



WESTERN AUSTRALIA

PARLIAMENTARY DEBATES

(HANSARD)

THIRTY-FOURTH PARLIAMENT
FOURTH SESSION
1996

LEGISLATIVE COUNCIL

Wednesday, 21 August 1996

Legislative Council

Wednesday, 21 August 1996

THE DEPUTY PRESIDENT (Hon Barry House) took the Chair at 2.30 pm, and read prayers.

STANDING ORDERS SUSPENSION

Commonwealth Budget 1996-97

On motion without notice by Hon John Halden (Leader of the Opposition), resolved with an absolute majority -

That Standing Orders be suspended so far as to enable the Leader of the Opposition to move a motion without notice concerning the Commonwealth Government's Budget, and that the question thereon be put and determined not later than 5.00 pm this afternoon.

MOTION - COMMONWEALTH BUDGET 1996-97, SHORTFALL IN FUNDING

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [2.34 pm]: I move -

That this House, now that the Commonwealth Government has presented its 1996-97 Budget, calls on the State Government to identify the extent of any shortfall in commonwealth funding of state programs and services, and explain how that shortfall will be accommodated with or without increases in taxes and charges.

You may recall, Mr Deputy President, that we have previously debated in some respects the implications of the federal Budget on the state Budget. Members may recall some interchange between me, the Minister for Finance, and the Leader of the House about the introduction of the state Budget on 2 May and how it had to be passed by 30 June. At that time I said that I thought that was folly because we were predicating a state Budget with no knowledge of what would happen in the forthcoming federal Budget delivered yesterday, 20 August. In the process of the Budget from 2 May to the end of June we as members knew that the Council of Australian Governments met and clearly came down with significant ramifications to this State's Budget. They were that financial assistance grants were likely to be cut by \$60m and specific purpose grants by \$30m and the sales tax exemption on luxury cars purchased by the State Government was likely to be lifted with an implication to the state Budget of approximately \$10m.

During the Estimates Committee and the state Budget process I asked for the Budget to be delayed to consider the implications of those decreases. That did not happen, but we came to an agreement whereby we would discuss those implications at the forthcoming Estimates Committee hearing. As a House we passed a Budget, predicated on a series of some known and some unknown changes, on the basis of hope. We know that the Premier has advised Western Australians that he has been able to achieve approximately \$40m in savings. The difficulty with that is that he has not told this House or the Western Australian community what will be the nature of those savings, where they will be made or what implications they will have on both the Budget and programs delivered by the State Government. Again we are being asked to wait in hope, not knowing the implications of the State Government's Budget.

I was astounded by some of the antics I saw in here during question time yesterday regarding openness and accountability on financial matters. I asked the Minister for Finance a very simple question to which I felt sure he could immediately provide an answer to me and the community. I asked: "What was the total revenue figure for the 1995-96 Budget?" I was told that the Premier would make an announcement later next week.

Hon Max Evans: I do not have those figures off the top of my head.

Hon JOHN HALDEN: I gave the Minister notice.

Hon Max Evans: I did not have notice of that question.

Hon JOHN HALDEN: I thought the Minister did have notice. I will ask it of him again. I then went on to ask the Minister whether it was normal practice, bearing in mind that the Niemeyers - the cash transaction statements - have now been held up for a month over what is normal. Nobody knows the bottom line figure of this State's finances. The Minister would know that the Niemeyer statements are put together at the end of any month and made available to the public within three weeks. However, this Minister and this Government have not released those figures. In any debate about the State's financial position we do not know the bottom line. We do not know the extent of potential Federal Government cuts and we are left to deal in the dark by a Government that told us it would be open and accountable, principally in financial matters. We were also told there will be \$40m savings, but we are left in the dark. We have no idea where they will be made. However, we do know that the federal coalition yesterday delivered its Budget which it predicated on a charter of budgetary honesty. It was not honest. It proceeded to not produce a Budget Paper No 3.

Interestingly, Budget Paper No 3 covers the payments to the States and local government. Some \$18b worth of

payments are not detailed - some honesty, some accountability! Again, we are left in the dark, this time by the federal coalition. Basically, everyone is in the dark over the extent, the implications and the totality of what is about to occur to this State's Budget. However, as a result of yesterday's decisions in the Budget we know that above that \$100m in cuts are cuts of \$12m to dental hospital funding and \$12m to road funding, and cuts of \$5m to regional development. There was a string of other cuts to Landcare, to the Better Cities program of \$6.5m, and to government schools, vocational education and technical and further education. However, because we do not have Budget Paper No 3, we cannot work out whether they are tied to specific purpose grants. Again, I ask: To what sort of honesty has the community been subjected?

When we add those figures from yesterday's Budget to the \$100m from the Council of Australian Governments' meeting, we know that the State now has a hole of some \$135m that it must fill. A range of other holes must be considered. For example, as a result of yesterday's Budget, will the State Government now provide the shipbuilding bounty? I will explain the importance of that bounty later and how narrow-minded it was for the Federal Government to take that bounty away from Western Australia. It was done without the slightest whimper from any one of these Ministers opposite.

Hon N.F. Moore: Didn't you hear the Premier this morning?

Hon JOHN HALDEN: He was pathetic. I will explain why. There was not a whimper.

Hon N.F. Moore: I thought he was very angry.

Hon JOHN HALDEN: If that was his being angry, I would hate to see him lose his mind.

Hon P.R. Lightfoot: Everyone on this side of the House was opposed to its removal. You've only just discovered it.

Hon JOHN HALDEN: We have seen the Government's comments in the Press. We saw them this morning as we opened *The West Australian* to page 1 to see the Premier decrying the Federal Government for that decision.

Hon E.J. Charlton: You don't take notice of *The West Australian*, do you?

Hon JOHN HALDEN: Will the Government of Western Australia foot the bill for that \$16m? Other cuts have been made to legal aid, family mediation services, trade incentives, community based operations for day care centres and aged care which have enormous implications to this State. Cuts have been made also to Aboriginal funding and emergency relief as a result of budgetary decisions to extend the period that is required before people are eligible for the receipt of the dole. All of those cuts could have implications on Western Australia, and in the vicinity of \$60m worth of funding, as a conservative estimate, will probably have to be provided by Western Australia. Let us be clear: There is \$100m in cuts. As a result of last night's Budget \$35m worth of cuts are clearly defined. On top of that is the potential for the State to have to pay out \$65m - at least. That is \$200m.

