

Legislative Council

Tuesday, 8 July 1986

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

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Report

HON. MARK NEVILL (South-East) [3.35 p.m.]: I am directed to present the eighth report from the Standing Committee on Government Agencies.

This report, the first which I am privileged to present as Chairman of the Standing Committee, is a review of the committee's operations in 1985.

The report is intended to inform members of this House, and of the public, of the functions and objectives of the committee, as well as providing a summary of the major projects undertaken during the year.

The report also identifies the extent to which the recommendations made by the committee in its reports were implemented during 1985. It is gratifying to be able to report that the committee had considerable success in having many of its recommendations acknowledged and implemented by administrative and legislative action during 1985.

Mr President, it would be remiss of me in presenting this report not to acknowledge the contributions made to the work of the committee by those members of this House who formed the committee in 1985. In particular, I should like to recognise the very significant efforts of my predecessor, Hon. John Williams, who served as chairman of the committee from its inception through to November last year.

The year 1985 was a busy year for the committee. Six reports were tabled, a series of public hearings were held, and the committee travelled interstate. I am sure I speak for my fellow members in saying that I look forward to an equally vigorous programme in 1986. I move—

That the report do lie upon the Table and be printed.

Question put and passed.

(See paper No. 249.)

ABORIGINAL LIAISON COMMITTEE

Select Committee: Motion

HON. N. F. MOORE (Lower North) [3.37 p.m.]: I move—

1. That a select committee be appointed to inquire into and report on:
 - (a) the form and content of the documents tabled by the Leader of the Government on November 14 and 19 1985 in answer to an order of the House relating to funds supplied to various groups by or through the Aboriginal Liaison Committee;
 - (b) the form and content of the documents tabled by the Auditor General on Wednesday November 20 1985 in answer to an order of the House relating to the matter described in paragraph (a);
 - (c) the form and content of the documents tabled by the Commissioner of Aboriginal Affairs Planning Authority on Tuesday November 19 1985 in answer to an order of the House relating to the matter described in paragraph (a);
 - (d) whether, as a result of its examination, the committee is of the opinion that money appropriated by Parliament in 1 or more financial years has been granted or expended in a proper manner and with the object of enabling persons and organisations to make submissions to the Seaman Inquiry.
2. That the committee have power to send for persons, papers and records, to sit on days over which the House stands adjourned and to adjourn from place to place.
3. That the committee have power to present interim reports, but shall report finally to the House not later than Wednesday November 19 1986.
4. That the proceedings of the committee during the hearing of evidence be open to accredited representatives of the news media and the public.

It is probably not necessary for me to go into the detail about the reason for moving this motion today except to give a very brief outline of the circumstances which surrounded the formation of a similar Select Committee in November last year and to give some indi-

cation of the events which have taken place since that committee was formed.

Members will be aware that during the 18 months prior to November last year I spent a considerable amount of time endeavouring to find out information about the various expenditures of Government funds by groups of people who were given money to make submissions to the Seaman inquiry. After 18 months of asking questions the situation was reached whereby the Government decided that it would not willingly give the information requested by the Opposition. In fact, the then Minister with special responsibility for Aboriginal Affairs made a conscious decision that no information be made available apart from some sketchy advice which he had given to me early in my search for the truth about this matter.

It was necessary for this House to make certain decisions in order that the documents be tabled and members who were in this House at that time will recall the interest that was taken in the proceedings—the similarity was to a dentist chair and the withdrawal of wisdom teeth—because we had laboriously to go through the various Standing Orders which enabled this House to require the tabling of certain documents.

After a great deal of hoo-ha the documents were tabled by the Leader of the House on behalf of the Government, by the Auditor General, and the Commissioner of the Aboriginal Affairs Planning Authority. The tabling of those documents raised a considerable number of questions in my mind—in fact, they raised far more questions than they answered. It was decided by this House to set up a Select Committee to look at the form and content of those documents and to make a judgment about whether the funds which had been expended had been expended in a proper way.

Members will know that that Select Committee met, if my memory is correct, on two occasions. The first meeting was held to elect a chairman and the second to determine a course of action. Certain technicalities were raised by one of the members and these were referred to the House. At the following meeting the committee decided to take certain action and, in fact, it made a decision that five summonses would be forwarded to five different individuals to appear before the committee to give an explanation as to how they had received the funds and how they had spent them. Those five individuals were summonsed as an initial attempt by the committee to find out what had

actually happened to the \$500 000 of Government funds. The committee's decision to send the summonses was duly made and the following day they were sent by the secretary of the committee to the Clerk of the Parliaments for vetting before being sent. This occurred at 11.00 a.m. and at 12 noon we were advised that Parliament had been prorogued and that the summonses would not be forwarded. Had the House been prorogued some two hours later those five summonses would have been issued and the situation would have been a little more interesting than it was.

Members have made comments since this session began about the reasons for the Government's prorogation of Parliament in November last year. There is no doubt in my mind, or in the minds of many other people, that the reason for the prorogation of Parliament under such extraordinary circumstances—I have no doubt that the Government will agree that they were extraordinary—was to prevent this Select Committee from actually carrying out its work. When I say that, I remind the House that the committee had given itself two weeks in which to carry out its inquiry; it was not to be a long drawn-out inquiry which would have continued over the Christmas period and into the next session so that Parliament could not have been prorogued until much later than would normally be the case. That was never a consideration in view of the two-week period during which the committee would report. This Government was not prepared to give that committee even that amount of time to make some in-depth inquiries of people who had received funds.

The fact that the Government would take such extreme measures to prevent people from giving evidence under oath only served to whet my appetite. It served to convince me that the path I was pursuing was indeed one which would cause the Government considerable embarrassment.

The amount of money involved of \$500 000 is not a significant sum in the scheme of things. However, when we consider people's perception of money it can be seen that they have a much greater understanding of amounts such as \$2 000, \$3 000 and \$500 than they have of amounts approaching \$10 million or \$50 million such as those involved in budgeting for the whole State. That is one of the reasons why this particular inquiry was creating a degree of interest in the community; people could understand and appreciate the amounts of money involved and how people may have spent that

money in a way which was not perceived by those who made it available to them.

The Parliament was prorogued—a most extraordinary event—and I do not know to this day whether the Government has sought to justify that action. The simple fact of the matter is that it had not previously happened in my time and people tell me it had not happened at any other time in such a precipitous way. I was then left high and dry with nowhere to go from the point of view of being able to require people to give evidence. As members know, people giving evidence before a Select Committee are required to do so under oath and one would expect the truth to be told.

Because I was still interested in getting answers to questions in this matter, I sat down and at great length wrote a list of questions which had arisen from the information provided by the tabling of papers. I listed a total of 184 questions which I believed needed to be answered properly if we were to come to terms with the way in which this \$500 000 had been spent. I sent that list of questions to the Premier. They had to be answered if we were ever to know whether some people had misappropriated funds. They had to be answered if we were ever to know whether or not the now Honorary Minister for Aboriginal Affairs had been derelict in his duty in handing out the money. The questions were sent to the Premier with a covering letter asking him to provide me with the answers.

Since then I have received a reply from the Premier advising me that he had sent the questions to the then Minister with special responsibility for Aboriginal Affairs, Mr Wilson. I then received a letter from Mr Wilson advising me that he had received the list of questions. I will read to the House his statement about what he intended to do—that is extraordinary in itself. I quote from his letter of 24 December 1985—

I have in turn passed the letter on to the Deputy Commissioner of the Aboriginal Affairs Planning Authority so that responses might be prepared to those questions which the Government is able to answer.

Note, “which the Government is able to answer”. It continues—

It is my view that there are quite straight forward answers to the questions posed, however a number of the matters raised relate to decisions taken within organisations or by individuals or question infor-

mation contained in Statements of Expenditure submitted by recipients.

It does not make sense. I will read it again some time. It continues—

In these cases I have referred appropriate sections of your correspondence to the organisations concerned and have asked them to reply directly to you.

I will write to you again shortly when the Aboriginal Affairs Planning Authority has completed its advice to me.

The Minister referred my questions to those people who had received the funds. Is it not most unusual for a Government to tell a member of Parliament that it has made \$500 000 available to a variety of people but any questions to be asked about how the money was spent must be referred to those people? In other words the Government is saying it does not know how those people spent the money and any question relating to that expenditure should be referred to the people directly.

I waited for the people to refer directly to me or to receive copies of the responses to the Minister. As at today I have received answers to 105 of the questions I asked and no answers to the remaining 79. Of course, the questions which have not been answered contain some of the more juicy aspects of this whole case. They include some of the questions I commented upon when I sought to set up the Select Committee last year. I will not go into details about those questions except to say that some referred to the thousands of dollars paid in salary to certain people who have not availed themselves of the Minister's request to make information available to me or the Minister.

Referring to the 105 questions that have been answered, some of the people wrote back saying that if the Minister or Mr Moore wants to know the answers to those questions, the Minister had better send them more money because they would need to employ an accountant or a person of similar ilk to go through their books to find out how the money was spent.

Until such time as the money is sent no answers will be given to the question. In other words, what they were saying was that the money would have to be paid and they would give an account of what it had been spent on. What did the Minister do when he got those letters? He sent them on to me. He did not write to these people to tell them it was not acceptable; they had been given this money; questions had been legitimately asked by a member of Parliament; and that member

would like to know the answers. The Minister accepted that as an answer but I do not accept it.

Included in that list was the Kimberley Land Council which still has a motor vehicle which has been referred to in this House time and time again. No-one knows where that motor vehicle is, who owns it, or whether it has been sold. It was worth \$12 000. That was one answer that was received. Some of the answers raised more questions than they answered.

One particular person who made a statement to the inquiry—and I will not mention any names—sent receipts to cover the expenditure involved. These receipts included about half a dozen Coles New World receipts for shopping at that store, several dozen receipts for petrol from a metropolitan service station, a receipt for the payment of 12 months' licensing of the person's motor vehicle, a receipt for the payment of 12 months' rent, and expenditure in respect to the person's home telephone.

These are receipts provided to the Government at my request to explain how the money was spent in making a submission to the Seaman inquiry. How on earth a 12-month telephone account and 12 months' licence on a motor vehicle could possibly have any relevance to the making of a submission to the Seaman inquiry is quite beyond me.

Another interesting answer was from an organisation which I did not consider was in any way derelict in the way it spent its funds. I asked a question as to how certain funds were spent and received. A name appeared in a small list—a person by the name of Leedham Cameron—who had received a considerable sum of money from other sources. His name had not been referred to by this organisation. It was covered under the heading of "salaries and wages". I do not wish to go through these points in detail now. Enough questions have been raised from the answers given to suggest that a Select Committee is absolutely essential. Secondly, a Select Committee is essential because of the fact that many of the questions have not been answered and it appears that there is no intention of them being answered. What I am moving is the re-establishment of the Select Committee that was established last year.

I have deliberately deleted reference to the matter involving the Leader of the House. The last Select Committee was to consider whether, in fact, the Leader of the House had complied with an order of the House. That has been

deleted from the terms of reference of this Select Committee so we do not need to go through the spectacle of the Government accusing me of attempting to toss Mr Dans out of his seat. That was never anyone's intention and it would be absolutely absurd to suggest that that might happen. They are conditions which attach to being a member of this House and which incur a penalty by order of the House.

To save any argument I have deleted that point from the terms of reference of the Select Committee and if formed, following the discussion on this motion, we should consider the documents tabled by the Leader of the House. They are the statements of expenditure. The Opposition would also look at the documents tabled by the Auditor General and the Commissioner of the Aboriginal Affairs Planning Authority. The committee would then have the power to make decisions about whether this money had been spent in a proper manner, draw up its recommendations, and report back to the House.

The terms of reference of the committee have been structured in the normal way. I do not believe there is any need for concern with respect to any other parts of the motion relating to sending for persons, papers, records etc. I think the Government should agree to the formation of this committee and that following debate on this motion we will then be in the position where this committee could commence. We will find out once and for all whether in fact money was misappropriated.

I want to make it very clear that the purpose of my inquiry is not to put pressure on illiterate Aboriginal people. That is furthest from my mind. The people I would seek to question are those who should know better—those who are well educated and who know how to use the system when it comes to getting funds and people—and who quite intentionally and deliberately used funds provided by the liaison committee for purposes other than those for which they were made available.

If, in fact, some Aboriginal community in the Kimberley used the money in a way in which they thought was acceptable, that does not worry me at all. I am concerned about organisations such as the Kimberley Land Council, the Gascoyne-Murchison Land Council, the Eastern Goldfields Land Council, and the Federal body which was disbanded last year and which, through Robert Riley, received certain funds. These organisations should be made accountable for the funds they received.

I urge the House to agree to the formation of this Select Committee so that we can find out where this money went. If people did misappropriate the funds they should be made accountable for that misappropriation. I strongly urge the House to support the motion.

Debate adjourned, on motion by Hon. Fred McKenzie.

STATE GOVERNMENT INSURANCE COMMISSION BILL

Receipt and First Reading

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

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.30 p.m.]: I move—

That the Bill be now read a second time.

The Bill consolidates the insurance activities of the Government sector through the amalgamation of the State Government Insurance Office and Motor Vehicle Insurance Trust to form a new body to be called the State Government Insurance Commission.

This consolidation is based on the recommendations of a State insurance task force established by the Government to examine the operations of the State Government Insurance Office and the Motor Vehicle Insurance Trust. The task force identified a number of weaknesses in the present structure and operations and it is believed that the establishment of the commission will achieve the principal objectives of—

- minimising premiums on compulsory forms of insurance; and

- maximising the financial returns to Government from its commercial insurance activities.

The State Government Insurance Commission will comprise two operating arms—

- One arm is to undertake non-competitive forms of insurance—compulsory third party personal injury motor vehicle accident insurance, the State Government's own self-insurance arrangements and other non-competitive forms of insurance; and

- the second arm is to undertake competitive forms of insurance and is to be known as the State Government Insurance Corporation. It is intended to compete with

private sector insurers in all classes of life and general insurance.

It is proposed that all of the existing assets and liabilities of the SGIO and the MVIT would be vested in the commission which would have the initial responsibility to then reallocate them as appropriate to one of the funds established under the Bill.

The commission will be headed by a board of seven members including a chairman and deputy chairman, together with a managing director who will be the chief executive of the commission.

The provisions of the Public Service Act will not apply to staff in order to allow for a more flexible and market-orientated approach to the management of staff resources. Importantly, the Bill contains provisional arrangements which protect the rights of existing staff in both the State Government Insurance Office and the Motor Vehicle Insurance Trust. There will be no retrenchments, salary reductions or loss of superannuation entitlements.

By adopting the structure outlined above, the Government believes that it can achieve both the economies of scale and management resources necessary to improve the performance of Government insurance activities and bring a more market-orientated approach to the insurance business of Government. At the same time, the Government has ensured that the commission's commercial activities will be competitively neutral. The competitive arm of the commission, the corporation, is to be established along the lines of private sector insurers. The corporation is to have share capital and be governed by a board of directors whose chairman will be the managing director of the commission.

The aim of the corporation will be to compete with the private sector in both life and general insurance and, accordingly, the legislation allows the corporation to have financial and business powers similar to its private sector competitors. There is no extension of the SGIO franchise beyond that which was approved by the House in the 1983 SGIO Amendment Act. The Insurance Commission will always hold a majority of shares in the corporation but provision has been made for other public sector organisations to also hold shares.

