

# Legislative Assembly

Thursday, 24 October 1991

**THE SPEAKER** (Mr Michael Barnett) took the Chair at 10.00 am, and read prayers.

## PETITION - JUVENILE OFFENDERS

### *Cautioning Policy Review - Child Welfare Act Amendment*

**MR CATANIA** (Balcatta) [10.03 am]: This petition is similar to the petitions I have presented previously, which total approximately 20 000 signatures, and is in the following terms -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned citizens of Western Australia:

Request the Parliament of Western Australia through the Minister for Police and the Minister for Community Services to urgently review the policy on "cautioning" of juvenile offenders which we believe has the potential to greatly escalate juvenile crime and we further request that the following action be taken:

1. Section Four of the Child Welfare Act be amended to include:
  - a. First offence for stealing or unlawful use of a vehicle, common assault and wilful damage to property;
  - b. Second offence break and enters, stealing from private property, and unlawful entry to private property.
2. Oral cautions not to be issued where an offence has already been committed.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 1 040 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

**The SPEAKER:** I direct that the petition be brought to the Table of the House.

[See petition No 122.]

## PETITION - ABORIGINAL FOSTER CHILDREN, NEWMAN

**MR LEAHY** (Northern Rivers) [10.04 am]: I have a petition in the following terms -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned respectfully call upon the Government of Western Australia to allow Aboriginal foster children, Olivia and Kerry-Ann Wilson to stay with their current foster families as the natural mother has requested. We believe that the physical, emotional and mental health of the children will be endangered if they are removed from their current, stable environments.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 559 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

**The SPEAKER:** I direct that the petition be brought to the Table of the House.

[See petition No 123.]

## PETITION - CRIME

### *Adequate Punishment*

**MR READ** (Murray) [10.05 am]: I have a petition in the following terms -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

Rally for Justice.

We are constantly hearing and seeing the results of road traffic offences and violent crimes occurring within our community.

The immediate and long term consequences of such crime may be reduced if there were adequate deterrents within our justice system.

The human and financial cost to people, their families and friends, and the community at large affected by such crime must be considered in the sentencing of offenders, particularly juveniles.

We the undersigned, believe the time has come for the punishment to fit the crime. We believe that a positive justice system will help to prevent innocent members of the public from becoming the victims of crime and demand that the Government take the necessary steps to ensure such a justice system becomes a reality.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 311 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 124.]

## **PETITION - NATIONAL SERVICE SCHEME**

### *Reintroduction*

MR OMODEI (Warren) [10.06 am]: I have a petition in the following terms -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned call on the Western Australian State Government to petition the Federal Government for the reintroduction of a National Service scheme. This National Service to be compulsory for a period of eighteen months and to be served by all males and females resident in Australia between the ages of eighteen to twenty five years.

The only exemptions will be for ill health, disability or extraneous circumstances. The trainees will have the option of military training or training for nursing, emergency services and all trades. Commencement of tertiary studies or any bona fide training scheme should be considered part of the National Service Scheme. Parade training will be compulsory for all participants.

Failing the Federal Government acceding to these demands, we respectfully request that the State Government implement a State training scheme along the same lines as set out above.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 130 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 125.]

## **PETITION - MINERAL SANDS**

### *Nannup-Bunbury Region - Road Transport Opposition*

MR BLAIKIE (Vasse) [10.07 am]: I have a petition in the following terms -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned, are totally opposed to the transportation by road of mineral sands from the Nannup region using the existing road systems to the Bunbury region.

We believe that all minerals should be transported by rail in the interests of safety and the future of the tourism industry in this area and that the existing railway land between Capel/Busselton and Busselton/Nannup should be retained for this purpose.

Failure to recognise the importance of rail transport will increase road traffic on already busy roads will lead to an increase in the number of road accidents and road traffic fatalities.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 174 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 126.]

### **PETITION - METROPOLITAN REGION SCHEME 853/33A: WIDENING OF GUILDFORD ROAD**

#### *DPUD Preferred Option Reconsideration*

**DR EDWARDS** (Maylands) [10.10 am]: I have a petition concerning St Columba's school in Bayswater which expresses parents' concern about the proposal to widen Guildford road. It reads -

To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled. We, the undersigned petition the Minister for Planning to reconsider the D.P.U.D. preferred option under the Metropolitan Regional Scheme 853/33A: Widening of Guildford Road between Stanley St, Mt Lawley to Kathleen Street, Bassendean.

1. To give due consideration to alternative routes allowing greater pedestrian safety and access to the 8th Avenue shopping precinct.
2. To avoid the damage to or loss of buildings of heritage value.
3. To minimise the resumption on residential and commercial buildings.

Your petitioners therefore humbly pray that you will give this matter earnest consideration, and your petitioners bound, will ever pray.

The petition bears 162 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 127.]

### **BILLS (2) - INTRODUCTION AND FIRST READING**

1. **Australia and New Zealand Banking Group Limited (NMRB) Bill**  
Bill introduced, on motion by Mr Pearce (Leader of the House), and read a first time.
2. **Royal Commission into Commercial Activities of Government Bill**  
Bill introduced, on motion by Mr Lewis, and read a first time.

### **SELECT COMMITTEES - JOINT SELECT COMMITTEE ON THE CONSTITUTION**

#### *Report Printing*

**MR KOBELKE** (Nollamara) [10.16 am]: I move -

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

I would like to make a few comments on the working of the committee and my personal hopes for what may be achieved. A great deal of work by members of the committee has gone into this report. I place on record my express thanks to those members for the way in which they have addressed the issues and the atmosphere which we have been able to create in that committee. Members have been most cooperative. We have generally dealt with issues by consensus. While obviously members have had differing points of view on certain matters, we have been able to make progress in a most cooperative fashion.

I mention particularly the late Andrew Mensaros, who was very keenly interested in the work of this committee. I personally received great support from him. The staff have had to do a great deal of checking and typing of the many drafts and I express my thanks to them, and particularly to the research officer for the last 12 months, Mr Keith Hair, who has given us valuable support. We have also received professional advice from a large number of people in Government and outside it, and their assistance is also very much appreciated.

There is a very real lack of information about the Western Australian Constitution among the general public and also members of Parliament. They do not know what the Constitution is and what problems there are. I would like briefly to outline some of these areas and draw the attention of the House to the real need to address the reform of our State Constitution. One can buy a copy of the Commonwealth Constitution, but in Western Australia we have a Constitution Act, a Constitution Amendment Act and other Statutes which may be considered to cover part of the State's Constitution. We do not have a single document to which people can refer.

The form of language used in those constitutional documents does not make for easy reading. Western Australia is referred to as a colony, not a State. The old style language is often quite difficult to understand, and modern drafting could certainly improve on it. We also have certain well known terms which are not even mentioned. For instance, while Ministers of State - or Ministers, as they are commonly referred to - is a term which most people understand, in the Constitution Act they are not mentioned. They are referred to as "executive offices of Government liable to be vacated on political grounds". Obviously that type of thing makes it very difficult to understand what we have in our constitutional documents.

The SPEAKER: Order! I ask again that the level of conversation be reduced so that I can hear the member.

Mr KOBELKE: Thank you, Mr Speaker. We also have a very large number of obsolete sections; for example, one referring to customs. Customs duty has long since been a matter within the province of the Commonwealth Government yet our present Act contains an obsolete section which covers this and should be removed. In the style of language and the content of the existing documents there is very much a need for reform.

Also, a number of major issues require attention within our constitutional documents. Section 73(1) of the Constitution Act contains part of the provisions which cover any change to our Constitution, and under that section any change to the Constitution of the Legislative Assembly or the Legislative Council requires an absolute majority. This is in itself a source of considerable uncertainty because a Bill may come before the Parliament and have passage through the Parliament, and at the time not be given a constitutional majority; then at some later time it may become evident that it has actually made some change to matters affecting the Legislative Assembly or the Legislative Council. Therefore we have a source of instability within our legal structure, and this was made very evident in the Wilsmore case. We need to address major issues such as that.

Another such issue is the replacement of casual vacancies in the Legislative Council. The Legislative Council is now elected on a proportional representation voting system over six regions which cover Western Australia. If a casual vacancy occurs the Constitution requires that members must be elected from the people, and therefore we cannot use the system which presently applies to the Commonwealth Senate, where the appointment can be made by the State Parliament to replace a member with another member from the same political grouping. Our Constitution does not allow that. We have changed the method of election for the Legislative Council, and that issue must be addressed.

We also have a large number of constitutional issues which members of the public would

suggest should be addressed. They cover such things as citizens initiated referendums, whether voting should be compulsory or non-compulsory, and the recognition in our Constitution of Aboriginal Australians - something which was in the original Act of 1889 but which was removed in 1905. There is a range of issues which various groups of people would like to see addressed. We also have not resolved the major difficulty of resolution of deadlocks between the two Houses. The Edwards Royal Commission of 1984 was asked to look into that and made recommendations, but no action has been taken on those. So for a whole range of issues which I have briefly tried to cover there is very clearly a need to reform the State's constitutional Statutes.

The question then is how we might achieve some worthwhile reforms. Reform of the Commonwealth Constitution, which requires a referendum, would indicate that there are major difficulties in achieving change through referendum; but in order to gain a change to the Constitution through referendum - and I point out that not all constitutional changes in Western Australia would require a referendum, but many would - one needs to have support from a wide cross-section, within both the political parties and the general community. Therefore, if we are to work towards reform, the view of the committee has been that we must establish a process which will enable us to address the issues in a productive rather than a confrontational way. If the Parliament itself can agree to proposals for reform it will be possible to take them to the people at a referendum and be reasonably assured that the general view across the community will be one of support, and that the various political parties will work to gain that support rather than seek some party political advantage in opposing the proposals.

I turn now to the recommendations of the Joint Select Committee on the Constitution, which are contained at the front of the report. In wishing to take up a process which may be productive in achieving reform, the committee has not sought to propose to the Parliament the solutions to the number of difficult issues to which I have briefly alluded. In order to resolve those problems a much more thorough process of public consultation is required, and the committee hopes that that can be taken up. The committee has addressed primarily the consolidation of the two Constitution Acts; the Constitution Act 1889 and the Constitution Acts Amendment Act 1899. In bringing those two Acts together we hope the Parliament will adopt a consolidated Constitution and place that before the people of this State at a referendum. There are now moves for a referendum with respect to daylight saving. The working of the committee suggested that a referendum would sit well with the next general election in 1993, but if there were a referendum before that and if time were available for a very thorough public consultation, it may be possible at some other time even sooner to put this matter to the people at a referendum.

Mr Clarko: Do you accept the dangers of having a constitutional referendum with a general election, in that you blur the edges of both?

Mr KOBELKE: Those matters certainly need to be addressed, and in its recommendations the committee suggests that there be a period of public consultation and debate. Through that debate we hope a consensus of opinion would be reached so that it would be accepted. That would have to be taken into account in assessing the best timing for such a constitutional referendum. On the record of past constitutional referendums, simply to go to the people with a proposition which perhaps one party supports and other parties either oppose or are lukewarm towards is surely a recipe for ensuring that that constitutional change is not adopted. We must do a great deal of work to convince people of the need for reform and that the particular reforms proposed will address those needs and are acceptable to the overwhelming majority of Western Australians. The committee has embarked on the establishment of that process, and in putting forward a draft consolidated Act we have done so with only a very small number of recommended reforms. Those can be found in the report and I will not take up the limited time available now to discuss them. If that consolidated Constitution can be adopted we will end up with a single Constitution Act which is far easier to understand than are the present Statutes, and which can be made widely available so that people who take an interest in this matter have some way of ensuring that they are familiar with the issues and can enter the debate in a meaningful way.

Mr Clarko: I am surprised that you will not give us a couple of the major changes you propose.

Mr KOBELKE: In response to the member for Marmion, I will suggest just a couple of them. One is the section to which I have already alluded; that is, section 73(1), which is very vague and has led to major problems such as that I indicated with the Wilsmore case. In consolidating the two Constitution Acts we would bring under that section 73(1), as it presently is, the provisions within the Constitution Acts Amendment Act. That would only compound the existing difficulties, so the committee was forced to address the issue of how we could handle the impact of section 73(1). While we did not set out initially to suggest a reform to section 73(1) it became imperative if we were to consolidate the two Acts. The recommendation is that instead of section 73(1) requiring an absolute majority of both Houses at both the second and third reading stages for anything affecting the Constitution of both Houses, we should specifically state the sections which are covered. Therefore, instead of having a vague, all encompassing reference to the Constitutions of the two Houses we have listed the sections which pick up the major issues relating to constitutional matters. This is one area of reform; it is a fairly technical but crucial one.

Another area of reform is the recommendation that the present privileges of the Parliament are limited by the privileges which are in place within the House of Commons. Since the Australia Acts of 1986, the British Parliament no longer has any power over the Western Australian Parliament. However, we have within the provision for privileges a proviso which limits the power of this Parliament, something that most members would find out of date and unacceptable. This is another small reform which has been suggested. Given the limited time I will leave it to the member for Marmion to go through and check the reforms recommended in this report. I think he will find that the report outlines the recommendations clearly.

The second major recommendation is that the Parliament should establish a Joint Standing Committee for constitutional reform with a view to facilitating the updating and ongoing reform of our State Constitution. Such a committee would be given the work to which I have already alluded of trying to establish as wide a consensus as possible, both within Parliament and within the wider community, so that proposals for constitutional change will receive the support they need in order to have passage through the Parliament and acceptance at a referendum. That process is not to be underestimated; there are many difficulties. A great deal of work needs to be done in order to establish the areas where we have common views and where progress can be made. It will be necessary to educate people about the reason for the changes.

The carriage of that ongoing and necessary work was thought to be best left with a Joint Standing Committee of the Parliament. That Select Committee would have resources - and I expect they may be limited - to be able to initiate the actions necessary for such reform. Therefore, it would not be seen that one political party was simply bringing forward recommendations on an ad hoc basis which it considered necessary to solve particular problems at a particular time, and we would have a far more well thought out and coordinated approach to the reform of our Constitution. It is important that the initiative be with a Joint Standing Committee of the Parliament because over the last 100 years constitutional change has always come from the Parliament. It is perhaps an oversight or a negative aspect of our Constitution that there has not been a single referendum of the people of Western Australia on State constitutional issues, other than as to our joining the Commonwealth or our wishing to secede from the Commonwealth. The broader constitutional issues have not at any time been placed before the people of this State. We should recognise that the Parliament is in the driver's seat; our Constitution requires that should be the case. Our whole system of government suggests that it is best that it should be the case. Therefore, a Joint Standing Committee would be in a position to help give a lead within Parliament on the issues that need to be raised. It would then be properly up to the Parliament to consider such matters, and the action could flow from there.

The third major area of recommendation is that more material be made readily available to people so that they may be far more familiar with our constitutional documents and the effect of them. To that end, the committee suggests that the report be made widely available rather than just available on sale from the current limited number of outlets. We recommend that consideration be given to the production of another booklet to make the constitutional documents - the Constitution Act and the Constitution Acts Amendment Act - available to the wider community, with notes so that people can understand the effect of the provisions.

Underlying the three recommendations is a real call to the Parliament to take up the issue of constitutional reform in a very well thought out and progressive way rather than just flying with the key issues of the day. It is a call to try to establish a general understanding of the need for reform. In a cooperative way we can address those needs and, over the longer term, change our Constitution. It has been shown over the last 100 years that it is a Constitution which has great strengths; it has produced a vibrant and democratic society in Western Australia. It is our responsibility to preserve and strengthen the good points and bring in the necessary reforms so that the Constitution which has worked well for 100 years can continue for another 100 years to serve the people of this State.

**MR COWAN** (Merredin - Leader of the National Party) [10.36 am]: As a member of the Joint Select Committee on the Constitution I would like to make some brief comments on the report and on some of the decisions and work of the committee. Not one member of the Joint Select Committee realised the extent of the work that would be involved in attempting to undertake the task of addressing the terms of reference agreed to by both Houses of Parliament. If one member did understand that task it would perhaps have been the late Andrew Mensaros. Because of his vast experience in Parliament, his particular background and interest in constitutional matters, he would have been fully aware of the enormity of the task.

It became very clear that the Select Committee had to establish some rules about what it wanted to achieve within the terms of reference. Perhaps the most important decision made was that the committee would seek to consolidate the many Acts to which the Constitution relates, without in any way bringing about change. As the member for Nollamara has outlined, that in itself was a very difficult task. It became a constant matter of debate within the committee whether any consolidated Constitution or consolidated document which came as a process of that consolidation would in fact implement some change in the intent of the Constitution as it now applies. For that reason, the committee was very careful not only about its report and the document which we finally agreed should be printed, but also about the way in which the constitutional changes should be adopted by this State. It is important that members understand that we have made a recommendation which essentially gives other members of Parliament and the people of Western Australia a base from which to work if they want a consolidated Constitution; in other words, a single, simple document that is clearly understood and which perhaps does not contain quite so many anomalies as the existing Constitution under which we operate.

**Mr Pearce**: Will it contain the doctrine of the separation of powers? That is for the benefit of the National Party.

**Mr COWAN**: In recent debates it seems we have hurt the Leader of the House's sensitive spot. I have been looking for that spot for 18 years, and now I have found it I can assure the member that I shall probe it further!

The task of the committee was very difficult. I do not suggest for one moment that the recommendations contained in the report will be accepted by everyone. However, members must understand that, I am sure all other committee members would agree, this report is expected to be a platform from which other members of Parliament and the people of Western Australia can decide how the consolidated Constitution process will further proceed. The committee recommended that a Joint Standing Committee should continue the process of implementing the consolidation.

As the member for Nollamara said, we did not want it construed that the committee was imposing changes to the Constitution for political purposes. Under the terms of reference provided to the committee we intended only to consolidate the Constitution and we tried very hard not to make any significant changes to it. However, in the consolidation process certain changes inevitably arose. The committee stressed that the recommendations are merely a base from which we can make further progress towards a final consolidation of the Constitution, which may eventually be accepted by the people of Western Australia.

In conclusion, I pay tribute to the chairman of the committee for the manner in which he handled a politically sensitive subject. On all occasions he handled the task very well; I commend him for that. I also acknowledge those people who gave support to the chairman in conducting research and preparing the report. This must have been a task of some enormity and involved a great deal of painstaking work.

Finally, I pay tribute to the former member for Floreat, who was an original member of this committee. As I indicated previously, as a result of his background and experience he became very much the person to whom we all looked for advice on whether the proposed consolidated Constitution complied with our original charter; that was, to consolidate the Constitution and not to implement changes. He became the arbiter of that matter. I regret that the late Andrew Mensaros did not see the final document produced by the committee as we would have benefited from his advice. Notwithstanding that, I am sure he would have agreed to the course of action followed by the committee in this report.

**MR WATT (Albany) [10.44 am]:** It was very difficult for me to join this committee at a fairly advanced stage of its deliberations and to form a reasonable understanding of the work that had already taken place. Nevertheless, the rest of the committee and its research staff made great attempts to provide me with background notes. This is a very complex issue and it would be difficult to understand even if one had been a member of the committee from its inception.

I thank the two previous speakers for their generous comments regarding our former colleague, the late Andrew Mensaros. The House has expressed its attitude to Mr Mensaros and his knowledge of legal matters. It is a great shame that having studied law in his native country he never had an opportunity to practice law in Australia - who knows what he would have achieved had he done so. The Liberal Party supports the comments of the two previous speakers in this regard.

I join the Leader of the National Party in complimenting the chairman of the committee, the member for Nollamara, as he dealt with these difficult issues in a sensitive and bipartisan way. The process of this committee confirmed my strongly held view about the value of parliamentary committees in which members of all parties, and in this case from both Houses of Parliament, discuss facts without being sidetracked by other peripheral interests and issues. In such cases one goes to the meat of the subject through commonsense debate.

As indicated, it must be clearly understood by members of Parliament and by the public that this report is the first, perhaps tentative, step towards a reform of our Constitution. In the relatively short time that I have been a member of this committee it went to great lengths not to be seen as tinkering with the Constitution. From time to time we debated the possibility of slightly bending the rules the committee set for itself that it would not seek to alter the Constitution. Our task was to amalgamate the Constitution Act, the Constitution Acts Amendment Act and other relevant legislation such as sections of the Electoral Act, which has a fairly significant influence on the Constitution. In aiming at consolidation we saw possibilities for change, and these points have been noted in the report. However, further development of these notes is left to the next step in the process, which I hope will be conducted by a Joint Standing Committee.

In the main the founding fathers got it right in most areas when writing the Constitution. Fundamentally it remains a sound document, although a few areas require change. Time has a habit of changing most things, and our Constitution is no exception. I compare our State Constitution document with that of the Commonwealth Constitution - they are like chalk and cheese. One can enter the Commonwealth bookstore and buy a copy of the Commonwealth Constitution, which is clearly set out and easy to read and understand. In making the comparison one can readily appreciate the aim of the committee to simplify the State document which finds its way into political and social studies. Quite frequently people come to me and ask whether I have a copy of the Constitution - often they are not sure whether they want a State or Commonwealth Constitution. However, when I show these people the Commonwealth and State Constitution documents, they say they are not interested in the State document and they use the Commonwealth document because it is easy to understand. The comparison highlights what we are trying to achieve. I hope that the first tentative steps taken by this Joint Select Committee, for which I can take little credit because I joined it very late, are successful and in the fullness of time we will achieve a Constitution we will continue to be proud of and one that all Western Australians will be able to read and understand.

[See papers Nos 647 to 650.]

Question put and passed.



**EMPLOYERS' INDEMNITY SUPPLEMENTATION FUND AMENDMENT BILL***Second Reading*

**MRS HENDERSON** (Thornlie - Minister for Productivity and Labour Relations) [10.52 am]: I move -

That the Bill be now read a second time.

The supplementation fund is provided for under the Employers' Indemnity Supplementation Fund Act which was established in 1980 to protect employers against workers' compensation claims in the event that their insurer goes into liquidation. The legislation was a response to the 1980 collapse of Palmdale-AGCI Ltd, and recognised the potential financial impact of claims against employers. Following proclamation of the new Act, Bishopgate Insurance Co Ltd and more recently National Employers Mutual General Insurance Association Ltd went into liquidation.

The fund also meets claims by waterfront workers suffering from asbestos related diseases, as provided for in the Waterfront Workers (Compensation for Asbestos Related Diseases) Act. The supplementation fund is administered by the Workers' Compensation and Rehabilitation Commission, and claims are managed by the State Government Insurance Commission. Although the fund continues to satisfy recurring workers' compensation claims against employers who were insured with Bishopgate and National Employers Mutual General, the Workers' Compensation and Rehabilitation Commission has been negotiating with the liquidators to finalise outstanding claims. Based on negotiations with the liquidators, deficiencies in the provisions of the Employers' Indemnity Supplementation Fund Act were identified, which if not urgently addressed could have serious financial implications for the recovery of costs incurred and the finalisation of outstanding claims.

