Legislative Council

Thursday, 23 June 1988

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

ACTS AMENDMENT (EDUCATION) BILL

Second Reading

Debate resumed from 21 June.

HON N.F. MOORE (Lower North) [2.35 pm]: This Bill is to amend the Education Act. I believe it is a little late in view of the fact that most of the provisions have already come into being. In fact, the Bill is about 12 months late, if one wants to be technical about it. I regret to say that this demonstrates the view this Government seems to have of the parliamentary process, which is that the Parliament is really the last in line when it comes to the decision-making process rather than the first in line. So we have this Government making decisions -

Hon Kay Hallahan: Good decisions.

Hon N.F. MOORE: That is arguable. It could take us all afternoon to argue about the decisions made by this Government. However, the Government seems to think the Parliament comes last in the decision-making process; the Government makes the decisions and it puts everyone else into a position where they cannot do anything about it, and then the Government legislates for it as a fait accompli at the end of the day.

Hon John Halden interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: I find it extraordinary that some members of this House interject continuously and yet if one were to add up their interjections, one would probably only get one speech. That would be the sum total of their contributions to the House. Perhaps it would be helpful to their constituents and to the rest of us if they were to let us know what they think about things by actually making a forthright contribution on a specific issue.

Hon T.G. Butler: That is what we are waiting for you to do.

The PRESIDENT: Order!

Hon N.F. MOORE: I have just said that the Bill is a little late because the name of the Education Department was changed to the Education Ministry 12 months ago. If Hon Tom Butler thinks that is on time, then his conception of time is a bit off.

Hon Kay Hallahan: No, the timing is just right.

Hon N.F. MOORE: I cannot believe some of the things that go on around here; they are beyond my comprehension.

The Bill seeks to do several things. Firstly, it seeks to clarify the situation in respect of financial assistance for non Government schools. When I say that this legislation is a bit late, this particular proposal, for instance, was first alluded to in the last Budget speech of the Treasurer, which was delivered to this House on 10 September 1987. We were then told of the new arrangements in respect of the provision of financial assistance for non Government schools, and now we find, on 23 June 1988, that we are about to pass legislation to facilitate that change of direction.

The Bill provides for financial assistance in respect of both capital assistance and recurrent assistance. In relation to capital assistance, members will be aware that the existing system - brought in, I think, by the Brand Government - provides an interest rate subsidy so that a private school can borrow money in the private market and be subsidised 7.5 per cent of the interest rate of the loan. That was originally brought in when interest rates were about 9.5 per cent. I believe, looking at the matter historically, that the intent of this was to provide a subsidy which would be two per cent lower than the existing interest rate, so that

the important figure was the difference between 9.5 per cent and 7.5 per cent, not the 7.5 per cent.

In other words, if interest rates rose to 15 per cent, the subsidy would be 13 per cent. What happened was that the 7.5 per cent became the important figure and it has remained at that rate regardless of what happened to interest rates. If the interest rate was 17.5 per cent, the private schools would have to pay 10 per cent. I think the intent in the first place was for the two per cent figure to be the important figure, and that was to cover the cost of raising the money and the Government's involvement in it. It would be virtually an interest free loan to the private school sector. Over the years, the original intent has changed.

Prior to the Government's introducing this new proposal in the last Budget, the Liberal Party thought that we should revert back to the two per cent gap idea and that we should provide an interest rate subsidy to the private schools at a rate two per cent lower than the rate they had to pay. I have been told by the recipients of assistance under the scheme that they are not unhappy with the Government's proposal. I am not sure, as I have not had the opportunity to sit down and do many calculations on this, whether the Liberal Party will accept the proposal of the two per cent gap as the appropriate way of providing assistance.

The capital assistance referred to initially by the Treasurer in his Budget speech last year said that a basic rate would apply to the 1988 base rate of six per cent for most loans to private schools. Where new schools are to be constructed, the interest rate charged will be 1.5 per cent less than the base rate, which in this case will be 4.5 per cent. The Government is using its borrowing capacity to raise the capital. It then on lends the money to the private school sector. So, the old system under which the private schools had to borrow the money in the private markets will no longer apply. The Government is passing on to the private school system the benefits of its ability to raise funds at a lower interest rate than anybody else. Schools that are generally considered to be well resourced or in the upper level of the private sector will have to pay interest at a rate 1.5 per cent above the base rate of six per cent. The figures of six per cent, 7.5 per cent and 4.5 per cent relate to the current base rate, which will change as interest rates change from time to time.

The Opposition is not unhappy with the scheme. I have been told by most of the people in the private school system with whom I have discussed the matter that they are happy with the proposal, provided the Government does not use this form of capital assistance as a means of directing the private schools in the way they educate their students; but I do not see too many problems attached to that.

The Bill sets down a list of guidelines for the expenditure of the money. However, I am reliably advised that these guidelines are virtually no different from the guidelines that apply with regard to the provision of interest rates subsidies under the old system. I am prepared to accept the Government's assurance that they are not. I would be pleased if the Minister told me that there is no Government intention to use the new system of providing capital funds to the private sector to in any way influence the educational programs or building programs that the sector might undertake.

Hon Kay Hallahan: You want an answer to two things, do you?

Hon N.F. MOORE: I expect the Minister to be a full bottle on this Bill. I do not like repeating myself. If it is any help, I will raise these matters in the Committee stage so she can take advice without having to have too much of an understanding of the Bill.

Hon Kay Hallahan: That is very sarcastic of you.

Hon N.F. MOORE: We have been through legislation which the Minister was not terribly au fait with.

Hon Kay Hallahan: That is rubbish.

Hon N.F. MOORE: It is my view that the State should be looking much more closely at increasing its assistance to the private school sector by way of recurrent assistance. If what I read in this morning's newspaper is correct, I do not believe the Government will do that. It feels that any increase in assistance to the private sector by way of recurrent funding will disadvantage State schools. I do not know whether that is correct, but many private schools in this State are finding it increasingly more difficult to carry on with their functions. They are finding that they have to put more and more pressure on their students to find additional

funds to keep their schools operating. It should be remembered that, for every child attending a non Government school, there is a net saving to the taxpayer of a considerable amount of money. From an economic point of view, the more students attending private schools, the cheaper it is to educate our population. The Government should consider seriously the level of financial support it provides to that system.

The parent Act provided for money to be made available on a per student basis to the schools. The Catholic Education Commission and a couple of other independent school systems have sought to have a lump sum provided to them for them to distribute to the schools in their system. That is a very sensible approach, particularly in the Catholic school system because it has a relatively strong centralised administration. Most of the schools under its jurisdiction more or less follow the dictates of the Catholic Education Commission. I do not think that it is appropriate in some other areas of the private education sector where schools wish to remain independent. It would be unfortunate if it was suggested at any time that this new funding arrangement could be used to try to convince some schools they should become part of a system. I would oppose any proposal if it were ever suggested that a school would not receive funding unless it became part of a system.

One clause in the Bill states that money will be provided only to students who are residents of Australia. The general intent of the Bill is to make sure that overseas students attending private schools in Western Australia will not be supported directly by the taxpayers of Australia. I think that is fair. The Bill contains an out clause which allows the Minister, in special circumstances, to provide assistance to non residents. I would like the Minister, in her response, to give me some examples of where the Minister for Education might need that discretion to opt out of providing assistance only to resident students.

The next major part of the Bill relates to the change of name from "Education Department of Western Australia" to "department". For some time now we have been told that the Education Department is now called the Ministry of Education. That has been confusing insofar as there has been no legislation to change the name. The concept of a Ministry has caused people some concern. The Bill before the House does not change the name from "Education Department" to "Ministry of Education", even though in the second reading speech the Minister stated -

> The change in designation from "Education Department" to "Ministry" reflects the broadening of the role of the former department.

That is not correct. It is a misleading statement because the Bill simply changes "Education Department" to "department". It is to be simply a department of the Crown and the Bill does not give the former Education Department a name. So that we can know the direction in which our legislation is heading, I will quote from clause 12 of the Bill which outlines what the Education Department of Western Australia is now to be called. The clause will enable the "Education Department of Western Australia" to be described in the following terms -

> department of the Public Service principally assisting the Minister charged with the administration of the *Education Act 1928* in administering that Act (in this paragraph referred to as "the department");

That is what the Education Department is now to be called in legislation. It is interesting that we should go down that path because a Standing Committee of the House is looking at simple English in legislation. At some time down the track, I expect it to report that far too much legislation contains gobbledygook and that we use many more words than we need.

Hon Kay Hallahan: It does say what it means though, doesn't it?

Hon N.F. MOORE: Everybody knows what the Education Department of Western Australia is, even the Minister. To change that name to the definition I just read out is interesting if nothing else. However, the legislation does not define the Ministry of Education. The word "Ministry" is not included in the Bill, so in this legislation we are not changing the name of the Education Department of Western Australia to the Ministry of Education. We are changing it to "department". That means, in effect, that the Government of the day can call the Education Department of Western Australia anything it likes. This Government has decided that it likes to call it the Ministry of Education. I have my own views about why the Government made that decision. I have had fears about the connotations attached to the title, but I have never been able to fathom it out until now. If the Bill does nothing else, it has at

least taught me a thing or two; it has clarified in my mind something which had been confusing me for the last 12 months.

Hon T.G. Butler: Is that your mind you are talking about?

Hon N.F. MOORE: I am quite happy to admit that I am confused from time to time, Mr Butler. I am not perfect. When the former Minister for Education, Mr Pearce, decided to call it a Ministry, my initial reaction was the same as that of most people. I felt that the Minister was seeking to have a hands on role in education, changing the name and virtually saying in effect that the Government was going to rearrange the education system so that the Ministry would have a much closer and greater role in the day to day activities and administration of education. That has actually happened, regardless of the name, but the change of name has emphasised that aspect even more.

I have always seen a Ministry, as opposed to a department, as a structure in which the Minister strategically places himself at the very top of the administrative pyramid, whereas at the top of the departmental pyramid is the director general in the case of the Education Department and, in other departments, the public servant who is the administrative head of a department.

The PRESIDENT: Order! There is far too much audible conversation. I recommend that honourable members who want to hold meetings do so in the rooms that are provided for that purpose.

Hon T.G. Butler: Hear, hear!

The PRESIDENT: Those members who interject while I am speaking might like to join them.

Hon N.F. MOORE: Under the old system, the Minister was placed slightly to the side of the director general. The director general had an educational and administrative role. The Minister advised that public servant of the Government's policies and told him to implement them. Initially, I saw the formation of a Ministry in terms of the Minister placing himself at the top of the pyramid and taking a much more active day to day role in education. That worried me because I have always taken the view that in a State like ours we should be capable of appointing a non political head of our education system who could carry out the Government's policies without fear or favour, without having to worry too much about the political consequences of the educational decisions he took. I also believe that political Ministers ought not to have a hands on day to day role.

Hon Kay Hallahan: What other sort is there?

Hon N.F. MOORE: Of course, Ministers are by nature political. However, I have always felt there was a danger in their having a hands on day to day role in education, especially in a society such as ours. My fears were compounded when it was decided that the director general would no longer be designated as such, but would be called the "chief executive officer". To me, the designation "director general" implied that the person with that title was in fact the head of the department who had an administrative as well as an educational role. He was in charge, subject to the policy of the Government as expressed to him by the Minister. As I interpret the words "chief executive officer", he is a person who puts into practice the dictates of somebody else. It seemed to me that by calling the person who used to be the director general the chief executive officer we were seeing him in the light of a person who was to do the day to day bidding of somebody else, to execute the decisions of somebody else.

When Dr Vickery resigned and was replaced by Dr Louden, who then became the chief executive officer, I felt that this was a fundamental change in the role of the head public servant in the education system. I still have those fears about the way in which the system is operating. The Government has perhaps not gone as far as it intended. To all intents and purposes, the Education Department of Western Australia is now called the Ministry of Education. People now equate the term "Ministry of Education" with the old term "Education Department of Western Australia". That has not resolved one of the problems that I believe has existed in education for a long time and which I thought this action would resolve. Members will be aware that education in Western Australia does not include only the Government education system. It involves also the private education system, which educates something like 25 per cent of the students in this State; it involves tertiary education

in our variety of tertiary institutions; it involves technical and further education; and it involves all those areas of education which one could perhaps categorise as early childhood services.

Education is much more than just the Education Department of Western Australia; so I do not think that the Government has gone far enough in leaving the Ministry as the apparent replacement for the Education Department of Western Australia. What I propose to do next year -

Hon Kay Hallahan: In Opposition.

Hon N.F. MOORE: What I propose to do next year when I become Minister for Education -

Hon Kay Hallahan: Let's hear it.

Hon N.F. MOORE: This is what I would like to do, just to satisfy members opposite; this is how I see the system being improved: We should retain the Ministry as an organisation which has an umbrella role, which we are told in the second reading speech is a broadening of the role of the former department. I add that in the Liberal Party policy document produced for the last election we recognised this problem and talked of setting up an advisory committee to the Minister to provide input from all sectors of the education system other than the Education Department of Western Australia. There may be some virtue in continuing a Ministry, which would consist of such organisations as WAPSEC, the secondary education authority, the policy section of what used to be the Education Department, which is now the Ministry, combined to provide an umbrella organisation providing the Minister with wide ranging advice on all aspects of education right across the board. I would then see set up separate from that an education department to administer Government schools. That department would be headed by a director general whose job would be that of educational and administrative head of the Government schools system. At the same level on the administrative pyramid I would place the non-Government schools system, TAFE, the tertiary education sector and the early childhood services sector.

Hon Robert Hetherington: Where are you putting WAPSEC?

Hon N.F. MOORE: Within the Ministry.

