

# Legislative Council

Tuesday, 12 November 1991

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

## DAYLIGHT SAVING BILL

*Assent*

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

## PETITION - JUVENILE OFFENDERS

*Cautioning Policy Review - Child Welfare Act Amendment*

Hon Reg Davies presented a petition bearing the signatures of 1 665 citizens of Western Australia requesting the Parliament of Western Australia through the Minister for Police and the Minister for Community Services to urgently review the policy on cautioning of juvenile offenders and to amend the Child Welfare Act.

[See petition No 849.]

## PETITION - DUCK SHOOTING

*Prohibition Legislation Support*

Hon Reg Davies presented a petition bearing the signatures of 4 737 citizens of Western Australia urging Parliament not to declare duck shooting seasons and to legislate for the prohibition of any future duck shooting in this State.

[See petition No 850.]

## MOTION - STANDING ORDERS COMMITTEE

*Standing Committee on Constitutional Affairs and Statutes Revision Work Review*

**HON J.M. BERINSON** (North Metropolitan - Attorney General) [3.38 pm]: I move -

- (1) That the Standing Orders Committee be requested to review the work of the Standing Committee on Constitutional Affairs and Statutes Revision with a view to recommending whether the committee should be retained or terminated, and if retained, whether with any modifications to its structure, terms of reference or operations.
- (2) That the report of the Standing Orders Committee be presented no later than Tuesday, 3 December 1991.

It is fair to say that when the present system of Standing Committees was established it was generally acknowledged that it would proceed on a trial and error basis and that we should take the opportunity as the need was recognised to review its operations. I think it is also fair to say that the Standing Committee on Estimates has functioned reasonably well. I know reservations have been expressed about the approach taken by the Estimates Committees in dealing with the Budget and that will no doubt be reviewed within the Standing Committee on Estimates and Financial Operations before we have the need to consider a Budget again. The Standing Committee on Legislation has performed a valuable service. The only reservation I have about its operation relates to the length of time taken for the preparation of its reports.

It was an important part of our agreement with the Legislation Committee that its procedure should not lead to undue delay, and that it could well expedite the consideration of complex Bills by allowing members of the House to deal directly with interested parties and to pursue the various questions about a particular Bill at length. We have on a number of occasions had the experience that, rather than the processing of a Bill being expedited, several months have passed before a report has become available. In one instance I do not agree that the delay was justified. I refer to the occasion on which the committee delayed its report to the House because it wanted to give the Law Society an opportunity to make submissions. It is probably fair to say that the committee was not only interested in giving the society that

opportunity, but it wanted also to take advantage of any advice which the society could offer. Nonetheless it is my view that neither our committees nor the House itself can allow their affairs to be effectively frozen for periods as a result of the inability of an interested group to respond within a reasonable time. We have all had the experience that, with practically every Bill which goes through the House, we want to consult with various individuals and groups with a special interest in the position covered, but at the end of the day we have to be ready when the debate is called on. We very often adjust our Notice Paper to allow further time for that consultation to proceed, but eventually we have to reach the point of saying that the subject matter has been before the House long enough and it is time to move ahead on it. Just as that applies to our considerations in the House, so it applies to committees as well. While we want to have the advice of the Law Society and similar bodies when we deal with issues of special interest to them, that should not be at the cost of a reasonable legislative timetable.

Turning to the Standing Committee on Constitutional Affairs and Statutes Revision, I have been prompted to suggest that this committee be subject to review now. I have been struck by a number of aspects of its work. One is that, over what is now quite a long period since its establishment, there has really been very little output by this committee, which suggests that there has probably been very little call on it to deal with substantive matters. To the extent that it has dealt with some matters, I feel that its work has been largely superfluous. I refer in this respect particularly to that part of its role which involves its looking at petitions.

I was struck a couple of months ago with an advertisement. Although I do not have the reference here, it must have been in *The West Australian*. The Standing Committee on Constitutional Affairs and Statutes Revision indicated that it had had referred to it a petition "seeking legislation on various aspects of substantive and procedural law relating to sex offences against children". The committee took the opportunity of this advertisement to invite submissions relating to its inquiry. It is in no sense detracting from the place of petitions within our system to say that very few of them deal with matters which are not being dealt with in any event. In the great majority of cases petitions come to this place or to the other place precisely because the Parliament has shown an interest in the issue and the petitioners wish to express a view on it. I do not know whether that is what led to the petitioners in this case taking the initiative to petition the Council on the question of sex offences against children, but the advertisement about two months ago calling for submissions was quite ludicrous, given the background on this matter.

In recent years there have been a number of substantive inquiries on this question. If my memory is right, an announcement was made, not more than a month or two before the advertisement appeared, indicating that the Government had given approval to the drafting of very comprehensive legislation dealing with this precise matter, and it dealt with it at great length. So far as I am aware, there has been no complaint about the direction which the Government indicated its legislation would follow, and the only problem experienced by the people with a special interest in the issue has been the time taken for the drafting of the legislation, given the need to keep consulting with various people and to ensure that some quite complex issues are adequately dealt with.

In summary, the decision by the committee to pursue this petition to the point of inviting further submissions was simply incapable of producing anything new, and would have led to a quite mistaken impression by anyone in the community who was concerned about the subject matter, but for one reason or another was not aware of progress, to believe that we were much further behind in this area than we were. There may well be occasions when something which does require attention is brought to our notice by way of petition, but we do not need a special committee to deal with that. I am quite confident that one of our other committees could meet that need with very little adjustment to its current terms of reference.

Another aspect of this committee's role was to review legislation which might require redrafting, or in some cases repeal. I am not aware of any reports by the committee arising from Bills which it has considered of its own initiative. Perhaps it is currently engaged in that, but I am not aware of any particular report arising from that aspect of its duties.

Another aspect of its duties, as I recall it, was to be its review of Government legislation seeking to repeal a whole range of Statutes. You will recall, Mr President, the background to that suggestion. It arose from the fact that the Government in pursuit of an aim to try to clear

up the Statute books, introduced to Parliament in two or three successive years something in the nature of an omnibus Bill which sought to repeal simultaneously 20 or more Acts. We had some difficulty with that on the last occasion we had such a Bill in that the point was taken that our Standing Orders precluded consideration of Bills dealing with more than one distinct subject matter. That led to the omnibus Bill at the time being sent off, I think, to a committee established for the purpose. It came back five or six months later with a recommendation that most of the Bills proposed to be repealed should be repealed but that a couple should be reserved for further consideration or for other reasons. I believe it was that sort of Bill that was contemplated when the suggestion was made that this Standing Committee should look at proposals to repeal legislation, but the need for a committee for that particular purpose has been obviated by a decision by the Government in the meantime to move away from omnibus Bills so as to avoid procedural problems that we struck on the last occasion, and to bring in repeal Bills separately. In fact two are before the Parliament now; but I do not think anyone could seriously suggest that either of them needs to be referred to a Standing Committee; each of them has a very clear objective, and I cannot imagine that members of this House would have any difficulty in proceeding to further discussion of them without the need for Standing Committee consideration.

At the end of the day we are left with the question as to whether this Standing Committee really serves a purpose that needs to be served or whether these fairly limited matters which it has considered in the past could not be quite adequately dealt with by one or other of the committees which were established at the same time or by one of our other committees which preceded that structure. I am aware that I have omitted reference to the part of the terms of reference of this committee which deals with constitutional affairs, but given that constitutional matters are very peripheral to our considerations, and in fact arise extremely rarely, I think we are left in respect of that aspect of the terms of reference also to say that we really do not need a Standing Committee for that. Other members may be of the view that rather than have a look at this Standing Committee it might be advisable to look at all our Standing Committees again to see whether the original theories which justified them at the outset remain valid or whether in fact it is time to consider the position again. In any event I think that the considerations which I have raised so far certainly justify our looking at this committee. I move this motion to allow that consideration to proceed.

**HON R.G. PIKE** (North Metropolitan) [3.56 pm]: The Opposition opposes the motion on the following grounds: First of all, in dealing with the comments made by the Attorney General and in answering them, as the initiator of the committees I said in some of the introductory speeches that I thought it entirely proper that after a period of functioning the committees should themselves review their own functions. What has transpired since is that an informal but very informed group of five Chairmen of Standing Committees meet regularly from time to time to deal with matters that generally concern Standing Committees. It has always been my intention that that group should review the functions.

I have taken the trouble, since this motion by the Attorney General has been on the Notice Paper for some time, to inquire of members of the Standing Committee on Constitutional Affairs and Statutes Revision whether they have been consulted by the Attorney General regarding the functions of the committees. The answer is no. Bearing in mind that the Attorney General is a gentleman who always gives at least the appearance of doing things according to Hoyle, it is worth remarking on this occasion that without reference to either myself or members of the committee he has chosen to go down this track. It is also necessary to point out that the Attorney General made reference to the Legislation Committee and was marginally critical of that, and to the Estimates Committee and was marginally critical likewise of that. The comment by the Attorney General that the committee is largely superfluous is one that is clearly a matter of opinion. If one looks at the situation regarding petitions one would be aware that, for instance, in regard to the petition on duck shooting it is one that is very much answered by the Parliament; and the nature of the petitions are such that some require no action and some require a significant amount of action. Surprising as it may seem to the Attorney General, in regard to the functions of this committee I have not sought, as chairman, to publicise its activities. The Attorney General is clearly mistaking the lack of publicity as an indication of lack of activity.

I have had the staff prepare some files which are not comprehensive; one such file holds letters outwards regarding this petition. Another file contains notices, details of the

proceedings, and findings of the committee. Another file is a digest of petitions. I should remark that having put his argument the Attorney General is not present to hear the answer - Hon Fred McKenzie: He has stepped out to the toilet.

Hon R.G. PIKE: I did not know that my speech would have that result upon him quite so quickly. That aside, in regard to the other place petitions go nowhere. Petitions are presented to the Legislative Assembly, and the citizens of this State are under the misunderstanding that they go into a facility where they are researched and followed through. That is not the case in the Legislative Assembly; it is the case here. I will go on to make a point which the Attorney General has overlooked in regard to the petition on child sex abuse, which was presented by Hon Reg Davies and signed by 118 000 people. The petition requested that research be undertaken on sex offences against children. I took the trouble to telephone and inform the Attorney General's private secretary of the report, since the Attorney was not in the House on the day the report of the committee was tabled, which is now about two weeks ago. The report dealt with procedural laws relating to sex offences against children and contained a comprehensive set of recommendations, most of which are not the subject of existing legislation, and two of which, particularly items 2 and 3, are the subject of proposed legislation. For example, the report recommends that joint training of police and staff of the Department for Community Services should be undertaken to ensure proper coordination and better understanding of each other's role. That is a fundamental recommendation for something that has not hitherto happened.

I will not go into the recommendations of this report in great detail, but it is clear from the comments made by the Attorney General that he is bereft of any knowledge of the report whatsoever. His comments revealed an abysmal ignorance of what the committee has been doing and what its findings are, even though they pertain to his own portfolio, and though I telephoned his private secretary to inform him of the content of the report. So much for a perceived lack of activity of the committee. The Attorney General went on to comment on the repealing of legislation. The facts are that approximately two months ago the Attorney General - to give him his rightful due - spoke to me on his own initiative about the repealing of legislation. He indicated there was a long list of legislation that he thought the committee could look at. I am certain he will interject to the contrary if this is not the case. We discussed it briefly and I indicated to him it was very much the role of the committee to look at the repealing of existing legislation, particularly in consultation with the Government of the day. It was my understanding that the initiative was left with the Attorney General. There was a significant period of silence, and the committee communicated with the Attorney General, who replied quickly and courteously pointing out that the Government determined it would not be going down that track; it had decided to handle the matter in another way. The Attorney General quite properly pointed this out in his letter. Typical of the Attorney's so-called alleged integrity, of properness and straightforwardness, he clearly chose not to mention that in his speech today.

Hon J.M. Berinson: I did mention it in my speech.

Hon R.G. PIKE: I mention it because it should be remarked upon. As the Attorney would know I have his letter of recent date informing me that he does not intend to proceed down that track.

Hon J.M. Berinson: It is not a matter of my not intending to do that. Why do you misrepresent me?

Hon R.G. PIKE: In regard to the constitutional matters the Attorney seeks the committee to investigate -

Hon J.M. Berinson: Does Mr Pike have an argument that does not involve misrepresentation?

Hon R.G. PIKE: Mr President, would you please allow me to continue without these noisy interruptions?

The PRESIDENT: Order!

Hon R.G. PIKE: The terms of reference of this committee relate to written laws of this State and obsolete Acts of Parliament which might be repealed from time to time. If the Attorney General thinks there has been inactivity on that, the bottom line is - and I hope the committee

supports me - I have not even begun with regard to repealing laws in this State. This State has a surfeit of laws and regulations and the consequence of that is the sooner we have less Government and less regulation and not more, the better. That will be one of the biggest projects for this committee. It is not something one can do quickly and willy-nilly. The second term of reference relates to amendments of a technical or drafting nature which might be made to the Statute book; the third relates to the form and availability of written laws; the fourth relates to any petition and the fifth term of reference is any matter of a constitutional or legal nature referred to it by the House.

Bearing in mind that all petitions stand referred to the Constitutional Affairs and Statutes Revision Committee, the committee will consider a matter that was the subject of a petition presented to the House by Hon Peter Foss. The petition reads -

The Legislative Council do appoint a committee to enquire into the links between government agencies and the failed Western Women's Group, in particular to determine whether the State bears any legal responsibility for persons relying on the investment advice of that Group to their loss

The Parliament of Western Australia consider legislation that may be necessary to prevent a recurrence of the event, which led to the loss by investors who relied on the Western Women's Group or at least to ensure that the problems associated with such an operation are detected at an earlier stage.

The House should be aware -

Hon J.M. Berinson: Which terms of reference was that under?

Hon R.G. PIKE: The Attorney General has had his turn.

As a consequence of a discussion which took place between Hon Reg Davies and myself, the committee by resolution decided to refer that inquiry to the Standing Committee on Estimates and Financial Operations because Hon Reg Davies indicated an interest in pursuing the inquiry. It must be noted that the Estimates Committee after some delay - longer than I would have liked - chose not to deal with the matter and it now stands referred back to our committee. It is to be said here by me as chairman, that whereas 99 out of every 100 petitions that come before the committee are matters of bipartisan agreement, there will always be one that of its very nature is politically volatile and riddled with disputation. Already in our committee - without breaching the confidentiality of that committee - there is a massive dispute, and that would be the understatement of the year in regard to this petition. I will let members and the public of Western Australia judge whether this is a magnificent and spontaneous action on the part of the Attorney General; because without referring to any member of the committee or to myself as the chairman, and without getting back to me after two or three months delay following our discussion of the proposition that the committee will consider the revocation of some Acts of Parliament, we suddenly find after it is well known that this matter is in the process of being dealt with, we have this fudging by this so-called Attorney General - massively imbued with integrity - to regard the functions of the committee as unnecessary, bearing in mind that the committee which will now be investigating, in the proper course of its investigation, whether this Government bears any legal responsibility in regard to losses that have occurred.

Hon J.M. Berinson: Why are you afraid of a review, Mr Pike? All I suggested was a review.

Hon R.G. PIKE: Notwithstanding the altercation and fractiousness with which this has been dealt with so far by the committee, the investigation will be conducted properly, constructively and in a fair manner.

Hon J.M. Berinson: What has that got to do with my motion?

Hon R.G. PIKE: I am taking the Attorney General back to his statement that petitions of themselves and in themselves do not add up to much; they are not terribly time-consuming; and there have been few reports on them. I made the point in the Attorney General's absence that a very comprehensive report was presented, about which the Attorney is obviously ignorant, even though I telephoned the Attorney's private secretary to inform him of it; that is, unless of course the Attorney now admits he knows about it, in which case it is one of the Attorney's "Oops, I'm sorry" manifest oversights.

Hon J.M. Berinson: Grow up!

Hon R.G. PIKE: Come on, the facts speak for themselves; and the Attorney General's speech will speak for itself.

Is it an accident of timing and history that suddenly we find this Attorney General wanting the Standing Orders Committee to investigate the terms of reference of the one committee which is at present dealing with a matter which has the potential perhaps to be more controversial than even I thought it might be?

Hon J.M. Berinson: My motion was a mile ahead of this question.

Hon R.G. PIKE: Time will tell, will it not? What is the Attorney General's explanation for his lack of consultation? What is the Attorney General's explanation for fudging an issue by taking it to another committee when he would have known, from the information supplied to him by his own people who are members of those committees, that the proper review took place?

The committee has dealt with 19 petitions and in doing so has in each instance written to the relevant Minister, the petitioners and the member who tabled the petition. In most cases the ministerial response has resolved the issue or completed the work of the committee. There were some incredible delays in receiving replies because Ministers were obviously very busy and did not respond to correspondence immediately. In some cases the member did not require any further action by the committee. Examples of this include the petition opposing a cooling off period for used vehicle contracts. To be fair to the Attorney General, this is the type of Dorothy Dix petition which I admit, as does every member in this House, does not need a great deal of action. The other examples included petitions dealing with the closure of the Department of Mines offices at Coolgardie, Marble Bar, Norseman and Southern Cross; the noise level of warning bells at the West Leederville pedestrian crossing; and the request that all necessary steps be taken to preserve the land at Leda known as Western Ridge. In other instances legislation has been introduced or proposed which has addressed the prayer of the petition. This is an important point and the Attorney General was correct in making the point he did. Those prayers included the calls for the 0.08 blood level to be reduced to 0.05, compulsory wearing of bicycle safety helmets, and for the human reproductive technology legislation to be referred to the Standing Committee on Delegated Legislation.

In the case of the petition seeking legislation on various aspects of substantive and procedural law relating to children - a matter the Attorney General has referred to - the committee undertook an investigation which resulted in the report which was tabled on 24 October. If the Attorney General has taken the trouble to read the report - and I do not intend to embarrass him by asking him what is one, let alone three, of the recommendations - he will know that we received substantive amounts of evidence, even from a prisoner who is presently incarcerated in a Western Australian gaol. The petition was supplied as a consequence of a petition tabled by Hon Reg Davies and signed by over 118 000 people. It made recommendations for changes to the law and called for consultation between departments. Obviously, the Attorney General is ignorant of those recommendations because he would not have said what he said earlier, unless he knew what he was saying.

Hon J.M. Berinson: You are very cutting this afternoon.

Hon R.G. PIKE: That is not for the Attorney General to judge.

Hon J.M. Berinson: Who else can judge?

Hon R.G. PIKE: The Attorney General's speech is on record. It revealed an absolute abysmal ignorance of the fact that a report is being made on the subject.

Hon Mark Nevill: It does not.

Hon R.G. PIKE: The committee is also proposing to undertake full investigations as a result of petitions expressing concern by residents of the Port Hedland, Roebourne and the Ashburton Shires about problems with the patient assisted transport scheme, and others requesting the Legislative Council to inquire into the failure of the Western Women Group so that Parliament can consider legislation that may be necessary to prevent a recurrence of the events surrounding that failure. The other petition to which the committee is responding is that urging Parliament to consider instructing the Department of Planning and Urban Development to cease rezoning Helena Valley. Responses are expected from Ministers and

other bodies concerning the remaining petitions before the committee. A report on all finalised petitions will be presented to the other House before the spring session.

The Attorney General seems to think that the committee should not bother doing anything about constitutional matters. He will be remembered in history as the architect of the ambush which forced the Parliament of Western Australia to adopt securities legislation which it had no more than three or four days to consider.

Hon J.M. Berinson: Your party supported it.

Hon R.G. PIKE: This House had previously resolved that it would not support such legislation. As a consequence of his ambush he capitulated and went from a standpoint which was honourable and proper to one which was dishonourable and improper.

Hon J.M. Berinson: You are getting worse the longer you speak.

Hon R.G. PIKE: That is also not for the Attorney General to judge.

Hon J.M. Berinson: Before you said I could not judge myself and now you are saying I cannot judge you.

#### *Point of Order*

Hon MARK NEVILL: Only 15 minutes remain for debate and the matter the member is addressing is completely irrelevant to the motion.

The PRESIDENT: I do not know if it is. I ask Hon R.G. Pike to ensure that he does not drift from the point of the motion.

Hon R.G. PIKE: I submit to Hon Mark Nevill -

The PRESIDENT: Order! The member does not need to submit to the person who raised the point of order; he should do what I asked him to do.

#### *Debate Resumed*

Hon R.G. PIKE: This House was asked at that time to discuss uniform legislation which fundamentally affected the Constitution and the laws passed by this Parliament. What I considered to be an ambush of this Parliament by its passing legislation which fundamentally affected the Constitution could never be interpreted as not being germane to the subject matter before the Chair. The member may not like what is being said because it is fact; however, it could never be interpreted as not germane. In fact, it includes the title of the Attorney General's motion; that is, "Uniform legislation and Statute revision". Because this Parliament was ambushed by the Attorney General - who, history will record, capitulated on his principles for expediency - the committee has resolved to now proceed with a review of how legislation should be formulated and to arrive at means by which the Western Australian Parliament can be guaranteed adequate time to review uniform legislation. This matter was initiated for discussion and is the subject of correspondence with the Presiding Officers of each Parliament of Australia, all of whom have replied to the committee. Only last week, as part of the consultation process, the advisory research officer, Mrs Jenny Westaway, travelled to the Eastern States to examine the most satisfactory means of undertaking comprehensive Statute revision. She sought the advice of Parliamentary Counsel in those States in order to coordinate the activities of our committee.

One of the most fundamental activities of our committee is to review the process by which Statutes are revised and by which uniform legislation is imposed on the States by a Commonwealth which controls the purse strings. Evidence in the last three to four weeks has shown that if a body has the money power it has the actual power, whether the Constitution says so or not. To detour the proper functions of this committee, in an isolated way, to the Standing Orders Committee to satisfy the whim of the Attorney General - who is obviously apprehensive and concerned that we should now be dealing with a petition which refers to the Government's handling of the Western Women's saga and more particularly to discover whether the State bears any legal responsibility for that - is a matter of the utmost importance. It is not a matter which should be deferred, delayed and buried by investigations.

As the architect of initiating all the Standing Committees of this house, I am certainly not one who holds steadfastly to the proposition that because I wrote a set of Standing Orders

and a set of terms of reference that they should be cast in concrete - far from it. Quite properly, there should be a review, as the Attorney General suggests, of all the functions of the committee, not of one function only.

Finally, I can inform the House - and I apologise to the members of the committee, because this information was relayed to me today and they should have been advised beforehand - that I have been advised that, as a consequence of the suggestion I made some time ago, the Clerk of the Legislative Council, Mr Marquet, and Mrs Westaway are looking into the computerisation of the Statute Book with linkages to *Hansard* and related legislation as well as extensive research facilities. They will determine whether these functions can be coordinated and made available to members of Parliament.

Having heard all that, members will be delighted to know that I am not about to embark on an explanation of all the other material I have in front of me. I make the point to the Attorney General, which I made in his absence, that there is a very comprehensive and thorough method of handling petitions. In fact, there are comprehensive files on petitions and the committee will consider them as it begins to function in a proper way. It is true to say that there was a period of time when the committee should have met but did not. This was for the very good reason that one of the members is a country member, and another member had been given leave of absence, quite properly, and he was simply not in the country. In a committee of three members it is very difficult to meet if one member lives in the country and another is overseas. To the degree I am culpable for not having meetings, I accept that as a criticism. However, it was very difficult.

It is also true to say that in the early stages of the establishment of the committee it did not meet because, as members would know, there was a continual transfer of staff and an unavailability of staff. Members may recall also that in the last financial year this Government, by depriving the Legislative Council of funds and thereby staff and research facilities and by a contemptible prorogation of Parliament - a prorogation which will go down in history as one of the worst acts of an Executive Government - in order to shut up the committees which existed in this Parliament, delayed the functions of the committee. With those comments, the Opposition opposes the motion.

**HON MARK NEVILL** (Mining and Pastoral - Parliamentary Secretary) [4.24 pm]: The Standing Committee on Constitutional Affairs and Statutes Revision was formed some 16 or 17 months ago and has been in operation for about 12 months. It is timely for the Standing Orders Committee of this House to review its work. When the committee was first established I considered that too many committees of this House had been established.

