

Legislative Council

Thursday, 7 May 1992

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

PETITION - BLOOD ALCOHOL LEVELS

0.05 Reduction - Drink-driving Penalties Increase

Hon Graham Edwards (Minister for Police) presented a petition from 24 citizens of Western Australia requesting the Legislative Council to increase the penalties for drink driving and to reduce the minimum blood alcohol level involved in drink driving to 0.05 per cent.

[See paper No 134.]

PARLIAMENTARY COMMITTEES - STANDING ORDERS COMMITTEE

"Report on Various Matters, No 2" Tabling

HON GARRY KELLY (South Metropolitan) [2.33 pm]: I present a report of the Standing Orders Committee entitled "Report on Various Matters, No 2". I move -

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

Question put and passed.

[See paper No 135.]

MOTION - AUSTRALIAN FLAG

Satisfaction with Existing Flag - No Change without Referendum

HON P.G. PENDAL (South Metropolitan) [2.35 pm]: I move -

That this House -

- (a) expresses its satisfaction with the existing Australian flag, noting that no change should occur without reference to the people at a referendum;
- (b) expresses its satisfaction with the existing State flag, noting that no change should occur without reference to the people at a referendum;
- (c) requests any political party unhappy with either of the existing flags to desist from using them in its party logo;

and notes that Governments should refrain from using such an issue as a diversion from pressing economic and other concerns, believing instead that any serious debate on the future of the flag should be listed for proper discussion in the usual way in our Parliaments.

Last night in a debate in this House on heritage, the Minister for Education told us that a community had not reached its real level of maturity until it had learnt to respect and protect its heritage. The Minister put that rather well, and I agree entirely with that proposal. Regardless of whether one likes it or not, the history of Australia is that virtually all parts of this country are based on an Anglo Saxon background. However, that is not to deny that other important parts of Australian society have their roots elsewhere.

Hon Tom Helm: Like Aborigines.

Hon P.G. PENDAL: Indeed. Some parts of the community have a background in southern Europe, and we have members in this House on both sides who have a heritage other than Anglo Saxon. Nevertheless, it is indisputable that our society is predominantly from an Anglo Saxon mould -

Hon R.G. Pike: Don't forget the Irish.

Hon P.G. PENDAL: - and one would be attempting to rewrite history if one pretended that that was not the case.

Hon Peter Foss: The communists do that quite a lot, don't they?

Hon P.G. PENDAL: Yes; it was a favourite tactic of the Nazi machine in the 1930s and 1940s to rewrite history in such a way as to leave out parts so that the German people were not reminded from whence they came. One cannot escape one's heritage or background.

This motion is an invitation for all members of the House, particularly those within the Government, to show Western Australian society just how brave they are on the issue of a new flag and Australia becoming a republic. The motion also asks - almost pleads - with the Government to return the issue to its proper place on the political agenda. That is not to deny that it has a place on the agenda; it is an interesting issue to debate. However, it does not put people in work and it does not stave off bankruptcy. Like daylight saving, it offers an interesting debate if we have nothing better to worry about. The Government should return the flag issue to its proper place on the political agenda, and implicit in that remark is the recognition that it has such a place. I also suggest that Parliament and other organised forums such as the media are the legitimate places to debate the issue. It is interesting that the person who started the most recent version of the controversy - the Prime Minister - did not raise it as a matter of parliamentary importance in order to promote it as an intellectual exercise among Australians. He did not even take the matter to Parliament.

Hon Tom Helm interjected.

Hon P.G. PENDAL: I will come to those points in a minute.

The PRESIDENT: Order! Hon Tom Helm should stop interjecting. There is a correct procedure for referring to members in this House and I remind him of that. Apparently his mail was delayed today.

Hon P.G. PENDAL: The third point about returning the matter to its proper place on the political agenda is indicated at the end of the motion. Serious economic matters are plaguing the State and the nation which are, frankly, being neglected while we spend undue time on an issue such as this. Therefore, I do not intend to spend too much time on it. It was introduced in January for no better reason than that the Prime Minister needed a diversion. One can well understand that, given the circumstances surrounding his assuming that office. I particularly want to bring to the attention of Parliament today the fact that during the past two days, by the best measure, the issue has backfired enormously on the Federal Government. It is no secret that a major Australian poll shows that the debate promoted by Mr Keating on the flag and the republic has backfired.

Hon B.L. Jones interjected.

Hon P.G. PENDAL: I will come to that. I quote from the Tuesday, 5 May edition of *The Australian* -

The latest Newspann poll conducted exclusively for *The Australian* will deepen fears within Labor ranks that Keating has blundered by opening a divisive debate he cannot win.

That is relevant only because the matter was introduced, not as a genuine desire to promote discussion on the flag or republic issues, but out of a brazen desire to divert attention from economic issues in much the same way that daylight saving was used as a toy to divert attention from serious Western Australian difficulties. Irrespective of whether it is coincidental - this relates to one of the interjections - during the period in which the Prime Minister raised and conducted this debate on the future of the flag and the republic, national support for the Australian Labor Party plummeted and support for the coalition rose.

Hon Tom Helm: Whose poll are you quoting?

Hon P.G. PENDAL: I said two minutes ago it was drawn from the front page of *The Australian* on Tuesday of this week. Support for the Labor Party has dropped from 43 per cent to 37 per cent and support for the Federal coalition has risen from 44 per cent to 46 per cent.

Hon Tom Helm: Do you always believe what you read?

Hon P.G. PENDAL: I do not think that one can believe every poll. However, members will believe whichever poll they want. Hon Joe Berinson knows we are all a bit adept at that. That has been one of the consequences of this silly, immature diversion of the Prime

Minister. If one accepts the accuracy of that poll, one accepts, in the words of that front page article "that Mr Keating has blundered badly". People in marginal seats within his own party may well be showing concern now that what seemed to be a good idea at the time, is no longer a good idea. It reminds me of the streaker who ran across the Melbourne Cricket Ground. He was asked by the magistrate why he did it. The streaker said, "Well your Worship, it seemed like a good idea at the time." That is the position in which the Prime Minister finds himself vis-a-vis the flag and the republic issue.

Hon B.L. Jones: Do you think that it was just a diversion?

Hon P.G. PENDAL: I know it was. For the benefit of the inattentive member who just butted in, I have already explained that by saying that I do not intend to spend much time on this speech. I am therefore ignoring most of the interjections because I will not stand accused of doing what I am accusing the Government of doing in this State and elsewhere; that is, of dwelling on these issues more than on other far more pertinent issues such as the economy and unemployment.

Paragraph (b) of the motion has implications also for the State. To say the least, the Premier, who has been an ardent supporter of Mr Keating in his bid to change the Federal flag, is now not quite certain about that. In response to the idea of the Leader of the Opposition to legislate to protect the State flag, she has indicated that she rather thinks now that it is a good idea to preserve and protect the State flag, notwithstanding her view that we should not preserve and protect the Commonwealth flag. That says something about the Premier's capacity to do exactly what Mr Keating has done.

Hon J.M. Berinson: Hasn't the State flag got the same symbolic virtue as the national flag?

Hon P.G. PENDAL: Absolutely.

Hon Tom Helm: You will be alone on that view.

Hon P.G. PENDAL: Not at all. Many people in Western Australia fly the State flag from their homes, and not the Commonwealth flag. That does not matter. It is rather a nice gesture when people are prepared to fly the State or the national flags. Members will not be surprised to know that I do it myself. I fly the Western Australian flag on appropriate occasions from the flag pole in my front garden because I happen to think that the Minister for Education was right last night when she said that a society has not reached a proper level of maturity until it has learnt to preserve and protect its heritage. The State and Commonwealth flags are part of our heritage. This motion requires that Government members will not be able to change that unless they take the matter of both flags to the people by a referendum. The Opposition has made a case in this motion and in other motions elsewhere, for a referendum to be conducted before any change is made to the status of the flag. My understanding is that the Western Australian flag can be changed at will. I have read in the newspapers where moves will be made to entrench that position so that it cannot be changed unless the people decide to do that at a referendum.

Hon Tom Stephens: The permission of the British Parliament is required before our flag can be changed.

Several members interjected.

The PRESIDENT: Order!

Hon P.G. PENDAL: Paragraph (c) of the motion makes a request. I hope the House endorses requests for all political parties in Western Australia to desist from using the Australian or the State flags in their political advertising if, on the other hand, they want to denigrate it because there is a couple of votes in it.

Hon J.M. Berinson: Who said we are denigrating it? Are you saying that the Prime Minister has denigrated it?

Hon P.G. PENDAL: Yes, I do believe that absolutely, but he is starting to worry about it now. If the Labor Party wants to change the national flag, it should start with its own logo. Is that a reasonable request?

Hon Tom Stephens: After we have changed the Australian flag we will put that on our logo.

Hon Tom Helm: It is the Australian flag.

Hon P.G. PENDAL: If an organisation does not believe in the flag, why does it include it in its party political propaganda?

Hon Tom Helm interjected.

The PRESIDENT: Order!

Hon P.G. PENDAL: It does it because the Labor polling is as good as any in Australia and I believe the Labor Party includes the national flag in its corporate image because it knows that it has emotional appeal to Australian voters.

Hon Tom Helm: It is Australian.

Hon P.G. PENDAL: If it has emotional appeal to Australian voters, one may well ask why, other than for diversionary tactics, would a party want to get rid of the flag on the way to becoming a republic.

Hon Tom Helm: To get a real Australian flag.

Hon P.G. PENDAL: That is paragraph (c) of my motion.

Much of the polling material in Tuesday's edition of *The Australian* to which I have referred is directed towards the question of a republic as much as it is directed towards the flag issue. I predict to members of the Australian Labor Party here and anywhere else who might care to read these debates that if the Labor Party sets itself on a course of creating a republic in Australia by 2001 there will be a counter movement to have Western Australia become an independent nation in that same year.

Hon J.M. Berinson: You don't mean that. You said "Western Australia". Surely you meant "Australia".

Hon P.G. PENDAL: Certainly I meant Western Australia.

Hon J.M. Berinson: Do you mean there will be a secession movement?

Hon Tom Stephens: A monarchical regime, I presume.

Hon Tom Helm interjected.

The PRESIDENT: Order! If I hear one more interjection from either Hon Tom Stephens or Hon Tom Helm this afternoon, I will take action. It is an act of absolute defiance by Hon Tom Helm. I do not know whether he is trying to demonstrate to the people sitting in the gallery that it is his mode of behaviour to disregard the authority of this Chair; however, I guarantee him absolutely that I will demonstrate to those same people that I will not stand for it.

Hon Tom Helm: If I may respond to your comments, Mr President.

The PRESIDENT: Order! The member cannot respond to my comments. He can respond by ceasing to interject when I ask him not to. That is the response.

Hon Tom Helm: I don't know the people in the gallery.

The PRESIDENT: Order!

Hon P.G. PENDAL: Finally, the people committed to making Australia a republic in 2001 cannot do it without making major changes to the Commonwealth Constitution. They also cannot turn any part of Australia into a republic without major changes to the States' Constitutions. It would require approximately 140 amendments to the Commonwealth Constitution to create a republic of Australia. That figure was quoted in the book by Haddon Storey and Gareth Evans who coauthored a book on the Australian Constitution about a decade ago. They also made the important point that Mr Keating or anyone else in the Federal Labor Party will not be able to bring about a republican Australia only by changing the Commonwealth Constitution. It will require changes to State Constitutions also and therein lies the greatest amount of power for the ordinary men and women of any of the States including Western Australia. I believe that if there is a movement in the next eight or nine years to create a republican Australia, there will be a counter movement to produce an independent Western Australia. Interestingly, there are approximately 30 to 40 countries in the world with smaller populations than Western Australia's and with nowhere near the resources of Western Australia, but which are independent countries. Therefore, the argument that Western Australia's economy could not stand a transition to an independent

nation does not stand up. In fact, Western Australia would be one of the richest independent nations on earth per capita.