The Government believes that competitive neutrality of the commission and corporation will be achieved by establishing the corporation at arm's length from the Government as a sub-

subsidiary of the Insurance Commission and by funding the corporation through the issuing of share capital to the commission. The issuing of share capital will also provide a benchmark by which to assess the commercial success of the corporation.

In addition, the legislation requires the corporation to—

comply with the Financial Administration and Audit Act;

observe all solvency and other requirements imposed on insurers under the Commonwealth Insurance Act and Life Insurance Act;

pay the equivalent of all Commonwealth taxes and charges to the State Government;

pay all State and local government taxes and charges; and

pay a commercial fee for services from Government authorities and instrumentalities.

When legislation to extend the franchise of the State Government Insurance Office was approved by the House in 1983, the Government gave an undertaking that a Standing Committee would be established to oversee the competitive neutrality of the Government's insurance activities. As is evident, this legislation ensures the competitive neutrality of Government insurance activities by imposing a code of conduct on the boards of both the commission and the corporation. For this reason, the Government believes that not only would the legislation make a Standing Committee redundant, but also by incorporating the basis for competitive neutrality in the legislation itself, the legislation goes well beyond the effectiveness of a Standing Committee in ensuring competitive neutrality.

In addition, the success of the corporation will depend on its ability to compete in the marketplace and the establishment of a Standing Committee may interfere with the corporation's activities and place it at a commercial disadvantage. In any event, as both the commission and the corporation are required to prepare separately identifiable accounts and annual reports under the Financial Administration and Audit Act, the activities of both organisations will be subject to scrutiny by the Auditor General as well as the Public Accounts Committee.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. G. E. Masters (Leader of the Opposition).

ACTS AMENDMENT (ACTIONS FOR DAMAGES) BILL

Receipt and First Reading

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

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.08 p.m.]: I move—

That the Bill be now read a second time.

This Bill amends the Law Reform (Miscellaneous Provisions) Act 1941 and the Supreme Court Act 1935 and is consequential to the State Government Insurance Commission Bill 1986.

Part of the strategy to contain premium cost increases for compulsory insurance must be to reform the law in a number of areas so as to curb the growth in court awards in personal injury cases.

This legislation proposes to—

abolish the right of a husband to claim damages for an injury to his wife where he is deprived of her society and services;

abolish the right of courts to award prejudgment interest on damages for pain and suffering; and

provide for the discount rate used when calculating the present value of a lump sum award for future loss of earning capacity or future medical or other expenses to be varied, with the rate initially being set at six per cent.

While abolishing a husband's rights to claim for the loss of his wife's society and services and abolishing prejudgment interest will not reduce claims by a great deal, such action serves two very useful purposes. Firstly, it represents the Government's intention to pursue policies aimed at containing premiums by reducing the cost of claims to the community. Secondly, in the case of consortium, the proposed reform represents the end of an offensive anachronism and in the case of prejudgment interest, an end to overcompensation for some people.

What is of more significance, however, is that part of the legislation aimed at fixing a discount rate of six per cent. As is well known, discounting has the effect of ensuring that a

lump sum award paid today has the same value as a benefit paid over a period of time in the future. In simplistic terms it represents the real rate of interest.

The discount rate of three per cent currently used by the courts is based on a 1981 High Court case. At the time the court acknowledged the difficulties of making such calculations. The year 1981 was characterised by very high rates of inflation. The economic situation is markedly different today with inflation about half the 1981 level but with real rates of interest at continuing very high levels. This increase in the real rate of interest supports the view that the proposed increase in the discount rate is now appropriate. The real rate of interest obviously changes over time and it is for this reason that the legislation provides for the Governor, on the recommendation of the Attorney General, to vary the discount rate from time to time in the light of prevailing economic circumstances.

If the discount rate is not increased, the situation arises where those who elect to take a lump sum will receive more than those who elect to take periodic payments. This distortion results in an increased cost to the community as a whole.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. Margaret McAleer.

LOCAL GOVERNMENT AMENDMENT BILL

Receipt and First Reading

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

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.10 p.m.]: I move—

That the Bill be now read a second time.

The Bill seeks to amend the Local Government Act in four areas; namely, to provide an extended power for local governments to appoint advisory committees, to include a new power to rebroadcast television services, and to include minor amendments to the rating and financial provisions.

In relation to provision in the Local Government Act to appoint advisory committees, that power is currently limited to committees to advise on the provision and use of facilities under

the care, control, and management of a council. It is desirable that this power be extended to include all other situations where a council may need advice on any matter under consideration for decision by a council, and this Bill provides for such an amendment.

Following action taken by the Commonwealth Government to provide for TV and radio reception in remote areas through the Aussat system, a large number of country councils have approached the Minister for Local Government seeking a specific power to provide rebroadcasting facilities for the benefit of their communities. This Bill contains this new power and in addition will allow local governments to impose a charge on owners or occupiers of land to recover the cost of the facility. Local governments will be able to use this power if they consider it provides for a more appropriate method of payment than that resulting from rates based on land valuations.

Honourable members may remember that last year, at about this time, amendments were made to the Act to provide for the introduction of new accounting directions for all local governments. It has since been found necessary to make a number of further minor amendments to ensure that all financial parts of the Act are in accord with the new accrual system of accounting provided in the new directions. The Bill seeks to remove these discrepancies.

In addition, a new financial power has been included to allow local governments to budget for up to 10 per cent surplus or deficit of rate revenue without the Minister's approval should they so wish. This has been included as it is not considered practical that councils should not have some small latitude to provide for a surplus or deficit when the need arises. This may occur when there is unusually heavy capital expenditure incurred in one year which is to be paid for out of funds in future years. Alternatively, a council may wish to obtain funds in advance to be used next year. This could occur when a council wishes to use rate-payers' funds as working capital in the early months of next year rather than borrow money on overdraft. The need for working capital in the early months before rates are paid has always been a difficulty for local governments.

Honourable members would be aware that during the first term of this Government a number of significant rating options were introduced for local governments to give them some scope in determining a rating system appropriate for the local characteristics of their

respective districts. Two of these options have included schemes for the phasing-in of new valuations issued by the Valuer General. Under the present requirements there is no specific provision for the phasing-in of interim values issued for rateable land between revaluation years. This has meant that marked differences have sometimes occurred in the rates paid by like properties because the phasing-in benefit cannot be applied to properties issued with interim valuations. The Bill provides the necessary machinery to phase in these valuations under sections 548A and 548B of the Act and also provides a validation for the Town of Albany in respect of phasing-in action it has taken under section 548B.

I point out to honourable members that there is some urgency in dealing with this Bill in the Parliament as these financial and rating amendments are intended to come into operation from 1 July 1986.

I commend the Bill to the House.

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

ADDRESS-IN-REPLY: TWELFTH DAY

Motion, as Amended

Debate resumed from 2 July.

HON. N. F. MOORE (Lower North) [4.15 p.m.]: I congratulate the Governor on the way in which he is carrying out his role. He is doing a splendid job and should be heartily congratulated by all Western Australians on the enthusiasm and vigour with which he has taken up his task. I also want to congratulate his wife who is an extremely charming person and who equally enhances the community's positive view of the Governor and his wife.

I relate my remarks today to the Western Australian education system as it has recently become my responsibility from the viewpoint of being shadow Minister to look at the question of education in Western Australia. I do so because of my great concern for what is going on at the present time.

Having been involved in education for 10 years as a teacher and about 14 years as a student of various sorts, I have a longstanding interest in the subject and a deep-seated desire to ensure that the best education is provided for the children who go through the system in Western Australia.

Hon. Tom Stephens: Are you the shadow Minister?

Hon. N. F. MOORE: Yes. I thought the member would have known that by now. I know he is the member for North Province.

Hon. Tom Stephens: What you seem to have is the opposite to the Midas touch. Everything you touch turns—

Hon. N. F. MOORE: I seem to get caught up with Ministers like Mr Pearce, and for some reason they keep making mistake after mistake and I keep following, explaining what the mistakes are, and of course I am called negative and reactionary because I keep reminding people of the mistakes people are making. But as shadow Minister for Aboriginal Affairs—

Hon. Tom Stephens: I did more damage than any other shadow Minister!

Hon. N. F. MOORE: I am glad the member said that because, while I had no intention of discussing land rights today, he has provoked me into doing so. In my history in politics I have never seen such a cynical, devious, underhanded, snide, rotten approach to the subject of land rights as that of the Premier's.

Hon. P. G. Pendal: Hear, hear! Spot on!

Hon. Kay Hallahan: What rubbish!

Hon. P. G. Pendal: He has used those people.

Hon. N. F. MOORE: Before the 1983 election Mr Burke said, "I will give you my solemn word that you will get land rights under this Government."

Hon. Kay Hallahan: He would have if he had had the numbers.

Hon. N. F. MOORE: Then the Premier introduced legislation to this House which was rejected. He then went into the election in 1986 and said, "I will resign if anybody brings in land rights." Now he goes off to the ALP conference and says, on one hand, that there will be no land rights in Western Australia and, on the other hand, "I am proud that today the Minister for Aboriginal Affairs has signed up 450 000 square kilometres of land on a 99-year lease." The Premier cannot have it both ways. Mr Burke seeks to tell the people there will be no land rights while he is Premier and, in fact, he will resign if there is. Then he sets aside approximately \$20 million for the acquisition of land. Now he has 99-year leases for Aboriginal land. His whole approach to this subject has been a most cynical exercise. It is almost as cynical as his attempt to achieve some high ground in the argument about the behaviour of members of Parliament. The fact that Mr Burke wrote a letter to me telling me I should behave myself is absurd if one looks at the

behaviour of Mr Burke when he was a backbench member of Parliament.

Hon. P. G. Pandal: Hear, hear!

Hon. N. F. MOORE: To give him his due, he has done something about it since.

Hon. Kay Hallahan: Exactly.

Hon. N. F. MOORE: But he should not set himself on the pathway of, "I am the Premier. I am telling you how to behave in Parliament."

Hon. Kay Hallahan: He has the benefit of experience, surely.

Hon. P. H. Lockyer: What will be your excuse?

Hon. N. F. MOORE: I thought it was rather amusing that the day before this lofty letter was issued by the Premier, the Minister for Education appeared on television and did his very best to denigrate me. I think the Premier should send Mr Pearce two copies of his letter in the hope that Mr Pearce can at least obtain knowledge from one of them.

Hon. Tom Stephens: You accused him of being soft on drugs.

Hon. N. F. MOORE: He is.

Hon. Tom Stephens: You cannot complain about what he said to you.

Hon. N. F. MOORE: Mr Pearce is soft on drugs; he admitted it on television just the other night. He said that he still supports the view that he had when he was being criticised for supporting the legalisation of marijuana. On "State Affair" the other night—I was there, I was part of the interview—when asked whether he still supported the views that he held in the past, he said that he supposed that he did.

Hon. Kay Hallahan: So?

Hon. N. F. MOORE: He is soft on drugs and so is Mr Stephens. Hon. Tom Stephens was quoted in the Press as saying that marijuana should be decriminalised. I wish I could find the quote, but I cannot.

I was talking about education and I was sidetracked onto other subjects. It is my view that the education system at present is in a great deal of turmoil. I could go so far as to say that morale in the Education Department is probably at an all-time low. That applies from one end of the education system to the other; from the preschool system to the tertiary system.

In order for us to find out why the situation is as it is, it is necessary for us to consider recent events and the way in which the current

Minister is endeavouring to control education in Western Australia. I said "control" because I think he is making a deliberate and conscious attempt to control education in a way that it has never been controlled before by a politician.

Hon. Tom Stephens: You would be complaining if he was not controlling it.

Hon. N. F. MOORE: I guess I should ignore that interjection because of its inane nature. However, I think the member has been here long enough not to make such stupid comments. The Minister is not there to run every aspect of education.

The most significant attempt in recent times to affect the Education Department was the announced retirement of Dr Vickery as director general. He announced his retirement for personal reasons. The official newspaper of the Education Department, the *WA Education News*, included an article headed "Dr Vickery's retirement". It stated—

The Director-General of Education, Dr Robert Vickery, surprised the education community when he announced on May 26 that he would retire on September 12 this year.

Dr Vickery, who became Director-General in March 1982, said that he was retiring for personal reasons.

It is strange that he has said that he is retiring for personal reasons. He is only 55 years of age and relatively young when one considers the level of the position he holds. I think it is a great tragedy, regardless of the reasons for his resignation, that he should have decided to take that action. I hold Dr Vickery in high regard, as I am sure do many other people. In fact, I was privileged recently to have spent about an hour and a half being briefed by him on the education system. I thank the Minister for allowing that briefing to take place. Dr Vickery explained to me the things that are happening in the department and the tremendous changes that have taken place as a result of the Beazley and the McGaw reports. At the time I thought that more changes were taking place this year than had taken place in the previous 10 years and I was concerned about so much change. I guess that, in a sense, I was not too unhappy because Dr Vickery was in charge and he knew what he was doing. He had the vision and he knew the direction the department would take, what could be done, and how long it would all take. However, I was concerned with the speed at which the changes

were taking place and I am now doubly concerned because of Dr Vickery's planned retirement. The Education Department needs his guiding hand for some years to come. Somebody else will have to move in and take over and because of that there is the potential that the whole thing could go off the rails. That is no reflection on Mr Lowden, the acting director general. I hold him in very high regard.

Dr Vickery is a person out of the ordinary. He is an extraordinary personality. The other morning, in the company of Hon. Robert Hetherington, I heard him speak at a conference. We were both very impressed at his depth of understanding of the education system.

Dr Vickery's decision has caused considerable disquiet in the education system. The announcement was completely unexpected, but there was disquiet more about his reasons for taking that action.

Hon. Tom Stephens: That was largely fuelled by your stupid Press release at the time.

Hon. N. F. MOORE: I did not make any statements about Dr Vickery's planned retirement. I made a statement further down the track when I was critical of the Minister for doing other things. However, I did not make a public statement about the planned resignation. I deliberately did not want to make a comment.

Hon. Tom Stephens: Your comment was that you hoped the Minister would not take the opportunity of stacking the senior positions of the Education Department.

Hon. N. F. MOORE: Hon. Tom Stephens spends far too much time listening to what I say instead of getting his mind organised. I did not make a statement and I told the Press I would not because it was not my job to fuel the fires of discontent. I had enough respect for Dr Vickery not to make a political comment about his resignation. Only further down the track when all the discontent began to surface and two journalists from *The West Australian* had done a lot of in-depth ferretting to try to find out why he had decided to resign in the middle of all the changes, did I make a comment. The journalists told me that they had evidence that Mr Pearce had put so much pressure on that Dr Vickery had decided to give it away. He did not want to be placed in that situation. I commented that I hoped that Mr Pearce would not use Dr Vickery's resignation to place his cronies in that office. I made that comment in a serious way because I was concerned—I still am—at what was going on within the Edu-

cation Department. It will be filled with cronies of the Labor Party as are other organisations in this State. Everywhere one looks one sees former Labor Party candidates and former advisers filling jobs within the Public Service and other spheres of Government. I am concerned that the same will occur in the Education Department.

