# Legislative Council

Tuesday, 21 August 1984

THE PRESIDENT (Hon. Clive Griffiths) took the Chair at 4.30 p.m., and read prayers.

## ABORIGINAL AFFAIRS: LAND RIGHTS

*Opposition: Petition*

On motions by Hon. John Williams, the following petition bearing the signatures of five persons was received, read, and ordered to lie upon the Table of the House—

TO: The Honourable the President and Honourable Members of the Legislative Council of the Parliament of Western Australia in Parliament Assembled.

WE, THE UNDERSIGNED, firmly believe all Australians should have equal rights to acquire and to own land. We express our opposition to any special land rights for Aborigines. We are concerned that special land rights granted to Aborigines in Western Australia will—

(1) SEGREGATE WESTERN AUSTRALIA into black and white territories and communities.

(2) CREATE DIVISIONS in society through the granting of special land rights on racial grounds to one racial group.

(3) BE DESTRUCTIVE of the Australian tradition that each Australian shall be equal before the law.

(4) DAMAGE THE ECONOMY of Western Australia.

*(See paper No. 106.)*

## QUESTIONS

Questions were taken at this stage.

## WESTERN AUSTRALIAN DEVELOPMENT CORPORATION ACT: REGULATIONS

*Disallowance: Motion*

HON. G. E. MASTERS (West—Leader of the Opposition) [5.11 p.m.]: I move—

That the Regulations made pursuant to the Western Australian Development Corporation Act 1983 laid on the Table of the House on Tuesday, 31 July 1984, be and are hereby disallowed.

Obviously I shall make some very strong points on this issue, because it is important that the House and the public understand what has happened in respect of these regulations. The Opposition gave notice of its intention to move a motion to disallow the Western Australian Development Corporation Act regulations on Thursday last, with the express intention of giving the Government ample time to consider its position and withdraw the regulations and, more particularly, to honour the commitments made publicly and in Parliament by the Premier and the Attorney General.

The Opposition has never made any secret of the fact that it is opposed to the concept of the WADC, with the Government's becoming involved in an area which is rightfully the domain of private enterprise and which is well-catered for by the business sector. The regulations which have been tabled in this House and in another place are, firstly, a blatant breach of a firm undertaking that the WADC, being involved in the private enterprise area, would enjoy no special privileges or advantages over the private sector; that the WADC would stand on its own feet competing fairly and squarely in the marketplace; and that its shareholders would be protected fully.

Secondly, the Opposition maintains that the tabling of the regulations in the way they have been tabled abrogates the absolute promises made by the Premier in the Legislative Assembly and the Attorney General in the Legislative Council regarding the drafting of those regulations. I shall deal with those matters one at a time.

I warn the Government that the Opposition will never stand by and allow it or any other Government to set up an organisation which can be used effectively to undermine the business sectors, both big and small, in Western Australia. It will never condone the setting up of a corporation which receives all the backing of Government, competes with the private sector, and yet remains immune from some sections of the Companies Code. No-one on this side of the Parliament could have envisaged such a proposition.

We were told by the Premier that the WADC would operate on a purely commercial basis with no special advantages. Its stated aim was to provide Western Australia with a range of financial services which we maintain are already available from the business and private sectors anyway.

The result has been the creation of a business enterprise which competes with the business sector with special advantages, and which is underwritten by the public purse. The whole philosophy expressed by the Government was that there would be no preferential treatment, and that undertaking was accepted by the Opposition in good faith.

I draw the attention of members to section 4 (5) of the Act. The Attorney General will recall this section, because it was debated at some length in this House and Hon. Sandy Lewis debated it with great vigour. It reads as follows—

> (5) The Corporation shall in all respects comply with the provisions of the Companies Act 1961, and the *Companies (Western Australia) Code*, as if it was a public company incorporated under the Companies Act 1961, and the *Companies (Western Australia) Code*.

This subsection was argued at great length. It was accepted with some reservations by the Government and the Attorney General. Hon. Joe Berinson argued strongly that this subsection could not be applied effectively. Nevertheless, the subsection was passed by the Parliament, and the Premier in another place, after a great deal of heated debate, accepted that the WADC should comply with the Companies Code and should have no special advantages. Indeed, if members like, to reinforce the argument and to illustrate that the Legislative Council was correct, in the Legislative Assembly the Premier even moved an amendment himself to tidy up the section. The Premier believed the amendment was necessary because of drafting mistakes, and we were the first to accept that. However, the intent was clear.

After a great deal of debate, in another place the Premier finally moved to amend section 4(5). After that amendment was passed in the Legislative Assembly, later in the debate, the Premier suddenly reneged on that arrangement and reversed the decision, and that meant that the proposed section 4(5) put forward in the Legislative Council would again apply. No matter what happened—regardless of whether amendments were made or whether the Premier reneged on the arrangement in the other House—the intention was loud and clear, and by a majority of both Houses, it was finally agreed that the corporation should comply with the Companies Code.

I put it to the Attorney General that the WADC must surely, as a Government-established enterprise, be a shining example of proper management responsibility. We must take into account the fact that, on a number of occasions prior to the introduction of the legislation and during debate in both Houses, the Government promised the corporation would be privatised and that the public would be invited to take shares in it. That was the subject of a rather long statement by the Attorney General in this House when questions on this point were asked of him again and again, questions to which he replied, "Yes". That is well-recorded in *Hansard*.

It is fair to say that all public companies—let us face it, if the corporation has shareholders, it becomes a public company one way or another—have obligations to the community and their shareholders. More particularly, all company directors certainly have obligations and responsibilities to the company and its shareholders.

Section 6 of the WADC Act about which we are talking now gives the Government power to appoint directors. I imagine that, once directors are appointed, they would have exclusive control of the operations of the corporation. They would certainly have a great deal of control. If they do not have that control, the Government must be directing the directors. If that were the case, it would be a very special organisation. The Opposition maintains it would be an organisation established to carry out Government policy while competing unfairly in the private sector.

The regulations tabled in Parliament appear to be selective. They choose certain sections of the Companies Code and ignore others. They place the corporation and, more particularly, the directors of the corporation in a privileged position, immune from some of the provisions of the code which are the very linchpin of directorial responsibility and the code of conduct in normal public companies.

It is accepted that, where companies are responsible to shareholders—they are certainly responsible—certain requirements are made of them. For example, they must be above reproach and they must observe codes of practice to protect people who invest in them.

The regulations are very short. Indeed, they comprise only half-a-page, but I do not criticise that, because it is often an advantage. However, the regulations must achieve what they seek to achieve and we maintain they will not do that.

Let me quote from the regulations. Clause 4 reads as follows—

> 4. (1) Except as provided in subregulation (2), a director of the Corporation shall so far as the circumstances require have the same duties and the same rights in relation to the Corporation and, where he fails to comply with any such duty, the same civil and criminal liability and defences as if the director were a "director" of a "corporation" as those terms are defined in the Code.

I draw the attention of the House to the words "so far as the circumstances require". We in the Opposition maintain that those circumstances require that the directors have the same commitment and

responsibilities as have the directors of any public company.

Hon. J. M. Berinson: In what way do they not?

Hon. G. E. MASTERS: I will go through them. Clause 4(2) reads—

> Subregulation (1) shall not apply in relation to sections 222, 223 and 225 of the Code.

Those sections do certain things and they certainly refer to the directors. Section 222 of the Companies Code reads—

> The office of director of a corporation is, by force of this section, vacated if—

Then follows a number of subsections, two of which read as follows—

> (e) he becomes an insolvent under administration;
>
> (f) he is convicted of an offence referred to in subsection 227 (2);

That is very important. It means that those directors automatically cease to be directors if any of those things occur.

Section 222 (3) reads—

> (3) A person whose office is vacated by reason of paragraph (1) (e) is incapable, without the leave of the Court, of being reappointed as a director until he ceases to be an insolvent under administration.

I will not go through all the sections of the Companies Code to make my point, which is that, surely to goodness, the same conditions and requirements must apply to the directors of the WADC as apply to any other company director. The Minister might say that these matters are covered in the WADC Act, but I maintain that they are not, and our legal advice is that they are not.

Sections 223 and 225 of the Companies Code deal with the removal of directors and the appointment of directors in certain events, and they refer to the responsibilities of directors. I wonder why these sections of the code have not been applied, if the Government is genuine in its promise that the directors are to have the same requirements apply to them as those which apply to directors of any other public company. The sections of the Companies Code to which I have referred include a reference to section 227 (1) of the code, and that section reads—

> A person who is an insolvent under administration shall not be a director or promoter of, or be in any way (whether directly or indirectly) concerned in or take part in the management of, a corporation without the leave of the Court.

That section details other matters, such as the indictment on any offence involving fraud or dishonesty connected with the promotion, formation, and management of a corporation. The fines involved are substantial, as high as $5 000 or one year in prison, or both. These matters are obviously viewed very seriously, and so they should be when they concern directors with responsibilities to the public, to the shareholders, and to the company itself.

In this case the directors of the corporation are responsible for literally tens of millions of dollars of public money or money covered by Government guarantees at least. To ignore these provisions of the Companies Code would be unacceptable.

I refer again to section 4(5) of the WADC Act, and I point out now that members should take note that the reference is to "the corporation". I quote as follows—

> The corporation shall in all respects comply with the provisions of the Companies Act 1961.

It refers to the corporation. Therefore the WADC must comply with the Companies Code. It does not impose a duty on the directors of the corporation or other officers, shareholders, auditors, receivers, managers, or those people employed by the corporation. That is an important point which must be made. Section 4(5) does not provide that the corporation must be a public company, otherwise the code would apply in its entirety, as I understand it. We are saying that, if there are some deficiencies and gaps, the regulations should be drafted to cover those areas in line with what the Parliament intended and with what the Government said during the debate of the WADC Bill. That is most important.

The regulations do not include some of the other areas, and I will draw the Attorney's attention to some of them. For example, the corporation does not need to comply with some sections of the code such as division 4, which refers to substantial shareholdings; division 5, which refers to debentures; part 7, which refers to special investigations; part 8, which refers to arrangements and reconstructions; and part 9, which refers to conduct of the affairs of a company in an oppressive or unjust manner.

Hon. J. M. Berinson: Just to take up the last point, which is typical of many others you have raised, how could a company act oppressively towards its shareholders, remembering that in this case the Government is the only shareholder?

Hon. G. E. MASTERS: I thought the public were to be shareholders.

Hon. J. M. Berinson: Under the WADC Act at the moment, the corporation is wholly owned by the Government.

Hon. G. E. MASTERS: At the moment; but the point I am making, and surely the point the Parliament has to consider, is that an unequivocal undertaking was given by the Attorney and the Premier publicly—I could read the Attorney's statement—that the public were to be invited to become shareholders of the corporation. Surely to goodness we are not to wait until the public have been invited to become shareholders. If the Government is dinkum, it should be preparing for that day. Is it to be a month, two months, or six months before they are invited to be shareholders? Is the Government dinkum, in view of the Minister's firm statement, the Government's commitment, and the Premier's commitment. Hon. Fred McKenzie made a speech in this House and said with great pride that the Bill would enable the public of Western Australia to have shares in the resources of the State. He was so very proud. The Attorney said, "My goodness, he is right".

We are saying that, even if the sections of the Companies Code do not apply now, one day they must apply if the Government is sincere about what it has said. The regulations must anticipate the public participation; there is no question about that. What will happen if the WADC becomes just partially owned by the public? Perhaps the Attorney could answer that question.

The WADC is not specifically required to set up a registered office, but obviously it will. Our legal advice is that it does not necessarily have to do so. I do not pretend to be an expert on company law, but I have taken advice from people who work in that field, and the chamber of commerce has made its contribution. In fairness to them and to the public, the Opposition is bringing these matters forward.

I might take this opportunity to express my disappointment that, despite of the length of time we have given the Government, the regulations have not been withdrawn when there is good reason for them to be withdrawn.

In fairness to the corporation, I say that it should have no advantage at all in its trading position. I do not believe that the Minister handling this matter could justify its having an advantage by saying that the Government will not make these changes to the regulations until the public are shareholders. That would be an unfair proposition to put to the Parliament. If the Government has a genuine wish to involve the public with the WADC—and that was the drift of the Premier's argument in those earlier days—it should be prepared to withdraw the regulations.

My understanding is that the directors of the WADC drew up the regulations, and it was only under pressure from the Chamber of Commerce—

**[Resolved: That business be continued.]**

Hon. G. E. MASTERS: There is an advantage as far as the WADC is concerned; it has not complied sufficiently with the Companies (Western Australian) Code. It is a matter of serious concern to us, particularly as the Premier supported that proposition strongly in another place.

The second matter I wish to draw to the attention of this House is the utter dishonesty of the Government in regard to this matter. The deception has been carried out by the Premier. It demonstrates what the Opposition has known for a long time: The man concerned is without integrity and scruples.

Hon. Garry Kelly: Come on!

Hon. G. E. MASTERS: It is a serious concern, when a man in the position of Premier makes a firm and absolute commitment in writing publicly and then breaks his word in a cold-blooded way. How can one find integrity in a person who does that?

Hon. S. M. Piantadosi: Question your own leader first.

The DEPUTY PRESIDENT (Hon. P. H. Lockyer): Order! While I am in the Chair, I will not accept interjections. I suggest to the Leader of the Opposition he should direct his comments to the Chair and that the debate be heard in silence as it was heard before.

Hon. G. E. MASTERS: I am stunned by the part the Attorney General appears to have played in this whole deception. The WADC Bill was introduced into Parliament in November 1983. The legislation was a shambles; it was an abysmal Bill. The members on this side of the House forced the Government to delay the Bill for a few weeks. We would have liked more time, but in those two weeks the Government made something like 30 amendments to a Bill which contained 30 clauses. That demonstrated the need for the Legislative Council to delay that legislation.

Great arguments took place through all stages of the Bill. The Opposition asked many questions. It asked whether the corporation would have certain advantages over the private sector. The Opposition asked questions on dozens of occasions until the Minister handling the Bill got sick of them. We asked whether the corporation would operate

under and observe the Companies (Western Australia) Code. The answer from the Premier was, "Yes, that is correct". The Attorney General did have reservations there. We asked whether the corporation would have special advantages, and the answer was, "No". We asked whether the public would be invited to take up shares in the corporation, and the answer was, "Yes".

The Attorney General made a long speech pointing out the advantages of the WADC and his great pleasure in inviting the public to participate. Mr McKenzie joined in with the vigour I have already mentioned. We asked whether the regulations would ensure that the corporation competed with Australian companies and whether the Companies (Western Australia) Code would apply. We asked also whether consultation would take place before the regulations were tabled. The answers were "Yes, yes, yes".

Now, we know there has been no consultation with regard to these regulations. If the Government members take exception to what I said about the Premier lacking integrity, scruples, and honesty, then I shall read a letter dated 16 December 1983 from the office of the Premier and signed by Brian Burke. I will read just two paragraphs of the letter. It stated—

> In addition, I would also draw your attention to substantive amendments arising from new proposals introduced during the course of the drafting conferences. These include provisions which require the Corporation to:

Then it lists the points. Paragraph (3) stated—

> (3) be subject to the provisions of the *Companies (Western Australia) Code* in relation to the making of regulations governing its operations so that it is established on the same basis as completely private corporations.

The letter said further—

> I would also confirm that the proclamation of the legislation incorporating the agreed amendments will be deferred until the regulations adopting as far as practicable the provisions of the *Companies (Western Australia) Code* have been drafted and published in the "Government Gazette".
>
> The Chamber's participation in and contribution to the drafting of the necessary regulations would be most welcome.

The letter was acknowledged by Mr Brian Kusel, the Executive Director of the Perth Chamber of Commerce (Incorporated), he said—

> In your letter of December 16, 1983 you acknowledge the Chamber's significant role in re-drafting some aspects of the Western Australian Development Corporation Bill.
>
> In your letter you stated that the proclamation of the legislation incorporating the agreed amendments would be deferred until the regulations adopting as far as practicable the provisions of the *Companies (Western Australia) Code* have been drafted and published in the Government Gazette.
>
> You also said that you welcome the Chamber's participation in and contribution to the drafting of the necessary regulations. I wish to confirm that the Chamber would be pleased to co-operate in this exercise.

That was a confirmed, written undertaking by the Premier of this State that certain things would be done. However, on 19 April 1984 the Bill was proclaimed and came into operation, without consultation. I then got my hands on a letter, again from the Perth Chamber of Commerce, and signed by Mr G. M. Evans. It said—

> I note that the Western Australian Development Corporation Act 1983 was proclaimed on April 19 to come into operation. I understand that no Regulations have at this time been gazetted. It is a matter of serious concern to the Chamber that these developments appear to be quite contrary to the undertaking you gave to the Chamber in your letter to the Executive Director on December 16 1983.

He totally ignored the promises he made in writing. There was no response to that letter from the chamber of commerce. I will quote a letter from the Perth Chamber of Commerce to the Premier. It stated—

> On May 1, 1984, the President of the Chamber, Mr. Max Evans, wrote to you about the undertaking which you gave us previously relating to the drafting of Regulations for the Western Australian Development Corporation Act. A copy of this letter is enclosed.
>
> The Chamber's Executive Committee has now asked me to write to you to ask when the Chamber might expect your reply.

So, this Government gave a written, firm undertaking, signed by the Premier. The letters sent from the Perth Chamber of Commerce requesting a meeting to consider the regulations did not receive a response. They were ignored.