It may be a salutary and sobering thing for people on the eastern seaboard of Australia to know that, if they pursue republicanism - they have every right to do that - every action produces an equal and opposite reaction. I would be delighted to lend my name to a break-up of the Federation if we head down the path of a republican Australia because it would be an historic opportunity that has been denied us for the past 90 years. It may well be - I do not discount this possibility - that an independent Western Australia may then vote at a referendum to become a republic or to remain as part of a monarchical system. However, that would also be for the people of Western Australia to decide. My message is that people are playing with a very dangerous fuse when they set about the process of selling to the Australian people the value of a republican system.

I return to my starting point. An invitation is extended today, or whenever we vote, to all members of Parliament to show, after the initial flush of success of this debate, just how brave those members are in the face of the most recent statistical information in *The Australian* which indicated that people are reacting adversely to any unilateral change to the Federal flag. The sting in the tail is this: For three months the attention of the people in Australia has been diverted from the enormity of the unemployment problem. I hope the Government will tell me whether the debate in the past three months about whether we shall have a new flag or become a republic will make one iota of difference to the young people in Australia who are part of the 10 per cent unemployed. That is why I included that part of my motion. I do not believe it is inappropriate to discuss these things, otherwise I would not have raised them today. I ask the Labor Party to desist from that which it is expert at in the Federal and State arenas; that is, employing diversionary tactics. I give another example of this - the bigger than *Ben Hur* affair that will operate from the Perth Esplanade next weekend. The State is broke, the debt level is high, 10 per cent of the people are unemployed, people are going bankrupt, and the Government is putting on a talkfest which is designed to do nothing more than promote the Australian Labor Party before the next State election. It is disgraceful.

Hon J.M. Berinson: Just because you do not have policies, there is no reason to complain about the Government's presenting its policies.

Hon P.G. PENDAL: Is that what it is for? I think the Attorney General may have let the cat out of the bag.

The PRESIDENT: Order! I do not care what it is for, but I know that it has nothing to do with this motion. I have allowed Hon Phillip Pental to go off at all sorts of tangents in his comments, but in the last few minutes remaining I suggest he confine his remarks to the motion.

Hon P.G. PENDAL: The motion states quite precisely that Governments should refrain from using issues as a diversion from pressing economic and other concerns. That is the disgrace of the Government opposite and that is the disgrace of the diversionary paths it follows. The Government actually believes - and it seems to have some success in this - that if it cannot give people jobs or a future, it should give them a diversion.

Hon N.F. Moore: Or a circus.

Hon P.G. PENDAL: A circus is an excellent way of describing the event. The worst part is that your money, Mr President, and my money, and even the money of the unemployed, to whom I referred in the final paragraph, is being used to promote it. I ask members to support the motion.

HON J.M. BERINSON (North Metropolitan - Attorney General) [3.04 pm]: It is remarkable to observe that the Opposition has complained throughout Australia that we should concentrate on important issues, such as jobs and the economy, and not keep talking about the flag, but then insists on talking about the flag. Hon Phillip Pental has done precisely that today. His motion states -

that Governments should refrain from using such an issue as a diversion from pressing economic and other concerns,

He then engaged in exactly that sort of diversion himself. I can only take it that Hon Phillip

Pendal regards the terms of his own motion very literally, and when he says the Government should not engage in diversions, he is saying that it is okay for the Opposition to do so. That rather violent clash between Hon Phillip Pendal's good advice to others and his own performance is particularly unfortunate because a discussion on jobs and the economy would be very timely and potentially helpful. Such a discussion would note, for example, that after a very severe recession all economic indicators support the view that a recovery is now under way in Australia. It would also note the view of independent economic experts that although the light is appearing at the end of the tunnel throughout the country, the light happens to be brightest in this State.

Hon P.H. Lockyer: Rubbish.

The PRESIDENT: Order!

Hon J.M. BERINSON: There is a widespread and welcome view among economists that -

The PRESIDENT: Order! When I call for order, I expect all members to come to order. I did not do so because I wanted to call the Attorney General to order, but because I wanted to call Hon Bob Thomas and Hon Phil Lockyer to order. It seems to me there has been a very serious deficiency in the mail distribution organisation within the Legislative Council. I was under the distinct impression that I sent a letter to every member of this House today advising them that their behaviour in recent times would not be tolerated in future. I spoke to Hon Tom Helm about this matter and he, at least, had the decency to apologise to me and explain that he did not receive that letter. Of course, that does not condone his action because members are required to behave properly whether or not I have sent them a letter. However, it seems obvious that Hon Bob Thomas and Hon Phil Lockyer did not receive a copy of that letter. As a result, there may well be some changes in the staff in Parliament House, but that remains to be seen. In the meantime, whether or not members have received a copy of the letter, the rules are that they must keep quiet while somebody else is speaking. If I have said it once, I have said it ten thousand times: Members do not have to like what a member is saying or believe what is being said, but they must listen to the member on his or her feet. If they do not want to listen to those comments, there is plenty of room outside this Chamber.

Hon Bob Thomas: I note for the House -

The PRESIDENT: Order! Hon Bob Thomas has no right to comment, in the same way that Hon Tom Helm had no right to comment. I am commenting on Bob Thomas' disgraceful behaviour. If he subsequently writes a letter about it I will be interested to receive it, but in the meantime the Attorney General has the call.

Hon J.M. BERINSON: I was making the point that there is a widespread and welcome view among economists that Western Australia will lead all other States in the rate of recovery, and there is an important reason that matters such as these should be repeated and emphasised; that is, just as gloom feeds on itself, so does optimism. That, unfortunately, is why the Opposition with its constant doom and gloom and moaning and groaning does the State a serious disservice. It enjoys nothing more than talking the State down even though objective evidence is all to the contrary, and it is time it stopped doing so. Hon Phillip Pendal tries to excuse himself by saying that although he is diverting attention from important matters of jobs and the economy, he will do so only for half an hour. We could have better spent that half hour on more constructive matters, such as those which Hon Phil Pendal has suggested, instead of diverting attention on the basis of a very peculiar treatment of a public opinion poll which makes a causal connection between two separate polls which the polling organisation itself does not make.

I have no difficulty agreeing with that part of paragraph (a) of the motion which suggests that any change to the flag should demonstrably have the support of most Australians. The State Government has no problem with that, and, as I understand the position, the Prime Minister has no problem with that either. However, whether the test of majority public support should be by referendum or by some other acceptable means is a matter which justifies further consideration but which, on the face of it, is at least questionable. Among other considerations, it is difficult to see how a referendum could accommodate the possibility of allowing the public a choice between alternatives. In this respect, the background to the change of the national anthem is instructive, and I refer to an extract from *The Australian*

Encyclopaedia, headed "National Anthem", which states -

In April 1974 the then Prime Minister (E.G. Whitlam) announced that "Advance Australia Fair" would supersede "God Save the Queen", except when the Queen was present or when it was thought necessary to acknowledge Australia's links with the Queen as Queen of Australia and Head of the Commonwealth, when both anthems would be played. Whitlam's successor as Prime Minister, J.M. Fraser, reinstated "God Save the Queen" in January 1976, to be used on Regal and Vice-Regal occasions, on occasions involving the defence forces, and in association with proposals for the Loyal Toast. On other occasions "Advance Australia Fair" should be played but not sung. In 1984 it was decreed that "God Save the Queen" would be known as the Royal Anthem and be played when the Queen or other members of the Royal Family were present. "Advance Australia Fair", now called the National Anthem, should be used on all other official and ceremonial occasions.

I turn now to a further short extract which indicates the background to these various developments, and states -

The quest for an Australian national anthem continued, and on 11 February 1974, at the request of the Federal Government, the Australian Bureau of Census and Statistics began a public opinion poll, with a sampling of an estimated 60 000 persons. The choice offered in the public opinion poll was between "Advance Australia Fair", "Waltzing Matilda" and "Song of Australia" only. The result of the poll, announced by Whitlam in Parliament on 8 April 1974, showed that "Advance Australia Fair" was the most favoured of the three contenders, polling 51.4 per cent.

In May 1977 the Fraser Government held a direct national poll -

I emphasise that it was a direct national poll, not a referendum. I continue -

- in conjunction with referendum proposals, to determine the public choice as a national song. The results were "Advance Australia Fair" 43.2 per cent, "Waltzing Matilda" 28.3 per cent, "God Save the Queen" 18.7 per cent, and "Song of Australia" 9.6 per cent.

It follows from the facts to which I have referred that there was never a referendum in this country to establish *Advance Australia Fair* as the national anthem. Not only that, the national poll on which the eventual choice of *Advance Australia Fair* was based did not attract an absolute majority of polled Australians in its favour. We have, therefore, an interesting combination: No referendum, and a poll that did not produce an absolute majority for *Advance Australia Fair*. Despite that, would anyone here suggest that anything less than 99 per cent of Australians today would reject any notion that *God Save the Queen* should be reinstated as the national anthem? We would not get even a fraction of the one per cent!

It is interesting to observe in this context that the same things that are being said in a rational discussion about the future of the flag were said in the days when *God Save the Queen* was under discussion. It was said then that the very notion that *God Save the Queen* should be replaced by *Advance Australia Fair* was little short of treacherous. However, as our experience has indicated, an increasing maturity of the Australian public and an increasing sense of national identity has brought us to the position today where no-one could contemplate seriously a move away from *Advance Australia Fair*. That is not an argument for our moving to some early change to the Australian flag. I repeat that I am not aware of anyone, from the Prime Minister down, suggesting that that should be done. Everyone who advances this topic for discussion does it on the basis that it should happen if and when a majority of Australians demonstrably support a change to the national flag.

I turn now to the State flag. The only reason that the State flag has been mentioned is that the Opposition has mentioned it. Nothing has been further from the contemplation of the Government than that it should address its attention to any change to the State flag. It is not even a notion that occurred to us when the discussion about the Australian flag was in full flower. I would describe myself as being genuinely and intensely disinterested in the question of changing the State flag. It is not a subject worth even the 25 per cent of the half hour which Hon Phil Pender took on this general motion in lieu of the opportunity to discuss important matters like jobs and the economy. Why has the State flag come up for

consideration when no-one in the Government has talked about it, when there has been no public discussion about it, and when there is not even the faintest prospect of change? The reason is that we have here an outlandish suggestion which has come from the Opposition alone in a desperate quest for limited media exposure or interest. That is the only conceivable reason that the State flag has been drawn into the discussion.

When we realise that, we realise also what were Hon Phil Pandal's reasons for producing a proposition about a Western Australian republic in the year 2001 or 2010. That prospect is not only outlandish but also positively inconceivable. Poor old Pandal has been reduced, in his desire for the odd headline in the media, to coming out with something as absurd as a Western Australian republic! Mr Pandal baits me from time to time about my age and compares me with Methuselah. Even if I were to live as long as Methuselah, I am confident that I still would not live to see a Western Australian republic!

Hon Phillip Pandal, having said that we should not be wasting our time on discussions on peripheral matters when there are important issues which should engage our attention, took 30 minutes doing that himself. He will notice I have taken only 20 minutes, and the reason for that is self-evident: I begrudge the time we spend on this debate. The only thing I agree with is that the subject matter of the debate does not warrant the time or the attention we have given it.

HON TOM HELM (Mining and Pastoral) [3.20 pm]: After the contribution by Hon Joe Berinson I should hand out "how to join" forms for Hon Phillip Pandal because the Labor Party has looked forward to this debate for a long time.

Several members interjected.

The PRESIDENT: Order!

Hon TOM HELM: This is a matter for debate in the Labor Party. We should have discussion about the flag, republicanism, allegiance to the Queen, and so on. We have been too occupied with the economy and unemployment, and the ability of people to get work.

Hon E.J. Charlton: So you should, when you have \$150 million debt and 20 per cent unemployment.

The PRESIDENT: Order!

Hon TOM HELM: That is the attitude we often hear from the Liberal Party. The Opposition must have loads of time to discuss many things. It is not our motion on the Notice Paper. Members opposite accuse us of spending time debating such issues, but I welcome the opportunity to do so because I could use this issue in the Labor Party Caucus room. People in the town of Port Hedland, which has a population of 13 000, say that because they cannot swear allegiance to the Queen of England, because they cannot become Australians, their children -

Hon E.J. Charlton: Are they Poms like you?

