

Legislative Assembly

Thursday, 13 December 1984

THE SPEAKER (Mr Harman) took the Chair at 2.15 p.m., and read prayers.

PORTS AND HARBOURS: MARINA

Sorrento: Petition

MR CLARKO (Karrinyup) [2.17 p.m.]: I present a petition from 800 citizens, the text of which reads—

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

We, the undersigned concerned citizens of the northern suburbs, firmly and sincerely believe that the Sorrento Beach area, now chosen by the government as a proposed marina site, should be preserved for passive recreational needs of the people of the northern suburbs.

The basis of our belief is that marina development of this site will:

- (1) Deprive the fast growing population of the northern suburbs of a safe recreational facility for swimming, relaxing and childrens water sports.
- (2) Introduce excessive noise, pollution, traffic, and commercial development, contrary to the benefits and needs of the average citizen.
- (3) Devastate the unique marineland of the recommended Marine Reserve as outlined in System 6 Report M10.

I certify that the petition conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 67.)

ROAD: MORAWA SOUTH ROAD

Petition

MR TUBBY (Greenough) [2.18 p.m.]: I present a petition in the following terms—

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

We, the undersigned,

- (1) Strongly protest over the long delay in the completion of the bituminising of the Morawa/Perenjori by-pass road to Carnamah known as the Morawa South road.

Please refer to grid map attached, offending section of this road is marked in red . . . 16 kilometres in total.

- (2) The Morawa South road is used daily by Morawa residents and others en route to Perth, hence by-passing Three Springs, a saving of 15 kilometres.
- (3) A section of this road is used by the school bus contractor.
- (4) The Morawa South road is used heavily by sheep carting contractors, Morawa businesses, and delivery trucks.
- (5) The present substandard rate and the high flow of traffic makes this road especially when wet a very dangerous hazard.
- (6) We strongly urge the bituminising of this road be done as soon as practical.

The petition contains 307 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 68.)

SMALL CLAIMS TRIBUNALS: SELECT COMMITTEE

Membership: Petition

MR COWAN (Merredin) [2.20 p.m.]: I have a petition which bears only one signature and which reads—

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

I, the undersigned Robert Huck Burton of 600 Murray Street, West Perth in the State of Western Australia, Senior Referee of the Small Claims Tribunal pray that you will forthwith (pursuant to standing order 98) remove Rex Geoffrey Williams from membership of the Select Committee of the House enquiring into the Small Claims Tribunal on the ground that he is unfit to be a member of the said Select Committee which appears from the copies of correspondence and statement of R. H. Burton set out hereunder.

I do not intend to read the total contents of this petition but, in reading them, I believe there is enough *prima facie* evidence—

The SPEAKER: Order! You cannot debate the petition.

Mr COWAN: I wish to move a motion in relation to the petition.

The SPEAKER: You may do that after I direct that the petition be brought to the Table of this House.

Mr COWAN: I certify that the petition conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 69.)

Mr COWAN: I believe, it is now appropriate for me to move—

Points of Order

Mr CLARKO: Is this petition in an acceptable form? I take it that the material to be presented with the petition is more than is formally laid down under the Standing Orders. I believe that the additional papers do not conform to the Standing Orders and, Mr Speaker, I would appreciate your ruling.

Mr COWAN: I can certify that it is part of the petition and that it is not attached to it.

The SPEAKER: I would like to see the petition because I do not want any information tabled that is not part of the petition.

In response to the point of order the only matter that I will allow to be tabled is the petition signed by the person who presented it to the member for Merredin.

Mr HASSELL: Under Standing Order No. 85 a petition, among other things, is required to be respectful, decorous, and temperate. I put it to you, Mr Speaker, that this is a serious matter. We are dealing with a petition which attacks the integrity of a member of this House.

Mr Tonkin: For good reason.

Mr HASSELL: I think the Minister is unwise to interject in that way because whatever may be the politics in terms of the Minister's thinking, we are talking about a member of the House against whom a petition has been lodged and where no evidence is permitted to be tabled.

I wonder if it is respectful to the Parliament, leaving aside respect to the member concerned, to have a member of this House attacked in this way—a member who has been appointed to a committee as a result of an agreement between

both sides of the House. His very integrity in terms of his attendance on that committee is being questioned.

Are we not dealing with a question of the privilege of the Parliament, that it is open to someone to come along and present a petition with one signature and no evidence and which attacks a member of this House? It is a serious matter. It is not a matter between the sides of the House in a partisan way, it is a matter which should concern members of this House generally.

Mr TONKIN: On the same point of order I guess this matter comes down largely to a question of fundamental philosophy. The suggestion that members of Parliament are somehow to be in a position where they cannot be criticised and petitioners are not permitted to criticise members of Parliament is quite untenable. If we ever forget that we are the servants of the people and are only members of this House as representatives of the people we will lose sight of the whole importance of Parliament.

The Leader of the Opposition has said there is no evidence attached to the petition. We know that the evidence—I am not making a judgment on that evidence—is available, but by your ruling, Mr Speaker, it was detached from the petition.

Mr Hassell: There is no debate on the right of a petition. I am not questioning the member of Parliament who raised this matter. However, the petition has been presented in the Parliament in a way which will preclude debate. It is not a matter of your side or our side.

Mr TONKIN: I am aware of that, but it does not preclude debate because the member for Merredin intends—it was an arrangement behind the Chair—to move a motion that the petition be referred to the Select Committee. If it is referred to the committee, which is a committee of this House, it will make a recommendation and ultimately the House will decide the issue. I do not want to judge who is right or who is wrong.

It is clear that evidence is available, but on a technicality it is not attached to the petition. I am not making a judgment, but evidence has been presented and, of course, members of the public must be able to criticise a member of the House because if this were not allowed, it would be striking at the very roots of democracy.

As to whether it is respectful, I believe that it is because the petition merely states that one member of this House should not be a member of the committee and reasons have been given. We could all have conflicts of interest. The petition has been examined from the point of view of conflict of interest and a ruling has been made that there is

no conflict of interest. In a technical sense there is no conflict of interest, but if the attention of the House is drawn to a member who should not be on a Select Committee it is up to the House and the Select Committee to ascertain whether there is any evidence or justification for that process.

We should not reach the position where we will say to the citizens of this State, "You are not allowed to get into that process".

I believe the petition is correctly worded.

Mr COWAN: Had members listened to me earlier they would have avoided all the points of order that have been taken.

It was my intention to refer the matter to the Select Committee of inquiry into the Small Claims Tribunal. It is quite permissible under Standing Orders for the committee to be in charge of its own destiny and to determine who will be representatives on that committee. The committee could, if it wanted to, report back to the House that there was no substance in the evidence I have before me. If the Leader of the Opposition wants that evidence, in moving my motion that the petition be referred to a Select Committee I would be happy to read out the evidence. However, I do not want to do that. I was hoping to avoid the personal comment contained in the letter and I was also hoping that the Select Committee—

Mr MacKinnon: Avoid the personal comment! You wanted it attached to the petition.

Mr COWAN: I hoped that it could be attached to the petition.

Mr MacKinnon: And be published in *Hansard*.

Mr COWAN: It would not be published in *Hansard*. I hope the House will agree with the motion I am about to put, which is in accordance with Standing Order No. 98(4).

Mr MacKinnon: How can you move a motion? You are talking to a point of order.

The SPEAKER: The member for Merredin is not moving a motion.

Mr COWAN: I would like to now move—

The SPEAKER: I have not yet made a ruling on the point of order.

Mr COWAN: I believe that any member of the public of Western Australia, who believes that a person is unfit to serve on a committee, has the right to present a petition to this House making that statement. The petitioner has not been defamatory or derogatory towards the member for Clontarf; He has formally served notice that he believes the member for Clontarf is unfit to serve on the committee because of his past actions. If a

member of the public is not allowed to do that, what is this Parliament?

Speaker's Ruling

The SPEAKER: The Leader of the Opposition has asked me to rule on whether the petition is properly before the House, given that Standing Order No. 85, paragraph (f), states that every petition shall be respectful, decorous, and temperate in its language. Having considered paragraph (f) and all the other items that refer to petitions, and bearing in mind the purpose of the petition, it is my ruling that the petition shall remain, as I have directed, tabled in the House.

Reference to Select Committee

MR COWAN (Merredin [2.32 p.m.]: I move—

That the petition be referred to the Select Committee inquiring into the Small Claims Tribunals.

MR TONKIN (Morley-Swan—Leader of the House) [2.33 p.m.]: I indicate the Government's support for this motion. It is true that the petition criticises a member of the House and I believe it is the proper function now for the House to decide to refer the petition to the Select Committee for its determination. The Select Committee will in due course make a report to the House which can then make a determination on the matter.

Speaking on behalf of the Government, I do not believe it is the purpose of the Government to decide which member shall represent the Opposition on a Select Committee.

Mr Hassell: It is not right for the committee to determine that matter either.

Mr TONKIN: It is, pursuant to our Standing Orders which clearly envisage that this kind of thing may happen.

Mr MacKinnon: The committee should not decide who shall be the members; what is its authority for making that decision?

Mr TONKIN: The authority is given under Standing Order No. 98(4).

Mr Clarko: It does not give the committee the power to change the composition.

Mr TONKIN: No, but it can consider the matter and make a determination. It certainly could not expel a member from the committee, but it can report to the House that in its view a certain member should or should not be on the committee. That is the procedure I envisage taking place. For that reason the Government is prepared to support this motion. It is in conformity with Standing Orders and that seems to be the best way to proceed.

The member for Merredin could have moved a substantive motion asking the House to discharge the member for Clontarf from the committee but given the short notice, that we intend to sit for only an hour or two, and that it would have been necessary to suspend Standing Orders, I guess this is as good a way as any of dealing with the matter. No doubt the Select Committee will report to the House on the subject.

MR WILLIAMS (Clontarf) [2.35 p.m.]: It is only fair that my comments should be heard on this motion. The motion is quite unfair and certainly reflects on all members of this House.

I will advise the House from the outset that this matter was brought about by an event which took place some 2½ years ago. A claim went before the Small Claims Tribunal and, in my opinion, an unjust decision was handed down. I have a vague suspicion—I am not quite certain because it took place such a long time ago—that I was not informed of the date of the hearing until two days after it took place. That is as it may be. The charge involved a company with which I was involved, which had more than 30 years' experience, and a matter of sheepskin car seats shrinking. Anyone in the farming industry will know that lambswool or any natural skin cannot be shrunk. There was some dispute regarding the advocate for the plaintiff and I have my opinion as to what happened regarding a change of motor vehicles so that the seat covers did not fit. However, that happened in the past.

At the time I became very incensed as I had also been receiving letters of complaint about the tribunal and its decisions. In a hasty moment I wrote a forthright letter to Mr Fletcher, but not to the gentleman who presented the petition to the House today. The letter I sent was marked "personal". On reflection perhaps I should not have used some of the adjectives or expressions contained in the letter. I did not bring this matter into the House or take it to the Press. It was a personal letter and I believe it should have been dealt with in that vein. However, I was threatened with litigation by a firm of solicitors unless I withdrew the letter. On legal advice I did so. I was advised that if I apologised and withdrew the remarks, that would be the end of the affair. Obviously it was not the end of the affair.

Most members in this House, if not all, have on occasions over-expressed themselves by directing remarks to an individual rather than to an issue. I think we have all been guilty of that from time to time. It is anybody's guess as to why I should be singled out in this way.

More importantly, I am concerned about the activities of the Small Claims Tribunal. However, I am a responsible member of Parliament and a responsible member of the committee. As such I will endeavour to accept the evidence as represented to the committee and will be unbiased, together with other members of the committee—who I daresay have also been critical of the tribunal—in my findings on the basis of the evidence produced.

I wish to be a member of the committee as I am concerned about several matters relating to the tribunal. In particular, I am concerned that there is no right of appeal except on a point of law. I am also concerned about the way in which evidence is given. If this committee in its wisdom finds that anomalies exist, I would like to be one of those who reports to this Parliament with suggestions and recommendations on how the system should be amended. That would be done only if sufficient evidence were presented to the committee. I have an unbiased approach in this matter: I am prepared to act in a proper manner and give a proper judgment on matters that come before the committee.

I am rather appalled at what has happened today. However, I accept it.

MR HASSELL (Cottesloe—Leader of the Opposition) [2.40 p.m.]: I regret that this matter has come before the House in this way because it is very unfair to the member. I want to say one or two things about it because of my belief in that unfairness.

In making these remarks I do not question the right of Western Australian people to raise issues regarding members of Parliament or the performance of their duties, but it is unfortunate when a member walks into the House at the beginning of a sitting and is subjected to the presentation of a petition in very strong terms attacking that member over an incident which happened some years ago and which was resolved at that time. The member then has to use the vehicle of a debate about the referral of the petition to a committee as an opportunity in which to respond. The whole procedure is unfair to him, and that is why I took the point of order I did.

What I really want to do is to get to the heart and substance of the matter, and that is the questioning by Mr Burton of the qualification of the member for Clontarf to sit on a Select Committee of this House.

Mr Burton is really saying that because the member for Clontarf once attacked the Small Claims Tribunal in relation to its handling of a case which involved the member for Clontarf, that

disqualifies the member for Clontarf from sitting on a Select Committee to examine whether the Small Claims Tribunal is performing satisfactorily or whether it is in need of reform.

One must concede, on the basis of what is being put forward—I have seen the papers—that the situation was not one that Mr Burton could accept. The fact that the language used by the member for Clontarf was such as to require a retraction does not in any way disqualify him from sitting on the committee. Every member of this House would be disqualified from sitting on committees or voting on legislation if the prior expression of a view in strong language—or in any language—was a disqualification.

Some members opposite interjected when the word “bias” was used by the member for Clontarf. They interjected as though the question of bias arose only in relation to the member for Clontarf. That, of course, is nonsense, because if the member for Clontarf’s very strong feelings that the Small Claims Tribunal has not been acting and working satisfactorily show a bias, then so was the mover of the motion biased in his proposal to have a Select Committee, because in moving for the Select Committee he questioned the Small Claims Tribunal and how it works. I do not think the mover of the motion is disqualified. Equally, I do not think the member for Clontarf is disqualified.

We come to this place with very firm views about many matters, and in most cases we have expressed those views at one time or another in different ways and in different venues. We decide legislation every day of the week with some of us holding quite strong views about that legislation. The fact that we hold those views or express them has never before been suggested as in any way disqualifying us as members of the House or as members of a committee of the House. Do not forget every time a Bill is dealt with, at one stage or another the House forms itself into a Committee of the whole. None of those things has disqualified us in any way.

It is very unfortunate that Mr Burton has chosen to press forward with the presentation of this petition. What he has done, of course, is to publish or cause to be published the very libel of which he has complained. He has caused that to be spread about and repeated in a way which was said two years ago to have been of concern to him. It is interesting that this should occur at the very time when the Parliament feels very strongly about how the tribunal system is working. Without any argument between the sides of the House, a Select Committee has been set up with wide terms of reference to question that tribunal, how it is working, and the law upon which it is founded.

So if the member for Clontarf is disqualified because he wrote an intemperate letter two years ago—a letter which, as he said, he retracted—every member of this House is disqualified. I do not think that either the member for Clontarf or the other members are disqualified. Mr Burton has adopted a very unfortunate approach by bringing this matter forward through the member for Merredin. He has caused to be repeated something that he complained of and had withdrawn. He might have served his own interests better had he not done that.

I understand the very strong feelings he may have about the letter, but I ask what purpose is being served by his attack on the member for Clontarf. It seems almost a malicious revenge, because he has chosen, more than two years later, to say that a member of Parliament is not qualified to do his job because he made some comments in the past.

It seems to me that the member for Merredin, in defending so stoutly as he did the right of people to have their say—which was never in question as far as I was concerned—has overlooked the fact that what Mr Burton did at the time was to exercise to the full the laws of the land to protect himself from somebody having a say about his court. That is a side of the matter which should be considered.

I do not feel very concerned about the motion before the Chair to refer this matter to the committee. I do not feel that makes much difference. As the member for Merredin understands as a practising politician, the damage was done with the presentation of the petition. The attack on the member for Clontarf has been mounted, and that is no doubt what somebody at least sought to achieve.

The presentation of only one page of the petition without the attached material, which I know is a matter of Standing Orders, only adds to the problem. It means that the other material is not disclosed because of the laws of libel and leads to speculation which adds to the damage to a member who has acknowledged that he wrote in intemperate terms and withdrew.

It should be clear precisely what we are talking about. The member for Clontarf was involved in a case. He wrote a letter to Mr Burton. Not surprisingly, Mr Burton took offence because of the terms in which the letter was written, and asked for it to be withdrawn. It was withdrawn and everybody in the world thought that was the end of the matter except that Mr Burton has dragged it up now as a means to try to stop one

member of this House sitting on the Select Committee. I wonder what he is trying to achieve.

While I do not feel strongly enough to oppose the motion to refer the matter to the committee, it is appropriate that it be referred somewhere—to the bin would be a better place, but it has to go somewhere more formal than that.

I wanted to make it clear that I have considered the matter carefully and I have not been able to reach any conclusion which would in any way convince me that the member for Clontarf should not be entitled to continue to serve on the committee and to do the job which he was appointed to do by this House.

MR D. L. SMITH (Mitchell) [2.52 p.m.]: I was not given any prior notice of the intention of the member for Merredin to present this petition. I had some prior information that Mr Burton was unhappy about the member for Clontarf serving on the committee, but I do not wish to deal with that question, nor is it proper for me to do so.

To the best of my knowledge, there is no malice as far as the member for Clontarf is concerned, and I understand that he formally apologised for some of the remarks that he, the member for Clontarf, made about Mr Burton 2½ years ago. That may well have been the end of it.

However, the ordinary principles are these: Any person who has an interest in a matter appearing before any court or tribunal has the right to raise the question of bias. Once the question of bias is raised before any court or tribunal, the normal procedure is for that court or tribunal itself to determine whether it is proper for it or one of its members to disqualify himself or herself from further consideration of the matter before that court or tribunal.

The question that arises here is very similar. The question of the bias of one of the members of the Select Committee has been raised and the proper group to consider whether that question of bias disqualifies the member complained of from sitting on the committee is the committee itself.

Mr MacKinnon: In that case, should we do the same with every Bill that comes before this House?

Mr D. L. SMITH: It refers only to those issues where the question of bias is raised specifically. If the question of bias is raised about a member of a Select Committee, the Select Committee—

Mr MacKinnon: If I raise a question of bias about you in relation to a piece of legislation, you will determine whether or not you should enter into the debate.

Mr D. L. SMITH: There is a difference between the two situations. In Parliament, we debate legislation. We do not take evidence and make judgments about the people who are called to give evidence or present submissions.

Mr MacKinnon: Is the Select Committee going to make judgments about people? I did not think that was in its terms of reference.

Mr D. L. SMITH: In the course of determining the weight to be attached to any submission made to it, I have no doubt that the committee would make deliberations about the people making those submissions. As a normal matter of principle, in the case of courts or tribunals where the question of bias is raised and it must be decided whether a member of that court or tribunal should disqualify himself, it is properly a matter for the court or tribunal to decide. In this case, it is properly a matter for the committee to decide.

The other reason that the petition should be referred to the committee is that Standing Order No. 98 specifically provides that only four questions may be entertained by the Assembly on the presentation of a petition. One of those is that where the matter referred to in the petition relates to any matter then under the consideration of a Select Committee, the petition may be referred to the Select Committee. All we are doing is following the rules provided for in the Standing Orders of this House as to what should happen when a petition of this kind is presented.

In supporting the motion that the petition be referred to the Select Committee, I am not in any way trying to imply that I agree the member for Clontarf should disqualify himself or that the committee should disqualify him. That is a matter for separate consideration by the committee at a committee meeting after this motion has been passed. I would not like to see my support for the motion as indicating an inclination one way or the other, except to say that, in my view, where Select Committees are appointed to investigate matters of any kind, it is important that members sitting on those committees are not seen to have preconceived notions as to what the answers to the terms of reference of the committee should be. It is one thing to be concerned about the issues which are raised in the terms of reference and to have spoken in a positive way about matters contained within those terms of reference, but it is quite another matter altogether for a member of the committee to have expressed very strong views about what the actual answer to any of those terms of reference should be.

I am not saying that the member for Clontarf is placing himself in that position; I am just saying

that this is a matter which should properly be referred to the Select Committee, because that is what the Standing Orders provide for. It is also the normal practice when a question of bias is raised before any tribunal or where the question of disqualification of any member of a tribunal is raised. For those reasons, I support the motion.

The only matter I ask the House to take into account in relation to this issue is that the Select Committee will obviously want to get on with taking evidence and submissions and making determinations. It would create problems for the committee if the House were simply to refer this matter to the Select Committee today and leave it in a situation where, if the Select Committee decided that the member for Clontarf should disqualify himself, it would be one short in terms of the numbers which were recommended originally by this House, or where the political balance within the committee would be upset.

If the matter is to go to the Select Committee, it would be sensible, for instance, if the Leader of the House contemplated the possibility that we adjourn later in the day to enable the Select Committee to meet and consider the matters raised in the petition and then, having come to some agreement as to what should happen, for the House to reconvene so that we could report to the House and perhaps move any procedural motions which may be necessary as a result of the deliberations of the committee. Any such motions should be attended to today and not in February when we reconvene.

MR OLD (Katanning-Roe) [2.58 p.m.]: I make a brief point which concerns the way in which a Select Committee is appointed. It seems to me that, at times, we act in very odd and mysterious ways. Even that great bastion of democracy, the Westminster system, has some weaknesses.

Normally when a Select Committee is appointed, that occurs because somebody, either on his own behalf or on behalf of a group of people, is dissatisfied with the activities of a particular organisation or person. In order to convince the members of the House that a Select Committee should be appointed, the people speaking to the motion normally deliver dissertations which at times are anything but complimentary to the person, persons, or organisation into which the proposed Select Committee will inquire.

I have not been through *Hansard*—I have not had the time—to read the debate which resulted in the appointment of the Select Committee, but it would be fairly safe to assume that some criticism was made of the organisation.

What happened with the member for Clontarf was that instead of speaking under parliamentary privilege—as he could have done during a grievance debate—he took the course of writing a letter not to the referee, but to the Commissioner of the Department of Consumer Affairs. It seems to me that by his taking a somewhat more manly attitude and not hiding behind parliamentary privilege, the Government is now seeking to have a small number of people sit in judgment on a man of integrity.

I do not believe that we, as members of Parliament, should put ourselves in a position where we sit in judgment on a man who has made a statement, not under parliamentary privilege, but by letter, and who has subsequently withdrawn that statement, which normally would be the end of the problem.

Now we have the referee coming forward and crying foul some 2½ years later. I appeal to members' sense of fair play to reject this motion.

MR WATT (Albany) [3.02 p.m.]: It is unfortunate that this debate has come up at this time, but I feel compelled to make a few brief comments. The member for Clontarf has been criticised through a petition by one person—the Referee of the Small Claims Tribunal, Mr Burton. I see that as a very dubious thing to do, and I shall explain why.

When the Leader of the House spoke to this motion he said that he felt it was entirely reasonable that the public should be able to criticise members of Parliament. I do not entirely disagree with that, but it is a question of how best that should be done. More importantly, the reverse should be able to apply.

It is entirely reasonable for members of Parliament to criticise people or organisations that they feel are not doing their job. Indeed, any member of Parliament who is doing his job should be able to criticise such people and bodies if he feels they are doing wrong, be it the Referee of the Small Claims Tribunal, the head of a Government department, a Minister, or whoever. If a member of Parliament is to do his job properly he should be able to criticise such people, and this right is open to him.