The amendment Bill before the House proposes amendments to avoid any negative financial impacts and empowers the Workers' Compensation and Rehabilitation Commission to finalise outstanding claims. The Bill seeks to amend the Act by specifically empowering the Workers' Compensation and Rehabilitation Commission to accept final payments from the liquidator of an approved insurer in full settlement of existing recurrent and future outstanding claims to the supplementation fund. This provision will enable the commission to negotiate final payments to the supplementation fund thereby avoiding unnecessary and costly delays to the workers' compensation system in this State.

The current legislation provides for payment of claims to be made by the SGIC to the liquidator of an approved insurer, who in turn pays the claimant. The SGIC is required to report to the liquidator on a regular basis. This procedure generates considerable administrative and claims management costs on the basis that the liquidator's charges are additional to the SGIC fees. Such additional costs to the system cannot be justified. To streamline the claims payment procedure and contain costs the Bill provides for the SGIC to be responsible for full claims management, including direct payment of claimants.

The Bill proposes to amend the Act to transfer power from the Treasury to the Workers' Compensation and Rehabilitation Commission to control the collection and investment of moneys standing to the credit of the supplementation fund. This amendment is logical as the current provisions relating to the investment and advances from the fund were introduced prior to the establishment of the Workers' Compensation and Rehabilitation Commission and were intended to separate the investment of trust funds from claims administration, currently managed by the SGIC. The Workers' Compensation and Rehabilitation Commission now administers the Act and has authority from the Treasurer to invest the general fund and other trust moneys. The proposed change of investment responsibility preserves the separation of the investment and claims administration functions and in view of the commission's accounting expertise is appropriate.

The provisions contained in this Bill are necessary to streamline administrative procedures under the Act and introduce a specific power to enable outstanding claims to be finalised. If the amendments proposed by the Bill are not ratified and implemented as quickly as possible it could have adverse financial implications for the recovery of costs incurred and the finalisation of outstanding claims, to the detriment of workers and employers.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Blaikie.

**HOUSING LEGISLATION AMENDMENT AND REPEAL BILL***Second Reading*

**MR MCGINTY** (Fremantle - Minister for Housing) [10.58 am]: I move -

That the Bill be now read a second time.

The existing Industrial and Commercial Employees' Housing Act which was assented to in November 1973 gave rise to the establishment of an authority of the same name. The authority's role was to help industrial and commercial businesses by providing housing for their employees in regional and country areas. The authority provided assistance by borrowing funds and using those funds to construct houses in towns where accommodation was not readily available. Businesses then leased the accommodation to their employees. In recent years the authority has operated at a loss and thought was given to abolishing it. This, however, would have resulted in a loss of service to the business sector and it was decided to absorb the authority into Homeswest. This move would maintain services and provide avenues to rationalise housing assets and overcome losses.

The Rural Housing Authority is governed by the Rural Housing (Assistance) Act which was assented to in June 1976. The authority's aim was to overcome housing shortages on farms. The authority is able to assist farmers with finance to build a new dwelling or add to or modernise existing ones. The Government believes the absorption of the Industrial and Commercial Employees Housing Authority and the Rural Housing Authority into Homeswest will make better use of housing assets and achieve administrative savings and economies of scale.

The following benefits will be achieved by absorbing the Rural Housing Authority: An administrative saving of approximately \$100 000 is anticipated through the reduction of staff positions from three to one, savings in accommodation and other expenses and board fees. Initially the total administrative expenses were met through the Consolidated Revenue Fund. However, in view of our intention to absorb the authority into Homeswest, the payment of these expenses was shifted in the 1990-91 financial year from the Consolidated Revenue Fund to Homeswest. The absorption of the authority into Homeswest would mean a saving to the Consolidated Revenue Fund of approximately \$200 000 a year. A rationalisation of services and economies of scale will be achieved as Homeswest's large number of regional offices will increase access by farmers.

The Rural Housing (Assistance) Act as currently drafted is silent regarding payment of administrative expenses and the Auditor General has expressed concern that the payment of expenses has been outside the Act. The Act therefore requires amendment to overcome this deficiency.

Through the amalgamation of the Industrial and Commercial Employees Housing Authority the following benefits will be achieved: Rationalisation of housing assets and economies of scale will involve the absorption of ICEHA into Homeswest. That will mean that houses previously used for Homeswest purposes can now be used by ICEHA clients and vice versa. ICEHA has been incurring operating losses for a number of years. Its absorption into Homeswest and the rationalisation of housing assets will mean that surplus properties can be sold with proceeds being used to repay outstanding loans and in turn reducing costs.

Administrative savings will involve the absorption of two staff at ICEHA into Homeswest with no increase in Homeswest positions over time. In addition, there will be savings through accommodation, board expenses and other expenses estimated at \$100 000 a year.

The Bill involves four essential elements -

- (1) The repealing of the Industrial and Commercial Employees Housing Act and the Rural Housing (Assistance) Act.
- (2) Amendments to the Housing Act to incorporate the objectives, power, functions and the transfer of assets and liabilities of the authorities into the State Housing Commission.
- (3) Ensuring there is no loss of services or functions. Where the Housing Act contained existing or general provisions which are similar but different from the repealed Acts, the provisions of the repealed Acts have been brought into the Housing Act. In particular, this refers to guarantees to financial

institutions to enable them to grant loans to farmers, guarantees to enable the authorities to borrow in their own right and make advances.

- (4) As for ICEHA, the legislation includes the ratification of all decisions made by the chairperson of that authority without a legal quorum of members since the board was abolished.

It is our view that this Bill will maintain and, in some cases, improve the services currently offered by the two authorities to farmers and the business and industrial sectors. Once the two authorities are merged into Homeswest there will be a more efficient overall use of assets. The policies of both authorities will be adopted by Homeswest. In addition, benefits will flow from the use of Homeswest's large network of regional branches. I commend the Bill to the House.

Debate adjourned, on motion by Mr Blaikie.

## ROAD TRAFFIC AMENDMENT BILL (No 2)

### *Second Reading*

MRS BEGGS (Whitford - Minister for Transport) [11.03 am]: I move -

That the Bill be now read a second time.

In the past few months, the Government has attempted to address the issue of road safety and, in particular, the need to curb the incidence of drink related deaths and injuries by reducing across the board the blood alcohol level for all drivers to 0.05 per cent. This issue, as members are undoubtedly aware, has met with some resistance by members of the Legislative Council who have seen fit, by amendment, to apply the 0.05 per cent blood alcohol limit to only those persons under 21 years of age. In the form in which the Bill is presently placed before this House, it is far from acceptable. However, I will not dwell on this aspect now.

The Bill before members today no longer reflects the attempt made by the Government to address this issue. Neither is the need to reduce the blood alcohol level for all drivers an issue which the Government will allow to be merely brushed under the carpet, as to do so would be an indictment on the general community, whose lives we seek to protect. The Bill must, of necessity, be afforded every consideration, perhaps more so in light of its amended form and the limited application it will have on addressing the issue of road safety. However, if members of this side of the House are to give this issue due consideration, all party differences must be put aside and, above all else, we must address the concerns and needs of the broader community, whose elected representatives we are.

The passage of the Bill so far is a testament to the philosophical differences that exist, or partially exist, regarding critical components on road safety; in particular, the recognition and acceptance that a blood alcohol content of 0.05 per cent is, while unpalatable to some, a necessity if the carnage on our roads is to be addressed. Notwithstanding the philosophical differences which exist, I am confident that the members of this House will deal with this issue in a humanitarian manner, and that, at the end of the day, we will achieve an acceptable resolution. Apathy is indirectly contributing to the number of deaths and serious injuries occasioned by so many members of our community. It is as if a docile and meek acceptance has clouded our judgment to confront and meet the challenge of dealing with this issue. Through a combination of positive strategies such as a 0.05 per cent BAC limit, random breath testing, strong deterrents against speeding and a powerful public education campaign, Victoria has experienced first hand the dramatic effect that these measures have on incidents of road trauma.

The Bill in the form in which it was originally introduced into the upper House is an integral part of a major offensive against the incidence of road trauma. On current predictions, 2 500 Western Australians will lose their lives on Western Australian roads by the year 2000, less than 10 years away. I remind members that in this State during 1990 the number of road deaths recorded totalled 195 and so far this year there have been 150 deaths. It is against this background that debate on this Bill must focus. The reduction of the blood alcohol level to 0.05 per cent is part of an overall strategy to improve road safety, as the Government accepts that alcohol and speed are two of the major contributing factors to road trauma.

The intent of the Bill in its original form was to create a new drink-driving offence for persons found to be driving with a blood alcohol content of 0.05 per cent or above; to extend the probationary driving period for young drivers to three years; and to remove the anomaly currently contained in section 64A relating to 0.02 per cent offences. In December 1989 the Prime Minister announced a range of road safety measures as part of a nationwide approach to increase road safety. One of the important elements of the national initiative is the adoption by the States of a uniform blood alcohol concentration of 0.05 per cent.

In committing itself to the national initiative, the Government sought advice from the Traffic Board which, by virtue of its charter, conducted a comprehensive investigation of the merits of adopting a blood alcohol concentration of 0.05 per cent. As part of its deliberation, the Traffic Board invited a number of interested parties such as the Royal Automobile Club of Western Australia, the Western Australian Hotels Association, the Liquor Industry Council of Western Australia, the Alcohol and Drug Authority and Roadwatch to attend a special meeting with a view to obtaining their views on the matter. The Traffic Board was of the unanimous opinion that sufficient evidence existed to warrant the introduction of the new offence of 0.05 per cent, thus complementing the current 0.08 per cent and 0.15 per cent BAC offences. Further, the board considered that a 0.05 per cent BAC offence should, other than those committed by probationary drivers, be dealt with by way of an infringement notice, with no automatic loss of licence, but with a loss of six demerit points which would alert the offender to the fact that any subsequent 0.05 per cent offence may result in a three month disqualification of his or her licence by reason of the operation of the demerit point system. In its report, the Traffic Board has outlined evidence that a reduction to 0.05 per cent BAC will change the attitudes of individuals and bring about a moderation of their drinking habits. The Traffic Board is of the strong view that the introduction of 0.05 per cent BAC will result in more persons drinking less before driving.

The Government submits that the reduction of the blood alcohol level to 0.05 per cent as set out in the terms of the original Bill is essential to road safety and that the position of Government is augmented by the following opinions -

- (1) The National Centre for Research into the Prevention of Drug Abuse has stated that the proposed adoption of a 0.05 per cent BAC level is entirely consistent with scientific evidence currently available.
- (2) Dr Ross Homel, a researcher at Macquarie University, has noted that the reduction to 0.05 per cent BAC in New South Wales saw a 13 per cent decrease in Saturday fatalities prior to the introduction of random breath testing in that State.
- (3) Dr Peter Cairney of the Australian Road Research Board has indicated that evidence has revealed the risk of crashing at 0.05 per cent BAC is double that at zero per cent BAC and that the risk doubles again at 0.08 per cent BAC. The evidence confirmed that drivers, especially young drivers, are substantially impaired in the performance of critical functions at relatively low BACs.
- (4) The Commissioner of Police has considered the resource requirements and has informed me of his view that the proposal would not adversely affect enforcement strategies or resources.
- (5) An opinion poll conducted in June 1990 in both metropolitan and country areas concluded that 65 per cent of people surveyed either support or strongly support a reduction to a BAC of 0.05 per cent.

As members of this House are well aware, drivers under the age of 25 are involved in a high percentage of the total number of serious accidents in Australia.

Statistics for 1989 reveal that the persons in this age bracket accounted for 45 per cent of the total number of serious injury accidents, of which 40 per cent were serious injury driver-related accidents and 44 per cent were serious motorcycle rider-related accidents, which is excessive when one considers that this age bracket makes up only 18 per cent of the total number of holders of motor drivers' licences.

Having examined the issue of reducing the blood alcohol level from 0.08 to 0.05 per cent the Australian Capital Territory report provided the following summary of its conclusions which,

when read in conjunction with the original provisions sought by the Government in this State, augment the need for the adoption of the 0.05 per cent BAC level. I quote from the summary of that report as follows -

Previous studies have indicated that a reduction in the maximum level blood alcohol concentration (BAC) for driving, from .05 to .08, may lead to a reduction in the incidence of drink driving at high BAC levels - well above the original .08 limit.

Correct reference should have been made to a reduction from 0.08 to 0.05. To continue -

Analysis of recent data from the Australian Capital Territory provides further evidence of this effect.

The maximum legal BAC in the ACT was changed from .08 to .05 on 1 January 1991. Data from random breath testing in the first six months of 1991 show that -

Drink driving at BAC levels above .15 decreased by 39 per cent, compared with the same period in 1990.

The reduction was particularly marked - 61 per cent - at BAC levels above .20.

The reduction occurred mainly among drivers aged over 25 - the number of younger drivers with very high BAC's was quite small in both years.

There was also evidence of a massive reduction in the number of drivers with BAC's between .05 and .08 - from 343 cases per 10 000 tests in the first half of 1990 to approximately 45 in 1991. One practical implication of this reduction is that the number of offenders dealt with by police showed a much smaller increase than might have been expected, given the data collected before the new limit was introduced. All these reductions were statistically significant at or above the 99 per cent confidence level.

Comparisons between 1990 and 1991 data were only available for selected BAC ranges. Final evidentiary tests were used for BAC's above .10, and combination of evidentiary and roadside screening results for the .05 to .08 range. No change was evident in BAC readings between .10 and .15.

The ACT data reported here provides the first test in Australia of the effects of introducing a .05 alcohol limit in a jurisdiction where RBT was already well established.

The Government, in deciding to increase the probation period from one to three years as proposed in the original Bill, sought to reduce the high accident rate involving young drivers. To compliment and reward safe drivers the original Bill sought to provide that where a probationary driver had not been convicted of any serious offences within the first two years of holding a probationary licence, the Traffic Board would have a discretion to waive the last 12 months of the three year probationary period. To overcome possible criticism due to subjective assessment of a person's driving record, the serious offences were to have been prescribed.

The original Bill also sought to amend the Road Traffic Act to correct an anomaly in section 64A relating to 0.02 per cent offences in that a learner driver or a person who does not hold a driver's licence does not commit an offence unless his blood alcohol level is equal to or exceeds 0.08 per cent. The original Bill sought to remove this anomaly by providing that a person who has not been issued with an unrestricted motor driver's licence and who drives a motor vehicle will be restricted to a BAC level of less than 0.02 per cent.

While it can be argued that persons under the age of 25 years warrant special consideration and should, therefore, be the group specifically targeted, persons over this age bracket, particularly as alcohol is only a part of the overall contributing factors, are nevertheless at risk and consequently other road users are also.

The Bill before this House merely retains the status quo in relation to probationary drivers and the 0.02 per cent BAC limit and applies a 0.05 per cent BAC level to persons under the age of 21 years. Other provisions included in the Bill are necessary for the enforcement of the 0.05 per cent provisions. However, the Bill, in its present form, requires further amendment if the intent of the amendments moved on the floor of the Legislative Council are

to be enforceable. Examination of the Bill as passed revealed a number of technical errors which, if enacted, will make even existing drink-related offences unenforceable. The Government will not be seeking to amend the Bill to correct these identified anomalies as the Bill in its present form is unacceptable. However, the Government will move amendments in this House which will return the Bill to its original form. In acknowledgment of the Government's intent in relation to this matter, I nevertheless commend the Bill to the House.

Debate adjourned, on motion by Mr Blaikie.

## FINANCIAL INSTITUTIONS DUTY AMENDMENT BILL

### *Second Reading*

Debate resumed from 23 October.

**DR GALLOP** (Victoria Park - Minister assisting the Treasurer) [11.16 am]: The Financial Institutions Duty Amendment Bill, which has been supported in principle by the Opposition, aims to limit an obligation on the commissioner to refund an overpayment of duty to a period of two years prior to the claim. The general principle involved is that without any limitation there could never be any certainty of the revenue available to Government. What may be a small mistake from the point of view of an individual taxpayer may be of great significance to the Government.

During the course of the second reading debate some general points were raised about the level of taxation in Western Australia. It is true that the financial institutions duty is a new tax in the Australian Federal system and exists in all the States except Queensland. It has become part and parcel of the way in which this State Government raises its revenue.

Comments were also made about this State's overall tax record and if members were to consider the percentage of the gross State product which has been taken up with taxation, they would find that over recent years this State's record has been a reduction in the impact of taxation.

Even though the overall percentage of taxation has been reducing as a proportion of the gross State product, the question of the distribution of our taxes is still an issue. It is certainly agreed by this Government that the nature of our tax system, particularly when it is put in the context of Federal-State relations, does need examination and that is an issue which will be considered at the Premiers' Conference. The Leader of the Opposition raised the question about whether FID will be part and parcel of the agenda at the Premiers' Conference. It will be in the general sense that the conference will be looking at the whole tax system and the way in which the Federal and State Governments collect taxes. At this stage there is no intention on the part of the Federal or State Governments to change FID from a State based tax. As the debate about our tax system continues some of those matters may come onto that conference's agenda.

The member for Wagin referred to clause 7 and asked who will determine how a refund will be paid. It will be made either by way of direct payment to taxpayers or by way of deduction from the taxpayers' FID bills. I have taken advice on this matter and I can assure the member it is quite clear that the choice rests with the taxpayers. It cannot be imposed upon them by the commissioner. I know that was a matter of concern to the member but it is quite clear that the taxpayers would determine whether they received the refund directly by payment or whether it would be deducted from future accounts.

A number of amendments were foreshadowed by the Leader of the Opposition. One of those amendments dealt with the period within which the financial institution must make a refund to its client. It was suggested that the period should be changed from 35 days - which is roughly a month - to 90 days.

**The DEPUTY SPEAKER:** It is probably more in order for that sort of detail to be discussed in Committee.

**Dr GALLOP:** The Government has no difficulty with that proposal and will support the amendment. The second amendment proposing to change the time limit for the refund of overpayments from two years to three years would obviously have some impact on the amount of refunds going through. Again, it is not a significant factor in the equation and the Government is happy to support the amendment. The Government has substantial difficulty

with the first amendment listed on the Notice Paper which proposes to restrict the Commissioner of State Taxation's power to retrospectively assess a taxpayer to three years. The Government believes that would encourage tax evasion and it will oppose the amendment.

Question put and passed.

Bill read a second time.

#### *Committee*

The Chairman of Committees (Dr Alexander) in the Chair, Dr Gallop (Minister assisting the Treasurer) in charge of the Bill.

**Clauses 1 to 6 put and passed.**

**New clause 7 -**

Mr MacKINNON: I move -

Page 3 - To add after clause 6 the following new clause to stand as clause 7 -

#### **Section 41 amended**

7. Section 41 of the principal Act is amended in subsection (2) by inserting after "Commissioner" where fourthly occurring, the following -

" , within a period of 3 years from the expiration of the period or the date specified in section 40 or such further time as may be allowed by the Commissioner under section 44, "

As indicated in the debate in this Chamber on Tuesday, if the Government considers there should be a time limit in which the Government must refund people for overpayments of stamp duty, the same limit should apply to the recovery of financial institutions duty. I do not believe it will encourage tax avoidance. It is difficult to avoid paying the financial institutions duty and to my knowledge the practice is not widespread. Three years seems a reasonable period and it would provide a fair tax law for both the taxpayer and the commissioner. It is in line with the Opposition's commitment to ensuring that the same policy applies to tax assessments and to overdue accounts.

Dr GALLOP: This amendment proposes to restrict the right of the Commissioner of State Taxation to retrospectively assess a taxpayer to three years. It is important to point out that no other State taxation legislation contains a restriction on the extent of the commissioner's power to retrospectively assess a defaulting taxpayer. Were such a provision to be introduced to this Act, the commissioner would not be able to reassess a taxpayer who had deliberately avoided his obligation to pay the financial institutions duty. It is also important to note that this system is based on self-assessment. In addition, it would provide an incentive for taxpayers to evade financial institutions duty because once the three year limit had passed, they could not be reassessed retrospectively. I take the point that no case studies have been done in this area but, given the ingenuity of people who seek to evade tax payments from time to time, I am sure that loopholes would soon be found. We believe people's obligation to pay the tax should rest from the day on which they are liable to pay it. Retrospectivity in respect of the ability of the commissioner to assess a taxpayer should not be limited. The amendment is unacceptable to the Government. It does not want to encourage people to evade the tax and, if they could get away with it for three years, they would not be liable to return the amount evaded to the Government.

**New clause put and negatived.**

**Clause 7: Section 42 repealed and section 42 substituted -**

Mr MacKINNON: I move -

Page 3, line 10 - To delete the figure "2" and insert "3".

I thank the Minister for his indication that the Government will support this amendment and the following amendment. These proposed amendments will make the administration of the provisions in the Act fairer and more equitable.

Dr GALLOP: The Bill proposes to limit the obligation on the commissioner to refund any overpayment of duty by financial institutions to a period of two years prior to the claim. The

two year limit is in line with the period specified in the Payroll Tax Assessment Act, another major self-assessing tax in this State. However, the Leader of the Opposition pointed to some inconsistencies between this legislation and other national legislation. It is true that if the limit is increased to three years, it will expose the Government to a greater amount of revenue to refund. However, all things considered, it is a reasonable amendment to the original Act and the Government supports it.

**Amendment put and passed.**

Mr MacKINNON: I move -

Page 4, line 24 - To delete the figure "35" and insert "90".

This amendment relates to the time an institution will have to refund duty to depositors or others. This is a sensible amendment to ensure proper administration of the legislation.

Dr GALLOP: The 35 day period was chosen because it aligned with the usual monthly return period. Arguments have been put about the time and administration it would take to organise a repayment. The Government is happy to accept the argument that a 90 day period will have no major effect on the tax and is a reasonable time to allow for a refund to be made.

**Amendment put and passed.**

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

**Title put and passed.**

**Bill reported, with amendments.**

## **ACTS AMENDMENT (REPRESENTATION) BILL**

### *Second Reading*

Debate resumed from 11 June.

MR CLARKO (Marmion) [11.34 am]: This Bill, which purports to deal with the question of one-vote-one-value, is really about reducing the political power of all Western Australians who live outside Perth. It is about cutting the political representation of country people and reducing the representation of farmers, miners, pastoralists, country business people and country residents generally. It is about reducing the number of rural members of Parliament by 16 while concurrently increasing the number of metropolitan members of Parliament by the same number.

If one looks at the tables supplied at the time of the Minister's second reading speech, one sees that a total of 40 members, 23 in the Legislative Assembly and 17 in the Legislative Council, represent country people. This Bill proposes to cut the number of country members of the Legislative Assembly to 15 and of the Legislative Council to nine, a total reduction of 16 country members, eight in each House. The number of city members will increase by 16, from 51 at present to 67.