I cannot get all that upset that Bill McKenzie is running the State Planning Commission. I do not agree with his political appointment, but it does not have an enormous impact on future generations of this State. However, to make a political appointment to the position of head of the Education Department could have an enormous impact on the way children are taught in schools in the future. That is why I said it was not appropriate for there to be a political appointment to the head of the Education Department. I have since been told that I have no need to worry because, after Mr Lowden has completed his term as acting director general, there will be no such position because the whole system will be headed by a commission or whatever. However, I will talk about that at another time.

Following Dr Vickery's resignation, public criticism started to well up. What did Mr Pearce do? First, he called what he calls the "executive" of the Education Department to a meeting. This meeting was referred to in *The Western Mail* on 14 June 1986 with the headline, "Pearce whips education bosses into line". Bearing in mind that Mr Pearce is the person wielding the whip, that is a telling headline. He is about as subtle as a train wreck when it comes to carrying out his activities as a Minister.

Hon. Robert Hetherington: It is a pretty imaginative headline. We have all suffered from imaginative headlines.

Hon. N. F. MOORE: The article includes the following—

CHANGE or quit—that's the ultimatum from Education Minister Bob Pearce to his departmental heads.

Following what he called "malicious rumours" about the planned re-organisation of the Education Department and the resignation of Director-General Dr Robert Vickery, Mr Pearce initiated a meeting of superintendents this week to tell them they were expected to be loyal to the Westminster system of government.

And if they couldn't accept the State Government's planned re-organisation they should look for another job.

That refers not only to the resignation of Dr Vickery, but also to Mr Pearce's off-the-cuff comment about re-organising the Education Department. When dissension was rife, Mr Pearce said he would reorganise the education system and have what he called a "Ministry of Education". He also made the point that nobody could really feel all that safe in the jobs they now have; that was the intent of that comment.

I asked a question in the House about the proposed reorganisation. I asked the Minister what documentation was available with respect to the reorganisation, assuming, as I am entitled to assume, that consideration of the matter had been going on for sometime, that basic programming had been done, and that the Government had some idea of the organisation that would follow. However the Minister replied that there was no documentation available, which emphasises my point that Mr Pearce had decided to take this line, to make this announcement about the reorganisation of the department, simply to force people to keep their mouths shut.

Hon. Robert Hetherington: That's not true.

Hon. N. F. MOORE: It has had the desired effect, Mr Hetherington, because people in the Education Department are frightened to say anything in case the Minister hears about it.

Hon. H. W. Gayfer: There is nobody else you can talk to?

Hon. N. F. MOORE: People are not allowed to talk to anybody else. As an aside, our education committee sought to meet with Mr Forrest, who runs the Technical and Further Education section of the department. We were told by the Minister that we could not see Mr Forrest without going through the Minister. Therefore we wrote to the Minister telling him that we would like to see Mr Forrest. The Minister told us that we could not see Mr Forrest without first going through Dr Vickery. If Dr Vickery gave his approval for us to see Mr Forrest, the Minister would think about it. Mr Forrest runs TAFE, which is a huge part of the education system. Members of the parliamentary Liberal Party wanted to talk to him and were told that we could not without getting the Minister's approval and without Dr Vickery's being onside.

Hon. Kay Hallahan: It is fair enough that you should have had to talk to Dr Vickery; he is the Director General.

Hon. N. F. MOORE: Again, in *The West Australian* on 14 June is the headline, "Pearce tells staff to quit if unhappy". The article reads as follows—

The Minister for Education, Mr Pearce, has told his officers that they should quit if they do not approve of Government initiatives and reforms.

At a meeting this week of more than 100 senior Education Department officers, Mr Pearce said that the department's image had been damaged by rumours and half-truths.

Mr Pearce called the meeting after an article in *The West Australian* last week which revealed a split in the department.

Further on, the article states—

Since the article,—

That refers to the article in *The West Australian* which talked about the split—

—several people have contacted *The West Australian* claiming that morale was still "horrendously low".

Similarly, the article in *The Western Mail* quoted an employee as saying that the bottom line was that education could no longer be apolitical. Employees of the Education Department are very concerned. The furphy that Mr Pearce has thrown around about reorganising the department has been done deliberately to intimidate those people who might think about complaining or criticising what is going on in the education system.

When I was a teacher members of the teaching profession were not allowed, by law, to make public comments about the education system. That was under a Liberal Government. The then Labor Opposition and the State School Teachers Union fought a massive campaign to get rid of the iniquitous regulation which did not allow teachers to comment publicly on education. They argued that teachers had the right to complain if things were wrong or bad. Now people are being told, "If you don't like it, you can lump it. If you don't like what we are doing, you can quit." The Minister has said that he will reorganise the department in such a way that people's jobs are no longer necessarily secure. People in education do not have many other places to go. If someone is an educator, he or she either works for the Education Department or works for a private

school. There are not many jobs going for people who get sacked in this business. Thus, morale is low; of course, people are upset when a Minister takes the line that the Minister of Education has taken.

I am now getting letters from people who do not put their name on the bottom. One fellow signed himself "A concerned citizen". Somebody else called himself "Socrates". One dated 8 June 1986 reads as follows—

Dear Sir,

I am writing to express my concern about the proposed changes to the Education Department.

The letter is anonymous because I work in the Public Service and fear reprisals if the letter should fall into the wrong hands.

Hon. T. G. Butler: A bit paranoid.

Hon. N. F. MOORE: Perhaps the writer is paranoid, but would the member not be paranoid?

Hon. T. G. Butler: Don't tell me. That's what you say to unions.

Hon. N. F. MOORE: If the member were still an adviser, he would have every reason to be paranoid after 1989. However, his was a political appointment; those of people in the Education Department are not political. The people who work in the department work there because they are educators and that is what they do for a living. To be told by the Minister that their jobs will be on line if they criticise the department is reason for paranoia.

The person who signed himself "A concerned citizen" further on in the letter talked about Mr Pearce's ambition to be the Director General as well as the Minister. He even said that some say that he is aiming at being Premier. The letter continued in that vein. I refer to a document dated 18 June 1986 and called "Memo to the Shadow Minister for Education". It reads as follows—

This is anonymous for obvious reasons:

On June 10, the Minister for Education Mr Pearce called a meeting of Education Department superintendents in the Education Department conference room.

he accused the superintendents of leaking information to the Press. He said it was Government policy to re-organise education. If they did not like the way he was doing it they could resign.

he seems to have lost sight of the fact that he was a chalkie for only two to four years.

I think that may be incorrect. To continue—

His experience was in the teaching of English. He was talking down to people who had chosen the education of juniors as a lifetime career—and had excelled at it.

at one stroke he was going to destroy lifetimes of endeavour on the altar of political ambition. And that is the most fragile altar imaginable!

The writer calls for an inquiry into whether the Education Department has become the home of ministerial puppets.

Hon. Robert Hetherington: That is nonsense.

Hon. N. F. MOORE: The letter is signed by "Socrates".

Hon. Robert Hetherington: I would really worry about having people in the Education Department calling themselves "Socrates".

Hon. N. F. MOORE: It is unfortunate that people have to write to me in that manner. It disturbs me considerably, as I am sure it would concern Mr Hetherington if he received a number of letters in the same vein. Similarly, he would be very annoyed if he were to get the sorts of phone calls that I get from people who will not give their names because they are frightened of reprisals. It is as simple as that. When public servants, especially people in the teaching service, are frightened to make a comment publicly, or have their names associated with any criticisms, it is a sad state of affairs.

"Socrates" also enclosed for my information a cutting from the *Melbourne Age* dated 14 May 1986, which reads as follows—

The State Board of Education, Victoria's copycat mini-Schools Commission, is facing its biggest changes since it was set up nearly four years ago.

This, of course, is similar to what Mr Pearce envisages happening in Western Australia. We will have a Ministry of Education and a commission that will sit at the top and make decisions about how education runs. The article continues—

More than half the original 14 board members have been replaced, it is short of a quarter of its professional staff, its role in a restructured Ministry of Education is uncertain and today a new controversial chairman takes over.

Despite board members' reservations which have been made clear to the Minister for Education, Mr Cathie, the Government has appointed Mr Bill Hannan, a former secondary school teacher and union

activist, and now a policy adviser to the minister, chairman. Mr Hannan takes over at a time when a certain malaise, if not a crisis of confidence, appears to have come over the board.

I guess the person who sent me that letter is giving me some advice as to what we can expect to happen here. This ministerial adviser will become the chairman, who will decide what goes on in our schools. That gives me considerable cause for concern.

Hon. Robert Hetherington: That would be a good thing, but it will not happen.

Hon. N. F. MOORE: I hope the member is right.

That is the first area in which I consider there is a real problem in education. A destabilisation is going on in our education system. We have Dr Vickery retiring. Mr Pearce is shooting from the hip, talking about reorganisation and putting people's jobs under the hammer.

The second area I want to comment on is the Curtin University of Technology. Mr Pearce announced, quite unilaterally, that WAIT was to become the Curtin University of Technology. My initial response to this decision was one of support, with certain reservations—quite serious ones I might add. There is general support for the principle, provided these reservations are taken into account. The reservations are that no funds from other tertiary institutions be used to finance an upgraded WAIT, and in the event of WAIT seeking to upgrade the courses it was providing, this would not jeopardise other courses which may not be considered appropriate to a university. This could lead to the sort of thing which happened in New South Wales and the setting up of another institute of technology. It is important from our point of view that the status quo is not too severely jolted if Mr Pearce is to have his way.

Since he made his statements, considerable concern has been expressed by a variety of people. Most of the comments come from Murdoch University and the Western Australian College of Advanced Education, because they see their circumstances could well be jeopardised in the event of this taking place. I was interested to read an article in the *Sunday Times* of 22 June 1986 by Dr Don Smart, a senior lecturer in education at Murdoch University. He comments on the change in the status of WAIT, and also comments on what is going on in our schools. Part of his complaint

and the reasons he gives for the unrest are the authoritarian attitude of the Minister for Education, Mr Pearce.

Since Mr Pearce made his announcement he has attracted a great deal of criticism from a variety of sources. Mr Pearce has now made another statement, quite out of the blue, about some super Western Australian university. He is now talking about combining WAIT and all the colleges of advanced education under one umbrella and forming this great big university.

Hon. Tom Stephens: You are wrong again.

Hon. N. F. MOORE: That is what he said.

Hon. Tom Stephens: No, he did not. You cannot even read what is in the newspaper.

Hon. N. F. MOORE: Perhaps the member can tell me what he said.

Hon. Tom Stephens: He said he would put it up for study.

Hon. N. F. MOORE: That is exactly the point I was going to make next. I thank Hon. Tom Stephens for reading my mind. What he said was that this was a good idea, we should go down the US path towards this great big, multi-campus university. We will have all these disparate little groups under one huge organisation. Dr Watts will be in charge—too bad about the rest of the people around the place. Those people are not in the same league as Dr Watts, according to Mr Pearce. Then he said, as Hon. Tom Stephens pointed out, he had not actually had any assessment made at all; it was just an idea.

This was designed to shut people up. If one had people like Professor Boyce, or Dr Jacks of Churchlands, would one start doing things like this concerned with the future of tertiary education? The Minister is saying, "I am thinking about having this great big, new organisation run by Dr Watts. That does not leave much for the rest of you, so keep your mouths shut until I make my decision about the way in which tertiary education is going."

These remarks are having a very detrimental effect on the people involved in these institutions. How can one cope if one has a Minister who keeps shouting off about these bright ideas without having done any research, putting one's future in jeopardy? It is just not good enough.

I think this is being done on purpose, quite deliberately to destabilise the system, so that eventually, when the system is destabilised and the people cannot put up with it much longer, they can be replaced by cronies of the Minister.

People are leaving in droves. Mr Hetherington should ask who is leaving and he will find a long list of people who cannot put up with what is going on. They have years of seniority and service, but they will not put up with this. It is the same right throughout the Public Service. A list of public servants who have retired appeared in the paper—people who could have stayed for years and provided considerable expertise.

Several members interjected.

Hon. N. F. MOORE: People are being replaced by cronies of these politicians. On top of that, in our schools at the present time the Beazley and McGaw reports are being implemented. Much of the Beazley report I found very acceptable. Many things had been going on for years; everybody said this should happen, but it was put to the bottom of the pile because of the lack of funds.

The McGaw report is slightly more serious in its implications than some of the recommendations in the Beazley report. This year students in year 12 are being taught under the new system proposed by McGaw. At the same time we have the Secondary Education Authority whose job it is to carry out internal assessments in the schools. The situation is that most schools still do not know what is going on with respect to their year 12's this year.

I want to quote from a couple of letters I have received on this subject. The first one is signed, because it is from someone working in a private school.

Hon. Tom Stephens: They are all paranoid.

Hon. N. F. MOORE: No, they are not. The member would be paranoid if his job was treated in this way.

Hon. Tom Stephens: Only if it was one under the Liberal Government, and you were the Minister.

Hon. N. F. MOORE: Hon. Tom Stephens could certainly obtain a job in any education department, provided he was not put in charge of any children or did not have to teach anybody anything.

This letter was sent to the Minister for Education, Mr Pearce. It is signed by six teachers, and it reads—

Dear Sir,

English teachers from both state and private sectors met on Saturday, May 3rd to discuss year 12 assessment procedures. This meeting deplored the speed with

which policies arising from the Beazley McGaw Reports are being implemented, a speed which was seen to be politically rather than educationally motivated. The result of this haste has been to confuse and unsettle current year 12 students and their teachers.

S.E.A. policies are still being formulated which affect this year's T.E.E. candidates, a situation which the meeting found unacceptable. It was therefore urged that in future schools be notified of any change in course structure or course assessment in the year prior to the implementation of that change.

It is signed by six teachers. I received a letter from the Presbyterian Ladies College, an institution which is not afraid to say what it thinks. The letter is signed by Miss Barr, the principal of the college. It reads as follows—

Dear Sir,

Staff members of this school wish to express their concern about the extreme haste of the implementation of the Beazley/McGaw Reports and the consequent difficulties and uncertainties for students and teachers.

The letter then lists a number of areas which are causing concern. In addition to that, Dr Smart from Murdoch University in the *Sunday Times* of 22 June when discussing the turmoil in the education system of this State is reported as follows—

He outlined some of the reasons for the unrest as:

The speed at which the Beazley report was being implemented;

There is a lot of concern in the community, particularly among parents of year 12 students in respect of the speed with which the McGaw report is being implemented in our secondary schools. There is considerable disquiet among teachers who really do not know whether they are doing the right thing or not. Teachers do not know whether in fact the sorts of things they are doing in their classrooms are what they are supposed to do. The Secondary Education Authority is in real difficulties because it has been boycotted by the Teachers Union and it is not getting its work done as quickly as it should. There are suggestions that it is severely under-funded.

However, at present at least one year of students going through our schools could well be seriously disadvantaged. I am very pleased I

do not have a child in year 12 at this time. I do not know whether any member in this House has a child in that situation, but many people have approached me and said they are particularly concerned about what is happening to their children.

It is an unfortunate fact of life that whenever an education system is changed, there has to be a group of students which is used as a guinea pig when these changes are taking place. When the Achievement Certificate was implemented some people were, in a sense, disadvantaged, but that change took place over a five-year period. Pilot schools were set up which conducted trials in the implementation of the Achievement Certificate and when those pilot schools were assessed, it was decided, based upon those assessments, to bring in the Achievement Certificate system across the State.