Hon E.J. Charlton: What is the \$65m for?

Hon JOHN HALDEN: That \$65m will depend on whether the State Government wants to take up some of the things that have been cut - not through the consolidated fund - such as the shipbuilding bounty of \$16m and the range of other matters to which I just referred, all of which the Government must make a decision on.

Hon E.J. Charlton: We agree with three-quarters of them.

Hon JOHN HALDEN: The Government no doubt agrees with the cuts to the shipbuilding bounty as well, because it is lame on that matter. Let me go to the enormity of the problem facing the Treasury of Western Australia. If it wants to pick up something in the order of \$160m worth of cuts from the Federal Government, in state based revenue, currently running at about \$4b, that will require a 4 per cent increase in state sourced revenue increases.

Hon Max Evans interjected.

Hon JOHN HALDEN: The Minister cannot add in the federal government funds. That is why he should not be the Minister for Finance. He is silly to add in the federal government funds when I am talking about state sourced revenue. If the State Government wants to fund it to \$200m, it must increase state sourced revenue by 5 per cent. This does not include water, power and electricity, but only state sources that go through the consolidated fund. The Premier says that he will not increase revenue, but his colleague in Queensland says that he will have to increase it. Of course, the Premier will not increase it because he has an election around the corner. If the Government is to continue these services, eventually it will have to get somebody to pay - and it will be the taxpayers of Western Australia who do that, otherwise it will have to cut the services. We should be in a position to know now, after a lapse of time from 2 May, what the Government is going to do. It has pontificated and run away from this issue. It will not detail to the people of Western Australia whether it will cut their services or increase their tax.

Hon E.J. Charlton: What would you do?

Hon JOHN HALDEN: The Minister should read the election policy I have already written on the matter.

Hon E.J. Charlton: Put up the taxes like you always did?

Hon JOHN HALDEN: I am glad the Minister has drawn attention to that issue. He is wonderful! I will deal with the Minister and tax increases in this State in about two minutes, and then he will hide. Increases in taxes of 4 per cent or 5 per cent are being made to cover the services we already have - that is, to maintain the status quo - because of the Government's mates in Canberra, whom it has been limp wristed in criticising for what they have done to this State.

I now want to take up the Minister for Transport's challenge. I am delighted he raised this matter. During the parliamentary break I was able to do some research on the issue of state sourced revenue to the consolidated fund. In 1992-93 it totalled \$2.76b. Four years later it is estimated to be \$4.01b. In four years this State has increased its own tax revenue base by 45.5 per cent. It is the highest taxing Government in the history of Western Australia.

Hon E.J. Charlton: That is why all the people are worse off now than when you were in government? You're a joke, Mr Halden.

Hon JOHN HALDEN: The Minister does not like it. These figures come straight from the budget document produced by this Government. Treasury is now to blame for saying something that is not correct. Having got the figures from the Budget - no-one doubted them; they are predominantly the Government's figures - let me tell the House what it has meant for state based taxes and charges on every man, woman and child in this State since the Government came to power. In 1992-93 the per capita tax take on Western Australians was \$1 050.75. In 1996-97 it is estimated to be \$2 234.91, or an increase of 35.4 per cent on every person in this State. This Government is the highest taxing Government. What does the Minister for Transport have to say about those figures? The figures tell it as it is.

Hon E.J. Charlton: Mention the figures when you were in government. You ticked them off with the Bankcard.

Hon JOHN HALDEN: I am about to be told by those opposite that we do not need to worry about these cuts and that they can manage the situation; that they have managed this economy well and they are the best economic managers around. They are not; they are the greatest taxers around. They have got away with this absolute distortion of the facts for three years. The facts are that they have increased taxes in Western Australia on average by \$314m a year in the life of their Government. What a record! That is how this Government has been able to balance the books: It has taxed everything out of people in this State.

Hon N.F. Moore: Rubbish, Mr Halden.

Hon JOHN HALDEN: I suggest that the Leader of the House go back through the budgetary documents, or I will lend him my series of graphs, all collated from the budget figures. The Government should tell us the truth. Is it going to cut services, or, as it has done previously, rot the system by taxing people to the nth degree?

Hon E.J. Charlton: How come people have more money now than when you were in government?

Hon JOHN HALDEN: They do not tell me that. I will go through each graph because those on the other side love this information.

Hon Peter Foss: Small business is even better, I think.

Hon JOHN HALDEN: Small business loves the Government; it thinks the Government is wonderful. Let us look at revenue raised from taxes and licences. In 1992-93, \$1.5b was raised, compared with \$2.5b in the previous four years.

Hon Max Evans: What tax rates did I put up?

Hon JOHN HALDEN: The Minister for Finance taxed by growth.

Hon Max Evans: That is all right.

Hon JOHN HALDEN: The Minister says that is all right, but people pay more.

Hon Max Evans: No, they don't.

The DEPUTY PRESIDENT: (Hon Barry House) Order! Let us conduct this debate without as many interjections.

Hon JOHN HALDEN: The Minister will know of all the other charges that have gone up. He should read the last report of the Joint Standing Committee on Delegated Legislation. Regulation fees went up by 1 000 per cent in one instance, and in a number of instances by between 100 per cent and 300 per cent. The Minister knows the increases. Many have been done via the back door, via regulation, and not legislation. Revenue from departmental sources in 1992-93 raised \$743m. It now raises \$802m. Let us look at payroll tax. That was to be abolished. The Minister for Finance was very big on that, as was the Government. In 1992-93 payroll tax raised \$589m, and that has now increased to \$671m.

Hon Max Evans: We have 100 000 more people working now.

Hon JOHN HALDEN: That is rubbish. The Minister knows it is. The examples go on. The revenue from the courts went from \$40m to \$47m over four years. The Government has paid for everything by taxing people blind. Now we want to know whether it will do it again because of the decision of its federal mates on this occasion.

Hon E.J. Charlton: We took all the people from the Labor Party into the courts and we got more money.

Hon Mark Nevill: We wasted \$40m on a royal commission.