Hon Robert Hetherington: It is an authority responsible to the Minister.

Hon N.F. MOORE: I will argue the details with the member at another time. I am talking in broad general terms at this time.

Hon Garry Kelly: The broad brush approach.

Hon N.F. MOORE: Yes. We have had the Len Brush approach and now the broad brush approach. The concept that I am discussing is a way of doing something about the mess created by this Government without having to change the education system again dramatically, but getting back to some semblance of commonsense so that the Ministry is not the Education Department of Western Australia but that organisation which provides the advice to the Minister on all aspects of the education system. Whether WAPSEC retains some independence or becomes part of that in a conglomerate sense would have to be sorted out. I see that as the sort of level that WAPSEC would be providing advice at.

Similarly, the secondary education authority and the policy section of the Education Department that now exists are where they belong as they provide information to the Minister on a whole range of things. In fact, the adviser who is today providing advice to the Minister is providing advice on a Bill which talks about the funding of private schools, yet he is part of the Government schools system. Therefore, it would be preferable, in a sense, for the people providing that advice to be in that umbrella organisation at the top. That is in line with our old policy and would, in fact, modify what this Government is doing to make it much more meaningful, even if it is only in the mind of the people; it would be taking the Minister out of direct involvement in the Government schools system. We would separate the Ministry from the Education Department. That would give us the best of both worlds. That is the path, subject to an assessment of all the details, down which I hope we will head once the Government changes.

The other part that is important is the title of chief executive officer. The Bill provides for the words "chief executive officer" so that it becomes a term rather than a title. I understand

that the person who is the chief executive officer will be called the "Chief Executive Officer", but again, as with the Ministry, it is competent for the Government to change his title at any time because the Act will simply refer to a role rather than to a person's title. Changes to the Public Service Act in general terms regard people as chief executive officers in other departments, as well. It needs to be understood that that is what is happening and that, in fact, Dr Louden does not have to remain Chief Executive Officer; he can be called something else at any time if the Government so desires. I think, in general terms, this is all that is contained in the Bill. A number of Acts are amended by this Bill simply to change references to "Education Department" and "Director General of Education" to bring them up-to-date with changes in this Bill. The Opposition will support the Bill because it virtually has no choice; I do not know what it would cost in letterheads if we decided that there could not be a Ministry, or what it would cost for the corporate name to be changed.

I put on record that I become very annoyed, as do other members on this side of the House - and as would members on the other side if they were not in Government - when decisions are made and put into place in such a way that it is virtually impossible, from a practical point of view, for the Parliament to have any say in the decision making related to them. That is what has happened on this occasion.

Hon Kay Hallahan: You don't do too bad in this House.

Hon N.F. MOORE: If I were absolutely diametrically opposed to the name "Ministry" and convinced my colleagues from the National Party to throw it out, then all the things the Minister has done to put the Ministry in place - such as telling the public about it, printing letterheads and doing all the things that must be done - would be lost and that would cause considerable consternation around the place. People get tired of changes and say, "You should not do that because of all the trouble you will cause," even if one has a perfectly legitimate reason for doing it. I make the point that the Parliament ought not be the last part of the decision making process; in most cases it ought to be the first step of that process.

Hon Kay Hallahan: You understand the decision making process better than that.

Hon P.G. Pendal: The Minister holds the Parliament in contempt.

Hon Kay Hallahan: That is nonsense, and the member knows it.

Hon N.F. MOORE: It is interesting that members from the Government side have from time to time referred to this House as a rubber stamp and the Minister is doing her best to make it one.

Hon Kay Hallahan: You must be joking.

Hon N.F. MOORE: The Minister is doing her best by making decisions that belong to the Parliament long before they come to the Parliament and putting them into operation expecting us to rubber stamp them, knowing damn well that if we do not we will cause disruption out there. Did the Minister consult with the Independent Schools Association on this Bill?

Hon Kay Hallahan: You said they are happy with the arrangements.

Hon N.F. MOORE: I am asking if the Minister consulted with them, not whether I did. By way of interjection the Minister told me that she consulted widely on these matters.

Hon Kay Hallahan: Yes.

Hon N.F. MOORE: I tell the Minister that the Government did not consult with the Independent Schools Association on this Bill.

Hon Kay Hallahan: How do you know what the arrangements are?

Hon N.F. MOORE: I went and asked them.

Hon Kay Hallahan: So they know.

Hon N.F. MOORE: I told them. When Mr Burke brought out his Budget document talking about the new arrangements, I rang up and told these people what was happening. The first the Parents and Friends Association had heard of it was when I sent them the Budget documents. The Minister does not consult at all. She consults with people who are going to agree with her. That is the sum total of her consultation. She must not give me all that drivel about how she consults widely.

We will not oppose the Bill. I would have preferred it if this Bill had been brought in last year when the original decision was made to do these things. It would have been preferable had it been brought in last year with the Budget papers, when the decision had already been made. I do not know whether the fact that this Bill is not being presented until now has any effect on the funding arrangements for the first six months of 1988, because the new system came into operation on 1 January 1988, according to the Treasurer's Budget speech on 10 September last year. I need to know whether the delay in passing this Bill has had any effect on the provision of that $5 million to be used in the first half of this year.

We are not opposed to the Bill and will not vote against it.

HON J.N. CALDWELL (South) [3.12 pm]: The National Party is aware that this Bill is small in the number of its pages, but we are very concerned because it affects the education of many children. We are especially aware that a number of those children come from country areas.

It is well known that Western Australia is such an extremely large State that many children must be sent to boarding schools, and when no positions are available in State hostels they must look elsewhere and attempt to get into non Government schools. That is where this Government must assist those people as much as possible.

As Hon Norman Moore mentioned, the Bill provides financial assistance to non Government schools. This assistance includes provision for capital development projects and recurrent funding based on the number of students. Has the Minister any formula for the way in which this funding may be appropriated? The Bill says that it will be current funding based on the number of students. I wonder what type of formula, if any, the Government has come up with. The scheme will operate initially for a trial period of three years, and during that time new schools may apply to borrow up to $5 million and existing schools up to $3 million. The National Party is concerned about this, and has considered putting a sunset clause on that provision to ensure that at the end of three years this matter comes back to the Parliament to see if it is working correctly. However, the National Party was concerned about this type of obstacle being put forward. We were fearful that the Government might withdraw the Bill altogether and leave schools with no funding at all, so we thought it wise not to put too many obstacles in their way.

I understand funding was previously associated with the bond rate of interest. This rate fluctuates. I have been told that when the interest rate came under 13.5 per cent it was a lot cheaper for the schools to pay the interest on their loans because in some cases the interest rate came down as low as 1.5 per cent. Interest rates are now 6 per cent or 4.5 per cent, depending on whether it is a new school or one which is already in place.

Once again we return to the funding of people out in the community and the discretionary powers of the Minister. Much as we would like to voice our alarm at the fact the Minister has these discretionary powers, we realise someone must have them. If they were in the hands of an educational board, we would not be able to point a finger at one particular person. As we all know, Ministers can be either very hard or very lenient, whereas a board must take an overall view.

Does this funding include gymnasiums and swimming pools? We understand it is to be only for educational purposes and toilet blocks. We are concerned that it does not include sports fields and such like. Has this funding an upper limit? By this I mean a maximum amount that the Government will allow to be lent out to non Government schools in a year. We think there should be no limit at all.

We notice that overseas students have been exempted from this. The National Party agrees with that concept. We are emphatic in saying that we should look after our own students to the best of our ability, and overseas students should pay their way. I noticed in yesterday's *Daily News* an article about funding for private schools. My colleague in another place mentioned that he thought the funding for non Government schools was quite inadequate. I must agree with him for the simple reason that I have already pointed out the vastness of Western Australia. It is important to give funding to these students, especially in the area of agricultural colleges. I recently paid visits to the agricultural areas, and I can tell the Minister that in most cases these places are running on a shoestring. Their buildings are quite dilapidated and in need of repair. I urge the Minister for Education to take a close look at these colleges because they have special circumstances and require special funding.

The article mentioned that Dr Lawrence said there would be a considerable public backlash if WA increased its funding to private schools. I am afraid I cannot agree with that. As I have already stated, Western Australians are of the opinion that education is of prime importance to all people, and it must be funded equally so that there is equality throughout the State. I believe that these private schools and non Government schools have to be given the attention they deserve. I hope the Minister will be able to answer the questions I have raised.

The National Party supports the Bill.

HON W.N. STRETCH (Lower Central) [3.21 pm]: In general terms, I welcome this Bill. It is another of the Labor Government's curate's eggs - it is good in parts.

The change of name of the department is farcical and as my colleague, Hon N.F. Moore, said it is a fait accompli. Any Government which changes the name from Education Department to that great paragraph must be out of its tiny mind. I suppose it is better than "EDWA", which is the sort of thing we tend to get. However, that aside, I welcome the Labor Government's policy of assisting independent schools. That is well outlined in this legislation, and I think it is a pragmatic recognition of the role independent schools play in the education of Western Australian children. It must be remembered that the non Government system educates over 23.1 per cent of Western Australian children and, as has been eloquently and adequately spelt out by my colleague, the shadow Minister for Education, it is getting a fairly raw deal out of this.

The funding gap between the proportion of money allocated to children in the non Government sector from the whole Government funding exercise is widening. That is referred to as recurrent funding in the education budget. The figures I will cite show how this gap is widening. In 1984-85, the gap was $1 063; in 1985-86, it was $1 203; in 1986-87, it was $1 250; and in 1987-88, it is estimated to be $1 385. There is clearly a need for Government to recognise this gap and at least ensure that the funding to non Government schools keeps up with the increase in costs. It is not fair to expect a sector which is educating nearly 25 per cent of our children to be cut right back when a sector which is educating 75 per cent of children is experiencing an increase in its budget. The corresponding efficiencies of the two sectors are often quoted. In fact the Catholic school system estimates that it educates its children for approximately 75 per cent of the cost expended by the Government system.

There are a couple of other small points which I would like the Minister to clarify. There would seem to be two systems clearly spelt out in the Minister's second reading speech in respect of the application of recurrent funding. The first system is clearly on the old per capita basis while the new system will use the block funding or the school system method of allocating funding. It appears that not all schools were approached about becoming part of this system. Some of the schools which are not in this system - in other words they are taking the per capita funding as it is - are concerned that in the future a Minister may choose to incorporate a loose grouping of schools into a system; thereby they would be allocated funding on a block system. In other words, these schools do not want to be forced into a block allocation of funding against their wishes. I would be glad if the Minister would clarify that.

I share the concerns expressed by previous speakers in respect of any tight conditions being placed on funding. I sincerely hope that that will not occur. It appears the Minister could make conditions which would coerce a school into making changes. I would like the Minister's assurance that this will not be used in non building types of decisions. In other words, the Minister could not say, "If you do not go to Unit Curriculum, you will not get this sort of funding." I do not believe it is a probability, but I would like the Minister's assurance that this would only be used as a condition in respect of the type of buildings and such associated matters.

These matters were my main concerns in respect of the Bill. I look forward to the Minister helping me with those queries. With those remarks, I support particularly those measures which address the need for funding to continue to private schools. I hope that in the future the funding will be raised which will at least ensure parity in funding increases between the Government and non Government sectors.

HON KAY HALLAHAN (South East Metropolitan - Minister for Community Services) [3.26 pm]: I would like to thank members opposite for their support of this Bill. In spite of some areas of concern, they nevertheless chose to support the Bill.

I think it is rather a good thing that Hon Norman Moore finds a Bill on educational matters to be educational. I thought that was bordering on the novel. I thought Hon Norman Moore's statement that the Bill is a bit late in doing things indicated that he nevertheless thought the Bill was doing the right things, so I accept that as an endorsement of the Government's actions.

Hon N.F. Moore: You should have listened to the rest of my comments.

Hon KAY HALLAHAN: I listened very closely to what was said by members opposite and I also heard very clearly the fact that members opposite have had messages from the non Government school system to the effect that it is happy with the arrangements which have been entered into. If it were not, members opposite would be here yoicking like mad. The fact is that the non Government school sector is happy, and there has been consultation, and despite what Hon Norman Moore said -

Hon A.A. Lewis: They are scared not to be. You would stand over them.

Hon KAY HALLAHAN: They get a very good deal from the Government and that will continue to be the case.

Hon P.G. Pendal: You are believing all your own propaganda.

Hon KAY HALLAHAN: It is funny that people in the community seem to endorse it. I do not want to hype the level of energy in the Chamber, but the fact is that Hon Norman Moore made an erroneous statement when he said that we did not consult. He said that he had phoned the Parents and Friends Federation, which did not know what the Treasurer was making a statement about. Quite frankly, the consultation which occurs between the department and the Government schools also occurs with the non Government system, and the P & F should be consulted and informed by its system of schooling, which is the Catholic system.

Hon N.F. Moore: You do not think the Parents and Friends Federation is an important area to consult?

Hon KAY HALLAHAN: Of course I do, but I would challenge the member when he said there was no consultation. There was consultation. Members opposite have been so long out of Government they have forgotten the protocol and the way to go about it.

Hon P.G. Pendal: You have been so long in Government you have forgotten all about them.

Hon KAY HALLAHAN: That is not the case, but I do not want to teach the honourable member that because he will not need to use it.

Hon N.F. Moore: That is nonsense. I gave you an example where you did not consult.

Hon KAY HALLAHAN: Okay; we will move on to one area where members indicated they were concerned. I am about to answer one of Hon Norman Moore's questions.

Hon N.F. Moore: That would be a novel exercise.

