

Legislative Council

Wednesday, 1 April 1992

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

PETITION - DUCK SHOOTING

Prohibition Legislation Support

Hon Reg Davies presented a petition from 1 130 citizens of Western Australia urging members of Parliament to support as a matter of urgency legislation recently introduced by the Government to ban recreational duck shooting in Western Australia.

[See paper No 79.]

MOTION - LIQUOR LICENSING AMENDMENT REGULATIONS

Disallowance of Regulations

HON E.J. CHARLTON (Agricultural) [2.35 pm]: I move -

That the Liquor Licensing Amendment Regulations 1991 published in the *Government Gazette* on 8 November 1991 and tabled in this House on 14 November 1991 be, and are hereby, disallowed.

The Government has introduced a new regulation that will increase the price of an occasional liquor licence from \$8 to \$25. The National Party is concerned about that increase because it will have to be borne by many very small organisations. The transaction is a simple one. All one has to do is to approach one's local authority and the local police who will give the okay for the licence to be issued provided that the conditions of the licence, which are very straightforward, will be complied with. The work required to issue the licence is not significant and in no way warrants this huge increase. As I said, it places a huge burden on small groups, particularly fundraising social groups, who work for the community instead of calling for more handouts from the Government through the Lotteries Commission or through other Government sponsored programs which are not now available to the extent that they were in the past. I can give the House several examples of the types of groups that seek these occasional licences for their functions. The increase is very significant because that amount has to be made at the function before any profits accrue.

I oppose the increase because these groups are now being told that a simple way around this is for them to apply for an annual restricted licence. It costs \$150 and covers events for the whole year. Many people may think it is simple to get one permit for a year instead of getting half a dozen occasional licences at \$25. However, the conditions applying to the 12 monthly licence are extreme. For instance, the plans are to be submitted on one sheet of quality paper without any coloured markings. That may sound simple, but the further conditions fill a page and include the requirement that a site plan in duplicate include "an outline of every building on the premises to which the application relates; the boundary of the land on which those premises are or are to be situated; the front entrance of every building on those premises; car parks and vehicular access to adjacent streets; the names of adjacent streets; and features such as swimming pools and other outdoor areas on those premises". A further condition requires the plan to be drawn "by a duly qualified architect, surveyor, town planner, engineer, builder or draftsman in ink on opaque drafting bond paper of at least A1 size". The list goes on. An applicant for a restricted liquor licence is also required to provide details of all fixtures, fittings, liquor services, food storage areas and sanitary conveniences. One would certainly need plenty of the latter facilities by the time one filled out the form!

The National Party is opposed to the new regulation not only because it increases the cost of an occasional licence from \$8 to \$25. The powers that be are giving organisations the option to take out an annual licence if they do not want to go through the hassle of obtaining a licence for each occasion. However, I have demonstrated that it is not as simple as that because one would need to employ someone who was very appropriately qualified, otherwise

the form would be returned because it had not been completed properly. Far too much red tape is involved.

The bottom line is that Government departments will not be faced with increased administration costs to authorise an occasional permit and \$8 is more than sufficient to cover the cost of it. The issuing of such licences is part of someone's other duties and it is a two minute exercise. There is no point in burdening these organisations with a cost of \$25. For the reasons I have mentioned we should stop inflicting financial burdens on voluntary organisations. We should keep this permit simple and its cost should not be increased.

HON P.H. LOCKYER (Mining and Pastoral) [2.42 pm]: I formally second the motion. I support Hon Eric Charlton's comments and I am pleased he has brought this matter before the Parliament. It is another example of bureaucracy gone mad. Why should there be a 300 per cent increase in a charge which will raise a paltry amount of money for the Government, but which will affect those people whom this Government purports to support? Whenever a Government, of whatever persuasion, wants to raise money it aims at the liquor industry. In the long term it will be the people who sell liquor to these organisations who will suffer.

Hon Mark Nevill: It might be out of your pocket.

Hon P.H. LOCKYER: It may well be, but the organisations the member and I represent will be affected by this. It will affect the kindergarten in Carnarvon which may hold an annual event to raise a few hundred dollars. Instead of paying \$8 for this licence it will have to pay \$25. This Parliament has a responsibility to scrutinise these regulations. Obviously the Government is so cash strapped that its departments are grabbing money from every corner of the State, but it is not right that they should target small organisations.

Hon J.M. Berinson: You must know that these fees do not go to the departments which raise them - they go to general revenue.

Hon P.G. Pandal: That makes a big difference!

Hon J.M. BERINSON: That seems to be the point that was being made.

Hon P.H. LOCKYER: I take Hon Joe Berinson's point: It is the same cap, but a different colour. If the amount raised goes into the Consolidated Revenue Fund, the situation is worse than I first thought. Is the money to be raised because of this Government's squandering of State funds, or is it something that has not been looked at for a number of years and all of a sudden the Government has decided to increase the fee for an occasional liquor permit?

This regulation is out of order and there is no reason that people should go through the nonsense to which Hon Eric Charlton alluded to obtain an occasional liquor licence; for example, giving the colour of the fence posts at the place where the function will be held. Certainly, the local kindergarten's once a year event to raise money to paint its building will not be an out of control, drunken orgy; it will be run by responsible people.

I support Hon Eric Charlton's motion to disallow this regulation and I hope all other members do also.

Debate adjourned, on motion by Hon Fred McKenzie.

ADDRESS-IN-REPLY - SIXTH DAY

Motion

Debate resumed from 31 March.

HON FRED MCKENZIE (East Metropolitan) [2.46 pm]: To commence my contribution to the Address-in-Reply I congratulate the Governor on the Address he delivered at the opening of this session of the Parliament. I understand that His Excellency will be vacating the position of Governor shortly and I take this opportunity to wish him and Lady Burt the very best in their future retirement.

I also pay tribute to Hon Jim Brown, who recently retired from this House, and I wish him well in his retirement. He served as a member of Parliament for a longer period than I have because before being elected to this House he served for some time in the Legislative Assembly. He always reminded me of that fact.

Hon P.G. Pandal: Your behaviour indicates that you were never down there.

Hon FRED McKENZIE: I have said it before and I will say it again: I would like to have been a member in that place, but I never had the opportunity. I simply had to take what I could get, which was the Legislative Council. I do not say that with any disrespect to members of this House. However, my time in this place is drawing to a close also. I have been here longer than any other member and I have served in this House longer than did Hon Jim Brown. To that end, it could be said that of the members on this side of the House I am the father of the Parliament.

My association with Hon Jim Brown included serving with him on many Select Committees, some of which were very tough going. He was a tough committee member and I am sure that members on the other side of the House who have served on committees with him would testify to that. Hon Jim Brown was a great ally to have on a committee. The last committee he served on is still running and relates to occupational health. However the committee prior to that, which became known as the Pike committee, was one on which Hon Jim Brown showed what a great colleague and support he could be. I will comment about that committee later. Hon Jim Brown played his role well as a member of that committee, to the extent that he and I disagreed on many points. Nevertheless, we remain firm friends. Such is the nature of politics. I will certainly miss Hon Jim Brown.

Following Hon Kim Chance's maiden speech yesterday I reached the conclusion that we have an able replacement for Hon Jim Brown. In all of my time here I have not heard a speech the equal of his; it was as good as, if not better than, any speech I have ever heard in this House, and I have been here for quite some time. He spoke well on a number of subjects different from those often discussed in this place. It is difficult from this side of the House to portray the Agricultural Region as related to the policies of the Australian Labor Party, but he did that with great dignity and meaning yesterday. If members read what he had to say about agriculture they will understand what I mean. It was an excellent speech. I regard Kim Chance as a Minister of the future in this place, such is the calibre of Hon Jim Brown's replacement.

I also congratulate Hon Garry Kelly on his elevation to Chairman of Committees. I guess that was a bolt from the blue, in a sense, for him.

Hon E.J. Charlton: A bigger bolt was that he got endorsement.

Hon FRED McKENZIE: No doubt Hon Garry Kelly has great ability. We have seen him in action here as Deputy Chairman of Committees, so it is no surprise that he was endorsed by the Australian Labor Party to be nominated to fill the position of Chairman of Committees in this place.

Hon E.J. Charlton: The Parliament recognises his ability, but his party does not.

Hon FRED McKENZIE: The party did; it nominated him for a job it knows he will carry out well. When he takes the Chair in your absence, Mr President, he will perform well there also. I hope he will be Chairman of Committees for a long time to come.

I also pay tribute to Pam Buchanan, whom I have known for a long time. I was sad to see her leave the Parliament because of ill health. Before she was elected and came into the Parliament I went to the north many years ago and stayed with Pam and her husband George while campaigning in the area. That was in the bad old days when one had to go around and find people who were not enrolled and then find a JP to enrol them. Thank goodness we have since got rid of that procedure. My role at that time was to find people who were not on the roll and then get a JP to follow up and enrol them. I stayed with Pam and George and found them to be a lovely couple. I am sorry that Pam has gone downhill physically. I think she carried out her duties in the Parliament to the satisfaction of everybody. I wish her well in the future and hope she recovers from the severe illness she is suffering.

Christabel Chamarette has been mentioned by members opposite as a worthy replacement for Senator Vallentine. I do not share the opinion expressed by some members about Senator Vallentine, simply because the electors knew what she stood for before they elected her. She got her quota and had every right to present the point of view that she expressed constantly both before and after her election to the Senate. I do not know Christabel Chamarette personally, but from what I have seen and read about her she appears to be a good replacement and has my congratulations on her appointment.

I turn now to more serious matters, in particular to draw the attention of members of this House to correspondence I have received from Terry Malone, a solicitor in Geraldton. This letter was sent at my request following a telephone conversation I had when he called me in this House after seeing a *Hansard* record of remarks made about him by Hon Eric Charlton. Before I get to Mr Malone, I should make it perfectly clear that my position in relation to the Aboriginal Legal Service is entirely different from that of Hon Eric Charlton. I do not think we do Aborigines any good at all by criticising the organisations that are trying to lift them out of the depths of their despair.

Hon E.J. Charlton: Mr McKenzie, they are putting them into despair. These people are in more despair now than they have ever been and the stupidity of one of your Minister's remarks this morning -

The PRESIDENT: Order!

Hon FRED McKENZIE: The views expressed in those remarks are not shared by me. We are people of influence in this Parliament and I do not think we do the cause of Aborigines any good by being critical of these people. My views are shared by the editor of *The West Australian* in today's editorial. I believe the media has an important role to play in addressing this problem brought about by our treatment of the Aborigines, the original inhabitants of this country. We have failed to get results from the steps we have taken over many years in handling their problems. We are now starting to work towards those results but unfortunately are being criticised by some influential members in this place for doing so. Today's editorial is headed, "Slow steps to find justice". It is quite clear that we at least have the support of *The West Australian* with this pressing problem. Its only concern is expressed in the penultimate paragraph of the editorial, which states -

The signs are that the Government will be strapped for money in the coming Budget and will be hard pressed to maintain existing services, let alone meet new commitments.

It is suggesting that the buckets of money that we throw at the Aborigines - which is one of the terms that has been used by people critical of that happening - are insufficient and that we need to spend more. I think that is correct and is the only way to overcome the problem.

Hon E.J. Charlton: What, more money?

Hon FRED McKENZIE: Yes, because they are disadvantaged people.

Hon Derrick Tomlinson: Aboriginal people cannot buy their self-respect. They have to be given the opportunity to earn it. It won't cost a brass razoo.

Hon FRED McKENZIE: That is part of the answer, Mr Tomlinson, but they must be given an opportunity, which costs money; that is the point I am making.

Hon E.J. Charlton: Like allowing them to go to school.

Hon FRED McKENZIE: What I am saying is factual. *The West Australian's* editorial concludes -

It is a national disgrace that Aborigines are forced to live in Third World conditions. They must not be fobbed off any longer.

Hon Derrick Tomlinson: Hear, hear!

Hon FRED McKENZIE: I am glad I have some support from the other side of the House. We should not be talking of cutting the funds of the Aboriginal Legal Service when members opposite are aware of the statistics that apply to the imprisonment of Aborigines. I think around 29 Aborigines are imprisoned for every white person, and we must do something about that, rather than cut off the funds so that it is easier to send them to those institutions. We should spend money on dealing with the problem before it eventuates. Some members opposite may not know, but I became aware in the last few days, that nearly every one of the pursuits that have taken place and that have seen juveniles placed in detention have been a result of those juveniles, many of whom are Aborigines, being stoned out of their minds through taking amphetamines in particular, and other drugs, and sniffing glue. We must do something about that problem.

Hon E.J. Charlton: Do you think the ALS will fix that up?

Hon FRED McKENZIE: Yes, it will, but we do not want to stop the protection those juveniles are afforded through the Aboriginal Legal Service, because they are disadvantaged.

Hon E.J. Charlton: They are disadvantaged because of the Aboriginal Legal Service.

Hon FRED McKENZIE: That is the member's view. It is certainly not mine and I do not think it stands the test.

Hon E.J. Charlton: Go and ask them.

Hon FRED McKENZIE: I have evidence here and I will quote it to the House later. The Chairman of the Aboriginal Legal Service in Geraldton has said a few things about Hon Eric Charlton that he will not like. Those things will be quoted. They appeared in the *Geraldton Guardian* and I have a copy here.

We can stand in this place and say things, as I will do today, and it is difficult for people to reply. Hon Eric Charlton had the opportunity to say what he did about Mr Malone, and I will quote today from the letter I have received from Mr Malone. The things I will be quoting are not what I am saying about people, but what Mr Malone is saying. I do not know what checking Hon Eric Charlton did with Mr Malone, but from what I have received I think he did very little.

Hon E.J. Charlton: Here is what I have got since I spoke about Mr Malone.

The PRESIDENT: Order!

Hon FRED McKENZIE: We could keep this matter going forever and a day, in every Address-in-Reply debate, but it is very important for people who are maligned in this place under privilege to be given the opportunity to reply. I think that was touched on by the Parliamentary Standards Committee chaired by Hon K.E. Beazley Senior, or another committee and I know it is very difficult to have people come here and defend themselves, so the only way it can be done is through a member. Mr Malone rang me on this occasion to defend his position because of interjections I made in the debate. That is how he found me. I told him that if he sent me the information he had I would see that his side of the story was conveyed to members of Parliament. That is precisely what I intend to do, and that is why I will be quoting verbatim from his letter. I will add my own comments to indicate to members that I am a strong supporter of the Aboriginal Legal Service, particularly in Geraldton, but that is not to say that I do not believe there should be a Legal Aid Commission office in Geraldton as well, or an amalgamation of the two. In fact, the correspondence I have received indicates that Mr Malone has been the major protagonist for a combined office in Geraldton.

Having said that, I propose to read from Mr Malone's letter which I received, dated 25 March 1992.

Hon George Cash: You are not warranting it to be the truth, but are purely reading from it?

Hon FRED McKENZIE: No, because I do not know it to be the truth; I am presenting Mr Malone's side of the story. I have no evidence that it is the truth but members can make their own judgment about what he says in this letter, in which he refutes much of what Mr Charlton had to say.

Hon George Cash: I wanted you to make it clear that you are not warranting it to be the truth.

Hon FRED McKENZIE: Had the circumstances been different I might have contacted the other solicitors, but they have had their side of the story told, and will continue to have it told, by Mr Charlton. Obviously there is a conflict between solicitors in Geraldton.

Hon E.J. Charlton: No, there is not.

The PRESIDENT: Order! I do not want to have to start threatening members about their behaviour as I did yesterday. Hon Eric Charlton had his say on the Address-in-Reply and made certain comments. What Hon Fred McKenzie is doing is perfectly proper and he is entitled to express a point of view. I do not want to go into the rights and wrongs of what he will say, but I will insist that it is his right to say it. If that takes the form of his reading that letter I am happy to allow him to do so, and I think he is entitled to do it in silence.

Hon FRED McKENZIE: Thank you, Mr President. I know that interjections are out of order

but I must say that I do not mind them because it was my interjections which gave me the opportunity to say this.

The PRESIDENT: With respect, I do mind.

Hon FRED McKENZIE: I understand that, Mr President, and I respect your view.

Mr Malone's letter is headed "YOUR REQUEST TO ANSWER THE COMMENTS OF ERIC CHARLTON" and reads -

In answer to your request for a response to the comments of Eric Charlton, the National Party Shadow Minister for Aboriginal Affairs I provide the following.

Mr Charlton has said that the Legal Service should be disbanded and indicates that he met with Mr Duncan Armstrong, Mr George Giudice and Mr Robert Glynn of Monday of this week, meaning the week commencing the 15th day of March 1992.

Mr Charlton goes on to state that the letter -

That is, the letter Mr Charlton received. Mr Malone's letter continues -

- states in part "as you may know the Northern Regional Law Society of which we are members has lobbied for some years to establish a Legal Aid Office in Geraldton along the lines of the Regional Office of the Legal Aid Commission in Bunbury . . . however Geraldton has an Aboriginal Legal Service.

Let me stop at this point and indicate that the letter and information to Mr Charlton is already misleading. It was I who took the first effective step towards creating a Legal Aid Office for non-Aboriginals in Geraldton in 1989.

At that stage I had the full backing of the Northern Regional Law Society.

I enclose for your perusal my draft proposal concerning what was then called "the Amalgamation of the Aboriginal Legal Service and Legal Aid Commission in Geraldton". Please find hereto and marked with the letter "A" my draft proposal. This proposal was unanimously accepted.

The Northern Regional Law Society had made an ineffectual attempt by having a meeting with the then Director of the Legal Aid Commission some time previously but were told bluntly that they were not going to get a Legal Aid Office.

I have here a copy of the draft referred to marked "A". For the benefit of members and so that it makes sense when others read it in *Hansard* I will read just the first page, although it contains several pages. It is headed "Concerning the Amalgamation of Aboriginal Legal Service and Legal Aid Commission in Geraldton". If members read this they will understand why a Legal Aid Commission office is needed in Geraldton. I do not argue about that - in fact, I support it - but it just was not to be. Due to the unavailability of funds and so on, I suppose it did not receive a blessing. Nevertheless, the attempt was made and Mr Malone claims he was the catalyst for it, although he had the support of the Northern Regional Law Society. I will read the first page of the proposal, but it is not necessary to read the rest of it. It reads under the background heading -

In recent times the Legal profession in Geraldton including the Solicitor representing Aboriginal Legal Services of WA (Inc.) has raised concerns concerning the over load on legal services in Geraldton and in addition the Carnarvon and Murchison areas generally.

Statistics are available which show that the Geraldton Court of Petty Sessions, the District Court and the Supreme Court are busier in Geraldton than any other Courts outside the Perth metro area. Indeed the work load in both the District Court and Courts of Petty Sessions has doubled over a period of eighteen (18) months.

The reasons for this not being clear may be attributable to the increase in population in these areas.

The consequences of this has been that many people are not adequately represented or represented at all. It has become apparent that the Legal Services available to Aboriginal persons are not available to non-Aboriginal persons in the Geraldton Court of Petty Sessions, the Carnarvon Court of Petty Sessions and all of the Courts along the Carnarvon Magistrate's Murchison circuit.

To fill this gap legal services have been extended to a limited extent by the Aboriginal Legal Service. This includes extension of services by way of visits to white persons held in detention in the Greenough Regional Prison.

A problem exists in Geraldton - I acknowledge that. However, I do not see that as a reason to attack the Aboriginal Legal Service in Geraldton because it is desperately needed in that area. If members want to be more positive and turn their attacks on the Federal or State Governments, they should do so; however, that is another matter. I ask members please not to try to take away a service which is badly needed by a greatly disadvantaged group of people in the Geraldton area. That is the first point made in the letter. The second point is as follows -

The second misleading matter arises out of these words: "coupled with this has been a campaign to abolish the Legal Aid Service as being a discriminatory Legal Aid Service".

In September of 1990 as Chairperson of the Geraldton Emergency Relief Organisation, an organisation set-up for the needy, black and white in Geraldton, I established through the Office of the Federal Minister for Justice a Legal Aid Office referred to as the Community Legal Service.

That office now functions as follows.

It has a full time solicitor.

It has a full time legal secretary.

It has a full time financial counsellor.

It has a full time co-ordinator and child support adviser.

That organisation (the Community Legal Centre) as of three (3) months broke the embargo set by these three (3) firms calling themselves the Northern Regional Law Society. The embargo to which I refer was their withdrawal of their services from the public of Duty Council Services (this is the service provided to people who appear in Court and wish advice as to how to plead) and also withdrew from the Citizen's Advice Bureau where free advice on legal matters could be obtained by the Citizens of Geraldton, black or white.

The lawyers commenced this embargo in February in order to try and bring the Government to its knees and in order to force the set up of a large scale Legal Aid Office in Geraldton.

This obviously did not work and the lawyers, particularly Duncan Armstrong and George Giudice were particularly angry that I was able to achieve within the space of weeks with the assistance of the workers at the Geraldton Emergency Relief Organisation what they had been hoping (and I do stress hoping) would happen for years. The end of all their endeavours was that the people of Geraldton suffered and they had achieved nothing.

During the period commencing February of 1990 I assisted the disadvantaged white folk who were suffering by the Geraldton lawyers embargo by providing, where I was able, free legal advice both in this office and on circuit.

I stop at this point. Obviously, Mr Malone has been providing free legal advice to those who cannot afford the service. He is prepared to do so. It is all right for members to condemn a person, but surely in the condemnation of Mr Malone we should have heard about some of these things. Surely they must have been known. Obviously the people providing information to Hon Eric Charlton would not tell him, and Mr Charlton had put his case in that regard. The letter continues -

It seemed to me that there were a couple of cases where Legal Aid had not been granted to whites and they had been so badly dealt with that I should in fact defend them for free. This I did and won both cases.

He defended these people for free and won both cases. The letter continues -

My reputation therefore spread throughout the City of Geraldton and as a result I had to commence turning people away. People wanted to leave the selfish Geraldton lawyers and have me represent them.

Mr Malone is saying these things about himself, but members should bear in mind that he is defending himself. Nobody else will blow his trumpet for him; I do not know his experiences in Geraldton.

Hon E.J. Charlton: He had three years in which to answer questions put to him about his role. He has refused to do so when questioned by Federal and State Ministers.

Hon FRED McKENZIE: To whom does he have to answer? He has answered to the responsible Minister, and if the Minister is satisfied that is the end of the matter.

Hon E.J. Charlton: I read the correspondence asking him questions, and he refused to answer every one of them.

Hon FRED McKENZIE: Mr Malone has told me that he is willing to challenge Mr Charlton to a debate on any of these issues outside Parliament where privilege does not apply. The member may take him up on that challenge if he wishes.

Hon E.J. Charlton: I have a few things to say to him.

Hon FRED McKENZIE: It is okay to say things in this place, but if the member is prepared to say them here he should also say them outside Parliament.

Hon E.J. Charlton: Will you take that letter outside and say it?

Hon FRED McKENZIE: I am saying what Mr Malone said.

Hon E.J. Charlton: Why not say it outside?

Hon FRED McKENZIE: Mr Malone may say these things outside this place, but the member would have to ask him. Mr Malone is prepared to discuss this matter in an open forum, and he has extended this challenge; that is fair enough. The letter continues -

I can not stress strongly enough that were it not for the Aboriginal Legal Service and myself heading that organisation in the Mid West, Geraldton would not now have a Legal Aid Service working. That organisation is growing under the co-ordination of Ms Zoie Doyle and through the efforts of the solicitor, Mr Gerald Xavier and will continue to grow into a fully fledged Legal Aid Commission Office, given time.

That is that part of the story. I now relate some of Mr Malone's achievements indicated in his communications with me. I had a vague recollection of these matters, but now I am fully aware of the position. I remind members that Mr Malone travelled to America where he was admitted to the bar and argued before the US Supreme Court in Florida for the removal of the death sentence from the American Aborigine, James Savage. Members will remember that case in which that young man was charged with murder. Members will recall that Mr Malone was successful, in part at least. The fact that he travelled to America to defend that young fellow indicates to me that Mr Malone is not only a lawyer of some repute, but also a person of compassion; that is important.

I raise another point which may upset some members, but which certainly will not upset me. He was the lawyer who defended Kenneth Dann, a 17 year old Aboriginal boy who was accosted and arrested by a policeman on one of Geraldton's main streets simply for wearing sunglasses. Following that, a case was taken against the policeman; he was convicted and costs of \$750 were awarded against him. Mr Malone has a pretty good reputation already for being able to defend people.

Hon E.J. Charlton: I also spoke on behalf of the defendant. I did not criticise the people he was representing.

Hon FRED McKENZIE: That is to Hon Eric Charlton's credit. I am not saying Hon Eric Charlton is a bad fellow; I do not think he realises what he says; his statements sometimes incite people. I do not think he is a racist; he is too sensitive to be in that category. He should realise that in order to help these disadvantaged people he should not attack them or the services which are provided to lift them from the mire and provide them with the opportunities which they have been denied over a long period. I refer to the Equal Opportunity Commission newsletter.

Hon E.J. Charlton: Another good organisation.

Hon FRED McKENZIE: The newsletter contains statistics which indicate the position of these people and reads -

Aboriginal Australians experience enormous discrimination in almost every area of life. They are subjected to treatment which other groups would not expect and do not tolerate.

During the last financial year 54% of race discrimination complaints lodged with the Equal Opportunity Commission came from Aboriginal Australians. The complaints were in every area, particularly accommodation, goods, services and employment.

I can well remember my father telling me about the Italian and Yugoslav people on the goldfields. He could remember the riots of about 1934 when racial hatred in the community was directed at those people.

Hon E.J. Charlton: Have you ever heard about poms?

Hon FRED McKENZIE: Before that I suppose it was the poms.

Hon E.J. Charlton: I mean now.

Hon John Halden: What about the Chinese?

Hon FRED McKENZIE: Racist feelings are also directed against Asians and especially Aboriginal people, the original inhabitants of this country. We owe it to ourselves to prevent discrimination. We do not contribute to the debate by inciting people in the community; we are more educated than that.

Hon P.G. Pandal: Not like Mr Keating is doing.

Hon FRED McKENZIE: He is doing nothing of the sort and Hon Phillip Pandal knows it. I refer back to the letter -

In that year I had been working for two (2) years for the Aboriginal Legal Service.

Hon Eric Charlton should listen to this; he believes money is being thrown around but the following has not been taken into consideration -

I had made considerable inroads into the expenditure of the Aboriginal Legal Service because I was qualified enough, and experienced enough to conduct all trials in the area.

By jove, it would have hurt to farm out work to local lawyers. That is one of the faults of the Legal Aid Commission. It should employ paid staff rather than farm out work to lawyers, bearing in mind the fees they charge. To continue -

This meant in short that we did not have to farm out work to local lawyers as my predecessor had, nor did we have to use the services of a senior lawyer from Perth as my predecessor did.

We did not have to fly lawyers up there because Mr Malone was a qualified and very able lawyer. But this came to an abrupt end for reasons I shall indicate later. To continue -

In June of 1989 I felt that I could not continue doing the work I was doing and being paid at the rate at which I was being paid. For that reason, at a meeting of the Committee of the Aboriginal Legal Service a vote was passed that I be offered a right of private practice in addition to my normal duties of working with the Aboriginal Legal Service.

Does that answer the question which has been outstanding for so long?

Hon E.J. Charlton: In the first breath you said he had that much work he could not handle it; then he turned around and said he had been given permission to do private work.

Hon FRED McKENZIE: Hon Eric Charlton will have to ask him that question. He said in his letter, "I felt I could not continue doing the work I was doing." Hon Eric Charlton should get it in the right context. In other words Mr Malone was working very long hours for very little remuneration when one considers what lawyers can earn. They can earn plenty as I will indicate later. His letter continues -

The condition attached to this offer was that I did not allow my private practice to interfere in any way with any duties of the Aboriginal Legal Service. This I accepted.

If Mr Malone has been taking other work and has not been doing the work expected of him in the Aboriginal Legal Service we should look into that. He continues -

It was explained to me at the time that this was the normal way of obtaining the services of senior lawyers in Queensland and therefore in circumstances where the Service was not physically capable of offering me more money it would offer a Queensland type contract.

That practice is not new to Geraldton; it is done elsewhere. If one wants a good lawyer one must pay. If one does not pay enough naturally one will lose him. It has been done before and it was done in Geraldton.

Hon E.J. Charlton: I have not heard you use the Queensland example very often.

Hon FRED McKENZIE: Hon Eric Charlton has heard it now. We all get educated and that is the advantage of presenting these cases in this Parliament. Obviously Hon Eric Charlton is learning; I am pleased about that.

Hon E.J. Charlton: I referred to Queensland last week.

Hon FRED McKENZIE: I now give a further indication of the people Hon Eric Charlton has been dealing with. I remind members that I am reading comments from Mr Malone's letter. If members wish to query it, so be it. The letter continues -

Since that time I have held this right of private practice. My predecessor at the Aboriginal Legal Service, Mr Gordon Gray and Mr Robert Glynn who had formed a firm called Glynn and Gray complained to then Minister for Aboriginal Affairs, Gerry Hand, who clearly indicated that my contract was as I have outlined above perfectly proper.

