

Legislative Assembly

Thursday, 16 October 1986

THE SPEAKER (Mr Barnett) took the Chair at 10.45 a.m., and read prayers.

SHOPPING: TRADING HOURS

Motor Industry: Petition

MR COURT (Nedlands) [10.46 a.m.]: I have a petition from the owners and employees involved in the motor vehicle industry couched in the terms that they are opposed to an extension of trading hours. It reads—

To:

The Honourable Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the Owners and Employees involved in the Motor Vehicle Industry, are totally against the hours of trading being extended—totally against the trial period and the period thereafter.

Our reasons are as follows:—

Our Trading hours at the moment are:—

8.00 am to 6.00 pm—Monday to Friday

8.00 am to 9.00 pm—Thursday, late night trading

8.00 am to 1.00 pm—Saturday trading.

This represents the time spent on the premises—58 hours per week.

You are now asking us to open for another four hours, making our hours 62, whilst most Government and Public Servants work 38 hours per week. Banks are closed on Thursday evenings and Saturday mornings, again working a 38 hour week and the same with Finance and Insurance Companies, the Judiciary and most Public Service Departments.

Surely these people have enough time to purchase a vehicle in the above trading hours.

The argument Mr Dowding will put forward is: "We are only extending business hours, we are not making it compulsory to open." But, as we all know, if it becomes law, we will have to open to be competitive with each other. The tragedy of this ideol-

ogy being our market shares will not increase by extending the hours.

We believe, as members of this society, that we need a home life as well. We also have families—this point seems to be forgotten.

Staffing levels of Dealerships will not increase due to lack of profitability and the 100 000 unit downturn in the market place, attributed to the Fringe Benefit Tax.

I reiterate, even if we all open seven days a week, the same number of vehicles would be sold, as if we had opened for five days. There is a limited number of people and money. The percentage of sales does not increase because of more buying time, it only makes it easier for the public to buy at the expense of our time and profitability.

What we need is longer hours and more productivity by all members of the community, not the Car Dealers alone.

If every Business in Western Australia opens six days a week and some of these being Law Courts, Shire Councils, Government House and all Politicians, Banks, Finance Companies, all Traffic Departments, all shops and factories, Petrol stations and the Minister for Industrial Relations and Employment, and Mr E. R. Kelly, then we agree to open all day Saturday.

We urge you, therefore, to take the necessary steps that will see these ridiculous extended trading hours defeated.

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

The petition bears 460 signatures and I certify it conforms to the Standing Orders of the Legislative Assembly.

Mr Peter Dowding: Have you signed it?

Mr COURT: I have checked it a few times. I have not signed it.

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

(See petition No. 49.)

TRANSPORT: "AUSTRALIND"

Non-smoking: Petition

MR BERTRAM (Balcatta) [10.47 a.m.]: I have a petition which has been signed by 2 008 petitioners. I have given a certificate to indi-

cate that it conforms to the Standing Orders of the House. It reads—

To the Honourable The Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled; the petition of the undersigned citizens of Western Australia respectfully sheweth that:

The new Australind Express train will have a single airconditioned cabin and complete its journey to Bunbury in two hours.

Without tobacco smoke pollution, the health and comfort of passengers and the pleasant interior will be maintained. Otherwise a minority of smokers will spoil the train service.

Your petitioners therefore humbly pray that:

As already applies to the buses and trains of Transperth, the Australind Express will be designated non-smoking. Naturally this means that ashtrays are not provided.

And your petitioners as in duty bound will ever pray.

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

(See petition No. 50.)

SHOPPING: TRADING HOURS

Motor Industry: Petition

MR LEWIS (East Melville) [10.49 a.m.]: I have a petition from certain citizens which reads as follows—

To:

The Honourable Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the Owners and Employees involved in the Motor Vehicle Industry, are totally against the hours of trading being extended—totally against the trial period and the period thereafter.

Our reasons are as follows:—

Our Trading Hours at the moment are:—

8.00 am to 6.00 pm—Monday to Friday

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This represents the time spent on the premises—58 hours per week.

You are now asking us to open for another 4 hours, making our hours 62, whilst most Government and Public Servants work 38 hours per week. Banks are closed on Thursday evenings and Saturday mornings, again working a 38 hour week and the same with Finance and Insurance Companies, the Judiciary and most Public Service Departments.

Surely these people have enough time to purchase a vehicle in the above trading hours.

The argument Mr Dowding will put forward is: "We are only extending business hours, we are not making it compulsory to open." But, as we all know, if it becomes law, we will have to be competitive with each other. The tragedy of this ideology being our market shares will not increase by extending the hours.

We believe, as members of this society, that we need a home life as well. We also have families—this point seems to be forgotten.

Staffing levels of Dealerships will not increase due to lack of profitability and the 100 000 unit downturn in the market place, attributed to the Fringe Benefit Tax.

We reiterate, even if we all open seven days a week, the same number of vehicles would be sold, as if we had opened for five days. There is a limited number of people and money. The percentage of sales does not increase because of more buying time, it only makes it easier for the public to buy at the expense of our time and profitability.

What we need is longer hours and more productivity by all members of the community, not the Car Dealers alone.

If every business in Western Australia opens six days a week and some of these being Law Courts, Shire Councils, Government House and all Politicians, Banks, Finance Companies, all Traffic Departments, all shops and factories, Petrol Stations and the Minister for Industrial Relations and Employment, and Mr E. R. Kelly, then we agree to open all day Saturday.

We urge you, therefore, to take the necessary steps that will see these extended trading hours defeated.

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

It bears 228 signatures and conforms to the Standing Orders of the House.

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

(See petition No. 51.)

ROAD TRAFFIC AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr Cowan (Leader of the National Party), and read a first time.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Second Reading: Budget Debate

MR BRIAN BURKE (Balga—Treasurer) [10.52 a.m.]: I move—

That the Bill be now read a second time.

In doing so, I present the Budget for 1986-87.

This Budget comes at a time when fundamental readjustments are going on in the Australian economy and when international factors are impacting unfavourably on the nation's economic position.

Yet despite this, the Western Australian economy continues to perform soundly and to lead Australia.

Since the present State Government took office, Western Australia has led the States in growth in employment and growth in investment in dwellings and other buildings.

More recently, we have achieved the lowest rate of inflation, the highest growth in retail sales and the second highest growth in new private capital expenditure.

Investment in Western Australia continues to hold up much better than for Australia as a whole. The value of new dwelling approvals rose by 12.2 per cent last financial year, compared with a national fall of 2.7 per cent.

The value of work undertaken in Western Australia in the non-residential building industry in the first nine months of 1985-86 was 86.4 per cent above the corresponding period of the previous year, more than double the comparable national increase.

Our employment record is second to none. Employment grew by a strong 3.5 per cent in the year to September, well above the comparable increase for Australia of 2.8 per cent.

In the three years from February, 1983 when we took office, the number of jobs created was more than double the number created in the previous three years.

Yet, despite the strong performance by Western Australia's economy, this Budget has unquestionably been the most difficult of the four framed by this Government.

As I outlined in my economic statement in June, this year we faced a budgetary problem of truly historic proportions, described by senior Treasury officers as the most serious they could recall.

I will not traverse all that ground again, except to repeat that revenue was expected to grow by significantly less than the projected inflation rate for the year and that with no growth and no initiatives, the first-run shortfall between anticipated revenue and expenditure for the year was \$306 million or around 10 per cent of last year's total expenditure.

Major factors contributing to such a serious situation included the severe downturn in Australia's terms of trade for agricultural and mineral products and the failure of successive State Governments to seriously address the need for structural change in the public sector.

The June statement included a number of painful measures to deal with the situation and I foreshadowed then that more would be necessary in the Budget proper.

This has indeed been the case as will become apparent to Members as I outline the Budget measures.

Proposals for many new or expanded Government programs, including some of the Government's election undertakings, have had to be postponed.

With respect to our election undertakings, I emphasise that we still expect to meet them, though it will take longer than we had hoped.

There is no doubt that some of the stringencies we have been forced to impose will provoke an angry outcry from pressure groups. But the only alternative to what we have done is more taxes and higher taxes and that is a road down which we were not prepared to go.

Nevertheless, despite the dauntingly difficult task we have confronted in framing this Budget, I believe we have positioned the State for continuing economic growth and created

the framework for a leaner, more efficient and more modern public sector.

Most importantly, we today bring down another balanced Budget, despite the problems we have confronted.

As I undertook in June, the lion's share of the budgetary shortfall we faced has been met by expenditure cutbacks.

There are no new taxes or increased taxes in the measures I outline today. Indeed, I will shortly announce some important tax reforms.

Because of the stringent financial circumstances in which the Budget has been framed, the Government faced the choice of either imposing cutbacks equally across the board in all areas of government activity or of setting priorities and allocating resources according to those priorities. We have adopted the latter approach.

Consequently, the major thrusts of this Budget are:

- economic and employment growth;
- increased protection for low-income families and the needy; and
- structural change in the public sector.

Within this framework, the highlights of the Budget are:

- a major program to stimulate employment, especially for young people;
- a major anti-poverty program;
- substantial reform of the land tax scales;
- stamp duty concessions designed to further assist with the development of Perth as a financial centre;
- maintenance of funding for agriculture with extra assistance for rural adjustment to help the State's vital rural industries at this extremely difficult period in their history;
- renewed major commitments to housing, the development of the tourism industry and regional development; and
- provision for another 215 police officers and aides, additional administrative staff for the Police Department and a 300 per cent increase in funding for the Neighbourhood Watch Scheme.

EMPLOYMENT AND ECONOMIC GROWTH

The Government regards creating the conditions for economic growth in the private sector and stimulating employment as its top priorities.

Employment

I have already outlined the State's strong performance in job creation.

One of the most pleasing elements has been a 42 per cent reduction between June this year and June last year in the number of teenagers looking for their first job.

However, the level of unemployment remains unacceptably high, especially among young people.

Increased employment opportunities flow principally from increased activity in the private sector and the Government will complement private sector activity with special expenditure of \$12.2 million from the State Employment Strategies Fund.

I stress that this expenditure is not on make-work schemes that fill in time rather than providing useful and fulfilling employment, but on initiatives aimed at training and developing work skills.

Nearly \$3 million will be allocated as the State's contribution to the Youth Traineeship Scheme.

Western Australia led the nation in establishing traineeships under this scheme last year and our efforts in 1986-87 will attract additional Commonwealth funding of \$1.4 million.

The Joblink program is to be streamlined at a cost of \$1.6 million and should assist about 13 000 people in searching for jobs, training and job placement.

The Youth Employment Scheme was introduced last year to help young people during the critical period when they leave school and seek to enter the workforce. It has been highly successful, prompting our decision to continue it at a cost this year of \$550 000.

The New Enterprise Scheme, designed to assist unemployed people who wish to start their own businesses, is to be expanded at a cost of \$1 million.

Reflecting the Government's belief that apprenticeship training should have a high priority, there is to be expenditure of \$2.5 million on initiatives and assistance in this area, including Year of the Apprentice and rebates of workers compensation premiums.

We are also to provide \$560 000 for the establishment of a Plastics Skills Centre, a proposal that has received enthusiastic support from the growing Western Australian plastics industry.

In addition to these measures, the Department of Employment and Training will oversee:

- an allocation of \$1.5 million for targeted industry assistance;
- the continuation of Westrek with places for another 100 young people; and
- initiatives in consultation with Commonwealth agencies to expand employment and training opportunities for Aborigines.

One of our most important achievements during our first term in office was the greatly increased emphasis on housing, reflected in the trebling of funding for Homeswest.

There were complementary reasons for this, firstly the need to increase the housing available for families of modest means and secondly the housing industry's significant role as a generator of economic activity and jobs.

This emphasis will continue during our second term.

Again this year we will direct the State Government's entire Loan Council borrowing allocation into housing, enabling Homeswest to undertake a capital program of \$204.9 million, an increase of \$17.7 million or about 9.5 per cent on the amount spent last year.

This will enable a construction program of more than 1 000 units of public housing on top of the 1 000 homes which are currently at various stages of completion and which will be added to Homeswest's rental properties during 1986-87.

This construction program together with special Homeswest loans, details of which I will outline shortly, will make significant inroads into our election commitment to provide at least 6 000 homes for low and moderate income families during our second term.

While speaking of employment-related measures, I remind members of the new payroll tax arrangements which came into effect from August 1, freeing an estimated 500 to 700 small businesses from the tax and reducing payroll tax bills for 90 per cent of those who pay the tax.

Taxation

Members will be aware that the Government initiated a major review of land tax because of our concern about inequities in the existing system and the large increases in bills that can occur.

As an interim measure pending the outcome of the review, the Government last year gave a rebate of 10 per cent on every land tax bill.

As previously announced, that rebate will be continued in 1986-87 at an estimated cost of about \$6.5 million.

However, consequent upon the review, the Government is to make sweeping changes to the land tax scales to take effect in 1987-88 and providing significant long-term concessions.

A restructured land tax scale is to be introduced to provide relief estimated at \$10.8 million next financial year and more in subsequent years.

For the average taxpayer among the State's 90 000 land taxpayers, the effect will be to reduce the land tax bill by more than 14 per cent in real terms in 1987-88.

Those with land holdings valued at \$5 000 or less will be exempted from the tax.

This exemption is more than three times the current level and is estimated to free a further 7 000 taxpayers from the tax.

The essential features of the new system are:

- a simplified rate scale with fewer tiers and an expansion in the valuation ranges to which each tier applies; and

- a reduction in the maximum marginal tax rate from 2.4 cents in the dollar to 2 cents in the dollar, a reduction of more than 16 per cent. The new maximum rate will be equal to or below comparable rates in other States.

It is also proposed to move to a system of annual valuations to minimise sudden large increases in land tax bills.

The changeover to such a system will be administratively complex and consequently will take some time to implement. The target date for its introduction is 1990-91.

The present land tax scale was introduced in 1968 and this restructuring to provide long-term relief to all taxpayers is the first in almost ten years.

Further details of the changes and some accompanying re-arrangement of the Metropolitan Region Improvement Tax will be provided when the enabling legislation is introduced.

Strenuous efforts have been made in recent years by the State Government and the State's business community to develop Perth as a significant financial centre.

Some of the evidence of this is seen in the second board of the Perth Stock Exchange, the headquartering in Perth of the IBJ Australia Bank, the Western Australian Development Corporation's program to establish Perth as a bullion centre and the Corporation's innovative proposal to establish in Perth the first insurance exchange outside the UK and North America.

This Budget proposes stamp duty reforms designed to give impetus to Perth's development as a financial centre.

Stamp duty is to be removed on insurance policies involving international trade.

This exemption will cover insurance policies for internationally traded goods and commercial marine hulls engaged in this trade.

The effect of this concession will be to improve the competitiveness of our domestic insurance industry, attracting insurance business that now goes overseas, thus adding to Australia's current account deficit.

The cost of this measure is estimated at \$500 000 in a full year.

The existing two-day stamp duty exemption period for stockbrokers acting on their own behalf is to be increased to 10 days to encourage activity on the Perth Stock Exchange.

Revenue loss from this measure is expected to be minimal because it is expected to improve the market's international competitiveness and encourage increased market turnover.

Another stamp duty change proposed in the Budget affects rental business.

At present, taxpayers can opt to pay stamp duty on rental business annually rather than monthly on annual rental income up to \$5 000. This ceiling is to be raised to \$20 000.

This will lead to some deferral of revenue, but no revenue loss. However, it will reduce administration costs for owners of rental businesses and for the State Taxation Department.

There is one final taxation measure we are proposing this year.

State Government departments are generally to be exempted from payroll tax, saving the taxpayer the cost of accounting arrangements in the public sector that merely shuffle funds from one pocket to another.

I stress that those departments or agencies which operate as business undertakings or compete with the private sector will remain fully

liable for the tax to ensure they are not given a competitive advantage.

As a general rule, organisations established under their own statute, other than the Public Service Act, will also continue to pay the tax.

Further details will be provided when enabling legislation is introduced.

Regional and Economic Development

Despite the financial stringencies we face this year, there are areas which, because of their capacity to significantly provoke economic development, have been exempted from the general tightening of expenditure.

Agriculture

An allocation of \$64.2 million has been made to the Department of Agriculture.

After allowing for changed arrangements for payroll tax and the acquisition of motor vehicles, this broadly maintains our funding effort in real terms.

An additional \$1.1 million allocated for the administration of the Rural Adjustment and Finance Corporation will enable the Corporation to more effectively undertake the administration of the rural adjustment scheme and the interest rate relief scheme.

In particular, provision has been made for computing systems to assist in the processing of applications from farmers.

Commonwealth support of the interest subsidy allocation for the rural adjustment scheme will provide a base capacity of \$42 million for loans to assist farmers.

In addition, the State Government's interest rate relief scheme will provide alternative refinancing opportunities for farmers in situations where high interest costs on existing loans are threatening their viability.

Tourism

Tourism is Western Australia's fastest growing industry.

Since 1983, over 180 tourism-related projects have been completed, are awaiting tender or are in the planning stages.

The industry's spectacular growth reflects in part the enormous additional emphasis this Government has placed on the industry.

In 1986-87, the allocation for the Western Australian Tourism Commission will increase by 13.2 per cent. The allocation for tourism this year will be almost treble the allocation made by our predecessors in their last Budget.

We began our drive to substantially bolster the tourism industry before the America's Cup was won and we are convinced the industry can continue to grow after the first Cup defence has been completed.

The infrastructure is now firmly in place to promote tourism effectively in the post-Cup period.

Regional Development

Regional development has also had a high priority since we took office and this will continue in 1986-87.

More balanced development of the State's regions brings substantial economic and social benefits.

We believe that the targeted approach we have pursued has proved itself to be the most appropriate method of provoking regional development and it will be continued, expanding this year from the South-West to the Great Southern and Geraldton/Mid-West regions.

Funding for the South West Development Authority will grow by 16.7 per cent to facilitate commencement of stage two of Bunbury 2000.

There are allocations to launch the Albany Tomorrow program and to finance a major study in Geraldton and the Mid-West that will lead to the preparation of a development strategy for the region.

Other initiatives of considerable regional significance include funding to the Department of Conservation and Environment for special pollution management measures in the Kwinana area and planned expenditure of \$712 000 for substantially improved effluent management of the Leschenault Inlet and Peninsula.

THE NEEDY

At a time of economic difficulty the needy and low to moderate income families are often among the first to suffer.

As a Government we are determined to do as much as we can to ensure this is not their fate.

Since we took office, welfare spending has grown by almost 74 per cent or 34 per cent in real terms.

However, more help is still needed for the people in our community who are in difficult circumstances.

We have this year paid even more attention than previously to the needy and we propose a range of measures to assist them further. These include:

an increase of 18 per cent in funding for the Department of Community Services, bringing the total real increase since we took office to 40.5 per cent;

the introduction of a substantial anti-poverty package aimed at helping offset the daily costs which must be met by low-income families and selectively expanding support services for needy families. Elements in the package include:

- an upgrading of the high school clothing allowance to help low-income families with children in years 8, 9 and 10;

- an extension of the education book allowance to low-income families with dependant children in high school. The existing book allowance paid for eligible children in years 8, 9 and 10 will be increased by almost 14 per cent to \$125 and extended to years 11 and 12;

- an additional \$462 000 for services and direct assistance provided to low-income families by non-government welfare agencies;

- provision of \$350 000 in emergency financial assistance to families with dependant children, of which \$150 000 will be used to assist families to stay together where a child is at risk of having to be placed in care;

- the provision of financial counselling and consumer credit services; and

- the introduction of a loan scheme to enable families on fixed low-incomes to obtain credit at a reasonable rate of interest. The scheme will apply to eligible families wishing to purchase basic household goods who are in a position to repay the loan. It will operate through the Government providing insurance costs to normal lending institutions and will mean that many low-income families will not have to resort to loans at excessive rates of interest;

expenditure under the Home and Community Care Program, a jointly funded Commonwealth-State initiative, will rise by \$9.1 million or 54.4 per cent. This program is designed to develop maintenance and support services to enable frail aged and disabled people to remain in the

community rather than in institutional care;

a decision to continue the rental assistance and bond assistance schemes for families renting accommodation in the private sector. More than 16 000 families are expected to be helped by these schemes this year. Together with the substantial Homeswest building program being pursued by the Government, these schemes demonstrate the Government's deep and unshakeable conviction that few government activities are of greater importance than ensuring that affordable shelter is available to all families in the community, regardless of their financial circumstances;

funds for more than 2 000 housing loans for people on low incomes;

the implementation from January 1 of our election pledge to give a 50 per cent rebate on motor vehicle licence fees to aged pensioners holding the pensioner health benefit card. About 35 000 pensioners will be eligible for this concession;

the completion of 10 child care centres and the commencement of another 6; and

the implementation of the previously announced five-year Commonwealth-State assistance package for Aborigines. This will provide housing, water, power and social services to raise the health and living standards of Aborigines. Commonwealth funding is to be used largely for capital expenditure and State expenditure will be largely on services. A joint task force has been appointed to secure the support and involvement of Aborigines in determining priorities.

PUBLIC SECTOR RESTRAINT AND STRUCTURAL CHANGE

Throughout this speech and in the June economic statement I have referred to the need for governmental financial stringency, brought about by the economic climate, our revenue expectations and the need to undertake overdue structural change in the public sector.

I believe the June statement demonstrated unmistakably that we will not shirk the hard decisions.

Perhaps the best way to demonstrate the situation is by reference to the gross estimates of revenue and expenditure for the year.

In 1985-86, revenue increased by 9 per cent without any call having to be made on our earnings from our money market dealings.

However, on a comparable basis this year, revenue is expected to rise by only 4.4 per cent. The Commonwealth estimates inflation for the year at 8 per cent.

These figures demonstrate why the budgetary climate is so severe.

The cutbacks we have had to make would be even more severe if we did not have at our disposal interest earnings of \$92.6 million because there was no need to call last year on interest earnings of \$56.5 million.

After adding this amount, the estimated revenue for the year of \$3 278.8 million still represents an increase of only 7.4 per cent after adjusting for the changed payroll tax arrangements for government departments that I outlined earlier.

Even if a further adjustment is made for the net effect of the establishment of the Transport Trust Fund, revenue still falls well short of the combined projected percentage increases in inflation and population for the year.

Capital Works

The financial dilemma is nowhere better illustrated than in the capital works area where the reliance of local industry on the Government's works program, with all its implications for employment, investment and economic activity, has to be balanced against competing considerations.

These considerations include the need in the current economic climate to reduce public sector borrowings in both domestic and overseas markets to ease pressure on interest rates and Australia's current account deficit and to control the demands made by interest payments on the revenue Budget.

It was for these reasons Western Australia agreed at the June Loan Council meeting to a 16.1 per cent reduction in our total Capital allocations for 1986-87.

This year's works program uses \$517.3 million of our global Loan Council borrowings, 25.4 per cent below the amount raised last year. It also means it is not currently proposed to use \$52.6 million of our global borrowing entitlement approved at the Loan Council meeting.

Despite the heavily reduced borrowings, the planned works program of \$1 260.5 million is an increase of \$261.9 million on actual expenditure last year.

This apparent paradox is explained by a substantial carryover of funds from 1985-86.

Full details of the capital works program are outlined in the Budget papers.

Public Sector Employment

The economic environment in which we are operating at present is quite different from anything this nation has experienced for many years and this must be reflected by changes in our traditional responses to economic circumstances.

The long-standing expectation of continuous growth in the services provided by the public sector and in public sector employment can no longer be met.

And it follows from the acknowledgement of a different economic environment that within the public sector, conditions of service agreed to when circumstances were different have to be reviewed or deferred.

In the June economic statement I announced a target 3 per cent reduction in total State Government employment by July 1 next.

To ensure the objective is met, departments and authorities are to be assigned end-of-year staffing targets following an assessment of existing and projected vacancies and functional priorities.

The Government is confident the objective will be met without retrenchments.

Natural attrition and voluntary redundancy arrangements should enable substantial progress to be made towards the goal, although re-deployment of staff will probably be necessary in some areas.

Pending the determination of staffing levels, the present freeze on the filling of vacant positions and the appointment of temporary relief is to continue.

As is the case now, exceptions will be made in special cases, but on the basis of clearly demonstrated need and with specific Government approval.

One area in which we have deviated from our stringent approach is the police force.

As I mentioned earlier, provision has been made for the appointment of an additional 215 police officers and aides and for more administrative staff for the Police Department.

This decision has been made on the basis of convincing arguments from the police about their operational requirements. However, I should stress that the funds that can be allocated to any area are limited and the im-

plementation of a 38-hour week in the force would inevitably mean that the additional appointments would come under searching review. The implementation of the 38-hour week would be at the cost of a substantial proportion of the additional staffing.

Regrettably, we do not have the financial capacity to provide both.

Management of Public Sector Assets

A highly successful policy of this Government has been to apply private sector skills and principles to improve efficiency in the public sector.

Our objective has been to better manage our resources and to reduce the burden on taxpayers by generating additional revenue from non-traditional sources.

A measure of the success of this policy is that the Western Australian Development Corporation has just completed another highly successful year which will have a significant impact on the State's ability to meet its obligations without further calls on taxpayers' funds.

In 1985-86, the Corporation reported a profit of \$34.2 million of which \$17.2 million returns to the State Development Fund.

The Corporation should be judged on its capacity to fulfil the objective of promoting the State's economic development. However, in the Budget context, the establishment of the Corporation has been shown to be an excellent investment, showing financial returns well in excess of the State's subscription of capital.

During the Corporation's existence of less than three years, the State has subscribed \$15 million in capital while \$19 million in dividends has been paid or is payable and \$7.2 million is budgeted for this financial year.

The Corporation's net assets now stand at \$35 million and promise a continued level of profits to help support the necessary activities of government.

With the W.A.D.C.'s strong profit performance over the last two years there is no longer a need to provide for additional capital in the current Budget. The Government anticipates that the Corporation has now reached the position where its normal requirements for capital can be funded from retained profits.

Public Sector Accountability

Since taking office, our desire to see public assets better managed has been complemented by action to increase the accountability of those

responsible for traditional public sector activity.

The Financial Administration and Audit Act which came into operation on July 1 has far-reaching implications in this area, all the effects of which are only just starting to be fully appreciated by many parts of the public sector.

The new Act increases the financial accountability of departments and statutory authorities; imposes rigorous and modern reporting procedures so that the operations of government are more open and subject to scrutiny; and maintains and strengthens the principles of the Westminster system of parliamentary control over the public purse.

Unlike the situation which prevails in some other States and which has attracted recent adverse publicity, the legislation enables the Auditor-General to comment on how organisations receiving Government grants and advances spend those taxpayers' funds.

It also provides a mandate for the Auditor-General to undertake examinations of the efficiency and effectiveness of departments and statutory authorities.

As a direct consequence of this legislation, the proportion of the capital works program now subject to specific parliamentary appropriation has more than doubled and it is our intention to try to increase this further.

Members will be aware of the establishment of the Functional Review Committee to ensure departments and agencies are operating efficiently and effectively and that the functions they are performing are still relevant to the community's changing demands.