I draw the attention of members to a statement made by Mr Berinson, reported on page 6341 of *Hansard* dated 12 December 1983 in which he said—

> The intention is that all applicable provisions of the code should apply to the extent that they make sense in the context of the special sort of structure which the corporation will have. To ensure that that was done fairly and to the satisfaction of the parties which arrived at that conclusion, the Premier undertook that representatives of the confederation and the Perth Chamber of Commerce would be welcome to sit in on the drafting session where those regulations were drawn up. Should the Opposition wish to participate in that exercise, I think I am safe in saying it would be welcome to do so.

I draw members' attention to the Premier's statement on page 6421 of *Hansard* on Wednesday, 21 September 1983. It is an interesting exercise in itself because he said—

> What I have said publicly is that we will not proclaim this legislation until regulations are promulgated which give effect to those parts of the code that the Opposition says should apply to the corporation.

A firm undertaking! To continue—

> I make that public affirmation once again and say to the Leader of the Opposition that a copy of the regulations, as proposed, will be delivered to his office. I cannot do any more than that, and I suspect that if the Opposition chooses not to accept that assurance, it is the case that it simply does not believe the Government.

I ask members to keep in mind the content of that statement. It was a firm undertaking, in writing, and a firm commitment to this Parliament. The Government is misleading this Parliament.

Hon. D. J. Wordsworth: Where is its credibility?

Hon. G. E. MASTERS: It has no credibility in this exercise. Mr Hassell interjected on the statement which I have just read to the House and said—

> That is not true. You know full well that if you bring in a set of regulations that do not go as far as we want them to go, all we can do is disallow them, which means that none would apply.

The Premier replied as follows—

> The Deputy Leader of the Opposition is wrong and I will explain where he is wrong. Firstly, I wish to say that the position as proposed in this amendment goes to a situation which is lesser than the one the Opposition proposes. What the Opposition is proposing is that the assurance I am giving goes simply to the factual statement of those regulations. What I am saying is that I will deliver a copy to the Leader of the Opposition and implicit—now explicit as a result of this statement—is my intention to allow the Leader of the Opposition to ascertain that the regulations are those which we would consider to be appropriate.

It is an absolutely firm commitment. It is in writing and is recorded in *Hansard* which is a public document of this Parliament. A further request was made by the chamber of commerce and it was completely disregarded by the Government. It demonstrates that the Premier who says those things and ignores any representation to him lacks integrity. I doubt whether there has ever been a Premier of this State who can be branded so badly as can be this Premier in regard to what he has said, the promises he has made, and the promises he has broken.

I refer members to page 6423 of *Hansard* on 21 December 1983 wherein the Premier stated—

> In an effort to please the Opposition and those who object, the Government is still prepared—after discussion with the Leader of the Opposition, based on a copy of the regulations we will forward to him—to apply those parts of the code that the Opposition believes are appropriate.

Again, the Premier is repeating the statement; that is, that he will make those regulations available and that they will not be tabled until the Opposition and the chamber of commerce have an opportunity to look at them.

I could make a number of other references, but I will hold back because, no doubt I will have an opportunity to use them in my reply. The Attorney General may refute my statements and say that there is no good reason to withdraw or disallow the regulations. I could make statement after statement and quote page after page of what was a heated debate when the Opposition was told not to worry about the regulations. Surely to goodness members on the Government side of this House should hang their heads in shame because the Premier's statement has been ignored and treated with utter contempt. How can the Opposition trust the word of the Premier when he makes such statements?

I ask Hon. Kay Hallahan whether the Premier was right in what he said. All the evidence I have shows that the WADC will gain advantage from the regulations. Certainly the Premier and the Attorney General promised consultation with those bodies concerned before the regulations were presented to Parliament. If, in fact, the Minister is

not prepared to withdraw the regulations, the Opposition has no option but to disallow them.

I appeal to the Minister in charge of this matter to look at the promises that were made. I guess that the Government's legal point of view is that the Companies Code sections which apply to the WADC are adequate. The Opposition's legal advice is that that is not the case.

I have no doubt that the Attorney General will try to convince members of this House that the regulations are adequate and that all the matters I have raised are well covered. The Opposition does not agree and the legal advice that it has received is to the contrary. The legal advice received by the chamber of commerce states that there is a need for changes to the regulations.

The Opposition does not want to be placed in a position where it must disallow the regulations, and it asks the Government to withdraw them in order that the Opposition and the chamber of commerce might have the opportunity to study them.

The Premier stated in letter after letter to the Opposition that the Government would consult with it and that the Bill would not be proclaimed until the Opposition had looked at the regulations. However, it is too late for that now.

The Opposition could go halfway and say that the regulations which have been brought before Parliament are arguable. It has been promised that it will have the opportunity to discuss the regulations. All the Minister has to do is to lift the regulations from the Table of the House. If this were done, there would be no egg left on the faces of members of the Government.

I leave this matter with the Government to seriously consider its situation, its integrity, its honesty, and its principles. This Parliament cannot be faced with a position under which the Premier of the day says, "I promise, I promise", but after that says, "Forget the promise; it does not mean anything to me". No Premier can afford to do that and get away with it for very long.

I ask the Attorney General to remove the regulations from the Table of the House, otherwise the Opposition will have no alternative but to disallow them.

Debate adjourned, on motion by Hon. Fred McKenzie.

## BILLS (2): REPORT

1. Juries Amendment Bill.
2. Bail Amendment Bill.

Reports of Committees adopted.

## STOCK DISEASES (REGULATIONS) AMENDMENT BILL

*Second Reading*

Debate resumed from 14 August.

**HON. D. J. WORDSWORTH** (South) [5.50 p.m.]: Currently, if on his property a farmer finds cattle carrying another person's brand, he is obliged to return them. However, this Bill changes that golden rule which is known to every follower of western films for at some future time, cattle found on Crown land will become the property of the Crown.

If this Bill is proclaimed, the Crown will be able to muster, deliver, dispose of, or destroy all cattle found on Crown land or it will be able to brand the cattle as its own.

It has been suggested that two years should be allowed for neighbouring property owners to muster cattle that have strayed onto Crown land. The Crown will have until 1992 to clean muster Crown lands throughout the State and throughout Australia. Many cattle will need to be destroyed by shooting and this will cause some consternation to conservationists and animal lovers.

I understand that, although I did not see it, there was a report recently on the Willesee show on Channel 9 which showed brumbies being shot by hunters travelling in helicopters. One landholder was reported as saying that 800 brumbies had been shot on his property in one day. The brumbies are being shot because of the damage they are causing to fences.

One need look only at the $3 billion beef industry to understand why it is considered necessary that the Government should spend in the order of $700 million on completely eradicating tuberculosis from Australia by 1992.

It is many years since I studied veterinary science, but I recall that a programme for tuberculosis and brucellosis eradication in dairy herds was commenced soon after the war. Fortunately foot and mouth and blue tongue were not major diseases in the Australian cattle industry and thus it was TB and CA that were causing considerable loss of profit to Australian dairy farmers. The diseases were transmitted to man through milk and not through meat. In order that these two diseases might be eradicated, a method was devised under which farmers were able to detect whether any of their cattle suffered from the diseases.

When a large number of animals were affected with contagious abortion, it was found more suitable to vaccinate them against the disease. While this was perhaps a very cheap way of overcoming

the problem in the short term, having vaccinated the cattle one could not change to a programme of test and slaughter because the animals, once vaccinated and later tested, reacted as though they had the disease. As a result one had to vaccinate one's cattle, and then wait for the following generation before commencing a programme of test and slaughter.

The first State to start was Tasmania in the 1950s, and New Zealand did it at much the same time. Gradually the rest of Australia followed, as it became evident that in the future our beef exports would be excluded from certain countries which had carried out such a programme.

When the incidence of these diseases is reduced, one of the difficulties is that a large number of cattle within a herd become infected when one infected animal gets back in the mob.

One can muster and test every animal in a highly concentrated dairy herd or beef herd in the south of the State, but in the north, particularly where there is very little fencing, far more difficulties are experienced. Not only is there difficulty in mustering the animals in the north, but one must hold them for not only one day, but for several days because the current method of testing is to inject a material into the tail of the animal and return the next day to see whether there has been a reaction to it. It is very difficult to do this sort of programme in a pastoral herd. It is hoped that perhaps researchers might find a more suitable method of testing animals for TB, which is the most prevalent of the two diseases in the northern areas.

While these cattle are mustered and held for testing, someone has to go out and destroy all the animals which have not been mustered so that they will not mix with and reinfect the tested animals.

This Bill concerns the mustering of cattle on Crown land, and one must recall that Crown land is not fenced. This will make the work all that much more difficult. Obviously, quite a programme of destruction will have to be instigated, particularly when one realises that in the Kimberley the country is mountainous, very rocky, and abounding in precipitous gorges, so one must question how successful an approach such as this will be. If large numbers of cattle must be destroyed on some of these stations, one wonders whether the stations will become viable again, because the cost of purchasing and carting cattle from clean areas will be very high indeed. There is great concern in the north about whether the Kimberley will remain a viable cattle area under this programme.

There are added problems with buffalo which are running wild in much of the area up there, particularly in the Northern Territory. While the buffalo are feral animals, they have almost been accepted as being Australian, and, as is the case when the brumby is shot, public concern is expressed when the buffalo is destroyed. Apart from one or two captive herds, buffalo would have to be almost exterminated. This would mean a loss of some 2 358 tonnes of exports which buffalo provided last year. Perhaps this is a small tonnage when it is compared with the total Australian beef exports of 439 251 tonnes, half of which went to the US market, and this represents half the US imports. Should the US be able to refuse entry of Australian beef because of the incidence of TB and CA, the Australian meat trade would be in a state of chaos.

Already Australia is in trouble with the Japanese market.

*Sitting suspended from 6.00 to 7.30 p.m.*

Hon. D. J. WORDSWORTH: Before the dinner adjournment I was explaining to the House how vital it is that Australia should be able to totally eradicate tuberculosis and CA by 1992. That is the date by which it could be expected the United States and other countries will have achieved that objective. Difficulties still arise with the Japanese market, despite Prime Minister Hawke's visit to Japan and his assurance that he had negotiated a satisfactory deal. Our percentage of the market has fallen from 10 per cent to six per cent. This is in contrast with the United States' share which went up from 83 per cent to 87 per cent. Without doubt, the United States' cattlemen would love to see Australian meat banned from their home market. The fact that Australian cattle are still subject to both brucellosis and TB would give them an ideal reason to ban our products from the market.

In reply to questions in another place, the Minister for Agriculture said that a State in the United States could be declared accredited TB-free where there had been no evidence of the disease for five consecutive years and an adequate monitoring system had been in operation. This is a very stringent test indeed, because while individual animals are tested to eradicate the disease from a herd, it is usual practice to monitor the disease by testing all cattle killed in an abattoir.

In the United States, to be declared TB-free, a State must prove it has not had a single animal show a positive reaction for five years. In 1983, TB was detected in 11 herds from five mainland States. That is a very small incidence indeed. That is where they are in the race to see their country

free of these two diseases, and we have still the whole of the north yet to conquer.

In the second part of his reply the Minister stated that in the United States all but one of the afflicted herds were completely slaughtered. This was to eradicate the diseases. Not just the animals that reacted as in Australia, but the whole herd was destroyed. That shows us the intensity with which the US is tackling this problem.

Currently, the incidence in the Kimberley is only about 0.05 per cent; a very low percentage indeed, but it is going to be very hard to find those diseased animals and wipe out the disease completely. I understand that spot tests were conducted at Gogo where there are about 20 000 cattle. Only some 40 cattle were found to be infected.

In the buffalo population in the north, the figure could be up as high as five per cent. We will be battling to try to put that situation right. Similarly, in the United States, the incidence of tuberculosis in bison is reported a little higher than in the buffalo herds here. Fortunately that is their problem, and not ours and I sincerely hope that we in this country are able to get on top of these two diseases.

Hon. Fred McKenzie: Do you support this legislation?

Hon. D. J. WORDSWORTH: I wholeheartedly support the legislation. I am saying how important it is that our northern cattlemen are subsidised $3 per head for mustering. This is a very small incentive indeed and one we must continue to meet. The less viable stations and some of the Aboriginal stations will have difficulty being able to carry out the task. The more difficult problem of Aboriginal reserves and national parks will also have to be overcome.

The Opposition supports this Bill and gives the Government every encouragement to comply with the need to eradicate CA and TB by 1992.

**Question put and passed.**

**Bill read a second time.**

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by Hon. D. K. Dans (Leader of the House), and passed.

## PLANT DISEASES AMENDMENT BILL

*Second Reading*

Debate resumed from 14 August.

**HON. C. J. BELL** (Lower West) [7.40 p.m.]: The Opposition supports the legislation. It is a Bill which seeks to tighten up the Act and increase the powers of inspectors, to ensure that they can have access to both modes of transport, and increased penalties for those people who avoid the intent of the Act.

There is an increasing number of people in the nation who seek to avoid the regulations which apply under the Plant Diseases Act. It has become quite apparent that some travellers are becoming quite adept at avoiding the plant diseases regulations as they enter Western Australia. Last year some cherries were imported into Western Australia from South Australia and an effort was make to evade the plant quarantine regulations. This posed a substantial threat to the stone fruit industry in Western Australia via the introduction of a disease which is not currently in the State.

The Plant Diseases Act seeks to control the importation of plants and materials into the State, plants and materials which might conceivably bring in to Western Australia certain diseases. The Act does not just include the actual plants or other materials, it can include livestock.

A couple of aspects need some attention from the Government. The situation in this State is now rapidly coming to the point where the current quarantine station at Norseman may be totally insufficient, and I would like to point to some deficiency at Norseman, having had an experience of transporting livestock from that checkpoint.

With the establishment of Highway 1 around the whole of Western Australia, many vehicles are now starting to enter Western Australia from the northern end. I think it has probably reached the stage where the Government of Western Australia needs to look at the possibility of establishing a checkpoint at the northern entrance to Western Australia, to further control the movement of plant diseases and livestock diseases into Western Australia. My understanding is that we really have one of two options. We can set up a checkpoint at the northern boundary between Darwin and Derby, or, alternatively have a checkpoint around to Sandfire.

The cost would be tremendous but, if some of these exotic plant diseases are introduced into Western Australia, the cost could be far greater in the next year or so. The Government will need to address the problem of the introduction of these diseases. I would like to make a comment about the Norseman checkpoint. There is a small quarantine site at Eucla; that is really to control sparrows coming into the State, and the main point is the Norseman quarantine station. There is some

talk that people will attempt, or are attempting, to have a road put through from the highway south to the coast of Western Australia, before reaching Norseman. If that occurs then the Government will have no option but to move the checkpoint further east, I understand that would cause a substantial cost increase.

I would also like to explain to the House the problems which I experienced with the quarantine station at Norseman. I believe that the quarantine station is essential and it has to ensure that as many as possible of the citizens who pass through that site, will automatically have to obey the requirement for inspection.

I think the site needs to be convenient. It would mean that these citizens would have to pull up, but then they can go through the point quickly. The situation is not like that. I do not in any way denigrate the inspectors. I think they have done an excellent job. I waited quite sometime—even though I had given 24 hours' notice—but there again I had arrived at 5.00 a.m.

The inadequacy of the yard and the hose-down facilities at the Norseman checkpoint are such that they need urgent attention. I once pulled up with a single-axle, bobtailed truck, and without any straw bedding in the truck. It took me three hours to hose down the truck using the facilities provided, and all we had had in the truck were a few stud cattle.

It was not a dirty truck; it was really quite clean, but the facilities there are poorly designed and in need of urgent attention so that people will not be encouraged to attempt to evade the checkpoint.

The current site has a flat concrete pad where a person drives up his truck to hose it down and the effluent runs into a sump. It is quite unrealistic and silly to have a flat bed on which to hose down a truck. Ideally a truck needs to be tipped back to hose it down properly, and the three-quarter inch hose provided is quite inadequate to hose down every trace of plant and animal material. It is a totally unrealistic situation at Norseman.

Clearly what is needed is something like the facility provided at the Midland saleyards, which have a sharp-angled facility on which to drive trucks. The effluent immediately goes down the back and into a trap. However, at Norseman all that is provided for a hose-down facility is a dead set flat pad.

When hosing down plant and material matter from a truck, one needs to be able to wash away everything. One needs to be able to dissolve the animal matter and to flush away the loose plant material. Once that is got out the way, ideally one switches to a high-pressure hose to get everything out of the crevices and off the steel material of the truck. That equipment is not available at Norseman. I would hate to pull up in a triple-decker sheep truck and with my bended back crawl around on hands and knees using a three-quarter inch garden hose in an endeavour to remove every trace of plant and animal material. It would be impossible.

This is one of the major reasons for those who transport livestock across the Nullabor at times and attempt to cheat on the system. Really, that is our fault as public administrators, because we should have provided a facility which could adequately meet the purpose it was expected to perform. I ask the Minister to have someone look at this problem to see whether something could be done to improve the Norseman facility. Otherwise it will be unavoidable that plant diseases will continue to be brought into Western Australia as more and more people transport livestock and other materials across the Nullarbor.

With those comments, I indicate the Opposition's support of the Bill.

**HON. H. W. GAYFER** (Central) [7.48 p.m.]: As I sat watching the reception given to the speech by Hon. Colin Bell, I could not help but notice the lack of members in the Chamber while the Bill was being debated. It is not my desire to enumerate the members who were missing, but I do indicate my concern at the lack of attention which this Bill is receiving and which other agricultural Bills are receiving in this place. Earlier in the session, I could not help but notice the lack of attention given to a speech by Hon. Colin Bell and another speech by Hon. Bill Stretch. It seems that whenever agricultural matters are debated here, the Chamber displays a complete and utter lack of attention to them.