The member for Clontarf wrote a letter marked "Personal"—I have seen it—to Mr Fletcher, the Commissioner of the Department of Consumer Affairs. How is it that a personal letter written to one person has apparently become such widespread public property? It is not as though the member wrote that letter when in Opposition, trying to be perverse. He wrote it when we were in Government, so it was not written for some politi-

cal reason to score a point against the Government or one of its agents.

Mr Bertram: A lot of back-benchers don't have a copy of the letter.

Mr WATT: Most do not. The member for Clontarf showed me a copy of it on a confidential basis.

I too have criticised the Small Claims Tribunal during a grievance debate here, and I criticised it fairly strongly. I wonder why the member for Clontarf has been singled out in this way. Does the fact that I represented my constituents' interests in a grievance debate put me in the same so-called biased situation as the member for Clontarf?

Mr Tonkin: Are you on the Select Committee?

Mr WATT: Yes. I do not believe for one moment that in doing the job I did—I believe conscientiously and properly—I am ineligible to serve on the Select Committee. I do not believe my judgment will be impaired or biased in considering the terms of reference drawn up for the Select Committee.

Mr MacKinnon: When did you speak in the grievance debate?

Mr WATT: I am not sure, but it was probably four or five years ago. As the Deputy Leader of the Opposition has said, other members of the House have at times chosen to criticise fairly roundly the Small Claims Tribunal. The member for East Melville has, and the member for Kalgoorlie did so fairly recently. I know they are not on the Select Committee, but they were merely doing their job. They should do that same job in respect of any other Government department or agency, no matter what it is or who is involved if they are to carry out the duties required of them as members of Parliament. They have a clear duty to do that. I pose this question about the one-man petitioner: What has he got to hide?

I oppose the motion.

MR TRETHOWAN (East Melville) [3.06 p.m.]: I rise to align myself with some of the previous remarks. I myself have made what might be considered a blistering attack on the Small Claims Tribunal because of evidence produced to me earlier this year. I also spoke during the debate when the terms of reference for this Select Committee were under consideration. I spoke very strongly at that time because I had expressed very great concerns publicly about the operation of the Small Claims Tribunal. In fact, that was the reason I took great pleasure in supporting the terms of reference of the Select Committee when the House appointed the members to it.

I believe it is very wrong for anyone to consider it inappropriate for a suitably qualified member of this House, who has no legal conflict of interest, to be disqualified from membership of a Select Committee to which the House has appointed him, simply because he may have expressed remarks on a subject which is related to the terms of reference of the Select Committee.

If a member of this House does his job representing the people of this State and particularly his constituents, and expresses himself forcefully when he considers something to be wrong, and subsequently the House appoints a Select Committee to investigate the matter, it would be wrong to preclude that member from the membership of the Select Committee.

I have another concern, in fact another worry, about this motion, and it relates to the assumption that the motion is in order under Standing Order No. 98 (4). I am not at all convinced that that is the case. The Standing Order reads—

(In the case of a Petition respecting any subject under the consideration of a Select Committee) "That the Petition be referred to the Select Committee . . ."

It seems to me that that refers to any petition that relates to a topic under consideration by a Select Committee. It seems to relate to any topic that falls within the terms of reference of a Select Committee. I very carefully considered the terms of reference of this Select Committee when they were presented to the House and it was moved that a Select Committee be formed to undertake a certain task.

Mr Tonkin: Is this a point of order?

Mr TRETHOWAN: I am not raising a formal point of order, but a query, because I cannot understand a certain matter and I am raising it as part of a motion which seeks to take place under this Standing Order.

If someone presents a petition about a case that had been before the Small Claims Tribunal over a matter where the person felt he had been unjustly treated, it would be appropriate under this Standing Order to refer the petition to the Select Committee because that would clearly fall within the terms of reference of the Select Committee. However, I find it very puzzling, because after carefully considering the terms of reference, I cannot find that the eligibility or constitution of the Select Committee falls within those terms of reference.

Mr Tonkin: It does not say "terms of reference" in the Standing Order.

Mr TRETHOWAN: Standing Order No. 98(4) provides—

(In case of a Petition respecting any subject then under the consideration of a Select Committee). . . .

I understand a Select Committee cannot consider a subject which does not fall within its terms of reference. Therefore, any subject that is referred to a Select Committee under Standing Order No. 98(4) is required by the definition contained within the Standing Order to fall within the subjects which are currently being considered by the committee; in other words, to fall within the terms of reference of that committee. It seems to me that the eligibility of members to form a Select Committee, their appointment to a Select Committee, and whether they should continue on a Select Committee, is a matter for the House to determine. It has nothing to do with the Select Committee unless it is included within the terms of reference of the Select Committee.

If the terms of reference state that the committee shall determine who shall constitute its membership or who shall be eligible to be a member of the Select Committee, I presume it would be competent to refer it to the Select Committee; but I find it very difficult to understand how this motion can be referred to a Select Committee when the subject of it—that is, the qualification of a member of the Select Committee—does not fall within the terms of reference. In fact, it has always seemed to be that it is very much the privilege of this House to determine who should and should not be a member of a Select Committee. I would find it of very great concern if a matter which was the prerogative of this House were referred inaccurately and unjustifiably for the consideration of a Select Committee, because it would turn the process into Caesar determining an appeal on Caesar's eligibility to judge. That seems to me to be a very unfortunate position to occur. I do not think that a Select Committee of this Parliament is of the same nature as a court or any other tribunal or judicial system where the question of the qualification of a judge may occur. It seems to me this is vitally different because this is a legislative body and not a judicial body. The committee's terms of reference are those of an inquiry, and it is not a question of determining matters of fact and presenting a judgment. In fact, the Select Committee reports to this House. This House is the body that makes the determination in relation to the terms of reference and the findings of the committee. It is highly inappropriate to draw the kind of analogies that the member for Mitchell did between the operation and the qualification of a Select Committee and that of a

magistrate or judge in a court in our judicial system.

Should this matter continue and in fact be referred to the Select Committee, we will see a precedent set within this House which, in the long run, will lose control of the operation of the Select Committee procedures of this House. I have very great concern that Standing Order No. 84 is not applicable to this case and I also find it very difficult to believe that it is right and proper for a person to determine his own qualifications under these circumstances. I certainly do not believe that really it is appropriate for a Select Committee to make such a determination.

The other principle that underlies this motion is whether or not, when a member of Parliament has spoken directly and openly on a particular subject, that very fact should be used as a means of disqualifying that member from membership of a Select Committee of this House to which the House as a whole has appointed him.

Point of Order

Mr MacKINNON: Mr Speaker, I ask you to rule on the matter raised by the member for East Melville. It seems to me that the issue raised by the member for East Melville is one that you should rule on before the debate proceeds any further.

The wording of Standing Order No. 98 is quite clear. It says—

The only questions entertained by the Assembly on the presentation of a Petition shall be—

(4) (In case of a Petition respecting any subject then under the consideration of a Select Committee) "That the Petition be referred to the Select Committee on . . ."

It leaves a space for the subject being reviewed by the committee.

I refer members to page 4523 of *Hansard* of Wednesday, 21 November, where in fact a Select Committee was established and appointed for the purposes specified in clauses (1)(a) to (i) and then (2). It seems to me that under no section of the terms of appointment of that Select Committee is the membership of the committee itself a term of reference, so it would seem to me to be self-evident that if we are to interpret the Standing Orders—I have read the Standing Orders closely and the subheadings particularly—it does not seem that the motion moved by the member for Merredin is appropriate and is in fact in line with the Standing Orders.

Mr Speaker, I ask you to rule on the matter.

Speaker's Ruling

The SPEAKER: I have listened to the comments made by the Deputy Leader of the Opposition. There are no precedents in matters such as this, so really it is for the House to determine. Now, if members wish that to occur I will explain a little further.

This matter was brought to the House initially by a petition. There is provision under the Standing Orders for this matter, which I regard as a rather delicate one, to be referred to a Select Committee. That course of action was moved by the member for Merredin. I direct that this is a matter that should be initially considered by the particular Select Committee and I rule accordingly.

Debate (on motion) Resumed.

MR CLARKO (Karrinyup) [3.18 p.m.]: I find this an incredible petition. I remember some time ago a petition was taken out in Western Australia in regard to the closing of the Perth-Fremantle railway. It was signed by approximately 100 000 people including Father Christmas and a few other notable people. It was considered to be a very strong point of the petition that 100 000 citizens had signed it, so I find a petition signed by one person ludicrous in the extreme.

Let us cast our minds back about 10 years to the Federal Parliament and a man called Khemlani who concerned the Senate. The Senate decided to call him before the Bar and Khemlani chose not to turn up. It is quite likely that the Senate might have set up a Select Committee into the Khemlani affair. I take it that if we were to proceed with this motion before us today, and if it were successful and favoured, Mr Khemlani could have presented a petition signed by one person, himself, every time the matter arose regarding who should be on a Select Committee, and he could object to each of the members one by one. That would be a foolish situation.

It is my knowledge that Select Committees do not decide who should be on them. In my experience—and I understand that has always been the case—Select Committees have never decided who should be a member of them as this matter is decided by the House. The Leader of the House can correct me if I am wrong. It was decided by all 57 members or at least those present in the House who voted unanimously to support the five people who have been put on this Select Committee.

Now it has been suggested that we refer to the committee a matter where one person who has a most decided and vested interest should have the capacity to determine the members of that Select

Committee. Do members expect the member concerned to vote on that matter? He certainly would have a vested interest in the matter. The conventional thing would be for him not to indulge in such a debate. If, say, we got down to the stage of four remaining, three people could make a recommendation and bring it back to us. Really, this should be changed and this House should, with the direction of the Leader of the House, put forward the Government's viewpoint on this matter. If the Government has it in mind not to put the member for Clontarf on this committee and makes that decision, that is its right and entitlement; it can do so.

Members on this side of the House understand that the Government has the numbers and the power to do that, just as it had the power in the first place to determine, broadly speaking, who should be on the committee. No-one has sought to deny that position, but here we have one person, who in his "unrailway-like" petition, has put forward the vested opinion that someone he does not like should not be on this body.

Every member in this Chamber has raised matters with the Small Claims Tribunal at some time and has felt that many decisions of the tribunal have been questionable. I have on many occasions written to the tribunal and spoken to members of it and they would probably think of me as a person who is opposed to the system of the tribunal. I am certainly opposed to it, but should that preclude me or other members in this House who have probably written similar letters—I know the Leader of the House has taken an interest in the question of consumer rights over a long time, and I am sure on many occasions he would not have agreed with the decisions that came out—from being on the Select Committee?

The Leader of the House can correct me if I am wrong, but I understand the Small Claims Tribunal is a system which is significantly different from the standard system of British law. The system of British law is generally regarded throughout the world as being a most exemplary one. This system is used for small matters, and for the sake of speed.

One of my constituents came to me a few years ago—I cannot remember the precise details of the case—because he had had a problem with his washing machine. He had looked up the newspaper and contacted a washing machine expert who came out to look at his machine. The constituent said to the repairman that it was a pity he did not repair television sets as well, because his picture on the television set was not very clear. The repairman said he did repair television sets as

well so he looked at the set and said that a new picture tube was needed. It cost about \$100 or so. He purported to put in a new picture tube. My constituent, who was a pensioner, noticed a day or two later that the picture on his television had not improved. He got in touch with the repairman and subsequently approached the Small Claims Tribunal.

Point of Order

Mr TONKIN: I am full of Christmas good cheer, but really this question the member for Karrinyup is canvassing has nothing to do with the motion before the Chair, which is as to whether this petition should be referred to the Select Committee.

The SPEAKER: I was about to call to the attention of the member for Karrinyup the fact that he is straying from the motion before the Chair. I was allowing him to make that one comparison, hopefully to prove some point.

Debate (on motion) Resumed

Mr CLARKO: I accept that point. I do not really need to tell the Leader of the House, who may be concerned about my taking up the time of the House, that I can take up the time in any way I like, including talking on the subject precisely for the remaining 15 minutes of my time. The Leader of the House will not be saving time by trying to distract me.

The point I was making, which is relevant to the matter, is that we have a petition which imputes dubious motives to the member for Clontarf in the way he reacted to a decision and how he wrote to Mr Fletcher. Mr Fletcher chose to refer it to Mr Burton, out of which we have a petition in which a statement was made that Mr Burton is unhappy with this man being on the Select Committee.

I could have been the person who represented part of the Opposition on this committee and I would have an opinion about it which indicated in regard to appeals that I wanted the matter to be examined carefully.

Mr Tonkin: In intemperate language?

Mr CLARKO: That is an important matter. The Leader of the House said it was "intemperate language". The member for Clontarf wrote a letter in which he categorically withdrew any imputations. He wrote that letter; it is there in black and white. To be fair one must say that is as much as one could do in the circumstances. We could not expect the member to go down to Hay Street Mall, take off his shirt, and rub himself with magic pot mitts. He did what was considered to be

the legal way to apologise. No-one could do more than that.

I think my leader said that as members we are not above suspicion; we are ordinary mortals, and make mistakes and occasionally say things in a stronger way than we should. In my opinion the member covered himself in the only way he could. It must have been some embarrassment to him when he wrote that letter. He apologised in the precise legal way it should be done.

I was talking about the case with the television set because when the tube was said to be replaced, written on the invoice was something like "RX7". When another television repairman looked at the set he said the original unit was still in place and what was more, that number would not fit it anyway.

In front of the Small Claims Tribunal, the repairman said things which were completely untrue. The officers of the tribunal said that they were untrue. The pensioner went to the police and said that the repairman had committed perjury; he had the information, but the police said they could do nothing about it. I went to the Small Claims Tribunal and was told that they could do nothing about it. That grieved me, and I wrote numerous letters on the subject.

I would hope that the inquiry proposed by the Government will enable that sort of matter to be looked at. I am disturbed by that case and by other cases. I have a number of other examples, but I do not want to transgress the Speaker's generosity.

Many of us have been disturbed by an individual case, but more importantly by a system in which perjury is committed, but the system does not allow any checks to be made.

This petition of one man, Mr Burton, is from a person who has a vested interest in the outcome of the inquiry. If the sorts of things I have said are true and there are many members of the Parliament and many members of the community who believe the system is a bad one—particularly the failure to have appeals and so on—then his position as a referee is under threat. Is Mr Burton a qualified legal person?

Mr Tonkin: Yes.

Mr CLARKO: Would the Leader of the House agree that the essence of the Small Claims Tribunal is that it does not act in a totally legal way, as do the conventional courts?

Mr Tonkin: It acts legally, but it does not use the same methods relating to evidence.

Mr CLARKO: It seeks to bend it in order to get a quick decision. If there is an argument between

two men as to who should have two bottles of beer, the tribunal usually makes the decision that the men should have a bottle each, and that should solve the problem. That has been my experience of the way the tribunal resolves things, and it is unacceptable. It is unfair to the man who deserves to have the two bottles of beer.

This is an amazing situation where a person's job is under threat, because the Government has decided to conduct an inquiry into it and he is now desperately looking around to see that there are not any members of the committee left who, in his opinion, have previously expressed a view that may strengthen the possibility of significant changes being made. He is trying to eliminate someone from the jury inquiring into a matter which has been under discussion in our papers over the last day or two. Someone he dislikes is the subject of unprecedented action. It has never happened before that a senior civil servant has put forward a petition in order to try to juggle the jury.

I am perturbed that he has released a personal letter to the Director of the Small Claims Tribunal and put it in the petition, which was put forward by the member for Merredin—it is quite proper for him to do so, although I question whether there should be attachment papers, because my knowledge is that that cannot be done—to publicly embarrass the member for Clontarf.

I would like to know which letters Mr Burton will release tomorrow. Are there no reservations at all? Mr Speaker, you were a former civil servant; are there not any reservations about what members of the Public Service can do by release of letters?

Does it mean that tomorrow some clerk or the head of the State Housing Commission can send down St George's Terrace a flood of every letter received in the last month? Does it mean any key civil servant or lesser light can release such information? Not long ago the Deputy Premier was severely castigated in relation to letters regarding one Government department. Here we have a person doing it through official channels and we are about to vote on a motion to take notice of a man with a decided vested interest in making sure he has people on the committee who have no record of being critical of the way the Small Claims Tribunal operates.

In two months' time I will have been a member of this Parliament for 11 years. Many cases have been put before me which make me seriously doubt the system operating at present. I would want to vigorously examine the matters mentioned by the member for Clontarf. The two points he

raised about appeals and the giving of evidence are appropriate.

Will single citizens of Western Australia in future, by petitions of one, be able to negate decisions of this House at whim? Are we to have one petition a day signed by one person so that we must refer matters to a Select Committee? It is not the committee's job to decide who shall be on it; that is absolutely ridiculous. It has never happened before and, as the chairman of the committee said, the matter will have to be referred back to the House. We should reject the motion because it is wasting our time. Is Mr Burton a fit person to be the chief referee?

Mr Tonkin: The Leader of the Opposition supported the motion.

Mr CLARKO: I am saying my piece. Unlike members opposite who have to bow and nod in unison, I am not in that particular club, thank the Lord.

This is a complete waste of time of this House if it goes to the Select Committee, because that body does not have the power to do anything other than chew the bone on the issue. It does not have the right to decide who shall be on the committee. As far as I am concerned, this has been a cowardly attack by Mr Burton. The chickens will come home to roost for him. I will be very surprised if the committee does not come up with a new system and cannot find a place for him in it. The member for Clontarf should be on it; he has shown a keen interest in its operations; he is forthright and vigorous; and he will ensure that these matters are looked into, and that there will be a full and open inquiry.

MR CRANE (Moore) [3.32 p.m.]: I want to speak against this motion for very clear reasons. One is that, in having such a petition presented to Parliament, Mr Burton is challenging our right as members of the House to make a decision and appoint a Select Committee. I have been here almost 11 years and have taken part in the appointment of Select Committees. I have moved for their appointment and taken part in supporting them. On each occasion we have always appointed persons we felt were appropriate for the job. It is not only our right, but our prerogative to do so.

Now we find from the presentation of this petition that that right and our integrity in appointing the member for Clontarf to this Select Committee have been challenged. It is not for the Select Committee to decide, having been appointed, whether its members are acceptable to it. That right does not exist; it never has, and it never will. Members of Parliament have the sole right to appoint members to a Select Committee. Mr Burton has

challenged our right. He should be brought to the Bar of the House and asked why he has the right to challenge this Parliament to do what is its right.

I sincerely oppose the motion to refer this matter to the Select Committee. It is completely out of order and I will oppose it to the best of my ability. I am surprised the member for Merredin did not consider this matter more seriously before he brought it to this House. Had he weighed the pros and cons, he would have thrown it out the door where it deserves to go.

Mr COWAN: Mr Speaker!

Mr Tonkin: You have no right of reply.

Point of Order

Mr COWAN: I have not spoken to the motion; I ask you, Mr Speaker, to rule whether moving a motion constitutes speaking to that motion.

Mr Tonkin: Of course it does.

The SPEAKER: This is purely a procedural motion. The member moved that it be referred to the Select Committee. In my view the member has spoken, and that is it.

Debate (on motion) Resumed

MR MENSAROS (Floreat) [3.35 p.m.]: I would like to support and extend to some extent the argument put by the member for East Melville. I am doing so without wishing to reflect, and hopefully without any reflection, on the Chair, because you, Mr Speaker, have said the decision on the question raised by the member for East Melville is one for the House, and you did not rule on it.

The member for East Melville was absolutely correct when he said that, according to Standing Orders, the subject matter of this petition does not relate to any of the terms of reference of the Select Committee.

Point of Order

Mr TONKIN: Mr Speaker, the member for Floreat is debating your ruling. You have ruled that this is properly before the Chair.

Mr Mensaros: He said it belongs to the House.

Mr TONKIN: Of course, everything ultimately belongs to the House. The fact is, the Speaker has ruled. If the member wants the House to make a decision, the only way to do so is to move dissent from the Speaker's ruling. The Speaker has made a ruling and the member has no right to debate it.

The SPEAKER: What the Leader of the House has said is perfectly true. In answer to a point of order raised by the Deputy Leader of the Opposition, I ruled that the motion was in order. I

explained to the House, and I am not sure whether the member for Floreat was here at the appropriate time, that this is a question the House must decide because no precedents exist in this Parliament. Since I made that observation, and perhaps for the benefit of the member for Floreat who may not have been here at the time, I have been able to find a source in Erskine May's Parliamentary Practice which might assist him with the problem he is contemplating at the moment. I refer to page 709, where it deals with reports of Select Committees, and states—

Power of committees to report their opinion. By SO No. 91 every select committee may report its opinion and observations upon the matters referred to its consideration, even though it is not expressly directed to do so by its order of reference.

Debate (on motion) Resumed

Mr MENSAROS: I accept your ruling.

If this motion is carried and if, accordingly, the Select Committee decides to recommend to the House in the terms of the petition that the member for Clontarf is unfit to be a member of the Select Committee, the House having indicated its view at this early stage, as the Government has the numbers there is a fair expectation that the House would accept the recommendation and say the member should not be on the Select Committee. If that were to happen, it would not only be an unprecedented situation but a most inequitable and unjust situation from the point of view of the member for Clontarf.

Mr Tonkin: You are anticipating the recommendations of the Select Committee.

Mr MENSAROS: The Leader of the House should listen to my argument because the Standing Orders do not make any provision for a member to be a member of a Select Committee. They do not specify the attributes of any member who is to serve on a Select Committee, with the exception of one Standing Order and one only. Standing Order No. 357 states that no member shall sit on a Select Committee if he has a pecuniary interest in the matters to be investigated by such a committee. That is the only provision which excludes a member from serving on a Select Committee. No other view could be submitted, if that provision does not apply, that a member should not serve on a Select Committee.

The uninterrupted custom of this House has been that the Government of the day recommends the appointment of the majority of members of Select Committees. Invariably the members recommended by the Opposition are accepted by

the Government. I do not think anybody could contradict me when I say that the Government never has and should not use its numbers to object to a member being appointed to a Select Committee.

This House should not accept that anybody should be debarred from sitting on a Select Committee unless the member has a pecuniary interest in matters to be investigated by that committee. Clearly that is not the case in this instance.

The member for Clontarf was involved in some issues years ago. However, those issues have now been finalised by the Small Claims Tribunal and therefore the matters to be investigated by the Select Committee should not debar him. If he were debarred, somehow it would be implied that he has been debarred under the provision relating to a pecuniary interest. That is slanderous. It would intimate that maybe he wanted to bribe somebody or wanted in the future, to have some untoward dealings with the Small Claims Tribunal.

The Leader of the House has argued the case for the member for Merredin. I say to him that the Standing Orders state that no person shall be debarred from sitting on a Select Committee unless that member has a pecuniary interest in the matters to be investigated by that committee.

I warn the House that the decision in relation to this motion should not be made on a party-political basis. It would be outrageous for personal matters to be raised on a party-political basis. I well remember a member of this House who would cross the floor, without hesitation and ignore the discipline of Caucus if a political majority were to be used against a member on a personal basis. Here I refer to Tom Hartrey. He would have done so because he believed that a vendetta against a member should not be a matter for party-political consideration.

I warn the House that if this motion is accepted and the Select Committee accepts the party-political view of this House, it would be an unjust reflection on the member for Clontarf. The member does not even have the right to defend himself in a court of law or to have the decision of the Parliament overruled.

This should not happen in an institution which should be proud of its dignity. It would be a sad decision if this matter were decided on party lines just because the Leader of the House has decided on this occasion that he ought to be the advocate for the member for Merredin.