The Committee's work has led to many changes and will continue to do so as it pursues its enormous task of examining progressively every area of government.

It is a logical consequence of difficult financial circumstances and the emphasis we have placed on public service restructuring that unpleasant decisions have had to be made.

This year's budget-making process has resulted in more than usual. Some of these include:

- the abolition of the Legislative Review Advisory Committee, the Legal Aid Consultative Committee and the Rural Youth Movement Council;

- the subsuming of the Office of Economic Development in the Department of Resources Development;

- the amalgamation of the Solar Energy Research Institute and the Western Australian Mining and Petroleum Institute;

- the abolition of the Industrial and Commercial Employees' Housing Authority with the emphasis of its residual functions being changed from providing homes at a loss to the taxpayer to facilitating the construction of dwellings by the private sector;
- the cessation of funding to the Department of Sport and Recreation for equipment hire, pending an evaluation of the need for government participation in this field;

- transferring the Rural and Allied Industries Council from the Department of Premier and Cabinet to the Department of Agriculture;

- closing Noalimba from the end of April, 1987. The property will be transferred to the W.A. Development Corporation and a feasibility study is to be commissioned in conjunction with the W.A. Sports Centre on self-sustaining residential accommodation. The estimated annual saving is \$800 000 and bookings will be transferred to other facilities of the Department of Sport and Recreation in the metropolitan area;

- State Batteries being run on a commercial basis by the W.A. Mint with the transfer taking effect soon. This is in line with our previously announced decision that the taxpayer should no longer be required to subsidise State Batteries;

- tight restraints on education and health funding.

In all the education economy measures that have been necessary the aim has been to minimise the adverse effects felt directly in the classroom.

Though provision has been made for 168 additional staff, there will have to be some course reorganisations and savings through changes to work practices in technical and further education.

As previously announced, about 130 staff positions have been abolished at head office with about 80 staff transferring to places in schools.

Of the additional staff positions provided for in the Budget, 31 are teacher aides to enable the enrolment of another 1 050 four-year-olds in pre-

primary education in accordance with our election undertaking; and

In health, there is little if any scope for the expansion of services.

Though the allocation for the Health Department rises by an apparently high 14.4 per cent, much of the increase is accounted for by the flow-on effects of decisions taken in previous years relating to the wages and conditions of people already working in the health system.

BUDGET OVERVIEW

As I said earlier, it is inevitable that many of the stringencies imposed by the Budget—and time does not permit me to outline them all—will be unpopular and subject to strong criticism, especially by entrenched, vested interests.

The question that should be asked of all those who voice such criticism is whether they believe taxes should have been increased further to avoid the action they dislike.

For those who will inevitably say the cuts do not go far enough, the question is what other services they believe should have been slashed.

Those in the latter category should also bear in mind that in our four Budgets the average annual increase in recurrent expenditure has been 9 per cent, compared with 17 per cent for the 9 years of the Court and O'Connor Governments.

In real terms, the average annual increase since we took office is less than half that during the term of our predecessors. In every case, the test of self-interest needs to be applied to the critics so their objectivity can be judged.

This Budget, which I believe demonstrates restraint in the public sector, is predicated on restraint in other sections of the community.

For example, it assumes a 2 per cent discounting of wages in the next national wage case to quarantine the price effects of the devaluation of the Australian dollar.

Equally, it assumes restraint on the part of price-setters that has not always been evident in the past three years of tight wage restraint by employers.

Should there be a break-out of wages or prices, the funds to meet it will have to be found from more cutbacks, with a consequent impact on employment or services or both.

Mr Speaker, I believe this is a Budget for the times—frugal, balanced, unlikely to be popular, but nevertheless, necessary and responsible.

Faced with reduced resources, we have put economic growth, employment and the needy at the top of our agenda.

We have stepped-up the process of public sector restructuring that we set in train on taking office.

Above all, we have aimed to keep Western Australia leading the nation.

I turn now to the formal purposes of the legislation.

The Bill seeks appropriation of the sums required for the services of the current financial year as detailed in the Estimates.

It also makes provision for the grant of supply to complete requirements for 1985-86.

Included in the expenditure estimates of \$3 278 800 000 is an amount of \$310 551 000 permanently appropriated under Special Acts, leaving an amount of \$2 968 249 000 which is to be appropriated in a manner shown in a schedule to the Bill.

Supply of \$1 700 000 000 has already been granted under the Supply Act 1986. Hence, further supply of \$1 268 249 000 has been provided for in the Bill.

In addition to authorising the provision of funds for the current year, the Bill seeks ratification of the amounts spent during 1985-86 in excess of the estimates for that year. Details of these excesses are given in schedule 2 of the Bill.

I commend the Bill to the House and in doing so, firstly, I congratulate and thank those Treasury officers who have worked so hard, ably led by Bob Boylen and Ross Bowe, in bringing together a very difficult Budget and expending considerable effort in terms of hours and determination beyond the call of their normal responsibilities. I do not think any Treasurer of the State has been as well served as I by such outstanding Treasury officials. As I mentioned earlier, I do not think that any group of Treasury officials has previously encountered such a difficult budgetary situation.

I seek leave to table:

the Financial Statements 1986-87;

the Consolidated Revenue Fund Estimates 1986-87;

The Western Australian Economy 1985-86; and

the Budget Outlook 1986-87.

(See papers Nos. 434, 431, 433, and 435.)

Debate adjourned, on motion by Mr Hassell (Leader of the Opposition).

APPROPRIATION (GENERAL LOAN AND CAPITAL WORKS FUND) BILL

Second Reading

MR BRIAN BURKE (Balga—Treasurer) [11.33 a.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to appropriate sums from the General Loan and Capital Works Fund to finance items of capital expenditure.

The total capital works programme proposed for this year is estimated to cost \$1 260.546 million. Of this amount, \$380.293 million is to be appropriated by this Bill from the General Loan and Capital Works Fund.

The Financial Administration and Audit Act, which has operated since 1 July 1986, created the General Loan and Capital Works Fund to replace the General Loan Fund. The principal effect of that change is that, this year, Commonwealth Specific Purpose Capital Grants, borrowings by the Western Australian Treasury Corporation and money from the State Development Fund are included in the new Fund and are due to be appropriated for the works programme.

The new Act has enabled changes to be made in the presentation of the Estimates of Expenditure from the General Loan and Capital Works Fund. These now show clearly the amount proposed to be allocated to each department, authority or college. In addition, the opportunity has also been taken to provide details of the total estimated cost of projects, the expenditure to the end of last financial year and the amount it is proposed to spend in the current financial year.

I am sure that honourable members will find the new presentation helpful and informative.

I have referred already to some of the highlights of our capital works programme in the Budget Speech. I do not intend to take more time now to talk about the other programmes and projects we intend to undertake this year. Details of these are contained in the tables to which I have just referred and there are further descriptions of the works in the document "Supplement to the Capital Works Estimates"

which I will seek leave to table at the end of this speech.

I now turn to the main purpose of the Bill which is to appropriate from the General Loan and Capital Works Fund the sums required for the works and services as detailed in the General Loan and Capital Works Fund Estimates of Expenditure.

An amount of \$380.293 million is sought from the General Loan and Capital Works Fund as part of the total financing arrangements required for the Government's planned works programme.

The amount to be provided from the General Loan and Capital Works Fund, which is subject to appropriation in this Bill, is clearly identified in bold type on page 5 of the Estimates.

The Supply Act 1986 has already granted supply of \$200 million and the Bill now under consideration seeks further supply of \$180.293 million. The total of these two sums, namely \$380.293 million is to be appropriated for the purposes and services expressed in schedule 1 of the Bill.

As well as authorising the provision of funds for the present financial year, this measure also seeks ratification of amounts spent during 1985-86 in excess of the Estimates for that year. Details of these amounts are provided in schedule 2 of the Bill.

Mr Speaker, I commend the Bill to members and, in doing so, request leave to table:

the General Loan and Capital Works Fund Estimates of Expenditure for the year ending 30 June 1987; and

the document "Supplement to the Capital Works Estimates".

(See papers Nos. 436 and 432.)

Debate adjourned, on motion by Mr Hassell (Leader of the Opposition).

LAND TAX AMENDMENT BILL

Second Reading

MR BRIAN BURKE (Balga—Treasurer) [11.37 a.m.]: I move—

That the Bill be now read a second time.

This Bill is the culmination of a long and thorough review by the Government of the impact of land tax on owners of land.

The measures now proposed to restructure the tax scale provide long term relief for all taxpayers and are the first to be implemented by any Government in almost 10 years.

Although the Land Tax Act was enacted in 1976, the scale of tax rates adopted at that time was taken from the previous legislation. Relief was provided for some taxpayers in 1976, but the tax scale proposed to be restructured now, has in effect remained unaltered for nearly 20 years. The Bill proposes the introduction of a new scale to apply in 1987-88 and subsequent years.

The application of this new scale will result in the provision of tax relief of nearly \$11 million in the first year of introduction and more in subsequent years. The new rates will provide land tax relief across the board. Every taxpayer will benefit.

The problem of large increases in land tax assessments following a revaluation has been addressed in the construction of the new scale. It sets down rates which are lower than those presently in the Act, and it contains fewer steps and wider valuation ranges.

In particular, the new scale includes—

Ten rate steps compared with the 18 in the existing scale.

A maximum rate of 2c in the dollar for land-holdings valued in excess of \$150 000 compared with the existing 2.4c in the dollar at \$120 000.

Valuation ranges for each step in the scale which have been expanded to double, and in a few cases treble, those in the current scale.

Under the new scale, the tax payable for land-holdings will be up to 11.4 per cent lower than would have been the case under the old scale with the 10 per cent rebate in operation, or up to some 19.2 per cent lower than under the old scale without the rebate.

For the average taxpayer, the new lower rate scale will reduce land tax payable by 8 per cent in 1987-88, or more than 14 per cent in real terms.

This comprehensive overhaul of the land tax scale also provides for exemption from land tax of holdings having a value of less than \$5 000. This is expected to remove the obligation to pay land tax from about 7 000 owners.

Pending the introduction of the new rates scale in 1987-88, the 10 per cent rebate on all land tax assessments which was introduced in 1985-86, will continue in 1986-87.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Hassell (Leader of the Opposition).

LAND TAX ASSESSMENT AMENDMENT BILL

Second Reading

MR BRIAN BURKE (Balga—Treasurer)
[11.40 a.m.]: I move—

That the Bill be now read a second time.

The Bill proposes a number of minor amendments to the Land Tax Assessment Act.

Two of the amendments are complementary to the major rearrangement of the land tax rates scale contained in the Land Tax Amendment Bill 1986.

One amendment makes it clear that no land tax is payable in respect of the land-holdings of an owner having an aggregate value of less than \$5 000. The other provides for the present 10 per cent rebate to be discontinued on the commencement of the new rates scale in 1987-88.

At present, the Commissioner of State Taxation may allow a taxpayer an extension of time for the payment of his land tax assessment and may permit the amount due to be paid by way of instalments. These provisions also permit interest to be charged up to a maximum of 10 per cent per annum where payment of an assessment is so deferred.

The 10 per cent maximum has been in place since 1970. It is now inadequate, having regard to usual commercial rates, and the Bill proposes that the maximum interest rate be increased to 20 per cent per annum. That increase will bring the Land Tax Assessment Act into line with the Pay-roll Tax Assessment Act where interest to a maximum of 20 per cent is chargeable on deferred payroll tax payments.

The remaining measures in the Bill are intended to—

Provide a method for calculating the unimproved value of a portion of a property which belongs to the Crown or any local authority, statutory authority, and so on, but which is used by a person who is liable for land tax. Currently, the Act makes it clear that the person is liable but provides no guidance as to how the liability is to be calculated. This omission is rectified by the amendments.

Allow land tax to be recovered either jointly or individually from joint owners.

Provide for appeals against the exercise of the discretion conferred on the Commissioner of State Taxation to be made to the Minister responsible for the Act. Currently appeals must be made to the Treasurer.

Authorise the State Taxation Department's long-standing practice of calculating a proportionate land tax exemption by applying the proportion to the valuation of the property involved rather than to the amount of tax which would be assessed if there were no proportionate exemption. Differences in the land tax assessment arise from application of the two alternatives because of the progressive taxation scale.

In summary, these measures improve the machinery provisions of the Act or remove anomalies and provide for increased concessions to smaller taxpayers.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Hassell (Leader of the Opposition).

METROPOLITAN REGION IMPROVEMENT TAX AMENDMENT BILL

Second Reading

MR PEARCE (Armadale—Minister for Planning) [11.43 a.m.]: I move—

That the Bill be now read a second time.

As indicated in the Budget speech, the Government has approved for 1987-88 a restructured land tax scale to replace the current scale. The adoption of the new scale means that the 10 per cent land tax rebate provided in 1985-86 and continued during 1986-87 will not be necessary for 1987-88 and subsequent years, and the Land Tax Assessment Amendment Bill provides for its removal. This rebate also applied to the metropolitan region improvement tax.

The Bill provides for a 10 per cent reduction in the metropolitan region improvement tax (MRIT) rate to apply in 1987-88 and subsequent years to offset the removal of the existing rebate. The current rate of 0.25c in the dollar will be reduced to 0.225c in the dollar.

Both the 10 per cent reduction in the MRIT tax rate and the rebate it replaces reduce annual revenue to the metropolitan region improvement fund account held by the State Planning Commission by in the order of \$1 million. However, this revenue loss is considered necessary to ensure that the maximum possible relief is provided by the land tax changes already approved by the Government.

For the information of members of this House, I wish to point out that the metropolitan region improvement tax as a revenue source to the then Metropolitan Region Plan-

ning Authority and now to the State Planning Commission has been useful in the implementation of the metropolitan region scheme since 1960. As members will note, the metropolitan region scheme has been the statutory plan which has guided the future development of the Perth metropolitan region from 1963 and will guide us into the twenty-first century.

In recent years, the opening of the Mitchell Freeway—particularly stages 5 and 6—and the prolongation and identification of the Kwinana Freeway control access highway reservation southwards towards Thomas Street and beyond, in the local authority areas of the Town of Kwinana and the Shire of Rockingham, have all been possible as a result of the application of the taxes.

The assets in land currently acquired with the assistance of the metropolitan region improvement tax stands at \$118 million in historical costs.

The Bill reflects the commitment of the Government to provide land tax relief.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Hassell (Leader of the Opposition).

RESERVES AND LAND REVESTMENT BILL (No. 2)

Second Reading

MR TAYLOR (Kalgoorlie—Minister for Lands) [11.46 a.m.]: I move—

That the Bill be now read a second time.

This Bill is similar in intent to many other measures brought before the House each year to obtain the approval of Parliament to vary Class "A" reserves for whatever reason and, in this case, to remove the trust and change the purpose of a trust existing in certain Crown grants as well as closing certain pedestrian accessways and a right-of-way situated in various suburbs.

Apart from the final three clauses, the balance of the provisions of the Bill relate to Class "A" reserves.

Class "A" Reserve No. 24969 at Swanview in the Shire of Swan, electoral district of Helena, and electoral province of North East Metropolitan is set apart for the purpose of "recreation" and is unvested.

A change in the subdivisional design of the area, as agreed to in principle by the Shire of Swan and the State Planning Commission, calls for the cancellation of Reserve No. 24969 and provision of an alternative and equal area of

land elsewhere in the subdivision for "public recreation".

Parliamentary approval is required for the cancellation of Reserve No. 24969, and this clause seeks that approval.

Class "A" Reserve No. 30826 at Hamelin Bay in the Shire of Augusta-Margaret River, electoral district of Vasse, and electoral province of South West is set aside for "national park", being part of the Leeuwin-Naturaliste National Park, and is vested in the National Parks and Nature Conservation Authority.

Consultation with the Shire of Augusta-Margaret River and the former National Parks Authority outlined certain anomalies concerning the control, management and responsibility for land adjoining national parks, particularly between high and low water marks. It was therefore agreed that the extension of the reserve boundaries to low water mark would benefit the management of reserves as a whole.

This clause seeks approval to extend the boundaries of Reserve No. 30826 to low water mark.

Class "A" Reserve No. 29729 at Champion Bay in the Town of Geraldton, electoral district of Geraldton, and electoral province of Upper West is set apart for the purpose of "public recreation" with vesting in the Town of Geraldton.

Following a request from the Town of Geraldton for the realignment of Willcock Drive, the former alignment has been closed and is now designated as Geraldton Lot 2859. It is proposed to include the lot into Reserve No. 29729 and this clause seeks that approval.

Class "A" Reserve No. 24653 at Flinders Bay in the Shire of Augusta-Margaret River, electoral district of Vasse, and electoral province of South West is set apart for "recreation and camping" and is vested in the Shire of Augusta-Margaret River.

The Shire and Westrail have reached agreement on the cancellation of "railway purposes" Reserve No. 30654 and its inclusion into Reserve No. 24653, the former reserve no longer being required. The reserve and its closed access road have been resurveyed as Augusta Lot 850 and this clause seeks approval of the inclusion of that lot into Reserve No. 24653.

Class "A" Reserve No. 21451 at Hamelin Bay in the Shire of Augusta-Margaret River, electoral district of Vasse, and electoral province of South West is set aside for "national park", also being part of the Leeuwin-

Naturaliste National Park, vested in the National Parks and Nature Conservation Authority.

Agreement was also reached between the Shire of Augusta-Margaret River and the former National Parks Authority for the extension of this reserve's boundaries to low water mark for better management of the reserve. This clause seeks approval of that extension.

Class "A" Reserve No. 24482 at William Bay in the Shire of Denmark, electoral district of Stirling, and electoral province of South is set apart for "national park", being the William Bay National Park, and is vested in the National Parks and Nature Conservation Authority.

The former National Parks Authority and the Shire of Denmark reached agreement on the inclusion of an area of vacant Crown land and a closed road into Reserve No. 24482 as well as the extension of the reserve boundaries to low water mark. This clause seeks approval of these amendments.

Class "A" Reserve No. 29860 near Lake King in the Shire of Lake Grace, electoral district of Katanning-Roe, and electoral province of South is set apart for "Conservation of flora and fauna" being the Pallarup nature reserve, and is vested in the National Parks and Nature Conservation Authority.

The former Department of Fisheries and Wildlife requested the inclusion of an area of vacant Crown land into this reserve, resulting in the rationalisation of the reserves boundaries to comprise Roe Location 3099. This clause seeks approval of the amendment of Reserve No. 29860 as described in the clause.

Class "A" Reserve No. 24258 at Albany in the Shire of Albany, electoral district of Stirling, and electoral province of South is set apart for "national park and recreation", being the Torndirrup National Park, and is vested in the National Parks and Nature Conservation Authority.

With the realignment of "rifle range" Reserve No. 23524, two portions of that reserve have become vacant Crown land and are identified as Plantagenet Locations 7401 and 7592. It is intended to include these locations into Reserve No. 24258 to offset the area earlier excised from the reserve to permit the realignment. This clause seeks approval of that action.

Class "A" Reserve No. 27004 at Kalbarri in the Shire of Northampton, electoral district of Greenough, and electoral province of Upper

West is set aside for "national park", being the Kalbarri National Park, and is vested in the National Parks and Nature Conservation Authority.

Following a request from the Shire of Northampton for the establishment of a dog kennel adjacent to the townsite, Victoria Location 11673 has been identified as the most suitable site and agreement has been reached on its excision from Reserve No. 27004. This clause seeks approval to that excision.

Class "A" Reserve No. 26741 in the City of Perth, electoral district of Perth, and electoral province of Metropolitan is set aside for "use and requirements of Government and Parliament" and is not vested in any authority.

On the advice of the former Minister for the Environment, Hon. R. Davis, MLA, that the National Trust was ready to occupy the old Observatory Building and required vesting of the site, Perth Lot 972 was surveyed.

It is intended to excise this lot from Reserve No. 26741 for separate reservation as a site for "preservation of historic buildings" with vesting in the National Trust. This clause seeks approval of the excision of the lot.

Class "A" Reserve No. 30082 near Wittenoom in the Shire of West Pilbara, electoral district of Kimberley, and electoral province of North is set aside for "National Park—Dales Gorge", being the Hamersley Range National Park, and is vested in the National Parks and Nature Conservation Authority.

Agreement has been reached with the various authorities for the excision of 4.4 hectares, being Windell Location 84, from Reserve No. 30082 for a tourist stop site and this clause seeks approval of that excision.

Class "A" Reserve No. 35815 in the City of Perth, electoral district of Perth, and electoral province of Metropolitan is set apart for "vehicle park and gardens" with vesting in the City of Perth.

In accordance with the proposal to develop a bus junction on part of this reserve, it is proposed to change the reserve purpose to "vehicle park, gardens and bus terminal". It is further proposed to excise an area of 2 134 square metres from the reserve to allow construction of a sewerage pumping station in conjunction with the proposed development. This clause seeks approval of these amendments.

Class "A" Reserve No. 17862 in the City of Melville, electoral district of Melville, and electoral province of South Metropolitan is set

apart for "recreation" with vesting in the City of Melville.

The city council has found it necessary to construct underground drainage facilities within the reserve and requires a change in the purpose of the reserve to "recreation and drainage" to reflect this dual usage. This clause seeks approval of that change of purpose.

Foundation Park at Albany in the Town of Albany, electoral district of Albany, and electoral province of South is freehold land held by the Town of Albany in trust for the purpose of "public recreation".

The town council intends developing and leasing parts of the land to individual sporting groups and requires a change of purpose of the trust to "recreation" to allow this leasing. This clause seeks approval of the trust purpose being changed.

Reserve No. 24674 at Corrigin in the Shire of Corrigin, electoral district of Merredin, and electoral province of Central is held by the St John Ambulance Association in Western Australia Inc. under freehold title in trust for the purpose of "ambulance depot".

The association has requested the removal of the trust over the title to allow disposal of the land with proceeds from the sale being utilised to offset debts incurred in constructing a new regional subcentre elsewhere in the town. This clause seeks approval of the removal of the trust.

The latter part of this Bill seeks approval to the closure and revestment of three pedestrian accessways and a right-of-way situated in various suburbs.

These accessways as described in the table were created from private freehold subdivisions under section 20A of the Town Planning and Development Act and, as a condition of subdivision, are vested in Her Majesty.

Passage of time has indicated that, in these circumstances, the accessways are no longer required or are causing problems through misuse, vandalism, intrusion into family privacy and anti-social behaviour. In all cases the closure applications have been submitted by the relevant local government authority after adequate publicity, provision of time for submission of objections and, in some cases, consideration of petitions for and against the closure.

The need for this legislative measure arises from the lack of existing legislation to close these types of accessways. While amendments to existing legislation is being prepared to establish permanent powers to deal with these accessways, this revestment clause is intended, as a short-term solution, to provide the legislative authority necessary to resolve these particular cases where closure is considered to be an immediate requirement.

Existing machinery established under Part VIIA of the Land Act will be used to enable disposal of the land to adjoining landowners with reasonable time being allowed for payment for the land.

I commend this Bill to the House.

Debate adjourned, on motion by Mr Laurance.

CEMETERIES BILL

Second Reading

MR CARR (Geraldton—Minister for Local Government) [11.54 a.m.]: I move—

That the Bill be now read a second time.

This Bill proposes the introduction of new cemeteries legislation to replace that enacted in 1897. Needless to say, the current Act is generally outdated and no longer reflects the requirements for modern cemetery practices.

Mr Thompson: It is a dead issue, you mean.

Mr CARR: If the member for Kalamunda thinks this one is a dead issue, I might point out that the next one is a burning issue.

A complete review of the 1897 Act was undertaken some years ago by a review committee comprising representatives of the Karrakatta Cemetery Board, City of Fremantle, Country Shire Councils Association, Country Urban Councils Association, Health Department and Department of Local Government.

That committee prepared an interim report for public comment and received some 65 written submissions from local governments, cemetery boards, funeral directors, religious denominations, Government departments, historical societies, other organisations and the public.

Those submissions were taken into account in the preparation of the committee's final report, which formed the basis of this new legislation now before the House.

To quote from the legislation, this is a Bill for an Act to provide for the declaration and management of cemeteries, the establishment, constitution and functions of cemetery boards,

the licensing of funeral directors, the regulation of burials, the repeal of the Cemeteries Act 1897 and for connected purposes.

The general principle of the proposed new Act is that all burials will be required to be in declared cemeteries unless authorised by the Minister. This differs from the current Act which does not provide for any control of burials in areas outside the South-West Land Division and beyond 80 kilometres of a public cemetery. These distance provisions are no longer considered appropriate due to the availability of modern forms of transportation and refrigeration.

In respect of the application of the power for the Minister to authorise burials outside declared cemeteries it is considered administratively desirable for the Minister to be able to delegate that authority. Often in cases where approval is sought for such a burial the decision must be made quickly so that funeral arrangements can proceed. The power of delegation would ensure that someone was on hand to expedite the approval.

In addition the new legislation will—

Give cemetery boards additional powers to tighten up the licensing of funeral directors and inquire into their practices when issuing a licence. It will also provide access to a court of appeal should a licence be refused, suspended or cancelled by a cemetery board.

Authorise the concept of single funerals conducted by a person with approval of a cemetery board. Some cemetery authorities have already recognised the need for these funerals and have allowed family members or friends of the deceased to undertake such funerals. The new Act will formalise this type of funeral through the issue of single funeral permits.

Provide the machinery for redeveloping old areas in cemeteries. Measures of this type are aimed at decreasing the ever-increasing costs of maintaining old areas in cemeteries.

Provide for future grants of right of burial in a specified area of a cemetery to be for a maximum of 25 years with provision for renewal.

Provide for the limiting of current grants of right of burial in excess of 25 years to be limited to that period from the commencement of the new Act with provision for renewal.

With regard to the last point, it has been more general practice in recent years for cemetery trustees to grant rights of burial for periods such as 25 years. However, in earlier times these grants were issued in perpetuity or for periods such as 50 years.

In the interests of good cemetery management such terms need to be amended. On the issue of a grant the holder pays a fee which is intended to cover the cost of maintenance for the agreed term. As could be expected, it has been difficult to project over long periods the costs to be incurred and, as a result, cemetery authorities have had to fund maintenance costs from their other revenue. It is clearly undesirable that such costs should fall on those people paying funeral expenses in subsequent years. Accordingly, a 25 year maximum period has been set as a reasonable time for a cemetery board to project what financial commitment it has to maintain the area and set appropriate fees.

To ensure protection of the rights of the holder, provision is made for renewal which enables a reassessment of fees payable for the extended period.

As I have indicated, this Bill has been prepared following considerable public input to an extensive review process. It is needed to replace outdated legislation with a new Act which recognises present-day cemetery practices.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Clarko.

CREMATION AMENDMENT BILL

Second Reading

MR CARR (Geraldton—Minister for Local Government) [12.02 p.m.]: I move—

That the Bill be now read a second time.

As a result of the proposed enactment of a new Cemeteries Act it has been found necessary to make minor consequential amendments to the Cremation Act.