The Bill also proposes to reduce significantly the variation percentage on quotas for members of Parliament. The range is presently plus or minus 15 per cent and the proposition is to reduce that figure to plus or minus 10 per cent. This legislation seeks to have 67 city members and 24 country members, a 40 per cent reduction in country representation.

Mr Kobelke: Would you increase that?

Mr CLARKO: That is not very good coming from a bloke I respect. That was a ridiculous comment!

Mr Kobelke: Tell me the point you are making.

Mr CLARKO: If the member waits a while he will understand. The rest of the members have got the point that this legislation is a charade. It pretends to relate to one-vote-one-value when it really relates to a 40 per cent cut in the representation of country people. That is what I am trying to tell the member.

Mr Kobelke: That is utter nonsense!

Mr CLARKO: Is the member for Nollamara denying that the outcome of this legislation will be a reduction in country representation of 40 per cent? Yes or no?



Mr Kobelke: We are talking about democracy.

Mr CLARKO: I am asking the member a question. I say the Bill will result in a reduction in country representation of 40 per cent. Does the member deny that?

Mr Kobelke: What has that to do with democracy?

Mr CLARKO: The member will not answer my question. He is foolish! He is not as sensible as I thought he was. How much bigger will rural electorates become? A greatly reduced number of members will have to cover the State. Such a change will have a significant effect on their representation. A solution suggested by Arthur Tonkin, who argued this matter when I first came into this Parliament, was to supply a free telephone line for electors so that they could ring their member. How many ordinary electors in this State do members know who ring Canberra and ask for opinions? I bet the number is almost none.

Mr P.J. Smith: I have one, Alf Bussell.

Mr CLARKO: He is a rarity; no-one else is like him. How much more difficult will it be for a country member whose area is greatly expanded to physically meet his constituent? It will obviously be dramatically more difficult. If we divided up the State on an equal basis for Legislative Assembly seats, the number of electors in each seat would be 17 000. The range, according to the Minister's second reading speech, would be from 15 430 to 18 800-odd. That means on average that the number of electors in each rural seat would increase by about 6 000 - or from 11 000 to 17 000 - and the number of electors in each city seat would decrease by about 4 000. To reduce by 4 000 the number of electors in metropolitan seats would make no difference at all to the workload of members. In the seat of Marmion I have the largest number of electors of any of the metropolitan seats. I have been in this place a long time, and in past years I had even more than that number of electors. In fact, when Terry Burke was the member for Perth, he had the least number of electors of all the metropolitan seats - he had 13 000 - and I had approximately 26 000 electors in the seat of Karrinyup. That situation was not considered to be so horrendous, where we had an anomaly of 2:1 in the city. Today the city/country ratio is nearly 2:1; I think it is 1.9:1 -

Mr Kobelke: That was because the Government would not bring in a redistribution.

Mr CLARKO: I am saying that I do not think anyone could have said that people in the seat of Perth were getting better or worse representation than people in the seat of Karrinyup. I am not criticising Terry Burke. In fact, it was very difficult to criticise Terry Burke because he was almost never here. If he were a member of Parliament today, his attendance would be roughly what it is now that he is not a member of Parliament. It would not offend Terry Burke to say that, because he used to boast about the fact that he was never here. The point is that even under the system we had at that time, where the metropolitan area had a one-vote-one-value system, there were 13 000 people in the seat of Perth and about 26 000 in the seat of Karrinyup. Therefore, even under that system, there can be what members opposite consider to be an anomaly of 2:1, which is what we have in the country at present. I support something of that order. I cannot say specifically that it should be 2:1.

Mr Kobelke: What do you support?

Mr CLARKO: I will come to that. At present we have a system of one-vote-one-value in the metropolitan area, and we had it also in the example I gave a few moments ago, where we had an anomaly of 2:1.

I have said several times that the real effect of this Bill will be to reduce the political representation of country people. That concerns me greatly, as a member who lives in the city but who recognises the situation in Western Australia and how Western Australia relies on the two elements of city and country. The real purpose of this legislation is to advantage the Labor Party electorally; to suggest anything else is pure nonsense. Members opposite tell me nothing new when they say that if there had been one-vote-one-value at the last election, the Liberal Party would have won the election. That is not true. We do not know whether we would have won the election. We did get more votes. In fact, with the exception of Queensland, in every election that has been held recently in every State and Territory, the Liberal Party has received more votes than any other political party.

Mr Shave: Are you saying that the electorate is gerrymandered in Western Australia?

Mr CLARKO: No. I am saying that despite the fact that at present the Liberal Party may or

may not have won the Government benches by one-vote-one-value, I would not support one-vote-one-value merely for that reason. We in Australia have a most jaundiced view about the subject of one-vote-one-value.

Mr Kobelke: You have just said two completely opposite things. Which way are you going?

Mr CLARKO: The member for Nollamara would not know. He proved earlier that he does not know what this subject is about.

This Bill is based on spurious claims about one-vote-one-value. The Labor Party asserts repeatedly that one-vote-one-value is the only way to go. It claims that everyone's vote should be equal. At one stage, every Labor Party member's car that was parked in the car park outside had on it a sticker which stated that everyone's vote should be equal. The Labor Party then introduced a Bill which was different from that, and Labor Party members had to go outside in the middle of the night and scrape those stickers off their cars. A few months ago I saw one car in the car park which still had that sticker on it, but the remainder of the Labor Party members have scraped off their stickers. I challenge the member for Nollamara to name one country in the world which has a system of one-vote-one-value.

Mr P.J. Smith: The United States of America - that great land of free enterprise.

Mr CLARKO: Do not give me the United States, because that is not a one-vote-one-value system. It is based on a principle which is the exact opposite. The United States of America is a federation of States. Each State has the right, according to the Constitution, to send two members to the Senate. The system of Government in the United States is based on the principle of States being represented at the Senate level. The United States, and every federation in the world, has a system which is based on the exact opposite of one-vote-one-value. There cannot be a federation unless people are given that right of representation. The situation in Croatia, Serbia, and other countries would be different if we had this other, more narrow situation. Countries come together to form a federation when their rights are protected by an equality related to their unit and not to their people. Members opposite would not go along with the old adage "populate or perish", but today, if they were total advocates of one-vote-one-value, they should procreate or perish. The world should not be about procreating or perishing. I have just blown the member for Bunbury completely out of the water, because he said the United States, and he is wrong. In all the chitchat from members opposite, they could not even produce for me one country that has a universal system of one-vote-one-value - including Australia, because it is a federation. It gets worse, because the Constitution provides that the House of Representatives shall have at least five members from Tasmania. Therefore, if only five people lived in Tasmania, they would each be entitled to be a member of Parliament. That is not one-vote-one-value, but that is what is provided in the Australian Constitution.

Mr Kobelke interjected.

Mr CLARKO: I want to answer the member's more learned colleague, because he at least gave the example of the United States. The United States Supreme Court decided that for the lower House of the United States Parliament, the House of Representatives, there should be an equal number of electors in each electorate. However, the effect of that decision was to jaundice the situation even more, because that decision did not cover anything other than the number of people. It returned the United States to the famous word "gerrymander". That word originated in the State of Massachusetts, where Governor Gerry drew electorate boundaries which were shaped like a salamander; in other words, he put in the bits that suited him. As a result of the decision by the United States Supreme Court to make the electorates equal in number, and because there was no rule about their shape, the States have produced all these peculiarly shaped electorates. Therefore, it would not solve the problem even if we were to adopt the one-vote-one-value system.

In addition, it all depends upon the type of system that we use. The system we use for this Chamber, which is based on areas, does not provide any proof that we will have a Government that represents the majority of the people; as I said the last time I spoke on this matter a year ago during the Address-in-Reply. I produced a theoretical example of 10 seats, with each seat having 10 000 electors. If one party won six of the seats and got 5 500 votes in each of them, and the other party won only four seats and got 7 000 votes in each of them, then because the party that received the greatest number of votes won only four out of the

10 seats, it would lose. If we take Western Australia and divide it into 57 equal seats with exactly the same number of electors, there is no proof we will have a Government representing the majority of the people. The great weakness of that system is that we do not necessarily have the two together; there is no guarantee. The only way to guarantee equality would be to have a proportional system and say that if a party obtains 30 per cent of the vote it will have 30 per cent of the seats. We do not have that, and we do not seek to move towards that. The Government completely misunderstands the position when it puts this legislation forward. It will not achieve what it claims.

When I was giving examples a year ago the Minister said, "Do not give examples; talk about the principle." I shall talk about the principle now. If the Minister says that, he is obviously a man of principle. He believes in one-vote-one-value, and he would not be involved in any other system. As a Minister he meets regularly with Ministers from each of the States and territories of Australia and from New Zealand. I think it was on Monday this week that Hon Graham Edwards met and talked about gun control with a Minister from each State and Territory in Australia and someone from New Zealand.

Several members interjected.

Mr CLARKO: The member for Bunbury is already anticipating what I am going to say. One Minister was from Western Australia and one from New South Wales - and that has a population four or five times ours. Five New South Wales Ministers were not present. Ministers opposite regularly participate in a such system which is the opposite to one-vote-one-value; it has one representative from each of the States in Australia.

Dr Gallop: It is called Federalism.

Mr CLARKO: The Minister is a donkey. He says one thing to us and practises another thing.

Dr Gallop: You have no idea!

Mr CLARKO: The Minister can answer this question: The State Executive of the Australian Labor Party has representatives from each of the various branches. If the Scarborough branch has twice as many members as the Nollamara branch, does it have twice as many representatives at the meeting?

Dr Gallop: There is a degree of -

Several members interjected.

Mr CLARKO: I challenge the Minister to tell me that the State Executive is built on one-vote-one-value.

Several members interjected.

Mr CLARKO: Exactly! I suspect it is not built on one-vote-one-value.

Several members interjected.

Mr CLARKO: The Minister can talk about that, but the Australian Labor Party is putting forward the case for one-vote-one-value. The Minister does not follow it in his ministerial conferences. He is not prepared to change that, and the State Executive of the Labor Party does not follow the principle of one-vote-one-value either, so where does the Australian Labor Party follow it?

Dr Gallop: Argue your case.

Mr CLARKO: I suspect the Minister plays tennis.

Several members interjected.

The ACTING SPEAKER (Mr Donovan): Order! Just a moment. If the member for Marmion addressed himself to the Chair and, secondly, if he deals with the Bill rather than with the workings of the ALP, I suspect we will avoid the conflict which is developing between him and the Minister, and that would enable him to pursue his speech.

Mr CLARKO: I am talking about one-vote-one-value as it applies to the Labor Party. I do not see how you could stop me, Sir, when the Minister puts up a Bill about one-vote-one-value and universal suffrage. I gave an example of how his own political party does not use that principle. I cannot see how that is irrelevant. It is totally relevant. The Minister does

not want a consistent system. I support the principle of one-vote-one-value in some cases. I support one-vote-one-value for the metropolitan area.

Dr Gallop: That is a great concession!

Mr CLARKO: I do support it.

Mr Kierath: He is dumbfounded!

Mr CLARKO: I support one-vote-one-value in some cases. If I attended a meeting of a golf club, a tennis club, or something like that, I would support one-vote-one-value for the people at that meeting, but if I belonged to a group of, say, 10 golf clubs in the metropolitan area which were playing golf in some regular competition, I would not expect every management committee meeting of those 10 golf clubs to have representation according to the number of members each club had. In addition, I do not believe this happens at the Australian Labor Party's conferences. The Minister can correct me if I am wrong, but where a person stands up at a trade union meeting, or at a Labor Party meeting attended by a trade union, he does not say, as they do in England, "I have 2 million members, therefore I cast 2 million votes." I understand that is not the position in Australia, although it is the position in the United Kingdom. In the United Kingdom union representatives vote according to membership. If someone belongs to a technicians' union there may be 100 000 members, but if he belongs to a very large union, that union will cast its very large number of votes. Members opposite profess to believe in one-vote-one-value, but I do not believe they do, because they do not practise it.

Several members interjected.

Mr CLARKO: When I first came into this Parliament the Federal Labor Party sent an exact number of delegates from each of the States in Australia to the national conference, and I used to cite that example in responding to Arthur Tonkin and others. I said the Australian Labor Party did not have a one-vote-one-value system. The Government has changed that.

The ACTING SPEAKER: Order! I am going to reinforce my order. I have looked very carefully at the Bill, and I have been examining the Minister's second reading speech, but I cannot find the relevance of the argument being put forward by the member on his feet concerning the workings of the ALP to questions contained in the Bill. The Bill concerns the composition of the other place and the Legislative Assembly. I cannot see how the arguments he is putting forward regarding the ALP are relevant, under this Bill, to the way in which it is proposed the Parliament will be elected. The member should confine his remarks to the Bill.

#### *Point of Order*

Mr COWAN: In your diligence, Mr Acting Speaker, I am quite sure that you would have examined the Minister's second reading speech. You would have noticed the continued reference in that speech to the principle of one-vote-one-value. In your deliberations I am sure you would have given consideration to any member arguing about the principle of one-vote-one-value being given the right to draw some comparisons between those places where one-vote-one-value is or is not practised.

The ACTING SPEAKER: I thank the Leader of the National Party. He is right on that point of order. I have looked at the Minister's second reading speech with some diligence. The caution I am trying to offer the member on his feet is this: It is one thing to use an example of the argument; it is another to extend his debate to that argument. It seems to me that the member is in danger, if he has not already done so, of going over that line and mounting an argument about one-vote-one-value within the Australian Labor Party. I am concerned that this debate will move away from this Bill and on to a matter with which it is not concerned. In view of the comments of the Leader of the National Party I might caution the member again simply to be aware of the position and not to go over that line.

#### *Debate Resumed*

Mr CLARKO: On page 2988 of the second reading speech the Minister said specifically that the second reading of the Bill proposes a system which will bring an end to vote weighting. One-vote-one-value, of course, is the reverse of vote weighting. I am trying to show that all around the community there are examples built in, constitutionally and socially as part of our society, of vote weighting. I am doing no more than that. I have chosen the Australian

Labor Party as an example because I think that is more appropriate for the Minister than any other group I could name.

It is true that in Australia the concept of one-vote-one-value is given greater credence than elsewhere in the world. It is given this credence in the ALP, in our universities, in our schools and among our journalists. They give one-vote-one-value a credibility which it does not deserve. Those same groups of people give the same degree of support to compulsory voting. That is what happens in Australia: Journalists, academics, the Labor Party and so on accept the principle of one-vote-one-value as the right and proper thing to do. The rest of the world does not; and the same mistake is made by these people on compulsory voting. They take compulsory voting much more to heart than does the rest of the world, which rejects it. Only five countries have compulsory voting - Belgium, Luxembourg, Greece, Venezuela, and Australia. That is only a handful.

Mr Read interjected.

Mr CLARKO: The member probably does not have the proper background. Even students in year 9 have the opportunity of seeing how undemocratic Greece was. In Greece, the home of democracy, the people who did not get a vote -

Mr Read interjected.

Mr CLARKO: The member for Murray does not understand. This will be brand new to him, but my colleagues would know it. In Athens foreigners, slaves and wives could not vote, so the citizens of Athens, that so-called cradle of democracy, who could vote constituted a minute part of the total population of that city. I think it is important for members of this Parliament to go beyond the narrow literature one reads in Australia about one-vote-one-value. The Australian Labor Party continually beats its breast about this, and its members say how wonderful one-vote-one-value and compulsory voting are. However, they are totally wrong and in world circles - academic or political - they would be seen to be buffoons for supporting those principles.

Either one believes in a total, strict and exact one-vote-one-value system or one does not; and if one does not, one believes in unequal votes and unequally populated electorates. I repeat that I am opposed to universal one-vote-one-value. While it is appropriate in small places like Switzerland and Hong Kong, and in Western Australia at the metropolitan level, we have the ridiculous situation at present where the Minister for Local Government is trying to impose on the wards throughout Western Australia an exact equality of numbers as part of the Labor Party platform. He has just written to 41 country shires and half a dozen metropolitan local authorities telling them that they must come into conformity with one-vote-one-value. On the other hand, however, in Kwinana, a Labor area, the industrial ward has only 309 electors, whereas the rural ward has about 1 700 electors. The Minister is proposing to reduce the number of councillors representing the rural ward to one, but will allow the 309 electors of the industrial ward to continue to be represented by a councillor although their numbers entitle them to only one-quarter of a councillor - in truth, none at all. The Minister has written to the Kwinana Town Council saying that should happen because it is unique; In other words, he has moved away from this so-called inviolable proposition of one-vote-one-value put forward by the Labor Party and its associates.

Mr Kierath: It would not have anything to do with the fact that the person who represents that ward happens to be a card carrying member of the ALP, would it?

Several members interjected.

The ACTING SPEAKER (Mr Donovan): Order! Members know that is not acceptable. I do not know how many times Mr Speaker and others have said from this Chair that when we reach the stage where members on both sides of the House who are not on their feet are conducting the debate by way of interjections between them so as to prevent the member on his feet from engaging in the debate, we have gone far too far over the interjection provisions. I ask members for their cooperation to allow the member on this feet to make his remarks.

Mr CLARKO: I am very bohemian about this, Mr Acting Speaker. I am like the Speaker, who says all interjections are disorderly but he will allow them because they add to the debate. I am happy about that; I can deal with Labor members four or five at a time, but as this debate continues this afternoon it will be very interesting to see whether other members

will be subjected to as much shouting, ranting and raving and as many idiotic comments as have I. The member for Bunbury put his point of view earlier; I was able to dismiss him and hit him for six twice, but that was handled in a gentlemanly fashion.

People in Australia have a kind of mental block about the one-vote-one-value issue. I have said this four or five times before and I apologise for repeating it, but this Government continually brings up this Bill so I must use the same arguments again. The major political forum in the world is the United Nations, which is based totally on non-one-vote-one-value. The whole concept of the United Nations is to bring together all of the nations of the world and give each a voice. China, with its 1.2 billion people, and tiny little places such as Tuvalu in the South Pacific, with only a few thousand people, each have only one vote. That is the obverse of one-vote-one-value. The United Nations Security Council comprises five or so nations, and that council also very specifically offsets any one-vote-one-value argument. In addition, by the veto practice just one of those nations can prevent that council taking a particular course of action. That system is as opposed to one-vote-one-value as it is possible to be.

Mr Graham interjected.

Mr CLARKO: Let us move from the United Nations to a place the member for Pilbara's forefathers probably came from - the United Kingdom.

Several members interjected.

Mr CLARKO: The Minister for Parliamentary and Electoral Reform can shout and scream. He has unlimited time on which to speak about these matters, yet he is trying to shout me down.

Dr Gallop: I am not, but what do you believe in?

Mr CLARKO: No myopic high school prefect has ever shouted me down. Let us consider the British Isles, from where the member for Pilbara's forefathers probably came.

Mr Graham: They didn't.

Mr CLARKO: Did the Grahams not all come from the British Isles?

Mr Graham: No.

Mr CLARKO: I dispute what the member says; I would say that every Graham originally came from the British Isles. In the United Kingdom, quite properly, Scotland has a disproportionate weighting when electing members to the Westminster Parliament. Many people claim that that weighting should be greater; they argue that Scotland and Wales should be given much greater political power than they possess. However, currently the people of Scotland receive that weighting to give them a greater voice. If any members have been to Scotland they would know it is no wonder that the Scots are one of the greatest migratory peoples in the world. I do not know how people can live north of Edinburgh - the place looks like a giant quarry. There are just mountains, it is cold and bleak and has hardly any vegetation, but the very tough Scots, to their great credit, live in areas that could never sustain a large population. Incidentally, they have a marvellous system of education.

The theoretical end of the system of one-vote-one-value is that areas which are very fertile and rich and where people are crowded together in large numbers - such as in the rich deltas of Asia, where giant rivers flow down to the sea, dropping their rich alluvium and enabling those hundreds of millions of people to gather together - would have all the political power in the world if one-vote-one-value were adhered to. The Leader of the National Party and his people, who live in a semi-arid area and, due to brilliant farming techniques, are able to work this land with only a small number of people and bring wealth to Australia, are the people from whom this Government wants to take representation away. The more skilled they become, the less representation the Minister wants them to have.

Dr Turnbull: What about the Pilbara? That area contributes seven per cent of the total gross national product of Australia. Will votes be taken away from the Pilbara?

Mr CLARKO: Yes, that is what the Government wants to do. The Government does not want the member for Pilbara to represent the area; it wants only half of him to represent the area.

Mr Kobelke: Do you have any principles on this matter?

Mr CLARKO: The member for Nollamara is talking drivel. Were the member wanting to discuss the question of one-vote-one-value, he would find that a disproportionate amount of credence is given to that issue in Australia. That does not occur in the rest of the world. Were the member to attend a meeting of world political scientists, and were he to stand up and say that in Australia we believe in one-vote-one-value and in compulsory voting, he would be laughed out of the hall.

In some cases it is appropriate to have one-vote-one-value, such as in uniformly homogeneous areas, but if that philosophy is applied to a country or a State where the population is very unevenly distributed and where much of the State without question has a small population, that will mean less representation and people will not have a voice. I recall a meeting in Albury a few years ago when the present Prime Minister stated that the Labor Party of Australia did not need to place credence on or to take into account the views of rural people because the number of seats that those people controlled in Australia were so few that it did not matter. The end extreme of that argument of course is to give away the powers of Western Australia. We considered that issue this week. Some people say that the only way to deal with the gun licence situation is to have one policy for the whole of Australia. A week or so ago a committee of the House of Representatives began to consider doing away with State Electoral Commissions. That is the Labor Party's bottom line. Labor members know that their key thinkers and speakers talk about regionalism and the abolition of the States; ultimately they would like to put the power in Australia in the hands of people who live in and around Sydney and Melbourne. Members opposite would be happy about that. I am totally opposed to such a change.

I have tried to give examples of how the Minister and people at his level go to ministerial meetings where one-vote-one-value is the obverse of the system. I have tried to point out that the Labor Party does not follow that system. I have tried to say that the United Nations system is exactly the opposite. I have tried to say that every federation in the world is built on a system opposed to one-vote-one-value, because each federation has equal numbers of people representing the States or provinces. I have given examples from around the world where countries have systems that do not include one-vote-one-value. I have tried to put the argument that if we follow the one-vote-one-value philosophy we will enhance the political power of people who live in high density areas - the highly productive areas in some cases, but not always - versus the people who come from sparsely populated areas.

The future of Australia rests on the right of people who live throughout the vast interior of Australia, particularly of Western Australia, to have a proper political voice. At the Federal level it highlights how atrocious is the system because the Federal seat of Kalgoorlie covers approximately 700 000 square miles. I assume Hon Graeme Campbell is an energetic Federal member, but I put to members that he would not be able to cover that huge area from one end to the other. I remember Peter Coyne represented an area of 400 000 square miles - larger than France, the largest mainland nation in continental Europe. How can members represent such vast areas? A 008 telephone line will not solve the problem, because we all know that people get in touch with a member's office and say that they want to speak personally to the member. A telephone call may be quicker but many members know that people want face to face discussions with members. We do not want the situation that is proposed now.