MR STEPHENS (Stirling) [3.46 p.m.]: I defend Mr Burton's right to petition the Parliament as he has done. It is his democratic right and he

has chosen to use that right. I commend him for not airing the information that he had. The point the Opposition made is that the information contained in the petition is not valid. Mr Burton has drawn the attention of the Parliament to views which he has in relation to a member who has been appointed to a Select Committee.

The member for Merredin has given this matter considerable thought and has sought considerable advice. He had the opportunity of moving a substantive motion for the discharge of the member for Clontarf. Had he taken that course, it would have been incumbent on him to make the information public. However, he took the course available to him under the Standing Orders. He chose to refer the matter to the Select Committee so that it could examine the evidence and make a judgment and thus avoid the publicity.

Mr Clarko: The information is in the petition.

Mr STEPHENS: No background information is contained in the petition. The member should examine the petition.

When the member for Merredin moved the motion to refer the matter to the Select Committee, members should have noticed that he chose not to say anything in support of the motion. He hoped that the motion would pass and the matter would then become an issue for the Select Committee to examine. If the Select Committee considered that there were no reasons for the exclusion of the member for Clontarf from sitting on that committee, that would have been the end of the matter.

Mr Clarko: And if it came back?

Mr STEPHENS: It does not have to. It would have to come back only if the Select Committee decided that it was preferable to replace him. It would then become the province of this House to decide who should replace him.

The member for Merredin tried to keep the matter as low-key as possible. However, apparently the Opposition wants to give the matter a lot of publicity.

It is not my intention to refer to all the matters contained in this issue, but in view of what has been said, it is important that I comment on a couple of points contained in a letter from the member for Clontarf. He said—

Therefore, by the beginning of the next session of Parliament, unless this injustice is rectified, you have my assurance that I will have an inquiry called for in an attempt to have the whole Tribunal disbanded. Justice would be more impartial under a totalitarian

or communist government. I will not be party to it.

With views as strong as that, I would not be surprised if he were part of any libel action and I question how a man could be impartial in his judgment.

This matter has been given an airing because it has been broadcast by the Liberal Party. It has not been broadcast by the member for Merredin who chose to present the matter in a low-key way. He moved the motion without giving any reason in the hope that this House would refer the petition to the Select Committee for consideration.

I support the motion.

Question put and a division taken with the following result—

Ayes 28

Mr Barnett	Mr Hughes
Mr Bateman	Mr Jamieson
Mrs Beggs	Mr McIver
Mr Bertram	Mr Pearce
Mr Bryce	Mr Read
Mrs Buchanan	Mr D. L. Smith
Mr Burkett	Mr P. J. Smith
Mr Carr	Mr Stephens
Mr Cowan	Mr I. F. Taylor
Mr Davies	Mr Tonkin
Mr Evans	Mr Troy
Mr Grill	Mrs Watkins
Mrs Henderson	Mr Wilson
Mr Hodge	Mr Gordon Hill

(Teller)

Noes 17

Mr Bradshaw	Mr Mensaros
Mr Cash	Mr Old
Mr Clarko	Mr Rushton
Mr Court	Mr Spriggs
Mr Coyne	Mr Trethowan
Mr Crane	Mr Tubby
Mr Grayden	Mr Watt
Mr Hassell	Mr Williams
Mr MacKinnon	

(Teller)

Pairs

Ayes	Noes
Mr Brian Burke	Mr Peter Jones
Mr Parker	Mr Laurance
Mr Terry Burke	Mr Blaikie
Mr Bridge	Dr Dadour
Mr Tom Jones	Mr Thompson

Question thus passed.

EDUCATION: PRE-SCHOOLS

Lack of Facilities: Petition

MR TRETHOWAN (East Melville) [3.54 p.m.]: I present the following petition—

TO:

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

We, the undersigned residents of Western Australia wish to make it known that we are a group of concerned citizens and parents of children who are either attending or who will be attending Bridgewater Kindergarten (Inc.), Duncraig Road, Applecross, and wish to express our deep concern over the lack of permanent accommodation for the centre and the subsequent uncertainty over the continuation of the Education Department staff subsidy.

At present there is an obvious lack of kindergarten facilities in the City of Melville for children in the year that they turn four years of age. The Bridgewater Kindergarten has fulfilled a very real need in the past fifteen years and the fact that there are one hundred and eleven children on the waiting list for 1985 certainly indicates that this need has not changed. In fact, more than likely it has increased with the influx of younger families to the area.

We request that permanent facilities be found, and that the Education Department subsidy be continued and so ensure the continuation of this valuable community service in 1985 and ensuing years.

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

The petition bears 390 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 70.)

TRAFFIC: PEDESTRIAN CROSSING

Toodyay: Petition

MR GORDON HILL (Helena) [3.56 p.m.]: I hope this petition does not rock the foundations of democracy. The petition reads as follows—

To the Honourable the Speaker and Members of the Legislative Assembly in Parliament Assembled.

We, the undersigned citizens of Western Australia, respectfully request that your Government

... take appropriate measures to provide a crosswalk, crosswalk attendant and traffic island at Toodyay Road near its junction with Great Northern Highway.

... such action will alleviate the danger to school children and other pedestrians who

have to cross Toodyay Road at this busy road junction.

And your petitioners as in duty bound will ever pray.

The petition bears 91 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 71.)

FISHERIES: ROCK LOBSTER

Advisory Committee: Petition

MR P. J. SMITH (Bunbury) [3.57 p.m.]: I present the following petition—

To:

The Hon. the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament Assembled.

WE, the undersigned humble petitioners, being residents of Western Australia wish to register our disapproval and objections to the recommendations from the Rock Lobster Industry Advisory Committee with regard to the proposed banning of the use of compressed air in the taking of rock lobster by amateur fishermen. We believe that strict policing of the existing regulations will always be adequate to control the taking of crayfish by amateurs.

Your petitioners, as in duty bound, forever pray.

The petition bears 734 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 72.)

PORNOGRAPHY: VIDEO FILMS

Display and Sale: Petition

MR COURT (Nedlands) [3.58 p.m.]: I present the following petition—

To:

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

We, the undersigned, wish to register our protest of the Government of Western Australia's interference in our freedom of choice by their decision to ban the distribution, sale and hire in WA, of those video

tapes passed by the State Advisory Committee on Publications as a restricted article as from September 1st 1984. We believe that this video taped material should continue to be available to those who wish to view it.

The petition bears 12 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 73.)

PORNOGRAPHY: ADVISORY COMMITTEE ON PUBLICATIONS

Censure: Petition

MR COURT (Nedlands) [3.59 p.m.]: I present the following petition for the withdrawal of indecent publications and videos—

We, the undersigned citizens of Western Australia, CENSURE the State Advisory Committee on Publications and the Minister for Administrative Services for aiding the proliferation of carnal publications and videos which degrade the individual, human relationships and the role of women in society.

Accordingly, we, the undersigned, seek the immediate disbandment of the present State Advisory Committee and its replacement with a body that is more representative of community standards and attitudes.

Furthermore, we seek the immediate withdrawal of all such material from public viewing and sale.

The petition bears 405 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

The SPEAKER: Before I direct that the petition be brought to the Table of the House I would like to examine it. I am not sure whether it conforms to the Standing Orders.

Speaker's Ruling

The SPEAKER: In view of the wording of the petition, I rule that it is out of order. If the member for Nedlands wants an explanation for that ruling, the fault is contained in the first paragraph of the petition which refers to seeking to censure the State advisory committee on publications and the Minister for Administrative Services. That is clearly not in conformity with Standing Order No. 95.

BILLS (25): ASSENT

Messages from the Governor received and read notifying assent to the following Bills—

1. Acts Amendment (Court Fees) Bill.
2. Adoption of Children Amendment Bill.
3. Pawnbrokers Amendment Bill.
4. Acts Amendment (Insolvent Estates) Bill.
5. Electoral Amendment Bill.
6. Real Estate and Business Agents Amendment Bill.
7. Restraint of Debtors Bill.
8. Bail Amendment Bill.
9. Small Business Guarantees Bill.
10. Beekeepers Amendment Bill.
11. Bee Industry Compensation Amendment Bill.
12. Election of Senators Amendment Bill.
13. Land Tax Assessment Amendment Bill.
14. Mines Regulation Amendment Bill.
15. Construction Safety Amendment Bill.
16. Machinery Safety Amendment Bill.
17. Stock (Brands and Movement) Amendment Bill (No. 2).
18. Industrial Arbitration Amendment Bill (No. 2).
19. Rural and Industries Bank Amendment Bill.
20. Stamp Amendment Bill.
21. Credit Unions Amendment Bill.
22. Equal Opportunity Bill.
23. Road Traffic Amendment Bill.
24. Pay-roll Tax Amendment Bill.
25. Pay-roll Tax Assessment Amendment Bill (No. 2).

CONSTITUTION AMENDMENT BILL

Message: Royal Assent

Message from the Governor received and read notifying that he had reserved the Bill for the signification of Her Majesty's pleasure.

BILLS (15): RETURNED

1. Workers' Compensation and Assistance Amendment Bill.
2. Secret Harbour Management Trust Bill.
3. Tourist Development (Secret Harbour) Agreement Amendment Bill.
4. Stamp Amendment Bill (No. 2).
5. Financial Institutions Duty Amendment Bill (No. 3).
6. Financial Institutions Duty Amendment Bill (No. 4).
7. Acts Amendment (Conservation and Land Management) Bill.
8. Loan Bill.
9. Appropriation (General Loan Fund) Bill.
10. Appropriation (Consolidated Revenue Fund) Bill.
11. Housing Agreement (Commonwealth and State) Bill.

12. Metropolitan (Perth) Passenger Transport Trust Amendment Bill.
 13. Secondary Education Authority Bill.
 14. Rights in Water and Irrigation Amendment Bill.
 15. Reserves Bill.
- Bills returned from the Council without amendment.

DISTRICT COURT OF WESTERN AUSTRALIA AMENDMENT BILL

Council's Message

Message from the Council received and read notifying that it had agreed to the amendments made by the Assembly.

ACTS AMENDMENT (COMPLAINTS AGAINST POLICE) BILL

Returned

Bill returned from the Council with amendments.

Council's Amendments: In Committee

The Chairman of Committees (Mr Barnett) in the Chair; Mr Carr (Minister for Police and Emergency Services) in charge of the Bill.

The amendments made by the Council were as follows—

No. 1.

Part I, page 1, lines 7 to 12—To delete the Part and substitute the following—

Short title. 1. (1) This Act may be cited as the Parliamentary Commissioner Amendment Act 1984.

(2) In this Act the Parliamentary Commissioner Act 1971 is referred to as the principal Act.

Commence- 2. This Act shall come into operation
ment. on a day to be fixed by proclamation.

No. 2.

Heading of Part II, page 2, line 1—To delete the heading.

No. 3.

Clause 3, page 2, lines 2 and 3—To delete the clause.

No. 4.

Clause 4, page 2, line 7—To insert before the word "The" the following words—

" In so far as he is authorised so to do by Rules of Parliament made under this Act, or a resolution of both Houses of Parliament "

No. 5.

Clause 9, page 5, lines 2 and 3—To delete “deleting “The Police Department” and substituting” and substitute the following—

“ “inserting after “The Police Department” ”.

No. 6.

Part III, page 5, lines 5 to 11—To delete the Part.

No. 7.

New Clauses, 4A, 4B and 4C, Page 2, after line 30—To insert the following new clauses—

Section 14 amended and transitional provision.

4A. Section 14 of the principal Act is amended by inserting, after subsection (1), the following subsections—

“ (1a) Subject to this Act and notwithstanding subsection (1), the Commissioner shall investigate any action taken by a member of the Police Force or Police Department, whether or not that action relates to a matter of administration, where that action was, or purported to be, done in the exercise of, or in connection with or incidental to the exercise of, that member’s powers, duties or functions as a member of the Police Force or Police Department:

Provided that the Parliamentary Commissioner shall not investigate such action until the Commissioner of Police has had a reasonable opportunity to conduct his own investigation into such action.

(1b) For the purposes of the proviso to subsection (1a), the Commissioner of Police shall be deemed to have had a reasonable opportunity to conduct his own investigation into any action referred to in that subsection if—

- (a) a period of 42 days; or
- (b) such longer period as is agreed to by the Commissioner of Police and the Parliamentary Commissioner,

has expired since the complaint relating to that action was received at the office of the Commissioner of Police.

(1c) The application of subsection (1a) does not extend to action taken by a member of the Police Force or

Police Department before that subsection came into operation. ”.

Section 17 amended.

4B. Section 17 of the principal Act is amended, in subsection (3), by deleting paragraph (b).

Section 17A inserted.

4C. After section 17 of the principal Act, the following section is inserted—

Complaints by persons in custody.

“ 17A. (1) Subject to subsection (5), a person who is detained in custody is entitled—

(a) upon making a request to the officer in whose custody he is detained or to any other officer performing duties in connection with his detention—

- (i) to be provided with facilities for preparing a complaint in writing under this Act, for furnishing in writing to the Commissioner after the complaint has been made any other relevant information, and for enclosing the complaint or the other information (if any) in a sealed envelope; and

- (ii) to have posted to the Commissioner, without undue delay, a sealed envelope delivered by him to any such officer and addressed to the Commissioner; and

- (b) to have delivered to him, without undue delay, any sealed envelope addressed to him and sent by the Commissioner that comes into the possession or under the control of any such officer.

(2) Subject to subsection (5), where a sealed envelope addressed to the Commissioner is delivered by a person detained in custody to an

officer referred to in subsection (1) for posting to the Commissioner, or a sealed envelope addressed to a person so detained and sent by the Commissioner comes into the possession or under the control of any such officer, the officer shall not open the envelope, or inspect any document enclosed in the envelope.

(3) The Commissioner may make arrangements with the relevant authorities for the identification and delivery of sealed envelopes sent by the Commissioner to persons detained in custody.

(4) In subsection (3) "the relevant authorities" means the Commissioner of Police, the Director of the Western Australia Prisons Department appointed under section 6(1) of the Prisons Act 1981, the Director, Psychiatric Services appointed under section 6(1)(d) of the Health Legislation Administration Act 1984 and the Director-General appointed under section 7(1) of the Community Services Act 1972.

(5) Subsections (1) and (2)—

- (a) do not affect the operation of sections 67 and 68 of the Prisons Act 1981; and
- (b) subject to paragraph (a), have effect notwithstanding anything in any other Act.

(6) An officer referred to in subsection (1) shall not wilfully contravene or fail to comply with this section.

Penalty: \$200. " " "

No. 8.

Title, page 1—To delete "and the Prisons Act 1981".

Mr CARR: I move—

That amendments Nos. 1 to 8 made by the Council be agreed to.

I might say at the outset that the move to accept those amendments is not by the choice of the

Government; indeed it is not at all our preferred position, it has been thrust upon us by the events which have taken place in the Legislative Council relating to this legislation.

I make it very clear to all interested parties that the amendments being agreed to have been forced upon the Government by the Legislative Council. I make that comment in response to a report on the radio yesterday that the Leader of the Opposition had commented that he understood the proposal put forward by the Opposition was the preferred position of the Government and that we had agreed to the amendments because we thought those proposals were better than ours. In fact that is not the case. We are very strongly of the view that the original Complaints against Police Bill would have been a preferable way to deal with this question.

Turning to the amendments before us, on the one hand they make very minimal changes in substance compared with what was proposed in the original Bill, although they do make a very considerable change in format.

I point out to members that what we are dealing with now is what was originally the consequential Bill, the Acts amendment Bill to amend the Parliamentary Commissioner Act and the Prisons Act. It has, in fact, been advanced by the Legislative Council to become the main Bill containing the substance of the proposals. The original Complaints against Police Bill has in fact been discharged from the Notice Paper in the Legislative Council upon a motion by a Liberal Party member of the Legislative Council.

Turning to the substance of the proposal before us, it is very clear that the original intent of the Government has been achieved or is being achieved by the legislation presently before us. First of all, there should be an external scrutiny by the Ombudsman of internal police investigations. Secondly, there should be a power available to the Ombudsman to undertake his own investigations in certain circumstances to satisfy himself that the complaints have been properly inquired into. Thirdly, all actions of police officers come under the auspices of the legislation, not just administrative matters.

There is only one major difference between the proposal put forward by the Government a couple of months ago and the proposal before the Parliament at the present time. In our original Bill we set out in clear detail the procedures to be followed in the course of complaints against police officers. This proposal before us now leaves the procedures very much to be resolved between the Commissioner of Police and the Parliamentary

Commissioner. That is the fundamental difference. We believe that the procedures should be spelt out in a separate piece of legislation. This proposal leaves the procedures to be worked out between the Ombudsman and the Commissioner of Police. The actual detail of what can be investigated and so on is substantially the same under both proposals.

I suspect that in the initial stages there will be some problems to be sorted out. The Parliamentary Commissioner Act, which is now becoming the principal Act, was designed to deal with administrative actions of departments; it was never intended to look at inquiries relating to individual officers. Clearly some adjustment will be needed during the course of time, and equally clearly goodwill will be the fundamental requirement in order for the proposal before us to succeed.

I am sure that goodwill is not lacking. I am quite confident that the proposal before us will provide an effective external scrutiny of police internal investigations.

I would like to clear up a couple of misunderstandings which appear to have surfaced in reports in recent times. First of all, I want to make it quite clear that under the proposal before us the Ombudsman can receive an original complaint. A report in the newspaper appeared to say that if someone wants to make a complaint, first of all he must complain to the Commissioner of Police. If he is not happy with the result, he can refer the matter to the Ombudsman who can then pursue it on behalf of the complainant. In fact there is nothing to stop a person from making a complaint directly to the office of the Ombudsman. The Ombudsman will then receive the complaint, refer it to the Commissioner of Police asking him for a report or to conduct an inquiry, and then, when the commissioner has had a reasonable opportunity to investigate the matter and has reported to the Ombudsman, the Ombudsman will make his assessment of the inquiry. He will either say, "I am satisfied with the inquiry", and provide the appropriate advice to the complainant; or if he deems fit he will then have the opportunity to conduct his own inquiry.

It is very clear what will develop in practice will be the normal procedure that persons wanting to make a complaint will address that complaint in the first place to the Ombudsman, and he will follow it through with the Commissioner of Police in the way I have just outlined.

The second point I would like to make clear is that the six weeks referred to in the legislation as a reasonable time is not necessarily a minimum reasonable time. The proposal says that when the

Ombudsman refers the matter to the commissioner, or if it is referred directly to the commissioner from a complainant, a reasonable time will be allowed for the commissioner to investigate the complaint. If the commissioner completes that investigation in less than six weeks—for example, three weeks—and provides advice to the Ombudsman, that is fine. The six weeks referred to as a reasonable time is in relation to the time at which the Ombudsman will make contact with the commissioner to find out why the inquiry has not been completed, if indeed it has not been completed, and discuss whether extra time is needed to complete that inquiry.

I am of the view that this proposal can work and I expect it to work, although I make it very clear that the Government does not consider this to have been the most workable option available to the Parliament. It is not our preferred position.

I emphasise that there has been much support in the community for the Government's claim that its original Bill, the Complaints against Police Bill, was the preferable approach. First of all, I refer to a letter which was written by the Ombudsman to me, a copy of which was tabled recently in the Legislative Council by the President. That letter spelt out very clearly in the Ombudsman's words his view that our original proposal was a more workable proposition than the one presently before us. He did not say that this proposal would not work and, indeed, I know he was a little concerned that comments made in the Legislative Council may have misinterpreted his view. He did not say in the letter that this proposal would not work. He said that it would work, but he spelt out clearly his view that the original proposal was a more workable proposition.

I also have the views of the Commissioner of Police who sent a memo to me recently in response to a request from me for comments on the Opposition's proposal. In that memo, the Commissioner of Police indicated, as he did throughout the matter, that he would prefer not to have legislation which provided for external scrutiny. He preferred internal inquiries to take place. However, he made it quite clear that he considered our Complaints against Police Bill to be a preferable piece of legislation to the proposal before us at the moment. He made that comment with a qualification which referred to an amendment I had indicated I was prepared to agree to if we proceeded with the Complaints against Police Bill. However, the Commissioner of Police made it very clear that he was not pleased with the proposal that is before us. He saw the Complaints against Police Bill, as we were prepared to amend it, as being a preferable

and more workable model than the legislation before us.

The Crown Solicitor has given similar advice to the Government to the effect that its Complaints against Police Bill was a more workable proposal.

I have also had advice from three legal organisations; that is, the Law Society of WA, the Criminal Lawyers Association, and the Bar Association. I sought the advice of all three bodies when the Complaints against Police Bill was introduced into the Parliament, and each replied in quite strong terms expressing support for that Bill and describing it as a moderate and reasonable piece of legislation which in no way imposed unfair restrictions on police officers.

I make it clear that the advice I have had from those three associations was not on the basis of comparing the two proposals, because I submitted the request to them prior to the Legislative Council's proposal becoming known. Therefore, the advice of those three legal associations was on the basis of the original Complaints against Police Bill.

It is interesting to note as an aside how rarely lawyers ever agree on anything, but when they were called upon to comment on the Complaints against Police Bill they were unanimous in their agreement that it was a reasonable proposal.

Mr Thompson: It shows they were wrong.

Mr CARR: The Opposition can go on saying everybody is wrong bar the Police Union and the Liberal Party, but an enormous body of opinion—

Mr Thompson: In the words of a former Labor Premier, John Tonkin, "You can bet that, when all the lawyers agree, they are wrong".

Mr CARR: I have rather more respect for the legal profession than that. I know lawyers disagree on many issues, but it is of some importance that they all agreed on the appropriateness of our original piece of legislation. They were supported, as was the Government, by no less than three editorials in three significant newspapers—*The West Australian*, *The Sunday Times*, and *The Western Mail*—all of which indicated the Complaints against Police Bill was a reasonable piece of legislation.

In other words, our original proposal was accepted, agreed to, and considered to be reasonable. It was supported by just about everybody in the community bar the Liberal Party and the Police Union. Those were the only bodies which objected to the legislation.

I point out to the House, as I did once previously, that our Bill provided very supportive measures for police officers which the existing

proposal before us does not. I refer to two measures. The Complaints against Police Bill provided that a person the subject of a complaint could have his or her lawyer present at all stages of the inquiry. In the present situation, as I understand it, when the Ombudsman is conducting an inquiry, a person is able to have his or her lawyer present, but there is no provision to have a lawyer present while the police internal investigators conduct their investigations.

That is one measure under which we provided protection for police officers—protection which is not provided in the proposal before us.

Similarly, with regard to self-incriminating evidence, we inserted a specific proposal in our Bill that such evidence could not be used against a police officer. A convention exists at present that self-incriminating evidence is not used and I would anticipate that, in the activities of the Ombudsman under this proposal, self-incriminating evidence would not be used.

However, at the moment a challenge is being mounted in the High Court of Australia against the concept of a policeman being exempt from the use of self-incriminating evidence. If the court case is lost, police officers will lose the protection of the present situation and will have no protection against being required to provide self-incriminating evidence.

Our Bill specifically protected that situation, whereas the proposal before us does not. Those two aspects should be borne in mind when deciding which is the preferable of the two proposals.

Against all the background of support for the reasonable and moderate proposals we put forward, it is unfortunate that the Legislative Council has seen fit to force a second-best proposal on us, but even though it is a second-best proposal, we are pleased that the principle has been acknowledged that we should have independent scrutiny of police investigations; that the Ombudsman should have the capacity to carry out investigations; and that those investigations should extend to the actions of individual police officers.

I expect the proposal to work, but if it does not, we shall bring further amendments to the Parliament. The procedure would be that the Ombudsman would report to Parliament if he had difficulties with the workability of the scheme.