The Bill proposes the addition of a definition of a "Board" and the redefinition of a "Cemetery" so that those words have a corresponding meaning in both the Cremation Act and the new Cemeteries Act.

In addition, the Bill removes references to trustees of cemeteries in favour of the new terminology of cemetery boards used in the new Cemeteries Act.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Clarko.

STIPENDIARY MAGISTRATES AMENDMENT BILL

Second Reading

MR PETER DOWDING (Maylands—Minister for Employment and Training) [12.03 p.m.]: I move—

That the Bill be now read a second time.

Section 4(2) of the Stipendiary Magistrates Act provides for the appointment of stipendiary magistrates. A person is not eligible for appointment unless he is a barrister or solicitor of the Supreme Court, or other jurisdictions, or has passed prescribed examinations under the Act.

Regulations made under the Act provide for an examinations board to conduct and certify completion of the prescribed examinations. It is proposed to discontinue this method of eligibility with the effect that, in future, only admitted practitioners will be entitled to be appointed magistrates.

Apart from those already appointed as magistrates, only three people have been certified as having completed the prescribed examinations and are at present eligible to be appointed stipendiary magistrates. Three further candidates have been authorised to undertake the course for examinations. The position of these individuals will be fully protected and they will not be prejudiced in any way.

Those who have been certified as having completed the examinations but have not yet been appointed stipendiary magistrates, and those currently authorised to undertake the course who are in future certified as having completed the examinations, will continue to be eligible for appointment as magistrates. Clause 4 of the Bill effects the change.

The proposed amendment reflects a changing trend in applications for the magistracy. The historical rationale for the magistrates' examinations was the small number of lawyers in Western Australia and the difficulty of attracting them to magisterial duties. That balance has changed markedly in recent years.

Recent applications have been almost wholly dominated by legal practitioners, and this enables us to move to a position where magistrates will come to the bench both legally qualified and with active court experience.

This is particularly relevant because of the potential for expanding the jurisdiction of magistrates' courts.

The amendment will not prejudice nor should it be seen as reflecting in any way on serving non-lawyer magistrates. These include senior and highly-respected members of the Bench who are serving the State with distinction.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Spriggs.

ENVIRONMENTAL PROTECTION BILL

Second Reading

Debate resumed from 24 July.

MR BLAIKIE (Vasse) [12.06 p.m.]: This Bill is a rewrite of existing legislation to give the State new environmental protection legislation. It replaces an Act which has been in existence for the last 16 years. Some pieces of legislation are referred to as being like the curate's egg—good in parts. This Bill is also like the curate's egg, because while there is a general desire to improve environmental legislation, there are a number of parts in the Bill which will raise considerable questioning by the Opposition, and the Minister will need a very positive explanation as to why the changes have been made.

One of the important changes is that the environmental protection body will change from being one which is advisory to Government to a body which will be advisory and also have the role of policeman.

It is interesting to note that the first environmental legislation in Australia was introduced by a former member of the Parliament, Hon. Graham MacKinnon, who became Australia's first Minister for Environmental Protection. That was in 1970. It is also important to note that the first director appointed was Brian O'Brien, and I want to acknowledge his contribution to the benefit and well-being of the State of Western Australia.

In 1971 the Tonkin Government introduced a number of changes to the original legislation. Since then, apart from an occasional amendment to the legislation, it has remained intact for 15 years. It is a credit to the legislators of the day that the legislation has stood the passage of time and has served the State appropriately.

When amendments were introduced in 1980 the member for Rockingham, (Mr Barnett) made the following comment—

The EPA has worked well over the last nine years and this has been proved by the fact the Government has been in power for

six of those nine years and has not seen fit to change the Act substantially.

A further six years have passed, and we will be seeking from the Minister a full explanation as to why so many changes and a rewrite are needed.

It is important to understand with environmental legislation that the most fundamental and critical single factor which must be borne in mind in considering such legislation is that it should be realistic in both form and application. It is important that the people who will administer the legislation have regard for the people of the State now and the generations to come. If the legislation is to be workable and for the benefit of the State, it must achieve a balance between the extremes of technology and conservation.

It is important to note that within those two very diverse fields there is a line of grey which needs to be pursued.

Some of the comments I want to make regarding the general nature of this Bill relate to some of the background history of events which have occurred in this State in recent years. Members will be very much aware that of their very nature environmental and conservation issues can become very emotive and can cause what are seemingly reasonable people to adopt certain attitudes and to take unreasonable actions. They have a very strong feeling, in either a direct or indirect way, for the environment and for conservation. Members are well advised to have regard for these people and their attitudes and to act responsibly in the communities in which they live.

Mr Hodge: We hope members of Parliament will not display the same attitude to environmental legislation.

Mr Laurance: What attitude is that?

Mr Hodge: The attitude the member for Vasse has outlined.

MR BLAIKIE: I believe it is very important. The track record of members of Parliament who have lost their seats over environmental issues is rather interesting. A former colleague of mine, who was the member for Mandurah, was involved in a very emotive issue relating to the Peel Estuary.

Mr Read: That is only part of it.

MR BLAIKIE: The present member for Mandurah may well make his comment, but there are a number of issues that become emotive when people reflect their attitudes in a variety of ways and certainly in the ballot box.

My first introduction to the world of environmental issues occurred in 1969 when, as a newly endorsed candidate, I was confronted with a situation where a mining company had pegged all the beaches in Busselton. I need not go into that episode by chapter and verse to explain what was the reaction of the local community.

As a raw member of Parliament I wanted development, but not at all costs. I wanted to see development progress, but I also wanted to assure the people that the beaches had a degree of protection.

Again, at Augusta some 12 months later and when I was a member of the Augusta-Margaret River Shire Council, a mining company pegged the Blackwood River. Just before Christmas, 1970, company representatives flew around the town in a helicopter, giving local residents joyrides. It was only a few days after that that a local fisherman had his fishing boat tied around a "new" peg in the river. He did not know the significance of the peg until he was told that it was a mining stake. Members can imagine the furore that broke out in the community.

I was a member of the local council at that time and the council was equally divided in its decision to give the company the right to proceed with its project or to lodge an objection to the company's request to carry out exploratory work for mining in the Hardy Inlet of the Blackwood River, which is adjacent to the Augusta townsite. At a council meeting I moved a resolution that the council write to the Premier of the day asking the Government for assistance in helping the local shire to resolve the difficulty confronting it.

Again, it was an instance where the community desperately needed development. The community was equally divided in its feelings, but it did not want to see development at any cost.

The outcome of that whole exercise was a report compiled by Professor Ernest Hodgkinson. The report became known as the Hodgkinson report and it involved a complete study of the Hardy Inlet. The study continued over a period of six years during successive Governments. The Environmental Protection Authority, after considering the Hodgkinson report, brought down its recommendation that mining should not proceed in the Hardy Inlet, for a host of considered reasons.

I take this opportunity to commend Dr Ernest Hodgkinson and his research officers for the work they carried out. The Hodgkinson report was the forerunner of similar environmental reviews that have been carried out in Australia.

It is my strong view that when matters of development are brought forward, backbench members in this Parliament, whether Government or Opposition, must realise that there is an umpire; he is the person who has the ability to give expert advice to the Government and to the community. I certainly will be guided strongly by the umpire's decision. By and large, I have been satisfied with the decisions of the umpire—the Environmental Protection Authority.

I refer now to the authority and to members who have given outstanding service to the State in regard to the embryonic legislation which stood the test of time for 15 years and which is now before this House for consideration.

Some members of Parliament have run foul of environmental issues, as have local councillors and other people. In the period between 1971 and 1974, a proposal was put forward by a company known as Pacminex Pty Ltd to mine bauxite in the Darling Range. It was a project of some magnitude and involved an investment of hundreds of millions of dollars.

This project would have been the first political blow to the Tonkin Government because it amended the initial environmental protection legislation to give it more teeth. One of the first major jobs the people involved in the environmental protection legislation had to undertake was a review of the Pacminex project. They certainly had more teeth because the newly appointed EPA gave the project the thumbs down. Subsequently the Pacminex project was not given the go-ahead by the Government of the day.

Mr Clarko: Some people claim that was the major reason for the sinking of the Tonkin Government.

Mr BLAIKIE: I believe there were two reasons and that that was one of them. The second certainly had a profound effect and it involved decisions made in relation to an environmental and conservation issue. The decisions were made by the Whitlam Government in January 1974 to deny the State the right to export bauxite which, in fact, vetoed the south-west alumina project.

That interference by the Federal Government was certainly unwarranted. It must be remembered that although we are part of world and national conservation strategies, the best conducted affairs are those conducted at home with State bodies making determinations for their State and those determinations being vetted at the ballot box in due course.

Two issues relating to the environment led to the downfall of the Tonkin Government: Firstly, the Pacminex issue, as my colleague the member for Karrinyup very correctly pointed out, and secondly, the smelter for the south-west.

On the national scene I have indicated the areas in which I believe the Commonwealth has no right to interfere with the sovereign rights of the State. However, Commonwealth Governments like to have their two bob's worth and stick their noses in where in my opinion they do not have a right to interfere. For example, I refer to the Fraser Government's interference in the Fraser Island issue to stop mining. The Government of Queensland made a decision and the people of Queensland should ultimately have determined whether adequate safeguards were being provided.

The member for Albany will recall the concern expressed nationally in relation to whaling at Albany. The tragic part is that the actions of a Commonwealth Government—said to be in the interests of conservation—brought about the cessation of whaling at Albany. A series of unfortunate decisions have been made by certain businesses in Albany, decisions which have affected its economy, but I believe that initial decision by the Commonwealth Government was the catalyst that led to the difficult situation we see there today. The whaling and tuna industries have gone and Albany has had difficulty maintaining a work force in the community. All this has happened as a result of involvement from outside the State.

In these matters I believe the sovereign rights of the State and local communities should always be given full and proper regard. One has only to look at what has happened in Tasmania where successive Labor and Liberal Governments made determinations with regard to supporting the building of the Franklin Dam on the Gordon River. Notwithstanding the determination made by Governments of different political parties, the Commonwealth Government of the day, as a result of a political issue—not a conservation issue—decided that it would overthrow the Tasmanian

Government's decision against the wishes of the Tasmanian people.

These matters have dire consequences for the State and every State member of Parliament should fight very strongly to ensure that the sovereign rights of the State are protected. These rights should be protected more in the environmental field than in any other area.

In 1980 I was invited to Britain as a guest of the central office of information to take part in a study tour on matters of energy conservation and environment. I will not forget that exercise and I am indebted to the British people for the hospitality they extended to me. More importantly, I am indebted to them for the things I learned in relation to a number of matters related to conservation and the environment. The member for Geraldton was also part of the delegation to Britain and we had the opportunity of meeting the officials of the Thames River Authority. It was interesting to note the history of the Thames River in London. Initially it was a very important freshwater river with a proliferation of fish, oysters, and other seafood. London had traditionally been an important centre and the Romans camped by the side of the Thames River because it then provided an abundance of seafood. Following industrialisation in Britain and extensive use of the river in the process, it became a sewer. The Thames River Authority subsequently set about the job of cleaning the river.

I found it very telling to learn of the number of cities that discharged their effluent into the Thames River. If one follows the Thames as it proceeds to the ocean one finds that the water is picked up, used by the cities through which it flows, and then returned to the river. It is used time and time again by a number of cities but on each occasion it is treated and re-treated before re-entering the river. When I finally learned of the hundreds of times the water had been used and reused, I started cleaning my teeth with mineral water. It was not that I doubted the technical quality or purity of the water, but I was staggered to learn of what was occurring. Great credit is due to the Thames River Authority.

Colin Porter was one of the people very much involved in that field and the State has been very well served by having available a person of his capacity as director of the Department of Conservation and Environment. He has now retired.

That experience had a strong influence on me and gave me a better understanding of the environment and what is needed to ensure its continued enhancement and preservation for future generations.

I refer quickly to another area—the Dalmeny tank storage farm. Members will probably find it difficult to whip up enthusiasm with regard to an inspection of an oil tank storage farm and when our hosts told us that we were to be taken to this oil tank storage farm at Edinburgh, it was almost as though we had drawn the short straw and were taking the wrong trip.

This oil tank storage farm won the European award for conserving the environment in 1980. To very quickly explain how important it was and how impressed I was with what had been achieved, I indicate that it led me to question a number of practices we follow religiously in Australia without changing course. There is good reason to change course. This oil tank storage farm was the major storage area for the oil from the North Sea oil deposits prior to export.

The oil would come ashore in the Aberdeen area to be piped down to Dalmeny, south of Edinburgh. It would then be pumped out of the tankers into the nearby Firth of Forth before being shipped around the world.

That tank storage farm was a major world installation. The authorities had found an area of land, put the tanks on the land and then thrown a huge earth bund wall around the tank storage farm. The area was then grassed and planted with trees. I was in Edinburgh only a matter of months ago, and I took the opportunity to revisit the installation. I was interested to discover that one can be within 300 to 400 metres of one of the largest tank storage farms in Europe and not even know it is there. Not only does it blend with the environment, but the huge earth bund wall completely hides it, and it is landscaped and becomes part of the environment. It does not dispose of the tanks—make no mistake, they are certainly there.

In Australia we have blindly followed tradition in this regard and need to change. If one goes to North Fremantle, or Bunbury, or Albany one finds that on the best sandhill or vantage point in the community adjacent to the water's edge there is an oil storage tank. Why have we done it? Probably because it was close to a port, which means that the water gravitates back into the terminal and it is easy to service.

From what I have seen, I question our priorities and what we have done in the past. I believe we should ensure that the best real estate or best environmentally located land should serve the community's interests best of all, and I do not believe that future planners should approve of oil storage tanks on elevated vantage points. I believe they should be put on the other side of the sandhills. We should follow the very simple exercise that was followed in England.

On my recent visit to the United Kingdom I had the opportunity to visit Grimsby, which is a former fishing village. During the heyday of the North Sea fishing industry it was a very important fishing area, but that has now diminished and the towns in that area do not have the same importance as far as fishing is concerned. However, they do have some importance to Western Australia. At Grimsby there are two titanium dioxide plants, both of which are major importers of Western Australian ilmenite. I had the opportunity to go through one of the plants and see first-hand the product they receive from our State. They were very impressed with it, and regard us as very reliable and good people to deal with. More importantly, I looked at the methods they employ for discharge of effluent into the Hull estuary. That is of particular relevance because in Western Australia we have the Laporte plant in Bunbury, and for years there has been concern in that community about the effluent from the plant and what the future of the plant will be.

During the Committee stage of the Bill I will refer to a report by the House of Lords, made after it carried out an inquiry into effluent control within the Humber Estuary. I believe that report has very special relevance to Western Australia, and to this debate. The House of Lords Select Committee of Inquiry was carried out as a result of a number of queries that had been raised, and one of the organisations to raise such queries was the Greenpeace organisation.

The final recommendations of the Select Committee ranged over a number of areas. One of the more important recommendations indicated that consideration must be given not only to the environment but also to the commercial factors that were controlled within the dioxide plant in that area. The report indicated that there were some 1 600 people in the area, so while matters of the environment were of prime importance, there needed to be commercial realisation of the levels of control being

imposed. I will have more to say about that report in the Committee stage of this Bill.

This State has been served well by the existing legislation and the Minister will have to explain why there is a need for the dramatic changes he is making. He will be asked to give a full explanation of the reason for the change of philosophy and direction. The Bill provides for an amalgamation of the areas of pollution, noise, clean air, and sections of the Rights in Water and Irrigation Act, to bring them together in one piece of legislation. Again, I will deal with this in more detail in the Committee stage as I believe it is fundamentally a Committee Bill because of the complexities it contains and the number of matters that will have to be spelt out in detail. However, it does appear that there has been an overkill in the general structure of the Bill, and that we are looking at Western Australia being another Pittsburgh. The Bill before the House also seeks to change the role of the Environmental Protection Authority, in that it will move into the duties of policing.

A matter I want to raise with the Minister—whether he replies to it in the second reading debate or takes it up with the Premier in due course—is that all the pieces of legislation that will be repealed and incorporated in the new environmental protection legislation have been amended in the last 18 to 24 months. When these amendments are carried out, no doubt they will be carried out at some cost. They will certainly be carried out at a cost to the Parliament. The Rights in Water and Irrigation Act was dealt with last year, as was the Noise Abatement Act, and the year before that we dealt with the Pollution Bill.

While those costs are related to taxpayers' funds, there are also costs in relation to members' time. If the Government was proceeding in the general direction of amalgamating the legislation as it has done, I would have expected some of those minor pieces of legislation be left out, or incorporated in the Bill. Whichever way it goes, there has been a cost in members' time and a very substantial cost in the running of the Government.

The Bill provides that five persons will comprise the new Environmental Protection Authority. Previously the authority had three members, all of whom were part-time members.

Mr Hodge: The chairman is currently full-time.

Mr BLAIKIE: The chairman who will take over will wear two hats?

Mr Hodge: They are not all part-time under the present legislation. The chairman is full-time.

Mr BLAIKIE: Sorry, Barry Carbon is full time; but that has happened only recently. While Professor Main was chairman, he was part-time.

Mr Hodge: I thought you were implying that there was some prohibition based in the present Act to having a full-time member of the EPA.

Mr BLAIKIE: No, this is a change which has taken place recently, and although there has been an administrative change in that Dr Carbon is currently the full-time chairman, the Act itself, as it was previously brought into being, allowed for three members of the EPA who were part-time and who were called upon frequently to make deliberations and recommendations.

Mr Rushton: Basically they were at arm's length from Government.

Mr BLAIKIE: That is the very point I was going to make. It is a very important point because they were independent and were not part of the Public Service. Consequently they were able to do their own thing, make their own determinations and do their own bidding.

My concern is that the Government is now preparing to have a five-member authority and those five people will be either full or part-time according to a decision of the Minister.

Mr Hodge: They can't be public servants. They will still be at arm's length from the Government.

Mr Rushton: They will be Labor Party hacks.

Mr Hodge: If they are going to be Labor Party hacks, weren't they Liberal Party hacks when you were in?

Mr BLAIKIE: The answer to that is "No". I just want this debate to settle on the right tenor. I take exception to what the Minister has just said. It does not do the Minister any good to cast those sorts of aspersions.

Mr Hodge: It was that member who cast the aspersion, not I. You misheard.

Mr BLAIKIE: I heard very clearly the member for Dale saying that they could be Labor Party hacks and the Minister's comment was to the effect that they were Liberal Party hacks when we were in Government. I believe that was a most unfair comment to make, knowing the people who are there.

Mr Hodge: I said that if they were going to be Labor Party hacks, weren't they Liberal Party hacks under this legislation?

Mr BLAIKIE: The answer to that again is "No".

Mr Hodge: I agree, and they are not going to be Labor Party hacks under this legislation.

Mr BLAIKIE: That is all the Minister needed to say.

At this stage I want to take the opportunity to comment on the services of Professor Bert Main. The Government is changing the tenor of the authority and its very structure. The Government has had its mandate and its policies, and, of course, it can do these things, but I point out that there could well be some shortcomings in the Government's approach.

Mr Wilson interjected.

Mr BLAIKIE: I certainly will. For a start, I would be making the EPA members completely independent, and I would not have the Chairman of the EPA and the head of the Department of Conservation and Environment one and the same person. That is consistent with Liberal Party policy, which has been followed through and relates to the 1980 legislative changes. I question whether a person with one hat could fill both jobs with the same degree of independence. That has been a philosophical difference between the Australian Labor Party and the Liberal Party in this particular issue.

Mr Speaker, you would well recall the argument which took place in 1980 over this philosophical difference in respect of the head of the department being the head of the EPA. On that occasion the Government won the day, and I have a strange feeling that the present Government will have its way on this occasion. However, I believe that, on this occasion, the Government is wrong.

I would refer again to Professor Bert Main and, in doing so, I will quote from the annual report of the Environmental Protection Authority and the Conservation and Environment Council for 1984-85. I will quote from the tribute made to the retiring chairman, Professor Bert Main, CBE, by Mr C. F. Porter. It reads as follows—

Professor Main has become something of a legend in his own lifetime. A brilliant scholar and inspiring teacher, his research in a number of biological areas has been widely acclaimed.

It continues—

As someone who had the pleasure of working closely with him over the past nine years I can testify to his decisive mind, to his sure-footed wisdom in dealing with complex and controversial issues, and his absolute refusal to be swayed or intimidated by the heavy pressure to which any head of an environmental agency is regularly subjected. He was particularly unwilling to be rushed into quick acceptance of complex developments, and was unswayed by arguments that a decision was needed that day. "If they want a quick answer, that answer is going to be no", was a typical Bert Main response. As a result the Authority was usually given reasonable time to complete its evaluation, regardless of the pressures from developers and politicians.

I think that is a fitting tribute to Professor Bert Main. The final section which I want to have recorded in *Hansard* reads as follows—

It will not only be those of us in the Department who will miss Bert Main. A legion of students have benefited from his wise counselling, and even those members of Parliament, conservationists and developers who crossed swords with him from time to time, will always honour his complete integrity and dedication.

I believe it is important that the Parliament record this acknowledgement of Professor Main, because he was one of the first members of the EPA and its chairman. He was involved for some 14 years with the EPA, and those were very delicate and formative years.

In that period, in my opinion, the EPA enjoyed the general confidence of the people of this State and although it might have incurred the wrath of Government from time to time, this confidence in it remained. People in the community, while they might have argued about the decisions made, had regard for the manner in which the decisions were made. That is a very important point. Dr Maurice Mulcahy was also a member of the EPA, as was the solicitor, Mr Athol Gibson. In the original legislation it is stated that one of the members of the EPA should be a solicitor. There was some argument in the 1980 debate questioning this, and I do not see very many good reasons for a solicitor specifically to be on the EPA board. However, a solicitor was a member and Mr Gibson certainly served the State well. Another member in recent times was Professor

Des O'Connor. When one sees the stature of people such as Professor Main, Dr Maurice Mulcahy, and Professor O'Connor, one knows that the State has been served well, although one may wish, from time to time, to argue with some of the recommendations and decisions they made. I believe they provided a good service to the State.

This is part of the change: The EPA will alter from a three-member body to a five-member body. The other change which the Government has brought in is that in the original Act, the Environmental Protection Act as it was, it is stipulated that members of the EPA should have some degree of qualification.

One had to be a legal practitioner of not less than seven years' standing, and one person had to have knowledge of and experience in environmental matters. There is a degree of change in this Bill, and during the Committee stage we will comment on the changes and seek the answers to why involvement in the environment has not been given as high a priority.

A further fundamentally important change in the legislation relates to abolition of the Conservation and Environment Council. That consisted of heads of departments as well as people representing primary industry and local government bodies, people such as Mr Ray Ward. The interests of primary producers and local government were protected by their having an input into the Conservation and Environment Council. Under the new legislation they are not given that opportunity. The Minister will be able to set up a host of committees if he so desires, but there is no specific reference to the groups I mentioned. We will raise this matter further in Committee with the Minister and question the wisdom of it.

Another interesting change relates to the definition of "social surroundings". I am concerned that if this is allowed to remain in the Bill it will enable class actions to be taken by individuals who are concerned about anything in the environment.

The Bill proposes some very fundamental changes, and it gives both an authoritative and policing role to the authority but, more importantly, it allows individuals to lodge complaints and take action over matters relating to the environment which concern them. While the Minister may have been swayed by the arguments of some extreme environmental groups, I question the wisdom of allowing this provision to remain in the legislation. The reference in the Bill to "social surroundings being

affected" will give industry and commercial interests considerable concern.

As far as the functions of the new authority are concerned, the Minister has not given any undertaking that local government will be involved in this legislation. We regard it as a very important and fundamental difference between the way this Bill has been written and the way we would have written it had we been revising the legislation. We would have ensured that local authority representation was embodied in the Act and that local government was one of the groups to be consulted as of right, and not as a matter of course. It is a weakness in the way the Government has framed the Bill.

Another disturbing aspect of the legislation is the requirement for a register to be kept on any proposal to be submitted to the department. I know the Minister has some amendments on the Notice Paper, but it is surely a very disturbing sign when registers need to be kept in the manner proposed. This is another area which gives industry and commercial groups a great deal of concern. As I said earlier, the Bill provides that any person can lodge a complaint about a development concerning the social environment in which he lives, and the Minister shall, if he wants to, have regard for that complaint. A situation could arise where a register of projects will be kept for any Tom, Dick, and Harry to see and lodge complaints with the Minister or the authority in relation to these matters. This is a matter of concern to the Opposition. Surely if a register is to be kept it should be the business of the Government and people concerned, but it should not be open for anybody's inspection.

The Bill provides in clause 38 for a series of reviews or environmental impact assessments. The clause says that a proposal that appears likely, if implemented, to have a significant effect on the environment shall be referred to the authority, and the authority may refer it to the proponent or any other person. The Minister has the opportunity to determine whether an environmental impact assessment should be made. In addition to that, if the proponent is required to make an assessment he must also make available copies of his assessment to any number of people determined by the Minister or the authority. It may be that a person will have to provide up to several hundred copies. The legislation also refers to the price to be charged.

This is an area in which we will point out to the Government that a small developer could be frightened away from proceeding with his development. On one hand he has to meet the requirements of local government and the State planning bodies, and on the other hand he has to meet all the requirements of the EPA under this new legislation. The Bill also says that the environmental protection legislation shall override in all matters. In this instance I am talking about a land developer. He may have met the conditions and provisions of the local authority and the State planning body and, having given his project a degree of public airing, he may find that an individual will complain to the Minister that it will be socially damaging.

All these proposals will be widely canvassed with the Minister in the Committee stage, and we will ask him for reasons for their inclusion in the Bill.

Leave granted to continue speech at a later stage of the sitting.

Debate thus adjourned.

Sitting suspended from 1.00 to 2.15 p.m.

PARLIAMENT HOUSE

Television Camera

THE SPEAKER (Mr Barnett): I advise members that I have authorised Channel 9 to send back some film to its station between 6 p.m. and 6.15 p.m. It will be live film and will be taken in the corridor immediately to my left. The station has asked that I ensure as far as possible that members do not use that corridor. I have advised the station that I am not really prepared to do that, but it would be appropriate if members—and I will remind members again about this—would use another exit if at all possible. The reason I have given the station this special permission is that it is Budget day.

LEGISLATIVE COUNCIL

Citizen Called to Bar of House: Standing Orders Suspension

MR PEARCE (Armada—Leader of the House) [2.17 p.m.]: I move without notice—

To suspend so much of Standing Orders as would prevent the Premier from moving the following motion without notice:

That this House expresses its grave concern at proposals to bring a private citizen before the Bar of the Legislative Council on the grounds of his refusal to release commercially sensitive information. Further, this House

believes that such an abuse of power will seriously damage the credibility of Parliament as an institution.

In the normal course of events the Government would not seek to suspend its own business to deal with a motion of this nature except that we learned after the sitting of the Legislative Council last night that the Council had passed a motion to haul before its Bar a citizen of Western Australia on the grounds that that citizen is alleged to have refused to answer a question before a Select Committee of the Legislative Council.