Hon KAY HALLAHAN: Right. This is about the exemption examples and the need to have an exemption in there. We all agree that we want the maximum amount of resources for our students, but we need some exemptions for, for example, Rotary exchange students coming into the country, because we want to be as hospitable to them as they are to our students who go overseas. Other exchanges are arranged which would come under the exemption, and there are the cases where children of foreign nationals who are here on specific work contracts and who bring their families with them must be accommodated in those circumstances.

He then went into an extraordinary fantasy about how he would not do it if he were in Government. The sad thing about the fantasy was that, not only was it real for him, but it was premised on old ideas. Why do we not hear any progressive ideas from the Opposition? The comments by Hon Norman Moore are evidence that we do not. The Opposition indulges in fantasies and we all know its ideas are still embedded in the 1960s.

Hon N.F. Moore: I think eventually what I said will happen will happen.

Hon KAY HALLAHAN: When that happens I will give the member credit. I do not want my time taken up with old ideas.

Hon N.F. Moore: I do not want you to bury your head in the sand.

Hon KAY HALLAHAN: My head is not buried in the sand.

Even though John Caldwell did not express general support for the Bill, he expressed many concerns and it is not like him to not have a positive approach. All of his concerns will be dealt with in detail in the Committee stage. Similar concerns were raised by Hon Bill Stretch and Hon Norman Moore referred to matters that he would like to raise in the Committee stage also.

Questions were raised about ministerial discretion. It is clear that Ministers should have a discretion. I am not attracted to Hon John Caldwell's idea of a board, because a board could not be held accountable for its decisions. Ministers are held accountable and that is not a bad thing in a democracy. If they were not accountable, who would we make accountable for all legislation - public servants? They are insured against accountability. Ministerial discretion is a sensible approach to the problem.

Hon N.F. Moore: It is surprising how enthusiastic Ministers are about ministerial discretion.

Hon KAY HALLAHAN: One learns.

The funding arrangements will cover gymnasiums. They will not cover swimming pools because at present there is no accommodation for swimming pools in Government schools and it would not be appropriate for the arrangements to cover one system. The general theory is that things covered in one system will be covered in the other. The arrangements will cover the things that we regard as standard, including accommodation. I guess that all new accommodation that is provided either by the Government system or the non Government system is of a pretty good standard these days. Certainly swimming pools will not be covered. We have not reached that stage in our educational system and we all know that there are many other things that are required before we start talking about swimming pools.

I appreciate the House's support and am happy to answer specific concerns in the Committee stage.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon P.H. Lockyer) in the Chair; Hon Kay Hallahan (Minister for Community Services) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 3 amended -

Hon N.F. MOORE: This clause changes the definitions in the Act. Why has the Government decided to change the name of the department to a Ministry?

Hon KAY HALLAHAN: It is simple. The Government wants the broadest concept possible for the area of education. The term "Ministry" was opted for.

Hon N.F. Moore: What is the Ministry?

Hon KAY HALLAHAN: It is a collection of all education bodies under the one umbrella. It includes everything related to education.

Hon N.F. Moore: What is the Ministry of Education?

Hon KAY HALLAHAN: It includes everything associated with education.

Hon Tom Stephens: We have always known Mr Moore is a pedant, do not prove it.

Hon N.F. Moore: I did not hear that, but I have a feeling that the word used was insulting.

The DEPUTY CHAIRMAN: Order! Members we are debating a very complex Bill. I will not tolerate interjections. The next person to interject will be dealt with.

Hon N.F. MOORE: I want to know what the Government means by the "Ministry of

Education"? Does it mean that it directly replaces the Education Department or is it something else? Does it encompass other things? These questions are absolutely crucial to the administration of education in Western Australia, even if Hon Tom Stephens regards me as being petty. What is the difference, if any, between the Education Department of Western Australia and the Ministry of Education? Hon Tom Stephens might learn something at the same time.

Hon KAY HALLAHAN: It is the department, but includes other activities associated with education. It is a broader concept, taking into account not only Government schools, but also other schools. There is a relationship and we are talking about funding both. The Ministry is the bringing together of all activities associated with education. It is a wider concept.

Hon N.F. MOORE: Are any people from the non Government school sector and TAFE included in the Ministry? The Minister has said that the Ministry is all encompassing. I want to know about the relations between the Ministry and all aspects of education.

Hon KAY HALLAHAN: I thought Hon Norman Moore knew a bit more about the structure of these things. The Ministry has an advisory council on which non Government schools are represented.

Hon N.F. Moore: How often does that meet?

Hon KAY HALLAHAN: Is that relevant?

Hon N.F. Moore: Does it do anything?

Hon P.G. Pendal: I don't think you should have gone to that luncheon.

Hon KAY HALLAHAN: It was a very pleasant, non alcoholic luncheon.

The DEPUTY CHAIRMAN: Order! We are dealing with a very complex Bill. I direct all members to address their remarks to the clause.

Hon KAY HALLAHAN: Honourable members would be as amazed as I am that the advisory council meets fortnightly. Therefore it is not a meaningless council. I will obtain a list of the bodies that are represented from the adviser. If members have an interest in matters of Government administration, they have only to ask for a briefing for full details to be given. There is no obstacle to such a course. The information is available. We do not participate in secret Government and we are quite happy to make the information available to members. As the Minister handling the Bill, I sense that the member is trying to draw out all sorts of information which it is difficult to provide. As he knows, I am not the Minister for Education, but neither do I want to obstruct his path to information. However, perhaps there are more effective ways to get the information. One such way is to have a briefing. Such briefings can provide the great detail that seems to be required.

The advisory committee to which I referred is made up of the following: The Secondary Education Authority; the Western Australian Post Secondary Education Commission; the Catholic Education Commission; the Association of Independent Schools; the chief executive officer of the Ministry; the ex-Director of Schools; and the ex-Director of Policy and Resources. That is a reasonably inclusive list of the big players in the delivery of education services in our State.

Hon N.F. MOORE: The Bill before the Chamber changes the Education Department of Western Australia into a department. As a member of Parliament who has a vital interest in education, I want to know what it is being changed into. That is why I am asking why the word "Ministry" is not contained within the Bill and why the Government has left itself with the option of changing the name whenever it likes. I am entitled to know what organisation is in charge of education in Western Australia. That is why I am asking the Minister detailed questions. Is the advisory council part of the Ministry? Does it advise the Ministry?

Hon Kay Hallahan: I have made that clear.

Hon N.F. MOORE: Is it part of the structure of the Ministry?

Hon Kay Hallahan: That is what I have said.

Hon N.F. MOORE: It would be very useful if a document setting out the administrative structures in the education system as they now exist were issued. I am not the only person - and I take a lot of interest in education - who does not know the present structure. I am not trying to embarrass the Minister. After all, she has a ventriloquist to help her out.

Hon E.J. Charlton: That's not very nice.

Hon N.F. MOORE: The Minister stands up and makes a noise, but an adviser is providing the input to the noise. This is an entirely new development in the Chamber in recent years. When I first came here the Minister handling the Bill handled it on his own. Now we have a system where Ministers have advisers, even when handling their own legislation. What will happen next is that we will all go and sit in the gallery and cheer while the advisers argue the point and the loudest cheers will win the debate. We might as well go away and leave matters to the bureaucrats.

Hon Tom Helm: That might be a good idea.

The DEPUTY CHAIRMAN (Hon P.H. Lockyer): Order! Honourable members will confine their comments to clause 4 of the Bill.

Hon N.F. MOORE: Whether members on the other side realise it or not, it is a very important Bill.

Hon Kay Hallahan: It is so important that we brought the damn thing in.

Hon N.F. MOORE: I am trying to make the point that it is important for us to know what the Government is doing, because we are not party to the decision making process. The first opportunity we have to obtain information about the decisions the Government has made is when the legislation comes to the Chamber. We are supposed to be asking the Government what it is doing and why it is doing it.

Sitting suspended from 3.45 to 4.00 pm.

[Questions taken.]

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by Hon Kay Hallahan (Minister for Community Services).

STOCK (BRANDS AND MOVEMENT) AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Kay Hallahan (Minister for Community Services), read a first time.

Second Reading

HON KAY HALLAHAN (South East Metropolitan - Minister for Community Services) [4.08 pm]: On behalf of the Minister for Consumer Affairs, I move -

That the Bill be now read a second time.

This Bill is directed at imposing a charge for waybills, the document required by the Stock (Brands and Movement) Act 1971, to accompany stock movements. The purpose of this charge is to provide the operating funds for the Livestock Market Reporting Service - LMRS. For 10 years the Department of Agriculture has provided an independent livestock market reporting service covering the major local saleyards. Initially, the service was subcontracted, but five years ago, to reduce costs, the service was performed by the department. The service, which costs $210 000 per annum at current rates, has been funded from the Consolidated Revenue Fund but identified - due to the private benefits which principally flow from this service - as an area for cost recovery.

Various ways of achieving cost recovery have been explored, such as livestock levies, saleyard fees, through the producer-funded Australian Meat and Livestock Corporation, or from local business sponsorship. These have all been rejected on various grounds. However, one funding option is a waybill charge. It would be an equitable way of permanently funding LMRS since all producers' stock movements, including those to sales outside the saleyards, would contribute to LMRS costs. While LMRS produces market information from auction sales, this information is also used as a guide to market values in direct sales. The responsibility under the Act to provide waybills falls on livestock agents and buyers, through being in custody or control in the case of livestock agents, or as proprietors in the case of buyers. Accordingly, the waybill charges, and hence contributions to LMRS funding, will

come from these sources as well as producers. The likelihood of these charges being passed on to producers would be strong, regardless of the method of charging used.

The waybill charge needed to provide sufficient funds to support the existing level of service, based on past usage of waybills, would be up to $1.50 each, including the current 10c charge. This is a nominal charge in relation to the value of livestock involved in typical movements, the freight costs involved, and the benefits which farmers derive from the service. I believe that waybill charges will be a relatively cheap and equitable way for the industry to fund this very important industry service, and that the Bill should be supported.

I commend the Bill to the House.

Debate adjourned, on motion by Hon C.J. Bell.

MOTION

Privileges Committee - Request to Legislative Assembly

Message from the Assembly received and read notifying that the Assembly granted leave for the member for Cottesloe (Mr Hassell) to give evidence before the Committee of Privilege on matters relating to the inquiry into Burswood Management Ltd if he thought fit.

LOCAL GOVERNMENT AMENDMENT BILL

Second Reading

Debate resumed from 22 June.

HON P.H. LOCKYER (Lower North) [4.12 pm]: In the last two or three weeks this Bill has become somewhat controversial. I will quickly relate the history of it. When the Government saw fit to move in this House for the reinstatement of a Bill that we had got part way through in the last session, this was rejected by our side of the House, with the assistance of the National Party, because we believed that it was an appropriate action to be taken in this House. Regrettably, after that rejection it was seen in some quarters that the part of that Bill which dealt with local governments being able to rate mining tenements became matters of urgency for some local authorities in the State. One local authority which would be severely disadvantaged is the Shire of Leonora. When the Bill was reintroduced yesterday, after consultation with my Leader I found that there were some clauses in the Bill which were not exactly the same as last time and, even though we agreed to deal with the Bill today, the very complexity of it was such that we simply could not make a decision or come to an agreement on certain clauses because consultations were needed with local authorities, local government associations, and so on. However, we on this side of the House are cognisant of how important it is that other clauses of the Bill, most importantly those concerning the ability of local authorities to rate mining tenements and the provisions for disabled parking, be attended to. It was for that reason that I approached the Minister, Hon Graham Edwards, prior to the sitting of the Parliament today to see what arrangement we could make between ourselves to expedite the passage of those parts of the Bill which are necessary to go through both Houses of Parliament today to assist the local authorities and with which we had no grouch with the Government.

I am happy to say that I had great cooperation from the Minister and, indeed, from the Minister in another place, and I inform the House now that in the Committee stage we will ask the House to reject clauses 4, 5 and 6, because it is on those clauses that we are at variance with the Government at the moment. I am informed that the Government does not want to withdraw these clauses; however, those clauses deal with the alteration to the number of electors required for the division of districts into wards, the fixing of boundaries, the dissolution of municipalities, and other complex questions of that sort. Certainly we need more than 24 hours to consider our response to them. I have no doubt that the Government in its wisdom will consider in due course what it will do with those clauses, but in the meantime I urge the House to expedite this Bill in the Committee stage, as I give an undertaking now that we will move for the disallowance of those three clauses without debate to allow the Bill to pass to another place. I believe there is enough grandstanding and politicking going on over the mining tenement provisions, and it is more important that the local authorities have the opportunity to rate these tenements. My colleague, Hon Norman

Moore, has already placed a Bill on the Notice Paper dealing with this, which he withdrew after this Bill was brought into the House. However, time being what it is, it is more important that we get the provisions through. Therefore we will support the second reading but I will ask the House to do away with clauses 4, 5 and 6.

HON E.J. CHARLTON (Central) [4.17 pm]: I agree with and support the comments of Hon P.H. Lockyer, and say we will not support the passage of those clauses with which we are not happy, for obvious reasons. I acknowledge and place on record that the country people in the shires concerned have played a very significant part in the operation of their responsibilities in those areas, and the local identities in those respective shire and town councils certainly would want to protect the status quo. For that reason the National Party will fully support and assist them in every way possible to maintain their present position. As a consequence we will not agree to passing clauses 4, 5 and 6 referred to by Hon P.H. Lockyer. However, for all of the reasons he has given we will cooperate in every way for a speedy passage of this Bill through this House.