Hon TOM HELM: Not at all. They are Macedonians, Greeks -

Hon E.J. Charlton: They are Australian!

Hon TOM HELM: They feel very much Australian. However, they cannot swear allegiance to the Queen. They took that choice, which I took myself, to not swear allegiance to the Queen of a foreign country. However, their children who are leaving school with academic qualifications cannot become public servants because they are not citizens of Australia.

Hon E.J. Charlton: They can't get a job.

Hon TOM HELM: They can get jobs. There are some very bright kids in the town of Port Hedland. Their parents come from what is now called the Commonwealth of Independent States - those countries that fought against imperialism, against the sovereignty, and against allegiance to individual people.

Hon E.J. Charlton: And against communism.

Hon TOM HELM: And communism. They have come to this country because it is a free and better country. In Australia they are asked to swear allegiance to the Queen of a foreign country.

Point of Order

Hon PETER FOSS: It is not respectful to refer to the Queen of Australia as the Queen of a foreign country. It is contrary to Standing Order No 95.

The PRESIDENT: That is not a point of order.

Debate Resumed

Hon TOM HELM: It is a conceptual matter. If I have upset the sensibilities of Hon Peter Foss, I apologise. In my view, at 51 years of age, having spent 12 years in this country I feel the same way as do the people to whom I refer. I feel fiercely Australian but I have never sworn allegiance to the Queen of the country in which I have lived, nor have I been asked to sign a document under the Official Secrets Act. The House should be aware that people other than those from the United Kingdom are unhappy with and feel strongly about the fact that they are required to swear allegiance to the Queen of Australia. I do not know how someone becomes Queen Elizabeth II of Australia when we did not have Queen Elizabeth I of Australia, but there must be some connection.

We talk about economics and about making people Australians, but the fact is that people in this nation are deprived of work. They have all the qualifications to become public servants but they cannot because their parents could not bring themselves to swear allegiance to a system that their forebears fought against all their lives. I am not talking only about people from the United Kingdom, the Scots or the Irish; I am talking about people from the former Soviet Union who fought against imperialism and sovereignty.

This motion is a good diversion. I congratulate Hon Phillip Pandal for giving us the opportunity to debate this issue. I would suggest that those of us who are not Australian born carry the flag with pride. We proclaim our Australian-ness wherever we go. When I came back from the United Kingdom in 1986 or 1987, the year that the Yanks took the America's Cup from us, I boarded a Qantas aircraft at Heathrow airport wearing my Australian green and gold shirt, proclaiming my Australian-ness. The stewardess said that the Yanks had beaten us on the second leg of the race by four minutes 31 seconds. I was really upset. I was peeved about the idea that the Yanks were about to take the America's Cup from us. When I responded in my Australian way of talking -

Several members interjected.

Hon TOM HELM: Well, my Pilbara way of talking - we talk like this in the Pilbara all the time. The stewardess apologised and said, "I thought you were an Australian." I had on the green and gold sweatshirt; I had on the whole bit. My son who is now almost 18 talks like an Australian; so, she was correct to think that I am what I think I am - a dinky-di Australian, not a Pilbara Australian.

Hon E.J. Charlton: Wearing the green and gold tracksuit of Australia does not make you a John Deere.

Hon TOM HELM: I am sure there is some profound message in that comment.

However, that is how I felt. When I said that we would beat them on the next leg - because that was the second leg - it was a matter of leading people into a false sense of my nationality. That was when the stewardess said that she thought I was an Australian. I asked her what did she think I was; I was wearing the whole business; I had on the boxing kangaroo. That is the thing! People like Hon Eric Charlton, Hon Peter Foss, and Hon Phillip Pandal should understand that some people have experienced what it is like to be not an Australian. In order to know what I am talking about, people must have experienced what it is like to not be an Australian.

Hon Peter Foss: I have. I was born in England.

Several members interjected.

The PRESIDENT: Order! We ought to talk about the issues in the motion. This debate does not have anything to do with a person's nationality.

Hon TOM HELM: Mr President, you are right.

We have pride in the flag. The motion asks us, as the Labor Party, or whatever party, to take cognisance of certain things. If we are dissatisfied with the situation we should change it. I

ask the House to disagree with Hon Phillip Pandal. No matter where it comes from, our flag is ours. The fierce pride we have in being what we are is not something with which we were born; or something with which we have spent most of our time. The flag is something that we will defend - as stated by the Returned Services League, and other people - to our dying breath. However, we also defend our right to discuss the alternatives, the other point of view.

Surely Hon Joe Berinson was trying to point out the significance of the flag and whether it should take precedence over the economy and jobs. Although I am not Australian-born I am an Australian who has sworn allegiance to the flag. I could not be a member of Parliament unless I had sworn allegiance to the flag.

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

FIRE BRIGADES SUPERANNUATION AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Hon Graham Edwards (Minister for Emergency Services), and read a first time.

Second Reading

HON GRAHAM EDWARDS (North Metropolitan - Minister for Emergency Services) [3.33 pm]: I move -

That the Bill be now read a second time.

The Bill seeks to amend the Fire Brigades Superannuation Act 1985 and addresses one theme only; that is, for the fund to comply with the Commonwealth standards under the Occupational Superannuation Standards Act 1987. Even though the current powers, functions and actions of the board are in accordance with the standards, there is a requirement to reflect these standards in the governing legislation of superannuation funds. This requirement is to be met by 30 June 1992. Failure to do so will render the fund a "non-complying" fund and liable to payment of income tax at the rate of 39 per cent, whereas a "complying" fund pays tax at the rate of 15 per cent. In addition to the general complying provision, the Act is further amended to include specific standards which are considered to be in the best interest of all members. I refer to the requirement that the actuarial report is to be completed within 12 months of the fund's being reviewed, and the restrictions on the board about lending to members or borrowing for investment purposes. I commend the Bill to the House.

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

MOTION

Road Traffic (Infringements) Amendment Regulations (No 2), Road Traffic Code Amendment Regulations (No 4), Road Traffic (Drivers' Licences) Amendment Regulations (No 4) - Disallowance

Debate resumed from 6 May.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.35 pm]: This motion, which was moved by Hon Eric Charlton, deals with the disallowance of various traffic regulations as published in the *Government Gazette* some time ago. When presenting his argument on the reasons these regulations should be disallowed Hon Eric Charlton suggested that the regulations could be interpreted as being framed in such a way as to discriminate against a particular class of citizen. During his speech Hon Eric Charlton referred to those farmers who in March 1991 blockaded the Causeway and other main roads to draw attention to the depressed conditions that were prevalent in rural communities. In part the farmers wanted to let the Government know that huge Government imposts were causing farmers great economic disadvantage and, more than that, that depressed world commodity prices were also causing great disadvantage to the farming community. It could be argued that the actions of those farmers was one of absolute frustration and an attempt to draw attention to their plight. I had the opportunity of looking closely at the proposed regulations and it is important that members understand the words of the regulations they are

being invited to disallow. Regulation 1105 of the Road Traffic Code is sub-headed "Intentional obstruction of a carriageway" and reads as follows -

A person shall not, with intent to hinder or obstruct the passage of any vehicle or vehicles on a carriageway, park or stand a vehicle on the carriageway in such a manner as to cause the passage of any other vehicle on the carriageway to be obstructed or hindered.

The other regulation which forms part of this motion is the Road Traffic (Infringements) Amendment Regulations (No 2) and the intention is to amend the first schedule by inserting regulation 1105 and the figure \$200. The Police, through the Minister for Police, want an additional regulation added to traffic regulations concerning the obstruction of carriageways and a fine of \$200 to be applicable if such an offence were proved. Hon Eric Charlton suggested that the regulation could be interpreted as being framed in such a narrow way as to focus only on the rural community. It is clear that the regulation is much broader than that and will apply to the whole of the community. In that regard it cannot be considered to be discriminating against a particular class of people. However, the point must be made that quite clearly the Government was induced to bring this regulation in on the basis of the activities of those farmers in March 1991. The next question that needs to be asked is: If it was that incident that caused the Government to consider this regulation, why was it that on previous occasions when motor vehicles were obstructed on carriageways by the activities of other interest groups the Government did not bring in a similar or the same legislation? I refer to picket lines that are from time to time organised by various special interest groups, in particular, union organisations. In its present form this regulation will undoubtedly apply to union picket lines.

Hon Sam Piantadosi: There is a difference, Mr Cash.

Hon GEORGE CASH: Tell me the difference?

Hon Sam Piantadosi: Union picket lines do not block the main traffic arteries. Basically pickets protest at a particular site where there is not much traffic.

Hon GEORGE CASH: I am grateful for Hon Sam Piantadosi's interjection because it indicates clearly that he has not read the proposed regulation 1105 or, if he has read it, he does not understand it. In no way does this regulation distinguish -

Hon Sam Piantadosi: Be fair Mr Cash.

Hon GEORGE CASH: I am being as fair as I can because -

Hon Sam Piantadosi: You raised the union movement, not the farmers. I am just trying to point out the difference between them, and if you do not know the difference I will take you out to those sites and show you.

The DEPUTY PRESIDENT: Order! If Hon Sam Piantadosi wants to make a contribution to this debate he can do so at the conclusion of Hon George Cash's remarks.

Hon Sam Piantadosi: I am trying to assist the member.

Hon GEORGE CASH: It is no good for Hon Sam Piantadosi to say that a carriageway that is obstructed by a farming organisation or a rural interest group is any different from a carriageway that is obstructed by union groups or any other special class of citizen.

Hon Sam Piantadosi: I am disappointed in you, Mr Cash. I just want the truth to come out.

The DEPUTY PRESIDENT: Order!

Hon GEORGE CASH: It is interesting that Hon Sam Piantadosi is so sensitive about this matter. This regulation does not discriminate against any class of person in the community. In its present form it will cover all incidents in which carriageways are obstructed. I am trying to make the point that it will include the union movement. This regulation will apply whether a picket line is established on a main arterial road, a minor road, or on a road which leads into a business property.

Hon Sam Piantadosi: There is a bit of a difference.

Hon GEORGE CASH: There is no difference at all.

Hon Kim Chance: Surely it is proper that it should apply.

Hon GEORGE CASH: I thank Hon Kim Chance for his comment because he, along with me, recognises that this regulation does not discriminate against particular groups of people. Hon Sam Piantadosi, by way of interjection, appears to be arguing that unions that picket roads leading into business properties - I assume he means business properties - should not be subject to this regulation.

Hon Kim Chance: Hon Sam Piantadosi was arguing that unions were not closing access to the entire section of the arterial roads.

Hon GEORGE CASH: The Government cannot have it three ways.

Hon Sam Piantadosi: You are having it all ways.

Hon GEORGE CASH: The Government cannot frame a regulation that covers all groups within the community and then argue, by way of Hon Sam Piantadosi's interjection, that it should not cover union organisations; clearly, that would be wrong.

Hon Sam Piantadosi: Are you telling the truth, Mr Cash?

The DEPUTY PRESIDENT: Order! If Hon Sam Piantadosi is complaining that the speaker on his feet is misrepresenting what he said, he should avail himself of the opportunity to clear up the matter when Hon George Cash finishes his remarks.

Hon GEORGE CASH: There is no way Hon Sam Piantadosi will claim that I am misrepresenting him, because if he reads the regulation he will agree with Hon Kim Chance, who responded on behalf of the Government, and me that this regulation does not discriminate. It will be able to be applied against union activists when they picket a site and hinder or obstruct the passage of any vehicle or vehicles on a carriageway; therefore, it will apply to everyone. That is the point that must be recognised about the Liberal Party's response to the invitation to disallow this regulation. It is important to recognise that the Liberal Party takes a different view from the National Party on this disallowance motion.

The Opposition supports the motion in its present form on the basis that it is non-discriminatory. It is important to note that members of this House who have close connections with the union movement and who, at times, it could be suggested, incite certain groups within the union movement to organise picket lines, will cause anyone who hinders or obstructs the passage of vehicles to be in breach of this regulation and subject to the fine that the Government is proposing. Laws that are passed in this House, or regulations that in due course have the force of law, should be applied in an even handed way, without fear or favour. It is not good enough for any member, in particular Hon Sam Piantadosi, who has strong links to the union movement, to come into this place and try to represent a case.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon GEORGE CASH: In conclusion, irrespective of Hon Sam Piantadosi's comments, these regulations are not discriminatory in their present form. They will apply to rural groups, unions, and any other classification of groups within the community. Also, I confirm my earlier statement that the law must be applied in an evenhanded way without fear or favour.