Hon JOHN HALDEN: Having been delighted to portray the truth in this matter to the Minister - I hope he will continue to interject to assist me in my speech - I will now refer to the shipbuilding bounty. Members might not know this: This bounty came into operation in 1989 and since then it has paid out \$195m predominantly in Western Australia and Tasmania. Of that amount, \$167m has been invested in research and development, capital works and work force training. The bounty is a 5 per cent subsidy on production. Let us compare that to the bounty or subsidy in other shipbuilding nations throughout the world: In Norway it is 13.2 per cent; in Denmark it is between 8 per cent and 13 per cent; in Italy it is between 15 per cent and 50 per cent; and in the United States it is 9 per cent. The bounty in this country is not huge.

Hon Mark Nevill: A level playing field!

Hon E.J. Charlton: We agree with it.

Hon JOHN HALDEN: Those opposite have done a lot about it; they have not made a noise yet.

Hon N.F. Moore: What do you want us to do to make a noise, cut our throats?

Hon JOHN HALDEN: That small bounty in Western Australia this year meant a payout of \$16m. In the past decade we have had a success story in manufacturing industries in this State. The shipbuilding industry at Naval Base directly employs 1 700 Western Australians and, indirectly, at least that number again, and probably twice as many. What will be the implication of the removal of the 5 per cent bounty? The margin on building ships at Naval Base is 5 per cent. The moment the bounty is taken off, there will be no profit margin, and members can imagine the consequences. They include that a minimum of 3 500 jobs will go. The success story in manufacturing in this State will go out the window. Those companies will move their operations to Asia and will not come back. They will not play yoyo with federal governments about where they invest their capital. Why should they? Why would they?

More importantly, at the moment three ships are being constructed at Naval Base. Companies apply for the bounty at the completion of the first partial payment. These three ships have not reached that stage. They are not now eligible for the bounty. At best these companies are likely to break even in the production of these ships and more likely to lose as a result of the decision of the Federal Government. However, the real loser in all of this will be Western Australia. In what is an absolutely small bounty in terms of the total payout, 70 per cent comes to Western Australia and 30 per cent goes to Tasmania. All members will know that unless this industry can make some profit, it will close down - its shareholders will demand that - and it will move offshore, and at least 3 500 jobs in this State will be lost.

Hon E.J. Charlton: They won't be.

Hon JOHN HALDEN: We are reassured by the Minister, who has people standing around 44 gallon drums getting warm, that that will not happen.

Hon E.J. Charlton: I will tell you a bit about them later, my friend, now that I have the truth instead of that claptrap.

Hon JOHN HALDEN: We will be delighted to hear it.

Hon Tom Stephens: You haven't even found your bus stops yet.

The DEPUTY PRESIDENT: Order!

Hon JOHN HALDEN: The Federal Government has made its decision and those opposite have been lame dogs in opposing it. It is now incumbent upon the State Government to say whether it will make up the bounty to keep this industry alive. It will cost \$16m a year. Where will the Government get that money from?

Hon E.J. Charlton: We will get you to help us with that.

Hon JOHN HALDEN: On the basis of what the Minister has said today, he needs every bit of help I can give him.

Hon E.J. Charlton: Keep speaking. This is good. We support what you are saying now.

Hon JOHN HALDEN: I am pleased. It is just a shame that the Minister does not vocalise it a bit.

Hon E.J. Charlton: We said it 50 times this morning, but you were not there when it was said. You were doing your numbers.

Hon JOHN HALDEN: We also have a whole range of federal government issues which, as I said earlier, in totality will affect the plight of the State Government. I have given a list of areas where funding did not go to consolidated revenue but where the State Government might be forced to pick up the shortfall of federal government funding. We need not look much further than unemployment and the growth of the federal economy. Both those things will affect this State in what it must pay out. We know a contractionary budget was presented last night. The one thing the Western Australian Budget, predicated on 5.75 per cent state product growth and averaging that rate for the next four years, cannot withstand is a contractionary federal Budget, and that is exactly what we got last night. As the economy contracts, receipts will go down and the Minister's long held view on taxation by growth will have enormous implications for Western Australia and the figure of \$200m will become realistic.

The Government is saying that unemployment will not fall in this nation; that hopefully there will be 3.5 per cent growth in the next year. Based on 0.1 per cent growth in the last quarter, there must now be almost exponential growth in the remaining three quarters for that economic prediction to be maintained. If it is not, receipts will contract and the position of this State Government will deteriorate.

It is incumbent on us to look a little further at what the Federal Government has done in the area of vocational training. It has cut, and proposes to cut, money to technical and further education and to vocational educational training. It also proposes to make it less attractive for young people to take out apprenticeships by reducing those wages. It has come back with the modern Australian apprenticeship and training system which it says is far better and will provide far more apprentices. At the end of the day we are all supposed to be better off. I tell members that the MAT scheme money provided in last night's federal Budget does not match the money the State Government previously received under the Australian National Training Authority and other tied grants to Western Australia. There is a reduction in the non-determinable areas because we do not have Budget Paper No 3. From where will we fund that area? Is it already in the cuts? We do not know, despite announcements made. An area of crucial importance in this State is the 20 per cent drop in apprenticeship intakes over the last four years.

Hon N.F. Moore: Be careful with those figures; they have been going down since you were in government.

Hon JOHN HALDEN: Members opposite are in government.

Hon N.F. Moore: There has been a decline since 1980.

Hon JOHN HALDEN: The Government claimed it would do better on these fronts. The Minister does not argue about the cuts - they are made. We see further cuts to an area in which we know skills shortages have arisen and we have had to employ people from overseas and interstate. Apprenticeships are on the downturn and cuts have been made by the Federal Government. Will the Government increase funding to this area from the state source? Four months later, we still do not know. All those situations must cause the people of Western Australia considerable concern.

The State Government has blindly led the State, this Parliament and the community down the path of this budgetary process. It says that everything will be all right; it will tell us the way out of this problem; and we must all believe and hope it will be all right. Now we know that at minimum the hole in the budget is \$140m if services are to be maintained as they are today from the consolidated fund provision. If we are to retain the services we generally expect to be provided, the hole will be at least \$200m. Whichever of those figures one takes, the retention of those services requires an increase in the tax take of 4 to 5 per cent. It must happen. Will this be done before or after the Budget? The longer the Government waits, the bigger the tax hike will be. Of course, the Government has the associated political problem. The longer this situation remains, the more people will complain about the reduction in services. The shipbuilding bounty is the classic of all time, and many of the programs to be affected are particularly legitimate services.