The question, we understand, which the gentleman declined to answer in relation to sensitive commercial information would seem to bear no relationship to the purpose of the inquiry which the Legislative Council Select Committee was undertaking. In fact, the nature of the question itself, as we will canvass when we come to the motion, was probably a most improper one for members of that Select Committee to be asking of a businessman, given the link that some members of that Select Committee have with other sections of that person's competition in the business community.

The question of bringing someone before the Bar of a House of Parliament and potentially subjecting that person to a gaol sentence is something which has not happened in this State for very many years. It is the kind of thing that Parliaments should do, if at all, very sparingly and with careful thought for the impact that such an action would have on the institution of Parliament itself and on the reputation of members of the Parliament.

If it were the case that there was some attack being made on the Parliament and that in some way the Legislative Council had to move to protect its own integrity, one could perhaps understand the necessity to take this action—maybe one could understand it. However, under these circumstances it seems that, in pursuit of a petty and spiteful vendetta, a member of the Legislative Council on a Select Committee is seeking to use the forms of the Parliament which have been fought for by generations of our predecessors in a way that can only be construed to be an abuse of power.

It is the more galling that the Legislative Council seeks to do that at a time when it has been clearly demonstrated in two successive elections that the majority in the Legislative Council does not represent a majority of the people of Western Australia. That is to say, a

gerrymandered House is potentially seeking to gaoil one of our citizens.

We believe that the Legislative Assembly ought to make some comment on the way in which this action is undertaken because we are members of the Parliament and we have an obligation to this institution to see that its forms are not abused. I feel that it is necessary to give some consideration to the actions which are currently being undertaken.

It is equally important that the House place on record its attitude on this matter because obviously we ourselves have Select Committees of the Legislative Assembly and it is not impossible, I suppose, under various circumstances, for those Select Committees to be taking comparable actions under comparable sets of circumstances.

It may be useful for the Assembly to consider the principles involved in the question of bringing someone before the Bar of a House of Parliament in circumstances which would make it clear in the Assembly what the attitude of members was before we came to the position of having to make a specific judgment on matters like that ourselves should in fact those circumstances arise.

I hope that the Opposition will find its way clear to support this motion to suspend Standing Orders because, in the time that I have been Leader of the House, I have made it a practice to support motions for the suspension of Standing Orders when there was a matter of urgency or of great interest to the Parliament or to the community to be debated.

It has been a practice in this place to introduce arguments relating to a matter of urgency on the motion to suspend Standing Orders. Members who have been here for a while will recall the days of the Court and O'Connor Governments when it was the practice to prevent Opposition motions to suspend Standing Orders from succeeding. The net result was a very lengthy debate on the motion to suspend Standing Orders. Speakers had to be eternally vigilant to try to distinguish what was a debate on a motion to suspend Standing Orders and what actually constituted the debate on the substance of the motion. In the circumstances where an Opposition knew that Standing Orders would not be suspended, it sought to get in as much debate as it could on the motion of suspension. Members will recall the many acrimonious exchanges and difficult positions that Speakers have been placed in.

I have taken the attitude, as Leader of the House, that it is better to have the substantive motions dealt with and to have those motions come before the Parliament by way of a motion to suspend Standing Orders. The policy I have adopted on most occasions—I think on every occasion—is that if the Leader of the Opposition or some other Opposition member seeks to suspend Standing Orders, I have supported it. In most cases, I have seconded the motion.

I would be sorry to see the circumstances arise where the Government would prevent a motion of that sort succeeding, even though it has the ability to disallow it. I also hope that the Government's attitude on these motions is reciprocated.

Obviously the Opposition lacks the numbers to prevent a motion for the suspension of Standing Orders from succeeding. However, it would be a poor show if the Opposition did not support the motion to suspend Standing Orders so that we can discuss the motion, given the record of the Government in supporting motions of this kind in the past.

I would prefer to have the House consider the substantive motion rather than the motion to suspend Standing Orders. In my view, however, this is a matter of grave urgency and concern to the House. It is something we should discuss this afternoon before the Legislative Council moves on Tuesday to take the action it has already resolved to take.

MR HASSELL (Cottesloe—Leader of the Opposition) [2.26 p.m.]: The Opposition opposes the motion to suspend Standing Orders because we believe it is gravely and grossly improper.

Before I sit down I will refer to matters that the Leader of the House raised in relation to the motion to suspend Standing Orders. However, I wish to deal, first of all, with the substance of the issue.

The issue before the Chair is that we should suspend Standing Orders to debate a motion concerning the conduct of another part of this Parliament. In the body of law which is called equity, there is a maxim which states that he who comes to equity must come with clean hands. In this case, the Government does not come to the House seeking the equity of debating this motion with clean hands. It comes to this House with sinister intentions and sinister motives.

Point of Order

Mr BRIAN BURKE: The Leader of the Opposition is clearly canvassing matters that are well outside both the content and ambit of the motion.

Opposition members interjected.

The SPEAKER: Order! Without selecting the two members who just interjected and taking some action against them, I remind every member of this House that, when a point of order is being addressed to me, I do not expect to hear one interjection. I have asked that that happen before, and I ask that it happen again today. In fact, this will be the last time that I ask it of members. The next time I will demand some action against those who are rude enough to interject.

Mr BRIAN BURKE: His comments are outside the scope and ambit of both the motion and the contribution made by the Leader of the House. The matters being addressed by the Leader of the Opposition are substantive matters that should be addressed if the motion were agreed to. My proposition is that his remarks are now irrelevant to this motion.

Mr HASSELL: The Leader of the House, in proposing the motion, ranged widely and I am now responding in kind. I do not intend to take excessive time; nor do I intend to debate the substance of the motion because I recognise that the Government has probably mustered the numbers to force through the motion to suspend Standing Orders. I believe that the suspension, in this case, is a matter of substance, and I wish to address that subject.

Speaker's Ruling

The SPEAKER: Order! In my opinion, during the speech by the Leader of the House, I should have told him that he was canvassing subjects which more correctly should have been canvassed were the motion successful. He must have read my mind because, on my determining that I would take action, he moved directly from that course.

The point of order raised by the Premier is absolutely correct. However, in view of my error with the Leader of the House, I am prepared to accept a few moments of argument from the Leader of the Opposition, but it must be only a few moments. If it becomes a substantive part of his speech, I am afraid I will take action to bring him back to the motion before the House.

Debate Resumed

Mr HASSELL: I believe I am speaking very directly to the motion before the House when I say that it is my belief that the Government has sinister motives in seeking to suspend Standing Orders today. It is seeking to suspend the Standing Orders to debate a motion concerning the other House of this Parliament and the conduct of its business under its Standing Orders.

I go back to the point I made at the outset: Those who seek equity must come with clean hands. What we have is a Government which, to debate a motion it wants to debate, not only has to suspend the Standing Orders to permit the debate, but also has to suspend the Standing Order which prohibits debate about the conduct of the business in the other House. Standing Order No. 127 states—

No member shall allude to any debate, during the current session, in the other House of Parliament.

That rule is in the Standing Orders for good reason. It is there because in the development of the rules of the conduct of Parliament there is the recognition that we should not seek to comment on, interfere with, or deal with the business of the other House. I have been pulled up on that rule by you, Mr Speaker, in relation to some events that occurred in the other House relating to Mr John O'Connor when the Attorney General made a certain determination. That rule is part of the procedure and the recognition of Parliament and the propriety and conduct of Parliament.

I point out to the House that in this matter the Opposition is not objecting to the fact that the Government wants to bring on a debate; it is objecting because it wants to bring on a debate which is, of itself, contrary to the Standing Orders and which it can bring on only by suspending the Standing Orders in terms of the other House, not in terms of the permission for actual debating.

I did try to explain to the Leader of the House in a cross-Chamber exchange before we sat this afternoon that that was the basis on which we would oppose the motion. I want to put on the record of this House, in response to what the Leader of the House said, that I commend him and advise him that the Opposition appreciates the approach he has taken to the conduct of the business of the House. We have found that the conduct of the business of the House leads, as he has said, to the debate of issues as distinct from the debate of procedure. We have appreciated his approach and the sup-

port of his members in allowing him to take that approach. I said to him on another occasion that I would be pleased to have the opportunity to acknowledge this because it has made a difference to the way in which the House is run.

Last week the Opposition moved a censure motion and, of course, it concerned directly this House and the business of the Government. It was a motion that concerned the conduct of the Executive in relation to this House of Parliament, and it was a matter which was properly before the House.

It is not on the technical ground that we want to continue debating the Environmental Protection Bill that we are opposing the suspension of Standing Orders. It is an improper and, indeed, a sinister exercise and we oppose it for those reasons.

I assure the House that we are more than prepared, if forced to, to debate the motion on the various grounds, but we believe it is a motion which is improperly brought forward and which is contrary to the whole structure of the operations of Parliament and one that should not be brought forward in this House.

If such a motion were to be brought forward in the upper House in relation to the conduct of the Government's business in this House, the Premier would be the first member on his feet to condemn the Legislative Council for purporting to interfere in the operations of this House and for purporting to interfere with the procedures of the Standing Orders of the House.

However, the Premier is about to move a motion which goes directly to the heart of the conduct of the business of the upper House. He says in the motion that he will move that the Legislative Council's action will damage the credibility of Parliament as an institution. Nothing is more certain to damage the credibility of the Parliament as an institution than to have one of the Houses of Parliament interfering with the conduct of business of the other House and, through that very motion, seeking to challenge the authority of the other House.

The Opposition knows that members of the Labor Party and the Premier do not like the upper House and have no regard for it, the reason being that they have not been able to win a majority in the upper House. The Government is seeking through this motion to interfere with the upper House by suspending Standing Orders to debate a motion about the conduct of the business of the upper House.

I will not prolong unnecessarily the debate about the suspension of Standing Orders. As I said at the outset, I am not seeking to make a marathon out of debating that aspect of the issue at all; I am seeking to make it very clear to the Leader of the House that the Opposition's reason for opposing this suspension of Standing Orders is that it does not believe this is a proper motion to be brought forward, especially by a reasonable Government.

I oppose the motion.

MR COWAN (Merredin—Leader of the National Party) [2.38 p.m.]: All political parties in this place have used the mechanism by which we can suspend so much of Standing Orders that would prevent members moving motions about which they have some concern and which they regard as being urgent. The National Party supports that mechanism within the Parliament, and it is not likely to vary that support. However, having examined the wording of what will become the substantive motion to follow, if this motion is passed, it would appear to me that that motion is completely out of order.

Point of Order

I wonder if you, Mr Speaker, would be prepared to qualify whether we are merely suspending so much of Standing Orders as to move without notice or whether you are taking into consideration in the suspension of Standing Orders what is likely to follow? It is very important, because if this motion is purely and simply devoted to the suspension of Standing Orders so as to move without notice then the National Party, because it uses that mechanism and intends to do so in the future as will other political parties, will not object to it.

If you would give me some licence, Sir, I point out to you again that the National Party is strongly opposed to what will follow and believes it to be very much out of order. I wonder if you would clarify whether we are merely dealing with the suspension of Standing Orders so as to move without notice.

The SPEAKER: I have given this matter considerable thought. It is my belief that it is properly brought before the House. I do not disagree with some of the sentiments which have been expressed in respect of the parliamentary institution, but nonetheless a mechanism is provided for in our Standing Orders to suspend so much of those Standing Orders which would prevent anyone in this Parliament from moving a particular motion. As I see it, the motion

moved by the Leader of the House is properly brought before the Parliament.

Mr COWAN: Is that the motion purely to suspend so much of Standing Orders so as to move without notice?

The SPEAKER: So much of Standing Orders that would prevent the Premier from moving the proposed motion.

Mr COWAN: If we are moving to suspend so much of Standing Orders as will allow the Premier to move his motion, I regard the latter part of the notice which has been given to me as contravening Standing Orders Nos. 127 and 129. Can you tell me, Mr Speaker, whether the suspension of so much of Standing Orders does suspend the determination of those Standing Orders, or does it relate purely and simply to the fact that it is allowing the Leader of the House to move the motion without notice?

The SPEAKER: In my view, if this motion is successful it will suspend those Standing Orders.

Debate Resumed

Mr COWAN: Thank you, Mr Speaker.

In that case the National Party believes that the second part of this motion is highly disorderly and certainly contravenes Standing Orders Nos. 127 and 129. We have no option but to oppose even the motion to suspend so much of Standing Orders. That disappoints me greatly, Mr Speaker, because we believe that the motion to suspend so much of Standing Orders to move a motion without notice is a very necessary requirement for this House. However, if the Standing Orders to be suspended include Standing Orders Nos. 127 and 129, the National Party can have no part in the motion. Standing Order No. 127 reads—

No Member shall allude to any debate, during the current Session, in the other House of Parliament.

Mr Bryce: It is not a debate.

Mr COWAN: Of course it is a debate.

Mr Bryce: It is an issue in this House, too.

Mr COWAN: It was a debate in the other House. It was a motion to call a citizen before the Bar of the other place. It was certainly a debate and if the Deputy Premier does not believe me he should find out what the public think.

Mr Brian Burke: Your National Party member, Mr Gayfer, supported it, to your shame.

The SPEAKER: Order!

Mr COWAN: In response to the Premier's interjection, I point out that we gave the person concerned an opportunity to get himself off the hook. He chose not to do so.

Mr Peter Dowding: Why should he answer? That's the point of the issue.

Mr Brian Burke: Why should you drag a private citizen before the Bar of the House and demand commercially confidential information that is not relevant? Who is it to be next week? Will we call someone before the Bar of this House next?

The SPEAKER: Order! That is not relevant.

Mr COWAN: Thank you, Mr Speaker.

Standing Order No. 129 reads—

No Member shall use offensive words against either House of Parliament, or against any Statute, unless for the purpose of moving for its repeal.

Surely that would indicate that the second part of the motion moved by the Leader of the House contravenes that Standing Order.

As I said, the National Party favours the capacity of any member of this place to be able to move to suspend so much of Standing Orders as would enable him to move a motion without notice. If the initial part of this motion so enabled him, we would be prepared to support it and we would debate the substantive motion. We would then take a point of order that it contravened Standing Orders Nos. 127 and 129 and seek to have it no longer debated. However, Mr Speaker, in view of the fact that you have ruled that those Standing Orders which will be suspended will include Standing Orders Nos. 127 and 129, we must oppose the motion.

MR MENSAROS (Floreat) [2.45 p.m.]: The Leader of the House, when asking that this motion be passed, appealed to the chivalry of the Opposition and pointed to the fact that the Government allows the suspension of Standing Orders when the Opposition wants to discuss a matter of urgency or public interest. As with all rules, the rules of this House—the Standing Orders—have a certain hierarchy and are individually of more or less importance.

We would not oppose this motion if it were merely for a trivial request to discuss something of public interest. However, we oppose the motion because, as the Leader of the National Party has pointed out, it challenges one of the most important Standing Orders. Theoretically, we could suspend every Standing Order of this House. In practice, if a party has a majority, it will win. If we suspend one Stand-

ing Order after another we could finish up having no rules because the Government, having the numbers, could suspend every Standing Order.

If we depart from the custom of decorum of the Parliament we will finish up as a mock Parliament; we will have virtually no Parliament. National Socialist Germany had a Parliament, but it was not considered a democratic Parliament. Soviet Russia has a Parliament which, likewise, is not considered a democratic one. Such Parliaments have superficial similarities to ours. They assemble to bring down legislation. The Westminster-type of Parliament has rules and customs. It should not be customary to suspend the most important Standing Orders which assure a bicameral system. If one House is allowed to interfere with another, we will have no need of a bicameral Parliament.

For a short while the Labor Party was opposed to a bicameral system. However, it came to its senses and withdrew that policy. Some three years ago the policy was that there should be no bicameral system. It is now acknowledged that we should have a bicameral system. During debate on the Acts Amendment (Electoral Reform) Bill it was acknowledged that the Houses should be different; each should have its own Standing Orders; each should have its own responsibilities and duties. If we suspend Standing Orders we would do away with those rights of each House.

Mr Peter Dowding: Are you suggesting that members in this House cannot express an opinion?

Mr MENSAROS: I am suggesting that members of this House should not express any opinion about matters taking place in the other Chamber. If we override the responsibilities, duties, and powers of the other House—whether through expression of opinion or through action—we would be taking a step towards abolishing the other Chamber. We would be taking a step against the bicameral system and the entire parliamentary system. That is why it is not a matter of our returning the Government's courtesy of having suspended Standing Orders to allow the Opposition to debate a subject; it is a matter of the parliamentary institution remaining as we know it.

I would like the Chamber to consider this because we are talking about one of the most important Standing Orders and we are talking

about the whole of the institution. What is our parliamentary system mainly for? Of course, it is in place for legislation and representation, as we discussed.

The importance of Parliament in our system, where the legislator and the administrator are from the same majority party, is mainly to provide a check against the Government's possibly excessive power.

This motion is directed at taking away the right of one of the Chambers of this Parliament to check the Government's actions. The purpose of this motion is virtually to say that one of the Chambers of this Parliament does not have the right to express a view that the Government might not have been right in something it did and to follow that decision with actions according to the Standing Orders. It is also saying that one of the Chambers cannot properly check the Government.

Where shall we finish if the Government takes step after step to remove these checks? The Government is taking those steps, although some appear to be very small. It was pointed out a couple of years ago—I raised the subject—that when we look at the Loan Budget, fewer and fewer Government departments are included and less and less are we able to discuss in this Parliament huge expenditure by the Government. Most of the capital expenditure is done by money borrowed on the market, as the Premier said only today in his second reading speech relating to the Loan Budget, and that is not subject to parliamentary checks. The Government, perhaps rightly from a political and social point of view, uses most of the loan money in the housing area, and that is only one portfolio we can check.

The purpose of this motion is to do away with the Parliament's responsibility to check the Administration. That is what the Government now wants to do. I would like the Legislative Assembly to consider these points of view before making a decision.

MR PEARCE (Armada—Leader of the House) [2.52 p.m.]: I appreciate the distinction which the Leader of the Opposition, the member for Floreat and, to some extent, the Leader of the National Party seek to make. However, in seeking to understand their point of view, I believe they are also wrong in their application of it.

We have other Standing Orders and I refer, for example, to Standing Order No. 131, which states—

No Member shall use offensive or unbecoming words in reference to any Member of the House.

I refer also to Standing Order No. 132 which states—

All imputations of improper motives, and all personal reflections on Members, shall be considered highly disorderly.

Yet, I seconded a motion to suspend Standing Orders on Tuesday of this week to allow the Leader of the Opposition to make a series of statements about alleged impropriety in the conduct of the Minister for Minerals and Energy because he was doing it by way of a motion. Although we did not seek to suspend Standing Orders on that occasion, it is well understood that if members raise these issues directly by way of a motion, which is what the Leader of the Opposition did in order to make reflections on the Minister for Minerals and Energy, that is a perfectly legitimate thing to do. One is addressing the issue by way of a motion.

These Standing Orders which apply generally are designed to stop members in debate, by way of interjection, or in some other way, from making these kinds of improper suggestions.

We are seeking to do precisely the same thing—that is, tackle the matter by way of a motion directly sheeted into the issue which we wish to discuss. That is no different in quality or principle from what the Leader of the Opposition, or members on his side, did last Tuesday with regard to the suspension of Standing Orders to allow him to make reference to the Government generally and the Minister for Minerals and Energy in specific terms.

That is the reason we come openly, honestly, and properly to the House to seek the suspension of Standing Orders to discuss this crucial issue of parliamentary democracy in Western Australia.

Question put.

The SPEAKER: For this motion to be passed, it is necessary for there to be an absolute majority. If, when putting the motion, there is a dissentient voice, I will divide the House.

Division taken with the following result—

Ayes 29

Mr Bertram	Mr Marlborough
Mr Bridge	Mr Parker
Mr Bryce	Mr Pearce
Mr Brian Burke	Mr Read
Mr Terry Burke	Mr D. L. Smith
Mr Burkett	Mr P. J. Smith
Mr Carr	Mr Taylor
Mr Peter Dowding	Mr Thomas
Mr Evans	Mr Tonkin
Dr Gallop	Mr Troy
Mr Grill	Mrs Watkins
Mrs Henderson	Dr Watson
Mr Gordon Hill	Mr Wilson
Mr Hodge	Mrs Buchanan
Dr Lawrence	

(Teller)

Noes 22

Mr Blaikie	Mr Lightfoot
Mr Bradshaw	Mr MacKinnon
Mr Cash	Mr Mensaros
Mr Clarko	Mr Nalder
Mr Court	Mr Rushton
Mr Cowan	Mr Schell
Mr Grayden	Mr Spriggs
Mr Hassell	Mr Thompson
Mr House	Mr Tubby
Mr Laurance	Mr Watt
Mr Lewis	Mr Williams

(Teller)

Pairs

Ayes	Noes
Mrs Beggs	Mr Crane
Mr Tom Jones	Mr Stephens

The SPEAKER: An absolute majority has been achieved and I advise that the motion is passed.

Question thus passed.

Motion

MR BRIAN BURKE (Balga—Premier) [2.59 p.m.]: I move—

That this House expresses its grave concern at proposals to bring a private citizen before the Bar of the Legislative Council on the grounds of his refusal to release commercially sensitive information. Further, this House believes that such an abuse of power will seriously damage the credibility of Parliament as an institution.

Let me say at the outset that the Leader of the Opposition and the Leader of the National Party, in speaking to the motion to suspend Standing Orders, were absolutely correct in one aspect of their contributions: This is an extremely serious step, an extremely serious matter on which this Assembly is embarked. In my experience, I can think of no more serious step that has ever been taken by the Legislative Assembly, one that brings it into direct conflict with the Legislative Council, quite deliberately and, in my view, on very good grounds.

Firstly, let me dispatch what I see as the duplicity of the National Party in this matter. It was not so long ago that the National Party abstained from censuring a member of the Opposition who had taken certain action in an area of policy that was of extreme importance to the National Party.

It is my recollection that on that occasion the National Party sought to abstain from voting and expressing an opinion, yet on this occasion in another place the National Party was party to a move to censure a private citizen. The National Party does not mind dragging before the Bar of the Legislative Council a private citizen on a matter that does not compare, in terms of ideological importance, with the matter on which the member for Murchison-Eyre was sought to be censured—a censure in which the National Party abstained from participating.

Mr Cowan: Tell the whole story.

Mr BRIAN BURKE: We will tell the whole story, but the trouble is that the Leader of the National Party, as I said yesterday, cannot control his own party, and everybody knows it.

This matter contemplated by the Legislative Council is one of the utmost gravity, and a matter which reflects upon the Parliament as an institution.

Let me say at the outset that Mr Ellett is not known to me, and to the best of my recollection is a person I have never met; but I do respect the position in which a private citizen is asked to reveal commercially confidential and sensitive information about business dealings which are not even relevant to the thrust or the terms of reference of the Legislative Council Select Committee inquiry. The context in which this information is sought is highly politically coloured, because it is a context in which the Opposition, through the Legislative Council, is attempting to protect the Opposition's most significant financial supporter.

A Government member: Benefactor No. 1!

Mr BRIAN BURKE: Its most important benefactor! The Legislative Council is being used to achieve this aim.

Mr MacKinnon: You are assassinating his character.

Mr BRIAN BURKE: I am not assassinating anybody's character, only the actions taken by the Legislative Council. This is an action taken as a result of a Select Committee chaired by a man who publicly admitted that he contributed money to the campaign to advertise against the

decision made, which was the main object of the inquiry by the Legislative Council. The same man, after publicly admitting that he contributed to the campaign against that aspect which he considered to be the secrecy of the decision, also took part in the distribution of pamphlets. The chairman took part in the distribution of pamphlets in the same campaign.

The same chairman of the same Select Committee actually went broke to the same benefactor of the Liberal Party to the extent of in excess of \$20 000.

An Opposition member: Rubbish!

Mr BRIAN BURKE: That is the situation.

Point of Order

Mr MacKINNON: Mr Speaker, I do not think it is appropriate under the Standing Orders of this Parliament for the Premier to be defaming a member of another House. I understand that what he is saying is not factually true; but whether or not it is, to be defaming or badmouthing a member of another House is not acceptable. I do not believe Standing Orders have been suspended to that extent, and I ask you to rule accordingly.

The SPEAKER: To which Standing Order are you referring in this debate and which I could use to rule on your request?

Mr MacKINNON: I understand it would fall under Standing Order No. 132—

All imputations of improper motives, and all personal reflections on Members, shall be considered highly disorderly.

Mr Laurance: What about the Premier's letters about not attacking members?

Mr Hassell: That has all been forgotten. He is using this motion for a defamatory attack on another member in another place.

Mr Hodge: What are you using the Legislative Council for?

Mr Brian Burke: Even your newsletter is paid for by Ric New.

Mr Hassell: I suppose you will attack all the people advertising in our paper; you will get your union people to knock on their doors and threaten them.

Speaker's Ruling

The SPEAKER: Order! By virtue of the motion which was recently passed with an absolute majority of the House, I believe it is necessary from time to time to imply some criticism of members of another House. Difficult as it is for me to make that decision, I nonetheless

believe that that is the import of the motion which was recently passed by the House.

Debate Resumed

Mr BRIAN BURKE: Let there be no mistake about the motion itself—

Point of Order

Mr WATT: The ruling you have just given presents the Opposition—and perhaps even the Government—with a rather difficult position. I wonder whether it is possible to ask you to rule on which Standing Orders have been suspended in order that the debate can be properly understood?

Mr Bryce: As many as you need.

Speaker's Ruling

The SPEAKER: I will read the motion which has been passed by the House.

It is to suspend so much of Standing Orders as would prevent the Premier from moving the following motion; so many of the Standing Orders which are necessary to prevent the Premier from debating that motion are actually suspended.

Mr Watt: Moving or debating?

The SPEAKER: All those Standing Orders which will prevent him from moving that motion.

Mr Bryce: All that are necessary.

Point of Order

Mr HASSELL: The motion before the House, which has been accepted by the House, is directed to the expression of grave concern at proposals to bring a person before the Bar of the Legislative Council. That motion has absolutely nothing to do with the Chairman of the Legislative Council Select Committee.

The motion that has been adopted by the Legislative Council was moved by Hon. H. W. Gayfer. I submit to you, Mr Speaker, that there is nothing in the motion now before the House which, for its proper debate, requires that Standing Order No. 132 be ignored. It is clear that the Premier in his comments is deliberately ignoring Standing Order No. 132 and is indulging in a cowardly and personal attack on a member of another House in a way that really has absolutely nothing to do with the issue of whether the Legislative Council should or should not call to its Bar a person who is said by that Council to have offended the Standing Orders of that House.

I ask you, Mr Speaker, to rule accordingly.

Speaker's Ruling

The SPEAKER: I have already ruled on the matter and I do not intend to change that ruling.

Dissent from Speaker's Ruling

Mr HASSELL: I move—

That the House dissent from your ruling as to the suspension of Standing Order No. 132 in relation to the Premier's remarks concerning the Hon. Neil Oliver.