There was a time in this House and in another place when agricultural Bills and all they embodied were carefully and zealously looked at by all members, they knowing full and well what the Bills were all about and what they meant to this State. Because of the importance of agriculture to WA, those Bills were considered to be matters of concern, and that concern was voiced whenever agricultural matters were before either Chamber. Now we see a situation where welfare and similar Bills receive the rapt attention of members, but agricultural Bills receive absolutely no attention.

This is an extremely important Bill. The Minister in his second reading speech indicated that the original Bill was introduced in 1914 and has necessarily been upgraded year by year and

Government by Government right through to the present time. It is extremely necessary for the preservation of the welfare of the State in agricultural terms that the Act be upgraded and that every measure be taken to prevent the encroachment into WA of plant and animal diseases such as those mentioned by the previous speaker. Mr Bell knows from experience what the problem is, but unfortunately not too many members of Parliament these days have had the experience of bringing animals through the Norseman checkpoint. Many of our citizens try to evade that checkpoint by travelling down the Balladonia road and thus getting their fruit and produce through unchecked. Hon. Mark Nevill will know the practices indulged in.

These matters should be the concern of every member in this Chamber, because once these diseases are able to get through these checkpoints, once we cannot quarantine the State, we will face a huge cost in our endeavours to get rid of diseases introduced from other places.

The one good thing about Australia is the Nullarbor desert. The one bad thing about that desert is that it is not quite big enough. If we could remove ourselves entirely from the Eastern States, not only would we be protected from their plant and animal diseases, many of which are transmitted during the cartage of grain which carries disease, but also those States might then be out of our hair. Those are my secessionist views.

There are times when I wonder about the mentality of the people who try to evade these checkpoints and who purposely flout the law in an endeavour to bring their unclean machinery through, when all they can hope to save is a few hours while they stop for a check. This is the sort of thing this Bill is aimed at correcting. It is endeavouring to tighten up certain loopholes which have appeared as a consequence of these evasions.

While I am loath, as I always am, to increase the powers of any inspector in any field, in the interests of all this Bill is intended to protect, which is really Western Australia, these powers must be increased. I commend the Government for doing what it has tried to do, which is to follow in the footsteps of other Governments which have tried to protect Western Australia from what we on the land are frightened will invade our State and add to the considerable expense already being experienced in keeping some of these noxious weeds and other diseases in check.

**HON. D. K. DANS** (South Metropolitan—Leader of the House) [7.55 p.m.]: I thank the members of the Opposition for their support of the Bill, and I will certainly take up with the Minister the point raised by Hon. Colin Bell. I am rather astounded that the situation as outlined should exist at Norseman. I have been through the checkpoint only with my car and carrying some fruit. I thought a complaint would have been made previously to the department, but I can assure the honourable member that I shall certainly bring the matter to the attention of the Minister.

I support what Mr Gayfer said, because I have always been one of those members who has recognised that agriculture is the mainstay, not only of Western Australia, but also of Australia. I have always realised that everything possible should be done to protect one part of the country from infestations coming from another part.

I do not know whether the one checkpoint at Norseman will be sufficient in the future. I know that produce brought to Kununurra up through central Australia is done so at very cheap cost, but for the very reasons Mr Gayfer outlined, I do not know whether a checkpoint there would be adequate. People with very modern trucks nowadays carry vast volumes of produce backwards and forwards across Australia, and not always on main roads. It may be that the time has arrived when perhaps we should have inspectors roaming around the State, and I will take this suggestion back to the Minister.

I represent a port area, and while some people might not see the connection with that area and the primary-producing sector of our State, I can assure members that the two areas are closely interwoven. If the farmer has a bad year, we down in Fremantle have a bad year; and we do not want that to happen.

**Question put and passed.**

**Bill read a second time.**

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by Hon. D. K. Dans (Leader of the House), and passed.

## HERD IMPROVEMENT SERVICE BILL

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon. D. K. Dans (Leader of the House), read a first time.

*Second Reading*

**HON. D. K. DANS** (South Metropolitan—Leader of the House) [8.01 p.m.]: I move—

That the Bill be now read a second time.

On 30 October 1983, Cabinet approved the amalgamation of the Artificial Breeding Board and the Department of Agriculture's dairy herd recording scheme to form the Herd Improvement Service.

Estimates based on the 1982-83 Budget outturn show that this reorganisation will result in a saving of approximately $130 000 in annual operating costs.

The Herd Improvement Service will be an autonomous statutory authority and will be located at Bunbury.

The Herd Improvement Service Bill provides for the establishment of the Herd Improvement Service and the repeal of the Artificial Breeding Board Act 1965-1968.

The broad provisions of the Bill are—

to establish the Herd Improvement Service as a corporate body;

to create a five-member board of management;

to define the functions of the new organisation;

to provide for the appointment of staff;

to define the financial arrangements for the Herd Improvement Service; and

to specify the transitional arrangements as the Artificial Breeding Board is dissolved and the new organisation is created.

Establishment of Herd Impovement Service: The Bill establishes the Herd Improvement Service as an autonomous corporate body, which is not an agent of the Crown in right of the State. The new organisation, therefore, will assume the responsibilities of a corporation and also will be liable for payment of sales taxation and other Government imposts.

Board of management: The corporation will have a board of management, with the following composition—

one Department of Agriculture officer nominated by the Minister, to be a member and chairman;

two persons appointed by the Minister from a panel of names submitted by the Primary Industry Association;

one person appointed by the Minister from a panel of names submitted by the United Dairy Cattle Breeders Association; and

one person who has commercial expertise which is relevant to the functions of the corporation.

The composition and size of the board will provide effective representation of the major industry groups which will be using the corporation's services, while avoiding the unnecessary expense of a larger, unwieldy board.

Functions of Herd Improvement Service: The functions of the Herd Improvement Service will be to provide those services which have been offered by the Artificial Breeding Board of WA and the Department of Agriculture's dairy herd recording scheme. In essence, these are—

to organise the sale and distribution of semen, ova and other materials used for artificial breeding, to farmers;

to maintain field services to provide for the artificial breeding of stock, and the production of stock, and the production recording of stock. This technology is now widely used throughout the dairy industry and is a major factor in improving efficiency of production and, ultimately, reducing costs to the consumer. The integration and rationalisation of these activities offers the potential to contain production costs in the future; and

to promote genetic improvement within the State's livestock industries, and to initiate and encourage appropriate research and training in this field.

It is anticipated that the new organisation will work in close liaison with the Department of Agriculture and will call upon some resources such as the Animal Breeding and Research Institute at Katanning.

The corporation will derive its income mainly from the sale of semen, the fees charged for testing cows—herd recording— and also from the provision of other related services, such as training courses.

Under the new arrangement, the Department of Agriculture will continue to provide the milk testing facilities at the Bunbury herd recording laboratory. The Herd Improvement Service will charge herd recording fees, and at the end of each quarter will reimburse the Department of Agriculture for the laboratory costs.

Staff: The board of management may, with the approval of the Minister, appoint such staff as are required for the corporation to carry out its functions.

The Bill also provides for the Herd Improvement Service to utilise the services of Government officers, where this is appropriate.

Financial provisions: The Bill makes provision for moneys received either for goods or services, or as advances or grants, to be paid into a trust, Government account, or a bank account approved by the Treasurer. The Herd Improvement Service will be permitted to borrow funds from Treasury sources or elsewhere, upon such terms and conditions as are approved by the Treasurer.

At the end of any financial year, the Treasurer may instruct the Herd Improvement Service Board to remit into Consolidated Revenue such percentage of the corporation's net profit as he deems is appropriate.

The Bill requires the corporation to comply with standard audit and reporting provisions.

Transitional arrangements: When this Act is proclaimed, the Herd Improvement Service will take over the present contracts, property, and legal obligations of the Artificial Breeding Board. It is proposed that the Harvey property owned by the Artificial Breeding Board will be sold, and the proceeds used to partially offset the accumulated debt of the Artificial Breeding Board of WA. The Government has agreed to write off this deficit.

The Herd Improvement Service will keep separate accounts of the sundry debtors and trade creditors of the former Artificial Breeding Board of WA. The new organisation will then pay these trade creditors and collect the debts owing to the former board. When these transactions have been finalised, it is intended that the Treasurer will pay to the Herd Improvement Service the amount by which payments exceeded receipts.

I commend the Bill to the House.

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

## STANDING ORDERS COMMITTEE

*Report: Consideration*

Report of the Standing Orders Committee now considered.

**HON. D. K. DANS** (South Metropolitan—Leader of the House) [8.04 p.m.]: I move—

> That the President be invited to take the Chair in Committee.

**Question put and passed.**

*In Committee*

The President (Hon. Clive Griffiths) in the Chair.

Hon. D. J. WORDSWORTH: As members will be aware, this Chamber elects a Standing Orders Committee which is chaired by the President and members including myself as Chairman of Committees, Hons. John Williams, Robert Hetherington, Lyla Elliott, and Ian Pratt, who retired and was replaced by Hon. Philip Lockyer. Those members were assisted by Mr Laurie Marquet, the Clerk of the Council, Mr Les Hoft, the Clerk Assistant, Mr Ian Allnut, the Second Clerk Assistant, and Mr Kevin Hogg—who was at the time Clerk of Papers until his resignation when Mr Brad Williamson took his place—and Miss Lynley Cohen, who is the minute secretary.

Before we start to examine this report, and criticism evolves, I would like to pay tribute to the amount of work put into this matter by the staff and by Mr Laurie Marquet, who has gone to a lot of trouble to examine other Standing Orders and to compare ours with them, as well as to seek ways in which they could be brought up to date.

Members would be aware that our Standing Orders have not had a major revision since 1907—not that that in itself means that it needs one, but there has certainly been a change in the style of English since those days and the committee did see a need to reduce the number of Standing Orders and pointed out that Standing Orders must be clear, precise, and unambiguous in their meaning and approach.

Some of the recommendations may be considered to be rather controversial. The committee was asked particularly to consider methods of time saving in the way of asking questions and to bear in mind the new equipment that might be used in the form of word processors. Such an improvement might save time, but undoubtedly the spoken word will be more significant than the written one.

I will handle the matters in the order in which they are listed in the recommendations. The first deals with Chapter XII, Petitions. I recommend to members that they have their Standing Orders open at this chapter which commences on page 39. I will endeavour not to quote from the old, but rather to quote the recommendation so that it does not cause confusion. I will leave it to members to read through their Standing Orders.

The first question the committee had to decide was whether the right to petition the House should be retained, given that today we have the Ombudsman and the development of a judicial review. The committee concluded that the opportunity to petition should remain, and that it was an inherent right to prepare and present petitions.

In spite of modern technology developments which seem to have diminished the importance of petitions, grievances can more easily be brought to the attention of the House by way of members' grievance debates, urgency motions, and adjournment debates.

Members will notice from their notes that the number of petitions presented to the Legislative Council has increased markedly. Between 1964 and 1970, eight petitions were presented and between 1971 and 1982, 58 petitions were presented, although many involved the same subject matter.

It is only in more recent times that the petitions presented in the Legislative Council have been forwarded to the Parliamentary Secretary to be presented to the responsible Minister for appropriate action. Previously, very little action was taken.

The committee recognised that there should be two ways by which to present a petition and these are made clear on page 16 of the recommendations. The first is by delivery to the Clerk, and the second is by tabling in the Council, and in either case the member presenting it shall endorse his name across the petition before presenting it. That is the Standing Order, as recommended, and it is a marked departure from the existing rule which allows presentation only by tabling.

It is intended that members use the less formal delivery to the Clerk when the petition is identical to one already presented. So often we have the same petition read out several times on the one day, and often several times in the one week.

The intention is that there should be two ways by which to present a petition: the more formal way the first time, and all subsequent similar petitions to the Clerk, without the need to go through the formal motions.

When a petition is presented for tabling, the member presenting it shall confine himself to naming the parties promoting it, and to stating the number of signatories and the petition's subject matter or a summary thereof. The petition shall then be brought to the Table of the House, without any question being put.

As I said before, there seems little point in our retaining the formal motion. The House normally would not refuse to receive a petition, so that motion does not seem to be necessary. Moreover, it would be very unfortunate if the House were to refuse a petition which was identical to one which had already been delivered. Recommendation 12.1.1 is much the same as the existing provision, while recommendation 12.1.2 deals with the requirement of a Clerk's certificate.

The PRESIDENT: Order! Are the honourable member's comments general comments or is he dealing with each specific recommendation relating to the proposed alterations to the Standing Orders as they relate to petitions?

Hon. D. J. WORDSWORTH: I am not quite sure of the formal way in which these issues are usually dealt with. I felt I should go right through the matters relating to petitions from start to finish and point out the differences as they have existed until now and then, perhaps, you, Mr President, might wish to put formal motions to the Chamber.

The PRESIDENT: Petitions are dealt with in chapter XII and I think we should deal first with that chapter. However, if the member wishes to make general comments at this stage, I will not interfere.

Hon. D. J. WORDSWORTH: I was making general comments on the petitions, but, Mr President, I am in your hands as to how we should deal with them.

The PRESIDENT: I suggest that we deal with the recommendations as they appear in the document. I was going to deal with the matters relating to questions first, but as the member is speaking to the recommendations relating to petitions, which are in the last part of the document, we will deal with those now. I suggest that the member move his motion, if he so desires, recommending that the House adopt the new Standing Orders in regard to petitions contained in the report. As the member moves those motions I suggest that we go through the various recommendations concerning chapter XII. The member's motion should be that we adopt new chapter XII as prepared in the document. Members will then have an opportunity to deal with recommendations 12.1 to 12.5, and accept each one as we go through them.

Hon. D. J. WORDSWORTH: I felt I had done that. However, I will commence formal motions.

**Chapter XII: Petitions.**

**Recommendation No. 1**—

12.1—Manner of presentation.

12.1.1—A petition is presented by delivery to the Clerk or tabling in the Council, and in either case the member presenting it shall endorse his name across the petition before presenting it.

Hon. D. J. WORDSWORTH: I move—

That the recommendation be agreed to.

Hon. G. E. MASTERS: I want to be clear on a number of points which the mover of the motion, Hon. D. J. Wordsworth, put to us earlier. I understand that, where a petition is presented to this House and a number of other petitions with the same words have also been presented as sometimes happens these days, the first member will proceed with his petition in a similar way to the way in which we are presenting petitions now and that the other petitions will be tabled. What I am saying is that, on every occasion that a petition is presented

to a member, it is the member's choice on the method he uses to present it. The member could go to the Clerk and say that two or three similar petitions had been presented already and ask the Clerk whether he should lay his on the Table of the House.

The alternative is for the member to go through the procedure laid down in recommendation 12.1.2. There is no problem about that. However, the member should have the choice to proceed in the way he wishes.

The PRESIDENT: That is the position as I understand it.

Hon. V. J. FERRY: I take this opportunity to speak on petitions generally. The method whereby petitions have been presented in the past has, in my view, been somewhat unsatisfactory. Certainly, the follow-up action on petitions has been very unsatisfactory. I hold very dearly the right of any citizen to petition Parliament. It is an ancient right which has fallen into disrepute over history. However, it has been revived, certainly in this Chamber, in recent years. I commend that. I think the right to present a petition is an inherent right of all citizens under our parliamentary system.

It has concerned me for some time, as mentioned in the explanatory notes, that, when a petition is presented to Parliament, it is virtually held in limbo. It has been mentioned in more recent times that petitions have been sent to the appropriate Minister for his or her action.

Earlier this year, this House appointed a committee called the Committee on Committees. That is an unfortunate title. It really means that that committee should look at a better system for committees of this House in order to make the House effective.

One thing that the committee has been looking at is the manner in which petitions are treated once they are presented to Parliament. I believe that that committee will make recommendations when it presents its report. I do not want to preempt what the recommendations might be, because we have not finalised that work. As a member of that committee, I am sure that some form of recommendation on the treatment of petitions will be made to ensure that petitions are treated in a more positive way, that petitioners obtain some redress by having their complaints heard by responsible bodies or persons, and that the result of any action is reported back to them.

However, the point is that a recommendation will be made to overcome the gross deficiencies which have existed in this Parliament for some time. I support the principles and I support the proposals before the Chair.

**Question put and passed; the recommendation agreed to.**

**Recommendation No. 2—**

12.1.2—Where a petition is presented by tabling, the member presenting it shall confine himself to naming the parties promoting it, stating the number of signatories, its subject matter or a summary thereof. The petition shall then be brought to the Table without any question being put.

Hon. D. J. WORDSWORTH: I move—

That the recommendation be agreed to.

Hon. P. H. WELLS: I want to make it clear in my mind so that I understand the method of the tabling of petitions. When petitions are tabled, will members be able to read out the petition in order that Parliament might hear and understand the request of the citizens? Is that what is intended by this recommendation?

Hon. ROBERT HETHERINGTON: This Standing Order permits a member to do one of two things. The member can read out the entire petition or, if another member has already read out a petition similar to the petition being presented, that member can read out a summary of the petition indicating that they are similar petitions. In fact, a member has three choices. He can either read out the entire petition; he can read out a summary of the petition; or he can table it under the new Standing Order if we accept it. That will mean that we will be able to expedite the business of the House and get away from the dreary business of having the same petition read, sometimes six times. However, it will enable members who want to stress the words of their petitions to do so if they think fit.