It is not good enough for a Government which came to power on a program of open and accountable financial management - how many times did we hear that - to tell us now that we cannot be told the baseline figure of the revenue of this State eight weeks after the conclusion of the financial year. It is time for the Government to come clean. It might play politics, as we know that an election is looming. However, members opposite must come clean. Will the Government fund these programs through increased taxes; if not, how will it be done? It cannot be by hocus-pocus.

Members opposite claim to be good financial managers, but that is nonsense - they are great taxers. If the Government will go down that path, it should tell us exactly what it will do. If it will cut services, it must tell us which ones. We will be delighted to inform the community of Western Australia on that front also. The Government should not keep us in the dark and feed us information in this way; the mushroom principle is over. This Government will be caught out as the highest taxing Government by a mile in state history.

Hon N.F. Moore: If you keep saying that, you might believe it.

Hon JOHN HALDEN: The Government has collected \$314m a year for the last three years, and members opposite are great financial managers! They fooled everybody until someone took time to look at the figures and work it out.

Hon E.J. Charlton: Don't you have time?

Hon JOHN HALDEN: I am too busy trying to work out the truth in the answers the Minister gives me.

Hon E.J. Charlton: You should stick to the numbers in the Labor Party.

Hon JOHN HALDEN: I could do those too.

Hon E.J. Charlton: Go back to that; do not take your eyes off it.

Hon JOHN HALDEN: I think I have put the position clearly. It is time for the Government of Western Australia to start criticising its mates in Canberra for this outrageous attack on this State in certain areas. If it were a federal Labor Government, members opposite would have complained for months - we would not have stopped them. They would have been screaming from the rooftops. However, they are mute about their mates in Canberra. It is time for the community to know the extent of the Government's proposals to cover this financial hole, and the sooner the better. I hope the House will support the motion.

HON MAX EVANS (North Metropolitan - Minister for Finance) [3.06 pm]: I noticed with interest that Hon John Halden referred to the Niemeyer statement, which has been around for many years. I stopped its delivery to my office as it confused me about the finances of the State.

Hon A.J.G. MacTiernan: You would rather not know.

Hon MAX EVANS: No. Even in the days of the previous Government, I stopped its delivery. It refers to cash receipts and payments and we are trying to get away from that. The previous Government had two accounts - a housekeeping account and a mortgage account - and the expenditure in those accounts was fiddled to balance the books. We brought them back to one account.

During the period in office of members opposite, recurrent income over expenditure resulted in a surplus of \$13m over 10 years, but we had more than that in the first year. I stand on my record of financial management. I have brought my Budget before the House and it was passed. The Government knows what it will do.

Hon John Halden: No, you did not. This was the first time that the rest of it was passed in October. Look at the date of it.

Hon MAX EVANS: We have changed the attitude with balanced budgets with capital and recurrent expenditure for each of the years. I prefer not to refer to balanced budgets. When one has a balanced budget, and one brings in a little more income, Treasury wants to make more expenditure to keep it balanced. We should budget for a surplus rather than a balanced budget, which has the connotation of lifting expenditure to meet income.

This Government is all about better financial management. My main worry is getting better financial management at agencies which have not had it before. Accrual accounting was introduced in the time of the previous Government. At the end of last year we ended up with a surplus to pick up the \$74.8m SGIC loss. However, the final figure in that regard is better than we expected at the end of the year. We know that the previous Government had no trouble balancing the books. It balanced recurrent income over to recurrent expenditure. When problems arose, the figures were chucked over to capital works. In one year we had \$102m in redundancy pay.

Hon Mark Nevill: We had to pay for the North West Shelf project and the gas pipeline for 10 years.

Hon MAX EVANS: We allowed for that one. The redundancy pay was put to capital; it was borrowed money. That is how the previous Government balanced the books. The next year it decided not to put the annual \$50m purchase of cars into recurrent expenditure because the cars could be sold at a profit. That gave the then Government \$50m to play with, and that is how it balanced its Budget. I have not had to resort to that.

Hon Tom Stephens: You flogged the lot!

Hon MAX EVANS: I do not resort to these things. I have performed better financial management without such things. I know all these tricks, which I had not heard of until the time of the previous Government.

Finally, in health and education, members opposite put \$30m and \$20m in minor works and that was capitalised. Nobody in their right mind would do that! We achieved a surplus of the total consolidated fund; that is, capital and recurrent expenditure. The previous Government did not get around to it and never would have, as it was not its style. Someone said the other day that we have received a billion dollars more in revenue than in the past. That person referred to the hypothecated revenue. The only tax increase that we have introduced was the tobacco tax, which we increased by 100 per cent.

Hon John Halden: What about the fuel levy?

Hon Mark Nevill: What about the Multanovas and terrorising the public?

Hon MAX EVANS: The only tax increase we made was the 100 per cent increase in the tobacco tax in line with the

High Court case. We had to come into line with that. Thank goodness for the people opposite who smoke. I hope they keep it up. That tax has increased from \$129m per annum to \$290m because of Hon Kim Chance and others opposite who look after us. That has been a big benefit to the State. However, I did not do that for health reasons; I did it for financial reasons to tie in with the High Court case. If we had done nothing about land tax in the first year we would have raised another \$81m. I am certain that, if the Labor Party had stayed in power, it would have continued with that. In the first year, 80 per cent of the people paid less land tax, and 20 per cent paid more. Land tax will come down a little this year and again next year. That is something the Labor Party never did while it was in government.

Hon John Halden: That is not so.

Hon MAX EVANS: That is so. We have brought land tax down. It was 2 per cent tax on \$150 000 and it now starts at about \$1.3m. The rest of the growth in this State is due to the effectiveness of our policies. There are 100 000 new people working in this State, not all with employers paying payroll tax. However, many of them are paying payroll tax. The top rate of payroll tax has stayed the same. The exemption of the bottom levels has been a huge benefit to small business against large business in not paying the 6 per cent payroll tax. The growth in that has come from the sheer growth in employment in this State, for which this Government will take much of the credit. In the first couple of years, stamp duty was well up because of increases in housing and mortgages, etc. During the Labor Party's term in government - I think in 1988-89 - stamp duty was \$100m over budget. As a result it told departments to spend as much as possible because it had to spend the income it had raised and it did not want a big surplus. It thought that the only way it could get rid of a big surplus was to spend big. The only trouble was that in the next year it had to be turned back. That is one of the problems we inherited. We inherited increasing debt each year.