Mr Brian Burke: You do not want to debate it, do you?

Mr Bryce: You are running a million miles an hour in the opposite direction. Are you frightened?

Mr HASSELL: I believe that it is a very serious matter to move dissent, and I do so very seriously. We have in the Standing Orders of this House a structure and a scheme of things which is designed to enable Parliament to operate. This Parliament cannot operate if the privilege of being a member of this place is to be abused to the extent of allowing the Premier, under the pretext of moving a motion about the other House, to launch a vitriolic and personal attack on a member of that House relating to his conduct of a Select Committee.

If the Premier had in fact been talking about his conduct of that Select Committee, Mr Speaker, there might have been some thread upon which your ruling could be hung. But he was not. He was talking about the fitness of the member to have been the Chairman of the Select Committee. He was attacking that member for having done something that the Premier said he did, which he did not do. Hon. Neil Oliver has categorically and publicly denied that he had anything to do with distributing the pamphlets referred to by the Premier.

In moving this motion the Premier is not seeking to protect Mr Ellett from being taken before the Bar of the House; he is seeking to further a dishonourable course of conduct that has been adopted by the Government and its advisers in seeking to discredit—

Point of Order

Mr PEARCE: Mr Speaker, my understanding is that the Leader of the Opposition is purporting to seek to move a motion of dissent from your ruling as to which Standing Orders are suspended. What he is doing, contrary to Standing Orders, is making a vicious and per-

sonal attack on the Premier. I ask that the Leader of the Opposition, who has shown great concern for the letter of the Standing Orders, be brought back to those.

Speaker's Ruling

The SPEAKER: In ruling on that, while it is not my intention at this time—unless the Leader of the Opposition is successful, of course—to rule that Standing Order No. 132 is in fact one of those Standing Orders which for the purposes of this motion will be considered, it was never my intention to allow its removal to the extent that any member of this House could also have imputations of improper conduct, or any of those other things contained in that Standing Order, made about them.

I want the Leader of the Opposition to understand that. While he is debating dissent from my ruling, I am most reluctant to take any point of order against that and restrict his comments, but I do want him to be very careful.

Dissent from Speaker's Ruling Resumed

Mr HASSELL: Mr Speaker, I point out that the ruling you have just made highlights my very point. You are saying the ruling on Standing Order No. 132 applies to protect the Premier, who is in this House and on his feet, able to speak in defence of himself; but at the same time it is suggested that the Standing Order does not apply to protect a member of another House who is not in this Chamber and has no opportunity to defend himself. Of course, that is the very reason for my dissenting from your ruling, because the motion says: "To suspend so much of Standing Orders as would prevent the Premier from moving the following motion without notice . . ."

That motion has been passed and the Premier is permitted to move the motion without notice; but that does not mean he is permitted to defame or seek to discredit Hon. Neil Oliver, as he has been doing. In doing so, he is seeking to extend and promote a campaign of vilification which has already been undertaken by the Minister for Agriculture and his adviser who have moved around in this community in the most dishonourable way in seeking to discredit Hon. Neil Oliver, who was the chairman of that committee.

I remind the House that the motion before the House is an important one. We do not believe it is proper to drag into this debate, which

is about the calling of a man before the Bar of the House—

Mr Bryce: The conduct of the person who called him.

Mr HASSELL: —the chairman of the upper House Select Committee. The Deputy Premier is talking nonsense. It is not Hon. Neil Oliver who is calling him before the Bar of the House; it is the Legislative Council which is calling him before the Bar of the House.

Mr Bryce: It goes back to the committee.

Mr HASSELL: It is the Legislative Council which is calling him before the Bar of the House, and for very good reason. But that relates to the substance of the motion. The reality is that we have a Standing Order which says very clearly—

All imputations of improper motives, and all personal reflections on Members, shall be considered highly disorderly.

It is particularly relevant to the case of imputations and attacks on a member of another place who has no opportunity to speak in this House.

Mr Speaker, with great respect—and I am not moving dissent lightly—for you to rule that we cannot say anything about the Premier but the Premier can say what he likes about Hon. Neil Oliver really highlights the point. The motion has been moved to suspend Standing Orders and you have said, "Well, that Standing Order is suspended so far as Mr Oliver is concerned, but not so far as the Premier is concerned." Either it is suspended or it is not, and I suggest that for all the purposes of the motion it is not suspended, and never was suspended.

What we should do is get on with debating the question before the House, which is the calling of a person before the Bar of the House and has nothing to do with Hon. Neil Oliver and what he may or may not have done in the past.

Mr Speaker, I moved dissent because I feel it is the only thing that can be done in fairness and decency to bring attention to what is clearly a very deliberate course of conduct by the Premier. If the Premier wants to spend his time under the privilege of Parliament launching this attack on Hon. Neil Oliver, he should move to suspend Standing Orders and put forward a motion which goes to that point; but he has not done so. He has brought it in under the cloak of the suggestion that the motion is about calling someone before the Bar of the House; and no sooner was he on his feet for

a few minutes than he launched into this tirade of misrepresentation and half truth about what Mr Oliver did. It has nothing to do with the motion, and I believe it should have been ruled out of order by you.

That is why I have moved to dissent from your ruling.

House to Divide

Mr PEARCE: I move—

That the House do now divide.

Question put and a division taken with the following result—

Ayes 27

Mr Bertram	Mr Marlborough
Mr Bridge	Mr Parker
Mr Bryce	Mr Pearce
Mr Brian Burke	Mr Read
Mr Terry Burke	Mr D. L. Smith
Mr Burkett	Mr Taylor
Mr Carr	Mr Thomas
Mr Evans	Mr Tonkin
Dr Gallop	Mr Troy
Mr Grill	Mrs Watkins
Mrs Henderson	Dr Watson
Mr Gordon Hill	Mr Wilson
Mr Hodge	Mrs Buchanan
Dr Lawrence	

(Teller)

Noes 21

Mr Blaikie	Mr MacKinnon
Mr Bradshaw	Mr Mensaros
Mr Cash	Mr Nalder
Mr Clarko	Mr Rushton
Mr Cowan	Mr Schell
Mr Grayden	Mr Spriggs
Mr Hassell	Mr Thompson
Mr House	Mr Tubby
Mr Laurance	Mr Watt
Mr Lewis	Mr Williams
Mr Lightfoot	

(Teller)

Pairs

<i>Ayes</i>	<i>Noes</i>
Mrs Beggs	Mr Crane
Mr Tom Jones	Mr Stephens
Mr P. J. Smith	Mr Trenorden
Mr Peter Dowding	Mr Court

Question thus passed.

Dissent from Speaker's Ruling Resumed

The SPEAKER: In accordance with the Standing Orders, I require in writing the motion of dissent from my ruling before I can put it.

I now have a written copy of the motion and I shall read it to the House—

I move to dissent from your ruling as to the suspension of Standing Order 132 in relation to the Premier's remarks concerning the Hon. Neil Oliver.

Question put and a division taken with the following result—

Ayes 17

Mr Blaikie	Mr MacKinnon
Mr Bradshaw	Mr Mensaros
Mr Cash	Mr Rushton
Mr Clarko	Mr Spriggs
Mr Grayden	Mr Thompson
Mr Hassell	Mr Tubby
Mr Laurance	Mr Watt
Mr Lewis	Mr Williams
Mr Lightfoot	

(Teller)

Noes 31

Mr Bertram	Mr Marlborough
Mr Bridge	Mr Nalder
Mr Bryce	Mr Parker
Mr Brian Burke	Mr Pearce
Mr Terry Burke	Mr Read
Mr Burkett	Mr Schell
Mr Carr	Mr D. L. Smith
Mr Cowan	Mr Taylor
Mr Evans	Mr Thomas
Dr Gallop	Mr Tonkin
Mr Grill	Mr Troy
Mrs Henderson	Mrs Watkins
Mr Gordon Hill	Dr Watson
Mr Hodge	Mr Wilson
Mr House	Mrs Buchanan
Dr Lawrence	

(Teller)

Pairs

<i>Ayes</i>	<i>Noes</i>
Mr Crane	Mrs Beggs
Mr Court	Mr Peter Dowding

Question thus negatived.

Debate (on motion) Resumed

Mr BRIAN BURKE: Without wanting unduly to irritate the Leader of the Opposition I think I should recap to say that, firstly, the step being contemplated by this Chamber is an extremely serious one warranted by the gravity of the situation that it addresses as that situation has developed in the Legislative Council.

As for my comments about Hon. Neil Oliver, they are circumstances irretrievably entwined in the development of the matter to the stage where this businessman is to be called to the Bar of the Legislative Council. In referring to those circumstances, I was simply trying to point out to members that from day one the Select Committee of the upper House was a kangaroo court designed to do nothing but protect the interests of Ric New who, as I said, is the single biggest benefactor of the Liberal Party in this State.

That is the circumstance and the context in which this whole matter has developed and it is impossible to explain the reasons why we should contemplate this action against the Legislative Council without explaining that those are the facts, they are the circumstances. It is reprehensible that the Legislative Council

should seek to install Hon. Neil Oliver as Chairman of the Select Committee when those things to which I have referred are things that he has, at least in large part, if not totally, publicly acceded are the truth.

It is also true that Ric New is publicly and proudly the claimant of the title of the Liberal Party's biggest benefactor.

Mr MacKinnon: When did he say that?

Mr BRIAN BURKE: It was not six weeks ago that the same gentleman was saying, "We will not contribute \$250 000 to the Liberal Party until that party makes some changes." If that does not make him the biggest single benefactor of the Liberal Party in financial terms, the Liberal Party has a few other benefactors who must be of extreme substance if they are able to surpass the contribution he said he would make if certain changes were made in the Liberal Party.

Let us not duck the issue, firstly as to the context in which we are considering this motion. The Select Committee of the Legislative Council was always a kangaroo court, chaired by a person who in no way could say he was detached from or impartial to the interests of the person whose protection the Select Committee addressed as its primary function, and then that person can be clearly demonstrated as being certainly one of the biggest, if not the biggest, financial supporters of the Liberal Party in this State.

That is the context. Let us then go to what has actually happened, and it is sufficient to be able to say that as evidence of the view that the Liberal Party public is taking of this matter, Mr Ellett's lawyer, Mr Peter Momber, who was quoted previously by the member for Gascoyne as an authority of some sort, and who was a president of one of the Liberal Party's branches, has said today he will leave the Liberal Party over the issue.

Mr Lewis: So what?

Mr BRIAN BURKE: That is what he thinks about the probity of the Liberal Party. One of its own members! That is "so what".

Mr Lewis interjected.

Mr BRIAN BURKE: This Mr Momber is not being thrown out, he is rushing to leave.

Mr Hassell: So was your man in Victoria Park.

Mr BRIAN BURKE: Before we get on to what has happened in the context I have described, that is the view of a prominent Liberal Party person about the actions of the Liberal

Party in its majority sense in the Legislative Council. This prominent Liberal Party lawyer, on whose ability we have previously drawn strength—

Mr Clarko: Write another letter about your high morality!

Mr BRIAN BURKE: —for the arguments offered from the other side, that gentleman who is not detached or unbiased, has said to the Liberal Party, "I think so well of your actions I am going to resign from the party over them."

Mr Spriggs: Where do you get this unbiased bit? Surely he is biased?

Mr BRIAN BURKE: Mr Momber certainly is biased, he is a member of the Liberal Party.

Mr Spriggs: Come on! You are naive.

Mr Lewis: Mr Ellett sent you a telegram to tell you, did he?

The SPEAKER: Order!

Mr BRIAN BURKE: No, my Press secretary sent me a note telling me.

Mr Lewis interjected.

Mr BRIAN BURKE: Is the member saying that I know Mr Ellett?

Mr Lewis: I think you do.

Mr BRIAN BURKE: What evidence does the member have?

Several members interjected.

Mr BRIAN BURKE: Yes, I am saying I do not know him. To the best of my knowledge I have never met Mr Ellett.

Mr Bryce: I think you undid the nuts on your own motor car, you drip.

Mr BRIAN BURKE: To the best of my knowledge I have never met Mr Ellett.

Mr Laurance: What a despicable thing to say. You probably undid the bolts on his car. You are a little toad who would do a thing like that.

Withdrawal of Remark

The SPEAKER: Order! I have just finished saying to the Leader of the Opposition that even though in my view Standing Order No. 132 is suspended for the purposes of this motion, I do not think I can allow the sort of comments that the member for Gascoyne just made to the Deputy Premier. Accordingly, I ask that he withdraw them.

Mr LAURANCE: On a point of clarification, can I ask you to rule whether Standing Order No. 132 is suspended or not.

The SPEAKER: Order! Resume your seat. For the second time, I ask that you withdraw your comments.

Mr LAURANCE: Because I wish to take part in this debate, I do withdraw the comments.

The SPEAKER: Order! For the last time, I ask you to withdraw your comments unreservedly.

Mr LAURANCE: I withdraw.

Points of Order

Mr HASSELL: You have just required the member for Gascoyne to withdraw certain remarks relating to the Deputy Premier. I point out to you that those remarks were made in response to loudly uttered interjections by the Deputy Premier to the effect that the member for East Melville undid the bolts on his own car, which is a shameful reflection on that member. I ask that the Deputy Premier be also required to withdraw unreservedly.

The SPEAKER: I ask the Deputy Premier if in fact he said that.

Mr BRYCE: I cannot recall exactly what I said, but unlike the member for Gascoyne, I will quite unreservedly withdraw and apologise if anything that I said offended the sensitivities of either the Leader of the Opposition or the member for East Melville.

Mr CLARKO: I wish to take a broader point of order. Having spent quite a number of years as Deputy Speaker in this Parliament, I think you will agree that this present motion is a difficulty for the House as to what orders are suspended. Can I ask you to indicate whether you would be prepared to raise the question of this type of motion at a future meeting of your Standing Orders Committee to see whether it should be clarified?

The SPEAKER: Order! That is not appropriately brought at this time. It would be appropriate to bring it at another time.

Mr HASSELL: On a further point of order, it has been ruled on a number of occasions in this House in my presence that a withdrawal in the terms given by the Deputy Premier is not an unreserved withdrawal. In particular, it has been ruled on a number of occasions that to say one withdraws to the extent that one has given offence to X or Y member is not an unreserved withdrawal.

Withdrawal of Remark

The SPEAKER: In order to get this debate back onto an even footing, I would ask that the

Deputy Premier give an absolutely unqualified withdrawal.

Mr BRYCE: I withdraw, Mr Speaker.

Point of Order

Mr LAURANCE: On a further point of order, I would like you to rule so that I know how to conduct myself in this debate in the future.

Speaker's Ruling

The SPEAKER: Order! I will rule so that you can conduct yourself in the proper way in the future. All Standing Orders that will prevent the Premier from moving that motion are suspended. All Standing Orders which require you to act in a proper and parliamentary fashion still exist.

Mr LAURANCE: I understand what you said. Can you tell me whether Standing Order No. 132 is suspended before we continue with the debate?

The SPEAKER: You have raised a point of order with me, and I will answer it once again. It is my interpretation that Standing Order No. 132 is suspended so as to allow this motion to proceed. If you want to take that to the next logical step, while that is suspended in respect of this motion, there are a number of precedents to which I can turn in respect of your behaviour or that of any other member of this place, to ensure that while Standing Order No. 132 is suspended unparliamentary behaviour is still not permitted in this House.

Point of Order

Mr BLAIKIE: Mr Speaker, I seek your clarification. In respect of the ruling you have given in relation to Standing Order No. 132, does this now mean that Standing Order No. 132 is waived for the purposes of the Premier's comments to this House and therefore that the Premier is able to make imputations of improper motives and personal reflections on any member he dislikes?

The SPEAKER: Order! These points of order are vexatious and frivolous in the extreme. In my view they are being made for the express purpose of preventing the Premier from speaking. I will not entertain another along those lines.

Debate Resumed

Mr BRIAN BURKE: That whole exchange was occasioned by the member for East Melville saying that he believed that I knew Mr Ellett. To the best of my knowledge, I have

never met him. Yet, the member for East Melville can say that without any evidence whatever to substantiate it. I do not think I would recognise him if I fell over him.

Mr Cash: Have a look in the public gallery right now.

Mr BRIAN BURKE: What evidence does the member for Mt Lawley have to the contrary?

Mr Carr: None at all.

Mr BRIAN BURKE: No, none at all. That occasioned the whole exchange. I repeat that I do not, to the best of my knowledge, recollect ever meeting Mr Ellett.

I have tried to explain the context in which this matter has developed. I then tried to explain the perception of at least one committed Liberal Party person of what developed within the context. It is a shame that Opposition members do not seem to understand that the Legislative Council is opening the door to a political use of the most severe and serious power that either House of Parliament has. It is not a power to be used lightly for political purposes, and it is not that we should be beckoned or enticed to play tit for tat and bring Mr New before the Bar of the Legislative Assembly because we have a majority here.

Does the Opposition not realise that it steps outside politics? For whatever reason, it is wrong to call before the Bar of the Parliament a businessman who is going about his business, when he is not involved in treason or sedition and has not defamed the Parliament or sought to impinge upon members of the Parliament. He has done none of those things. To bring him before the Bar of the Parliament and demand commercially confidential and sensitive information from him is a gross abuse of power. It says to every member of the business fraternity in this State that nothing is confidential from the Legislative Council. It says that if they have private business that they want to carry on in this State and the Legislative Council wants to know what they are doing, it will drag them before the Bar of the Parliament and force them, under pain of imprisonment, to release that information.

I am personally most distressed by this whole development. I rang the Leader of the Opposition yesterday and said to him that this was not on. I told him that the Opposition could not do this sort of thing. I said that it was not some flippant political power whereby the Opposition drags someone else in; we could then drag someone in; and then the Opposition drags someone else in. I also said to the Clerk

that this was a gross abuse of power. He said that, as far as he was concerned, the prospect of setting one House against the other was something that was extremely serious, as has been said today.

What is the alternative? Who will the Legislative Council call tomorrow? It may well be a supporter of the Opposition, a family member, or a friend. It may call someone before the Bar with scant evidence of any wrongdoing, as it has on this occasion.

Mr Ellett, Mr Momber, and their associates and partners may be bad people. However, I know that there is no justification whatsoever for our calling Mr New before the Bar of the Parliament because he will not release commercially sensitive information. In the same way, there is no justification for calling Mr Ellett before the Bar of the Legislative Council. This is not a political matter. Does the Opposition not understand that it is impinging upon the rights of the citizens of this State? They should expect that a Parliament will be conducted in a proper manner and expect that they will be treated in a proper, dignified, and courteous way by the Parliament.

Leaving aside all the questions of relevance and the arguments raised by Hon. Joe Berinson that the question was not relevant, and leaving aside the fact that the question changed in the asking, does the Opposition not understand what sort of tone the Legislative Council is setting in this sort of action? It is opening a Pandora's box in calling people before the Bars of Parliament for this sort of reason. It is really a step outside the political circle for the Legislative Council to say that it will have someone appear, willy-nilly, before the Parliament. It is almost as though that extreme and severe power will be used flippantly for any reason whatsoever in the future.

Mr Clarko: Only every 80 years.

Mr BRIAN BURKE: It is unbelievable. The member for Karrinyup, as a former Deputy Speaker, should know that we have never viewed this power in this light.

Mr Clarko: We did not make the judgment.

Mr BRIAN BURKE: I know we did not make a judgment, and by implication, I accept the member for Karrinyup's bona fides in the light of that judgment. However, we, when in Opposition, attempted to call someone before the Bar of the House knowing that we did not have the numbers. The Government at that time did not agree and it should not have agreed. We made our point in that manner.

However, the thing that has changed the situation is that the majority power in the Legislative Council has said that it will call this businessman before the Bar of the House.

Unless the Opposition is too obtuse to wake up to the fact that it is opening a Pandora's box—

Mr Clarko: You cannot open a Pandora's box on things that are 80 years apart.

Mr BRIAN BURKE: Why is it only the second time in 100 years that it has happened?

Mr Clarko: I understand that it is only the second time.

Mr BRIAN BURKE: I do not know what the numbers are; I have the details here. Why is it only the second time in 100 years?

Mr Clarko: I understand a gentleman by the name of Wainscot was called in the early years of this century.

Mr BRIAN BURKE: I understand that a gentleman by the name of Drayton, a newspaper editor, was called in 1904. Why has the power been used so infrequently? It has been used so infrequently because it is such a serious thing. Mr Ellett will wear, for the rest of his life, the odium of having been called before the Bar of the Parliament; and the Opposition is party to that.

Mr Clarko: The decision was made by them.

Mr BRIAN BURKE: Does the member not understand that history will judge his party and the National Party very severely? Hon. H. W. Gayfer is as much a National Party member as I am a member of the American Republican Party, and the National Party will find that out in due course.

History will judge this action harshly. It will not help Mr Ellett because he and his family will bear the odium of having been dragged before the Bar of the Legislative Council because he wanted to conduct his business and because, according to him, and as I understand it, he did not want to reveal his financial backers because he was afraid Mr New would seek to influence them; I do not know.

Mr Lewis: It is all right for you and your senior Ministers to rubbish Ric New—that is okay.

Mr BRIAN BURKE: The only thing I have said about Ric New today is—

Mr Lewis: No, the Minister for Agriculture.

Mr BRIAN BURKE: I do not know about the Minister for Agriculture. I will answer for the Minister in a moment. Let us get it straight.

What I have said today is that Mr New is one of the most prominent financial supporters of the Opposition. I do not think anyone argues with me about that—perhaps they do. Secondly, I said that the Select Committee was a kangaroo court set up to protect his interests and that is true. Thirdly, I said that Mr New is the person about whom Mr Ellett is concerned in respect of his—Mr Ellett's—finances. That is the sort of thing I have had to say.

The Legislative Council has embarked upon the most serious, ill-considered, and inexcusably scandalous course of action that I have witnessed in my time as a member of Parliament. I do not believe that because we are members of Parliament we can suddenly treat other people who are private citizens as though they are due less than the respect that we would like ourselves.

Would the member for Murchison-Eyre like me to start asking him questions about his business dealings that had nothing to do with anything, and then threaten him with dragging him before the Bar of the Parliament?

I am trying to make a serious point, but members opposite do not want to face up to it. Private citizens have every right to expect to be treated by the Parliament in the same way that we would want to be treated. We are not treating Ellett with any semblance of fairness, of natural justice, nor in any fair way at all are we treating this man in his private business dealings.

Mr Clarko: Have you voted to bring a man before this House?

Mr BRIAN BURKE: I have already explained to the House that when in Opposition we certainly moved to bring people before this House.

Mr Clarko: You are a hypocrite if you have done that. You have destroyed your argument.

Mr Lewis: No answer.

Mr BRIAN BURKE: There are so many answers. I am not saying that it is never justified that people should come before the Bar of the House. Of course it can be justified. The fact that it can be justified is the very reason that it is not justified in this House. Do not members opposite understand that?

The second argument is that when in Opposition, as I told the House a moment ago, we certainly moved to bring people before the Bar of the Parliament. However, that is a different case from the use of the numbers that the Opposition parties have in the upper House to

make sure that this person is brought before the Bar of the House.

I will summarise by saying—

Mr Cash: You are not hiding anything, are you?

Mr BRIAN BURKE: What does the member for Mt Lawley want me to say is being hidden? The member for Mt Lawley makes snide little comments and when I asked him if he had any evidence about Mr Ellett he said, "No." What has been hidden?

Mr Cash: I didn't say I had evidence. You said I had evidence.

Mr BRIAN BURKE: What evidence does the member for Mt Lawley have? I am singularly unpersuaded by that evidence. The trouble is that people are starting to wake up to the fact that the member for Mt Lawley is a lightweight.

This is the situation: The Select Committee set up by the Legislative Council was nothing but a kangaroo court designed to protect the brickmaking interests of Mr New. In the course of the deliberations by the Select Committee, which led quite directly to the calling before the Bar of the House of Mr Ellett, the Chairman of the Select Committee was proved to be, by his own admission, anything but an impartial and objective chairman.

Several members interjected.

The DEPUTY SPEAKER: Order! I advise the member for Darling Range who, to my knowledge, is not partaking in this debate, that I am absolutely fed up with his interjections and the flavour of his interjections. I do not intend to tolerate them any further.

Mr BRIAN BURKE: The Select Committee was quite deliberately established to protect the brickmaking interests or personal position of Mr New. Very quickly was that fact joined by the next fact which was that Mr Oliver was not a disinterested party. Do not members opposite understand that?

Mr Oliver, by no stretch of the imagination, can be considered a disinterested party. Mr Oliver was in it up to his neck in supporting Mr New. He then demanded information that was firstly irrelevant and, secondly, changed the question that was asked, and now the Legislative Council is dragging a private citizen, in a scandalous way, before the Bar of that House. For members opposite to think that that is a fair and proper thing is absolutely astounding because by no sense of fairness is it proper that Mr Ellett should be treated in this way. I would be as opposed to calling Mr New before the Bar

of the Parliament because he will not answer the questions.

Mr Court: Who was the man you wanted to bring before the Bar?

Mr BRIAN BURKE: It was an environmental matter and involved the Main Roads Department. It was nothing controversial.

I am not saying that we should not have the power to call people before the Bar of the House. We should have and I agree. In some cases I can see justification, but that is the strength of my position in saying about this case that it is not fair.

As far as the Government is concerned it realises the gravity of setting this House against the other House. The Government understands that what it is doing is inviting the Legislative Council to now, I suppose, reject or obstruct the Assembly or the Government at every turn of the screw. We acknowledge that, but cannot the Opposition realise how serious the situation is? It may well lead to a succession of political callings before the Bars of the Houses.

Mr Clarko: Every 80 years.

Mr BRIAN BURKE: Who knows? One of the reasons it has been every 80 years is because silly cases like this have been treated sensibly by wise men and not politically by poor minded people in the Legislative Council.

It is not fair on Mr Ellett and the Opposition wants to use whatever influence it has got between now and Tuesday to point out to its colleagues in the Legislative Council just what they are doing to this man and his family. If he is a bad man and has broken the law then pursue him and let the law take whatever action is appropriate.

Let us not set ourselves up as judges and juries denying Mr Ellett natural justice by dragging him before the Bar of the Parliament; threatening the whole business community with similar retribution if its members disagree with us. Leave aside, if the Opposition likes, the business about Mr New and the way the committee was set up to involve Mr Oliver—simply address the facts.

This man has been asked a question which is not relevant and even if it is relevant by definition of the decision of the Council that it is relevant, it is a question that he should not be dragged before the Bar of the House of Parliament to answer. It may occasion the Select Committee to submit an adverse comment on his refusal to answer and I can accept that. It may occasion the Legislative Council to ex-

press disappointment that he refused to answer the question. It is not sedition, libel, or treason, and it is not impacting on the liberty of the Parliament in a threatening or defamatory way. It is an absolute abuse of power.