In respect of the McGaw report, and some of the Beazley report recommendations, there have been no trials and no pilot schools have been established. Everybody has simply been required to change, and I think that is not good enough, bearing in mind that one year of students in particular could be severely disadvantaged. I have had teachers of year 12 students coming to see me and saying that they really do not know whether what they are doing in the classroom is what they are supposed to be doing. The question of moderation by the Secondary Education Authority is way up in the air at present and people do not know what on earth is going on. If something is not done about it soon, this year's students of year 12 are in for a very bad time.

In addition to this, and I refer to those matters I have talked about before—the resignation of Dr Vickery, the change of the Western Australian Institute of Technology, the reorganisation of the Education Department, the implementation of the Beazley and McGaw reports—the Premier has now come out and talked about increasing class sizes. He has talked about the dire financial straits in which this State allegedly finds itself and now he is talking about cutting funding for education by increasing class sizes.

It makes one wonder just what this Government is seeking to do in respect of education in this State. As I have said before, I believe it is a deliberate attempt to destabilise the system and it is creating uncertainty, confusion and, in many minds, fear. I think the Minister for Education, who seems to think that one tackles problems with a sledgehammer rather than speaking nicely to someone, is causing what I

consider to be irrevocable damage to the education system of this State.

When I began my comments this afternoon, I said that I considered the education system to be in a sense sacrosanct. It needs to be protected and looked after, and it must be run in such a way that every child who goes through this system comes out at the end with the best education available. That is the only long-lasting thing that the State can really give to its citizens. It provides education for people so that they can carry out their functions as members of the community. This education costs a lot of money, but the education system must be protected, particularly against people who would seek to use it for political ends.

The PRESIDENT: Order! There is far too much audible conversation. I cannot hear the honourable member's speech.

Hon. N. F. MOORE: Before the 1983 election, the Labor Party made a promise about providing education for all four-year olds. It did not get around to doing that during the three years of its first term. By what, I must confess, was a stroke of political genius, the Labor Government made the same promise during the 1986 election campaign. It received great coverage and great kudos. Unfortunately, the people who were interested in having their four-year-olds going to school were not at all fussed that the Labor Party had not done in the previous three years what it had promised to do. The upshot of this was the promise made during the later campaign that all four-year-olds would be given a place in a primary school.

I am not sure whether I agree with that as a question of principle, but I accept that as a political issue it is one which is very popular among parents, particularly working parents who want their four-year-olds to be able to go to school and be looked after in the proper way. It saves them having to worry about child-care centres and things of that nature. I was very interested to hear that because of the stringent conditions under which money is to be spent in this State the promise has now been deferred. I wonder for how long it can be deferred; maybe in the 1989 election campaign Mr Burke will come out and say, "We have had this bright new idea. We are going to have education for all four-year-olds, starting next year." The people in the northern suburbs and the mortgage belt will all say, "That is a great idea. We will vote for you because that is what we want." I suggest that if the Government is going to fulfil this promise, and Hon. J. M. Berinson has

a fair degree of control over the purse strings, it should do it as quickly as possible because people think it is a good idea and they hope something will be done about it.

Another matter I wish to mention is the question of providing computers in primary schools. Again there was a big announcement during the election campaign that every child would have access to a computer in primary school, and the Government, particularly the Deputy Premier, sees a great deal of virtue in every child being entitled to use a computer and being taught to use one. We now find that nothing is going to happen, because the Government does not have enough money and the computer allocation will have to be deferred. It is interesting that when one looks at the Labor Party's promises about funding for education and for a lot of other purposes, one finds that they were based upon the fact that they would be fulfilled over three years. The Government said it would bring four-year-olds into schools over three years and so on; but, in the case of computers in schools, if my memory serves me correctly, the Government promised that it would do this during the first year of its second term.

Now we find that the Government does not have enough money. We will find many more of the Government's promises will not be able to be implemented because there is no money.

I am extremely concerned about the very low level of morale that exists in our Education Department and I am most concerned about the bludgeoning way the Minister for Education is seeking to impose his will on a department which must not only be seen to be apolitical but must also be apolitical because of the political ramifications that a political department could have on the future thinking of people in WA. I urge the Minister for Education to get his hand out of what is going on in the department and to sit back and let the experts run it the way it should be run.

[Questions taken.]

HON. H. W. GAYFER (Central) [5.04 p.m.]: Mr President—

The PRESIDENT: Order! The honourable member spoke on this motion on 12 June.

Hon. H. W. GAYFER: Mr President, I was granted leave of the House to continue my remarks at a later stage of the sitting, although *Hansard* records it as "at the next day of sitting". I do not have a copy of my original speech, but I think I am right. Although I was ready at the time to continue my speech, I was

asked by one of the Whips to allow another member to speak before me. I realise that I could have forfeited my right to speak. I am not one to start setting precedents or to do anything wrong, but I would like your ruling on whether I can speak at this stage.

President's Ruling

The PRESIDENT: Firstly, because the honourable member creates a precedent, it does not automatically follow that it is wrong. However, the member did create a precedent when earlier in the debate he asked for the opportunity to continue his remarks at the next sitting. I can only go on what is recorded in *Hansard*, which records the fact that leave was granted for him to continue his remarks at the next sitting of the House. I would normally rule that that would mean at some time during the next sitting of the House, and without your having necessarily to be the first speaker. Therefore, the request that you allow someone to make a maiden speech and to have the first call would not have disqualified you from speaking again, provided that at some time during that next sitting you accepted the opportunity to continue your remarks.

However, because it was breaking new ground and you were creating a precedent—because this has never arisen before in the House—I am prepared to seek leave for you today to continue your remarks during this sitting. Is leave granted?

Point of Order

Hon. G. E. MASTERS: I do not seek to deny Mr Gayfer his right to speak, but how long would he have to make his contribution?

The PRESIDENT: At the time of his first asking leave, on 12 June, there was no time limit involved so I consider that he would have plenty of time.

Debate Resumed

Leave granted.

Hon. H. W. GAYFER: It was not my intention to create a precedent, but I point out to the Leader of the Opposition that I have unlimited time because I am the leader of a party. That fixes that.

I did want to clear the decks on this point because I realised we had reached an anomalous situation. I have one important matter to discuss but I will do that during the adjournment debate.

Debate adjourned, on motion by Hon. Margaret McAleer.

ARCHITECTS AMENDMENT BILL

Second Reading

HON. D. K. DANS (South Metropolitan—Minister for Works and Services) [5.09 p.m.]: I move—

That the Bill be now read a second time.

The Bill now before members is to amend the Architects Act, which establishes the criteria under which architects may practice architecture in Western Australia.

The amendments set out in the Bill were recommended to the Government by the Architects' Board of Western Australia, which is responsible for the registration and conduct of members of the profession. Pursuant to the Architects Act, the board, as a professional governing body, is vested with the obligation to prescribe the standards for admission to the practice of architecture of individuals, firms, and corporations. Through the board, the Government is advised as to methods for the better administration of the profession of architect.

Briefly the amendments of this Bill provide for—

The deletion of reference for registration as an architect of persons passing examinations conducted by the board;

recovery by the board of disbursements incurred in conducting necessary investigations associated with preliminary applications for registration as an architect;

the amendment from "two" to "five" yearly reviews by the board's Committee of Architectural Education; and

extending the responsibility for the payment of annual subscriptions to include practising corporations and practising firms.

The Architects Act presently provides that an acceptable academic qualification may be obtained by passing examinations conducted by the Architects' Board. This provision is a relic of the articulated pupil training process and is no longer considered to be adequate with today's technological requirements. In an effort to upgrade and strengthen the educational provisions which have remained unchanged since 1921 this Bill aims to make the acceptable academic requirement relevant to present conditions.

With the deletion of the existing board examinations, candidates will continue to be evaluated on completed courses of studies determined by the board at approved educational institutions.

Another amendment of this Bill addresses the registration procedures. Authorisation is sought to charge a fee, other than the registration fee itself, to cover costs incurred by the board in assessing preliminary applications for registration.

In particular, corporation bodies and practising firms may make a preliminary application to the board in an endeavour to determine if they are acceptable for registration. Some such applications require the board at its own expense to make extensive investigations, often with a negative outcome, to determine the applicant's acceptability for registration. So as to cover the cost borne by the board in the assessment of these applications for registration, it is proposed that such applicants be charged a fee of not less than the actual expenses incurred.

At present, the Act stipulates that reports be made to the Architects' Board at two-yearly intervals by the Committee of Architectural Education on the standard of courses in architecture in Western Australia. This is inconsistent with the practices throughout Australia. The Royal Australian Institute of Architecture conducts similar reviews every five years throughout Australia. It is therefore proposed that this common system be adopted in Western Australia with reports to be presented by the Committee of Architectural Education at five-yearly intervals.

The final amendment purely extends the by-laws to encompass payment of the annual subscriptions by registered architects, practising corporations and practising firms. At present the Act merely refers to "fixing the amount of annual subscription payable by architects...". With the deletion of "architects" comes the introduction of the broader and correct referral to "registered architects, practising architects and practising firms".

I commend the Bill to the House.

Debate adjourned, on motion by Hon. G. E. Masters (Leader of the Opposition).

WESTERN AUSTRALIAN TREASURY CORPORATION BILL

Receipt and First Reading

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

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [5.14 p.m.]: I move—

That the Bill be now read a second time.

The main purpose of this Bill is to establish the Western Australian Treasury Corporation. The Treasury Corporation will replace the Treasurer of Western Australia as the State's central borrowing authority and the Borrowings for Authorities Act 1981-1982 will be repealed.

As members will recall, in the early 1980s changes in domestic capital markets and developments in the Australian Loan Council borrowing arrangements highlighted a growing need to coordinate and consolidate the borrowing programmes of semi-Government authorities under a central body. This need for a change in our semi-Government borrowing arrangements was later confirmed by the Campbell committee in its report on the Australian financial system which recommended that States should consider the establishment of central borrowing authorities. Western Australia was the first State to introduce legislation to establish a central approach to semi-Government borrowing under the Borrowings for Authorities Act in 1981. As members of the Opposition are aware, although the central borrowing concept had been recognised at that time, the attitude of the Australian Loan Council was still unclear. Consequently, it was decided at that time to avoid the establishment of a corporate entity and instead simply give the Treasurer borrowing powers enabling him to borrow for the benefit of authorities.

This approach was adopted to prevent the borrowings by a central authority being aggregated and included in the former "larger" authorities' programme which was strictly controlled by the Australian Loan Council. Since then, however, the Australian Loan Council has moved towards the establishment of a global programme. This global programme was initially introduced on a trial basis in 1984-85, but was adopted on a continuing basis in 1985-86 and reaffirmed for 1986-87.

The global approach broadens the scope of Loan Council oversight of authority borrowings while, at the same time, increasing their flexibility to borrow in ways best suited to their requirements, including enhanced access to overseas markets. The global approach has therefore brought within agreed limits all forms

of borrowings by Commonwealth and State semi-government authorities and agencies and local authorities.

Over the last few years we have also seen a continuing deregulation of financial markets in Australia which has meant that governmental as well as private borrowers must now be more receptive to market conditions and be able to access a growing range of sophisticated debt instruments.

These developments together with the establishment of central borrowing authorities in all the States have changed the face of semi-Government borrowing in Australia. The other States have, however, adopted a different approach from Western Australia in that they established their central borrowing authorities as separate corporate entities. These are—

- New South Wales Treasury Corporation;
- Victorian Public Authorities Finance Agency;
- Queensland Government Development Authority;
- South Australian Government Finance Authority; and
- Tasmanian Public Finance Corporation.

As I mentioned earlier, the previous Government acknowledged that it was preferable to establish a corporate entity but was concerned that the Australian Loan Council arrangements applying at the time would disadvantage the State. Since that time, as members are aware, the central borrowing authority concept has been sanctioned by the Australian Loan Council and widely accepted by lenders both domestically and overseas.

Over the last four years, as capital markets have developed and changed, Treasury has had the opportunity to assess its operations under the Borrowings for Authorities Act. It has identified that certain amendments are needed in the current Act to provide for a more flexible and equitable means of managing the debt of semi-Government authorities.

In view of the need for these changes and the developments in the other States in the establishment of separate corporate entities as central borrowing authorities, it is considered opportune that the Borrowings for Authorities Act be revamped to establish an authority similar in status to those in the other States.

Hence, this Bill proposes to establish the Western Australian Treasury Corporation as a body corporate which will be able to borrow

moneys to be on-lent to certain statutory authorities and others.

As members will note from the following description of various aspects of this Bill, the Treasury Corporation continues the theme of the Borrowings for Authorities Act, and takes up a substantial part of its provisions, but at the same time enables it to adopt a more flexible approach to its borrowing and on-lending activities in streamlining the administration of the central borrowing arrangements.

The main features of the Bill are as follows.

Part I deals with the preliminary requirements of the legislation including interpretation of terms, procedures for amendments to the schedule, and the relationship to other Acts.

Part II of the Bill establishes the Western Australian Treasury Corporation by constituting the Under Treasurer as a corporate body.

As with the Borrowings for Authorities Act, clause 8 of the Bill continues the existing arrangements whereby Treasury officers will administer the central borrowing arrangements. Provision is made, however, for the corporation to appoint an agent or attorney to represent it when it is impractical for the Under Treasurer to attend the signing of loan agreements interstate or overseas.

Part III identifies the functions and general powers of the corporation. It is in this part of the Bill that a fundamental difference from the existing legislation arises. The Bill gives the new corporation greater flexibility in the management of its borrowing and on-lending activities by removing its obligation to on-lend its funds on a back-to-back basis. This will enable the corporation to be more receptive to market conditions and practice and allow it to access a greater range of debt instruments. As a contingency measure, the Bill makes provision in clause 12 for the corporation to have access to Treasurer's advances.

As with the Borrowings for Authorities Act, clause 13 provides that the financial liabilities of the corporation will be guaranteed by the State. It is proposed also that the corporation will be able to levy fees recouping any costs it incurs in carrying out its functions as well as any fees it is required to pay to the Treasurer arising from a guarantee under clause 13.

Clause 15 imposes the liability on borrowers to repay principal and pay interest and other costs in accordance with terms and conditions determined by the corporation.

The accounting provisions under part IV are, in essence, the same as those of the Borrowings for Authorities Act. However, with the implementation of the Financial Administration and Audit Act 1985, the corporation will be required to comply with the financial administration, audit, and reporting provisions of that Act which apply to statutory authorities.

Clause 22 provides for regulations to be made governing the corporation's borrowing activities. However in those cases where the regulations may not be appropriate to the type of borrowing being entered into, this clause allows the corporation to stipulate in a loan agreement that the regulations do not apply. Such a case would be an overseas loan arrangement whereby the corporation could not impose its domestic regulations on an international debt instrument.

Part V of the Bill covers transition from the Borrowings for Authorities Act and deems all moneys borrowed, debt paper issued, and funds on-lent under the Borrowings for Authorities Act to have been issued and on-lent in accordance with the provisions of this Bill.

The schedule has been amended, clearing the way for local authorities to borrow from the corporation if this is considered to be a mutually acceptable proposition.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. V. J. Ferry.

ACTS AMENDMENT (OCCUPATIONAL HEALTH, SAFETY AND WELFARE) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. D. K. Dans (Leader of the House), read a first time.

Second Reading

HON. D. K. DANS (South Metropolitan—Leader of the House) [5.23 p.m.]: I move—

That the Bill be now read a second time.