**Question put and passed; the recommendation agreed to.**

**Recommendation No. 3—**

12.2—Members to present petitions.

12.2.1—No person other than a member shall present a petition, and no member shall present a petition from himself.

Hon. D. J. WORDSWORTH: I move—

That the recommendation be agreed to.

**Question put and passed; the recommendation agreed to.**

**Recommendation No. 4—**

12.3—Clerk's certificate required.

12.3.1—A petition is not presented or capable of being presented unless the Clerk:

(a) in a case of presentation by delivery, certifies at the time of delivery; or

(b) in a case of presentation to be made by tabling, certifies not less than one hour prior to tabling;

that the petition complies in all substantive respects with the requirements of this Chapter.

Hon. D. J. WORDSWORTH: I move—

That the recommendation be agreed to.

**Question put and passed; the recommendation agreed to.**

**Recommendation No. 5—**

12.4—Rules governing petitions.

12.4.1—A petition shall be:

(a) addressed to the President and members of the Council;

(b) in English or accompanied by a certified English translation;

(c) legible, and unamended whether by insertion or deletion or interlineation;

(d) signed by the person or persons promoting it and if such person, or 1 or more of them, is a corporation, the common seal of the corporation or corporations shall be affixed to the petition;

(e) couched in reasonable terms and devoid of, statements that would constitute a breach of the Council's standing orders or, irrelevant material.

Hon. D. J. WORDSWORTH: I move—

That the recommendation be agreed to.

**Question put and passed; the recommendation agreed to.**

**Recommendation No. 6—**

12.4.2—A petition shall state the number of signatories and contain a prayer or formal request at the end.

Hon. D. J. WORDSWORTH: I move—

That the recommendation be agreed to.

**Question put and passed; the recommendation agreed to.**

**Recommendation No. 7—**

12.4.3—A petition shall not:

(a) have any other document attached to it;

(b) quote or refer to a discussion on any question considered by either House in the same session;

(c) bear other than original signatures, or have signatures pasted on or otherwise attached to it or to sheets (if any) bearing additional signatures;

(d) seek a direct grant of money from the Council.

Hon. D. J. WORDSWORTH: I move—

That the recommendation be agreed to.

**Question put and passed; the recommendation agreed to.**

**Recommendation No. 8—**

12.5—Certain petitions not receivable.

12.5.1—The Council will not receive or consider a petition whose subject matter constitutes or discloses a cause of action and the promoter has not exhausted legal remedies otherwise available to him.

Hon. D. J. WORDSWORTH: I move—

That the recommendation be agreed to.

**Question put and passed; the recommendation agreed to.**

**Recommendation No. 9—**

12.6—Petitions to be notified.

12.6.1—As soon as practicable after presentation, the following information shall be printed in the Notice Paper relating to a petition:

(a) the name of the promoter;

(b) the number of signatories;

(c) a description of the subject matter;

(d) the name of the member presenting it and the manner of presentation;

(e) the date of referral (if any) to a committee,

and upon presentation of the committee's report, the same information, together with a summary of the committee's findings and recommendations (if any) shall again be printed in the Notice Paper.

Hon. P. H. WELLS: Only one improvement could have been made to that chapter. Petitions will appear on the Notice Paper, but it will be devoid of any answer or response from the

Government of the day. It would be useful if some response from the Government, regarding the preparation of legislation for example, was included so that people could see that petitions are not just dumped on the table to fill empty cupboards.

Hon. ROBERT HETHERINGTON: I will comment on Mr Wells' remarks. Firstly, the Standing Order itself makes provision for the petition to be sent to a committee. Secondly, we are laying down Standing Orders for the Legislative Council which is a House of the Parliament. We have no power to decide what the Executive should do. Therefore, whatever may or may not be desirable for the Executive to do, it is not the province of this Chamber to tell the Government of the day how it will respond to petitions.

**Question put and passed; the recommendation agreed to.**

**Chapter XIV: Questions seeking information.**

**Recommendation No. 10—**

14.1—Questions to ministers and members.

14.1.1—Questions may be put to:

(a) a minister relating to public affairs with which he is connected, to proceedings in the Council, or to any matter of administration for which he is responsible;

(b) a member except the President relating to any bill, motion, or other public matter connected with the business of the Council of which the member has charge

Hon. D. J. WORDSWORTH: I move—

That the recommendation be agreed to.

This is a recast of our former Standing Order. I understand that it is similar to one in place in Canada and another in New Zealand, and that it relates to the public affairs with which a Minister is connected, including his responsibility as a member of the Executive Council. It would not be referring merely to the matters for which he has day-to-day administrative responsibility. There is only one Standing Order on the format of questions and this obviously must apply to both questions on notice and questions without notice. It means that a member can ask a Minister questions without notice on matters other than those for which he has responsibility.

A member cannot ask the President a question. That has always been the case, but it is now written into the Standing Orders. One must approach the President privately if one wishes to ask him a question.

**Question put and passed; the recommendation agreed to.**

**Recommendation No. 11—**

14.2—Notice required.

14.2.1—Except as provided in SO 14.4, written notice of any question signed by or on behalf of the member giving notice shall be delivered to the Clerk's Office not later than one hour before the sitting of the House.

Hon. D. J. WORDSWORTH: I move—

That the recommendation be agreed to.

Hon. P. G. PENDAL: All sections from this point deal with matters which I find quite unsatisfactory. By way of preface, however, I join with one or two of the previous speakers by giving praise where it is due, particularly to the Clerk and his staff for the explanatory memorandum which accompanies the proposed alterations to Standing Orders. Certainly in the short time I have been a member of the House, there has not been a simple, comprehensible explanation of why proposals were made.

To that extent I think they have done an extraordinarily good job and I will be in a position to support most of the proposals. However, having said that, I indicate that recommendation 14.2.1 is the point at which the rot begins to set in. In the explanatory memorandum which follows the proposed new Standing Order, is the following—

> This proposal represents a marked departure from the current situation which requires oral notice of a question and an oral answer. Abolition of the oral notice/answer procedure does not violate the purpose of asking a parliamentary question or restrict the member's rights to ask such a question. On the other hand, the procedure occupies more and more time for no real advantage or benefit—

I suggest that that is a value judgment that we should not be making. For example, we are told in these explanatory notes that those procedures are occupying—

> . . . time which could be used better on other items of business.

I ask: what other items of business? The question of the duration of sitting times in the House is often raised in another context entirely, very often in the negative; that is, that the hours of sitting are too brief. This is held to be the be-all and end-all

of a member of Parliament's duty and in turn it is taken to be a reflection on members of this Chamber. I put it to members that to suggest that time used in the current way we handle questions could be better devoted to other matters is very much an open question.

I think the onus is on the Standing Orders Committee to tell us what are those other matters of business. Despite my comments that the explanatory notes are excellent, they do not answer that question. In addition, it almost suggests that the questions on notice—I think elsewhere on page four the reference is made—are ancillary to the performance of a member's functions and should not be seen as an end in themselves. I have no doubt that that is the basis of, and very much the thinking behind, recommendation 14.2.1. I also have no doubt that it is based on the finest of Westminster parliamentary research, but I do not think it accords with the facts. I see the situation in reverse; questions are hardly something to be seen as being ancillary; at certain times they are the very core of what a member of Parliament does.

I take some exception to the suggestion that we must revamp our entire approach to questions on notice on the grounds that we can spend the time better by pursuing other forms of parliamentary business. That question remains unanswered and I think it is an assertion to which there is no answer as distinct from a question being asked of us when we are determining our own Standing Orders.

Hon. Garry Kelly interjected.

Hon. P. G. PENDAL: Indeed, it will, but I am trying to persuade members that that is an assertion that has not so far been backed up by any facts. Mr Kelly or someone in the Chamber may have an answer. Certainly no-one I have asked has provided a satisfactory answer so far.

As the matter unfolds, I shall have other comments to make about questions. I shall make a final observation, and it is one which will recur throughout the debate. It has been pointed out to me that, while this is a marked departure from our present procedure, it does not in any way inhibit a member from using this place as a public forum; for example, we know that the media is generally present. Sometimes the galleries are occupied. I put it to members that, notwithstanding the apparent streamlining of the system by handing in questions on notice and then automatically seeing them appear on the Notice Paper and finding they are ultimately matched up with the answers in a written sense without any oral contribution from a member, this will, in itself, take something away from the essential environment of a parliamentary Chamber. Members may say, "Such and such a Parliament operates that way".

Hon. J. M. Berinson: Do we know of any other Parliament which operates in this way?

Hon. P. G. PENDAL: Yes. The Parliaments which operate in another way do it for good reasons, I am sure, and one of the reasons is that, very often, they are larger Parliaments than this one. If we take a physical division in this Chamber, we are all seen to be taking part in it. If one has a division in the House of Commons, one cannot see members taking part in it physically, because there is inadequate room for them to do so at the one time.

If in 10, 20, or 50 years' time, because of pressure of time, we need to do these things as they are done in other Parliaments of the world, we shall do them; but in the meantime no argument has been put to me either in relation to recommendation 14.2.1 or any other parts of the chapter that we will deal with over the next hour or so—

The PRESIDENT: Order! I have been listening with great interest to what the member has been saying, most of which has not had anything to do with recommendation 14.2.1, but relates to further points to be dealt with. However, I have allowed the member to continue in the interests of the overall explanation he is giving; but I hesitate to let him go too far, because I do not want every member in the Chamber, when debating recommendation 14.2.1 to talk about all the other points which may be mentioned. The fact is that recommendation 14.2.1 simply is saying that members shall deliver to the Clerk in writing, one hour before the House sits, notice of his or her question. That is a departure from our current rules. There is nothing in recommendation 14.2.1 which says anything about whether a member should ask the question orally. That is the point.

Hon. P. G. PENDAL: I shall finish on the note on which I started which is the explanatory note which appears below recommendation 14.2.1. I emphasise again that that explanatory note indicates that the changes which we would see coming in the later pages are changes which will permit us to use the time saved on other items of business. There is no suggestion or explanation so far as to how that "saved" time will be used. Therefore, I suggest to members that many of the arguments that are mounted at a later stage will fail on this recommendation alone, and for that reason. Therefore, I intend to oppose it.

Hon. JOHN WILLIAMS: I am sorry that Hon. Phillip Pendal takes that course, because if he wants to know where the extra time will be used, I would say, from an Opposition point of

view, that it will be more than adequately filled by questions without notice which are oral and which will subject Ministers and committee chairmen to a more intense type of questioning than that which occurs at present in this Chamber.

Hon. J. M. Berinson: I was going to support you until you said that!

Hon. JOHN WILLIAMS: This Chamber is the only one I have come across in the world that has this oral question and answer time. However, that does not deny people like the Hon. Phillip Pendal the opportunity to have more time to ask questions without notice. In point of fact, the judgment of a good parliamentarian, according to one Liberal leader, was how his Ministers performed when answering questions without notice. He took that as a yardstick, and if they did not perform too well, they were replaced.

Hon. Jim Brown and Hon. Vic Ferry would say that these Standing Orders, especially this one, were projecting a little towards the future in that a great deal more time will be given to committees of the House and to ascertain how committees of the House are working, their chairmen will be questioned in the same way as are Ministers in the House.

Therefore, there is a new dimension where more time will be required to question committee chairmen; but that comes at a later stage.

The departure from current practice here is that a member shall deliver, in writing, notice of his question one hour before the House sits. It has been explained that that is the minimum time within which questions can be accepted for inclusion on that day's Notice Paper. Questions will be printed on the Notice Paper for that day with the new word processor; so it is a matter of a number of things coming together to save time. For instance, members should look at the time now. I have said before that it is a ridiculous time to be working—8.55 p.m.! You, Sir, know how much we work at night. We would have to be the biggest idiots in the State to start work, as most of us did this morning, at 8.00 a.m. and to be here at 9.00 p.m.

If it is the style of members that their parliamentary representation hinges on oral questions and answers, so be it. Perhaps we, the Standing Orders Committee, should also include that, because no member should feel frustrated in that he is not able to perform his duty without this form of oral questions and answers. I would say to the Committee that it should also remember that this is being suggested to members only as an experiment and could be well worth a try until the end of the year. If it does not work, we can throw it out.

Hon. J. M. BERINSON: Not that I am touting for business by way of extra questions without notice, but I strongly support the move by the committee towards a system whereby questions on notice are put on the Notice Paper and answered on the Notice Paper rather than their being asked and answered orally.

Hon. Phillip Pendal questions the comment by the committee that time saved in that way could be used better on other items of business and he asks, "On what other items of business would it be better used?" I suggest to the member that the time saved in this way would be better used if we went home 20 minutes earlier and did not do extra business at all.

The real point here is that the time which is devoted to putting questions orally and answering them orally is wasted time. Not only is it wasted time, but also it does not serve the purpose of questions and answers as well as will the system which the committee proposes now.

Members should just consider for a moment what happens under our present system. The President invites questions on notice. They are read in a way which is quite difficult to absorb, because they are just rattled off for the purpose of getting them onto the record. With the greatest respect for the ability of members to put those questions in a dramatic way, the fact is they really do not grasp one's attention.

Next day something similar happens. Ministers answer the questions orally. It is true that, if one is dexterous enough, one can use one's Notice Paper to match up the questions asked with the answers given, but very often when questions are answered one cannot absorb the answers either, bearing in mind the way in which they are delivered. Not only that, but also, because of the detail required by many questions, the Minister says, "I ask that the answer be taken as read and incorporated in *Hansard*"; so members do not hear the answer at all, let alone have an opportunity to absorb it.

Members know that the written copies of the oral answers when distributed are not available to us all; they are available only to the members who ask the questions. Again the Chamber as a whole is effectively left in the dark until about a week later, or however long it takes, when one gets the copy of *Hansard*. That is how long it takes.

The real beauty of the system that the committee proposes is that one will see the question and answer together; all of us will see the question and answer together, and we will all be able to understand them together. It simply makes

better sense for questions and answers to be presented in that way rather than in the way in which they are dealt with now.

To the extent that we save time, I say that is time worth saving. Quite apart from the opportunity it might offer on particular days to knock off a bit earlier, the position is that, saving even 15 minutes on questions and 15 minutes on answers in a day will, over the course of a session, amount to about 15 hours. In many weeks we do not sit for longer than 15 hours, therefore, we are effectively adding a week without any extra pressure.

We know that, irrespective of how long we sit in the course of a session, we always end up sitting after midnight, 2.00 a.m., or 3.00 a.m., and other absurd hours. To the extent that we can minimise that, it is worth doing.

Above all though, the prime consideration is that the system we are using now is a total waste of time. Not only that, but also it minimises rather than maximises our opportunities to make sense of the questions. For the life of me, I cannot see anything to be said against the committee's recommendation.

Hon. G. E. MASTERS: Were I a Minister in the Attorney General's seat, I would be thinking along the same lines as he is, but what we must understand is that Parliaments are really for the Opposition rather than the Government. The Government wants to get out of Parliament as soon as it can, so the Opposition needs to make the most of parliamentary sittings to get its message across to the public. It is difficult to talk about this item without referring to the balance of the recommendation; so you, Sir, will have to excuse me if I stray a little.

We are talking about the fact that a member should give notice of a question one hour before the House sits. It then leads on to all the other subjects we must consider; that is, that the question is on the Notice Paper in time for the sitting and that the questions and answers will be written.

I point out that the advantage of oral questions is that the Opposition—let us face it, almost all of the questions asked in the Chamber are asked by Opposition members—is there to get a message across. If one is directing an oral question to the Leader of the House or to the Attorney General, if one is careful in the way in which one phrases it and if one asks the question in the right way, one gets a message across to the Press. The question may well be reported and the substance and impact of one's question is, at times, as important as the answer itself.

Hon. J. M. Berinson: Mr Masters, could I ask you: When was the last occasion on which you had reported in the Press a question without the answer? You would not be able to mention one such occasion.

Hon. G. E. MASTERS: We are talking about this quietly—

Hon. J. M. Berinson: So am I. I offered that question in the friendliest spirit.

Hon. G. E. MASTERS: I cannot obviously give the Chamber the date of the last time that occurred.

Hon. J. M. Berinson: The next will be the first.

Hon. D. K. Dans: I cannot ever recollect its happening.

Hon. G. E. MASTERS: If the Attorney General wishes, I will make sure tomorrow that I do ask a question which will be reported.

Hon. Garry Kelly: You have still got questions without notice.

Hon. G. E. MASTERS: I think it is important. I strongly oppose the proposition that has been put forward in these recommendations. This is just the first of a series of them. I am telling all members that question time is very important indeed and it is more important to any Opposition than it is to the Government. I suggest if members of the Government were on this side of the Chamber they might say exactly the same as I am saying. Let us be fair about it. It is something which is particularly important to an Opposition and I take little exception to some of the comments made in the paper before us. I appreciate them. They are well done, but when we talk about saving time, I point out that the Opposition in this Chamber is not in a hurry at all. We want to get the facts of each case. We want to ask questions. We want to debate Bills, and if we are here for 12 hours a day, seven days a week, so be it, if that is the way we have to do our job. It is not the Opposition which wants to get away at the earliest possible time. If we sit all night on this or any other issue, that is fine.

Hon. J. M. Berinson: That is ridiculous.

Hon. G. E. MASTERS: We can sit next week instead of going on holidays. That is fine with the Opposition. Let us understand the situation. Time should be usefully used.

Hon. D. K. Dans: I wish I were going on holidays next week.