I have been appalled at the way in which the matter has not been highlighted by the Press. This is an international story. It is one of the most breathtaking things ever contemplated by a House of this Parliament. As the member for Karrinyup said, not for 80 years have we called someone before the Bar, yet we now propose to do it on such a pretext. The Leader of the Opposition can shake his head; I know what his attitude is underneath. He is supposed to be a qualified barrister and solicitor. If he thinks this man is being treated fairly, he should not be able to hang up his shingle in Tanganyika.

If we support the Legislative Council in its designs, we will support its view that the grossest injustice and unfairness be meted out to this man, Ellett, on the basis, simply, that he refused—quite rightly in my view—to provide irrelevant information that was designed to do nothing more than seek the protection by the Select Committee of one of the big backers of the Liberal Party.

MR BRYCE (Ascot—Deputy Premier) [4.00 p.m.]: I second the motion that has been moved by the Premier. I acknowledge the seriousness of the issue; namely, that one House of the Parliament should take it upon itself to express such grave concern about the actions of another place. The circumstances which have developed in the other House of Parliament in the last few days constitute a serious threat to the standing of the Parliament in the public mind.

I totally concur with the observation of the Premier that the Liberal Party's misdirected commitment to two of its members has led it down this path. One of those members is a member of the Parliament; the other is a member of the lay party. As the Premier indicated, the latter person is a very powerful and influential member of the lay Liberal Party who is accustomed to making very large donations with very significant strings attached. That, at least, is the public perception.

Mr Lewis: What is the relevance of that?

Mr BRYCE: This is the problem. The problem has arisen because of the Liberal Party's misdirected commitment to those two members of the Party. A majority of Liberals in that other place have decided that they will support the judgment of Mr Oliver and have taken

members of the National Party with them in the process.

Many members of this House of Parliament have grave reservations about Mr Oliver's role as chairman of that Select Committee and his suitability for that role, given the circumstances surrounding his relationship with Mr New and his interest in some of the issues that were raised before that committee. It is of no use to anybody that that member's credibility is under question. We know that some members of the Liberal Party are not at all happy that the Liberals in the upper House have chosen this particular tactic. I suspect that some members of the National Party are not very happy with it either, because they know that the decision is highly questionable.

The power to call someone before the Bar of either House of Parliament has been used very sparingly throughout the history of the Parliament in this State. Members on both sides of the House recognise that the circumstances surrounding a person at any given time—that person being the one to be called before the Bar of the House—need to be such as to warrant the seriousness of the step. With our proposition today, we are arguing that those circumstances do not warrant this particular action. The Liberals in another place are using a sledge-hammer when a nutcracker would do.

Mr Hassell: What nutcracker is it that would do when someone declines to answer a question and when given the opportunity to convey the answer privately to the President still refuses to do so? What is the nutcracker?

Mr BRYCE: I will explain that to the Leader of the Opposition. I happen to have heard the opinion of the Attorney General as expressed in that other place when he described the nutcracker that would have been sufficient. It would have been quite appropriate for the members of that other House not to have adopted, but to have noted, the report and found this citizen of Western Australia guilty before he appeared before the Bar of the House without having been given an opportunity to explain his position before that Bar of the House. He was found guilty before appearing before the Bar. He has been told that he must front before the Bar of that other place to be judged by those other members who have taken it upon themselves in a mock judicial way to judge him. I call it a mock judicial way for reasons that I will outline to the House shortly.

The Attorney General explained to that other place that there were serious questions about the relevance of the questioning that was being conducted by the chairman of the Select Committee. There were serious doubts about the relevance of those questions. The difference between the transcript of the hearing of that committee and the report that went to the Parliament was so significant that the conclusions of that committee were loused up in their presentation to the Parliament. The Attorney General argued most cogently that because of those two factors the House should have perhaps reprimanded the person concerned and noted what had happened because the matter was simply not serious enough to warrant the action proposed to be taken. The matter was trivial and the question not relevant.

It is a pity that the member for Karrinyup is not in his place at the moment. I wanted to explain to him the reason this particular power which is bestowed upon both Houses of the Parliament has been used so infrequently. It has been so rarely used because wise counsel has prevailed and people have been called before the Bar of either of these two Houses only when the circumstances were serious enough to warrant that sort of action.

Mr Mensaros: You said that the question was not relevant?

Mr BRYCE: I have read the transcript of the committee hearing and that is my professional view.

Mr Mensaros: That the question was not relevant?

Mr BRYCE: The question that was asked was not the issue that was then transmitted to the Parliament. The question that was asked of this citizen of Western Australia was, "Is the credit arrangement that you have entered into revocable in any way?" The reply to that Select Committee was that the issue was a sensitive one of a private commercial nature. The witness said that he was not prepared to answer it for that reason. When that Committee reported to the Parliament it reported that this citizen of Western Australia, Mr Ellett, had refused to name his financial backers. That is a totally different question. The Committee loused up the wording of its report. It would have been thrown out in a court of law. Members of Parliament have taken upon themselves this judicial sense of mock importance, but it is a very brave and serious step to convene as this high judicial authority and march somebody to the Bar of this House and treat them in this way.

I say without a shadow of doubt that if the preparation of that material transmitted from the Select Committee to this superior judicial body—the Legislative Council—had been in a court of law, it would have been thrown out and never seriously considered.

The members of the Legislative Council amended what they were doing halfway through the process when the Attorney General drew this to the attention of the Committee. One member of the National Party, the member who, the Premier suggested, would soon be signing a form 4 to transfer to the Liberal Party, said, and I paraphrase, "If we do not get him on this, we will get him on that." He pointed out that if the wording was wrongly expressed, "We will get him on something else. We know where it is. We did not handle it too well but we will get him anyway." That is the point I wish to come to about the behaviour of that House. It has been a disgrace to the Parliament.

It has acted like a Star Chamber of old, where a collection of the beaks would sit in judgment, not applying any of the laws of natural justice whatsoever. One and the same people would accuse and sit in judgment; they were the prosecutors and the judges. The members of the Legislative Council would sit like a Star Chamber, not giving the person before the Bar of the House any justice since we know how these mock judicial sessions are held.

As a member of this House, I will point out to that citizen of Western Australia, without any reservation whatsoever, what a mock place I believe that other House to be. When these institutions sit, change hats, and assume this high and superior judicial status, they actually sit without employing any of the trappings of justice or the laws of natural justice.

Let us see what it means and how they treat someone before the Bar of the House. For a start, that citizen can be brought here and he does not enjoy the right of legal counsel. That person stands without any form of representation whatsoever. He does not know until he gets here what he will be presented with. That is, the so-called wise men in that rigged House of Parliament will sit next Tuesday and they will not reveal beforehand to the person to be frogmarched to the Bar what exactly they will present him with. He has been told only that he must appear before the Bar of the House to be judged. He has been found guilty already in his absence by the Legislative Council and the members will march him to the Bar to tell him what in their opinion should happen to him.

He does not have a clue what questions will be put to him or the basis of the charges to be levelled against him. That is what I mean when I say that mock House of Parliament sits in this superior judicial sense without any laws of natural justice associated with their procedures.

The person called cannot cross-examine any of the witnesses in the Legislative Council. If some half-deranged member of that other place decides that he wants to really take that person to task, without any sense of balance or independence whatsoever, the witness cannot cross-examine him. The person called has no rights; it is a Star Chamber. He has no power to defend himself at all. It is a disgrace and I for one believe that the Parliament should seriously consider whether or not we should retain this power at all.

I realise that both Houses of Parliament have this little piece of trapping we have inherited from the 18th or 19th century but, by God, because we are dealing with very basic freedoms, it needs to be used sparingly and the circumstances that warrant the use of this power or weapon against a citizen of the State need to stack up on end very seriously indeed.

What I find most unpalatable about the Chamber acting in that judicial sense is that when the citizen of our State appears before the Bar of the Legislative Council he will face his prosecutors and his judges sitting in that place, as one and the same people. I find that absolutely abominable. Yet there are members in this place who would be prepared to defend the decision of their counterparts in another House to take that step.

I remind this gentleman who has been called before the Bar of the House what a helluva mock Parliament it is and what a helluva mock court it will be. He needs to be reminded by somebody who understands how this place functions and how it is structured, what a helluva mockery it is.

There were 16 votes to 15 votes on the questions of whether or not the report of that Select Committee should be adopted and he should be found guilty and required to be marched to the Bar of that House. The 16 members who voted to bring him before the Bar of the House represent 34 per cent of the people of this State. They constitute essentially a rural rump. I hasten to add for his sense of confidence that the other representatives of that Chamber who represent 55 per cent of the State's population, voted against employing this ridiculous and

totally unwarranted action by the Legislative Council.

Three basic issues concern us and constitute the basis of our decision for taking this serious step. The first one is that the Government believes that the punishment does not fit the alleged crime. The Premier has made the point that this citizen of our State and his family will carry the odium for the rest of their lives that he was called before the Bar of the House under circumstances, the details of which most Western Australians will never comprehend and most will not remember more than a week or two from now. However, they will remember that he was the first Western Australian to be dragged before the Bar of the Parliament in 80 years. That in itself is a very serious and heavy penalty, to say the least.

I suggest to the House in all seriousness that his real crime is that he wants to set up a high technology brick manufacturing plant in Midland. He wants to go into competition against Ric New; that is the real crime for which he is being dragged over the coals. I want him to establish a high technology brick manufacturing plant and I wish him all the very best of luck and success in doing it. So powerful has Mr Ric New become as a citizen of this State that if somebody has the temerity to want to go into the business of sharing the marketplace with him, that person has effectively committed a crime.

The Liberal Party, bearing in mind that it is publicly well-known that it receives so many "strings attached" donations from him, is prepared to use its power and influence in the Legislative Council (a) to protect the person who has conducted the Select Committee hearing, Mr Neil Oliver, and (b) to protect the vested interests of Mr New.

Point of Order

Mr RUSHTON: I find the remarks of the Deputy Premier relating to strings attached to donations offensive to the House.

The SPEAKER: I think if we get to the stage of my accepting that that is an appropriate point of order, we will never get through speeches in this House. I know that members can be offended from time to time by various things which are said in this place, but if I get into the habit of ruling in favour of a point of order like that, I will seriously affect the freedom of speeches in this place, and I am not about to do that.

Debate Resumed

Mr BRYCE: The member for Dale said he did not know anything about it. I suggest he catch up with his reading of the popular Press and television interviews.

Mr Rushton interjected.

Mr BRYCE: I suggest the member read the popular Press.

Mr Rushton: You are denigrating this House.

Mr BRYCE: To the best of my knowledge, Mr New was happy to concede that he was going to make money available to the Liberal Party in a large lump sum if certain changes were implemented.

Mr Lewis: What is the relevance of this? What does it matter?

Mr BRYCE: It just establishes the point. If the member does not agree with the member for Dale, why does he not just go outside and get his act together?

Mr Lewis: Why don't you?

Mr BRYCE: I said there were three essential points. The first was that the punishment which the Liberal and National Parties in that other House are meting out to this individual does not fit the crime he is alleged to have committed. It is a trivial amount of money, \$450 000. Members are talking in terms of the sale of the abattoir in the first place. We are dealing with a very insignificant commercial deal or arrangement in the first instance.

I have said that this man's real crime was that he wanted to get into the business of competing in the brick manufacturing industry. I wish him the very best of luck, and I hope that his plan goes extremely well when he gets into production. He will never forget the extent to which the Liberal and National Parties in this Parliament went to stop him from getting into business and going into production because it is deemed to be a cardinal sin to go into competition with Mr Ric New.

The second issue is the relevance of the actual question. I urge member to look at the transcript of the Select Committee hearing chaired by the so-called honourable Neil Oliver. Members should ask themselves whether they believe this in their professional opinions—whether they believe the line of questioning being pursued by him was relevant to the question of the sale of the abattoirs. I suggest to members that a very fair and reasonable interpretation is that it certainly is not.

Under sections 7 and 8 of the Parliamentary Privileges Act, that witness before the committee had the right to express his belief as to whether the question that the committee put was lawful and relevant. He was not given the chance to do that before the Legislative Council. The Legislative Council sat in judgment upon him in his absence and found him guilty. The Legislative Council said, "Brother, now attend at the Bar of the House and we will sit in judgment and mete out punishment."

Several members interjected.

Mr BRYCE: That is a disgrace. That member who has been referred to by way of interjection in the last hour left that committee out of a sheer sense of disgust because he recognised precisely how the committee was being run and for what purpose that committee had been put in place in the first place.

Mr Lewis: He did not attend, so how do you know?

Mr BRYCE: He was appointed. Whether he attended or not is not relevant.

Mr Lewis: You are making a stupid statement.

Mr BRYCE: The member can go back and tighten the nuts on his differential.

Mr Court: That is a nice thing to say!

Several members interjected.

The SPEAKER: Order! Order! It is highly appropriate that when the Speaker of this House calls "Order!", members come to order. When the matter is fairly volatile I do not feel it unreasonable for me to have to call a couple of times, but if I call three times and members ignore me again, then I will name them immediately.

Mr BRYCE: I conclude by reminding members of the House that the third facet of this issue which we find so serious as to warrant moving this motion—

Mr Blaikie interjected.

Mr BRYCE: I will ignore the member for Vasse until he represents a decent constituency in this place with an appropriate number of people. Then I will treat him with seriousness.

The third and final issue associated with this is something that was dealt with in great detail in that other House of Parliament when this issue was being debated. It hinges around whether it was appropriate for the Legislative Council to take the action it took because there were errors of fact—glaring and obvious errors of fact—and in the transmission of infor-

mation from the Select Committee which that House appointed to do its work. There were glaring errors of fact in the transmission of information from that committee to the Parliament, and errors of fact to the extent that if they occurred in any court, in any other set of circumstances where citizens in our democratic system would be judged for their behaviour, it would result in their decisions being thrown out.

I have no hesitation in saying that on the basis of the glaring errors of fact, the relevance is seriously in question in terms of the question being pursued by the chairman of the committee, and the seriousness of the punishment simply does not fit the crime. It will bring us as an institution into contempt in the eyes of the people if that other House proceeds with the course of action upon which it has embarked.

MR HASSELL (Cottesloe—Leader of the Opposition) [4.29 p.m.]: This is a very serious matter. I have said previously that I believe the motion moved is a sinister motion and has a sinister purpose. In fact I discern—

Several members interjected.

The **SPEAKER**: Order! Let us allow the Leader of the Opposition at least to develop his theme.

Mr HASSELL: I discern five separate, deliberately sinister purposes involved in the moving of this motion. The first is that it is an attempt to try to frighten or bluff the Legislative Council to stop its pursuit of the truth in the Midland abattoir scandal. And that, after all, is what the Legislative Council has been doing all along. It has been seeking to pursue the truth in a scandal of monumental proportions relating to the activities of the Executive arm of Government, which it is entirely proper and appropriate for the Parliament to question.

That is what Parliament is about: The testing and questioning of the executive arm of Government by the Legislature. In this case the executive arm of Government was represented by the Minister for Agriculture who entered into a deal which has been shown to be illegal at a price which has been shown to be grossly deficient, acting through one or more Government agents and Government servants.

The second sinister, but very deliberate, purpose of this motion was to allow the Premier to big-note himself with the business community by representing himself as the purported protector of commercial confidentiality against

what he has unflatteringly described, but which is one of the Houses of Parliament.

What the Premier has sought to do is make out that the Legislative Council, in the pursuit of the truth relating to this transaction involving the Government—not just a private businessman but the Government of the State with an asset of the taxpayers—is persecuting a private businessman because he will not answer a question. And what does that question relate to but the capacity of that businessman to perform his obligations to the State in respect of the construction of a brickworks; where it has been demonstrated—in fact, it has been admitted by the Minister for Agriculture in this House—that that private person was given land at a bargain-basement price because he was prepared to construct that brickworks.

How can it be suggested that such a question is not relevant when it goes to the very heart of the subject matter of the inquiry?

Mr Bryce: The question was irrelevant.

Mr Peter Dowding: It was a different question. Have a look at the question.

Mr Bryce: What has the irrevocability or otherwise of his credit arrangements to do with what you are now raising?

Mr HASSELL: Let me respond to the Deputy Premier by pointing out that this man, whom the Government is so anxious to protect from questioning, put in a submission which was utterly false in a material particular. He purported to be applying in the name of a company with certain directors; yet the company did not exist and three of the five named directors did not, never had, and have not consented to be directors. And then it is suggested by this Government that it is not relevant or proper to ask the man if he has finance, or what financial arrangements he has. Furthermore, this man has this massive asset of the State of Western Australia—29 hectares of prime land in a major regional centre—on a deposit of \$10 000. Yet the Premier suggested it is not relevant for the Parliament, on behalf of the taxpayers, to ask if the man is capable of performing a contract.

Mr Bryce: That was not part of the question.

Mr HASSELL: Of course it is part of the question. It goes to the very heart of the issue. Why was this deal made in the first place, and who stood to profit from the fact that a State asset was sold for literally millions of dollars less than its value?

Now we see why this Government is so anxious to do anything in its power to avoid certain questions being asked, more particularly to avoid their being answered, and more particularly still to avoid the truth coming out. Here we have a Minister who has been running around defaming the chairman of the committee. Why did he not defame the chairman of the committee before the report came out? Why did he not bring out all this material that he has dredged up from his murky investigations before the committee reported? Why did he wait, like a sniper in the grass, until the adverse report came out, and then leap up with all his self-righteous and dishonest accusations? And I will deal with them because the Premier has made allegations against Hon. Neil Oliver that are absolutely false.

Mr MacKinnon: Hear, hear!

Mr HASSELL: Let it be put on the record in this House that this Premier has joined his ratbag Minister in his shameful course of conduct against Hon. Neil Oliver.

Mr Taylor: If we had said that about one of you, six of you would have jumped up.

Mr Bryce: You would have jumped up like a bunch of wimps.

Mr Pearce: Is it a fact that Mr Oliver owes his seat to Mr New? Are you not concerned about that relationship?

The SPEAKER: Order! Order! I think it is appropriate at this stage to make reference to the interjection by the Minister for Health. It does seem that members of the Opposition have been wont to take points of order on those sorts of comments, and while I am not going to take any action without someone raising a point of order I do think members should be careful about what they call other people in this House.

Mr HASSELL: The third deliberate and sinister purpose of this motion was to allow it to act as a cover for a contemptible, dishonest attack on the person of Hon. Neil Oliver—an attack mounted by the Premier deliberately and with calculation, an attack mounted in support of his Minister who has defamed Hon. Neil Oliver in public statements on the basis of information illegally and improperly obtained—

Mr Pearce: That is untrue.

Mr HASSELL: —from the lower House Select Committee and touted around this town by the political adviser to that Minister—a

man paid by the State but used for this sinister and evil purpose.

Mr D. L. Smith: What evidence is there of that?

Mr HASSELL: Let me refer to the statutory declaration made by Hon. Neil Oliver on 14 October 1986.

Mr Pearce: Does it mention his non-bankruptcy in the statutory declaration?

Mr Williams: You know better than to pass comment like that.

Mr Pearce: You address the issue.

Mr Williams: I suggest you say that outside the House.

The SPEAKER: Order! Order!

Mr Pearce: Who chose Mr Oliver to be Chairman of the Select Committee? That should be investigated.

Mr HASSELL: Mr Oliver was attacked by the Premier in a cowardly and dishonest way in this House this afternoon. It was a calculated attack, and when points of order against that attack were taken, even though the Premier was forced to sit in his seat for some time, he did not choose to take that opportunity to reflect on what he was doing, or desist from that course of action.

He demonstrated by actions in the House that he came here today with the express purpose of attacking Neil Oliver and to denigrate his name, to disparage him and to destroy the credibility of a Select Committee of which Mr Oliver was not the only member, the report of which committee has been received by the upper House.

However, because of the activities of the Minister for Agriculture and his political adviser in seeking to defame and denigrate Mr Oliver around this town, Mr Oliver chose to make a statutory declaration so that he could put on record his statement on the various allegations that had been made against him, including those repeated this afternoon by the Premier, notwithstanding that part of this statutory declaration has been publicised.

Mr Oliver declares amongst other things that Mr Grill either issued or was reported to have made the statement that Mr Oliver gave financial support to the Midland Chamber of Commerce for the insertion of an advertisement designed to oppose the sale of the Midland abattoir and saleyards site to a brick manufacturer. The Premier repeated that allegation today. Mr Oliver in his declaration replied to this allegation by saying that the adver-

tisement did not oppose a brickworks on the abattoir site, but that it opposed the sale of the saleyards, an entirely separate issue. He indicated that, as a longstanding member of the Midland Chamber of Commerce, he responded to a general request for an advertisement but was not involved in any way in the wording of it.

The SPEAKER: Order! I suggest to members that if they are going to make interjections it is appropriate that they make them to the person on his feet. Even though their interjections are disorderly I will generally not take issue with them. But if members continue to take issue with other members across the Chamber who are not on their feet, I will take issue with them.

Mr HASSELL: Mr Oliver secondly declared that Mr Grill had either issued or was reported to have made the false statement that Mr Oliver felt honour-bound to Midland Brick because a company of which he was a director went into liquidation owing Midland Brick \$22 000. Of that allegation Mr Oliver says that the debt to Midland Brick was incurred, as stated, by a company with which he was associated and was in due course settled. He indicated he had no personal obligations to Midland Brick arising from the dealings of that company or of any other company.

Thirdly, Mr Oliver said that Mr Grill had issued or was reported to have made a false statement that Mr Oliver had recommended that a witness before the inquiry who was a potential competitor with Mr New, the owner of Midland Brick, should be charged with breach of privilege of the Council, that statement being made in a context which implied that the alleged debt to Midland Brick was linked with the proposed action against a potential competitor. Mr Oliver replied to that allegation as follows—

I did not, in fact, recommend that a witness before the Committee be charged with breach of privilege.

I interrupt that quotation to note that it is interesting that the Premier is leaving the Chamber when we are dealing with direct allegations he made against a member of the Legislative Council. He is leaving the Chamber when I am dealing with direct allegations he made by using the privileges of the House to attack a member of the upper House.

Let it be noted that what Mr Oliver did in reporting to the Legislative Council on the refusal of Mr Ellett to answer questions was done in order to comply with the Standing Or-

ders of the Legislative Council, as he was bound to do as Chairman of the Select Committee. I will continue with his reply—

I merely honoured a requirement placed upon me as Chairman of such a Committee to report to the Legislative Council if any witness before such a Committee "fails or refuses to attend or to give evidence" to such a Committee. As I informed the Council, "after acquainting the Council, the Committee has no further role to play. The Legislative Council must deal with the witness who fails to give evidence in accordance with the Parliamentary Privileges Act." The witness in question was Mr Peter Ellett, Managing Director of Pilsley Investments Pty Ltd, the principal involved in dealings with the Government which led to the sale of the abattoirs and Saleyards to Pilsley Investments. He sought to be excused from answering certain questions, and I placed his request before this House, which is due to consider the matter today.

I come now to the next allegation which the Premier very specifically made, the allegation he made repeating that which has been made by the Minister for Agriculture; namely, that Mr Oliver was involved in organising a drop of pamphlets in the Midland area as part of a campaign opposing the sale, this claim being made in a context linking it with allegations concerning Midland Brick. In reply to that allegation, Mr Oliver said—

I was not in any way connected with, nor had any knowledge of, a drop of pamphlets opposing the sale in the Midland area. Any allegation to this effect is totally false.

Yet the Premier made a big point about that.

The Minister for Agriculture and his political adviser also alleged that the findings of the Select Committee of which Mr Oliver was chairman were a collection of Mr Oliver's preconceived ideas and that Mr Oliver was determined to use facts selectively to protect his own interests. Mr Oliver's response to that allegation was as follows—

An examination of the 1 200 pages of evidence from 52 witnesses and 20 written submissions will prove conclusively that the findings of the Committee were clearly evidence-based, not preconceived, as falsely claimed.

The sixth allegation made against Mr Oliver by the Minister for Agriculture and his political stooge was that Mr Oliver had drawn specious

conclusions concerning the legality and propriety of the sale without calling him or any other Government member to give evidence. In response to that, Mr Oliver stated—

Being based on such a substantial body of evidence, the conclusions of the Committee were not specious, as claimed, and the alleged failure to call Mr Grill or other relevant Members of Government was due entirely to the fact that they could not be called. It is a rule that no Member of a House may be called before a Parliamentary Select Committee without the approval of the House of which he is a Member. In this case, the Committee sat and took evidence during a recess of the Legislative Assembly, when it was not possible to gain approval of the Assembly for the Minister or other relevant Member to appear. The fact that evidence was taken during a recess in the Assembly was due to stonewalling by the Government in the Legislative Council which delayed the start of the Committee's hearings by more than a month. Part of the delay was caused by a fruitless wait resulting from a Government proposal that a matching committee in the Legislative Assembly co-operate with the Committee of the Council. Although this was a Government initiative, it led to no action by the Assembly, and the Council Committee finally concluded that no co-operation would be forthcoming and went ahead.

Finally, the Minister for Agriculture and his political stooge alleged that Mr Oliver, by not calling Government members, had intended not to allow facts Mr Grill or the Government might present to interfere with Mr Oliver's judgment of the matter.

It is relevant to interpolate that the Select Committee advertised, as do other committees, for those people who wished to give evidence to come forward to give it. To the best of my knowledge no-one was denied the opportunity to give evidence to the Select Committee, including the Minister for Agriculture. So why did the Minister not offer himself to give evidence? Why did the Minister not take the opportunity presented by the advertisement?

Mr Oliver says of that allegation—

It is entirely false to claim that I have deliberately avoided calling Mr Grill to the Committee for the reasons already outlined. But it is true that Mr Grill, had he been anxious to give evidence, could

have taken the initiative and sought permission from the Assembly—before the recess. As the Minister responsible for the Abattoirs he would have had no difficulty in obtaining such permission. Some of the witnesses who are, or had been, in the Government's employ, and who were called to give evidence, were obstructive in their attitude towards giving evidence. The Committee had no reason to believe that the Government wanted any facts concerning the sale to reach the public.

That is the answer to the unfounded, scurrilous, unfair, and dishonest series of allegations made by this Premier in his anxious attempt to discredit the committee at any cost. That is what all this is about. It is not about Mr Ellett; it is about an attempt by this Government to discredit the committee at any price and at any cost.

The fourth of the five sinister purposes for bringing forward this motion is that it is an attempt to put the Legislative Council on trial in the Legislative Assembly—to bring to the Legislative Assembly a debate about the conduct of one Chamber of this Parliament, without regard to what considerations were taken into account by that Chamber, and without regard to the procedures which were followed.

Let us remember that when Mr Ellett was asked to answer the question he initially declined to do so. This is the transcript of the evidence when he said he would not answer. He was asked by the Chairman whether the credit facility was revocable or whether it was an open letter of credit. The transcript goes as follows—

MR ELLETT: That is either personally or commercially sensitive.

THE CHAIRMAN: We have been through this commercial situation before. I am asking whether it was qualified.