Once this regulation becomes law, undoubtedly it will affect union picket lines, which have been erected from time to time in this State and have hindered and obstructed vehicles on carriageways. I remind Hon Sam Piantadosi, and the Government which proposed the regulation, of three prerogative writs which are available to the community. Of course, the first is the mandamus writ. If it is Hon Sam Piantadosi's intention in due course to incite his union colleagues to form a picket barrier across a carriageway, I am sure certain people within the community will exercise their rights and secure a writ of mandamus and require the Commissioner of Police to prosecute those persons in accordance with these, or other relevant, regulations.

HON E.J. CHARLTON (Agricultural) [4.36 pm]: I thank members for their comments on this motion. Obviously, nothing has changed the National Party's position on the principle of these regulations. The Government obviously regarded the situation as serious because it responded by changing the regulations and increasing the penalties to apply to persons involved in certain activities. However, the principle to which I refer is that the Government has responded as a result - so it seems - of the action by a group of farmers designed to bring

home to city people the seriousness of the situation the farmers face. The rural problems have been of increasing and more serious proportions over recent years. For example, the cost of operating most agricultural industries over the last nine years has increased by 100 per cent. One does not have to be too academic to realise that a corresponding lift in income is necessary or else one goes out of business. Those cost increases have been caused, almost totally, by State and Federal Government decisions regarding the cost of input products required to run such a business. One could then refer to the transport industry and its consequences.

However, it is unbelievable that the Government responded by increasing the penalties when a group of farmers showed to the people of metropolitan Western Australia their feelings about the seriousness of the rural situation. It would have been more responsible to attempt to bring down some of the cost burdens on that enterprise, which is so central to any recovery of Western Australia.

Hon Kim Chance: You will not give credit then for the guaranteed minimum price?

Hon E.J. CHARLTON: Hon Kim Chance refers to the Government's decision to introduce the guaranteed minimum price of \$150 a tonne.

Hon Kim Chance: Or sales tax exemptions?

Hon E.J. CHARLTON: Just as it is the National Party which is moving to disallow these regulations, it was the National Party which instigated the move for the \$150 per tonne minimum price. At that time other organisations were running around the country trying to convince Mr Kerin - that most useless individual - that such action should be taken at a Federal level.

I have said here on many occasions that I congratulate the Government. If Hon Kim Chance wants me to say it again, I will say it again. It was the most positive thing the Government has done and it did not cost it a cent as it turned out. It would have been nice to see how the Government reacted had it cost it money; it may not have been so cock-a-hoop if it had.

In moving this motion to disallow the regulations, we wanted to signify to the Parliament that it is all very well to respond to a group of people that the Government considers did something that was against its perception of a fair deal and to penalise those people for their actions. I hope the Government is only half as vigilant when it has to deal with another group of people. Today, the Fremantle waterside is on the brink of closure. I wonder whether the Government will be so energetic, forthright and positive in its response to that situation and will penalise the people responsible for holding the State to ransom.

The group of people affected by the motion are extremely genuine in their desire to bring home to the Government and to the people of this State the seriousness of the Government's actions in this regard. They have not done that by simply demonstrating; they have tried to do something positive on top of the wheat issue by bringing fertiliser into this State, not against the wishes of any local workers or organisations, but because that product is imported already by a company in this State that has an absolute monopoly. Those people decided that they could bring fertiliser into this State to save the farmers some money, and we all know what happens when farmers are saved money; they spend it on something else. Today, a ship called *Magic* berthed in Geraldton with 30 000 tonnes of urea which will be sold at about \$50 or \$60 a tonne cheaper than the current price paid in Western Australia. The Government has responded to these people by increasing the penalties which apply. They did something for Western Australia. If there were more people like them we might turn this nation around and get it up and running again. The National Party will take this matter all the way to ensure that those people are not used as an example for responding to that situation. Again, if the Government is half as vigilant with other people in our society, I expect it to take stronger action.

Division

Question put and a division called for.

Bells rung.

The PRESIDENT: Order! Lock the doors. The question is that the motion be agreed to. The Ayes will pass to the right of the Chair and the Noes will pass to the left. I appoint Hon Sam Piantadosi teller for the Ayes and Hon Eric Charlton teller for the Noes.

Hon J.M. Berinson: Mr President, we are on the wrong side of the House.

The PRESIDENT: Order! What is happening? The question I put was that members voting with the Ayes will pass to the right of the Chair and the members voting with the Noes will pass to the left of the Chair. The division was taken and the members had chosen their side of the House. They cannot change their position.

Hon Kay Hallahan: Mr President, you said those voting with the Ayes will pass to the right of the Chair and those voting with the Noes will pass to the left of the Chair. That was when our leader said, "I am not voting with the Ayes, I will need to move with the Noes" and a number of us followed him. That is the point where it was indicated we should vote.

The PRESIDENT: Order! We are not running an auction. Members know that when the bells are rung and they go into division on the side of the House on which they wish to vote, they have voted. Once I have locked the doors and the members are on one side of the House, the question is decided and they cannot jump over to the other side at the last minute. It is obvious to me that members did not understand how they were voting. That is incredible. The question was that the motion be agreed to. I find it difficult to believe that members did not understand the question. Members came to the side of the Chamber on my right indicating that they supported the motion and other members were on the other side indicating that they did not support the motion. There is a long and technical procedure which we could go through to undo what we have just done if members decide that they did not understand what the score was and they want to vote again. In the interests of saving an awful lot of time and going through that long and protracted technical procedure, I guess I can put the question again and ring the bells again and we will forget what we have done. However, I have to tell members that it is quite extraordinary that they have adopted this attitude. It is indicative of the attitude about which I wrote a letter to members today. Members seem to be treating this place as a playroom. If I put the question again and ring the bells we will be back where we started.

Hon Peter Foss: I suspect that once a regulation has been disallowed it is disallowed and the Parliament ceases to have the power to reverse the vote. Therefore, we are *gratis officio* in that respect and we are unable to reverse that ruling anyway.

The PRESIDENT: I have not announced the result of the vote. The reason I am prepared to do what I will do is that at this stage I have not received any response from the tellers. Therefore, we have not agreed or disagreed to anything.

I might as well take another couple of minutes: The shape of this building and the way it was designed was to ensure that this situation could not happen. For the interest of those members who want to know what I am talking about, I will tell them why. I did suggest when we had a funny result a couple of years ago that we should use the division lobbies so there is absolutely no doubt as to what happened. The division lobbies are the lobbies outside the two doors of this Chamber which form the corridor. This place was built in the same way as other Parliaments around the world with a division lobby. Members must pass through the division lobbies and their names are ticked off the list and their vote is counted. It leaves no doubt that a member has voted or how he voted. Members should give serious consideration to using the division lobbies in the way they were intended to be used and were used many years ago.

Hon GEORGE CASH: Mr President, may I draw to your attention that the mere fact that members should assemble on one side or the other while the bells are ringing might give a good indication as to the way they may wish to vote, but until such time as you invite members to proceed to either side of the Chamber their intention is not made absolutely clear. Mr President, I suggest to you that members could continue moving until such time as the tellers were appointed by you and then all those members on this side of the Chamber would vote no to the proposition and members on the other side of the Chamber would vote yes. I do not believe there is a need to re-put the question asked. When you invited members to vote - the words I recall you using were, "Members voting aye shall pass to the right of the Chair and members voting no shall pass to the left of the Chair" - it was then that members decided on their position. Clearly, there was a mistake but sanity would prevail if we were to adopt that course of action.

The PRESIDENT: I am pleased to hear the interesting point of view of the member, but I

advise him that I totally disagree with it and draw his attention to Standing Order No 212 which reads -

When a division has been called for, Members shall take seats on the side of the Council on which they intend to vote, and shall not move therefrom after Tellers have been appointed until the result of the division has been declared.

I had appointed the tellers - Hon Sam Piantadosi teller for the Ayes and Hon Eric Charlton teller for the Noes. The question Hon George Cash raises is simply a point of view that does not apply. However, I come back to what I said: If we are going to fix it up at least let us do it so that it is fixed up reasonably properly. I will ask for the bells to be rung again and members can take up their places. Ring the bells.

Question put and a division taken with the following result -

Ayes (3)		
Hon J.N. Caldwell	Hon E.J. Charlton	
Hon Reg Davies	(Teller)	
Noes (26)		
Hon J.M. Berinson	Hon Kay Hallahan	Hon P.G. Pandal
Hon T.G. Butler	Hon Tom Helm	Hon Sam Piantadosi
Hon George Cash	Hon Barry House	Hon Tom Stephens
Hon Kim Chance	Hon B.L. Jones	Hon W.N. Sretch
Hon Cheryl Davenport	Hon Garry Kelly	Hon Derrick Tomlinson
Hon Graham Edwards	Hon P.H. Lockyer	Hon Doug Wenn
Hon Max Evans	Hon Margaret McAleer	Hon D.J. Wordsworth
Hon Peter Foss	Hon N.F. Moore	Hon Fred McKenzie
Hon John Halden	Hon Muriel Patterson	(Teller)

Pairs

Hon Murray Montgomery
Hon R.G. Pike

Mark Nevill
Hon Bob Thomas

Question thus negatived.

MOTION

*State Energy Commission (Electricity and Gas Charges) Amendment By-laws (No 2) and
State Energy Commission (Electricity and Gas Charges) Amendment By-laws -
Disallowance*

Order of the Day read for the resumption of debate from 6 May.

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

BILLS (2) - REPORT

1. Mines Regulation Amendment Bill 1991
 2. Acts Amendment (Confiscation of Criminal Profits) Bill
- Reports of Committees adopted.

DECLARATIONS AND ATTESTATIONS AMENDMENT BILL 1990

Third Reading

Bill read a third time, on motion by Hon E.J. Charlton, and passed.

NURSES BILL 1991

Report

Report of Committee adopted.

ROAD TRAFFIC AMENDMENT BILL*Second Reading*

Debate resumed from 30 April.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [5.03 pm]: I indicate from the outset that the Opposition does not support the Road Traffic Amendment Bill 1992 in its present form. I provide a brief history of this Bill and a previous Bill along similar lines which was introduced by the Government. The original Bill was introduced and given a first reading in this House on 12 July 1990. It attracted a fair amount of comment during the second reading debate and as a result of those comments was referred to the Legislative Council Standing Committee on Legislation on 12 September 1990. The Standing Committee on Legislation received 26 written submissions, sat on six separate occasions, heard oral evidence from 14 witnesses and, after considering the various submissions and evidence tendered, reported to the House in December 1990. The first report of the Legislation Committee in respect of the 1990 Bill indicated that much of the evidence presented to the committee, especially that supporting the retention of the 0.08 blood alcohol limit when determining driving offences, was of a statistical nature. Further, the committee reported to the House that, after hearing from statisticians supporting both sides of the argument, consensus was reached that the statistical evidence did not support the introduction of a lower blood alcohol limit. The committee reported to the House that any decision on the reduction of the blood alcohol limit in the determination of driving offences from 0.08 to 0.05 would, therefore, need to be a political decision. The committee reported that such a decision could be made in the interests of the greater community. The committee was required to consider more provisions in the 1990 Bill than are contained in this Bill.

The original Bill was again considered by the Legislative Council, following receipt of the report from the Standing Committee on Legislation, and was referred once more to that committee, on 14 May 1991. The Legislative Council requested the Legislation Committee to provide a more detailed report to enable members to better understand the committee's deliberations. The committee again took evidence from a number of persons and gave far more details in its second report on this subject to this House in August 1991. The first recommendation of the Legislation Committee was that interpretations of statistical evidence regarding the 0.08 and 0.05 blood alcohol levels should be treated very cautiously as the raw data could be analysed to produce different conclusions. The report also contained other recommendations. Appended to the report were two sets of amendments: One could be described as the Liberal Party's version and was printed on blue paper, and the second could be described as the chairman's compromise paper and was printed on green paper. In general terms the Liberal Party version argued that amendments should be made to the Bill which would ensure that the 0.05 blood alcohol level applied to drivers who had not attained the age of 21 years and were not probationary drivers, and the 0.08 blood alcohol level applied to other drivers. The 0.02 blood alcohol level would continue to apply to probationary drivers.