Hon. G. E. MASTERS: I am just making that point. I do not think questions are ancillary to the performance of a member's duties. They play a very important part for an Opposition member in the way he goes about his business of representing

his electorate and speaking for the people who have elected him. I ask members to think very carefully. That is just the first step. One hour before the House sits the questions will go on the Notice Paper, and if we pass this amendment we go to the next stage. I do not know whether many members recall a debate in this Chamber last year when Hon. Graham MacKinnon, who unfortunately is not here tonight, said that if we start putting questions on the Notice Paper without asking them orally, the next thing the Government will want to do is to answer them in writing instead of orally, and that is exactly what has happened.

Hon. Garry Kelly: That is just logical.

Hon. G. E. MASTERS: It may be logical to the member, but I am suggesting that if the member were sitting where Hon. Phil Lockyer is now sitting and he were in Opposition, he would say the same thing.

The PRESIDENT: Order! Let us at least listen to what we all have to say.

Hon. G. E. MASTERS: Let me just wind up by saying that this is the wrong way to go about this business. It is important that members are able to stand in their places in this Chamber and ask questions on behalf of their electorates to get a message across. It is a grave mistake to put the question down in writing rather than to ask an oral question.

Hon. P. G. Pendal: Putting the muzzle on.

Hon. G. E. MASTERS: Yes, putting a muzzle on. It is a fair comment that it is a muzzle. This is attempting to muzzle members of this House. I thank the honourable member for his assistance on that point.

I sincerely ask members to think very carefully about the proposition before the Chamber because at one time or another members on the Government side will sit on this side of the Chamber and the recommendation does not suit members of Oppositions. Really and truly, if members of the Government think about it, I do not think it will suit them either. I will be pleased to reject recommendation 14.2.1 and I will certainly oppose 14.2.2 and 14.3.1 which do not deal with the questions, when we come to them.

The PRESIDENT: Before I put the question, I intend to take this opportunity to make a couple of points. Firstly, I want to make it absolutely clear to the Chamber that all comments in that document are comments of the committee; they are not anybody else's comments, and the committee takes total and absolute responsibility for all the comments.

Secondly, the Standing Orders are the Standing Orders of this Chamber; they are not the Government's Standing Orders and they are not the Opposition's Standing Orders. On previous occasions the Chamber has permitted me to make a couple of similar comments at this stage. I do not know whether members will permit me to do so this time, but I have already done so. The point is that it is in that light that these recommendations ought to be viewed. I am not making any recommendation one way or the other—members may accept them or not, but they are all the comments of the committee.

Hon. P. H. WELLS: I will ask members to vote against this recommendation. It is interesting that the Attorney supports it because when the Standing Orders were last before the Chamber, from the Opposition side came to his support Hon. Robert Hetherington who said, "No, I do not agree with Mr Berinson. That is wrong. This Parliament should be a Parliament in which we can discuss things", and very quickly coming to his right hand—

Hon. J. M. Berinson: Excuse me, are you accusing me of being consistent?

Hon. P. H. WELLS: I am only pointing out that the Attorney is again leading this debate. Hon. Robert Hetherington disagreed with the Attorney on that occasion and the Attorney's right-hand man got up and said, "Well, you may be able to put questions in, but verbalising an answer means that the answers are not in this paper warfare we are engaged in".

Hon. P. G. Pendal: That is what I have been saying.

Hon. P. H. WELLS: Members should understand that. Ah, it was not Mr Hetherington; it was Mr Dowding who said that!

Hon. P. G. Pendal: I think we should get him back in here.

The PRESIDENT: I think we should get on with what we are doing.

Hon. P. H. WELLS: We discussed this matter on 12 August 1981. Obviously not everyone agreed with Hon. Joe Berinson that it was a good idea. I want to give a couple of reasons that members should oppose this recommendation. Firstly, the effect of this amendment is, "Start Parliament or be in Parliament one hour earlier." I already find it difficult to be able to communicate sufficiently with people to work at what should be said in here because the Government is drafting different legislation. We have a limited period of time and a person needs to communicate that legislation to the people to

ensure that they understand it before a member stands up—

Hon. D. K. Dans: I agree with you.

Hon. P. H. WELLS: It is quite easy to stand up and talk for 45 minutes about nothing.

Hon. D. K. Dans: You are the past master at that.

Hon. P. H. WELLS: Perhaps the leader taught me.

Hon. D. K. Dans: I have not been a very good teacher.

Hon. P. H. WELLS: This requirement that we come into the Chamber one hour earlier if we want to ask questions means that country members will be disadvantaged. They will have to find a means of getting here one hour earlier. Perhaps telephone arrangements could be made, but they may not always be convenient. It has been said that we will save this time and will have extra time. The interesting thing I find about time in this place—and I think Parkinson was the chap who put forward the principle—is that we extend ourselves to the time available. I notice that the other place sits early in the morning and I also notice that quite often it sits after midnight. In cases like that people extend themselves to the time available.

Hon. Kay Hallahan: Particularly when you haven't got any time management ledgers.

Hon. D. K. Dans: I went to one of his lectures in Perth and three-quarters of his audience walked out after an hour.

Hon. P. H. WELLS: It is interesting. I feel it robs Parliament. Questioning is terribly important. Under our parliamentary system we have a responsibility—and the Opposition does particularly—to examine the Executive and the Government. We will have to get here an hour earlier if we want to examine questions.

Hon. J. M. Berinson: Would it suit your present objection if it was to be made 10 or 15 minutes before the House sits?

Hon. P. H. WELLS: I have a suggestion I want to put forward.

Hon. J. M. Berinson: It could work equally well with that lesser time.

Hon. P. H. WELLS: I would prefer, if possible, to send it to the committee to ensure the correct wording is used. Sometimes there are questions which I could put in the night before. If I had some questions today I would have asked them today. Sometimes questions can be put in before time to go through the system. Supplementary questions miss out and would not be in the bank of questions. Perhaps a member who has not got a question in on time could be allowed to give it on the floor of the House. It is the same as nominations for local associations; one invites nominees from the floor at the annual general meeting of a group. There is nothing wrong in trying to fit into the system, but I ask why should there not be a provision made for supplementary questions with the idea that it is not meant to be the bulk of the questions that we are aiming to try to fit into the system? I have no argument about trying to improve the system. I suggest it robs something from those members who want to bring forward a question to examine the Government and the Parliament, something which has been accepted and on which even Opposition members now on the Government side, were agreed. We should have that basic right to raise questions verbally on the floor of the Parliament.

Those who perhaps do not want to verbalise their questions could be accommodated under this proposition. Another mechanism may be needed and may be necessary to achieve that, if it has some acceptance around the place. I suggest this section should go back to the committees for consideration. We need to ascertain whether people think there is any value in this. Basically, I believe each member should have a right to present his questions on the floor of the House.

Hon. D. K. DANS: It had not been my intention to enter the debate, but it appears to me that what we are discussing is the adoption of a system that has been the practice in the Federal Parliament over the last 50 years or more without any great burden to Federal members. It works very well. The exciting times in most Parliaments of Australia are not questions on notice time, but questions that arise in the period known as questions without notice. That is the measure of the Opposition's skill and the Government's skill in endeavouring to answer those questions because if those questions are turned around and the member asking the question is asked to put it on notice on too many occasions, then from an Opposition's point of view, we know that we have found a way through the defence of a particular Minister. I am pretty sure that most members have visited the Federal Parliament or other Australian Parliaments and indeed may have been to the mother of Parliaments.

What really happens with questions on notice is that they are prepared and are asked in the House. It is then up to Government Ministers whether they answer them the next day, whether they postpone them, or whether in fact they refuse to answer them. The Minister is given a long time to look at them with his departments and, as Mr

Masters knows, enough time to formulate the answer so that it does the least amount of damage. That is the reality of the situation. For Mr Masters to suggest—he knows what I am talking about—that somehow the Press in the gallery wait with baited breath to hear a member's question and then print it, I cannot ever recollect its happening—

Hon. G. E. Masters: It has happened.

Hon. D. K. DANS: —in regard to one of my questions.

Hon. P. G. Pendal: They weren't very good though!

Hon. D. K. DANS: The Press would examine questions, but they were never printed.

I cannot recollect that happening, and I certainly would have recollected even some questions without notice. I can remember a couple of ribald comments and one occasion when I facetiously suggested that I punch someone on the nose; that received Press coverage, but never well-formulated questions!

Why is it we have to be taking a backward step in this Chamber, or if not that, standing in the same place which to my mind is worse than going backwards? All that the committee has asked is to adopt a system that has served the Federal Parliament and many other Parliaments in Australia very well for over 50 years. Provision still exists for the asking of questions without notice. If members turn it over in their minds, they will realise that if one is coming into the Chamber and one knows how previous questions have been answered, one has to apply what cerebral material one has to the type of question without notice one will ask. That is the measure of how good an Opposition is and how good a Government is. It is not a matter of going outside and saying, "We are going to put this on notice" and the question is given to a member and is then read out.

Where do Mr Berinson, Mr Dowding, and I take it then? It goes to the department or to our offices and the answer is put together. If we cannot do it in time, the answer is postponed, perhaps two or three times, or if the question is too hot one refuses to answer it. That was done to me when I was in Opposition, on very few occasions I admit.

I am not going into the aspect of whether it saves time. If we save time on questions we will use it up somewhere else. I take the view of the Leader of the Opposition that we are here to serve in Parliament and if we sit one hour or 24, that is our job. I never come into this Chamber expecting to go home early.

The matter of the time element does not intrude into this argument. The committee is trying to bring the system up to date and get a better result. If I were to be perfectly honest—

Hon. A. A. Lewis: I hope you always are.

Hon. D. K. DANS: The present system of asking questions on notice, despite what Mr Masters says about its being good for the Opposition is, in fact, good for the Government. I spent seven years on the other side of the Chamber. The present system is good for the Government because the Opposition uses all its powder and shot on the questions it is putting together in its offices. The real measure of parliamentary questioning is how one applies oneself to the agenda and the questions which have been answered, and the manner in which one presents questions without notice. I hope the committee takes notice of that.

Hon. ROBERT HETHERINGTON: As I have been mentioned by Hon. Peter Wells and I have reeled under his exposé that I spoke on the other side in relation to this matter when I was in Opposition, I point out that one can learn and change one's mind. Since I made the remarks he quoted I have spent a great deal of time sitting next to Hon. Des Dans in Opposition. He pointed out to me that question time was getting longer and that Ministers were wilting more, and that sooner or later the system would have to go. He said that when we were in Opposition, so he was not enamoured of the system then.

Then I got on to the Standing Orders Committee which, I point out to the Leader of the Opposition, consists of four Opposition members who were originally elected for the Liberal Party and two people from the Government, and I was persuaded by them. In fact, we had long discussions—real tutorial kinds of discussions—in which we came to a unanimous conclusion that it is worth trying this proposal for a session.

I remember that in the last Parliament we began by giving notice of questions orally, and the next day we asked them again and the Ministers answered them. We had a debate about that, and after the second try—because people thought the world would come to an end and Parliament would fall down—we got rid of asking questions we had put on notice. I notice that nobody has referred to those halcyon days and said we should return to them. We accept that system and it works.

Members will realise that towards the end of the last Parliament questions grew in volume, and this has continued and will go on happening. I am suggesting to Mr Pendal that things are changing in this Chamber, and we are taking a great deal of

time in verbalising questions that everybody can read. I have decided after due and mature consideration—it has taken me some years—that this is probably not a good idea.

It seems to me that if this proposal is accepted, questions will appear on the Notice Paper—and the Press usually reads the written questions, it does not bother to listen and write about them—

Hon. D. K. Dans: They might get them right, too.

Hon. ROBERT HETHERINGTON: —then the Press will read the written answers. If we have written answers we will all get them at the same time and they will be on the Notice Paper. When I was in Opposition, I waited until I got an answer, and then said what I thought of it. If this proposal is accepted and I referred to the answer on the adjournment debate, it would be in front of other members to see. That is when one can do something about the kind of answer one has received, and say whether one likes it and whether it is satisfactory. All members would have it in front of them so it could be dealt with.

In 1977 I used to come here and listen to the questions and all the answers. I was quite fascinated to watch people performing; I felt I had to do this to learn how the Chamber operated. I have given that up. I hear some of the questions, and if some sound as though they might be interesting I read them the next day. If the answers have been delivered *fortissimo* and very fast by some Ministers—not the Minister presently occupying the front bench (Hon. J. M. Berinson)—one has to go and read them to find out what was said.

Hon. P. G. Pendal: He is not sure whether that was a compliment.

Hon. ROBERT HETHERINGTON: It was. I can usually understand the Minister on the front bench.

Hon. P. G. Pendal: He cannot understand you.

Hon. ROBERT HETHERINGTON: That is true.

It seems to me we would gain something. We are spending too much time on verbalising, which is unnecessary. It is the role of Parliament to question the Executive, and it can be done by written questions as it can by verbal questions. Written questions can be followed by oral questions and speeches on the adjournment.

This Chamber already spends more time on oral questions in a week than it would have in two or three months when I first came here. In other words, the Chamber is changing. To adapt to the changed mood and custom of the Chamber we should change our Standing Orders accordingly. I believe that would be in line with what is happening in this Chamber. The Ministers are under greater pressure with more questions being asked. If this proposal is accepted the questions will appear on the Notice Paper and one can ask oral questions if they are not answered.

While we were having discussions on the Standing Orders I ran up a number of scenarios on what I would do if I found myself in Opposition again—not that I expect that in the next decade or so, but if it happens I am ready. I quite enjoyed being in Opposition; I know what to do in Opposition. These Standing Orders would give me plenty of scope. I am sure there are members opposite with sufficient ingenuity to use Standing Orders in a way that enables them to scrutinise the Government adequately.

I suggest seriously that we will come in, sit down, open up the questions and look at them, and next day look at the questions and answers to see what interests us and get ready to do something if it looks as though there may be something to exploit. We will probably develop an increased questions without notice period, and in due course in this Chamber I believe we will learn to use the adjournment debate rather better than we do at present.

It was with this development in mind that the committee last year, when I was away—it did not make the recommendation while I was away, but the Chamber voted on it—recommended that a time limit be put on the adjournment debate with a view to its becoming a grievance debate.

The proposed Standing Order does not say that a member must be here and present the question himself. We wrote the Standing Order carefully to read, "Any question signed by or on behalf of the member. . .".

I shall now put on my other hat and say that if this Standing Order were introduced I would instruct my secretary to be prepared an hour or an hour and a half before Parliament sat to be by the phone to take down questions so as to get them to the Clerk. My secretary would sign them on my behalf. That would still give members sufficient opportunity to ask questions. It does not allow what some members now do—race in, sit down, and say, "What can I ask today because I have not got my quota for the month, and people will not believe I am serious?" Those members then write out questions on the spot and the questions may or may not accord with the Standing Orders.

This Standing Order would ensure reasoned questions and answers. There would not be verbalising for the sake of making a noise which is

all that happens now, and there would be adequate time to deal with the kinds of problems and questions that an Opposition is there to handle. I do not think it would restrict the Opposition at all. I almost regret that I will probably not be in Opposition again in my life in this Parliament.

Several members interjected.

Hon. ROBERT HETHERINGTON: I will not be here more than another six years or so, so it is a semi-regret I have.

I seriously suggest to the Leader of the Opposition and Mr Pendal that they give it a try. It is only a sessional order, and they might find they like it, as they found going one step in reducing the verbalising has not upset anybody. Let us take the next two steps and we may find it is an improvement. I believe that will be the case; if it is not the order will vanish next session.

Hon. P. H. WELLS: Perhaps if the wording was changed to, "May be delivered to the Clerk" instead of "shall be delivered to the Clerk" it would be suggesting that this be done. It has been argued that questions without notice will still be taken and, therefore, members will not be robbed of that opportunity. I find that that may well be true if members were able to question Ministers on a wide range of subjects relating to Cabinet decisions, but since members are able to ask questions directly only in relation to portfolios of Ministers in this Chamber, that option is not widely available to members.

The only variation which I would find acceptable would be to allow a member who wished to do so, to ask questions. I have no argument providing that members have the opportunity to ask questions.

Hon. P. G. PENDAL: I would like to make clear one further point. I may be persuaded by the remarks made by Hon. Bob Hetherington, but it could take three or six years to do it.

If questions on notice have increased in such staggering proportions as Hon. Bob Hetherington suggested—

Hon. Robert Hetherington: I did not say they had reached staggering proportions.

Hon. P. G. PENDAL: I was about to agree with Hon. Bob Hetherington's suggestion. If in three or four years or, indeed, in one year from now, members had evidence before their eyes that the processes of the Chamber were being slowed down and churning to a halt because there were too many questions on notice and because of procedures adopted by this Chamber, then there would be an argument to find a new procedure. At the moment there is no such evidence. The best that Hon. Bob Hetherington and Hon. D. K. Dans have been able to suggest is that the processes may slow down unless we changed our procedure. Based on what Mr Hetherington says, I am prepared to accept that it may come about in one or two years from now. To make changes at the moment is to make them without any reason for such changes.

Other members in this Chamber, as you, Mr President, are aware, are trying to adopt a different procedure for the Address-in-Reply debate; that is, to reduce it.

If, on a cumulative basis, one was to put those arguments together, there would not be any reason for Parliament to come together except for you, Mr President, to say the Lord's Prayer!

There has been as little credible argument put up in regard to this matter as there has previously been put up in regard to having a different or reduced form for the Address-in-Reply debate. If the Chamber is to continue down that road without, I am suggesting, any evidence to warrant such a change, then we would end up destroying the work of the House rather than enhance it.