Hon John Halden: You inherited your mates in Canberra, and you deserve them.

Hon MAX EVANS: I am talking about what we inherited and where we have gone from there.

Hon Tom Stephens: You have created new forms of tax evasion since you have been Minister for Finance.

Hon MAX EVANS: What have I done?

Hon Tom Stephens: You have created loopholes galore in your area and you know you have.

Hon MAX EVANS: What are they?

Hon Tom Stephens: All of the ones that Hon Alannah MacTiernan has been documenting in the time that you have been Minister for Finance.

Hon MAX EVANS: We rectified many anomalies in payroll tax and land tax that needed rectification. They were not loopholes. We cannot have ignoramuses over there talking about financial matters about which they are not capable of talking. I will leave it to some other date to discuss those matters.

We arrived at the last Premiers' Conference amid talk that the Federal Government was going to put in place a sales tax on all government vehicles. Even when we arrived, no-one could tell us what that would amount to. When we discussed it in the conference, the States told the Commonwealth that it would not accept it because, firstly, it would hurt local government and secondly, it would hurt State Governments. The sales tax would have gone on forever. It was not being set up to rectify the problems in the next two or three years, which is what the Federal Government wanted to do. We were not going to accept a sales tax that impacted on the State Governments forever, particularly as over half the States' revenue comes from the Federal Government.

Hon A.J.G. MacTiernan: He managed to divert the whole agenda.

Hon MAX EVANS: It was an issue that had to be discussed. The Premiers provided the answer by asking the Federal Government what was its shortfall. After the figures were worked around, it was found that there would be a shortfall of \$600m. The States said that they would forgo that \$600m and maintain the status quo, but that the Commonwealth would give the States what it gave the previous year, plus the increase and they would give the Commonwealth a cheque back. In this State, that cheque was for \$60m or 10 per cent of \$600m. I ask the Opposition not to hold me to the exact amount; I think it was probably more than \$619m. It was agreed that we would get the predetermined amount but we would give back \$60m the first year, \$60m the second year, in 1998-99 we would give back \$30m; and in 1999-2000 we would get the amount decided with a notionally indexed amount; in other words, we would not lose the increase over the previous years.

It was said that there were about \$300m savings in special purpose grants. We adjourned the discussions a couple of times on the first afternoon because the Prime Minister and the Treasurer could not tell us about the impact of the special purpose grants. The next morning we were told it was still only about \$300m and there would be no impact on education. However, they could not tell us where that would bite. Unfortunately, at this stage that is all we know. Hon John Halden is right; no statement has been made about that except for dental health, which Hon Peter Foss will discuss later. Hon John Halden introduced many red herrings into the debate by referring to amounts that are not part

of the Budget. The Premier has said that, in relation to specific purpose grants, if the Federal Government is giving the money for special deals, and it cuts them out, it is the Federal Government cutting them out, not the State Government. I am a typical chartered accountant. I do not deal with hypothetical issues; I deal with facts. When we are given the facts, I will deal with them. We do not know the exact amount of specific purpose grants. Reference to a factor of 2.5 per cent and 3 per cent by John Howard and the newspaper involves taking out of the \$897m for specific purpose grants an amount for education. Therefore, it could be around 3 per cent. Three per cent of that is about \$27m. We will deal with that at the time and consider what has to be cut out. The Commonwealth Government will cut our programs that it is subsidising. We will have to wait and see what happens. At the moment we cannot deal with the hypothetical issues that have been put around in this place today. I will deal with facts and deal with them well.

The \$60m, which is 10 per cent of the \$600m, which we will give back has been programmed to be paid back at \$5m a month and not in one lump sum. All of the chief executive officers have met with Treasury Department officers and the Treasurer and they have identified \$40m savings in non-service delivery areas. Our track record over the past three years indicates that we have done a very good job of maintaining expenditure. A large part of that has come from doing things that the previous Government would never do; that is, commit itself to four year Budgets. We have committed ourselves to four year Budgets, which has given management a degree of certainty. Once management has certainty, it does not mind trying to save money. Because the previous Government wanted to spend more money, the system was that, if it saved \$500 000, the Treasury Department ratched back that \$500 000 and allowed someone else to spend it, so there was no point in saving money. The previous Government continued spending at the same rate. We have provided certainty. If agencies save money they can provide increases through workplace agreements and enterprise bargaining agreements. They have certainty because they know those savings will not be taken from them next year. We have given that certainty through better financial management.

Hon Tom Helm: More jobless.

Hon MAX EVANS: There are 100 000 more people working in Western Australia than there were before. We are very proud of what has happened. I think that is a great achievement. We would not have had such an increase in revenue without the increase in growth and prosperity.

Hon Tom Stephens: Without increased taxes.

Hon MAX EVANS: There has been no increase in taxes. There has been growth in the State. Members opposite say they are worried about superannuation. Their salaries in my time in this place have increased from about \$50 000 to about \$79 000, a 50 per cent increase. Things change; nothing stands still. Now that members' salaries are more than \$75 000, they will pay more tax on the superannuation. If the leader of members opposite had accepted my recommendation for salary packaging they would have had the benefit for the past 12 months, but there is little doubt that there will be any benefit because of the extra 15 per cent taxation on superannuation funds. The previous Labor Government tried to tax superannuation funds of all the States in respect of money going into the funds and the income earned. However, Queensland and South Australia took the matter to the High Court on the basis that the Government could not tax the State Governments. This State was lucky it had no tax problems because Len Brush left us tax losses of \$200m, which could be carried forward. Therefore this State did not have to worry about paying tax on the income earned in the fund. That has now been exempted. A special actuarial committee will be set up to look at taxing government protected funds because, technically speaking, the Federal Government cannot impose an additional 15 per cent tax on the money the Government pays for its employees. Members of Parliament pay approximately 12.5 per cent as their superannuation contribution. The government payment will be taxed at 15 per cent and the Federal Government is trying to work out how it can make the fund pay that money even though it is government protected. They will probably take it from the benefits to employees when they leave. That issue must be defined and also the private sector accounts. That could affect people in this place.