I have not been to Canberra for many years but last time I visited that city, when I stepped off the aircraft, I was interested to see the hundreds of civil servants coming from all over Australia at great cost and involving much time. They were going to Canberra to see what would be dealt out because Canberra is a classic example of this system of remoteness, where Governments are out of step - whether Labor or Liberal Governments. The Fraser Government was out of step with the views of the Western Australian Liberals, as was John Grey Gorton. I was a member of the State executive of the Liberal Party when John Grey Gorton was Prime Minister of Australia, and we identified him as a centralist. As far as he was concerned he was only interested in caring for the highly populated south eastern areas of Australia - and to heck with the remote places such as Western Australia.

When members support legislation of this sort they are quintessentially disloyal to the people of Western Australia who live outside metropolitan Perth. I have produced relevant examples. Should members think that I am out of date, I now refer to the latest study of

electorates and weighting in Queensland. This study was a result of the Fitzgerald Inquiry. The result was weighting for remote parts of Queensland. Someone in this House at one time tried to put an opposite view after I spoke on the radio. However, the latest study from Queensland shows that we should not accept a one-vote-one-value system for Queensland or for Western Australia. Is that true?

Dr Gallop: Of course it is, but it does not make it right. It means that the Queensland system is flawed.

Mr CLARKO: That is the latest study of this system in Australia. If the Minister does not accept that we would be the odd State out in the one-vote-one-value debate, I challenge him to say so. He was not in the House when I issued a challenge to the Labor Party to identify one country that universally accepts the one-vote-one-value system. Members opposite could not name one country; they tried to suggest the United States of America, but it has a Senate; and California has 20 million to 30 million people while Alaska -

Several members interjected.

The ACTING SPEAKER: Order! This is an example of what I thought we had resolved before. This time we had a debate behind the member on his feet, between the Minister for Fuel and Energy and the member for Riverton. That is not acceptable practice, as I understand it.

Mr CLARKO: I said earlier, and I repeat, that if we bring in one-vote-one-value for the 57 electoral districts of Western Australia it will be an accident if we successfully match the number of votes to the number of seats won. It is a pity I cannot bring in the Electoral Commissioner to give some figures; however, I am told that last election was the first time that a party receiving the highest aggregate vote did not become the Government of this State. I have been told that is correct. That is, at the last election we made history. I note that the Minister does not disagree. I also understand - and the Minister can reject this - that in the Legislative Council the Labor Party has never held the majority of the vote.

Dr Gallop: It does not.

Mr CLARKO: Therefore when people bleat about how bad is the situation, they should recall that they did not get the majority of the vote. The only time a party suffered as a result of the system which the Minister claims is horrendous - the only time there was an error - was at the last election. I have said that only by accident could the system produce an exact matching of votes and seats won. If the Minister were serious about the one-vote-one-value system, he would bring in proportional voting for both Houses.

That would be a totally proportional vote system at a State level. If we abolish electoral districts, Bunbury would be worse off. There is a significant advantage in having a member represent an electoral district, as the member for Bunbury is aware. I am sure that the member does what he can for Bunbury, as the members before him have done. That has been to the advantage of Bunbury. If this electoral district system were not in place, all decisions would favour Perth where I and my constituents live. Mine is the biggest electorate in Perth and we would be sharing in the gravy train; however, we do not want to do that. We want to retain the system which is applied throughout the world, which is representation on a weighted basis. The member for Bunbury has an electorate containing 11 000 voters. How many votes did he receive at the last election? Did he receive more than half the vote?

Mr P.J. Smith: Eventually.

Mr CLARKO: I won by 6 000 votes in the primaries; that is more votes than the member received in total!

Mr Kobelke: I would not spread that around - it is a put down for the people of Marmion.

Mr CLARKO: The people of Marmion have supported me time and time again. If the member for Nollamara can come to me in 10 years' time and say, "Jim, I have maintained my support and have done as well as you" he will have done well. However, if the people of Nollamara read the member's speech this morning, it would alter his position dramatically. We have a situation in which people are attempting to foist on us a system which will be harmful to the people who live outside Perth. I will now run through some notes I made relating to the Minister's second reading speech, which begins with the following claptrap -



The essence of democracy is that Government should follow the will of the people which is best expressed, if only imperfectly, in the concept of "majority rule".

The will of the people, my eye! The people expressed their will regarding daylight saving in 1975 and 1984.

Mr Trenorden: That was one-vote-one-value.

Mr CLARKO: Very good; I like that. With their usual whining and whingeing Government members say that the Government does badly out of the weighted system, but at the last election the Opposition received more votes, yet in the Legislative Assembly the Government won 30 seats and the Liberal and National Parties won 27 seats. However, the Opposition is not whingeing about that.

Several members interjected.

Mr CLARKO: The Legislative Assembly is based on electoral districts.

The DEPUTY SPEAKER: Order! The member should address his remarks to the Chair and respond to interjections as he feels fit, but he must not become involved in cross-Chamber exchanges.

Mr CLARKO: The Minister's second reading speech continues -

The view of each elector is equally important . . .

This is the same mob which supports the unfair gains which follow from compulsory unionism. I turn now to the notes I have written alongside my copy of this speech. In the second paragraph the Minister stated that it did not make sense to give a person a vote and to then diminish the value of that vote in relation to the vote cast by others. I have listed examples of the application of weighted votes: The United Nations, all federations, the Australian Senate and Tasmania; therefore, the principle of weighted voting is a worldwide tradition.

Dr Gallop: Barbarism has been a worldwide tradition!

Mr CLARKO: Where is the barbarism in Perth?

Dr Gallop: You are talking about worldwide traditions.

Mr CLARKO: The Minister is changing his argument.

Also, I do not accept the proposition that the electoral commissioners should be allocated greatly enhanced powers regarding the drawing of electoral boundaries. That power should not be taken away from the Parliament. It is wrong to have a system by which Peter Dowding can say we shall have this fellow as the Electoral Commissioner, and the Parliament can like it or lump it. I do not reflect on the Electoral Commissioner, but we should have a system which operates outside political power. The instance to which I refer was totally within the power of the Premier of Western Australia in appointing the commissioner.

Dr Gallop: Get on with the issue of one-vote-one-value. You are not debating it!

Mr CLARKO: Excuse me; the Minister is the donkey! I am going through the second reading speech, so the Minister is the fool.

The DEPUTY SPEAKER: Order! I draw the member's attention to my earlier comment about interjections. Feelings are running strongly on this Bill, but the form of address just used by the member for Marmion is not the appropriate way to solve differences of opinion - it is one way, but not the appropriate one. I am aware that the member has strong opinions on the Bill and I am listening to his comments with interest. However, I suggest that he confine his comments to his opinions on the Bill and not his opinions of members on the other side of the Chamber.

Mr CLARKO: It is not in my nature to raise my voice, Mr Deputy Speaker, or to put my points very assertively. However, the Minister was interjecting loudly and at length - although I do not mind because he is easy to knock over the fence - and I must raise my voice a little to be heard.

The DEPUTY SPEAKER: Perhaps the Minister will bear that in mind.

Mr CLARKO: I am dealing with the Minister's second reading speech. I would be the last person to stray from what is central to the debate.

The DEPUTY SPEAKER: Of course.

Mr CLARKO: The weighted vote system in Western Australia is basically a two to one ratio for country and city voters in the lower House; the ratio for the upper House is currently 2.8:1 although it was previously 3:1. When I first entered Parliament more rural members were present than metropolitan members. A marked change has occurred as the number of metropolitan representatives has increased and they now exceed the number of rural members. I have not attempted to argue today that I oppose all forms of the one-vote-one-value system. However, I do not support the concept in a State such as Western Australia. This is a unique place; I know of no other place of one million square miles in which most people live in one town. People in country areas have limited resources and must travel great distances to their neighbours in the city. The protectionist policies which have been applied by various Governments have benefited Sydney and Melbourne and have forced miners and farmers to pay high prices for goods. This makes it difficult for these producers to compete in the export market. In discussing these issues - the principles about which the high school prefect opposite shouts - we must ensure that rural persons have an opportunity to participate in the forums of power in Australia; that they have a voice so that harvesters and other essential items are available at a lower price; and that fuel costs will not be loaded by Federal and State Governments in the cities without a dissenting voice. We must have country members expressing a point of view. If the Parliament is furnished with people only like me - heaven forbid - who live 20 minutes from Parliament House, wear suits and have clean fingernails, we will not have the best possible Government for Western Australia. That point is acknowledged around the world by allowing for community of interest through a weighted vote system. Cognisance must be taken of this point in a place with an electorate encompassing 400 000 square miles.

I am very much against the idea of Parliament forgoing certain powers and giving them to electoral commissioners, good or bad. I would prefer the powers to remain with the Parliament. Ultimately the Parliament must be well structured with weighted representation, which I unashamedly support. The bigger the State the greater the need for weighting; in Victoria the need is not so great, as one could drop kick a football from the border to the centre of Melbourne. That must be taken into account.

I will comment on the redistribution of upper House regions in my area. I have lived in the same electoral area for a long time, and if one considers the expanded electoral district I have lived there all my life. I was born in Cottesloe, and although I went to the bush for a while, I now live in Trigg, and Cottesloe and Trigg are both part of the North Metropolitan Region. That region has 14 lower House representatives. When I was elected as a member of Parliament in 1974 I was able to have close contact with the two members of the Legislative Council for the area, and they with my constituents. Today those MLCs represent 300 000 people and I defy even the best of them to keep in close contact with that many people. In time, if it has not happened already, MLCs will divide up their regions. They will say, "I'll look after this area; you look after that area." However, that is not the answer. A constituent might be unfortunate enough to get an MLC in his area who is not sympathetic to his political point of view. I gave the example of an MLC in the metropolitan area representing 300 000 people, and that is far too many. The current electoral system can produce one result or the other: Four Liberal Party members and three Labor Party members; or four Labor Party members and three Liberal Party members. That has the effect of constraining Government. I know the Deputy Speaker is knowledgeable in this area. Italy is an example of a political system which continually gives a "hung" Parliament through a proportional system; and in the 40 years since the Second World War Italy has had about 40 Parliaments! In the United Kingdom a winner is determined on the first past the post system. That gives a clear winner and the Government is able to make decisions and not be "hung".

Mr Catania interjected.

Mr CLARKO: The member for Balcatta can speak after I have finished.

Mr Catania: The Italians have elections but the members do not change.

Mr CLARKO: One member does not change at all: That woman who is half dressed, who

came out of a brothel and whose advertisement as part of her election campaign depicts her standing naked above the waist.

Mr Catania: Are you saying that is typical of Italy?

Mr CLARKO: Not at all, but if that is false, tell me.

The Italian political system has produced approximately 40 Governments in 40 years. Will the member for Balcatta deny that? Is it true?

Mr Catania: It is true.

Mr CLARKO: It is also a hopeless system. The Minister in his second reading speech tried to point out the virtues of the one-vote-one-value system and how it will change the membership of the upper House, but he ignored the point I have made twice today: If we do not have a proportional system, but 57 electoral districts as we have in Western Australia, it is a sheer coincidence if the number of votes proportionately equals the same number of seats.

People must take note of what is shown in table 1 of appendix A to the Minister's second reading speech. I gave the example of the North Metropolitan Region which has 300 000 electors. According to table 1 if a region returns nine members of the Legislative Council that would equate with 14, 15 or 16 districts. As far as I am concerned, and certainly if I have a say when we come back into Government, I will not support up to 16 districts being looked after by nine MLCs. The proposition in this Bill to reduce the number of members will reduce the number of rural representatives by 16, and give those seats to the metropolitan area. That is untenable and the people of our rural areas today, whether they be farmers, miners, pastoralists, business people in the towns or the citizens generally, are bearing a great weight - a disproportionate weight. That flows from the Federal Government's mismanagement of the economy. It is disgraceful what that idiot of a Treasurer, the world's worst Treasurer, Paul Keating, has done to Australia and particularly to the non-capital cities of Australia. He will never be able to live down what he has done unless kindly journalists bury that part of history.

We would be faced with yet another redistribution if this legislation were to pass through both Houses of Parliament. Redistribution every two terms or every eight years, as the legislation now provides, is far too frequent. No advantage is gained from balancing up the seats when that is compared with the discontinuity resulting from breaking up the old electorates; it is not worth it. In February I will have been a member of Parliament for 18 years, and I still get people telephoning me from all parts of my former electorate. I say to them that their representative is now George Strickland, or whoever, but they say they have dealt with me for many years and they want me to deal with their problem; so I help them. That is only a minor part of the question, but it is important to establish as near as possible permanent constituencies, although some changes are inevitable. People need to be able to identify with a particular place, member or political milieu, and if we start doing otherwise, particularly in the country districts, we run the danger of having two stools to fall between. That is, either take in people over a vast area or, alternatively, which is done around the world, run the district into the big towns. For example, Kalgoorlie would be like the centre of a cake. The district would be like a wedge which would poke its narrow end into Kalgoorlie and the rest of the district would be miles and miles out to the border. Perhaps if the citizens of Kalgoorlie had four electorates wedging into Kalgoorlie, they could control four electorates. There is no community of interest between that large centre and the remotest part of the wedge I have described.

This legislation which the Labor Party has brought up repeatedly is poor legislation. It will do a great deal of harm. I have talked about country people, but one could expand that argument and I could talk about the interests of Western Australians as a whole. Those interests will never be met if political power rests almost entirely with people who live in the metropolis. We must have representatives from far and wide with different points of view, interests and occupations. I hope this legislation is well and truly buried.

MR KOBELKE (Nollamara) [12.39 pm]: I interjected on the member for Marmion after 10 minutes, asking if he would like to put forward his principles on electoral matters and systems. I interjected after 30 minutes, asking the same question, but he did not take me up. He has spoken for the full hour, and an Opposition member asked if we could give the

member for Marmion an extension of time so he could expound his principles. I agreed because he would need zero time as he does not have any principles on electoral matters. That was painfully obvious after having to put up with the last hour of his speech.

This Bill addresses Western Australia's electoral arrangements. It is another attempt by this Government to introduce a fairer system and to give equal representation to the people of this State. The member for Marmion avoided the issue. He made false statements about this Government's position that could be knocked over. It is easy to take apart an argument when the position is being misrepresented. This Bill is an attempt to ensure that the people of the State have fair representation.

Mr Cowan: Are you suggesting they do not now?

Mr KOBELKE: Yes, that is what I am suggesting and, to support that suggestion, I will raise a number of issues. The existing electoral system has a system of vote weighting and any electoral system with vote weighting is open to rorts. The member for Marmion's basic argument was that he wants the system left as it is because it is open to rorts. The Liberal Party has been in Opposition since 1983 and has had time to develop policies for electoral reform. However, it has not done that because any policies would show up the fact that it wants to continue to rort the system. It does not want to give the Electoral Commission clear guidelines on how to make the system better, and how to decide electoral boundaries that would be effective in ensuring that the electoral system is open to scrutiny and that people have a fair say in the election of their Government. The Opposition does not want to do that; it wants to keep its options open so that it can have every political advantage possible.

The member for Marmion said that equality of vote is not enshrined in democratic systems going back to the first democracy in Greece. However, democratic systems throughout the world have developed from that system. Not every democracy in the world is ideal; most can be improved. No-one is ignorant enough to suggest that the Greek system of democracy was the right system; few of us believe that any democracy in the world today is representative of that system. However, it was an attempt to give the ordinary people some direct input into their system of Government and to have a say in who ruled them and who made the decisions that affected their everyday lives. Our democracies have grown from that basic principle. They have changed and they have been improved upon. However, Western Australia has been left behind. The modern democracies in Europe, North America and other parts of the world have true democratic systems of representation which attempt, in a proper way, to give fair representation to all people. Queensland is at present attempting to improve its system; Western Australia is being left behind by a long way. The Liberal and National Parties in every other State, Territory and the Commonwealth of Australia have had to face up to this issue. They have decided that systems that can be rorted should not continue and they have supported the introduction of a fair electoral system. Unless we introduce a fairer system in this State, we will become the laughing stock of Australia. It is now time that we addressed this issue reasonably and this Bill is an opportunity for us to make some improvements. We may argue about the fine points and put up alternative propositions that can be discussed.

The member for Marmion completely and utterly failed to address the fundamental principles for change to a fairer and better electoral system. The Fitzgerald report on possible illegal activities and associated police misconduct states -

A fundamental tenet of the established system of parliamentary democracy is that public opinion is given effect by regular, free, fair elections following open debate.

If we do not have an electoral system which is fair and open and a system which has the respect of all electors, we will run the grave risk of undermining the authority of Parliament. I will be interested to see whether the WA Royal Commission picks up on that point.

One of the fundamental causes of some of the problems that have arisen over the last eight years is the lack of respect for this Parliament caused by the situation that exists in the upper House. In 1983 and 1986, Labor Governments were elected with huge majorities. They were given a clear mandate from the people to govern this State in two consecutive elections. However, neither of those Governments could get a majority in the upper House. Any system that allows that brings into disrepute the Parliament and how it works. It is little wonder that people become disgusted with a system that elects two consecutive Governments

with clear majorities in the lower House, but those Governments are thwarted by an upper House which sees itself as a Government in exile. I have in previous debates given figures which indicate that the upper House has never attempted to thwart the act of a government when a conservative Government was in office in the lower House. An unfair electoral system brings this Parliament into disrepute. We need, therefore, to address that situation.

If members opposite believe that a system of one-vote-one-value is not fair for the electors of this State, they should lay down some principles in support of their argument for vote weighting. The Opposition spokesperson on electoral matters spoke for an hour and did not present us with one principle in support of his argument for vote weighting. If the Opposition supports that electoral system, it should tell us why it supports it.

Mr Bloffwitch: We already have.

Mr KOBELKE: We heard nothing in the hour's speech by the member for Marmion. Perhaps another member is lucid enough to debate this matter properly and lay down the principles for the Opposition's support of vote weighting. What are those principles? Perhaps the member opposite may wish to establish criteria because some people are disadvantaged. Certainly, some electors who live in country areas are disadvantaged. He should be able to say, therefore, on what basis those people should have more voting power because they are disadvantaged. Many single parents on social service benefits live in Balga and Nollamara in my electorate. Surely on that criterion those people are entitled to have their votes weighted because of their economic position; they are disadvantaged also. My seat could then be cut into four or five smaller seats. Surely that follows the principle for vote weighting expounded by the Opposition in order to take account of disadvantaged electors.

Another matter which could be said to be a basis for the principle of vote weighting is the distance of electors from this House of Parliament. For example, people who live a long distance from the metropolitan area have problems with communication and it is more difficult for their local member of Parliament to see them. If the Opposition is of the view that we should have a vote weighting system to take account of the disadvantage of distance, it should put forward that principle. It is not a principle which it has espoused; it is a principle which, in the past, it has not upheld.

Mr Cowan: I suggest that you look at section 7(b) of the Electoral Distribution Act and see where you have supported in the past this issue which you are now debunking.

Mr KOBELKE: I refer the Leader of the National Party to the first point I made in my speech; that is, that the Government is moving towards improving the system. The system we have now and which, as the Leader of the National Party correctly pointed out, the Government supported was a huge improvement on what we had previously; that is, a vote weighting where the ratio between the smallest and the largest seats was over 10:1. Now it is 2:1. The Government put forward and supported that proposal for a fairer system. The Government, by introducing this legislation, is trying to move one step further.

We should have equal valued voting across the State. The proposals by the Opposition are without principle and if it considers that is not the case it should do something about expounding those principles. It is certainly not my view, but if it is the Opposition's view that the distance from the capital city is the basis for vote weighting, it should put its argument forward in a cogent way. If the Opposition attempts to do that, let us remember the last redistribution - the last rort - which was put through this Parliament by the conservative parties and which was the basis for the 1983 election. The basis for that election, and the Opposition's holding to the principle of giving people in remote areas weighted votes, was to increase the size of the Kimberley electorate, by including in it the town of Newman, to give it a greater number of electors than an electorate on the verge of the metropolitan area on the Darling scarp. That clearly was not in keeping with this principle. Many members in the Liberal Party have principles which I respect, but I would like to see some principle on this issue. That particular case brought to the fore the principles of a member of the Opposition in the Upper House who stood by his principles and resigned on the basis that that measure brought down by the conservative parties was a complete and utter rort of the electoral system. I urge members opposite to address principles instead of wasting the time of this House - like the waffle we heard from the previous speaker.

The Opposition may be of the view that there should be vote weighting on the basis of wealth creation. Many country areas in the State have a small population and a high level of productivity. They are producing products which are important exports and this is something to which we must all give recognition, because our standard of living relies on their productivity. If the principle espoused by the Opposition is that wealth creation should somehow be taken into account, let us consider it in a way that it can be implemented by the electoral commissioners and understood and respected by the people of this State. If that is to be the case, will it mean that we will have to create extra seats in Peppermint Grove because there seems to be a lot of wealth there? Will it mean that there will be a need for more seats in mining towns, where this State's wealth is created? After all, in our present economic climate far more wealth is generated by the mining towns than by the rural community. If it is an argument the Opposition wants to put, I would like to see one of its members put that proposition.

The Opposition spokesman on electoral matters spoke for one hour without coming up with one principle. We have had a false misrepresentation of the Government's proposal and a flimsy attempt to criticise it. I have already alluded to the fact that this Bill is taking us down the path to a fairer electoral system. For members opposite to say that we should look at other countries which do not have the principle of one-vote-one-value is to completely misrepresent the issue. We are talking about the State of Western Australia and it does not have easily recognisable regions or delineated areas of local government which can be seen as entities in their own right. When nations must devise an electoral system to take account of existing States or provinces, that is a political reality which has to be addressed at the time. It was addressed in forming the Commonwealth when it was necessary to take account of independent State Governments and find a way of bringing them together in a federation. It does not rule out the principle of one-vote-one-value. It means that, given the political realities of that situation, it was necessary to find a way to bring together a Commonwealth Government which has fair and acceptable recognition for the States. That is what exists under the Federal electoral system.

Any suggestion that because the Senate is a State House and, therefore, has a vote weighting between the States and is a contradiction of the one-vote-one-value principle, is flying in the face of political reality.

The Opposition spokesman made what I would call a Claytons speech. He made a few comments to attract interjections which he could take up. We need from the Opposition a set of alternative policies which will show whether it is willing to face up to the electoral needs of this State. The Opposition spokesman chose to refer to a half dressed woman in Italy coming out of a brothel. It shows how much respect he has for our electoral laws. He also wanted to start a discussion about Paul Keating.

Mr Catania: It shows how much respect he has for Italians.

Mr KOBELKE: The member for Balcatta may wish to take that up.