The remaining two firms, George Giudice and Co -

One of the people Hon Eric Charlton met with.

- and Altorfer and Stow did not object.

In fact nobody objected until September of last year when I succeeded in setting up a legal service for whites within the town of Geraldton. For three (3) months the solicitors in Geraldton would not take part in the Legal Service which was then headed by a lawyer from Perth by the name of Gayle Hunt but eventually as of February of this year four (4) lawyers now take part in the Duty Council Scheme.

Nonetheless as soon as the Legal Service was established, George Giudice wrote a letter to the new Minister for Aboriginal Affairs, Mr Tickner objecting to my right of private practice (this is of course quite coincidental!). George Giudice was advised in the same way as Glynn and Gray has been advised, that is to say I had a contractual right of private practice. No sooner did George Giudice Law Chambers get their answer did Altorfer and Stowe write their letter to Mr Tickner and presumably received the same answer. Not being satisfied with that Altorfer and Stow wrote to the Aboriginal Legal Service and were advised as their other lawyers had been advised.

At this point I return to the question of Altorfer and Stow and why the Aboriginal Legal Service fails to provide them with any further briefs.

Would it not be a sore point if they were not getting any briefs? To continue -

This was an action which I could not deal with because I had a Trial, I believe, in Wiluna. Duncan Armstrong -

He is another person who met with Hon Eric Charlton. To continue -

- from Altorfer and Stow asked could he act for the client as the client had been an old client of the firm. The action was a simple one, a motor vehicle accident involving drink in which a passenger was injured.

Duncan Armstrong lost the case, the client was fined \$300.00, costs were \$16.00 and there was a disqualification period of three (3) months. Mr Armstrong's bill was \$4,447.58.

Of course, the bill was outrageous but nonetheless Altorfer and Stow thereafter issued a Writ adding \$725.71 interest on top of the money already outstanding.

I advised Mr Armstrong that if he took the matter to Court his credibility would be in

question; I advised the Aboriginal Legal Service to avoid any further disruption within the Geraldton community to pay Altorfer and Stow but offer them no further substantial work and not to offer to pay interest.

Accordingly the bill was paid a year after it was rendered and from that day forward Mr Armstrong who had previously been amicable became an enemy of the Aboriginal Legal Service; all this because of his outrageous bill.

I ask Hon Eric Charlton to bear that in mind, because it was an outrageous bill. To continue -

Further, he was much more angered because my reputation had grown in Geraldton to the point where the numbers of Aboriginal people leaving the private firms had increased to the point where the numbers within the Aboriginal Legal Service had at least quadrupled and soon necessitated the hiring of two extra staff members within the Geraldton office to cope with the load.

Therefore, there had been a shift to the Aboriginal Legal Service. The next paragraph of the letter is underlined which shows its importance and I would like members to take note of it. It reads -

At no time has there been a complaint by an Aboriginal (except one originating from George Giudice Law Chambers office) that Aboriginal interests are being pushed to the background and my private practice is predominate and overwhelming or substantial.

Not one, except from George Giudice, one of the complainants. To continue -

I now turn to answer the specific concern expressed in the letter Mr Charlton received from Duncan Armstrong. As to paragraph (a) -

Perhaps I should read paragraph (a) of Duncan Armstrong's letter so that members will know what it states. It reads -

The present Solicitor for the Aboriginal Legal Service Mr T J Malone conducts a substantial private practice from Aboriginal Legal Service premises in Geraldton. The Aboriginal Legal Service premises are tax payer funded and we have no idea of the arrangements, if any, which exist between Mr T J Malone and the Aboriginal Legal Service to share the cost of running the office - hence the correspondence to the relevant Minister and Aboriginal Legal Service in Perth.

That is the paragraph Mr Malone refers to in full as follows -

As to paragraph (a) that "the practice is substantial" is incorrect. The solicitors however well know that if I open my doors to all and sundry it could become substantial and a threat to their practice.

The fact that the premises are tax payer funded and that the local lawyers have no idea of the arrangements is really none of their business.

This is the business entirely of ATSIC, the Aboriginal Legal Service and myself.

Hon E.J. Charlton: Is it right when taxpayers make a premises and auxiliary facilities available to a lawyer that he open his door to other business? He is receiving a salary from the taxpayers. I have asked that question and it has not been answered.

Hon FRED McKENZIE: I have explained the position of Mr Terry Malone; he has been given permission by the ALS, with the Minister's knowledge, to conduct a private practice. To me, it appears simple because Mr Malone is obviously a very talented and experienced lawyer and for people in that town to obtain the services of a lawyer of his calibre to represent them is sometimes not practical because of the fees charged. All members are aware of the cost of legal fees. For example, the Royal Commission is costing an arm and a leg. I have heard that it costs \$10 000 a day for Laurie Connell's representative who comes from the Eastern States.

Hon E.J. Charlton: You have given them the money.

Hon P.G. Pental: Your Premier is signing approvals every day and is not telling the Parliament about it.

Hon FRED McKENZIE: Someone is prepared to do some good work for disadvantaged people, but members opposite say he cannot do it. I reject that. As long as he is doing the work properly it does not matter. Private contractual arrangements are another matter. What one can do privately and publicly are two completely different things. I have seen some dreadful things done privately and in some cases companies are covering up for things that have occurred. They do not have to answer to anyone. For instance, look at Laurie Connell and at what he did.

Hon P.G. Pental: With your help.

Hon FRED McKENZIE: He did not receive help from me; I do not know the gentleman.

The PRESIDENT: Order! I suggest to the member that he stop being sidetracked because he has only 10 minutes left and I do not know how much more he has to tell this House.

Hon FRED McKENZIE: I have a lot to tell. Mr Malone's letter continues -

The Aboriginal Legal Service instead of offering me a large sum of money to retain my services in Geraldton has wisely opted to allow me to conduct a legal practice which is of a minimal nature - small by anyone's comparison. This is much cheaper than handing over taxpayers' money.

That is Mr Malone's answer which I accept. He understands the meaning of taxpayers' money. Paragraph (b) of Mr Armstrong's letter states -

Mr T J Malone has on occasions acted for persons of Aboriginal descent on assignment from the Legal Aid Commission whilst on a salary to represent them as part of his employment. We do not know of the arrangement, if any, Mr Malone has with the Legal Aid Commission or the Aboriginal Legal Service to permit this. We do not know what the cost has been for the Legal Aid Commission in the issue of assignments to Mr Malone to represent Aborigines.

At least he knows now. He is able to participate under the contractual arrangements he now has. Mr Malone said -

As to (b) this allegation that "I have received money from the Legal Aid Commission whilst representing an Aboriginal person" is false and the lawyers have been told so by the Legal Aid Commission who have looked into the matter. By the same token George Giudice Law Chambers continues to break the Legal Aid Commission Act by charging its clients up to \$70.00 to fill out a Legal Aid applications. This is clearly illegal.

How greedy can one be? If that allegation is true they are embarking on a practice of charging people \$70 for filling out a simple application for legal aid. I do not know whether the allegation is true, but bear in mind that Mr Malone is fighting back. His letter continues -

I have put a stop to this by offering the same service free through the Community Legal Centre whom are Geraldton's Legal Aid Office. That has again put George Giudice offside.

That is from \$70 down to nothing because he has gone to the community legal centre. Point (c) in Mr Armstrong's letter states -

We and others have raised what we consider serious questions in the enclosed correspondence demanding answers and we have been unable to obtain answers.

Mr Malone's response to point (c) in his letter is -

As to point (c) "we and others have raised what we consider serious questions", is absolute rubbish. Neither I or any other citizen is required to make such a declaration to lawyers who at their whim wish to have a sticky beak.

He makes four other points -

1. No Aboriginal has complained of this arrangement, many welcome it because they do not feel they are being referred to an inferior Aboriginal Legal Service lawyer.
2. The method of allowing private practice has existed successfully in Queensland for at least a decade and forms part of my contract of employment.

3. This costs the tax-payer less rather than more.
4. If I decide to work a sixty (60) hour week to top up my income and so as not to denigrate my Aboriginal work, that is my affair. No Aboriginal is unhappy with that.

If Aborigines are unhappy with that situation, we should be aware of that in this place; however, there is no evidence of that. Mr Malone's concluding remarks are -

It is very interesting to note that this matter has come to the attention of the Upper House of Parliament within three (3) weeks of my reporting Opposition Deputy Leader Mr Kevin Minson to the Director of Public Prosecutions for what I consider to be statements intended to incite racial hatred.

In an article marked with the letter "B" and hereto attached published in the *Geraldton Guardian* on the 17th day of February 1992 Kevin Minson suggested that Aboriginal juvenile offenders should be placed in small training institutions situated in isolated areas or even islands.

I immediately expressed my rage and referred the matter to the DPP.

Within a week Charlton had indicated in the head lines February 21st 1992 *Geraldton Guardian* Aboriginal Funding was out of control and that Aborigines were rolling in money.

This was attacked by the Chairperson of the Aboriginal Legal Service, Sandy Davies on the 25th February 1992 in the *Geraldton Guardian*.

I will give members an indication of what was in that article titled, "Aboriginal leader slams rural MPs", dated 25 February 1992. It commences -

WA Aborigines would be "history" under a Coalition State Government with Mid-West MPs Kevin Minson and Eric Charlton in charge, Geraldton Aboriginal Legal Service chairman Sandy Davies claims.

The article continues -

Mr Davies said Mr Charlton's claim of millions of dollars available in WA was "untrue".

"He is misleading the public with rubbish like that," he said.

"I would challenge him to debate the amount of funding available, because it's nothing like what he claimed in that article."

The article also states -

Mr Davies also questioned Mr Charlton's claim that he had spoken to the heads of Aboriginal corporations in his region.

"As far as I know he's never spoken to any of the four corporations I head, so which ones is he talking about?" he said.

The letter that I received concludes -

The matters referred to in the Legislative Council on Wednesday the 18th March 1992 must be read in this context.

Finally the reference to my fax indicating that I could not attend a Northern Regional Law Society meeting on the 28th January 1992 at 4.30pm because I was in the middle of a "very interesting comic" was intended to indicate in view of all the above matters my contempt of such a meeting which was not being held to deal with law and order in Geraldton but with whether the Geraldton lawyers would on mass assist the people of Geraldton by attending or rejoining the Duty Council Service.

It is interesting to note that that meeting went on for two and a half hours and the lawyers again on the whole decided not to join the Duty Council Service. Only the four (4) previously mentioned decided to join including myself (out of twelve in all) have been good enough to assist any of the citizens of Geraldton, black, white or brindle.

Therefore when Mr Charlton asks "who is this guy, what his priorities are" and so on, he does not present the whole truth.

The remainder of Eric Charlton's record is not verified by any facts and generally attacks the Aboriginal Legal Service without giving any concrete example.

Where it does not attack the Aboriginal Legal Service without concrete example it re-asks the questions which should have been answered again and again so far as they should be answered concerning my private practice.

Sitting suspended from 3.45 to 4.00 pm

Hon FRED McKENZIE: The letter continues -

There are bound to be complaints against the Aboriginal Legal Service as the Service acts for a huge number of persons. Where complaints arise they are attended to.

The complaints that have arisen by Giudice and Armstrong are totally false.

Mr Charlton in his speech was attacking the greatest protection the Aboriginals have from him and his type: the Aboriginal Legal Service.

I would have liked to speak on transport matters, but I can only recommend that members read the chapter on transport in the report from the Community and Family Commission, entitled "Speaking Out, Taking Part", because time will not allow me to speak about that.

Hon George Cash: Ask for an extension of time.

Hon FRED McKENZIE: I will not abuse the privilege, and I thank members for their indulgence.

HON PETER FOSS (East Metropolitan) [4.02 pm]: I join with other members of the House in expressing our gratitude to the Governor and Lady Burt for the service that they have given to the State over the period that Sir Francis Burt has been the Governor of the State and also for the period before that. We are extremely lucky to have as Governor and Governor's wife in this State persons of their standing, dignity and historic connection to the community.

I join also with other members in wishing Hon Jim Brown the best in his retirement. He and I have not always seen eye to eye, and at times we have seen eye to eye a bit too closely and have exchanged somewhat strong words. I detected early in my time in this House that Hon Jim Brown appeared to have somewhat of a dislike for lawyers, but I hope after a period of time in getting to know him that he was at least prepared to make a slight exception at times in my case. I enjoyed working with Hon Jim Brown. He was a conscientious member of Parliament and a conscientious Chairman of Committees in the time that he held that position. He has always been keen to look after the interests of members of Parliament in the job that he has taken with regard to superannuation. We should recognise that he was an extremely good member of Parliament, and I wish him all the best.

I congratulate you, Mr Deputy President (Hon Garry Kelly), on your appointment as Chairman of Committees of this House. I was pleased to hear it suggested that your appointment was due in some measure to your performance on the Standing Committee on Legislation, which fitted you for that role. That is a compliment to the committee as a whole, and I certainly agree with that sentiment. I also congratulate Hon Kim Chance on his maiden speech in this House. With the exception of certain parts that I indicated to him I was not too keen on, he showed a delivery and thoughtfulness in his speech that indicates that the House will hear from him many useful things during his time in this place.

Hon Derrick Tomlinson: That will be a change.

Hon PETER FOSS: One of the things I did not say about Hon Jim Brown is that I was extremely grateful for his response to the Governor's Speech last year. During my time here, I have heard only three opening Address-in-Reply speeches, and were it not for Hon Jim Brown's Address-in-Reply speech I would have thought they contained nothing but drivel. Hon Jim Brown gave a most interesting and well thought out speech last year, which differed markedly from the speeches that I heard the year before that and this year.

Hon B.L. Jones: Does that include the speeches from your side?

Hon PETER FOSS: I refer to the first Address-in-Reply speech that I heard, where the poor captive audience had to listen to a speech given by a member of the Government at a time when I would have thought it would be necessary to give the audience some entertainment or

illumination to take away with them so that they would believe that this House was worthwhile. Unfortunately, with the exception of the speech by Hon Jim Brown, the other two speeches were an incredible imposition on the people who had to sit here and listen to them.

I want to speak today about planning. I have spoken about planning on previous occasions in this House, and, for a while, when Hon Kay Hallahan was the Minister for Planning, I thought I was getting somewhere. I have always thought of Hon Kay Hallahan as a reasonable person who listened to arguments and tried to do her best to respect them. Unfortunately, I cannot say the same for the present incumbent of the portfolio of Planning, who is probably the worst example of how this Government has abused the term "planning" and of the way in which Governments should administer planning. I am interested in planning because in my electorate of the East Metropolitan Region planning issues have been extremely important and have become a matter of considerable dissension within the community. That dissension is principally between the constituents and the Government rather than between the constituents themselves, although there are some arguments there as well.

As a preliminary to my comments, I should point out a fact which often seems to be lost on people with regard to what planning is. Planning quite simply is making a decision today about what we will do in the future. In ordinary terms, we say, "We must have a plan for this." We use that terminology and we understand it. However, with town planning, people have unfortunately confused planning - that is, making a decision now about what will happen in the future - with planning controls; that is, the Government's ability to enforce the decisions that have been made. The Government enforces those decisions by having a planning scheme text which states what people may or may not do, and by having a planning scheme map which is coloured in various colours which govern what may or may not be done on that piece of land by reference to the text. However, putting different colours on a map is not planning. Planning remains what it has always been; namely, making a decision today for the future.

An example of planning is to decide today that, 30 years from now, a highway will go north of Perth through the Gnangara plantation. However, it is not planning to come along today and merely change on a map the colour of a piece of ground and say, "We are going to put a highway here right now." That is ad hoc decision making which has been validated by changing the planning controls; yet I am afraid that that is exactly what this Government is doing. It is constantly changing the colours of pieces of land on a map, instantly bringing into effect those changes, and calling it planning. In fact, it is even worse than that. The Government has had a tendency to give people assurances that they can deal with land in a way that is contrary to long established plans, and that the Government will fix it up afterwards so that the people can do what the Government promised them they could do.

Hon Derrick Tomlinson: Even to the extent of bringing retrospective validation to this Parliament.

Hon PETER FOSS: Quite right, and yet this Government seems to maintain that what it is doing is planning. The whole process of planning is intended to prevent dissension in the community. We have planning because if people are told 30 years ahead that land will be zoned urban or that land will be a highway, they can plan their affairs appropriately. If people have 30 years in which to act, if they do not wish to live next to a highway they can sell up. If they do not wish to live in the urban area, they can sell out to someone who is prepared to hold the land for future development. If they want to live in rural areas they can move, and they will know that for their time their quality of life will be assured.

The other reason for planning is that if we make those decisions well ahead of time we can have proper public consultation in order to ensure everyone who is interested in the matter has the opportunity to be heard. One can take time to do what is necessary because one has that time. It is not a matter of hurrying through an amendment because someone is waiting on it to be made, because we know we have 30 years before its implementation. That used to be done with the metropolitan region scheme. That used to be done until the Government decided it was not worth planning any more; it was a matter of changing the pretty colours on the map in an ad hoc way in accordance with the assurances to many people, and calling that planning.

Hon George Cash: It is sometimes referred to as expediency.

Hon PETER FOSS: Definitely. The problem is that it has all the worst consequences of the lack of planning. Members probably know that the metropolitan region scheme can be amended in two ways. Section 33 covers major amendments, and under that section the process of change is slow. It is intentionally slow to give people an opportunity to have their say, to have public consultation, and to give Parliament the opportunity to have its say on any major change. It is planning. It forces the Government and the departments responsible for planning to plan. It prevents them from going ahead without doing the things necessary for planning, because it is forced upon them by section 33 of the Act.

Section 33A has been described as the minor amendment provision. My understanding of this is that it is to allow changes to be made to the Act under those circumstances where we are not to make major planning changes but to only tidy up the detail around the edges. If we are to change the principle of the plan, the fundamental philosophy of the plan, then we are changing the plan in such a way that we need to use section 33. If all we are to do is change the detail - in other words, move a road 200 or 300 metres to one side, or swap over a residential area and a non-residential area because for environmental reasons they would be better exchanged - that is the sort of detail covered by a section 33A amendment. We are not meant to change the whole philosophy of the plan by using section 33A.

Hon Derrick Tomlinson: That was the intention rather than the practice.

Hon PETER FOSS: It is interesting to note when the practice changed, and I now come to the reason it is relevant to my electorate. Members will recall that a case was brought by the Helena Valley-Boya Association Inc against the State Planning Commission and the Minister for Planning. The first action was successful because it was shown in that case that the Government and the Government agency responsible for section 33A amendments had failed to take even the most simple precautions required under section 33A in order to go ahead with a minor amendment. Large numbers of section 33A amendments made by the Government were potentially illegal, so legislation was introduced into this House retrospectively to validate many of those decisions. I am pleased to say that at the suggestion of the Opposition the effect of the retrospective amendment was severely limited. In particular, it did not apply to the Helena Valley amendment. Recognising that the amendment in relation to Helena Valley was invalid, the Government hurried through a new amendment under section 33A; that is, a new minor amendment. That also was challenged in the Supreme Court. Unfortunately, that was not successful because the Supreme Court decided that it would not interfere in the absence of proof of mala fides; it would not look at whether it was a major or a minor amendment because it said Parliament had left that to the State Planning Commission to decide, not to the Supreme Court.

I would like to look at the question of whether there were mala fides in the action of the Government and in its use of section 33A. I will be saying that this Government has blatantly subverted the planning process; it has used trickery and deceit to get around the provisions of the Metropolitan Region Town Planning Scheme Act. It is blatantly using the sort of ruse I would expect only of bottom of the harbour scheme operators, in order to put through its policies and to serve its mates. I say that because a very interesting document was used in the Supreme Court; that is, an analysis of an exhibit to an affidavit by Gordon Smith, the executive officer of the State Planning Commission. It is an analysis of the substantial and minor amendments to the metropolitan region scheme since 1959. The first part of it is an analysis of Exhibit GS3, headed "Substantial Amendments to the Metropolitan Regional Scheme for 1959 to 1985". It gives the number of each of the substantial amendments, the date finalised, and the number of the amendment. Some of the substantial amendments in effect probably were not substantial amendments; however it lists 14 of them.

Hon Derrick Tomlinson: They were not, but they were treated as such.

Hon PETER FOSS: Yes. Then there is a list of the non-substantial minor amendments from 1985 to the present. An analysis of exhibit GS5 shows 51 non-substantial amendments and minor amendments to the metropolitan region town planning scheme between 1959 and 1985 for rezoning from rural to urban or urban deferred. Members must appreciate that the analysis deals with substantial amendments and non-substantial amendments from 1959 to 1985 and from 1985 to the present and it particularly picks out those that deal with rezoning from rural to urban or urban deferred. The effect of rezoning from rural to urban or urban

deferred is that the land so rezoned becomes capable of close subdivision. If one is able to obtain such an amendment then one is able often to make substantial profits on subdividing the land. I have no problem with people making profits out of subdividing. In the case where there have been substantial amendments, but with a 30 year time frame it enables everyone who has an interest in that land to take the appropriate profit out of the land. However, if the change takes place immediately or some short time after the event, it enables somebody to take a windfall profit. For instance, somebody who has the ear of Government can reap enormous profit without holding that land and the person who sells the land to them can lose the potential profit that land would otherwise have gained. In other words, if one has the ear of Government and one can obtain an amendment such as that, one can make a real mint from the property of somebody else who does not have the ear of Government.

The analysis says that major amendments to the metropolitan region town planning scheme have decreased in number of recent years. That is extraordinary. Why would major amendments decrease when Perth is growing? In the first period up to 1985 20 major amendments were made to the scheme; since 1985, seven major amendments have been made which have been smaller in size than those prior to 1985. In the pre-1985 period there were several land rezonings; for example, amendments Nos 1, 2 and 10 which urbanised areas around Perth. Apart from the most recent proposed major amendment No 7 the amendments since 1985 have been to create parkland and for access to the Kwinana Freeway, not for changes from rural zoning to urban zoning. Use of a major amendment to urbanise an area was not used at all between 1985 and mid-1991. Prior to 1985 a great deal of land north of Trigg and the City of Wanneroo was urbanised using major amendments to areas Nos 2 and 7. A similar area further north of these regions has also since been urbanised although the minor amendment procedure was used. The analysis says that the use of non-substantial amendment procedures for amending the metropolitan region town planning scheme has increased in recent years; that is, minor amendments have been used to change zoning from rural to urban or urban deferred. In the first period, 1959 to 1985, the procedure was used a total of 14 times; in the second period, 1985 to the present, it was used 51 times. Furthermore, the size of the areas rezoned has only begun to increase in the second period: Compare areas Nos 13, 15, 17 and 19 in period two with any of those in period one. Not only is the procedure being used more frequently but also areas that are being zoned pursuant to it are also increasing in size. Prior to 1985 the procedure was used sparingly and in one-off situations.

An example of the coordinated use of the procedure is that of the rezoning of the area round Mindarie Keys in the City of Wanneroo. Almost half of the area rezoned in that region, which is represented by areas Nos 14, 15, 16 and 17, was finally rezoned on the same day, 23 February 1990. Further extensions of the area rezoned, areas Nos 43, 44 and 49, have also been carried out very soon after one another. I have some plans of the Mindarie Keys area which I will seek leave of the House to table at a later stage. Literally the whole area has been built up by the application of minor amendments. The amendments are getting bigger and bigger, and they are filling in more and more of the land. In the Supreme Court case dealing with Helena Valley it was said that only a small area of land was involved with 100 housing units. Unfortunately the Supreme Court got it wrong, because the subdivision involved 400 housing units. The Supreme Court did not seem to appreciate the fact that the area may be small, but the way the Government goes about it is to keep adding more and more land to the area; so in the end - and I say this advisedly - a major rezoning of that land has been carried out. The Government must know - its members are not stupid - that what it is doing is gradually rezoning a large area of land from rural to urban by subverting the system this Parliament put in place for the use of section 33 of the Metropolitan Region Town Planning Scheme Act for major amendments. The Government is doing it with the intention to deceive by using a method that avoids dealing with the public, that does not allow the public or the Parliament to have their say. The Government is intentionally going out of its way to prevent the proper democratic processes of the State by using section 33 of the Metropolitan Region Town Planning Scheme Act. The Government is planning to get around the legislation in the same way as bottom of the harbour people. It is disgraceful that a Government department indulges in this sort of trickery in order to get round the processes that were set down in this Parliament. The worst thing is that a Government department is seeking to prevent the people of Western Australia from having their proper say in the process of planning.

Section 33 of the Metropolitan Region Town Planning Scheme Act sets out the necessity for public hearings and this Parliament has a right to say what is to happen. It is particularly bad in the case of Helena Valley because the Mundaring Shire Council has done a brilliant job of bringing down town planning scheme No 3. It is a brilliant job because the shire was asked, in accordance with the forecasts of the increase in the population of Perth, to provide in its town planning scheme for a very large increase in the Hills' population. The first reaction people have to suggestions like that is to resist, and that was in fact the first reaction of the Shire of Mundaring. However, by careful planning, consultation and changes to its plans in accordance with the suggestions of the people of Mundaring, the council came up with a scheme which was welcomed by the people of Mundaring Shire because they had input and it would achieve what they wanted, it met the strategic requirements of the State for increases in the population, it was achieved by a democratic process, and was a thought out plan. It is making decisions now for the future. This is an important lesson for all. If planning is done properly it should avoid conflict in society. It is the failure on the part of the planners which causes conflict in society. This Government has failed to plan and it has used cheating, minor amendments to fix up its deals with people so they can have their land rezoned. That is what is causing contention in this State and bringing planning into disrepute. People should see planning as a good thing, as an opportunity to have a say in the future. However, the way the Government conducts planning is not planning at all. It is ad hoc decision making and subverts the process of planning.

I commend the Shire of Mundaring and its planner Sri Ramanathan for the excellent job that has been done. It has shown how one should carry out the proper planning process.

Hon Derrick Tomlinson: The Minister for Planning is frustrating their attempts.

Hon PETER FOSS: Yes, and despite the Shire of Mundaring's production of an excellent town planning scheme, which had the support of all people in the Mundaring area, and the application of the democratic process the Minister for Planning is refusing to implement this scheme because he objects to one part of that scheme which relates to this minor amendment.

Hon Derrick Tomlinson: Worse than that, he is using blackmail. He will allow the passage of the scheme if they agree.

Hon PETER FOSS: That was exactly the case. The Minister told the Mundaring Shire that he would approve the plan provided it went ahead with his requirement for the 400 higher density units in Helena Valley.

I have seen the plan. I have also examined the basis on which the shire and the planner said that it was not the appropriate measure for the density of living in that area, and it is correct. It is not appropriate for the Minister to deny the democratically arrived at plan. What makes it so hypocritical is that Mr Smith knocked back a subdivision which was being planned for his own area because it was the democratic wish of the people, who held a referendum, not to have it.

Hon Doug Wenn: That is how much you know. It was not in his electorate at all.

Hon PETER FOSS: I am pleased the member knows about that.

Hon Doug Wenn: I know a lot more about it than you.

Hon PETER FOSS: When a planning decision can possibly affect the area near his electorate and his re-election - and when it is not affecting a person he has written off, like Mr Gordon Hill, who he does not think will be elected at the next election - Mr Smith opposes that decision.

Hon Doug Wenn: You have just destroyed your speech.

Hon PETER FOSS: If that is the only part of my speech on which Hon Doug Wenn can comment he has not been listening. He should start listening because there is much to be learnt. Mr Smith is prepared to heed the results of a democratic referendum about a decision in one part of the State because it happens to be close to his home, yet in another part of the State, namely in Mundaring, he is not prepared to heed the democratic process because he wants that planning decision to go through.

Hon Doug Wenn: Did you ask him why?

Hon PETER FOSS: I intend to tell the member why. The main reason the Government is

pushing this amendment through is that it has failed to plan for some years and it has got so far behind in its planning that it has not left itself time to bring forward major amendments. Secondly, having started on the process of introducing minor amendments, the Government has got itself into so much trouble that the Department of Planning and Urban Development spends more time trying to put out fires than it does in planning. It is running so fast on the spot trying to calm people down that it really is not in the position to do the job it is supposed to be doing.

One must inquire about the indecent haste with which Mr Smith has pushed this matter. After winning the case against the Helena Valley association the Department of Planning and Urban Development wrote to the Mundaring Shire on 3 March and said that a subdivisional application, which had been put in by the developers in the Cedar Woods area, had been referred to the statutory procedures committee for action. It also said that it intended to proceed with it and that if the shire had any comments to make about why that should not happen, it could let the department know by 6 March because that was when the department intended to go ahead with the plan. The department wrote on 3 March and wanted a reply by 6 March! Luckily, the Mundaring Shire - with the help of my protests - was able to get an extension from the Department of Planning and Urban Development until 24 March so it could compile its submission on this matter. The shire made it clear that it intended to hold a referendum to see whether Mr Smith would respond to the democratic process in the same way he did when a planning decision was made closer to his home. That decision by the shire was made on 17 March and in view of the fact that the shire had made its decision, which dealt with the question of what further submissions it wanted to make regarding this land and its plan to hold a referendum, the Department of Planning and Urban Development's statutory procedures committee held a meeting the next day and allowed the proposal to go through. That is the way this Government works when it wants something to go through in a hurry.