It must be recognised that it is not prudent for anyone to continue going into debt year after year. If that is the case, one must look for a higher income in order to service the debt and the interest on it. Interest rates fluctuate. Governments are no different from individuals in the matter of debts - all debts must be serviced. This Government has been able to increase its services to the community by reducing its interest payments. It repaid debts of \$600m or \$700m before the funds were received from the sale of BankWest of approximately \$1b. The interest on that amount is between 8 and 9 per cent, and most of the high interest rates on borrowings have gone. The Government has been able to spend more money from the interest saved, and the Federal Government must try to do the same. The reason I could do better with the State Government Insurance Commission is that the prepaid premiums can now be invested whereas in the past they were used for losses. Insurance companies survive by investing money. State Governments can benefit by reducing the amount of interest and getting rid of their debts.

The figures in the commonwealth publication are a composition of the Commonwealth's debt after transactions at the end of June each year. It excludes the Commonwealth Government securities on issues on behalf of the States and the Northern Territory; in other words, it does not include money it has borrowed on behalf of the States. In 1990 it was \$30b; 1992, \$45b; 1993, \$65b; 1994, \$70b; and in 1995-96, between \$90m and \$95m. With debts such as that there are two problems. First, they must be serviced by interest and, second, they must be repaid. There was

no problem in the past because the previous Government did not repay the debt, it allowed the debt to increase. That provides a good cash flow for a while, but the financial situation gets worse each year.

Hon Mark Nevill: The federal borrowing is replacing state borrowing in recent years.

Hon MAX EVANS: That is a contra. Before I came into the Chamber I was trying to find the ratio of the net debt to the gross state product. In WA it was approximately 19.3 per cent; in other words, \$8.5b net debt over \$46b gross state product. It is now down to approximately 15 per cent, and we should have had a AAA rating but the goal posts have been changed again. In New Zealand it is 22 per cent and I think the Federal Government's figure is 30-odd per cent, but I am not certain of that.

Hon Kim Chance: It is 20 per cent.

Hon MAX EVANS: Western Australia has reduced its percentage. That happened for two reasons: Firstly, because the gross state product increased and, secondly, because the debt decreased. If the debt continues to increase, it is necessary to increase the gross domestic product by a large amount to maintain the figure at even 20 per cent.

Hon Kim Chance: The OECD average is 50 per cent.

Hon MAX EVANS: Why join the bankrupt?

Hon Kim Chance: I thought it would be handy to have a benchmark.

Hon MAX EVANS: It is not one I want to achieve. We must challenge ourselves to do better and think of our responsibilities to our children and grandchildren. Governments can go for some time without worrying about the debt, but eventually it catches up. Reference is made to the four year fiscal consolidation cut of \$24.03b in forward estimates. It is hoped to reduce this figure and that could improve the position a great deal. It gets a degree of its own momentum and acceleration when the interest on debt is reduced. If anyone gets a lump sum payment or an early redundancy package, the first thing they should do is get rid of their mortgage debt because there is no tax deduction on the interest. Capital and interest is much the same, and it also applies to Governments. It is cash flowing out and the debt must be reduced in order to improve the financial position.

I refer to the many other things in the document. I understand that Graham Richardson spoke at a seminar this morning about this health tax. He said he wanted to introduce the same measure in 1993 but - I do not know whether this is true or false - Paul Keating was not in favour of it. He did not have private health insurance and he did not want to pay an additional \$1 000 a year for that cover. Carmen Lawrence also does not have private health cover.

Hon Mark Nevill: They did not have an 80 seat majority at the time either.

Hon MAX EVANS: I do not know about that, but the federal Labor Government did not push it at the time. Those earning more than the specified amount will still pay more in private health cover than they get back from the Government, because the rebate will be means tested. Hon Peter Foss will speak more on the health matters.

The reforms in aged and community care are in line with the devolution of management aged care programs for States and Territories as part of the reform agenda. I go along with that, but we do not yet know the financial implications. We all know that the number of aged people in the community is increasing as a percentage of the population and there must be some compensation, otherwise all the States will have problems. Queensland will have the biggest problem because it has more retirees as a percentage of its population than any other State. That will bite into its budget. The Government will provide initial funding of \$24.2m over four years for the carers of the aged. I have looked at the new schools program and changes to private schools. Not much will be done with regard to child care.

The document states that in line with the Government's election commitment, export market development grant schemes are to be maintained, and from 1997-98 will be reduced in scope, simplified and better targeted towards small and medium size enterprises. This will allow the program to be capped at \$150m. In the past the large companies benefited and many small companies found it cost them too much in legal fees to put through their programs.

Legal aid will be looked at. It is not in this Budget but they will ascertain the proportion of commonwealth legal workers against state legal workers. That is a theme of the future. Research and development tax concessions will decrease from 150 per cent to 125 per cent. That has varied over the years, even under the previous Government. Incentives are given in the film industry when the Government wants people to spend money. Much more is now being spent in that area. Some people have complained about these concessions and perhaps they should be cut because they have been rorted by the wealthy and have not been much help to the needy. I see no problem with that move.

An amount of \$897m is budgeted for specific purpose grants, to which Hon John Halden referred. They are spread over many programs. For example, the Aboriginal advancement program receives \$10m, and the adult migrant education program receives \$5.6m. The main area is health, and the Family Court receives \$8.7m. Of course, Western Australia runs its own Family Court. Those amounts will stay the same.

Hon John Halden: In the Budget last night they cut \$80m from the health program that funds hospitals.

Hon MAX EVANS: Hon Peter Foss will talk about that subject.

Hon John Halden: It is on page 395 of the federal Budget.

Hon MAX EVANS: This Government feels confident about its track record over the past three years. It started from a very bad financial position, brought together the consolidated fund and the capital works fund and balanced them. The previous Labor Government could not even balance the recurrent income and expenditure, although it presented a surplus of \$13m as a result of a few fiddles. This Government has its track record to stand by. It has achieved a surplus over the years, and not from selling land and assets to the value of \$250m as the previous Government did.

Hon John Halden: You sold a bank.

Hon MAX EVANS: This Government used the funds from the sale of BankWest to repay debt and for proper management. The Government has identified \$40m saved within departments which has not taken away any services. An amount of \$60m is 1 per cent of the total expenditure, irrespective of where the money comes from, out of a Budget of \$7b. We will have to deal with the specific purpose grants when the figures come through. I have not seen any indication of whether we will get the figures in one week or two weeks; we could not get them when we were in Canberra in June. We are quite content with our track record - not the record that we inherited from the previous Government.