The Chairman of the Standing Committee on Legislation in his compromise version suggested that a three tier approach be adopted: 0.02 for probationary drivers and for two years beyond the current one year probationary period, 0.05 for drivers who had not attained the age of 25 years, and 0.08 for drivers who were 25 years and over. Those two propositions were debated in this House and finally the Liberal Party moved certain amendments which were agreed to by the House. The amendments had the effect that a 0.02 blood alcohol level would apply to probationary drivers, with the probationary period remaining at one year, a 0.05 blood alcohol level would apply to drivers who had not attained the age of 21 years but who were not probationary drivers, and a 0.08 blood alcohol level would apply to drivers of 21 years and over.

That, of course, provided for the other provisions of the Road Traffic Act. An 0.15 drink driving offence is presently recognised by the Act. The Liberal Party's amendments were agreed to by this Council on that previous occasion and a message was sent to the Legislative Assembly in October 1991. It is clear that at that time the Government did not see a need to change the 0.08 blood alcohol content requirement for drivers to a 0.05 blood alcohol requirement because the legislation languished on the Notice Paper in the Legislative Assembly and in due course lapsed when both Houses of Parliament were prorogued. The

Government has now introduced a similar Bill which in general terms seeks to introduce a new maximum blood alcohol level of 0.05 per cent for all drivers while retaining the 0.08 and 0.15 levels of offence. Clearly, the 0.02 level requirement will remain for probationary drivers. It is intended through this Bill to insert a new section 64AA in the Act requiring drivers across the board not to exceed a 0.05 blood alcohol content when driving. It is also intended through this Bill that if the maximum 0.05 blood alcohol level is agreed the penalty for contravening that requirement will be a fine of not less than \$200 or not more than \$500 and the imposition of six demerit points rather than having the existing three tiers of driving offence; that is, 0.05, 0.08 and 0.15.

Hon Graham Edwards: I have indicated a preparedness to agree.

Hon GEORGE CASH: The Bill at present provides for a minimum fine of \$200 or a maximum fine of \$500 and the imposition of six demerit points. However, the Minister for Police has indicated to me that he will consider reducing that minimum fine to \$100.

Hon Graham Edwards: That is correct.

Hon GEORGE CASH: The Minister confirms that that is the Government's intention. Rather than imposing six demerit points as part of the penalty for a 0.05 offence the Government is considering the imposition of four demerit points. I indicate on behalf of the Opposition that it agrees with the reduced monetary penalty, but rather than the imposition of four demerit points as part of the penalty it is the Opposition's intention to move in due course for a three demerit point penalty.

The other sections of the Bill deal with an anomaly related to persons who do not hold a licence. Members would be aware that similar clauses appeared in the 1990 Bill. They related to young drivers who do not bother to get a driver's licence who are picked up by the police and have a blood alcohol level in excess of 0.02. The problem arises under the existing Act that if a driver does not hold a driver's licence and therefore is not a probationary licence holder he cannot be charged with the offence of driving with a blood alcohol level exceeding 0.02. It is clearly necessary to then revert to a 0.08 offence. However, that is contrary to the intent of both the Government and the Opposition. The Government intends that this Bill rectify that situation. The Opposition agrees with the Government on that point.

I turn to the arguments that are put as to whether an offence related to a 0.08 blood alcohol level should apply. The Liberal Party has argued in the past that insufficient statistical evidence exists to show that a reduction in the permitted blood alcohol level of drivers from 0.08 to 0.05 causes a significant reduction in fatal or non-fatal accidents. It would be possible to re-run the arguments and go through all the reasons why the Liberal Party does not believe that the statistics available measure up to the Government's proposal. Suffice to say that the Legislation Committee has considered the statistical data at length. The Committee called expert witnesses to give evidence. The first recommendation of the committee when it reported to the House in August 1991 was that the interpretations of statistical evidence given for 0.08 and 0.05 BAC should be treated very cautiously as the raw data can be analysed to produce different conclusions.

Given that recommendation and the previous comments I have made in this House, I do not intend to dwell at length on the question of analysis or proving whether a significant reduction in the number of fatal or non-fatal accidents results from a reduction in the allowable blood alcohol content of drivers from 0.08 to 0.05. I turn to a document titled "Road Crashes in W.A. 1990" which was issued by the Western Australian Police Department and in particular to table 5.3 referring to the age and blood alcohol levels of drivers involved in fatal crashes in 1990, the latest information I have been able to obtain. It states that 66 per cent of all fatal crashes that occurred in Western Australia in 1990 involved persons who had no blood alcohol reading. The extension of that figure is that 34 per cent of fatal accidents in 1990 involved persons who had some level of blood alcohol.

It should be realised that a reduction in the permitted blood alcohol level for drivers from 0.08 to 0.05 would have affected only two per cent of those fatalities. I should say immediately that the Liberal Party is keen to see a significant reduction in road fatalities in Western Australia. It would clearly like there to be no fatalities or injuries on our roads. Regrettably, that will never be the case. However, I point out that arguments that there will

be a significant reduction in road fatalities if a permissible blood alcohol content of 0.05 is introduced for drivers are unsustainable given the statistical evidence available to us.

It is important for the House to recognise that there have been some changes to drink driving offences in recent years. I refer to the 1991 annual report of the Western Australia Police Force and in particular to page 23 where the heading "Drink Driving Offences" appears and where it is stated that during 1990-91 a total of 12 188 breathalyser, blood and urine tests were conducted which resulted in 10 697 drink driving charges being laid compared to 13 476 tests and 11 782 charges in the previous year. This is a 9.6 per cent decrease in tests and a 9.2 per cent decrease in charges during the period. I am prepared to accept the argument that, on the face of it, random breath testing is one of the reasons that there has been a reduction in drink driving offences. However, it is more likely that the concerted education program which was conducted by the Government and which increased the community's awareness of the problems of drinking and driving was a greater factor in reducing the number of drink driving offences than was RBT.

It is unfortunate that there are usually a number of road fatalities in Western Australia over Easter. As a result, every Easter the Minister for Police and the Commissioner of Police or his senior officers make concerted pleas to the public to drive carefully and emphasise the fact that drinking and driving do not go together. Only a few weeks ago when we had the Easter break, the police stopped 7 000 drivers in the metropolitan area and subjected them to random breath tests. It is pleasing to note that not one of those 7 000 drivers was over the 0.08 BAC limit. Credit must be paid where credit is due, and credit is due to the motorists of Western Australia for listening to that message and for taking notice of and putting into effect the request of the Government, the Opposition and the Police Department that they not drink and drive. It is regrettable that during Easter, Western Australia still suffered road fatalities. The Opposition will continue to try to prevent that unfortunate situation.

The statistics provided by the Government do not indicate that a reduction in BAC from 0.08 to 0.05 will reduce significantly road fatalities or trauma in Western Australia. It is important to recognise that the reason the Government put the 0.05-0.08 BAC debate on the agenda in the first place was that it had received threats from or was subjected to blackmail by the Federal Government. I remind members that Federal Land Transport Minister Bob Brown threatened to cut Western Australia's road funding if the Government did not fall into line in introducing 0.05 BAC legislation and getting it through the Parliament. The Minister for Police, other members of the Government and members of the Opposition have already castigated Federal Minister Brown for his interference in the traffic laws of Western Australia. The Government and the Opposition recognise that this is a matter for State Parliament and does not come under the Federal Government's jurisdiction, and we have made it clear to Federal Minister Brown that we do not like his interference or blackmail. I still believe, irrespective of the comments of the State Minister for Police and other State Ministers, that the State Government is acting now only because of the Federal Minister's blackmail tactics. It is important to ask the question: If we cave in every time Federal Ministers demand something and threaten that we will lose funding, what will be the next step? What will the Federal Government demand next? We in Western Australia have to be prepared to stand up on a bipartisan basis to protect the interests of this State against the activities of the Federal Government, be it a Labor Government or any other Government.

In expanding a little on the Commonwealth's interference in State Government matters, I remind the House that the road driving conditions in Western Australia, particularly in the north west of this State, are different from those in southern Victoria or southern New South Wales. It is a pity when Federal Ministers from the "golden triangle" of Victoria, New South Wales and the Australian Capital Territory believe that they know everything about this State and are able to impose their will on the people of this State.

I have indicated that I do not intend to speak at length about the statistical evidence which has been provided to the Parliament by the Government and about other statistical evidence that the Opposition has obtained from its own research. However, I want to raise a matter that was not covered at great length in earlier debate on this issue. I refer, firstly, to a letter that I received from Mr John R. Edinger, who is a former member of the National Health and Medical Research Council. The letter is headed "Blood Alcohol Limit in Drink Driving" and states -

Enclosed please find information which may assist you in opposing the alteration of the blood alcohol limit of 0.08% to 0.05% as recommended by Mr. Brown, the Commonwealth Minister, and Mr. Graham Edwards, Minister for Police.

The following points are salient:

- (1) The Food and Drug Administration of the U.S.A. recommends the 0.08% blood alcohol limit -- commonly adopted by States such as California.
- (2) There is no definite research available to support the 0.05% level.
- (3) Individual absorption and reactions vary greatly person to person, ethnic races, males and females. It is considered that the change from 0.08% to 0.05% is not of real significance and the idea of a range of tolerance limits based on age and experience in consuming alcohol I consider to be the best solution.

In proposing those points, Mr Edinger opens a new area in the 0.08-0.05 BAC debate because he introduces the possibility that the statistics with which we have been provided may not adequately reflect the different absorption rates of individuals.

I have taken the opportunity of noting a paper by Dr Jane Hendtlass entitled "Blood Alcohol Measurement; Biological Aspects". Dr Hendtlass is a therapist and research officer at the Moreland Hall Treatment Centre for Alcoholism and Drug Dependence, Melbourne, and is a highly qualified person. She raises in that paper a number of questions about the absorption rates of alcohol into the body and the recognition that people are different and, as a result, questions whether the analytical information that has been made available to date has taken into account these important facts to the degree that she believes necessary. I refer in particular to the summary and conclusions on page 6 of the report.

In part the summary and conclusions read as follows -

Drink-driving laws which rely on precise analytical information about the amount of alcohol in the body were developed on the premise that there was a demonstrable relationship between blood alcohol concentration and risk of road crash involvement.

Whether by forthought or by chance, the new laws of the early 1960's included in their original design recognition of the limitations imposed by the need for enforcement agencies to individualise information which had been collected for the general population: blood was specified as the relevant body fluid, a maximum blood alcohol concentration of 0.10 or 0.08g/100ml was chosen to reflect that at which most people are impaired, and police were required to have reason to suspect a driver had been drinking before they could impose blood analysis.

Since that time, the legislation in all Australian states has been strengthened. Breath analysis has been introduced to supplement the blood requirement of the early days. In most cases, the maximum legal blood alcohol limit has been reduced to 0.05g/100ml with zero or 0.02g/100ml for inexperienced drivers. Random breath testing has negated the requirement for police to demonstrate impairment.

All these changes have brought with them problems which evolve from a basic inconsistency between the prosecution's need to deal with the individual and the policy maker's tendency to see only a global perspective.

In particular, biological differences between individuals in the amount of alcohol which is naturally present in the body, in the non-linear nature of alcohol elimination from the blood, and in the relationship between blood and breath alcohol concentrations, can lead to some drivers being prosecuted for drink-driving offences while others who have consumed the same amount of alcohol or who have the same blood alcohol concentrations are identified as innocent.

Naturally occurring alcohol in the body can elevate the blood alcohol concentration to 0.01g/100ml: that is of itself an offence in some States and prosecution is entirely dependent on police discretion. In other States, endogenous alcohol can make the difference between prosecution and no offence detected.