I refer members to the excellent report prepared for the Legislative Council in 1985 by a committee which was co-chaired by Hon Vic Ferry and Hon Jim Brown. Hon Ian Pratt and I were the other members of that committee. The committee recommended the establishment of three committees. It proposed that one of the committees be known as the legislative and general purposes committee. It was to undertake the functions of our existing Standing Committee on Legislation and, in addition, it would have dealt with petitions and other matters of a constitutional and legal nature affecting or relating to the State of Western Australia. Therefore, the proposition was that the House set up one committee encompassing the functions of the existing Legislation Committee and the Standing Committee on Constitutional Affairs and Statutes Revision.

I am not one of the chairmen of the present committees who are meeting together and I am not aware of the discussions they have had about the general performance of the committees. However, as a member of the committee under discussion I can express my view: The Standing Committee on Constitutional Affairs and Statutes Revision has not made any progress on the two major areas of its brief - constitutional affairs or Statute revision. Basically, the committee has been preoccupied with the review of petitions. I found it quite strange that some of the petitions could be referred to as Dorothy Dix petitions. I hope Hon Bob Pike was referring to only one petition and not those he listed. I certainly take them all seriously, but many of them should not be investigated by a committee of this House. Duck shooting is a political issue and it would be an absolute waste of the committee's time to inquire into petitions on that topic.

Hon Bob Pike referred mainly to what the committee was proposing to do and not to what it had done. I was not aware that this motion which was moved some three weeks ago was to



be moved. At that stage there was no proposed inquiry into the Western Women Group or into a petition relating to the Women's Information and Referral Exchange. The proposal to have the Statutes and regulations on a database is already in train and I cannot see anything new about it. However, I must refer to the report that was prepared on the issue of sexual offences against children. Hon Bob Pike said that the Attorney General was not aware of that report; however, I discussed the report with the Attorney General. Hon Bob Pike spoke over the Attorney General's interjection because he knew that the Attorney would clarify that point. The Attorney has been in this House throughout the entire debate except for a short period. If one listens to Hon Robert Pike one would think that the Attorney had not been in the House or, if he had been, he was here for only a few minutes. That is totally misleading.

The committee prepared a reasonable report on sex offences against children, but in some ways it was covering ground which had been thoroughly canvassed by the Law Reform Commission and the task force on child sexual abuse. The committee was raking over the coals of an issue which had almost been done to death and it knew that a package of Bills was being prepared for presentation to the Parliament. Like other members in this House I have been constantly asking when the Bills will be introduced. I was hoping they would be introduced before the end of this session, but it is difficult to get all the Bills drafted. Notwithstanding that, I hope the Bills will be introduced.

Subsequent to the motion having been moved by the Attorney General the committee had before it a request from the Standing Committee on Estimates and Financial Operations to inquire into the Western Women Group and into WIRE. This issue has been the subject of a Public Service inquiry.

Hon R.G. Pike: The petition does not mention WIRE.

Hon MARK NEVILL: It does. This issue has also been the subject of a Criminal Investigation Bureau inquiry, an Australian Securities Commission inquiry and the liquidator inquiry. We should not undertake an inquiry into it before those other groups bring down their reports. I have no problems with holding an inquiry into the Western Women Group and WIRE, but it is pointless to do that before the reports of those inquiries I mentioned have been brought down. The committee may be wasting its time and there are more important issues which need attention.

There is a need for a review of petitions, constitutional and legal affairs matters and Statute revisions, but these issues would be better catered for by the Legislation Committee. We have the same research officer for both committees, and the Legislation Committee is worked about 20 times as hard as the other committees of this House. The report to which I referred earlier recommended the appointment of nine members to a legislation committee which could be split into subcommittees, which would reduce the workload on Legislation Committee members like Hon Peter Foss, Hon Derrick Tomlinson, Hon Cheryl Davenport, Hon John Caldwell, and the Chairman, Hon Garry Kelly. Those members shoulder an unfair burden of work. The Standing Orders Committee, in its wisdom, should consider amalgamating this committee with the Legislation Committee. That would be far more stimulating for members like me who are members of the Constitutional Affairs and Statutes Revision Committee, and the House would probably get better value out of its resources. The Standing Committee on Constitutional Affairs and Statutes Revision has by no means disgraced itself. It has performed a useful purpose and done some useful work. However, we should amalgamate the two committees.

[Debate adjourned, pursuant to Standing Order No 195.]

## CRIMINAL LAW AMENDMENT BILL

### *Second Reading*

Debate resumed from 6 November.

HON J.M. BERINSON (North Metropolitan - Attorney General) [4.31 pm]: I thank the members of the Opposition who have participated in the debate on this Bill and who, in general, have been supportive of it. The best way that I can approach this reply is to deal specifically with the questions that were raised by Hon Derrick Tomlinson and Hon Peter Foss, and then provide some advance indication of the place of the amendments which I have circulated and which, to a large extent, incorporate suggestions that have been made by Hon Derrick Tomlinson.

Hon Derrick Tomlinson asked, first, for some elaboration of the year and a day rule. He pointed out that where a person does something that causes the death of another but the death does not occur for, say, 10 years, then under the law as proposed that person could be charged with manslaughter, murder, or wilful murder after the death occurred. He used the example of a deliberate infection of a person with AIDS, and indicated that that could be a situation where a later charge of murder or wilful murder would be justified. That is quite correct, although much earlier action is now proposed for any action deliberately taken to infect a person with AIDS. I have foreshadowed that an amendment to the Criminal Code that is now in preparation will provide a new offence covering that position, but that would not preclude the possibility of a later charge on the other offences, although in respect of AIDS there would then be practical considerations about whether a person who deliberately infected another would still be alive 10 or 20 years after the event.

Hon Derrick Tomlinson also asked questions about the provisions dealing with the defence of property, and I propose to respond to those at some small length because I am not confident that I grasped the point he was making. He stated, as reported in *Hansard* at page 6108, that -

... the popular perception in the community might be that these amendments give them -

And that is referring to the victims -

- greater liberty to take action to use force to defend their property. I suggest to the House that that is a dangerous understanding for citizens to have. Even though the present law is quite clearly understood - that is, one cannot cause a person bodily harm while one is defending one's property - the proposed new law is that if one does not intend to cause grievous bodily harm that gives greater opportunity for a person to use force. It is a misapprehension, and that misapprehension needs to be put to bed. It is not the intention of the amendment, but it could be a consequence of misunderstanding the effect of the amendment.

The perception to which Hon Derrick Tomlinson draws attention in that passage is a correct perception, subject to one proviso that I will add. It is the deliberate intention of these amendments that a person who acts in the defence of his property can use more force to defend his property than would be justified under the current law. The only thing to be added to that - and this may have been the point that Mr Tomlinson was getting at - is that it would not be enough for a person to use excessive force and then to say that he did not intend to cause grievous bodily harm. That arises because as well as the legislation's requiring a lack of intention to cause grievous bodily harm, it also requires that the action taken be not such as would be likely to cause grievous bodily harm. Had Mr Tomlinson been referring to the twofold requirement, there would be no difficulty between us. However, I was not altogether confident that that was the point being made. If it was, it would have represented the position correctly, and it would have provided a worthwhile reminder to persons looking to protect their property that the present amendments are not intended to allow them a totally unlimited amount of force in the course of that protection.

Hon Derrick Tomlinson also referred to previous amendments which floundered because of particular offences falling into a dead hole, so to speak, between summary process and charge on indictment. His reference was quite correct. He referred to the effect of a previous Act which inserted section 378A into the Criminal Code. Following the decision by the court which drew attention to the resultant difficulty, section 378A was repealed last year and was replaced with amendments to sections 426 and 426A and the insertion of a new section 427.

Hon Derrick Tomlinson also asked for some information about the opportunity for persons charged with stealing a motor vehicle to elect to be tried on indictment. I will try to explain the intended position by saying that it will, in effect, operate in the same way as the combined provisions of the Criminal Code and the Road Traffic Act now operate in respect of unlawful use of motor vehicles. Under the new provisions, persons who steal motor vehicles will be charged by way of a complaint under section 378, and that is to be read with the proposed section 371A which deems unlawful use to be stealing. Those persons will be tried on indictment, subject to two provisos. On the one hand, it will be open to a defendant to elect for summary trial, and in those circumstances the current discretion of the court to

either proceed to summary trial or to rule against that on the basis that the particular case is too serious will apply. On the other hand, it will be open to a prosecutor to request the court to deal with a charge summarily and in that case that will be the way it is dealt with. In the latter case we have a reflection simply of the position which now applies to charges under the Road Traffic Act, where a charge is necessarily dealt with summarily and the prosecutor's discretion as to whether to lay the charge under the Road Traffic Act or under the Criminal Code effectively determines that.

Hon Peter Foss raised another matter which I do not think was all that substantive, but which I must say was quite interesting and even nostalgic.

Hon Derrick Tomlinson: You remember it well!

Hon J.M. BERINSON: Yes, I do remember it well. Hon Peter Foss took us through some quite interesting and, as I have said, nostalgic references to legal history as it affects the term "burglary". It is true, as Mr Foss pointed out, that no charge of burglary will be established by the new provisions. Again, however, that does not represent any change from the current position, because we do not have a charge of burglary now either. What we have currently is the term "burglary" in the headings to certain sections, and that will continue to be the case under the new sections, although I think the number of occasions on which the term "burglary" is used might be reduced from four or five to three or four; I did not think to count them.

Hon Peter Foss: So it disappears from the statutory headings?

Hon J.M. BERINSON: No, it does not. It is retained on at least three occasions; but it is quite right that neither in the present Act nor in the future Act will there be a charge of burglary as such. Although Hon Peter Foss said it was a pity that burglary should either disappear from or have some reduced place in the criminal law, and although I hesitate to suggest that this is deliberate because of any uncertainty about the nature of burglary, nonetheless the history of the matter to which his own references drew me indicate that there was, at least in earlier times, some considerable doubt as to the real nature of the offence of burglary, and in particular whether it necessarily required that the offence be committed at night. I am sure that Mr Foss will be interested to be reminded - because I am sure he would know this already -

Hon Peter Foss: I do not recall that.

Hon J.M. BERINSON: It might help Hon Peter Foss bring it to mind if I say that the nature of burglary, I find, was a matter of some doubt and uncertainty until close to the beginning of the sixteenth century. If I give Mr Foss the next reference he will certainly remember it, because towards the end of that period, according to Coke -

A burglar is a felon that in the night breaketh and entreth into the mansion house of another, of intent to kill some reasonable creature, or to commit some other felony within the same, whether his felonious intent be executed or not.

Now Hon Peter Foss remembers it, does he not?

Hon Peter Foss: That is my understanding.

Hon J.M. BERINSON: That is right. I am sure the year 1827 will also come readily to Hon Peter Foss' mind. That was a good year for burglary, one might even say a vintage year for burglars. Members will be interested to know that until 1827 a burglar who stole goods to a value above 40 shillings was subject to death by hanging. In 1827 Sir Robert Peel, in a burst of reforming enthusiasm, increased the amount which required the death sentence to £5; and that, in a way with which we will all be familiar, led to two sorts of comment. On the one hand, he was accused of being the equivalent of "soft on crims"; on the other hand, another of his critics was unkind enough to remind him that that increase from £2 to £5 did not even match the rate of inflation from the period when the £2 was set, which was in the reign of Queen Anne of blessed memory. I think the latter comment about the inadequacy of the reflection of the effects of inflation was made by one of the accountancy ancestors of Hon Max Evans and I am sure that, had he been here, he would have been able to remind us of that as well.

Mr Deputy President you may have the impression that what I have just said does not relate very closely to the Bill. All I can say in my defence is that it relates as closely to the Bill as

did Hon Peter Foss' interesting reminder about the institutions of the reeve and hue and cry.

Hon Derrick Tomlinson: You overlooked Gilbert and Sullivan, according to whom "To marry two at once, is burglary".

Hon J.M. BERINSON: Leaving that short diversion into legal history and returning to the Bill, I want to say that it includes a number of important provisions. I am pleased that it has the support of the Opposition, and particularly that it has that support in a way which enables the Bill to proceed quickly. I am hopeful that with the amendments to which we will move in the Committee stage it will be possible to refer the Bill to the Assembly this week, and that will make it possible in turn for the Bill to be enacted by the end of this session. There are several aspects of it which justify that early treatment, and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

#### *Committee*

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

#### **Clause 1: Short title -**

Hon PETER FOSS: I commend the Attorney General for his recently demonstrated scholarship. It is always important to understand the historical basis of any law before making a change to it. I defend the relevancy of my remarks and ask the Attorney General to deal with them. I raised the matter of hue and cry and the subsequent change to English law to indicate the change in community attitudes; that is, from individuals enforcing the law and taking responsibility for policing, to the establishment of a community paid police force - hence the comments about Sir Robert Peel.

Clearly, in making changes to the law we are not in any way seeking to have the public engage in self-defence; it is merely a matter of recognising that it is appropriate to change the standards by which community members are said to overstep the mark. I do not want to be seen as encouraging people through legislation to enforce the law themselves. Also, it is a shame that we have reached the stage where we consider it more appropriate to raise the level of force which can be used, and we as a Parliament should be seeking to ensure that our Police Force is adequate and is enforcing the law adequately so that the community does not find it necessary to apply the powers to be conferred by the legislation. Regardless of my support for the Bill, it must be made clear that its intent is not to encourage members of the community to take the law into their own hands.

Hon J.M. BERINSON: That is a fair summary of the position we face; I have no argument with the member's comments.

Clause put and passed.

#### **Clause 2: Commencement -**

Hon PETER FOSS: As the Attorney General is aware, I always have concerns with provisions such as clause 2(2) regarding proclamation. Can the Attorney General give some indication of when he believes that the provisions within the Bill will be proclaimed?

Hon J.M. BERINSON: The parts of the Bill which will come into operation on the day of Royal assent include the repeal of the year and a day rule and the defence of property provisions; the other matters which have been set aside to come into effect by proclamation include the penalty clauses, pre-trial procedures, burglary, offences in places, and motor vehicle theft. The reason for this separation is the need to ensure that all courts are fully informed of the changes, especially regarding pre-trial procedures, and the need to ensure that adequate time is provided to organise for the processes. To some extent that will require consultation with the judges, and I am confident that they will be as interested as we are in having these provisions in place as soon as possible. I am sure this will be possible by 1 January.

Hon PETER FOSS: In view of concerns expressed in this Chamber about legislation containing open dates for proclamation, the Attorney General should give instruction that in

future such Bills should not depend upon Government instruction to bring an Act into place. Such Bills should contain deadlines for proclamation. It should be possible to work out a "no later than six months following Royal assent" provision. Therefore, in future it would not be possible to have Acts left hanging following Royal assent. The Attorney General said that the legislation will come into effect by 1 January, but this Parliament should attempt to fix that matter. I hope that can be dealt with in future.

Hon J.M. BERINSON: It is fair to say that our general approach to drafting is already much more sensitive on that issue. On a number of occasions Bills are still expressed to come into effect on a day or days to be proclaimed, but these are now much fewer than was previously the case. As a general principle, I have no problem with the member's proposition. However, I am not sure that it can be applied universally; I have in mind a couple of Bills which involved a number of steps which had to be taken, and each step was dependant on the one before. In that case one could not be sure that six months would be adequate time for the procedure to take place. One answer to that kind of proposition is that Parliament will sit again within six months, and Parliament can remedy the situation. However, it is not easy to introduce more Bills into the Parliament. Nevertheless, the general principle raised by the member is well understood and accepted.

**Clause put and passed.**

**Clauses 3 to 6 put and passed.**

**Clause 7: Section 611A inserted -**

Hon J.M. BERINSON: I move -

Page 4, line 14 to page 5, line 8 - To delete the lines and substitute the following -

**Matters may be dealt with before trial**

" 611A. (1) Before an indictment has been presented to a court against a person committed to the court for trial or after an indictment (including an *ex officio* indictment) has been presented to a court against a person and before a jury is sworn, the court may -

- (a) determine any question of law or procedure if it considers it is convenient to do so to facilitate the preparation for, or the conduct of, the trial, or is otherwise desirable;
- (b) determine any question of fact which in a trial may be determined lawfully by a judge alone without a jury;
- (c) permit the person committed or indicted to make admissions under section 32 of the *Evidence Act 1906*, notwithstanding that the person's trial has not begun.

(2) The judge constituting the court which deals with any matter under subsection (1) need not be the judge who constitutes the court when the trial of the person committed or indicted takes place before a jury.

(3) Any proceedings under subsection (1) occurring before the trial of the person committed or indicted has begun are to be taken as being part of the trial.

(4) The powers in subsection (1)(a) and (b) may be exercised where a person has been committed to a court for sentence. "

The background to this amendment, which is to replace proposed new section 611A, is that I originally circulated the amendment with a view to clarifying the intention of the original draft. My amendments were followed by proposed further amendments to them circulated by Hon Derrick Tomlinson. The opportunity has been taken to incorporate a number of his proposals in my amendments, the first of which is now before the Committee.

**[Questions without notice taken.]**

Hon J.M. BERINSON: I will now give a brief indication of the reasons for the amendments. After the word "committed" in line two and the word "presented" in line three of proposed new section 611A(1) in the original draft the words "to a court" have been added. This addition is to add certainty to the words "the court" in the last line of the preamble to

proposed section 611A(1). Secondly, the words "for sentence" in line two of proposed section 611A(1) of the original Bill have been deleted. A new section 611A(4) has been added so that the powers in proposed new section 611A(1)(a) and (b) can be exercised where a person is committed for sentence.

As originally drafted proposed section 611A(1)(a) may not clearly convey its intended operation. As a result it has been redrafted so that it more clearly indicates that a court can determine questions of law or procedure where the court considers that would be convenient to facilitate the conduct of, or preparation for, the trial in due course or would otherwise be desirable. In addition, proposed section 611A(1)(b) has been redrafted to make it clear that what is intended are questions of fact which, in a trial, may be determined by a judge alone. Proposed section 611A(1)(c) as drafted in the Bill does not enable admissions before actual arraignment and plea when the trial normally begins as admissions may be made only "under section 32 of the Evidence Act" and "on his trial". Section 32 of the Evidence Act states -

An accused person, either personally or by his counsel or solicitor, in his presence may admit on his trial any fact alleged or sought to be proved against him, and such admission shall be sufficient proof of the fact without other evidence.

Proposed section 611A(1)(c) has been redrafted to make it clear that section 32 of the Evidence Act is being amended and expanded to allow pre-trial admissions. Finally, in proposed section 611A(3) as drafted in the Bill the phrase "a matter is dealt with" does not accurately fit the occurrences contemplated by section 611A(1); that is, as section 611A(3) appears in the Bill it is not clear what a "matter" is and that is proposed to be replaced by reference to "proceedings".

Hon DERRICK TOMLINSON: A first draft of the amendments moved by the Attorney General was circulated during the second reading debate. I was critical of the language used and construction of those amendments even though I support the principles they advance. My colleague, Hon Peter Foss, went so far as to describe some of the words as otiose. I cannot recall whether he went so far as to say the drafting was prolix. In private conversation later we suspended judgment on whether the language was otiose or merely convoluted. The Attorney General took note of the suggestion we made in an attempt to clarify the construction of the language of the amendments. Not only did he respond to them, but also gave me a detailed explanation of why he did not accept some of our suggestions. I thank the Attorney General for the information he provided, not only in response to the suggestions that I made but also for the detailed explanation of the amendments now before us to clause 7 to change the construction of new section 611A. It made it much easier for us to understand and accept the Government's reasoning and in this case we support the amendment as moved.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clause 8: Section 251 amended -**

Hon J.N. CALDWELL: I draw the attention of the Chamber to the fact that this clause is one which the National Party has been bringing to the notice of the Parliament and to the people of Western Australia for some years. The member for Stirling, Monty House, has attempted several times to introduce similar legislation without success. We are very disappointed that the Government did not recognise the necessity to introduce this legislation at that time. This is something which has been brought to our attention in country areas many times. People have wanted to defend their properties, but they have always had at the back of their minds the fact that if they cause harm to the person attacking their property or attempting to take it over they could be prosecuted, and prosecuted very heavily. As a result the member for Stirling brought this matter to the attention of the Parliament two or three times, but unfortunately the Government rejected his Bill. We are thankful that the Government has now recognised the fact that this legislation is absolutely necessary.

The member for Stirling's amendment included a provision for necessary or reasonable force to be used in protecting one's property. The Government was not sure that reasonable force was adequate, so it decided to bring part 3 of this Bill to the attention of this Chamber. I hope that as a result the people of Western Australia will have the protection that they deserve. This part should provide some deterrent to those people intending to commit a

crime, and make them fear some reprisal. In the long run some criminals, especially the younger ones who are defying the law in increasing numbers, may be deterred. I support this amendment, but I am disappointed that this type of law was not in force some years ago.

**Clause put and passed.**

**Clause 9 put and passed.**

**Clause 10: Section 254 repealed and a section substituted -**

Hon J.M. BERINSON: I move -

Page 6, lines 24 to 26 - To delete the lines and substitute the following -

254. (1) For the purposes of this section and section 255, the term "place" means any land, building, structure, tent, or conveyance, or a part of any land, building, structure, tent, or conveyance.

May I anticipate further discussion by saying that the reasons for the amendment are the same as those for clause 13(1). The same considerations apply to the amendment which I have circulated to clause 11 as apply to the circulated amendments to clause 13(2). The Bill now provides that "'place' means any land, structure, or conveyance or any part thereof." That phrase, "or any part thereof", may have been construed as relating only to a conveyance. The amendment makes it clear that the words "or part thereof" refer to part of a building, structure, tent or conveyance.

Hon J.N. CALDWELL: This clause deals with the defence of property against trespassers and the removal of disorderly persons. In many cases one person cannot do that on his own, so he may call for assistance. Is the person assisting someone to defend his property covered by this clause or some other clause? Does he have the same right to use force as the person protecting his property?

Hon J.M. BERINSON: That aspect is covered by the provision of proposed section 254(3) which provides, leaving out the irrelevant words, "The authorization . . . extends to a person acting by the occupant's authority".

Hon DERRICK TOMLINSON: The Attorney General's explanation in reply to Hon John Caldwell's question has raised some further questions in my mind. I understood the intention was that proposed section 254(3) would apply to persons such as bouncers employed for the specific purpose of protecting property and maintaining law and good order in such places as nightclubs. I am not sure what a bouncer is; I have never seen one.

Hon P.G. PENTAL: He would have some trouble with you, I think.

Several members interjected.

Hon DERRICK TOMLINSON: While I accept the need to put that limitation on the force which a person such as a bouncer might use, what is the position in the case of an employee on a farm who is employed for other duties? The farmer might be Hon John Caldwell, and he might happen upon somebody attempting to take possession of his property unlawfully. If he calls for assistance from his farm-hand or employee, does the same limitation apply where the employee is not employed specifically for the purpose of protecting property? He may be employed for another purpose and he happens to be on hand at a time when assistance is needed to protect the property of the owner.

Hon J.M. BERINSON: The exception specified in proposed section 254(3) applies to people like bouncers, being employees whose duties are directed to that sort of activity. A farm employee would not normally be regarded as having been employed for that purpose. If his being there resulted in his assisting the farm owner, for example, that would not make him subject to the exception.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clause 11: Section 255 amended -**

Hon J.M. BERINSON: I move -

To omit the clause and substitute the following -

**Section 255 amended****11. Section 255 of the Code is amended -**

- (a) by deleting "land, structure, or vessel," and substituting the following -  
" place "; and
- (b) by deleting "property" and substituting the following -  
" place ".

**Amendment put and passed.****Clause, as amended, put and passed.****Clause 12 put and passed.****Clause 13: Sections 400 to 404 repealed and sections 400 and 401 substituted and consequential amendments -****Hon J.M. BERINSON: I move -**

Page 8, lines 14 and 15 - To delete "conveyance or part thereof" and substitute the following -

conveyance, or a part of a building, structure, tent, or conveyance,

As previously indicated, the reason for the amendment is the same as that which applied to the amendment to clause 10.

**Amendment put and passed.****Hon J.M. BERINSON: I move -**

Page 10, after line 5 - To insert the following -

s.244 Delete "breaking and".

Delete "break and".

This amendment is also consequential on the earlier amendments which move from the terminology of breaking and entering and break and enter.

**Amendment put and passed.****Clause, as amended, put and passed.****Clauses 14 to 21 put and passed.****Schedule put and passed.****Title put and passed.****Bill reported, with amendments.****CORPORATIONS (WESTERN AUSTRALIA) AMENDMENT BILL***Second Reading*

Debate resumed from 22 October.