It was particularly pleasing in the Legislative Council the other night to hear Hon. John Williams indicate that he personally would be prepared to support further amendments to the legislation which were brought to the Parliament in the context of difficulties found to occur in the way in

which this measure worked. While he did not give us a blank cheque as to all the amendments to which he would agree, he certainly indicated a preparedness to make the changes, if necessary, in order to ensure that the proposal works. Certainly I hope that, if we find ourselves in the situation of needing to make such amendments, the type of flexibility which has been shown by the Government on this occasion will be shown equally by the Legislative Council.

I turn now to the role of the Opposition and the motives it appears to have had for amending this legislation. It is quite clear that the Opposition misjudged the Bill and, as a result, found itself in a dilemma. The Opposition started initially by following the Police Union blindly.

Mr Rushton: That is a misstatement again.

Mr CARR: Clearly the Police Union misled the Opposition and, in particular, the member for Dale. After this Bill had passed through this Chamber and went to the Legislative Council, to their credit some of the Legislative Council members considered the Bill in more detail and realised it was fair, reasonable, and moderate, and that the public supported it. They then found themselves with nowhere to go. They could not reject the Complaints against Police Bill, because after all by then they could see it was reasonable and the public wanted it. They could not agree to the Bill in principle, because they had already disagreed with it here. So they found themselves in a dilemma and had only one alternative approach to adopt. That was to ascertain whether they could find other words to do the same thing. That is exactly what we have before us at the moment—different words in a different vehicle doing exactly what the original Bill proposed to do.

The Opposition has come up with some words which will do almost exactly what was originally intended although, as I said previously, not as well. Nevertheless we will achieve pretty much what we set out to achieve and so we have agreed to accept these amendments. Over the last couple of weeks it had become evident that we would get a proposal along these lines, so Government officers assisted the Opposition to make improvements to its amendments to make them more workable.

I will comment also on the performance of the Police Union in this whole issue. It is fair to say that the executive and the senior officers of the union have discredited themselves seriously by their approach to this legislation. They have been involved in no less than three 180-degree turns. They started off totally opposed to the Bill on the basis that one section of their membership had

influenced them to take that stance. They then made a compromise on a proposal very similar to what is before us now. I am sure members will recall that when their telex was issued indicating that they would support the Ombudsman's having the power to inquire into actions of individual police officers, the Premier stood here and said that the Government would be able to respond positively to that proposal and expected it would be resolved in a week. However, when I met the union representatives three or four days later, they had spoken with that same section of their membership and this had caused them to reverse their position completely and to go back to completely rejecting the proposal for the Ombudsman to have that power. They were prepared to agree only to the two words to be added to the schedule. Apparently they have made another 180-degree turn and are now prepared to accept this proposal.

Mr Rushton: You should be locked up for telling untruths.

Mr CARR: The member for Dale should be the last to speak about anyone else telling untruths. I am making perfectly clear for the record just how the Police Union has made three 180-degree turns during the course of debate on this legislation. The union has been quite dishonest throughout. The union executive and leaders were dishonest, firstly, in claiming that there was no consultation with the Government when, in fact, there had been 20 months of detailed consultation both with myself and an officer from my office. Secondly, they were quite dishonest when they issued material and lodged advertisements and letters in the Press setting out their views on the content of the Bill, because they completely misrepresented the Bill. The member for Dale obviously followed along and came to a completely wrong understanding of the Bill. Thirdly, they were dishonest because, following the meeting they had in my office when they completely reneged on their proposal and said that they would not have a bar of anything except the adding of the words "Police Force" to the schedule of the Bill, they not only made statements that were inaccurate, but they placed advertisements in the Press completely misrepresenting the whole situation.

I feel rather sad that my trust in and respect for the executive and the officers of the Police Union has been seriously dented by their performance in the course of debate on this legislation. I am also disappointed by their attack on my officer, Peter Ward. However, I was pleased a couple of nights ago to see a different approach adopted by Hon. John Williams in the Legislative Council. I have already said that Peter Ward, on my behalf, had been involved in consultations with Hon. John

Williams and other members of the Opposition in order to fine tune their amendments to put them in a workable order. It was pleasing to hear Hon. John Williams pay tribute to Peter Ward. His comments were in contrast to the attitude expressed by the member for Dale and the Police Union. I take this opportunity to record my own appreciation of the good work done by Peter Ward. Although at all times acting at my direction, he did a great amount of work, and did it well.

We are now at the concluding stage of the passage of this Bill through the Parliament. We are passing legislation which the Government set out to have passed some time ago, so in that sense we can claim to have been successful. It has been a success at some cost to some of the relationships we have, and that is unfortunate.

Finally, I would like the Parliament to look forward and not backward. Two nights ago the members of the Legislative Council indicated their belief that the legislation would work. I assure all members that the Government is committed to making sure that it does work. While the legislation is not in the exact form we proposed, it is very close to what we wanted in effect, and we are therefore committed to seeing it work. Its success will be very much reliant on the goodwill of and co-operation between the Parliamentary Commissioner and the Commissioner of Police, and I am confident they will try hard to make the legislation work. Any problems will be reported to the Parliament, and we will seek to correct them. At that time I would expect the Legislative Council to support the appropriate amendments.

Mr RUSHTON: I listened to the Minister with interest as he presented a smokescreen for the Government's action in presenting this legislation and for what has happened to date. It is necessary that I recap a couple of points to reveal the very blatant attempt by the Minister to cover up what he has done.

The amendments before us are essential and thwart the Government's intentions, and I will explain what they were.

Firstly, the amendments are fundamentally different from the Government's intentions. In fact, we are not dealing with the Complaints Against Police Bill but with the Parliamentary Commissioner Act, and this shows what a total change has taken place. Thank God for the Legislative Council, which has been prepared to stand up and protect law and order in this State.

The Minister referred to the Ombudsman's letter. It must be understood that the Parliamentary Commissioner was involved in the preparation of

the Bill. It is unlikely that he is not in favour of the amendments, but he has had a different task from the Commissioner of Police. The Minister cannot show where the Commissioner of Police has been responsible for preparing the legislation. He has scarcely been consulted at all, and in fact opposed the legislation. The Minister has shown scant regard for the commissioner's opinion, which is worrying. It is a serious thing for the Minister for Police to be unprepared to listen to the Commissioner of Police.

Mr Carr: He prefers our legislation to yours.

Mr RUSHTON: The commissioner did not agree to the Bill, and even though he was asked to amend it, the Minister insisted on bulldozing it through the Parliament. The commissioner was against what the Minister was proposing. It was just a part of the Minister's propaganda to say that the commissioner would prefer another Bill. Although he might prefer it in its amended form, in fact he would prefer not to have a Bill at all. The Government's Bill was discharged from the Notice Paper in the other House because commonsense prevailed.

The Police Force members have no doubt about the Government's underhanded intention to let the police knockers have a direct attack upon the individual policemen and policewomen. That was fundamental to the previous legislation. The original Bill would have enabled the Labor Party and the trade union police knockers to have a way of diminishing the ability of the Commissioner of Police and the police members generally to maintain law and order. That was the fear we had, and it was something worth fighting against.

The Government's recent actions in encouraging civil disobedience at the Heirisson Island and Point Peron reserves bear witness to this.

The blatant breaking of the law by the Government over the decision to establish a casino on Burswood Island before the proper process of the law relating to reserves and town planning takes place, starkly illuminates the Government's contempt for upholding the law.

The Minister smiles. One of the Minister's greatest strengths is his ability, once he has egg on his face, to get it off, to whitewash it, and to finish appearing to be reasonable. Recently we witnessed the submission by the Government in regard to that powerful anti-police group, the Labor Party and the Burke Cabinet. The police are fearful of the anti-police component of the Burke Government and it is not hard to find them; they are on record. In *The West Australian* of 12 December the headline "Police Bill ready to be Passed" appeared. Of course, this statement misled the pub-

lic. The Complaints against Police Bill will not be passed. That needs to be rectified and the story needs to be told correctly. The Minister did refer to that matter, but there were some misconceptions.

The CHAIRMAN: Order! I point out to the member that he should now be debating whether or not these amendments should be accepted, not what may or may not have happened in respect of another Bill or anything else in respect of this Bill.

Mr RUSHTON: With respect, we are covering the Minister's submission to the Chamber and that is all I want to do. I will not do it at great length. It is necessary to put the record straight in regard to the things that have been portrayed by the Minister which are incorrect.

The CHAIRMAN: I am sure the member has the ability to do that by relating it to these amendments because if he does not, I will not allow him to continue.

Mr RUSHTON: The amendments cover the items I wish to cover relating to the Bill that was presented to us. The amendments that are before us cover all these items. I quote the other part of the newspaper report as follows—

The Bill has had a stormy passage, which started with outright rejection by the WA Police Union, supported by the Opposition.

That is a total mistruth repeated by the Minister in this Chamber and this can be thrown up immediately by reference to the letter from the Police Union to the Minister on 19 September 1984 in which a member of the media has shown very clearly that the Police Union presented to the Minister a proposition for an amendment to allow the Ombudsman to be the external appeal system. That was way back in September but, no, the Minister in this place wished to refute that by saying it was a delaying tactic. He attacked the Opposition for obstructing his legislation and was not prepared to make any changes at all. In fact, it has been a constant tactical exercise by him. I make those points because I hope the media will get this statement correct in reporting the facts, not matters which mislead the public such as saying that the Minister's Bill will be passed. It will not be passed. The fundamental difference in these amendments is taking away the ability of the knockers from the Roebourne-type exercise to be able to attack the individual policemen.

The Minister has continued to attack the Police Union and he ought to be ashamed of himself for that effort. The Minister has talked about that union's turnaround, but it has not turned around. The Minister has turned around.

Mr Carr: Name one incident where I have attacked the Police Force.

Mr RUSHTON: The Police Union is what I am talking about. The Police Force is behind the Police Union.

Mr Carr: That is rubbish, and you know it.

Mr RUSHTON: The Government attempted to split the force with its propaganda machine and it did not work out. That is why the Government had to accept the amendments in the other House.

Mr Carr: Come on. You know better than that.

Mr RUSHTON: The Opposition sought to have the Bill further considered in this Chamber. In fact, at that time, as the Minister said, the Police Union put out a telex which indicated its wish to have further talks. The Government grabbed that as a way off the hook because it was under a very strong attack from the public and the Police Force in regard to its approach to this matter.

The Minister denigrated the Opposition and the Police Union and sought to divide the Police Force by its many Press releases. Of course, it has the upper hand in that regard. The Government was forced to have its Complaints against Police Bill removed from the Notice Paper in the other House.

Mr Carr: Hang on. We did not seek that to happen.

Mr RUSHTON: That was the result of the Government's agreeing to these amendments.

Mr Carr: We agreed to the amendment because your people made it very clear that they would not allow the Complaints against Police Bill to pass.

Mr RUSHTON: Nor should they. These amendments are necessary to protect the Police Force and uphold the law. I have shown that the Government's bad intention has been exposed.

A very serious side of the issue, of course, was the Government's and Minister's contempt for the Commissioner of Police in not negotiating these amendments with him. In fact, he has had very little to do with the Bill. The cover up has been continued tonight when the Minister said the Commissioner of Police would prefer a separate Bill. Of course he would prefer a separate Bill, but one in line with his intentions and not the Minister's intentions. The Minister has taken no notice of Mr Porter.

Tonight he went on at great length slandering the Police Union about its having constantly changed direction. Of course, the Minister's comments were published in the Press from time to time. People tend to believe what is written in the newspaper. There is no proof that the police

changed their decision after 19 September when the Police Union wrote to the Minister about the legislation that was being drafted. The Minister's statement tonight was that the Opposition was fully supporting the Police Union in opposing the legislation. We oppose the Complaints against Police Bill, but did not oppose an external appeal system.

With respect, the legislation proposed by the Government was no good. We gave our reasons to the media. We said the Minister should go back to the drawing board and come up with something that would ensure that the Police Force was not undermined, and that the individual policeman could not be attacked by the Minister's knockers. The Minister did a quick tactical exercise in referring the Bill back and then he bulldozed on.

Of course the credit the Government pays to the Legislative Council needs to be acknowledged. The Minister is aware of all that was stated in the media in regard to our intention. It is incorrect for the Government to say the Opposition did an about-face.

As far as I am concerned, the Minister has placed on record his misleading statements. The Police Force will read those statements and will know what sort of a Minister they have. In fact, I would suggest the Minister now has such a record within his own force that he has lost their respect; he has lost his ability to provide leadership; in fact, he should resign from that post. If he does not resign he should be transferred to another portfolio because a Police Force without a Minister that it can respect is certainly weakened. I am very sad indeed about that, but that is a fact.

I attended recently the same function as did the Minister. At that function a retired policeman said—regrettably, to the Minister—that the best Minister for Police WA had ever had was Ray O'Connor, and if the Minister would start backing the Police Force he might even be considered to be worthwhile himself. Of course, the Minister's actions make it clear that he is not prepared to back the Police Force.

I close my remarks by pointing out that the amendments are very necessary. If the original Bill had been passed we would have seen a lowering of morale in the Police Force. We would have seen outsiders—people with mischievous intent—attacking members of the Police Force and now that has been removed through the amendment which ensures that the Commissioner of Police will have the right to carry out the investigations first and which provides that the Parliamentary Commissioner may consider the appeal, we have returned to what we first proposed. We

have got what we first proposed, not only in this Chamber, but earlier when we were asked to give our reactions to the legislation.

The Minister through his gyrations tonight has shown that he wants to retrieve some of the lost ground and to get the credit for including an appeal system. No-one wishes to take away from the Minister the fact that he brought forward legislation which provided for an appeal against the police. Gaol officers and public servants will have the same rights and privileges as the Police Force and that is what the Police Union has sought. We sought that also, and at no time opposed the introduction of an external appeal system. That fact can be noted from our media statements. That is something we have supported from the beginning. I was pleased to listen to members of the Police Union. I found them to be forthright people

I approve of the amendment.

Question put and passed; the Council's amendments agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Council.

CONSERVATION AND LAND MANAGEMENT BILL

Returned

Bill returned from the Council with an amendment.

Council's Amendment: In Committee

The Chairman of Committees (Mr Barnett) in the Chair; Mr Evans (Minister for Agriculture) in charge of the Bill.

The amendment made by the Council was as follows—

New Clause, page 74, after line 34—To insert the following new clause—

Review of Act "144. (1) The Minister shall carry out a review of the operation of this Act not later than 31 December 1985 and in the course of such review the Minister shall consider and have regard to—

- (a) any report of a Select Committee of the Legislative Council or Honorary Royal Commission touching on the subject matter of this Act or any part thereof;
- (b) the effectiveness of the operations of the Department, the Commission, the Authority, and the Council;
- (c) the need for the continuation of the functions of the Department, the

Commission, the Authority and the Council; and

- (d) such other matters that appear to him to be relevant to the operations and effectiveness of this Act.

(2) The Minister shall prepare a report based on his review of this Act and shall, not later than 31 December 1985, cause the report to be laid before each House of the Parliament."

Mr EVANS: I move—

That the amendment made by the Council be agreed to.

Mr MENSAROS: During debate on this matter the Opposition has strongly opposed this measure. I do not think it is a party-political measure; nothing in the Bill would indicate that it should be considered on any party principle.

We have warned the Government and placed on record the fact that we believe the implementation of this measure will considerably harm industry and commerce, as well as other people who are affected by this measure.

We just wish to repeat that warning. We know the Government has the numbers and will insist on the Bill passing with this amendment. We believe repercussions will occur as a result of this. However, it is up to the Government to decide on the matter.

Question put and passed; the Council's amendment agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Council.

PUBLIC WORKS AMENDMENT BILL

Returned

Bill returned from the Council with amendments.

Council's Amendments: In Committee

The Chairman of Committees (Mr Barnett) in the Chair; Mr McIver (Minister for Works) in charge of the Bill.

The amendments made by the Council were as follows—

No. 1.

Clause 4, page 2, line 9—To delete "(1)".

No. 2.

Clause 4, page 2, lines 20 to 25—To delete the proposed definition of "designated works".

No. 3.

Clause 4, page 3, lines 5 to 14—To delete the proposed subsection (2).

No. 4.

Clause 4, page 4, lines 21 and 22—To delete "and designated works".

No. 5.

Clause 4, page 4, line 29—To delete "and of designated works".

No. 6.

Clause 4, page 7, line 6—To delete "or designated works".

No. 7.

Clause 4, page 8, lines 4 and 5—To delete "and designated works".

No. 8.

Clause 4, page 8, after line 24—To insert after new subsection (6) the following new subsection to stand as subsection (7)—

(7) The Treasurer shall in each financial year include in the Consolidated Revenue Fund Estimates of Revenue and Expenditure in respect of the Building Authority a sum of money (whether nominal or otherwise) for the purposes of this Part.

Mr McIVER: I move—

That amendments Nos. 1 to 8 made by the Council be agreed to.

When we were debating clause 4 in the Committee stage I gave consideration to the amendment moved by the member for Floreat, who was handling the Bill for the Opposition. At that time I opposed the amendment, for the purpose of seeking further information. I wanted to check with the Treasurer to ensure that such a move would not jeopardise or retard the legislation. The Treasurer agreed with the member for Floreat, and as promised the amendment was inserted in the Bill when the matter was debated in the Legislative Council. I am prepared to accept the amendment.

Mr MENSAROS: The Opposition accepts amendments Nos. 1 to 7 which are as a result of our criticism with regard to the use of provisions in the Bill, which were really quite superfluous and which would have given power to a statutory authority to do virtually anything. Of course the statutory authority was established for the sole purpose of borrowing outside the General Loan Fund, as the Minister said. Therefore, it was un-

necessary for the authority to have such enormous power to run a fish and chip shop or anything like that, as I suggested.

When we debated this matter previously the Minister did not consider what I had suggested. He did not wish to amend the Bill to such an extent, but the Legislative Council saw fit to make this amendment. The amendments were not put forward by the Opposition in the Legislative Council; indeed, they were not voted upon at all.

The amendments were suggested by the Attorney General. That is the clearest proof, if ever it was needed, of the necessity for the second Chamber. I am sorry the Leader of the House is not here because I could not find a better example of the usefulness of the second Chamber. The arguments have been considered and accepted, and they are the same arguments which were not accepted here. In this Chamber the implied argument was, "We are the Government; we cannot be wrong; and we have the numbers".

Mr Gordon Hill: That is not the argument with respect to the reform of the Legislative Council.

Mr MENSAROS: That was the implied argument.

In relation to amendment No. 8, the Minister was insecure about the amendment at the time despite the fact that I argued that Parliament should have a scrutiny—

Mr Tonkin: Why did you take that scrutiny out?

Mr MENSAROS: Does anyone understand the Leader of the House? I do not.

Mr Tonkin: Why did you take out that provision?

Mr MENSAROS: Who took it out?

Mr Tonkin: Your Government, the conservative Government.

Mr MENSAROS: I will ignore the Minister because I cannot see the relevance of his remark.

Mr Tonkin: I will speak and explain it to you.

Mr MENSAROS: The Minister said he would consider the amendment, and he has done so. I think it is exactly the same as that which I suggested.

Mr TONKIN: The member for Floreat in a very rude manner decided not to understand what I was talking about. I was referring to the fact that the Opposition when in Government had a very different attitude from that which it has at present. It took out the provision for this scrutiny, but now it has suddenly discovered the virtue of parliamentary scrutiny. The member for Floreat is a hypocrite.

Mr Mensaros: We did not take it out.

Mr TONKIN: The previous Government did because when I came to this Parliament provision existed for scrutiny of this kind of instrumentality because there was a \$1 requirement in the Budget.

Mr Mensaros: If somebody did not provide for the \$1 to be included in the Budget, that is different. The provision is still there.

Mr TONKIN: What does the member mean?

Mr Mensaros: There is a debate if there is an appropriation.

Mr TONKIN: The member for Floreat's Government took the appropriation out.

Mr Mensaros: Not the Government; one Minister may not have had an appropriation, and that is the purpose of the amendment.

Mr TONKIN: That is a very dishonest remark. The Government took it out. That provision existed when I came to this Chamber and it was put in deliberately so there could be parliamentary scrutiny. The member for Floreat's Government took it out and now the member suddenly says, "Let us have it". The difference with this Opposition is that it suddenly when in opposition believes in Select Committees and that the Legislative Council should wake up and do something instead of going to sleep. It believes there should be the appropriation of a nominal amount which we agreed to but which the Opposition when in Government would not agree to. It was an accepted practice and the member's Government took it out. Now in Opposition it has suddenly decided to change the rules. The Opposition has no sense of decency, honesty, or fair play. Now that members opposite are in Opposition they want the Parliament to function. When the member for Floreat sat with Sir Charles Court he was not interested in the Parliament; legislation was rammed through and that Government would not accept any amendments whatever. There was no scrutiny by the other place; it slept for nine years. Suddenly members opposite have discovered the virtue of this proposal.

It is to the credit of this Government that it accepts there should be parliamentary scrutiny, and although we have the numbers in this Chamber we are accepting this amendment. The member for Floreat should not forget that fact when next he is thinking of being hypocritical and suddenly coming out with specious arguments which are so different from those which he put when in Government. He should remember how many amendments were accepted from the then Opposition and how closely he listened to the logic coming from the then Opposition when he was sitting on the Government benches. He should remember how his Government took away from the

Parliament the right of scrutiny in these matters. He should remember this Government accepts that the Parliament has a right to scrutiny. We are not doing it in Opposition, we are doing it while in Government.

Mr MENSAROS: I would have thought the Chamber had agreed that we would have a more or less businesslike session and not indulge in personal abuse, as did the Leader of the House whose comments I reject. Because he chose to do that you, Mr Chairman, will give me the opportunity to respond. If I had unlimited time I could talk for days about the different attitude of one party or another when in Opposition and in Government. That was not the question. I suggested there should be parliamentary scrutiny, and the Minister for Works understood. I did not argue which Government had made appropriations and which one had not. That was the purpose of the amendment—so there should be an appropriation in a case like this when hundreds of millions of dollars are at stake. The Minister chose to use the time of the Chamber to indulge in personal abuse which I utterly reject.

Question put and passed; the Council's amendments agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Council.

UNLEADED PETROL BILL

Returned

Bill returned from the Council with an amendment.

Council's Amendment: In Committee

The Chairman of Committees (Mr Barnett) in the Chair; Mr Grill (Minister for Transport) in charge of the Bill.

The amendment made by the Council was as follows—

Clause 8, page 6, lines 22 to 30—To delete subclause (1) and substitute the following subclause—

8. (1) If, in addition to selling unleaded petrol, a petrol retailer sells petrol, that is not unleaded petrol, the price at which he sells unleaded petrol at any one site shall not exceed the price at which he would sell the same quantity of petrol that is not unleaded petrol at that site.

Penalty: In the case of a body corporate, \$5 000 and, in the case of a person other than a body corporate, \$2 000.

Mr GRILL: I move—

That the amendment made by the Council be agreed to.

Mr MacKINNON: Before the Minister proceeds I would appreciate it if he could explain the purpose of this amendment. What is it about? I have read the amendment and it really is not entirely clear to me. I discussed it with the member for Darling Range, who unfortunately is not here at present; he has had to leave for an appointment. We discussed the matter and we were not sure of the intention of the amendment, and I would appreciate an explanation.

Mr GRILL: The amendment has been made at the request of the petroleum distribution industry. It simply makes clearer than it previously was that the clause would apply to each retail site. It was thought that, under the clause as it was, it may apply to only one site and not to a number of sites when a retailer actually controls more than one site.