While our electoral system gives representation across this large State of Western Australia it does not properly reflect that it is one State which is composed of people in different parts of it who have a lot in common - far more in common than one would find in other countries or States the size of Western Australia. To feed on differences in an attempt to open up divisions between the people of this State is to abuse the situation which exists here. As I said, the people of this State have more in common than they have differences; they are all part of one State. What we have before us is a proposal to bring about an improvement to our electoral laws. I hope members in this House will give this Bill serious consideration. I also hope that the standard of debate can be lifted so that where there are differences between the parties we may be able to resolve them.

Debate adjourned until a later stage of the sitting, on motion by Mr Pearce (Leader of the House).

[See p No 5856.]

*Sitting suspended from 12.59 to 2.00 pm*

[Questions without notice taken.]

**MATTER OF PUBLIC IMPORTANCE - FREMANTLE PORT AUTHORITY***Public Accounts and Expenditure Review Committee Inquiry and Report*

**THE SPEAKER** (Mr Michael Barnett): Today I received a letter from the member for Applecross seeking to debate as a matter of public importance the need for the Public Accounts and Expenditure Review Committee to inquire into and report on the financial accounts, trading performance and administration of the Fremantle Port Authority.

If sufficient members agree to this motion, I will allow it.

[At least five members rose in their places.]

**The SPEAKER:** In accordance with the Sessional Order, half an hour will be allocated to the Government, and Liberal and National Parties and five minutes for Independent members for the purpose of this debate.

**MR LEWIS** (Applecross) [2.42 pm]: I move -

That the Public Accounts and Expenditure Review Committee of this House be directed to inquire and report by 30 April 1992 as follows -

- (1) To inquire into all aspects of the financial accounts, the trading performance, administrative structure and management and the activities of the Fremantle Port Authority - between the period commencing 1 July 1988 to as would be projected to 30 June 1992; and -
- (2) To report on -
  - (a) the reasons for the current trading loss of \$25.5 million and the need to prospectively budget a further \$14.23 million for a loss in the 1991-92 financial year;
  - (b) any other matters that the committee believes should be brought to the attention of the House;
  - (c) any recommended procedures that could be implemented to facilitate the profitable trading of the authority in the future; and
  - (d) the original feasibility and future economic viability of the Rous Head harbour and industrial estate development.

Something in the Port of Fremantle smells.

Mr Taylor: It's the sheep ships.

**Mr LEWIS:** It is more than the sheep ships. Recently the general manager of the Port Authority was removed from office and the assistant director general of transport was temporarily appointed to fill that position. I refer members to the remarks I made during the second reading debate on the Budget on 24 September in which I drew attention to the serious irregularities at the Fremantle Port Authority and the need for the Government to investigate those irregularities urgently. I also called on the Government to explain what was happening at the Port of Fremantle. Since then I have gleaned information on this matter from the supplementary Budget information after not finding any information on this matter in the Budget documents. In reading the schedules of the supplementary Budget information I learned that something was seriously wrong at Fremantle.

It is important that we examine what has occurred, bearing in mind that the last communicate from the Government to this Parliament on this matter was the tabling of the annual report of the Fremantle Port Authority on 19 March. That report showed that the port authority had performed reasonably well, making a profit of \$261 000 from its operating revenue of \$54 million. One could not say that is an excellent performance, but it certainly is not a loss. The Auditor General also drew to the attention of the Parliament the fact that the port authority had not made provision for its full superannuation commitment, with about \$11.8 million not having been provided for. Accepting the \$261 000 profit, members could assume that things were okay at Fremantle. The authority was also reported as having liquid assets of approximately \$17 million which could be called upon.

However, the next thing that occurred was the leaking of an internal report prepared by Deloitte Ross Tohmatsu and commissioned, I assume, by the Minister for Transport. That

report, dated 6 May, was referred to in the *Sunday Times* of 2 June and was released only two or three months after the tabling of the 1990 annual report. The *Sunday Times* article headed "Port facing \$15 m loss" stated that the Deloitte report had found that the Fremantle Port Authority was looking down the barrel of a \$15 million trading loss for the financial year ending 30 June 1991. That report was scathing in its findings and referred to the fact that the port authority was using its superannuation funds and deferred holiday and cash reserves for the payment of long service leave and the like to keep liquid. In fact, the port authority's superannuation provisions held in trust and its holiday and cash reserves had dwindled from \$13 million to \$5.6 million in six months; that was a little over 14 months ago.

The report also questioned the viability of the port authority, how it would operate for the rest of the year, and how it would fund its projects worth \$15 million. The report suggested that major across the board redundancies were required at the Port of Fremantle. It also suggested that the port had gone from an operating profit of \$1.5 million to a loss of \$15 million in little over 16 months. It is also interesting to note that the Rous Head inner harbour development - which was announced prior to the 1989 election and was another exercise by the Government in pork barrelling - is projected to cost \$24 million. I have noted that within the accounts there is a blow out to \$36.5 million, which is \$12.5 million over the budget. That is an overrun of 55 per cent on a project that has taken over 12 months to complete the earthworks and provide for the servicing thereafter. I am referring to the very serious concerns about the deepening of the inner harbour and the Rous Head development. The report prepared by Deloitte Ross Tohmatsu was very critical of the Fremantle Port Authority's retaining 20 per cent more staff than was necessary, and it said that a plethora of restrictive work practices were in place. It stated that the port authority's management practices were without rigorous cost control. It also referred to the number of surplus and obsolete assets and the extensive maintenance programs which were totally unwarranted. It appears that the maintenance programs were put in place to keep the staff busy.

It was also reported that the Fremantle Port Authority consistently yielded to union pressure by retaining assets, which is contrary to good commercial practice. The report encouraged the Government to take rapid action to give the authority some semblance of rationale and management. It is interesting to note that the report stated that an almost feudal approach to management existed within the port authority. In addition, Deloitte's report was very scathing of the authority when it said that it had an unwelcome legacy as a sheltered workplace. I have outlined the comments made in that report about the management of the port authority. Members must bear in mind that the report has not been tabled in the Parliament or released in the public arena. It is this fact that led to the Opposition's realising that the operations of the Fremantle Port Authority were not going as well as they should be, contrary to the comments in the annual report ending 30 June 1990, which was tabled in this place, that the authority was trading at a small profit. Deloitte recommended that the port authority be recreated under the Public Service Act as an agency of Government by 1 July 1991. That date has come and gone and the Minister has not made any recommendations pertaining to the Fremantle Port Authority. Everything about that authority is veiled in secrecy, yet Deloitte's report recommended that the authority should become a statutory authority under the jurisdiction of the Public Service Act.

I will go through the list of what I think is wrong with the operations of the authority and perhaps members opposite will understand why the Opposition is of the opinion that this matter should be referred to the Public Accounts and Expenditure Review Committee. It is only when one analyses the Budget papers for 1990-91 and 1991-92 that one realises there are great problems in the Fremantle Port Authority. In 1989-90 it made a profit of \$261 000 and in 1990-91 the accounts, which have not been tabled in this Parliament, show a gross loss of \$25.5 million. This figure includes nearly \$12 million for superannuation payments which were conveniently not included in the report. A more disturbing factor is that, notwithstanding the Deloitte's report, this Government is budgeting for a \$14.23 million loss for the Fremantle Port Authority this year. If we consider that the \$25.5 million loss in 1990-91 was on a revenue of \$40.23 million and the expected loss this year is \$14.2 million on a budgeted revenue of \$43.45 million, and aggregate those figures over two years, it means that the losses incurred over a two year period total the annual revenue of the port authority for one year.

The point I want to make is this: Who is funding these losses? Where will the \$40 million



come from? It has already been reported that the authority is dipping into the superannuation funds, and I would like to know what the Minister for Productivity and Labour Relations thinks about that. Every day of the week she abuses the public sector for borrowing from their superannuation funds, and here we have, according to the Deloitte's report, the Fremantle Port Authority, a Government agency, dipping into superannuation funds. Who is funding the port authority at the moment? The Appropriation (General Loan and Capital Works Fund) Bill is still to be debated in this Parliament, but loan funds of \$6 million will be appropriated to the authority.

Fundamentally, the real question is: What is going on at the port authority? Why did the Rous Head project blow out by 55 per cent or \$12.5 million? Why did the authority suffer a \$25 million loss last year, and why has the Government budgeted for a \$14 million loss for the authority this year? These figures are absolutely inexplicable. The time has come for this Parliament to take account of what is going on at the Fremantle Port Authority and direct the Public Accounts and Expenditure Review Committee to undertake a thorough investigation into the authority. I cannot see any reason that members opposite would object to the motion that is before the House.

**MRS BEGGS** (Whitford - Minister for Transport) [2.58 pm]: I find it interesting that this motion has been moved now. As the member said, as a result of leaks from an internal working document prepared by Deloitte Ross Tohmatsu and released on 6 May there was an article in the local newspaper. The Opposition has asked several questions about this matter in the Parliament and I have answered them. It is also aware that as a result of the questions asked in another place a ministerial review was undertaken in conjunction with the DRT report.

In response to the member's motion I advise that the Fremantle Port Authority did not incur a trading loss of \$25.5 million. That figure is made up of a book entry adjustment of \$13 million to cover unfunded liabilities incurred with respect to the superannuation and sick leave benefits from previous years. The Fremantle Port Authority's budget for 1991-92 of \$14.23 million includes a provision of approximately \$10 million for voluntary severance payments. The member for Applecross asked where the money is coming from and I will refer later to what is happening with the voluntary severance payments.

Of the budgeted loss of \$14.23 million, the \$10 million for voluntary severance payments will be directed at reducing the authority's work force by 250; that is, from 650 to 400. That process will take place following the outcome of the ministerial review which I initiated in 1990.

**Mr Cowan**: Would the \$10 million for voluntary severance payments be completely separate from the \$50 million set aside for redundancies? Are the employees not regarded as being part of the Public Service?

**Mrs BEGGS**: No, because it is a statutory authority. This involves a self funding program. As downsizing of the authority occurs the associated costs will decrease and it will probably fund itself after a period.

**Mr Cowan**: Does that same provision apply to the Water Authority?

**Mrs BEGGS**: I understand that is the case, but I cannot answer that.

**Mr Cowan**: So they will not be part of the \$50 million set aside for redundancies?

**Mrs BEGGS**: I have no idea. The relevant Minister is not here. This program will be self funding through the authority.

**Mr Lewis**: Where is the money coming from?

**Mrs BEGGS**: It is budgeted for.

**Mr Court**: You cannot self fund out of losses.

**Mrs BEGGS**: It does not come under the package announced by the Premier. The \$14.23 million includes a provision of approximately \$10 million for redundancies which will not be returned in the first year. If the work force is downsized from 650 to 400 employees over time it has to become self funding.

**Mr Lewis**: Over what period?

Mrs BEGGS: I think it is three years.

Mr Court: That is a fallacious argument.

Mrs BEGGS: It may be to the member for Nedlands. I was asked by the Leader of the National Party whether the \$10 million was separate from the \$50 million announced by the Premier, and I advise that it is.

Mr Cowan: Therefore, \$4.2 million is effectively for unfunded superannuation?

Mrs BEGGS: No; \$13 million of that \$25.6 million is for the unfunded superannuation liability and sick leave from previous years. A number of internal reports have been prepared for the Fremantle Port Authority as a result of the waterfront reform ideas that came out of the interstate commission. It was the Government's view that if it was to look at the stevedoring industry it was essential also to look at the Fremantle Port Authority. That is why the ministerial review took place. The financial results for the FPA for the first three months of 1991-92 show a loss of about \$1.8 million. Some reduction of the work force has occurred to a current staffing level of approximately 590 employees. If one has regard for the voluntary severance payments that had to be made, the results of the 1991-92 financial year to the end of September indicate that the authority is on target to achieve a result within its budget prediction.

Perhaps one of the most important aspects of the port authority's position at this time is what has been happening to shipping and trade through the port. The total shipping arrivals have decreased by 106, or 6.62 per cent, from 1 601 to 1 495. Cargo and passenger arrivals have decreased by 35, or 2.76 per cent, from 1 266 to 1 231. The total gross registered tonnage for cargo and passenger vessels has increased by 400 000 registered tonnes, or 1.71 per cent, from 23.4 million to 23.8 million gross registered tonnes. I have a whole range of figures showing what happened during the 1990-91 financial year. If one relates those figures to mass tonnes of imports it is minus 1.5 million tonnes, and to exports it is minus 1.3 million tonnes of cargo. The number of containers handled is down by 11 132. That is a significant difference.

During my discussions with people at the authority I found that those figures were directly attributable to the current economic climate. As members of the National Party and country members would understand, much of that reduction is directly related to what is happening in the rural sector. The trade outlook for the 1991-92 financial year is a weak recovery, particularly as one looks at lower interest rates and the number of job advertisements. This was not something the Government took into account as having to rely on when it prepared the Budget. That is why the Budget was framed in the way it was to allow the authority to make necessary adjustments to the work force to which we have given a commitment over the past 18 months.

Mr Lewis: You have not told us where the money is coming from.

Mrs BEGGS: It is budgeted for.

Mr Lewis: I am sorry that I have to make this point, but it is one thing to write a figure and say "it is budgeted for"; however, the money must be found. Where is it coming from? I see a \$400 000 Government grant to fund the painters and dockers but that is the only grant from CRF. Loans total \$5.9 million for this year, the projected loss is \$14.2 million, the accumulated loss is \$11 million, and the loss from last year is \$12 million, a total of \$40 million in prospective and existing losses. The Minister is not saying where the money is coming from to pay them.

Mrs BEGGS: Like all trading authorities the FPA has the ability to borrow if necessary.

Mr Court: Now the Minister is telling us that the authority will get an overdraft from the bank.

Mrs BEGGS: That may be necessary. What does the member for Nedlands suggest the Government do under current circumstances?

Mr Lewis: The amount has not been declared in the Budget Papers.

Mr Court: If the authority is going to borrow from the bank the Government should come into this place and tell us that is what will be done.

Mrs BEGGS: It may not be necessary to do that in the final analysis. The downsizing of the FPA is only part of a major restructuring of the authority already commenced as a result of the ministerial review which I have discussed. That review resulted in a comprehensive report.

Mr Strickland: Has it been published?

Mrs BEGGS: It is a ministerial review.

Mr Strickland: Why does the Minister not let us know what is in it?

Mrs BEGGS: I am about to talk about what appears in the review. The review looks at many aspects of the port authority's performance, including financial accounts, trading performance, administrative structures and management. It is accepted almost across the board at the Fremantle Port Authority that the report is a catalyst for change. The announcement by the Premier of a major reform and restructuring of the authority has been met by excellent cooperation from everyone concerned at the authority, particularly the industrial wing. The meetings and discussions that have taken place over the past several months have seen a willingness to cooperate that even I doubted would be exhibited because of the historic nature and culture of the port. It is a credit to everybody concerned that they have recognised that a number of fixed costs at the authority are no longer acceptable in the 1990s. They also recognise that, if the port is to have a viable future in the next decade, apart from all the physical changes that might be necessary, the actual structure of the port must be changed to make it viable, effective and competitive. It is important that those changes are made. I am confident that they will be made in a harmonious environment. That has been the experience to date.

The interstate commission report on waterfront reform includes the performance and role of port authorities. It also mentions the need for more competition. Those things have been addressed by the port authority.

Mr Court: How will you be more competitive?

Mrs BEGGS: The policy of our Government has been for the whole operation of the port to be more competitive.

Mr Lewis: How do we know that? Just because you get up and tell us?

Mrs BEGGS: It is in the objectives outlined in the Budget.

Several members interjected.

Mrs BEGGS: Are members opposite interested? The member is the shadow spokesman on transport. He can ask me any questions at any time.

Mr Lewis: May I remind you that there was no program in the Program Statements of the Budget, and there was no ability for me to ask questions of you.

Mr Catania: You mean you did not have the time.

Mr Lewis: There was no item on which to ask questions.

Several members interjected.

Mrs BEGGS: It has been the procedure for a long time. Is the member giving a commitment that he will change that procedure?

Mr Lewis: Yes. It was always there before.

Mrs BEGGS: The member raised the question about Rous Head, and understandably the economic climate at the time meant that the Rous Head development did not proceed as successfully as the port authority wanted.

Mr Lewis: That would have to be the lemon of the year!

Mrs BEGGS: No.

Mr Lewis: How many people do you have there?

Mrs BEGGS: If the member wants to talk about being the lemon of the year, and how many people went into investments and made projections about the case -

Mr Lewis: How many tenants do you have?

Mrs BEGGS: I think there are three now.

Mr Court: I went down there the other day and the place was getting ready for a remake of "Lawrence of Arabia".

Mrs BEGGS: Nobody could have predicted that at the time the decision was made to proceed with the Rous Head development there would have been the economic downturn we experienced in this State and in this country. That is not something which was felt just by the Fremantle Port Authority.

Mr Court: You went into that deal because you were stuck with the Anchorage development.

Mrs BEGGS: That is not true at all.

Mr Court: Exactly true.

Mrs BEGGS: It is not true at all.

Mr Court: You had to reallocate a whole lot of these services.

Mr Lewis: Would you like me to read back some of the hype you people put out on Rous Head?

Mrs BEGGS: Like many other developments in this State, it has been set back.

Mr Lewis: It was a deception.

Mrs BEGGS: It was not a deception. Mr Deputy Speaker -

Several members interjected.

Mrs BEGGS: The member for Applecross has had ample opportunity to raise this issue in the Parliament.

Mr Lewis: I have not. Tell me when?

Mrs BEGGS: He could have raised this or any other question, but he has not asked a question.

An Opposition member: How do you get a question in?

Mr Lewis: I refer you to 24 September, *Hansard*, page 5013. That was the first opportunity I had after the tabling of the Budget papers. Don't give me that rot!

Mr Catania: You had plenty of time. It was in the Auditor General's report. You never picked it up, but you are picking it up now. Why don't you admit it?

Several members interjected.

Mrs BEGGS: Mr Deputy Speaker -

Several members interjected.

The DEPUTY SPEAKER: Order!

Mrs BEGGS: There has been a lot of talk about superannuation provisions, and in recognition of that -

Mr Catania: If I may interrupt, Minister, it was dealt with in the report on superannuation.

Mrs BEGGS: That is correct, but I do not think the member for Applecross bothered to look at it.

Mr Clarko: When did you want him to look at it? Last week?

Mrs BEGGS: No.

Several members interjected.

The DEPUTY SPEAKER: Order! The member for Balcatta should come to order.

Mrs BEGGS: Mr Deputy Speaker -

Mr Lewis: You had better read the report.

Mrs BEGGS: The Fremantle Port Authority has for a few years been noting in its annual report that it was adopting a phasing in. If members go back to the annual report they will see a phasing in procedure over five years.

Mr Lewis: What annual report?

Mrs BEGGS: I am talking about the authority's annual report.

Mr Lewis: We haven't seen it this year.

Mrs BEGGS: I am talking about over the last few years.

Mr Lewis: No. There is no comment there at all, I am sorry.

Mr Blaikie: It should have a report on its performance.

Several members interjected.

The DEPUTY SPEAKER: Order! The debate is tending to get a little ragged, to say the least. I have just called the member for Balcatta to order, and I must do the same for the member for Applecross. Interjections are fair enough, but when they prevent the speaker on her feet from making her point it is going over the top. I ask members on both sides to exercise some restraint in their interjections.

Mrs BEGGS: I do not intend to shout over the interjections. I am trying to put it on the record, as the member for Applecross has decided to bring the matter up now, at the eleventh hour -

Mr Lewis: Is that not my responsibility? Are you saying I shouldn't do it?

Mr Kierath: You don't like the questions, do you?

The DEPUTY SPEAKER: Order! Perhaps members did not listen to what I said just now. Perhaps they would like me to leave the Chair.

Mrs BEGGS: Perhaps that would be a good idea.

The DEPUTY SPEAKER: I may be left with no choice.

Mrs BEGGS: Unlike the member for Applecross, I do not intend to stand in the House and shout. He likes to shout, scream and yell over others. I do not intend to do that. I have never done it and I do not intend to do it now. I want to talk about the superannuation provisions, which I was trying to do before I was so rudely interrupted. The member for Applecross says that there has been no comment in the annual report. I refer him to the opinion of the Auditor General of Western Australia in the 1989-90 report. Does he have that?

Mr Lewis: I sure have.

Mrs BEGGS: The comment from the Auditor General was that the authority had not truly recognised its full liabilities in this regard and so the decision was made that in 1990-91 it would move from the previous policy of phasing it in and take it up as an abnormal item and use a prior year adjustment for the balance of the unfunded liability.

Mr Lewis: That report does not say that.

Mrs BEGGS: I have just referred the member to it.

Mr Lewis: No. The Auditor General said that the port authority had not recognised its full superannuation liability.

Mrs BEGGS: That is correct. I said this is the annual report tabled in this place.

Mr Lewis: That is right; here it is.

Mrs BEGGS: And as a result of the Auditor General's opinion, what happened in the following financial year?

Mr Lewis: We don't know that, do we? We don't have the accounts for last year. You know; we don't know that.

Mrs BEGGS: The member for Applecross referred in the motion to a \$25 million loss.

Mr Lewis: Yes.

Mrs BEGGS: I have explained to the House that it is not a \$25 million loss; there is provision for \$13 million for an unfunded superannuation liability as a result of the Auditor General's saying to the authority that it was not proper for it to phase it in and that it should take it into account immediately.

Mr Catania: The recommendation was made by the Public Accounts and Expenditure Review Committee.

Mrs BEGGS: That is correct, there was that recommendation.

Mr Catania: It was brought down in this place last year.

Mrs BEGGS: Apart from those matters, such as the downturn in the trade, and the fact that we have already recognised that the work force at the Fremantle Port Authority is well over what it should be -

Mr Lewis: What? Double?

Mrs BEGGS: I have told the House. The report said that the work force should be downsized by 250. In the Budget for this year provision has been made for redundancy payments for those 250 people. That has been recognised. As a result the work force will be downsized. That process is already under way.

Mr Lewis: You have just said it will take three years.

Mrs BEGGS: It will not take three years. I am talking about self-funding of the \$10 million which is being budgeted for. Those people will exit within a period of three months. As a matter of fact they have 10 weeks for lodging expressions of interest, and they will exit within that time. The redundancy payments and the provisions under the redundancy package will probably take that period of time to be recouped.

Several members interjected.

Mrs BEGGS: No. It will be paid for in this Budget.

Mr Cowan: Does that include these figures in the Budget papers or the documents which accompany the Budget papers? I refer to information on port authorities, Government agencies and things of that nature.

Mrs BEGGS: I would have presumed they were.

Mr Cowan: I cannot find them. I see no provision for them in the business undertakings and statutory authorities table. I see no provision for unfunded superannuation - to the extent that the Minister talks about - or any redundancy provisions.

Mrs BEGGS: My information is that the budget for 1991-92 of \$14.23 million includes approximately \$10 million for voluntary severance payments. The trading performance figures are not as good as predicted in the Budget provisions of the previous year.

Mr Lewis: Do you know what you are talking about?