Bear in mind that this man had 29 hectares of the taxpayer's land under deposit of \$10 000—land which has been shown to be worth more than \$3 million. It is of course relevant to ask that person what was his arrangement for payment and his capacity to build a \$30 million brickworks. What were his arrangements; with whom was he dealing; was it perhaps the WADC? Is that why the Government was anxious that this question not be answered—because it was the WADC itself which was backing Mr Ellett? I do not know. Is that why

the Government does not want the question answered? The transcript goes on as follows—

MR ELLETT: I am not prepared to give you any details at all of the financial arrangements I have with my merchant bank. They are confidential and I will not give them to anyone.

THE CHAIRMAN: You are required to answer questions which are put to you, but if they are of a commercial nature I would prefer they be taken in camera.

He was immediately offered the opportunity to answer the question in camera so the details would not be disclosed. Let me point out the obligations of a witness before a Select Committee of Parliament. They are to be found in section 8 of the Parliamentary Privileges Act which states—

Each House of the said Parliament is hereby empowered to punish in a summary manner as for contempt by fine according to the Standing Orders of either House, and in the event of such fine not being immediately paid, by imprisonment in the custody of its own officer in such place within the Colony as the House may direct until such fine shall have been paid, or until the end of the then existing session or any portion thereof, any of the offences hereinafter enumerated whether committed by a member of the House or by any other person—

It goes on to say—

Refusing to be examined before, or to answer any lawful and relevant question put by the House or any such Committee, unless excused by the House in the manner aforesaid.

Mr Bryce: What about section 7? Have you read it? It gives a witness the right to object on the ground that a question is either of a private nature or not relevant. That is spelled out in section 7.

Mr HASSELL: I ask members to remember what is occurring in this case. We have a transaction involving an asset of the taxpayers of this State. We are not talking about a private deal; we are talking about a transaction involving a substantial asset of the taxpayers of the State. How incredible it is that this Government sold an established, operative abattoir and associated land—the saleyards—for \$450 000 and is now contemplating a figure I understand to be \$2 million to buy the Smorgon's meatworks in the Linley Valley.

Does it not raise a question of what is really going on?

Of course the Parliament appointed not one, but two Select Committees to inquire into the matter. Even the Government agreed it was so bad that it had to be examined. The Government was driven to support the establishment of a Select Committee of this House. Of course it tried to play games in the appointment of that Select Committee by attacking Mr New and by directing some terms of reference in the hope, which has been proved vain, that some terrible commercial monopoly would be found relating to the sale of bricks in this State. The House of Parliament, the Legislative Council, decreed there should be an examination of the transaction.

What was the transaction? It was the sale of a valuable State asset at a bargain-basement price on the basis that the purchaser would establish a \$30 million brickworks. Members opposite sit here and keep asking why it is relevant to ask the purchaser what money he has to fulfil that obligation and how and where he obtained it.

Mr Peter Dowding: That was not what he was asked. You should address that issue.

Mr Brian Burke: He does not want to raise that issue.

Mr Bryce: You are raising the question of the chairman's competence. That is not what he was asked at all.

Mr HASSELL: He was asked whether he had an unconditional line of credit which would enable him to fulfil his obligations.

Mr Bryce: No, he was not.

Mr HASSELL: He was asked whether he had a full or an unconditional arrangement, and he refused to answer. Then the chairman moved the committee into camera. When the chairman said the question had to be answered he went into camera. The transcript goes on as follows—

THE CHAIRMAN: This discussion is now in camera. I have already put that question to you, and the fact that you are required to answer it. It is not really necessary for me to put the question to you again. If you believe it is a commercial transaction, I must advise you that you are required to answer any question which is put to you. I am quite happy for you to discuss this matter with Mr Momber, but that discussion will not be recorded by Hansard.

MR ELLETT: I want to see the authority.

Mr Brian Burke: So much for its being in camera. You are now reading it.

Mr HASSELL: That has been reported to the Council.

Mr Brian Burke: That is how much guarantee there is in camera.

Mr HASSELL: It relates to his refusal to answer the question. The Chairman then said—

The authority is section 8 of the Parliamentary Privileges Act.

That is the section I have just read. I will read out another section for the Premier's edification in a minute. Mr Ellett said—

I don't believe the question is relevant. It says, "Lawful and relevant" question, and I don't believe the question is relevant.

I have tried to explain to members of the Government on more than one occasion why it is relevant to ask about the financial arrangements for a deal involving a Government asset of considerable value on which a deposit of \$10 000 had been paid. The Chairman then said—

I will put the question to you again: From what source was the finance available?

MR ELLETT: Because the question is not relevant, I do not believe I have to answer it.

The CHAIRMAN: I have to advise you that in accordance with your answer I will be required, as Chairman, to report the fact that you did not answer this question to the House. Do you understand that?

MR ELLETT: Yes.

Not only section 8 of the Parliamentary Privileges Act should be considered but also other relevant parts of the Criminal Code should be considered. Section 59 of the Criminal Code states—

Any person who—

...

(2) being present before either House of Parliament, or before a Committee of either House, or before a joint Committee of both Houses, authorised to summon witnesses, refuses to answer any lawful and relevant question;

is guilty of a misdemeanour, and is liable to imprisonment for two years.

Maybe the Premier would prefer that Mr Ellett be prosecuted under that section of the Criminal Code than be brought before the Bar of the House. It could be suggested that the Premier's action today is intended to encourage the Legislative Council to have Mr Ellett prosecuted under the Criminal Code.

Mr Bryce: No.

Mr HASSELL: No? Then he wants him prosecuted under the Criminal Code. If the Premier believes that the matter should be dealt with, why is Mr Ellett not being prosecuted under the Criminal Code?

Mr Brian Burke: I don't have a view about that.

Mr HASSELL: It is a provision of the Criminal Code. I refer him to page 176 of the *Acts and Other Information relating to Parliament*.

Mr Brian Burke: I don't doubt you.

Mr HASSELL: That is good. Are you saying you do not have a view about whether the law should be upheld?

Mr Brian Burke: Yes, I do.

Mr HASSELL: Is this the law?

Mr Brian Burke: I have a view about whether the question was relevant.

Mr HASSELL: That would be decided by a court of law. It would be tested in a court and it would be decided by a judge. I am not asking the Premier whether Mr Ellett should be found guilty under that section of the Criminal Code. I am asking whether he believes that is preferable to his being called before the Bar of the House.

Mr Brian Burke: I don't have a view about that. I have a view that he should not be called before the Bar of the House.

Mr HASSELL: But does the Premier think the law should be upheld in relation to that section?

Mr Brian Burke: It is unfair to put it that way; it is nonsense.

Mr HASSELL: It is a Criminal Code provision that goes directly to the issue. It seems to me that there are two ways to go about this. The first is for the Legislative Council to deal with it as it has been dealing with it and the second is for the police to investigate the matter under the provisions of the Criminal Code and perhaps lay a prosecution. Perhaps the Premier should indicate to the House what he thinks because he has been saying that this

question should not be answered. He does not want it answered.

The fifth deliberately sinister purpose for which this motion has been brought to this House today is that it is designed as a backdrop to protect the Government from an investigation of the Fremantle gas deal. The Government knows very well that there are many unanswered questions relating to that deal, and that those unanswered questions—

Several members interjected.

The SPEAKER: Order! I cannot allow that.

Mr HASSELL: —and that those unanswered questions—

The SPEAKER: Order! I just said I cannot allow that and the Leader of the Opposition went on and ignored me entirely.

Mr HASSELL: Mr Speaker, I did not hear you. I thought you were talking about the interjections and the noise.

The SPEAKER: I apologise. I was actually talking about the Leader of the Opposition straying from the point.

Mr HASSELL: I am suggesting that this motion has been moved in an attempt to clearly establish—this is what the Government is concerned about—that the Select Committee appointed by the upper House can be ignored. The Government has an interest in doing that. It has an interest in establishing that the Select Committees of the upper House can be ignored because it does not want the questions asked and it certainly does not want them answered.

This is a situation in which a witness, before a Select Committee investigating a transaction involving a taxpayer's asset, has refused to answer a question. When that was reported to the Legislative Council, the Legislative Council considered what action it should take and a motion to call Mr Ellett to the Bar of the House was discussed at length. That motion, with the consent of the mover of the motion, was amended by Hon. H. W. Gayfer to include the words—

but that this committee recommends that no further action be taken should Mr Ellett, between the time that this report is adopted and the time appointed for the House to sit on Wednesday, October 15 1986, indicate to the House by writing addressed to the President that he is willing to answer the question put to him by the Honourable Neil Oliver and made the subject of a special report from the

select committee, and that the House so order.

Mr Brian Burke: What do you think about the fact that the Clerk of the Council said a month before the report was brought down that it was recommending the annulment of the sale. What do you think about that?

Mr HASSELL: If the Premier wants to launch into another one of his personal attacks, this time on the Clerk of the Legislative Council, he will dream up some excuse for doing that, too. Everybody who ever disagrees with the Premier is subject to his vilification; he never lets up.

It does not matter whether it is a member of this House or a person outside the House: If he disagrees with Brian Burke he is in trouble because he—Brian Burke—will get him one way or the other. On this occasion we see a motion before this House which is designed to get people. It is not designed for the benefit of this Parliament or for the benefit of Western Australia; it is a motion designed to achieve a number of purposes relevant to the personal interest of the Premier. That personal interest is to make sure that the facts are not released, examined or exposed to the light of day.

The amendment to the motion in the upper House relating to the approach of the upper House to the refusal of Mr Ellett to answer questions, was deliberately designed to give him the opportunity to reconsider and to contemplate the seriousness of the situation in which he finds himself.

All Mr Ellett had to do was to write to the President of the Legislative Council and say that he was willing to answer the question. He did not have to give the answer to the President and there is every likelihood that had he written the letter he would never have been called upon to give the answer to anyone because, of course, the Select Committee had ceased to exist and had ceased to have authority. All Mr Ellett had to do was write the letter and say, "Yes, I am prepared to answer the question." However, he chose not to do that. The next move of the Legislative Council was to summon Mr Ellett before the Bar of the House.

Let us look at some of the material that relates to this matter. I refer members to the terms of reference of the Select Committee and to the term of reference which refers to the

matter of relevance that has been brought forward. It reads—

1. That a select committee be appointed to inquire into and report on the sale, closure and future resiting of the Midland Saleyards; particularly: . . .

(3) Whether tenders were called to enable parties to express interest as purchasers and the adequacy and propriety of using the Western Australian Development Corporation as an agent for the sale of the land in preference to other realtors;

Who bought the Midland abattoir? I have in my hand a submission prepared by BSD Consultants which is titled, "Land Requirements, Development Strategy and Offer to Purchase the Midland Abattoir Site for Prestige Brick". It reads—

A high technology brickworks is likely to be the only proposal which can make effective use of some of the existing facilities and structures as well as the entire site . . .

On page two of the report under the heading, "The Directors of Prestige Brick", the directors are named and I ask members to take note of the following—

The major shareholder and Managing Director of Prestige Brick will be Mr Peter Ellett who was formerly the General Manager of Whitemans Brick . . .

Further on it states—

The other major Directors and shareholders are as follows:

1. Mr Robert Pearce—Managing Director of Dallhold Investments Pty Ltd (being the parent company of Bond Corporation Holdings Ltd).

It so happens that Mr Robert Pearce apparently was a director, but not of Prestige Brick because that was not a company. It continues—

2. Mr Brian Coppin—Chairman of Directors of Vox Adeon Pty Ltd, Western Underwriters Pty Ltd and Jardine Wesfarmers Insurance Brokers Pty Ltd.

3. Mr Bernardo Zampatti—owner and Managing Director of General Bulldozing Pty Ltd.

4. Mr John Court—Managing Director of Emeco Aust Pty Ltd.

Mr Ellett named five people as directors and shareholders of Prestige Brick. The Select Committee found that that situation was not true and that a false representation had been made

to the Western Australian Development Corporation which was, to put it mildly, neglectful in failing to check on the company.

Item 6.14 of the Select Committee's report states—

Ultimately, by letter of February 27 1986 to the Department of Premier and Cabinet, the WADC (after having inspected the site) recommended the sale to Prestige Brick within the price range of \$450 000-500 000. The communication indicated that the recommendation was based on the capital investment of \$31m proposed by Prestige Brick of which 80% was to be spent in Western Australia.

The Minister for Industrial Relations has interjected over and over again asking about the relevance of the question that was asked, yet here is the offer, the very foundation of the transaction, based on a recommendation that there be a \$31 million investment. Can members opposite seriously suggest that it was not relevant to ask all the details of the financial arrangements? Of course it was relevant. This is what the committee found in relation to Prestige Brick: It is not a company.

Under the heading of, "Directors of Prestige Brick",—in Mr Ellett's submission to buy the land it states that Prestige Brick is a company—in the Select Committee's report it states as follows—

Prestige Brick is not a company but a trading name registered and held by Pilsley Investments Pty Ltd. Excluding Peter Geoffrey Ellett and Robert Ashley Pearce, the other purported directors which influenced the decision by the WADC to select Prestige Brick, had not consented to their names being used in the submission, neither had they registered their interest to be financially involved in the project. However, the nominated directors of Prestige Brick were a major factor in the approval of Prestige Brick's proposal.

No investigation was undertaken of Prestige Brick or its purported directors through the Corporate Affairs Department, neither was any approval sighted as to the availability of the funds, or any guarantee of performance sought.

That is the WADC which the Premier was once again trumpeting in the Budget speech today—a corporation which has made a contribution to Treasury of considerable profits from the sale of Government assets in its preferred and special position.

Paragraph 6.17 of the committee's report states—

The Committee was advised in evidence that the directors of Prestige Brick should have been described in the submission as "likely directors" however the word "likely" had been omitted from the submission.

When we look at the submission, it is a bit hard to see how such an unlikely error could have been made because the heading is very clear. Under the heading "Directors of Prestige Brick", it says that the major shareholder and managing director will be Mr Ellett. The other major directors and shareholders are then listed from one to four, very specifically and deliberately.

Paragraph 6.17 of the report continues—

No attempt by Prestige Brick was made to convey this omission to the WADC. A company search by the WADC would have revealed that no company by the name of Prestige Brick existed.

How then do these paragons of virtue on the other side of the House argue that it is not relevant to ask Mr Ellett about the financial arrangements? It is relevant because we still do not know who bought the asset. We still do not know what legal entity is being dealt with. We still do not know who were the directors: People who did not know they were directors; people who publicly denied that they were directors; people who said they would not have their names used. Nevertheless, this submission calling on the Government to sell this valuable asset to those people was made on the basis that they were directors.

I call to the attention of the House that this motion purports to interfere with the operations of the Legislative Council in relation to a Select Committee. It seeks to do a number of things on behalf of the Government. I summarise those points again. First, it is an attempt to frighten or bluff the Legislative Council into stopping its pursuit of the truth of the Midland abattoir sale. Secondly, it is an attempt by the Premier to paint himself as the hero of a small businessman being persecuted by the Parliament because he would not answer a simple confidential question. Nothing could be further from the truth.

Thirdly, it is a motion which has been used for the deliberate purpose of conducting a vicious attack on Hon. Neil Oliver in an attempt to discredit him personally, thereby to discredit the findings of his committee.

Fourthly, it is an attempt by the executive arm of Government to put the Legislative Council of this Parliament on trial for its actions. Fifthly, it is intended to protect the Government by taking away the authority and the power of the Legislative Council to require that questions in the public interest be answered and to undermine its capacity to obtain information. I suggest that that once again is very much part of the vested interest of the Government in preventing from being investigated matters which ought to be investigated and exposed to public gaze.

The one place in Western Australia where the truth of some of this Government's dealings can be exposed is the Parliament. There is nowhere else. The laws of libel and slander give this Government a massive protection from the exposure of its nefarious dealings and this Government has taken full protection, as it needs to do. However, there is one bastion of truth left in this State where these issues can be brought out, exposed, and examined: The Parliament and its committees. If this Government should succeed in putting down the committees, in stifling their capacity to require that information be provided, it will have succeeded in finally closing the gate on the revelation of truth relating to its dealings, dealings which are highly questionable.

Every day we get a little closer to the revelation of what is really going on in the dealings of this Government. Many accusations are made to us, but we do not trot them in here unless we have evidence. We have brought forth evidence in relation to this abattoir deal. We have brought forth evidence in relation to the gas deal and we have forced the Government to do some explaining. However, there is still more explaining to be done. We know what has been going on and in the end it will all come out. The truth is that the Government resents and fears the investigation of the Executive of Government—that is the Ministers—in regard to the sale of the Midland abattoir. The Government is fearful that at the end of the day some of these dealings will be fully exposed, as I am sure they will be.

In conclusion, I make a couple of things very clear. First, on the two or three occasions on which I spoke to Mr Ellett when he rang me in the early stages of this matter, I told him that if he had a signed and sealed lawful deal with the State Government he had nothing to fear from any investigation or inquiry. I told him that our interest was not in him as a businessman or in his dealings, but in the Government's handling

of the matter and its dealings and profiteering from a State Government taxpayers' asset.

Secondly, I am on record as being a person who has been concerned over the years about the proper procedures to be followed in dealing with matters of privilege. That concern goes back many years. It goes back to the matter of Fitzpatrick and Brown before the Federal Parliament. I retract nothing of what I have said. It is my belief that in the exercise of the undoubted privileges of Parliament there needs to be developed a proper procedure which allows these issues to be dealt with. Indeed, as a direct result of that issue being raised in relation to the member for Gascoyne, a committee was established under your chairmanship, Mr Speaker, to examine the issue. I said at the time that it was a question which had defied the wisdom of many members, Government and non-Government, in more parliaments than this, and that it would not be easy. Once again, when the procedures are put to the test, we see a call for some procedure to deal with matters of privilege. This time it has come from the Deputy Premier. Only a few weeks ago I made that call in this House. At that time the Deputy Premier scorned it because it did not suit his political purpose. When the member for Gascoyne was on trial—

Mr Brian Burke: He was never on trial.

Mr HASSELL: He was put on trial by the Government in a Privilege Committee.

Mr Brian Burke: Not put on trial, surely?

Mr HASSELL: He was put on trial by a Privilege Committee, found guilty, and punished by this House on the Premier's mo-

tion. The Government is now complaining because a member of the public outside Parliament who refused to answer a question is dealt with by the House, the authority of which he defied.

Leave granted to continue speech at a later sitting of the House.

Debate thus adjourned.

BILLS (3): MESSAGES

Appropriations

Messages from the Governor received and read recommending appropriations for the purposes of the following Bills—

1. Appropriation (Consolidated Revenue Fund) Bill.
2. Appropriation (General Loan and Capital Works Fund) Bill.
3. Education Amendment Bill.

[Questions taken.]

PARLIAMENT HOUSE

Television Camera

THE SPEAKER (Mr Barnett): Order! Before calling on the Leader of the House to take the appropriate action, I take the opportunity of reminding honourable members of my comments earlier today. Channel 9 is endeavouring to do a live cross on the Budget. Its staff are operating in the corridor immediately to my left, and have asked me if I would ask members to retire from the Chamber without using that door.

House adjourned at 6.00 p.m.

QUESTIONS ON NOTICE

WA MINT: REFINERY

Zimbabwe: Establishment

1069. Mr HASSELL, to the Premier:

- (1) What are the terms of any arrangements made with the Government in Zimbabwe for the Perth Mint to help establish a gold refinery in that country?
- (2) Will any officer/s of the Perth Mint or the Western Australian Development Corporation be sent to Zimbabwe to assist in this process and, if so, who?
- (3) Were the negotiations for this arrangement conducted by any officer/s from the Perth Mint and, if so, what were their positions with that body at that time?
- (4) Were the negotiations for this arrangement conducted by any officer/s from the Western Australian Development Corporation, acting on behalf of the State Government and, if so, what were their positions with that body at that time?

Mr BRIAN BURKE replied:

- (1) The WA Mint has entered into a technical consultancy agreement with Fidelity Printers (Pvt) Limited in relation to the construction of a gold refinery in Harare. The agreement provides for the provision of technical advice up to the time of the refinery being commissioned and an on-going technical relationship until such time as the Zimbabwe refinery obtains accreditation. The WA Mint will earn an appropriate initial annual fee which reduces slightly over the succeeding years. In addition all transport, out-of-pocket, and other expenses, together with a daily fee of \$500, will be paid to representatives of the WA Mint when they are required to personally travel to Harare.
- (2) It is envisaged that two or three visits per year will be required to be made from Perth by either representatives of the Perth Mint or the WADC. These officers will be those technically qualified to assist.

- (3) The major negotiations for these arrangements were conducted by the Acting Director of the Perth Mint, Mr Michael Cotton.
- (4) Mr Cotton at the time of negotiation was an employee of WADC acting on behalf of the State Government and attached to the Perth Mint, having been appointed deputy director in July 1986.

WA MINT

Gold Chain Production

1092. Mr COURT, to the Premier:

- (1) Will the Perth Mint be manufacturing gold chain?
- (2) If "Yes", will it be similar to the gold chains being produced by Pulchra of Italy Pty Ltd in South Australia?

Mr BRIAN BURKE replied:

- (1) and (2) The Perth Mint has neither the equipment nor expertise to manufacture gold chain.

WA MINT

Kalgoorlie Site

1229. Mr COURT to the Premier:

- (1) Has the Government decided where the Kalgoorlie Mint and tourist hotel complex will be sited?
- (2) If "Yes", what are the locations?

Mr BRIAN BURKE replied:

- (1) and (2) No.

AMERICA'S CUP

Charter Vessels: Government

1234. Mr MacKINNON, to the Minister representing the Minister with special responsibility for the America's Cup:

- (1) How many vessels are being chartered for use by the Government during the America's Cup?
- (2) From what source have the charter vessels been obtained?
- (3) What is the estimated cost of the charter?
- (4) In each case, for what purpose is the charter?

Mr PEARCE replied:

- (1) and (4) Fifteen for spectator craft control and one VIP vessel which will be available for chartering purposes.
- (2) One vessel from Corkhill Nominees Pty Ltd and 15 vessels from crayfishermen in the northern rock lobster fishery.
- (3) \$480 000 to \$530 000.

"MANAGING CHANGE IN THE PUBLIC SECTOR"

Policies: Implementation

1253. Mr CASH, to the Premier:

- (1) Have policies outlined in the Government's white paper "Managing Change in the Public Sector" been implemented?
- (2) If "Yes", which of these policies have been implemented?
- (3) If "No", when will these policies be implemented?

Mr BRIAN BURKE replied:

- (1) to (3) The Government is presently considering a strategy to enable implementation of policies outlined in the white paper. The Government is strongly committed to the public sector policy directions outlined in the paper, and envisages a comprehensive programme of administrative and legislative reform during its current term.

ABORIGINAL LAND RIGHTS INQUIRY

Aboriginal Land Rights Support Group

1256. Mr LIGHTFOOT, to the Premier:

- (1) Did the Government fund a group during the land rights inquiry and a subsequent debate, titled the Aboriginal Land Rights Support Group?
- (2) If "Yes"—
 - (a) How much was the funding?
 - (b) Who were authorised to withdraw those funds?
 - (c) For what were the funds used?
 - (d) Is the account still active?

Mr BRIAN BURKE replied:

This question has been incorrectly addressed to the Premier. It has been referred to the Minister for Aboriginal

Affairs and he will answer the question in writing.

CITIZENS AGAINST CRIME ASSOCIATION INC.

Comments

1267. Mr CASH, to the Minister for Police and Emergency Services:

- (1) Did he receive a letter from me dated 12 August 1986 in which I sought his comments to a number of issues and questions raised by the Citizens Against Crime Association Inc.?
- (2) If "Yes", what is causing the delay in responding to the matters raised?
- (3) When may I expect a substantive reply?
- (4) Does he consider the inordinate time taken in responding to my letter dated 12 August 1986 to be justified?

Mr GORDON HILL replied:

- (1) to (4) I advise the member of my attitude that the Citizens Against Crime Association is a thoroughly discredited lobby group which seeks publicity through sensationalism, and I do not intend to facilitate that end by responding to their correspondence to which the member attached his brief forwarding letter of 12 August 1986 in which he seeks my assistance to promote himself.

POLICE

Firearms Offence: Revele Keith Affleck

1268. Mr CASH, to the Minister for Police and Emergency Services:

Did Revele Keith Affleck, recently convicted of a serious offence involving a hand gun, have a permit to carry a concealed firearm or a licence to own any type of firearm?

Mr GORDON HILL replied:

A firearm licence was issued to Revele Keith Affleck on 29 April 1982 to possess one .22 calibre rifle and one 12 gauge shotgun.

SUPERANNUATION: STATE FUND

Review: Report

1271. Mr MENSAROS, to the Premier:

- (1) In view of his ministerial statement to the House on 24 June 1986 wherein he said, "a recent review of the (Superannuation) fund revealed an unfunded actuarial liability of a massive \$4.9 billion ...", would he please table the report of the review he was referring to?
- (2) Alternatively, would he explain in detail how such liability was incurred?

Mr BRIAN BURKE replied:

It will take time to obtain the information sought by the member. As soon as it is available, he will be advised in writing.

MOTOR VEHICLE LICENCES

Pensioners: Concessions

1279. Mr BRADSHAW, to the Premier:

Adverting to question 1059 of 1986, which pensioners will be eligible to receive the 50 per cent concession for their car registration?

Mr BRIAN BURKE replied:

Aged pensioners and aged service pensioners who hold health benefit cards.

GOVERNMENT BUILDING

Bunbury Tower: Employees

1285. Mr MacKINNON, to the Premier:

- (1) How many full-time employees are to be located in the Bunbury Tower?
- (2) How many have been relocated to the building to date?
- (3) To which departments have and will these employees be allocated?
- (4) How many of these employees will be appointed to positions actually relocated from the metropolitan area?

Mr BRIAN BURKE replied:

- (1) Approximately 400.
- (2) 73.
- (3) Relating to (1) above, to date the following departments have been indentified—

Water Authority of Western Australia
Education Department

Office of the Minister for The South West
Department of Conservation and Land Management
South West Development Authority
Tourism Commission
Department for Community Services
Public Service Board
Department of Lands Administration
Department of Occupational Health, Safety and Welfare
Department of Transport
Department of Employment and Training
State Planning Commission
Department for the Arts
Department for Sport and Recreation
Small Business Development Corporation
Health Department.

- (4) 90 identified to date. Additional relocations will occur in the future.

WA DEVELOPMENT CORPORATION

Tailings Treatment: Royalties

1290. Mr MacKINNON, to the Treasurer:

How much was received by the Government during the year ended 30 June 1986 from the Western Australian Development Corporation in royalty payments for tailings treated at Paynes Find?

Mr BRIAN BURKE replied:

\$57 800.

FEDERAL MEMBERS OF PARLIAMENT

De Facto Partners: Travel Expenses

1297. Mr CRANE, to the Premier:

- (1) Has he seen the article in *The West Australian* of 11 October last relating to payment of overseas travel expenses for de facto partners of Federal members of Parliament?
- (2) Does this situation apply in Western Australia, where members of Parliament are allowed to claim travel expenses for de facto partners?
- (3) If "Yes" to (2), will he ensure that the payment of these expenses ceases forthwith?

Mr BRIAN BURKE replied:

- (1) Yes.
- (2) No.
- (3) Not applicable.