Mr MacKINNON: The Opposition will not oppose the clause. I accept the Minister's explanation. The only concern we have is that, in due course, if it turned out that retailers were being sold one form of petrol at a different price, this clause would be used to squeeze the margin of those retailers. Obviously we would have concern about that. We have no objections to the proposal, other than, as I said, to voice that concern and say that we hope that it was not the intention of the legislation for that to occur.

Question put and passed; the Council's amendment agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Council.

DENTAL PROSTHETISTS BILL

Council's Message

Message from the Council received and read notifying that it did not insist on amendment No. 17 but that it insisted on its amendments Nos. 1 to 5, 9 to 16, and 18 to 46 to which the Assembly had disagreed and had further amended the Bill.

[Questions taken.]

CENSORSHIP OF FILMS AMENDMENT BILL

Second Reading

Debate resumed from 15 November.

MR WATT (Albany) [5.39 p.m.]: The only purpose of this Bill is to change the cinema classification of films presently classified "NRC" or "not recommended for children" to a classification of "PG" or "parental guidance".

That seems a reasonable move. Indeed the Opposition will not oppose it. However, it is reasonable to question the reasons for placing the onus on parents rather than on the State.

Apparently film exhibitors have claimed that the public is confused by the negative "NRC" classification into thinking that films classified "NRC" are stronger than those classified "M", which refers to mature audiences only. By replacing "NRC" with "PG" it is believed that a negative warning will become a more positive classification, and put the role of supervision of children's viewing onto their parents.

Whether that will occur is debatable. At this time of the year large numbers of children, especially those who have just finished school and are looking for something to do, come into town and often go to a movie. In that group situation there is an element of daring and bravado, combined with peer group pressure. Children go because they feel they must, and no-one will challenge their entry to the theatre. They can see any movie they like, and it is rare that anybody challenges them. So parental guidance can only work up to a point. That is the influence which can be exerted at home about what is right and what is wrong. After that, they are on their own.

The question of censorship of films, both cinema and video, has received considerable attention in recent times. In 1983 petitions were presented containing 16 646 signatures, and in 1984 a further 27 955, totalling 44 601. That demonstrates the depth of feeling in the community about the whole question of censorship, particularly of films. I know most of those objections have related to videos, but the two are closely related, and it is something about which we should be very concerned.

To the Government's credit, it did something about the classification of videos in certain categories, and it has come under a certain amount of pressure from some sections of the industry. I hope that the Government will remain firmly resolved to continue what it has done. Indeed, if the opportunity permits, I hope it will even tighten up further.

But, there are a number of problems. Today's *The West Australian* carried a headline on page 2, "Drop Video Porn Bans". That came from the chief censor. She wants a liberalisation of categories. I will not quote from that article now,

but it shows the tendency which always seems to be in our society to relax hard rules and make them easier. We did that with very many laws. We said young people between 18 and 21 years of age should be subject to drinking laws. Then we lowered the age to 18. Now 14-year-olds are drinking. This is the standard we all adopt from time to time—if it is too hard we legislate to make it easier. There is clearly a close correlation between what we did with those laws and the video laws.

In today's *The West Australian* there appeared a telling article opposite the one about videos dealing with teenage drinking. I will not quote the article, but I recommend members to read it because it is of very great concern.

The chief censor complained she would like to see the ban on videos relaxed because her office does not have the staff to deal with it. Surely if that is the situation, that is a case where more staff should be put in that very vital and sensitive area. Parents can only do so much in the home; after that it is really up to the kids. One can only hope one's influence over them has been appropriate.

Even there, with the availability of videos, kids can go into video libraries and hire movies many of us would not like them to see. They bring them home and watch them on an evening when their parents are out.

The Opposition does not oppose this legislation, but we will be concerned to observe its effect and hope it is for the good. If not, we will be urging the Government, no doubt with the assistance of organisations such as churches and family associations which are concerned about these things, to look for alternatives which might be effective.

We support the Bill.

MR PEARCE (Armadale—Minister for Education) [5.46 p.m.]: The Government is thankful to the Opposition for its support of this Bill. It makes a very small change. The Government notes the comments made by the member for Albany with regard to the problems of censorship, and intends to keep a close eye on these matters.

I commend the Bill to the house.

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 Mr Pearce (Minister for Education), and passed.

CLOSE OF SESSION*Complimentary Remarks*

MR BRYCE (Ascot—Acting Premier) [5.48 p.m.]: At this stage of what has been a fairly long parliamentary year I take the opportunity of wishing all the members of the House and their families a merry Christmas, and as far as 1985 is concerned, a prosperous and enjoyable new year.

This is an appropriate opportunity to say to the parliamentary staff and to the members of *Hansard* and to the journalists—who scored a mention a few moments ago for their presentation of the way they see things as we conduct them in this part of the institution—a very merry Christmas, a well-earned rest and an enjoyable and very healthy 1985.

I want to take this opportunity to say to the Leader of the House and to the Deputy Leader of the Opposition that although we have made this comment before in this place in the last couple of years, we have all, as elected representatives in this place, benefited from the effectiveness with which the affairs of the House have been managed.

Some members are not in a position to compare the way in which things were done in this Chamber in previous years. I refer here to Governments of both complexions over a long period. We have made a significant step forward and, although we have differences from time to time even in respect of the management of the business of the House, and although misunderstandings occur on occasions in that process, on behalf of those who have sat here for a reasonable time and who are in a position to compare the situation from 1982 to 1984 with the way in which it operated previously in respect of the management of the business of the House, I express our gratitude to the Leader of the House and the Deputy Leader of the Opposition. We hope their efforts will be built upon in 1985.

When we return in 1985, Bernie Edmondson and his wife Lorna will not be here. Bernie is retiring at the close of business tomorrow. He has worked in the Parliament in a number of different capacities for 23 years. He was first appointed to Parliament as a steward in 1961, and he worked in a number of positions until appointed to his present one of Executive Officer—House Controller on 6 January 1973.

As they have lived in this place for more than 12 years, Bernie and Lorna are well known to all of

us. Bernie has organised numerous dinners and functions at Parliament House for a multitude of VIPs and Lorna has done a most outstanding job, of which all of us are well aware, in the arrangement of the floral tributes which have been a feature of those functions.

I understand that prior to his naval service and moving to Perth, Bernie lived in Pingelly, and he played and umpired a great deal of football in the Corrigin area. I am told he will have a rather busy time in his retirement. He is currently the Vice President of the Naval Association of Australia and Treasurer of the Australian Corvettes Association.

Bernie has performed a very important role in this institution. He also has a first-class sense of humour which all of us have had the opportunity to share. I have been here for only 14 years and Bernie has been here almost 10 years longer. Therefore, his association with this place is such that he is a part of this institution. We all wish Bernie and Mrs Edmondson a very long, healthy, and happy retirement, bearing in mind their long and valuable contributions to our institution.

Members: Hear, hear!

[Applause].

Mr BRYCE: I conclude at the point at which I started. This is the time of year when members of Parliament who have worked extremely hard have an opportunity to be united with their families. During the course of the year members of Parliament are denied the sort of access to their families enjoyed by most normal citizens. I hope that all members enjoy their time with their families and, on behalf of the Government, I hope that 1985 will be a year of excellent health and prosperity for all.

MR MacKINNON (Murdoch—Deputy Leader of the Opposition) [5.55 p.m.]: On behalf of the Opposition parties I join with the Deputy Premier in making some comments at this time. I extend the apologies on behalf of the Leader of the Opposition who, unfortunately, had a prior commitment at this time. Of course, he joins with me in the remarks I am about to make.

One aspect of the past year about which I am sure all members would rather not think about was that of the passing of Gordon Atkinson. He was a member of Parliament for only a brief time and we have already expressed valedictories in his regard. However, it does no harm to pause and reflect briefly on the contribution he made. His family will never get over his passing, but I sincerely hope that they have at least come to terms with it and can now live fulfilling lives. We extend our respects and good wishes to them.

To you, Mr Speaker, I extend our thanks for the work you have done in the Parliament. Yours is a job to which I do not aspire. It is a difficult job, and while we do not always agree with your rulings, we know you make them in the best interests of the Parliament, and we thank you for that.

To the officers of the Parliament, both within the Chamber and outside, we extend our gratitude for their efforts in supporting us. We appreciate them very much.

We extend our sincere thanks to the *Hansard* reporters and their supporting staff. They certainly have some difficult days when we have meetings of Select Committees followed by late sittings of the House and they must return to this place early the next day. We thank them for the work they have done on our behalf during the year.

We thank the policemen and policewomen who sit in the gallery for the contribution they have made to the running of the Parliament. The appearance of policewomen here recently is a welcome change.

Although we do not always agree with the Press, we are fortunate in this country to have a free Press and we thank the journalists for the manner in which they have by and large provided objective reporting of the proceedings of this House.

I also join with the Deputy Premier in extending our best wishes to Bernie and Lorna Edmondson. The Deputy Premier has underlined the enormous contribution Bernie and his wife have made to the Parliament. We sincerely hope their retirement is long and happy and that they enjoy the fruits of their endeavours for many years to come.

I thank the Leader of the House for his co-operation. We have had a reasonably good working relationship. I agree with the Deputy Premier that at least we have come to an understanding and our weekly meetings have helped in that regard. The co-operation I have enjoyed with the Leader of the House most of the time has been appreciated and has led to the better running of the House and earlier nights for all of us.

Briefly, I raise a couple of concerns about situations which I hope will not be repeated in the new year. It is still of concern to the Opposition parties that question time is abused. It was not abused tonight and that was an improvement. When the Government abuses question time by giving long answers, it does nothing for the Parliament or for the Government. Most of the answers are in any event only regurgitated Press statements. I hope the Government will look seriously at the use of question time.

During the recess I hope that the Leader of the House and his colleagues will examine the time management motion. It was not abused this session; indeed, I believe it was used only once and not for the full time in the past year.

The time management motion is not necessary and Standing Orders are sufficient to deal with an Opposition which may seek to frustrate the Government. The arrangement at which we have arrived for the handling of the business of the Houses is adequate and I would like to think that in future we can proceed with arrangements being made behind the Chair, which is the procedure we have always advocated.

Finally, members on this side would appreciate knowing as soon as possible what the sitting times will be for next year. We appreciate the general indication the Leader of the House has given us, but many members wish to plan overseas or Eastern States tours and have to make arrangements with their families, so we would appreciate some exact dates.

I thank members on this side of the House for the support they have extended to the Leader of the Opposition and myself as the leaders of the coalition parties. We have appreciated their support and look forward to working together again in the next session as Opposition parties in the Government of this State and in assisting us to return to Government at the earliest moment.

Finally, to you, Mr Speaker, all members of the staff of Parliament, the members of the Press Gallery, and all others associated with the Parliament, I wish everyone a very happy Christmas and a prosperous New Year.

MR OLD (Katanning-Roe) [6.01 p.m.]: On behalf of National Country Party members, I too will briefly add to the felicitations expressed and take this opportunity to make a couple of special mentions, as has been done by previous speakers.

This is quite an historic occasion because the House Controller is retiring after a long period of service. I have known Bernie Edmondson for a lot longer than most members in the House, having known him in Corrigin some 10 years before he came down here as an employee of Parliament House. He was always a very good sport, not just with the skills but also in the way of being a good sport; that sums up Bernie's nature and character. He has been a great fellow here and he has had an old sea-dog mate in my colleague, the member for Moore, who is also an old corvette man. They played up a couple of months ago when they attended an Australian reunion of the corvette association over here. It was an event which unfortunately did not get the publicity it deserved.

Nevertheless it was quite an occasion, because the corvette association is pretty strong.

While it is perhaps not appropriate at this time to single out people while thanking the staff of the Parliament, the *Hansard* staff, the Press and the police, I will make mention of our old policeman friend, Des, who was with us for two or three years. We all got to know him fairly well. As a mark of respect to Des, he was invited to the Christmas function. I know how much he appreciated it because he passed on that message to me. It is things like that which make the House more workable and pleasant.

We also have another great character leaving the employment of Parliament in the not too distant future, and that is Mac in the bar. Those of us who frequent that den of iniquity have a high regard for Mac. He is a very pleasant fellow and one to whom I know all members would like to pass on greetings.

Mr Speaker, finally to yourself I say how very much we appreciate the way in which you have conducted the affairs of the House. At times yours is a very difficult job—although I know it is not as difficult with us in Opposition as it was for the previous Speaker when the Government was in Opposition! We have appreciated the evenhanded way you have approached the conduct of the House and we extend to you and Mrs Harman special greetings for Christmas and the New Year.

THE SPEAKER (Mr Harman): I thank the Acting Premier, the Deputy Leader of the Opposition, and the member for Katanning-Roe for their kind remarks.

About 12 months ago on a similar occasion I made a very short speech and expressed the hope that the House would be able to resolve the problems we were having in the 1983 session in a much better way. I am pleased to be able to report that commonsense has prevailed and that a major difference has been evident in the conduct of the Parliament this year compared with 1983.

The decision to cease at 11 o'clock at night has made it a better proposition for members of Parliament and their families; hopefully, instead of arriving home in time for breakfast we are now at least able to get home at midnight. I would like to commend both the Leader of the House and the Deputy Leader of the Opposition for their contributions in that regard.

On behalf of the staff, I thank members for the remarks they have made about the staff of Parliament House. We have been served very faithfully and very loyally by the officers of this Parliament. Nothing is too much trouble for them. They try to help me, the Chairman of Committees, and mem-

bers of the House as much as is humanly possible, and I commend them for that.

We are assisted of course, by the *Hansard* service, the staff of which has been having some considerable problems this year, of which members are already aware. I will not elaborate on them. They perform a wonderful service to Parliament, for which I highly commend them.

Also we are grateful for the assistance provided by the Parliamentary Library. Without the information, data, help, and encouragement that library staff give to members of this Parliament we would not be as well served. On members' behalf, I thank the library for their efforts.

Of course, without the dining room staff and the catering staff and the bar, members of Parliament would not be so well cared for and we owe a great deal of gratitude to all those people who help us in that regard.

I note also the departure very soon of "Mac" who is probably an institution around Parliament House. It is regrettable that he has reached the age of retirement, but I am sure that all members wish him well when that occasion occurs shortly after Christmas.

In the last 12 months we have been able to improve the appearance of Parliament House. By courtesy of the Minister for Works and the community employment programme we were able to clean the front of the building, which is the old part of the building facing Harvest Terrace; and this has made Parliament House a more conspicuous and more presentable place for the people of Western Australia.

We have been successful in our appointment of gardeners, so much so that there has been a major improvement in the total appearance of Parliament House from a garden point of view. Members no doubt appreciate the new rose beds that we have near that part of Parliament House facing Hay Street.

We are indebted to all of the divisions and departments within Parliament House for their services throughout the last 12 months.

Parliament, of course, could not operate without the Government Printer and on members' behalf, I extend to the Government Printer and his staff our appreciation of the work that they do in all of the facets of the printing requirements of Parliament House.

I say to Mrs Edmonson and Bernie that I am sorry in one way that they are leaving because we have enjoyed their association for at least the last 17 years during which I have been in Parliament. Bernie had a distinguished record in the Navy,

serving in many facets of the war. After his Navy service he lived at Corrigin. While I cannot recall actually meeting Bernie in Corrigin, while visiting Corrigin on one or two football trips with the former Premier, I know that he was there. We spoke about some of the incidents only the other day. Bernie has a tremendous interest in a great football team, East Perth Football Club. We did not realise that the headlines the other day would be as they were, but knowing Bernie's attitude towards the East Perth Football Club, I am sure that he will respond to help ease the financial difficulty that the club now faces.

Mrs Edmondson arranges the flowers in my office and suite and she does it so wonderfully well that I am sure we will miss her. We will miss also the little touches that she gives to Parliament House to make it less sombre. It is a touch I am sure we have all appreciated.

Mr and Mrs Edmondson, thank you very much for the great service you have given to Parliament House, not only to the members present, but also

to past members. We have all appreciated the work you have done. On behalf of all members and myself I express to you our great wish for your happy and healthy retirement. We look forward to seeing you on as many occasions as you may care to come to Parliament House. Thank you for your great service.

Finally members, I wish to convey to you on behalf of my wife and my family all the best wishes for Christmas. I hope members have a happy Christmas and enjoy their reunions with their families in the spirit of Christmas and the New Year. I hope the New Year will be a happy and prosperous one.

ADJOURNMENT OF THE HOUSE: SPECIAL

MR TONKIN (Morley-Swan—Leader of the House) [6.11 p.m.]: I move—

That the House at its rising adjourn until a date and time to be fixed by the Speaker.

Question put and passed.

House adjourned at 6.12 p.m.

QUESTIONS ON NOTICE

BUSINESSES: CORPORATE AFFAIRS OFFICE

Tileska Pty. Ltd.

2036. Mr DADOUR, to the Acting Premier:

As the Corporate Affairs Office has advised that Tileska Pty. Ltd. is not registered in Western Australia, then who are the directors and shareholders of that company?

Mr BRYCE replied:

The member has been advised in writing.

PUBLIC SERVICE: RESTRUCTURE

Non-Government Sector Advisers

2037. Mr HASSELL, to the Acting Premier:

What qualifications in public administration do the Government's non-Government sector advisers on the restructuring of the Public Service and, in particular, the Public Works Department have?

Mr BRYCE replied:

Qualifications appropriate to the tasks involved.

COMMUNITY SERVICES: CHILDREN

Ngal-a Mothercraft Home: Grant

2038. Mr HASSELL, to the Minister for Health:

Why has the grant to Ngal-a Home been reduced from \$1.816 million in 1983-84 to \$1.600 million in 1984-85?

Mr HODGE replied:

A similar question has been answered previously by the Minister for Budget Management in question 301.

I have nothing to add to his response which advised that the allocation for 1984-85 is regarded as adequate for the Ngal-a Mothercraft Home to operate this financial year and was determined after careful assessment of its needs, other revenue and cash investments.

EDUCATION

"SPELD"

2039. Mr HASSELL, to the Acting Premier:

When is the Government's grant to the organisation known as SPELD to be paid?

Mr BRYCE replied:

Payment of \$5 000 was made on 16 October 1984.

CONSUMER AFFAIRS

Tenancy Law Reform Working Party

2040. Mr HASSELL, to the Minister representing the Minister for Consumer Affairs:

- (1) Who are the members of the Tenancy Law Reform Working Party, and what interests do they represent?
- (2) What stage have they reached in their deliberations?
- (3) Does the Government plan to legislate in this area, and if so, when?

Mr TONKIN replied:

- (1) to (3) The information requested by the Leader of the Opposition is contained on page 1 of the report of the working party forwarded to him by letter dated 9 October 1984. The letter forwarded to the Leader of the Opposition indicates public comment was being sought by the Government for a period of two months.

STATE FINANCE: CRF

Telethon: Late Syd Donovan

2041. Mr HASSELL, to the Acting Premier:

On what page in the Budget Estimates, and under what item, can be found the provision which covers the additional funds given to Telethon by the Premier in recognition of the late Syd Donovan?

Mr BRYCE replied:

Expenditure in excess of the votes provided from the Consolidated Revenue Fund are met from the public account from the Advance to Treasurer granted under the Appropriation (Consolidated Revenue Fund) Act 1984-85.

Additional expenditures authorised under section 132(1) and (2) of the Treasury regulations under the Audit Act are required to be submitted in de-

tail for parliamentary appropriation in the Appropriation Act, for the next ensuing year. Details also form part of the public accounts presented to Parliament each year.

PERTH MINT

Privatisation

2042. Mr HASSELL, to the Minister for Minerals and Energy:

- (1) What progress has been made by the Government towards the implementation of its policy of privatisation of the Perth Mint?
- (2) What committee or group is studying the matter?
- (3) Who are the members of that committee or group?
- (4) What consultations have been undertaken with the industry?
- (5) Is the Western Australian Development Corporation involved?
- (6) Has any decision been made by Cabinet, and if so, what decision?
- (7) Is any legislation proposed, and if so, when?

Mr PARKER replied:

- (1) to (7) The member will be informed in writing in due course.

PLANNING: NEDLANDS

Sports Complex: Studies

2043. Mr HASSELL, to the Minister representing the Minister for Planning:

- (1) Prior to the Government making a decision on the proposed sports complex in the City of Nedlands—
 - (a) was a traffic study undertaken;
 - (b) were planning studies undertaken;
 - (c) were environmental impact studies undertaken?
- (2) If not, what was the basis and reasoning for the decision?
- (3) If any studies were undertaken, will the Government table the reports, and if not, why not?
- (4) If studies were not undertaken, why not?

Mr PEARCE replied:

- (1) to (4) Government agreed in principle to the development of a sports complex, and as the University of Western Australia

has offered land for the project, the concept was announced.

Government is now progressively evaluating the concept and options for development.

HOUSING: SHC

Mia Mia Flats

2044. Mr HASSELL, to the Minister for Housing:

- (1) (a) Is he aware of the problems at the Mia Mia flats, Balga and the nearby State Housing Commission accommodation in Keeble Way, Balga;
 - (b) if so, has he taken any action?
- (2) What instructions has he given the State Housing Commission on the matter?
- (3) Has the Premier been involved, and if so, what action has he taken?
- (4) What are the responsibilities, powers and duties of the caretakers of State Housing Commission complexes such as Mia Mia flats and the Keeble Way accommodation?
- (5) Does the State Housing Commission take notice of caretakers' reports on unruly or disruptive tenants or tenants who fail to pay rent or utility bills?
- (6) Does the State Housing Commission have the power to act on such tenants?
- (7) Does the State Housing Commission issue warning notices to such tenants?
- (8) Have any tenants in the Mia Mia flats and the nearby State Housing Commission accommodation in Keeble Way, Balga been issued with warnings or eviction notices?
- (9) What plans have been made to ensure that tenants in the Mia Mia flats and the Keeble Way accommodation do not subject other tenants to unruly and noisy behaviour which is disturbing their peace?

Mr WILSON replied:

- (1) (a) and (b) Yes.
- (2) The General Manager of the State Housing Commission visited the flats last Saturday with other senior officers and met with tenants from the complex. He has given tenants certain undertakings and all offending tenants have been given final warnings.

- (3) Yes. The Premier has made representations to the General Manager of the State Housing Commission.
- (4) In general terms to ensure the cleanliness and tidiness of the complex and report breaches of tenancy to the regional office.
- (5) Yes. However, caretakers are not required to become involved in tenants' financial matters.
- (6) Yes.
- (7) Yes.
- (8) Yes.
- (9) The general manager has arranged the establishment of an office within the complex to be manned by an experienced housing officer so that this officer will be able to respond immediately to any disturbances or problems brought to his attention by tenants. This officer will also be working closely with the tenants.

COMMUNITY SERVICES

Western Institute for Self Help

2045. Mr HASSELL, to the Minister for Youth and Community Services:

- (1) Who are the Western Institute for Self Help?
- (2) What sort of activities are they involved in?
- (3) What do they propose to do at Wanslea should they move into part of the premises next year?

Mr WILSON replied:

- (1) and (2) WISH is an umbrella group supporting and promoting self-help in the community. It is composed of self-help groups who have come together to support each other and increase community awareness of self-help. It provides resources and personal support for groups and individuals involved in self-help. WISH facilitates the sharing of skills and resources between groups and links people in the community with a group that is most relevant to their needs.

As an enabling organisation WISH will be supporting some 200 affiliated self-help groups including the areas of the aged, disabled, ethnic groups, adoption and fostering groups, family law and divorce, grief, human development, and single parents.