The blood or breath alcohol concentration oscillates by up to about 0.03g/100ml in a five minute interval even during the declining part of its elimination curve, more

when the level is still rising. A driver who has a blood alcohol concentration of 0.08g/100ml at one time may be 0.05g/100ml or 0.11g/100ml five minutes later. On this change rests the likelihood that he will be charged, prosecuted and/or convicted.

Further, the fate of drivers who are required to submit to breath analysis depends largely on the way in which the blood supply to the lungs is functioning. The 15% of drivers who have a blood/breath ratio lower than 2100/1 will be charged with driving with a higher blood alcohol reading than their blood alcohol concentration; their breath reading can be up to double their blood alcohol concentration under normal conditions. The reverse is true for the larger number of drivers who have a blood/breath ratio which is greater than that programmed into the breath analysing instrument.

All these factors influence the way in which defence against charges of exceeding a specific blood alcohol concentration may be based on the reasonable possibility that an individual is biologically different from the population norm: all are analytically legitimate, all lead to unfair prosecution of at least some individuals, all are the result of differences between individuals in the way in which alcohol is metabolised or distributed in the body.

Those are the summary and conclusions of a very technical paper; however, given the information that has been provided to me in recent days I believe they raise some very interesting propositions. Indeed, should the 0.05 per cent blood alcohol level offence become law in Western Australia, given the parameters in which Dr Hendilass believes there may be differences between various people's distribution and metabolic rate of the alcohol dispersing within a body I believe there will be significant changes, firstly to the equipment that is used by the police, and secondly to the basis on which we have predicated these laws. Recognising the importance of the new information that is coming forward on a daily basis in respect of the analysis of both blood and breath and the differences between individuals, I think that is something the Government will have to consider at length in due course.

Turning now to the more practical situation that will occur in this State if the 0.05 per cent blood alcohol level offence is introduced, I indicate what the Liquor Industry Road Safety Association believes is likely to happen on the economic scene, and in particular in relation to employment. Yesterday I was handed a document by that association headed "Will 0.05 cost you your job?", which says the association believes that if 0.05 legislation is enacted in Western Australia 1 700 hotel employees, mostly bar attendants, could lose their employment, as could 300 workers in the wine industry, 1 000 restaurant employees, mostly waiters, 200 people working in sporting and community clubs, 700 employees in the tourism industries, 80 brewery workers and 100 entertainers. That is just the likely direct cost of the introduction of 0.05 legislation in this State. It is clear that a multiplier effect applies when one is faced with the immediate prospects of direct unemployment, and of course the impact will move across other industries such as the meat, fruit and vegetable, fish and flower industries and other suppliers such as the cleaning, laundry and transport industries.

That likely unemployment situation is clearly a matter that has been exercising the minds of a number of unions. I draw to the attention of the House a letter that was written by the Breweries and Bottleyards Employees Industrial Union of Workers of Western Australia. The union wrote to the Minister for Police on 1 May and I have been furnished with a copy of that letter. Clearly the union is very concerned at the Government's action in introducing 0.05 legislation for all drivers in Western Australia. The union suggests that no real purpose is to be served in introducing this legislation and it predicts that in the brewery industry alone 180 employees are likely to lose their jobs. The brewery union cited 180 employees while the Liquor Industry Road Safety Association cited a figure of only 80 brewery workers, so there is an inconsistency in the numbers. I would prefer to believe the Brewery and Bottleyards Employees Union. It seems to me that those concerns deserve attention.

I have received a copy of a letter from the Federated Liquor and Allied Industries Employees Union. Under the heading "Proposed reduction in legal blood alcohol level for drivers", it states in part -

Experience in the Eastern States demonstrates that a reduction in the blood alcohol limit to 0.05 can result in a ten percent reduction in employment in the Hospitality Industry, a reduction which would translate to between 2000 and 3000 lost jobs in

this state ravaged as we are by recession with an unemployment rate of over 12% ranging up to 30% for the youth of some areas.

Again, a union organisation has highlighted the dramatic increase in unemployment that will occur if this House agrees to the 0.05 blood alcohol level.

It would be possible to go on for a very long time introducing statistical evidence both for and against any change in the law. I have already stated that on the evidence I have had the opportunity to research I have established clearly in my mind that no significant reduction in road fatalities or trauma occurs when the blood alcohol content is reduced from 0.08 to 0.05 per cent. However, the Liberal Party, in a constructive and positive way, wants to be seen in the community as taking steps to protect the high risk group within the community affected by drink driving.

When the original Bill was introduced to this House in 1990 the Liberal Party moved amendments which would have seen the 0.05 blood alcohol level imposed on drivers up to the age of 21 years but not on drivers above that age. The Liberal Party intends to move that positive alternative to the Bill under debate because its members believe such an amendment will satisfy the community concerns about the high risk group of young drivers. The Government had the opportunity 12 months ago to enforce such a provision for drivers up to the age of 21; regrettably it did not proceed with the legislation after it was passed in this House and transmitted to the Legislative Assembly. That fact casts grave doubts on the Government's real intention to reduce the blood alcohol content for all drivers to 0.05 per cent, given that the Government does not consider it the most urgent legislation for the attention of this House.

At the Committee stage of this Bill the Liberal Party will once again move for the introduction of 0.05 per cent blood alcohol content for drivers up to the age of 21 and 0.08 per cent for drivers 21 and over. I give notice to the Minister that when discussing the penalty provisions of the Bill we will agree to the reduction in the current minimum penalty from \$200 to \$100. I give notice also that it is the Liberal Party's intention to move that demerit points for 0.05 offences should be three rather than six points. The Liberal Party is not prepared to support the Bill in its present form. Should the Government agree to the Liberal Party's amendments, we will support the Bill in an amended form.

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

House adjourned at 5.46 pm

QUESTIONS ON NOTICE

"KINGS PARK OF THE NORTH", WANNEROO - DEVELOPMENT PROPOSAL
Location, Timetable and Cost

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

With reference to the Government's announcement to create a "Kings Park of the north" in the Wanneroo area -

- (1) What is the proposed location of this parkland setting?
- (2) What timetable for development is proposed for this area?
- (3) What is the estimated cost of the creation of such a park?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) Lake Joondalup and Goollelal as described in the Yellagonga regional park (draft) planning review (DPUD, April 1991).
- (2) Five year capital development program.
- (3) \$0.5 million for capital developments; \$0.2 million per annum for ongoing maintenance.

SPENT CONVICTIONS ACT - AMENDMENTS

218. Hon PETER FOSS to the Attorney General representing the Minister for Justice:

When is it expected that legislation to amend the Spent Convictions Act 1988 will be introduced?

Hon J.M. BERINSON replied:

The Minister for Justice has provided the following reply -

Further to the reply previously given to question 174, procedural arrangements agreed with the Commissioner of Police mean that amendments to the Act at this time do not appear necessary. Action is now proceeding to proclaim the Act on 1 July 1992.

WESTRAIL - FERTILISER RAIL TRANSPORT
Ten Hour Wagon Turnaround, Country Areas

232. Hon MARGARET McALEER to the Minister for Police representing the Minister for Transport:

Why does Westrail impose a 10 hour turnaround on trains discharging fertiliser in country areas?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

The 10 daylight hours wagon turnaround time has applied since 1984. It attempts to improve on the average wagon turnaround of one payload per week. To relax this requirement will result in a shortfall in resources available to perform the task and an escalation in the capital component of the cost of railing fertiliser.

WESTRAIL - FERTILISER RAIL TRANSPORT
Farmer and Contractor Difficulties

233. Hon MARGARET McALEER to the Minister for Police representing the Minister for Transport:

- (1) Is Westrail aware of the difficulties it imposes on farmers and rural based fertiliser operators in requiring -
 - (a) minimum train loads of 600 tonnes;

- (b) minimum charge for wagon loads of 25 tonnes whether fully loaded or not; and
 - (c) a 10 hour turnaround on trains discharging fertiliser?
- (2) If yes, will the Minister direct Westrail to review and alter these requirements so that it is viable for more farmers to utilise rail rather than road transport?
- (3) If no, will the Minister investigate these requirements and alter them to make cartage of fertiliser by rail a viable proposition for farmers and rural based fertiliser operators?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) Westrail is aware of the difficulties some farmers and bulk fertiliser service contractors are experiencing with the rail distribution of fertiliser. These changes have been gradually introduced over a period of some eight years in order to enable Westrail to minimise the losses associated with providing a fertiliser service in a deregulated transport environment. Train load minima vary from a low of 420 tonnes to a high of 840 tonnes depending upon the operating capacity of trains in different locations as determined by the topography of the region. Westrail will accept a further reduction of 10 per cent on these minimum train loads.

In the case of fertiliser transport Westrail does not charge wagon load minima. Instead it charges a minimum of 25 tonnes for each consignment or, in the case of different fertiliser products being consigned at once, the minimum of 25 tonnes applies to each type of product. This criterion was introduced two fertiliser seasons ago and coincided with the withdrawal of the obsolete 10 tonne four wheeled wagons previously used in fertiliser transport. The average load capacity of Westrail's narrow gauge fertiliser wagons is around 40 to 44 tonnes each. The average fertiliser load to date has been in the vicinity of 30 tonnes per wagon. The 10 daylight hour unloading criterion has applied to bulk block fertiliser since 1984. See answer to question 232.

- (2) No. As a deregulated traffic, fertiliser must cover the direct cost of operation if it is to remain viable on rail. It should also be financially competitive with the alternative of road transport wherever possible. To this end Westrail has the responsibility of ensuring attention is given to the best possible use of wagon capacities, wagon turnaround and locomotive hauling capacity in an effort to contain costs. Many bulk fertiliser operators have supported these initiatives and, where necessary, work as a cooperative to ensure that the criteria are met.
- (3) Not applicable.

SCOUTS AND GUIDES - GOVERNMENT ASSISTANCE

236. Hon BARRY HOUSE to the Attorney General representing the Premier:

What assistance does the Government provide to the scout and guide movements in Western Australia?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

The scouts and guides each receive an annual wage subsidy grant under the youth special development grants of \$12 000. In 1988, as part of the social strategy announced by Premier Dowding, the Government provided for grants of \$132 000 to the scouts and \$75 000 to the guides over five years, to assist each movement with the development plans. The grants are made from the Western Australian Family Foundation.

ROADS - NARROWS BRIDGE-MOUNTS BAY ROAD AND CRAWLEY

Left-hand Off-ramp Consideration

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

I refer to the need for north bound traffic leaving the Narrows Bridge to travel further north and then to back track south in order to connect Mounts Bay Road and Crawley and ask -

- (1) Has any consideration been given to constructing a left hand off ramp immediately north of the bridge to directly connect traffic to Mounts Bay Road and Crawley?
- (2) If no, will the Minister give consideration to such a study, examining not only the traffic implications but its capacity to reduce fuel consumption/emissions for thousands of vehicles?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

(1)-(2)

I am advised that traffic safety considerations preclude the construction of a left turn off ramp immediately north of the Narrows Bridge. Additionally the existing left turn is located immediately after the ornamental lake and any change to this would destroy the attractive landscaping developed over many years at this site.

LOCAL GOVERNMENT - CARNARVON SHIRE COUNCIL

Councillor Numbers Reduction Approach

252. Hon P.H. LOCKYER to the Minister for Education representing the Minister for Local Government:

- (1) Has an approach been made by the Carnarvon Shire Council to reduce its number of councillors?
- (2) What is the process a council must take to reduce or increase the number of councillors?

Hon KAY HALLAHAN replied:

The Minister for Local Government has provided the following reply -

(1) No.

- (2) Under the provisions of section 10 of the Local Government Act, the Governor has the power to set the number of offices of councillor for a local government or a ward. Such changes are made on the recommendation of the Minister for Local Government.