This Bill has been introduced to remove from Statute the necessity for the Construction Safety Advisory Board, the Factory Welfare Board, and the Machinery Safety Advisory Board.

These boards are established under the auspices of the Construction Safety Act 1972-78, the Factories and Shops Act 1963-75, and the Machinery Safety Act 1974-82 respectively. The principal aim and objectives of the three boards, as constituted, is to investigate and

make recommendations to the responsible Minister with regard to all measures necessary for securing the safety and health of employees at the workplace. These functions are now being performed by the Commission for Occupational Health, Safety and Welfare established following the promulgation of the Occupational Health, Safety and Welfare Act 1984. The principal objectives of that Act are—

- (a) to promote and secure the health, safety and welfare of persons at work; and
- (b) to protect persons at work against risks to health and safety.

The commission, comprising Government, Trades and Labor Council, Confederation of WA Industry, and expert representatives, also has the function of making recommendations to the responsible Minister on any matters in respect to the above objectives. As such, this move is seen as a rationalisation of administrative functions in this area which will avoid the duplication of reporting functions to the Minister for Industrial Relations and provide for better utilisation of resources.

It is intended that the boards be reconstituted as advisory committees to the commission to ensure a continuity of expert advice on matters affecting the various industry sectors these boards represent. The tripartite Occupational Health, Safety and Welfare Commission endorsed this approach on 2 October 1985.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. G. E. Masters (Leader of the Opposition).

ORDERS OF THE DAY

Precedence

HON. D. K. DANS (South Metropolitan—Leader of the House) [5.25 p.m.]: I move—

That Order of the Day No. 1 be taken after Order of the Day No. 8 and that Order of the Day No. 5 be taken after Order of the Day No. 10.

Point of Order

Hon. NEIL OLIVER: I understand that the business of the House is in the Government's hands and that it has the power to draw up the Notice Paper. However, Order of the Day No. 5 appears to be going up and down on the Notice Paper like a yo-yo. At one stage it was dropped from the Notice Paper.

The PRESIDENT: Order! With respect, the honourable member has not got a point of order. He may disagree with what is happening, but it is not something which is contravening the Standing Orders of this House. A member can only raise a point of order on something that is contravening a ruling of this House.

Motion Resumed

Question put and passed.

LEGISLATIVE COUNCIL: COMMITTEE SYSTEM

Select Committee Report: Motion

Debate resumed from 12 June.

HON. FRED McKENZIE (North-East Metropolitan) [5.28 p.m.]: This motion has been on the Notice Paper for some time. Members will recall that last year a similar motion was before the House and a lengthy debate ensued about whether we should have a committee system. As a result of that debate and with the passing of time—

Hon. J. M. Berinson: And all the circumstances.

Hon. FRED McKENZIE: —it has, at long last, been determined that we should debate this issue. My understanding is that at the conclusion of the debate today this motion will remain an Order of the Day for the next sitting of the House.

Hon. D. K. Dans: Hopefully!

Hon. FRED McKENZIE: In the meantime, every member in this House has the opportunity to contribute to the debate.

I believe that the committee system would be advantageous as far as this House is concerned.

The PRESIDENT: Order! There is far too much audible conversation which is preventing honourable members from appreciating what the honourable member on his feet is endeavouring to do; that is, to support or oppose a proposition as to whether this matter should go onto the Notice Paper. That is virtually what he is doing, yet with all the talk in the Chamber we can hardly hear him.

Hon. FRED McKENZIE: I note that one of the members on the committee which brought down the report in question is no longer a member of this House, and I refer to Hon. Ian Pratt. However, that is no reason not to proceed with debating this motion. It is of great significance to this Council, and if the motion is successful I am sure it will be advantageous to the future workings of this House.

I do not want to add to those remarks. I know that members on the other side may wish to take the matter further and perhaps my colleagues may wish to dissertate in one form or another.

Debate adjourned until a later stage of the sitting, on motion by Hon. Tom Stephens.

VALUATION OF LAND AMENDMENT BILL

Second Reading

Debate resumed from 2 July.

HON. P. H. LOCKYER (Lower North) [5.31 p.m.]: This Bill will give the Valuer General the power to provide interim valuations to local authorities which seek them. This has resulted from a council's decision to use a phasing-in process for the adoption of new valuations in its district.

The amendment to the Valuation of Land Act is consequential to the amendments introduced in this House this afternoon and we shall deal with the Local Government Amendment Bill in due course. The Opposition supports these changes and as the amendments are consequential to the other amendments, we support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

STATE ENERGY COMMISSION AMENDMENT BILL

Second Reading

Debate resumed from 2 July.

HON. NEIL OLIVER (West) [5.34 p.m.]: It is amazing to note the speed at which items on the Notice Paper can revolve, particularly when various items are detoured even though the Government had them printed on the Notice Paper only last night and distributed for the benefit of members so that they could prepare themselves for the debates of the day. However, the Government then decides to jump about the Notice Paper. It is a repetition of the last Parliament. In fact, at times last year we had up to 30 Bills on the Notice Paper and

we went all around the Notice Paper jumping from item two to item 28 and so on.

I well recall that when the Government was in Opposition it requested the cooperation of the then Government to enable Opposition members to satisfactorily consider legislation and to ensure that they were prepared. I wondered whether the Liberal Party when in Government had made it tough for the Labor members and I checked back through *Hansard*. It had occurred to me that possibly I may be unreasonable in my questioning of the Government's policy now that I am a member of the Opposition. I found that during the period when the Liberal Party was in Government, great accommodation was given to the then Opposition. In fact, the Government was prepared to accommodate it with regard to sitting hours. On one occasion the Government agreed to sit until 9.45 a.m. at the request of Opposition members. In no way did the Government seek to adjourn the debate; it allowed all Opposition members to speak for as long as they wished. They did so and this fact is recorded in *Hansard*.

With reference to the Bill before us, I certainly support it although I do have some reservations which I will raise in the Committee stage. The Bill needs to be discussed in Committee because it sets out major amendments to the principal Act of 1979.

I notice in the Attorney General's second reading speech that he alluded to other matters already under examination which at this stage are not included in the Bill. In fact, he even mentioned various improvements which could be made to the Bill which are not contained in it. Obviously, it is still under major review.

The Government seems to take courage from the fact that the Bill is part of its election policy statement. I agree with the Government with regard to this legislation and it is interesting to note that it also reflects some of the policy of the Liberal Party.

The Attorney General's second reading speech referred to the Government's undertaking to examine the operations of the State Energy Commission, particularly in the areas of energy policy, planning, and research, and establish a new body to take over those functions. This is one of the major points in the legislation. Reference is also made to the removal of the current functional role which is incorporated in the legislation, and the establishment of an office within the Public Service, independent of the Energy Commission to ad-

wise the Government on all matters relating to energy policy and planning. I shall be interested to hear the Attorney General's remarks. I hope he will reply to me in his closing remarks to the second reading which will give him some lead-in and we can then take short cuts during the Committee stage of this Bill.

Hon. J. M. Berinson: I am sorry, would you repeat the question?

Hon. NEIL OLIVER: I was referring to the change in the functional role to establish a new body to take over planning and research, which is already incorporated in the legislation. It has now been decided to repeal that section of the Act and establish an office within the Public Service independent of the Energy Commission to advise the Government on all matters relating to energy policy and planning. What is this about? Why is it not part of the legislation? What is wrong with the present legislation that requires the advisory body to be incorporated in this legislation?

Furthermore, I would be interested to know the composition of this Public Service independent advisory body, and where it stands in regard to the Solar Energy Research Institute of Western Australia. I compliment the Government on SERIWA. It was a Liberal Party initiative but I believe that in recent times it has made greater advancements than in its infancy. However, I am interested to know why it is necessary to have a review of SERIWA, and why it is necessary to bring forward this legislation at this time, when SERIWA is under review and the Government is also setting up another energy research group within the Public Service.

I would also like the Minister to give a little more detail as to when the SERIWA review was commenced, whether it is an internal Public Service review, whether people are being coopted from outside or whether it is a Price Waterhouse review. What sort of review is being undertaken, and when can we anticipate that it might be completed? Obviously, we can then expect that there will be further amendments to the parent Act.

Those points cover the questions I want to canvass before we move on to the Committee stage. I will not dwell on the escalation in costs that the consumers have had to bear over the past 12 months, and the additional costs they are about to bear. I trust this new legislation will streamline the operations of the State Energy Commission and bring about a reduction in costs to the consumer.

On that note, I support the Bill, subject to answers in the Committee stage.

HON. A. A. LEWIS (Lower Central) [5.43 p.m.]: I have a few queries for the Minister in regard to the Bill. I have a feeling this is another rearrangement of management brought about by the Government that really has no managerial background. We have seen it happen in so many departments during the time of this Government, and I ask the Minister to explain to me in fairly simple terms, knowing to whom he is explaining it, why we need to change the operations part of the board, whether the Minister is to be able to bypass the commission and the associate commissioners in giving directions to the State Energy Commission, or whether the Minister will adopt a line management approach whereby he talks to the commissioners and then the matter goes to the chief executive officer.

It seems to me from the Minister's second reading speech, and from the Bill, that the Minister can bypass his commissioners at any stage. That would seem to be one reason to get rid of the commissioners altogether, and it is tending to happen a lot since this Government came to power. I am not saying it did not happen before, but it did not happen as often. We set up boards and commissions that just sit out to the side, with no line management approach being taken. The Department of Conservation and Land Management is a prime example. Its board seems to be an appendage having no directive role at all, rather than being part of a line management approach; and we know that in that department there are only advisory committees.

It seems to me that the State Energy Commission is proposing that its commissioners fill an advisory role rather than a role in line management. I believe the original set-up of the commission was that the commissioners made policy and then directed the executive director to carry out that policy. Is the Minister with me?

Hon. J. M. Berinson: Yes.

Hon. A. A. LEWIS: It now appears that the Minister will go over the top of the commissioners and either direct them or, if he does not want to talk to them, go around the side and direct the executive director.

Hon. J. M. Berinson: Can you refer me to the clause that might be leading you to that?

Hon. H. W. Gayfer: Clause 10.

Hon. A. A. LEWIS: Mr Gayfer says it is in clause 10, but I am only pulling it out of the Minister's second reading speech, which reads in part—

It is therefore proposed to amend this section so that the Minister will in future be able to give directions in writing to the commission to carry out any function in relation to which a power is conferred on the commission.

In other words, the commission is not doing what I understood the commission was meant to be doing, which was setting out the terms of reference. It would appear that the Minister and his advisers will be instructing the commission as to the way they want to go. If that is the way we are going, let us have a look at a few things that have happened since this Government came to power. Let us take the situation of the Marvel Loch-Southern Cross line where, under direction from the Minister and his advisers, as I understand it, work was done by day labour and ran a year late. Is this what will happen if the Minister gives these directions?

I would also like to know whether at the present time the SEC is showing the Treasury its figures and how it is working its figures. That should interest the Minister for Budget Management, because as a result of some figures given by the SEC the Minister for Budget Management is probably carrying a heavier load than he deserves. I wonder whether Treasury is checking out the SEC's figures.

The size of the stockpile at Collie is worrying us all. I believe that it is not an insurmountable problem, but surely paying the interest on three million tonnes of coal at \$40 a tonne is building up an interest bill that will come back to the consumer.

I come back to what Mr Oliver said and ask the Minister why we are not deleting some parts of section 27 of the parent Act if we intend to set up another planning body. Perhaps the SEC is to have another planning body which will be an outside body. That sounds more like something this Government would organise, because it would be creating more jobs for the boys—one inside and one outside. It seems to be a silly thing for us to go ahead with this Bill without first getting answers to these questions.

The Government is to appoint more assistant commissioners, one of whom is to deal with personnel and industrial relations problems. I am not against that—if we need assistant commissioners. The House should first be paid the

courtesy of being shown a flow sheet so that it knows exactly how the SEC intends to manage this. I know the Government is a little scared of flow sheets, because the conservation and land management plans were altered four times before the Select Committee got to them. I have severe doubts whether the Government knows precisely what a managerial role is all about.

I hope when the Minister replies he tells us whether these assistant commissioners will be the same type of people as those who have been appointed in the past. Will they come from the same type of areas or will we have people being picked because they are consumers, members of trade unions, or members of the Confederation of WA Industry? I ask that because I wonder whether these sorts of people would be any good on a consumer board working with the SEC.

I know the Attorney General did not write his speech because this is not part of his portfolio. I am sure he will find the answers before we go on to the Committee stage so that these matters can be discussed as each relevant clause comes up. Perhaps I am worrying out of turn, but I am worried about the Attorney General in his role as Minister for Budget Management. I wonder about the figures from the SEC which go to the Treasury and are returned and which, under the Act, must be approved by Treasury. I wonder whether in all cases they are being approved by Treasury and whether Treasury is having long enough time to look at them.

With those few words I will await the Minister's reply to our questions. I give no commitments as to how I will vote on this Bill.

HON. H. W. GAYFER (Central) [5.53 p.m.]: I listened to Hon. Neil Oliver indicating that the Liberal Party basically supports the Bill but feels that it requires amendment or at least consideration at the Committee stage. I view the Bill somewhat differently, but perhaps I have the wrong idea of its intent.

As long as I have been in this place there have been two commissions in this State which have been considered sacrosanct and void of any great ministerial control. I was always led to believe that one was the State Energy Commission and the other was the Main Roads Department. Both were set up in such a manner as to keep politics as far as possible out of the everyday running of and the future planning by them.

I well remember that when the SEC was established it began the extension of country electricity. What has been achieved has been a mammoth job; it has been absolutely terrific. This is especially so when we consider the length and breadth of this State and its sparse population. Nevertheless we now have grid lines running everywhere across the State, which is really magnificent.

The point to remember, though, is that the system is not an earth return circuit as is found in South Australia. We have a magnificent circuit based on the American RCA circuit, using transmission lines of heavy duty cable which, with the SEC's futuristic planning, will see us through well into the next century.

All this was done, as I have thought, heedless and regardless of what Government has been in power, and Governments have changed over this period. This has been done regardless of petty scheming or the altering of lines and the courses they were following.

I well remember also that in 1962—that date is off the top of my head—we had finished with the south-west power legislation which covered the extensions in the heavily-populated south-west corner of the State. It was then decided we would go no further with electricity extensions into country areas. After a great deal of argument Sir Crawford Nalder, the then Minister responsible, agreed that if he could possibly convince the SEC to our way of thinking, we would begin a new phase which was to be the second SEC contributory service extension. That service did get under way but finally came to an end because it looked like getting too expensive for the commission to undertake further development. It did continue for a few years when it got another boost of life and now the State is virtually covered with a magnificent high-tension, high-power grid crisscrossing the State. This has provided a great deal of relief particularly to agricultural areas and a lot of far-flung small towns.

I was a bit alarmed on reading the Minister's second reading speech to find that part which indicates that the main feature of the Bill is to amend section 10 of the Act, and I quote—

... so that the Minister will in future be able to give directions in writing to the commission to carry out any function in relation to which a power is conferred on the commission. It is considered essential that the Minister has the ability to give such directions in order that he can better perform his ministerial duties and be able

to control an organisation for which he is accountable in the Legislative Assembly.

I am perturbed by those words, and we have heard an argument tonight in the House that the Minister for Education is seemingly placing all the powers for controlling the Education Department in his ministerial office.