I will vote against the motion before this Chamber, but I will proceed on the basis as outlined by Mr Hetherington; that is, if questions on notice do increase to dramatic proportions and procedures are breaking down, I would be happy to reconsider my position in accordance with those changes.

Hon. G. E. MASTERS: Nothing in the arguments put forward has persuaded me to move from the position I have taken. Hon. Bob Hetherington is nodding his head and apparently believes that I should have changed my mind. I thought he spoke eloquently and with great feeling. I would suggest his changing circumstance has something to do with the changing of his mind from the previous occasion this matter was debated.

I listened with interest to Hon. Peter Wells and I would like to ask a member of the committee whether there was any consideration given to including an option. For example, if a member wished to place a question on notice in writing, but for one reason or another he, or she, decided to ask the question in the House—

Hon. Garry Kelly: It would be a sessional order only. You could throw it out.

Hon. G. E. MASTERS: Did the committee consider those options because there are times when country members—like Mr Lewis and Mr Knight—arrive late and are not in time to submit a question? It may be important that they ask that question during that sitting.

A limitation applies in this House because I can only address a question to the Attorney General if it falls within his portfolio. There is a difficulty and it does muzzle a member of the Opposition who may wish to ask a question on a particular day. I know it would not happen very often, but it could happen and it should not be allowed to happen.

I ask if the committee gave consideration to the suggestion put forward by Mr Wells and, if so, would one of the committee members advise the Chamber accordingly.

Hon. D. J. WORDSWORTH: I was unhappy with some of the proposals when the committee was formulating its recommendations, but on reading them as a whole, it is easy to see why they have been put forward.

In reply to Hon. Gordon Masters the committee endeavoured to look at various systems ranging from the current one to the optimum—I guess this is the optimum.

If one looks at recommendation 14.21 it can be seen that that procedure exists today. Most members submit the orange copy of the question to the clerk one hour before the Chamber sits. I wonder if we should not use the words "written copy" to allow a member to either submit it or read it out in the Chamber. The member could say "I ask the question standing in my name" and would not have to read the question. This would speed up the process.

While Hon. Peter Wells says that he does not have the time to submit the question one hour before the Chamber sits—

Hon. P. H. Wells: It could be done if you had time to telephone.

Hon. D. J. WORDSWORTH: Hon. Peter Wells has a secretary.

Hon. P. H. Wells: I am flat out at the moment.

Hon. D. J. WORDSWORTH: One would hope that in the near future we may have facilities which will enable questions to be printed direct from the telephone.

The benefit from the new procedure is that once questions have been printed on the Notice Paper, they could be made available to the Ministers' offices. This would enable the Minister to present the answer at the next day's sitting. Currently the questions are lucky to beat the Minister back to his office from this Chamber the following day.

If a question is asked of a Minister without notice the only way the Minister is able to see it is through obtaining a copy from *Hansard*. *Hansard* supplies the member with a copy of the question late in the evening and it filters through the system if one is lucky.

If the questions were typed on a word processor and were sent direct from this Chamber to the relevant Government department, members would have the assurance of the Government that the answer would be available for the next day's sitting. Often members are relying on answers to questions for use in a debate in this Chamber before they are currently read out.

If this motion does not receive the support of all parties in this Chamber, I will not vote to push it through.

The PRESIDENT: Order! Before I put the question again I advise members that this is one occasion on which I should be sitting on the floor of the Chamber because there are many things that could be explained.

Hon. John Williams: I will take the Chair.

The PRESIDENT: Order! I will not move to the floor of the House.

I remind honourable members that this particular proposal is the main thrust of all the recommendations in regard to any dramatic changes to the question system. If the Chamber does not agee to this proposal then it is obvious there will be other recommendations which we will not need to deal with because they relate to this one.

Again, without wanting to influence the Chamber one way or another, it is open for members to move to amend the "one hour" clause to a time which is less than one hour. For example, it would be in order, if a member were unhappy about the one hour before the House sits proviso, to delete the words "one hour" and substitute the words "at the time the House sits or prior to the appointed time of the sitting of the House".

In other words, provided the question was submitted before the Chamber sat, it would be competent to move that way. It is quite competent for the Chamber to refer the matter back to the Standing Orders Committee to take into consideration any points that have been made. This proposition is the crux of the major changes in the question procedure.

Hon. V. J. FERRY: It appears to me that this motion has had a reasonable airing. The proposal is not completely satisfactory and I would recommend that the portion dealing with questions be respectfully referred back to the Standing Orders Committee for further consideration, bearing in mind the comments made tonight. I would add that the Standing Orders Committee be requested to consider, as an

alternative to handling questions on notice, the following—

(a) That they may be handed in one hour or 15 minutes before the Chamber sat or at whatever time the Committee believes reasonable, and

(b) That the member still retains an opportunity, if he or she wishes, to give notice of the question in his or her place in the Chamber.

These two options should be made available to members giving notice of questions. It has nothing to do with questions without notice, but those two options could be examined and it would be to the benefit of this Chamber if progress were reported and the matter about dealing with questions was referred back to the Standing Orders Committee for consideration.

The PRESIDENT: When you suggest that we report progress, that means that we stop the rest of the proceedings.

Hon. V. J. Ferry: Report progress on the recommendations on questions.

The PRESIDENT: I like best the first part of what Hon. Vic Ferry said when he was proposing to move that this portion be referred back to the Standing Orders Committee. That would mean that recommendations 14.2.1, 14.3.1, and 14.3.2, which are the related parts, would be referred. The remainder of the recommendations concerning questions are totally unrelated to that aspect. I rather think that this Committee would deal with those changes.

*Points of Order*

Hon. D. J. WORDSWORTH: I believe I have only put the motion relating to recommendation 14.2.1, and that would be subject to Mr Ferry's suggested amendment. Then I would not put the next two recommendations.

The PRESIDENT: That is exactly what I am saying. If you move the motion that all of the chapter on questions be referred back to the Standing Orders Committee, you are not giving this Committee the opportunity to deal with the other recommendations, which are not affected by recommendation 14.2.1.

Hon. JOHN WILLIAMS: I am not disagreeing with your ruling—

The PRESIDENT: I have not given a ruling.

Hon. JOHN WILLIAMS: —but I just think that your summation is not totally correct. I understand Mr Ferry to be referring the whole of the chapter on questions back to the Standing Orders Committee. In view of the linchpin clause at the beginning, the whole matter of questions would be rediscussed by the committee. If it is taken up the way you suggest, it will be dealt with in little bits all the time. Even questions without notice are related to questions on notice. The method of delivery will decide how many questions on notice will be handled.

The PRESIDENT: You have had your say as to what you think Mr Ferry is doing, and I have had my say as to what I think he is doing. We will now hear from Mr Ferry.

*Committee Resumed*

Hon. V. J. FERRY: I am a little concerned that if we deal with the question before the Chair and one or two others, we will not be acting in the best interests of the matter of questions. I am not completely convinced that the three recommendations should be deleted now or be referred to the Standing Orders Committee, and that we should proceed with the remainder. I am inclined to the view of Hon. John Williams that the complete chapter should be referred back, even for a short time. It may be only a couple of weeks. The Standing Orders Committee should reconsider the matter and come back again. I move an amendment—

Delete all words after the word "That" and substitute the words "the matter be referred back to the Committee for further consideration".

Hon. GARRY KELLY: We have lost sight of a salient point. If this proposal is adopted, it will be a sessional order for the duration of the session only. The question about whether members should have the option of presenting questions orally from the floor of the House or handing them to the Clerk one hour, 15 minutes, or whatever before the House sits, has been taken care of by the careful and thoughtful way in which the Standing Orders Committee prepared the document. It is all very well our wondering what will happen if it does not work. If, in December, we do not like what has happened, we can decide to throw the whole lot out and go back to where we started.

As far as the problem with the one-hour deadline is concerned, the option is available to amend that to 30 minutes or 15 minutes. The committee has already thought of that and has given the option of someone acting as an agent for the member submitting the question.

As I said, this will be a trial. The world will not stop revolving on its axis because the Legislative Council has changed the method by which it deals with questions on notice. We are having a big argument about an experiment. What in the world will happen if we try this for the next few months? If it is as bad as some members suggest, in

December before the session finishes, we can reconvene this Committee and throw the whole thing out.

This is soul-destroying for the Standing Orders Committee. It has produced this document, and it is unbecoming for the mover to say that he will vote against it because there is a bit of opposition. We should give it a go for the rest of the session and see how it works. If we do not like it, we can throw it out; but for God's sake we should give the members of the Standing Orders Committee a bit of heart and support.

The members of the Standing Orders Committee have done a great job. They sweated blood over the proposals. Everyone commented on the way the document was produced, with the explanatory notes. Members might not agree with some of the comments that have been made, but at least they should give the committee some heart and spirit and try the matter out. I urge the Committee to support the recommendation.

Hon. P H. WELLS: I will be interested to hear any questions to be asked by the last speaker. It is a long time since we have heard a question from him.

I support the amendment moved by Hon. Vic Ferry. When the Standing Orders Committee considered petitions, it gave options similar to the options being given in this matter. The option is available of presenting petitions from the floor, or earlier to the Clerk. If that can be done with petitions, it can be done with questions.

Hon. D. J. WORDSWORTH: The amendment is too extensive, and there is no reason to throw out all the recommendations. We ought to go on with the rest of the matter and deal with whether questions should be concise, relevant, etc. Those matters need not go back to the Standing Orders Committee.

Hon. G. E. MASTERS: I support the amendment moved by Hon. Vic Ferry. We cannot deal with this matter piecemeal. When we return to it in a few weeks, we might as well deal with the whole subject of questions and all matters related to them, rather than do so in little pieces. All we will do is have two bob each way on some of the recommendations, and we will end up with a hotchpotch of changes.

I request that the Committee support the referral of questions on notice and without notice back to the Standing Orders Committee so that we have a proposition in one lump and deal with the matter in one go.

**Amendment put and passed; the recommendation, as amended, agreed to.**

The PRESIDENT: Members, you will understand that you have already agreed to recommendation 14.1.1, and that will become the new Standing Order No. 153. However, it has no relationship to the other matter.

**Recommendation No. 12—**

**Standing Order No. 117: Business after 11 p.m.—**

No business shall be transacted after 11 p.m. except:

(a) business then under consideration;

(b) the receipt of messages and, in the case of a Bill received from the Assembly, the moving of its second reading by the Minister or member in charge;

(c) a motion to adjourn the Council to a date or time or both that is different from that already ordered;

(d) a motion to adjourn the day's sitting.

Hon. D. J. WORDSWORTH: I move—

That recommendations Nos. 1-10 and No. 12, be adopted, and that the new rule supersede the Standing Order for the duration of the session.

**Question put and passed; the recommendations agreed to.**

*Report*

Hon. D. J. Wordsworth reported that the Committee had considered the report, had made progress, and had resolved that the Standing Orders Committee further examine certain recommendations.

Report adopted.

## BREAD AMENDMENT BILL

*Second Reading*

Debate resumed from 8 August.

**HON. G. E. MASTERS** (West—Leader of the Opposition) [9.59 p.m.]: I am disappointed that Hon. Joe Berinson is not handling this legislation. I recall only too well that some 18 months or two years ago, when I introduced an amendment to the Bread Act in this House, he gave me a pretty hard time, much to my discomfort. Amendments were made in another place in line with suggestions by the Hon. Joe Berinson, and I was required to amend the Bill accordingly. He has had a smile on his face ever since—in fact since the Bread Amendment Bill was introduced, or whenever bread was mentioned in the House.

The Opposition has some concern about this Bill because we understand the changes are not agreed changes. The days affected are Mondays,

Tuesdays, and Wednesdays, and they deal with baking hours. It is proposed that in the metropolitan area on Mondays, Tuesdays, and Wednesdays bakers will be able to start baking at 12.01 a.m. and carry on until 6.00 p.m. The same hours apply to country areas.

Country bakers have lost six hours per day baking. I do not say they operate for 24 hours a day. At the present time country bakers on Mondays, Tuesdays, and Wednesdays are able to bake at any time of the day they wish. They do not bake all day, but at any time, without any prosecution. They have effectively lost the option for six hours per day for those three days of the week.

The Opposition has no argument with the proposal for the hours to be extended by two hours in the metropolitan area, but it seems strange that country bakers have lost those hours. I have no doubt the metropolitan bakers say those hours are fine. I have taken the trouble, and I have no doubt the Minister has, to discuss the matter with the metropolitan bakers, and I have also discussed the matter with representatives of the Country Bread Manufacturers Association. I have forgotten the name of the gentlemen.

Hon. D. K. Dans: There are four of them.

Hon. G. E. MASTERS: They say they do not mind. The proposals put forward by the Government are okay by them, but some country members have spoken in the country towns and they say they are not too happy; they would rather retain their existing position. They would rather they had the opportunity to bake at any time in the 24 hours.

I am reluctant, frankly, to support the proposition that hours are reduced. In other words, we are placing more regulation on the little country bakers who, for one reason or another, may decide to bake at any time of the day or night. We in our party believe we should look at this area. We are placing tighter regulations and greater difficulties on these people.

I would ask the Minister to consider the position of country bakers on Mondays, Tuesdays, and Wednesdays. We would certainly agree with the new hours for the metropolitan area. We do not like placing more regulations on country bakers. A large number of bakers through the Mt. Marshall and Moora areas are concerned. Small businesses have become used to being pushed around by people saying, "You are closed now, you are open now, you need a certificate for this, a licence for that". In this case I do not think it is necessary. I ask the Minister whether he would be prepared, in all sincerity, to consider the Opposition's proposition.

**HON. MARGARET McALEER** (Upper West) [10.05 p.m.]: I view amendments to the Bread Act with trepidation because they never seem to favour the small country bakers. In respect of this Bill I do not see why it is necessary to restrict country baking hours—

Hon. D. K. Dans: Neither do I.

Hon. MARGARET McALEER: —while at the same time extending the hours in the metropolitan area. I do not really understand why the Country Bread Manufacturers Association requested this, because it means a restriction for country bakers. Whether bakers choose to use all their present hours, or whether they choose to restrict them, is up to themselves under the present Act.

When the Minister observed that the alignment of hours would reduce conflict, I wonder what his reasoning was. Perhaps it would be fairer to ask what was the reasoning of the Country Bread Manufacturers Association. The fears previously expressed by the small country bakers that they would be swallowed up by the metropolitan bakers was exacerbated by the prospect of the city bakers despatching bread into the country areas at very early hours and thus flooding the small markets. This was most marked, of course, the last time the Bread Act was amended. At that time for the most part small country bakers were adamant that they needed to have a differential in their favour if they were to retain any of their markets at all.

I know very well that the metropolitan baking hours have been in force since the beginning of this year, and that there has not been any great acceleration of inroads into their local markets. At least that is the opinion of the bakers I was able to consult, whether it is correct or not, although they are losing ground in those markets.

At the same time, as I understand the Bill—I may be wrong—while the metropolitan hours were extended early this year, there was no restriction on the country bakers, so they really had not experienced the situation they are about to experience if this Bill becomes law.

There are, of course, other factors which militate against small bakers in the city too, for that matter.

Hon. D. K. Dans: There are not any left.

Hon. MARGARET McALEER: They lack the ability to obtain the big discounts from buying in bulk; they have no ability to accept unsold bread back from retailers; they have no ability to invest in labour-saving machinery, and the cost of complying with other increasing regulations, such as additional printing on wrappings for bread, bears much more heavily on them than on the bigger bakers.

The two largest metropolitan bakers in this State have vertical integration in so far as they actually mill the flour, they have a product which produces bread fats, and they supply the ingredients for their own bread which they also sell to the small bakers. In addition they have all the transport facilities for sending their bread into the country, so they are in a very superior position.

Taking all that into account, I am still surprised at the Minister's assurance that this particular Bill will improve the situation. I am surprised at its introduction, in spite of the fact that there is no great outcry from the bakers in the country, either small or large, and I fail to see what benefit this particular amendment will bring. I dare say the Minister can clear the mystery up for me.

Hon. D. K. Dans: I doubt it.

Hon. MARGARET McALEER: I hope he can.

Hon. D. K. Dans: This Bill will apply to the country and to the metropolitan area. I did not draw it up.

Hon. MARGARET McALEER: As far as the country bakers are concerned, I do not think the Country Bread Manufacturers Association is fully representative of the small country bakers. Some of them do not even belong to the association. Others may not attend meetings regularly enough, or they may be in the minority as far as members are concerned. From past experience I feel their voices are not always heard in the representations which the association makes.

**HON. C. J. BELL** (Lower West) [10.10 p.m.]: I rise to support the Leader of the Opposition in his comments with regard to country baking hours. In doing so, I cite the situation in Mandurah, where I have had talks with the bakers. I have ascertained that since the new hours have operated there has been a change in their market situation. With the extended hours the metropolitan bakers are now coming into Mandurah and taking a significant proportion of that market from the local bakers to the extent that one bakehouse has already been sold and another is on the market with not many buyers in the field. With the extended hours they can bake early enough to supply the shops early in the morning.

One advantage the country people have is that they can sell their bread when the people are going to work in the metropolitan area. The metropolitan people are a little behind the country bakers. This is the only advantage they have. With the restriction of the 12.01 a.m. start—most of them are small family operations, not large corporate entities—they have the flexibility to be able to work within what they consider to be an appropriate labour management situation. This Bill will impinge substantially on some of these people where they are operating with a staff of one or two—basically a family operation. In my opinion they will lose their trade in the town. Mandurah is not far from the metropolitan area, a drive of only an hour or less. The Mandurah bakers are concerned that they will lose a volume of trade.