Mrs BEGGS: Yes I do. I know exactly what I am talking about. I do not expect members opposite to understand anything at all, because all they try to do is to confuse the issue. I have explained clearly. In his motion, the member for Applecross states that the Fremantle Port Authority is trading at a loss of \$25.5 million. I am trying to point out to the House that that is incorrect. Do members opposite understand that?

For the benefit of the Leader of the National Party, I have been advised that redundancy in 1991-92 is included against each program and not as a one line appropriation.

Mr Catania: It is a recommendation by the Auditor General.

Mrs BEGGS: Yes. I reject the motion. For a start, the Public Accounts and Expenditure Review Committee does not need to examine these areas. I am happy for all aspects of the financial accounts, trading performance, administrative structure and management of the Fremantle Port Authority to be examined. However, at this stage, because of all the activities being undertaken at the Fremantle Port Authority as a result of the numerous reports already presented -

Mr Lewis: What reports? We have not seen any.

Mrs BEGGS: Of course you have not seen them.

Mr Lewis: We must take the Minister's word, just as we did with WA Inc every day of the week - and that was a pack of untruths.

Mrs BEGGS: I do not expect members opposite to take my word on anything. The member for Applecross is such a cynic and such a smart alec. The annual report has been presented to the House in a recommendation which forms -

Mr Lewis: The annual report is not here.

Mrs BEGGS: The administrative structure and the management activities of the Fremantle Port Authority are available to anyone. I am reluctant to impose another review by another committee while all the necessary mechanisms are in place to ensure that the Fremantle Port Authority is able to improve its trading position, its structure, and work force requirements. As all these things are already under way, it is totally unnecessary to take further action.

The motion also states that the Public Accounts and Expenditure Review Committee should report on any other matters that the committee believes should be brought to the attention of the House. Because of the vital importance of the Port of Fremantle for the whole of Western Australia, it is more appropriate now for the Opposition - instead of being negative about this matter and looking for frogs under logs - to support the initiatives taken by the Government as a result of the ministerial review.

Mr Lewis: What initiatives? The Minister has not made any statements.

Mrs BEGGS: The initiatives were announced by the Premier about three months ago. They received much publicity in the newspaper. I am happy for the member to be briefed fully by the acting Chief Executive Officer of the Fremantle Port Authority, Mrs Sanderson. I can arrange that as soon as he thinks it appropriate. I understand that the member has sought briefings from all my agencies, and I am more than happy for that to be organised at a time convenient to them. I oppose the motion.

MR CATANIA (Balcatta) [3.26 pm]: I wish to address the concerns expressed by the Opposition, the first of which relates to the superannuation funds of the Fremantle Port Authority. This issue was adequately addressed by the Public Accounts and Expenditure Review Committee. The report was tabled in this House one year ago. Members opposite have not read the report of the Public Accounts and Expenditure Review Committee or the report of the Auditor General. However, six months later the member for Applecross has heard something and has decided to move this motion. The suggestion that superannuation funds have been used in that way is erroneous. I should also point out to the Opposition that the harbour works undertaken by the Fremantle Port Authority have been examined by the Public Accounts and Expenditure Review Committee and form part of the Auditor General's report which was tabled earlier this year. We are now examining that report which will address most issues raised today. Instead of bringing up these mischievous motions to try to find out whether the Government has dealt with certain issues, the Opposition should read the reports that are tabled in this place. This motion is a waste of time. Members of the Opposition never read tabled reports; they bring up issues as an afterthought. This motion will result in a waste of time of the Public Accounts and Expenditure Review Committee at a time when the committee has so many reports to present before the end of the year.

MR COWAN (Merredin - Leader of the National Party) [3.28 pm]: The National Party supports the motion. It is not appropriate for the Minister for Transport or the member for Balcatta to claim that the motion is unnecessary. The fact that the Public Accounts and Expenditure Review Committee has already once conducted an investigation into the activities of the Fremantle Port Authority is sufficient to confirm that the committee should continue its work. If the interjection earlier by the member for Balcatta was correct, it seems to me that the committee will continue to investigate the activities of the Fremantle Port Authority. If that is the case, I would expect the committee to endorse this motion, take on board the points contained in the motion, and ensure that they form part of the investigation it will continue to conduct.

Mr Catania: If you took this on as a separate investigation, it would be a waste of time. It has already been conducted. Part of this has already been addressed - it is mentioned as an afterthought by the Opposition - and the rest of it is being addressed now.

The DEPUTY SPEAKER: Order!

Mr COWAN: The point still remains that the Public Accounts and Expenditure Review Committee has investigated the Fremantle Port Authority's activities with particular reference to the unfunded superannuation liability. I have heard in interjections from the member for Balcatta that the committee will continue to monitor the activities of the authority. Given those facts, I see no reason that the motion cannot be agreed to by the House and the recommendations be passed to the committee. The House may send matters to the Public Accounts and Expenditure Review Committee by way of vote or resolution.

Therefore, this motion is a most appropriate means of directing this matter to the attention of that committee. As the committee has already investigated this aspect of the authority, and as the member has announced that the committee will continue to monitor the activities of the authority, by a process of logic one would expect the motion to be supported.

Several members interjected.

Mr COWAN: I am not in a position to comment on the appropriateness or otherwise of the timing of the motion. Irrespective of its timing, one must support the principle of the motion.

I now refer to a Government document, which one would assume contains correct information. Page 22 of the Supplementary Budget Information booklet contains reference to the expenditure and income of the Fremantle Port Authority - particularly expenditure - and this causes some concern. For example, how will the maintenance allocation of an additional \$5 million be spent? Why has the administration allocation doubled? Will people on the waterfront be made redundant and be transferred to administration? A \$4 million increase in the administration of the authority must be investigated by the Public Accounts and Expenditure Review Committee. Another matter for investigation is why the Chief Executive Officer of the Fremantle Port Authority departed the scene.

Mr Catania: Did we have Estimates Committees last week?

Mr COWAN: We did.

Mr Catania: Did you ask that question then?

Mr COWAN: As I am sure the member for Balcatta is aware, the port authorities do not crack a mention in the Program Statements, not even in the issues and trends. Therefore, it is not possible to raise questions on these matters in the Estimates Committees!

**MR C.J. BARNETT** (Cottesloe) [3.34 pm]: I support the motion for the Public Accounts and Expenditure Review Committee to review the financial performance of the Fremantle Port Authority. I shall cover three areas in my brief comments: First, the authority's financial matters; second, the management of the port; and third, the role of the Government and this Minister. The financial aspects of the authority have been canvassed by the member for Applecross and the Leader of the National Party. The fact remains that for the year just completed the Fremantle Port Authority made a massive \$25.5 million loss.

Mrs Beggs: That is incorrect.

Mr C.J. BARNETT: I am about to acknowledge that. The Minister indicated that \$12 million of that figure is for an unfunded superannuation liability that has been brought to account, and, if we accept that argument, a \$13 million loss remains. Also, if the unfunded superannuation liability was brought to account this year, why was that not done previously? Therefore, it follows that losses were concealed in previous years. It does not matter which way one looks at this situation, the loss of \$25.5 million is incredible. The authority also has a loss allocation of \$14.2 million for the forthcoming year; therefore, it has accrued a \$40 million loss in two years. On that basis, it is incredible that the Government will not support this motion.

Regarding the management of the port authority, problems were evident as long ago as 1986, yet this Government and the responsible Minister at the time, and subsequently, did not act. We have examples of inefficiencies, waste and extravagance by the port, some of which I shall mention. The member for Applecross mentioned the inner harbour dredging program and the Rous Head Harbour project, which was projected to cost \$24 million and actually cost \$38 million - a 60 per cent increase. This area is like the Sahara Desert; it is the most expansive open space in the Cottesloe electorate. People have not taken up space on this site because the Government did not tackle the matter of union coverage on the site. People did not want to become stuck with the problems of waterfront labour. That has taken away the marketability of a prime site. I now refer to some examples of problems which have arisen at the Fremantle Port Authority in recent years. Members may be unaware that workers have received remote area or site allowances for performing duties within the metropolitan area. Workers have been paid danger money for dredging because live ammunition was alleged to be involved - although none was found. One hundred flagpoles were built to line the north and south moles carrying advertising material. The poles were constructed and erected but the flags were never raised. The poles were pulled down, and that project cost \$50 000.



Mrs Beggs: When was that?

Mr C.J. BARNETT: I will tell the Minister a little later.

The authority blacksmith shop makes bolts and nails which are available at a hardware store; the battery shop constructs commercially available batteries; the timber shop cuts wharf timbers which are readily available from a mill; the joinery shop constructs furniture which one can buy in the high street; there are still 30-odd painters and dockers who, every second day, clock in for work and then go home; and the port security service on a Saturday night has manning levels equivalent to the Perth city lockup! I could go on and on providing examples of inefficiencies within the authority. Here comes the compliment, Minister: I acknowledge that a decision has been made to reform the authority, and the Government, at last, has moved to do something about the situation at the port. In listing those examples it is easy to make fun of the management of the port authority, but that is not my intention. I have had some involvement with the authority management and it is taking an expansive, long term view and looking at Fremantle Port as part of the Indian Ocean and Pacific region. However, the authority is not being backed up by the Government. When the Fremantle Port Authority management has wanted to make reforms it has not had a Minister with the strength and courage to back it up. We now find the Minister has made a belated decision to reduce staff levels by 250. It is interesting to compare the Port of Fremantle with the Port of Brisbane. Both ports handle similar numbers of ships and similar amounts of cargo, but the port of Brisbane employs 215 staff. Fremantle employs 650 people. At last some action is being taken, but I do not think it will go far enough.

In conclusion, I refer to the role of the Government in the management of the port and of this Minister and her predecessors. Not only have they failed to recognise the problems, but also they have failed to act on them. The problems are not new; they did not occur last year, they go back to 1986 and previously. The management of any enterprise can resolve problems only if it has the backing of the owner. This Government did not back management in its tackling of the problems. We now see the loss of \$40 million in two years. The Government has also contributed to the problems of the port because of the indecision it has created about the port's future. It does not know what it is doing. In 1988 it went ahead with inner harbour dredging and the Rous Head development; it then commissioned a port option study to look at three ports. Then the Minister said she did not want the result of that study, rather the Government would commit extra money and opt for North Fremantle. The auxiliary study just released makes it quite clear that the best one can do in Fremantle on its present site will last only 20 years. If land bridging gets off the ground - and I hope it does - the port will not even last 20 years. The indecision and ad hoc nature of this Government's performance has created uncertainty for the management and employees of the Fremantle port. However, more importantly it has created massive uncertainty for the port users and the port operators. The Government has failed directly and indirectly because of its indecision and lack of vision.

In the debate today, the response by the Minister exactly matched her performance with respect to the Fremantle Port Authority. She showed a complete lack of understanding of the financial problems of the port. She was not able to say from where the \$40 million would come or how the losses would be funded. Not only could she not answer, she was confused and displayed a lack of knowledge of the port and its problems. Also, she failed to display any vision for the port. She continually offers short-term solutions. People may not know that the proposal to redevelop North Fremantle includes a new rail bridge. What sort of decision is it to build a new rail bridge for a port that cannot last 20 years at best? Most amazingly, when these issues are raised - they add up to \$40 million of losses within two years - and a recommendation is made that it be referred to a committee of this Parliament for examination by Parliament and the people's representatives, the Government says it has the matter under control, it is doing it itself. The Minister has it under control; she has overlooked a \$40 million loss in two years! That is an appalling performance and if she had any honesty and integrity she would support the referral of this matter to the Public Accounts and Expenditure Review Committee.

MR DONOVAN (Morley) [3.44 pm]: I have the privilege of using all of the five minutes allocated to five Independent members of Parliament. We cannot simply say a referral to a committee is unnecessary and that it is unwarranted for the Parliament to consider these issues. One must accept that it certainly is warranted. The concerns expressed in the motion,

whatever the politics of the matter, should be the business of this House to consider. Indeed, that is a position to which I have some commitment. Having said that, it is another matter altogether to decide whether it is necessary to refer to the Public Accounts and Expenditure Review Committee a matter which the chairman of the committee, and indeed the Minister, have said has been, and continues to be, under consideration. I will not go over the superannuation argument now because everybody seems to have done that to death this afternoon. However, I reiterate the message of the Chairman of the Public Accounts and Expenditure Review Committee that the committee and the Auditor General gave much consideration to that matter and, in fact, directed the port authority in that regard. That must be included in any calculation of this loss. More importantly, I cannot find an amendment that would reflect how important it is that the Public Accounts Committee should continue to look at this -

Mrs Beggs: It will anyway.

Mr DONOVAN: - without emasculating the entire motion. The bottom line for me is that the Minister has recently concluded a review. The proper action for this Parliament is to hear from the Minister the results of that review, rather than set about somewhat precipitately superimposing upon that yet another review. That is probably not the smartest thing for this Parliament to do this afternoon, notwithstanding the importance and relevance that has been quite properly given to the matter by the House in considering the motion.

Mr Blaikie: You have the wrong premise. If the Royal Commission had not started looking at the WA Inc activities -

Mr DONOVAN: The member for Vasse is missing the point. The following aspects must be considered: Firstly, the Fremantle Port Authority, like other authorities, is under the review of the Public Accounts and Expenditure Review Committee. Secondly, the Minister has caused the conclusion of a review of that authority. Thirdly, it certainly is the proper business of this House to look at not only the Fremantle Port Authority, but also other authorities. Fourthly, we should wait until we hear the findings of the Minister's review. I am keen to see those answers because at that point we should make a decision about whether the House wants to carry the matter further. We should ask the Minister, when she has done her review, to let the House know the findings so that it can look at them at the appropriate time. On that basis I will not support the motion.

#### *Division*

Question put and a division taken with the following result -

#### *Ayes (20)*

Mr C.J. Barnett	Mr Court	Mr Lewis	Mr Strickland
Mr Bloffwitch	Mr Cowan	Mr McNee	Mr Trenorden
Mr Bradshaw	Mrs Edwardes	Mr Minson	Mr Fred Tubby
Mr Clarko	Mr Grayden	Mr Nicholls	Dr Turnbull
Dr Constable	Mr Kierath	Mr Shave	Mr Blaikie (Teller)

#### *Noes (22)*

Dr Alexander	Dr Edwards	Mr Marlborough	Mr Troy
Mrs Beggs	Dr Gallop	Mr McGinty	Dr Watson
Mr Bridge	Mr Graham	Mr Pearce	Mr Wilson
Mr Catania	Mrs Henderson	Mr Ripper	Mrs Watkins (Teller)
Mr Cunningham	Mr Kobelke	Mr D.L. Smith	
Mr Donovan	Mr Leahy	Mr Taylor	

#### *Pairs*

Mr House	Dr Lawrence
Mr Wiese	Mr Gordon Hill
Mr Watt	Mr Grill
Mr Ainsworth	Mr P.J. Smith
Mr Omodei	Mr Read
Mr MacKinnon	Mr Thomas

Question thus negated.

## SUMMER TIME BILL

### *Receipt*

Bill received from the Council.

The SPEAKER: Order! I rule this Bill out of order.

## ACTS AMENDMENT (REPRESENTATION) BILL

### *Second Reading*

Debate resumed from an earlier stage of the sitting.

**MR COWAN** (Merredin - Leader of the National Party) [3.54 pm]: As most members recall, in 1987 some significant changes were implemented to the system of electoral boundaries in Western Australia and the method of election of the Legislative Council. Notwithstanding the criticism that has been levelled at the National Party as the driving force behind those legislative amendments, I am very proud that it was at the National Party's instigation that we were able to remove some of the most serious anomalies that existed in Western Australia's vote weighting system, and, in addition, change the method of election of the Legislative Council in a fashion which altered the composition of that House so that it no longer mirrored the method of election of the lower House.

I listened with some interest to the speech by the member for Marmion who used the figure of 300 000.

**Mr Clarko**: I said that North Metropolitan Region has 300 000 people.

**Mr COWAN**: I have no doubt that that is correct, but I think that is immaterial. What is important is that members of the Legislative Council should look upon themselves as members of a House of Review and not as something that is repetitive of the people's House. Their role should be concentrated on - not totally, I admit - the legislative review of the functions or the legislation that passes from this House to the Legislative Council. In other words, it should perform its function as a House of Review, and if we can alter its composition in a way that makes it somewhat meaningless for members of Parliament to think they represent a constituent within a constituency but represent a region as a whole and look at the legislative processes that come before that Parliament and examine how they affect the region, they will be better performing their role as a House of Review. This has always been the view of the National Party. I am very pleased that the changes that were made to the system of election in Western Australia were instigated by the National Party, and that they were successful.

One criticism which has been made of the new system of elections is that, for the first time in Western Australia, the parties which gathered a majority of votes did not win the right to govern. Given that statistic, that criticism bears some weight. However, I want to balance that argument by saying that what happened at the last State election demonstrated that the party that was capable of winning a majority of seats - it does not hold them now but nevertheless it won the majority of seats in 1989 - was perhaps more competent at detecting those seats that were marginal and gaining just enough votes to win a majority of seats in the Parliament.

**Mr Clarko**: I think they were a bit fortunate; 162 votes would have changed the Government.

**Mr COWAN**: I do not know how many it was, but the member is not too far wrong. Only a handful of votes was involved in the seats of Geraldton, Murray and Northern Rivers. I will accept the number of votes he has mentioned as being accurate. Had those 160 people voted differently the old rule that we have an electoral system where the parties which win a majority of votes govern would have been retained.

**Mr Clarko**: It was pretty close.

**Mr COWAN**: Yes, it was, in numerical terms for seats. However, a clear majority of votes was cast for the conservative parties.

**Mr Clarko**: Yes, 53 per cent to 47 per cent.

Mr COWAN: Yes, and we were not in a position to win Government; that was disappointing. I will be concerned if, at future elections, the same conditions prevail because we have learnt our lesson and certainly we will be examining those seats which are most marginal and concentrating our energies and resources on them. It is hoped, therefore, that we will turn the tables and return to a system in which the party which gathers the majority of votes will gather the majority of seats to form a Government. Having outlined the National Party's role in the previous changes to the electoral system in Western Australia, I go a step further. Although the Government has the right to promote the policy objectives of the Labor Party, in my view - and I am sure in the view of many people who are rational about the electoral system - it would be fairer to give the present system a chance. Only one election has been held since the introduction of this system and already the Government is pursuing its policy and seeking further change. I do not think change is either necessary or appropriate. It would be appropriate to allow the present system to continue for many years, but it should at least be retained for another election to allow for the further distribution which will automatically take place after the second term. We should await the result of that redistribution in 1994.

Mr Kobelke: Surely you want to consider a new system before redistribution.

Mr COWAN: That demonstrates the philosophical difference between me and the member for Nollamara because I do not want to reconsider the system. The National Party has striven for many years to put the present system in place. I agree with other members who said that a clear anomaly under the previous system was the vote weighting in some seats of 11:1. It was also anomalous that the most remote and isolated seat in Western Australia had an electoral quota similar to that of an electorate in the metropolitan area. It was clearly necessary to remove both anomalies, and the changes to the system were made in the 1987 amendments. Similarly, the National Party strongly believes that if the Legislative Council is to be truly a House of Review, the electoral system for that House must be different from that for the Legislative Assembly. We were able to achieve that objective: We retained weighted voting but were able to remove anomalies in the Legislative Assembly electoral system. The system was also changed for elections for the Legislative Council to ensure that that House concentrated more on becoming a House of Review.

Dr Alexander interjected.

Mr COWAN: No, I am not. I make it clear to the member for Perth that the National Party has no inclination whatsoever to support one-vote-one-value or to work towards it. The National Party accepts the principle of vote weighting and will retain its commitment to the existing system because it reflects very accurately National Party policy on this matter. I cannot be clearer than that.

I now comment on some of the statements made by the Minister in his second reading speech. He began by saying -

The essence of democracy is that the Government should follow the will of the people which is best expressed, if only imperfectly, in the concept of "majority rule".

I would like someone to define the term "majority rule". In this State, as has been pointed out, the majority of people voted for the parties on this side of the House at the last election.

Dr Gallop: As you pointed out earlier, they were voting in 57 different constituents. "Majority rule" means the majority of votes in a majority of seats.

Mr COWAN: I agree with the Minister. However, I point out to the Minister that he must define the term "majority rule" when he speaks on the subject. We all know that the best and fairest way in which to determine the majority is by way of referendum. God help us all if this State had a Government which operated on the basis of referendums. That is the reason I am opposed to the introduction of citizen initiated referendums because it would be abdicating the responsibility of Parliament and transferring it to Government by referendum. Nothing would ever be done. It must be conceded by the Government that it has not done a great deal in its term of office, and the situation would be even worse if this State were subjected to citizen initiated referendums.

In his second reading speech the Minister also said that the bedrock of the system was the right of each citizen to cast one vote. No one argues with that. He then said malpractices had been removed but the Government had not yet achieved one-vote-one-value. I ask

members in this place - and I am sorry that some members of the Government representing the more remote areas are not present - to reflect on the following situation: If a person from the electorates of either Marmion or Applecross were transferred by his employer to Capel, and he was subsequently required to vote in an election, would he feel that the value of his vote had doubled? When he went to the polling booth he would cast one vote and elect one member, and he would not feel that his voting power had doubled.

Dr Gallop: It is not a matter of what electors feel, but of what happens.

Mr COWAN: I do not think anybody can argue a case for one-vote-one-value other than on some political principle that does not carry weight. It is not practised anywhere else in the world, with perhaps one or two exceptions. This Parliament takes some pride in modelling itself on the Westminster system in the United Kingdom. What is the situation in the House of Commons? Does the House of Commons have one-vote-one-value?

Mr Read: No, but it has a lot more constituents per member than we have.

Mr COWAN: Government members might argue the case that there is some difficulty associated with servicing the lower number of constituents in this place because the size of the United Kingdom is such that half its area would fit into your electorate, Mr Speaker, and the other half in mine.

The SPEAKER: Most of the people from the United Kingdom are already living in my electorate!

Mr COWAN: Those who were left must have moved to the northern suburbs because every time I telephone people in that area I am greeted by a pronounced British accent. Some electorates in the United Kingdom are four times smaller than electorates in Western Australia. There is a vote weighting ratio of 4:1 for some seats in the House of Commons. I do not care what anybody says, no matter how remote and isolated from London are the Western Isles, they will never be more remote and isolated than areas such as the Kimberley and Giles. This argument is not so much about what is feasible and practical and what can properly be applied to a State as large as Western Australia, but about a political party wanting to apply its principles to Western Australia's system. The Minister for Parliamentary and Electoral Reform would think, naturally, that that is appropriate, but I do not, because in practical terms if ever a State deserved to have the principles of vote weighting applied, it is Western Australia. I point out also that if we adopt the Minister's proposal, significant changes are likely to occur. At the moment there are 34 metropolitan members and 23 country members in the electoral districts for the Legislative Assembly. Given a change to one-vote-one-value, the best we could hope for would be 42 metropolitan members and 15 country members.