One of the people involved in this subdivision is Mr John Harman. The Government was so keen on pushing this matter through - apart from the other reasons I have stated - because Mr John Harman is one of its mates. This Government has always looked after its mates. Why was the Government prepared to not only wait but also to listen to democratic procedures in the south west? Why was the Government not prepared to listen to the democratic procedure in the metropolitan area, where Mr Harman was involved? What is the enormous urgency which has required the Government to override the wishes of the people? Why will the Government not allow the subdivision to wait until there has been a referendum on this matter in the Shire of Mundaring? Why is this matter totally different from the matter which arose close to Mr Smith's home? The same process occurred. It is because this Government tells people that they can have certain things; it fixes things up. People came to the Government with a proposition that certain land should be subdivided, and at that time the metropolitan area region scheme and the local town planning scheme did not permit it. The Government arranged the deal and the decision was processed. Assurances were given prior to the public even having the opportunity to comment on the matter. That is what I object to. Planning should start with an announcement. It is clear in this case that a decision was made before it was announced. The Government felt obliged to look after Mr Harman because he understood he was able to subdivide the land and did not understand that he was not legally able to do so until approval had been granted. The Government was able to fix it for him. It is interesting that there is a significant difference between Mr Smith's example in the south west and what has happened at Helena Valley. I mentioned earlier the Mindarie Keys group rezoning or family rezoning when a whole cluster of rezoning took place on the same land. The analysis also contains the following -

A similar rezoning took place in the Shire of Swan on 24/8/90, though not in the same density as in Mindarie Keys. On that date areas 22, 23 and 27 on the map were rezoned Urban. In the same area and on the same day amendment 774/33A (various lots in Helena Valley) was attempted although this is not represented on the map.

Hon Derrick Tomlinson: Are the areas contiguous?

Hon PETER FOSS: Some are and some are not. An important principle is involved; that is, should the Government be allowed to get away with wholesale changes to the plan approved some 30 years ago by ad hoc minor amendments now? When those minor amendments are clustered on a map it is quite clear that the Government is proceeding to change the whole

basic philosophy of the metropolitan region scheme by a piecemeal set of amendments, any one of which it believes it can justify as being a minor amendment simply because of the way in which it is presented. Alternatively, shall we insist that the Government honour the meaning and intent of the Act, that it does not take advantage of the fact that the Supreme Court will not interfere in the decision as to whether an amendment is minor or major, and that it not behave in a manner which is totally unsuitable for people given responsibility for the proper government of this State? I will not accept that this process can continue. The abuse of the Act has become so bad that I do not believe the Minister for Planning can genuinely say that the amendments now being processed as minor amendments are even thought by him to be truly minor amendments. I would like to hear the Minister's explanation for so many amendments being put through clustered in the way they are, and how he can say that the Government is making a small change around the fringes of the scheme rather than utterly changing the intent of the plans previously put in place.

Hon Derrick Tomlinson: Eighteen months ago the former Minister said that she would introduce an amendment to define more closely the meaning of a minor amendment.

Hon PETER FOSS: I noticed that. I said earlier that I thought we were getting somewhere with this matter when Hon Kay Hallahan was Minister for Planning. I believe she is a different kettle of fish from the current Minister. Under this Minister the process is completely out of hand and he is as bad as any with his disgraceful attitude of jack booted absolutism and the way he rides roughshod over people. I was astounded at his attitude recently at a Christmas dinner given by a shire council for the people involved in that shire. One of the guests was the mayor of another city. When the Minister made a speech at that dinner, he suddenly turned on and attacked the mayor and told him in no uncertain terms that although he was having trouble with him, he - the Minister - would not put up with it, he would win at the end of the day and the sooner the mayor recognised that the better. The guests at the dinner were aghast that a guest speaker should make such a vicious attack on another guest. That is typical of the way the Minister for Planning thinks he can behave towards people who are dependent on him for the exercise of his discretion. Those discretion and powers are not intended to make him a little dictator, which he seems to think is his role. Rather, they are given to him to exercise for the good government of and benefit to Western Australia. I am afraid he is exercising his discretion and powers in a dictatorial manner, and the only people who will benefit from the Helena Valley amendment are Mr Harman and his group.

I intend to not allow this to go further and I will be picking up where the former Minister, Hon Kay Hallahan, did not get started. I intend to introduce legislation in this House which I believe is necessary and which will make a clear distinction between minor and major amendments. More importantly, it will allow any person who is aggrieved - that would be limited to people who are relevant to the situation - to appeal to the town planning appeal tribunal for a determination on whether the amendment is major or minor. I do not believe the State Planning Commission should do both the planning and decide on the method by which it will proceed. It is inappropriate because the commission is so far behind in its planning that its judgment about major and minor amendments is clouded. Finally, I intend that minor amendments shall also be subject to disallowance by this House because it is important that we, as members of Parliament, take some responsibility in these matters. I hope that the legislation I intend to introduce will remedy this disgraceful situation. I seek leave of the House to table these plans and the analysis of the amendments to the scheme.

Leave granted.

[See paper No 80.]

Hon PETER FOSS: I recently went on a voyage on the sailing ship *Leeuwin*, and I mention it to the House because it is important that members are aware of the good work being done by the Sail Training Association of Western Australia in running the sail training ship. The *Leeuwin* is principally designed as a training ship for younger people, but older people are allowed to take part in voyages from time to time.

Hon D.J. Wordsworth: They even allowed me on.

Hon PETER FOSS: It is an extremely good program. I was on board for 10 days and during that period I, along with all other trainees, learnt to man the ship. That involved pulling a lot

of ropes, going up the yards and running along the yardarms, doing washing up, helping with cooking, cleaning toilets, making beds, and generally doing all the work necessary on the ship. It also involved keeping watch so at times one had only four hours sleep in 24 hours. I started with a group of 10 people in my watch whom I had never met before. By the end of the voyage I had made not just 10 very close friends, but also another 30 or more friends from various other watches. This ability to build a team and enable people to recognise their ability to learn new things is quite remarkable. I would not have thought I could learn to sail a square rig sailing ship in the time allotted. The program is extremely cleverly designed to bring on one's ability day by day. The whole program is extremely clever in the way in which it brings the best out in people. I thought I would be one of the people who found it hard to learn things. Young people have a better ability to learn than have older people. However, the training was timed to enable us to each learn within our capacity. I started out absolutely terrified of heights and ended up on the topgallant yardarm during a storm at night furling the topgallant sail. The foremast of the *Leeuwin* carries a number of sails. The lowest sail is called the coarse, the sail above is the topsail - and there is an upper and lower topsail - and at the top is the topgallant, the highest sail. When one is on the topgallants I suppose one is 28 metres or so above the sea. In a substantial swell that is quite an alarming experience as the ship certainly moves in a substantial swell. When one is 28 metres above the deck and five or six metres out on the yard and the ship heels over in an extremely large swell that has a whiplike effect and one has to hold on fairly tightly so as not to be thrown off.

Notwithstanding all the things I have just said, by the time one gets to the end of the session it is quite a pleasant experience to go to the top of the mast to look at the view. One finds oneself sitting on little pieces of rope that a week before one would not have dared to look at because they seemed to be rather precariously placed out in the middle of nowhere. This indicates that if a person of my age can be changed then a substantial impression can be made on a younger person. More important, and I believe this is where the *Leeuwin* has a lot of advantages, are the friendships developed during one's time on the ship. Such friendships are frequently maintained through the Sail Training Association which has activities for people so that they keep up those friendships. Such people are often involved as volunteers to sail the ship or go to Fremantle when the ship is being refitted to help with the work. A good camaraderie comes out of such trips.

The association is careful not to allow the camaraderie developed to end when a person walks off the ship. It does a good job of maintaining that camaraderie. We have been talking recently about finding programs for juvenile offenders. We should not lose sight of ships such as the *Leeuwin* being a good basis for establishing in young people a sense of their ability to do things and to work with a team during which time they can form new and strong friendships.

Hon D.J. Wordsworth: There are not enough young people, or sponsors, to fill the ship.

Hon PETER FOSS: That is a problem. Of the people who travel on the ship 77 per cent of the 80 per cent carried are youths. The ship could obviously use more people if they could find sponsors. I understand some Government departments are thinking of sponsoring groups and that a group of young Aborigines will go on the *Leeuwin* shortly.

Hon Derrick Tomlinson: What is the cost?

Hon PETER FOSS: Ten days costs \$795.

Hon Derrick Tomlinson: That is considerably less than keeping a child in an institution for the same period.

Hon PETER FOSS: It is a minuscule cost when compared to keeping people in an institution. The experience is that a whole load of institutionalised people cannot be put on the ship at the same time as that tends to have the wrong effect. We must look at there being other people on the ship than those who have offended. This would help people such as young Aborigines build up a sense of belonging in a community group and of being able to achieve the things that are achieved on that ship, which are worthwhile. I recommend to any Minister who has the ability to push people into such programs to keep the *Leeuwin* in mind. I hope all Ministers who have an opportunity to sponsor people to go on the *Leeuwin* will do so.

Hon Derrick Tomlinson: Perhaps the Ministers should experience it first hand.

Hon PETER FOSS: I thought it would be rather good for the whole Parliament to go on the *Leeuwin* but then I started to think that the opportunity for people to be lost over the side accidentally was probably too high. I then thought that perhaps we should have only people from one party on the trip, but that may be worse.

Hon Kim Chance: From your party?

Hon PETER FOSS: If it were the Labor Party, instead of watches it would have factions. Perhaps it would not be such a good idea for parliamentarians to go on the ship en masse. I recommend to members that they consider the idea as they would find such a trip very rewarding. It provides an opportunity to meet young people, which is something members of Parliament do not have a great opportunity to do. One can hear their views and concerns because one ceases to look like a member of Parliament when on the *Leeuwin* for any time and begins to look a bit like a ragamuffin with torn hands and clothes covered in all the stuff that rubs off on them when on a ship.

Hon Max Evans: What colour braces did you wear?

Hon PETER FOSS: I shed them during the time I was on the *Leeuwin*. It was a good experience. I urge everybody looking for a new challenge to take a trip on the *Leeuwin*. It is incumbent on all members of Parliament to try to get closer to the types of things that are happening in the community with our young people. I believe we have shown a lack of consideration for them in recent weeks and if we got a little closer to their problems and what can be done for them we might then be a little better armed to deal with them. If members are thinking of taking this type of trip I am happy to put them in touch with the appropriate people. They may even take the trip to Bali coming up soon, which will be an interesting one. I support the motion and commend it to the House.

HON J.N. CALDWELL (Agricultural) [4.45 pm]: I support the motion that the Address-in-Reply be presented to His Excellency the Governor and thank him and his wife for attending this Parliament to open it and outline the Government's proposed legislation for this session.

I have already paid my respects to Hon Jim Brown on his retirement and congratulated Hon Garry Kelly on being appointed Chairman of Committees in this place. I have not paid tribute to Hon Kim Chance. I wish him well in this place and hope that he has an adequate input, especially as he comes from a farming area. He may well have the opportunity to put matters on behalf of the Labor Party that the National Party can support.

It has been rather gratifying that a number of comments have been made about the problems of rural people by members who have spoken during this debate. As some members have already said, Hon Bob Thomas' speech was very welcome, up to a point, although it has been suggested that he ran off the rails somewhat. However, it was great to hear him put the points of view of constituents in his area, which was originally my area. I understand the problems he raised, and his comments about value adding of our products were well received.

[Leave granted for speech to be continued at a later stage of the sitting.]

Debate thus adjourned.

[Continued on p 558.]

[Questions without notice taken.]

CONDOLENCE MOTION - BUCHANAN, THE LATE PAMELA

HON J.M. BERINSON (North Metropolitan - Leader of the House) [5.30 pm] - by leave:
I move -

That this House expresses its sincere regret at the death of Mrs Pam Buchanan, a former member of the Legislative Assembly, places on record its appreciation of her devoted public service to the people of Western Australia, and extends its deepest sympathy to her husband and members of her family in their grief.

Members have been saddened to learn of the death last night of Mrs Pam Buchanan, a former

member for Pilbara and Ashburton and a former Minister of the Crown. It is a sad coincidence that also last night Hon Tom Stephens paid a warm personal tribute in this House to Pam Buchanan. That reflected the high regard in which she was held and that was a regard which far transcended some political tensions in recent times, about which we are all aware.

Pamela Ann Buchanan was born in 1937, and so her untimely death comes at the early age of 55. She lived and worked for many years in the north west and was active in a wide range of community activities. She was a member of the Legislative Assembly for Pilbara from 1983 to 1989 and the member for Ashburton from 1989 until a couple of months ago. She was the Government Whip in the Legislative Assembly for four years from 1986 and she served as Minister for Works, Services, Regional Development and as Minister assisting the Minister for Aboriginal Affairs, an appointment effective from February 1990.

Pam Buchanan was quietly spoken, but she was a strong and determined personality, particularly in her work on behalf of the people of the electorates she represented. It is a measure of the late member that despite a long and serious illness she continued in her office to the utmost limit of her capacity so that her death has occurred before the by-election to fill the vacancy in her seat.

On behalf of Government members I record our deep regret on the death of our late colleague, Pam Buchanan, and extend our sincere sympathy to Mr George Buchanan and the members of her family.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [5.33 pm]: On behalf of the Opposition, I second the motion moved by the Leader of the House, and join with the him and members of the Government in extending our sympathy to George Buchanan and the family of the late Pamela Buchanan on her untimely death.

Members will be aware that Pamela Buchanan was elected to the Parliament in February 1983 when the Burke Government was elected to office. As the Leader of the House pointed out, she served in a number of positions in the Legislative Assembly during her period as a member of that House. I had the opportunity of working closely with the late Pamela Buchanan when I was a member of the Legislative Assembly, and got to know her as a very kind and considerate member who was always prepared to go out of her way to assist other members of the Parliament. It was with great regret that we learnt late last year of the serious illness that had befallen Mrs Buchanan. While all members of the Legislative Assembly and the Legislative Council were hopeful that she would overcome that illness and return to her position in the Legislative Assembly, that was not to be, and we have this day learnt of her untimely death.

Again, on behalf of the Opposition, we are saddened by her passing at what is a relatively early age and extend our sympathy to her family.

HON J.N. CALDWELL (Agricultural) [5.35 pm]: I did not have the opportunity to come into contact with Pam Buchanan on many occasions, but the few times that I did I found her to be a very pleasant person. It is always very sad when someone passes on at an early age. On behalf of the National Party I extend our deepest sympathy to her family and to all of those who knew her well.

HON TOM HELM (Mining and Pastoral) [5.36 pm]: I too want to associate myself with this motion of sympathy to the family of Pam Buchanan on her untimely death, not only as an associate in the Labor Party but also as a comrade and a friend. I knew Pam well since the time I went to the Pilbara from the United Kingdom and even before she was employed in Peter Dowding's office as an electorate officer. I took part in some of the activity in which she took part when she worked for Robe River Iron Associates before it was taken over by Peko Wallsend.

As the Leader of the House said, Pam was a quietly spoken person. However, in the Pilbara she was recognised as a quiet achiever. She did not shout or get excited as many unionists are inclined to over disputes and other events, particularly in the time of the Liberal Government. Pam was always in the thick of many of the blues calming us and telling us how to better go about resolving the problems in a political way. That carried on even after she was elected in 1983.

One of Pam's first efforts was to be instrumental in setting up a kindergarten in Roebourne.

George, her husband, worked at the hospital at Wickham and eventually became the engineer for the hospitals at Wickham and Roebourne and for the Nickol Bay Hospital at Karratha. I believe Pam's daughter was one of the first people to successfully complete an apprenticeship as an electrician with Robe River and I believe was one of the first female electricians in the State.

Pam worked tirelessly for many minority groups and I consider the union movement to be one of those because the unions up there were not always as popular as they are now. Pam was respected and trusted by Aboriginal and women's groups. She did many things for the local people while she was their member and before then. Her home in Wickham was always open to everybody.

George's support for Pam during her terms as the member for Pilbara and the member for Ashburton and also during her time as Minister was invaluable. Nobody would suggest that Pam would have carried out her responsibilities as well as she did without George's support. A few of us will miss her greatly.

I was always aware of Pam in Labor Party meetings and her commitment to the north. When she was first elected, the seat of Pilbara not only contained Karratha and Roebourne, but also Hedland and Tom Price. She was able to cover an area which is now covered by the electorates of Ashburton, Pilbara and Northern Rivers. Three members now cover the area Pam covered quite successfully by herself. That fact was recognised, and she was well respected in the political arena for her astuteness and commitment. I know that the Labor Party regretted the circumstances surrounding Pam's resignation. One could perhaps put that down to the fact that she was a hard worker and a strident voice both in Caucus and the Cabinet for the people of the north. I have made the comment here jokingly that it is difficult for people who do not live north of the 26th parallel to understand the sorts of things we have to put up with in the north. I did not say that lightly. This applies not only to our aspirations as politicians but also to our family life.

I think that perhaps Pam had an added burden. Had she been a metropolitan member, her life as a politician and a Minister may have been a lot longer and easier. I suspect that the physical stress related to the area she covered when she first became a member and the physical effort she put into doing her job, not just as a politician but also as a Minister, would not have helped her health and may have helped to bring on her early demise. I associate strongly with the words the Leader of the House used, that people like Pam Buchanan are the ones we can ill afford to lose from our society.

It is a fact that since Pam was elected to the Parliament we have perhaps become a lot more sophisticated than we were. We are now forced into a position that we may not feel comfortable with. That is the circumstance facing all of us, because the political landscape is changing so rapidly as a result of new technology and ideas and differing approaches to our political points of view. However, if one considers Pam's ability to cope with those changes, not forgetting that she lived in the north of the State for a long time, and adds to that the pressure of representing the aspirations of people in the north west, that probably did not help.

I extend my sympathies to her family and in particular to George, her husband, who I consider a friend and comrade as Pam was. I regret that although I joined Pam in a political sense when I became a member of Parliament, that did not continue. I had been encouraged by her to become a politician even though my background did not suit the hierarchy of the Labor Party, or my accent the idea of what a Labor Party politician should sound like. After I entered politics in 1986 we drifted apart because I stopped living in Karratha and went to live in Hedland. We also drifted apart because of her responsibilities first as Government Whip and then as a Minister. I regret that happening very much. I guess we all look back and think of things we regret and hope that we do not do them again.

HON SAM PIANTADOSI (North Metropolitan) [5.43 pm]: I join with other members of the House in paying tribute to Pam Buchanan and endorse what Hon Tom Helm said about her efforts in the north. Those efforts are known to many members of this Parliament. It must be said of Pam that, even though she was based mainly in the north, whenever she was in the metropolitan area she did not stop working and continued to do work at a branch level by attending branch functions. I know that she always visited us at the water supply union and if there was work to be done she would help to do it. Pam was forever working for the

disadvantaged. She had a great commitment to the working class, unparalleled not only within the trade union movement but also the labour movement. The labour movement has certainly lost a person who had a total commitment to it. Not only Pam, but also her family, had that total commitment to the movement.

I remember the good times associated with Pam and also some heartaches. Pam went through some difficult periods and faced up to the issues involved well. One has regrets about some of the matters that arose and the circumstances accompanying those matters. I do not think those happenings would have helped her situation. I do not believe Pam's resolve for the labour movement ever changed, such was her commitment. I am saddened by her death because, as the Leader of the House mentioned, she was a quietly spoken person who always had an ear for anybody who had a problem or needed assistance. One could always rely on her for that assistance.

Western Australians have lost a fine person and I extend to George and his family my deepest sympathy and condolences at Pam's passing. I am sure that in time they will recollect only the good times and forever remember Pam in the way that many of us will.

HON FRED MCKENZIE (East Metropolitan) [5.46 pm]: I too express my deepest sympathy to George and other members of the Buchanan family at the untimely death of Pam, and explain to members that when I was speaking during the Address-in-Reply debate earlier today I was unaware of Pam's death; it was only when Hon George Cash mentioned to me that he thought she had passed away that I became aware of what had happened.

Anything I said earlier still stands, but I add that politics is a mixed bag. I think Pam Buchanan was a person who experienced that mixed bag. She experienced the joy of reaching the ultimate, I believe; that is, being appointed a Minister in a Labor Government. Politics can also be very cruel, which is the other end of the mixed bag. Pam was removed from office as a result of a vote by her colleagues. I do not think that vote was justified. I certainly was very unhappy about it, and that unhappiness has remained with me.

Unfortunately, I had no personal contact with Pam after that time. However, she sent me a greetings card at Christmas time which provided me with an opportunity to write back to her and wish her well in the future because I was aware that she had been ill. I explained that I had some sort of complex - although that is not quite the right word - about not having been to see her. I certainly felt guilty about that. However, not much can be done about that now.

I join with other members in paying tribute to Pam, as all the things that have been said about her were correct. She was a caring and compassionate person with great feeling for her fellows in society. I therefore express my condolences to Pam's family.

THE PRESIDENT (Hon Clive Griffiths): Honourable members, before I put the motion, as President of the Legislative Council I wish to add my condolences to those already extended.

This is a sad occasion. I have been sitting here listening to the various comments made by members about Pam Buchanan and reflecting on a similar line to that taken by Hon Fred McKenzie that one of the sad things about politics these days is that, having worked out that Pam Buchanan had been a member since 1983, I had not had a bit more to do with her than I had. That is one of the things that happen in politics today, that we at this end of the Parliament tend to have less and less to do with people at the other end of the building. I think that is a bit sad.

On the occasions that I had contact with Pam Buchanan all the attributes already espoused by various members, such as her gentle nature, great kindness and lack of political malice, were in great evidence. She always extended great courtesy to me personally. I want to be associated with those condolences expressed to her husband and family.

Honourable members, our usual way of supporting a motion of this nature is for all members to stand in their places for one minute's silence.

Question passed, members standing.

The PRESIDENT: As is my usual custom in such circumstances, I will be writing to Mr Buchanan to extend to him the words of the motion moved by the Leader of the House together with a copy of the *Hansard* record containing the comments made by various members.

ADDRESS-IN-REPLY - SIXTH DAY

Motion

Debate resumed from an earlier stage of the sitting.

HON J.N. CALDWELL (Agricultural) [5.52 pm]: Earlier today I congratulated some members opposite on their contributions to the Address-in-Reply debate in relation to the rural communities they represent. I also congratulate Hon Kim Chance on the way he presented his speech, and I am sure he will represent his constituents to the best of his ability. He may face some conflict in the future between the things he would like the Government to do for his electorate, and the Labor Party policy which may not always allow those things to be done. The former member in that electorate, Hon Jim Brown, commented to that effect once or twice, and said that certain measures that should have been adopted in the rural areas were not adopted because of party politics. It is sad when a political party becomes so strong that a member cannot represent his constituents as he thinks he should. I am sure this problem will be faced by Hon Kim Chance on occasions, and perhaps a little sooner than he had hoped, bearing in mind the Bill to be introduced into this place this session.

I was pleased to hear his comments about the reserve price scheme for wool, and the amount of time his father spent organising that scheme. I took the opportunity to talk to Hendy Cowan, the Leader of the National Party, and he confirmed that Hon Kim Chance's father had some input into the scheme. No matter what is said now, I believe it was an excellent scheme. It took the rises and falls from wool prices and it was much appreciated by many wool growers. I will quote some of the wool prices in the period since the reserve price scheme has been dropped. I refer to 22 micron clean wool, which is the main base for the product, although the micron level can vary. In January 1991 the price was 770¢ clean per kilo. The reserve price scheme folded, and one month later in February 1991 the price dropped by 40 per cent. The Government knew that it would have a devastating effect on some growers and a certain amount of money was used to prop up the industry. Some time later in August 1991 the price of 22 micron wool clean had risen 20 per cent. That was well received and everybody was very optimistic. By January 1992 the price had risen another 14 per cent. Farmers were working out their budgets and they anticipated the wool price would maintain that increase. They thought that they may even enjoy some prosperity in the wool industry. Three months later, in April, the price had dropped 11 per cent. Those kind of fluctuations happen when the floor price or stabilisation is removed from any industry scheme. The commodity price is subject to the highs and lows of the market. Of course, that does not go well with the bank manager when the farmer presents his budget. When the price for wool which has risen 34 per cent over the previous six months, suddenly drops by 11 per cent, it can be very difficult for people in the industry to prepare accurate budgets. In a wool clip worth \$100 000, it means a decrease of \$11 000, which might be the difference between making a profit or a loss.

I refer now to the wheat industry, and quote from the report of the President of the Western Australian Farmers Federation as follows -

One of the attractions that statutory marketing arrangements have for farmers is their ability to smooth out the wild fluctuations in commodity prices. Recent wheat prices provide a good illustration of price volatility and unpredictability.

The estimated price in January 1990 for 90/91 wheat was \$175/tonne and by harvest time it was \$115/tonne. In January 1991 the estimate for 91/92 wheat was \$115/tonne and by harvest it had become \$175/tonne.

It changes from a high to a low and back to a high, with a 40 per cent difference in a 12 month period. Once again I point out the ridiculous situation people must put up with in country areas, especially the farmers, with the enormous volatility in commodity prices. Hon Kim Chance did not continue in his speech to talk about the great way in which the reserve price scheme had operated.

Sitting suspended from 6.00 to 7.30 pm

Hon J.N. CALDWELL: I have referred to the reserve price scheme that we had for wool and also to the guaranteed minimum price scheme that we had for wheat. I referred also to the statement by Hon Kim Chance in his maiden speech that he was proud that his father had an input into the wool industry and was one of the architects of the reserve price scheme. All

members of the rural industry appreciated the reserve price scheme, which ran for approximately 17 years. That scheme was not actually gutted, but it was squashed and now does not operate at all. During that time, wool prices fell by 40 per cent. The guaranteed minimum price for wheat was also gutted, which resulted, together with the overseas problems, in another 40 per cent drop in prices. That did not have a lot to do with the Western Australian Government but it had an awful lot to do with the Federal Government that was in office at that time.

Hon Kim Chance: And with Wilson Tuckey.

Hon J.N. CALDWELL: That is the member's opinion. I must stay very close to my coalition partners and not comment about Wilson Tuckey.

That drop in price occurred at a time when the weather was not terribly kind to the Western Australian people, and everybody suffered from the downturn in prices at the same time as they suffered from the downturn in the weather. In many cases, members of this place and the Government of the day were copping it thick and fast, and everyone was grateful when the Premier announced out of the blue a guaranteed minimum price for wheat.

Hon Sam Piantadosi: So she did something right? Is it that difficult to say?

Hon J.N. CALDWELL: No. That has been said by members on this side a few times. Although that decision may have been off the cuff - in fact, I believe it definitely was because I was standing alongside her when she made that decision -

Hon Sam Piantadosi: Did you put her under pressure?

Hon J.N. CALDWELL: Yes, and many others were putting her under pressure also.

I turn now to the goods and services tax. I had great reservations about that tax when it was first mooted by the Federal Liberal and National Parties.

Hon Tom Helm: You should still have reservations.

Hon J.N. CALDWELL: I do not.

Hon Sam Piantadosi: You have been given orders.

Hon J.N. CALDWELL: I do not know how everything will work out for Australia because the tax has not yet been implemented, but I am sure that many alterations will be made to the goods and services tax when the coalition parties get into power in Canberra. Last week, I had the opportunity to visit New Zealand, which has a goods and services tax. It was interesting to notice the changes that have taken place since 1987, when I also visited New Zealand.

Hon Sam Piantadosi: You did not like it very much then. I can remember your questioning the bill that you received one evening.

Hon J.N. CALDWELL: Yes; we took Hon Sam Piantadosi as the driver. I can well remember that in 1987 many of us commented on the excessive prices of the goods in the shop windows, and even the drink prices were pretty excessive. I suspect that we were fairly limited in our finances at that time and we were not able to partake of all the things that we would have liked to partake of. However, this time it was an eye opener to see what can happen, and I noticed a great change. I think even the member's colleagues would admit that things were not as bad as they would expect from a goods and services tax. The goods and services tax was pretty inconspicuous. Never did I purchase anything and find that a tax was added on to it. The tax was always built into the price. Three women were with us on that trip. I have always found women to be the best judges of prices. They are always very good at working out a budget and at knowing whether a price is reasonable or excessive. I happened to notice the way that Hon Cheryl Davenport used to go up and down the street and study the items in the shop windows. Nearly every day she came back to the hotel with a bag in her hand. I know that she bought a pair of shoes, and she showed me a magnificent jumper that she bought.

Hon Murray Montgomery: Wool, of course.

Hon J.N. CALDWELL: I do not know, but it was a magnificent jumper. The other women in our party always ended up carrying bags of shoes, jumpers, skirts, or something else and I dare say Hon Cheryl Davenport brought one or two other fineries upon which I never laid eyes.