Hon. D. K. Dans: As soon as the supermarkets go in they lose their trade. It will continue.

Hon. C. J. BELL: This is an area of concern which has been expressed to me by the bakers, and I would like the Minister to reflect on it when he answers the Leader of the Opposition.

**HON. V. J. FERRY** (South-West) [10.12 p.m.]: I am glad Hon. Colin Bell spoke before I did, because he confirms what I believe to be the case. The position of country bakers is gradually being eroded in the marketplace. We all accept that most bread manufacturers in the country are relatively small. Many of them are family concerns. I cannot see the merit of restricting their baking hours. I believe most of them start after midnight rather than before, but that is their choice. Some start earlier than that because that is the way they run their businesses. It suits the operation of their family concern. For the amount of trade they do I cannot see the merit of forcing them to conform to restrictive hours when before this legislation came into force they were permitted to bake at any time they wished. In this day and age, when there is a demand for extending trading hours, that is a good thing.

All Governments profess to help private enterprise, yet we are putting handcuffs on them, saying they can bake only at certain times, particularly in the country. I have checked this out with the country bakers in the south-west.

Hon. D. K. Dans: Where? Tell me.

Hon. V. J. FERRY: Bunbury, Busselton—

Hon. D. K. Dans: Bunbury and Busselton should not be worried.

Several members interjected.

Hon. V. J. FERRY: My concern is this: I do not see why we should hinder any small bakery which may wish to establish and commence its operations at 11.00 p.m. rather than 12.01 a.m. If it is able to serve the community and establish itself in the marketplace in competition with other bakeries, its efforts and initiative should be rewarded. That is what enterprise is all about. The Bill seems to want to restrict the employment opportunities available to people.

Let us face it, most of the bigger enterprises in the community started out as small concerns.

Hon. D. K. Dans: When they become big they want to restrict the small concerns.

Hon. V. J. FERRY: Exactly. This seems to be obstructionist legislation, but I do not say it has been introduced with any malice on the part of the Government. I do not see the need for it. I understand these hours have been in operation for a few months now.

Hon. D. K. Dans: Since January.

Hon. V. J. FERRY: It is only time before someone throws the book at one of the small bakeries because it has opened before midnight. This is bound to happen with some overzealous inspector. Some small enterprise will be brought to book. It is a lot of hoo-ha. The small bakeries should be able to bake at any time.

I ask the Government to reconsider this change in hours for country bakeries even though these hours may now be in force. On behalf of small country bakers, I object to the Bill.

HON. D. K. DANS (South Metropolitan—Leader of the House) [10.16 p.m.]: First of all, I apologise to Hon. Gordon Masters. When I was in Opposition, I had the bread Bill in my grasp and went overseas, and the matter was handled then by Hon. Joe Berinson.

When I inherited the Bread Act, I was quite happy with it. I had been a Minister for only one day when all hell broke loose in the bread industry. After a lot of frustrating effort, I called a very big meeting. According to the officers of the department, more bakers attended the meeting than had attended any previous meeting. I also invited representatives of the two unions involved in the baking industry. While people say that there is nothing new under the sun, I was staggered to learn that the bakers' union does not have the greatest number of members working in the baking industry; rather it is the Transport Workers Union. I am not talking about people driving trucks, but about those who man the bread machines, the slicing machines, the wrapping machines, and the stackers. The country bakers were represented at the meeting.

We hit upon what I thought was a solution, but it was not. In desperation I finally issued a ministerial order and had my officers go out to speak to the small country bakers. Everything was going fine and I was about to prepare the Bill, when I was approached by Mr Waterson, the secretary of the bakers' union. He approached me on behalf of the country bakers and really gave me a hot time.

A number of members of my own party said that I should meet with the country bakers. They sent along four representatives and, to my surprise, the suggestion they put forward was for the hours members have listed in front of them. Those hours were not my suggestion.

Mr Ferry raised an interesting question: Who is a small country baker and who is a large country baker? Some very large bakeries can be found in country areas. Rather than the city bakeries infiltrating the country areas, some pretty big bakeries not far from Mandurah are supplying thousands of loaves over the weekend to the weekend markets. It is a two-way trade.

I was not satisfied, so I asked the people who had come to see me whether they were really competent to speak on behalf of country bakers. I wanted to know once and for all, and they assured me they were. I was astounded to hear that they wanted the same hours as the city, with the exceptions shown. I went further than that and had officers from the department scout around through the country areas and check with the small country bakeries. They found no problems. I know the reason they saw no problems: Those bakeries were going to bake any hours they liked, in any case.

Hon. G. E. Masters: Dead right.

Hon. D. K. DANS: Mr Masters knows that the big bakeries will bake when they decide to, no matter how many times we send around the inspectors. I will not name them, but they will continue on their merry way. Again, I was astounded by the very large amounts of money paid by bakeries by way of overtime. So now I am scratching my head trying to decide who is right and who is wrong.

As to the question raised by Mr Bell, let me say that it is obvious there is a problem in Mandurah. I often bought bread there before any changes were made to baking hours. But once the large supermarkets established there, they started to catch the trade, as happens everywhere and especially in Mandurah where they have extended shopping hours. People tend to go to one-stop shopping centres; that is a fact of life. A new bakery has been built in the city, and it will be one of the most modern ones. Obviously it will try to do what happens in the Eastern States; namely, it will try to trade in the country areas until it makes it uneconomical for the small bakeries to continue.

I take the point that when we are talking about country bakeries we are evidently not talking about one group of country bakeries, because there are many diverse opinions. I do not know how we will be able to get to the situation where I can take all these opinions and marry them into one Act. If I were to rip up this Bill and throw it out the door and everyone was to say nothing, which would not happen, the baking industry

would go along quite happily, as it is at present. No-one here can say when a small country bakery was last prosecuted.

I have introduced this Bill only on the express wishes of the industry, after a number of tortuous meetings, and following great pressure placed on me from members of my own party to do this for country bakeries. When the bakers came to me with the proposal about the same hours, and after having read some of the earlier debates, I just could not believe it. And remember, I did not see them once, but four times. If I were to put up some new propositions, if I were to hire the South Perth Town Hall and hold another meeting, and if we were to reach agreement, within two days someone would come along to members of the Opposition or my own party and say everything was wrong, and we would have to start again.

I suggest that we go to the Committee stage and then adjourn the debate. I will then see the bakers again. Remember, while I am saying this, nothing is happening; everyone is happy. We might then work out a formula, although whatever formula we come up with will undoubtedly be unacceptable to some people. Already I have an inquiry which is considering hours and other matters for the retail trade. One baking group seems to give allegiance to the Transport Workers Union while another group gives allegiance to the bakers union.

I am open to any suggestion, but I want to put one matter to rest: The Government did not think up this Bill by itself, not one bit of it. We were approached by the industry and we did all the things the industry asked us to do.

I will finish where I started: I am sorry we gave Mr Masters such a hard time last year, because I now firmly believe there is no sane answer to this problem. The Bill in front of members seems to meet the needs for the present. The country bakers have agreed to it and the city bakers are happy with it. There does not seem to be any intrusion into either area of operation. Those country bakers tucked away in the hills will do what they want to do in any case.

**Question put and passed.**

**Bill read a second time.**

*In Committee*

The Chairman of Committees (Hon. D. J. Wordsworth) in the Chair; Hon. D. K. Dans (Leader of the House) in charge of the Bill.

**Clause 1 put and passed.**

**Clause 2: Section 8 amended—**

Hon. G. E. MASTERS: I sympathise with the Minister, because I have experienced all the agonies he is now suffering. He said that he had met with four representatives of the country bakeries. There are some fairly large bakeries in the country areas, and it is likely that those four representatives saw him on behalf of those larger bakeries rather than the smaller ones. I do not think the very small country bakeries were represented. I doubt that they knew what was involved until the new hours hit them.

The Minister said that the very small country bakeries will work the hours they want to, regardless of what is contained in the legislation. We do not have the inspectors to police them effectively. If that is so, it is all the more reason to leave the 24 hours as it now stands.

Hon. D. K. Dans: The big bakeries do not want it.

Hon. G. E. MASTERS: I agree that the bigger country groups do not want it, but the small ones probably do. If the smaller ones will bake at any time they please, it is silly to make their actions illegal. We may as well accept that they have been doing it for a long time and that they should continue.

We have no objection to the proposed new paragraph (a), but we do have a concern for proposed paragraph (b). I believe it should be deleted so that we revert to what is currently in the Act.

Section 8(2)(b) of the Act reads as follows—

> (2) The making or baking of bread for sale by a person employed or engaged in the trade or calling of a baker—
>
> (b) in any other place in the State, at any time from one minute past midnight on the Monday morning to 12 noon on the succeeding Saturday, or from 5 a.m. to 12 noon on a Sunday, or during either or both of those periods.

That means the existing hours in the country areas for Monday, Tuesday, and Wednesday would continue. We accept that hours for the metropolitan area should be changed in line with the Bill, as put forward in clause 2 (c). We have no objection to that arrangement which deals with baking during public holidays, but I ask whether the Minister would be prepared to accept the Opposition's proposition that paragraph (b) of the clause be deleted.

Hon. D. K. DANS: No, I am not prepared to accept that. What I am prepared to do is to report progress to give me more time to consult with the bakers.

Members must understand that it is difficult to deal with masses of people, whether they be members of unions, sporting authorities, or PCAs. One

can only deal with peak people; in other words, people who purport to represent the group. This is what the bakers wanted. If I had not received those approaches and had other pressure put on me, I would probably be in agreement with what the Leader of the Opposition is saying.

I do believe, however, that I should go back, in fairness to the people concerned, to obtain some further advice, because the Opposition has had representation from country bakers. If I cannot obtain that advice in time, I am prepared to withdraw the Bill.

Hon. G. E. MASTERS: I thank the Leader of the House for agreeing to that arrangement. In the meantime it is up to me, and members who represent country areas, to make investigations with country bakers. It is important to do so if we are prepared to help them. Obviously, they have discussed this matter and there has been difficulty in some areas. I ask country members to make inquiries, and at the appropriate time we will come back with our views. If necessary, I will speak with the Leader of the House personally.

Hon. D. K. DANS: I did toy with the idea of having two groups of country bakers; but that becomes difficult, because in a changing world what is small today may be big tomorrow. I am always reminded of a novel about the farmer who was going bad so he took a correspondence course to become a barber and then spent the rest of his life stopping other people from becoming barbers. That is what we are talking about here today.

This is a complex area which may never be resolved satisfactorily. However, I am prepared for us to now report progress.

*Progress*

Progress reported and leave given to sit again, on motion by Hon. D. K. Dans (Leader of the House).

## ADJOURNMENT OF THE HOUSE

**HON. D. K. DANS** (South Metropolitan—Leader of the House) [10.34 p.m.]: I move—

That the House do now adjourn.

*Hon. Tom Knight: Pair*

**HON. MARK NEVILL** (South-East) [10.35 p.m.]: I wish to raise the matter of comments made by Tom Knight at a public meeting conducted in Esperance last Wednesday night by the Southern and South East Transport Association.

Many Esperance people are under the impression that the Government, or I, tried to stop Mr Knight from attending that meeting. Mr Knight was reported to have said at that meeting that he had been searching for a pair for one week and that I normally paired with him. He was reported to have said also that I should have been at the meeting. This gave the impression that I had tried to prevent his attendance at that meeting.

I want to make it quite clear to my Esperance constituents that I was unaware Mr Knight wanted a pair. He did not mention the matter to me. I wish to mention also that the Government Whip (Hon. Fred McKenzie) was not approached at any time by the Opposition Whip (Hon. Margaret McAleer) to obtain a pair for Mr Knight last Wednesday night.

Mr Knight's attendance, or non-attendance at last Wednesday evening's meeting should not reflect on me or the Government. The matter of a pair is really one between members and their respective opposition Whips.

**HON. TOM KNIGHT** (South) [10.36 p.m.]: I do not rise to defend myself, because what Hon. Mark Nevill has said is incorrect. I did make a statement to some people at Esperance that I had battled for a pair for a week to attend that meeting and it was not until 4.00 p.m. that I could find a pair so that I could leave the House.

I mentioned also that I was surprised that Hon. Mark Nevill was not there. When I arrived at the airport I expected that he would have been there to catch the plane. I was surprised he was not there, because I felt sure that he would have wanted to attend the meeting. I was surprised he had not approached his Whip, who would then have approached the Opposition Whip to arrange a pair.

As the member for the area I thought he would have been concerned enough to attend the meeting and make the appropriate effort.

Hon. Ian Pratt was asked to come to the House from his sick bed so that I could get a pair to go to that meeting.

Hon. Mark Nevill: Was Ian Pratt paired on Wednesday?

Hon. TOM KNIGHT: No, he was not. He was called from his sick bed by our Whip. Ian Pratt had a damaged ankle. He had been to the doctor and was receiving treatment. I wanted to go to that meeting, so he was called back to the House.

Hon. Mark Nevill: I want to make it clear I did not try to stop you.

Hon. TOM KNIGHT: The member does not need to make that clear at all; I was just surprised the member was not at the meeting. I was sur-

prised also that the member had not asked for a pair, apparently.

If that sort of attack is made on me in this House, and if anyone questions me in that way in this House he can expect me to get up and shoot back I want to advise the member that he does not pay my rent and I will not pay his.

*Albany Regional Hospital: Foetal Machine*

While I am on my feet, I wish to raise another matter. Two years ago this month the Albany South Coast Lions Club approached a doctor in Albany to ask what medical equipment the clubs could buy for the Albany Regional Hospital. It wished to raise money in the community, to purchase for the hospital something which was not supplied by the Government.

The doctor mentioned that the hospital was sadly lacking a foetal monitor. The lions club conducted fund raising functions to raise the money to purchase a foetal monitor.

Twelve months later the target was achieved, and the club approached the hospital to say that the money was available to procure the foetal monitor. It was arranged that the monitor be bought in America, through another lions club as it could be obtained much cheaper than locally. However, the Government indicated that it was not prepared to allow the hospital to accept a foetal machine or any medical equipment unless it came through Government Stores.

The club asked the hospital to go ahead and call tenders, or make the necessary arrangements to get a foetal monitor through the normal Government Stores procedure. The club was advised that if the monitor were purchased from America the Government would not accept it, because the Department of Health would only accept a monitor which was purchased through the Government Stores. So it was forced to go through the tender system to get it.

Some 12 months have elapsed since that point and the Albany Regional Hospital is still waiting for a foetal monitor. The lions club has been in touch with the hospital on several occasions and has been told that the matter is in the pipeline, and the monitor is expected to turn up at any time.

I have been approached by the lions club—I am a member of that club—to raise the matter in this House, because its credibility is in question in Albany. People are asking "Where is the foetal monitor?" They gave money and attended fund-raising functions to purchase a monitor, and want to know what has happened.

The Elleker Women's Friendly Club raised $600, the Friends of the Hospital raised $500, and Mr Bill Murray who is an acclaimed local artist sold paintings on behalf of the Albany South Coast Lions Club and donated another $1 100, and they want to know what is happening.

There have been several occasions when women preparing for childbirth could have been saved a lot of anxiety if a foetal monitor had been available.

The lions club is concerned that people in Albany are questioning them, because they have not been able to obtain the foetal monitor as yet. I have raised this matter on behalf of the lions club, hoping the Minister or the Department of Health will do something to speed up the process so that this monitor can be installed. I hope also that my statement will clear the Albany South Coast Lions Club so that it can regain the credibility it has held in the Albany region for so long in the past.

**Question put and passed.**

*House adjourned at 10.43 p.m.*

## QUESTIONS ON NOTICE

### COMMUNITY SERVICES

*Children: Artificial Conception*

96. Hon. P. H. WELLS, to the Attorney General:

(1) Has the question of uniform legislation to cover children affected by artificial insemination by donors and invitro fertilisation been discussed at meetings of State Attorneys General?

(2) If so, when and what was the outcome of such discussions?

(3) Does the Government see any need for legislation similar to the NSW Children (Equality of Status) Amendment Act and the Artificial Conception Act 1984 to ensure that children affected by such procedures are adequately protected?

(4) Is the Government preparing any legislation in relation to this subject?

Hon. J. M. BERINSON replied:

(1) Yes.

(2) At a number of meetings. The question is still on the agenda.

(3) Yes. The Government is awaiting the report to the Minister for Health by the WA ethics committee on invitro fertilisation.

(4) See (3)

### EDUCATION

*Primary School: Glen Forrest*

101. Hon. G. E. MASTERS, to the Minister for Planning representing the Minister for Education:

What was the school population of Glen Forrest primary school, excluding pre-primary children, at the end of each of the terms in the years 1982, 1983 and 1984?

Hon. PETER DOWDING replied:

The records for school enrolments are taken in March and July each year. For Glen Forrest the numbers at those times between 1982 and 1984 are—

| | | Primary | Pre-Primary | Total |
|---|---|---|---|---|
| 1982 | March | 316 | 32 | 348 |
| | July | 322 | 32 | 354 |
| 1983 | March | 287 | 42 | 329 |
| | July | 289 | 47 | 336 |
| 1984 | March | 292 | 34 | 326 |
| | July | 280 | 47 | 327 |

### HEALTH: TOBACCO

*Petitions: Letters*

104. Hon. P. H. WELLS, to the Leader of the House representing the Minister for Health:

With reference to the petitions, concerning smoking, received by the Parliament in 1983—

(1) Did the Government write letters to all or any of the people signing these petitions?