(3) WISH can offer—

Support on starting groups, information on funding, a newsletter, a meeting venue and working space, an index on community groups and resources, administrative and clerical support to groups.

AUSTRALIAN LABOR PARTY

Herb Graham House

2046. Mr HASSELL, to the Acting Premier:

Further to my question 541 of 1984, concerning Herb Graham House offices, can be now give me the complete answers to this question?

Mr BRYCE replied:

The matter will be referred to the Premier on his return from overseas and the member will be advised in writing in due course.

STATE FINANCE: SHORT-TERM MONEY MARKET

WADC: Takeover

2047. Mr HASSELL, to the Acting Premier:

- (1) (a) Has any part of the short term money market operation of the State Treasury, in relation to cash balances, been transferred to the Western Australian Development Corporation;
(b) if so, what part of the operation?
- (2) What is the plan or schedule of transfer of the operations?
- (3) (a) Has the Government decided not to transfer the operations to the Western Australian Development Corporation;
(b) if so, why?
- (4) What Treasury officers have been displaced or will be displaced by the transfer?
- (5) What officers at the Western Australian Development Corporation will undertake, or are undertaking the short term money market operations for the Treasury?
- (6) What is the arrangement between the Government and the Western Australian Development Corporation as to the operations?

- (7) What fee or charge will be received by the Western Australian Development Corporation for the operation?
- (8) What will be the protection afforded State funds when handled by the Western Australian Development Corporation?

Mr BRYCE replied:

- (1) to (8) The member is referred to the answer to question 1206 of Wednesday, 17 October. Further to the information already provided, the Western Australian Development Corporation's proposal is being evaluated to ensure among other things, that the level of protection for the investment of public moneys would be maintained should any new arrangements be instituted.

No decision on the WADC proposal has yet been made by the Government.

STATE FINANCE: SHORT-TERM MONEY MARKET

Average Daily Investment

2048. Mr HASSELL, to the Acting Premier:

- (1) In fiscal year ended 30 June 1984, what was the average daily investment in the short-term money market by the Treasury?
- (2) What was the average yield on investments for the year?
- (3) Was any capital or interest lost?
- (4) What was the total earning for the year?

Mr BRYCE replied:

- (1) For accounting purposes the financial year on which the earnings from short-term investments are based is 1 June to 31 May. For the year to 31 May 1984 the average daily investment was \$361 891 690.
- (2) 11.54 per cent.
- (3) No.
- (4) \$41 795 210.55.

EDUCATION: HIGH SCHOOL

Amity House Inquiry

2049. Mr HASSELL, to the Minister for Education:

- (1) Has he received a report on the Amity House matter from Mr Peter Blaxell?

- (2) If so, will he table the report?

- (3) If the report has not been received, when is it expected?

- (4) If he has the report but refuses to table it, why, and what action does he propose to take on the report?

Mr PEARCE replied:

- (1) No.
- (2) Not applicable.
- (3) End of January.
- (4) Not applicable.

FRUIT AND VEGETABLES

Potato Marketing

2050. Mr HASSELL, to the Minister for Agriculture:

What is the progress of action on potato marketing in Western Australia?

Mr EVANS replied:

The Government has received the working committee's report on the Western Australian potato industry. The recommendations of the working committee have been accepted by Cabinet and a task force established to detail the necessary amendments to the Marketing of Potatoes Act in order to effect those recommendations.

ABORIGINAL AFFAIRS: LAND RIGHTS

Land Claims

2051. Mr HASSELL, to the Minister for Lands and Surveys:

- (1) Can he now provide the House with a map showing the areas of land to be available for claim under the Government's land rights proposals?
- (2) Can he state the percentage of the State to be available for claim under those proposals in addition to the existing Aboriginal reserves and pastoral leases?

Mr McIVER replied:

- (1) and (2) The position has not changed since my reply to questions 1300 and 1850.

WORKS: BMA

Statutory Provision

2052. Mr HASSELL, to the Minister for Works:

- (1) With respect to the new Building Management Authority, is it a statutory authority as the name implies or is it a department under the Public Service Act?
- (2) From what source of funds will this body be supported?
- (3) Is it proposed to allow this body to bid for private sector jobs?
- (4) Will future public sector works and services be open to an open tendering system?
- (5) Who will be the authority calling tenders?
- (6) Will the Building Management Authority be permitted to tender under this system?

Mr McIVER replied:

- (1) The Building Management Authority is a department under the Public Service Act.
- (2) The sources of funds available to the authority are as stated on page 27 of the Estimates of Expenditure for the General Loan Fund presented to this House on Tuesday, 9 October and on pages 140 to 142 of the Estimates of Revenue and Expenditure for the Consolidated Revenue Fund, also presented to this House on 9 October.
- (3) The authority may be involved in some consultancy work.
- (4) to (6) In so far as my portfolio is concerned, the tender system for works and services to be handled by the Building Management Authority are under review, but the stage has not been reached where any decisions have been made.

In relation to works and services handled by the Building Management Authority, the authority will call for tenders.

INSURANCE: SGIO

Corporate Strategy: Price Waterhouse/Rothwell Inquiry

2053. Mr HASSELL, to the Acting Premier:

- (1) Has the Government yet received a report from Price Waterhouse/Rothwell Ltd. on their inquiry into a corporate

strategy for the State Government Insurance Office and the Motor Vehicle Insurance Trust?

- (2) If "Yes", will he table the report?
- (3) If "No", when does he anticipate receiving the report?
- (4) Will he forward me a copy immediately the report is received?
- (5) If not, why not?

Mr BRYCE replied:

- (1) to (5) I will advise the member in writing on these matters in due course.

WORKS: BMA

Proposed Government Offices

2054. Mr HASSELL, to the Minister for Works:

- (1) Will he explain his statement in *The West Australian* of 6 December that the Building Management Authority "had won the contract" for the documentation and supervision of the proposed \$29 million Government office complex in the city?
- (2) Who awarded the contract?
- (3) Who else put in a bid?

Mr McIVER replied:

- (1) to (3) In using "had won the contract" I was simply using a turn of phrase. The facts of the matter are that the Building Management Authority will undertake the design, documentation, and contract administration for the proposed Government office complex.

The decision that the Building Management Authority undertake this work was made by Cabinet.

WOMEN'S INTERESTS

Women's Advisory Council: "Peace Camp"

2055. Mr HASSELL, to the Acting Premier:

- (1) Did the Women's Advisory Council, or any member of it, or officer or employee, arrange or contribute to the arrangement of the Point Peron "peace" camp of the women's collective?
- (2) Did any such person arrange any facility or the provision of any service for the camp?

Mr BRYCE replied:

- (1) and (2) The WAC did not arrange or contribute to the arrangement of the peace camp.

WOMEN'S INTERESTS

"Peace Camp": Servicing

2056. Mr HASSELL, to the Acting Premier:

- (1) Were any water, power, sanitation, or other services provided by the State Government or any of its instrumentalities to the women's collective "peace" camp at Point Peron?
- (2) If so, who arranged or directed the provision of same?
- (3) What cost has been incurred?
- (4) What charge has been made?
- (5) Has that charge been collected?

Mr BRYCE replied:

- (1) None.
- (2) to (5) Not applicable.

WOMEN'S INTERESTS

"Peace Camp": Negotiations

2057. Mr HASSELL, to the Acting Premier:

- (1) Who negotiated on behalf of the Premier and Government with the women's "peace" collective camped at Point Peron?
- (2) What agreement was made?
- (3) When?
- (4) With whom from the women's collective did the Government negotiate?
- (5) Was the agreement referred to by the Premier reduced to writing or recorded in writing?
- (6) If so, will the Acting Premier table the agreement or record of it?

Mr BRYCE replied:

- (1) to (6) The member will be advised in writing in due course.

WOMEN'S INTERESTS

Women's Advisory Council: "Peace Camp"

2058. Mr HASSELL, to the Acting Premier:

- (1) Were any of the office, administrative, staff, printing, copying, or other facilities of—
 - (a) the Women's Advisory Council;

(b) the Women's Information & Referral Centre,
used for or in connection with the Women's Collective "peace" camp at Point Peron?

- (2) If so, what are the details in each case?
- (3) Who authorised such use?

Mr BRYCE replied:

- (1) to (3) See reply to question 2071.

TRANSPORT: FREIGHT

Grain: Delivery Restrictions

2059. Mr OLD, to the Minister for Transport:

As complaints of restrictions on deliveries of grain appear to be increasing, will Westrail consider endeavouring to engage road transport operators to assist in the movement of the harvest and thus relieve the pressure points?

Mr GRILL replied:

Currently the major restriction on the Westrail grain haul is congestion at port loadouts. This is largely due to road transport demands for access to loadout grids and apparent tendency to favour road discharge over rail. In such circumstances diversion of more grain to road would only exacerbate the position.

Some short-term problems, both rail and road, are to be expected with the record grain harvest now far exceeding earlier estimates. However, maximum Westrail resources have been arranged for a concentrated "peak" haulage effort over the grain receipt period and target tonnages are being exceeded.

Rail is the most effective grain haul mode as is evident by the massive tonnages currently being transported by Westrail.

TRANSPORT: WESTRAIL

Katanning: Staff

2060. Mr OLD, to the Minister for Transport:

- (1) What number of staff were employed by Westrail at Katanning as at 15 October 1984?
- (2) What number of staff were employed by Westrail at Katanning as at 6 December 1984?
- (3) What were the classifications of those who are no longer employed?

Mr GRILL replied:

- (1) Thirty two.
- (2) Twenty.
- (3) Two Drivers;
Four Drivers Assistants;
Three Guards;
Two Porters;
One Motor Truck Driver.

Of the 12 position reductions between the dates mentioned five people elected to take voluntary severance and the remaining seven have transferred to other locations within Westrail.

LAND: DAWESVILLE CUT

Compensation

2061. Mr OLD, to the Minister for Works:

- (1) Have landowners affected by the proposed Dawesville cut been made any offers of compensation?
- (2) If "Yes", what formula is used to establish values?
- (3) If "No" to (1), when can landowners expect some finality in the matter?

Mr McIVER replied:

- (1) One landowner has been advised of the amount of compensation for his property subject to certain conditions. He has decided to await the outcome of current investigations.
- (2) The formula for compensation is in accordance with the provisions of section 63 of the Public Works Act, basically market value plus 10 per cent.
- (3) Affected landowners have been assured that offers to sell will be considered at any time prior to a final decision on the project.

HEALTH: NURSING

WA School of Nursing: Future

2062. Mr BRADSHAW, to the Minister for Health:

- (1) What is the future of the Western Australian School of Nursing?
- (2) Is the composition of the Board of Management to the Western Australian School of Nursing to be changed in the near future?
- (3) If so, when?
- (4) If not—
 - (a) who is on the board;
 - (b) whom do they represent; and

(c) how are they enlisted to serve on the board of management?

- (5) If there is to be a change to the Board of Management, who is to be appointed?

Mr HODGE replied:

- (1) The general nursing programmes conducted by the WASON will be transferred to the tertiary education systems as part of the planned transfer of all general nursing education agreed by Commonwealth and State Governments. For the time being there are no plans to change the involvement of the WASON with the mental health nursing education, enrolled nurse education and post basic nursing education.

- (2) to (4) The Minister for Health appoints the committee of management—advisory board—the current composition of which is—

Member	Representing
Dr H. Smyrna-Jones	Health Department of Australia
Miss E. L. Bohan	
Miss N. Farmer	
Dr W. D. Roberts	
Mr K. Sadlier	
Mrs Y. Pinch	WAIT
Dr W. Liveris	
Mrs M. Hubery	
Mrs J. Johnson	
Dr D. C. Dawes	
Mr J. T. Morriss	Royal Perth Hospital

Miss Bohan and Miss Farmer represent general nursing and Dr Smyrna-Jones and Mrs Pinch, mental health nursing—now combined in the new Health Department.

- (5) The membership of the advisory board is currently being reviewed to reflect the involvement of tertiary educational institutions in nursing education. No decision has been made on changes in membership.

HEALTH: HOSPITAL

Bentley: Dispute

2063. Mr BRADSHAW, to the Minister for Health:

- (1) Has the situation at the Bentley Hospital between the doctors and the Government been resolved?
- (2) If not, what is the future intention of the Government to resolve the problem?

Mr HODGE replied:

- (1) and (2) The State Government has requested the Board of Royal Perth Hospital to take over the administration of Bentley Hospital, and it is anticipated this will occur in the new year.

WORKS: BMA

Organisation

2064. Mr HASSELL, to the Minister for Works:

- (1) With reference to the recent publication in which the Building Management Authority describes its role and objectives and, in particular, makes the statement: "lean management will increase cost effectiveness allowing competition with private enterprise", will he tabulate comparisons with the superseded architectural division indicating the basis on which this claim is made, in particular, according to—

(a) numbers;

(b) wage costs;

for all administrative and management positions?

- (2) What is meant and intended in regard to the words: "allowing competition with private enterprise"?
- (3) How does he propose to ensure fair competition with the private sector?
- (4) In particular, will the Building Management Authority be subject to—
 - (a) company tax;
 - (b) statutory compliance costs;
 - (c) rental for accommodation;
 - (d) all other costs associated with the conduct of a private sector corporation?
- (5) Will the Building Management Authority be required to meet accounting and reporting standards required of a private sector corporation?
- (6) Is the Building Management Authority to receive any direct allocation out of the Consolidated Revenue Fund to meet operating expenses?
- (7) In regard to the expenditure/staff profile in the above document—
 - (a) to which year do the comparisons refer;
 - (b) can he give an assurance that the statistics compare like with like;

that is can he satisfy the House that—

- (i) the nature, complexity and scope of the works programmes in each State are comparable;
- (ii) economies of scale in other States do not distort the ratios;
- (iii) the professional duties in terms of design, management, procurement and supervision are comparable?

Mr McIVER replied:

- (1) Comparison of all officers classified A-1-6 or higher in the current proposal for the Building Management Authority with the superseded architectural division is as follows:—

BMA	Architectural Division
-----	------------------------

(a) Numbers—

30	67
----	----

(b) Direct current salary costs—

\$1 464 790	\$3 181 760
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- (2) It is intended that the BMA become cost-effective by basing the cost of its services on the published professional reference fee scales established by the relevant professional bodies. In this way costs to client departments will be comparable with the private sector.
- (3) It is not proposed that the BMA compete directly with the private sector for professional services, merely that it operates within the established fee scales for the private sector.
- (4) The BMA will be a Government authority subject to those charges as determined by Government policy.
- (5) The BMA will be required to meet accounting and reporting standards as required by Government.
- (6) Negotiations are taking place with Treasury on the future funding of the BMA.
- (7) The expenditure/staff profile was based on data contained in the report of the Functional Review Committee on the architectural division and relates—
 - (a) to the financial year 1983-84; and
 - (b) was previously answered by reply to question 2014 (3) on Wednesday, 28 November 1984.

WOMEN'S INTERESTS

"Peace Camp": Government Equipment

2065. Mr COURT, to the Acting Premier:

- (1) (a) Did Government plant and equipment and Government-paid employees clear the campsite for the peace protesters at Point Peron on Wednesday, 28 November;
- (b) if "Yes", what Government department employed them?
- (2) If "No" to (1), who was responsible for the clearing programme?

Mr BRYCE replied:

- (1) (a) No;
- (b) not applicable.
- (2) The clearing was part of normal fire precautions advised by the Bush Fire Board and carried out by the DYSR.

WOMEN'S INTERESTS

"Peace Camp": Eviction

2066. Mr COURT, to the Acting Premier:

In the event the peace protesters at Point Peron stay longer than their scheduled two weeks, will the Government take immediate action for them to be removed?

Mr BRYCE replied:

This question is hypothetical.

WOMEN'S INTERESTS

"Peace Camp": Camp Restoration

2067. Mr COURT, to the Acting Premier:

- (1) Who is responsible for returning the Point Peron campsite of the peace protesters to its original condition when they depart?
- (2) If the Government is forced to carry out the restoration work will the protesters be billed for the cost involved?

Mr BRYCE replied:

- (1) WAND.
- (2) Yes.

WATER RESOURCES: POINT PERON

"Peace Camp"

2068. Mr COURT, to the Minister for Water Resources:

- (1) Was a water connection made from the mains water at Point Peron to the peace

protesters campsite at Point Peron on Saturday, 1 December?

(2) If "Yes"—

- (a) was this connection approved;
- (b) who paid the cost of the connection and the water used?
- (3) Did employees of the Metropolitan Water Authority disconnect this water on Monday, 3 December, and if so, for what reason?

Mr TONKIN replied:

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

DEFENCE: STIRLING NAVAL BASE

"Peace Protesters"

2069. Mr COURT, to the Acting Premier:

- (1) Have any private contractors working on the Stirling naval base at Garden Island been requested to cease work for the two weeks the peace protesters are at Point Peron because of difficulties in ensuring their safety travelling to and from work?
- (2) If "Yes", is the State Government paying the cost of wages and other expenses associated with these people not working on the island for two weeks and what is the cost involved?

Mr BRYCE replied:

- (1) and (2) Operations on the Stirling naval base at Garden Island fall within Commonwealth jurisdiction.

TRADE: TRADING CORPORATION

Government Equity

2070. Mr COURT, to the Acting Premier:

- (1) Will the Government take an equity interest in a trading corporation in the near future?
- (2) If "Yes", is this part of its programme to have "windows" into different industries?
- (3) Will the Parliament be required to approve this investment?
- (4) Through what Government department or authority will the investment be made and managed?

Mr BRYCE replied:

- (1) Yes.

- (2) It will give effect to the Government's commitment to establish a South-East Asian Marketing Corporation.
- (3) No.
- (4) An announcement providing all details will be made in the near future.

WOMEN'S INTERESTS: "PEACE CAMP"

Use of Government Facilities

2071. Mr CASH, to the Acting Premier:

Did the Government or any of its departments or agencies authorise the use of office space and associated typing facilities in the Superannuation Building, Perth, for use by members or supporters of the women's peace movement, members of which are currently occupying Crown land in the Rockingham area?

Mr BRYCE replied:

The information sought by the member is currently being collated and he will be advised in writing in due course.

DEBTS: WARRANTS OF EXECUTION

Union: Trades and Labor Council

2072. Mr CASH, to the Minister representing the Attorney General:

How many warrants of execution or warrants of attachment have been withdrawn following representations to the Government by officers of the Trades and Labor Council?

Mr GRILL replied:

I am advised that none has been withdrawn. However, representations on behalf of individuals are sometimes made to departmental officers by the staff of the TLC Emergency Welfare Foundation of WA Inc., seeking deferral of warrants while penalties are paid by instalments. No statistics are maintained of such requests.

HEALTH: MT. LAWLEY

Institutional Uses Committee

2073. Mr CASH, to the Minister representing the Minister for Planning:

- (1) What are the objectives of the committee recently convened by him to study institutional uses in Mt. Lawley?
- (2) On how many occasions has the committee met since its inception?

- (3) Who are the members of the committee?
- (4) Will the committee canvass the views of residents living near existing institutions?

Mr HODGE replied:

- (1) The committee was convened by the Minister for Planning "to review the factual information available, identify and discuss issues with the objective of advising the planning authorities on policy to balance needs of institutions with the legitimate and reasonable aspirations of residents".
- (2) Twice.
- (3) Mr P. Dick, Town Planning Department (chairman);
Mr B. Fehlberg, President, Mt. Lawley Society;
Mr R. Gartrell, City of Stirling;
Mr R. Okely, WACOSS;
Mr S. Piantadosi, MLC.
- (4) The Mt. Lawley Society provides this input.

WORKS: BMA

Tenders

2074. Mr HASSELL, to the Minister for Works:

- (1) Did the new Building Management Authority win the contract to design and supervise 33 contracts advertised for tender in the *Government Gazette* of 7 December 1984, in the same manner as it won the contract announced by him last week for the design and supervision of a Government office complex in the City?
- (2) Will the Building Management Authority construction company section be tendering for all or any of these 33 jobs?
- (3) If "Yes", which ones?
- (4) If "No", how does the Building Management Authority, as is stated in its own publicity, propose "to compete with private enterprise"?

Mr McIVER replied:

- (1) No.
- (2) No.
- (3) Not applicable.
- (4) Estimating staff will be placed with the day labour organisation to enable them to prepare tenders for construction work. Final details of how this organisation

will compete with private enterprise have not been determined.

HOUSING: LOANS

Low Cost Home Loans

2075. Mr MacKINNON, to the Minister for Housing:

- (1) How many loans have been approved to date under the low interest home loan scheme announced by the Premier on 16 November?
- (2) How much money in total do these loans which have been approved total?

Mr WILSON replied:

- (1) and (2) At this early stage, some 230 purchase applicants have been circularised. Of these four loans have been approved for a value of \$142 882, and 55 have been provided with referrals—amounting to \$1.98 million—to allow them to seek appropriate housing. The remainder are either in the course of processing or have declined the offer.

GAMBLING: CASINO

Control Committee

2076. Mr MacKINNON, to the Minister representing the Minister for Administrative Services:

- (1) Did any members of the Casino Control Committee appointed to decide on the final developer for the proposed Burswood Island casino visit the Genting casino in Malaysia?
- (2) If so, which members did so, and when?

Mr BRYCE replied:

- (1) Yes.
- (2) Mr H. Jarman visited the Genting casino in September this year.

GAMBLING: CASINO

Control Committee

2077. Mr MacKINNON, to the Minister representing the Minister for Administrative Services:

Who examined the financial viability of the two proposals for the development of the Burswood Island casino for the Casino Control Committee?

Mr BRYCE replied:

Members of the Casino Control Committee and officers of the Treasury Department.

GAMBLING: CASINO

Dallas Dempster

2078. Mr MacKINNON, to the Minister representing the Minister for Administrative Services:

What financial scrutiny did the Dallas Dempster-backed participation in the proposed Burswood Island casino face as part of the Casino Control Committee examination of the two proposed developers?

Mr BRYCE replied:

A thorough examination of the Dallas Dempster-backed participation in the proposed casino development was carried out by the Casino Control Committee and the Treasury Department.

GAMBLING: CASINO

Developers: Treasury Recommendations

2079. Mr MacKINNON, to the Minister representing the Minister for Administrative Services:

Which of the two casino proposals did Treasury officers recommend to the Casino Control Committee as being that which they felt should be the preferred developer of the casino-hotel complex on Burswood Island?

Mr BRYCE replied:

No recommendation was made by Treasury officers.

STATE FINANCE: LOANS

Dallas Dempster

2080. Mr MacKINNON, to the Acting Premier:

Has the Government guaranteed any loans to—

- (a) Dallas Dempster;
- (b) Katanning Holdings Ltd.;
- (c) Malina Holdings Ltd?

Mr BRYCE replied:

- (a) to (c) No.

GAMBLING: CASINO*Casino Control Act: Negotiations*

2081. Mr MacKINNON, to the Minister representing the Minister for Administrative Services:

- (1) With whom is the Government negotiating the agreement for the development of the proposed Burswood Island casino?
- (2) Is this negotiation in accordance with the provisions of the Casino Control Act?
- (3) If not, why not?

Mr BRYCE replied:

- (1) The Government will be negotiating with a public company.
- (2) Yes.
- (3) Answered by (1).

WORKS: BMA*Mr David Norman*

2082. Mr MacKINNON, to the Minister for Works:

- (1) What position is held within the Building Management Authority by Mr David Norman?
- (2) How much is he being paid for this position?
- (3) What are the terms of his appointment?
- (4) Is Mr Norman employed in any other capacity by the State Government or any of its authorities?
- (5) If so, what are the full details of that appointment?