**HON J.M. BERINSON** (North Metropolitan - Attorney General) [5.57 pm]: In the course of the second reading debate Hon Peter Foss drew attention to the fact that under certain circumstances it would appear that the repeal of provisions dealing with the Ministerial Council under the former Companies Code could result in an inability to extend time for prosecutions where that was necessary. I have since made inquiries on this issue, and I wrote to Mr Foss on 1 November in the following terms -

For all practical purposes, the former MINCO has been overtaken by the new Ministerial Council for Corporations, though the same parties comprise both bodies.

The former MINCO was established under the former Formal Agreement between the Commonwealth and the States. As you point out, a copy of the former Formal Agreement is scheduled to the National Companies and Securities Commission Act 1979, through the Interpretation Section of that Act. The former Formal Agreement does, however, have an existence outside the National Companies and Securities



Commission Act 1979 and repeal of that Act will not cause the repeal of the former Formal Agreement.

The copy Heads of Agreement which were tabled by me some time ago made no mention of the former Formal Agreement. I believe that a copy of the draft Corporations Agreement setting out the new National Scheme has not been made public. I do, however, enclose a copy for your interest and draw your attention to clause 1006 which provides that:

"The former agreement ceases to have effect on the coming into operation of this Agreement except to the extent that it is necessary or appropriate for the Ministerial Council established under the former agreement to exercise any powers, authorities, duties, or functions after this Agreement comes into operation."

In so far as the new National Scheme legislation does not deal with the question you have raised, any extension of time to institute proceedings can be dealt with by the former MINCO in the same manner and way that it has always been able.

In further discussion with Hon Peter Foss I undertook to obtain an assurance from the present Ministerial Council that the new formal agreement would give effect to that general proposition in respect of the specific case of the need to extend time for prosecutions.

*Sitting suspended from 6.00 to 7.30 pm*

Question put and passed.

Bill read a second time.

#### *Committee*

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

#### **Clause 1: Short title and purpose -**

Hon PETER FOSS: I was pleased to hear the Attorney General's reply to my concern about the possible repercussions of repealing the National Companies and Securities Commission Act. Although it by no means follows that repealing the Act would cause the agreement that was annexed to that Act to come to an end, it does raise necessarily the question of the status of that agreement. I am pleased that the Attorney has clarified that the agreement, although not thriving, nonetheless still exists, and will continue to exist until it has been formally discharged by agreement; and, secondly, that the draft already prepared to discharge that deed specifically is intended to say that the Ministerial Council continues to exist in order to have some role to play under the code as it previously existed. It was quite clear that it would not be sufficient to replace it with a new Ministerial Council because that would not be the Ministerial Council referred to in the various or scheme Acts. It cannot be substituted by having another Ministerial Council replace it; it must be the same Ministerial Council which has continued. I understand from what the Attorney has said that is the intention. The old agreement and the Ministerial Council will disappear for all purposes but this, but for this purpose will continue. That is an excellent state of affairs and for that reason I will not be moving the amendment that I had previously signified I would move.

It would be a good idea if an amendment of that nature were contemplated specifically to transfer the powers of the Ministerial Council under the scheme Act to the Commonwealth Minister. It seems that a tidying up of that nature should take place because otherwise this Ministerial Council may exist forever and a day. It may not be possible at this moment to make that alteration, but I ask that at the Ministerial Council the Attorney General specifically raise the question whether some form of amendment could either transfer the function to the new Ministerial Council or transfer it to the Commonwealth Minister. I think we will have a number of amendments to this Act coming through because every practitioner I talk to has some difficulty with the scheme of the new enactments we have set up. There will be plenty of opportunities in the future to do something to tidy up the legislation and to get it right, and this should be on the agenda for legislative attention. Members will notice that in other parts of the new Corporations Law there have been specific transfers of functions from the old bodies to the new bodies. It seems a little strange that we do not transfer this function from the old body to the new body. With the undertaking given by the

Attorney General that there will not be a removal of the Ministerial Council, but that there will be a provision in the new deed continuing the old Ministerial Council for purposes such as this, I am happy with the Bill as it is now presented.

Hon J.M. BERINSON: Hon Peter Foss has anticipated the difficulties in attempting to move for an amendment to the Bill to cover the problem that has concerned him. It is not practically open to us, if only because a number of other jurisdictions have already passed their Bills and we would get into a problem with uniformity which would raise all sorts of difficulties.

On the other hand it is certainly reasonable to look to an amendment of the Act on some future occasion. I have not received advice on that nor examined the implications of it; however, I will arrange for that to be done.

It is not necessary to wait on the next Ministerial Council meeting for such amendments because the Ministerial Council does not have any role in initiating legislation. I will be happy to convey the proposal by Hon Peter Foss to the attention of the Commonwealth Attorney General because he is now the initiating authority for any legislation. What follows from that is not within my control. However, the other procedure open to us - that is, to look to some assurances on this matter at the time of the new formal agreement - is a matter I can and will pursue if necessary.

**Clause put and passed.**

**Clauses 2 to 20 put and passed.**

**Title put and passed.**

#### *Report*

Bill reported, without amendment, and the report adopted.

#### *Third Reading*

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

### **MARGARINE REPEAL BILL**

#### *Second Reading*

Debate resumed from 23 October.

HON W.N. STRETCH (South West) [7.44 pm]: The Liberal Party supports the Margarine Repeal Bill. The Margarine Act was aimed at regulating and controlling the manufacture and sale of margarine throughout Western Australia because it was considered a great threat to the dairy industry. In those days the dairy industry, particularly the butter fat industry, was a strong lobby group because many farms were sustained by the butter or cream cheque that came in each week. Now, for better or worse, the number of butter fat producers in Western Australia has decreased and the threat of margarine is reduced. In fact, the production of vegetable oils has moved into a more efficient phase and the production of canola - previously known as rapeseed - has led to a growth in the edible oil industry in Western Australia. It is hoped that before long Western Australia will be supplying significant tonnages of canola seed to other parts of the country because at present most margarine factories are importing edible oils from other States.

The Liberal Party supports this legislation because it is moving with the times. Previously restrictions were placed on the size and shape of containers in which margarine was sold. It was considered throughout the industry that these measures were outdated and in moving into a new phase in the production of margarine the old Act is no longer necessary. This Bill will remove certain impediments to the margarine industry and while those in the industry are desperate to find alternative crops, canola is providing some hope. The control of diseases in this crop is being addressed and the production of canola will provide farmers with a more diverse form of production.

HON J.N. CALDWELL (Agricultural) [7.47 pm]: I rise to support this Bill on behalf of the National Party. The dairy industry experienced difficulty with the introduction of margarine and the Margarine Act was introduced to help safeguard the industry. The dairy industry seems to have survived the introduction of margarine and a large percentage of

people in that industry are maintaining an improved standard of living. The canola industry has now established itself in Western Australia. I have had the pleasure of seeing experimental plots of this seed and I am sure that Western Australian growers will be able to take advantage of the production of better varieties of this seed. Canola's resistance to disease augurs well for this industry. We at Parliament House are lucky enough to be served butter. I think it is a much more favourable substance than margarine even though some people say it is not as healthy as margarine.

Hon B.L. Jones: It is high in cholesterol.

Hon J.N. CALDWELL: It is, but butter and margarine are now being mixed to form a substance which can be spread easily, and that is an advantage to the dairy industry. The dairy industry is coping very well now and oil seeds are being introduced into the agricultural region. I am pleased that the Margarine Act will be repealed.

**HON GRAHAM EDWARDS** (North Metropolitan - Minister for Police) [7.51 pm]: I thank members opposite for their contribution to the debate on the Margarine Repeal Bill. The few words which have been said indicate that members opposite have an in-depth knowledge of the industry and they fully understand the reasons for this Bill. I take this opportunity to record the Government's appreciation for the Opposition's support for this Bill.

Question put and passed.

Bill read a second time.

#### *Committee and Report*

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

#### *Third Reading*

Bill read a third time, on motion by Hon Graham Edwards (Minister for Police), and passed.

### **HONEY POOL REPEAL BILL**

#### *Second Reading*

Debate resumed from 7 November.

**HON W.N. STRETCH** (South West) [7.53 pm]: The Opposition supports the Honey Pool Repeal Bill and I am pleased that the industry and the Government have arrived at a satisfactory conclusion. It was in 1985 or 1986, when I was shadow Minister for Agriculture, that we had vexed conversations with many beekeepers and representatives from the honey industry. The outcome was that proposed legislation was not proceeded with and more consultation took place within the industry. It now appears from representations made to the Opposition that the parties involved in the negotiations are reasonably happy with the outcome.

As with any section of the agricultural industry which has a pooling facility there are people in the honey industry who have contributed honey to the pool for many years and have built up a substantial shareholding stake in its operations. When it comes to winding down an operation as old as the Honey Pool of Western Australia, which was started, I think, by Wesfarmers Limited, it is quite a task to locate all the contributors and to work out their shareholding stake.

If I remember correctly, the proposal in 1985 or 1986 was that the people who had contributed to the Honey Pool before a certain date would be kept out of the negotiations and the profits would go to those people still in the industry. That was hard on the people who had retired from the industry and I am pleased that the industry has now put forward a dual shareholding proposal in which everyone involved in the industry has a reasonable share of the pool. Those people who continue as producers will have shares in the newly formed company and will be able to contribute both product and expertise to it.

The Minister's second reading speech contained a lot of technical information and I congratulate the Government for the improvement in the information it provides in these second reading notes. On this occasion, the Minister's second reading speech made it easier

for the Opposition to understand from where the Government is coming in regard to this legislation.

The changeover process will be tedious and complicated, but I am pleased that a validation committee will be established to oversee the share distribution, to consider any appeals against class share offers and to make recommendations to the new board of directors. The validation committee will comprise an independent chairman, a non-beekeeping member of the Western Australian Farmers Federation and the chairperson of the Honey Pool and will be a representative body of the industry. Obviously the beekeepers are happy with these arrangements.

The study paper on the proposal for the commercialisation of the Honey Pool of Western Australia was tabled in this House on 7 November and has been of great assistance to members. That information and the obvious degree of consultation that has taken place has made it reasonably simple for the Opposition to consider the Government's proposals and to support the legislation. I certainly wish the new company well. The honey industry is important and valuable and a lot of ancillary benefits flow from it to the agricultural and horticultural industries. I repeat that the Opposition supports the legislation and it thanks the Government and the industry for the information they have provided.

**HON J.N. CALDWELL** (Agricultural) [7.58 pm]: I signify the National Party's support for the Honey Pool Repeal Bill. I congratulate the Minister on his comprehensive second reading speech. I recall that when he delivered that speech last week the House was running short of time and, in spite of it being a long speech, he managed to complete it within the time available.

As Hon Bill Stretch said, the honey industry is very important to Western Australia. When I was travelling to Perth yesterday I noticed a great collection of hives in reserves north of the old Halfway House and I certainly hope the beekeepers have a successful year. Honey farmers are the same as other farmers - they have good and bad years. I have noticed that the blossoms on the trees have remained for a long time this year and, of course, that is from where bees get honey. I hope the beekeepers have a successful season this year. I also wish the new company every success.

**HON GRAHAM EDWARDS** (North Metropolitan - Minister for Police) [8.01 pm]: I thank members opposite for their support of the Honey Pool Repeal Bill. It is obvious that apart from their knowledge of the industry, they looked at the Bill and at the second reading speech. The second reading speech was very detailed, and was accompanied by the proposal for commercialisation of the Honey Pool of Western Australia, which was tabled. I appreciate the support of members opposite for the legislation and the industry.

Question put and passed.

Bill read a second time.

#### *Committee and Report*

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

#### *Third Reading*

Bill read a third time, on motion by Hon Graham Edwards (Minister for Police), and passed.

### **MOTION - SITTINGS OF THE HOUSE**

#### *Thursdays*

Debate resumed from 5 November.

#### *Amendment to Motion*

**HON J.M. BERINSON** (North Metropolitan - Leader of the House) [8.03 pm] - by leave:  
I move -

That the motion be amended by replacing the date of 14 November 1991 with the date of 28 November 1991, and by replacing the time of 10.00 am with the time of 10.30 am.

Question put and passed.

*Motion, as Amended*

**HON GEORGE CASH** (North Metropolitan - Leader of the Opposition) [8.04 pm]: The Opposition supports the motion as amended. In recent weeks the leader of the National Party in this House, Hon Eric Charlton, and I have held a number of meetings with the Leader of the House to determine the hours at which the House should meet over the next three weeks, recognising that earlier this year the Government issued a schedule which indicated clearly that this session would finish at 6.00 pm on Thursday, 5 December. It was clear from those discussions that limited progress had been made on a considerable number of Bills. I think it is fair to say that the Leader of the House accepted responsibility for that limited progress, and requested both Hon Eric Charlton and me to take to our respective parties a proposition that would see the sitting hours of this House extended somewhat in order to accommodate the Government's legislative program.

I was not happy with the idea of our coming to the end of this session and finding, as we have found at the end of every other session, a legislative sausage machine-type situation existing. However, after some discussion between Hon Eric Charlton, the Leader of the House and me it was agreed that consideration be given to two Thursday morning sittings - namely Thursday, 28 November and Thursday, 5 December - upon the clear understanding that the House would not sit past 6.00 pm on both those Thursdays. Agreement has been reached between the Liberal Party, the National Party and the Government that this Wednesday the House will sit beyond 11.00 pm in order to consider a number of Bills, some of which fall into the category of private members' Bills. It will obviously be up to members of this House when we finish on Wednesday night - or Thursday morning, as it is more likely to be. It is not intended to sit early this Thursday morning. I advise the Government that members of the Opposition generally are not happy with the situation. However, we reluctantly agree to this arrangement, recognising that little progress has been made on a number of Bills in this House, either because the Government has not been ready at times to progress legislation or because the legislation has not flowed through from the other place on a regular and consistent basis.

Question put and passed.

**MOTION - STANDING COMMITTEE ON LEGISLATION***Standing Orders Committee Referral**Committee*

The Chairman of Committees (Hon J.M. Brown) in the Chair.

Hon J.M. BERINSON: I move -

That the report of the Standing Committee on Legislation be referred to the Standing Orders Committee for consideration and report.

I need only advise the Chamber that the motion I have moved is at the request of the members of the Standing Committee on Legislation and I understand that the motion has the agreement of all of them.

Hon GEORGE CASH: I second the motion. In view of the fact that the Attorney General has given the assurance that it is his understanding that members of the Standing Committee on Legislation have agreed to this referral, the Opposition will support it. I would have preferred the two Liberal members of that committee, Hon Derrick Tomlinson and Hon Peter Foss, to be here, but both are unavoidably delayed due to parliamentary duties elsewhere. However, I am sure that the Standing Orders Committee will take their comments into account, even if that requires an audience by those members before the Standing Orders Committee at the appropriate time.

Hon J.N. CALDWELL: Although I am a member of the Standing Committee on Legislation I have no knowledge of this motion, but I suspect no harm will be done by it. I was looking across the Chamber and someone else was shaking her head as well, and we are the only two in here at the time.

Hon Tom Stephens: Perhaps you could tell the Chamber how long the Standing Orders Committee would take to consider this matter?

Hon J.N. CALDWELL: I am a member of the Standing Orders Committee as well, so I will

be looking into my own Standing Committee. I am sure to agree with whatever the Legislation Committee has done!

Hon Tom Stephens: Does your committee need a time frame for this motion?

Hon J.N. CALDWELL: I cannot see any harm in it and I hope that will be verified later on.

Question put and passed.

#### *Report*

Resolution reported and the report adopted.

### **APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL**

#### *Second Reading - Budget Debate*

Debate resumed from 5 November.

**HON TOM HELM** (Mining and Pastoral) [8.14 pm]: In making my contribution to the Appropriation (Consolidated Revenue Fund) Bill I will start where Hon Peter Foss left off. He left us with some quotations from the television show "Yes, Minister", and explained how our Budget would best be served if we adopted output funding of Government ministries and departments rather than input funding which is the system we have now. For instance, he said that the number of beds filled in a hospital determined the funds the hospital would receive from the Consolidated Revenue Fund, and that led to inefficiencies, whereas if we funded hospitals on the basis of the number of people who were made well and discharged, that would be efficient. Hon Peter Foss described to the House one of the "Yes, Minister" programs he saw; I also saw it, and it was one of the best of the series. It concerned a new hospital which had a staff of 800 but the funding had been stopped because there were no patients.

Hon P.G. Pandal: They were outraged at the very thought of it.

**Hon TOM HELM:** The work of the hospital went on whether or not the hospital had patients. Perhaps you, Mr President, have been exposed to some parents and citizens' associations where the people say that the schools are okay but the pupils spoil them. That might have some merit, but that is not the way we fund Government departments. If we went the way Hon Peter Foss suggested we might, there would be no hesitation by any Government in closing down our country hospitals, particularly those in the north west which are in major mining areas but which have many empty beds because, thank goodness, there is not much call for them. If we followed the philosophy Hon Peter Foss put to us, those hospitals would be closed because they do not have patients for considerable periods. Nonetheless, those hospitals are needed, and when they are needed they are needed in a hurry. I draw to the attention of the House the disaster that occurred with the helicopter crash on the way to the North West Shelf gas platform about two years ago. If Nickol Bay Hospital - which I believe is one of the most modern in the State and which was funded partly by Woodside Offshore Petroleum Pty Ltd as well as by the State Government - had not been there to receive those casualties more deaths might have resulted. As it was, there were some horrendous injuries and the first class equipment, staff and facilities of the Nickol Bay Hospital definitely came into use. Therefore we should take the notion put forward by Hon Peter Foss in the humorous way in which he offered it, and resign ourselves to the fact that our Public Service is the way it is. This Government is to be congratulated for bringing about some efficiencies. Although I am not one to advocate the loss of jobs, I think the reduction in the Civil Service of this State may bring about some efficiencies and demonstrate that the Government has taken a responsible line and decided to make the best use it can of the taxpayers' money.

It was also stated by Hon Peter Foss that because we fund our departments, ministries, hospitals and so on and because we have a welfare State, as it were, there is a disincentive to lawyers and doctors to provide a free service, as he suggested used to be the case. I was not in Australia at that time and was not exposed to the free services given by doctors or lawyers, but I will take his word for it. However, I will take his word only as far as it goes, because I do not think that having a welfare State necessarily stops the ordinary citizen from doing the things he does as a community service. I refer to the work of Rotary, Lions, the Salvation Army, Apex and many other groups which are prominent in our community for the work

they do. If they stopped doing this work, we would find ourselves paying a great deal more in taxes to provide for people less fortunate than ourselves.

Hon Barry House: Zonta as well; don't be sexist!

The PRESIDENT: Order! Ignore the interjections.

Hon TOM HELM: I do so only because I cannot hear the member - as a result of industrial deafness.

Hon P.G. Pental: We cannot understand you.

Hon TOM HELM: Hon Peter Foss says that lawyers and doctors no longer provide free services because the welfare system is so good. That is a nonsense as is indicated by the community's cynicism in believing that most doctors and lawyers provide services not because they have big hearts but because of the big dollars they can earn. Until such time as we have a society which does not need doctors and lawyers, the dole, social security and pensions because it is such a caring society, the democracies and Parliaments will need to continue allocating funds in the way they do.

I draw the House's attention to a copy of a letter addressed to Mrs Pam Buchanan, the Independent member for Ashburton. She made inquiries into the legitimacy of Robe River Iron Associates' ability to make employees culpable for breaking mine regulations. The Mines Regulation Act does not allow workers to work 13 consecutive shifts or for longer hours than those stipulated within the Act. The letter to which I refer is addressed to all employees from Robe River Iron Associates, and reads -

Section 38 of the Act states:-

"a workman shall not be employed in or about a mine . . for more than thirteen consecutive days without a break of not less than one full day. Where a workman accepts employment contrary to . . . this section, he and his employer are each guilty of an offence against this Act.

The penalty for an individual should they commit this offence carries a maximum fine of \$5 000 for each day they are in breach of Section 38.

Some employees have recently made themselves and the Company liable to possible prosecution for breaches of Section 38 of the Mines Regulation Act.

Any employee who contributes to a breach of this Section of the Act will be held individually liable for any fine or cost they incur due to a successful prosecution.

The Company reserves its right to seek to recover any cost it may incur due to a successful prosecution of any individual whose negligence contributes to the breach of Section 38 of the Act.

Where employees continue to expose the Company to breaches of the Mines Regulation Act the Company further reserves the right to take whatever action it deems necessary in accordance with their Contract of Employment.

A copy of the Mines Regulation Act and Regulations is displayed on each main notice board for all employees.

It is essential that each Department Head develops and enforces a system that ensures continued and absolute compliance with Section 38 of the Mines Regulation Act.

All employees must acquaint themselves with these arrangements and ensure they comply with Section 38 of the Act. In particular, employees should not accept overtime if, as a consequence of working that overtime, they would be working a fourteenth shift during their next block of rostered ordinary shifts.

The letter states to the employees of Robe River that if they are asked by their employers to contravene section 38 of the Mines Regulation Act, the employee will be responsible for the fines incurred by the employer. Therefore, the potential exists for an employee to be asked to work more consecutive shifts than is permitted under the Act - as happens - but because the employer has asked the employee to do so, and the employee has agreed, the employee can be liable for the penalty under the Act. The penalty is a \$5 000 fine. I wonder where we are going if we allow employers in this State to take such initiatives.

Let us be honest about this; if a person attends his place of employment and is asked by his or her employer to do certain things, for the most part the employee will comply with the request. In this case, if the employer asks him or her to do something in breach of the Act, that leaves the person liable to a \$5 000 a day fine. Surely that runs against the type of society we have, and want to maintain, in Australia. Surely that situation depends entirely on the employer being aware of the breaches which may arise under the Act.

We have been told in this House that Robe River is a rogue employer. It is attempting to shift the emphasis of industrial relations by setting its own agenda. As an employer it does not consider the rights of the employee. One of the company's directors, known as "The Rat", has said that everybody who attends work each morning can be expected to be sacked before the end of the day; he says that the employees cannot expect to have security of employment. This is the employer who places notices on the notice board telling employees that they are lucky to have a job and demanding the company's pound of flesh, and more if it can get it. This employer will not allow a union representative or convenor on site. On the other hand, the employee is told he or she should be able to speak for himself or herself; the employee will be pitted against a battery of lawyers, yet he or she should be able to compete and articulate his or her case. Given those circumstances, if the company asks the employee to do something which could place the employer in breach of the Act, the company believes that the employee is responsible for the crime and must pay the fine.

I do not know whether this is enforceable in law. The copy of the letter I have also has an opinion from the Crown Solicitor attached to it. It is written in language I cannot understand, so I do not know whether the concept is enforceable. However, generally speaking Robe River does its research well before it acts, and that is likely to be the case in this instance. It is guaranteed that this company will take an issue to the highest court in the land.

I bring this matter to the attention of the House during debate on the Appropriation (Consolidated Revenue Fund) Bill because this method of funding is fundamental to our democratic system. It does not matter how much we support a system if people believe they can change the rules agreed to by employers and employees. The bottom line of this issue, as you will understand, Mr President, is that if one attends work one wants to do one's job and then go home. People do not want to work in an inharmonious situation. I was in Pannawonica on Saturday -

Hon D.J. Wordsworth: The only one trying to create division is you.

Hon TOM HELM: I did not write this letter, Mr Wordsworth; it was not even addressed to me - it has been signed by Mr I. McRae. I wish that the inane remark made by Hon David Wordsworth had a faint ring of truth to it. Perhaps the time is approaching when some of us must take a stand about the events at Robe River. Perhaps the division is caused by the fact that the work force is 1 000 miles away from Perth. If there were a way in which I could make that division clear and I could do something about it, I would. I do not think any other employer, or certainly any other iron ore company in the State, would take the same attitude as Robe River Iron Associates. It gets away with the things it does because of its distance from Perth and the inability of its work force to talk to the Perth media and have its case publicised.

When I recently visited Pannawonica to talk to some people I was quite surprised to hear that, for instance, the single men's quarters are occupied by people contracted to Robe River working on maintenance and various other operations. Those quarters used to be the province of the regular employees. So many people have spread the word about Robe River that it cannot hire the employees it wants on a regular basis, although it has certainly tried. Those who are employed are not there because they find it enjoyable, but because they are in hock to the tune of \$10 000. Some of them are young men and women with families from Queensland who take their responsibilities seriously. They would rather remain where they are than get into debt or go where it is difficult to find employment.

It would be useful, Mr President, if you and a few other members went to Pannawonica and spoke to people there. The last time I was there the majority of dissatisfied workers were the blue collar workers. On my most recent visit I was surprised to learn of the dissatisfaction among some of the staff and salaried employees. They are very uncertain and feel the loyalty they showed the company has not been reciprocated.