HON KIM CHANCE (Agricultural) [3.30 pm]: It was very clear from what the Leader of the Opposition said, regardless of whether we agree with the detail of what he said, that the State faces a challenge in trying to deal with the gaps which have been created in its Budget as a result of the federal Budget. The reason for this motion is that the Opposition is trying to determine, not on its own behalf but because the people of Western Australia want to know, how the State's Budget will be stretched to accommodate the changes which are being forced upon it as a result of the Federal Government's actions. We know that the state Budget is tight and that it is a balanced Budget, but only just.

Hon Max Evans: The situation has been the same for the last couple of years.

Hon KIM CHANCE: The Treasurer is reported on the back page of today's *The West Australian* as saying that this State is already facing cuts of \$60m in general purpose grants and that Treasury has identified \$40m of cuts which can be made to cover that decrease. We now know that we are facing a quantum of cut roughly equivalent to \$60m in addition to that amount. One could argue to within the nearest \$5m or \$10m whether that figure is correct, but no-one can deny that another significant sum of money must be added to the \$60m that we have already lost in the general purpose grants, at least half of which arises from the specific purpose grants, and that we will need to find that sum out of the state Budget. In that article, the Treasurer ruled out increases in state taxes and charges to compensate for cuts in the federal Budget. We know that other Premiers, including Rob Borbidge, the Premier of Queensland, the State with which we are most often compared, have said that they will need to increase state taxes and charges.

Hon Max Evans: That is because he has taken over from a Labor Government and has had a hell of a mess to sort out.

Hon John Halden: That is wrong and you know it. Their financial position is better than ours by miles.

Hon KIM CHANCE: The Minister for Finance may be talking himself into a hole. The Treasurer has said there will be no increases in taxes and charges. The Minister for Finance is effectively saying there is no need to increase taxes and charges, largely because - I think this is a fair summary of what he just said - this State's financial management is so good that we can accommodate this other \$60m. I do not mind the Minister's saying that - I am delighted to hear him say that, and I am sure the people of Western Australia are even more delighted than I am - but what economic management techniques will the Minister use in order to meet that gap? The one thing that he cannot dispute is that the gap exists. The Minister must tell us now what services he will cut in order to meet that target, because that is the only way he will be able to do it.

Hon Peter Foss: You are wrong.

Hon KIM CHANCE: The Attorney will get his opportunity to argue that.

Hon Peter Foss: I am asking you to prove -

Hon KIM CHANCE: I do not have to do that. All I have to prove is that a sum of money, which the Government did not know would be withdrawn from its Budget when it framed it, will be withdrawn. The Government has known since the Council of Australian Governments in June that it will be down \$60m. It now knows that it will be down about another \$60m, yet it is saying that it will not need to increase taxes and charges to meet that shortfall. I can demonstrate that we will have cuts in health; members opposite do not need to take my figures on this. I quote from a press release issued today by the President of the Australian Medical Association, Dr Keith Woollard, which states -

A total of \$4bn is being stripped from health spending over the next four years, including \$2.7bn from the Medicare and Pharmaceutical Benefits Schemes. Health is carrying a disproportionate share of the cuts

“Medicare benefits for many operations will be cut, including prostate operations, cataract operations, appendicectomies, ECGs and knee arthroscopies. Patient rebates for GP services - already low - are also to be frozen. An amount of \$4b over the four year period is \$1b a year, and Western Australia's share of that, at roughly 10 per cent, is \$100m a year. That must be funded in one way or the other, by either cutting services or increasing state taxes and charges. Which will it be? If it will be a mix of the two, what reduced services will we see, and what increased taxes and charges will we see?

With regard to road funding, this Government has spent hundreds of thousands of dollars of Western Australian taxpayers' money to make some kind of political statement about the low level of road funding by the last federal Labor Government.

Hon Max Evans: The Minister for Transport put the case very well.

Hon KIM CHANCE: Perhaps he did, but what will he do now that those funds have been cut by an average of a further \$15.5m? If the funding was already too low, how much lower will it be when we take off another \$15.5m? We have said much in this place about road funding over the years, and while members opposite might not appreciate this, the Minister for Transport and I agree about a number of matters with regard to the share of road funding that we receive. I have certainly disputed the way in which the Minister has presented some of these facts, but I agree that we do need to have increased road funding, and I am sure the Minister for Transport would acknowledge that I have always had that point of view.

Hon Peter Foss: You just denied that the money was there.

Hon KIM CHANCE: I do not understand that interjection.

There will be increases in some areas of federal road funding- for example, for the Pacific Highway, and the States will share \$36m in Black Spots funding - but the net national highway allocation is down by \$621m over the four year budget period nationwide.

Regional development funds have been abolished. The Aboriginal and Torres Strait Islander Commission spends most of its funds in regional areas to provide not just valuable but vital services, such as the Aboriginal Medical Service, which in at least one town in my electorate provides almost as many medical services to non-Aboriginal people as it does to Aboriginal people. An amount of \$445m will be cut from the ATSIC budget. Hon Tom Stephens will take that matter a little further. I have touched on only a handful of these issues, and I will mention a number of others later, principally because their main effect will be in regional areas.

Hospital funding in Western Australia as a component of that \$4b that was identified by the AMA will be reduced by some \$25m annually. What will be the share for the Mid-west Health Service, for example, of that \$25m? Every hospital in the Mid-west Health Service, or in the Eastern Wheatbelt Health Service, is now under extreme financial pressure. Those hospitals have faced a succession of budget cuts, from not just this Government but also our Government, until nothing is left. How will we find an additional \$25m, unless it is funded by the State? A classic example is nursing homes. This really puts the Government in a bind, and I get no pleasure from this. I am sure the Opposition will be happy to work with the Government in facing this challenge. All we want is a rough idea of how it will be done. We will have a cut in nursing homes, but the degree of the cut is unspecified. The Attorney General knows very well what the financial dynamics of nursing homes are. He knows there is no room to stretch and to further accommodate that balance between supply, funding and demand that exists between the state and commonwealth funding systems in nursing homes. We cannot just sit here and allow the whole structure of our aged care and nursing homes to fall apart. It must be funded. This is not a matter about which we have a choice. We can choose to defer the construction of a road; we cannot choose to defer the maintenance of nursing homes. It must be funded. Again, the Opposition asks how the Government will go about doing that. The Opposition is prepared to assist to the extent that it can, but we must be told the exact situation.