Hon Sam Piantadosi: Tell us!

The PRESIDENT: Order!

Hon J.N. CALDWELL: I am afraid I cannot, because I did not see them, but they bought many things over there and I would say they came away with the opinion that the goods and services tax did not affect prices in the slightest, because they bought all those goods.

Hon Cheryl Davenport: I was always aware of it.

Hon J.N. CALDWELL: Hon Cheryl Davenport did not buy those goods just because she liked New Zealand - she is too good a judge for that. I walked around the streets with her and she pointed out various prices and said, "I think it would be dearer at home, would it not?" I also purchased some goods in New Zealand and I was quite pleasantly surprised at the cost of things there. The economy of New Zealand looks as if it is going along reasonably smoothly - far more smoothly than is Australia's economy at the moment. For instance, one night six of us went out for an Italian meal, which was very nice. We did not all have macaroni and spaghetti; we had steaks. I think we all had an entree and a main course and the bill came to just under \$20 a head, and the GST was included in that price. All of the prices in New Zealand have the GST included. Most of us came away feeling reasonably comfortable with New Zealand's economy. The prices seem to be under control and in many cases I believe the GST was 15 per cent. Therefore I think the fears of this tax are ill founded, because I saw it working in New Zealand and I was very pleasantly surprised.

Hon B.L. Jones: Have you been to England recently?

Hon J.N. CALDWELL: No.

Hon Derrick Tomlinson: That is the next reference for the Legislation Committee!

Hon J.N. CALDWELL: I think Australia can look forward to having a goods and services tax. I am not an economist and I will not tell members how it will work; I will leave that to the bright sparks. They will tell us and I hope members opposite will listen as well, but from personal experience I know it works. Members of the Government should take all the literature that the Nationals and the Liberals are handing out, study it thoroughly and admit defeat.

I turn now to the way the New Zealand economy is progressing. That country seems to be able to market its goods properly. Western Australia is not exporting many live sheep at the moment, and when we do we get a price, currently, of \$9 or \$10, whereas the export price of live wethers in New Zealand is \$50. That means that somebody there is doing some expert marketing. I can remember going there some six years ago with a Select Committee inquiring into agricultural education, and we saw then how New Zealanders marketed their goods. Australia is still not to the forefront in that regard; in fact, we are lagging far behind. Our universities should do two things. They should teach people, firstly, how to market goods overseas, and secondly, languages. Those two go hand in hand. I was just trying to think of who is wasting time in this place. A typical example is Hon Sam Piantadosi, who is a very good linguist - he can speak Italian fluently. He is probably a good marketer as well, as he seems to be able to talk a fair bit and cut into conversations quite well. He would be the ideal person to go and sell our wheat to Italy. Not only could he sell it well, but also he could make a jolly sight more money than he does sitting in this place.

Hon Kim Chance interjected.

Hon J.N. CALDWELL: We are exporters of wheat too. Not so long ago it was suggested that we import wheat from Saudi Arabia. If we had a good enough marketer we could sell snow to the Eskimos. Another person who has probably wasted his time here is Hon Joe Berinson. The way he can crawl out of any situation into which he has been put -

Hon Sam Piantadosi: That is being unfair.

Hon J.N. CALDWELL: - over the last 18 months in the Royal Commission, I am sure he could sell tulip bulbs and windmills to Holland. It is amazing that we do not seem to be able to market our goods properly.

Hon Sam Piantadosi: Do you support the export or import of potatoes between the States?

Hon J.N. CALDWELL: No, I believe we should grow them ourselves.

Hon Sam Piantadosi: Do you believe -

The PRESIDENT: Order!

Hon J.N. CALDWELL: We should grow our own potatoes and eat them.

Hon Sam Piantadosi: What about the Potato Marketing Board?

Hon J.N. CALDWELL: What about the Potato Marketing Board?

The PRESIDENT: Order! What about the Standing Orders of this place?

Hon Graham Edwards: I reckon you could market them here.

Hon J.N. CALDWELL: We do not emphasise sufficiently that the marketers are the main people to promote our goods overseas. We are being left behind by New Zealand now, and that is why New Zealand looks as though it is doing pretty well. The only thing not doing very well there is the racehorse industry. While I was there I was offered a racehorse for nothing, and it was a good-looking horse. I could have taken my pick of four one-year old colts; the only trouble was that it would have cost \$3 000 to get it back to Western Australia, and that was the deciding factor in my saying no.

I turn now to mining. I want to talk about an amendment to the Mining Act, so I did a quick search to ensure that I would not breach the Standing Orders, and found that the amending Bill has not yet been introduced into either House. The Governor's Speech said in part -

The Mining Act will be amended to remove the power of veto of private landholders over exploration on private land. A tribunal will be established to determine compensation matters when a dispute arises and to make recommendations on the conditions for mining tenements.

I have spoken on this subject once or twice before and I think everybody is well aware of the National Party's position. We very much oppose the removal of the landholders' power of veto. I mentioned previously that Hon Kim Chance will probably have great difficulty in this place sometimes in agreeing with his party, and this may be one such occasion. I only hope so, and I hope very much that he will bring very forcefully to the notice of his Labor colleagues the problems the removal of the landholders' power of veto will cause his constituents.

Hon Tom Helm: It should be extended to Aboriginal landholders.

Hon J.N. CALDWELL: I will briefly try to explain the problems faced by private landholders. I have experienced mining companies coming onto private land, as have my neighbours. The land around Badgebup, east of Katanning, was first pegged in 1979. We signed an agreement with a mining company. We had enormous problems coming to an agreement for compensation mainly because the private landholders had nowhere to go for advice. Most landholders live far away from the metropolitan area and from the Department of Mines. They would see a mining company once in a blue moon. In most cases, the landholders sign a letter of agreement after a limited amount of consultation between them and the mining companies. Mostly it is a one sided exercise biased towards the mining company because most mining companies employ very good public relations people. They know how to put the pressure on the landholders - who are not necessarily farmers.

I will mention some of the mining companies that have been associated with my area. The first is Allstate Exploration NL, whose shares are now priced at 17¢.

Hon Graham Edwards: How many did you buy?

Hon J.N. CALDWELL: We bought the odd one here and there but we did not make a profit. The next company was Otter Explorations NL, which started mining around Lake Grace. I believe that company left the area with a fairly good reputation. It got out after three or four years, leaving an enormous hole in one landholder's paddock, 30 metres deep, which is now full of very salty water. It is an eyesore. The company was to beautify the area and plant trees. The landholder is not very pleased with the outcome, although the company treated the farmer quite well. Another company which operated in the area was Buddha Gold Mines NL. I think it was associated with another company but I believe it has now disappeared. The only company of any note which had a partnership or an interest in the area of Badgebup

was Renison Goldfields Consolidated NL. Its share units are priced at \$4.74. Renison operated for a short time and then disappeared because it was seen to be associated with two or three companies with which it should not have been associated. Another company was Southwest Gold Mines NL. I cannot find it mentioned in the newspaper any more. I guess that company has changed its name. Its share price was around 5¢ a unit. The main company which had an agreement with landholders in my area was Associated Gold Fields NL, with units priced at 3¢. That goes to show what that company thought of our piece of dirt. The company assured us that it had all the machinery ready to move across to Badgebup and that it intended to start work within six months; that is, it would have machinery in place within a month, and start drilling for water. We signed the agreement. The only error we made was not to say that the company must start work within six months. That was seven years ago and still no mining has occurred on anyone's property. Associated Goldfields had no intention of mining. It sold our agreement for \$1.89 million to Southwest Gold Mines NL within four months. Perhaps another company was involved, the name of which escapes my memory. Southwest Gold Mines held onto that agreement for two months and then sold it for \$2.8 million; a profit of almost \$1 million. I hope it paid its taxes.

Members should bear in mind that none of the landholders had anything to do with these transactions. All they did was sign a piece of paper. At this stage, a two bob company called Roville Pty Ltd was floated. That company overpegged our land one night, which is similar to an event in the goldfields. One company thought the pegging was not good enough and overpegged an area, which resulted in a court case. The first thing we knew about Roville was when a piece of paper was pushed under the door on our farm saying that our place had been pegged for minerals. As far as we knew our place had been pegged for minerals for eight or nine years. We telephoned the company but there was no answer. I am attempting to explain to members exactly what private landholders put up with as a result of the activities of fly by night companies such as Roville. Those companies cause problems and try to make money in the process. We should try to guard against these sorts of activities. Private landholders should have the right to veto mining if they so desire.

The Governor's Speech states that a tribunal will be established to determine compensation matters when a dispute arises between a mining company and a landowner. I have no problem with that. If the Government intends to introduce a Bill to cover this situation perhaps it will consider my comments and consult the Opposition. At least the establishment of a tribunal will mean that private landholders can approach that body for advice. I suggest that the tribunal comprise three people: An independent chairman, a representative from the mining community, and a representative of private landholders. The tribunal should make recommendations to the private landholders so that they are aware of what is happening. Some landholders are naive; they are not aware of the processes involved if the land is torn about by mining companies. Such a tribunal would be an ideal body to give landholders an insight into what can happen to private land. Most landholders think that if a mining company comes onto a property the whole property will be torn up and that the landholders will no longer be able to live there. In many cases, only about 50 acres of any property will be disturbed. That is not a big deal. If we had had a tribunal to talk to we would not have had so much trauma in the past when making decisions about mining in our district. Many thousands of dollars were spent on solicitors' costs in an effort to receive advice, whereas had the tribunal been established that would not have occurred. However, the last resort still goes back to the private landholder, and following all the consultation, which could take only one hour with a tribunal, the landholder has the right of veto. That is the only safeguard against the possibility of a mining company coming onto a property and doing the wrong thing by the landholder.

I have explained what has happened in my electorate, and I referred to the 11 companies involved in this activity I could remember over a period of 14 years. These companies had the right to mine, but no sign has been seen of them. Mr Peter Ellery should be reminded that areas of land are still to be mined, and no attempts have been made to do so. These people are telling us that hundreds of mines are being prevented from operating because of this veto; however, I have never heard of any. I wish this gentleman could provide a list of people in that situation because I would like to meet private landholders and explain to them the consequences of this action. They should know the downside as well as the benefits, which are especially important in times of a rural downturn. If the tribunal were established

it will be possible to ask for advice and to receive a decision there and then; that is the way to go. I hope the Government of the day takes that suggestion on board, and I trust that all members on this side of the House will reject the current Bill. I know Hon Norman Moore, who is not here, will vote against it because he has spoken about it in a damning fashion.

Hon George Cash: Perhaps we could make an amendment to the existing legislation to create a tribunal as a first step to resolving the issue.

Hon J.N. CALDWELL: Yes, and the tribunal definitely does not require a big group - often, the more people involved the more unruly it becomes. It should comprise three members: An independent chairman, and two other persons from the agricultural and mining industries. That would work out very well. Virtually every problem which arises between private landholders and mining companies could be resolved by such a tribunal.

HON P.H. LOCKYER (Mining and Pastoral) [8.03 pm]: As is customary when speaking to the Address-in-Reply, I join my colleagues in thanking the Governor for his Speech. This is especially the case on this occasion because that was Sir Francis Burt's last address to the Parliament. I have known Sir Francis for over 20 years as he has strong connections with the Gascoyne, especially the town of Carnarvon where his family has had long associations with pastoral properties over the years. I have spoken to him on numerous occasions and have found him to be a most astute person, although not lacking a sense of humour. At one stage he was a justice of the Supreme Court, and later he became Chief Justice until he filled the enormous shoes of Governor left by Gordon Reid. Sir Francis Burt has been one of the State's best Governors, even though he took the position with some reluctance, and he has now acceded to an extension of three months before the Government appoints a new Governor.

On that subject, when the Government chooses the new Governor, I hope it uses the same criteria it has used so far in its term in office. I have argued on the Government's behalf in recent times - even though it has inflicted heinous problems on the State - as its record in appointing Governors has been 100 per cent right. Unfortunately on this occasion a debate has ensued in certain sections of the community pushing for certain people to be appointed as Governor; that is undignified as this appointment should be the choice of the Government of the day, and I am sure the persons responsible for this appointment will make the best choice. It was unnerving over the weekend to witness a motion of support passed at a meeting for a person to be appointed as Governor - although the person would make an excellent Governor - because neither political nor other types of organisations should push for a person to be appointed as Governor of this State. That position should be above that kind of nonsense; certainly I want no part of it.

I congratulate Hon Garry Kelly on his appointment as Chairman of Committees. I respect Hon Garry Kelly in his appointment. It was no secret that I coveted that position; however, I was not as good as the member in getting the numbers in the party room. I hope the members who promised Hon Garry Kelly votes will stick to him better than members on this side stuck to me. I say no more on the subject.

I welcome Hon Kim Chance to the Chamber. I have not yet had the opportunity to get to know him very well, but I noticed him visiting his electorate soon after his appointment to this House. I listened carefully to the member's maiden speech - as is the courtesy of this place, which should apply to all speeches - and I enjoyed the member's presentation. Nevertheless, I did not agree with some of its subject matter, but that is why we have a Parliament comprising members of different parties.

Hon D.J. Wordsworth: He considerably tested that privilege with what he said.

HON P.H. LOCKYER: Members should not interject on a member's maiden speech. I recall when Hon Tom Stephens was sitting in this very same seat - I realised this only recently - and he invited interjections on his maiden speech. He said, "You can all interject; I waive my right to no interjections." Of course, nobody did interject because half of the members went to sleep.

As a word of advice, I do not know whether Hon Kim Chance is a lover of poetry; regardless, I direct his attention to Rudyard Kipling's famous poem "If", which should be standard reading for all. I also direct to the new member the words I heard just prior to commencing my time in the Parliament. In those days a seminar was held for new and not so

new members. A speaker at the seminar was a former member of this Chamber, Hon Graham MacKinnon, who was a very competent member of Parliament and a very good orator. In that lecture he made the point that every member of this Chamber gets to know other members better than their mothers know them. Often those words come back to me because he was right: We see the shortcomings and strengths of various members and members try to take advantage of those. Hon Kim Chance should remember that the institution of Parliament is a wonderful thing which is above everything else we do. Members should preserve this institution, although there will be many times when our political differences will arise. Nevertheless, I have never allowed these differences to go outside this Chamber. What goes on in here should remain in here. What goes on in the corridors, the bar, the dining room and other parts of Parliament House, as well as what happens in public, should be left where it happens. I always recall Hon Des Dans saying to me that not all good people are necessarily on my side of the Chamber; he was right. I have become sound friends with members of other political persuasions, and I hope this will continue in the future.

In my tributes I wish to mention the passing last week of Mr Lang Hancock. I am surprised that I am the first member of this Chamber to do so when this person made such a strong contribution to this State. He was not perfect in his utterances, and he was not known for his tolerance; nevertheless, no-one can take away from him the great contribution he made to this State. Some people say that he just happened to be around at the right time; that he was just one of those people who discovered iron ore and happened to be there when the embargo was lifted for the sale of iron ore overseas. That is not right. Lang Hancock was an exceptional prospector over many years, and his method of prospecting by using aircraft, along with other methods, have become world renowned. The way in which Lang Hancock marketed his product and his deals with multinational companies will go down in history. It is unfortunate that we have to see every night on the television screen the pantomime about his will and where his money will be going. Lang Hancock's greatest achievement was setting the ball rolling in the Pilbara. People working in the Pilbara today and many of us who are going to the Pilbara because of the Ashburton by-election can thank Lang Hancock for setting the wheel in motion. I did not agree with everything he said over the years, and he said some outrageous and outlandish things.

Hon Doug Wenn: He said what he believed.

Hon P.H. LOCKYER: Yes, he said what he believed and what he meant. He knew black from white and that is how he operated. He was extremely proud of what he had achieved and the only thing he regretted, as I understand, was that he never operated an iron ore mine in his own right. However, he has made arrangements for his daughter and grandchildren to carry on that dream. I liked the cartoon in the *Sunday Times* with Lang Hancock's caricature in a mountain of iron ore. He was a mountain of a man who did a tremendous job for this State. It was unfortunate that he did not receive the accolades that he deserved. Of course, he did not endear himself to everybody and certainly there were times when people felt the wrath of his tongue. He did not care whether people liked him; he said what he thought. I am inclined to agree that is not a bad way to operate. At least the person knows where he stands and that is a true nor-west trait: Your word is your bond. It is unfortunate that my colleague Hon Tom Stephens is away from the House on parliamentary business because I would have taken him pretty firmly to task over the speech he gave last night. I have heard it all before; it was a tirade fairly typical of failed priests. When they stand in this place they think they are standing in a pulpit.

Hon Graham Edwards: Watch your back.

Hon P.H. LOCKYER: I am well aware of who is behind me and I stand by what I said. Hon Tom Stephens stands up in this place and preaches a sermon as if everything he says is right. If he were here I would rebut a lot of what he said. One of the outlandish things he did last night was to attempt to denigrate Sir Charles Court, who is a bit like Lang Hancock: You either love him or hate him, but you cannot take away the contribution he made to the Pilbara. Irrespective of whether Hon Tom Stephens or his colleague Hon Tom Helm dislike Sir Charles Court, he is the father of operations in the Pilbara. If it were not for Sir Charles Court the Pilbara would not have been developed. As good as members think they are, no Government member today could have put in place what Sir Charles Court helped to put in place - towns like Tom Price, Paraburdoo, Mt Newman, Dampier and Port Hedland. It

would not be financially viable today. It was even a dodgy financial arrangement in those days, and all sorts of things had to be done. Sir Charles Court was the right man for the job. Long before he was knighted and before he was Premier, Charles Court as Minister for Industrial Development got the north west up and running. It does not behove Hon Tom Stephens to come into this place and try to denigrate Sir Charles Court.

Just like Lang Hancock, Sir Charles Court did not have a lot of time for unionists but he always said that he respected honest and proper unionists, those people who wanted to work. He did not respect those persons who for cheap political reasons would have stop work meetings to try to interfere with development which was so important for the State in order to get jobs up and running. It is nonsense to criticise Sir Charles Court and to stoop to such a level. Sir Charles Court is a very welcome visitor when he goes to the north west of the State or anywhere else in Australia. Blokes like Hon Tom Stephens and Hon Tom Helm do not even qualify to walk in the man's shadow. Hon Tom Stephens will never be a statesman; very few people could be a statesman like Sir Charles Court. He made a contribution which was second to none. No successful man can be the hero of the multitudes; any man who is, is not doing his job. Sir Charles Court was my boss for two and a half years when he was Premier of the State. He was a tough bloke to work for and I did not particularly like some of the things he did; in fact, I thought at times they were heinous but on reflection that is how it had to be. Sir Charles liked to get on with the job. Unlike others, Sir Charles Court retired at the most appropriate time and he left his mark firmly on the State. Even today, at 80 years of age, Sir Charles Court receives invitations to speak from all sorts of people. He does not charge a cent; he gives his services absolutely free. I was disappointed in Hon Tom Stephens' tirade last night. If it were not for Sir Charles Court perhaps people like Hon Tom Stephens might not be here today.

Hon D.J. Wordsworth: There would not be an Ashburton electorate, would there?

Hon P.H. LOCKYER: There would be no people in the north west. One of the most stupid things Hon Tom Stephens has done was to ring *The West Australian's* "Inside Cover" with a tip-off that Richard Court was getting free air fares up and back to the Pilbara. Richard Court abruptly told Hon Tom Stephens that he did not get free air fares and I can tell members that Ansett WA does not give free air fares to anybody. On occasions the company may have given free air fares to sporting organisations which perhaps asked for a free air fare to get a sporting identity to the north west. However, Richard Court did not get free air fares and he has been going up to Ashburton out of his own skyrocket. *The West Australian* newspaper to its great credit did not print that story, because it realised it was a nonsense; and Richard Court gave Hon Tom Stephens a serve - as he should have done.

Hon Max Evans: Richard Court really wanted to do what you did, but he had second thoughts.

Hon P.H. LOCKYER: I did not do that properly either. If Hon Tom Stephens continues to carry on the way he has been lately I will start to get the urge again. He came out with nonsense about what we used to do in Government; he said we carted lawyers up to the north west for court cases. I do not know whether we did, but one of the trappings of Government is that these things can be done. Of course the Government is using its aircraft to ferry members around the State. If we were in Government we would be doing that too. It is not a bad way of getting members up north; they would sooner be hopping into the Kingair and flying up there in comfort -

Hon Margaret McAleer: We probably would not have the Kingair.

Hon P.H. LOCKYER: I would be disappointed if we did not have access to aeroplanes, because they are the trappings of Government. Of course the Government is taking advantage of the perks available and making announcements prior to a by-election; that is what the game is about. Any member who says he would not do it is telling an untruth, because of course it is done. The Minister for Consumer Affairs, Mrs Henderson, addressed workers in the Pilbara because, she said, the unions asked her to tell them about Government policies. No-one would be invited to discuss policies in the middle of March in Ashburton. They might be invited to Albany in March but not to Karratha or Dampier. Mrs Henderson is in the Pilbara because there is a by-election on and there might be a vote in it. If I were a Minister I might be doing the same thing.

Hon Tom Helm: What an awful thing to say.

Hon P.H. LOCKYER: If blokes like Hon Tom Helm and me can see what the Government is doing, I have great faith that the electors of Ashburton can see it too. The Liberal and Labor candidates are excellent candidates. I do not know Mr Riebeling, although people tell me he is a man of honour. Of course, he is being pushed and prodded, by people who he hopes will be his parliamentary colleagues, to say and do things that he would not normally say or do. The Liberal candidate, Joy West, is outstanding and is doing precisely the same thing. I will be interested to learn the result of Saturday's by-election. Like other members I have given my contribution to the Liberal Party's by-election campaign.

Hon Graham Edwards: Who did you put your contribution on with?

Hon P.H. LOCKYER: The Minister knows very well that we cannot bet on by-elections, only football. I remind him that he has yet to settle last year's debt. I will not talk about punting with him now.

The by-election will be a close contest on Saturday and whatever happens it will be an enormous reflection on this Government. It will be the first time that electors have had the opportunity to judge the Government since the commencement of the Royal Commission and I have no doubt it will be judged rather harshly.

I did not speak to the condolence motion this afternoon, but I want recorded in my contribution to the Address-in-Reply my condolences to Pam Buchanan's family on her passing. Although we shared an electorate Pam and I were not close and I did not know her very well. However, on the occasions we travelled on aircraft or passed each other at airports I always found her to be courteous and very kind. She wanted to do the best she could for her electorate and she did that well. She was not treated very well by a section of the Labor Party and I think the embarrassment within that party was reflected in the speeches some members made this afternoon. However, we are here for politics, not tiddlywinks, and we all have our disappointments whether we like them or not. Pam Buchanan chose to sit as an Independent but she still worked very hard for her electorate and it is unfortunate that illness took her in the early days of her retirement.

In this debate last night Hon Tom Stephens referred to Joy West, the Liberal Party's candidate in the Ashburton by-election, and said she came from New Zealand. He said it as though it was a crime. I understand she was born in New Zealand and came to Australia, but so what! After all Hon Tom Helm came to Australia from another country. The member should not be ashamed because deportation is not such a bad thing; it is not as bad as transportation. I understand that we have an agreement that it can be put in reverse and that is high on our agenda! Once again, Hon Tom Stephen's statement reflected no glory and it was a very cheap shot. While it is true that Joy West came from New Zealand she is now an Australian citizen and as a firm resident of the Pilbara she is very well respected. Members opposite can point all sorts of things at her, but they cannot say she is not respected in the electorate of Ashburton and that will be reflected on Saturday.

I come now to a pet subject of mine and I hope members representing the rural areas will take note of what I am saying. On a previous occasion I moved a motion in this House concerning the drought conditions in sections of the Gascoyne and Murchison. While some sections have received beneficial rain over the past few months some sections in the east and west Gascoyne have suffered four years of drought. I told the Press this afternoon that those people are the forgotten few and it is time that the Government took action instead of talking about it. The Minister for Agriculture has said that he wants to streamline the ability to declare drought affected areas. It is ludicrous that in the east Gascoyne there are properties located next to each other, one declared a drought area and one which is not. For example, the Woodlands Station is not drought declared, but Milgun Station, which is situated next door and which is owned by the same company, is drought declared. One property is eligible for benefits, but the other is not. I suggest to the Government that it is time for it to look at the situation on an apolitical basis.

I understand that if a person wants his property drought declared he must apply through the nearest local authority and his application is assessed by myriad red tape, bureaucracy and the rainfall records which are available. If everything slots into a bureaucratic box the property may or may not be drought declared. A drought is a drought and the Government

should examine with some haste the formation of a three person committee, with two of the members coming from the Department of Agriculture. I make it clear that there are people within that department who are eminently qualified to do this task. The other person should be drawn from the Pastoralists and Graziers Association or from the Western Australian Farmers Federation. In this day and age with the use of aircraft and four wheel drive vehicles there is no area within Western Australia which cannot be reached within a few hours and this three-man or woman committee - that should make the girls opposite happy -

Hon B.L. Jones: We are women.

Hon P.H. LOCKYER: To me, they are girls. The committee could reach affected areas very quickly and make on the spot assessments. One of the problems today is that half an inch of rain may fall at the homestead, but not one drop falls on the rest of the property. As a result, the property is precluded from being drought declared. It is time the existing system was changed. The Minister for Agriculture agrees with me, but nothing has happened. We have a bureaucratic process which is almost as bad as the Rural Adjustment and Finance Corporation. Hon Bill Stretch would say that it is not quite as bad as RAFCOR. When pastoralists receive a multitude of forms to fill out in the middle of a drought, when their mood is not very good, those forms are assigned to the rubbish bin and they hope it will rain.

I cannot stress enough on members how bad the situation is in the east Gascoyne. A person who had 10 000 head of cattle three years ago now has only 500. If it does not rain in six or seven weeks there will be none left. Even if it rains tomorrow, and I sincerely hope it does, he faces an almost impossible task to try to build up his property to a viable operation again; the task would be beyond him. This person, like most people from the bush, is not a whinger - he has tightened his belt and has tried to get over the hump. He has obtained permission to grow rockmelons and watermelons in a 50 or 60 acre area and he has done it successfully. He would work his cattle during the week and on the weekends he would load his truck with his produce and go to Newman or Meekatharra and sell it, as well as sending it to the metropolitan area. He earns enough from growing the produce to pay the bills and to keep his bank off his back. The situation is extremely serious and it requires urgent action. Approximately 20 properties are involved and it would be no big task for any Government to provide some sort of assistance. Earlier today we heard that the Government's decision to guarantee wheat growers \$150 a tonne for their wheat was a good thing because it gave them some confidence. The pastoralists need some assistance to give them confidence. At present they think it will not rain again and they feel they are going down the gurgler, that no one knows they exist and that they are the forgotten people of the bush.

Hon Barry House: If the Government honoured its commitment to land tenure it would be a start.

Hon P.H. LOCKYER: Even land tenure will not save these people, but I agree the Government should honour its commitment.

Two pastoralists are spending \$10 000 a month to cart hay to save their stock. They are not millionaires and there is no way they can continue to spend that sort of money for much longer. For one pastoralist the time to make a decision to agist his cattle elsewhere has passed. As a result, he has no choice but to let his stock die. I am a pretty tough operator and have lived in the bush all my life, but in January when I took Hendy Cowan, the Leader of the National Party, on a four wheel drive trip through the area I was pretty sober about some of the sights I saw. I am talking about hundreds of cattle dying around watering holes. If one approached them they were too weak to get out of the way. No matter how tough one is it is very hard to handle.

Hon B.L. Jones: It is horrific.

Hon P.H. LOCKYER: It is horrific. I cannot impress enough upon members of the Government how important it is for the Government to do something about that situation. Only a handful of properties are involved - 20 I think. If the Government can offer farmers \$150 a tonne for their wheat, it should subsidise the carting of fodder to these places or give other concessions to these people. I do not want to be told that these people should go to the Rural Adjustment and Finance Corporation, because they cannot get through the bureaucratic red tape. I do not blame the people who work for RAFCOR for that; I blame the legislation they have to work under. It is a dreadful set up and too hard for everybody. I have never

heard of anybody getting money from RAFCOR. I see RAFCOR officers around the bush from time to time shaking hands with and being nice to people. However, I have never seen them giving anybody any money; or, if they do, it is too late. These people have to be destitute before they get anything from RAFCOR. I would be more impressed if RAFCOR assisted the people who will be viable and so get them over the hump. These people do not want a million dollars; they want to be given an opportunity to keep their stock until it rains again.