Hon Barry House: Did Robe River not recently win an export award?

Hon TOM HELM: There is no two ways about that. I saw a photograph in, I think, a newspaper of Fred Madden, whom I know, holding the award. The photograph was taken in the offices of Robe River Iron Associates in St George's Terrace. It is interesting that I did not read in the newspaper the company's tribute to the employees regarding that award. It would be nice if Fred Madden went to Pannawonica and moved a bit of iron ore somewhere. The fact is that, although the white collar workers had a part to play in winning that award, the company would not have achieved it without the rest of the employees.

The member for Pilbara, Larry Graham, indicated with some statistics in the other place that productivity for each employee at Robe River did not compare with that achieved by Hamersley Iron Pty Ltd; in fact it was well below. Hamersley Iron mines the same iron ore in the same area of the Pilbara - Cape Lambert is closer to Dampier than it is to Port Hedland - as does Robe River. Broken Hill Propriety Co Ltd received the award last year and although Robe River received it this year its productivity did not match that of Hamersley Iron. Yet we have not seen Hamersley Iron displaying notices in the media about that. Hamersley Iron has not caused in Dampier, Tom Price or Paraburdoo the worried looks on people's faces that can be seen in Pannawonica or the other towns owned by Robe River. Other companies have demonstrated there is no need for division.

Fred Madden and I spoke for about four hours about how he had fought the battles and won them because he changed the work force around by putting in place rules, regulations and a whole new work force. Yet he could still not match the contented work force employed by Hamersley Iron which had no industrial dispute for four years. Some of the employees who were with the company in 1986-87 are still there, but only a very few.

The employers tell me that some of the approaches to safety -

Hon P.G. Pendal: To be honest, the work practices started the divisions did they not?

Hon TOM HELM: In this context, no one has heard me say nothing was wrong before Peko Wallsend came in. Nor would anyone who worked there say things did not need to be corrected in the same way that Hamersley Iron and BHP had to make changes. The point is, the success of changes depends on the way they are undertaken. Mr Maddern said he had won the battle. Why was he still fighting his employees? What was he hoping to gain? He did not explain to me why he still treated his employees as they were treated in 1986-87. He did not explain why Robe River put \$15 million aside this year to appeal against various aspects of the award provision which had been agreed to and handed down in August last year by Commissioner Salmon. His company has been implementing for about two years the dream of the Liberal Party whereby employers negotiate individual contracts with their employers.

Hon P.G. Pendal: The Federal Government is talking about the same thing now. They talk about enterprise bargaining; it is just different wording.

Hon TOM HELM: Perhaps one day, when I have a little time I will talk very slowly and explain about enterprise bargaining versus individual contracts. Watch my lips; with an individual contract, one person negotiates individually with his employer. With enterprise bargaining all the employees in the enterprise talk to the employers.

Hon P.G. Pendal: It is a matter of the terminology.

Hon TOM HELM: We must not get confused. The dream of Hewson, the H R Nicholls Society and the right wingers of this world -

Hon P.H. Lockyer: I was listening to you on the speaker. Nothing has changed.

The DEPUTY PRESIDENT: Order! Nothing changes with the conduct of this House, either!

Hon TOM HELM: Before I conclude, I want to make sure that the House is aware of the notices that are being put up in Robe River and the situation that prevails in that town. It is a blot on the Australian community. If that is the future that we can expect under a coalition Government, it will fail as it has failed in the Pilbara. BHP and Hamersley Iron have demonstrated a better way of doing things and still dig bigger holes in the ground than does Robe River.

At present visiting Perth is a visitor from overseas who on Saturday gave a Press conference. Mr Johnny Walker was one of the so-called Birmingham Six. He was gaoled in 1976 after being accused of bombing pubs in Birmingham. After sixteen and a half years in gaol, he was released because the forensic evidence that convicted him was proved to be incorrect. The confessions on which the six were found guilty were apparently made under coercion. The six were beaten, had guns pressed to their heads and other pressures were put on them to confess to their alleged crimes. Johnny Walker is in Australia to demonstrate how tenuous a grip we have on our democracy and how we can, by public opinion and by manipulating evidence, convict people who are considered to be outlaws in society. Johnny Walker and five others were accused of being members of the Irish Republican Army. They protested their innocence of that crime and also to bombing the pubs. Johnny Walker will be at a barbecue on Thursday night to which people are invited. He will be attending other functions so that people can meet him and be aware of the circumstances used to convict him and the others so that we can be on our guard against that sort of treatment.

Hon Fred McKenzie: I will be meeting him tomorrow at 12 o'clock.

Hon TOM HELM: Yes, he is coming to Parliament to talk to members. I hope that many will attend to listen to him tell us of his experiences. I support the Bill.

Debate adjourned, on motion by Hon Fred McKenzie.

### **EAST PERTH REDEVELOPMENT BILL**

#### *Second Reading*

Debate resumed from 22 October.

**HON KAY HALLAHAN** (East Metropolitan - Minister for Education) [8.43 pm]: I am pleased with the amount of support that this Bill has received, although some rather concerning amendments have been foreshadowed with which I will deal in more detail at the Committee stage. I believe those amendments will have a significant impact on the smooth running of the authority and the implementation of the Bill. Apart from that, I welcome the support of members.

The redevelopment of the East Perth area will have a major and positive effect on transforming the city and the area included in the proposed development. That area at the moment is fairly derelict and is occupied mainly by industrial and Government complexes. It will be transformed into mixed residential, commercial, educational and recreational elements. I have deduced from the speeches of members that there is a lot of excitement about and widespread acceptance of the redevelopment of this inner-city area. All of us these days are committed to some extent to urban consolidation. This is part of the metropolitan planning strategy. The East Perth project will be an interesting model to demonstrate how attractive urban consolidation can be. The redevelopment of East Perth will include a substantial increase in housing close to the city centre and will provide job opportunities close to the transport systems. It will provide an opportunity for the city to broaden its economic base because it will provide accommodation for industry, business and training facilities that will be closely linked with good housing and transport systems. To some extent, the redevelopment proposal will depend on the way the project is perceived and upon private investors taking up development opportunities. In that regard, I make it clear to the House tonight that the role of Government in this redevelopment will be very much one of facilitation and of creating a platform for the development of land assembly, the infrastructure provisions, and seeding projects for that area. That will mean that the organisational, cultural and operational style of the proposed redevelopment authority must impart confidence to investors and bring alongside other public sector agencies that will be necessary to make this project work, and it will need to excite the community generally. That will require good marketing and good financial and development strategies. In that regard, the task of the East Perth Redevelopment Authority will be very complex and difficult.

I will comment briefly on some of the matters raised specifically by members but I indicate that in Committee I will deal in greater detail with many matters raised by members. The proximity of the area to the City of Perth is an important consideration. One of the attractive points about our deciding to go ahead with this project was that it would add to the vitality of

the city. Hon Peter Foss suggested that the redevelopment should be part of a greater Swan Valley eastern focus. He said there should be a link between the East Perth area, the Burswood and Maylands peninsula and the Ascot fields area. He indicated that this was an opportunity to form a riverland of quite extraordinary beauty and to create a living and recreational area of great regional significance. I acknowledge the point made by the member. Planning studies for each of the areas are continuing, and I assure him that it is possible to develop each area in a way that will lead to the integration and maximisation of the pleasant physical attributes of all the areas in which he has shown an interest and about which he has expressed some concern. It is intended that a close working relationship will be established between the authority, the Department of Planning and Urban Development, the State Planning Commission, local authorities involved, and other interested agencies to ensure that the whole area is treated as an integrated whole even though specific areas will be developed within different time spans. Regional and local authorities will be involved in that.

Hon George Cash: How many local authorities are you referring to?

Hon KAY HALLAHAN: Off the top of my head, the City of Perth and the City of Belmont. I do not have a map with me but this area can be looked at more closely at the Committee stage. It is not intended that the East Perth Redevelopment Authority will be introspective. It will focus on the role that is central to its existence, but it will also be an important catalyst for development in surrounding areas and, therefore, a strategic focus will be required by that authority.

Hon P.G. Pental: You have all the right cliches anyway.

Hon KAY HALLAHAN: I was the Minister for Planning at the time this scheme was launched, and it is one of the most exciting projects we are likely to consider for a long time.

Hon George Cash: At least we know we will get all the answers at the Committee stage, because you are the former Minister for Planning.

Hon P.G. Pental: You are responsible for this.

Hon KAY HALLAHAN: I would like to be held responsible for this initiative but it would be presumptuous of me to claim all the credit for it. The redevelopment scheme must be exhibited, and be open for public comment and debate, and it will require the same final approvals which apply to all planning matters. That will involve all interested Government agencies and the Perth City Council. I am sure the plans for this development will attract public interest similar to that shown for the Perth foreshore development plans, which have attracted an enormous amount of interest.

This leads to the question of the involvement of the Perth City Council. We must be careful about the relationships established on the authority. Certainly, the Perth City Council must be represented, but board membership will be only one of the many avenues for its involvement. It is proposed to establish day to day committees and special purpose committees to consider referral of development applications and, when appropriate, joint undertakings. There will be close links in a number of areas between the East Perth Redevelopment Authority and the Perth City Council. This board needs a balance between the representative roles and the corporate bodies that should be represented. I ask members to keep those matters in mind during debate on the Bill. As I have said, there will be very close working relationships between the State Planning Commission, the Department of Planning and Urban Development and all other authorities which will be involved in the decision making and which would normally be consulted in any development or land subdivision approvals for the formation of development schemes and policies. The policies are extremely important in this redevelopment area.

I make it clear to members that the powers of the authority have to some extent been overstated in the debate so far. Those powers will be subordinate to the powers in other legislation governing matters such as environmental and heritage approvals, building and liquor licences, and land and strata title requirements - to name just a few. The legislation must be considered in the context of all those other provisions relating to the development of any significant subdivision or, in this case, a reformation of existing landholdings. Sufficient checks and balances are contained in the structure of this Bill and practical consideration must be given to the day to day operation of the authority. The checks and balances are

adequate to ensure the integrity of decisions made by the authority. Indeed, some would say that the major concern is to make this authority a workable mechanism because it is such a difficult and complex task, and the authority should not be hampered by extraneous and unnecessary complications and requirements. Of course, it must comply with all other relevant legislation and the requirements which would apply to any other planning matter.

Hon George Cash referred to accountability as one of his major concerns. Sufficient accountability safeguards are within the Bill to ensure that the authority will operate in an acceptable way. It will be subject to the provisions of the Financial Administration and Audit Act and will be granted no exemptions in that regard. Hon George Cash can rest assured that the Bill as it stands provides for sufficient accountability.

Hon Phillip Pandal raised the matter of colonial heritage and the extension of the expenditure powers of the authority to cover the East Perth cemetery. I ask the member to reconsider his proposed amendment that the authority specifically consider matters of colonial heritage, because in my view it is unnecessary. As I have said, the powers of the authority will be subordinate to a number of Acts, including the Heritage of Western Australia Act and the Aboriginal Heritage Act. The definitions and the obligation to consider heritage matters should be left to those existing Acts and we should not make the error of legally complicating the arrangements that will be enforced through this Bill. I specifically ask members to reconsider that point. It has already been demonstrated that the East Perth cemetery region is surrounded by sympathetically landscaped grounds. Neither the project authority nor the proposed redevelopment authority is a general funding body for the development of Perth City Council area so separate allocations will need to be made for the important but expensive conservation task. There is, however, a need to allow for the possibility of providing funds for works and services and investigating areas outside the defined redevelopment area where they are directly relevant to the objectives of the authority. For that reason I foreshadow an amendment to this effect which will allow the authority to consider some of the matters raised by Hon Peter Foss, including the Old Perth Girls' High School, which I attended for two years and in which I have a great interest. I would like to see it retained in its magnificent state.

Hon John Caldwell raised the impact of the proposed development on existing residents in the Bronte Street precinct. As only two or three residential properties are in the redevelopment area, the development will have a minimal impact on residential properties. Special consideration will be given to the few residential properties within the redevelopment area.

Hon George Cash: A substantial number of business properties operate in that area.

Hon KAY HALLAHAN: Hon John Caldwell referred only to private residences. I will clarify that matter with him during the Committee stage. One of the other interesting and significant aspects of the East Perth redevelopment area is that it will provide a great opportunity for a wide range of housing close to the city. A component of public housing will be built providing affordable housing and resulting in access for a whole range of people from various socioeconomic groups so that they may enjoy the surrounds of the area, which will be charming and attractive; there is no doubt about that.

It is hard to project one's imagination forward to what is possible in this area. However, due to the nearby river expanse the possibilities for the area are quite magnificent. During the Committee stage I will move a few minor amendments mostly to pick up drafting and typographical errors. A couple of amendments are intended to provide a much more workable arrangement for the introduction of the development scheme and for reporting to the Parliament on certain of the authority's actions. Some of those changes will come from amendments placed on the Notice Paper by the Opposition. I hope that during the Committee stage I will be able to persuade members to the Government's point of view on its amendments and the need to support the Bill in its present form. I am sure we will have a useful debate on the matter at that time.

I see this as one of the important Bills of this session. If this legislation is handled correctly a great opportunity will be provided to put in place an exciting inner city area which will provide a mix of housing densities and recreational, educational and commercial opportunities. It will transform what is in my view an ugly, polluted area of Perth which has been an industrial area over many years to an area unique for a city of this size. It will create

a dynamic and attractive area close to the city that will not only transform East Perth but also add a great dimension and vitality to Perth city. I am pleased at the general support for the Bill. I would like to see the amendments I will move supported. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

### *Committee*

The Deputy Chairman of Committees (Hon D.J. Wordsworth) in the Chair; Hon Kay Hallahan (Minister for Education) in charge of the Bill.

**Clauses 1 and 2 put and passed.**

**Clause 3: Interpretation -**

Hon J.N. CALDWELL: Under this clause "acquire" includes "take on lease". No mention is made of any other way of acquiring land. However, further down the interpretation of the words "dispose of" includes the words "sell, lease, let, grant a licence and grant any easement or right of way". A considerable difference exists between the two. Will the Minister explain why the interpretation of the word "acquire" includes only the taking on of a lease?

Hon KAY HALLAHAN: I am advised that the word "acquire" is a general legal term used in documents of this nature and that is the reason that the word appears. The words "dispose of" may not have the same legal standing or interpretation and for that reason had to be spelt out. I am given to understand by legal counsel that my indication to the member about the word "acquire" was accurate.

Hon J.N. Caldwell: So acquire can mean "buy"?

Hon KAY HALLAHAN: Yes.

**Clause put and passed.**

**Clause 4: Redevelopment area defined -**

Hon GEORGE CASH: I move -

Page 4, line 9 - To insert after the word "with" the words "the community and".

Members will be aware that clause 4 defines the redevelopment area as that described in Schedule 1. Schedule 1 provides for the redevelopment area to be that area described as the land and waters bounded by -

- (a) to the south, by Wittenoom and Nile Streets and an extension of the southern boundary of the latter for 100 metres into the Swan River;
- (b) to the west, by Lord Street;
- (c) to the north, by Summers Street and an extension of the northern boundary of that street for 100 metres into the Swan River; and
- (d) to the east, by a line that is drawn by joining the end of the extended boundary of Summers Street to the end of the extended boundary of Nile Street.

At this stage of the discussion I want to be quite sure that the Committee understands the land we are dealing with. We are not dealing with any land outside those boundaries. Having determined that is the subject land, members will be aware that it comprises an area of approximately 120 hectares, and the current use of the land covers a multitude of zonings.

During the second reading debate we agreed that much of the land is under the control of the Crown through various Government agencies. However, it has been recognised that a considerable amount of land within the subject area is currently owned by private persons and business organisations. It has been recognised that a number of residential dwellings exist within the subject area, and also a significant number of business houses. Members will understand that the East Perth Redevelopment Authority will be given very wide powers under this Bill, which will enable the authority to have a very significant impact on the ownership of land within the subject area. So that the owners of land within the subject area, and indeed the tenants and other users of the land, will have some say in how that land within the subject area is used, it is important that the East Perth Redevelopment Authority will

consult not only with the City of Perth, as will be required under this Bill, but also with the community in general. The amendment I have moved is very important; it will give the community greater input into the redevelopment of this area. The Minister is aware that the Opposition in general supports the principles surrounding the redevelopment of this area of land, but the Opposition also recognises that unless the community generally, but in particular those owners and users of land within the subject area, have an opportunity for some input to the East Perth redevelopment area, it is likely that their rights could be affected deleteriously by the authority. The effect of this amendment is to require the Minister to consult with the community and the Perth City Council in respect of areas which may be added to the proposed redevelopment area, and, in my view, that is an important amendment which deserves the support of this Committee.

When the Government first brought forward the Bill in another place, it contained no provision for any amendments to the subject area to be tabled in the Parliament. My colleagues in the other place inserted what are now subclauses (3), (4) and (5) of this clause to require that any amendments to the subject land be tabled in Parliament, and that an explanatory summary be provided. Amendments to the subject area would be treated in the same way as a regulation; should either House of the Parliament decide to disallow it, any addition to the subject area would not be allowed. That is an important matter which needs to be recognised, because one of the adjoining local authorities, the City of Stirling, has made representations to the Opposition along the lines that that city is concerned that without the provision of those safeguards, the East Perth Redevelopment Authority, by the very powers contained in this Bill, would have been able to make its way gradually across to the boundary of the City of Stirling and start to impact on land within that local authority. Members will be aware that at the moment the only local government representation required under the provisions of the Bill is representation from the City of Perth. That is accepted, on the understanding that this authority will not step outside the area defined in the Bill without a memorandum explaining any additions being tabled in this Chamber.

It has been brought to my attention that although this Bill has not yet progressed through the Legislative Council, the Government is already considering additions to the subject area. I would be interested in the Minister's comments on that, because if the Government has already decided that the area described in the Bill is not the area it intends the authority to deal with, that should be brought to the attention of the Committee at this stage so that we understand the Government's intentions. Any attempt to increase the subject area would come under very close scrutiny. The last thing this Parliament wants to do is to create an authority which turns out to be a monster able to devour other sections of the City of Perth or other local authorities without a clear understanding by the Parliament of exactly what the authority is doing.

To return to the amendment, it is critical that the community should have an opportunity for input into the subject area, and later I shall move an amendment which will allow the community to have greater input into the redevelopment process generally as it is contained in the Bill. This is an amendment which I know the local member, Dr Ian Alexander, is keen to see proceed. His arguments have been heard in the East Perth community area over a long period of time. The Opposition strongly supports those arguments. Any argument that the Minister would put that the Council of the City of Perth is a representative body of ratepayers and the citizens in this area will not be a sufficient argument to convince the Opposition that the Bill is acceptable in its present form. If the community is to have proper involvement it should be seen to be involved by the process being incorporated in the Bill with the requirement that the Minister consult also with the City of Perth.

Hon KAY HALLAHAN: I agree with the Opposition that there is a need for community consultation. I direct the attention of the Opposition to clauses 29 to 31 which include a requirement in the planning process for widespread and comprehensive opportunities for community consultation.

Hon George Cash: Where is "community" referred to in clause 29?

Hon KAY HALLAHAN: I refer the member to clause 31 specifically, although I did refer to clauses 29 to 31. I have a problem with the member's amendment because the requirement referred to by the member is contained in the Bill and, further, his amendment will result in legal complications. The measure contains no definition of "community", although that is a

general term that we all know. Other processes, well known and understood planning matters and public submissions, are set out clearly. There will be a great opportunity for input; we have no desire for other than that.

While I said at the second reading stage that this is an exciting project, nevertheless it will be, like others, the subject of contention at different times. A need exists for a full, comprehensive process of community consultation, but that is already structured in the planning process. While I understand the member's concerns about the possible impact on the City of Stirling, I can assure him that there will be no such impact. The impact will be felt by the City of Perth because that is the only local government authority connected with the East Perth redevelopment area. When I referred to other local authorities in summing up the second reading debate I was referring to the wider area to which another member referred - the Ascot fields and other peninsulas - and not to the defined East Perth area. The clause does not impact on the City of Stirling and there should not be any concern about that.

I foreshadow that when we reach schedule 1 I will move an amendment to define the boundaries and set an additional area. We will allow time for members to consider that amendment. The Parliamentary Counsel is drafting that amendment currently for circulation to members. We are still a long way from schedule 1, which defines the redevelopment area. The foreshadowed amendment will be very clear. That amendment does not relate to the member's concern that landowners within the redevelopment area must have opportunities for participation in what may happen to the redevelopment area. Those opportunities will be available but it is not appropriate to include that provision in schedule 1. The opportunities for input are contained in other clauses of the Bill. I urge the Chamber not to support the amendment.

Hon GEORGE CASH: Members will recall that in the Minister's opening comments she said that the Government agreed that the widest possible consultation should occur in respect of the redevelopment scheme generally, the area of the subject land and any additions to the subject land. The Minister then referred to clause 29, claiming that reference was made in that clause to the community's being able to make comment. Clause 29 talks about the proposed redevelopment scheme; the reference there is to the Council of the City of Perth and not to the community. Perhaps the Minister was anticipating an amendment that I intend to move regarding that clause which will include a provision for the community to be involved. In anticipation of the Minister's comments about wanting wide consultation, that can be arranged when we reach clause 29. As to the Minister's comments on clause 31, it is true that the clause provides for public submissions. However, clause 31(1) - and I use this to advance my argument in respect of clause 4 - provides that written submissions on the proposed redevelopment scheme may be made by any person. I concede that. However, that allows people the opportunity to make a submission; it does not require the Minister to consult. There is a substantial difference between allowing someone to make a submission on some matter and requiring a Minister to consult, as is required by clause 4 when dealing with the Council of the City of Perth. In view of the need for the community generally to be very involved in what the Minister has described as an exciting redevelopment project, I urge the Chamber to support the amendment.

Hon KAY HALLAHAN: Unfortunately, Hon George Cash has not understood my earlier remarks. I said that clauses 29 to 31 would satisfy the member's concerns. Hon George Cash correctly pointed out that written submissions can be made on the proposed redevelopment scheme. However, clause 30 requires that any changes be advised in notices published in the *Government Gazette* and in two issues of a daily newspaper circulating in the City of Perth specifying the places at which a copy of the scheme may be inspected or obtained.

Hon George Cash: That does not require the Minister to consult.

Hon KAY HALLAHAN: It is a requirement of local government planning schemes that any proposal to redevelop be made publicly available to those people who will be affected.

Hon George Cash: I am aware of that, but we are talking about the Minister's being required to consult.

Hon KAY HALLAHAN: The Minister can consult and that is defined. One could define how the Minister should consult, but it is much more important to make information

available to people and to provide a mechanism by which they can respond and put their points of view. That is the requirement under planning laws by which the Minister consults. I am sure the City of Stirling, in those years when Hon George Cash was a councillor, would also have consulted with local communities and given them an opportunity to have an input in the planning process. I accept that the member is very keen to have consultation and community involvement; we all want to see that. Clause 30 lays down the mechanism for the Minister to consult, to make information available, to make submissions possible, and to facilitate community consultation. The amendment has unfortunate complications and does not achieve what the member would like.

Hon GEORGE CASH: It is important to note at this early stage of the debate that this Bill allows the East Perth Redevelopment Authority to be vested with various powers and requires it to perform certain functions. The authority will be able to do all of the planning and the zoning that the Perth City Council would have been able to do had this land not been excised from its area for the purpose of this Act. However, the authority will also be vested with powers which are well in excess of those presently enjoyed by the PCC. That is the reason for wanting the community to be involved; it is not as if it is just the local authority that is making those planning decisions and being responsible to the ratepayers. The East Perth Redevelopment Authority will be granted functions and powers for planning matters far in excess of those held by local authorities. I urge members to support the amendment.

The Minister has already indicated that she will be moving an amendment to increase the area of the redevelopment authority. It is outrageous that the Minister should state that the area contained in the Bill is not in fact the area that the Government proposes to be the subject area and that later during the Committee stage the Government will introduce an amendment for an additional area of land. At the very least the Minister should indicate which land will comprise the subject land. We have already agreed that 70 per cent of the subject land is in the ownership or under the control of the Crown. The Minister has argued, as part of her response to matters raised in the second reading debate, that it does not necessarily affect many people. I disagree, and if the Government now wishes to introduce another area of land the very least the Minister can do is give some indication of the land involved.