Mr McIVER replied:

- (1) Acting Permanent Head *pro tempore* with the title of "Executive Director".
- (2) \$1 per annum.
- (3) Appointed under contract pursuant to section 30(b) of the Public Service Act.
- (4) No.
- (5) Not applicable.

GOVERNMENT EMPLOYEES: PWD*Mr Gerry Bateman*

2083. Mr MacKINNON, to the Minister for Works:

What position in the Public Service is currently held by Mr Gerry Bateman, previously principal architect in the architectural division of the Public Works Department?

Mr McIVER replied:

Principal architect, Building Management Authority.

WORKS: BMA*Consultant: Mr W. Mitchell*

2084. Mr MacKINNON, to the Minister for Works:

- (1) How much is to be paid to Mr W. Mitchell or his company for the services provided to the Building Management Authority during the year ending 30 June 1985?
- (2) Who made the selection of Mr Mitchell?
- (3) Were any other consultants considered for the position?
- (4) If so, who were they?

Mr McIVER replied:

- (1) The precise amount will not be known until the expiration of the financial year.
- (2) Cabinet.
- (3) Yes.
- (4) This information is confidential.

PASTORAL INDUSTRY: LEASE*Jaurdi Station: Viability*

2085. Mr MacKINNON, to the Minister for Lands and Surveys:

Has the Department of Lands and Surveys ever stated that Jaurdi Station is not a viable pastoral lease?

Mr McIVER replied:

The Department of Lands and Surveys, on advice from the Pastoral Board, has previously indicated that Jaurdi Station has limited potential for viable pastoral production.

PASTORAL INDUSTRY: LEASE*Jaurdi Station: Sale*

2086. Mr MacKINNON, to the Minister for Lands and Surveys:

- (1) Who are the current proprietors of Jaurdi Station, Coolgardie?
- (2) Is this lease for sale?
- (3) Has the station been approved for sale by the Pastoral Board?
- (4) When was the sale approved?
- (5) To whom is the lease to be transferred?

Mr McIVER replied:

- (1) K. V. and D. F. Cahill are the current registered proprietors of Jaurdi Station—pastoral lease 3114/1072.
- (2) Jaurdi Station has been on the market for sale since May 1983.
- (3) to (5) Following consultation with the Pastoral Board, and in accordance with the provisions of the Land Act, I approved the sale of Jaurdi Station to Mr Roger Kuhl on 7 November 1984.

STATE FINANCE: CRF

Tourism Commission: Administrative Costs

2087. Mr MacKINNON, to the Acting Premier:

- (1) What is the reason for the inclusion of accommodation expenses under administration costs of the Tourism Commission as detailed in answer to question 1187 of 16 October 1984?
- (2) To whom and for what will the consultant's fees of \$104 000 listed in the answer to the same question be paid?

Mr BRYCE replied:

- (1) These are administration costs relating to office accommodation expenses; viz, rentals, rates and taxes, cleaning, power, maintenance, etc.
- (2) The greater proportion of this budget provision applies to the management study currently being conducted by the firm Price Waterhouse. The balance of funding will be appropriated against smaller *ad hoc* studies as and where required.

UNITED STATES OF AMERICA

WA Government Agent

2088. Mr MacKINNON, to the Acting Premier:

- (1) When will the American agent referred to in question 1309 of 18 October be engaged to effectively monitor the activities of the United States of America?
- (2) If the agent has been engaged, who is it?
- (3) What is the agent's brief?
- (4) What are the terms of the contract?

Mr BRYCE replied:

- (1) and (2) Arrangements were concluded last month to engage Mr Arthur Reef of International Consultancy, New York as from 15 January 1985.
- (3) To provide liaison, monitoring, and co-ordinating functions in the United States on behalf of Western Australia in the many areas in which this State has interests.
- (4) A total fee of US \$53 000 per annum which includes basic fee, office expenses, travelling, and other operating costs for an initial period of one year.

STATE FINANCE: CRF

Industrial Development

2089. Mr MacKINNON, to the Deputy Premier:

- (1) Will he list for me the amounts that have been paid to date and to whom they were paid under the heading "Professional and non-Professional Services" as listed in answer to question 1803 of 15 November?
- (2) Will he detail for me the nature of the work completed for each amount expended?

Mr BRYCE replied:

- (1) and (2) As the information sought will take some time to compile, the member will be advised in writing in due course.

STATE FINANCE: CRF

Services and Contracts

2090. Mr MacKINNON, to the Deputy Premier:

- (1) Will he list for me the amounts that have been paid to date and to whom they were paid under the heading "Professional Services—Consultancies" as listed in answer to question 1797 of 15 November?
- (2) Will he detail for me the nature of the work completed for each amount expended?

Mr BRYCE replied:

- (1) and (2) As the information sought will take some time to compile, the member will be advised in writing in due course.

ABORIGINAL AFFAIRS: HOUSING

Industrial Areas

2091. Mr MacKINNON, to the Minister for Housing:

- (1) Is it Government policy to acquire residential properties within industrial areas to house Aboriginal tenants?
- (2) If not, why has the State Housing Commission purchased a property at 35 Durham Street, Bayswater, to be used for this purpose?

Mr WILSON replied:

- (1) and (2) There is no general policy to acquire residential properties in industrial areas. However, the State Housing Commission is endeavouring to purchase properties in locations which will provide a more appropriate accommodation environment for tenants whose preference is for a lifestyle not catered for by close residential development.

ROTTNEST ISLAND: HOTEL COMPLEX

Architect

2092. Mr MacKINNON, to the Acting Premier:

- (1) Has the Rottnest Island Board or the Government commissioned an architect to prepare plans for a hotel complex to be built on the land which the State Government acquired from the Army on Rottnest Island?
- (2) If so, when was the architect commissioned to prepare these plans?
- (3) Which architect or group of architects has been so commissioned?

Mr BRYCE replied:

- (1) No.
- (2) and (3) Not applicable.

TOURISM: WESTERN AUSTRALIAN WEEK

Council: Darcy Farrell

2093. Mr MacKINNON, to the Acting Premier:

- (1) What payments has the Western Australian Week Council paid to Darcy Farrell or his company for services rendered during the years ended—
 - (a) 30 June 1981;
 - (b) 30 June 1982;
 - (c) 30 June 1983;
 - (d) 30 June 1984?

- (2) What payments has the Western Australian Week Council budgeted to pay Darcy Farrell or his company for services rendered during the year ending 30 June 1985?

Mr BRYCE replied:

- (1) (a) \$8 400;
- (b) \$10 000;
- (c) \$10 000;
- (d) \$10 000.
- (2) There is no budget allocation for the engagement of Mr Farrell for the current financial year. However, as the council's financial year ends 31 August 84, Mr Farrell was paid, in addition to the sums listed above, \$1 666 for the months of July and August 1984.

TOURISM: COMMISSION

Recorded Message

2094. Mr MacKINNON, to the Acting Premier:

- (1) Is he aware that on Monday, 10 December, people who rang the offices of the Western Australian Tourism Commission received only a recorded message?
- (2) Why was this so?
- (3) Will he in future ensure that the offices of the Western Australian Tourism Commission, which is supposed to be interested in assisting the travel industry in this State, are manned and able to provide services on every working day of the year?

Mr BRYCE replied:

- (1) to (3) The member will be advised in writing in due course.

GOVERNMENT INSTRUMENTALITIES: ACCOMMODATION

Leased: Merlin Centre

2095. Mr MacKINNON, to the Acting Premier:

- (1) How many floors of the Merlin Centre are currently leased by the Government?
- (2) Will he list those floors?
- (3) From whom is the property being leased?
- (4) From when was the property leased?

- (5) What rental is being charged for this office accommodation per square metre per annum?
- (6) What has been the total rent paid to date for the lease for this office accommodation since the lease began?

Mr BRYCE replied:

- (1) 3 605 sq. metres on three levels.
- (2) Level 1—1 606 sq. metres
Level 2—790 sq. metres
Level 3—1 110 sq. metres
- (3) Withernsea Pty. Ltd.
- (4) 1 July 1984.
- (5) Nine months rent-free from 1 July 1984.
A rental of \$100 per square metre per annum, plus outgoings, will apply from 1 April 1984.
- (6) Nil.

WORKS: BMA

Accommodation

2096. Mr MacKINNON, to the Minister for Works:

- (1) Where will the Building Management Authority be located?
- (2) Is it fact that the authority is currently looking for office accommodation?
- (3) If so, who will occupy the offices currently occupied by these officers?

Mr McIVER replied:

- (1) Dumas House and Welshpool.
- (2) No.
- (3) Not yet determined.

PORTS AND HARBOURS: FISHING FLEET

Facilities: Fremantle

2097. Mr MacKINNON, to the Acting Premier:

- (1) Has the Government any plans to provide extra facilities for the fishing fleet in Fremantle?
- (2) If so, are these facilities likely to be provided in Jervoise Bay?
- (3) If so, whereabouts in Jervoise Bay are the facilities likely to be located?

Mr BRYCE replied:

- (1) Yes. Additional pen and berthing facilities are to be provided within the Fremantle Fishing Boat Harbour.

- (2) There are no immediate plans for fishing industry facilities in Jervoise Bay.
- (3) Not applicable.

AUSTMARK INTERNATIONAL LTD.: BUNBURY

Rental

2098. Mr MacKINNON, to the Minister with special responsibility for "Bunbury 2000":

- (1) Has the Government yet concluded the lease agreement for the office accommodation it is to occupy in the Austmark building in Bunbury?
- (2) If so, with whom has the lease been contracted?

Mr GRILL replied:

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

TOURISM: COMMISSION

Price Waterhouse Report

2099. Mr MacKINNON, to the Acting Premier:

- (1) Will the Price Waterhouse report into the Tourism Commission be made public?
- (2) If not, why not?

Mr BRYCE replied:

- (1) No.
- (2) The report is a document confidential to the Western Australian Tourism Commission.

TOURISM: COMMISSION

Price Waterhouse Report

2100. Mr MacKINNON, to the Acting Premier:

- (1) Why were five senior staff stood down by the Tourism Commission as a result of the Price Waterhouse study into the commission?
- (2) When were the staff stood down?
- (3) When was the decision made as to what future positions they would hold within the Public Service?

Mr BRYCE replied:

- (1) The five officers were not stood down but had their secondment to the commission terminated in accordance with the provisions of their employment.

- (2) The officers reported to the Public Service Board on Wednesday, 5 December 1984.
- (3) The Public Service Board is currently discussing redeployment opportunities with the officers concerned.

GOVERNMENT ASSISTANCE

Association for the Care and Rehabilitation of Alcoholics and the Homeless

2101. Mr CASH, to the Minister representing the Minister for Planning:

- (1) What decision did the Minister make in respect of a recent appeal by the Association for the Care and Rehabilitation of Alcoholics and the Homeless against a City of Stirling decision not to allow the association to extend its Field Street, Mt. Lawley premises?
- (2) Has the Association for the Care and Rehabilitation of Alcoholics and the Homeless sought Government assistance to relocate to a more suitable site?
- (3) If "No" to (2), if requested by the Association for the Care and Rehabilitation of Alcoholics and the Homeless will the Government assist the association in locating an alternative site?

Mr PEARCE replied:

- (1) Appeal No. 256/84 lodged on behalf of ACRAH Inc. was not upheld.
- (2) The Minister for Planning is not aware of any recent approach on this matter to his department.
- (3) This question is hypothetical. Any such approach would be dealt with on its merits by relevant Government departments.

HEALTH: HOSPITAL

Royal Perth Annexe: Mt. Lawley

2102. Mr CASH, to the Minister for Health:

Will the Government consider disposing of the former Royal Perth Hospital annexe in Field Street, Mt. Lawley, and apply the proceeds to erect a suitable purpose-built building for the Alcohol and Drug Authority on Crown land in East Perth or at another suitable location?

Mr HODGE replied:

Similar proposals have been studied by the Government and found to be inappropriate.

AUSTRALIAN LABOR PARTY

Herb Graham House: Local Residents

2103. Mr LAURANCE, to the Acting Premier:

- (1) As the Premier was involved in obtaining letters from residents adjoining what is now Herb Graham House to the effect that they did not oppose Australian Labor Party plans for a club rooms-meeting place on the site, will he now advise—

- (a) the exact wording of the standard letter that was used;
- (b) the number of such letters obtained?

- (2) If not, why not?

Mr BRYCE replied:

- (1) and (2) The matter will be referred to the Premier on his return from overseas and the member will be advised in writing in due course.

AUSTRALIAN LABOR PARTY

Herb Graham House: Local Residents

2104. Mr LAURANCE, to the Minister for Housing:

- (1) Now that the Premier has indicated in the Parliament that he has a direct personal involvement in Herb Graham House—*Hansard*, page 4806—will he agree to table the letters that the Premier provided to the then Minister for Housing indicating that the surrounding residents approved the proposed development?

- (2) If not, why not?

Mr WILSON replied:

- (1) and (2) See reply to question 2106.

AUSTRALIAN LABOR PARTY

Herb Graham House: Electorate Offices

2105. Mr LAURANCE, to the Acting Premier:

- (1) Has an application been made for Australian Labor Party members of Parliament to occupy electorate offices in Herb Graham House?
- (2) If so, how many members are involved, and who are they?

- (3) What floor area will the electorate offices occupy?
- (4) What rental will be paid in respect of—
 - (a) each office;
 - (b) the total area involved?
- (5) When is it anticipated that the offices will be occupied and the State will commence paying rent?

Mr BRYCE replied:

- (1) to (5) See reply to question 2106.

AUSTRALIAN LABOR PARTY

Herb Graham House: Taxpayers

2106. Mr LAURANCE, to the Acting Premier:

Now that the Premier has indicated a personal involvement in Herb Graham House, which incorporates a Chinese restaurant—*Hansard*, page 4806—will he ensure that the taxpayers of the State are not required to contribute towards a building which will benefit the Australian Labor Party?

Mr BRYCE replied:

The matter will be referred to the Premier on his return from overseas and the member will be advised in writing in due course.

AUSTRALIAN LABOR PARTY

Herb Graham House: Rezoning

2107. Mr LAURANCE, to the Acting Premier:

- (1) Is he aware that the tender document from the State Housing Commission for the sale of the land upon which Herb Graham House has been constructed specifically indicated that the land was to remain residential and a rezoning was not to be applied for?
- (2) In view of this condition, why did the Australian Labor Party breach this agreement and make application to the Stirling City Council for a rezoning?
- (3) Will he now direct the State Housing Commission to resume the property from the Australian Labor Party for breach of contract?

Mr BRYCE replied:

- (1) to (3) The matter will be referred to the Premier on his return from overseas and the member will be advised in writing in due course.

HOUSING: SHC

Herb Graham House

2108. Mr LAURANCE, to the Minister for Housing:

- (1) Is he aware of the conditions incorporated in the tender document drawn up by the State Housing Commission for the sale of the land on which Herb Graham House has now been constructed?
- (2) As one condition of the sale was that rezoning would not be applied for, what action has he taken to seek redress on behalf of the commission now that it is known that this condition was broken by the Australian Labor Party?

Mr WILSON replied:

- (1) and (2) See reply to question 2106.

AUSTRALIAN LABOR PARTY

Herb Graham House: Lease

2109. Mr LAURANCE, to the Acting Premier:

- (1) What is the total area of Herb Graham House?
- (2) What area is expected to be let as office space?
- (3) What area is intended to be let for the Chinese restaurant?
- (4) What rental will be charged for the office space-restaurant?
- (5) What is the anticipated return per annum from these rentals?
- (6) What was the cost of the land when it was bought from the State Housing Commission?
- (7) What was the cost of construction of the building known as Herb Graham House?

Mr BRYCE replied:

- (1) to (7) The matter will be referred to the Premier on his return from overseas and the member will be advised in writing in due course.

PLANNING: HERB GRAHAM HOUSE

Plans: Stirling City Council

2110. Mr LAURANCE, to the Minister representing the Minister for Planning:

- (1) Will the Minister table a copy of the plans submitted to the Stirling City Council by the Australian Labor Party for an office complex and Chinese res-

restaurant now known as Herb Graham House?

(2) If not, why not?

Mr PEARCE replied:

(1) and (2) See answer to question 2106.

PLANNING: HERB GRAHAM HOUSE

Plans: Dining Facilities

2111. Mr LAURANCE, to the Minister representing the Minister for Planning:

(1) Do the original plans submitted to the Stirling City Council for Herb Graham House show the proposed Chinese restaurant as private dining facilities or public dining facilities?

(2) If the original plans were for a private dining room for Australian Labor Party members, on what grounds does the Minister justify the request to the Stirling City Council to amend its town planning scheme in order to approve a public restaurant in this building?

Mr PEARCE replied:

(1) and (2) See answer to question 2106.

PLANNING: HERB GRAHAM HOUSE

Premier's Involvement

2112. Mr LAURANCE, to the Minister representing the Minister for Planning:

(1) When the Minister became involved in the appeal by the Australian Labor Party to allow a Chinese restaurant in the Herb Graham House development, was he aware that the Premier had a direct personal involvement in the development, as he had contributed to the building fund?

(2) Now that the Premier has publicly declared his financial involvement—*Hansard*, page 4806—will the Minister leave the matter to the Stirling City Council as the most appropriate body, in view of these circumstances?

Mr PEARCE replied:

(1) and (2) See answer to question 2106:

LOCAL GOVERNMENT: STIRLING CITY

Herb Graham House: Pecuniary Interests

2113. Mr LAURANCE, to the Minister for Local Government:

(1) Now that the Premier has publicly declared his personal contribution

toward the building of Herb Graham House—*Hansard*, page 4806—is he aware whether any of the Stirling City Council councillors has similar involvement?

(2) If "Yes", can he give an assurance that no councillor has breached the pecuniary interest requirements of local government in dealing with this matter?

Mr CARR replied:

(1) and (2) See answer to question 2106.

MINISTER OF THE CROWN: PREMIER

Herb Graham House

2114. Mr LAURANCE, to the Acting Premier:

(1) Now that the Premier has advised the Parliament that he has contributed personally to the building of Herb Graham House—*Hansard*, page 4806—will he indicate whether the Premier is a trustee for this building?

(2) Does the Premier have any other personal interest in the land or the building?

Mr BRYCE replied:

(1) and (2) The matter will be referred to the Premier on his return from overseas and the member will be advised in writing in due course.

WATER RESOURCES: MWA

Voluntary Severance Scheme

2115. Mr MENSAROS, to the Minister for Water Resources:

(1) Have negotiations for a voluntary severance scheme for the Metropolitan Water Authority's sewerage day labour force been concluded?

(2) If so, what are the negotiated conditions for the scheme?

Mr TONKIN replied:

(1) Yes.

(2) A brochure which sets out the conditions of the scheme is hereby tabled.

The brochure was tabled (see paper No. 411).

WATER RESOURCES: AGATON PROJECT

Review

2116. Mr MENSAROS, to the Minister for Water Resources:

(1) Has the review of the Agaton water scheme by the policy secretariat com-

mittee, as mentioned in his reply to question 60 of 1984, yet concluded?

(2) If so, would he please table the result?

Mr TONKIN replied:

- (1) As indicated in my reply to question 1137 on 11 October 1984, the working group chaired by Mr Colin Mann of the policy secretariat has prepared a draft policy for non-irrigation rural water supplies, including the Agaton proposal, for consideration by a Cabinet subcommittee.
- (2) Papers prepared by the working group will not be tabled in Parliament or released to the public. However, it is planned that a paper setting out the Government's rural water supply policy will be published in the near future.

HEALTH: CHEMICALS

Advisory Committee

2117. Mr MENSAROS, to the Minister for the Environment:

Is he now in a position to reply to question 100 of 1984, concerning recommendations from the Western Australian advisory committee on chemicals?

Mr DAVIES replied:

No. The task of reviewing all legislation concerned with the control of hazardous substances is complex. Moreover moves in WA need to parallel initiatives at the Federal level to establish a mandatory national chemicals notification and assessment scheme later in 1985.

I expect that in due course the recommendations of the WA advisory committee on chemicals will be made available for public comment at which time the member will have ample time to examine them.

POLICE: DRUGS

Phone-ins: NSW Police

2118. Mr MENSAROS, to the Minister for Police and Emergency Services:

Now that the New South Wales Police Force's trial of one day phone-ins on information of drug-related offences has been reported as being very successful and to the satisfaction of the New South Wales Police Force, has it yet been de-

cided to try a similar operation in Western Australia?

Mr CARR replied:

As mentioned in answer to question 1888 of 21 November 1984 asked by Hon. A. Mensaros, preliminary talks have taken place with both New South Wales and Victoria Police Forces on their joint "Operation Noah" ring-in scheme.

Arrangements have been made with both of these forces to supply the Western Australia Police Force with detailed information of the result of their scheme. When this information is received and fully evaluated a decision will be made as to whether or not this State will launch a similar scheme.

STATE FINANCE: CRF

PWD: Technology Park

2119. Mr MENSAROS, to the Minister for Works:

- (1) What was the Public Works Department's estimate for the Technology Park job mentioned in his speech on the Appropriation (Consolidated Revenue Fund) Bill debate on 27 November, recorded on page 4705 in *Hansard*?
- (2) What was the tender price for the same job by private enterprise which, according to his statement in the same speech, was commissioned to do the work?

Mr McIVER replied:

- (1) The Public Works Department—Building Management Authority—estimate is \$3 176 798.
- (2) Private enterprise tender is \$2 592 359.

WORKS: PWD

Architectural Division

2120. Mr MENSAROS, to the Minister for Works:

Considering that the Premier, in a radio interview on Station 6PM on 19 November 1984, stated that the services of two architects are sought by the State Housing Commission, could he say where the balance of architects will be "redeployed" from the recently abolished architectural division, Public Works Department?

Mr McIVER replied:

All vacancies occurring in departments, instrumentalities, and authorities are being directed to the Office of Redeployment and Retraining to determine whether staff can be redeployed to another area of the Government's activities.

WORKS: PWD

Architectural Division

2121. Mr MENSAROS, to the Minister for Works:

How many—

- (a) architects;
 - (b) engineers;
 - (c) other tertiary qualified professional officers,
- were employed by the architectural division, Public Works Department the day before it was abolished?

Mr McIVER replied:

- (a) 103;
- (b) 101;
- (c) 194.

WORKS: PWD

Architectural Division

2122. Mr MENSAROS, to the Minister for Works:

Will all professional officers, such as architects, engineers, draughtsmen, who are going to be "redeployed" from what was known as the architectural division, Public Works Department, receive employment in the Public Service of not lower level and same professional status with not lower salary than the employment they hold presently?

Mr McIVER replied:

If a vacancy of the same classification and status is available in the public sector, the officer will be redeployed at that level.

Staff who are placed in a lower level position are eligible to have their classification maintained for a period of 24 months.

WORKS: TENDERS

Point Samson

2123. Mr MENSAROS, to the Minister for Works:

- (1) What was the reason that all submitted tenders called in September 1984 for the "decontamination, demolition and removal of buildings and ancillary items within the Point Samson goods yard" (File No. BW637/38) were rejected?
- (2) Is the job the subject of the above tender going to be done and, if so, by whom?
- (3) If it is going to be done by day labour force, what is the estimated cost of completion?
- (4) What was the amount of the lowest tender submitted?

Mr McIVER replied:

- (1) Tenders received ranged from \$48 000 to \$525 000, which indicated an enormous variation in the tenderers' interpretation of the scope of work required to complete the contract. In addition, the Minister for Transport, under whose jurisdiction the area falls, had received representations from the member for Pilbara to preserve the undamaged buildings and ancillary equipment. As this change involved a substantial variation to the contract, all tenders were declined.
- (2) No.
- (3) Some of the buildings suffered damage during the passage of cyclone "Chloe" earlier this year and were not structurally sound enough to withstand further cyclonic action. Therefore in the interests of safety of the community urgent action has been taken to bulldoze the damaged buildings and bury the rubble on the site.