DAMPIER PORT AUTHORITY - CHAIRMAN

Membership

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

- (1) Who is the Chairman of the Dampier Port Authority?
- (2) Who are the members of the Dampier Port Authority and when do their terms expire?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) Mr Wayne Stewart.
- (2) Mr Eric Trantham - expiry 15 September 1993
Captain Douglas Walker - expiry 15 September 1993
Captain Jack Watkins - expiry 15 September 1993
Captain Garth Hammonds - until further notice
Mr Wayne Stewart - expiry 15 September 1992

TRANSPORT - DEREGULATION OF FRANCHISE ARRANGEMENTS

Denham Exemption Consideration - Exemptions

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

- (1) Is the Government considering exempting Denham from the deregulation of franchise arrangements from 1 July 1992?
- (2) Which other areas or towns have been exempted?
- (3) Are any other applications being considered?
- (4) If so, which areas?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) No. The transport of freight to and from the Shark Bay area is to be deregulated as from 1 July 1992. In this regard the Department of Transport has met with the Shire of Shark Bay to outline the implications of the policy change, to help in the transition from a regulated environment, and to advise on how the community can manage and maintain its own transport system. The community will now examine the transport options and I understand a public meeting was held on 4 May. The Department of Transport is available to provide advice and assistance if requested.
- (2) The existing franchised transport arrangements for Carnarvon have been extended until 30 June 1993.
- (3)-(4) No. However, an operating contract exists with the carrier concerned in relation to the following franchised areas -
 Murchison (townsites of Mt Magnet, Cue, Meekatharra) - terminating 30 September 1993.
 Eastern Goldfields (townsites of Menzies, Leonora, Laverton) - terminating 31 October 1994.
 Eyre Highway - terminating 30 April 1993.
 Unless it is possible to negotiate with the carrier an earlier termination of the contracts, it is intended to honour the full contractual term.

ROADS - GREAT NORTHERN HIGHWAY, CUE-MEEKATHARRA

Upgrading

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

- (1) What is the present situation with the upgrading of the Cue to Meekatharra section of the Great Northern Highway with regards to a completion date?
- (2) In the event of further rain will the Main Roads Department place an engineer on site to liaise with the relevant shires so that ample notice is given to motorists with regards to closing of roads?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) Completion of the Cue-Meekatharra section is expected in mid-1993.
- (2) The Main Roads Department will continue to liaise with local government authorities and the police to provide road users with early information on road closures under its control.

FITZGERALD STREET BUS BRIDGE - PLANNING GROUP PTY LTD
Alternative Option Proposal

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

- (1) Is the Minister aware of a plan prepared by the Planning Group Pty Ltd in which an alternative option to the Fitzgerald Street Bus Bridge has been proposed in the following terms -
 - (a) Inbound - Buses travelling south on Charles Street proceed via the Charles Street on-ramp south on the Mitchell Freeway to the Narrows Interchange and utilise the off-ramp to the Perth City Council No 2 car park to access the Perth City Bus Junction; and
 - (b) Outbound - Buses leave the Perth City Bus Junction and travel east on Mounts Bay Road and the Esplanade, turning right onto Barrack Street and right again onto the Mitchell Freeway (north) on-ramp, proceed north on the Mitchell Freeway to the Charles Street off-ramp, and proceed north on Charles Street?
- (2) Is the proposal viable and what are the number of buses likely to be affected by such a change?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

(1)-(2)

This option is one of a number being evaluated to provide access to the central business district for bus passengers who will be inconvenienced by the absence of a bridge at Fitzgerald Street.

BUSES - FITZGERALD-ROE STREETS INTERSECTION STATISTICS
Bus Port Statistics

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

- (1) Will the Minister provide the approximate number of buses which pass through the intersection of Fitzgerald and Roe Streets on a normal Monday to Friday working day and also Saturday and Sunday?
- (2) How many buses currently use the city bus junction on a normal working day and also Saturday and Sunday?
- (3) What is the capacity of the city bus junction?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) The approximate number of buses that pass through the intersection of Fitzgerald and Roe Streets is -
 - (a) Monday to Friday - 1 280
 - (b) Saturday - 520
 - (c) Sunday - 160
- (2) The approximate number of buses using the Transperth city busport is -
 - (a) Monday to Friday - 1 330
 - (b) Saturday - 500
 - (c) Sunday - 180
- (3) The busport has the capacity to operate buses from 35 bus stands, of which only four are currently not in use. These four have been allotted to the south east corridor bus services which will be extended from their current terminus in Pier Street.

ENVIRONMENTAL PROTECTION AUTHORITY - NEW APPEALS SYSTEM

Farina, Adele, Appointment Proposal

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

Has the Minister, the Government or Cabinet had under discussion or consideration any proposal to appoint Ms Adele Farina to head a new Environmental Protection Authority appeals system?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following response -

The Minister has advised that the member would be well aware that any position established under Public Service guidelines would have to be filled in accordance with those guidelines.

QUESTIONS WITHOUT NOTICE

POLICE DEPARTMENT - RECRUITING BRANCH

Next Recruit Intake Date

163. Hon GEORGE CASH to the Minister for Police:

- (1) When will the next recruit school commence at the Police Academy?
- (2) Are Police Academy staff to be redeployed given the reduction in recruit training?

Hon GRAHAM EDWARDS replied:

- (1) The date of the next recruit intake is being considered and will depend on budgetary discussions.
- (2) It will depend on (1).

POLICE - PATROL CARS

Most Recent Auction - Deteriorated Interior

164. Hon PETER FOSS to the Minister for Police:

At the most recent sale of Government cars, purchasers noted that the interior of police traffic patrol cars were in a very deteriorated state, apparently owing to abuse. This was despite the fact that the odometers of these cars showed that they had been driven considerably fewer kilometres than other cars offered for sale.

- (1) Is the Police Department aware of the condition of these cars offered for sale?
- (2) Was this condition in any way material in the decision to sell those cars?
- (3) What were the odometer readings on those cars at the time they were sent for sale?
- (4) What was the reason for the state of the interior of these cars?

Hon GRAHAM EDWARDS replied:

I thank the member for notice of the question.

- (1) Yes.
- (2) The overall condition of a particular vehicle is a consideration in the decision to dispose of a vehicle.
- (3) The odometer readings of the 16 traffic patrol vehicles disposed of at the most recent auction ranged from 45 005 km to 80 653 km.
- (4) The interior condition of each vehicle will vary considerably depending upon the location within the State to which it has been

issued. It is impossible to provide an opinion without specific identification and examination.

SCHOOLS - COMPLIMENTARITY OF SYSTEMS WORKING PARTY

Appointment - Western Australia Representation

165. Hon DERRICK TOMLINSON to the Minister for Education:

- (1) Has the working party on complimentarity of school systems, agreed to at the meeting of Premiers and Chief Ministers in Adelaide on 21 November 1991, been appointed?
- (2) Is Western Australia represented on that working party?
- (3) By whom is Western Australia represented?

Hon KAY HALLAHAN replied:

(1)-(3)

It would be a good idea for the member to put his question on notice, because it relates to the Premier's portfolio.

TERTIARY EDUCATION - ENTRANCE PROBLEMS

Work Skills Opportunities - Broadening Consideration

166. Hon E.J. CHARLTON to the Minister for Education:

Bearing in mind the substantial problems associated with entrance to tertiary institutions by students at the TEE level, does the Government intend to take action to broaden the work skills opportunities within the education system to offer those students who do not have the opportunity to go into tertiary education a future in our society?

Hon KAY HALLAHAN replied:

The member touches on a huge issue within the education system. The shift he is referring to is under way. Six schools are involved in a pilot project known as pathways which is being evaluated and monitored by a committee chaired by Dr David Mossenson. The member is alluding to a very serious problem because the statistics indicate that the majority of students who completed their TEE last year nominated to go to university as their first preference. Quite frankly, it is an unacceptable situation that students are not aware of the broad range of opportunities. The pathways project will lead them to pathways which will not only give them the opportunity to complete their TEE and pursue a university education, if that is what they want, but also, through vocational opportunities, broaden their view of what is available. It will prepare them for work or to attend TAFE for technical training. A great deal of work is being done in this area, but a lot more needs to be done. It involves significant reform within the education system and everyone involved has a commitment to it. We need to see a significant shift in that regard.

WEST AUSTRALIAN FOOTBALL COMMISSION (INC) - AUSTRALIAN

FOOTBALL LEAGUE COMPETITION

Second Team - Government Involvement

167. Hon E.J. CHARLTON to the Minister for Sport and Recreation:

In view of the continuing speculation regarding a second Western Australian side competing in the Australian Football League competition, a move which appears to depend on the redevelopment or continuing development of the Subiaco Oval, what involvement does the Government have with the Western Australian Football Commission in reaching a decision about this issue?

Hon GRAHAM EDWARDS replied:

I thank the member for his question and for his interest in this matter. The role of the Government is totally supportive of this move, which does not involve an argument about whether there should be a second Western Australian team in the Australian Football League competition. That is

something for the Football Commission to determine in discussion with the Australian Football League and Western Australian interests. The Football Commission has approached the Government for its support with some infrastructure improvements at Subiaco Oval should it be able to field a second Western Australian team. I would be delighted to assist, but whether the Government is in a position to do so will be dependent on budgetary discussions and on the financial support of both the Football Commission and the Federal Government. If we are to have a major facility the Federal Government should contribute to it in the same way as it contributes to similar facilities in the Eastern States. This Government's role is purely supportive. If it can assist I believe it should, but a decision about the future of football in this State is something that those associated with football must resolve.

UNEMPLOYMENT - LATEST FIGURES

168. Hon FRED McKENZIE to the Minister for Employment and Training:

I subscribe to the view that Western Australia will lead this nation out of the recession. I am not aware of the figures, but I understand that figures released today show a substantial improvement in the employment position in Western Australia. Will the Minister give some details of those figures and on Western Australia's leading the nation out of the recession?

The PRESIDENT: Is the Minister able to answer the question?

Hon KAY HALLAHAN replied

I am in a position to answer this question because the figures became available today. They show a significant reduction in Western Australia's unemployment rate, which is down from 11.2 per cent to 10.5 per cent, giving Western Australia the third lowest unemployment rate in Australia. That is a marked improvement on our previous position.

Hon Fred McKenzie conjectured about Western Australia leading the nation out of recession, and there has always been much conjecture about that matter. Many people believe that Western Australia went into the recession earlier and more deeply than the rest of Australia and that historically it has the capacity, because of the nature of its economic base, to bounce back. If the trends evident today continue it may well be that that is what we are now seeing.

Today's figures indicate that economic recovery is on the way. Nevertheless, that recovery will be slow and will follow a bumpy path. Members would appreciate that unemployment figures are the last thing to show recovery. We will, rather regrettably, still see a number of Western Australians struggling to find a job. That is still a matter of great concern to the Government, which is using great energy in its planning in an attempt to remedy that problem. Nevertheless, today's figures were heartening.

NOONGAR ALCOHOL AND SUBSTANCE ABUSE SERVICE, MUCHEA - GOVERNMENT FUNDING

169. Hon MURIEL PATTERSON to the Minister for Education representing the Minister for Aboriginal Affairs:

I have given some notice of this question.

- (1) What Government funding will be available for the Noongar Alcohol and Substance Abuse Service at Muchea?
- (2) How many residents will be occupants of the farm at any time?
- (3) What professional support will be given at the farm?

Hon KAY HALLAHAN replied:

The Minister for Aboriginal Affairs has provided the following response -

- (1) I understand that the Noongar Alcohol and Substance Abuse Service is

currently negotiating with major funding agencies. It is not yet clear what level of funding will be available.

(2)-(3)

Not known.

UNEMPLOYMENT - LATEST FIGURES

Decrease - Matched by Employment Participation Rate Increase

170. Hon DERRICK TOMLINSON to the Minister for Employment and Training:

Was the figure released today showing a decrease in unemployment from 11.2 people in every hundred to 10.5 people in every hundred matched by an according increase in the participation rate in employment?

Hon KAY HALLAHAN replied:

The interesting thing about these figures, and why they are so heartening, is that the labour force increased by 1 700 people looking for jobs. We still, however, experienced a reduction in the number of unemployed people in Western Australia. Therefore, what is now happening is that more people are hearing about friends getting jobs and are becoming more hopeful and seeking employment opportunities. The economy is moving and jobs are being created to a sufficient level to allow a new intake of people looking for jobs to be catered for while at the same time starting to reduce the level of unemployment. The number of jobs created was 7 500. That went against the national trend.