HON GRAHAM EDWARDS (North Metropolitan - Minister for Consumer Affairs) [4.18 pm]: As has been advised, agreement has been reached on all but clauses 4, 5 and 6 of this Bill. However, the Government will not be fighting for those clauses at this time but will defer that fight on the issues contained in those clauses to another Bill on another day. The deferment of that important debate is in continued recognition of the importance of the matters of rating of mining tenements and parking for disabled people which need to progress through the Chamber without delay and which are contained in the remainder of the Bill. I am pleased the Opposition and the Government have been able to reach agreement on this issue and I commend the second reading of the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon John Williams) in the Chair; Hon Graham Edwards (Minister for Consumer Affairs) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 12 amended and savings -

Hon P.H. LOCKYER: I urge all members to vote against this clause.

Clause put and a division called for.

Bells rung and the Committee divided.

The DEPUTY CHAIRMAN (Hon John Williams): Before the tellers tell I give my vote with the Noes.

Division resulted as follows -

Ayes (13)

Hon J.M. Brown	Hon Kay Hallahan	Hon Garry Kelly	Hon Fred McKenzie
Hon T.G. Butler	Hon Tom Helm	Hon Mark Nevill	*(Teller)*
Hon Graham Edwards	Hon Robert Hetherington	Hon S.M. Piantadosi	
Hon John Halden	Hon B.L. Jones	Hon Tom Stephens	

Noes (14)

Hon C.J. Bell	Hon Barry House	Hon N.F. Moore	Hon D.J. Wordsworth
Hon J.N. Caldwell	Hon A.A. Lewis	Hon P.G. Pendal	Hon Margaret McAleer
Hon E.J. Charlton	Hon P.H. Lockyer	Hon W.N. Stretch	*(Teller)*
Hon Max Evans	Hon Tom McNeil	Hon John Williams	

Pairs

Ayes	Noes
Hon J.M. Berinson	Hon H.W. Gayfer
Hon Doug Wenn	Hon Neil Oliver
Hon D.K. Dans	Hon G.E. Masters

Clause thus negatived.

Clause 5: Section 27 amended -

Hon P.H. LOCKYER: I urge all members to vote against this clause.

Clause put and a division called for.

Bells rung and the Committee divided.

The DEPUTY CHAIRMAN (Hon John Williams): Before the tellers tell I give my vote with the Noes.

Division resulted as follows -

Ayes (13)

Hon J.M. Berinson	Hon Kay Hallahan	Hon Garry Kelly	Hon Fred McKenzie
Hon T.G. Butler	Hon Tom Helm	Hon Mark Nevill	*(Teller)*
Hon Graham Edwards	Hon Robert Hetherington	Hon S.M. Piantadosi	
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Hon C.J. Bell	Hon Barry House	Hon N.F. Moore	Hon D.J. Wordsworth
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Hon E.J. Charlton	Hon P.H. Lockyer	Hon W.N. Stretch	*(Teller)*
Hon Max Evans	Hon Tom McNeil	Hon John Williams	

Pairs

Ayes	Noes
Hon J.M. Brown	Hon H.W. Gayfer
Hon Doug Wenn	Hon Neil Oliver
Hon D.K. Dans	Hon G.E. Masters

Clause thus negatived.

Clause 6: Section 30A repealed -

Hon P.H. LOCKYER: Again I urge all members to vote against this clause because this is the principal clause to which the Opposition objects.

Clause put and a division called for.

Bells rung and the Committee divided.

The DEPUTY CHAIRMAN (Hon John Williams): Before the tellers tell I give my vote with the Noes.

Division resulted as follows -

Ayes (13)

Hon J.M. Berinson	Hon Kay Hallahan	Hon Garry Kelly	Hon Fred McKenzie
Hon T.G. Butler	Hon Tom Helm	Hon Mark Nevill	*(Teller)*
Hon Graham Edwards	Hon Robert Hetherington	Hon S.M. Piantadosi	
Hon John Halden	Hon B.L. Jones	Hon Tom Stephens	

Noes (14)

Hon C.J. Bell	Hon Barry House	Hon N.F. Moore	Hon D.J. Wordsworth
Hon J.N. Caldwell	Hon A.A. Lewis	Hon P.G. Pendal	Hon Margaret McAleer
Hon E.J. Charlton	Hon P.H. Lockyer	Hon W.N. Stretch	*(Teller)*
Hon Max Evans	Hon Tom McNeil	Hon John Williams	

Pairs

Ayes	Noes
Hon J.M. Brown	Hon H.W. Gayfer
Hon Doug Wenn	Hon Neil Oliver
Hon D.K. Dans	Hon G.E. Masters

Clause thus negatived.

Clauses 7 to 20 put and passed.

Title put and passed.

Leave granted to proceed forthwith to the report and third reading.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

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

TAILINGS TREATMENT (KALGOORLIE) AGREEMENT BILL

Second Reading

Debate resumed from 22 June.

HON P.H. LOCKYER (Lower North) [4.32 pm]: This is a major piece of legislation and I understand there is some urgency to have it passed by this House. Basically, the Bill deals with the treating of tailings dumps around Kalgoorlie. Members on this side of the House agree that there is a necessity for the work to be undertaken. However, there are some points of the agreement that are not suitable, especially the Government's 50 per cent involvement in a project of this size. No doubt questions will be asked during this debate about the Government's reason for becoming involved in this project.

The project will involve the use of certain technology for the first time in Western Australia. Massive quantities of saline water will be used and I would like an assurance from the Minister that the Government has given this method of operation careful consideration in order to ensure that its use will not damage the environment. I understand that the legislation will allow the company concerned to treat tailings from other parts of the State, subject to the Minister's approval. I ask the Minister whether compensation will be paid to the proprietors of the dumps which will be treated. The problems associated with tailings dumps has vexed communities such as Kalgoorlie for a considerable time. It is very important that the tailings dumps are shifted to a more environmentally acceptable position. The Opposition has no argument as far as that is concerned.

My main concern is that this project was not totally handed over to free enterprise, and I wonder why the Government considers that it should become involved in it.

I understand there are some technical aspects to the project which, no doubt, my colleagues will address during this debate. I give a broad undertaking that the Opposition will support the second reading of the Bill and I look forward to the Minister's reply to the matters I have raised.

HON J.N. CALDWELL (South) [4.35 pm]: I support the comments made by Hon Phil Lockyer. Tailings dumps are of major concern to the community.

The PRESIDENT: Order! There is far too much audible conversation, which is out of order and makes it practically impossible for any of those members who may happen to want to listen to what the honourable member is saying.

Hon J.N. CALDWELL: Mining companies will, in the future, have to do more than they have done in relation to the treatment of tailings dumps. The new processes which have been implemented over the last few years will allow all the gold to be taken out of the dumps and the residue will be used to fill open cut mines. This is how mining companies should operate. It has already been stated that the tailings dumps create a hazard to the surrounding communities. The dust bowls from them are immense and must cause those people who reside in the areas a great deal of concern.

The National Party has some reservations about clause 3 of the Bill, which deals with mining tenements. This clause should be reconsidered and perhaps the Minister will advise whether this legislation will affect other mining tenements and leases in Western Australia. The National Party is very concerned about the lease on which the actual tailings dumps are

situated. I understand that it is the lease of another company. Of course, while the process of treating the tailings is being carried out on the actual lease I am of the opinion that some form of monetary compensation should be paid to the lease holder. In this instance the company which holds the lease for the land on which the tailings dumps are situated is very concerned and I ask the Minister if he will give an indication whether compensation will be forthcoming. As far as I am concerned, a new clause should be inserted to include some form of compensation. The National Party supports the Bill.

HON MAX EVANS (Metropolitan) [4.39 pm]: We have another example of the Government becoming involved in a joint venture in an industry which appears to be working well. I warn the Government that while some companies which have become involved in treating tailings dumps have done very well, some of them have ended up being taken over by other companies and some of them have gone out of business.

This is a risky business. The price of gold per ounce in Australian dollars has dropped and, therefore, the margin on this exercise would have dropped quite a bit in the last 12 months. I have great fear of the Government getting into one venture after another in this area. It is putting large amounts of taxpayers' money at risk, bearing in mind the investments which were discussed in this place some months ago. For example, paid up capital of the Gold Bank last year was put at $10 million and we have now been told that will increase to $25 million. However, the money in this project will be invested as a fixed investment; it will involve borrowing further funds and it will be locked into the investment for many years. God willing, there will be a good cash flow to Gold Bank and eventually back to the State of Western Australia.

I caution the Government not to get into every available venture; it has taken 50 per cent of this venture and we all have our suspicion about whether it has been given to this company or special benefits have been given because Gold Bank will be taken on board. We are assured that that is not the case and that it has been done at arm's length, but it is hard to believe that in view of the transactions in recent years. I have a great fear that unlimited investments in ventures of this type could put the State at risk.

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [4.41 pm]: I thank the members who have contributed to this debate and, although I cannot go into my customary exhaustive detail on this venture, I might be able to address at least some of the members' questions.

The last question asked by Hon Max Evans was also raised by at least one other speaker and it goes to the question of the desirability of a joint venture at all. The simple explanation is that the State looks to the opportunity to maximise the benefits which it can obtain for the taxpayers of this State by appropriate investment and participation in ventures. This gold processing venture is certainly in accord with the general line of business of the Mint that has gone on for years; it has served the community well and at no cost for all of its life, and at times has returned a dividend to the taxpayers. The Government wants to expand that. There is no reason to believe that under the conditions governing this agreement the venture will not be successful and, given the special licence requirement and the opportunity which gold presents for the Government to participate, and given the willingness of the holders of the licence to enter into a joint venture, we are in a position to say in response to the question "Why a joint venture?", "Why not?".

Hon Philip Lockyer raised a question about the effect that salt water might have on surrounding areas. I am advised that the tailings dump, particularly in the early years, will be extremely saline. Extensive research has been conducted into the vegetation of tailings dumps and recent experiments have proven extremely successful. There is, therefore, some optimism that using similar techniques, the new tailings dump can be vegetated. Unlike the existing dumps, the new structure will be contoured and the slope at the sides will permit vegetation, as opposed to the existing dumps which have almost vertical sides. Should all attemps fail to vegetate the dump, contingency plans exist to rock armour the dump to prevent erosion and dust.

A separate question was raised by a number of speakers relating to compensation for underlying tenement holders. In response to that line of questioning there are two separate answers: First, miscellaneous licences will be required to facilitate this project and those licences are issued under the Mining Act. The State agreement does not impact in any way

on the provisions of the Mining Act with regard to the issue of miscellaneous licences, nor can the joint venturers use the agreement Act to escape any of its obligations in this regard. Clause 94 of the Mining Act deals with the process of obtaining a miscellaneous licence, and subclause (2) authorises the warden to make a licence subject to such further terms and conditions as he thinks fit and specifies such in that licence. Although compensation is not mentioned specifically, it would appear possible for the warden to deal with any matter of compensation when setting the conditions.

A different aspect of this question is what detriment there is to the underlying tenement holder that could give rise to a need for compensation. In this respect, it should be noted that in removing the tailings dump the project will allow the underlying tenement holder to access his tenement more readily. I do not understand from the question what detriment was thought to flow to the underlying area, but to the extent that that question might arise, it would be met by the first part of my answer on this part of the Bill.

As I indicated yesterday in the debate on another agreement Bill, we are dealing with a proposal offering significant advantages to the State - the further use of resources which otherwise have no value - and involving a project with important investment and employment implications. In the nature of these agreement Bills it is very difficult to fiddle too much with the terms of the agreement, but I understand from members who have participated in this debate that there is general acceptance of the value of the scheme. On that basis I look forward to the support of the House.

Question put and passed.

Bill read a second time.

SUPREME COURT AMENDMENT BILL

Second Reading

Debate resumed from 22 June.

HON JOHN WILLIAMS (Metropolitan) [4.49 pm]: This is not the first time in my career in this Parliament that a Bill like this has been before the House. A similar Bill was introduced by this Government in 1984 and the report of that debate appears in *Hansard*, volume 247, page 7624. The debate was held on 12 April when the Leader of the Opposition, Hon I.G. Medcalf, led for this side and was supported by Hon P.G. Pendal. It was a quite long and intelligent debate.

Hon P.G. Pendal: Hear, hear!

Hon JOHN WILLIAMS: There were perhaps one or two members who should not have said a word, but they became enthusiastic in their old age.

This Bill proposes to allow to be increased the number of Supreme Court judges. I have no quarrel with that, except to say that since time immemorial there has always been a figure stated. This Bill proposes that the Supreme Court must comprise the Chief Justice and as many other judges as are considered necessary.

That is an extremely dangerous situation. Before I tell the House about the dangers, I want it to be clearly understood that I am not casting aspersions at the judiciary or the Attorney General. He acted as he saw fit. However, I cannot agree with the open count for judges. The Western Australian Supreme Court Act 1935 said there should be a Chief Justice and such other judges as were necessary, not exceeding three in number. The number was increased to four in 1949, an increase of 75 per cent; to six in 1960, an increase of 40 per cent; to seven in 1982; and to nine in 1984. We must consider that the volume of work which made it necessary to increase the number of Supreme Court judges occurred in the 1960s, when reputable accounting firms and business houses decided to come to Perth because of the mineral boom of that time, and consequently had their head offices in Perth. It was only natural with an invasion of commerce of that nature that the whole question of litigation strengthened.

I know the Attorney General will not take offence at this, because he knows what I am talking about, but if we allow a Government to be in a position where it can appoint as many judges as it likes - and this Government would not do that, but we are not legislating

necessarily for this Government in this era - Governments in the future could stack a court in order to have their constitutional issues dealt with in a favourable atmosphere. In 1984, the Attorney General - as he was then also - reminded us that he would never be party to what President Roosevelt tried to do in the early 1930s when he tried to increase -

The DEPUTY PRESIDENT (Hon P.H. Lockyer): Order! I am having difficulty hearing the member on his feet. There is far too much audible conversation. I ask honourable members to show a bit more courtesy to those who have the attention of the House.