Under the Electoral Distribution Act 1947, the electoral commissioners at the last election were instructed that they had to undertake the redistribution of the State of Western Australia according to seven criteria: Community of interest; means of communication and distance from the capital; physical features; existing boundaries of regions and districts; existing local government boundaries; the trend of demographic changes; and, where the State is divided for the first time, boundaries of the electoral provinces and electoral districts into which the State was divided prior to the division. The Parliament determined the boundary between the metropolitan area and the country, and also told the commissioners that in the case of the Legislative Council, there would be three regions in the metropolitan area and three in the country, and the number of members of Parliament from each metropolitan and country region. Apart from that, the commissioners were left very much to their own devices. Therefore, the commissioners made a judgment about how they would divide the State.

It seems to me in all the rules that have been laid down that it is regarded as acceptable by the Government to alter the principle of one-vote-one-value as long as we meet those criteria. If we happen to go below quota or above quota, that is okay. However, what actually happened was that the commissioners looked at section 7(f), the trend of demographic changes, and gave scant consideration to the remainder of the criteria. The consequence of that was that they made an interpretation. They looked at the projected population figures and said, "We want all of the seats to have uniform numbers by midway through the term of this redistribution"; and on those projections, they divided up the seats. The consequence of that, with one exception - the seat of Ashburton - was that the most remote and isolated seats

in rural Western Australia became the largest rural seats. It did not matter how hard we tried, we could not shake the commissioners on that principle. The trend of demographic changes was the principle upon which they would apply the redistribution of seats or determine the boundaries.

I turn now to consider some of those projected population figures. The seat which has the least number of electors is Ashburton, because the projections were totally wrong. The seats which are all over quota are still those which are - with the exception of Ashburton - the most remote and isolated seats in Western Australia. It is acknowledged that in the areas where growth was provided for - for example, Vasse, Greenough and Murray - growth has occurred, but nevertheless, by disregarding for the most part those other criteria for redistribution and concentrating primarily on demographic changes, the commissioners were basing their distribution on projections, not on fact, and those projections have been proved wrong. The very principles upon which they tried to give some variation to seats and some consideration to all of the other reasons - community of interest, means of communication and distance from the capital, physical features, etc - were disregarded.

Mr Kobelke: That is not right. Take the seat of Perth. They obviously took into account the river, which is a physical barrier. In places where there is a regional centre, like Bunbury or Kalgoorlie, they obviously took that into account. Perhaps they did not give it as high a priority as you would like.

Mr COWAN: Again, I am demonstrating my tendency to give consideration to matters that happen east of the Darling scarp. I was not thinking about the redistribution in the metropolitan area. I was thinking about the redistribution that occurred in country areas and, with due respect to the member for Nollamara, there are no rivers upon which one can draw boundaries or lines - none that flow, anyway. The best example occurs in my electorate. I have the whole of the Shire of Yilgarn, with the exception of the towns that are in that shire: Marvel Loch, Bullfinch and Southern Cross. Perhaps someone could explain to me the community of interest there. Similarly, I have the Shire of Wickiepin in the electorate of Merredin, and I also have the Shires of Bencubbin and Koorda. I can understand that the north eastern wheatbelt does focus on the region of Merredin, but I fail to understand why any shire which has a regional community of interest with the town of Narrogin should be in the electorate of Merredin. We can find those anomalies all around the country where the distribution took place, and it had to be done because the commissioners had no choice. They obeyed the rule of demographic changes, and then they had to practically ignore all the other criteria. For that reason, the redistribution could have been done much better and could have given a result which would have been more satisfactory to the people of Western Australia.

I turn now to a point in the Minister's second reading speech which I shall quote because I think it is a burster -

It is doubtful whether Parliament can truly represent the views of all Western Australians while vote weighting exists. This is a reason that respect for the authority of Parliament is tarnished in the eyes of many.

Does anybody here have any doubts about the capacity of the House of Commons to represent the views of the people of England, or about the capacity of the Senate to represent the views of the States? The answer to the second case is yes, definitely; but in the first case I would say no. Unfortunately for the Senate, its members all divide on party lines and their States get scant recognition.

The Minister said that respect for the authority of Parliament was tarnished in the eyes of many. I suggest that, rather than use electoral boundaries as an excuse for saying the respect for Parliament is tarnished in Western Australia, we should look at the way in which the Parliament functions, and the way in which it has abdicated its responsibilities by not imposing some checks and balances on the Executive, because that is where we have been tarnished. The Executive has bungled its management of the State. It has incurred huge losses and is now in a position where it is too frightened to make meaningful decisions about improving the economy of this State, and we as a Parliament, until recently, have not been able to do anything about that. If anyone wants to talk about tarnishing the respect for the authority of Parliament they had better look at the way in which the Parliament works rather than just throw it back on the electoral system, which I believe gives people who live east of

the Darling Scarp the opportunity to have some representation. I know we have said that we represent people, and so we do. We do not represent sheep, or kangaroos, or acres, or miles of road, we represent people; but how many schools do you have in your electorate, Mr Speaker?

The SPEAKER: I have 13.

Mr COWAN: I have about 27 and, irrespective of the fact that three of those schools have numbers less than 10, when they hold their end of year awards presentation they have a right to expect me to attend, not my representative. However, it takes me about two hours to get from one school to another even though I live at the centre point of my electorate.

Dr Gallop: That has been the case in Western Australia since 1890.

Mr COWAN: And this Minister wants to make it worse. The National Party categorically rejects this legislation. We need to continue with a system of vote weighting to give people the level of representation they deserve. All those criteria which were originally established - great distances, remoteness and isolation - can only really be considered if there is vote weighting of a reasonable nature. We now have a vote weighting system which is reasonable in its nature. We reject this legislation completely. What we have is working extremely well for this State and it should be continued.

Opposition members: Hear, hear!

DR TURNBULL (Collie) [4.24 pm]: This afternoon I want to represent the people of rural Western Australia. I am a parliamentary representative for rural people, and all those who live in centres outside an area with a population base of less than 25 000 are people of rural Western Australia. Those people need justice, more so now than they have in the last decade, or even the last two decades, because the rural population is decreasing. They need justice according to the principles of equity of access. The member for Nollamara tells us that democracy has been evolving since the time of the Greeks and even before then, and the emphasis that has been placed on democracy at different times in history has varied. At times women were ignored, but fortunately in this century women have been regarded as an important part of the democratic process. People under the age of 21 years have been ignored, but now all those over 18 years are regarded as having a part in the democratic process. However, people who live in sparsely populated regions have every right to expect to be part of the democratic process and it is becoming more widely known throughout the world and in many areas of social science and social involvement that equity of access is an extremely important principle.

Different States in Australia have different types of populations involved in different types of activities. When we discount the Perth metropolitan area, which contains 68 per cent of all Western Australians, Western Australia is the most sparsely populated region in the world; so why should we not have a system which recognises this? Equity of access to the democratic process is an absolute principle to the National Party and to people in the country, and the member for Pilbara indicated this morning by way of interjection that it is a principle to the people in the Pilbara as well. As the Leader of the National Party has just said, this access to the democratic process is greatly reduced for anybody outside the metropolitan area or an area such as Bunbury, represented by the members for Bunbury and Mitchell, which has a more concentrated, urban type of population.

The only concession I would make in this debate is that perhaps National Party people, in forming their principles, should have regard to the fact that three areas outside the metropolitan area of Perth have city status, and perhaps the people in those cities should be regarded as having a vote weighting similar to that of the metropolitan area. However, as yet our cities do not have populations of more than 25 000 people, which would just match the size of a seat in metropolitan Perth. That is the only concession I would make, because people who live outside urban areas in this State suffer from this lack of justice. The member for Nollamara asked whether we should produce a principle according to disadvantage, but his definition of disadvantage was a very facetious one. We are talking about a geographical disadvantage which denies people access to their politicians and the democratic process.

[Leave granted for speech to be continued.]

Debate thus adjourned.

**ADJOURNMENT OF THE HOUSE - SPECIAL**

On motion by Mr Pearce (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 5 November, at 2.00 pm.

*House adjourned at 4.30 pm*

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## QUESTIONS ON NOTICE

## HOSPITALS - BUNBURY REGIONAL HOSPITAL

*Cirillo, Mr - Public Hospital Treatment Charges*

1332. Mr KIERATH to the Minister for Health:

- (1) Was the on-duty doctor at Bunbury Regional Hospital called out on 9 October 1990 to attend to the son of a Mr P. Cirillo?
- (2) Was the doctor on duty at the hospital when the patient arrived?
- (3) Is it Government policy to charge public patients at a public hospital for medical treatment?
- (4) Are there any signs or notices warning patients that there may be additional charges?
- (5) Was any other written or verbal notice given to the patient advising of any additional charges?
- (6) Why was this public patient charged fees for seeking treatment at a public hospital?
- (7) As a private doctor was not requested, is it Government policy to charge private fees for a patient seeking public treatment?
- (8) What action will the Minister take to prevent the patient being threatened with action for a debt he did not incur?
- (9) What action will the Minister take to prevent an occurrence of such practice?

Mr WILSON replied:

- (1) No. A prearranged visit was made for Mr Cirillo's son between Dr Rae at Donnybrook and Dr Hu, paediatrician, at Bunbury.
- (2) The doctor who saw Mr Cirillo when he arrived at Bunbury Regional Hospital was not on duty at the time. The arrangement between Mr Cirillo and the attending doctor was a private arrangement. Mr Cirillo did not present as a public or hospital patient.
- (3) No. All public patients receive free hospital care. The case in question involved a private patient with an appointment to see a private doctor who, as a matter of convenience for patients, has access to hospital facilities for part of his practice.
- (4)-(5) No. The normal procedure is for the nurse on duty to advise patients where any charges may apply. In this particular case where the visit had been prearranged between the doctors concerned, it was considered appropriate that any advice concerning the charges involved would be provided by the doctors.
- (6)-(7) See (2) above.
- (8) The issue of payment is a private matter between the patient and the doctor and does not call for any action on my behalf.
- (9) I will continue to ensure that public hospitals provide 24-hour access to medical care for those with medical conditions requiring urgent attention. I will also seek to protect the viability of private medical practice, particularly in rural centres, by minimising duplication in public hospitals of services which can be provided without detriment to the patient's health by private practitioners.

## SCHOOLS - PINJARRA HIGH SCHOOL

*Tennis Courts Upgrade Funding*

1478. Mr MacKINNON to the Premier:

- (1) What funds have been allocated in the 1991-92 Budget for works to be carried out on the tennis courts of the Pinjarra High School?

- (2) When will that work commence?
- (3) If no funds have been allocated, why not?

Mr TAYLOR replied:

The Premier has provided the following reply -

- (1) \$80 000 has been made available for upgrade of eight courts in bitumen. If the school requires the upgrade in plexipave only four will be completed. A decision on preference will be made in consultation with the school principal.
- (2) During the Christmas vacation.
- (3) Not applicable.

**ENVIROGARD - HEALTH DEPARTMENT**

*Westfield Septic Treatment Plant Contract - Bog-out Bay Project*

1528. Mr KIERATH to the Minister for Health:

- (1) Will the Minister table the contract between Envirogard and the Health Department for the operation of the Metropolitan Treatment Plant at Westfield?
- (2) Who are the directors and major shareholders of Envirogard?
- (3) How many tenders were received for the septic treatment plant?
- (4) Was a short list of tenderers developed?
- (5) If so, who were the tenders on the short list, and what were their prices?
- (6) Who was the Manager for the waste disposal section in the Health Department at the time of awarding the septic treatment plant contract?
- (7) Is that person still employed by the Department, and if not why not?
- (8) In relation to the Bog-out Bay project -
  - (a) was this contract part of the original contract or a new contract?
  - (b) if a new contract, were public tenders called?
  - (c) what is the total cost of the project and expected completion date?
  - (d) how much of a fee increase will result from the new Bog-out Bay project?
  - (e) what annual volume was used as the basis for awarding this contract?
  - (f) what has been the annual volume for the septic treatment plant for each year since its inception?

Mr WILSON replied:

- (1) No. The contract is a commercial agreement between the Government and Envirogard, and it is not appropriate to table the contract.
- (2) Envirogard is an enterprise of Brambles Australia Ltd.
- (3)-(4) 15 expressions of interest were received; six were selected for further investigation. Two were finally short-listed by the Senior Officers Committee, Waste Management, because of their preferred treatment method, expertise and financial resources.
- (5) Atlas Group Pty Ltd \$16.99 per kilolitre; Cleanaway (Envirogard) \$16.40 per kilolitre.
- (6) Mr S. Hansen.
- (7) Yes. He is however on extended leave overseas.
- (8) (a) The tanker discharge facility includes equipment for discharge and cleaning of tankers and also incorporates odour control equipment. It

is being built under a variation to the existing contract as it is an integral part of the septage treatment plant.

(b) Not applicable.

(c) \$1.25 million; commissioning - February 1992.

(d)-(e)

Depending on average volumes being received, the expected rate increase will be approximately \$7 to \$7.50.

(f) YEAR                      MEGALITRES/YEAR

1988-89                      112.7

1989-90                      98.0

1990-91                      76.0

The decreasing volumes going to the septage plant are of concern and a blitz on illegal dumping by liquid waste transporters or others, including householders, has recently been established. Illegal dumping is believed to be a significant part of the cause.

#### JOONDALUP GOLF COURSE - SALE *Joondalup Development Corporation Proposal*

1544. Mr MacKINNON to the Minister for Planning:

- (1) Is the Joondalup Development Corporation proposing the sale of the Joondalup Golf Club?
- (2) What is the Government's policy on the sale of the Joondalup Golf Club?
- (3) Is the Premier aware of a commitment given by the Minister for Transport, the Hon Pam Beggs MLA, on 16 September 1988 that "the State Government's policy is not to approve a sale of the Joondalup Golf Club and I will be conveying this to the Chairman of the Joondalup Development Corporation, Mr David Hatt"?
- (4) When did the Government change its policy with respect to the sale of the Joondalup Golf Club?
- (5) Why was this change made?

Mr D.L. SMITH replied:

- (1) The Joondalup Development Corporation is in the process of selling the Joondalup Golf Course - not Club - at the written direction of the Minister of the day.
- (2) The Government's policy is to sell the Joondalup Golf Course and associated development sites for a fair market price, taking account of the interests and privileges of the Joondalup Golf Club, local residents, employment arrangements and the amenity of the Connolly residential estate.
- (3) Yes.
- (4) The Government amended its policy at the beginning of 1991 following a review of the financial operations of the country club complex and the future direction of the Joondalup development in the overall interests of the community as a whole.
- (5) The change was made particularly because it is not considered appropriate for a public authority to own and operate a golf course as a business; the Joondalup Golf Course has continually run at a deficit; existing members of the Joondalup Golf Club and current green fee players have received a substantial subsidy from the taxpayer as a result; and attempts to sell individual development sites, including the adjacent resort hotel site, had proved to be unrealistic without including the golf course as part of the package.

**SCHOOLS - AIR-CONDITIONING**  
*Classrooms Program*

1547. Mr MacKINNON to the Minister representing the Minister for Education:

- (1) What progress has been made by the Government on its announcement in 1990 to air-condition classrooms?
- (2) Are any classrooms expected to be air-conditioned under this program during the current financial year?

Dr GALLOP replied:

- (1) The Government commitment was to air cool temporary classrooms. In 1990-91, 38 temporary classrooms were air cooled.
- (2) The program is continuing in 1991-92 when a further 47 temporary classrooms will be air cooled.

**MOTOR VEHICLES - GOVERNMENT**  
*Ministerial Staff Use*

1553. Mr MacKINNON to the Premier:

- (1) Are staff of Ministers allowed the use of Government cars with private licence plates?
- (2) If so, why?
- (3) How many staff in Ministers' offices have access to cars -
  - (a) with Government plates; and
  - (b) with private plates?

Mr TAYLOR replied:

The Premier has provided the following reply -

- (1) Yes.
- (2) Cars are allocated to Ministers' offices in accordance with Public Service conditions and the executive vehicle scheme.
- (3) Generally all staff with valid licences have access to the vehicles.

**EGLINTON - PAN PACIFIC LTD**  
*Development Proposal Status*

1555. Mr MacKINNON to the Minister for Lands:

- (1) What is the status of the proposed development at Eglinton under the control of Pan Pacific Ltd?
- (2) With respect to fees for the development what specific requests has the Government made of the company?
- (3) Have any of those fees been for the use of the seabed in any of the development?
- (4) If so, is this a normal charge imposed by Government on this type of arrangement?

Mr D.L. SMITH replied:

- (1) The status of the proposed development at Eglinton by Ocean Dunes Pty Ltd is that -
  - (a) conditional approval to implement the proposal has been granted by the Minister for the Environment, pursuant to the Environmental Protection Act;
  - (b) an amendment to the metropolitan region scheme has been initiated for the proposed marina and coastal development and has progressed to the final stage in the statutory process.

- (c) development approval has been issued for the construction of a golf course;
  - (d) the City of Wanneroo has initiated an amendment to the local town planning scheme;
  - (e) discussions are proceeding regarding the establishment of a development lease which includes portions of Crown land proposed for development.
- (2) No specific request for fees has been made to the proponent. Lease rentals and a land purchase price have been under discussion for some time and involve, amongst other things, a proposed lease of the seabed to enable development of the project and ongoing operation of a proposed marina.
- (3)-(4) Answered by (2).

### SQUATTERS - CROWN LAND *Government Policy*

1558. Mr MacKINNON to the Minister for Lands:

What is the Government's policy with respect to squatters who occupy property illegally along the coast of Western Australia?

Mr D.L. SMITH replied:

The essential features of the Government's policy are as follows -

- (1) No new illegal shacks will be permitted on Crown land.
- (2) If there are not land management considerations or other circumstances warranting earlier removal, existing squatters as at 3 July 1989 have normally been given six years to remove their shacks from Crown land administered by the Department of Land Administration.
- (3) A six year tenancy given under this policy is subject to rigorous conditions, including one allowing Government to terminate at 90 days' notice, and generally placing responsibility on the squatters to remove the shack and rehabilitate the land at their own expense.
- (4) Special arrangements may be made for professional fishermen under certain circumstances.
- (5) The policy may be modified to suit requirements of a particular area, dependent on studies by State and local Government working groups.
- (6) The policy does not constrain a body - such as a local government - holding vesting of a Crown reserve from proceeding with immediate removal of a squatter from that reserve.

### SCHOOLS - ROOF REPLACEMENTS *Coorow, Calingiri, Kalannie, Bindoon Primary schools, Dowerin District High School*

1559. Mr McNEE to the Minister representing the Minister for Education:

What are the indicative dates for the replacement of roofs at Coorow, Calingiri, Kalannie and Bindoon Primary schools and Dowerin District High School?

Dr GALLOP replied:

Coorow Primary School	January 1992
Calingiri Primary School	January 1992
Kalannie Primary School	January 1992
Bindoon Primary School	January 1992
Dowerin District High School	January 1992

**ROSS RIVER VIRUS - SURVEILLANCE AREAS**  
*Incidence Levels*

1560. Mr McNEE to the Minister for Health:

- (1) What areas are under surveillance for Ross River virus?
- (2) In which areas have any incidence levels been reported in the 12 months ending 30 September 1991?
- (3) What are these levels?

Mr WILSON replied:

- (1) Ross River virus - RRV - infection is a notifiable disease and surveillance of human cases is maintained throughout the State by the Health Department. In addition surveillance of RRV carrying mosquitoes is maintained by monitoring programs in the following areas -
  - (a) Peel-Harvey and Leschenault regions, by the University of Western Australia research and surveillance team funded by the Government's RRV control program.
  - (b) Busselton-Capel region, by the local governments in conjunction with the Health Department.
  - (c) East Swan River region, by the local governments of Bassendean, Bayswater, Belmont, Stirling and Swan.

The University of Western Australia team will be expanding its monitoring to include the Lake Joondalup and south metropolitan lakes areas in November 1991.

(2)-(3)

Cases of RRV infection have been notified during the 12 months ending 30 September 1991 as follows -

REGION	CASES
Metropolitan	9
Peel-Harvey	9
Leschenault	5
Busselton-Margaret River	3
Murchison	4
Pilbara	14
East Kimberley	26
West Kimberley	26
TOTAL	96

It should be noted that the behaviour pattern of the disease is quite different in the northern and southern parts of the State in that it occurs predominantly in spring and summer in the south, and in autumn and winter in the north.

**ELECTORAL OFFICES - FREMANTLE PARLIAMENTARY ELECTORATE**  
**OFFICE**  
*Establishment Date*

1581. Mr MacKINNON to the Premier:

Further to your reference to the Fremantle Parliamentary Electorate Office in your response to my question on notice 1455 of 1991 -

- (1) When did that office come into existence and for what purpose?
- (2) By which members of Parliament, and former members of Parliament has it been used, and for what periods?
- (3) What has been the annual cost of maintaining that office since it came into existence?
- (4) What staff have been allocated to that office over what periods and how much have they been paid for which allocations?

Mr TAYLOR replied:

The Premier has provided the following reply -

- (1) A Fremantle parliamentary electorate office was established in 1974 under entitlements made available to each member of Parliament to establish an office in his/her electorate.
- (2) Mr H.A. Fletcher, member for Fremantle 1974-1977  
(Member 1959-1977)  
Dr J.R. Troy, member for Fremantle 1977-1980  
Hon D.C. Parker, member for Fremantle 1980-1990  
Hon J.A. McGinty, member for Fremantle 1990 to date.  
As you know, approval was given for Mr Parker to share the office following his resignation to enable him to finalise certain business matters with which he was involved on behalf of the Government. This assistance was provided for the period 27 April 1990 to 31 August 1990.
- (3) Each electorate office has similar cost factors, which include rent, council rates, water rates, power, telephone, furniture and equipment, and staff. It is extremely difficult to isolate costs for individual offices. However if the member has a specific matter to be addressed I will endeavour to obtain that information.
- (4) As the member would be aware, each member of Parliament is entitled to employ an electorate officer. These officers are formally employees of the Joint House Committee, and are employed under the Electorate Officers Award at a rate which is currently equivalent to a Level 3 officer under the Public Service salaries agreement. During the period he held the office of Deputy Premier Mr Parker was entitled to employ an additional electorate officer. As previously advised, secretarial assistance was also provided to Mr Parker during the period 27 April to 31 August 1990. The officer concerned was employed on the same rate as an electorate officer.

### QUESTIONS WITHOUT NOTICE

The SPEAKER: Before taking any questions without notice, I advise the Minister for Fuel and Energy that it is not proper to put questions without notice to the Speaker. Any questions to the Speaker should be put on notice.