I view all this with a great deal of alarm, because if we are not very careful, in future years we will have political promises made which will be executed by Ministers when they are elected or returned to office contrary to the well-being of the State. It is this feature of the Government that upsets me with this legislation, and I am wondering how long it will be before similar legislation is introduced affecting the Main Roads Department.

Sitting suspended from 6.00 to 7.30 p.m.

Hon. H. W. GAYFER: To substantiate the point I was making before the tea suspension in respect of the dwindling powers of the State Energy Commission and eventually the Main Roads Department, I will read the long title of the State Energy Commission Act when it was assented to on 14 February 1946, as follows—

AN ACT to constitute and regulate and confer powers and impose obligations upon a State Electricity Commission to undertake on behalf of His Majesty the establishment, maintenance and management and acquisition of Works for the manufacture, generation, transmission, distribution, supply and sale of electricity and other heating, lighting and motive power throughout or in any portions of the State; to take the place of the Commissioner of Railways in relation to the possession, control and management of the electric works already established under the Government Electric Works Act, 1914; to repeal certain Acts; to provide for the transfer of certain assets, liabilities and obligations from the said Commissioner to the said Commission; and for other purposes consequent thereon or incidental thereto.

Hon. A. R. G. Hawke when speaking to the Bill, before it became an Act, said the following, which appears on page 1340 of *Hansard* of 18 October 1945—

Powers in Original Act.

The 1892 Act was originally administered by the Minister for Works. Later on the administration was transferred to the Minister for Railways, but subsequently it was transferred back

again to the Minister for Works. That Act and its amendments did not enable the fairly rapid development of electrical power generation and distribution in this State to be effectively administered. The result was that the system, or systems, of generating and distributing electrical power in this State did not prove by any means satisfactory.

Hon. A. R. G. Hawke was, at that time, the Minister for Works and he accepted what the powers of the commission would be under the terms of his Bill. I ask members to note the following which is recorded on page 1342 of *Hansard*, again on 18 October 1945—

Powers of Commission.

The commission is to be a body corporate, as might be expected with the responsibilities, duties and powers, such as will be imposed upon it if this Bill becomes law. The administration of the Act by the commission is to be subject to the Minister. With that proviso the commission is to be given great powers and responsibilities, and in order that they might be set out clearly in "*Hansard*," and perhaps be better understood by members, I propose to read the main powers that this Bill proposes to give to the commission—

When quoting from a paper he said—

All powers and obligations imposed by any existing Act upon any Minister or upon the Commissioner of Railways relating to the production and distribution of electric power are to be transferred to the commission as are all existing assets and liabilities in connection therewith; and all existing governmental agreements regarding the production and distribution of power shall also be transferred to the commission.

I am trying to make a point. The Minister, in his second reading speech said that the main features of the Bill include an amendment to section 10 so that the Minister will in future be able to give directions in writing to the commission to carry out any function in relation to which a power is conferred on the commission. I am concerned that the powers that were given to the commission are gradually being eroded and it is reverting swiftly to a situation where it will come under ministerial control and it will not have the powers it was originally intended to have in 1945 when the great advancement in electricity was made throughout the State. I can think of no motive for this change—even to the

reason that \$80 million will be spent on electricity for Aborigines. However, I am aware that the original proposal purposely gave the commission freedom from ministerial control and it appears that now the commission will come under the umbrella of the Minister.

I will be interested to hear the Minister's reply to the assertions I have made and at that stage I will be in a position to see how far I can go in support of the Bill.

Debate adjourned, on motion by Hon. S. M. Piantadosi.

METROPOLITAN REGION TOWN PLANNING SCHEME AMENDMENT BILL

Second Reading

Debate resumed from 2 July.

HON. P. H. LOCKYER (Lower North) [7.38 p.m.]: This Bill seeks to speed up the statutory planning process and, as such, has the support of the Opposition.

The main amendment in the Bill allows the State Planning Commission to terminate an amendment to the metropolitan region scheme if, following public submissions, the commission believes the amendment is not worthy of support. At present, it must continue on its path inexorably and this leads to a waste of time and to anxiety.

In relation to the minor amendments to the metropolitan region scheme the process is to be changed to one which provides for those affected to be notified directly in writing rather than the present system of notification in the *Government Gazette*. A provision has also been made for the Minister's appeal committee to examine and report to him on submissions which are presented rather than for this to be done by the commission. It is interesting that the period has not been reduced for this process and perhaps it is an area which can be considered at a later date.

The amendment relating to payment of compensation on land seeks to ensure that compensation is paid only once, and the Opposition believes that this is a good amendment. I understand that at present there is some uncertainty about whether an owner or owners can make a double claim in respect of one piece of land. The Opposition does not believe this is good and this Bill tidies up the situation.

The Bill allows for a scale of fees to be set by the Land Valuers' Licensing Board and these fees will become the basis for the assessment

values. The Opposition is not entirely enthralled by a situation of set fees, but in holding that view some members in the Opposition are in the minority and in this case it will accept the proposed amendment. It is easy for the commission to work on a system of a set scale of fees and it will not double up on the process.

As usual the Opposition supports the amendment concerning private enterprise, and private enterprise will not be afraid of a system which allows for the charging of a different fee. If one is in the profession it is convenient and handy.

On that basis the Opposition accepts the Bill and supports it.

HON. FRED McKENZIE (North-East Metropolitan) [7.40 p.m.]: I support the Bill. Any legislation that can improve the Metropolitan Region Town Planning Scheme Act is deserving of support and the Bill does precisely that.

Members will recall that some years ago, as a private member, I endeavoured to amend this Act; in one sense I was not successful, but in another sense I was. I sought to remove clause 15 of the scheme and, in fact, the Liberal Government of the day eventually removed that clause. The reason I pursued that matter was that a constituent came to my office and convinced me that the provisions of clause 15 were unfair to the public of Western Australia. I am pleased that the Government of the day removed that clause and tidied the Act to some extent by doing so.

I see this Bill as a further step down the track. Section 33 will be amended and I believe the Bill clarifies the position somewhat in relation to the procedure to be adopted prior to the matter being referred to the Government. As far as I am concerned the Act as it now stands does not clearly establish that.

The only thing that puzzles me is a statement in the Minister's second reading speech that at present there is no provision in the Act whereby an amendment to the scheme, once commenced, can be terminated before it reaches the Governor. That puzzles me because Mr Uren, the constituent of whom I spoke, had a case before the State Full Court in 1983 in which this matter was raised. The interpretation given by Justice Brinsden, and supported by Justice Kennedy, in a judgment delivered on 18 November 1983, indicated that the Minister could prevent the matter from proceeding at any stage. I am not denying that the proposed additions to section 33 clarify the position.

While I support the legislation I ask the Minister in reply to explain the situation I have outlined with regard to the interpretation given in the 1983 judgment and the statement made in her second reading speech.

It is a good measure and I indicate my support for improvements to this type of legislation. We are gradually cleaning up the provisions of the Metropolitan Region Town Planning Scheme Act as the years go by and such action has my support.

HON. KAY HALLAHAN (South-East Metropolitan—Minister for Community Services) [7.45 p.m.]: In summing up this brief debate on a Bill on which we are all agreed, I indicate that I appreciate the support of the Opposition. The Bill addresses commonsense items and it is important that the processes of the metropolitan town planning scheme are made as smooth and as simple as possible for everybody who has something to do with them, not the least of whom are the citizenry who are often affected by it. The Bill does three significant things and it will make the Act more workable.

In response to the issue raised by Hon. Fred McKenzie, an issue which I understand was brought to his attention by one of his constituents, I indicate that the Bill clarifies that whole area. The judgment given by Justice Brinsden, and supported by one of his colleagues, in fact, said that the spirit of the Act was that there was nothing to stop the Minister from interrupting the process set in chain. That is an interpretation. This Bill now sets in place that these things can be done whereas the belief existed under the previous legislation that one could not interrupt the process.

Hon. Fred McKenzie can report to his constituent that he brought the matter to the attention of the House and that this Bill, in fact, clarifies that area of ambiguity. One situation was negative saying that the Bill did not stop something happening, whereas this Bill positively sets it out. The two matters are counterbalancing and not in conflict.

I appreciate the support for this Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

ADJOURNMENT OF THE HOUSE

HON. D. K. DANS (South Metropolitan—Leader of the House) [7.50 p.m.]: I move—

That the House do now adjourn.

Question on Notice: Answer

HON. V. J. FERRY (South-West) [7.51 p.m.]: A matter which is of concern to me, and should, I believe, be of concern to all members of this House, is the answer I received to a question on notice I asked of the Minister for Police and Emergency Services through the Leader of the House. I asked—

- (1) When will a permanently staffed police station be established at Augusta?
- (2) How many police officers will be attached to the Augusta station?
- (3) What residential accommodation is proposed for police officers at Augusta and when will it be available for occupation?

I want to place on the record and have it known that my comments at this time are not in any way directed at Hon. D. W. Wenn. He may have been an innocent party in this matter, but the Minister is grossly at fault. I refer to the answer I received from the Minister for Police and Emergency Services, which reads as follows—

- (1) to (3) The member is referred to the speech of Hon. D. Wenn, MLC made on 18 June 1986 wherein he refers to my advice to him that the establishment of a permanently staffed Police Station at Augusta is approved, subject to funding. Timing of the establishment of a permanent police presence is a matter for budgetary consideration, the result of which I am not able to anticipate.

Since I have been a member of Parliament, it has been parliamentary practice, at least in the Westminster system, that when a member asks a question of a Minister his question should be responded to in a direct, concise, and complete way. This is the first occasion I have known a question to be answered by referring the questioner to another honourable member's speech.

It is incredible and it is a slight on this Parliament. It is derogatory of the Westminster system and I think it is a very cheap way for a Minister to respond to a legitimate question from a member in Parliament. It is absolutely despicable for the Minister to act by referring me to another member's speech. Hon. Doug Wenn spoke on 16 June 1986, when he gave his maiden speech in this place—a speech for which I commended him. I quote from his speech on page 387 of *Hansard*, which reads as follows—

I have spoken to the Minister concerned and he has told me that a permanent police officer and quarters have been approved and construction will commence when funds become available. I asked him to make sure that the funds became available as soon as possible. He did not give me a guarantee as to when construction will commence, but I hope that it is at the end of this year.

I support Hon. Doug Wenn in his efforts to get a police presence at Augusta and I inform the Minister for Police and Emergency Services that upon seeking further extension of information in respect of matters such as this, I do not expect to have to refer to another member's speech. The public when they seek a question and its response should not have to run to *Hansard* to look at what a private member has said. This is a negation of the responsibility of that particular Minister.

I asked a little more, perhaps to elucidate information on that particular issue, by asking by way of example what residential accommodation is proposed for the police at Augusta and when it will be available. All I was seeking was genuine information. I am not trying to score political points but the Minister seemingly is a cheapskate and is trying to score political points of his own.

His response was not the way to answer questions in this House, and it ill behoves the Minister to answer a question in this way. I want it recorded in the strongest terms that I do not appreciate this sort of treatment.

Prisoner Raymond Mickelberg: Treatment

HON. H. W. GAYFER (Central) [7.55 p.m.]: I rise a little sadly in my place tonight. I do not want to point-score politically, but I want to appeal to the Attorney General over an article which I had the misfortune to see immediately I opened *The West Australian* of 4 July.

When one looks at this article, one immediately sees a photograph of Ray Mickelberg arriving at court when he was appealing for certain documents. I am deeply perturbed about his condition for when Hon. Phil Lockyer, Hon. Eric Charlton, Hon. Phil Pandal, and I visited the Mickelberg brothers on two occasions in jail, they were hearty and strong in character, healthy of eye, and physically excellent. However, the photograph of Ray Mickelberg pictures a person who has altered greatly since I saw him only in November last year.

That is when I last saw Ray Mickelberg and he is now reduced to the person depicted in the photograph in *The West Australian*—he is on a crutch, with a bandage on one arm and bandages wrapped around one hand, and he is handcuffed to a police officer. It must be obvious that with a crutch he could not run away, even if he were not handcuffed. However, generally his head is down as though he is shattered and all encouragement and enthusiasm have been belted out of him.

Members on this side have appealed here time and time again for the Mickelberg brothers to be shifted from Fremantle Prison. We do not want to enter into the argument as to whether or not they are guilty. We have asked for a retrial, but that has not been allowed or granted.

Hon. J. M. Berinson: It hasn't been applied for.

Hon. H. W. GAYFER: Members on this side have often said in our speeches that we hope a retrial will be conducted.

Hon. J. M. Berinson: That is up to the Mickelberg brothers who are still alive.

Hon. H. W. GAYFER: That is news to me, and members on this side will have to explore this matter further. However, we have asked on numerous occasions that the brothers be shifted to the Canning Vale Prison or some other security jail rather than that they be incarcerated with hardened criminals in Fremantle Prison. They are cast into a dungeon, but so are a lot of other people.

When I last saw these boys, they were hale and hearty. Their arguments were sound, but the person depicted in this photograph is a shell of the man whom Hon. Eric Charlton, Hon. Phil Lockyer, Hon. Phil Pandal, and I saw in November last year.

It is one of the most criminal things that I have seen for some time. How it happened does not matter. We knew that something

would happen in Fremantle Prison. Hon. Philip Lockyer has said this on several occasions and now it has happened. Surely this is not what prison is all about when someone is belted up and his manhood is literally whipped out of him. This is rehabilitation! He has a crutch in his hand and is handcuffed to a policeman as he walks along the street. We have been listening to the case of Chambers and Barlow in Malaysia but this situation is as diabolical. This man has had everything belted out of him. We know the fight took place some time ago yet last Friday this is how he looked.

I do not believe that the prison authorities would bandage his arm and put him on a crutch if he did not need it. I do not think he did it for show. I appeal to the Minister: Shift these boys out of Fremantle Gaol before there is a death in the camp. It is not good enough. These men have not raped or committed murder. Take them out and put them where they can be protected in another place. Sure, they may have done something like robbing the Perth Mint, but they have not taken a life. I do not believe they should be subjected to the treatment which obviously was meted out before this photograph was taken.

I protest that this sort of thing is happening in our gaols. This man is entitled to something a little better than being subjected to this treatment.

HON. J. M. BERINSON (North Central Metropolitan—Minister for Prisons) [8.03 p.m.]: I know that a picture can say more than a thousand words, but I am disappointed that Hon. H. W. Gayfer should read as much as he has into the photograph to which he has referred. To speak in terms of people having their manhood belted out of them as though that is somehow a function of Fremantle Prison or of any prison within our system, is simply to misunderstand what happens in our prison system and he certainly misunderstands what has happened in respect of the Mickelbergs. Mr Gayfer raised several issues and I will try to deal with them briefly in turn.

In the first place, Mr Gayfer is aware and has acknowledged the fact that the Mickelbergs were recently involved in a furore in the prison. That has been the subject of police investigation and I expect it will be followed by appropriate action. That, however, is not something that just happens in Fremantle Prison. It is liable to happen in any prison if circumstances arise where things get temporarily out of control. There is nothing to suggest that a similar event would not have occurred had these pris-

oners been located elsewhere. In other words, it is a function of the prisons to maintain the good order of the system and to ensure the safety and security of prisoners as well as the public, but it is in the nature of these institutions, the people who are in them, the circumstances under which they live, and the tensions which can arise that incidents of this nature occur from time to time.