Hon J.N. CALDWELL: The National Party supports this amendment. It is only natural for any authority to consult with the community when excising, leasing or buying land. This is a safeguard. The National Party does not want this authority to be an all powerful authority or to look as if it is standing over people and putting the boot in. We want the authority to consult with the community.

The DEPUTY CHAIRMAN (Hon D.J. Wordsworth): As we are under notice of an amendment to the area of the redevelopment authority we may have difficulties with this clause. I believe the Minister should move that this clause be postponed until the Committee has dealt with the others rather than use arguments relating to future clauses which have yet to be amended.

Hon KAY HALLAHAN: I am happy to take that advice. However, a question has been raised about the area which is to be added to the authority's jurisdiction. I am advised that the Minister in charge of this Bill in another place has proposed these amendments in response to comments made in the second reading debate by members of the Opposition. It is proposed that I should move amendments to schedule 1 which would take account of those concerns expressed by Hon Phil Pendal and Hon Peter Foss about the Bronte Street precinct, the old Perth Girls High School, and the old East Perth Cemetery so that those areas could be included in the development area and in order to make the expenditure of funds possible. The Minister wanted to accommodate the wishes expressed by members of the Opposition. He had been given to understand that the amendments would be agreeable to the Opposition, but it now seems they have not been discussed between the various members of the Opposition. The new area will be included.

The CHAIRMAN: Perhaps the Minister could circulate those details.

Hon KAY HALLAHAN: I am happy to do that but I was asked by the Opposition to read them out.

Hon George Cash: We would be much happier to have the written words circulated.



Hon KAY HALLAHAN: They are currently being typed and I will circulate them before the Committee discusses schedule 1. The Leader of the Opposition will find that his colleagues will be pleased with the amendments and will be not aggrieved in any way.

*Division*

**Amendment put and a division called for.**

**Bells rung and the Committee divided.**

The DEPUTY CHAIRMAN (Hon D.J. Wordsworth): Before the tellers tell I give my vote with the Ayes.

**Division resulted as follows -**

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Ayes (14)		
Hon J.N. Caldwell	Hon P.H. Lockyer	Hon R.G. Pike
Hon George Cash	Hon Murray Montgomery	Hon W.N. Stretch
Hon Reg Davies	Hon N.F. Moore	Hon D.J. Wordsworth
Hon Max Evans	Hon Muriel Patterson	Hon Margaret McAleer
Hon Barry House	Hon P.G. Pandal	(Teller)
Noes (13)		
Hon J.M. Berinson	Hon Kay Hallahan	Hon Tom Stephens
Hon J.M. Brown	Hon Tom Helm	Hon Bob Thomas
Hon Cheryl Davenport	Hon B.L. Jones	Hon Fred McKenzie
Hon Graham Edwards	Hon Garry Kelly	(Teller)
Hon John Halden	Hon Sam Piantadosi	
Pairs		
Hon Peter Foss		Hon T.G. Butler
Hon Derrick Tomlinson		Hon Mark Nevill
Hon E.J. Charlton		Hon Doug Wenn

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**Amendment thus passed.**

Hon GEORGE CASH: Will the Minister confirm that the details of the new area to be added will be circulated as soon as possible, because they are relevant to further clauses in the Bill? At the moment members are unsure whether they are dealing with the original 120 hectares or an area which is twice that size.

Hon KAY HALLAHAN: Those details will be circulated as soon as possible and my position on that is unaltered.

**Clause, as amended, put and passed.**

**Clauses 5 and 6 put and passed.**

**Clause 7: Membership of Authority -**

Hon GEORGE CASH: I move -

Page 6, line 4 - To delete the words "one is to be a member" and substitute the words "two are to be members".

It is intended that the East Perth Redevelopment Authority comprise seven members appointed by the Minister. One of those members will be a councillor of the Perth City Council nominated by that council. I also have amendments that relate to the method of nomination to and the relevant qualifications required for appointment to that authority. The Minister has said that wide opportunity exists for the community to participate in the redevelopment of this area. That should be conveyed in the redevelopment authority's views on the proposed development. We have already passed an amendment in that regard.

The subject land includes within its boundaries part of the Perth City Council, and rather than having only one councillor representing the PCC on that authority the Opposition believes that a minimum of two representatives from the PCC should be members of that authority. That belief is based on the Government's expressed view that the community and the PCC

should participate in the decisions affecting the redevelopment of the area. Increasing the number of PCC councillors from one to two will not mean that the PCC will form a majority on that authority. I would prefer that a majority of the members on that authority should be councillors from the PCC. That recognises that councillors of the PCC are required to face elections at regular intervals and clearly the approbation or otherwise of ratepayers of that area could be shown in local Government elections. I hope the Government will agree to increase the representation from the PCC from one to two.

Hon KAY HALLAHAN: I have listened with great interest to the Leader of the Opposition. While I consider that his proposition could be accommodated, I am advised that the Minister for Planning who is responsible for this legislation has considered the amendment and is of the opinion that it would alter the balance of the authority. Therefore, he is of the view that the amendment should not be accepted. The clause, as it is worded, does not preclude the appointment of two councillors from the City of Perth, but it certainly does not prescribe that they be appointed in the way proposed by the Opposition. On the basis of the argument put forward by the Minister responsible for the Bill I indicate to members that, having considered the Opposition's amendment, it will not be in the best interests of the East Perth Redevelopment Authority to alter the balance of the authority. The Minister will be watching the balance of the authority's membership very closely. For that reason, I ask the Committee to oppose the amendment moved by the Leader of the Opposition.

Hon GEORGE CASH: It is interesting that when the Minister was talking about consultation earlier in this debate she was trying to emphasise to the Committee that the Government was very keen to ensure that the process of consultation will extend beyond the City of Perth to the community. Certainly, consultation sounded good at that stage. However, as soon as the Opposition indicated that consultation should be extended so that there would be two representatives from the City of Perth instead of one, the Government was put to the test and it failed the test because it did not agree to the amendment. The argument put forward by the Minister that increasing the membership of the authority from one to two members from the City of Perth would alter the balance of the authority is something I cannot understand. The mathematics are that there will be an increase of one person. Therefore, the City of Perth's position will change from a one-seventh position to a two-sevenths position. That would not unreasonably alter the balance of power or the balance of the authority.

The Minister agreed that it is not beyond the realm of possibility that the Minister may decide to have additional members from the City of Perth appointed to the authority. My amendment recognises the wishes of the City of Perth that in a representative position, representing the ratepayers and others with interests in the City of Perth, it should have two members on the authority instead of one. My amendment is reasonable and the Government, by agreeing to it, would at least indicate its good faith to the City of Perth in wanting to consult and negotiate with it. I am bewildered that the Minister is not prepared to allow the City of Perth to have an additional representative on the authority. I ask members to support the amendment.

Hon KAY HALLAHAN: The Government's position has not been outlined fairly by the Opposition. Representation on the authority will include a representative from the City of Perth and it is proposed to have special purpose working parties and other working parties, as they are required, which will involve a close working relationship between the authority and the councillors and officers of the City of Perth. The Government has no intention other than to have the greatest degree of consultation with that very important local government authority. I ask members to support the position of the Minister who will be responsible for the management of this legislation. His view is that there would not be an advantage to the City of Perth in its having two representatives on the authority. The one representative as proposed by the legislation will provide the important linkage of the authority to that local authority. I ask members to vote against the amendment.

**Amendment put and passed.**

Hon GEORGE CASH: I move -

Page 6, line 4 - To insert after the words "City of Perth" the following -  
who shall be nominated by formal resolution of that council

The proposition I am submitting is quite different from the wording of the clause. Members

will be aware that without a formal resolution of the council a councillor could be nominated to the membership of the authority by administrative action. In my discussions with the shadow Minister for Planning, who has the principal carriage of this Bill for the Liberal Party, it was apparent that the City of Perth is very keen that this legislation should recognise that no appointment will be made to the authority of any member of the Perth City Council unless that person is nominated by formal resolution of that council, which would require a discussion by the council in determining its nominee. It is an important amendment and it will give comfort to the Perth City Council to know that the council as a whole will make the nomination and that it will not be made by administrative action.

**Hon KAY HALLAHAN:** The advice from Parliamentary Counsel indicates that "nomination by council" implicitly means "by resolution". As the Bill now stands, there is a presumption that the nominated member be appointed, so any need to amend is superfluous. It would be in the best interests of clarity in the Bill to oppose the amendment, as what the member wants to achieve is already implicit in the Bill.

**Hon GEORGE CASH:** I disagree with the comment of the Minister that my amendment is superfluous. We have heard often in this Chamber from the Leader of the House that it is always best to be sure and to understand clearly what we are trying to do. If the Minister believes that the additional words will do no harm to the Bill and, in fact, will do no more than make it absolutely clear that there is a need for a formal resolution of the council, no harm will be done by the incorporation of the words. The Minister has not argued that by incorporating the words, any different method will be used. I ask members to support the amendment.

**Hon KAY HALLAHAN:** I am saying that implicit in the Bill as it now stands is what the Leader of the Opposition is seeking to be made explicit. When I argued previously in the debate that there was a legal complication and that there was a problem with an amendment that was sought to be inserted by the Opposition, that made no difference to the Leader of the Opposition's consideration of the point that I was making; so while I am not arguing that point in respect of this clause, when I have argued that, he has not necessarily listened to me anyway. I ask the Committee to oppose the amendment.

**Amendment put and passed.**

**Hon GEORGE CASH:** I move -

Page 6, line 5 - To delete the words "nominated by that council".

**Amendment put and passed.**

**Hon GEORGE CASH:** I move -

Page 6, after line 16 - To insert the following new subclause -

- (5) Without limiting the generality of subsection (1) -
  - (a) the Minister shall, after the appointment of the membership of the Authority pursuant to subsection (1) hereof and following any variation in membership, whether temporary or otherwise, cause a schedule of such members to be laid before each House of Parliament within 14 sitting days of such House;
  - (b) if either House of Parliament passes a resolution to disallow any appointment made under subsection (1) of this section, notice of which resolution having been given within 14 sitting days of the tabling of such schedule, that appointment shall thereupon cease to have effect;
  - (c) where following the giving of a notice to disallow:
    - (i) Parliament is to be adjourned for a period of more than 14 days; or
    - (ii) there is a prorogation of Parliament,
 then in the case of paragraph (i) the motion concerning the resolution shall be determined on the last sitting day before the adjournment and in the case of paragraph (ii) the appointment shall be deemed to be disallowed and the motion resolved in the affirmative.

- (d) such disallowance shall have no effect on the proceedings of, and powers exercised by, the Authority under this Act during the time of the appointment.

The purpose of this amendment is to enable the Chamber to have a clear understanding of the persons who are to be nominated by the Minister for appointment to the East Perth Redevelopment Authority. During the time that this proposal has been discussed, which now represents a considerable number of years, some concern has been expressed that given the functions of the authority and the special powers that will be vested in it, unless the members of the authority are people of integrity and credibility, the powers that they will be able to exercise could disadvantage people who have interests within the subject land, or could advantage people both within and without the area of the subject land. The Liberal Party emphasised in the second reading debate the need for accountability, and that was the theme of my second reading response, as the Minister acknowledged. This amendment will make the Government accountable for the people whom it will appoint to the membership of the authority.

Hon J.M. Berinson: The Government is always accountable for every appointment it makes.

Hon GEORGE CASH: Hon Joe Berinson will get his opportunity in a moment to speak.

Hon J.M. Berinson: That does not make my interjection any less valid.

Hon GEORGE CASH: It does, because for the Attorney General to say that the Government has always been accountable or is always accountable is nothing more than absolute rot, given the history of this Government in recent times.

Hon J.M. Berinson: What does that mean?

Hon GEORGE CASH: The Attorney General knows what it means.

Hon J.M. Berinson: It means that if an appointment is open to criticism, it will be criticised. That is what accountability is.

Hon GEORGE CASH: In that case, the Attorney General will be able to support the amendment.

Hon J.M. Berinson: Not at all.

Hon GEORGE CASH: The Attorney General has not even read the amendment.

Hon J.M. Berinson: Your explaining it is enough to put me off it.

Hon GEORGE CASH: It is interesting that every time we mention accountability, the Attorney General suffers great pains and just cannot accept any notion of accountability. This amendment will ensure that there is accountability in respect of the people who will be appointed to the authority. It will give the Parliament the opportunity to scrutinise the people who will be appointed to the authority and, should the Parliament so decide, to disallow their appointment. It is not the intention of the amendment that a disallowance of an appointment should extend past a single appointment; that is, it is not intended to disallow the total membership of the authority.

Hon Kay Hallahan: How do we know that?

Hon GEORGE CASH: Because it is very clear. It is an opportunity for this Parliament to consider the individual appointments to this authority.

Hon KAY HALLAHAN: This is a serious amendment, and I ask members to give it their fullest consideration. It seems from the comments made by Hon George Cash that he is absolutely committed to this amendment, but it is an unprecedented departure from accepted practices with regard to the appointment of people to boards. It runs quite counter to the Westminster concept of Executive Government and I am astonished to hear that the Opposition would want to undermine a very highly regarded system of Government that exists in many countries with which we have trading and cultural ties and from which many of us draw our history. It is adopting a hybrid situation from the United States of America in a way that is not at all complementary to or harmonious with our legal system. Those members who were interested might recall the scrutiny of the recent judicial candidate Clarence Thomas in the United States, in a system which allows for that and which has a different method of dealing with judicial appointments - and, indeed, a completely different

political system. To import that sort of arrangement and impose it on our system of Government is quite stupid. It can be said that it comes from a deep concern, but if we have deep concerns we have a responsibility to examine the mechanisms available to us under our legal system and bring those concerns in an accountable and complementary way. This is contrary to anything we have ever seen proposed for any of our board appointments. I must put it to members as strongly as this: If we introduce this amendment we may never again have people prepared to be appointed to boards. That may not happen quickly. We may have a couple of instances where people's names, personal lives and personalities are dragged through this Chamber in the most extraordinarily public way.

Hon J.M. Berinson: Can you imagine the recent SGIC board members accepting nomination under conditions like this? Absolutely impossible!

Hon KAY HALLAHAN: Indeed, once one or two of those cases come through this Parliament we can kiss goodbye to ever being able to appoint people to responsible positions; and, indeed, to the most difficult board membership positions. I wonder what the Opposition thinks it is achieving by this amendment, except to dismantle our whole system of community involvement through board memberships? It is a very serious and extraordinary measure. I think somebody thought it was a great idea. The Opposition has failed to research the idea and now seeks, through the numbers it has in this Chamber, to impose it. Quite frankly, we will rue the day this Chamber introduces this measure into this Bill.

We all want to preside over good laws and it is the intention and the ambition - and one would expect it to be a normal ambition - for an Opposition to want to be the Government. I put it to members opposite that, as a responsible Opposition to Her Majesty's Government, they should consider the implications of this amendment and whether indeed they would want to preside over such a measure. They should consider the dismantling effect it would have on fundamental ways of running so many things which are vital to our community. I feel very strongly about this and will ask the Chamber to divide if we cannot agree on it. It is most important that members are identified for their understanding of the Westminster system and their abrogation of their responsibilities to bring about amendments to achieve their ends in ways which do not dismantle and undermine a very important and fundamental tenet of the way in which we conduct our society, our laws and our community and the appropriate place for scrutiny of the Parliament in all of those processes. There are processes and forums for accountability to be achieved. In the Bill itself the duties of members are outlined, and compliance with the Financial Administration and Audit Act applies to the legislation.

In the attempt to focus on a particular person who had an association with the East Perth development area the Opposition has gone over the top, and it is this capacity for going over the top that will keep it in Opposition for a long time to come, despite the difficulties this Government may or may not have experienced. I appeal to members opposite to think very clearly before they impose the measures in this amendment on this Bill. I ask the Chamber to vote against the amendment.

Hon J.M. Berinson: Hear, hear!

Hon J.N. CALDWELL: I can well and truly understand exactly what Hon George Cash is seeking to do by this amendment. It has been moved because people fear what this Government has experienced. Everybody realises what has been going on and this amendment is a safeguard, a stopgap measure to give some accountability to the authority and the way in which it is set up.

However, the National Party will not support the amendment because it is not the right path to take. The best path to take would be to remove this Government. When that happens confidence will be restored to the public.

Hon P.G. Pental: We'll drink to that, but can we do it tonight?

Hon J.N. CALDWELL: This amendment should not be agreed to. It is clear that we are fearful of anything this Government sets up because we do not know where it will finish. That is why this type of amendment is sometimes proposed to a Bill. The sooner we kick the Government out, the sooner the people will have their confidence and faith restored and this kind of amendment will not be proposed at all.

Hon GEORGE CASH: I endorse the comments made by Hon John Caldwell inasmuch as he

suggested that the sooner the Government goes, the sooner we might get back some accountability. The Minister for Education has indicated that she believes this amendment is imported from some other country, but it is imported from nowhere. It is designed to require absolute accountability in respect of the persons appointed to the authority. It must be understood that this is a very special authority with very special powers and functions. However, Hon John Caldwell has made his point. I am disappointed in the National Party's not being able to support the amendment but I will leave it to the Committee to decide whether the amendment should be accepted.

**Amendment put and negatived.**

**Clause, as amended, put and passed.**

**Clauses 8 to 10 put and passed.**

**Clause 11: Protection of members and officers -**

Hon P.G. PENDAL: I move -

Page 7, line 4 - To delete the words "by him or her".

This clause relates to the commendable intention of the Government to protect members and officers of the authority for things they do and do not do in good faith. To that extent, the Opposition members support the Government's intention; however, we do not want to extend the protection to the point where members and officers of the authority are absolved, internally at least, from actions which should be the subject of internal accountability. To some extent Hon Peter Foss' amendment, and the later amendment which I shall move to clause 13, are related. Members and officers of the authority should not be absolved of responsibility within the authority; that must be clear. That is something about which the Opposition feels strongly.

Hon KAY HALLAHAN: I have a long explanation why the Minister opposes the two amendments referred to by Hon Phil Pendal. I understand that Hon Peter Foss' amendments involve a much larger issue concerning cross-Government and cross-legislation issues which are presently the subject of consideration. I understand and accept that a need exists for accountability regarding performance within statutory authorities. However, the matter should be handled in a systematic, cross-legislation manner. If we move in the direction of this amendment, we will be acting in an ad hoc manner. The whole question of liability, and whether persons undertook an action in good faith, is the subject of examination.

On that basis I ask the Opposition not to pursue its amendment because the matter with which it deals is under scrutiny and will be attended to in a comprehensive way. This investigation will affect all legislation. It would be desirable for the Opposition to accept that proposition and, from the point of view of consistency in legislation, to withdraw its amendment. If we proceed in an ad hoc way, this may result in some unsuspected liability being placed on members of boards. This matter and its complications were drawn to my attention only in recent times; however, it is an issue of significance which causes me to ask the Committee to give strong consideration to not supporting the amendment which Hon Peter Foss would have preferred to see included in the legislation.

Hon P.G. PENDAL: I thank the Minister for acknowledging the point made by the Opposition. By doing that she implies that the Opposition's argument is valid. One of the reasons that the Minister asked us not to move away from the established practice was that we would be acting in an ad hoc way; she said we must be systematic in these things. However, if the Minister acknowledges the value of the amendment, it is a good time to start that process. It is unnecessary to wait until we have 10, 20 or 50 Statutes which need this type of accountability provision inbuilt. The Minister has made out an argument for the amendment. She clearly does not see the amendment as an unreasonable request by the Opposition, and there is no time like the present. If this means that we are not systematic - that is, tidying up legislation where needed - this is a good time to start. The Committee should support the deletion of these words.

Hon KAY HALLAHAN: The provisions contained in the two amendments on the supplementary Notice Paper are measures contained in a Bill proposed by Hon Peter Foss. The provisions of that legislation are currently being examined by Treasury, which has yet to make its report on the Bill and its implications. I indicate to Hon Phil Pendal that this

amendment may have merit, but as its provisions have not been examined thoroughly I cannot support it. As the amendments have significant implications, and as the significant implications are being thoroughly examined, it is more desirable not to impose this amendment on the legislation until all its implications are fully understood. For those reasons I ask Hon Phil Pendal to withdraw Hon Peter Foss' amendment and defer moving the second amendment until such time as we have concluded a thorough assessment of them. Maybe the time will come when these amendments will be incorporated into all Bills, if these amendments provide great benefit to community interest; however, it would be regrettable to impose the amendments if unintended consequences follow which we cannot determine tonight due to a lack of a thorough assessment. An assessment is being conducted by Treasury, and its report will be a good source of advice for the Committee.

Hon P.G. PENDAL: I have listened to the Minister and I am not inclined to accede to her request. I ask the Committee to delete the words. To indicate the importance of what we are doing, I will give members a parliamentary equation. As parliamentarians, we want to be protected from public action against us in passing Statutes, and we are. Privilege is afforded to us for the actions we take and there is good reason for that. Internally there will always be a need for discipline of members of Parliament if we act less than properly as members of Parliament. That is quite different from the Parliament being seen to do something that might be contrary to the public interest in an external way. Therefore, the Parliament always holds to itself the right to deal with any of us for breaches of the internal rules. That is proper and that is an historic restraint on members of Parliament. That is what we suggest needs to apply in this case. The Minister has acknowledged that we have made a good point. However, the best she is able to say is, "Let us not get too radical on a Tuesday night late in the session; let us wait until we have a bag full of Statutes to apply it to." This authority will be given a lot of power. We are, in some respects, supplanting the pre-eminent local authority in Western Australia and some of us are not too pleased about that. Therefore, given all of the circumstances, I do not think it is too much to ask that, if we are going to confer some considerable power on both the members and officers of the authority, we make sure that they are accountable to the nth degree. For that reason, I am not inclined to accept the Minister's request, particularly given the fact that she has acknowledged the validity of the point I am making.

Hon KAY HALLAHAN: I am not sure that the amendments have been enforced from a position of understanding. The purpose of this Committee is to equate the duties of a board member with those of a company director under companies law. Hon Phillip Pendal has talked himself into believing that somehow he is imposing greater accountability and that that is desirable. I do not disagree with him on that except to say that one has to be clear about what one imposes on the system of law. The authority's board members will have a different responsibility from members of a board under companies law. That needs to be looked at by the Treasury and that is why I am suggesting that we do not move hastily because it could well be a matter of some concern should we pass this amendment tonight. We are not in full possession of the information required to make a considered decision on this matter and I therefore ask the Committee to oppose the amendment.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clause 12 put and passed.**

**Clause 13: Particular duties of members -**

Hon P.G. PENDAL: I move -

Page 7, line 11 - To add after "honestly" the words "and diligently".

This is a very important insertion in the Bill. It is not unrelated to the amendment to clause 11. Clause 13 demands that members of the authority act at all times honestly in performing their functions. We have no difficulty with that. However, it seems to fall short of what we should be demanding of people in a relatively powerful position. Frankly, it is not enough to say that we want someone to act honestly. A person can act honestly and be a complete dope. We believe there is a necessity to go a stage further and request that they act not only honestly but also diligently, which is different entirely. Members should be attentive to their duties. It is no different from the demands that we make of company

directors under the Companies Code, and members of the authority will have a level of power equal to some of the most powerful corporate directors in Australia. We should demand of them what we demand already of company directors. I ask the Committee to support the amendment.

Hon KAY HALLAHAN: Hon Phillip Pendal alluded to the confusion which has led to his proposed amendment. We are not dealing with the Companies Code, but with a statutory authority and people with a public interest. We cannot transfer the obligation from company law to the statutory law we are creating. It is regrettable that the Opposition will not listen to sound advice, given the very good intention behind it of helping this Parliament to pass the best of laws. I ask the Committee to oppose the amendment.

Hon P.G. PENDAL: Of all the comments I have heard tonight in this debate, that is one of the more astonishing. I can assure the Minister that I am not confused.

Hon Kay Hallahan: You do not think you are, but history will prove that you are.

Hon P.G. PENDAL: We shall see what judgment is delivered after two, three or five years. There is a parallel between the powers being conferred - even if the Minister does not understand that - and the powers in the corporate sector. Members of the authority will exercise a level of corporate power that would rival that of some of the more powerful corporate executives around this town. It has been half the problem with some of the past decisions of the State Government Insurance Commission and the Western Australian Development Corporation that people have been making decisions which require of them a level of responsibility less than that required by their counterparts in the private sector. That has been at enormous cost to the State. At the moment the State Government is locked in litigation in connection with hundreds of millions of dollars. That has everything to do with an incapacity of people to act in a diligent manner. That is not even canvassing the possibility that people may not have been acting in an honest fashion. There is every reason for insisting on the amendment originally proposed by Hon Peter Foss, and which I have now moved, that would make the simple, but nonetheless important, demand of members of the authority that they act not just honestly but with diligence and in an attentive manner. I request the Committee to support the amendment.