Hon JOHN WILLIAMS: - the number of judges in the Supreme Court of the United States from seven to 22. It was fortunate that under the United States Constitution, all States had to agree to that because it was an alteration to the Constitution; and only three States agreed, so the Roosevelt plan fell through.

There was an extraordinary situation in the United States where a judge would not retire from the bench at the age of 87 because he wanted to make sure that there was a Republican President in power to appoint a Republican judge.

Hon P.G. Pendal: Justice Douglas.

Hon JOHN WILLIAMS: Yes. The extraordinary thing is that in 201 years of the American Constitution, with an increase in population from about 30 million to a figure today of 300 million, there are still only seven Supreme Court judges in the United States.

Hon J.M. Berinson: But that court is not a court for trial at first instance.

Hon JOHN WILLIAMS: No; it is a court of record.

Hon J.M. Berinson: It is a court of appeal only.

Hon JOHN WILLIAMS: Appeal, record and constitutional matters, the same as our High Court, which is modelled on the United States Supreme Court.

Hon J.M. Berinson: Yes, more or less.

Hon JOHN WILLIAMS: We rejected the Canadian Constitution in favour of the American Constitution when we went into federation.

This Bill will create a dangerous precedent. I have looked at a couple of the other States, and they also determine by number how many judges there shall be in the Supreme Court. The Victorian Supreme Court Act says there shall be 30 judges. The Tasmanian Supreme Court Act allows for a Chief Justice, five puisne judges, and an acting judge. I have not been able, in the time available, to research the figures for other States, but I know South Australia has the setup that the Attorney General is now trying to introduce here. If we look at West Germany, Austria and Holland, the number of Supreme Court judges is governed by Statute. I feel we should do the same.

The Attorney General will reply to the second reading debate. I have a fair idea what he will say because he has made the argument before, and it is in *Hansard*. In 1984 the Attorney General wanted to increase by three the number of judges in the Supreme Court. Members in this House could not agree with the figure of three, so the Attorney General said, "If you want two judges, you can have two. I do not mind. I am not going to the barrier on this." I can remember the Attorney General saying that. I am not going to get the exact quote from *Hansard*, but it is in there. One of the arguments given by the Attorney General at that time was that he wanted to have the capability to appoint three judges, but he promised that would not be done immediately. For one thing, the logistics of appointing three judges immediately were far outside the State's financial capacity at the time. Hon Ian Medcalf then asked if the Attorney General had some form of plan in mind for the Supreme Court in terms of accommodation. I think it cost $50 000 to alter a room in the Supreme Court to make room for an extra judge. The Attorney General pointed out to us that because of the lack of space, there would be a restriction on the number of Supreme Court judges. The argument then revolved around appointing a long term commissioner; not a permanent commissioner. I believe the Chairman of the District Court was appointed to that position.

What has happened since then is there has been a flood of litigation. In 1984 we were talking about a 13 month waiting list in the Supreme Court, and the wish of the Attorney General was to bring down that waiting time. By the middle of 1987, the waiting time had been reduced to less than a six month period. On the latest information I have, it has now shot ahead, and we have a period of nine to 10 months in waiting time.

I can understand the Attorney General's anxiety to see that that position is rectified; indeed, it would be the judiciary that would want to rectify it. The point was made in that debate - and I will attribute it to the Attorney General because I think he did make it although it may have been Hon I.G. Medcalf - that lawyers, knowing of this backlog and knowing that there was a long period before they could get to court, were advising clients to litigate in the fond hope that, the list being so long, they would be able to negotiate a settlement before their case reached the courts and thus they were, as it were, inflating the lists and giving us a feeling that we must do something quickly.

I am not disputing the fact that there are lengthy court lists, and I would have no hesitation in supporting the Attorney General if he wished to increase the numbers in the court by a figure he thought fit. If he said there should be 11 or 12 judges he would get no argument from us, but we need a figure to be put into that Statute.

Hon P.G. Pendal: Not an open cheque.

Hon JOHN WILLIAMS: I am as keen as the Attorney General is to see that the lists in the court are reduced, but I just wonder whether we are going the wrong way about it; whether we are making the Supreme Court something it was not intended to be. The time must come when there is a limit to the number of people who are qualified to be appointed as Supreme Court judges. We accept that, in the main, their first job is to adjudicate on constitutional matters, and everyone can remember the constitutional matter when Hon John Tonkin took the issue to the Supreme Court against the Premier of the day, Sir David Brand, and indeed won the day. Hon John Tonkin had a brilliant counsel whose name was Francis Burt - he later became the Chief Justice of this State. However, there is a limit to the amount of learned capacity in the law to form a bench of the Supreme Court to hand down sufficient wise decisions in order that the State can proceed on a good foundation.

Hon J.M. Berinson: Absolutely!

Hon JOHN WILLIAMS: I wonder whether or not other arms of the Supreme Court, as it were, may be instituted. I think that perhaps what is happening - and this is no reflection on the legal profession - is that bodies like the Law Reform Commission and the judiciary go to the Attorney General and say, "We need this, we need that, and we need something else." The Attorney General, being learned in law himself, sees the basis of their arguments as being necessary. However, we are lucky at this juncture that the Attorney General wears another hat called budget management and he must flinch when he realises what the cost of the whole thing would be.

Has the Attorney General ever thought of taking a group of people - my word, it could be a Select Committee of the House! - to investigate all the ramifications and the whole package of law through courts in the State of Western Australia? It would be looked at through different eyes. It could be advised legally that such and such a thing could not be done. But I share the same concern as the Attorney General over the enormous cost of a population of 1.3 million people, although it is only fair to say that they have been well served by the judiciary in the past. What we are concerned about is the future.

Having said that, there is nothing much more to add except that really I do not mind how many Supreme Court judges the Attorney General wants, but he should please put a figure on it so that if he wished to increase the number in the future it would have to come back to this House. But before the Attorney General puts a figure on it, he should think about an inquiry similar to a Select Committee inquiry whereby the whole problem can be examined. Perhaps he could take 12 months to do that and then get down and say, "Yes, I think perhaps we need another type of judge, not the Supreme Court type of judge" - it might be a District Court judge; he can call it what he likes - so that the workload can be shared and the important legal work brought to the Supreme Court, and so that the Legislature, the Judiciary, and the Executive work in concert for the betterment of the State.

I am sorry to say to the Attorney General that I cannot support the Bill for the reasons I have given. If he agrees to move an amendment and put a figure on it, then I will happily go along with that.

HON E.J. CHARLTON (Central) [5.07 pm]: The National Party is opposed to clause 3 of this Bill because we also believe that an open-ended situation for the Supreme Court is not the way to go. An amendment has been distributed relating to this Bill, and we will look for

some direction to establish the best way of moving that amendment. In essence the amendment seeks to alter section 7 of the Supreme Court Act by removing the figure "9" and substituting the figure "11".

We agree with the comments made by Hon John Williams that the Parliament is the place that should determine the number of judges in the Supreme Court. If the situation is such that the Government of the day or the judiciary believes there are insufficient numbers, they should bring it back to the Parliament and give reasons for that belief. We are of the opinion that at present nine judges are not enough, and we will support a move to increase that number by two.

The DEPUTY PRESIDENT (Hon P.H. Lockyer): Order! Honourable members, once again there is too much audible conversation. I simply cannot hear the speaker on his feet.

Hon E.J. CHARLTON: Thank you, Mr Deputy President. I have no other comment on the Bill, and when we reach the Committee stage I will move the amendment I have outlined.

HON P.G. PENDAL (South Central Metropolitan) [5.09 pm]: As one who made a brief contribution to a similar debate in 1984, I want to make only two points additional to those made by the lead speaker for the Opposition. It is true that there is no opposition in this House to an increase in the number of Supreme Court judges. The Opposition parties are clearly prepared to accept the argument put forward by the Attorney General that the growing workload in the Supreme Court and the attempts being made to reduce the backlog, which I understand is a serious problem, ought to be commended by all parties.

I repeat that this House is being asked to provide an open cheque. There has always been a limit on the number of Supreme Court judges in Western Australia. The practice has been to meet the legislative need to come to Parliament in order to have that number increased. Nothing that the Attorney General has told Parliament has persuaded anyone that that position has in any way altered. There is no difference in what the Government is currently seeking to do with the Supreme Court than were it to come to Parliament and ask for an open cheque in relation to another important arm of Government; that is, the Legislature. The fact of life is that any Government wishing to increase the number of members of Parliament needs to come to Parliament for that. In other words, that is a deliberate decision by the Parliament over many generations - if we want a legislative arm increased then an approach must be made to the Legislature for permission in explicit terms.

The community would feel a sense of outrage if this House passed a Bill which gave the Government of the day an open cheque to increase the number of members of Parliament without reference to Parliament. That is what we are being asked to do here with the number of Supreme Court judges. That is the first reason for my opposition to this open-endedness, and I hope it is good enough to ensure that this House carries an amendment later.

My second reason is partly an expansion of the argument put by Hon John Williams a few moments ago. By way of interjection, the Attorney General tried to suggest to the House that the Supreme Court of Western Australia is somehow vastly different from the position, say, of the United States Supreme Court to which Hon John Williams made reference, or to the High Court of Australia, by suggesting that the Supreme Court of the United States was one which was largely concerned with appeals and with constitutional matters.

Hon J.M. Berinson: It is not simply a constitutional matter but the nature of constitutional matters that go to respective courts.

Hon P.G. PENDAL: I agree, and that was the point I was about to lead. Increasingly, the Supreme Court can be seen as a body which will be called upon to adjudicate on a greater number of "political" matters. Therefore it is a matter of some sensitivity that when proceeding to increase the number of Supreme Court judges we should proceed in a very limited and careful way. Hon John Williams cited a celebrated case; there are others as well. I would suggest that more than one of a highly political nature may well be around the corner. It would not take too much imagination to see the Supreme Court ultimately deciding on highly political matters to do with the Western Australian Development Corporation. In some circumstances, one could compute that out as a requirement on the part of the Supreme Court to adjudicate on highly party political matters. If we were in a position where it was possible for an unscrupulous Attorney General, Minister for Justice or a Government to add to the number of Supreme Court judges with the hope of accommodating his or her own position, then that is a bad thing for a start.

No good reason has been put to the Parliament to grant an open cheque on the appointment of Supreme Court judges. It is not as though Bills of this kind - to expand the Supreme Court - have ever been looked at by Parliament in an unsympathetic manner, whether the Labor Party is in Opposition or the current parties are in Opposition. This type of Bill has always been looked at most sympathetically. That almost goes without saying, and perhaps we ought to query it a bit more.

The DEPUTY PRESIDENT: Order! At least four different conversations are being carried on and I find it increasingly difficult to hear the member. I have asked members three times to come to order. Other places exist in this Parliament for conversation.

Hon P.G. PENDAL: Perhaps we have allowed such Bills to go through with less scrutiny than we ought because we all tend to take the word of the administrators of the Supreme Court when they say to us via the Attorney General, "Yes, there is a need to increase the number of judges." That is a good thing. Maybe it is a reflection on this part of the world - if not in many others - that the judiciary is held in sufficiently high esteem that the Legislature is asked to take it at its word.

Hon J.M. Berinson: There is more to it than that. The Government makes its own analysis of the situation; acceptance is not automatic.

Hon P.G. PENDAL: I agree, but if the Government makes its own analysis based on the word of the administrators of the Supreme Court, why has that not been spelt out in the Attorney's second reading speech? It is probably a good thing rather than a bad thing that we are prepared to accept with scant evidence the request on the part of the Supreme Court that periodically we increase the number of judges. I say, "Let's not press a good thing." If the Parliament in the past had been unsympathetic we could understand the Attorney General saying, "Because we always have difficulty in getting Parliament to agree to increase the number of Supreme Court judges, we need to try to make things simple in future." The reality is quite the reverse. During my eight years here, on every occasion that we have been asked to expand those numbers, permission has been given; with not only a sympathetic hearing but also a swift hearing on the part of members.

I suggest that this House go along with the remarks of Hon John Williams and not give the Government an open cheque for the appointment of judges; we should restrict the numbers, and in this case the suggestion has been to restrict that number to an additional two.

HON J.M. BERINSON (North Central Metropolitan - Attorney General) [5.19 pm]: I am sorry debate has taken the turn it has. I am bound to say I have rarely been involved in a situation where so innocent an intention has given rise to so many suspicions and conspiracy theories. There is no question of the Government's looking to stack the Supreme Court in the way that has been suggested; not only would that be wrong in principle but for a number of reasons I suggest it would not work - which may be a more conclusive consideration.

Hon John Williams was good enough to say that he was not casting any aspersions on the current Attorney General, the current Government, or the current judges. I think one might really go further to say that, not only are all those bodies involved in this situation, but also the Chief Judge from time to time and the High Court of Australia are involved. Anyone who suggests that the Government could be looking to this sort of device to get through some malicious constitutional manoeuvre is really ignoring the place of the Supreme Court in our overall system and also the structure of it.

Constitutional questions arising from the States' Constitution Acts are simply not to be compared with the Commonwealth Constitution or such Constitutions as that of the United States of America. Both of those Constitutions cover areas which have demonstrably allowed judges of their most superior courts to effectively engage in legislative decisions. I believe that is widely acknowledged, although the term that is normally used to cover the situation is to describe the court as an activist court. That is what they mean in America and that is what I believe will increasingly come to be considered in relation to some of the views of our own High Court. Time after time it has moved away in recent years from previously established standards. One very serious effect of that, from our point of view, has been a move towards a consistent erosion of State powers.