To put it on the basis that it is just because they were in Fremantle Prison at the time is, I believe, to misunderstand the background of the particular event. It is also reading too much into that photograph to somehow imply that these men were being crushed, in particular, that they were being physically assaulted, by the system and being led into some serious deterioration in their condition.

The Mickelbergs, like all other prisoners, are the subject of close and fully adequate medical attention whenever that is required. That is something that applies to all prisoners, as it does to them. Mr Mickelberg's condition on the day on which the photograph was taken is something of which I have no particular knowledge but in general I can say—and I believe this has never been questioned even by the most vocal critics of our prisons—that there is anything short of fully adequate medical attention to meet the requirements of all prisoners.

A separate question arises as to the proper placement of the Mickelbergs. I have previously answered a question from Mr Lockyer on the occasion when their latest application was under consideration. The House might recall from that, that Raymond Mickelberg's application for transfer to Canning Vale was not agreed to by the case conference which considered that application. The decision of the case conference is subject to further review. Although I do not have the files with me and cannot be confident of the timetable involved, as best I can recall, that review has not been completed and the final resolution of that application is still pending at this time.

I want to make it perfectly clear that I will not intrude into the orderly administration of the prisons by attempting to impose my own personal judgment on the question of individual prisoner placement. I regard that as a matter for the professional determination of the relevant departmental officers. It is they, in the last resort, who have the responsibility of securing the interests of the community. I am not going to give directions, as an external authority, without the professional expertise

which they have, to override the appropriate exercise of their discretion in such matters.

This does not mean that the Mickelbergs will not succeed in their most recent application to be transferred to Canning Vale. What I am saying is that whether they do, or not, will depend on the decision by our professional officers and I will not intrude into that process.

Hon. D. J. Wordsworth: You are ultimately responsible.

Hon. J. M. BERINSON: I accept that and that makes it all the more important in my view that I should not attempt to apply what can only be a relatively amateur standard to what I have described as a process requiring proper professional determination.

There is only one other matter that Mr Gayfer mentioned and, although he did so in passing, I think I ought to respond. I did so briefly by way of interjection.

I refer to the question of the Mickelbergs' retrial. The possibility of a retrial is not for the Crown to determine.

I have said repeatedly that it is open and remains open to the Mickelbergs to approach the Court of Criminal Appeal on the basis of new evidence or on such other grounds as their legal advisers might develop and appeal to the Court of Criminal Appeal either against their convictions or for a new trial. That is not the function of the Crown; it is the function of the Mickelbergs.

Without going off on too much of a tangent for present purposes I have to say that it is really quite surprising, in view of the widespread interest in this case, that there has been so little attention paid to the fact that the Mickelbergs are not taking advantage of that avenue. If members of this House take an interest in the position of the Mickelbergs, that is a reasonable question that they might put to them. The Mickelbergs, their supporters, and their legal representatives, have all been advised that it is open to them to approach the Court of Criminal Appeal. Why do they not do so? That is a question which might reasonably be put to them by those members of this House who have expressed their interest in the matter over a long time now. Perhaps after their response to this question members may find themselves in a better position to understand the full context in which the Mickelbergs' position has to be considered.

Question put and passed.

House adjourned at 8.12 p.m.

QUESTIONS ON NOTICE

REGIONAL DEVELOPMENT: "BUNBURY 2000"

Public Servants: Transfer

12. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for The South West:

How is the "Bunbury 2000" scheme proceeding with regard to the proposed transfer of 400 public servants to regional departments in the area?

Hon. D. K. DANS replied:

The transfer of public servants to Bunbury has commenced.

The list of organisations and numbers of employees is not finalised at this time.

GOVERNMENT EMPLOYEES

Credit Cards

182. Hon. G. E. MASTERS, to the Minister for Community Services:

- (1) How many departmental officers in the Minister's departments, which come under her portfolio responsibilities, are issued with credit cards?
- (2) What credit card companies or financial institutions are involved?
- (3) What type of cards are they?

Hon. KAY HALLAHAN replied:

- (1) to (3) I understand the member's question to mean that type of credit card that would give the holder a carte blanche facility, and I advise no such cards are on issue to departmental officers who come under my portfolio responsibilities.

For the information of the member, I advise that 24 officers of the Department for Community Services have been issued with Telecom telecards.

I further advise that all Government vehicles provided to my portfolio departments are issued with a shellcard.

GOVERNMENT EMPLOYEES

Credit Cards

183. Hon. G. E. MASTERS, to the Attorney General:

- (1) How many departmental officers in the Minister's departments, which come under his portfolio responsibilities, are issued with credit cards?
- (2) What credit card companies or financial institutions are involved?
- (3) What type of cards are they?

Hon. J. M. BERINSON replied:

- (1) to (3) Two officers are issued with an American Express basic card.

In addition, limited purpose cards e.g. Shell, Telecom—are made available to a limited number of officers for particular purposes such as petrol and telephone.

GOVERNMENT EMPLOYEES

Credit Cards

184. Hon. G. E. MASTERS, to the Minister for Works and Services:

- (1) How many departmental officers in the Minister's departments, which come under his portfolio responsibilities, are issued with credit cards?
- (2) What credit card companies or financial institutions are involved?
- (3) What type of cards are they?

Hon. D. K. DANS replied:

- (1) Four.
- (2) American Express and Visa.
- (3) Basic card.

AMERICA'S CUP

Hospitality Industry: Staff

197. Hon. P. G. PENDAL, to the Minister with special responsibility for the America's Cup:

- (1) Is it still the case that there are shortages in WA for such people as chefs and waiters and that arrangements have been made for temporary work permits to be issued by Federal authorities to overseas chefs and waiters, for the period of the America's Cup trials?

- (2) If so, what involvement has the America's Cup Office had in this?

Hon. D. K. DANS replied:

- (1) A shortage of staff in the hospitality industry has been identified through an economic assessment of the America's Cup and direct consultation with the industry.

Labour market tests have been conducted by the Department of Employment and Industrial Relations for the Department of Immigration and, as a result, the Department of Immigration has agreed to the issue of temporary work permits this summer.

- (2) Under the intergovernmental tripartite arrangements, an allocation of Commonwealth America's Cup funds of \$556 900 was approved to enable the Education Department, through its technical and further education division to accelerate and extend professional training courses for the hospitality and tourism industries.

It is envisaged that almost 2 000 people will be trained under the planned programme with a similar number being catered for under the in-house scheme.

In addition, the America's Cup Office has convened a working party on employment in the hospitality industry.

A seminar has been arranged for 18 July with the industry to discuss employment concerns with State and Commonwealth officials and to assist further in the training of staff.

- (2) On what dates were the amounts of money determined?

- (3) Have the moneys been paid to the Treasury?

- (4) If so, on what dates and what were the amounts paid?

- (5) What determination has been made by the Treasurer in respect to year ended 30 June 1986?

- (6) If so, how much and when will it be paid?

Hon. J. M. BERINSON replied:

- (1) \$10 493 in respect of eight months trading to 30 June 1984.

\$1 766 511 at the full year, 30 June 1985.

\$10 000 000 at the half year to 31 December 1985.

- (2) \$10 493—July 1984

\$1 766 511—July 1985

\$10 000 000—January 1986

- (3) Yes.

- (4) As in (2) above.

- (5) and (6) WADC's year end accounts are still being finalised. However as noted above, an interim payment for the 1985-86 financial year has been made.

Based on trading results achieved for six months to 31 December 1985, the board resolved to pay an interim dividend of \$10 million which the Treasurer determined should be paid by 30 June 1986. The payment was in fact made on 26 June 1986.

WA DEVELOPMENT CORPORATION

Determinations: State Development Fund

234. Hon. MAX EVANS, to the Attorney General representing the Treasurer:

The State Development Fund receives money as determined by the Treasurer to equate to the taxation liability of the corporation applicable to commercial undertakings under provisions of section 11 (2) of the Western Australian Development Corporation Act 1983.

- (1) What moneys have been determined by the Treasurer since the formation of the Western Australian Development Corporation?

STATE DEVELOPMENT FUND

Receipts

235. Hon. MAX EVANS, to the Minister for Budget Management:

In the first report of the Auditor General for the financial year ended 30 June, 1985 pages 9 and 17 he reported that \$22 000 000 was not transferred from the State Development Fund.

- (1) What was the source of the funds received or to be received by the State Development Fund mentioned by the Auditor General?

- (2) What was the due date for payment of the funds?

- (3) Have they been transferred?

- (4) If so, when and how much was principal and interest respectively?
- (5) Why were the funds not paid prior to 30 June as budgeted for?
- (6) If the payment was late, was a penalty interest charged?
- (7) If so, what was the rate of interest?
- (8) Was interest charged on the overdue amount?
- (9) Was the transfer not made to avoid a large surplus?

Hon. J. M. BERINSON replied:

- (1) The amount represented part of the proceeds of issuing to the public, through the Western Australian Diamond Trust, the Government's share in the Argyle diamond joint venture.
- (2) 30 June 1985.
- (3) Yes.
- (4) The principal sum of \$22 million was received on 28 June 1985.
- (5) to (9) The funds were received on 28 June 1985 and held in the public bank account. The question therefore of penalty interest charges does not arise. The moneys were invested on the short-term money market until a transfer to the Consolidated Revenue Fund was effected on 30 December 1985. Accordingly, the full proceeds have been brought to account in the Consolidated Revenue Fund as provided for in the 1985-86 Estimates.

MINISTER FOR TOURISM

Conference: Attendance

242. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

- (1) When did the Minister last attend a Tourism Minister's conference?
- (2) Where was the conference?
- (3) How many people accompanied the Minister to the conference?
- (4) In each case, why was that person accompanying the Minister?
- (5) What was the total cost to the Government of the delegation?

Hon. D. K. DANS replied:

- (1) 20 June 1986.

(2) Hobart, Tasmania.

(3) Four.

(4) All were involved in assisting the Minister in achieving significant gains for the Western Australian tourism industry.

(5) \$5 573.60—subject to minor adjustment pending final accounts.

STOCK

Tuberculosis-affected: Movements

244. Hon. C. J. BELL, to the Leader of the House representing the Minister for Agriculture:

With regard to the movement of red-tag cattle from WA Livestock Holdings stations in the north of WA to the south-west areas—

(1) What was the date of movement of the cattle involved?

(2) At the time of movement what were the regulations applying to movement of red-tag cattle from the area to the south-west?

(3) Have the regulations changed since then?

(4) If so, on what date and what were the changes?

(5) What were the controls placed on the movement with regard to cleaning of trucks and disposal of manure?

(6) How many reactors were found in the mob prior to movement?

(7) How many cattle were tested prior to movement?

(8) Were the neighbours of the properties to which cattle were consigned advised of the intended presence of the cattle prior to movement?

(9) What provision was made for any deaths in transit and in the respective feedlots?

(10) Have the feedlots been inspected since movement?

(11) If so, when?

(12) Were there any other cattle in the feedlots at the time of arrival of the cattle or since?

(13) What are the regulations applying to the movement of stock in each of the other states and territories

under the brucellosis and tuberculosis eradication programme relating to introduction of stock to declared-free areas?

- (14) What controls will be placed on the feedlots when they no longer have the red-tag cattle present?

Hon. D. K. DANS replied:

- (1) 8 April 1986.
(2) Regulations 34A-40 of the enzootic diseases regulations, 1970 cover all intrastate movements of stock.

Under these regulations the specific provisions applying to red-tag cattle moving from the Kimberley to the south-west during 1986 are as follows—

Slaughter cattle from all properties may move without test to an abattoir or to the quarantine yards Midland. Cattle from infected, suspect or non-assessed herds require a tuberculin test prior to restricted sales for slaughter at Midland. Cattle from properties with a tuberculosis level above 0.2 per cent are marked with a paint stripe along the back.

Breeders from infected, suspect or non-assessed herds require two clean tuberculin tests whilst in quarantine plus a check test 6-12 months later. The second test and check test may be on an approved property of destination in the south-west. Fattening cattle do not require a check test.

Under the regulations an interim provision was made for cattle, where a reactor to the tuberculin test was slaughtered and showed lesions consistent with tuberculosis, to move to approved feedlots under specified conditions of isolation and quarantine.

- (3) The regulations have not changed. The interim provision under the regulations has been withdrawn.
(4) On 24 June 1986, the interim provision for movements to approved feedlots was withdrawn by the Acting Chief Veterinary Officer.
(5) No special controls.
(6) Two. At autopsy one animal showed lesions consistent with tuberculosis. Laboratory tests to date have failed to

confirm that the lesions were due to bovine tuberculosis.

- (7) 900.
(8) No.
(9) No special provisions.
(10) Yes.
(11) Northam feedlot: At one to two-week intervals since 10 and 11 April 1986.
Busselton feedlot: The relevant officer is currently on leave but the regional veterinarian advises an understanding of inspections at approximately two-week intervals since 11 April 1986.
(12) Northam feedlot: No.
Busselton feedlot: Cattle are present in parts of the feedlot separated by at least two fences and a buffer area.
(13) Tasmania is the only part of Australia declared free of tuberculosis. Entry to Tasmania requires prior approval from the Chief Veterinary Officer. Cattle must originate from a tuberculosis-free herd and be tuberculin tested within 21 days of movement.
(14) Where no evidence of bovine tuberculosis is seen in the group at slaughter the properties will be released from quarantine. If bovine tuberculosis is detected in the group the feedlot will remain in quarantine for at least three months after the slaughter of all animals in the feedlot at the time of detection.

POLICE STATION

Augusta: Establishment

245. Hon. V. J. FERRY, to the Leader of the House representing the Minister for Police and Emergency Services:

- (1) When will a permanently staffed police station be established at Augusta?
(2) How many police officers will be attached to the Augusta station?
(3) What residential accommodation is proposed for police officers at Augusta and when will it be available for occupation?

Hon. D. K. DANS replied:

- (1) to (3) The member is referred to the speech of the Hon. D. Wenn, MLC made on 18 June 1986 wherein he referred to my advice to him that the

establishment of a permanently staffed police station at Augusta is approved, subject to funding. Timing of the establishment of a permanent police presence is a matter for budgetary consideration the result of which I am not able to anticipate.

POLICE STATION

Margaret River: Staff

246. Hon. V. J. FERRY, to the Leader of the House representing the Minister for Police and Emergency Services:

In regard to the Margaret River Police Station—

- (1) How many police officers are stationed there?
- (2) On what basis is clerical staff provided to assist the police officers?
- (3) With the proposed establishment of a police station at Augusta will the present staffing levels at Margaret River be—

- (a) maintained;
- (b) increased; or
- (c) decreased?

Hon. D. K. DANS replied:

- (1) Five.
- (2) To assist with carrying out clerical duties associated with the law enforcement roles at that police station.
- (3) (a) Yet to be determined;
- (b) answered by (a);
- (c) answered by (a).

GAMING COMMISSION

Minister's Support

247. Hon. G. E. MASTERS, to the Leader of the House representing the Minister for Racing and Gaming:

In view of the Minister's support for a gaming commission, what gaming activities would come within the bounds of the proposed commission?

Hon. D. K. DANS replied:

The proposed legislation is in the drafting stage at present but will be based on the recommendations contained in the Report of the Committee of Inquiry into Gaming in Western Australia.