Some of my colleagues across the Chamber and particularly some of those who lean more to the left harass me about the social implications. I will tell them about the social implications that this drought has had for the people on the stations. Some people think that pastoralists sit on their verandahs tinkling silver bells for maids to bring them frosted gin and tonics. If those days existed - I doubt that they did - they do not exist today. Most of these properties are run by mum and dad and both are jacks of all trades. Mum has to be a cook, a mechanic, a mother, a governess, a musterer, a cleaner of troughs, a dragger of dead sheep and dead cattle from watering points and a consoler of husbands who berate the earth because they do not think it will ever rain again. They also have to be able to entertain visitors like RAFCOR officers who visit them from time to time and shake their heads about how terrible things are. These people are pretty tough operators. Many of them have also had to make the decision to bring home the child who goes to St Hilda's, Hale School or Scotch College or send that child to a cheaper school or to a friend because they cannot afford to pay the boarding fees even though those people have gone without almost everything for their children's education. In some cases, they can go no further and the boarding schools turn over backwards to assist. However, in the end, the schools have to pay their bills also. The social implications with which they have to deal are terrible. We do not see them on the television screens as we do the people affected by drought in New South Wales, Victoria and Queensland. I know that those people are no better off than these people are here but they seem to get a tremendous amount of publicity. Because these people in Western Australia are small in number, no-one does anything about them. It will rain again soon and they are not the sort of people who whinge. They built this great country. If the Government will not take any notice of them and do something for them, I will keep raising the subject. I have extended an invitation to the Minister for Agriculture and anybody else who has a strong stomach to go and see the plight these people are in.

I want to congratulate the Minister for Police - I am sorry he is out of the Chamber on business, but I thought his stand with this bloke from the Human Rights Commission, Mr Burdekin, raised him in everybody's estimation. I knew he supported his police officers but for him to deflect the heinous attack by the Human Rights Commissioner over the comments made by Deputy Commissioner Frank Zanetti was entirely correct. Any Minister whose officers are attacked in that way should defend them. No Minister is worth his salt unless he supports the people of the department he represents.

Deputy Commissioner Zanetti was sentenced without trial for using that dreadful word "harass" in instructing some of his officers to go out and harass a section of the community. I am not sure of the legalities of that under the Human Rights Commission's legislation. However, I know what the people in my electorate and others thought about Mr Zanetti's comments. They thought he was absolutely correct. I understand that Mr Zanetti said to his officers, "Get out and get on the backs of those people who are continually offending and those people who are doing minor damage around the place like breaking an odd arm or two of people who try to defend their property, and stealing the odd car."

Hon Tom Helm: Haven't the police been doing that?

Hon P.H. LOCKYER: I understand they have been. However, there is nothing wrong with the Deputy Commissioner giving his officers a little shake-up. I understand that Hon Tom Helm's leader gives him a shake-up from time to time; if she does not, she should.

Hon Tom Helm: Mr Zanetti said that he did not say that.

Hon P.H. LOCKYER: I do not care what he said; that is immaterial. Hon Tom Helm is missing the point. It is probably a bit too technical for him and he does not understand. I am commending the Minister for Police for sending this bloke Burdekin on his way. He told him to rack off and to keep his nose out of our business and the public agreed with him. I watched Hon Graham Edwards on "The 7.30 Report" and he slipped right into Burdekin. It

was not a points decision; it was a knockout blow. He did the right thing. He asked who this bloke thought he was to come over here and tell us how to run our Police Force. He said it was already hard enough for the police, who are getting knocked from all sections of the community, to do their job. I am not one to criticise the media, because they have their jobs to do. However, I think they have been a little tough on the cops lately. I do not think they give them the credit they deserve. I know by many of his interjections that Hon Graham Edwards has tried to draw attention to what has been going on in Roebourne. Anybody who has been to Roebourne knows that, over the years, it has had a dreadful criminal history. However, of late, because of the efforts of certain police officers, things have improved markedly. There has been a subtle change in the attitude of the Police Force; it has had to change. Over the last couple of years, the police officers in Roebourne have done an incredibly good job. They have changed their mode of operation and, although I do not know what the crime figures are in Roebourne, I know that they are down massively on what they were. I know also that the police there have tried to solve the problems by working with the Aboriginal community and have done an incredible job in their own time.

Hon Tom Helm: That is not what Zanetti said.

The PRESIDENT: Order!

Hon P.H. LOCKYER: Hon Tom Helm should either shut up, leave the Chamber or sit in silence.

Hon Tom Helm interjected.

The PRESIDENT: Order!

Hon P.H. LOCKYER: If the member is going to -

The PRESIDENT: Order! When I call for order I mean that everybody should keep quiet. I do not know why members want to suddenly begin interjecting, because we had a pretty good afternoon's debate on this matter. As I have said on many occasions, members do not have to like or believe what the member on his feet says, but they do have to listen to him, and while I am here they will listen to him.

Hon P.H. LOCKYER: I apologise for Hon Tom Helm's behaviour, Mr President; it is unusual for him. We usually get on pretty well because we share the same electorate. However, I want him to listen. In their own time, these police officers brought down to Perth an Aboriginal team of basketballers at their own expense and I did not see one word in the Press or watch one television report about it. Any member who has had the opportunity to go out on a police patrol to some of the tougher places will know that it gets tough night after night. I have not been on a patrol in the northern suburbs but I have been on patrols in some of the tougher places up north such as Wiluna, picking up people who are drunk, spewing, defecating and doing all kinds of dreadful things. We never read in the Press or hear about the number of lives policemen save. I know that in Roebourne alone there are Aboriginal people who approach the police officers and ask to be taken into custody so that they can get a decent feed and sleep off the effects of alcohol. It is a tragedy. These policemen and women work in the tough blood country towns of Western Australia day after day, night after night. Of course, some police officers become intolerant, and the dreadful deaths in custody occur. I feel sick every time such a death occurs. However, that should take nothing away from the fact that the police save hundreds more lives than are lost as a result of their actions. Their efforts in the bush in tough conditions are incredible. For the most part they do their work cheerfully. In the past few weeks I have called on a number of police stations around the State and I find their work amazing. A police sergeant was transferred from Mt Newman to Kununurra and the full blood Aborigines in the town made a presentation to him before he left because they appreciated his tolerance and the work he had done for them. He understood that there was no quick fix for problems, but he tried to make things as comfortable as he could. He tried to explain to the Aborigines how the law must be applied. After all, he was only doing his job. The fact that they understood his situation reflects a great deal on the policeman concerned.

Hon Graham Edwards: It is Sergeant Tony Cocodis who is a Vietnam veteran of the Seventh Battalion Royal Australian Regiment. He has a tremendous capacity for working with people.

Hon P.H. LOCKYER: I had not intended to name him, but I confirm that it is Sergeant Tony

Cocodis. He gave me the rundown on the Minister, but I could not possibly repeat it in this place! We must get off the back of the police officers. In the event that some police are not conducting themselves properly, I have every confidence that senior officers will sort them out. They know what is going on in the Police Force. If young policemen are not doing the right thing, they will be sorted out. The people complaining about the police are no angels. Some of the young people strolling around Northbridge are hardened characters and have been that way since they were seven or eight years old. They know their way around. That applies also to some of the lags up north. I sat on the bench for many years, and the same people came before me day after day. They know how the system works and they know how to take advantage of it. They would send me notes asking me not to fine them but to give them three weeks' detention in Roebourne because they knew if they were not put away they would end up in the sand.

I questioned the Minister for Education today about Cosmo Newbery. It is a small settlement north west of Laverton. A couple of years ago a group of Aboriginal people in Laverton decided they did not like the lifestyle and wanted to improve their health by getting away from alcohol, so they relocated in Cosmo Newbery. I understand it has a stable population with approximately 20 children. The community has continually harassed the Ministry of Education with requests to provide a teacher and school facilities. They have been refused on each occasion. I have brought this matter to the attention of the Government and the Ministry of Education and have been told that they do not believe that the population in the community is stable. The number is so stable that an unqualified teacher has been teaching the children in the community for a couple of years. They rely on donations of educational resources and they must educate the children as best they can. I had intended to deal with this matter at some length tonight, but I was encouraged by the glimmer of hope given this afternoon by Hon Kay Hallahan when she said the matter was receiving close consideration. It is time the Government stopped procrastinating and arranged for a school and teacher to be provided to the area. These children will remain in the community. Cosmo Newbery is no different from the communities at Sandstone, Gascoyne Junction or Yalgoo, where the numbers of schoolchildren are low, and they have just as much right to teaching facilities as those people. Recently the shadow Federal Minister for Aboriginal Affairs visited Cosmo Newbery and he was quite distressed about the conditions under which these people are operating, with regard to the unqualified teachers. These children will not be returning to Laverton because their parents want to give them a Christian upbringing, away from alcohol and other bad influences. We have an obligation to help them. I am encouraged by the response from the Minister for Education today. There are many areas in which money is wasted, but certainly any expenditure in this area would not be wasted.

I understand that the Government intends to totally deregulate the transport franchise system in Western Australia. As a free market trader, I would normally say that is a good thing, and it probably is in some areas. I understand it will be introduced on 1 July this year, which means the Government has given less than three months' notice of its intention. In Carnarvon some 20 years ago the transport arrangements in the town were so unreliable for the industry that provides a large proportion of the fruit, vegetables and other horticultural produce to the State that a group set up the Carnarvon Transport Co-operative Ltd. Cooperatives do not have a good record in Australia, but this organisation has become one of Australia's most successful operations. It operates under stern rules and insists that any person owning and operating a truck under the banner of the Carnarvon Transport Co-operative must live in Carnarvon and be a local operator. It was a good way of making sure that Carnarvon received the maximum benefit from the operation.

Hon Sam Piantadosi: A closed shop.

Hon P.H. LOCKYER: Yes, but a successful closed shop.

Hon Sam Piantadosi: Do you support that?

Hon P.H. LOCKYER: I support the Carnarvon Transport Co-operative because it is an incredibly good operation. I have written to the Minister for Transport.

Hon Sam Piantadosi: You want to eat your cake and have it too.

Hon P.H. LOCKYER: It is strange that Hon Sam Piantadosi should have just entered the Chamber. I had been talking about Hon Graham MacKinnon and what a great orator he was.

He would flog Hon Sam Piantadosi within an inch of his speech life every time he spoke. One night he dealt with Hon Sam Piantadosi so badly that he went into the corner and wept. I have never forgotten that.

Hon Sam Piantadosi: You still have a lot to learn.

Hon P.H. LOCKYER: The Carnarvon Transport Co-operative is very successful and it should be exempted from any franchise arrangements, at least in the short term. The Government should not give an operation that has been working for 20 years only three months' notice of a change in the rules, particularly when many of the truck owners have made financial arrangements to put chiller transport on their trailers to keep up with the demands of the growing industry in this State. Some have invested \$60 000 and, all of a sudden, they will be faced with the new franchise arrangements. The people of Carnarvon are very happy with the present arrangement. Two companies are allowed to operate in the town and, therefore, it is not valid for Hon Sam Piantadosi to suggest it is a closed shop. It has been providing a good service getting the fruit and vegetables from the area to the markets - it must be reliable in order to service the markets adequately - and it also returns with produce from Perth. If the Minister for Transport wants to approach this on an apolitical basis - I understand the member for Northern Rivers, Mr Kevin Leahy, has approached her on the matter - I can promise that I will adopt an apolitical approach. It is essential for the future of the town and the stability of the transport system in Carnarvon that this franchise arrangement be kept in place. That means an exemption for the town. I support deregulation everywhere else provided the same problem does not arise. From my first glance at the information on this subject it seems that it may not effect anyone else in the way it will affect the people of Carnarvon. By one stroke of a pen the Government could do away with 20 years of good work, so it should reconsider this matter.

Unfortunately, on 10 April when the Parliament holds a send off for a well respected officer of this Parliament who must retire because of ill health I will be unable to be here. I speak of Philip Ugle, who has been here for about 23 years. He is a highly respected and efficient member of the staff of this Parliament. When I first came here in 1980 we quickly became sound friends because in those days his brother was the Church of Christ Minister in Carnarvon and was well known to me. Philip was always a cheerful and most reliable bloke. I could ring from any part of the State and ask him to do something in the Parliament and he was always happy to do it. I understand that Philip suffered a severe heart attack last year and is unable to return to work. He has been forced into early retirement long before he should have to retire.

Philip was not a person who worried about the fact that he was the only Aborigine working in this place; in fact, he was proud of it. He had a great sense of humour about being an Aborigine and did not mind taking himself off or having a shot at himself. That sort of sense of humour is unfortunately lacking at times in some of us when we take a shot at one another. On one occasion when I was looking for one of my colleagues I said to Phil, "Have you seen so and so", and he said, "No sir, but I'll send a white tracker to find him." He had a great sense of humour. I used to bring meat, emu eggs and mangoes down from the north for Philip because he could not get them here. His only downfall was his strong support for the Swan Districts to the extent that he became a pain in the backside when they won a premiership some years ago. I am sorry he is leaving the Parliament. As I have parliamentary commitments on the day of his retirement I want it recorded in *Hansard* that Phil Ugle was a tremendous officer of this Parliament who will be missed because of his cheerfulness and efficiency, especially by people like me who if we wanted a message passed on when in the bush could get Phil to do it. It is difficult to do that if one does not know the officer concerned. This Parliament is blessed with a staff of great people, and Phil was always a good friend who did not mind doing an odd job or two for me, as I did not mind bringing the odd bit of produce from the north for him.

I wish Phil well in his retirement. I hope he has got rid of some of his weight, because I blame that partly for his heart attack. He is a good officer of the Parliament who will be missed. I hope someone will explain to him at his retirement function that the place will still be open to him should he ever decide to visit us.

I support the motion.

Debate adjourned, on motion by Hon Max Evans.

ACTS AMENDMENT (GAME BIRDS PROTECTION AND LAND MANAGEMENT) BILL

Introduction and First Reading

Bill introduced, on motion by Hon P.G. Pendal, and read a first time.

Second Reading

HON P.G. PENDAL (South Metropolitan) [8.56 pm]: I move -

That the Bill be now read a second time.

This Bill is designed to modify the effects of a Government policy that has gone off the rails - that policy being to ban duck hunting. For almost two years the Opposition in this State has promoted a serious alternative to that ban which can be summarised as follows: Duck hunting should be banned on nature reserves that are of high conservation value but should be permitted on those which are not in that category, and fauna identification tests should be introduced to ensure that all duck hunters can readily identify fauna which we all agree should not be taken; in other words, fauna other than rare and endangered species.

A further provision of the Opposition's policy is that the cost of hunters' licences should be increased from the present \$10 to \$20 and that that increase should be matched by the Government so that, based on an estimate of 5 000 hunters, approximately \$100 000 will be collected in any year. The Opposition's policy is for that sum to then be placed in a special wetlands preservation fund to be used for a purpose which until now has been badly neglected by the present Government; that is, protection and enhancement of the wetlands system.

The Opposition's policy, and thus this Bill, is unashamedly a middle of the road stance that seeks to recognise the legitimate interests of both duck hunters and wetlands preservationists. It is a matter of deep concern to the Opposition that the Government has cynically sought to use the duck hunting debate to claw back some credibility within an increasingly disillusioned conservation movement. Of equal concern is the fact that the Government is seeking to use the legislative process of this Parliament to ambush a community group in the Supreme Court; namely, the Field and Game Association. Such a tactic is a double edged sword. A Government cynical enough to use it against one lobby group, in this case duck hunters, may well use that facility against others. No-one can take comfort from this tactic. No individual or community group will be free from this sort of legislative threat.

Hon J.M. Berinson: Mr Pendal, you are totally misrepresenting the position.

Hon P.G. PENDAL: We dealt with the Attorney General last night and we will deal with him again tonight.

Hon J.M. Berinson: You misrepresented the position last night and are doing so again tonight.

Hon P.G. PENDAL: The Attorney General should start acting in an honourable way.

This is not a question of a Government's right to legislate, for that is not in dispute. It most emphatically is a question of the right of individuals to have their case determined by a court according to the law without that law being changed midway through the judicial process.

Hon J.M. Berinson: You are talking about two different laws.

Hon P.G. PENDAL: If the Attorney General's conscience bothers him I can understand that.

The PRESIDENT: Order!

Hon P.G. PENDAL: If retrospectivity in the legislative process is bad in principle, this bid to abort the right of access to the highest court in the State is an obscenity. This Opposition's Bill, if passed and if accompanied by a lower House amendment to insert the funding provisions I outlined earlier, will make up to \$500 000 available every five years for wetlands enhancement. As I said in a recent debate, it is the state and quality of our wetlands that should be receiving the Government's attention and not the associated issue of duck hunting.

I urge the Labor Party members of this House to come to their senses, even at this late stage. I appeal particularly to Hon Reg Davies, who, when this policy was endorsed by the Liberal

Party 20 months ago, was able to give it his direct endorsement also. The social engineering propensities of this Government must be curbed at some point. For years now, we have seen repeated attempts by the Labor Government to impose itself on people. I urge the House to impose that curb on the Australian Labor Party tonight and to support this Bill. I commend the Bill to the House.

Debate adjourned, on motion by Hon Fred McKenzie.

ACTS AMENDMENT (GAME BIRDS PROTECTION) BILL

Second Reading

Debate resumed from 31 March.

HON REG DAVIES (North Metropolitan) [9.01 pm]: I stress that this is a Government Bill and not a private member's Bill. A fairly popular idea seems to be circulating around the place that this is my Bill. We all know that is not the case. However, I have indicated in the past that I would give sympathetic support or thought to this Bill when it was introduced. I have also given that commitment to numerous other Bills. It is interesting to note that a lot of the so-called red herrings in the pile, such as duck shooting, the old Swan Brewery, the 0.05 legal blood alcohol limit, and daylight saving, are gradually being taken off the agenda.

This debate centres on whether there should be a ban on duck shooting or whether we should let the status quo remain. I want to respond to Hon Phil Pental's indictment yesterday that this Bill was being rushed through the Parliament for a variety of reasons. I guess I have to take some responsibility for this Bill's being on the Notice Paper so early in the session. I gave notice in July last year that if this Bill to ban duck shooting were introduced, I would consider the legislation sympathetically. I wanted to see this issue out of the way before Christmas last year. One of the major reasons, other than the consideration of the affected animals, was that I did not want people to spend a lot of money on expensive firearms in the hope that the pastime of duck shooting would continue into the future; and a lot of people may even have purchased firearms as a Christmas present.

I have also received massive representations from within my constituency and from all over the State from people who support a ban on duck shooting and who have asked me to support this legislation, and from people on the other side of the argument who have asked me not to support this legislation. One consideration that I took into account in wanting to see this Bill on the Notice Paper earlier was the fact that I have only one staff member. This issue has been going on for many months now, and the pressure that was being placed on me and on my electorate officer was immense. Although I have requested the Premier to give me an increase in staff because of the added workload, she has not seen fit to acquiesce to my request. The situation has become quite untenable over the last few months, and, as there were other important pieces of legislation to consider, I wanted to see this item debated quickly. Therefore, there was not a great conspiracy on behalf of the Government to try to rush through this Bill. I too would like to spend time on other topics that affect this State.

Hon Sam Piantadosi: Pental got it wrong again!

Hon P.G. Pental: The Government was determined to ambush that court case, and you were party to it.

Hon REG DAVIES: Every time a contentious Bill comes up, the people who oppose it tend to use a lot of spurious arguments. I refer to an article in *The West Australian* of 5 September 1990, the last time that we had before the House a similar Bill, in which a prominent member of the Opposition stated that duck shooting was another of those emotive issues the Government was raising to deflect attention from the McCusker inquiry. Now we hear that the issue is being raised because of by-elections, WA Inc, and all the rest of it. There was also some suggestion yesterday that the Bill was being rushed through because of some legal action being taken against the Minister for the Environment. I think Hon Phil Pental just alluded to that again in an interjection. I would be very distressed if the passage of this Bill were to bypass the normal procedures within the courts and ultimately to bypass justice, and I would be deeply offended if there were any suggestion that I would be a party to any conspiracy to bypass any legal aspects because of my being a party to this Bill. I believe that my motives are altruistically based.

Hon P.G. Pental: My charge is against the Government, and members opposite know what they are doing. Hon Joe Berinson is leading the pack. It is immoral, and they know it.

Hon REG DAVIES: I am prepared to listen to any sustainable argument that the legal processes would be disrupted by this legislation. If that were the case and could be proved to me, I would consider any amendment to alter the Bill's proclamation date or the date that it will come into effect. I feel very strongly about that because no approaches were made to me by the Government. In fact, it was the other way around.

Birds have been around in Western Australia for a long time, and prior to European settlement the overpopulation of birds was met with natural selection and the ecology naturally maintained its instinctive balance. However, since the advent of white man in Australia, there has been a decline in the native animal species and numbers. According to Mr Ted Packer, a constituent who has an ongoing interest in the preservation of native species, in 1958 he was instrumental in a survey of waterways which was conducted by the then Fisheries Department. That survey estimated that there were 1.78 million animals of various species in a given area north of Narrogin. According to Mr Packer, today that same area contains only some 278 000 species. Today we are witnesses to an unprecedented decline in the number of native animals on our planet, and this decline is met through people either banding together or working alone to try to stem the tide - people like those in the Public Gallery this evening, such as Max and Dorothy Head, and Joan Payne, who has also worked extremely hard to try to stem the tide.

The recent report to the Government from the Community and Family Commission on behalf of the people of Western Australia entitled "Speaking Out, Taking Part", chaired by Mrs Ruth Reid, indicated that environmental issues are the number one concern of most Western Australians. It also showed that protection of our wildlife and our remaining vegetation is among the highest concerns of Western Australians. Basically environmental issues are receiving attention and one could well say not before time. This includes the consideration of the decrease in the numbers of our duck populations, which of course is what we are discussing this evening.

Hon Max Evans interjected.

Hon REG DAVIES: The member is probably right - in fact numbers are decreasing as a result of salinity, shooting, dieback, natural predators, and lead poisoning after ingesting shot. We have only one chance with our wildlife. Once they are gone we cannot bring them back.

Hon Sam Piantadosi: Tell Mr Pental that.

Hon REG DAVIES: I am sure Hon Phillip Pental knows that. I have had discussions with him over the years and I know what his private views are about the environment.

I do not know whether anybody here has taken the time to visit Hyde Park recently, but I can recall that once, in spring, the ponds there were filled with young ducklings.

Hon D.J. Wordsworth: I suppose they were shot out, were they?

Hon REG DAVIES: Unfortunately that is not the case. The long-necked tortoise, which is also out of its niche due to disruption to its natural habitat, devours the young ducklings because it too is finding it difficult to survive.

Hon Max Evans interjected.

The PRESIDENT: Order! The honourable member knows that interjections are out of order, but his interjections made when he is sitting in somebody else's seat are absolutely out of order. I recommend to Hon Max Evans that if he wants to sit there he should do so in silence.

Hon REG DAVIES: Duck shooting is an occupation that has been pursued over the centuries. Originally it was essentially economically propelled and it is fair to say that it was considered as only sport by the aristocracy of the day, and perhaps that is so even today. However, today we cannot really say that there is anything sporting about killing ducks. The birds are pitted against the ultimate in modern weaponry. They are killed in a wholly unequal situation where the odds are stacked heavily against them. The sort of shot the shooters use often wounds many more ducks than those which are killed outright. I know

this sounds a little emotive, but the sight of wounded ducks sitting on the edge of a lake waiting to die is not very pretty at all. Recently I had a discussion with a farmer by the name of Keith Porteous, who I think comes from down south. He told me that a couple of years ago he was quite happy to arrange a shoot on a relative's property for seven members of a gun club, because he believed those people would be quite capable and responsible shooters. After a few days the seven shooters left with, and I quote him, 483 ducks. However, the aftermath of the shoot was something the farmer had not counted on. His clean-up revealed scores of ducks sitting on the edge of the lake turning black and waiting to die. The shooters had killed many ducks but left countless others with lead in their bodies to rot on the waterside.

Hon Sam Piantadosi: Vandals!

Hon REG DAVIES: This is a story I have heard over and over again. I have heard it, of course, from those who oppose duck shooting, and I am sure Hon Murray Montgomery will tell a different story this evening, because I was talking to him earlier and he said that as a farmer he has had shooters on his property and there have been no problems whatsoever. He has inspected the area afterwards and no ducks have been left dying or wounded. He obviously had very responsible shooters on his property. I am not saying all shooters are irresponsible, because there are some very responsible people among the duck shooting fraternity.

Hon Peter Foss: You know that to leave a duck like that is already illegal, don't you?

Hon REG DAVIES: Of course it is illegal. Members might recall that some eight years ago the Harvey duck shooters' club drew attention to their disgusting mistreatment and lack of consideration of birds. That was fairly well publicised by the media - the dismembered bodies of ducks, the rotting aftermath, and evidence of a drunken orgy. That demonstration served to illustrate that duck shooting has elements other than sportsmanship about it. The fact that the shooters are at times the worse for drink makes a mockery of any idea of that upon which Hon Phillip Pental and members of the shooting fraternity are pinning their hopes; that is, encouraging shooters to pass tests for identification of rare species. If shooters are under the influence of a substance such as alcohol, it would make fun of their being able to pass any such identification test.

Hon P.G. Pental: You could say that about members of Parliament in here making their speeches.

Hon Graham Edwards: That is an unfair reflection on the member making the speech. It is an excellent speech.

Hon REG DAVIES: I will accept what Hon Phillip Pental says there.

Hon P.G. Pental: I am not saying you are in that category.

Hon REG DAVIES: I am sure the member is not. Another point I want to make is that it is very difficult for shooters to distinguish between rare species late at night or early in the morning, and generally shooting takes place early in the morning.

Hon P.G. Pental: It is done successfully the world over.

Hon REG DAVIES: Is it?

Hon P.G. Pental: Yes.

Hon REG DAVIES: I was surprised that nobody interjected when I mentioned alcohol being involved, because it is illegal to consume alcohol while participating in a legal shoot. However, I refer again to the article in *The West Australian* on 5 September 1990, and I quote another prominent member of this House who said that he indulged in the sport himself, meaning duck shooting. The article went on -

"Ducks are like rabbits, kangaroos and emus," he said. "There needs to be selective culling to control their numbers."

The point I wish to make is outlined in the article as follows -

He said most duck-shooting weekends were organised more as an excuse for a drinking session than to shoot ducks.

Here is a member of Parliament who is not aware of the law, so how can we expect the general public to be aware of it?

Several members interjected.

Hon REG DAVIES: I might add that I am well aware that the member in question does not drink.

Hon P.G. Pandal: Who is the member you are quoting?

Hon REG DAVIES: He is a member of the Opposition front bench, Hon Max Evans, the shadow Minister for Sport and Recreation. I am aware that he does not drink, but the point is that if a member of Parliament is unaware of the law, how can we expect others to be?

Hon Peter Foss: They do not drink before they shoot.

Hon REG DAVIES: You are being pedantic! The member said -

He said most duck-shooting weekends were organised more as an excuse for a drinking session than to shoot ducks.

For goodness sake, man!

Hon P.G. Pandal: You could say the same thing about the parliamentarians' bowling carnival. There are a few members who subscribe to that.

Hon REG DAVIES: Returning to the identification tests, members may be aware that this year is the first year in which identification tests are in operation in New South Wales. A colleague of mine, Hon Richard Jones, in the Legislative Council of New South Wales, commented on the legislation before this Chamber and said the following in his correspondence to me on 27 March, which was last Friday -

I went down to the beginning of the duck season at Barren Box Swamp and was appalled at what I saw. Even though we now have a wild fowl identification test for shooters, they are still shooting large numbers of endangered and protected birds.

Once more this year they shot a number of freckled ducks. Some of these were retrieved by the duck rescuers and brought to Parliament House to show Parliamentarians that endangered species are still being shot, in spite of the tests.

Hon B.L. Jones: Does the test include an eyesight test?

Hon P.G. Pandal: Then, Mr Davies, you apply the law.

Hon REG DAVIES: That is if the staff are available to go out and catch the offenders.

Hon P.G. Pandal: You do not make a law if you cannot enforce it.

Hon REG DAVIES: Indeed.

Hon P.G. Pandal: In this respect, you are going down that path.

Hon REG DAVIES: I thought the member was going down that path himself with his proposal for identification tests.

Hon P.G. Pandal: Certainly not.

The DEPUTY PRESIDENT (Hon D.J. Wordsworth): Order! Hon Reg Davies can make his own speech.

Hon REG DAVIES: The letter continues -

In actual fact, the number of endangered birds was a higher proportion of those retrieved than last year.

Duck shooters were way down in number this year compared to last year, I am glad to say, and hopefully more ducks will have survived the season.

Apart from the number of endangered and protected birds that were shot, including such birds as ibis and pelicans, there is a real problem with lead shot going into the water ways. Some tests are being done this year to determine the effect of the lead on wildlife.

Also a very large number of birds get injured and die later. We could hear the screams of birds in the reeds, but were unable to get to them to rescue them.

He concluded his letter by writing -

I am glad that you are holding the balance of power in the Legislative Council. Now we can make sure that humanitarian considerations will prevail!

Members may be interested to know what the President of the Royal Society of Prevention of Cruelty to Animals said regarding this legislation. Mr Eric Ball said in a Press statement that -

The RSPCA deplores the decision of those members of our State Parliament who rejected the public call to stop the wholesale slaughter and injury to our bird wildlife. The duck shooting season is a disgrace. It is an exhibition of cruelty of the worst kind, in the name of pleasure and thrills.