**Amendment put and passed.**

The DEPUTY CHAIRMAN (Hon D.J. Wordsworth): I advise the Minister that the further amendment on the Supplementary Notice Paper deals with a typographical error which the Clerk will correct under Standing Order 247(c).

**Clause, as amended, put and passed.**

**Clauses 14 to 18 put and passed.**

**Clause 19: Powers -**

Hon GEORGE CASH: I move -

Page 11, after line 8 - To insert the following new subclause -

- (4) Notwithstanding the provisions of subsection (6), any power conferred by subsection (2)(b) is only exercisable after a period of 60 days has elapsed since formal application for approval has been made to the Minister.

Members will be aware that this clause deals with the powers of the authority, and I refer the Committee to subclauses (1) to (2)(b). The provisions in subclauses (2)(c) and (3) impose certain other obligations on the authority. My proposed amendment relates to subclause (6). Subclause (2) refers to the authority's power to subdivide, amalgamate, improve, develop and alter land. It is important to recognise the provisions in subclause (6), to which I refer the Committee. The proposed amendment is very important, given that the Minister will assume all the powers of the State Planning Commission and on application by the authority to the Minister the commission can be bypassed. That is the nub of the matter. If the authority is to be given power to bypass the State Planning Commission in this way, it is important that a period of 60 days elapse so that the effect of any application can be considered by the community and other interested parties. I ask the Committee to support the amendment.



Hon KAY HALLAHAN: I ask the Committee to discount the argument put forward by Hon George Cash. He has not taken into account planning legislation that links subclause (6) in this Bill with normal subdivision powers outlined in section 20 of the Town Planning and Development Act 1928. The wording that the member has suggested implies a minimum period before decisions can be made. All other planning and development legislation specifies a maximum period for decision making.

The DEPUTY CHAIRMAN (Hon D.J. Wordsworth): Only a few minutes are left in the debate this evening. Hon George Cash has proposed a new subclause (4); Hon Phillip Pandal has also proposed a new subclause (4); and the Minister has proposals for several new subclauses (4). I do not know whether any of these is an amendment to the other or whether they conflict. As little time is left before the adjournment I will need to seek advice whether the amendments can be put separately or as amendments to each other.

Hon KAY HALLAHAN: I am advised that they are quite separate.

*Progress*

Progress reported and leave given to sit again, on motion by Hon Kay Hallahan (Minister for Education).

*House adjourned at 10.53 pm*

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## QUESTIONS ON NOTICE

## CAR THEFT - PORT HEDLAND STATISTICS

1008. Hon GEORGE CASH to the Minister for Police:

For the period 30 June 1989 to 1 July 1990, what was the total number of motor vehicles reported stolen in Port Hedland?

Hon GRAHAM EDWARDS replied:

Thirty-nine.

**GRAFFITI - BUNYA WAY AND KEY PLACE, NORANDA**  
*Morley Senior High School Area - Police Action*

1032. Hon GEORGE CASH to the Minister for Police:

- (1) Have police received complaints from a group of Noranda residents living in Bunya Way and Key Place, Noranda and adjacent areas complaining that their homes have become targets for graffiti vandals?
- (2) What action have the police taken to apprehend the culprits?
- (3) Is it known who the culprits are?
- (4) If so, have any been charged?
- (5) Have the police discussed the problem of graffiti vandalism in the immediate area of the Morley Senior High School with the principal of the school?
- (6) If so, have any matters been resolved?
- (7) Have police increased patrols in Bunya Way, Key Way, Noranda and adjacent areas, and if so, have these increased patrols met with success in either apprehending the graffiti vandals or reducing the incidence of this type of vandalism?
- (8) How many persons have been charged with offences involving graffiti vandalism in the vicinity of the Morley Senior High School in the past 12 months?
- (9) How many of those charged were convicted of such offences?

Hon GRAHAM EDWARDS replied:

- (1) Yes.
- (2),(4) Register of photographic evidence of graffiti is maintained for identification and investigation purposes, and inquiries are being conducted.
- (3) Two persons have been charged and a further 16 are being investigated.
- (5) Yes.
- (6) Some Morley Senior High School students have been disciplined by school staff. Number of complaints received by police has decreased.
- (7) Attention is given to areas of complaint during regular patrols.
- (8) Two.
- (9) None - both yet to appear in court.

**LAND - MUNDARING PRIMARY SCHOOL, STEVENS STREET**  
*Freehold Land Privately Owned*

1079. Hon DERRICK TOMLINSON to the Minister for Education:

- (1) Is the land in Stevens Street, Mundaring on which the new Mundaring Primary School was built freehold land owned privately?
- (2) Does the Government have in hand a proposal to purchase that land?

Hon KAY HALLAHAN replied:

(1)-(2)

The land in Stevens Street, Mundaring on which the new Mundaring Primary School was built has been purchased under contract of sale by the Crown. Survey formalities are proceeding which will allow the land to be transferred to the Ministry of Education.

### THIRD PARTY INSURANCE - TRANSPERTH PASSENGER BUSES

#### *Private Sector Licence Fee*

1082. Hon MAX EVANS to the Minister for Police representing the Minister for Transport:

- (1) Further to the answer given on 22 October 1991 to question on notice 974, what would be the licence fee for similar buses if used by the private sector?
- (2) If a licence fee was paid for all buses in the fleet, what would be the estimated annual cost?
- (3) What is the basis or direction that has been given for this not to be paid?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) Approximately \$281 for standard rigid chassis buses and \$389 for articulated buses.
- (2) Approximately \$270 000.
- (3) All State Government registered vehicles are exempt from paying the licence fee.

### WESTERN AUSTRALIAN MEAT COMMISSION - ANNUAL REPORT 1990-91

#### *DPIE Fees and Levies*

1083. Hon D.J. WORDSWORTH to the Minister for Police representing the Minister for Agriculture:

- (1) In the annual report of the WA Meat Commission for 1990-1991 under "Notes to and forming part of the accounts 1990/1991" in part 12 "Trade and other Creditors", does the amount of \$64 622 under item "D.P.I.E. Fees and Levies" cover wages?
- (2) If not, what is the cost of DPIE?
- (3) How many inspectors are employed under DPIE and AQIS?
- (4) How was a reduction of about \$100 000 brought about in this item from 1989-90?
- (5) What was the value placed per tonne on the boiler fuel?
- (6) Is it usual for laundry to cost in the vicinity of 16 per cent of wages and salary?
- (7) What value and number of cattle hides were sold?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following reply -

- (1) No. The WA Meat Commission is an agent for the collection of statutory fees and charges from slaughtering operations under the Slaughter Levy Act; the Export Control Fees Orders (NRS), the Beef Production Levy Act and the Cattle and Calf Transactions Levy.
- (2) \$974 455.
- (3) The number varies on demand. The WA Meat Commission is required to employ inspectors according to a standard formula. Currently 12 inspectors and one veterinarian are employed.
- (4) Levies are collected on a per head basis. The reduction reflects decreased slaughtering levels in June 1991 compared with June 1990.

- (5) The tallow used as boiler fuel was valued at \$264 per tonne - average.
- (6) The laundry costs for 1989-90 were 1.94 per cent of the total wages and salaries.
- (7) WA Meat Commission does not own hides. The hides and skins are the property of the operators.

#### WATSONIA - ERADICATION

1091. Hon P.G. PENDAL to the Minister for Education representing the Minister for the Environment:

- (1) Is it correct that the flowering plant known as *Watsonia*, which has been flowering recently in abundance in the south west of the State and King's Park, is an introduced plant rather than a native one?
- (2) If so, is the *Watsonia* regarded as a threat to native wildflowers?
- (3) If yes to (3), are there plans to eradicate the threatening plant?
- (4) What methods, if any, are available for its eradication?
- (5) Would eradication of the *Watsonia* be assisted if legislation was introduced to hand responsibility for its eradication to local government authorities?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

(1)-(2)

Yes.

- (3) It is too widespread to eradicate, however, control is effective in selected areas. It is mainly a species which invades disturbed areas.
- (4) Chemical control using Roundup.
- (5) Local authorities already have power under the Agriculture Protection Board Act to declare pest plants. *Watsonia* is not regarded as a threat to agriculture and local authorities would not regard it as a weed warranting substantial expenditure, other than in localised areas.

#### EDUCATION MINISTRY - MOTOR VEHICLES

##### *Private Boat Towing*

1092. Hon P.H. LOCKYER to the Minister for Education:

- (1) Has any Government vehicle attached to the Ministry for Education been used to tow a private boat from any part of the Kimberley to Broome recently?
- (2) If so, was this vehicle authorised to carry out the task of towing private boats?
- (3) Who authorised this to take place?
- (4) Were Government number plates used on the boat trailer?

Hon KAY HALLAHAN replied:

- (1) On 27 October 1991 a district office vehicle transporting staff to a conference in Broome was used to tow a boat to Broome for repairs. The cost of the petrol for the trip from Kununurra to Broome was met by the boat owner, the principal of the district high school.
- (2) Yes.
- (3) The district superintendent. The arrangement saved the ministry \$750 in air fares and fuel.
- (4) No.

#### SCHOOLS - EXMOUTH SCHOOL

##### *Enrolments*

1093. Hon P.H. LOCKYER to the Minister for Education:

- (1) How many students are presently enrolled at the Exmouth school?

- (2) What are the estimated numbers for 1992?
- (3) Are any changes with the arrangements with the United States Navy contemplated with regard to education of US citizens' children?
- (4) If so, what are those changes?

Hon KAY HALLAHAN replied:

- (1) 442.
- (2) 446.
- (3) No.
- (4) Not applicable.

#### KENNEDY RANGE - NATIONAL PARK AREAS

1094. Hon P.H. LOCKYER to the Minister for Education representing the Minister for the Environment:

- (1) What areas of the Kennedy Range are vested as a national park?
- (2) Are there any proposals to expand the national park in the Kennedy Range?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) None.
- (2) The Government proposes to create a national park in the Kennedy Range.

#### DROUGHT - DECLARATIONS

*Meekatharra, Cue, Mt Magnet, Sandstone, Leonora and Laverton Shires*

1095. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Agriculture:

What areas in the following shires have been declared drought affected -

- (a) Meekatharra;
- (b) Cue;
- (c) Mt Magnet;
- (d) Sandstone;
- (e) Leonora; and
- (f) Laverton?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following reply -

- (a) Twelve stations in the Meekatharra Shire are drought declared.
- (b) The drought consultative committee will recommend that six stations within the Cue Shire be drought declared.
- (c)-(f) No areas drought declared.

#### POLICE - VEHICLE PATROLS

*Unsealed Roads Policy*

1097. Hon P.H. LOCKYER to the Minister for Police:

What is the policy regarding patrols by police traffic vehicles on unsealed surfaces on Western Australian roads?

Hon GRAHAM EDWARDS replied:

The general policy for high speed pursuit traffic patrol vehicles restricts their operations to sealed roads, except in emergency or urgent circumstances. Non-pursuit vehicles negotiate all types of roads. Police have put in place on

a trial basis regional coordinated country traffic patrol plans for the State which are aimed at reducing the rising road toll in the country. The plans require maximum visible police presence on all highways where the majority of country accidents occur, the bulk of that activity being performed using high performance traffic patrol vehicles. Unsealed roads are to be patrolled by using other marked police vehicles.

**ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION - BOATS  
AND MOTORS SALE**  
*Equipment Whereabouts*

1098. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Water Resources:

With regard to the sale of two boats and equipment to the Aboriginal and Torres Strait Islander Commission in Derby and subsequently to an Aboriginal community, can the Minister advise where the equipment is physically at the present moment?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following reply -

As the member already knows, the equipment was sold to ATSIC. This question would more appropriately be addressed to that agency.

**WATER SUPPLY - CARNARVON HORTICULTURAL INDUSTRY**  
*Permanent and Reliable Supply*

1099. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Water Resources:

- (1) What steps are being taken to provide the Carnarvon horticultural industry with a more permanent and reliable water supply to avoid strict restrictions when the Gascoyne River does not flow?
- (2) What ongoing examination of underground water supply in the area is taking place?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following reply -

- (1) In 1986 the Water Authority completed a major review of alternative sources of water for the horticultural industry at Carnarvon. The report produced looked at a number of options including dams, ground water recharge, off river storage and the diversion of Yandoo Creek. The report was made available to the Shire of Carnarvon and the Carnarvon irrigation district advisory committee.

During 1987 the Shire of Carnarvon, with the Water Authority, developed a water resource policy. The policy sought improved security of supply to the irrigation industry and advocated further investigation of the deeper aquifer and improved management of the ground water resource. This approach is consistent with the Water Authority's current investigations and planning.

A major investigatory drilling program costing over \$500 000 was carried out in 1987-88 and 1988-89 and saw the completion of a network of monitoring bores within the Water Authority's borefield. Data is now being taken up and analysed using a computer model to ascertain the safe yield of the deeper, older alluviums of the Gascoyne River within the authority's borefield. Preliminary indications are that further water sources may be available, enabling a more secure supply from the authority's scheme.

- (2) In February 1991, the Minister for Water Resources invited the Shire of Carnarvon to set up a reference committee on the impact of the new water identified in relation to present and future demand. The

committee has been formed from a wide cross-section of the community and is expected to report to the Minister in 1992.

The Water Authority is presently carrying out a long term pump test within its borefield to ascertain the safe yields of the older alluvium aquifers. A review of river flow data is also being done to enable a more accurate prediction of drought probability. This data will then be used to adjust the water allocation policy which manages the amount of water made available. The Water Authority is working closely with its Carnarvon district advisory committee and the community based reference committee to ascertain the future water supplies to the horticultural industry at Carnarvon.

#### CORAL BAY - PUBLIC FACILITIES ASSISTANCE

1100. Hon P.H. LOCKYER to Hon Tom Stephens representing the Minister for State Development:

With regard to the Minister's recent meeting with residents of Coral Bay, what assistance will be provided with regard to -

- (a) providing a public ablution block to the town;
- (b) the State Energy Commission of Western Australia providing power;
- (c) water and sewerage being provided;
- (d) further land being released; and
- (e) assistance with emergency services?

Hon TOM STEPHENS replied:

The Minister for State Development has provided the following reply -

- (a) The Minister for State Development has agreed that State Government will fund an ablution facility at Coral Bay on a \$2:\$1 basis with the Shire of Carnarvon.
- (b) The Minister for State Development has established a working party of representatives from Coral Bay Progress Association, the Shire of Carnarvon, SECWA and the Department of State Development to examine the options for provision for a publicly funded power supply to Coral Bay.
- (c)-(d) The Department of State Development staff are available to assist the responsible agencies/authorities in examining the options available for provision of water and sewerage services and additional release of land.
- (e) Assistance has been provided from the Lotteries Commission for the purchase of a four wheel drive vehicle.

#### ROADS - FRANK HANN NATIONAL PARK AND VACANT CROWN LAND *Illegal Road Clearing*

1103. Hon P.G. PENDAL to the Minister for Education representing the Minister for the Environment:

- (1) Is the Minister aware that an illegal road has been cleared through 66 kilometres of vacant Crown land and six kilometres of the Frank Hann National Park in the Shire of Ravensthorpe?
- (2) Is the Minister aware of an undertaking by his predecessor, Hon Barry Hodge, that this road would be closed and rehabilitated and that those responsible for this act of environmental degradation would be prosecuted?
- (3) Has the action promised by Mr Hodge been taken?

- (4) If not, why not?
- (5) Does the Government regard this illegal clearing as less reprehensible than that carried out by Palos Verdes Pty Ltd in clearing an illegal road on the Nullaki Peninsula in which case the Minister authorised the Environmental Protection Authority to take legal action?
- (6) Is the Minister now prepared to give an assurance that illegal actions of this type will not be tolerated by the Government?
- (7) If the answer to (6) is yes, when will the illegal road referred to in (1) be closed?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

(1) An illegal road was cleared in 1987.

(2)-(4)

My predecessor instructed CALM to close the section of the road through the national park. This was done with the cooperation of the community involved in the construction. The people involved were not prosecuted because CALM was of the strong view they were genuinely unaware that the national park had been extended. They were mortified by their mistake and sincerely apologised.

(5) I am not prepared to offer an opinion where so many complex factors are involved.

(6) The Government dislikes these kinds of actions as much as anybody. We do not tolerate them but the Government's response needs to be appropriate to the circumstances. Such factors as the degree of culpability, the need to make an example of the perpetrators, their knowledge of what they were doing etc need to be taken into account. There is a well known body of opinion about prosecution policy and practice and I suggest that the honourable member seeks advice on this.

(7) The road referred to in (1) was closed and rehabilitated as stated above. However, there has been gradually increasing use of a track along the edge of the alignment through the park in recent years. CALM has advised, in consultation with the Main Roads Department, that the best solution is to create a proper road alignment which is definitely needed by the community.

#### CHLOROFLUOROCARBONS - ENVIRONMENTAL PROTECTION PHASE-OUT POLICY

1105. Hon P.G. PENDAL to the Minister for Education representing the Minister for the Environment:

- (1) Did the State Government promise, prior to the 1989 State elections, that it would introduce an environmental protection policy to phase out all applications of chlorofluorocarbons in refrigerators, air-conditioning and packaging products?
- (2) If so, has this policy been introduced?
- (3) If not, why not?
- (4) Is the Minister aware of widespread community concern that the current environmental protection policy on ozone depleting substances is not being enforced?
- (5) Has the Minister received complaints from the Motor Trades Association that the policy on ozone depleting substances in automobile air-conditioners is not effective?
- (6) Have any prosecutions or infringement notices been issued against persons for breaches of this policy?



- (7) If so, how many?
- (8) How many tonnes of chlorofluorocarbons were used in Western Australia in 1990?
- (9) How many tonnes were recycled?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) Yes.
- (2) An Environmental Protection Policy (EPP) has been introduced to control chlorofluorocarbon (CFC) refrigerants. Also, Western Australia was actively involved in the development of Commonwealth legislation which bans CFCs in packaging products.
- (3) Not applicable.
- (4) The Environmental Protection Authority (EPA) advises me that it does not know of any "widespread community concern" that the EPP is not being enforced. The EPA has advised that its inspections indicate the EPP is being complied with.
- (5) Yes.
- (6) A prosecution is pending, due to be heard in court in February 1992.
- (7) One, as above.
- (8) Approximately 600 tonnes, depending on what precise chemicals are included in the definition of "CFCs".
- (9) Much of the air-conditioning and refrigeration industry recycles CFCs "in-house", therefore it is not possible to know the quantity of CFCs being recycled in the State without embarking on some type of survey or similar study.

#### HANN, JOHN (TEX) - VASSE RESEARCH STATION REDEPLOYMENT

1107. Hon BARRY HOUSE to the Minister for Police representing the Minister for Agriculture:

- (1) What are the reasons for, and justification of, the redeployment of Mr John (Tex) Hann from the Vasse Research Station?
- (2) What other employment, if any, will be offered to Mr Hann?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following reply -

- (1)-(2) The Department of Agriculture has rationalised its dairy and beef operations on the Vasse and Wokalup Research Stations, resulting in the need for two less general operatives. One has accepted a transfer to Kununurra. The second, Mr Hann, will be offered a position on another research station.

#### KIMBERLEY - WATER RATES

##### *Advance Payments Requirement*

1108. Hon N.F. MOORE to the Minister for Police representing the Minister for Water Resources:

- (1) Is it correct that consumers in the Kimberley are being required to pay water rates in advance?
- (2) If so, why is this occurring?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following reply -

(1)-(2)

Water Authority customers receive their annual rates and charges account for water, sewerage and other undertakings in July of each year for the following 12 months ending 30 June. This action is similar to that which occurs with all local authorities and rating agencies. Water Authority customers are able to select from any one of three payment options for these accounts -

- (a) Payment in full before 31 July, and receive a discount.
- (b) Payment in two instalments due 31 July and 31 December.
- (c) Payment in four instalments due 31 July, 31 October, 31 December and 31 March.

**AIR SERVICES - WYNDHAM, HALLS CREEK, FITZROY CROSSING, DERBY**  
*Government Subsidy*

1112. Hon N.F. MOORE to the Minister for Police representing the Minister for Transport:

- (1) Is a subsidy paid to the operator of the air service between Wyndham, Halls Creek, Fitzroy Crossing and Derby?
- (2) If so, is it proposed to reduce or remove the subsidy?
- (3) If so, why?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) The State Government underwrites, on a shortfall basis, the regular air service operated by Ord Air Charter between Derby, Fitzroy Crossing and Halls Creek. The subsidy represents the difference between approved operating costs and revenues. Ord Air Charter also operates regular services out of Wyndham to isolated stations, mainly in Western Australia, but also in the Northern Territory. Some of these station runs are subsidised by the Commonwealth Government.

(2)-(3)

No. However, options are being examined with the view to determining the most efficient and cost-effective way to provide communities with a sufficient level of service.

**ABORIGINES - JUNJUWA COMMUNITY, FITZROY CROSSING**  
*By-laws, Aboriginal Communities Act*

1113. Hon N.F. MOORE to the Minister for Education representing the Minister for Aboriginal Affairs:

- (1) Has the Junjuwa Community in Fitzroy Crossing developed by-laws under the Aboriginal Communities Act 1979?
- (2) If not, is it proposed that this will occur in the future?

Hon KAY HALLAHAN replied:

The Minister for Aboriginal Affairs has provided the following reply -

- (1) Yes. The Junjuwa Community by-laws were proclaimed under the Aboriginal Communities Act 1979 by the Governor's proclamation on 10 May 1991.
- (2) Not applicable.

**ABORIGINES - WARRINGARRI-MAYAROONG**  
*Government Funding*

1114. Hon N.F. MOORE to the Minister for Education representing the Minister for Aboriginal Affairs:

- (1) Does Warringarri-Mayaroong in Kununurra receive any State Government funding?

- (2) If so, how many and for what purpose?

Hon KAY HALLAHAN replied:

The Minister for Aboriginal Affairs has provided the following reply -

- (1) Warringarri Aboriginal Corporation, in its own right or as trustee for other Aboriginal bodies, has received Aboriginal communities development programme (ACDP) funding from the Aboriginal Affairs Planning Authority (AAPA). Other State Government agencies should be consulted with regard to any funding they have provided to Warringarri. Mayaroon Constructon is a subsidy of Warringarri and has not been awarded any funding directly by AAPA.
- (2) Twelve grants were provided to Warringarri from ACDP during the period 22 October 1987 to 10 May 1991. These grants were for the following purposes -
- community planning and development;
  - cultural and social; and
  - sporting projects.

**ABORIGINES - COMMUNITY DEVELOPMENT EMPLOYMENT PROGRAM  
PAYMENTS**

*Unemployment Statistics Inclusion*

1115. Hon N.F. MOORE to the Minister for Employment and Training:

- (1) Are Aboriginal recipients of community development employment program payments considered to be unemployed and therefore included in official unemployment statistics?
- (2) If not, why not?

Hon KAY HALLAHAN replied:

(1)-(2)

Participants in the community development employment program - which is a Federal Government program - undertake activities including -

- farming
- brick-making
- housing and building
- teaching of traditional skills
- land management
- reafforestation.

Under the definition of "employment" used by the Australian Bureau of Statistics, which compiles the official unemployment statistics through the monthly labour force survey, these participants are considered to be employed and are therefore placed in this category in the official statistics.

**SCHOOLS - GOVERNMENT**

*English Second Language Class Size - Aboriginal Students Speaking "Creole"*

1118. Hon N.F. MOORE to the Minister for Education:

- (1) What is the maximum number of students permitted in an English as second language class in Government schools?
- (2) Is it considered that classes which contain a large number of Aboriginal students who speak "Creole" should be regarded as ESL classes?
- (3) If so, when will the numbers be reduced?
- (4) If not, why not?

Hon KAY HALLAHAN replied:

- (1) The staff-student ratios vary from 1:15 to 1:30 according to the time students have spent in Australia and the level of competency in English. Intensive instruction at the 1:15 ratio is limited to first year for new arrivals.

- (2) No.
- (3) Not applicable.
- (4) The language needs of Aboriginal students are different from those of new arrivals from a non-English speaking background. A variety of school based programs and support mechanisms are addressing the needs of Aboriginal students in this area. The first steps program is a major positive element in achieving favourable learning outcomes for these students. Methodologies are similar to ESL. Teachers' in-service programs and school development officer support has been provided in key areas, including support available from two ESL school development officers based in the Kimberley and one based in Kalgoorlie.