Hon P.G. Pendal: That is because of the people you appoint.

Hon J.M. BERINSON: The point I am making here is that a court like the High Court of

Australia or the Supreme Court of the United States is in a position to exert this sort of influence. To divert for a moment, I suppose that civil rights decisions of the United States would be among their most prominent examples of activist decisions. Those courts can do that because of the nature of their powers and the areas over which they have jurisdiction. The States' Constitution Acts come within a very narrow field of operation. As I have sat here I have been trying to think of whether there has been a single case in my term of office of over five years based on the Constitution Act, and I cannot remember one. It is significant that two of the Opposition speakers who referred to a significant State constitutional case had to go back to John Tonkin's time. That is an indication of the rarity with which these issues arise at the State level.

Hon P.G. Pendal: Are you suggesting that the infrequency, therefore, becomes an argument not to make a firm decision?

Hon J.M. BERINSON: I am certainly saying that is one consideration, because the infrequency is a reflection of the limited constitutional questions which arise at the State level.

Let me go on from there to discuss the position of the judges, and the Chief Judge in particular. The position in this State is that a State constitutional question would normally be heard initially by a single judge and an appeal would go to a Full Court of the Supreme Court. It does not matter whether we have nine, 12, or 29 judges on the Supreme Court; our practice of long standing is to constitute the Full Court of the Supreme Court in Western Australia by three judges. I understand that is a matter within the discretion of the Chief Justice, but the conspiracy theory really requires that the Chief Justice of the time would depart from this practice of, I think, 60 or 70 years' standing, and lend himself to a stacking of his own court. Frankly, I find that prospect incomprehensible. In any event, no Government setting out to stack a court could safely rely on a Chief Justice being available to serve its purpose in that way.

Hon P.G. Pendal: Do you suggest that the High Court does not do that? They serve the purpose of the people who appointed them, and that has not gone on for 100 years?

Hon J.M. BERINSON: We have an entirely different situation in the High Court because the practice there is that, on the most important of the constitutional questions, a Full Court is constituted in literal terms with all the judges. It may well then be said if there are 32 High Court judges appointed to stack the place for some nefarious purpose, they could have their effect. What I am saying is that if that manoeuvre were tried, it would not work unless the Chief Justice of the time was a party to the conspiracy theory. Once one comes down to situations like that, one is in a lot of trouble, because one would have to say that the Chief Justice, even without a stacking of the court, could no doubt exert considerable persuasive influence on his court. The Opposition is entering into problems which I do not believe are justified either by the history in this State, by our recent or present Chief Justices, or by any likely appointee to that office.

Hon P.G. Pendal: Ten years ago it would have been unthinkable to try a High Court judge on a criminal charge, and Supreme Court judges in other States have been charged with criminal activities.

Hon J.M. BERINSON: I see no relevance to that. The situations are quite definite.

The conspiracy theory that we have been offered also involves the High Court playing ball with it because appeals from our Full Court go to the High Court; they did in the John Tonkin case, which is the only case that has been referred to, and that is where it was finally decided.

People who are concerned about this entirely innocent amendment are saying the Government will attempt to stack the Supreme Court, that it will get appointees who will lend themselves to that purpose, that a Chief Justice will lend himself to constituting the Full Court of the Supreme Court in a way to suit the Government, that the High Court will bring down a decision which also accommodates the original aims of the State Government; and, on top of that, the Opposition is saying the people of this State will stand for it. None of those is possible.

The Roosevelt example is seen by many later commentators as being the worst and the single most unpopular measure that he ever attempted. It attracted the most widespread opposition

and was one of the very few of his major measures on which he failed absolutely, not only in terms of his inability to obtain the support of the State Legislatures, but also in the way in which he antagonised the American public.

In practical terms, the conspiracy theory would not stand up in the Western Australian context. Although it is an interesting enough point for debate, it has no reality. None of our courts has this limitation. I assure the House that in moving to make the provision for the Supreme Court consistent with that for the District Court and others, it was simply with a view to producing consistent provisions in that respect and avoiding the need for constant returns to the Parliament. Unfortunately, there is a practical problem associated with this proposed amendment. I was reminded that on an earlier occasion I conceded some lesser number than was being asked for, and there was nothing important in that. If there were any genuine intensity of feeling, I would have no problem now. It is really a matter of mechanics rather than principle. The mechanics, though, are important because the Assembly has completed its considerations for this session and an amendment now will have the effect of precluding us from increasing the numbers on the Supreme Court this side of September.

In principle, I repeat, there is no reason to show this ultra caution, this excessive amount of suspicion. We will simply not find suitable applicants in numbers that would allow the court to be stacked. No Government would attempt to stack the court with unsuitable applicants because the reaction to that would be very quick, clear, and well deserved. I therefore urge the House, in spite of the positions which apparently have been taken in advance of this debate, to reconsider seriously the arguments that have been put and to support the Bill in its present form. The alternative to that is admittedly only a matter of inconvenience. It will, at the very least, involve a delay of three months for any new appointments, but given the current state of the lists in the Supreme Court, even that is a result which we should certainly avoid in the absence of any better justification to the contrary than has emerged in this debate.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

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

Clauses 1 and 2 put and passed.

Clause 3: Section 7 amended -

Hon E.J. CHARLTON: Mr Chairman, I hope that everyone has a copy of the amendment. I gather that it probably could have been worded a little better. Our object is to delete from clause 3 the words "not exceeding 9 in number" with a view to substituting other words. We wish really to replace the "9" with another number. I seek your advice as to the best way to move that amendment.

The CHAIRMAN: You should move to delete "9".

Hon E.J. CHARLTON: I move -

Page 2, line 3 -

To delete the number "9".

Hon J.M. BERINSON: Of course, I oppose the amendment, but I think I need not add to the reasons which I gave in the second reading debate.

Amendment put and a division taken with the following result -

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Ayes (13)

Hon C.J. Bell	Hon A.A. Lewis	Hon P.G. Pendal	Hon Margaret McAleer
Hon E.J. Charlton	Hon P.H. Lockyer	Hon W.N. Stretch	*(Teller)*
Hon Max Evans	Hon Tom McNeil	Hon John Williams	
Hon Barry House	Hon N.F. Moore	Hon D.J. Wordsworth	

Noes (13)

Hon J.M. Berinson	Hon John Halden	Hon B.L. Jones	Hon Fred McKenzie
Hon J.M. Brown	Hon Kay Hallahan	Hon Garry Kelly	*(Teller)*
Hon T.G. Butler	Hon Tom Helm	Hon Mark Nevill	
Hon Graham Edwards	Hon Robert Hetherington	Hon S.M. Piantadosi	

Pairs

Ayes	Noes
Hon H.W. Gayfer	Hon D.K. Dans
Hon G.E. Masters	Hon Tom Stephens
Hon Neil Oliver	Hon Doug Wenn

Amendment thus negatived.

Hon E.J. CHARLTON: We are obviously back to where we started. Perhaps I will try another approach as there seems to be some confusion. It is stated on page 2 of the Bill in clause 3 that section 7 is to be amended by deleting the words "not exceeding 9 in number". We could proceed in that way and have that deleted and the whole of the words including the number 11 substituted.

The CHAIRMAN: I am afraid that the committee has determined that the number 9 will stand. Perhaps the amendment you can have is in number. I am afraid that the only alternative is to throw out the whole clause and have no judges at all.

Hon JOHN WILLIAMS: If the clause is not printed there will be nine judges because the original Act stands.

The CHAIRMAN: I should not have been so jovial. I apologise.

Hon JOHN WILLIAMS: Because of the dilemma, will the Attorney General consider moving for progress and we will look at this matter tomorrow?

Hon J.M. BERINSON: I have been confused about the nature of the amendment. It seems that not much has been changed by the defeat of the motion to delete the number 9. Clause 3 provides that section 7 should be amended by deleting "not exceeding 9 in number". Mr Charlton moved an amendment to clause 3, page 2, line 3 to after the word "number" add the words "not exceeding 11 in number".

Hon P.G. Pendal: He did not move that.

The CHAIRMAN: That was not acceptable to the chair. He moved that number 9 be deleted and that was not passed, so the 9 remains. So I have put the question that clause 3 stand as printed. If clause 3 is not printed the Attorney can work out what would happen.

Hon J.M. BERINSON: I still have a lot of problems. Let us say the number 9 were deleted and the number 11 substituted. We would then have clause 3 saying that section 7 of the Supreme Court Act is amended in subsection (1)(a) by deleting the words "not exceeding 11 in number". That does not appear in clause 7. In other words, the amendment that has been attended to so far, even had it gone its intended path, would have left us with a pretty meaningless proposition. It is not my place to encourage Mr Charlton along his honestly mistaken route, but it seems to me that the amendment he is really seeking is to delete the words "not exceeding 9 in number" replacing that with the words "not exceeding 11" or "12 in number", which is an entirely different amendment from the one we have looked at so far.

Hon E.J. CHARLTON: That is why when I spoke previously I asked whether members were confused about it. I take full responsibility for the wording of the amendment. I also considered it when I first saw it and discussed with the Clerk that it possibly should be worded in more precise and better English. As a consequence I thought we had a number of options in the way we moved it. I requested some assistance. I am not in any way proposing that the advice I got was incorrect, as I agreed with it. What concerns me is the point just made by the Attorney General. I am a little worried that in taking out the number 9 as a first move and replacing it with 11 I might be left with clause 3 still being amended by deleting those words, which would still have 11 in it and we would then have to have another motion and it would not be deleted. Would I be correct in requesting that clause 3 be put again?

Hon J.M. BERINSON: We all know what the problem is. Someone was missing and

members on the other side want to test it again in other circumstances. That might not be a course that we would want to follow, but in the current situation there is a threat that we will be left with something either meaningless or stupid and that is not in the interest of anyone. In those circumstances, I propose to report the Bill with a view to its recommittal at a later stage of this sitting and will by that means attempt to start again. To clarify the situation, I need to move a procedural motion before 5.55 pm.

The CHAIRMAN: I will continue to put clause 3, because it cannot stay suspended and the Attorney General has indicated that he will move for the Bill to be recommitted at a later stage.

Hon P.G. Pendal: Are we not in a situation where clause 3 is as printed in the Bill and unamended and we have not voted on the clause?

The CHAIRMAN: That is correct.

Hon P.G. Pendal: So the first two clauses have been passed and the third has not been decided?

The CHAIRMAN: Yes.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Recommittal

On motion by Hon J.M. Berinson (Attorney General) resolved -

That the Bill be recommitted for the further consideration of clause 3.

BURSWOOD MANAGEMENT LTD

Select Committee: Membership

On motion by Hon J.M. Berinson (Leader of the House) resolved -

That as of midnight on Thursday, 23 June 1988, Hon Mark Nevill be replaced by Hon Garry Kelly as a member of the Select Committee inquiring into Burswood Management Ltd.

SITTINGS OF THE HOUSE

Beyond 6.00 pm

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [5.52 pm]: I move -

That the House continue to sit and transact business beyond 6.00 pm.

I do this with the prospect of recommitting and disposing of the Supreme Court Amendment Bill and the Acts Amendment (Parliamentary Superannuation) and Transitional Agreements Bill.

HON G.E. MASTERS (West - Leader of the Opposition) [5.53 pm]: On a point of explanation, does that mean that the Leader of the House intends to come back after the dinner break, or is he carrying on after six o'clock?

Hon J.M. Berinson: The intention is to deal with only those two Bills.

Question put and passed.

SUPREME COURT AMENDMENT BILL

Recommittal

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

Clause 3: Section 7 amended -

The CHAIRMAN: The adjournment was for the purpose of further considering clause 3, so we have to go back to that and only that.

Hon E.J. CHARLTON: I believe that the aim is to amend that number "9" and substitute "11".

Hon J.M. Berinson: The number "9" where? I think you will be in trouble again.

The CHAIRMAN: After consideration, I will accept your previous arrangement, "not exceeding 11 in number."

Hon E.J. CHARLTON: I move -

Page 2, line 3 - To delete all words after "(a)".

Hon JOHN WILLIAMS: Surely it is a simple matter! The honourable member should move to delete the phrase "not exceeding 9 in number" and substitute "not exceeding 11 in number." It is as simple as that. I do not have the words written out, but I am perfectly prepared to put that the words proposed to be deleted be "not exceeding 9 in number" and substitute "not exceeding 11 in number".

Hon E.J. CHARLTON: The problem is that the words after (1)(a) are "by deleting". We cannot let that stay.

Hon J.M. Berinson: What you are amending is the Bill, not the Act.

Hon E.J. CHARLTON: I did not think I was confused, but I am now. What we are seeking to do is to substitute the words of my amendment after the words "(1)(a)".

Hon J.M. Berinson: Will you make that 12 while you are about it?

The CHAIRMAN: I will accept that motion and see how we get on.

Hon J.M. BERINSON: We have to delete something to have a substitution. I think the honourable member is right in saying what he wants to move. I do not think I have ever been so helpful on an amendment I oppose. I think the member is correct in saying that he wishes to amend clause 3 by deleting all words after "subsection (1)(a)", deleting "9" and substituting "11" or "12".

Hon H.W. Gayfer: Why 12?

Hon E.J. CHARLTON: Mr Chairman, I am in your hands. I want to have this clause amended so that we have "11" instead of "9". I think everyone is clear on that.

The CHAIRMAN: I will accept that as an amendment. The question now is to delete all the words after (1)(a).

Amendment put and a division called for.

Bells rung and the Committee divided.