#### LAND TAX - PROPERTY REVALUATIONS 1988-89 *Increase Reduction Action*

439. Mr SHAVE to the Acting Premier:

- (1) Is the Acting Premier aware that the Government's recent decision to rely on the 1988-89 property revaluations for land tax purposes will not help thousands of small businesses which face massive land tax increases this year?
- (2) Does he feel it is fair that a small business proprietor in my electorate should have received the following land tax bills: \$5 900 in 1988-89; \$15 700 in 1989-90; \$25 800 in 1990-91; \$35 810 in 1991-92; and now faces a bill of \$45 822 in 1992-93, as a result of the 1988-89 revaluations?
- (3) As a matter of urgency, what action will the Acting Premier take to reduce these horrific increases which will force many businesses into bankruptcy?

Mr TAYLOR replied:

(1)-(3)

The escalation in the tax sounds like the escalation in the profits of the Star and Garter Hotel in the past few years!

As I pointed out in this House the other day, the Government made an extraordinary effort to ameliorate the effects of land tax increases in Western Australia, to the tune of forgoing approximately \$20 million. I said when commenting on that issue that those people who have been faced with the double whammy of increased taxation - that is, the final phasing in of the 1988-89 land tax revaluation and the revaluation for 1991-92 - will certainly find their tax bills have been reduced.

Mr Shave: That is only one third.

Mr TAYLOR: That relates to 120 000 land tax payers, and those reduced bills will account for approximately 50 000. Also, in the next financial year another 30 000 will receive a reduced bill as a result of this decision. The land tax assessments of some people will not change, but the commissioner will send a new assessment, whether at a lower level or at a similar level, to all land tax payers. People should wait until they get that bill before making a judgment on where they stand. I met this morning a range of groups associated with this issue. In some cases, although not all, the people adopted an *Oliver Twist* approach and asked for more. I made clear that no more money was available and that the Government would continue on its present course. I said that if they had suggestions which could perhaps change the position of the person the member is talking about - and I do not have sufficient detail about that matter to comment - and which could result in the amendment of some of those sorts of assessments within the context of the revenue amount the Government is prepared to forgo, I was prepared to listen to them. It may not be possible to do that because it may involve an incredibly difficult and complicated exercise.

I agreed to take some draft terms of reference to Cabinet on Monday related to land tax in Western Australia. If Cabinet is able to agree on the draft terms of reference, they will be sent to the various industry groups for comment. We will then be able to agree terms of reference and the nature of the group to look at the issue of land tax. I suggest that the member's constituents should await a reassessment from the commissioner. All sorts of reasons abound for increases in land tax.

Mr Shave: They rang the commissioner this morning who said that the tax would remain the same.

Mr TAYLOR: In that case it will have to be paid. If the decision the Government has taken to ameliorate those faced with the greatest increases is implemented, as I expect it will be because to do otherwise would be far too complicated and difficult, it will forego revenue of around \$20 million in the interests of employment and business in Western Australia. That was a wise and logical decision; or, as the Confederation of Western Australian Industry has said, "a sensible and logical decision".

#### DAYLIGHT SAVING - LIBERAL PARTY INDECISION *Government Action*

440. Mr READ to the Acting Premier:

In light of the indecision and vacillation of the Liberal Party on daylight saving, what steps will the Government be taking on that matter in this House?

Mr TAYLOR replied:

I will take this opportunity to try to pin down the Liberal Party on where it stands on this issue. Perhaps the Deputy Leader of the Opposition can be pinned down on this issue.

Mr Minson: Bring in the Bill and you will find out.

Mr TAYLOR: The Deputy Leader of the Opposition has a unique opportunity to comment. He should not take the cop-out approach of saying, "Bring in the Bill." We know where the National Party stands as it has said no, and that is



it. I want to find out where the Liberal Party stands. The Deputy Leader of the Opposition can give a simple yes or no answer to my question.

Mr Minson: Is this question time for the Opposition?

Mr TAYLOR: We have already agreed to a referendum. The legislation has gone through the Legislative Council. We will have to wait to hear the Speaker's ruling on that legislation as it may well be that he rules it is a money Bill and therefore will not be dealt with by this House.

Mr Lewis: You know jolly well!

The SPEAKER: Order! No-one knows "jolly well" because the Bill is not yet before me. I have spoken to no-one about the Bill. I can tell members that until it is before me I will not speak to anyone about it. Therefore no-one knows "jolly well", not even me.

Mr TAYLOR: I was about to say the same. At no time have I discussed this issue with the Speaker, and quite deliberately so. This Bill entails a judgment that the Speaker must make. I expect that the Speaker will probably say it is a money Bill. For the member for Applecross to suggest otherwise in respect of discussions on this matter is a gross reflection on the Speaker.

Mr Clarko: Why should he reflect on the Speaker? There is no need to.

Mr TAYLOR: He just did.

Mr Clarko: He is a superb Speaker.

Mr TAYLOR: I agree. His is an outstanding Speaker.

Several members interjected.

Mr TAYLOR: I am told that the member for Applecross has the dagger poised in his hand. He sits as the heir apparent.

The SPEAKER: Order! For the last 10 minutes there has been enough of an indication that this is Thursday afternoon question time. Could we try to pretend for the balance of question time that it is some other day, and get through some questions and answers.

Mr Minson interjected.

Mr TAYLOR: I hate to think what the member was like at primary school - uncontrollable!

I met the Independent member in the upper House, Hon Reg Davies, a while ago, and we had a very good discussion about daylight saving. The proposition is that the legislation - if it is Government legislation - will come to this House when Parliament next sits on Tuesday week. That legislation will be similar to the legislation put forward by the Independent member in the upper House, with this exception: It is our view, and certainly my view, that it is almost impossible to bring into effect the so-called amelioration clause in the time that we have available to us. Therefore, if the referendum were passed - and the referendum would be held before 30 April next year - there would be provision in the legislation for the amelioration clause to come into effect.

Members opposite have the opportunity now to say yes or no. The Deputy Leader of the Opposition does not need to get notes from the member for Applecross. Mr Davies has said clearly that he is prepared and happy for me to indicate here today that he will accept that legislation. What will the Liberal Party do?

Mr Minson: Bring in the legislation and we will look at it.

Mr TAYLOR: I will send the Deputy Leader of the Opposition the draft Bill. Do not try to dodge the question.

Mr Minson: No. Bring it in here, which is the proper place for you to bring it.

*Point of Order*

Mr COWAN: Mr Speaker, I noted that you did not raise the doubt about whether the question that was asked of the Deputy Premier related to the portfolio that he was supposed to be administering, even in his capacity as Acting Premier. However, the question "What will the Liberal Party do?" has nothing to do with any portfolio of the Deputy Premier, and I ask you to have him draw his answer to a close.

The SPEAKER: It is fairly clear that it will not be answered, so that is probably a good idea.

*Questions without Notice Resumed*

Mr TAYLOR: It is obvious that the Leader of the National Party wants more time to put more pressure on the Liberal Party so that it will continue to cave in on this issue. The Deputy Leader of the Liberal Party will get a copy of the proposed legislation.

Mr Minson: I do not want a copy. I will deal with it when it gets here.

Mr TAYLOR: He will get a copy early next week - I imagine on Tuesday - and I hope the members of the Press will knock on his door and ask him, "What are you going to do?"

The SPEAKER: I shall give the call to the Leader of the National Party, but I am of the view that it is fair and reasonable during question time that we should get through approximately 12 questions. However, it appears that there is some consensus, because I heard a few "hear, hears" over here, and there were a couple of nods and winks over there. That is what we should try to achieve. I am of the view that if we do not achieve that we should continue until we get roughly 12.

Mr Cunningham: The member's question was very long.

The SPEAKER: That is my view, in any event.

**LOCAL GOVERNMENT - WARD BOUNDARY CHANGES**  
*Plantagenet Shire Letter*

441. Mr COWAN to the Minister for Local Government:

- (1) Will the Minister confirm that he has written to the Shire of Plantagenet advising that he is exercising the powers conferred upon him under the Local Government Act to change the ward boundaries of that shire by Order in Council?
- (2) How many other local government authorities have received or will receive similar letters from the Minister?

Mr D.L. SMITH replied:

(1)-(2)

I have written to the Shire of Plantagenet indicating that I shall be increasing the representation of the town ward by one councillor. I have written similar letters to 42 councils.

**REMOTE SENSING INDUSTRY - DEVELOPMENTS**

442. Mr LEAHY to the Acting Premier:

What developments have there been in the remote sensing industry in Western Australia?

Mr TAYLOR replied:

I am pleased to say that I had the opportunity to go this morning with the member for Cottesloe to the first stage of the construction of a new \$5.6 million laboratory complex at Floreat Park which will make Perth the national centre for one of the fastest growing industries in space science from the point of view of the interpretation of Earth by satellites; in other words,

remote sensing. It is a joint project between the Western Australian Government and the Commonwealth Scientific and Industrial Research Organisation, and it will involve private industry. It provides outstanding opportunities for Western Australia to export some of our top level technology, and probably most importantly, it involves the State Government, the Federal Government at CSIRO level, and private enterprise in this opportunity. People are working together in this remote sensing area, and we are showing the way to the rest of Australia.

Mr Bradshaw: What happened to decentralisation? Why could you not put it in a country town?

Mr TAYLOR: I did think of putting it in Kalgoorlie, but I thought that would be too parochial.

Several members interjected.

Mr TAYLOR: Perhaps members should ask the member for Cottesloe. This is a very good example; it provides excellent opportunities for Western Australians to be involved in this top level of science, and it will provide very good export opportunities for all of Western Australia.

#### ONE PARENT CENTRE, EAST FREMANTLE - GOVERNMENT FUNDING DECISION

443. Mr STRICKLAND to the Minister for Community Services:

- (1) Has the Minister made a decision about the funding of the One Parent Centre since this House voted to request the Minister to make provision for the centre within the Budget?
- (2) What action does the Minister propose?
- (3) Is the Minister aware that a pattern of underspending in the Community Services Division in each of the past two years of \$0.57 million in 1989-90 and \$0.69 million in 1990-91 has emerged, which, if continued, would easily cover the \$0.27 million needed to fully fund the centre?

Mr RIPPER replied:

(1)-(3)

Naturally I have reviewed the position with regard to the One Parent Centre following the debate which took place in this House. However, one significant flaw in that debate was that while the Opposition suggested that certain moneys should be spent in addition to those proposed in the Budget, there was no suggestion of from where those moneys might be taken. We were given only half the argument. We were told to reallocate the money to the One Parent Centre, but the Opposition did not say which part of the Budget should be cut to provide that degree of funding. We went through all the various programs covered in the Opposition's motion and examined them. They include things like subsidies to foster parents, payments to residential child care agencies, the provision of child care places, and community and neighbourhood houses. The Opposition could not suggest which of those valuable activities should be cut in order to provide the funding for the One Parent Centre.

Although I have reviewed the situation, following the debate in this House, it is not clear to me how the Government can provide funding for the One Parent Centre and at the same time provide an equitable distribution of resources for the disadvantaged right across the State. A decision has been made about the need for a fair distribution of resources right across the State. We had a position where one district received a service which was not available to other districts in the State.

I take seriously my responsibility to provide a fair distribution of resources.

Dr Turnbull: What about cutting administration expenses?

Mr RIPPER: As I explained in the debate, and I hope the member for Collie was paying attention, we have cut administrative expenses in this department, not only this financial year but also last financial year.

Mr Strickland: You are prepared to cut \$20 million from revenue and find \$4 million to fund the daylight saving referendum. All this money is sloshing around. Have you asked the Premier for some assistance?

Mr RIPPER: That is a remarkable claim by the member. Is he arguing that because revenue will be reduced by \$20 million we should spend \$250 000 more on the One Parent Centre?

Mr Minson: Are you going to present a new Budget?

Several members interjected.

The SPEAKER: Order! I do not propose to ensure that 12 questions are asked and answered in this place unless there is a degree of cooperation from both sides. It is entirely unfair on all those people who are waiting to ask a question for those who have already asked theirs to prolong an answer by continued interjection, and I suggest that it stop.

Mr RIPPER: This issue has been thoroughly debated in the Estimates Committee. I have explained to the member for Scarborough why the fact that we spent less last year than was originally estimated does not mean that we can do whatever he wants to do with regard to initiatives in the Budget.

#### STRIKES - NEW SOUTH WALES

444. Dr EDWARDS to the Minister for Productivity and Labour Relations:

Can the Minister confirm that the strike in New South Wales yesterday was the first general strike in that State since 1929, and can she inform the House of the reason for the action?

Mrs HENDERSON replied:

I thank the member for Maylands for her question. I can inform the House that it was the first general strike that has occurred in New South Wales since 1929.

#### *Point of Order*

Mr WATT: The way the question was asked, it has nothing to do with this Minister's portfolio responsibilities.

The SPEAKER: The member for Albany obviously noted the frown on my face. It seemed to me at first blush that the question should not have been asked as it perhaps was not within the Minister's portfolio. However, on reflection I am of the view that it relates simply to industrial relations, and on that basis I am prepared to concede that it does relate to the Minister's portfolio; but I will wait and hear the answer.

#### *Questions without Notice Resumed*

Mrs HENDERSON: Thank you, Mr Speaker. I will certainly demonstrate the relative importance of this strike to the situation in Western Australia. Yesterday some 600 000 people stopped work in New South Wales as a result of new industrial relations legislation. The legislation against which they were protesting has been described as draconian, harsh and brutal. It is interesting that that legislation was ruthlessly passed in the New South Wales Parliament, where the Government gagged the Opposition in the Legislative Assembly after two hours of debate. I will mention just two elements of that legislation which have enormous ramifications for Western Australia. The first is that the legislation created the opportunity for enterprise agreements to be established at workplaces which would not be scrutinised or approved by the Industrial Relations Commission. The people of New South Wales left their workplaces and went on strike yesterday to demonstrate their concern about the continuing agenda by the conservative parties in this country to

remove, and to shackle, the Industrial Relations Commission from operating in the way in which it has always operated; that is, by lending its wisdom and scrutiny to industrial agreements. This is the sort of situation about which I would be very concerned and I call on the Opposition to indicate its position on the notion that we should allow in workplaces industrial agreements which are not scrutinised by the Industrial Relations Commission, and which in fact assume that there is a position of equal bargaining between the people working in that workplace and the owners of the workplace.

Briefly, I refer to the second element in the legislation. Traditionally the elected union officials whose job it is to protect the workers have the right to enter a workplace and examine the time and wages books, for example, and have the right to respond to a call from workers when a dangerous situation exists at a workplace. Under this legislation, those rights will be removed. The representatives of the workers will not have the right to enter the workplace without giving prior notice; they must request the opportunity to visit. Indeed, one would question the point of that if they are requested to look at a dangerous situation in the workplace.

They are but two elements of this harsh legislation. The last thing we could afford in Western Australia is to have the work force unsure of what the agenda of the Opposition is in this area. I would like the Opposition to state categorically that it opposes this sort of legislation, so that the public of Western Australia do not have to ever contemplate taking general strike action in the way in which 600 000 people did in New South Wales yesterday.

#### TOURISM - BIASED INFORMATION

##### *Albany and Denmark - Margaret River Recommendation*

445. Mr WATT to the Minister for Tourism:

- (1) Is the Minister aware of the article in the latest *Albany Advertiser* describing how a tourist from New South Wales sought information about Albany and Denmark but was discouraged from going there and urged to go to Margaret River instead?
- (2) Is this contrary to commission policy?
- (3) Will she take the necessary steps to ensure that the practice is discontinued, however infrequently it may be thought to occur?

Mrs BEGGS replied:

(1)-(3)

The member discussed this matter with me yesterday and showed me the newspaper article. The member has been very diligent in pursuing the issue to determine whether this is normal practice. He spoke to the person who spoke to the Press reporter, and that is commendable. It is important that the Western Australian Tourism Commission remain unbiased towards the tourism regions in the State. In the general sense, I would state categorically that it is unbiased. However, it is difficult for a consultant, who perhaps has a favourite place in the State, when recommending what a tourist should do in a two or three day period, not to have some form of bias or to not make a recommendation based on personal experience.

Mr Watt: The tourist did not ask for advice about where to go. That person had decided where to go and was looking for information; that is the difference.

Mrs BEGGS: That is not a practice which I condone. In the general sense, the Tourism Commission provides information in an unbiased way to ensure that the attributes and attractions of all regional areas of tourism are well and truly put before people who come in for information. Personally, I think Albany has much to offer. I holidayed there many times as a child. I lived there for a time, and thoroughly enjoyed the experience on each occasion. I am sure the member for Albany will understand that no slight was intended on the Albany region. It is part of the Leeuwin Way, as the Minister for Local Government

has said. Albany has a great future, and perhaps in a few years visitors might be told that Margaret River is not the place to visit, and that Albany is.

**PERMANENT BUILDING SOCIETY - CLOSURE**  
*"Homeswest Millions at Risk" Report*

446. Mr CATANIA to the Minister for Housing:

I draw the attention of the Minister to a report in the *Sunday Times* of 13 October 1991 headed "Homeswest Millions at Risk". In that report the newspaper speculated that the loss to Homeswest and, therefore, to the Government from the closure of the Permanent Building Society could be as much as \$6 million. Will the Minister advise whether the report was accurate?

Mr McGINTY replied:

The *Sunday Times* in its article of 13 October drew an extremely long bow that I am very happy to inform the House proved to be incorrect. Any potential exposure of Homeswest arising out of the closure of the Permanent Building Society would arise in three possible ways. We have subjected the report of the administrator of the Permanent Building Society, Mr Tony Woodings, to detailed analysis. I am happy to report that \$827 000 that Homeswest had lent to the Permanent Building Society for the purpose of on lending to low income home buyers is fully secured by both a mortgage and a charge over the assets of the society. As a secured deposit it will be returned in full.

The second potential area of exposure which would arise comes under national home loans, which is a generic term for a major group of terminating building societies managed by the Permanent Building Society. National home loans invested its surplus funds of \$15.3 million and I am happy to report that, although the administrator has indicated a possible payout if the society is wound up of between 81¢ and 90.6¢ in the dollar, any loss incurred by national home loans should the society be liquidated will be covered by the assets of the society. In the worst case scenario of a payout of 81¢ in the dollar, national home loans would incur a loss of \$2.8 million and that would be covered by reserves of \$3.25 million. Therefore, on that account there would be a full return of all funds owing to Homeswest in that group of terminating building societies.

The third and final area of possible exposure is bond assistance advanced by Homeswest to needy tenants. Currently 13 712 tenants throughout the State are in receipt of bond assistance from Homeswest. The total amount out is \$3.7 million. Although some of this money may be invested in Permanent Building Society there is no exposure by Homeswest, although any ability by tenants to recover the full amount of their bond which has been deposited in trust accounts with Permanent Building Society will obviously have a minor impact on Homeswest's ongoing ability to render assistance to needy people by way of bond assistance.

I am unhappy that the *Sunday Times* article gave a completely incorrect impression of the situation, but in the light of the analysis of Tony Woodings' report I am happy to say that we do not expect - and our advice confirms this - that there will be any loss incurred by the State Government or Homeswest.

**AUSTRALIA POST - POST OFFICE CLOSURES**

447. Mr TRENORDEN to the Minister for Consumer Affairs:

Is the Minister aware of the intention of Australia Post to close 80 per cent of country post offices and 50 per cent of metropolitan post offices and replace some of them with agencies? If so, has the Minister made any representation to the Federal Government about the downgrading of the services?

Mrs HENDERSON replied:

No, I have not made any representations about Australia Post's proposals. I am aware that the Prices Surveillance Authority conducted a major review of the increases in charges proposed by Australia Post and made some comprehensive recommendations. As part of the submission that Australia Post forwarded to that authority, it outlined strategies for rationalising its services. Australia Post is a national body that determines increases in the costs of its services across the whole of the country. I am prepared to undertake to examine the PSA decision on that matter; I recollect its decision on the increases in prices. I do not recollect whether it mentioned anything about changes in the availability of services.

Mr Trenorden: It was canvassed on ABC radio last Tuesday.

Mrs HENDERSON: The PSA report was brought down some time ago; it not only examined the cost of services, but also conducted a review of the postal authority's services. I will have a look at the recommendations that came from the PSA and see what it had to say. However, Australia Post is a national body and as a State Government we do not determine such matters, but I will provide the information to the member.

#### DISABLED PEOPLE - PUBLIC AWARENESS

448. Mr P.J. SMITH to the Minister for Disability Services:

Can the Minister inform the House of the response received to his call for the public to watch their language when talking or writing about people with disabilities?

Mr RIPPER replied:

I thank the member for the question because there are two important points that have arisen out of the debate. The first is that although everyone can have a sense of humour about matters like this, the underlying principle is that a person with a disability is first of all a person and should be recognised for that rather than the disability. We should focus on the thousands of things that people with disabilities can do, not on the one thing they cannot. We should recognise that the use of language is something which many people with disabilities are sensitive about because of the unfortunate tradition of people's laughing and trivialising and making cruel comments about them. The second important point relates to the way in which the debate has been handled by our major newspaper - our newspaper of record. As a result of *The West Australian's* coverage of this matter I have had a very significant response from disability service organisations. They have contacted my office and provided copies of letters which they sent to *The West Australian*. These organisations include the Association for the Blind, the Lotteries Commission, and Activ Foundation.

Mr Trenorden: Let's face it, you made a fool of yourself.

Mr RIPPER: The member for Avon is an example of what I am talking about. He has illustrated the attitude which I am trying to counteract. Perhaps I could quote what the people who have some knowledge and concern about this matter feel. The Lotteries Commission sent a letter to the editor of *The West Australian* and I hope the member for Avon is prepared to give some thought and consideration to the needs and rights of people with disabilities. The letter states -

People with disabilities have always had to suffer the humiliation and indignity of other people's uninformed and thoughtless comments about them.

Member for Avon take note! He is one of those people that the disability service organisations are complaining about. That quote came from a letter written by the Chairperson of the Lotteries Commission who is also the Chief Executive Officer of the Association for the Blind.

Mr Pearce: Did *The West Australian* print that letter?

Mr RIPPER: It did not print that letter nor a letter from the Activ Foundation, which is a very substantial organisation in the provision of services to people with disabilities. The Activ Foundation says -

While humour is important in keeping perspective, the article in your newspaper trivialised disability and the many people who make contributions in society despite significant disabilities.

That is another comment from a disability service organisation which bears precisely on the attitude which the member for Avon displays - an insensitive attitude that does not take account of the needs and rights of people with disabilities. If we look at the way in which *The West Australian* has treated this issue we note that it did not publish the letter from the Activ Foundation, although it did publish selectively one comment from the Institute for the Blind of WA.

Mr Clarko: Would the Minister like an extension of time?

The SPEAKER: Order! It is always a bit sad that a topic of such significance and importance is raised at this time when the Minister has only a limited time in which to respond - time which he has almost used up.

Mr RIPPER: The point has been made, particularly for the member for Avon, and I appeal to all members of this House to carefully consider the needs and rights of people with disabilities when they engage in public debate on this matter.

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