TAXES AND CHARGES: TOBACCO TAX

Revenue: Increase

249. Hon. G. E. MASTERS, to the Minister for Budget Management:

- (1) Has the revenue from the State tobacco tax increased over the past six months?
- (2) How much revenue has the Government received from tobacco tax from 1 January 1986 to 31 May 1986?

Hon. J. M. BERINSON replied:

- (1) As compared with the previous six months, yes.
- (2) \$23.570 million. However, this includes \$3.625 million which was collected in January 1986 in respect of fees due in December 1985.

ARTS DEPARTMENT

Establishment

250. Hon. G. E. MASTERS, to the Attorney General representing the Minister for The Arts:

Referring to the establishment of the Department of the Arts—

- (1) Has the department been established as yet?
- (2) If "Yes", what were the costs for the financial year ending June 30 1986?
- (3) What are the anticipated salary and administrative costs for the financial year 1986-87?

Hon. J. M. BERINSON replied:

- (1) Yes.
- (2) Nil.
- (3) Such costs are currently in the formulation process and will largely approximate those of the former WA Arts Council and Censorship Office.

DEPARTMENT OF SERVICES

Establishment: Costs

251. Hon. G. E. MASTERS, to the Minister for Works and Services:

Referring to question 156 of 19 June 1986—

- (1) How will the costs associated with the establishment of the Department of Services be largely offset by savings in existing agencies

coming under control of the new department?

- (2) Which agencies come under the new department?
- (3) Will there be any regional offices of the department?
- (4) If "Yes", where is it anticipated the offices will be located?

Hon. D. K. DANS replied:

- (1) The procedure already adopted has been to abolish unfilled vacancies no longer considered necessary.
- (2) State Tender Board
Government Stores Department
Government Printer
Astronomical Services
Correspondence Despatch Office
Microfilm Bureau.
- (3) and (4) This matter is currently being investigated.

MINISTER FOR TOURISM

Adviser

254. Hon. G. E. MASTERS, to the Leader of the House representing the Minister for Racing and Gaming:

- (1) Does the Minister have a ministerial adviser in the area of tourism?
- (2) Is the adviser a staff member or public servant?
- (3) Who is the adviser?
- (4) What is the adviser's title?

Hon. D. K. DANS replied:

- (1) to (4) No. The honourable member is referred to the response to parliamentary question No. 207 asked of the Premier by the member for Murdoch on Thursday, 12 June 1986, concerning ministerial staff.

ENERGY POLICY AND PLANNING OFFICE

Establishment

255. Hon. G. E. MASTERS, to the Attorney General representing the Minister for Minerals and Energy:

- (1) When did the establishment of the Office of Energy Policy and Planning receive Cabinet approval?

- (2) What is the projected number of staff for the office when it is established for the year 1986-87?

Hon. J. M. BERINSON replied:

- (1) and (2) The honourable member is referred to my reply to question 154.

TRANSPORT

Rottnest Airlines: Air Navigation Charges

258. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

- (1) Is the Minister aware that Rottnest Airlines currently pays \$4 620 a year in Commonwealth air navigation charges for each aircraft?
- (2) Is she aware that the airline now faces a \$44 100 annual payout in the landing charges for each aircraft which will replace air navigation charges from July 1?
- (3) As this is in the order of a 1 000 per cent increase will she indicate whether she will make urgent representations to the Commonwealth in this matter?
- (4) If action has already been taken on (3) will she say what has been done and the dates on which any action has occurred?

Hon. D. K. DANS replied:

- (1) Yes.
- (2) Yes.
- (3) and (4) The Minister advises that she has consulted extensively with her colleague the Minister for Transport (Hon. Gavan Troy) on this matter since the increases were proposed.

Representation was made to the Federal Minister for Aviation (Hon. Peter Morris) on 8 May 1986, by Hon. Gavan Troy, detailing the effect the new landing fee recovery system will have on Rottnest Airlines. Mr Morris responded to this representation on 13 June 1986, saying that the Federal Government has been paying particular attention to the effects on commuter airlines and has provided a subsidy of \$2 million to commuter operators in 1986-87 to assist in the transition to the new arrangements.

An officer of Mr Troy's staff met with Mr Morris's staff in Canberra on 19 June 1986, to discuss this matter.

The Minister for Tourism met with Mr Troy on Monday, 30 June 1986, and this meeting was subsequently followed up with Mr Troy meeting with Rottneft Airlines and Dr Judyth Watson, MLA, on Wednesday, 2 July 1986.

A letter is currently being drafted by Mr Troy to be forwarded to Mr Morris expressing his disappointment that no special concessions were considered and outlining new grounds for a review of the current position.

Further representations have been made to the Federal Minister for Transport by the Minister for Tourism on 30 June requesting a deferral of the increased charges for 12 months pending an evaluation of the effect on short-haul operators of the increase.

On 1 July additional information was supplied to the Federal Minister for Transport supporting the request for deferral.

The Federal Minister for Tourism has also been kept informed by the State Government of the likely effects of the increase on Rottneft Airlines.

At this stage everything is being done to help alleviate the problems faced by Rottneft Airlines.

GOVERNMENT BUILDINGS

Perth Technical College, James Street: Future

259. Hon. P. G. PENDAL, to the Minister for Community Services representing the Minister for Education:

- (1) What is the future of the old Perth Technical College buildings in James Street?
- (2) Is it intended to vacate these buildings when the new building is completed nearby?

Hon. KAY HALLAHAN replied:

- (1) No decision has been made.
- (2) Yes.

EQUAL OPPORTUNITY TRIBUNAL

Case: Decision

260. Hon. P. G. PENDAL, to the Minister for Multicultural and Ethnic Affairs:

- (1) Has a decision been handed down by the Equal Opportunity Tribunal in the case, part heard on 5 May 1986, concerning the Croatian Brotherhood Union's claim against the WA Yugoslav Club?
- (2) If so, what was the decision of Chairman H. Wallwork, QC?
- (3) Is there any further avenue open to the Brotherhood to gain access to Radio 6NR either by way of—
 - (a) the Multicultural and Ethnic Affairs Commission Act; or
 - (b) the informal good offices of the commissioner or the commissioner?

Hon. KAY HALLAHAN replied:

- (1) No.
- (2) Not applicable.
- (3) (a) No;
- (b) no, the commissioner has already unsuccessfully attempted to have the matter resolved informally.

ENERGY

Electricity Powerlines: Midland Abattoir Site

261. Hon. NEIL OLIVER, to the Attorney General representing the Minister for Minerals and Energy:

- (1) Does the Government have any intention of relocating the 132kV subtransmission power line currently traversing the site of the Midland Abattoir and saleyard complex?
- (2) If "Yes", what is the estimated cost of that relocation and when will the work be carried out?
- (3) Who will pay for that relocation?
- (4) If "No" to (1), is the Government confident that no building planned in the proposed brickworks development on the site will be erected in close proximity to or directly below the line?
- (5) Is there an easement below the line, and what are the details of the easement?
- (6) Has the Minister or his department been approached in relation to the relocation of the line?

- (7) If "Yes", by whom was the approach made and what was the result of that approach?

Hon. J. M. BERINSON replied:

- (1) No.
- (2) Not applicable.
- (3) Not applicable.
- (4) Yes.
- (5) No.
- (6) No.
- (7) Not applicable.

ABATTOIR: MIDLAND

Sale: Other Land

262. Hon. NEIL OLIVER, to the Leader of the House representing the Minister for Agriculture:

I refer to the offer and acceptance for the Midland Abattoir and saleyard complex dated 15 April 1986 and accepted by you on 18 April 1986.

- (1) Has any land other than the 29.1 hectares forming the site been given or sold to Pilsley Investments, or will any land be given or sold to Pilsley Investments, under condition five of the offer and acceptance?
- (2) If "Yes", what are the details of that land, including exact area, price, and present ownership?
- (3) Is the Minister aware of the possible discrepancy between condition nine, whereby the saleyards are leased back to the Government for up to six years, and condition eight, which gives the purchaser authority to develop the saleyards after five years?
- (4) If so, how will the situation be rectified?
- (5) Who added condition nine to the contract, and on what date?
- (6) Would the Minister give a list of chattels included in the sale and a list of chattels excluded from the sale, as provided for in condition four?
- (7) Under what authority did the Minister sign the offer and acceptance?

Hon. D. K. DANS replied:

- (1) An area less than 29.1 ha was sold to Pilsley Pty Ltd and no further land will be sold to Pilsley under condition five.
- (2) Not applicable.
- (3) Condition nine is in addition to condition eight and takes precedence over it. That situation has subsequently been further confirmed in writing.
- (4) Answered in (3).
- (5) Condition nine was added at my request prior to the execution of the offer on 18/4/86.
- (6) I have called on the Meat Commission to provide details of the chattels.
- (7) As Minister for Agriculture, I signed the offer authorising the sale as required by the Abattoirs Act relating to the disposal of "property" by the Western Australian Meat Commission.

PILSLEY INVESTMENTS

Midland Abattoir Land: Area

263. Hon. NEIL OLIVER, to the Leader of the House representing the Minister for Agriculture:

- (1) What is the exact area, in hectares, of the land sold by the Government to Pilsley Investments—trading as Prestige Brick—at the Midland Abattoir and saleyard site?
- (2) Of that land, what is the exact area to be leased back to the Government for three years with a three-year option at \$1 a year?
- (3) Of the land described in part (1), what is the exact area of Helena riverfront land to be returned to the Crown for use as public open space?
- (4) What are the terms of that return to the Government?
- (5) What is the exact area of land available to Pilsley Investments over the next six years for the construction of stage one of the proposed brickworks?
- (6) If that area is less than the 20.9 hectares described in the BSD Consultants offer to purchase the land on behalf of Prestige Brick as necessary to "enable the proposed brickworks to operate effectively", has the Minister

made inquiries to ensure that stage one will go ahead as scheduled?

Hon. D. K. DANS replied:

- (1) Part of the abattoir complex is being retained by Government. Approximately one ha is being excised off for the use of Westrail and approximately 4.2 ha of riverfront land will be excised for public open space. The land areas concerned have been identified but, subject to survey, exact figures of area are not yet available.
- (2) Again, the exact area is not available until a survey preparatory to the drawing up of a lease is completed.
- (3) Answered in (1).
- (4) This land is returned to the Government without cost.
- (5) Answered in (2).
- (6) I am assured that stage one will proceed.

BRICKWORKS

Prestige Brick: Status

264. Hon. NEIL OLIVER, to the Leader of the House representing the Minister for Agriculture:

I refer to the document entitled "Land Requirements, Development Strategy and Offer to Purchase Midland Abattoir site for Prestige Brick" prepared by BSD Consultants and dated December 1985.

- (1) Is the Minister aware that Prestige Brick is not a company?
- (2) Is the Minister aware that three of the five "directors of Prestige Brick" listed in section two of the submission have denied that they are in any way involved with the proposed brickworks?
- (3) Did the Government take into account the standing of all five directors in accepting the offer from Pilsley Investments—trading as Prestige Brick?
- (4) If "No", why not?
- (5) If "Yes", what action has the Government taken in regard to the fact that the submission is deficient in this important section?

(6) Has the Government made inquiries to ensure that Pilsley Investments is able to finance the proposed brickworks?

(7) If "No", why not?

(8) If "Yes", what is the result of those inquiries?

(9) Has the Government made inquiries of the three directors who have dissociated themselves from the project to find out how the mistake occurred?

(10) If "No", why not?

(11) If "Yes", what is the result of those inquiries?

Hon. D. K. DANS replied:

- (1) Yes. I understand that it is a registered business name.
- (2) No. However, I remind the member that the land was sold to Pilsley Investments, not Prestige Brick.
- (3) No.
- (4) The property was sold to Pilsley Investments which appears to have the necessary expertise and financial backing to proceed with the development.
- (5) Answered in (4).
- (6) Yes.
- (7) Not applicable.
- (8) I am advised that financing for the project has been confirmed.
- (9) to (11) Answered in (4) above.

TRANSPORT

Airport: Margaret River

265. Hon. V. J. FERRY, to the Leader of the House representing the Minister for The South West:

In regard to the new airport proposed to be established near Margaret River—

- (1) From what source has the drive for a modern airport come?
- (2) What specific approaches for this facility have been forthcoming from—
 - (a) the tourist industry;
 - (b) local citizens;
 - (c) The Royal Flying Doctor Service;

- (d) airline companies; and
- (e) Government agencies?
- (3) What is the present position in regard to negotiations, investigations or discussions on the airport?

Hon. D. K. DANS replied:

- (1) Following an approach from the Augusta-Margaret River Shire, the South West Development Authority has agreed to provide part funding for a feasibility study into the provision of upgraded air facilities in the Margaret River region.
- (2) I am advised that this study, to be commissioned by the shire, will consider, among other things, the justification for a new airstrip and the options available for meeting demand. I assume that the specific requirements of all groups mentioned in the question will be considered in this process.
- (3) I am advised that a consultant to undertake the study is soon to be appointed by the shire.

QUESTIONS WITHOUT NOTICE

EDUCATION

School Leavers: Future

66. Hon. N. F. MOORE, to the Minister for Youth:

I refer the Minister to the Government's pre-election promise that it would provide a place in employment, training, or education for all 1985 WA school leavers and ask—

- (1) Has this promise been fulfilled?
- (2) If not, when is it expected it will occur?

Hon. KAY HALLAHAN replied:

- (1) and (2) I ask—

Hon. N. F. Moore: I asked you the question, not Mr Berinson.

Hon. KAY HALLAHAN: I will answer the question as I see fit.

Hon. Tom Stephens: Don't be so impertinent, Mr Moore. You are an absolutely vile creature.

The PRESIDENT: Order! Honourable members, this is time for questions without notice, a facility that provides an opportunity for all members to ask orderly questions and to have them answered in an orderly fashion. It does not provide an opportunity for everyone to start screaming at one another. If we are to continue to have questions without notice, let us have them.

Hon. KAY HALLAHAN: I ask the member to direct his question to the Minister for Employment and Training.

PARLIAMENT

Decorum: Premier's Letter

67. Hon. H. W. GAYFER, to the Leader of the House:

- (1) Has he read the Premier's letter to each member of Parliament asking that in future he or she observe due decorum in the Parliament and not to slang at one another across the Chamber?
- (2) If so, is he going to endeavour to make sure that the Premier's wish is implemented in this House?

Hon. D. K. DANS replied:

- (1) and (2) I have read the Premier's letter and, as I have always done in the past, I impressed on my own members the need for more decorum. As usual they reacted positively to my request to observe the Standing Orders of this place.

EDUCATION

School Leavers: Future

68. Hon. N. F. MOORE, to the Minister for Youth:

Was the promise of a place of employment, training, or education for all 1985 WA school leavers contained in the Labor Party's youth policy?

Hon. KAY HALLAHAN replied:

The member should direct questions about employment and training to the relevant Minister, from whom he will get a very accurate answer.

TRANSPORT: BUSES

School: Committee of Inquiry

69. Hon. MARGARET McALEER, to the Minister for Community Services representing the Minister for Education:

Would the Minister advise me why there is no parent representation on the committee of inquiry into school bus services policy in the light of concern expressed by some parents and citizens associations?

Hon. KAY HALLAHAN replied:

Parent representation is being provided through the Western Australian Council of State School Organisations. The school bus review committee will have the ability to second onto the committee or subcommittees representatives of any concerned groups including WACSSO. The subcommittees will be established to provide expertise in any particular area that the committee feels appropriate.