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

Division resulted as follows -

Ayes (14)

Hon C.J. Bell	Hon Barry House	Hon N.F. Moore	Hon D.J. Wordsworth
Hon J.N. Caldwell	Hon A.A. Lewis	Hon P.G. Pendal	Hon Margaret McAleer
Hon E.J. Charlton	Hon P.H. Lockyer	Hon W.N. Stretch	*(Teller)*
Hon Max Evans	Hon Tom McNeil	Hon John Williams	

Noes (13)

Hon J.M. Berinson	Hon John Halden	Hon B.L. Jones	Hon Fred McKenzie
Hon J.M. Brown	Hon Kay Hallahan	Hon Garry Kelly	*(Teller)*
Hon T.G. Butler	Hon Tom Helm	Hon Mark Nevill	
Hon Graham Edwards	Hon Robert Hetherington	Hon S.M. Piantadosi	

Pairs

Ayes	Noes
Hon Neil Oliver	Hon Doug Wenn
Hon G.E. Masters	Hon D.K. Dans
Hon H.W. Gayfer	Hon Tom Stephens

Amendment thus passed.

Hon E.J. CHARLTON: I move -

Page 2, line 3 - To insert the following words -

by deleting "not exceeding 9 in number" and inserting the words "not exceeding 11 in number".

Point of Order

Hon ROBERT HETHERINGTON: We have just deleted the words "not exceeding 9 in number". The Committee having voted that way, we cannot now put the words back in. The situation is becoming ludicrous. The only thing to do now, because the member did not move the correct amendment in the first place, is to delete the number 9 and substitute the number 11 or the number 12, otherwise we will be putting back words which have just been taken out. We cannot do that and the whole thing becomes low farce.

The CHAIRMAN: I understand Hon Robert Hetherington's concern; normally, having removed words we cannot replace the same words. Members understand the intention, which was not to have anything there at all; in other words, to delete "not exceeding 9 in number". That intention has been voted against so now the insertion of words has been moved. The amendment is to insert after (a) the words "'by deleting not exceeding 9 in number'" and inserting the words "'not exceeding 11 in number'".

Hon J.M. BERINSON: Mr Chairman, the amendment is out of order because we are substituting words that we have just removed. I believe we can do this properly by deleting the number 9 and putting in the number 11. Otherwise I suggest the amendment is out of order and cannot be carried. I think it would be a good idea to make sure that it could be carried so that the whole matter is in order. The amendment is quite out of order.

The CHAIRMAN: It is unfortunate that we have rushed back into this without consultation and having things worked out.

Hon J.M. BERINSON: Nonetheless, Mr Chairman, I think Hon Robert Hetherington is clearly right because under his suggestion we would be left with clause 3 saying -

Section 7 of the Supreme Court Act is amended in subsection (1)(a) by deleting "9" and substituting "12".

That is the aim of the exercise and it avoids the repeated use of the words "not exceeding in number".

The CHAIRMAN: In view of the objection by Hon Robert Hetherington, the proposal is that slightly different words are re-inserted. I recommend Hon Eric Charlton withdraw his amendment and move for the insertion of the words "by deleting 9 and substituting 11".

Committee Resumed

Amendment, by leave, withdrawn.

Hon E.J. CHARLTON: I move -

Line 2, after (a) - To insert the following words -

by deleting "not exceeding 9 in number" and substituting "not exceeding 11 in number".

Hon J.M. BERINSON: Mr Chairman, I suggested by interjection that the member should move 12 rather than 11. For reasons which I have already put, I am opposed to a restriction at all, but if we are to continue the practice of specifying a number it ought to be sufficiently practical not to require excessively frequent recourse to Parliament. The position is that as from 31 March one of the judges of the Supreme Court has had his duties concentrated almost exclusively in the Parole Board. The effect of that is to reduce the actual number of judges available for Supreme Court work as such to eight, and to only increase the number

by two would in effect be only increasing it by one. I put to the member that is being too restrictive on the situation and will inevitably result in our coming back in a short time.

Hon H.W. Gayfer: Will difficulty be created for the Children's Court as well in this situation?

Hon J.M. BERINSON: No. That is a separate question because the judge of the Children's Court will be a judge with the status of a District Court judge, not that of a Supreme Court judge.

Amendment, by leave, withdrawn.

Hon E.J. CHARLTON: I move -

Page 2, line 3 - To delete the number "9" and insert the number "12"

Amendment put and passed.

Clause, as amended, put and passed.

Leave granted to proceed forthwith to the report and third reading.

Further Report

Bill again reported, with an amendment, and the report adopted.

Third Reading

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

ACTS AMENDMENT (PARLIAMENTARY SUPERANNUATION) AND TRANSITIONAL AGREEMENTS BILL

Second Reading

Debate resumed from 22 June.

HON JOHN WILLIAMS (Metropolitan) [6.20 pm]: This Bill is designed to do two important things. It corrects an anomaly which has disadvantaged some members following the passage of electoral amendments through this place. Members of the Legislative Council who were elected for terms of six years at the last election will now serve only three years. The Bill corrects that anomaly. The Bill gives recognition to their superannuation entitlements for the reduced term. The benefits for a member who is pensionable and has held a higher office will be calculated in two steps. In the first place, the pension to which a member would have been entitled on 21 May 1989 will be calculated paying due regard to the fact that the member served in a higher office. A further amount will be added which represents an additional basic pension calculated for the extra three years of his term.

Another important feature of the Bill is that it encourages younger members to accept early retirement by accepting a lump sum rather than opting for pension entitlements. The Salaries and Allowances Tribunal has apparently recommended that the factor used for calculating lump sum payments at age 65 be 12, with the factor increasing by 0.1 for every year below 65. A member retiring at age 55 would receive a payment 10 per cent higher than he would if he retired at 65.

Terms for members have also been adjusted in the amendments to the electoral legislation. At the moment, elections are held every three years and members, to be eligible for pensions, must serve for four Parliaments. Elections will now be held every four year so the legislation has been amended to allow members to serve for three Parliaments. The amendments therefore allow members to receive pensions after 12 years service as previously existed.

The actuarial figures produced before the Bill was introduced support the amendments and support the fact that it is far better for members to accept lump sum payments. It is a simple Bill. It compensates members who have been disadvantaged by changes to the legislation, and I support it.

HON H.W. GAYFER (Central) [6.25 pm]: I do not oppose the Bill. However, I am extremely annoyed at the reception the Bill was given by the Press. An article in *The West Australian* on 16 June carries the headline, "'Super' for 17". It states -

> Seventeen Upper House MPs could get an extra three years' superannuation under a Government Bill introduced yesterday.

There is no way possible that 17 members will receive benefits from the legislation. I wish that members of the Press would put their feet firmly on the ground and find out the facts before they run headlines they hope will stir up the public. The salaries and superannuation payments of members of Parliament since I have been in this place - a period far beyond anything referred to in this legislation - have always been sensationalised by members of the Press. They never get their story right; they imagine things. They put articles in newspapers that are not factual.

I will explain to them in full what effect this legislation has had on superannuation entitlements so that they can read it in *Hansard*. Anybody who has served in this place for 20 years or more receives no benefits whatsoever from the legislation. I have served for 28 or 29 years - I have forgotten how long. I have paid into the superannuation fund, certainly at a reduced rate, but I receive no extra benefit beyond the 75 per cent that I am entitled to for my service beyond 20 years. The person who gains the most is someone who has served for only 17 years. Not only does he not have to pay 12.5 per cent a year, he also does not have to pay anything in the next three years. His entitlements are lifted to the same 75 per cent that I will receive, yet I have paid into the fund for 12 or 13 years longer than he has.

There are two sides to this story. As a matter of fact, I will let it all out and say something that I have not said before. We might as well have this out now! The Government makes a big thing of upholding unionism and the rights of unionists. However, it has introduced a Bill that has severed members' contracts. Three years ago I entered into a contract with the people of my electorate. I signed a paper to say that, if I were elected for six years, I would serve that term. The Government agreed that I would be entitled to serve for six years. However, half way through that term, the contract has been terminated. If that happened to a unionist, the union would strike. It would claim redundancy payments for the three years that its members had not served and require also that something be paid out of the superannuation fund. Private enterprise would have to pay out the contract of someone they engaged with a golden handshake.

The Press, in suggesting that all 17 members of this House will receive benefits from this legislation, is wrong and makes itself look ridiculous. I do not oppose the Bill. However, many factors relating to the termination of members before they served their full term should have been looked at by the Government. It would not have been tolerated in any other area of the work place.

HON ROBERT HETHERINGTON (South East Metropolitan) [6.30 pm]: As one of the members who will benefit from this Bill, I want to say a few words about it. We should be thankful for small benefits, but the benefits are not terribly great because through the Electoral Reform Bill, which I supported, my last parliamentary term and my ability to serve in this Parliament, which I cherish, have been cut in two. Instead of having a another three years on full parliamentary salary, I will be on superannuation. The superannuation will be the superannuation I would have received if I had served my full term. Therefore, for the next three years -

Hon P.G. Pendal: At least you voted for the Bill, we did not.

Hon ROBERT HETHERINGTON: I realise that.

Hon H.W. Gayfer: I should not get a benefit which other members will not get.

Hon ROBERT HETHERINGTON: Perhaps I have not been in this place as long as Hon Mick Gayfer. Of course I voted for the Bill. Members know that as well as I do - I just said so. So members do not have to -

Hon P.G. Pendal: Rub it in.

Hon ROBERT HETHERINGTON: The member can if he wants to.

Hon P.G. Pendal: I felt like it!

Hon ROBERT HETHERINGTON: The member may hold up the House for as long as he likes.

Although I voted for the Bill it gave me some personal pain that I would not be here for

another three years because I think I have some talents that would serve this Parliament and the State. The benefits I am getting from this Bill, for which I am duly grateful, are not unduly great benefits. In fact, financially I will be worse off than if the Bill had not been passed. Although, when one thinks of the money spent by a member of Parliament that may not be true because after I retire next year I will not have the overdraft which I have now. That remains to be seen. Of course, for this reason I support the Bill, but without any apology because it is some minor piece of justice.

Question put and passed.

Bill read a second time.

Committee and Report

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

Leave granted to proceed forthwith to the third reading.

Third Reading

Bill read a third time, on motion by Hon J.M. Berinson (Leader of the House), and passed.

LOCAL GOVERNMENT AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

ADJOURNMENT OF THE HOUSE - SPECIAL

On motion without notice by Hon J.M. Berinson (Leader of the House), resolved -

That the House at its rising adjourn until 11.00 am on Friday, 24 June.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [6.35 pm]: I move -

That the House do now adjourn.

Minister for Community Services: Information

HON P.G. PENDAL (South Central Metropolitan) [6.36 pm]: I want to place on record that information given to the House last night by the Minister for Community Services and concerning me was, in fact, false information. In answer to a question without notice from a member of the Government side of the House, the Minister for Community Services attempted to point out that people had been issued with an invitation from the Opposition to attend a function at Parliament House on 4 April for the express purpose of hearing the "launch" of the Liberal Party's family policy. The Minister would well know that that was false information and I believe she knew it to be false at the time she gave the information to the House. The people to whom she made reference -

Withdrawal of Remark

The PRESIDENT: Order! I suggest that the honourable member is out of order in suggesting that the Minister knew that the information was false and I ask him to withdraw it.

Hon P.G. PENDAL: I withdraw that the Minister knew that the information was false.

Debate Resumed

Hon P.G. PENDAL: I assert that the information she gave to the House was indeed false. There were indeed invitations issued to a large number of people who were asked to come to Parliament House to "hear some of the progress being made in the new comprehensive Liberal policy on the family". It is an entirely different matter and it appears to me, as a result of some of the announcements made by the Liberal Party in relation to family policy, that it has indeed touched a raw nerve with the Minister.

Finally, I point out that in her rather juvenile attempt to discredit the Opposition in this matter, she has effectively painted herself into a corner because the Bill outlined in the Parliament last night by the Opposition takes up a suggestion of a Senate Standing Committee report of about three years ago to which the Labor Party was a signatory. I draw the Minister's attention to that idiotic attempt on her part and point out that no people were invited here on 4 April to hear a launch by the Liberal Party. Indeed, they were invited to Parliament House to hear the progress made to that end.

Question put and passed.

House adjourned at 6.38 pm

QUESTIONS ON NOTICE

TRADING HOURS
Retail Trading Hours Act

165. Hon P.G. PENDAL, to the Leader of the House representing the Minister for Labour:

(1) When will the amendments which permit extended retail trading hours become operative?

(2) Why has there been a delay in its commencement?

Hon J.M. BERINSON replied:

(1)-(2)

Proclamation of the Retail Trading Hours Act is dependent upon the completion of regulations relevant to that legislation. An advisory committee of retailers, consumers, representatives of employees and the tourism industry has formulated a draft of the regulations which are now with Parliamentary Counsel.

In addition, the parties to the relevant award have listed the matter for arbitration in the Industrial Commission. It is my intention to give, in deference to the parties, this jurisdiction an opportunity to resolve the award implications. Upon completion of the necessary administrative arrangements by Parliamentary Counsel and progress by the parties in the relevant award, the Retail Trading Hours Act will be proclaimed.

AGENT GENERAL
London - Government Budgets

170. Hon P.G. PENDAL, to the Leader of the House representing the Premier:

I draw the Premier's attention to the article in *The Bulletin* of 14 June 1988 which gives the comparative costs of maintaining the States' Agents General in London and ask -

(1) Is he aware that on a per capita employee basis the WA office costs $100 000 a year to run?

(2) Is he also aware that the NSW office costs only three-quarters of this amount, and that the Victorian office costs one half of the amount of the WA office to maintain?