**SCHOOLS - FITZROY CROSSING DISTRICT HIGH SCHOOL**  
*Sports Undercover, Outdoor Area Need*

1119. Hon N.F. MOORE to the Minister for Education:

- (1) Is the Minister aware that the Fitzroy Crossing District High School is in need of an undercover, outdoor area for sporting activities?
- (2) If so, when will it be provided?

Hon KAY HALLAHAN replied:

- (1) Yes.
- (2) The Ministry of Education has a program to progressively provide covered assembly areas at a number of schools each year. Fitzroy Crossing will be given full consideration in relation to the needs of other schools when the 1992-93 Capital Works Program is prepared.

**HOMESWEST - FITZROY CROSSING**  
*Vacant Houses, Waiting List, Construction Statistics*

1120. Hon N.F. MOORE to the Attorney General representing the Minister for Housing:

- (1) How many vacant Homeswest houses are there in Fitzroy Crossing?
- (2) How many people are on the waiting list for Homeswest houses in Fitzroy Crossing?
- (3) How many houses will be built in the 1991-92 financial year in Fitzroy Crossing?

Hon J.M. BERINSON replied:

The Minister for Housing has provided the following reply -

- (1) Two. However both have been allocated.
- (2) Twenty.
- (3) None.

**WYNDHAM CROCODILE FARM - PURCHASE OFFERS**  
*Government Guarantee*

1121. Hon N.F. MOORE to the Minister for Police representing the Minister for North-West:

- (1) Have any offers been made to purchase the Wyndham Crocodile Farm?
- (2) If so, why have they not been accepted?
- (3) What was the total amount of funds guaranteed by the Government for the farm?

Hon GRAHAM EDWARDS replied:

The Minister for State Development has provided the following reply -

- (1) Yes.

- (2) I understand that offers have lapsed due to difficulties in raising finance or equity.
- (3) The Government guarantee for the Wyndham Crocodile Farm was \$1.1 million.

**HOSPITALS - DERBY REGIONAL HOSPITAL**  
*General Ward Replacement Proposal*

1125. Hon N.F. MOORE to the Minister for Education representing the Minister for Health:  
When is it proposed to replace the general ward at the Derby Regional Hospital?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

It is expected that the existing general ward building will be replaced in stage four of the redevelopment program for the Derby Regional Hospital. The project has been included for consideration in the Health Department's three year capital works program.

**HOSPITALS - HALLS CREEK HOSPITAL**  
*Renovation and Extension*

1127. Hon N.F. MOORE to the Minister for Education representing the Minister for Health:

- (1) Is it proposed to renovate and extend the hospital at Halls Creek?
- (2) If so, when?
- (3) If not, why not?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) A major renovation of the hospital was completed in 1986 and further renovations have not been proposed. Consideration is being given to recommending extensions to the hospital but this has not yet been documented and it is still in the discussion phase.
- (2) Planning proposals and funding submission for an extension may go forward as a new works program item during 1992-93.
- (3) Not applicable.

**CROCODILES - PRODUCTS**  
*Illegal Sales*

1130. Hon N.F. MOORE to the Minister for Education representing the Minister for the Environment:

- (1) Why is it still illegal to sell crocodile products from Western Australian crocodiles?
- (2) What action is being taken to change this situation?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) Commonwealth legislation precludes overseas export of products from crocodiles taken from the wild unless a management program approved by the Commonwealth Minister is in place. A draft Western Australian crocodile management program has been prepared and was circulated to interested parties for comment in June 1991. Trade in products from crocodiles sourced from the wild in Western Australia is not being permitted in advance of approval of the management program.

This approach provides protection against possible refusal of permission, or seizure, if people attempt to move such products

interstate or overseas. This has not been a significant problem for Western Australian crocodile farms to date because the industry has not yet developed to the stage where it is ready to slaughter Western Australian sourced crocodiles in significant numbers. Western Australian farms are permitted to sell products from crocodiles obtained from the Northern Territory in accordance with the Northern Territory approved management program, and from crocodiles bred in captivity in Queensland.

- (2) The Department of Conservation and Land Management is revising the draft management program in the light of comments received, and it will then be submitted for formal approval under the Commonwealth legislation.

#### BUNGLE BUNGLE NATIONAL PARK - AIRSTRIP CONSTRUCTION

1131. Hon N.F. MOORE to the Minister for Education representing the Minister for the Environment:

- (1) Is it correct that an airstrip has been constructed at the Bungle Bungle National Park?
- (2) If so, is it available for use by charter operators?
- (3) If not, why not?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) Yes.
- (2) No.
- (3) Charter operators will be able to use the strip once appropriate negotiations have been completed with the Purnululu Aboriginal Corporation or the management plan for the park is completed. I anticipate that this will be done shortly.

#### POLICE - HALLS CREEK *New Police Station and Lockup Proposal*

1132. Hon N.F. MOORE to the Minister for Police:

- (1) Is it proposed to build a new police station and lockup at Halls Creek?
- (2) If so, when will work commence?
- (3) If not, why not?

Hon GRAHAM EDWARDS replied:

- (1) Police Department planning provides for the erection of a new lockup at Halls Creek and major alterations and additions to the police station building.
- (2) Subject to the availability of finance from the General Loan and Capital Works Fund Budget -  
1992-93 New lockup  
1993-94 Police station additions and alterations.
- (3) Answered by (1).

#### SOBERING UP CENTRES - CONSTRUCTION STATISTICS

1136. Hon N.F. MOORE to the Minister for Education representing the Minister for Health:

- (1) How many detoxification centres have been built in Western Australia since the decision was taken to decriminalise drunkenness and where have they been built?
- (2) Is it proposed to build any others?
- (3) If so, where and when?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

(1) A sobering-up centre has been built in Perth.

(2)-(3)

An interim sobering-up centre is currently operating in South Hedland. The purpose designed centre is currently under construction with completion planned for mid-December 1991. It is proposed to build two further sobering-up centres, one respectively in Halls Creek and Fitzroy Crossing.

#### ALCOHOL - RETAILERS

##### *Credit Sales - Legislative Restrictions*

1139. Hon N.F. MOORE to the Minister for Police representing the Minister for Racing and Gaming:

(1) Are there any legislative restrictions on retailers selling alcohol on credit?

(2) If so, what are these restrictions and why are they in place?

Hon GRAHAM EDWARDS replied:

The Minister for Racing and Gaming has provided the following reply -

(1) Yes.

(2) Section 110(7)(c) of the Liquor Licensing Act 1988. A similar provision also appeared in the repealed Liquor Act 1970. The purpose is to ensure that licensees do not take advantage of customers (who may be affected by liquor) by continuing to supply them with liquor once their cash has been spent, and recovering the money later.

#### POLICE - ROAD TRAFFIC ACT

##### *Police Officer Exemptions*

1140. Hon GEORGE CASH to the Minister for Police:

(1) Is an off-duty police officer exempt from the provisions of the Road Traffic Act and the regulations made pursuant to that Act?

(2) Under what circumstances is a police officer acting in the line of duty exempt from the provisions of the Road Traffic Act and the regulations made pursuant to that Act?

(3) Is a police officer not acting as the driver of an emergency vehicle entitled to exceed the speed limit?

(4) Is it Police Department policy to ensure that police officers who breach the Traffic Code and/or the regulations made pursuant to the Traffic Code are treated in the same manner as civilians?

Hon GRAHAM EDWARDS replied:

(1) No.

(2) While driving an emergency vehicle as defined in Regulation 103 of the Road Traffic Code and acting in the execution of his duty under the provisions of Regulation 204 of the Road Traffic Code.

(3) No.

(4) Yes.

#### JURIES - LEGAL REPRESENTATIVES

##### *Jurors Names Presentation*

1142. Hon D.J. WORDSWORTH to the Attorney General:

(1) Bearing in mind the embarrassment recently experienced in Queensland where jurors were canvassed ahead of selection as to their political allegiance, can the Minister advise how long before court cases in Western Australia are legal representatives given the list of prospective jurors?

- (2) What considerations have been given by the Minister to the selection of an unbiased jury should charges ever be laid against Cabinet Ministers or political leaders in this State as occurred in Queensland?
- (3) Is the use of interstate jurors under consideration either here or at ministerial conferences for such purposes?
- (4) Would legislation be required to change the present system of juror selection?

Hon J.M. BERINSON replied:

- (1) Four clear days (per section 30 of the Juries Act).
- (2) None.
- (3) No.
- (4) Yes.

#### BOAT TRAILERS - CURRENT REGULATIONS

1143. Hon GEORGE CASH to the Minister for Police:

- (1) What regulations are currently in force regarding boat trailers?
- (2) Are vehicles required to be a certain engine capacity with special braking systems to tow boat trailers in excess of five metres?
- (3) If so, what is the engine capacity and braking system required?
- (4) Are all regulations strictly enforced throughout the State?

Hon GRAHAM EDWARDS replied:

- (1) Trailers manufactured prior to 1 July 1988 - vehicle standards regulation 1977.  
Trailers manufactured after 1 July 1988 - Australian design rules.
- (2) No.
- (3) Not applicable.
- (4) Yes.

#### CONSERVATION AND LAND MANAGEMENT DEPARTMENT - "WILD PLACES - QUIET PLACES" BOOK

1144. Hon P.H. LOCKYER to the Minister for Education representing the Minister for the Environment:

- (1) Does the Department of Conservation and Land Management publish a book entitled *Wild Places - Quiet Places*?
- (2) If so, is it available to the public?
- (3) If so, at what price and where can it be obtained?
- (4) Does the price of the book cover the cost of production?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1)-(2) and (4)  
Yes.

- (3) *Wild Places - Quiet Places* retails at \$14.95 and is available from bookstores and newsagents throughout Western Australia or direct from CALM.

#### MINING WARDEN'S COURT - BACKLOG OF CASES

*Meekatharra, Cue, Mt Magnet, Marble Bar, Leonora, Laverton, Kalgoorlie*

1145. Hon P.H. LOCKYER to Hon Mark Nevill representing the Minister for Mines:

- (1) Is there a backlog of cases waiting to be heard in the Mining Warden's Court at -



- (a) Meekatharra;
- (b) Cue;
- (c) Mt Magnet;
- (d) Marble Bar;
- (e) Leonora;
- (f) Laverton; and
- (g) Kalgoorlie?

(2) If so, when will the backlog be cleared?

Hon MARK NEVILL replied:

The Minister for Mines has provided the following reply -

(1) The number of contested cases awaiting hearing in the various Warden's Court centres nominated are -

- (a) Meekatharra - 6
- (b) Not applicable. The Department of Mines office in Cue closed several years ago and Warden's Courts are not held at this centre.
- (c) Mt Magnet - five.
- (d) Marble Bar - 13.
- (e) Leonora - 19.
- (f) Not applicable. The member might be interested to learn that the Department of Mines office in Laverton closed in 1952 and Warden's Courts are not held at this centre.
- (g) Kalgoorlie - 27.

(2) Of the 70 cases referred to in (1) above, 43 have been listed for hearing in November or December 1991. The remaining 27 cases fall into the following categories -

- (i) new cases awaiting listing - 11.
- (ii) adjourned at the request of the parties - eight.
- (iii) transferred to Perth for hearing - five.
- (iv) awaiting determination of prior applications - three.

For the information of the honourable member contested cases are normally listed for hearing within three months of receipt.

#### ABORIGINAL RESERVES - LAVERTON-YULARA ROAD *Travel Permit*

1146. Hon P.H. LOCKYER to the Minister for Education representing the Minister for Aboriginal Affairs:

- (1) Do travellers using the Laverton-Yulara Road need to get a permit to travel through the Aboriginal reserve?
- (2) If so, where do they seek the permit?
- (3) Is there a cost involved?
- (4) How far in advance should a traveller apply?
- (5) What does the permit permit the traveller to do?
- (6) What percentage of travellers are estimated to apply for permits?

Hon KAY HALLAHAN replied:

The Minister for Aboriginal Affairs has provided the following reply -

- (1) Yes.
- (2) From the Aboriginal Affairs Planning Authority (AAPA).
- (3) No.
- (4) Preferably up to four weeks' notice; however permits can be issued on the spot at the AAPA office if necessary.
- (5) Traverse the reserve.
- (6) Unknown.

**FISHING - PRAWNS, CARNARVON AND EXMOUTH**  
*1992 Season Commencement Date*

1147. Hon P.H. LOCKYER to Hon Mark Nevill representing the Minister for Fisheries:

- (1) What is the proposed commencement date for the prawning season to start in 1992 in -
  - (a) Carnarvon; and
  - (b) Exmouth?
- (2) If no date has yet been set, when will it be set?
- (3) How will this information be passed on to fishermen involved in the industry in these areas?

Hon MARK NEVILL replied:

The Minister for Fisheries has provided the following reply -

- (1) I have not yet decided upon a 1992 opening date for the prawn fisheries of either Shark Bay or Exmouth Gulf. However, to assist the industry in its planning, officers of the Fisheries Department will shortly be writing to licensees indicating that the likely opening dates will be -
  - (a) Shark Bay (Carnarvon) - 10 March 1992
  - (b) Exmouth Gulf - 2 April 1992.
- (2) I will decide upon the exact opening date after the December surveys of these fisheries by the Fisheries Department and the annual industry meetings scheduled for late January 1992.
- (3) Licensees will be informed of my decision by letter.

**LORD FORREST OLYMPIC POOL, KALGOORLIE - KALGOORLIE-BOULDER**  
**TOWN COUNCIL**  
*Australian Heritage Commission Registration Request*

1148. Hon P.H. LOCKYER to the Minister for Education representing the Minister for Heritage:

- (1) Has the Kalgoorlie-Boulder Town Council requested that the Lord Forrest Olympic Pool in Kalgoorlie be registered with the Australian Heritage Commission?
- (2) If so, does the Government support the request?
- (3) On what grounds is the request supported?

Hon KAY HALLAHAN replied:

The Minister for Heritage has provided the following reply -

- (1) The Kalgoorlie-Boulder Council has resolved to make such a request.
- (2)-(3)

The Government has asked the Heritage Council of Western Australia to liaise with the Australian Heritage Commission regarding the assessment of the cultural heritage significance of the Lord Forrest

Olympic Pool, and will determine its position in light of the advice it receives from the Heritage Council.

**POLICE - EUCLA**  
*Manpower and Patrol Cars*

1149. Hon P.H. LOCKYER to the Minister for Police:

- (1) How many police officers are stationed at Eucla?
- (2) How many patrol cars are stationed at Eucla?

Hon GRAHAM EDWARDS replied:

- (1) Seven.
- (2) Two.

**POLICE - MEEKATHARRA**  
*Commissioned Officer Accommodation*

1152. Hon P.H. LOCKYER to the Minister for Police:

- (1) Has accommodation for a commissioned officer been found in Meekatharra yet?
- (2) If so, when will that officer take up his position?
- (3) If not, when will accommodation become available?

Hon GRAHAM EDWARDS replied:

- (1) No.
- (2) Answered by (1).
- (3) The Government Employees' Housing Authority is investigating all options, including the purchase of privately owned residential housing if a suitable property becomes available. If not, a new GEHA house will be constructed and is anticipated to be completed in approximately 10 to 12 months.

**QUARANTINE CHECKPOINTS - NORSEMAN**  
*Staff, Housing and Opening Hours*

1153. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Agriculture:

- (1) How many staff man the quarantine station at Norseman?
- (2) How many houses are occupied by these officers?
- (3) Is the station operated 24 hours of the day 12 months of the year?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following reply -

- (1) Nine full time and two part time local casuals.
- (2) The Government provides four houses and single persons' quarters.
- (3) Yes.

**QUARANTINE CHECKPOINTS - NORSEMAN**  
*Eucla Transfer Examination - Ceduna Checkpoint Transfer Talks*

1154. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Agriculture:

- (1) Has the Government examined situating the quarantine inspection point from Norseman to Eucla?
- (2) Have any talks been held with the South Australian Government with a view to South Australia shifting its Ceduna quarantine inspection point to Eucla to combine with Western Australia in the quarantine inspection for both States?
- (3) If not, will this proposition be pursued?
- (4) If not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following reply -

- (1) Yes.
- (2) Yes, at officer level only.
- (3)-(4) Not applicable.

**WATER AUTHORITY OF WESTERN AUSTRALIA - EMPLOYMENT STATISTICS**  
*Karratha, Wickham, Roebourne, Dampier, Pannawonica, Tom Price, Paraburdoo*

1159. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Water Resources:

- (1) How many employees of the Western Australian Water Authority are stationed at -
  - (a) Karratha;
  - (b) Wickham;
  - (c) Roebourne;
  - (d) Dampier;
  - (e) Pannawonica;
  - (f) Tom Price; and
  - (g) Paraburdoo?
- (2) Is it the intention to reduce the amount of WAWA staff at any of these centres?
- (3) If so, where and by how many?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following reply -

- (1) (a) 82
- (b) One
- (c)-(g) None.

(2)-(3)

As a result of the current voluntary severance scheme, the authority's staff will be reduced by one at both Wickham and Karratha. The reductions will not result in a reduced level of service to customers.

**NULLAGINE - WATER SUPPLY PROBLEMS**  
*Restrictions*

1160. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Water Resources:

- (1) What steps are being taken to overcome the water supply problem at Nullagine?
- (2) What restrictions are presently in place?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following reply -

- (1) The authority has recently conducted a leak detection study which identified a leakage of approximately 20 per cent of the daily consumption. These leaks, which were mainly on customers' properties, have been fixed, and this will significantly improve the system's capacity to meet the demand. A consultant has been commissioned by the Water Authority to investigate the short and long term options including the consideration of dam sites for water supply to Nullagine. The authority is currently considering the consultant's

report. The authority has implemented restrictions to ensure the demand at Nullagine is managed within the capacity of the Nullagine resources.

- (2) Temporary restrictions at Nullagine have been in place since midnight on 27 October 1991. These restrictions are classified as class 3 by WAWA, and include the following requirements -

Watering of lawns and gardens

1. Lawns and gardens may be watered only by using a hand held hose with one outlet or a hand held watering container.

Filling of swimming pools

2. Swimming pools may be filled only if the pool is new and being filled for the first time and may only be topped up to the extent necessary to replace water lost due to evaporation or use of the pool.

Cleaning and spraying of surfaces and buildings

3. A concrete or bitumen surface and a surface that is paved or bricked may be cleaned or sprayed using a hose only if it is necessary to do so -
  - (a) to assist with the construction or repair of a building or drive, path, road or other paved area; or
  - (b) to maintain a standard of cleanliness that does not threaten public health.

#### HOMESWEST - WICKHAM

##### *Houses Statistics, Vacancies, Waiting List*

1161. Hon P.H. LOCKYER to the Attorney General representing the Minister for Housing:

- (1) How many Homeswest houses are there in Wickham?
- (2) How many are vacant at present?
- (3) How many people are on the waiting list?
- (4) How long have they been on the waiting list?

Hon J.M. BERINSON replied:

The Minister for Housing has provided the following reply -

- (1) 101.
- (2) Two.
- (3) 14.
- (4) One bedroom accommodation - four months  
Two bedroom accommodation - five months  
Three bedroom accommodation - four months  
Four bedroom accommodation - one month.

#### HOMESWEST - TOM PRICE

##### *Houses Statistics, Construction Statistics, Waiting List*

1162. Hon P.H. LOCKYER to the Attorney General representing the Minister for Housing:

- (1) How many Homeswest houses exist in Tom Price?
- (2) Are any new Homeswest houses going to be developed in Tom Price in the financial year 1991-92?
- (3) If so, how many?
- (4) What is the waiting list of prospective tenants at the present moment?

Hon J.M. BERINSON replied:

The Minister for Housing has provided the following reply -

- (1) Five.
- (2) Yes.
- (3) 10.
- (4) Pensioner accommodation - two months  
 One bedroom single accommodation - two months  
 Two bedroom single accommodation - six months  
 Two bedroom family accommodation - three months  
 Three bedroom family accommodation - four months

#### SCHOOLS - EXMOUTH DISTRICT HIGH SCHOOL

##### *Downgrading Plans*

1165. Hon P.H. LOCKYER to the Minister for Education:

- (1) Is it the intention to downgrade the Exmouth school?
- (2) Is it the intention that the number of teachers at the Exmouth school be reduced for 1992?
- (3) If so, by how many?

Hon KAY HALLAHAN replied:

- (1) There are no plans to downgrade the Exmouth District High School.
- (2) Yes.
- (3) Reduced primary enrolments will result in the loss of 1.05 teachers.

#### SCHOOLS - CUE PRIMARY SCHOOL

##### *Enrolments - Teaching Staff Statistics*

1166. Hon P.H. LOCKYER to the Minister for Education:

- (1) How many students are at the Cue Primary School?
- (2) What is the number of full time and part time teaching staff at the Cue Primary School?
- (3) Is it the intention to maintain the same amount of staff at this school in 1992?

Hon KAY HALLAHAN replied:

- (1) 59 primary students and 17 preprimary students.
- (2) Five full-time teachers.
- (3) Yes.

#### SCHOOLS - KIMBERLEY

##### *Grading Changes Intention*

1167. Hon P.H. LOCKYER to the Minister for Education:

- (1) Is it the intention to alter the grading of any schools in the Kimberley in 1992?
- (2) If so, what schools are involved?

Hon KAY HALLAHAN replied:

- (1) The Ministry of Education does not intend to change the classification of any schools in the Kimberley area for 1992.
- (2) Not applicable.

#### SCHOOLS - CENTRAL DESERT

##### *Teaching Staff*

1168. Hon P.H. LOCKYER to the Minister for Education:

- (1) How many schools are supplied with teachers in the Central Desert?
- (2) Where are the schools situated?

- (3) How many full time and part time teaching staff are in each school?
- (4) What changes will be made to the amount of teaching staff in 1992 and where will these changes take place?

Hon KAY HALLAHAN replied:

- (1) 1991 - eight; 1992 - nine.
- (2) Warburton, 1 000 kilometres northeast of Kalgoorlie. Others north and east of Warburton.

(3)		FTE
	Blackstone	3.00
	Jameson	3.00
	Kirrikurra	3.25
	Tjirikarli	2.00
	Warakurna	3.00
	Warburton	4.00
	Wingellina	3.00
	Itinerant teachers	1.00
	TOTAL	25.25

(4)		FTE
	Jameson	-1.00
	Warburton	+1.45
	Tjirikarli	+0.35
	Warnam - new school	2.00
	1992 TOTAL	28.05

#### TEACHERS - KIMBERLEY

##### *Exmouth Visit - Use of Government Vehicle*

1170. Hon P.H. LOCKYER to the Minister for Education:

- (1) Did any teacher from the Kimberley use a Government car to visit Exmouth in the last 21 days?
- (2) If so, for what reason did the visit take place?
- (3) What was the duration of the visit?
- (4) Who authorised the teacher to -
  - (a) make the visit; or
  - (b) to use the Government vehicle?

Hon KAY HALLAHAN replied:

- (1) The principal of Wyndham District High School drove a vehicle to Exmouth.
- (2) The principal is transferring to Exmouth as the new principal for 1992.
- (3) Three days - not including two days' driving.
- (4) (a) District Superintendent.  
(b) District Superintendent.

#### SCHOOL PRINCIPALS - KIMBERLEY MEETINGS

##### *Telephone Conferences*

1171. Hon P.H. LOCKYER to the Minister for Education:

- (1) How many in-service conferences or meetings involving school principals in the Kimberley in 1991 have taken place?
- (2) Where were these meetings held?
- (3) Which principals attended?
- (4) Are telephone conferences held or have they been considered?

Hon KAY HALLAHAN replied:

- (1) Three\*. Two district initiated, one first steps - central office.
- (2) Two in Broome; one in Kununurra.
- (3) All district principals.
- (4) Yes. The district office conducts a telephone conference every month with principals. As a result they have been able to cut their in-service face to face conferences from three to two.

\*Note: Some principals of district high schools attend in-service courses specifically designed for secondary teachers as they relate to teaching in their subject area. There was one conference for all secondary teachers in the district in 1991. Administrative meetings such as those associated with the Commonwealth funded Priority Country Area Program have also occurred.

**SCHOOLS - NORSEMAN PRIMARY SCHOOL**  
*Enrolments - Staff Levels*

1172. Hon P.H. LOCKYER to the Minister for Education:

- (1) What is the present student enrolment at the Norseman Primary School?
- (2) What is the present permanent or part-time teaching staff level?
- (3) Are any changes anticipated in 1992?