(2) If so, how many letters were sent out?

(3) Would the Minister provide a copy of such letter?

Hon. D. K. DANS replied:

(1) to (3) If the member would clarify to which petition he is referring, I will ask the Minister to respond.

### EDUCATION

*Primary School: Glen Forrest*

106. Hon. G. E. MASTERS, to the Minister for Planning representing the Minister for Education:

(1) When was the Glen Forrest primary school upgraded to a class one?

(2) Was a survey of school population trends undertaken before the school was upgraded to class one?

(3) What was the result of the survey?

Hon. PETER DOWDING replied:

(1) 1982.

(2) Yes.

(3) The expected intake into pre-primary and year one would maintain enrolments above 300 for at least five years, on the housing pattern at that time. Additionally the shire advice was that there was a continuing growth of population in the area.

### COMMUNITY SERVICES

*Children: Artificial Conception*

107. Hon. P. H. WELLS, to the Attorney General:

Is the Government satisfied that this State has adequate legislation to cover the procedure involved and to ensure that children are protected by law in the event of births and associated procedures by—

(a) artificial insemination by—

(i) anonymous donors; and

(ii) frozen sperm from a deceased husband;

(b) invitro fertilisation; and

(c) where conception of a child born was by one of these methods in another State?

Hon. J. M. BERINSON replied:

(a) to (c) The Government recognises that legislation is necessary, and see answer to question 96.

## COMMUNITY SERVICES

*Children: Artificial Conception*

109. Hon. P. H. WELLS, to the Leader of the House representing the Minister for Health:

(1) Can the Minister advise how often the ethics committee to supervise the procedure of invitro fertilisation in Western Australia has met?

(2) Will the Minister provide copies of any reports of this committee?

(3) Have there been any changes to the members of the committee since the Minister announced the composition of the committee on 2 June 1983?

(4) If so, who are the new members and when did they join the committee?

Hon. D. K. DANS replied:

(1) 10—but sub groups of the committee met on many occasions.

(2) A report is just to hand, but I have not had time to consider this.

(3) The original committee, established by the previous Government, was initially expanded to include female representation. Since the Minister's announcement of 2 June 1983, there have been two alterations to the committee's composition.

(4) (a) Dr Anthony Dickey, Associate Professor of Law of the University of Western Australia joined the committee on 21 March 1984.

His inclusion will assist the committee with its deliberations on the "legal status of children" born of invitro fertilisation.

(b) Dr Michael Quinlan, who joined on 11 June 1984 has replaced Dr Peter Brine as the Australian Medical Association's representative.

## SETTLEMENT AGENTS

*Board*

117. Hon. P. G. PENDAL, to the Minister for Consumer Affairs:

(1) Has a Ms Keeling been appointed to the Settlement Agents' Board?

(2) If so, whom does she replace?

(3) What background and expertise does she bring to the board?

Hon. PETER DOWDING replied:

(1) No.

(2) and (3) Not applicable.

## PLANNING

*Controlled Areas*

118. Hon. NEIL OLIVER, to the Minister for Planning:

(1) Is the Minister aware that the Court Government accepted an amendment by me to the Metropolitan Region Town Planning Scheme Bill which was passed to remove uncertainty and introduce an orderly pattern to the planning process by the declaration of controlled areas?

(2) Due to the circumstances now prevailing with properties fronting the Great Eastern Highway on Greenmount Hill, will the Government move to have this locality declared a controlled area in accordance with the above legislation?

Hon. PETER DOWDING replied:

(1) I am aware that Acts Amendment (Land Use Planning) Bill was amended in this House in 1981, by the then Government.

(2) The majority of properties fronting the Great Eastern Highway on Greenmount Hill are already affected by a highway reservation under the metropolitan region scheme. It would not be appropriate to declare a planning control area in these circumstances. Where a reservation already exists, the owner's interests are protected.

## HEALTH: TOBACCO

*Advertisements: Letters*

119. Hon. P. H. WELLS, to the Attorney General representing the Treasurer:

Further to his answer to my question 78 of Wednesday, 15 August 1984, will the Government provide the Opposition with postage to the value spent by the Government in writing to people answering their smoking advertisements?

Hon. J. M. BERINSON replied:

No.

120. *Postponed.*

## HEALTH: DENTAL

*Therapists: Schools*

121. Hon. P. H. WELLS, to the Leader of the House representing the Minister for Health:

(1) How many schools have dental therapists—

(a) permanently attached to schools; or

(b) visiting schools on a regular basis?

(2) How many schools send children out to dental centres?

(3) How many—

(a) dentists; and

(b) dental therapists;

are involved with the school dental programme?

Hon. D. K. DANS replied:

(1) (a) 99;

(b) 176.

(2) 465.

(3) (a) 45;

(b) 243.

## QUESTIONS WITHOUT NOTICE

## MONEYLENDERS

*Unlicensed*

21. Hon. LYLA ELLIOTT, to the Minister for Consumer Affairs:

(1) Is the Minister aware of the recent conviction of Society Management Pty Ltd. as an unlicensed moneylender?

(2) Is the company the proprietor of the business known as City Loan Office referred to recently by him in connection with proprosals to amend the Pawnbrokers Act?

(3) Who are the directors of this company?

(4) Is the Minister aware of the way in which this company has solicited the public to borrow money from it?

(5) If so, has that occurred?

Hon. PETER DOWDING replied:

(1) I thank the member for notice of this question, the answer to which is as follows—

I am aware of the conviction of this company as an unlicensed moneylender.

(2) The company is the proprietor of the business known as City Loan Office. The matter was referred to by me in conjunction with certain proposals to amend an Act.

(3) The directors of this company, I am informed, are Alan Roy McKenzie, of 38 Coolibah Way, Forrestfield, and Peter Pickering of 433 Hay Street, Subiaco.

(4) and (5) I am concerned at the way in which this company has solicited applications for loans. The Department of Consumer Affairs has investigated this matter and has ascertained that the company has solicited for loan business by forwarding by mail to people who have received local court summonses a circular inviting them to borrow money at short notice. The circular indicates that the company can help where summonses or writs are pending in cases of repossession or arrears of payments, or where a person has a fine to pay or is simply short of cash.

Advice suggests that this solicitation may be in contravention of the Money Lenders Act. However, the practice suggests that the firm is utilising a disadvantaged and vulnerable section of the community in its business activities.

## PLANNING

*Mandurah Shire Council*

22. Hon. C. J. BELL, to the Minister for Planning:

(1) Has the Minister, in conjunction with the Acting Premier, met with the Mandurah Shire Council in relation to a planning matter in that shire?

(2) If not, when does he intend to meet with that council?

Hon. PETER DOWDING replied:

(1) and (2) I have met with the Mandurah Shire Council, but I have not met with it recently.

## PLANNING

*Mandurah Shire Council*

23. Hon. C. J. BELL, to the Minister for Planning:

Further to that question, subsequent to the planned meeting which was cancelled last week, has the Minister met with the Mandurah Shire Council?

Hon. PETER DOWDING replied:

No.

## HEALTH: TOBACCO SMOKING

*Petitions: Referral to Minister*

24. Hon. P. H. WELLS to the Leader of the House:

I refer to the large number of petitions which appear in *Hansard* under the heading "Health—Tobacco—Advertising", petitions which were received in 1983 by both Chambers. The Minister said he would pass that on. The Leader of the House indicated then that he would pass on those petitions to the relevant Minister.

Hon. D. K. DANS replied:

I do not know whether that is a question, but I will do what the member asks.

## HEALTH INSURANCE: MEDICARE

*Pingelly: Dr Hood*

25. Hon. H. W. GAYFER, to the Leader of the House:

(1) Will the Minister confirm by a statement to this House, what action is being taken to ensure the availability of a professional, competent, and fully legal medical service in Pingelly?

(2) What determinations have been available to Dr Rex Hood to continue his medical practice in Pingelly?

Hon. D. K. DANS replied:

(1) and (2) I am unable to answer Hon. Mick Gayfer's question. I have received notice of the question, but I do not have an answer for him. If the member places the question on the Notice Paper, I will answer it tomorrow. If he sees me during the evening recess I will give an answer to him privately.

## PLANNING

*Controlled Areas*

26. Hon. NEIL OLIVER, to the Minister for Planning:

I refer the Minister to his answer to question 118 regarding Greenmount Hill on the Great Eastern Highway. In view of the fact that there is no requirement for a planning control area because a reservation exists already, will there be no further excision from the properties fronting Greenmount Hill?

Hon PETER DOWDING replied:

I am not in a position to give that assurance. I would not wish it to be thought that, by not giving the assurance, I was indicating that there would be further action in relation to the matter. It is a matter on which I want a definite response from the MRPA before I give any specific answer. I suggest that the member places his question on the Notice Paper.

## PLANNING

*Mandurah Shire Council*

27. Hon. C. J. BELL, to the Minister for Planning:

Further to my previous question, when will the much-delayed meeting take place with the Mandurah Shire Council?

Hon. PETER DOWDING replied:

I do not know of any much-delayed meeting. I know that the Mandurah Shire Council was invited to a meeting which was expedited, at its request, to occur between myself and the Acting Premier, Mr Bryce. The council declined to attend that meeting. The council was offered the meeting on the basis that it agreed that certain material which would be discussed would be retained by it as confidential material. I understand that the council declined to give that assurance. I am not aware of any subsequent request by the Mandurah Shire Council for a meeting on those terms or on any other terms. As far as I am

aware, I will not be arranging a meeting with the council although I make it quite clear that at the time it wishes to meet with me, subject to my other obligations, I will certainly meet with it.

## CONSUMER AFFAIRS

*Tuckey's Flats*

28. Hon. FRED McKENZIE, to the Minister for Consumer Affairs:

(1) Has the Department of Consumer Affairs received any complaints with regard to the flats operated by Tuckeys of Carnarvon?

(2) If so, what is the nature of those complaints?

Hon. PETER DOWDING replied:

(1) and (2) The department has received two complaints, one from an individual and one signed by 19 people. The nature of the complaints were that people had made vast bookings for accommodation at flats known as "Tuckey's flats" in Carnarvon, and that rents had been increased from $60 to $110 per week after the bookings had been made. In one instance it was alleged that the complainant pensioners received advice of the increase only several days before the commencement of occupation as they were preparing to leave for Carnarvon.

The department has no legislative powers to control rents. However, the matter of whether any contractual responsibility exists for the proprietor to provide accommodation at the original rental is being examined.

## PLANNING: MRPA

*Mr Bill McKenzie*

29. Hon. N. F. MOORE, to the Minister for Planning:

(1) Is it correct that Mr Bill McKenzie has been appointed Chairman of the MRPA?

(2) What special expertise does Mr McKenzie bring to this post?

Hon. PETER DOWDING replied:

(1) and (2) Yes, it is correct and the announcement was made today. When the previous Government announced the present Chairman of the MRPA, Mr Ian Wilkins, there was a great deal of criticism on the basis that Mr Wilkins did not possess adequate local government experience.

Mr McKenzie has very considerable local government experience as the mayor of the second largest local government authority in Western Australia for, I think, 11 years. He gained a great deal of experience in that position and is well thought of in local government circles as well as having a great deal of experience in matters of a planning nature and, in particular, in the broad issues that arise when one has to consider complex and unusual matters, as happens in the City of Fremantle.

In those circumstances it is thought that he has very useful expertise to bring to that position.

## COMMUNITY SERVICES

*Children: Artificial Conception*

30. Hon. P. H. WELLS, to the Attorney General:

This question is supplementary to question 96, and the Attorney General's reply that the Government was awaiting a report of the committee relating to invitro fertilisation legislation. I ask—

> Does the Attorney General have any idea of whether the report is imminent or whether it will be some time before it is issued?

Hon. J. M. BERINSON replied:

As will be gathered from the reply to question 96, that committee is responsible to the Minister for Health rather than to me. I am not in a position to give the indication asked for.

## PLANNING

*Controlled Areas*

31. Hon. NEIL OLIVER, to the Minister for Planning:

Further to question 118, if for example, there is no requirement in the controlled area—and the Minister has asked me to put that question on notice—can he explain why his answer to question 118 states that the owners' interests are protected because a reservation exists. How are the owners' interests protected because of the reservation?

Hon. PETER DOWDING replied:

Surely the member understands the fact that there is already an effect by virtue of the reservation under the metropolitan region scheme. At that point the landowners' entitlements are not going to be adversely affected because they have the ultimate rights under the relevant Act and in due course, in the event of the MRPA determining that it is appropriate to proceed, their properties will be acquired at the market value of the day. The interests of the landowners are protected by the fact of the reservation.

## PLANNING

*Controlled Areas*

32. Hon. NEIL OLIVER, to the Minister for Planning:

Further to the Minister's reply, the purpose of the controlled areas is to enable people to make decisions. It may be some years before the MRPA reaches a decision, and during that time the owners' interests are not protected. Therefore, I cannot believe that the Minister's answers that the owners' interests are protected is correct.

The PRESIDENT: Order! That is not a question.

Hon. NEIL OLIVER: Even though a reservation does exist, the owners' interests are not protected.

The PRESIDENT: Order! That is still not a question.

Hon. NEIL OLIVER: Does the Minister believe in all true faith that where a reservation exists the owners' interests are fully protected?

*President's Ruling*

The PRESIDENT: Order! The question has been answered and the member cannot ask the same question twice; albeit that he may not be happy with the answer given, he cannot ask the question again.

*Questions Without Notice Resumed*

## MONEY LENDERS

*Unlicensed*

33. Hon. P. H. WELLS, to the Minister for Consumer Affairs:

Further to the Minister's earlier reply to Hon. Lyla Elliott, does he have information that any other companies, apart from the one mentioned by the Minister, have carried on the activities described or have failed to adhere to, if not the Pawnbrokers Act, at least the spirit of the Pawnbrokers Act?

Hon. PETER DOWDING replied:

No. In fact, immediately the practice referred to became known, the matter was raised by me in correspondence to all pawnbrokers operating in the metropolitan area. With the exception of the company to which I have referred, they all indicated their concern at the practice, agreed that it was undesirable and indicated that they would be more than happy to engage in a form of self-regulation until we could review the entire operation of the Pawnbrokers Act.

This company declined to give such an indication and, in fact, indicated to the department that it would pursue whatever commercial activities it thought appropriate. That is the reason for the proposed legislation.

## PAWNBROKERS AMENDMENT BILL

*Distribution*

34. Hon. P. H. WELLS, to the Minister for Consumer Affairs:

(1) Has the Government widely disseminated the proposed legislation to pawnbrokers?

(2) If so, have copies been forwarded to the 28 pawnbrokers involved or to just a couple?

Hon. PETER DOWDING replied:

(1) and (2) The legislation contains very few amendments and I understand from an officer of my department that he has spoken to a number of pawnbrokers to draw it to their attention, and has received a favourable response from them. They have indicated that they find no problems with the proposed amendments.

## PLANNING

*Herb Graham House: Rezoning*

35. Hon. P. H. WELLS, to the Minister for Planning:

(1) Has the Minister received a rezoning application from the City of Stirling relating to the Chinese restaurant on the property at Ravenswood Drive and Wanneroo Road owned by the

Australian Labor Party, Stirling division?

(2) Has the Government made a decision in this matter?

Hon. PETER DOWDING replied:

(1) and (2) I have not personally received an application to that effect. I have not had it placed before me and, therefore, I cannot answer on behalf of my department. If the member gives me notice of the matter, I will investigate it.

It seems strange that this is suddenly being whipped up as a political issue by the Opposition when indeed all of the efforts to establish the centre were conducted with the knowledge of the Government of the day, the Liberal Government. Suddenly when in opposition the Liberal Party appears to want to create some sort of embarrassment for the Government.

I deal with rezoning applications day in and day out. On many occasions applications for rezoning involve situations where people have gone ahead under an apprehension or misapprehension of the ambit of their rights under a particular zoning. I quote one example when Dr Peter Reid, a former President of the Broome Shire Council, went ahead and constructed a caravan park illegally, entirely contrary to the terms of the appropriate town planning scheme. It was not done simply in error, but illegally. After appropriate deliberation and advice I did all that was necessary to ensure that the caravan park could remain. That is an example of the rectification of problems which have occurred during this very complex planning process.

Members opposite know this perfectly well because they often write asking me, as Minister, to set right, on compassionate grounds, or on some other basis, such as somebody's misunderstanding, an error of judgment, or something else in relation to zoning. Hon. Sandy Lewis is not averse to writing such letters to me. It is a pity that the Liberal Party seems to want to make a big political issue out of something that is a perfectly normal process.

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36. Hon. P. H. WELLS, to the Minister for Planning:

I understand that the arrangement when the property was purchased through the previous Government was that there would be no rezoning. Will that arrangement made with the previous Government be taken into account in the present Government's deliberations?

Hon. PETER DOWDING replied:

I understand that the member is bringing politics into local government—

Hon. G. E. Masters: You can smile!

Hon. PETER DOWDING: —and that is the sort of thing about which members opposite carp constantly. I am not in a position to answer that question, because I do not know the terms of any agreement reached with the previous Government. What surprises me is that, when the matter is open and aboveboard, the Liberal Oppposition, desperate for an issue and something to say, seizes on it in an attempt to embarrass the Government. However, people will see what it is; that is, a normal part of the planning process.