UNEMPLOYMENT - LATEST FIGURES

Employment Participation Rate - National Decline in Participation Rate

171. Hon DERRICK TOMLINSON to the Minister for Employment and Training:

Did the participation rate in Western Australia mirror the national trend towards a decline in the employment participation rate?

Hon George Cash: The short answer is yes.

Hon KAY HALLAHAN replied:

The participation rate in Western Australia remained at 65 per cent, the same as last month. Nationally the figure was 63 per cent last month down to 62.7 per cent this month. Therefore a national decline occurred in the participation rate but in our State it remained static. Despite that, we still experienced a growth in employment.

JUDGES - INCREASE INTENTION

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

- (1) Is it intended to increase the number of judges in Western Australia?
- (2) If so, in which courts?
- (3) Is the Attorney General able to name the people to be appointed as new judges?

Hon J.M. BERINSON replied:

(1)-(3)

I believe it was last week that I announced the Government's agreement to increase by one the number of judges in each of the Supreme and District Courts. It was only after the Government had approved those additional appointments that the selection process could be initiated. I am not in a position to indicate who the new judges may be. Tentatively, the aim is to have the new judge in the Supreme Court appointed in time for the August sittings and in the District Court for the July sittings.

UNEMPLOYMENT - LATEST FIGURES

Work Force Increase, Static Employment Participation Rate, Decline in Unemployment-Unemployment Registration Decrease

173. Hon DERRICK TOMLINSON to the Minister for Employment and Training:

Does the increase in the work force, the static participation rate in employment, and the decline in the rate of unemployment mean that fewer people are registered for unemployment?

Hon KAY HALLAHAN replied:

I can only give members the figures that I get from the Australian Bureau of Statistics, which most people see as providing a reputable data base. Those figures show an increase of 1 700 people in the labour force. There may be a typing error in the document because that is shown as a 0.2 per cent increase. The member may be picking up on an anomaly in the figures which show 65 per cent but perhaps should show 65.2 per cent. I will have that figure checked as it is a matter of great importance. Western Australia has a higher participation rate than the rest of Australia. If our figures were taken out on a participation rate averaged across Australia we would have the lowest unemployment rate in percentage terms than any other State because this State has a higher participation rate in the labour market.

WEST AUSTRALIAN FOOTBALL COMMISSION (INC) - AUSTRALIAN
FOOTBALL LEAGUE COMPETITION
Three Country Teams Proposal

174. Hon E.J. CHARLTON to the Minister for Sport and Recreation:

- (1) Is the Minister aware from the communication he has had with the West Australian Football Commission of its proposal to bring three country football teams into the Western Australian Football League and the severe impact that will have on country football?
- (2) Will he let the commission know in any dealings he has with it in support of redevelopment of the Subiaco Oval and the appointment of a second West Australian Football League team the consequences of its continuing to pursue this proposal?

Hon GRAHAM EDWARDS replied:

When we established the West Australian Football Commission we did so with a view to its being responsible for its own decisions.

Hon E.J. Charlton: Did you appoint the commission?

Hon GRAHAM EDWARDS: We had a hand originally in making sure that people would be in place who would responsibly look after the financial contribution the Government made, and continues to make, to football; and I believe we have those people.

It is very difficult for me to answer the question without getting into an argument about opinions. My opinion is that I would like to see country teams as part of one State competition, but I would like to see that happen in a way and at a time that accommodated the requirements of country football. I know that Kalgoorlie people, for instance, are very keen to come in, but a decision was made in the south west to defer any entry. Whatever happens, it is something that needs to be managed, and managed cautiously. I believe football is currently in a transitional period; it is changing from the old to the new. I do not believe we have yet reached the final position that will probably carry us to the turn of the century and beyond. That is something football must manage for itself. However, the West Australian Football Commission, which recently put out a discussion paper, is aware of the concerns that have been expressed by others, and most recently by Hon Eric Charlton. I believe those people are in touch with the situation and are capable of responding to it and dealing with it appropriately.

The PRESIDENT: I draw the attention of Hon Eric Charlton to the type of question he has just asked. Clearly he has failed to comprehend that there are rules associated with asking questions in this place. One of the very clear and easily understood rules is that the question must relate to the area of ministerial responsibility the Minister has. For example, some years ago we had a member in this place who used occasionally to ask interesting questions about football, and Ministers have always been cooperative enough to give us their sometimes biased views on the fortunes of various football teams. While it is quite interesting to get that information, the establishment and status of the West Australian Football League or the Australian Football League has absolutely nothing to do with the Minister for Sport and Recreation. While it is terribly interesting, and while everybody is interested in whether we have another team, I am not sure whether we should use question time for the purpose of establishing the Minister's views. I have some views too.

Hon E.J. Charlton: Do you want to tell me them, Mr President?

The PRESIDENT: Indeed; but again, the rules regarding questions in this place require that if the member wants me to give my view he should drop me a line and I will tell him.

I am not being critical of the member because I know similar situations have occurred in the past, but the time comes when that must stop. The Minister might have some views on the South Perth Cricket Club's fortunes -

Hon E.J. Charlton: I am not interested in them.

Hon Graham Edwards: Nor am I - it is south of the river!

Hon E.J. CHARLTON: I will ask for your direction then, Mr President. Perhaps you can enlighten me, because I would not want to do the wrong thing. I will give the basis on which I asked the question and perhaps you will tell me whether it is associated with the Minister's responsibilities.

A proposal has been put forward to redevelop Subiaco Oval which, in the past, with the West Australian Football Commission, has had Government involvement and in the future will require Government involvement, as the Minister said. That involvement will depend upon another team's going into the Australian Football League, and therefore I want to know whether the Government will support putting forward finance. Obviously that will affect a whole range of people whom I represent and in whose futures I have a great interest.

The PRESIDENT: That is an interesting point of view but it still comes down to the fact that the management and administration of the West Australian Football League and the Australian Football League has nothing to do with the Minister's portfolio.

Hon E.J. Charlton: The Government puts money into it, Mr President.

The PRESIDENT: I do not care whether it does. The member can ask the Minister to justify putting money into some project, but not about the establishment of a second football team; that is all I am saying.

Hon E.J. Charlton: They are totally related.

The PRESIDENT: The next move is for members to make. Obviously they are not going to make any moves.

MOTOR VEHICLES - THIRD PARTY INSURANCE
Fees Increase Reason

175. Hon GEORGE CASH to the Leader of the House representing the Minister assisting the Treasurer:

Some notice of this question has been given -

- (1) What is the reason for the substantial increase in third party insurance charges which have been applied to motor vehicle licence fees?

- (2) Has a flat fee or constant amount been added to each third party insurance policy, or does the increase vary according to the value of the vehicle?

Hon J.M. BERINSON replied:

I thank the Leader of the Opposition for some advance notice of this question. The Minister assisting the Treasurer has provided the following reply -

- (1) In 1990-91 claims payments exceeded premium income by \$25.7 million and there is every indication that payments to injured claimants will continue to rise. This has depleted the third party fund set aside to meet approximately 16 500 injury claims, and restoration of these reserves to a fully funded level is necessary.
- (2) A constant percentage increase was applied to each third party policy. The value of the vehicle was not a consideration.

UNEMPLOYMENT - YOUTH FIGURES

Latest Trends

176. Hon BARRY HOUSE to the Minister for Employment and Training:

With reference to the Australian Bureau of Statistics figures on unemployment released today, what are the latest trends in youth unemployment in Western Australia?

Hon KAY HALLAHAN replied:

The teenage unemployment rate did rise -

Hon Barry House: I thought it must have, because you left it out.

Hon P.G. Pandal: You didn't tell Mr McKenzie that.

Hon KAY HALLAHAN: I find it somewhat offensive that members opposite are smiling at the implication that the unemployment rate for young people has risen.

Several members interjected.

The PRESIDENT: Order!

Hon KAY HALLAHAN: I will give members the benefit of the briefing I have on this, because I am sure they will find it as intriguing as I do. Teenage unemployment declined by 200 to 13 200 in April, and that compared to 12 200 a year ago. Despite that fall in numbers, the teenage unemployment rate rose marginally from 30.5 per cent to 30.9 per cent in April. I should make the point that this is not an Australian Bureau of Statistics briefing but is from the Department of Employment, Vocational Education and Training. It says that this figure is misleading in that it does not mean that 30.9 per cent of the teenage population is unemployed. If we consider that those teenagers who are attending an educational institution full time are improving their job prospects, and as a consequence attribute to them the same status as those in the labour force, the teenage unemployment rate in Western Australia would be 13.8 per cent. Teenage unemployment in Western Australia remains lower than the national figure of 31.6 per cent, which is a decrease from 33 per cent recorded in March.

UNEMPLOYMENT - LATEST FIGURES

Static Employment Participation Rate and Decreased Unemployment Rate - Given Up Looking for Work Assessment

177. Hon DERRICK TOMLINSON to the Minister for Employment and Training:

- (1) Is she aware that some analysts have evaluated the mismatch between the reported decline in the unemployment rate and the stable or declining participation rate to mean that many of the unemployed, or potential new entrants to the work force, have simply given up looking for a job?
- (2) Does the Minister agree with that assessment?

Hon KAY HALLAHAN replied:

(1)-(2)

I am happy to give an opinion on that. However, I go back to correct something I said about the figure of 65 per cent being a static -

Hon George Cash: We thought you were mistaken or did not understand the figures.

Hon KAY HALLAHAN: The Leader of the Opposition is right off the beam, and I will endeavour to ignore his lack of information!

When I said that the labour force had increased by 1 700, and that that was a 0.2 per cent increase, I think the figure of 65 per cent was still right. That is because the aggregation of figures over which the percentage is taken is a large one and the participating group would not shift the percentage rate. Therefore, I suspect the 65 per cent is correct, and it would not be accurate to add the 0.2 per cent at the end of the equation. Although the participation rate has increased, it would not be sufficient to increase the bulk of the figures.

Certainly, it is true to say that many people would feel not very hopeful about their job prospects. However, as the economy recovers people will come out and join the work force, as we are now seeing. It is an interesting phenomenon that more people are swelling the numbers of the work force, and the unemployment rate went down. That is why this month's figure was heartening. Although we have a high participation rate in Western Australia, as the economy recovers we will draw more people out and have a greater participation rate and more opportunities as people become more optimistic.

LAND TAX - FILE No 8514089

Fred Armin-Grimm Volkswagon Pty Ltd - 151-155 Brown Street, East Perth Lease Cessation

178. Hon GEORGE CASH to the Minister for Education representing the Minister for Planning:

Some notice of this question has been given, and I ask:

- (1) On what date did Fred Armin-Grimm Volkswagon Pty Ltd cease to be the lessee of the premises at 151-155 Brown Street, East Perth?
- (2) Is the department liable for land tax on any property which is not leased?

Hon KAY HALLAHAN replied:

The Minister for Planning has provided the following reply:

- (1) 28 February 1991.
- (2) No.

LAND TAX - FILE No 8514089

Fred Armin-Grimm Volkswagon Pty Ltd - No Lease After Land Takeover

179. Hon GEORGE CASH to the Leader of the House representing the Treasurer:

Some notice of this question has been provided, and I refer to question 127 on Thursday 2 April 1992: Is the Commissioner of State Taxation aware that the land, which is the subject of the summons, was not leased by Fred Armin-Grimm Volkswagon Pty Ltd after the Department of Urban Development took possession of the land on or about 28 February 1991?

Hon J.M. BERINSON replied:

I thank the Leader of the Opposition for some notice of the question. The Treasurer has provided the following response:

Yes.

LAND TAX - FILE No 8514089

*Commissioner of Land Taxation's Summons - Government Department Ownership; No
Lease No Land Tax*

180. Hon GEORGE CASH to the Leader of the House representing the Treasurer:

Some notice of this question has been given. Further to question 127 on Thursday, 2 April 1992, has the Commissioner of State Taxation ascertained whether the land, the subject of the summons, is owned by a Government department, and as such while not leased by that department is not the subject of land tax.

Hon J.M. BERINSON replied:

The Treasurer has provided the following response:

Yes.