Estimates of the number of birds shot in flight in just 30 days in WA alone, range from 200 000 to 500 000. Regular shooters claim they have a 90% kill rate. That might reflect admirable skill or a lot of lead shot, but it leaves up to 50 000 birds fluttering, injured, bleeding but breathing, until they eventually die.

The Press statement further continues -

It will surprise most people to know that the RSPCA can take no action against a duck shooter because the Prevention of Cruelty to Animals Act only protect domestic fowls, and captive birds. It excludes protection for wildlife and marsupials because the law is 70 years out of date. The law was made in 1920.

It is fairly well known and documented that ducks significantly contaminate wetlands, which are also under threat from other factors, such as the beautification, burning, cultivation, draining and infill of wetlands and salinity problems. The pressures placed upon wetland habitats are not natural pressures; they are introduced human pressures. Therefore, it does not require duck shooters to keep duck numbers under control. That is clearly demonstrated in a report from the Royal Australasian Ornithologists Union in this State which indicated that over a two year period in which duck shooting was disallowed - those were the years of 1987 and 1988 - a real reduction occurred in the number of ducks as a result of environmental factors, such as low rainfall and loss of habitat.

Hon Derrick Tomlinson interjected.

Hon REG DAVIES: I am not sure, but I am sure that the member, or one of his colleagues, will tell us about it when they give us the argument for the shooting and killing of ducks.

Supermarket shelves are full of produce, and it certainly cannot be claimed that economic necessity compels people to shoot wild ducks. I have never eaten wild duck, but apparently it is invariably scrawny, possessing little edible flesh. These ducks are often disease ridden and, along with the lead shots used to kill them, they represent a significant risk to those who consume them. On the other hand, ducks purchased at the supermarket are bred for eating purposes, and these birds have a flesh content representing as much as five times greater than that of wild duck. These birds are dressed ready for eating and cost far less than those obtained through the economy of shooting.

We must also acknowledge that Australia is party to international agreements which oblige us to protect our wild fowl and its habitat. Our wildlife and wetlands are under sufficient pressure that we cannot afford to allow a few people to shoot protected wildlife for sport. It is no secret that our fundamental environments, such as wetlands, are in crisis, and we are losing species of animals at the fastest rate in the earth's history. Everyone knows that for the overall good we must relinquish a privilege which in other times was considered a right. Throughout the world there have been curtailments on traditional activities. In Western Australia restrictions surround abalone fishing and wildflower picking. Last year we saw television coverage of Japanese fishermen off the north west coast cutting off the fins of sharks. Legislation was recently introduced restricting estuary net fishing because the estuaries were being fished out. Seals were once slaughtered for their skins in Antarctica; elephants were once shot in Africa for their tusks. Whaling has been banned in Western Australian waters because of the depletion in the whale population. I am sure we have all read where Western Australian pioneers used to shoot the black swan, which is now our emblem. Black swans were once a most popular item of Christmas fare. The white egret was once hunted for its magnificent plumes, but eventually that hunting was banned because the white egret was hunted almost to extinction. Let us imagine where we would be today if the poor old black swan had remained on the menu. We only have one chance with our

wildlife; once a species disappears it is gone forever. Society is much more aware today than it was in the past. We must take greater responsibility for and try to effect more changes in our life to ensure that our planet is not destroyed completely by people wanting to continue their old habits, when these old habits are clearly no longer sustainable.

Last night Hon Phillip Pental commented that if the Opposition had not brought pressure to bear on this Government to take action on an inventory of wetlands in Western Australia in 1990 nothing would have been done by the Government.

Hon John Halden: I did interject, Mr Davies.

Hon REG DAVIES: I researched that statement today because I thought it was very interesting. The inventory of wetlands is an initiative that I fully support; it is a great idea. However, I am aware that it has been in place over many years. In fact Murdoch University has been involved in wetlands evaluation since 1987 or 1988 on behalf of the Water Authority and the Environmental Protection Authority.

Hon P.G. Pental: They have not been involved with the inventory.

Hon Peter Foss interjected.

Hon REG DAVIES: Mr Foss knows that I did not go to the Government for that information. I have a very reliable and competent staff member.

The DEPUTY PRESIDENT: Mr Foss will stop interjecting and perhaps Mr Davies will address the Chair.

Hon REG DAVIES: I am sorry, Mr Deputy President.

I am sure that members are aware of the massive community representation that I have been receiving on this issue and why I have taken an interest in it. To date 166 566 signatures have been collected on petitions and presented to this Parliament. Over the last 18 months I have presented many of those petitions. I have had numerous telephone calls, as I alluded to earlier, and many hundreds of letters. As I walked into this Chamber tonight I was given a telephone message slip saying, "Please support the ban on duck shooting" and that is pretty well an everyday occurrence for most members. I may have receive a little more than other members because people have seen that somebody was prepared to look at each issue on its merits and was not bound by a party decision. I heard somebody in debate tonight saying how difficult it is for members of the Labor Party to vote on an issue according to their conscience. I think they were talking about Hon Kim Chance's maiden speech. Sometimes adherence to a strict party regime is difficult for members. Hon Phillip Pental mentioned that I supported the Liberal Party policy 20 months ago. That is not exactly the case. At least 51 per cent of the party support party policy; it not always 100 per cent. That is the way parties operate; the majority rules.

Hon P.G. Pental: But Hon Reg Davies knows that the Liberal Party gives its members the facility at all times to take an independent position.

Hon John Halden: Without pressure?

Hon REG DAVIES: I did not want to stand here bashing the Liberal Party.

Hon P.G. Pental: Good.

Hon Graham Edwards: Mr Pental is doing a good enough job himself.

Hon REG DAVIES: I am a strong supporter of Liberal philosophy; I have made that point very clearly and members are well aware of that. I disagree with certain elements of the Liberal Party and I do not want to continue forming a bad rapport with the Liberal Party, because if the Liberal Party does not win the next election I have very strong fears about the future of Western Australia.

Hon P.G. Pental: At least we agree on that, Mr Davies.

Hon REG DAVIES: Perhaps Hon Phillip Pental will let me finish. He does not want to take me down that path, which I do not want to go, because I think little secrets are best locked up in one's mind and this is not the place to bring out the dirty washing.

Hon P.G. Pental: Depends what it is.

Hon John Halden: Mr Pental has never adopted that view.

Hon REG DAVIES: There is room to accommodate the handful of shooters in this State. I am a fairly reasonable man and I am prepared to listen to any reasonable request. I have listened to the debate and yesterday I had discussions with members of the duck shooting lobby - for want of a better phrase - and their solicitor. They outlined their concerns about the legal action that is currently being taken against the Minister for the Environment. The Minister for the Environment did not introduce this legislation: It was introduced in this House by the Minister for Sport and Recreation. The duck shooting lobby came up with an eleventh hour compromise which I thought was worthy of investigation. That is one of the reasons I adjourned the debate last night rather than get it away quickly, which I would rather have done. When I looked in detail at their argument for amendments to the Bill it stated that the amendments steered the middle ground between the two warring parties.

Hon John Halden: That sounds like Mr Pental's speech.

Hon REG DAVIES: That is the conclusion I came to after I had looked at the Bill, at Mr Pental's speech, and at the arguments presented by the duck shooting lobby. I am not suggesting for a moment that there was any collusion between Mr Pental and the duck shooting lobby.

Hon Sam Piantadosi: Not much!

Hon P.G. Pental: The Liberal Party's position was announced 20 months ago and Mr Davies was a member of the party at that time, so if there was collusion he would have been a part of it.

Hon REG DAVIES: I was not suggesting that.

Hon P.G. Pental: I am pleased that is on the record.

Hon Sam Piantadosi: Mr Pental is on the run again.

Hon REG DAVIES: I am suggesting that the duck shooting lobby took the Liberal Party's policy and said that it was the better way to go. I have looked at this and discussed it with a variety of people. I will not go into the whole argument now because it would lead to more debate. I think a suitable compromise allowing shooters to go onto farmers' properties can be reached right now. It must be acknowledged that some farmers consider the duck population a menace and it causes them concern. Currently, under the CALM regulations farmers can apply for a damage licence to kill the ducks on their properties. However, there are a few restrictions in the regulations, one of which requires the farmer to bury the ducks or to dispose of them other than by consumption. That is a waste. This legislation will not change the regulations under which the farmer can obtain a damage licence to kill the ducks on his property. However, I suggest that a farmer should be able to invite the shooters onto to his property to kill the ducks and take them away for personal consumption. That would mean amending the CALM regulations. I have discussed this compromise with the Minister for the Environment and he has given me a commitment that that can occur and that he will have discussions with the Department of Conservation and Land Management to amend the regulations to allow farmers to get a licence, firstly, if they can demonstrate that there is a problem on their properties and, secondly, that they will police the shoot so that protected species are not shot. The shooter will then be able to take the ducks away for personal consumption. I am not advocating a pseudo duck shooting season by any means, but it is a way of solving the problems of the farmers and the shooters. I am sure there are only a few shooters left who hanker for wild duck flesh.

Hon Muriel Patterson: Why should the farmers have to get a licence to shoot ducks on their properties?

Hon REG DAVIES: That has been the case since 1950. At the same time, shooters could do a great service to the State. They could direct their hunting activities towards feral animals. These feral animals are causing many problems on both private and public property. We have a terrible problem with rabbits and foxes and feral goats, pigs and cats. They are killing our native wildlife and degrading our agricultural and pastoral land. Shooters could carry on with their sport, and perform a real public service in controlling these feral animals. Once again, I approached the Minister for the Environment about this matter and as yet I have not received a reply from him. However, I am sure my approach was reasonable and responsible. It is a reasonable compromise that I have presented tonight and I would like to hear Hon John Halden's comments when he replies to the debate. The compromise and

protection of wildlife should be acceptable to both sides of the hunting debate and on that basis I support the Bill.

HON J.N. CALDWELL (Agricultural) [9.45 pm]: I am thoroughly confused. I thought I knew where Hon Reg Davies stood on the Acts Amendment (Game Birds Protection) Bill. Now I understand that he is suggesting a compromise. I am not too sure where we go from here. It sounds like we will make the farmers responsible for the shooters who go onto their properties to shoot ducks. He will have to ensure the ducks are shot in the correct manner. In fact, the whole thing sounds very complicated and I would like an assurance from somebody that this legislation will work. I do not think it is right to lob this matter in the Parliament tonight for a decision. I hope somebody adjourns the debate so that we can look at a compromise.

I oppose the Bill because I believe the Minister's present controls on duck shooting are adequate. He has the power to decide whether there will be a duck shooting season each year. If he is advised that duck numbers are low, maybe because of environmental pressures, he will not declare a duck shooting season. Everybody understands that and I have not heard too many complaints about it. During the years that duck shooting seasons were suspended, duck numbers increased in most areas except where there were droughts. Duck shooting seasons were then declared although the length of the seasons have reduced until the last one was of only a six week duration. However, everybody was reasonably satisfied with that.

There will be problems if another duck shooting season is not held. For instance, the area around Salmon Gums has had 12 inches of rain since Christmas, probably more than it has received in the last two years. Members can imagine the amount of water in that area and in other areas in the southern part of the State. An influx of water like that provides wonderful breeding grounds for ducks. They have an excellent hatch of chicks and they multiply enormously. Then the problems start. They begin crowding the dams and disease spreads rapidly throughout the duck population. They do not die because of lead poisoning; they die because of disease, and allowing them to die of disease is just as cruel as allowing them to be shot. People have been shooting ducks for as long as they have been around and it is the only method of controlling duck populations. In doing so the tables are decorated with a very pleasant morsel of meat. I cannot agree with Hon Reg Davies that a large percentage of the ducks are not worth eating. Somehow or another I must ground one for him from the dam and present him with a big black duck. If he will not eat it, I am sure Hon Graham Edwards will.

Hon Graham Edwards: Absolutely; I love them.

Hon J.N. CALDWELL: Of course, I will not shoot it.

Hon Graham Edwards: If you tell me where it is, I will pick it up myself.

Hon J.N. CALDWELL: There are other methods of dealing with this, besides banning duck shooting and letting them multiply. In many cases the ducks will die of disease anyway. If duck shooting were banned Statewide, invariably during some years there would be too many ducks, and they would eat the crops, foul the dams and die of one disease or another. We have all seen bird life dying in our lakes because of the stagnant water and the overpopulation.

Duck shooting does create some employment opportunities. In the last couple of weeks a new shop called Bullseye Supply has opened in one of the many empty shops in my home town of Katanning. I do not think we have previously had a specialist shop in Katanning selling ammunition, rifles and guns. The proprietor also repairs old weapons, and the business so far has been well received in the town. The shop has been doing quite good business, but I feel sure that down the track it will rely to some extent on the opening of the duck season and the sale of cartridges, shells and perhaps the occasional new gun. I estimate that 15 per cent of its business would come from that area. If this legislation is passed, it will place pressure on the business because of the ban on duck shooting. There are also people involved in producing the shells and guns, and repairing the guns. That produces income for people in some country areas. I do not think this Bill is warranted. If such legislation were required, the National Party would favour the Bill introduced by Hon Phillip Pandal. It provides many other proposals for dealing with the duck population, the wetlands, funds from licence fees to improve the wetlands, and the construction of duck cages in which the

chicks can be hatched. I know that at present many duck shooters fill in their spare time building hatches and placing them in reserves where people are not allowed to shoot ducks. Among the lakes around the Katanning district are a number of small houses ducks can safely use to breed their chicks. They are all put in place by duck shooters. I dare say that will not happen if legislation such as this is passed. We have already observed from comments in the Press that it is not a popular move, and a court case has been commenced on this matter. I see no reason for the Bill, but if such a Bill were necessary, the National Party would prefer to support the Bill introduced by Hon Phillip Pental.

HON PETER FOSS (East Metropolitan) [9.55 pm]: I commend Hon Phillip Pental on his contribution to this debate, in which he quite plainly pointed out to the House that this is not a conservation matter but is an animal liberation matter. Ample power exists already under the Act for the conservation aspects to be dealt with. Section 14(1) of the Wildlife Conservation Act deals with this in the most unequivocal of terms. It states -

Except to the extent which the Minister declares by Proclamation pursuant to the provisions of this section all fauna is wholly protected throughout the whole of the State at all times.

That is the basic starting point from which we come. The question is whether the Minister should allow an open season. Quite plainly, within the intent of the Wildlife Conservation Act, he should not do so if there is any possibility of danger to the fauna. I presume that the Minister is capable of making that decision on proper advice, and would do so after taking proper advice to ensure that there would be no danger to the fauna in this State.

Conservation is dealt with by the Act and this is a matter of animal liberation. The question is whether one should have laws preventing animals such as ducks from being shot. The following question is very well raised by Hon Phillip Pental: Why stop at ducks? Is it because they are more attractive and sympathetic animals than perhaps kangaroos or fish, or that the method of killing ducks is more inhumane than is the method for killing kangaroos and fish? It has become an emotive argument rather than one dealing with conservation. The problem that always arises is that somehow in this House we believe that by passing a law we will change people's behaviour. The behaviour referred to by Hon Reg Davies of people being drunk is already illegal, as he rightly pointed out. The mere fact of having a law saying it is illegal for people to drink and shoot weapons has no effect on some people, and passing this law will have no effect on some people. However, we should not put more constraints on the people who are sensible in order to try to stop the people who are not sensible. The crazy thing is that we are seeking to restrict the activities of people who are responsible duck hunters in order to restrict the behaviour of people who are irresponsible. We must learn that, no matter how much legislation is passed, we shall never stop irresponsible people from being irresponsible. They will continue to be irresponsible even after the passage of this legislation. I am convinced that some people will be out there drinking and shooting ducks, no matter what laws we pass. However, in the meantime those people who regard the law and are sensible in what they do will have stopped their legitimate enjoyment of what I believe is a perfectly reasonable sport. That is where the problem arises. Continually in this Parliament we respond to emotional arguments for emotional reasons. We whip here and there, and ban this and that because somebody is concerned about something at a particular time. Why do we always seem to come to such issues as duck shooting, bicycle helmets, and 0.05 blood alcohol levels, when there are people in the community suffering enormously because of lack of employment. Why is it that Governments always bring forward these issues but do not deal with issues that are really causing concern in our community such as unemployment? It is because the Parliament is a bit subject to emotional matters. It is easy for the people of Western Australia to charge off on daylight saving. As soon as it is mentioned one has an argument on one's hands. It does not matter that daylight saving has no effect whatever on the basic problems in the community; people still argue about it immediately the subject is raised and are divided right down the middle about it. That is one of the reasons why the Government keeps raising the matter.

Hon Reg Davies has done us a service in this area because some of the matters that the Government used constantly to distract the attention of the community have been removed from the political agenda, as he has mentioned. I do not believe it is right that such matters should necessarily be dealt with by giving in on matters of principle. I do not know whether

that is the way to get rid of matters that the Government dangles in front of us continually. It is true that the Government is running out of red herrings to draw in front of the public when things get difficult for it. As a matter of principle, we should not be swayed by emotion; we should look at the issues involved. I know that large numbers of people have signed petitions about this matter. However, I do not know whether they were aware of the true issues involved. I do not think that many people believe that this involves conservation protection for ducks in this State. Many people think in emotive terms about "nice little ducks" without thinking about "nice little fish and kangaroos". Many people sign petitions because it seems a good idea at the time and before they put their minds to the problem.

This Parliament has an obligation to look at this matter from the point of view of its effect on the community and responsible Government. I believe Hon Reg Davies has put his finger on the pulse when he says the real threat to ducks in Western Australia is the threat to the wetlands. We would be far better at this stage doing something to preserve those wetlands as this Government has done nothing about them despite Hon Phillip Pandal's urging it to ensure that they are preserved.

Hon Graham Edwards: That just shows your ignorance!

Hon PETER FOSS: The Minister for Police knows that the wetlands are being subdivided and covered with houses. I was taken on a tour of the wetlands in my electorate by a person opposed to duck shooting. That person is concerned about what is happening to the wetlands and I sympathise with that concern. I have spoken about the Minister for Planning before this evening. He is busily allowing developments to take place on these wetlands. The Government is doing little for those wetlands. Hon Reg Davies picked up another point that I think should be dealt with; that is, the fact that the Prevention of Cruelty to Animals Act excludes native fauna. I was not aware of that fact prior to Hon Reg Davies' pointing it out to me. I agree firmly with his suggestion that something should be done about that because I do not agree with people being allowed to leave animals in pain and to rot and die. That is not characteristic behaviour of duck hunters.

I turn to another point raised by Hon Phillip Pandal; that is, action presently being undertaken by people wishing to protect their right to hunt ducks. As I understand, the action they are bringing is for a prerogative writ of mandamus. Such a writ does not work by changing a decision by a person and is not one that says to a Minister, "You will open the season for ducks." All such a writ does is require the Minister to carry out his statutory duty. I will not comment on whether I think that action will be successful as things stand at the moment. I want people to understand that what the court can do does not provide an absolute remedy which one gets when suing on a contract and saying that a person owes money, then proving it and saying "Give me a judgment." Prerogative writs do not work in this manner; a person is not entitled to a prerogative writ merely by showing a set of circumstances. The writ in this case would work in the following way: If the duck hunters were successful with their case they would get an order that the Minister do his duty; that is, they would say he had a duty to make a proper decision on the facts and not merely to take up one side of the argument by saying, "I do not like ducks being shot because they are animals and I do not believe in shooting." The duck hunters will argue that the Minister should make his decision on proper conservation values set down in the Wildlife Conservation Act. Whether they are able to maintain that argument is another matter, but they intend that the Minister be asked to make up his mind properly and deal with the facts as they exist. If on consideration of the facts the Minister is able to reach the belief that there should not be an open season he obviously will not be compelled to have one. All he will be compelled to do is think about the matter and investigate it; that is what the duck hunters are saying.

One of the things that the court will not do is order the Minister to do something that is no longer contemplated by the Act. If we pass this Bill, whatever might have been the chances of this group of duck hunters prior to its passing, they will have no chances at all after it is passed. There is no way the court would order the Minister to carry out a duty which has been abolished by this Parliament. Courts do not get involved in ordering Ministers to do things for which there is no possible point. The effect of passing this legislation would be to remove from these people their right of action and expectation of success. That is not a totally surprising thing so far as this Government or the particular Minister is concerned.

When the same Minister lost a prosecution related to the making of a road and the Supreme

Court quite rightly pointed out to the Crown that the working of the Act was so wide that it could not have the broad meaning given to it by the Crown and had to be restricted in its scope, he criticised the court in an intemperate manner for its failure to apply the law set down by Parliament. I notice that contrary to his usual habit the Attorney General did not stand and defend the court on that occasion. I can recall his great indignation after misunderstanding a speech I made in which I made no criticism of a court which he claimed I had made and he got up in this place and harangued the House for a considerable time about what had happened. In this case, when the Minister criticised the Supreme Court quite wrongly and attacked the character of the court the Attorney General was quiet.

Hon J.M. Berinson: You are not suggesting that he attempted to negate the decision of the court by any legislative act, are you?

Hon PETER FOSS: I notice that the Attorney General is not trying to excuse his behaviour in not criticising Mr Pearce.

Hon J.M. Berinson: I am concentrating on the issue you are dealing with.

Hon PETER FOSS: My first point is that the Attorney General has been inconsistent in his behaviour. He does not seem capable of criticising Mr Pearce for behaving in the unbridled way he did. In that case the Attorney General did absolutely nothing to criticise Mr Pearce. Shortly after that case Mr Pearce introduced legislation which was almost as broad as previously, changing the onuses of proof, and goodness knows what else, to ensure that he did not lose the next prosecution brought.

Hon J.M. Berinson: Surely you are not suggesting that it is improper for a Government to introduce legislation to remedy what it sees as a defect in existing legislation?

Hon PETER FOSS: Not at all. What I am saying and have said, as the Attorney General would know if he were listening, is that I criticise the Government, firstly, for failing -

Hon J.M. Berinson: You have done that three times. How about getting on to the subject?

Hon PETER FOSS: I am glad the Attorney General accepts that criticism, because he should. I am saying in this instance that the Government, instead of waiting until after it had lost the case - because it obviously did not anticipate on the last occasion that it would lose the case, and on this occasion it obviously anticipates that it may lose the case - has suddenly resurrected this legislation, which has lain dormant for 12 months. The Government must know that the effect of the passage of this Bill will be to deprive those plaintiffs of their action. I have not heard anybody deny that to be the case. All the Government is saying is, "We are allowed to do that. Are you saying that we are not allowed to take action in this Parliament simply because an action is being conducted in the courts?"

I want to deal now with another inconsistency of Mr Berinson's which is one of the reasons that I raised this earlier inconsistency. Time and time again when we were tackling this Government about WA Inc, the Attorney General said, "We must not talk about that because we might prejudice the McCusker inquiry. We must not talk about that because we might prejudice actions that are going on." In the last week, the Attorney General has refused to answer questions because he has said that it is not appropriate at this stage to anticipate the decision of the Royal Commission on matters of propriety. Earlier, when I raised with Mr Berinson the question of his acting over the admitted improper behaviour of Mr Metaxas, he was not willing to commit himself to whether that behaviour was improper, or to take action. He would not take action, even though it was admitted improper behaviour, and even though he was capable of making a decision for himself.

Hon J.M. Berinson: Who admitted it?

Hon PETER FOSS: Hon Joe Berinson is the Attorney General, and I am referring to him. Hon Joe Berinson was not prepared to commit himself on whether the Government would take action with regard to Mr Metaxas, notwithstanding that he had admitted his impropriety.

Hon J.M. Berinson: You are misrepresenting him. He did not admit to impropriety at all, and you asked your question when the evidence was only partially in.

The DEPUTY PRESIDENT (Hon D.J. Wordsworth): Order!

Hon PETER FOSS: The evidence was quite clear from Mr Metaxas that he had released confidential information to the Premier, and the Attorney General knows it.

The DEPUTY PRESIDENT: Order! When I call order, I ask Hon Peter Foss to cease arguing. I do not believe that Mr Metaxas is a duck, and we will get back to ducks.

Hon PETER FOSS: The reason that I raise this matter is to highlight the inconsistency of this Government. The Attorney General had the cheek to say that there is nothing wrong with this Parliament's going ahead with a Bill which will take away the rights of individuals in an action, when he knows that will be the consequence of the passage of this Bill, yet only two weeks ago he refused to act as the Government should act to deal with a public servant who was in plain breach of his duties.

Hon J.M. Berinson: What puts you in a position to make a judgment like that?

The DEPUTY PRESIDENT: Order! I have ruled that that is not the subject of this Bill.

Hon PETER FOSS: The statement by this Government that it is proper for it to -

Hon Graham Edwards: Stop defying the Chair and get back to the Bill. You are short on facts. That is your trouble.

The DEPUTY PRESIDENT: Order! I may not be the Minister for Police but I can govern on this occasion.

Hon PETER FOSS: I am talking about the statement by this Government that it is proper for it to take an action while this action is still on, knowing full well that it is involved personally in this action and that one of its Ministers is the defendant. It is not as though this is a law reform measure which is dealing generally with the rights of people and which happens to pick up one case which is in the course of being heard. It is the Government's bringing in legislation when it is the recipient of a writ which is directed against one of its Ministers, and where the Government is seeking to ensure that it is not on the losing side this time as it was last time; and the Attorney General has the cheek to say that it is all right in this case for the Government to do it.

Hon J.M. Berinson: I would have thought you would understand the principles better than Mr Pandal does.

Hon PETER FOSS: I understand the principles very well. I am talking about propriety. I know that the Government is perfectly entitled to do it, just as it is perfectly entitled to take action against people and to do all sorts of things. However, sometimes it is proper for the Government and at other times it is not. It is proper when it suits it and improper when it does not suit it. The problem with the Attorney General is that he will go any way that happens to suit him. The Attorney General is "Mr Propriety". He says, "I will not anticipate anything. I will not do anything prior to something happening." When the Attorney General does not want to answer a question, he does not answer a question. It is convenient how it always happens to come out right for the Government. We have heard often from the Attorney General that he never interferes with the administration of justice. The only time he has ever done it was when he put a nolle prosequi on J.J. O'Connor because it suited the Government.

Point of Order

Hon J.M. BERINSON: I am sick to death of this man's misrepresentations. Hon Peter Foss knows very well that the case of J.J. O'Connor did not involve any improper interference in the course of justice. It involved a direct and explicit exercise of my powers and duties as Attorney General. Hon Peter Foss has been misrepresenting me for 10 minutes now. Mr Deputy President, it is time that he stopped in accordance with your directions to him.

Hon P.G. Pandal: If you cannot take the truth, resign, because that is the truth.

Hon J.M. Berinson: I object to that statement also.

The DEPUTY PRESIDENT: Order! I cannot have everyone speaking at the one time. As it happened, I think you jumped up on the J.J. O'Connor matter before he even got the words out. I suggest that you can object at the end of the speech if you feel that you have been misquoted, or something like that.

Hon Fred McKenzie: Let us get back to the Bill.

The DEPUTY PRESIDENT: Order! I think that is what we should do.

Debate Resumed

Hon PETER FOSS: I am seeking to put to the House -

Hon Graham Edwards: A load of rubbish.

Hon PETER FOSS: I am seeking to put to the House -

Hon Graham Edwards: A load of rubbish, and you have been getting away with it for the last 20 minutes.

The DEPUTY PRESIDENT: Order! The Minister for Police is defying the Chair.

Hon Graham Edwards: I am in good company.

Hon P.G. Pental: You are an intelligent being, Mr Edwards. You know all about rubbish.

The DEPUTY PRESIDENT: Order! Members on both sides will come to order. The Minister for Police will stop interjecting.

Hon PETER FOSS: I am seeking to put to the House that the effect of the passage of this Bill will be to deprive the plaintiffs of a cause of action against the very Government which is introducing this legislation; and this is improper and wrong in the circumstances. What is more, I find it incredible that this Government takes the legalistic attitude that there is a constitutional power to do this when it knows perfectly well that, notwithstanding that it may have the constitutional power, there are times when it is not appropriate to use that power. I know that the Government knows that is the case because Government members have said so frequently in this Parliament. However, the difference is that, when it suits the Government, it takes the view that it may act legalistically without regard to the propriety of the matter; and, when it suits it, it holds up the propriety of the matter as its reason for not dealing with things with which it should be dealing.

There is no point in the suggestion that we merely delay the operation of this Bill, because irrespective of whether the operative date is after the hearing of the action, the effect of the passage of this Bill, because of the type of writ that it is, will be to deprive the plaintiffs of their action. When it is clear that this legislation is not about conservation but is about animal liberation, when it is clear that it is being brought up as one of the standard furphies that this Government always brings up when it wishes to divert the attention of the people from the real issues, and when it is clear that it is being brought forward by a Minister who has a habit of getting stuck into the Supreme Court when he does not like decisions going against him - and it is in this case likely to be a pre-emptive strike on his part - then I believe it would be wrong for this Parliament at this stage to bring in this legislation. Even if Hon Reg Davies were of a mind to support this legislation I believe he should defeat it on this occasion, because I trust his motives implicitly.