(3) Will he investigate this huge discrepancy to see whether any cost savings can be introduced into the London office?

Hon J.M. BERINSON replied:

(1)-(3)

The honourable member would be aware that I am not in a position to comment on budgets of other Australian States, nor am I in a position to vouch for the accuracy of the figures quoted in *The Bulletin* article. However, I referred his question to the Agent General who advises that it is difficult to make valid comparisons in the form used by the member. There are fixed costs associated with any office which proportioned over a greater number of staff reduce the fixed per capita cost.

The interviews upon which the article is based took place several months ago, the author seeing each Agent General separately. At that time the approved establishment of the London Agency was 15, but 18 were actually employed due to the secondment of two officers from Western Australia and one temporary typist being engaged. The establishment is now 18.3 persons.

The budget quoted for Western Australia does not reflect $55 000 - approximately - earned in subleasing parts of WA House, but does include an expenditure amount of $186 000 as a one-off amount for long overdue repairs and renovations and replacement of the office vehicle which had been deferred for 12 months longer than normal. Other factors which make simple comparisons unreliable are -

The NSW Government owns its own buildings and therefore does not pay rent as we do.

The NSW Agent General has a separate budget for the Electricity Commission staff who are believed to total 11 and not six as quoted in the article.

A further two of the staff operating from NSW House are from the Tourist Commission and have a separate budget.

The Victorian Government only pays a peppercorn rental to the Australian Government for the premises occupied. The Victorian Government also maintains an office and staff in Frankfurt whereas the Western Australian Agency covers Europe and Scandinavia as well as the United Kingdom.

The London Agency is subject to the same stringent budget checks as every Government department and I am satisfied the annual budget is modest and reasonable, especially when it is considered that their efforts have resulted in 49 business migrants who have transferred funds - totalling in excess of $31 million - to this State in the first nine months of this year. In this area Western Australia is leading the other States.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE, DEPARTMENT OF
Bunbury - Licensing

173. Hon BARRY HOUSE, to the Leader of the House representing the Minister for Employment and Training:

Why cannot the Bunbury branch of the Department of Occupational Health, Safety and Welfare of Western Australia issue receipts when renewals of registration for factory, shop and machinery are paid there?

Hon J.M. BERINSON replied:

The Bunbury office of the Government's "one stop shop" can issue receipts for the registration renewals on behalf of the department. However, this will no longer be necessary with regard to these fees as of 30 June 1988. As announced in the Premier's statement on 13 June, the State Government will cut costs to business by ending collection of fees for registration of factories, shops, warehouses, construction sites and machinery from 30 June 1988.

GOVERNMENT ADVERTISING
"South Western Times"

175. Hon BARRY HOUSE, to the Leader of the House representing the Premier:

(1) Who paid for the advertisement featuring Hon Doug Wenn, member for South West Province; Mr P. Smith, member for Bunbury; and Mr D. Smith, member for Mitchell, on the "wrap around" to the *South Western Times* Centenary Edition on Thursday, 9 June 1988?

(2) What was the cost of this advertisement?

(3) If the State Government or the South West Development Authority paid for the advertisement, why were other members of Parliament from the south west, such as Hon Barry House, member for South West Province; Mr Tom Jones, member for Collie; Mr J. Bradshaw, member for Murray-Wellington; Mr Dave Evans, member for Warren; Mr B. Blaikie, member for Vasse; Hon W.N. Stretch, member for Lower Central Province; and Hon A.A. Lewis, member for Lower Central Province, not also included under the slogan "Working for the South West"?

(4) If the advertisement was paid for by the State Government or the South West Development Authority, will these other members be given the same space in some future edition of the *South Western Times*?

(5) If the advertisement was paid for by the members featured, why were the words "Government of Western Australia" and the Government crest included in a prominent place in the advertisement?

Hon J.M. BERINSON replied:

(1) My information is that the advertisement was paid for by the three local members.

(2)-(4) Not applicable.

(5) The members were offering their congratulations on behalf of the Government of Western Australia and thought it appropriate that these words be included in the advertisement.

HANDICAPPED WORKERS
Government Departments - Subsidies

176. Hon BARRY HOUSE, to the Leader of the House representing the Premier:

(1) Are the State Government departments and local government eligible for subsidies, which are jointly funded by the Federal Department of Employment and Training and the Authority for Intellectually Handicapped Persons, for the employment of intellectually handicapped people placed by project employment?

(2) If not, why not?

Hon J.M. BERINSON replied:

(1) No.

(2) The Authority for Intellectually Handicapped Persons does not offer subsidies, singularly or jointly, to any employer, private or public sector, who employs a person with an intellectual disability. The Federal Department of Employment, Education and Training, however, does offer a subsidy to private sector employers known as the "Jobstart" subsidy. Advice has been received from the Executive Officer, Training, Adjustment and Assistance Branch, Department of Employment, Education and Training that local government bodies and statutory authorities, not employing under the relevant Public Service Act, are eligible to apply for subsidy under the private sector program.

The matter of other State Government departments' ineligibility for subsidy is a policy decision of the Department of Employment, Education and Training and inquiries should be directed to the State Director of that department.

GOVERNMENT INSPECTOR OF MUNICIPALITIES
Pecuniary Interests - Report

182. Hon N.F. MOORE, to the Minister for Consumer Affairs representing the Minister for Local Government:

I refer the Minister to his answer to question 125 of 31 May 1988 and ask -

(1) Will the Minister table the report of the Government Inspector of Municipalities and if not, why not?

(2) From whom is the Secretary of Local Government awaiting further advice on the report and what is the subject matter of this advice?

(3) Is the lengthy delay in the resolution of this complaint a result of the involvement of the WADC in a future development proposal for the foreshore?

Hon GRAHAM EDWARDS replied:

(1) No. The report prepared by the Government Inspector of Municipalities followed an inquiry into allegations of a breach of the pecuniary interest provisions of the Local Government Act. Such reports are not published because of the need to protect the interests of those who provide information to the inspector with the expectation that the information will remain confidential.

(2) The Secretary for Local Government is awaiting further advice from the Crown Solicitor's office on legal matters associated with the inquiry.

(3) No.

TECHNICAL AND FURTHER EDUCATION
Dual Enrolment

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

(1) Have TAFE enrolment procedures for 1987 and 1988 been reviewed following the trialled procedure of a dual enrolment period in December and the following February?

(2) If yes, can the Minister advise if the dual enrolment period will be retained?

(3) If (1) is no, can the Minister advise what recommendations for change have been made, when these changes will be implemented, and what progress has so far been made?

(4) Can the Minister advise the percentage of students who enrolled in December 1987 but failed to take their places when TAFE classes commenced in February 1988?

Hon KAY HALLAHAN replied:

The Minister assisting the Minister for Education with TAFE has advised me that -

(1) The procedures are currently being reviewed.

(2) No decision on the dual enrolment will be made until the review has been completed.

(3) No changes will be considered until the current review has been completed.

(4) Approximately five per cent.

TECHNICAL AND FURTHER EDUCATION
College Advisory Committees

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

(1) Under the recent reorganisation of the Office of Technical and Further Education, can the Minister advise whether college advisory committees are to be retained in their present form?

(2) If yes, can the Minister advise whether memberships of these committees are currently at full strength?

(3) If (1) is no, can the Minister advise what changes are proposed?

(4) If (2) is no, can the Minister advise whether nominations to fill vacancies have been received?

(5) If (4) is yes, can the Minister advise the reason for any delay in having the nominations processed?

Hon KAY HALLAHAN replied:

The Minister assisting the Minister for Education with TAFE has advised me that -

(1) The need for and role of these committees is under review. The Minister will be consulting with the Office of Technical and Further Education and chairpersons of the advisory committee before any decisions on the future of the committees are finalised.

(2)-(5) Not applicable.

TECHNICAL AND FURTHER EDUCATION
College Directors

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

(1) Can the Minister advise what action is proposed to change the title from Deputy Principal to Deputy Director for the three incumbents of TAFE Colleges at Albany, Bunbury and Geraldton, where such colleges are administered by Directors, not by Principals?

(2) If the titles are not to be changed, why not?

(3) If the titles are to be changed, when will this change take place?

Hon KAY HALLAHAN replied:

The Minister assisting the Minister for Education with TAFE has advised me that -

(1) This matter is under consideration.

(2)-(3) Not applicable.

POLLUTION
Environmental Protection Authority - Kwinana Industries

190. Hon G.E. MASTERS, to the Minister for Community Services representing the Minister for Environment:

(1) For the period 1 March 1986 to 1 March 1988, how many complaints have been received by the Environmental Protection Authority relating to industries in the Kwinana strip?

(2) How many such complaints have been investigated by the EPA?

(3) How many prosecutions have resulted from such investigations?

(4) Which industries have been successfully prosecuted?

(5) What is the total sum of fines levied against industries in that region during that period?

Hon KAY HALLAHAN replied:

(1) The EPA Kwinana Pollution Control Unit was established in November 1986. Statistics are available for November 1986 - March 1988 as compiled by the unit. Figures prior to November 1986 can be compiled but would require more time to obtain. A total of 740 complaints have been received by KPCU during the period November 1986 to March 1988; approximately 600 complaints have been related to the industrial strip.

(2) All complaints received by the KPCU are investigated as a matter of priority. The KPCU operates a 24 hour on-call service for the area. On-call inspectors reside within 15 minutes' travel time from the industrial strip. The majority of complaints are readily resolved with action being taken initially by the KPCU to attempt to establish the responsible industry which is followed up by immediate contact with management in an attempt to ameliorate the nuisance. In most instances the problem can be resolved quickly through a cooperative approach. In instances where this is not successful a warning may be issued by the KPCU, followed by a pollution abatement notice or, as a last resort, prosecution.

(3) One prosecution has resulted from investigations to this date. Other prosecution proceedings are to follow in the near future. A number of pollution abatement notices have also been served requiring action to control pollution.

(4) A successful prosecution was achieved against Total Corrosion Control of Kwinana for outdoor dry abrasive sand blasting with silica sand.

(5) A fine of $500 was levied against the company in this instance.

EMPLOYMENT DIRECTION
Role

193. Hon D.J. WORDSWORTH, to the Attorney General representing the Minister for Employment and Training:

(1) What is the role of Employment Directions?

(2) What are the funding arrangements in respect to administration?

(3) What are the funding arrangements in respect to training programmes?

(4) How many persons are employed -

(a) full time;

(b) part time; and

(c) casual?

(5) Who are the employees?

Hon J.M. BERINSON replied:

(1) Employment Direction is a community employment project sponsored by the Wanneroo Social Planning Inc.

(2) It is largely funded under the Commonwealth Government's Community Training Program. The project also obtains funding from time to time from other sources.

(3)-(5) This should be obtained from the sponsor organisation.

QUESTIONS WITHOUT NOTICE

COMMUNITY SERVICES, DEPARTMENT FOR
Child Care - Four year olds

96. Hon N.F. MOORE, to the Minister for Community Services:

Can the Minister tell us whether it is correct that the Department for Community Services is to take control of all aspects of education, child care and day care relating to children between the ages of zero and four?

Hon KAY HALLAHAN replied:

I am not in a position to tell the House about that. It certainly is a matter under consideration, but that is as far as it has gone.

FAMILY SERVICES BRANCH

97. Hon P.G. PENDAL, to the Minister for The Family:

Is the family policy branch - apparently established within the Department of the Premier - in any way connected with or responsible to her Ministry?

Hon KAY HALLAHAN replied:

The family services branch supports my Ministry and staff working with me, as Minister for The Family, on policy.

FAMILY SERVICES BRANCH
Personnel

98. Hon P.G. PENDAL, to the Minister for The Family:

(1) How many people are employed by this policy branch?

(2) What is its approximate budgetary cost?

(3) If the Minister does not know the answers to these questions, will she undertake to provide them to the House?

Hon KAY HALLAHAN replied:

(1)-(3)

The family services branch is within the policy section of the Ministry of the Premier and Cabinet. It has a number of people working within it. That number can fluctuate upwards or downwards, dependent upon the number of issues that are coming into the policy section about family related issues. The family services branch does not have a separate budget.

JURY

Juror Protection - Legislation

99. Hon P.G. PENDAL, to the Attorney General:

I refer the Attorney General to an announcement made by his Government in *The West Australian* on Friday, 10 January 1986, just prior to the last State election, where it was reported that the State Government was preparing to introduce legislation to protect jurors from being interfered with after trials. I remind the Attorney General that move came after complaints that a convicted murderer, Christian Wilhelm Michael, sent Christmas cards from Fremantle Gaol to the jurors who convicted him. I ask -

(1) Has any action been taken along the line then promised by the Attorney General and the Premier?

(2) If no, why has action not been taken, given the urgency expressed at that time?

Hon J.M. BERINSON replied:

(1)-(2)

Consideration was given at that time to the form which appropriate legislation might take. It was considered to be very far from being a simple matter to arrive at a suitable set of provisions. In the event, I took the decision to await further developments before pursuing that proposal to the point of a Cabinet submission. Our experience since that time has suggested that the incident referred to by the honourable member was an exceptional incident. Similar matters for concern have not been raised, and in the circumstances, the question of legislating on the matter is really one that is being held in reserve.

JURY

Juror Protection - Legislation

100. Hon P.G. PENDAL, to the Attorney General:

I thank the Attorney General for that information. I ask him -

(1) Was the Government's decision made in accordance with a report then being prepared by the Solicitor General?

(2) If so, is he prepared to table a copy of that report?

Hon J.M. BERINSON replied:

(1)-(2)

We are talking about matters which I considered more than two years ago, and I do not have that detail in my head. I will take the opportunity to refresh my memory on it.