This limited urgent work is being carried out by day labour. The estimated cost of \$30 000 is being funded from Treasury under the Commonwealth-State natural disaster arrangements.
- (4) Answered by (1).

WORKS

Asbestos Removal and Treatment Contractors' Association

2124. Mr MENSAROS, to the Minister for Works:

- (1) Has he received a letter from the Asbestos Removal and Treatment Contractors'

Association of Western Australia dated 6 December 1984, expressing concern about the Government's policies for asbestos handling?

- (2) If so, would he either table a copy of his reply or give me the answers to questions 1(i) to 1(xi) inclusive, in his reply?

Mr McIVER replied:

- (1) Yes.
- (2) The reply is being prepared and I will arrange for the member to be provided with the information when the response is finalised.

BILL OF RIGHTS

Contents

2125. Mr MENSAROS, to the Minister representing the Attorney General:

- (1) Considering that the Federal election is now passed, would the Attorney General table the draft Bill of rights so that the accusations and counter accusations about its contents could be verified or rebutted?
- (2) If the Attorney General is not prepared to do so, would he explain the reasons why not?

Mr GRILL replied:

- (1) and (2) In March 1984 the then Commonwealth Attorney General (Senator Evans) provided State Attorneys General with a first draft of an Australian Bill of rights on a strictly confidential basis.

The Government does not propose at this stage to release the Bill, as to do so would be a breach of confidence.

The public release of the Bill is a matter for the Commonwealth.

TOURISM: COMMISSION

Price Waterhouse Report

2126. Mr MacKINNON, to the Acting Premier:

- (1) When did the Tourism Commission receive the Price Waterhouse report?
- (2) When did it decide to stand down the five senior staff as recommended by the report?
- (3) Did the report recommend that any other officers of the commission be stood down?

- (4) If so, will these officers be stood down and when?

- (5) If not, why not?

Mr BRYCE replied:

- (1) I understand the Western Australian Tourism Commission will receive the final report later this week.
- (2) Refer to answer to parliamentary question 2100 (1) and (2).
- (3) The findings and recommendations of the Price Waterhouse study are confidential to the WATC.
- (4) and (5) Not applicable.

ROTTNEST ISLAND: BOARD

Army Barracks

2127. Mr MacKINNON, to the Acting Premier:

- (1) When will the Rottnest Island Board be deciding on the future use of the old Army Barracks on Rottnest Island?
- (2) If that decision has already been made, what will the old Army Barracks be used for?
- (3) When will school groups be notified as to whether or not the barracks will be available for their use?

Mr BRYCE replied:

- (1) Detailed consideration will be given to the future use of Kingston Barracks.
- (2) and (3) Not applicable.

TRANSPORT: HEAVY HAULAGE

Farmers

2128. Mr McNEE, to the Minister for Transport:

- (1) In view of the confusion and concern to farmers during this year's harvest arising from the activities of the heavy haulage squad, would he consider introducing a farmer awareness programme and consider the introduction of an overload permit system for future years?
- (2) Further, considering that many farmers in the north eastern wheatbelt are likely to be charged with overloading offences, and considering the financial hardship being experienced by many farmers in that area and the need to deliver the harvest as efficiently as possible to the receival points, will he consider making those offences part of the Government's

"Operation Co-Ed" programme for this year?

Mr GRILL replied:

- (1) Permits to exceed the regulation axle group mass limits are only issued for tri-axle groups. The Main Roads Department is unaware of any confusion surrounding the activities of the heavy haulage section. If the member could supply details, I will arrange for the matter to be further investigated.
- (2) No. It would be inappropriate under the circumstances.

HEALTH: CHILDREN

Speech Therapist

2129. Mr McNEE, to the Minister for Health:

- (1) Respecting his answer to my question 1420 of 25 October 1984, concerning the re-advertising of the position for a speech therapist, is he now able to tell me whether that position has been advertised?
- (2) If so, when?
- (3) If not, will he now tell me when he intends to re-advertise the position?

Mr HODGE replied:

- (1) Yes.
- (2) Saturday, 8 December 1984.
- (3) Not applicable.

HEALTH: PHYSIOTHERAPY

Dalwallinu

2130. Mr McNEE, to the Minister for Health:

What arrangements are being made for the provision of a physiotherapy service to the Dalwallinu district, commencing 1984-85?

Mr HODGE replied:

A physiotherapy position in Moora, Dalwallinu, and Wongan Hills has a high priority in the allocation of additional posts to the Health Department. A final decision will be made shortly.

BUSINESS

Self Employment Business Ventures Scheme

2131. Mr COURT, to the Acting Premier:

- (1) How many unemployed people have been able to establish new small businesses under the State Government's assistance scheme, "The Self Employment Business Ventures Scheme"?

- (2) How much has the State Government spent on the scheme to date?

- (3) How many additional Western Australian unemployed people will be able to take advantage of the Federal Government's "New Enterprise Incentive Scheme" which is based on the State Government's scheme?

- (4) Will the two schemes clash in any way?

Mr BRYCE replied:

- (1) 30 persons.
- (2) \$72 071 in grants and loans.
- (3) It is believed that the Commonwealth enterprise allowance scheme will provide finance for 100 unemployed persons in 1985.
- (4) Negotiations are under way to ensure that no clash will occur.

STATE FINANCE: SHORT-TERM MONEY MARKET

WADC: Takeover

2132. Mr COURT, to the Acting Premier:

- (1) Now that the Government has decided to transfer the management of the Treasury's short-term money market activities to the Western Australian Development Corporation will he explain how this will be done?
- (2) Will legislation be required for the change?
- (3) Will the Treasury's short-term money market portfolio be traded?
- (4) If "Yes", what section of Government will bear the trading losses?

Mr BRYCE replied:

- (1) to (4) The member is referred to answer to question 2047.

GAMBLING: CASINO

Genting Operation

2133. Mr MacKINNON, to the Minister representing the Minister for Administrative Services:

- (1) Does the Minister recall in answer to question 37 on 1 August 1984, he indicated that "The Genting Berhad Group is a partner in Tileska Pty. Ltd. with Mr D. Dempster"?
- (2) Is the Minister also aware that in the *Southern Gazette* of 11 December, the Chairman of the Casino Control Committee, Mr Jarman, is reported as saying

"Genting Berhad is the joint venture partner with Dallas Dempster in Tileska Pty. Ltd."?

- (3) Is he also aware that nowhere in Australia is there a record that Tileska Pty. Ltd. has as one of its directors, Mr Dallas Dempster?
- (4) How, therefore, does he explain his answer given to question 37 and the statement attributed to Mr Jarman?

Mr PEARCE replied:

- (1) Yes.
- (2) Mr Jarman denies making the statement attributed to him.
- (3) Yes.
- (4) Tileska Pty. Ltd. is a wholly owned subsidiary of Genting Berhad. Mr D. Dempster and Tileska Pty. Ltd. will be parties to an agreement to construct and establish casino premises on Burswood Island.

EDUCATION: TEACHERS

Training Courses

2134. Mr TUBBY, to the Minister for Education:

- (1) How many in-service courses on human sexuality have been held in 1984?
- (2) How many staff have been involved in the health promotions services branch in the preparation of these courses?
- (3) What material have they recommended for use in—
 - (a) primary schools;
 - (b) secondary schools?
- (4) Would he give an assurance that parents will be acquainted with the material to be used before seeking the approval for their children to attend sex education courses?
- (5) Would he arrange for a showing of *Condom Sense* for members of Parliament so that they will know what primary students can expect as part of their compulsory education programme?

Mr PEARCE replied:

- (1) The Education Department is aware of two courses.
- (2) The health promotions services branch, which is within the Department of Health, conducts its own in-service independent of the Education Department. It

is not known how many staff have been involved.

- (3) No materials have been recommended for use in Government primary and secondary schools.
- (4) Education Department policy is that parents will be notified and will have the option to withdraw their children if they so desire from any sex education programme.
- (5) There is no compulsory "human sexuality" programme in Education Department schools.

The film *Condom Sense* is not an Education Department film.

QUESTIONS WITHOUT NOTICE

COMMUNICATIONS: RADIO STATIONS

Media Liaison Department: Opposition Air Time

673. Mr HASSELL, to the Acting Premier:

- (1) How many radio stations has the Government's media liaison department contacted with complaints about the Opposition receiving more air time than the Government?
- (2) Who authorised the Government's media liaison department to make such approaches?
- (3) Were the approaches verbal or written?
- (4) Does the Government seriously believe that it receives less air time on metropolitan radio stations than the Opposition?
- (5) If it does believe that, where does the Government lay the blame—on the radio stations or on the expensive media liaison department?
- (6) Is it the Government's practice to dictate news content to the news departments and metropolitan radio stations?
- (7) Have any other Perth metropolitan media—newspapers and/or television stations—been approached regarding the amount of space and/or viewing time given to the Opposition?
- (8) If so, when, and who made the approaches?
- (9) Is it the Government's practice to dictate news content to metropolitan newspapers and/or television newsrooms?
- (10) If the Government has determined that a Government-Opposition balance is not

being maintained in the Perth metropolitan media, will the Government be prepared to organise and attend a meeting with Opposition representatives and representatives of the media to discuss the situation?

Mr BRYCE replied:

- (1) to (10) I really do not think that the Leader of the Opposition is seriously expecting an answer to the 10 different parts of his question. He would have given me some detail of them if he were. I do not intend to say, "Parts 1 to 7, 'No', and parts 8 to 10 'Maybe' " or anything facetious of that kind. I indicate in the broadest terms to the Leader of the Opposition that to my knowledge, that has not happened. That does not mean, however, that it has not happened because, as Acting Premier, I have not had a great deal of direct contact with the responsible officer's of the Premier's media staff to which the Leader of the Opposition has referred.

I make a comment in respect of the question of principle: The Government of Western Australia does not seek the right to influence radio stations in respect of the content of their news programmes. I assure him that is not a part of the Government's programme. I think the media does an outstanding job. Sometimes we agree with what it does and sometimes we do not. Generally, however, we think it does a good job.

WOMEN'S INTERESTS

"Peace Camp": Negotiations

674. Mr HASSELL, to the Acting Premier:

- (1) Why has the Acting Premier declined to answer question 2057 on today's Notice Paper when he had plenty of notice and opportunity? The question relates to the negotiation, on behalf of the Premier and the Government, with the women's peace collective camp at Point Peron—what agreement was made, and when; whether it was in writing; whether he would table it; and, whether it was reduced to writing.
- (2) Is the information available relating to recent factual events.
- (3) Why has the question not been answered and why have I been told that I will be advised in writing in due course?

Mr BRYCE replied:

- (1) to (3) The answer is very simple. The Leader of the Opposition asked about seven or eight questions about Point Peron which were not just designed to elicit from the Government simple straightforward factual information.

Mr Hassell: The six questions were simple, factual questions.

Mr BRYCE: We do not even mind questions when they seek to stir. "Wild Bill" and his sidekick "Chester" went to Point Peron and adopted a would-be small country town sheriff mentality and suggested that the peace protesters should pack up and disappear. I point out to "Wild Bill" Hassell and his sidekick "Chester" that there is no Statute on the records of this Parliament that gives them the right to frogmarch people to the border and literally kick them out of the State in the way they sought to do. We acted on the advice of the Police Commissioner and we observed, as a Government, a procedure based on very sound advice from the Commissioner of Police.

Mr MacKinnon: Did the Police Commissioner advise you to allow them to camp there?

Mr BRYCE: I am talking about the management of it.

Mr Carr: It had nothing to do with his approval. Actually, he did advise us to allow them to camp there because he recognised that the alternative of putting three or four people off every day, day after day, was a much worse alternative.

Mr MacKinnon: How was that a worse alternative?

Mr BRYCE: Yes, it was.

Mr MacKinnon: In your opinion.

Mr BRYCE: In what way would the Opposition have handled it? What I suggest that members opposite have in mind is a \$2 million to \$3 million exercise such as the one which occurred at Noonkenbah. The Opposition, when in Government, handled that well—it divided this State in the best way possible! It pulled on a confrontation which cost the taxpayers between \$2 million and \$3 million. If the Opposition were in Government now it would seek to do pre-

cisely the same thing in relation to Point Peron.

Let me go back to the Leader of the Opposition's question. The questions he asked related to the personal discussions and negotiations of the Premier. Yesterday morning we received 97 questions and 41 of them concerned the Premier; nine of them concerned Point Peron and the Premier's negotiations with certain people. I am happy to remind members opposite that the Premier is about 10 000 kilometres away from Western Australia and when he returns it will give him the greatest satisfaction to find a few minutes to answer the questions of members opposite.

LOCAL GOVERNMENT: RATES

Reform

675. Mr TROY, to the Minister for Local Government:

- (1) Has the Minister requested the Local Government Department to carry out any analysis of rating options adopted by councils in the 1984-85 financial year following the introduction of the Burke Government's rating reform initiatives?
- (2) If so, can he provide details of this research?

Mr CARR replied:

- (1) and (2) Yes. Following the introduction of a number of significant rating reform initiatives in May this year I asked the Local Government Department to prepare a report on the rating systems adopted by councils throughout Western Australia in the 1984-85 financial year. The report should be of benefit to all municipalities in Western Australia and is being forwarded for their information.

I table a copy of the report for the information of members.

The report was tabled (see paper No. 406).

PARLIAMENT

1985 Sitting Times

676. Mr MacKINNON, to the Leader of the House:

- (1) When will the Parliament be resuming in 1985?
- (2) When the Parliament does resume what are the likely sitting dates and times?

Mr TONKIN replied:

- (1) and (2) I have had some notice of the question, but the problem is that Cabinet has not made a final determination.

However, I expect that Parliament will resume in approximately the last week of February and will sit as long as requisite, which may be seven or eight weeks. In other words, it will perhaps rise in early or mid-April.

I imagine that Parliament will sit for most of those weeks, but it may have one recess week. I hope Cabinet may make a decision early in January and then I will be able to let the Opposition know the arrangement.

PRISONS: PRISONER

Mr Miroslav Depta

677. Mr MENSAROS, to the Minister representing the Attorney General:

- (1) Is the report in *The Western Mail* of 8 December about the pending release from gaol of habitual offender, Miroslav Depta, correct?
- (2) If so, what action is the Attorney General taking to protect the public from—what appears to be on past records—this dangerous child molester and assailant?

Mr GRILL replied:

- (1) Yes.
- (2) The Attorney General has no authority to act in the manner implied by this question.

TRANSPORT: WESTRAIL

Grain Storage and Handling

678. Mr OLD, to the Minister for Transport:

- (1) Has Westrail concentrated on relieving the situation of grain storage in the northern wheatbelt area?
- (2) If "Yes" to (1), has the situation in those areas now eased to the extent to allow rolling stock to be brought into the southern areas?
- (3) If "No" to (1), what steps are being taken to relieve pressure on southern storages?

Mr GRILL replied:

- (1) Yes. It is normal, as the member probably appreciates, for Westrail to concentrate a large proportion of

rolling stock in the north of the State early in the grain receival season.

- (2) and (3) I cannot answer these questions with any definition. However, I will endeavour to obtain the information fairly quickly and send it to the member by letter.

Perhaps I could reiterate for the information of the House that some of the information I conveyed to the member in question on notice 2059 this evening read as follows—

Some short-term problems, both rail and road, are to be expected with the record grain harvest now far exceeding earlier estimates. However, maximum Westrail resources have been arranged for a concentrated "peak" haulage effort over the grain receival period and target tonnages are being exceeded.

GRAIN: WHEAT

Advance Payment

679. Mr McNEE, to the Minister for Agriculture:

- (1) What is the gross first advance payment for wheat per tonne in the 1984-85 season?
- (2) Has any of the first advance been deferred?
- (3) If so, why?
- (4) Was consideration given to deferring a similar amount of the freight?
- (5) If not, why not?

Mr EVANS replied:

- (1) An amount of \$131.08 for ASW wheat. This is 90 per cent of the guaranteed minimum price.
- (2) and (3) No. However, the new Act allows growers to choose to defer payment of part of the first advance, if they wish. The member would appreciate there is an option.
- (4) No.
- (5) Freight charges are separate to the wheat marketing agreement.

WATER RESOURCES: RATES

Non-domestic

680. Mr MENSAROS, to the Minister for Water Resources:

- (1) On what day did the working party mentioned in the newspaper article entitled "Relief on Water Costs in Sight" on page 15 of *The West Australian* today, 13 December, make the recommendation that water charges for non-domestic premises should be based on the size of the main pipe connecting these premises?
- (2) When did the working party last meet?

Mr TONKIN replied:

I thank the member for adequate notice of the question. The answer is as follows—

- (1) 30 August 1984.
- (2) 30 August 1984.

HEALTH: ANTIBIOTICS

Misuse

681. Mr TROY, to the Minister for Health:

- (1) Is the Minister aware of a report on the recent ABC programme "Countrywide" on the uncontrolled use of restricted antibiotics?
- (2) If so, what efforts are being made in this State to monitor the illegal dispensing of these antibiotics to treat sick animals and the indiscriminate use of antibiotics in animal food stocks?
- (3) Is present legislation adequate?
- (4) If not, what action is being taken to correct this situation?

Mr HODGE replied:

- (1) to (4) Yes, I have been well aware of the problems highlighted in the programme "Countrywide" for some time. In fact, soon after taking up the Health portfolio, I requested from the poisons advisory committee a report on how to best facilitate the stamping-out of the practice of illegally dispensing antibiotics.

Among the committee's recommendations was a suggested amendment to the Poisons Act and regulations, to increase the powers of poisons inspectors to extend their authority to include unlicensed premises and vehicles. These recommendations will shortly be referred to Cabinet and if approved will be sub-

mitted to Parliamentary Counsel for drafting.

Other action to combat this problem includes—

pharmacists and veterinarians have been circulated by their professional bodies in relation to tighter control of veterinary drugs of this type;

the Veterinary Surgeons Act and regulations have been amended to make it an offence to prescribe for an animal without adequate assessment;

the Department of Agriculture and the Pharmaceutical Council have agreed to make inspectors available to assist in investigations when requested by the Health Department; and,

uniformity with NH and MRC recommendations with respect to the scheduling of antibiotics has been achieved, to minimise importation into Western Australia from other States.

Presently, departmental inspectors do conduct test purchases, without prescription, of these antibiotics, and although many attempts have been unsuccessful, one supplier was convicted on five counts.

HEALTH: HOSPITAL

Mandurah: Bed Subsidy

682. Mr BRADSHAW, to the Minister for Health:

- (1) Is it the intention of the Minister to direct the State Health Department not to co-operate in allowing a bed subsidy to be granted to private hospital facilities proposed for Mandurah, which is currently being considered by the Commonwealth Health Department?
- (2) Will the Minister allow State Health Department representatives to participate in the scheduled meeting with the Commonwealth Health Department on Tuesday, 18 December when the grant application will be considered?

Mr HODGE replied:

- (1) and (2) I take it that the member is referring to the joint committee to be established in each State of Australia between Commonwealth health authorities

and State health authorities to examine and make recommendations to the Commonwealth on applications for licences to establish private hospitals. I understand a meeting is to be held in the near future. The State Government will be represented at that meeting.

The member is asking me to guess what the outcome of the committee's deliberations will be, and what its recommendations to the Federal Minister will be. I am not in a position to do that; the member will have to wait with everyone else to find out what recommendations will be made to the Federal Minister.

FINANCE

CRF: Women's Electoral Lobby

683. Mr HASSELL, to the Acting Premier:

How much money has been provided by the Government from—

- (a) the Budget; or,
- (b) the community employment programme

to the Women's Electoral Lobby?

Mr BRYCE replied:

- (a) Nil;
- (b) community employment programme funds totalling \$70 142.

EDUCATION

Cleaners: Chief Officer

684. Mr HASSELL, to the Minister for Education:

- (1) Has the Minister sought the appointment of a new head or chief officer to be in charge of cleaning in Government schools?
- (2) If so, what position has been created?
- (3) What is the job specification?
- (4) What salary does it carry?
- (5) Has an appointment been made?
- (6) If so, who has been appointed?

Mr PEARCE replied:

- (1) The position is that the Government commissioned a report earlier in the year on the cost efficiency of the cleaning and gardening services. As a result of that report, it moved to establish the position of "manager—cleaning and gardening

services" with overall responsibility for ensuring efficiency in that area.

- (2) to (6) The job has been created by the Public Service Board. The money was provided in the global allocation of the last Budget and an advertisement for the position is due to be placed in the next few days. Therefore, the position has obviously not been filled. I have not brought with me the details of the actual grading at which the position was set, but the salary is in the order of \$32 000 or \$33 000 a year.

I will send the Leader of the Opposition a copy of the advertisement and job specification as soon as it is available.

TAXES AND CHARGES: FINANCIAL INSTITUTIONS DUTY

Amendment Bills Nos. 3 and 4: Deficiencies

685. Mr HASSELL, to the Acting Premier:

What action has the Government taken in relation to representations made regarding deficiencies in the Financial Institutions Duty Amendment Bills No. 3 and No. 4?

Mr BRYCE replied:

To my knowledge, no representations were made on matters of substance which had not already been considered by the Government when drafting that particular legislation.

WOMEN'S INTERESTS: WOMEN'S ELECTORAL LOBBY

"Peace Camp": Support

686. Mr HASSELL, to the Acting Premier:

Following my previous question relating to the Women's Electoral Lobby, I ask—

- (1) Is the Minister aware that the Woman's Electoral Lobby has substantially sponsored the women's peace camp at Point Peron?
- (2) Is he concerned that the Government's grant through the CEP has provided a financial basis of support from the taxpayers of Western Australia to the women's peace camp at Point Peron?

Mr BRYCE replied:

- (1) and (2) Not at all. Before the Leader of the Opposition draws that rather tenuous conclusion he needs to know more about the allocation of funding. I would not have thought that CEP funding could easily be shoved sideways to other groups or people. Therefore, before the Leader of the Opposition can feel comfortable about drawing that rather long bow and coming to that conclusion, he should have more data at his disposal.

DEFENCE: STIRLING NAVAL BASE

"Peace Protesters": Private Contractors

687. Mr COURT, to the Acting Premier:

Is the State Government paying the cost of private contractors not working on a project at the Stirling naval base because their safety while travelling to and from work cannot be guaranteed while the women's peace protesters are at Point Peron?

Mr BRYCE replied:

That question was one of 97 questions on the Notice Paper this morning. I have read all 97 questions and I distinctly remember it as one of nine already answered. It is cheeky, devious and bordering on totally improper for the member to ask that question. Bill's sidekick "Chester" might find it moderately embarrassing to be told that he has just done something highly improper. In fact, he has made fun of the period of questions without notice, because he is asking a question which is the same as the question he put on the Notice Paper. In my experience in Parliament, this is the first time that has happened.

The answer the member now gets is no different from the answer he got in writing.

The next step the member for Nedlands should take is to congratulate the Acting Premier on his remarkable memory.

HEALTH: HOSPITALS

Mandurah: Rezoning

688. Mr BRADSHAW, to the Minister for Health:

- (1) Did the Health Department request the Town Planning Board to delay rezoning of the Halls Head hospital site at Mandurah?

- (2) Is the Minister aware that the Commonwealth Health Department is technically unable to make a decision granting a bed subsidy to a proposed private hospital until the site has been rezoned?

Mr HODGE replied:

- (1) Not to my knowledge.
(2) No.

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