FREMANTLE GAS AND COKE CO LTD

Purchase: Advice

1301. Mr MacKINNON, to the Premier:

- (1) When was he first advised of the purchase of the Fremantle Gas and Coke Co Ltd by the State Energy Commission?
- (2) By whom was he advised?

Mr BRIAN BURKE replied:

See my answer to question 230 of 1986.

FREMANTLE GAS AND COKE CO LTD

Share Capital: Increase

1304. Mr MacKINNON, to the Minister for Minerals and Energy:

- (1) How many times has the Fremantle Gas and Coke Co Ltd requested an increase in its share capital since 1 February 1983?
- (2) In each case what was the reason given for the requested increase?
- (3) What decision did he make in response to each request and why?

Mr PARKER replied:

- (1) to (3) I have answered these questions in debate in the House.

FREMANTLE GAS AND COKE CO LTD

Negotiations: Treasury Officer

1305. Mr MacKINNON, to the Premier:

When was he informed by the Minister for Minerals and Energy, as claimed in the Premier's answer to question 230 of 1986, that the Minister for Minerals and Energy was using the "offices of a senior Treasury officer or officers" to assist him with his negotiations with the Fremantle Gas and Coke Co Ltd?

Mr BRIAN BURKE replied:

At the time services were requested.

WA DEVELOPMENT CORPORATION

Land Acquisitions

1307. Mr RUSHTON, to the Premier:

- (1) What Government or public land has been transferred or sold to Western Australian Development Corporation since its establishment?
- (2) What price has been paid by the Western Australian Development Corporation for each parcel of land?
- (3) Which of these lots of land had been sold by Western Australian Development Corporation, and what was the sale price?

Mr BRIAN BURKE replied:

The information sought by the member is a matter of public record available from the Office of Titles.

HOMESWEST

Land Holdings

1308. Mr RUSHTON, to the Minister for Housing:

- (1) What is the total area of land held by Homeswest?
- (2) What is the total area of land sold by Homeswest since the beginning of 1983?
- (3) Will he please list and identify the parcels of Homeswest land of more than two hectares sold since 1 January 1983 and the sale price of these parcels of land?
- (4) Will he please list the joint ventures entered into by Homeswest State Housing Commission with others since the beginning of 1983 giving the—
 - (a) area of land;
 - (b) name of joint venturers;
 - (c) terms and conditions of agreements?

Mr WILSON replied:

- (1) to (3) Homeswest is a substantial land owner, land developer, and land marketer in many localities throughout the State, ranging from South Hedland to Esperance. In this regard, to answer the member's question would not only involve a totally inordinate amount of work, but additionally advising that Homeswest owns or has sold X number of hectares would serve no useful

purpose. Accordingly, I regret that I cannot justify supplying an answer, particularly at a time when austerity measures need to be taken by the Government. If the member has any specific inquiry, I would be pleased to respond.

- (4) I presume the question relates to joint ventures in land development and sales, and not joint venture pensioner developments. On this basis, I advise that since 1983 to date, apart from normal cooperation with adjoining owners to facilitate subdivision, and joint action with other Government departments, no joint ventures as such have been entered into with respect to land development and sales by Homeswest.

STATE ENERGY COMMISSION

Polychlorinated Biphenyls: Stockpile

1309. Mr BRADSHAW, to the Minister for Environment:

- (1) What quantities of polychlorinated biphenyl wastes does the State Energy Commission have stockpiled?
- (2) Where does the State Energy Commission store its polychlorinated biphenyl wastes?
- (3) Do any other Government departments or instrumentalities or private companies have polychlorinated biphenyl wastes stockpiled?
- (4) If "Yes" to (3), where are these wastes stored?
- (5) What action does the Government intend to take to dispose of these polychlorinated biphenyl wastes?
- (6) Are polychlorinated biphenyls still being used by Government departments or instrumentalities or private industry in Western Australia?
- (7) If "Yes" to (6), what are the polychlorinated biphenyls being used for and what quantities are in use?

Mr HODGE replied:

This question has been wrongly addressed to the Minister for the Environment. It has been referred to the Minister for Minerals and Energy and he will answer the question in writing.

CHEMICALS

Hazardous: Disposal

1310. Mr BRADSHAW, to the Minister for Environment:

- (1) What methods are used to dispose of hazardous chemical wastes in Western Australia?
- (2) Are there any hazardous chemical wastes, other than polychlorinated biphenyls, stored in Western Australia?
- (3) If "Yes" to (2)—
 - (a) where are these chemical wastes stored;
 - (b) what quantities of chemical wastes are stored?

Mr HODGE replied:

This question has been wrongly addressed to the Minister for Environment. It has been referred to the Minister for Health and he will answer the question in writing.

PLANNING: STRATA TITLES ACT

Elderly Owners: Agent

1311. Mr CLARKO, to the Minister for Lands:

- (1) Is he aware that pressure is being exerted on elderly pensioner duplex owners to appoint an agent for a significant annual fee to perform their duties under the Strata Titles Act?
- (2) What minimum action, if any, should two adjoining elderly pensioner duplex owners take to comply with the Strata Titles Act if no dispute exists between them?

Mr TAYLOR replied:

- (1) I am aware that an agent has sent out a letter offering management services for a fee and mentioning penalty provisions in the Act.
- (2) The Act provides machinery which allows proprietors to effectively manage their own affairs. If the proprietors of a duplex are in agreement on the management of their units, they need not and should not worry about interference from anyone else.

STATE ENERGY COMMISSION

Property Sales: Fremantle

1313. Mr COURT, to the Minister for Minerals and Energy:

Has the State Electricity Commission sold any property in the Fremantle area during the past year?

Mr PARKER replied:

No.

HEALTH: DRUGS

Operation Noah: Telephone Calls

1316. Mr CASH, to the Minister for Police and Emergency Services:

- (1) How many calls were received by the Western Australia Police as a result of the 1985 Operation Noah?
- (2) Was the 1985 Operation Noah a success in Australia, and in particular in Western Australia?
- (3) Did the Western Australia Police receive promising information involving some fairly large-scale drug operations as a result of this State's participation in Operation Noah in 1985?

Mr GORDON HILL replied:

- (1) to (3) There were 943 telephone calls received by the WA Police in the successful Operation Noah. It should be noted that information of the type requested during Operation Noah can be supplied to police in confidence by telephone at any time.

I also remind the member of my advice to the Parliament on Tuesday, 14 October 1986 that consideration is being given by police to the introduction of an automatic system for receiving such advice on a continuing basis, a system regarded as being very effective.

DRAINAGE

Dianella: Odours

1317. Mr CASH, to the Minister for Water Resources:

- (1) Will he investigate claims by residents of Croft Avenue, Dianella of—
 - (a) the odour emanating from a Western Australian Water Authority exposed drain opposite No. 15 Croft Avenue, Dianella;

(b) claims that the fence alongside the drain is inadequate and allows children to climb inside the drain area?

- (2) Will he please advise me of the action taken in due course?

Mr BRIDGE replied:

- (1) and (2) Yes.

POLICE: DRUG SQUAD

Overtime: Restriction

1319. Mr CASH, to the Minister for Police and Emergency Services:

- (1) Is he aware of an article which appeared in the *Daily News* on Friday, 10 October 1986 claiming "a clampdown on drug squad overtime has played into the hands of Perth's drug dealers"?
- (2) Is there any basis for such a report?
- (3) Is adequate overtime available to the drug squad to enable members of the drug squad to carry out their duties effectively and efficiently?

Mr GORDON HILL replied:

- (1) Yes.
- (2) No.
- (3) Yes.

HEALTH: DRUGS

Suppliers: Sentences

1320. Mr CASH, to the Minister representing the Attorney General:

- (1) What is the maximum period of sentence that may be handed down to a person found guilty of illegally selling and supplying heroin or cocaine to members of the public?
- (2) What section of which Act provides this penalty?

Mr PETER DOWDING replied:

This question has been wrongly addressed to the Minister representing the Attorney General. It has been referred to the Minister for Police and Emergency Services and he will answer the question in writing.

POLICE SQUADS

Period of Attachment

1321. Mr CASH, to the Minister for Police and Emergency Services:

- (1) What is the average period that police officers are attached to—
 - (a) vice squad;
 - (b) drugs squad;
 - (c) fraud squad?
- (2) What is the rationale behind having police officers spend only a limited period attached to these important areas of police work?

Mr GORDON HILL replied:

- (1) (a) 2 to 3 years;
- (b) 2 to 3 years;
- (c) (i) bank fraud—2 to 3 years;
- (ii) company fraud—upwards of 3 years, no specific limit.
- (2) (a) Rotation of staff and experience;
- (b) redeployment of expertise, rotation of staff due to identity exposure; in conformity with Williams report of Australian Royal Commission of Inquiry into Drugs 1980;
- (c) (i) rotation of staff and experience;
- (ii) a longer period required to gain experience to handle the complexities of corporate crime.

HEALTH: DRUGS

Operation Noah: Police Involvement

1322. Mr CASH, to the Minister for Police and Emergency Services:

- (1) Was he aware through discussions with senior police officers that the Western Australia Police Force was not to take part in next month's national anti-drug information phone-in, Operation Noah?
- (2) Was he aware that in answers to questions in Parliament in 1985, the then Minister for Police and Emergency Services stated in part answer to question 1022 of 1985: "This nation must work together to solve a common

problem that is destroying people's lives and Western Australia is going to play its part"?

Mr GORDON HILL replied:

- (1) Yes.
- (2) No.

TRANSPORT: FERRY

Restoration: Name

1324. Mr LAURANCE, to the Minister for Transport:

- (1) What is the name of the Transperth ferry which has been restored and refurbished this year?
- (2) What is the age of this vessel?
- (3) What was the cost of this restoration and refurbishing programme?
- (4) Is the restoration complete?

Mr TROY replied:

- (1) MV *Perth*.
- (2) 82 years.
- (3) \$650 000.
- (4) The restoration will be completed in approximately two weeks.

TRANSPORT: BUSES

Yangebup: Improvement

1325. Mr LAURANCE, to the Minister for Transport:

- (1) Is he aware of the urgent need to improve bus services to the suburb of Yangebup?
- (2) Is he also aware of the particular need to provide public transport access between Yangebup and the Perth central business district?
- (3) What arrangements are being made to improve this situation?

Mr TROY replied:

- (1) to (3) I am aware that the level of public transport services to Yangebup is not meeting the expectations of residents. I am also cognisant of the fact that they require bus services to and from Perth. To this end, and within budgetary constraints, I am hopeful of making an announcement soon.

QUESTIONS WITHOUT NOTICE

FREMANTLE GAS AND COKE CO LTD

Purchase: Cabinet Involvement

273. Mr HASSELL, to the Premier:

Can the Premier explain why the \$40 million purchase of the Fremantle Gas and Coke Co Ltd gas reticulation network was not subject to Cabinet approval when the \$20 million sale of the Perth Technical College site and the \$450 000 sale of the Midland abattoir both required the approval of Cabinet, and when the proposed \$2 million purchase of the Linley Valley abattoir, according to the Minister for Agriculture, will also require approval of Cabinet?

Mr BRIAN BURKE replied:

If the Leader of the Opposition puts the question on the Notice Paper, I will undertake to provide a considered and detailed answer.

With reference to the particular instances, it has to do with the authority involved in the purchase, as to whether the authority acting for the Minister, who has the responsibility, acts as the Government with the Government's authority. I have tried to explain that previously.

In respect of some departmental purchases or some other purchases or sales involving different arms, functions or organisations of Government, the rule varies. It depends on whether it is under the Consolidated Revenue Fund or a statutory authority outside the CRF.

An Opposition member: It depends on the Government's policy.

Mr BRIAN BURKE: Legally, it does not depend on the Government's policy.

An Opposition member: Cabinet can look at anything.

Mr BRIAN BURKE: Yes, that is true, but legally it depends on the nature of the transaction, the parties involved in that transaction, and whether it relates to the Consolidated Revenue Fund and is a drain on that fund.

I cannot provide specific details surrounding the examples quoted by the Leader of the Opposition, but if he

puts the question on the Notice Paper, I will provide a detailed answer.

LAND: BOATHAUGH PROPERTY

Purchase: Budget Allocation

274. Mr D. L. SMITH, to the Minister for Conservation and Land Management:

I note that in the Budget introduced this morning an allowance has been made for \$500 000 to purchase land known as the Boathaugh property at Margaret River. Will the Minister please advise me what action the Government is taking regarding this matter?

Mr HODGE replied:

In these times of financial stringency, the State Cabinet recently approved the allocation of \$500 000 to purchase approximately 1 500 hectares of land adjacent to the Blackwood River to be set aside as a forest conservation area and with significant potential for recreation and tourist opportunities. The land was considered to be of high conservation, recreation, and tourism value for two reasons. Firstly, it is a valuable ecological link between the jarrah-marri forest system to the east and the karri forest to the west, and further links up with the Blackwood River to coastal and estuarine systems near Augusta; and secondly, it would have complemented the nearby State forest recreation priority area to the east.

It is with regret that I advise the House that despite protracted negotiations between the Department of Conservation and Land Management and the land's owners, the Shire of Augusta-Margaret River, the department's offer of \$500 000 for the property has been rejected.

The Shire of Augusta-Margaret River has accepted an increased offer for the land from private developers, and consequently the Department of Conservation and Land Management's intentions for the land will not now be realised.

MINISTER FOR AGRICULTURE

Adviser: Mr Paul Regan

275. Mr MacKINNON, to the Minister for Agriculture:

- (1) Is Mr Paul Regan a member of the Minister's staff, or employed as a ministerial adviser?
- (2) How long has Mr Regan been employed by the Minister?
- (3) What are Mr Regan's duties?

Mr GRILL replied:

- (1) Mr Regan is appointed to my staff as technical consultant.
- (2) His appointment has been since late April 1985—in other words, he has been employed on my staff for about 18 months.
- (3) I refer the member to my answer to question without notice 266 of 15 October 1986.

Having said that, I wish to add that late last week a member of the Liberal Party rang my office and indicated that certain members of the parliamentary party were about to engage in a campaign to attack the reputation of one of my advisers. That adviser was Mr Paul Regan.

Mr MacKinnon: Who rang?

Mr GRILL: A person who did not want his name disclosed but who nonetheless is a member of the Liberal Party.

Mr Clarko: How can we believe you?

Mr GRILL: Whether the member believes me or not, I am telling him that is the case.

Mr Watt: Was it a member of the parliamentary or lay party?

Mr GRILL: A member of the lay party rang to indicate that he had been privy to discussions in which there were plans to conduct a campaign to attack the reputation of a member of my staff. It was indicated that that campaign would be conducted in association with the hearings related to the sale of the Midland abattoir site, and that the campaign would then endeavour, by virtue of the besmirching of the character of Paul Regan, to attack the character of the Minister for Agriculture and, in due course, the Government.

It would appear that the member of the lay party was, in fact, speaking the truth when he gave my office that information and that he was conveying to me a plan that was already afoot and in place by certain members of the parliamentary wing of the Liberal Party.

Mr Clarko: How long did it take you to make up this story?

Mr GRILL: There is a certain ring of truth about it. Perhaps members of the Opposition would like to indicate why the question relating to Mr Regan was directed to me yesterday, and why this question was directed to me today.

Mr Hassell: We want to know what scheme you are up to with your political staff.

Mr GRILL: I can only say it was part of the scheme which was mentioned to my office on the telephone last week. I might say that the member who rang up—I am not prepared to disclose his name—was absolutely disgusted to be associated with the parliamentary wing of a party which would stoop to such tactics in an endeavour to score some cheap political points. The campaign is cowardly and the Opposition is acting in a cowardly way against a person who does not have the ability in the other House to defend himself, as does the member of the Opposition. The Opposition is embarking on a campaign to attack a person in a cowardly fashion when this person is unable to defend himself.

MINISTER FOR AGRICULTURE

Adviser: Mr Paul Regan

276. Mr MacKINNON, to the Minister for Agriculture:

- (1) From what source did the Minister's adviser, Mr Paul Regan, obtain information regarding a \$500 contribution to an advertisement regarding the sale of the Midland saleyards, given that the information in question was given as in camera evidence to the lower House Select Committee into the sale of the Midland abattoir?
- (2) What action has the Minister taken about this matter, given that Mr Regan's action was clearly in breach of Standing Order No. 375?

- (3) Does the Minister condone Mr Regan's action, and if not, has he reprimanded Mr Regan in any way?

Mr GRILL replied:

If any further proof were required of the assertion I have just made that a campaign is being conducted against Mr Regan, I need refer no further than to the last question. I do not think it will be the last question on this matter. It appears that the information given to me last week was correct and a cowardly campaign is now being conducted.

In answer to the specific points put by the Deputy Leader of the Opposition—

- (1) It has already been indicated that Mr Regan will be providing answers to this question before the Select Committee inquiry on 17 October. That hearing will be public, and I think that that particular question should be put to and answered by the person who has the information. But having said that, let me tell members this: The fact that Mr Oliver had made donations—

Mr MacKinnon: On what date?

Mr GRILL: On 17 October.

Mr MacKinnon: How did you know that?

Mr GRILL: —to the campaign opposing the sale—

Mr MacKinnon: Are you a member of the committee?

Mr GRILL: It is public information.

Mr Blaikie: It is not public information.

Mr GRILL: Well, it is public now.

Several members interjected.

Mr GRILL: It was public information.

Mr Pearce: What is secret about it?

Mr GRILL: There is no secret about the fact Mr Regan is appearing before the Select Committee to answer those questions.

Having said that, it was no secret up in Midland, and several people can testify to the fact that there have been and still are severe differences between factions within the Midland Chamber of Commerce, and that as a result of those differences that particu-

lar chamber of commerce split into two wings.

Several members interjected.

Mr GRILL: Members will be given names in due course. The second wing formed a new branch. It was common knowledge amongst those members that Mr Oliver had made donations to the campaign opposing the sale of the abattoirs, and people can testify to that fact.

- (2) On the evidence available to me I do not think there has been any breach of Standing Order No. 375. In making that assertion, the Deputy Leader of the Opposition alleges that there has been a leak of information from the Select Committee. There is no evidence on which to base that assumption. There is no evidence to support it. The fact that Mr Oliver had made this particular donation and his relationship to Ric New are well known and have been well known in the Midland area for a long time.
- (3) In respect of reprimanding Mr Regan, the answer is "No".

COMMUNITY SERVICES

Children: Action against Parents

277. Mr NALDER, to the Minister representing the Minister for Community Services:

- (1) Is he aware of the report that a 15-year-old boy in Victoria has been granted a so-called "divorce" from his parents?
- (2) Is there a similar provision in the Western Australian legislation. If "No", will he notify the public in Western Australia of that fact?
- (3) If "No", can he assure the House that there is no intention to introduce similar legislation in Western Australia?

Mr WILSON replied:

The advice I have received from the Minister for Community Services is as follows—

- (1) Yes.
- (2) No. In Western Australia children can be committed to the care of the Department for Community Services only if they are found by

a Children's Court to be in need of care, protection, or uncontrolled.

(3) Yes.

MINISTER FOR AGRICULTURE

Adviser: Mr Paul Regan

278. Mr LEWIS, to the Minister for Agriculture:

Mr Speaker—

Mr Peter Dowding: Are you more relaxed now?

Mr LEWIS: Yes, I am, as a matter of fact.

(1) Is it correct, as the Minister stated yesterday to the Parliament, that his adviser or consultant, Paul Regan, has approached witnesses appearing before the Midland abattoir Select Committee of this House as part of his general duties?

(2) Was Mr Regan making those approaches with the Minister's knowledge?

(3) Did he approve of Mr Regan's actions in approaching those witnesses?

Mr Brian Burke: I think you are right about the campaign.

Mr GRILL replied:

(1) to (3) It is nice to get a question of that sort from such an unbiased source.

Mr Lewis: That's right, like you.

Mr Pearce: Is this the fruit of your extensive work on the abattoirs?

Mr GRILL: Mr Regan has made no approaches on his own behalf, at his own instance, to any people who gave evidence before that committee.

Mr Hassell: What do you mean? On his own behalf or at his own instance?

Mr GRILL: At his own instance.

Mr Hassell: It was at your instance, was it?

Mr GRILL: Not at mine.

Mr Hassell: At whose was it?

Mr GRILL: Does the member want to know? I have questioned Mr Regan on this particular subject and he indicates that on two occasions he has seen witnesses who gave evidence at the hearing. On both occasions the initiative for the contact was not by himself but by the witnesses themselves.

EDUCATION: PRIMARY SCHOOL

Waroona: Rebuilding

279. Mr BRADSHAW, to the Minister for Education:

(1) Has the Minister seen the article in yesterday's *Waroona Reporter* regarding—

Mr Bryce: I bet he wrote the Waroona report.

Mr Brian Burke: Is this the one?

Mr BRADSHAW: —the Waroona Primary School?

(2) Is he aware that Beryl Jones, the member for Lower West in the other House, gave the report to the *Waroona Reporter* last Friday evening, thus disclosing Budget secrets six days before the Budget was released?

(3) Has the Government set aside \$1 million for the primary school?

(4) Is it normal practice for a Minister to release Budget information before the Budget is brought down in Parliament?

(5) Why did he release this information?

Mr PEARCE replied:

(1) to (5) I thank the member for some notice of the question. He gave the notice by sending across this piece of paper. It is marked at the top "for attention of John Bradshaw MLA", so I guess that means the Liberal Party organisation has to send the member a copy of his own newspaper so that he knows what is going on in his own electorate.

Mr Bradshaw: It only came out yesterday.

Mr PEARCE: I am pleased to confirm to the House that the headline "Waroona to receive new school" is completely accurate.

Mr Brian Burke: So it should be, regardless of its member.

Mr MacKinnon: And about time, too.

Mr PEARCE: And it is about time, too. The Deputy Leader of the Opposition is very accurate in saying that.

I have known for some months that Waroona was to receive a new primary school because of a decision in the Budget. This was the second Budget after I went to Waroona to inspect the facilities there. Members will

recall from a previous debate in this House the way in which the member for Murray-Wellington, showing no real interest in getting the school but a lot of interest in winning brownie points for himself in the electorate, has sought desperately to gain as much political mileage from the Waroona Primary School issue as he can, to the extent that only a few weeks ago, knowing full well that the Budget was in the process of formulation but at a point where we could not reasonably make statements about it, accused the Government of doing nothing about the Waroona Primary School.

The member for Murray-Wellington should know a lot about Governments doing nothing about the Waroona Primary School, because the school has been falling down for something like 50 years, during the bulk of which time, of course, there have been Liberal Governments.

Mr Bradshaw interjected.

Mr PEARCE: The member was totally ineffective when his party was in Government.

Mr Bradshaw: I had nothing to do with Waroona before I was elected.

Mr PEARCE: When the member was a candidate he had no capacity at all to convince the Liberal Government it should do anything about the Waroona Primary School. I put it into the Budget as soon after I went down to Waroona as I possibly could, despite all the efforts of the member for Murray-Wellington to drive a wedge between the Government and the council on that issue, and to be as negative about the whole thing as he could.

Mr Brian Burke: He is playing politics with the education of the children of Waroona.

Mr PEARCE: We were not able to get it into last year's Budget; in fact, it was eliminated at a very late stage and was a very high priority for this year's Budget. In the normal course of events I guess it would not have been announced until Budget time, but I was so incensed by the claim of the member for Murray-Wellington that the Government had done nothing

about this school, which was prominently reported in the local newspaper at a time when the money had already been placed in the Budget but not publicly announced, that when Hon. Beryl Jones approached me, very concerned about the statements made by the member for Murray-Wellington, I said she should announce in the newspaper as soon as possible in response to those comments that the Waroona school would be built.

I make it quite clear to the people of Waroona that they got that school because of the actions of this Government and for no other reason.

Mr Bradshaw interjected.

Mr PEARCE: Of course we have. The member for Murray-Wellington is a neophyte in this place. Let me explain to him how a school is funded.

The school will be built through the course of the next school year and will be ready for occupation by students at the beginning of the 1988 school year. In this Budget we allocated enough money to get the project going. The Government has earmarked \$1 million for this school, and the way school prices are going we will probably spend more than \$1 million on it. It will be built in 1987 and will open at the beginning of the 1988 school year.

The people of Waroona are very lucky that they have a Labor Government. If it had been left to a Liberal Government after nine, or 15, or 23 years of inaction, that school would have fallen down around the ears of those people before they got anything.

EDUCATION

Isolated Students' Allowances

280. Mr COWAN, to the Minister for Education:

- (1) Is he aware that under the isolated children's allowance scheme the subsidy available to parents for children is approximately \$54 per week while they are at school, yet under the Austudy supplementary allowance it amounts to something like \$73 per

week for the time those children are at school?

- (2) Is he also aware that the Austudy supplementary allowance is available to students only when they have attained the age of 16 years, and that many students in year 11 in Western Australia are being denied access to the higher allowance?
- (3) If he is aware, what is the Minister going to do about that in order to try to get that subsidy for Western Australian year 11 students who are not yet 16 years old?

Mr PEARCE replied:

- (1) to (3) I appreciate that question from the Leader of the National Party; however, it is wrong in one particular. The question should have been, "What has the Minister done about it", because I have taken about as much action as anyone could take under the circumstances.

It is a clear fact that with the Commonwealth arrangements with regard to Austudy—which to one extent actually indicated an improved set of conditions for students in Australia because their allowances are being very substantially increased—Federal Government outlays for Austudy nevertheless impact very badly on Western Australia because the bulk of year 11 students now will not receive the Austudy allowance although they received the old amount, because the Commonwealth has changed the basis on which it grants it, from the beginning of the school year to the time a student turns 16. I have complained very strongly to the Commonwealth about that action. I flew across to Canberra two weeks ago to see the Federal Minister, Senator Susan Ryan, to press the case personally for the Commonwealth to review its Austudy arrangements.

Mr Watt: How did she justify it?

Mr Clarko: To save money.

Mr PEARCE: No, it does not save money, because the Commonwealth is increasing its outlays by about 40 per cent. The grants for Austudy are being brought up to the level of the dole in order that there not be a disincentive to young people at school when they see that the dole is greater than the education allowance. One cannot argue with that policy—it is perfectly reasonable. The problem is that in Western Australia and South Australia—unlike the eastern States because our schools are structured so that 15-year-olds are in year 11, whereas at that level of schooling in the eastern States the children are mostly 16—the problem impacts far more heavily.

The Federal Minister recognised the problem but by herself was unable to depart from the youth allowances policy the Commonwealth had put up. I put the argument strongly that the education allowance should be based on school years and not on age. In our Budget, as members will have discovered today, we have made an increase in the book allowance for needy students in years 11 and 12 to try to take some of the sting out of that Government policy.

I have subsequently written to the Federal Minister urging that she revert the education allowance to a school years basis rather than grant it on an age basis. It is a Federal Government matter and we cannot do more than make the very firm approaches we have already made. I am hopeful the Commonwealth will see reason in this matter and restore to Western Australian students the eligibilities which they previously had.