Hon KAY HALLAHAN replied:

- (1) 205 primary and seven preprimary students.
- (2) 11 full-time teachers and 0.5 specialist and 0.5 preprimary.
- (3) Reduced enrolments will result in the loss of one FTE.

**SCHOOLS - MT MELVILLE SCHOOL, ALBANY**  
*Closure Proposal*

1174. Hon MURIEL PATTERSON to the Minister for Education:

- (1) Is it the intention of the Government to close the Mt Melville Albany School?
- (2) If yes, when will the school close?
- (3) Will the children be integrated into the State school system?
- (4) If not, what provision will be made for the children?
- (5) What will the Mt Melville school be used for?

Hon KAY HALLAHAN replied:

- (1) The future of Mt Melville School is under consideration. The unsuitability of the physical layout of the school for students with physical disabilities and the growing social isolation of the dwindling number of students are the major considerations. Consultation, coordinated by the District Superintendent, will occur with all stakeholders in Albany, including teachers and parents, if any changes to the current situation are proposed.

If the school is closed suitable alternative arrangements will be made for all students.

- (2)-(5) Not applicable.

**POLICE - MULLEWA**  
*Vehicles*

1178. Hon MARGARET McALEER to the Minister for Police:

With reference to the answer given to my question on notice 1058 which concerned police vehicles at Mullewa, when the Minister indicated that two police vehicles are now in the Mullewa area and that a third may be located there when the traffic policeman is reappointed, can the Minister advise whether two police vehicles are



sufficient for that area where the police are responsible for approximately 88 000 square kilometres and to service the needs of six police officers.

Hon GRAHAM EDWARDS replied:

A further vehicle located in Geraldton is available for use by Mullewa police should it be necessary for that station's van to be utilised for patrol of pastoral properties.

#### NULLARBOR PLAIN - WORLD HERITAGE LISTING

1180. Hon P.H. LOCKYER to the Minister for Education representing the Minister for the Environment:

- (1) When will the Nullarbor Plain be considered for World Heritage listing?
- (2) Does the Government support this listing?
- (3) Have discussions concerning the possible listing been held with pastoralists and service station operators on the Nullarbor?
- (4) If so, what was the outcome of these discussions?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

(1)-(4)

The Government has indicated its willingness to cooperate with the Commonwealth and South Australian Governments in establishing whether the Nullarbor might be nominated for World Heritage listing. Fundamental issues such as possible boundaries of the area to be studied have yet to be worked out and until this is achieved it would be premature to hold meetings with pastoralists and service station operators.

#### KINGS PARK RESTAURANT - LEASE NEGOTIATIONS

1184. Hon MAX EVANS to the Minister for Education representing the Minister for the Environment:

- (1) With reference to the Kings Park restaurant, would the Minister advise what stage the leasing negotiations are at?
- (2) Has a lease been granted?
- (3) If so, who is the successful lessee?
- (4) When is redevelopment of the site to commence?
- (5) How long is it anticipated that the work will take to complete in view of revenue being lost in terms of tourism dollars?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) Following discussion between Kings Park Board and the preferred developer and lessee and their respective legal advisers a draft agreement and a draft lease have been prepared.
- (2) Although the negotiations are at an advanced stage, the lease has not yet been granted.
- (3) Until the lease has been granted the successful lessee cannot be named.
- (4) Redevelopment will commence as soon as practicable after the lease is granted; that is, in the new year.
- (5) Redevelopment is expected to take one year from commencement, meanwhile the granting of a lease will enable more appropriate interim facilities to be installed.

**HEALTH DEPARTMENT - QUIT BUDGET**  
*Sporting Projects Funding*

1187. Hon MAX EVANS to the Minister for Education representing the Minister for Health:

What projects of a sporting nature have been funded during the year ended 30 June 1991 from the Health Department of Western Australia's Quit budget?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

Under 18s Football Club  
 Football Media Awards  
 Cottesloe Triathlon  
 Barry Cable Ride  
 Women in Sport Foundation  
 SIDS Foundation Sail and Run Race  
 High School Beach Volleyball Competition  
 Dancesports Championships  
 Primary School Netball Coaching Clinics  
 WA Surf-Riders Association Coaching Clinics  
 Sports Woman of the Year Award  
 UWA Rowing Club  
 Perth Netball Association Night of Grand Finals  
 City Centre Mile  
 Fremantle Flyers Icehockey

**AGRICULTURE PROTECTION BOARD - DISTRICT OFFICERS**  
*Vacant Positions*

1202. Hon MARGARET McALEER to the Minister for Police representing the Minister for Agriculture:

- (1) In respect of the Agricultural Region, would the Minister advise -
  - (a) how many Agriculture Protection Board district officer positions are vacant;
  - (b) where are these positions located; and
  - (c) whether it is intended to replace these officers?
- (2) Will the Minister also advise whether the number of APB district or regional officer establishment positions have been or will be reduced?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following reply -

- (1)
  - (a) Two.
  - (b) Dumbleyung and Morawa.
  - (c) Yes.
- (2) Two regional officer positions, at Busselton and Jerramungup, have been made redundant. It is not intended to reduce the number of district officers.

**QUESTIONS WITHOUT NOTICE**

**CANNING VALE REMAND CENTRE - CANNING VALE PRISON**  
*Prisoner Transfers - Overcrowding*

705. Hon P.G. PENDAL to the Minister for Corrective Services:

- (1) Is it correct that the Canning Vale Remand Centre is designed for 157 remand prisoners, including the two in observation cells?

- (2) Is it correct that as at last weekend the actual number rose to 172?
- (3) Is it correct that in order to reduce numbers overnight eight remand prisoners were transferred to the next door Canning Vale Prison and that a further eight were transferred to Casuarina?
- (4) Is it correct that the 15 were then transferred back to the remand centre the next day for breakfast?
- (5) On how many days in the past month has this practice been resorted to?
- (6) What steps is the Government taking to provide adequate places in an obviously overcrowded remand centre?

Hon J.M. BERINSON replied:

I thank the honourable member for advance notice of the question.

- (1) Yes.
- (2) The actual number was 174.
- (3) In fact, 16 prisoners were transferred, but nine to Casuarina and seven to Canning Vale.
- (4) Yes.
- (5) Four.
- (6) Given the present number of prisoners on remand, an officer has been appointed to the Campbell Remand Centre to undertake a case by case review of all those held to recommend alternative placements and to facilitate the obtaining of bail. During this review it will be necessary for the department to continue to maximise its resources to provide support to the remand centre.

**EDUCATION MINISTRY - ACTING SUPERINTENDENT, KIMBERLEY**  
*Hotel Accommodation, Kununurra*

706. Hon P.H. LOCKYER to the Minister for Education:

- (1) How long has the Ministry of Education acting superintendent for the Kimberley region been living in hotel accommodation in Kununurra?
- (2) Who instructed teacher Gary Robbins to leave his Government Employees Housing Authority home and shift into another GEHA home?
- (3) Who moved into his vacated house?
- (4) Has the acting superintendent refused to use the appropriate accommodation available to him at present?
- (5) Why has the acting superintendent not moved into the Ministry of Education house vacated by teacher Robbins?
- (6) What is the cost of accommodation at hotels in Kununurra for the acting superintendent in 1991 to date?
- (7) When does the Minister expect the acting superintendent to be accommodated in the Government Employees Housing Authority housing?

Hon KAY HALLAHAN replied:

I thank the honourable member for giving some notice of his question.

- (1) Since 21 August 1991.
- (2) The Ministry of Education.
- (3) No-one.
- (4) No.
- (5) The house is no longer allocated to the Ministry of Education. Ministry of Education district superintendents are entitled to houses classified by GEHA as executive housing. In order for such a house to

be transferred from another department which is no longer entitled to it, it is necessary for the Ministry of Education to make available a house of comparable age. The local teachers' housing committee identified the house occupied by Mr Robbins as the most appropriate to be made available for the exchange. That house has reverted to GEHA for reallocation to the other department involved in the exchange.

(6) \$3 076.55.

(7) January 1992.

**CANNING VALE REMAND CENTRE - CANNING VALE PRISON**  
*Prisoner Transfers*

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

Are the seven persons transferred from the remand centre to Canning Vale Prison for overnight accommodation being accommodated in both punishment and observation cells?

Hon J.M. BERINSON replied:

I am unable to say where the particular seven prisoners were accommodated. However, the use of those special cells is a factor generally in the overnight accommodation of prisoners from the remand centre.

**GREENBURG, MS ROBIN - MINISTER FOR EDUCATION**  
*House Meeting*

708. Hon PETER FOSS to the Minister for Education:

(1) Did the Minister earlier this year attend the house of Ms Robin Greenburg?

(2) If so, were other Government members with her and what was the reason for the meeting?

Hon KAY HALLAHAN replied:

(1)-(2)

No, I did not attend a meeting at the house of Robin Greenburg.

**EDUCATION MINISTRY - AUSTRALIAN EDUCATION COUNCIL MEETING, MELBOURNE**  
*Outcome and Benefits*

709. Hon BOB THOMAS to the Minister for Education:

Will the Minister advise the House of the outcome of the Australian Education Council meeting in Melbourne on Friday and, in particular, what benefits will flow to Western Australia from that meeting?

Hon KAY HALLAHAN replied:

It was a historic meeting in many ways. In particular a very clear agreement was made by the Ministers from the various States about the need for assistance from the Federal Government to meet the education and employment needs of 1992 and to cater for the 1991 school leavers. In Western Australia we have unique pressures because our demographic age profile is much younger than in other States. It is certainly the case that all State Ministers were very concerned about their capacity to provide for those young people next year. They all agreed that the Federal Minister for Education be urged -

*Point of Order*

Hon W.N. STRETCH: This is becoming a ministerial statement during the very scarce time allocated for questions.

The PRESIDENT: I am bearing that in mind. I was about to advise the Minister and I take it she will answer the question in a moment.

*Questions Without Notice Resumed*

Hon KAY HALLAHAN: There are very grave needs for 1992 and Ministers from all political parties agreed on the need for assistance in that area and that the assistance should not be conditional on future arrangements made for TAFE. To that extent, therefore, great benefit came out of the meeting of the AEC because the Federal Minister for Education went away with absolute support from all Ministers for his discussions with the Federal Cabinet which was to meet on Sunday. The Ministers were left with the understanding that a significant decision would be made to assist the unemployment situation in this country. That will be included in the Prime Minister's statement to be made to Federal Parliament on Thursday. I think I indicated it was heartening and a great gain to see the very responsible position taken by all education and training Ministers throughout the country. They presented a very strong consensus view on the question of unemployment and the pressures it is placing on TAFE systems. Ministers were concerned that insufficient acknowledgment had been made that unemployment was creating very great pressure on all TAFE systems. Because such a very considered and constructive position was put forward, a satisfactory response can be expected from the Prime Minister in a statement to be made on Thursday.

**SCHOOLS - NEWTON MOORE SENIOR HIGH SCHOOL, BUNBURY***Personal Computers Contract*

710. Hon BARRY HOUSE to the Minister for Education:

The Newton Moore Senior High School in Bunbury was ordered by the Ministry of Education to abide by the State Tender Board Act and purchase 25 personal computers from a Government approved tender supplier from Perth. That action cost the Newton Moore Senior High School an extra \$8 000 when it was forced to reject a quote from a local computer company. In view of the Government's policy of devolving responsibility to schools, why has the school been forced to take this costly action?

Hon KAY HALLAHAN replied:

There has been quite a bit of correspondence on this and I will endeavour to give the information as I recall it. However, if the member wants further information when I have finished, I invite him to put his question on notice or to write to me for further detail. While schools are very important in their own local communities and we want to devolve decision making to them, they must also comply with the laws made by the Parliament, including the Education Act. They are subject to State Tender Board processes and they are not free to move aside from the provisions of relevant legislation. Therefore, they are not free to make their own arrangements outside of the tendering requirements which all State departments must abide by, no matter how attractive those arrangements may seem. I know some schools are frustrated about this matter. However, when members consider the broader implications, they will appreciate that schools must accept the responsibility of being part of a wider education system that is responsible for its actions through this Parliament. I have tried to make that clear to them.

**POLICE DEPARTMENT - ANNUAL REPORT DELAY**

711. Hon MAX EVANS to the Minister for Police:

The report lodged by the Attorney General today indicates that the Police Department is the only department that has not lodged an annual report. Why has it not been lodged?

Hon GRAHAM EDWARDS replied:

Approval was given to the Police Department for an extension. Inbuilt into this system is a capacity to provide that extension. The Police Department is a very efficient department as a rule and the report will be produced within the time of the extension granted.

PERMANENT BUILDING SOCIETY - ADMINISTRATOR  
*Depositors' Distributions Authority*

712. Hon MAX EVANS to the Attorney General:

The administrator of the Permanent Building Society has been in place since 30 August. I ask -

- (1) Has the administrator power to make distributions to depositors or must that be done by the liquidator?
- (2) Under what authority did the administrator make distributions for personal hardship?

Hon J.M. BERINSON replied:

I ask the honourable member to place that question on notice.

WILSON, SUSAN - ASSAULT CHARGE

713. Hon N.F. MOORE to the Minister for Education representing the Minister for Community Services:

Some notice of the question has been given.

- (1) Has Susan Wilson of Newman been charged with assault or any similar offence?
- (2) If so -
  - (a) who did she allegedly assault;
  - (b) what action has been taken in respect of the charge; and
  - (c) who laid the complaint?
- (3) Does the decision of the court in any way affect her access to Olivia and Kerry-Anne Wilson?

Hon KAY HALLAHAN replied:

I thank the member for some notice of the question. The Minister for Community Services has supplied the following answer -

- (1) Yes.
- (2) All matters relating to this charge are the responsibility of the police.
- (3) No, the recent court decision has not affected Susan Wilson's access to the children.

SCHOOLS - MARGARET RIVER HIGH SCHOOL  
*Upgrading*

714. Hon DOUG WENN to the Minister for Education:

For the past few years there has been some discussion about upgrading the Margaret River High School to a senior high school. I ask -

- (1) When will that occur?
- (2) When can the school anticipate the necessary building program to commence?

Hon KAY HALLAHAN replied:

I thank the member for some notice of the question.

(1)-(2)

Current enrolment trends indicate that Margaret River High School should have sufficient numbers to progress to senior high school status in 1994. The Ministry of Education has been asked to monitor the situation closely and a decision for 1994 will be made in mid-1992. The need for an appropriate building program will be examined at that time.

EDUCATION MINISTRY - MORDINI, TONY  
*Consultant Appointment*

715. Hon W.N. STRETCH to the Minister for Education:

Some notice of the question has been given.

- (1) Is the position of consultant to the Minister for Education, currently held by Mr Tony Mordini, to become vacant at the end of November 1991?
- (2) Will the Minister confirm that this position will be filled for the 1992 school year?

Hon KAY HALLAHAN replied:

I thank the member for giving me earlier notice of the question.

(1)-(2)

Mr Tony Mordini currently holds the Ministry of Education position of consultant (religious studies) curriculum studies branch. The responsibilities of this position have been included within a broader, values-based consultancy; that is, consultant (careers and values education) which has been advertised for 1992 in the September edition of "The Education Circular".

EDUCATION MINISTRY - CONSULTANT APPOINTMENT  
*Religious Curriculums Inclusion - Mordini, Tony*

716. Hon W.N. STRETCH to the Minister for Education:

- (1) Will the new status of consultant include religious curriculums in the schools?
- (2) Will Mr Mordini be able to apply for that position?

Hon KAY HALLAHAN replied:

- (1) Yes.
- (2) I do not think I have seen the advertisement for the position so I do not know whether Mr Mordini would have the qualifications to match the criteria established for the new position. However, I am happy to make inquiries about that because I think people are happy with the job Tony has done in his current position.

EDUCATION MINISTRY - REDUNDANCY PACKAGES  
*Six District Superintendents*

717. Hon DERRICK TOMLINSON to the Minister for Education:

- (1) Have six district superintendents of education applied for and been offered voluntary redundancy under the current Public Service scheme?
- (2) If they accept the offer will their resignations take effect from 21 November?

Hon KAY HALLAHAN replied:

I do not have with me detail about redundancies within the ministry. If the member is interested in the matter, he can put his question on notice and I will obtain the information for him.

UNEMPLOYMENT - 11.6 PER CENT RATE

718. Hon P.G. PENDAL to the Minister for Employment and Training:

- (1) Will the Minister confirm that Western Australia's unemployment rate has reached the unprecedented level of 11.6 per cent which is the highest since the great Depression?
- (2) Since she last advised the House that everything was under control to seriously address the issue, what actions has she taken to do so?
- (3) If the rate continues its upward spiral, will she undertake to resign from this portfolio in favour of someone who can take effective action?

Hon KAY HALLAHAN replied:

(1)-(3)

Sadly, the employment figures last Thursday indicated an unemployment rate of 11.6 per cent for Western Australia. It was the highest in Australia and it is serious. I suppose in that situation one should look for a glimmer of good news and that is that the unemployment rate for 15 to 19 year olds came down by nearly two per cent.

Hon P.G. Pental: So, it is now about 30 per cent?

Hon KAY HALLAHAN: I counsel Mr Pental not to be flippant about a serious matter.

Hon P.G. Pental: I am asking you not to be self-satisfied.

Hon KAY HALLAHAN: The situation is indeed serious and the people to whom I speak who understand the unemployment situation and the things that create unemployment accept that, in the main, national economic strategy is the cause of the recession, which is responsible for job losses. That does not mean that the State Government cannot take certain measures, and the Minister for State Development, Hon Ian Taylor, has been working hard to ensure that any obstacles in the way of major developments in this State are removed so that this State can look forward to long term job growth. The long term future prospects in Western Australia are very bright but the prospects in the immediate future are not so good. The economy is not recovering at the rate predicted a few months ago. In fact, the indications are that the recovery of the economy has slowed down since the announcement of the Federal Budget. Of course, interest rates have decreased and that will help industry to create jobs. Also, in the longer term the reduction in power costs will help to diversify the economic base of Western Australia. This State still has the problem of being narrowly based on resource and primary industries.

I do not feel it is necessary to resign in order to in some way provide the opportunity for substantial action to be taken to ease unemployment. The State Government is doing a great deal across a number of portfolios to provide employment opportunities. The focus in the portfolio under my direct responsibility has been on providing training for people so that when the economy recovers and jobs become available we have sufficient skilled people to assist the recovery dynamic and take their place in the work force, rather than that recovery being retarded - as has been the case in the past when the work force has not been skilled enough to assist the recovery process.

Looking at the future of young people in particular, I draw the attention of members to the program announced by the Government to provide 2 700 places for school leavers next year. The Premier made a statement last week about the creation of jobs in the Public Service and about apprenticeship opportunities for young people. A great deal is happening to try to ameliorate the very debilitating effects of unemployment, but we need macro and national economic forces to work with us. There are signs that it is happening but, regrettably, it is not happening as quickly as we would all like.

#### UNEMPLOYMENT - YOUTH RATE

719. Hon W.N. STRETCH to the Minister for Employment and Training:

What is the current rate of youth unemployment?

Hon KAY HALLAHAN replied:

The September figure was 27.6 per cent and the October figure was 25.7 per cent. I was annoyed when Hon Phillip Pental interjected in a flippant way -

Hon P.G. Pental: There was nothing flippant about it; I am dead serious.

Hon KAY HALLAHAN: It was flippant and I was very annoyed about it.



The PRESIDENT: Order! That question has been answered.

Hon KAY HALLAHAN: Early next year the rate of youth unemployment could be 35 per cent or higher. It is not a matter about which to be flippant. I do not mind that the Opposition is critical, because that is its legitimate role; however, this is a serious situation. Apart from the creation of more than 3 000 positions, I have appealed to the Federal Government for \$15 million to provide employment and training opportunities in this State for young people. The State Government is also marshalling its own resources to create further opportunities for young people. The State Government is doing a great deal in providing help for the immediate future and in planning to reduce the costs and obstacles which are preventing very important projects from getting under way and providing much needed jobs.

# PERMANENT BUILDING SOCIETY - BUSINESS HOUSES

## *Interim Dividends Payment*

720. Hon MAX EVANS to the Attorney General:

- (1) Many business houses have their working capital invested in the Permanent Building Society and they desperately need access to their funds. One such business house approached me today because it is having difficulty borrowing money. Has either the administrator, Mr Woodings, or Mr Metaxas, discussed with the Attorney General when interim dividends, of say 25¢ in the dollar, will be made to business houses and others if requested by them?
- (2) If so, when can these business houses expect some relief?

Hon J.M. BERINSON replied:

- (1)-(2) The direct answer is no. However, my understanding is that the administrator will not feel himself in a position to consider propositions of that kind until the future direction of the society is clearer.

# "CITIES AGAINST CRIME" CONFERENCE, PARIS - MINISTERIAL VISIT

721. Hon FRED McKENZIE to the Minister for Police:

- (1) Will the Minister attend the forthcoming "Cities Against Crime" conference in Paris?
- (2) Who will travel with the Minister?
- (3) What will be the cost to the Government?

Hon GRAHAM EDWARDS replied:

- (1) Yes. On Thursday I will leave Perth with a delegation to attend the international conference on urban safety, drug abuse and crime prevention. The conference is commonly referred to as "Cities Against Crime". The aim of the conference is to bring together a range of people, including city leaders, police officers, Government representatives and criminologists from about 100 nations with a view to exchanging anti-crime strategies. The conclusions of the conference will also be submitted to the planned United Nations ministerial summit on crime prevention and the treatment of offenders, with a view to seeking the support of national Governments for the implementation of urban crime prevention measures. Members will note that the specific themes of the conference - preventing and treating drug abuse; developing local responses to recidivism; responding to the needs of young people at risk; and mobilising the community to prevent crime - are all current issues in Western Australia.
- (2) I will be joined at the conference by a representative from the Department of the Premier and Cabinet, a senior officer of the Western Australian Police Department, and Mrs Pat Morris, the Mayor of Gosnells and representative of the Western Australian Municipal Association.

- (3) The total cost to the Government will be approximately \$24 000. The Royal Automobile Club of WA (Inc) has acknowledged the importance of the conference and will be contributing funds in support of the trip, as will the WAMA. I am sure the conference will provide an outstanding opportunity to assist the crime prevention strategies in Western Australia, and I shall make a report to the House on my return to Perth.

**PERMANENT BUILDING SOCIETY - ADMINISTRATOR'S APPOINTMENT**  
*Depositors' Funds Distribution Timetable*

722. Hon MAX EVANS to the Attorney General:

- (1) As the Attorney General appointed the administrator to the Permanent Building Society, has he considered imposing a time limit by when distributions will be made to depositors whose businesses are in a very serious financial position and who need their funds in order to continue operating?
- (2) If not, why not?

Hon J.M. BERINSON replied:

- (1) No.
- (2) I doubt that I have the authority to do so. However, the question having been raised, I will make further inquiries.

**UNEMPLOYMENT - YOUTH DEFINITION**

723. Hon J.N. CALDWELL to the Minister for Employment and Training:

What is the definition of "youth" when referring to unemployment figures?

Hon KAY HALLAHAN replied:

The youth unemployment statistics refer to people from 15 years of age to 19 years of age.

**SCHOOLS - COUNSELLORS**

724. Hon W.N. STRETCH to the Minister for Education:

In view of the tragic occurrence at a metropolitan school last week, is the Ministry of Education making special efforts to include local religious people in the pastoral work at schools, bearing in mind the Minister's restructuring of the position of religious studies, and consultants' careers and values education?

Hon KAY HALLAHAN replied:

I commend the Ministry of Education for its prompt response to the tragic event that occurred at Churchlands Senior High School last week. As members would appreciate, it was a most unusual and tragic happening. The ministry arranged immediately for a team of counsellors to attend the school. Those people will be available to students and staff, or to anybody associated with the school community who needs their services. The police were also prompt in dealing with the matter. The students having witnessed that event required and received the caring counselling quite appropriately. Members may be unaware that funding is available to assist in the establishment of chaplaincies at schools. I do not have the figures with me, but over the years money has been available for this requirement. A complex arrangement brings local churches together to identify the need for a chaplaincy and to support its institution. It is like a seeding grant where the amount is moved to other districts once the chaplaincy is established. Therefore, an acknowledgment exists of the pastoral care required in schools nowadays. It is provided by the work of the consultants to whom I referred earlier in question time, by other consultants, and through arrangements that school communities make.