public buildings. It is our hope that our example will be followed by the corporate sector, and in the long term be regarded as a normal part of construction, design and planning for major buildings, be they private or publicly owned.

An announcement was made this morning. It will provide many opportunities for our artists to have other employment prospects, and because of the size of the projects it will boost very considerably the amount of money that will be available to Western Australian artists. Many members will be aware that our artists often earn less than $5 000 per annum from their art form. This is a major breakthrough in providing opportunities for artists and in improving our built environment.

OFFICIAL CORRUPTION COMMISSION ACT – AMENDMENT
Opposition's Bill

892. Hon P.G. PENDAL to the Leader of the House:

Is it the Government's intention to progress the passage this session of the Opposition's Bill to amend the Official Corruption Commission Act?

Hon J.M. BERINSON replied:

The Government has not had the opportunity to consider that question.

SWAN BREWERY SITE – HERITAGE BUILDING
Inside Activities

893. Hon J.N. CALDWELL to the Minister for Heritage:

Would the Minister advise the House what the Government intends to place inside the old Swan Brewery to attract people to visit it once it is listed as a heritage place?

Hon KAY HALLAHAN replied:

The Government has made it clear that activities would be of a cultural nature, for passive recreation, and any other activities that would attract tourists visiting our city. That would include galleries, but the details have not yet been decided. The building contains a lot of space which will provide opportunities for galleries and cultural pursuits of various types.

Hon J.N. Caldwell: Has the Minister given away the idea of an Aboriginal gallery?

Hon KAY HALLAHAN: Not at all; negotiations would need to be undertaken with Aboriginal communities that have indicated a desire to have galleries associated with their history and culture and the interpretation of their culture to the wider community. Some Aboriginal groups have not indicated an interest in that, so as restoration and conservation work progresses the Government will turn its mind to that matter.

JUVENILE OFFENDERS – "MUM: MY SON WILL DIE IN JAIL" REPORT
NSW Prison

894. Hon GEORGE CASH to the Minister for Police:

I refer to an article in the *Sunday Times* dated 25 November under the heading "Mum: My son will die in jail". The article suggests that a Perth mother fears that her 16 year old son will die in a New South Wales prison rather than endure a nine month sentence. I understand questions have been raised with the Attorney General's Office, which referred the matter to the Minister for Community Services, who referred the matter to the Minister for Police. The police have claimed it is not their jurisdiction. Can the Minister throw any light on this matter, and perhaps assist?

Hon GRAHAM EDWARDS replied:

This matter came to the attention of my office last week while I was at the Police Ministers' Conference. My understanding is that my officers did some work on the matter and referred it to the Minister for Community Services. The police have an interest in a number of warrants that may be outstanding on some other matters. The police do not see a benefit in pursuing the matters to the degree that they would bring the person back to Western Australia to face charges. I have not caught up on the situation since then, but if the member wants to place a question on notice I will give it some further attention.

OFFICIAL CORRUPTION COMMISSION BILL – PRIVATE MEMBER'S BILL
EXPEDITION

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

I have a supplementary question to that which I asked the Attorney General in relation to the passage of the Official Corruption Commission Bill. In view of Hon Julian Grill's public remarks today that until now he has had no way for the Official Corruption Commission to clear his name, will the Attorney General at least undertake to consider at the weekend expediting the Bill, introduced by me yesterday, that seeks to confer on the commission the very powers that it currently lacks in respect of Mr Grill?

Hon J.M. BERINSON replied:

I am not aware of the statement by Mr Grill to which Hon Phillip Pendal has referred. I have indicated previously that there has been no opportunity for the Government to consider its attitude to his private member's Bill, but I am sure that that opportunity will be taken as possible.

LAND ADMINISTRATION DEPARTMENT – CROWN LAND POLICY

896. Hon MURRAY MONTGOMERY to the Minister for Lands:

What is the policy of the Department of Land Administration on Crown land attached to private property but not vested in any other authority such as the

Water Authority or perhaps local government? Can the Minister give me any examples of what the department is doing?

Hon KAY HALLAHAN replied:

The question is not sufficiently specific. What does the member mean when he refers to DOLA's policy? Its policy on what? I sometimes get concerns on firebreaks and DOLA sometimes asks local government authorities whether they would be prepared to take on vesting of Crown lands. I am happy to get the information.

Hon Murray Montgomery: Such things as drainage.

Hon KAY HALLAHAN: Perhaps the member will reword the question and put it on the Notice Paper. I would be happy to get the information for him. Otherwise we could have a discussion and find out whether he has a particular instance that has generated the question and perhaps I can assist him with it.

PRISONS – REPATRIATION OF PRISONERS BILL

Under 18 Application

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

Two or three years ago this House passed a Bill relating to the transfer of interstate prisoners. Does that Bill apply to persons under the age of 18 years?

Hon J.M. BERINSON replied:

My recollection is that the Bill applied only for prisoners held in the adult prison system; I do not believe it applies to juveniles. I will inquire of the Minister for Community Services. If the member puts his question on the Notice Paper I will obtain the information for him.