The PRESIDENT: Order! I direct the Minister's attention to the fact that reading newspapers in the Chamber is out of order.

Hon PETER FOSS: I trust his motives implicitly, as I trust the motives of those people outside this Parliament who are promoting the Bill. As Hon Phillip Pental has said, the people who are keen to see this Bill pass into legislation are honest people following something in which they earnestly and sincerely believe. We have never said otherwise. We appreciate that that is the case, but unfortunately I cannot say the same thing of this Government. I have never been able to say that of this Government, because this Government does not really govern this State for the good of the people. Government members play tricky politics. All the time, whenever they do anything, it is not because it will do the people any good or because it will do conservation any good but because it is a good piece of politics to play at the time. The problem is that they use people such as those in the conservation movement and those who are opposed to duck shooting because it gives them an opportunity to draw the attention of the public away from those things on which the public's attention should be focused. The public's attention should be on the loss of wetlands and the threat to ducks that comes from the way in which this Government rides roughshod over the planning process, but continually members of the Government do the pea and thimble trick, always trying to make people look in another direction while they sweep the pea under a different thimble. Every time we look like getting down to dealing with something important or to righting the wrongs in this community the Government looks in its cupboard and comes up with something that will get people in. This is an emotional issue and I do not decry it for being so. I do not say that people who feel strongly about the matter

should not be emotional about it; of course they should.

Hon P.G. Pental: But the Government plays on it.

Hon PETER FOSS: Exactly, the Government plays on it. The Government has no emotions on this matter whatsoever. The only emotion of members opposite is to try to stay in Government and to keep people's attention off what is happening here. I believe that is a cynical misuse of this Parliament and of their powers. They so obviously pick emotional issues, and daylight saving is another. They pick it, not because they sincerely believe one way or another - their party is exactly the same as the whole community; that is, divided down the middle - but because they know people feel strongly about it. They play on those emotions and they use daylight saving because they know people will become upset about it. I consider that their use of other people's emotions to be one of the most cynical and disgraceful behaviours anyone can come across, because they take other people's sincerity and use it with insincerity. That is what is wrong with this Government.

I decry this piece of legislation. I believe it has been introduced because the Government sees two benefits to it. Firstly, it takes people's eyes off the serious problems facing Western Australia, and particularly this Government, at the moment; and secondly, it is a great way for the Government to get over the embarrassment of being shown up in this court case as having made a decision without having looked at the facts properly.

HON J.M. BERINSON (North Metropolitan - Attorney General) [10.24 pm]: I would not normally participate in this debate on the Acts Amendment (Game Birds Protection) Bill and I do so only briefly to counter a classic red herring which Hon Phillip Pental has drawn across the path of the discussion, and now, it would appear, with the assistance of Hon Peter Foss.

As I suggested to Hon Phillip Pental and now say to Hon Peter Foss as well, the issue in the court action which has been referred to and the issue in this Bill are two quite separate and distinct issues and there can be no question of improper intrusion of one into the other. As I understand the position, and at least here I think I am in agreement with Mr Foss, the court action against the Minister for the Environment is on the basis of an argument that he has not properly or adequately considered relevant matters before declining to permit a shooting season. If this Bill were to change the role of the Minister so as, for example, to free his decisions on any matter from any possibility of judicial review it could well be said that the purpose of the legislation was to attempt to frustrate the court action. However, that is not the position with this Bill at all. This Bill is to ban duck shooting. In other words, it is looking to change the substantive law and not simply a limited aspect of the law which goes no further than to a peripheral question of administration.

Hon George Cash: And if the law is changed will that frustrate the action that is current? Of course it will.

Hon P.G. Pental: Well should the Attorney General's nervous mannerisms come to the surface!

Hon J.M. BERINSON: Hon Phillip Pental is getting worse as the night proceeds.

The PRESIDENT: Order!

Hon J.M. BERINSON: There has been some talk by Hon Phillip Pental of ambushes, but nothing could be further from the truth. The Government made clear its policy on this matter when it first introduced a Bill to ban duck shooting in 1990. At least as long ago as September last year the Government publicly announced that the Bill would be introduced again if there were a realistic chance of its being accepted by the Parliament.

Hon George Cash: Is that the justification for bringing it in so early?

Hon J.M. BERINSON: There is no need for a justification.

Hon George Cash: What about the coincidence that a court case is now on?

Hon J.M. BERINSON: The Government is introducing this legislation in accordance with its legislative program, and I will come to that in a moment.

Hon George Cash: But you always say that, and you never do.

The PRESIDENT: Order!

Hon J.M. BERINSON: I have referred to the fact that as long ago as last September the Government indicated its intention to reintroduce the legislation. I refer to an article in *The West Australian* of 17 September 1991, which reads in part -

Mr Pearce also said he would reintroduce legislation to ban duck shooting if newly independent MLC Reg Davies would support it. Similar legislation was rejected by the Legislative Council conservatives last year.

Mr Davies said he would consider a ban favourably . . .

This policy, as I have said, was made clear two years ago. It was repeated last September and was again confirmed in the Governor's Speech at the beginning of this session, and this Bill simply flows from that. This Bill will be enacted if the Parliament agrees that it should be, and it will not be enacted otherwise.

Hon P.G. Pental: Why did Mr Taylor go against your policy?

The PRESIDENT: Order!

Hon J.M. BERINSON: Is it seriously suggested that the Parliament should be precluded from acting on a clear policy issue because of a legal action which goes to no more than a peripheral administrative question? And that is the sum total of the action which is now before the court. The very proposition that the Parliament should restrict its own capacity to act on a policy issue because of such a restricted consideration is a possibility that could not commend itself to anyone other than Hon Phillip Pental in one of his wilder moments, and Hon Peter Foss when he deserts his ordinary professional standards.

Hon P.G. Pental: A standard you have never adopted!

Hon J.M. BERINSON: I refer to one other matter raised in the debate by Hon Peter Foss in his concluding comments when he referred to this Bill as somehow serving no other purpose than redirecting attention from more important issues. If he is saying that this Bill is not in the top priority of our measures, I am prepared to agree with him. However, neither he nor the Leader of the Opposition can argue that the Government has been at all reticent in introducing measures of very great significance. The fact is, however, that most of them must be introduced in the Legislative Assembly and not here. The present Bill happens to come within a restricted number of Bills which it is open to us to introduce into this House because of one consideration or another.

Hon P.G. Pental: When you look like being done in the courts you introduce the Bill; that is the truth.

Hon J.M. BERINSON: The consideration applying to money Bills means that it is a necessity for them to be introduced into the other House. Let us look for one moment at the measures the Government has introduced, and let us ask whether they are not important: The Electoral Amendment (Political Finance) Bill, which I know the Opposition wants to run away from at 100 miles an hour - but that does not mean it is not an important Bill; the Members of Parliament (Financial Interests) Bill 1989, which I know again that the Opposition would like to run away from at 100 miles an hour - again that does not mean it is not an important Bill; the Equal Opportunity Amendment Bill, which seeks to do away with age discrimination.

Hon George Cash: What does that have to do with this Bill?

Hon J.M. BERINSON: I refer to the Freedom of Information Bill -

The PRESIDENT: Order! I do not know what the House has been doing while I was out of the Chair for a while; if the House was discussing the matters the Minister is now raising, I am disturbed because none of those things has anything to do with this Bill. I indicate to other members that if they do not stop interjecting they will certainly not participate in the vote on this matter if it is taken tonight. I suggest that members keep quiet and listen to what other members have to say as that may expedite the passage of this Bill. If we continue in the current fashion the ducks will die of old age! I suggest that members let the Attorney General finish his speech, and that he return to the Bill.

Hon J.M. BERINSON: I am happy to limit my comments to those two areas, Mr President. I have indicated before that it is not my intention to intrude into the role of the Parliamentary Secretary as to the substance or the merits -

Hon George Cash: You have taken the Bill out of his hands; you may as well keep going!

The PRESIDENT: Order! The Leader of the Opposition is trying my patience. I suggest that he cease interjecting.

Hon J.M. BERINSON: I have no intention of intruding into the area of the Parliamentary Secretary in dealing with the merits of the Bill, but since members opposite, particularly Mr Pandal and Mr Foss, have attempted to lay so much weight on this exaggerated and quite incorrect concept of improper intrusion by the Parliament into the court proceedings, I thought the least I could do was briefly respond to that. Other than the comments already made, I say no more than I support the Bill.

HON W.N. STRETCH (South West) [10.34 pm]: Firstly, I state my credentials in this matter: I have lived in the country all my life and I regard myself as a wildlife and domestic stock manager. One of the prerequisites of managing any stock, whether wild or domestic, is a general understanding of the life cycle of such stock and the various diseases which affect them. Also, a knowledge of the management of their environment and their food supply is important. As you have rightly pointed out, Mr President, we have strayed a long way from the nub of this debate, and I shall bring the House back to the question of looking after the welfare of all wildlife and stock at all levels.

As a stock manager - a term I use widely to cover domestic and wildlife stock - it is essential that one has the power to manage. The aspect of the legislation that concerns me most is that the Minister will have the matter taken out of his hands, and the decision will be taken away from this Parliament. That is wrong.

Hon J.M. Berinson: It cannot be taken away from Parliament if it is Parliament making the basic decision.

Hon W.N. STRETCH: I will not debate legalities.

Hon J.M. Berinson: That is not a legality; it is a fact.

Hon W.N. STRETCH: The Attorney General has led the debate widely astray, and I suggest that he sit quietly and listen to my comments on stock management.

Hon J.M. Berinson: You might have said that it was your colleagues who started that argument.

Hon W.N. STRETCH: As the President has said, the debate might proceed more quickly if we look at the welfare of birds in this debate rather than following the red herrings drawn before us by the Attorney General. It is a matter of the powers of this Parliament. The Attorney General can laugh, but he has ridden roughshod over these powers for years - but we will not go into that.

Under this legislation the responsible Minister is charged with managing the welfare of certain species; however, the Government tonight is attempting to take away from the Minister the ability to declare a culling season of some sort - at least that is how it appears. I would like the Parliamentary Secretary to explain where the damage licence provisions are found in this legislation. The second reading speech quite clearly indicates that "an ability to make regulations to control the taking of fauna subject to damage mitigation arrangements will be retained in the Act". I have tried in the time available to me to go through the legislation and find where this power lies, and from whence the regulations derive that power. I simply cannot find it. I would be pleased if the Parliamentary Secretary could point them out. I hope the Parliamentary Secretary is empowered to make commitments on behalf of the Minister he represents in another place, because we will need a few assurances that the power to manage wildlife when the numbers get out of control is somehow retained.

I have no difficulty with the conservation of ducks and rare and endangered species. We should let them go about their normal lives. However, I have a regard for the economy of the country. In diverting for a moment, the twenty-eight parrot is another protected bird. Farms in the Wagin area have demonstrated that the outside 40 metres of crops have been devastated by these protected parrots. It tries the patience of export producers when they must put up with such devastation of their livelihood by unmanaged, and unmanageable, numbers of these birds. These birds are slightly different from ducks. However, these are the kinds of pressures under which land managers are placed. I would like the Parliamentary Secretary to point out from whence these regulations derive their power within the legislation.

I would also like an assurance from the Parliamentary Secretary on the right of any landowner or manager to obtain a damage permit to destroy pestilent species without a heck of a lot of red tape - and we do have pestilent species. The particular bane of my life is the Maned goose or Carnarvon goose which towards the end of summer invades farmlands and causes a considerable nuisance; so much so that it can cause the closure of water holes to stock and in certain cases homestead supply dams. That is a major problem. I would like to see the damage permit system retained in its present form. I have no difficulty with the involvement of CALM officers. I have telephoned CALM officers to advise them that we have a problem and when we say that we are 120 kilometres away they say, "In that case, go ahead and shoot them." Now I hear that if we shoot these birds they must be buried, that they cannot be taken or left to rot on the banks of the dam. The farmer is left with the option of leaving them there, closing off his dam and letting them breed to extinction, or getting a large earthmoving machine and burying them. I can assure members that these geese arrive in numbers of up to 1 000 and that becomes a major problem. I would like that point very clearly explained to the House and an assurance provided. It is well known that if bird numbers are not controlled they become susceptible to disease. When the water levels are low and the birds hang around those water holes they are subject to botulism, salmonella and certain other diseases which are not very kind to the ducks. I have never been shot and I have never had botulism so I will not make a value judgment on behalf of the ducks, but the end is inevitable and it is not really a question of choice.

If we are to manage wildlife, for goodness sake leave the Minister power to manage that wildlife. My preference is for the status quo which forces the Minister, in a reasonably gentle way, to take advice on the field assessment of the problem. That is the healthy and sensible way to go. I do not believe in taking powers away from the Parliament in the way that is being proposed, but as Hon John Halden pointed out earlier, the numbers have not changed; he can count and so can I and it does appear that this Bill will be passed. If that is so I ask for an assurance that the damage control provisions will be engraved on tablets of stone. The position is not satisfactory at present because it is not clear in the Act from whence the power derives. I would much prefer to see the Government take this Act away and write into it that the Minister must proclaim regulations which will allow those damage permits to be issued as a matter of right when a proper case is presented, rather than as a matter of whim and application if the Minister chooses to implement those regulations. I do not believe the safeguard is in the Act now. I do not believe the Act will be left in the spirit of the second reading speech and therefore I ask the Government to address that very urgent issue. That point should be clarified either by an amendment to the Act now or an absolute assurance on behalf of the Minister that that will be attended to and the regulations will become part of the Statutes of the State.

Debate adjourned, on motion by Hon Murray Montgomery.

PARLIAMENTARY SUPERANNUATION BOARD

Stephens, Hon Tom - Appointment

Debate resumed from 31 March.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [10.44 pm]: Yesterday the Leader of the House moved without notice a motion which would have seen the appointment of Hon Tom Stephens to the Board of Trustees of the Parliamentary Superannuation Board in place of Hon Jim Brown. I indicated that the Opposition had not been given any notice of the intention to move the motion and that there was a need for the Opposition to research the matter and to satisfy itself that a proper course of action was being followed. I now advise the House that that research has been completed and the Opposition supports the appointment of Hon Tom Stephens to that board.

HON P.H. LOCKYER (Mining and Pastoral) [10.45 pm]: I take it that the Opposition will support Hon Tom Stephens' appointment, but I have some serious reservations, not because of any personality differences between Hon Tom Stephens and myself but because of the importance of the position and therefore of the person who is appointed to this position. Hon Jim Brown did a first class job as our representative to the board. That was because he had been in the insurance industry and he thoroughly understood the industry. Can Hon Joe

Berinson assure me that Hon Tom Stephens will not act just as a number? We have a library committee which has not met for some years yet every year we appoint somebody to that committee. I do not want the person appointed to represent members on the Superannuation Board to think of himself as a number. I want that person to be au fait with what goes on so he can do a proper job of representing members. I am not saying that Hon Tom Stephens will not do that, but I want Mr Berinson to make sure that he does. Hon Jim Brown carried out his duties exceptionally well and nobody understood superannuation as well as he did. Hon Jim Brown was always helpful to members who wanted to check on their entitlements. Members of Parliament receive plenty of criticism about their superannuation entitlements but the reason they exist is that for various reasons the tenure of members may be cut short. The Chairman of Committees, Hon Garry Kelly, is staring me in the face; he is an example of a member of Parliament who, after a relatively short stay, will find himself back in the work force and looking for a job like everybody else and having the same difficulties; so there are some special reasons for the existence of the superannuation scheme. With the greatest respect for Hon Tom Stephens - I will give him the benefit of the doubt that he will diligently carry out the duties of the position for which he has been nominated - I hope that when he reads this debate in *Hansard* he will realise that he is not on the board to make up the numbers but to carry out duties. I want the Leader of the House to assure me that that will be the case.

HON D.J. WORDSWORTH (Agricultural) [10.48 pm]: Perhaps the Minister could explain, because members may be out of touch with the position, whether Hon Tom Stephens was nominated as a representative of the Labor Party, whether there was to be a vote in the House, and if members were to have any say in his nomination? It appears that representation on the trust is out of kilter and has been for some time as the person who represents the Liberal Party has been an Independent for some considerable time and that perhaps we should look more closely at the representation on this board. I say that because I happen to be one person who has been affected by this board. In case members happen to have forgotten, I intended to retire from this Parliament some years ago and the Labor Party caucused on the issue that I should not get a parliamentary pension. That was reported by Mr Burke and was well known around this House; so perhaps I have reason to check, particularly after listening to the speech of the honourable member yesterday, that the right person is appointed to the board.

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

ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Metropolitan - Leader of the House) [10.50 pm]: I move - That the House do now adjourn.

Adjournment Debate - Stephens, Hon Tom - Courts' Charter Flights to Karratha - "Gross Untruths"

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [10.51 pm]: Members will recall that, during Hon Tom Stephens' contribution to the Address-in-Reply yesterday, he suggested that a member of the Liberal Party, the member for Nedlands, Mr Richard Court, had recently visited Karratha and used a charter aircraft by the name of "Kreepy Krawley". He also said that he understood that the aircraft was owned by a Mr Williams and had been made available to other members of the Liberal Party. It is important that this House should at least attempt to deal with the facts where possible. After some investigations, I have been advised that, firstly, Mr Court at no time used an aircraft named "Kreepy Krawley" and, to his knowledge, has certainly not used a charter aircraft owned by any person named Mr Williams.

It may also interest the House to know that Mr Court has been to Karratha in recent weeks on three occasions. On two occasions he used Ansett Airlines and on the third occasion he used a private charter. It should also be emphasised that not one dollar of taxpayers' money was spent on those fares. That contrasts with the Government's position because we know that the Kingair aircraft has been making regular round trips taking Ministers and other members of the Labor Party to the Ashburton electorate to campaign on behalf of the Labor Party. It should also be noted that Hon Tom Stephens' attention was drawn to these facts but he, for

reasons of his own, decided that he would continue with his claims, even though he knew them to be untrue. It has been also brought to my attention that Mr Stephens attempted to peddle a story to "Inside Cover" that Mr Court had arrived in Karratha in a charter aircraft with a television crew in tow when, on the day that he claimed that occurred, it was the Premier who arrived in Karratha in the Kingair with a TV crew. I wonder what Hon Tom Stephens is all about.

Hon D.J. Wordsworth: It indicates that he does not tell the truth.

Hon GEORGE CASH: That is right. Mr Court made the point to Mr Stephens outside the House that he should get his facts straight but Mr Stephens chose not to do that.

Another matter that was also raised in that same speech was a suggestion that Sir Charles Court was flown to the Ashburton electorate in a Robe River aircraft. I make it clear to the House that again Mr Stephens was mistaken or, if he was not mistaken, he was telling a gross untruth; and I use the phrase "gross untruth" because members know I cannot accuse a member of lying in the House. I have a copy of Sir Charles Court's itinerary for yesterday. It indicates that he left on Ansett flight MV348 for Karratha, spent the night in Karratha and returned via Ansett Airlines flight MV347 arriving in Perth at 12.50 pm today. I do not know why Hon Tom Stephens seeks to misrepresent the truth or peddle these lies in this House. However, it seems that Hon Tom Stephens is prepared to say anything at any time because of the desperate situation in which the Government finds itself in relation to the Ashburton by-election.

Hon John Halden: We are trying to help Richard become Leader of the Opposition.

Hon GEORGE CASH: If anyone wanted to become Leader of the Opposition, the last person he would want helping him would be Hon Tom Stephens because he has no credibility in the eyes of many people in this House and, as I have found having recently visited the electorate of Ashburton, very little credibility in the eyes of the people of that electorate.

Question put and passed.

House adjourned at 10.55 pm

QUESTIONS ON NOTICE
SWAN BREWERY SITE - RENOVATIONS
Funding Source

2. Hon P.G. PENDAL to the Minister for Education representing the Minister for Heritage:

With reference to the proposed renovations to the old Swan Brewery buildings what is the exact source of Government funds that will be used for these proposed renovations?

Hon KAY HALLAHAN replied:

Reply provided by the Minister for Heritage -

The Government is still considering options for the future of the old Swan Brewery.

"WA ADVANTAGE" PACKAGE - PAMPHLETS
Distribution and Cost

7. Hon N.F. MOORE to the Attorney General representing the Premier:

- (1) To the residents of which towns has the Government sent a precis of the WA Advantage package?
- (2) What has been the cost of sending the pamphlets?
- (3) When will the residents of other towns receive a copy and what is the expected total cost?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

- (1) Over 27 000 copies of "The WA Advantage - Decisions for Investment and Jobs" precis have been distributed throughout the State and overseas.
- (2) These documents have been distributed by a variety of means -
 through members of Parliament who have requested copies;
 at trade and investment conferences; and
 by mail to interested groups and organisations.

The cost of sending all 27 000 pamphlets is therefore very difficult to determine.

- (3) Due to the great demand from the public for information about the Government's WA Advantage package an extra 15 000 pamphlets have been printed for distribution throughout the State. Those members of Parliament who have not yet distributed the material to their constituents are invited to do so.

POLICE DEPARTMENT - FIREARMS
Maintenance and Storage Survey - Names and Addresses Policy

22. Hon GEORGE CASH to the Minister for Police:

- (1) Were the police recently involved in participating in a survey on firearm maintenance and storage?
- (2) Did the Police Department provide the names and addresses of licensed firearm owners to any group to assist in the survey referred to in (1)?
- (3) Were the police advised of the results of the survey.
- (4) Is it usual for the Police Department to provide names and addresses of persons for use by private organisations to conduct surveys?
- (5) What is the policy of the Police Department in respect to providing the names and addresses of persons held on files, including owners of firearms and owners of motor vehicles?

Hon GRAHAM EDWARDS replied:

- (1) Yes.
- (2) No.
- (3) Yes.
- (4) No.
- (5) The extent to which information may be divulged is subject to the due process of law.

HOUSING - HADRILL STREET UNITS, BAYSWATER
Building Tenders

27. Hon GEORGE CASH to the Attorney General representing the Minister for Housing:

- (1) Have tenders been let for the building of six home units in Hadrill Street, Bayswater?
- (2) If yes -
 - (a) how many units are to be built;
 - (b) what are the anticipated commencement dates;
 - (c) what are the anticipated completion dates;
 - (d) what is the number of sleeping units in each residence;
 - (e) what is the estimated building cost of the development;
 - (f) how much does this represent per square metre of building; and
 - (g) is the accommodation for rental purposes or for sale purposes?

Hon J.M. BERINSON replied:

Reply provided by the Minister for Housing -

(1)-(2)

No. Tenders will close on 30 March 1992.

MOTORCYCLES - MUFFLERS REQUIREMENT
Noise Level Regulations - Pollution Regulations

29. Hon GEORGE CASH to the Minister for Police:

- (1) Are licensed motor cycles required to be fitted with a muffler?
- (2) If yes, which regulation provides for this requirement?
- (3) Which regulations control the level of noise emitted by a motor cycle?
- (4) Which regulations provide for monitoring of pollutants emitted by a motor cycle?

Hon GRAHAM EDWARDS replied:

(1) Yes.

(2)-(3)

Regulation 106/108 - Road Traffic (Vehicle Standards) Regulations 1977.

- (4) Regulation 1021(5) - Road Traffic (Vehicle Standards) Regulations 1977 provides for the standard of pollutant emission.

NARROGIN WOMEN'S REFUGE - CONSTRUCTION TENDER
Local Contractor Rejection Reason

30. Hon MARGARET McALEER to the Attorney General representing the Minister for Housing:

Would the Minister advise why the tender for the construction of the Narrogin Women's Refuge was not awarded to the local building contractor who met all the conditions of the State Government's tender guidelines but was given to a Perth company instead?

Hon J.M. BERINSON replied:

Reply provided by the Minister for Housing -

The regional contractors' preference was applied on behalf of the local tenderer but, even with this allowance, the Perth based company's tender was more than 10 per cent lower. The Perth based company's previous performance and financial standing was satisfactory. Given the public tender arrangements and ensuring total fairness, the company won the contract. Subsequent negotiations with the Perth builder ensured local bricks were utilised in construction.

MOTOR VEHICLES - WINDSCREEN WASHING, METROPOLITAN INTERSECTIONS

Complaints - Police Action

37. Hon GEORGE CASH to the Minister for Police:

- (1) Has the Minister received any complaints in respect of the growing practice of persons washing car windscreens at metropolitan intersections?
- (2) Is this unsolicited activity illegal?
- (3) What action is taken by police in respect of such activity?

Hon GRAHAM EDWARDS replied:

- (1) Yes, as has the Commissioner of Police.
- (2) The solicitation of employment on a carriageway is an offence.
- (3) Action is taken by way of infringement or caution whenever this activity is sighted by police.

POLICE - SOUTH-EAST METROPOLITAN MANPOWER REPORT

Completion Date

38. Hon GEORGE CASH to the Minister for Police:

Further to question on notice No 958 of 26 September 1991 -

- (1) Was the report concerning policing requirements for the south east metropolitan area completed by 21 December 1991?
- (2) If yes, will there be an increase in policing manpower for this area?

Hon GRAHAM EDWARDS replied:

- (1) This report was completed in February, and is still under consideration by the police executive.
- (2) The report has assessed future possible strategies in the area and does not focus primarily on staff levels. Staffing levels are being constantly monitored in all areas and staff allocated on a priority level on the resources that are available.

GOVERNMENT DEPARTMENTS - ATTORNEY GENERAL

Bodies Administered; Current Organisational Structure; Employment Positions

41. Hon PETER FOSS to the Attorney General:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?

- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
 - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
 - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
 - (c) what was their experience immediately prior to entering the public service or contracting with Government;
 - (d) are they presently on contract and what is the date of expiry of that contract?

Hon J.M. BERINSON replied:

The member is referred to the Premier's response to question on notice 49.

GOVERNMENT DEPARTMENTS - MINISTER FOR CORRECTIVE SERVICES
Bodies Administered; Current Organisational Structure; Employment Positions

42. Hon PETER FOSS to the Minister for Corrective Services:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
 - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
 - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
 - (c) what was their experience immediately prior to entering the public service or contracting with Government;
 - (d) are they presently on contract and what is the date of expiry of that contract?

Hon J.M. BERINSON replied:

The member is referred to the Premier's response to question on notice 49.

GOVERNMENT DEPARTMENTS - PREMIER*Bodies Administered; Current Organisational Structure; Employment Positions*

49. Hon PETER FOSS to the Attorney General representing the Premier:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
 - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
 - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
 - (c) what was their experience immediately prior to entering the public service or contracting with Government;
 - (d) are they presently on contract and what is the date of expiry of that contract?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

- (1)-(2) The member is referred to the annual reports of the relevant departments.
- (3)-(7) The member is referred to the publication entitled "Public Service List 1990" - or in the case of the Ministry of Education to the publication entitled "Schools and Staffing Director" - available to the public from the Government Publications Office. Material not included in those publications is of a confidential or personal nature and disclosure may be improper.

GOVERNMENT DEPARTMENTS - TREASURER*Bodies Administered; Current Organisational Structure; Employment Positions*

50. Hon PETER FOSS to the Attorney General representing the Treasurer:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?

- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
 - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
 - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
 - (c) what was their experience immediately prior to entering the public service or contracting with Government;
 - (d) are they presently on contract and what is the date of expiry of that contract?

Hon J.M. BERINSON replied:

The Treasurer has provided the following reply -

The member is referred to my response to question on notice 49.

GOVERNMENT DEPARTMENTS - MINISTER FOR THE FAMILY
Bodies Administered; Current Organisational Structure; Employment Positions

56. Hon PETER FOSS to the Minister for Education representing the Minister for the Family:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
 - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
 - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
 - (c) what was their experience immediately prior to entering the public service or contracting with Government;
 - (d) are they presently on contract and what is the date of expiry of that contract?

Hon KAY HALLAHAN replied:

The Minister for The Family has provided the following reply -

The member is referred to my response to question on notice 49.

GOVERNMENT DEPARTMENTS - MINISTER FOR WOMEN'S INTERESTS

Bodies Administered; Current Organisational Structure; Employment Positions

60. Hon PETER FOSS to the Minister for Education representing the Minister for Women's Interests:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
 - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
 - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
 - (c) what was their experience immediately prior to entering the public service or contracting with Government;
 - (d) are they presently on contract and what is the date of expiry of that contract?

Hon KAY HALLAHAN replied:

The Minister for Women's Interests has provided the following reply -

The member is referred to my response to question on notice 49.

GOVERNMENT DEPARTMENTS - MINISTER FOR TRANSPORT

Bodies Administered; Current Organisational Structure; Employment Positions

71. Hon PETER FOSS to the Minister for Police representing the Minister for Transport:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?

- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
 - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
 - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
 - (c) what was their experience immediately prior to entering the public service or contracting with Government;
 - (d) are they presently on contract and what is the date of expiry of that contract?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

The member is referred to the Premier's response to question on notice 49.

GOVERNMENT DEPARTMENTS - MINISTER FOR RACING AND GAMING
Bodies Administered; Current Organisational Structure; Employment Positions

72. Hon PETER FOSS to the Minister for Police representing the Minister for Racing and Gaming:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
 - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
 - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
 - (c) what was their experience immediately prior to entering the public service or contracting with Government;
 - (d) are they presently on contract and what is the date of expiry of that contract?

Hon GRAHAM EDWARDS replied:

The Minister for Racing and Gaming has provided the following response -

The member is referred to the Premier's response to question on notice 49.

GOVERNMENT DEPARTMENTS - MINISTER FOR TOURISM*Bodies Administered; Current Organisational Structure; Employment Positions*

73. Hon PETER FOSS to the Minister for Police representing the Minister for Tourism:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
 - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
 - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
 - (c) what was their experience immediately prior to entering the public service or contracting with Government;
 - (d) are they presently on contract and what is the date of expiry of that contract?

Hon GRAHAM EDWARDS replied:

The Minister for Tourism has provided the following response -

The member is referred to the Premier's response to question on notice 49.

GOVERNMENT DEPARTMENTS - MINISTER FOR AGRICULTURE*Bodies Administered; Current Organisational Structure; Employment Positions*

74. Hon PETER FOSS to the Minister for Police representing the Minister for Agriculture:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?

- (7) With respect to each of the abovementioned positions, who holds those positions; and
- (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
 - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
 - (c) what was their experience immediately prior to entering the public service or contracting with Government;
 - (d) are they presently on contract and what is the date of expiry of that contract?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following response -

The member is referred to the Premier's response to question on notice 49.

GOVERNMENT DEPARTMENTS - MINISTER FOR WATER RESOURCES
Bodies Administered; Current Organisational Structure; Employment Positions

75. Hon PETER FOSS to the Minister for Police representing the Minister for Water Resources:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
 - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
 - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
 - (c) what was their experience immediately prior to entering the public service or contracting with Government;
 - (d) are they presently on contract and what is the date of expiry of that contract?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following response -

The member is referred to the Premier's response to question on notice 49.

GOVERNMENT DEPARTMENTS - MINISTER FOR THE NORTH WEST
Bodies Administered; Current Organisational Structure; Employment Positions

76. Hon PETER FOSS to the Minister for Police representing the Minister for the North West:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
 - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
 - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
 - (c) what was their experience immediately prior to entering the public service or contracting with Government;
 - (d) are they presently on contract and what is the date of expiry of that contract?

Hon GRAHAM EDWARDS replied:

The Minister for North-West has provided the following response -

The member is referred to the Premier's response to question on notice 49.

GOVERNMENT DEPARTMENTS - MINISTER FOR MINES
Bodies Administered; Current Organisational Structure; Employment Positions

78. Hon PETER FOSS to Hon Mark Nevill representing the Minister for Mines:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?

- (7) With respect to each of the abovementioned positions, who holds those positions; and
- (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
 - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
 - (c) what was their experience immediately prior to entering the public service or contracting with Government;
 - (d) are they presently on contract and what is the date of expiry of that contract?

Hon MARK NEVILL replied:

The member is referred to the Premier's response to question on notice 49.

GOVERNMENT DEPARTMENTS - MINISTER FOR FISHERIES

Bodies Administered; Current Organisational Structure; Employment Positions

79. Hon PETER FOSS to Hon Mark Nevill representing the Minister for Fisheries:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
 - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
 - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
 - (c) what was their experience immediately prior to entering the public service or contracting with Government;
 - (d) are they presently on contract and what is the date of expiry of that contract?

Hon MARK NEVILL replied:

The member is referred to the Premier's response to question on notice 49.

GOVERNMENT DEPARTMENTS - MINISTER FOR MID-WEST

Bodies Administered; Current Organisational Structure; Employment Positions

80. Hon PETER FOSS to Hon Mark Nevill representing the Minister for Mid West:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
 - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
 - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
 - (c) what was their experience immediately prior to entering the public service or contracting with Government;
 - (d) are they presently on contract and what is the date of expiry of that contract?

Hon MARK NEVILL replied:

The member is referred to the Premier's response to question on notice 49.

GOVERNMENT DEPARTMENTS - MINISTER FOR PRODUCTIVITY AND LABOUR RELATIONS

Bodies Administered; Current Organisational Structure; Employment Positions

81. Hon PETER FOSS to Hon John Halden representing the Minister for Productivity and Labour Relations:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
 - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
 - (b) what were their previous positions held within the public service or in employment by the State Government or

contracted to the Government and the dates for which they were held;

- (c) what was their experience immediately prior to entering the public service or contracting with Government;
- (d) are they presently on contract and what is the date of expiry of that contract?

Hon JOHN HALDEN replied:

The member is referred to the Premier's response to question on notice 49.

GOVERNMENT DEPARTMENTS - MINISTER FOR CONSUMER AFFAIRS

Bodies Administered; Current Organisational Structure; Employment Positions

82. Hon PETER FOSS to Hon John Halden representing the Minister for Consumer Affairs:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
 - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
 - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
 - (c) what was their experience immediately prior to entering the public service or contracting with Government;
 - (d) are they presently on contract and what is the date of expiry of that contract?

Hon JOHN HALDEN replied:

The member is referred to the Premier's response to question on notice 49.

GOVERNMENT DEPARTMENTS - MINISTER FOR STATE DEVELOPMENT

Bodies Administered; Current Organisational Structure; Employment Positions

83. Hon PETER FOSS to Hon Tom Stephens representing the Minister for State Development:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?

- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
 - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
 - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
 - (c) what was their experience immediately prior to entering the public service or contracting with Government;
 - (d) are they presently on contract and what is the date of expiry of that contract?

Hon TOM STEPHENS replied:

The member is referred to the response to question on notice 49.

GOVERNMENT DEPARTMENTS - MINISTER FOR GOLDFIELDS

Bodies Administered; Current Organisational Structure; Employment Positions

84. Hon PETER FOSS to Hon Tom Stephens representing the Minister for Goldfields:

With respect to your department and to each of the bodies administered within that department -

- (1) What are the bodies administered within the department?
- (2) What is the current organisational structure of your department and those bodies?
- (3) What are the senior executive service positions within your department and those bodies?
- (4) What are the other senior positions within your department and those bodies?
- (5) What are the policy adviser positions within your department and those bodies?
- (6) What are the public relations positions within your department and those bodies?
- (7) With respect to each of the abovementioned positions, who holds those positions; and
 - (a) what is their period of service within the public service or in employment by the Government or contracted to the Government;
 - (b) what were their previous positions held within the public service or in employment by the Government or contracted to the Government and the dates for which they were held;
 - (c) what was their experience immediately prior to entering the public service or contracting with Government;
 - (d) are they presently on contract and what is the date of expiry of that contract?

Hon TOM STEPHENS replied:

The member is referred to the response to question on notice 49.

MONKEY MIA - VISITOR STATISTICS, 1991

93. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Tourism:

- (1) What were the total number of visitors to Monkey Mia in 1991?
- (2) What were the individual monthly numbers?

Hon GRAHAM EDWARDS replied:

The Minister for Tourism has provided the following response -

| | | | | |
|-----|----------|-------|-----------|--------|
| (1) | 93 317. | | | |
| (2) | January | 7 019 | July | 12 782 |
| | February | 2 673 | August | 10 332 |
| | March | 4 319 | September | 12 602 |
| | April | 7 312 | October | 13 211 |
| | May | 5 737 | November | 5 314 |
| | June | 6 110 | December | 5 906 |

Source: Department of Conservation and Land Management.

LICENSED PREMISES - TOPLESS BARMAIDS AND LINGERIE DANCERS
Government Attitude

100. Hon GEORGE CASH to the Minister for Police representing the Minister for Racing and Gaming:

What is the current Government attitude in respect of lingerie dancers and topless barmaids working on licensed premises in Western Australia?

Hon GRAHAM EDWARDS replied:

The Minister for Racing and Gaming has provided the following response -

All licences, excluding cabaret licences and occasional licences, have a condition imposed by the Director of Liquor Licensing which prohibits any immodest or indecently dressed persons being employed on the licensed premises.

In respect of cabaret licences and occasional licences, while there is no specific condition imposed by the Director of Liquor Licensing restricting the type of entertainment that may be provided on the premises, there are provisions under the Police Act which prohibit any lewd behaviour. The Government has no intention of relaxing its stance on this matter.

RAILWAYS - EDGEWATER AND GLENDALOUGH STATIONS
Construction Contracts and Commencements

101. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport

- (1) Have contracts been let for the construction of the Edgewater and Glendalough railway stations?
- (2) When is it anticipated that construction will commence?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

(1)-(2)

The contract for construction of Glendalough Station has been awarded and construction is scheduled to commence Monday, 25 May after completion of the Scarborough Beach Road bridges.

- (a) A contract for construction of the footbridge and platform works at Edgewater Station has been awarded and construction is proceeding.

- (b) A contract for construction of the Edgewater Station access road has been awarded and work is proceeding.
- (c) A contract for the remainder of the Edgewater Station works is programmed to be awarded in June.

POLICE - KALGOORLIE DISTRICT

Break and Enter Offences - Motor Vehicle Theft Offences

106. Hon GEORGE CASH to the Minister for Police:

For the period 1 July 1991 to 31 December 1991, what was the total number of offences reported in the Kalgoorlie district in the following categories -

- (a) break and enter; and
- (b) motor vehicle theft?

Hon GRAHAM EDWARDS replied:

- (a) 496.
- (b) 263.

RAILWAYS - METROPOLITAN RAIL SYSTEM

Youth Fare Evasion Claims - Transperth Action

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

- (1) Is the Minister aware of claims that youths travelling on the metropolitan rail system are in many cases not purchasing rail tickets before boarding trains?
- (2) Has the Department of Transport addressed this problem and if so how?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) Yes, I am aware of these claims.
- (2) Transperth undertakes continuous ticket checks for fare evasion. From 1 July 1991 to the week ended 22 February 1992, 177 542 passengers were checked for tickets. A total of 747 passengers did not possess a ticket. This represents a 0.42 per cent fare evasion which is well below the one per cent to two per cent levels experienced by other interstate and overseas urban rail systems.

RAILWAYS - ELECTRIC RAILCARS

Ticket Inspections Responsibility

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

- (1) Are conductors on the new electric railway carriages responsible for inspecting tickets?
- (2) Are conductors in the new electric railway carriages issued with a ticket vending machine?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) Passenger service attendants on the new electric railcars are responsible for inspecting tickets.
- (2) No.

UNCLAIMED MONEY TRUST FUND - BALANCE, 1991

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

What was the balance of the Unclaimed Money Trust Fund held in respect of the Unclaimed Money Act 1990 as at 30 June 1991 and 31 December 1991?

Hon J.M. BERINSON replied:

The Treasurer has provided the following reply -

The unclaimed moneys fund was abolished when the Unclaimed Moneys Act 1990 repealed the Unclaimed Moneys Act 1912. Under the 1990 Act, unclaimed moneys are paid direct into Consolidated Revenue in line with a Law Reform Commission recommendation that such moneys should become available immediately for public purposes.

A permanent appropriation in the 1990 Act ensures that valid claims can be paid at any time. The repealed Act required such moneys to be held in the unclaimed moneys fund for six years before being transferred to Consolidated Revenue. The balance of the fund on the date of abolition - \$3 046 144.83 - was paid into Consolidated Revenue in April 1991.

MAIN ROADS DEPARTMENT - KUNUNURRA

\$1 million Allocation

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

- (1) Has approximately \$1 million been allocated to be spent by the Main Roads Department in Kununurra?
- (2) If so, is one of the conditions that it must be labour intensive?
- (3) If so, is the Government aware of the instruction to Kununurra Main Roads Department that no additional permanent or temporary staff be employed?
- (4) How is the Government going to overcome this problem?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) No.
- (2)-(4) Not applicable.

QUESTIONS WITHOUT NOTICE

LAW REFORM COMMISSION - MEDICAL TREATMENT FOR THE DYING REPORT

New Legislation

46. Hon GEORGE CASH to the Attorney General:

Some notice of this question has been given.

- (1) Following the release in March 1991 of the report on medical treatment for the dying by the Law Reform Commission of Western Australia, and in view of the recommendations contained therein, does the Government intend to introduce legislation for medical treatment for the dying prior to the end of 1992?
- (2) If so, when?

Hon J.M. BERINSON replied:

(1)-(2)

I thank the Leader of the Opposition for some notice of this question. The Law Reform Commission's recommendations are still being considered and I am unable at this stage to provide a timetable in respect of the decision on them.

PRISONS - WOOROLOO
Driving and Aircraft Instruction

47. Hon P.H. LOCKYER to the Minister for Corrective Services:

I understand that Wooroloo Prison is a low security prison. Is it a fact that, as part of the rehabilitation education of some prisoners, driving instruction and the teaching of various other matters is carried on outside the prison? I have no objection to that. If it is a fact, is it the Government's policy to extend rehabilitation to people trying to increase their professional qualifications; for instance, if a person wishes to become a commercial pilot?

Hon J.M. Berinson: A helicopter pilot?

Hon P.H. LOCKYER: It is not as silly as it sounds. A constituent of mine who is in Wooroloo Prison at Her Majesty's pleasure assures me he is being discriminated against because he wants to leave the prison to undertake a check ride. He has already applied to do a check ride in order to keep his pilot's licence valid, but has been told that is not possible. However, if he wanted to get a driver's licence the prison would allow him to go to Midland to do a driving test. Where does it start and stop?

Hon J.M. BERINSON replied:

It starts and stops with driving licences for motor vehicles, not aircraft.

PRISONS - PARDELUP PRISON FARM
Future Review - Consultations Concern

48. Hon GEORGE CASH to the Minister for Corrective Services:

- (1) Is the Minister aware of the review that is currently being undertaken to consider the future of Pardelup Prison Farm?
- (2) Is he also aware of the concern expressed by the Shire of Plantagenet about the lack of any consultation to date on the future of the prison farm and the likely impact of any changes on that shire?
- (3) Will he ensure that the Department of Corrective Services includes the Shire of Plantagenet in its consultative process in determining the future of the Pardelup Prison Farm?

Hon J.M. BERINSON replied:

(1)-(3)

I have, either today or very recently in any event, had some correspondence from Mr Monty House, the member for Stirling in another place, on this subject and I will indicate to the House the response I have given to him.

The position is that the Department of Corrective Services has for some time been engaged on a review of current prison accommodation and projected requirements for prison accommodation to the year 2000. That is a Statewide review and, as I have indicated to others expressing some interest in the subject, I would expect to be in a position to put submissions to Cabinet within the next month or two.

Before any firm decisions are made on any matters arising from the review I will ensure that consultations are engaged in with the many organisations and even individuals who might be affected. That is not to anticipate any such effect, but the fact is that, whether some of the present aspects of the system are being modified or whether plans are put in train for an extension of the system, there will clearly be a whole range of interests to take into account.

SCHOOLS - DONNYBROOK HIGH
Ministerial Visits

49. Hon BARRY HOUSE to the Minister for Education:

- (1) When was the Minister's last visit to the Donnybrook High School to view the deplorable conditions and to speak to the community about a building program to cater for the growing student population?

(2) When does the Minister next intend to visit the Donnybrook High School?

Hon KAY HALLAHAN replied:

(1)-(2)

Since I have been the Minister for Education I do not think I have had the pleasure of visiting the Donnybrook High School. I have certainly received an invitation to visit it. Members will appreciate that we have hundreds of wonderful schools in our State, some of which have complaints to make such as those reflected in the question by Hon Barry House. People there are keen to see improvements to the school, and I suspect that it is more important to those people that we consider the needs of the school rather than a ministerial visit; but a ministerial visit is under consideration.

SCHOOLS - FLINDERS PARK PRIMARY

Bus Services - Lower King Students No Fee Assurance

50. Hon MURRAY MONTGOMERY to the Minister for Education:

Will the Minister give an assurance that children from the Lower King area will not be required to pay a fee to travel on the bus to the Flinders Park Primary School and beyond?

Hon KAY HALLAHAN replied:

I thank the member for having given some notice of his question and advise the House that there is not such a proposal before me. However, it is true to say that bus services in the Albany area are indeed being reviewed. That is consistent with consideration of regional centres and larger towns in the outer metropolitan area. As I understand it, it is quite possible that a regular transport service is likely to become a part of the delivery of bus services in Albany, but at this stage there is no proposal before me with regard to the transport of students. I am not sure that such a proposal would include the students to whom Hon Murray Montgomery referred, but I will keep in mind his expression of concern in the matters that he raised with me.

EDUCATION, MINISTRY OF - STUDENT EDUCATION AND TRAINING POLICY

Unemployment Figure Deflation - Member for Geraldton's Comments

51. Hon KIM CHANCE to the Minister for Education:

- (1) Is the Minister aware of an article in the *Geraldton Guardian* of 5 February 1992 in which the member for Geraldton said, and I quote, "... the Federal and State Government plan of encouraging students to stay at school and hence keep the job figures to a lower level has to catch up sooner or later"?
- (2) If so, can the Minister advise the House whether it is true to suggest that the Government's policy of encouraging young people to undertake education and training is merely designed to deflate jobless figures?

Hon KAY HALLAHAN replied:

(1)-(2)

I thank the member for giving me some notice of his question.

Hon Derrick Tomlinson: He has just asked his maiden question.

Hon KAY HALLAHAN: Yes, and a very good question it is too.

Several members interjected.

The PRESIDENT: Order! The Minister will direct her answer to the Chair.

Hon KAY HALLAHAN: I certainly will, Mr President, as I am pleased to see a new member such as Hon Kim Chance draw the House's attention to such a deplorable attitude on employment and training. I would have hoped that members opposite would dissociate themselves from such an attitude which discourages young people from employment and training opportunities.

The Government is very proud of its retention rate for years 11 and 12; when members opposite left office the rate was around 35 per cent, and the figure is now almost double that.

Hon P.H. Lockyer: We did not have 100 000 people unemployed.

Hon KAY HALLAHAN: When the Opposition was in Government the number of young people unemployed was higher than the current rate, even with the population increase!

Several members interjected.

The PRESIDENT: Order! I told the Minister yesterday that she does not have to argue points with interjectors; she must answer the initial question.

Hon KAY HALLAHAN: I would not want to attribute this to you, Mr President, but Dr John Hewson said that his GST package would cause greater unemployment.

Several members interjected.

Hon P.G. Pental: He did not say anything of the kind.

Hon KAY HALLAHAN: He did so; he said that in the short term the package would result in increased unemployment. Mr Bloffwitch would have people unemployed; through this silly enthusiasm for the GST package he wants young people to by-pass education and training and also impose a consumption tax on everything they buy on unemployment benefits. The Opposition member does not see the importance of education and training; members opposite should speak to him or disown him.

Hon P.G. Pental: Who?

Hon Kay Hallahan: Both Hewson and Bloffwitch.

The PRESIDENT: Order! I hope the member received an answer to the question he asked.

SCHOOLS - COSMO NEWBERY

Ministerial Visit - School and Teacher Proposal Discussions

52. Hon P.H. LOCKYER to the Minister for Education:

- (1) Can she recall visiting Cosmo Newbery at Laverton?
- (2) Did she have discussions with the residents of Cosmo Newbery with a view to placing a school and a teacher in the area?
- (3) If no to (1) and (2), has she had any discussions with a group representing the community with a view to placing a school and teacher in that community?

Hon KAY HALLAHAN replied:

(1)-(3)

I do not in any way want to discourage the member, but it is silly to ask Ministers whether they have ever been here or there when there are something like 800 places in this State to visit.

Hon P.H. Lockyer: If you visited Cosmo Newbery, I promise you that you would certainly remember it!

Hon KAY HALLAHAN: The member is probably right. I would have to say that I have not been to Cosmo Newbery; however, I am aware that representations have been made on behalf of the educational needs of its young people. Those needs are under serious consideration.

MULTANOVAS - NUMBERS IN OPERATION

53. Hon J.N. CALDWELL to the Minister for Police:

As the Minister is getting it easy at the moment, I ask -

- (1) How many Multanova radar devices are operating in the State at present?

(2) How many of that number are operating in country areas?

Hon GRAHAM EDWARDS replied:

(1)-(2)

I am not sure exactly of the number of Multanovas operating at the moment due to -

Hon J.N. Caldwell: Breakdowns?

Hon GRAHAM EDWARDS: Indeed, they do break down and need maintenance. However, it is a number that members could count on one hand. Nevertheless, I will obtain the exact number for the member. The police do not have a set number of Multanovas allocated to country areas as they are moved around on rotation.

Hon Kay Hallahan: I hope it is not discriminating against the metropolitan area.

Hon GRAHAM EDWARDS: It is not discriminating. When Multanovas are operating in country areas, the residents do not have to come to Perth to examine photographs taken by the speed cameras, as has been suggested by a couple of people. These people need only contact the camera centre at police headquarters, and this department will ensure that a traffic officer from the local community will deliver a copy of the photograph to the resident.

I was pleased and heartened to receive a great endorsement from the residents of the town of Waroona who were pleased to see a Multanova in operation in that area. They have asked the police to ensure that it continues to operate in country areas. I thank the member for his question and I will get back to him privately about the exact number of Multanovas in operation.

EDUCATION, MINISTRY OF - YEARS 11 AND 12
Non-academic Courses Resources

54. Hon BARRY HOUSE to the Minister for Education:

Following on from the earlier question posed by Hon Kim Chance, what plans does the Government have for providing adequate resources for high schools to provide more than a social experience for the extra students in years 11 and 12 who do not have the ability or inclination to pursue academic courses?

Hon KAY HALLAHAN replied:

I am struggling with a desire to be unkind to the member who asked the question because no suggestion has been made that students are staying on at school only for a social experience. That is a rubbishy thing to say.

Hon P.H. Lockyer: It shows how much you are out of touch.

Hon KAY HALLAHAN: It shows that members opposite have an attitude problem and do not appreciate the education system we have, and the very good work taking place in post-compulsory education. As members would be aware, I have outlined this before in the Chamber - although members opposite may not have been listening as they may not regard it as important - that this year six pilot schools are trialling the pathways concept.

Hon Peter Foss interjected.

Hon KAY HALLAHAN: We could use a different word if the member does not like "pathways". These students are being prepared for the world of work in a much better way than was the case in the past. Nevertheless, these students can also study TEE courses -

Hon Barry House: They cannot find any jobs.

Hon KAY HALLAHAN: - or link into TAFE courses. If the member has a problem with what is happening in these courses -

Hon P.H. Lockyer: We think you believe in fairies.

Hon KAY HALLAHAN: I do not believe in fairies at all; I believe in preparing our young people for mature experiences, which our education system has not done in the past with its focus on academic TEE courses to the exclusion of everything else. We are moving away from that narrowly focused concept, and that has the endorsement of the whole community. If the Opposition parties do not want to be a part of this concept, they are out with the fairies.

SCHOOLS - SCHOOL RENEWAL PROGRAM

Implementation Progress

55. Hon DERRICK TOMLINSON to the Minister for Education :

Could she advise what progress has been made towards the implementation of the school improvement program - no, the better schools program?

Hon KAY HALLAHAN replied:

A lot of work is taking place in that regard.

Hon Derrick Tomlinson: I mean John Halden's program - the school renewal program.

Hon KAY HALLAHAN: Mr Tomlinson, a member with knowledge and a genuine interest in these matters, has mentioned three major programs in this area.

Hon Derrick Tomlinson: There are so many of them one loses track.

Hon KAY HALLAHAN: Exactly; it is a vibrant and dynamic system meeting the needs of young people!

Hon Derrick Tomlinson: You change your plan every year.

Hon KAY HALLAHAN: These programs take a long time to put in place, but the school renewal program is quietly gathering pace. In a couple of communities the program has bubbled up from the community in its desire to make changes. In that way the school renewal program is working itself out with input from the community. This program is at an early stage, but it is shaping up as a good process. However, there will be a situation where contention arises regarding the closure of facilities or the shifting of resources, and this will remain a problematic process. But the process is one that can be outstanding in its consultation and will ultimately result in better decisions for the community.

The program is not being forced along at a fast pace, but it is still a very important program for the future. We have areas in which schools have as many as 14 classrooms sitting empty. This is a terrible under utilisation of resources when other schools have burgeoning populations for which we need to bring in transportable classrooms to meet the students' needs. That happens in a population like ours. The population shifts are quite dramatic and pose some challenges. We will hear more about school renewal.

CRICKET - SHEFFIELD SHIELD RESULT

Question Out of Order

56. Hon DOUG WENN to the Minister for Sport and Recreation:

As I am one of those members who are very conscientious about their job and sit in this House for long periods I was unable to hear the final score of the Sheffield Shield final today. Can the Minister tell me who won?

The PRESIDENT: Order! The question is out of order.

Hon P.G. Pental: We won.

The PRESIDENT: Order! It does not matter whether we did.

SCHOOLS - BOYUP BROOK

Special Teacher Services for Disabled, Allocation Reduction

57. Hon W.N. STRETCH to the Minister for Education:

I do not want to test again the Minister's knowledge of geography, but I refer

to the schools of Boyup Brook some 60 miles east of Bunbury. These schools have recently been deprived of special teacher services for disabled and disadvantaged students from 0.8 to 0.2.

- (1) Can the Minister explain the rationale behind this in view of the expressed intention of the Government to improve this kind of assistance to country schools with those problems?
- (2) Has the Minister been contacted by the Boyup Brook Parents and Citizens' Association?
- (3) If so, what action will she take?
- (4) If not, will she get in touch with the association and get to the bottom of this rather peculiar change?

Hon KAY HALLAHAN replied:

(1)-(4)

Are we talking about a grant of money to allow the employment of a staff member to assist a student with a disability?

Hon W.N. Stretch: I am asking why the specialist teacher allocation has been cut from 0.8 to 0.2 out of 75 per cent.

Hon KAY HALLAHAN: The program is a Commonwealth Government funded program. A committee considers the applications, and, on the basis of the disability, resources are allocated. I get letters to sign with recommendations from the committee, which does a very good job. I have heard commendations from people about the people who are on the committee which makes the recommendations; they are experts and know the situation. The allocations are often for 0.2 of a full time equivalent. Members will appreciate that is one day a week and sometimes it is spread over times when students may need medicines, or toileting, etc. I understand it is up to the school principal and staff, in consultation with the parents, to determine how to allocate the deployment of resources which are dependent on student needs.

Without knowing the circumstances of the students concerned at that school it is impossible for me to answer Hon Bill Stretch's question. If it is a matter of serious implication for the people involved, and if the member will write to me, I will have it investigated. In other cases I have had investigated, a very good reason usually existed for changes.

TOBACCO SPONSORSHIP - CRICKET

Sheffield Shield Future

58. Hon MAX EVANS to the Minister for Sport and Recreation:

This morning's *The West Australian* carries a report indicating that the Federal Government is considering extending tobacco sponsorship of cricket, particularly the Benson and Hedges contract, until 1998. Can the Minister advise whether this is the last Sheffield Shield match or whether exemptions will be given for further matches to be played in Perth?

Hon GRAHAM EDWARDS replied:

Given the fact that Western Australia has just won its thirteenth Sheffield Shield and is the most successful team in the shield competition, I am sure it can look forward to a very long and healthy future for matches in Western Australia. If a decision were made to alter that, I assure Hon Max Evans it would be in the interests of Eastern States television viewers. That is the only reason I could imagine for that decision ever being made. I have grave doubts about the integrity of some of the Eastern States sports administrators. They tend to forget too often about Western Australia. As long as I am the Minister for Sport and Recreation they will be constantly and vigorously reminded.

I remind members that the largest sponsor of cricket in Western Australia is the Western Australian Government. The money it has contributed to the

facilities at the Western Australian Cricket Association ground has no doubt contributed to the success of the Western Australian team.

I am very pleased that the Federal Government has made the decision concerning tobacco sponsorship. It is the right decision and I applaud the Federal Government's courage. The sooner sport and tobacco sponsorship are separated the better. However, I accept that Benson and Hedges has contributed much to cricket in Australia. I believe its sponsorship goes back approximately 19 years. During that time we have learnt a great deal more about the dramatic impact of smoking on health. I hope we will move into the future in a more enlightened way, in which case we will applaud the decision to phase out tobacco sponsorship.

TOBACCO CONTROL ACT - EXEMPTIONS

Cricket

59. Hon MAX EVANS to the Minister for Sport and Recreation:

Can the Minister advise when he will make an exemption under the Act and when the Minister for Health will make an exemption?

Hon GRAHAM EDWARDS replied:

I notice Hon Max Evans has a question on notice about this. The answer will be provided tomorrow. I am not the Minister responsible for making exemptions; that is handled by my colleague, the Minister for Health. The decision made by the Federal Government today will mean that Australian cricket must find a new sponsor by 1995.

Hon Max Evans: By 1998.

Hon GRAHAM EDWARDS: That depends on how one interprets the situation.

TRANSPERTH - PUBLIC LIABILITY INSURANCE COVER

Value

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

- (1) Does Transperth have a public liability insurance cover?
- (2) If so, what is the value of the cover?

Hon GRAHAM EDWARDS replied:

- (1) Yes.
- (2) Ten million dollars for any occurrence.