The effect on regions is of particular concern to me. When we go to the cuts which have occurred in health, roads, regional development funding, Austudy, and land care - which will be down \$4m this year - we find all are things that impact directly on the regions. Again we face the choice: Do we do with fewer services or do we raise taxes and charges in order to fund them at the current level? I believe that the regions have been betrayed on the land care issue. We already have a situation where land care funding nationally of \$80m fell to \$60m; \$20m fell off the last Budget. We had a commitment to spend \$550m over the term of government on additional land care initiatives which were not to be tied to the sale of Telstra. Now we find in addition to the \$20m cut in core funding, the \$550m - if it is to be spent - is now dependent on the sale of Telstra. Anyone who can count knows that will not be necessarily the easiest thing for the Government to get through the Senate; so in net terms we have a Government elected at least in part on the basis of commitments to land care, and those promises are already slashed. My figures are incomplete, but they indicate that Western Australia's land care availability of funds from the Commonwealth will be down \$4m, not \$2m. We are talking about a serious reduction. Four million dollars is not a huge amount, but considering the

size of the current land care budget it is a significant sum. Again it is another promise broken and another hole to be filled -

Hon John Halden: Or not filled.

Hon KIM CHANCE: This State Government understands very well the seriousness of the situation and will want to try to fill that hole. I hope it will. This Government has been extremely critical of the former Labor Government's spending, particularly on health and roads. Our question is, first, can we expect action from the Court Government on how these matters will be addressed? Secondly, and more pragmatically and more immediately, we need to know the intentions of the Government in relation to cuts to services and additional taxes which must be raised, because the Government is trying to divide an indivisible number to make the current state Budget fit the circumstances.

I said that I would be brief. I have raised extremely serious issues. They are perhaps more serious for regional Australia than for the rest of us. In the interests of regional Australia and all Western Australians this issue must be addressed.

Sitting suspended from 3.34 to 4.00 pm

HON E.J. CHARLTON (Agricultural - Minister for Transport) [4.00 pm]: In responding to a couple of particular points raised today by the Opposition as a consequence of the federal Budget, I want to touch on the specific area of road funding, which comes within my portfolio. As I understand it from the limited information that is always available in the despatches associated with the Federal Government, it seems that there has not been a cut in road funding as such but in national highway funding. I will be the first to join with everybody else around Australia in saying that that is totally unacceptable. It demonstrates what happens at the federal level. The Federal Government has responsibility for national highways. This Government has not been able to convince the commonwealth treasury officials that a lack of investment in the national highways of this nation will simply continue to have a compounding effect on the economic operations of the nation. I keep saying that if we put the right money into the right roads we will get the money back in increased proportions. I do not agree with the reduction in the national highway funding. However, the difference between the current Government and the previous Government is that at least I have a federal Minister for Transport who happens to agree with me. Members opposite may immediately say, "What good is that, if you see a reduction in funding?" Only time will tell. The tragedy of the previous situation was that my friend Laurie Brereton would never acknowledge that a problem existed in road funding. To try to demonstrate to him the need for funding was very difficult. John Sharp, the present Minister for Transport, rang my office yesterday to advise me of what was about to happen and that there would be a reduction in national highway funding. There have been no specific allocations for the States yet.

Hon John Halden: We took the 10 per cent figure.

Hon E.J. CHARLTON: I do not argue with that. However, I want to ensure that everybody knows where I am coming from. It is not simply a matter of road funding and fixing up roads but a matter of economic reform and microeconomic reform, and all those things that are associated with the right roads. I am not a supporter of going down every road and saying that we should make it a super highway. In this State we have a 10 year program, as everybody knows. We have specifically identified a road, for example, and said that in this year the road will have so much funding. That is what should happen at the federal level. There should be an audit of the national highways to determine what sort of vehicles will be on a road and what will be the effect if it does not receive the right amount of funding. As far as this Budget is concerned, I have been able to establish that about \$48m has been approved for national highways within Western Australia, and about another \$18m for projects has not been determined. I will continue the present liaison with the federal Minister for Transport in order to ensure that we get a proper share of what remains available. The Black Spots money is \$36m, of which we will need our share. I think it is quite proper for that amount of money to be spent on the national highways as well. If any situation in road funding required Black Spot attention, it is the Great Eastern Highway.

Hon Kim Chance: Not exclusively, Minister.

Hon E.J. CHARLTON: No. As regards roads of national importance, we have put forward a detailed submission to the federal Department of Transport about the roads in Western Australia. It includes the extension of the sealing of the Goldfields-Kalgoorlie-Meekatharra road and the Woody Woody road with an extension above and beyond the State Government's indicated intention of spending \$40m on that road. There is also the extension to the Roe Highway to link the ring road around Perth and additionally other roads. We have given those as the three priorities. We have also nominated the extension of the Kwinana and Mitchell Freeways and a number of other roads in the metropolitan area. I support the roads of national importance program, but I obviously do not support it being robbed of national highways money. I will continue the Fix Australia, Fix the Roads initiative. It is a national initiative. I am pleased to say that last week I was invited to go to Queensland where the same proposal has been launched in order to put in place corresponding recommendations in that State and federally, so that a package can be put together to identify roads in Queensland on the same basis. Obviously we are pleased that they have taken that up and we look forward to a national approach. If each State picked it up and ran with it we would see across the nation a change of attitude by successive Federal Governments in the allocation of road funding. While people are prepared to accept

it and leave national highway funding to the Commonwealth and cop what they get, things will not change. Giving a place like Western Australia 7 or 8 per cent of the total amount of road funding for national highways is not justified when we have 25 per cent of the road kilometres. People can argue with me as long as they like and say, "You do not have 25 per cent of the traffic." We have 10 per cent of the traffic, and so the figure must somewhere between 10 and 25 per cent, and 8 per cent is not in that category. John Sharp knows my attitude and he will continue to receive my representations to change the situation. At the end of the day this Government made a decision on its Budget. The previous Government increased allocations across the board in many areas, which members opposite have identified today. The tragedy was that transport infrastructure did not receive any increase but received cutbacks.

It is also important to acknowledge that we all agree with the points raised by Hon John Halden about the shipbuilding industry. I do not think that anybody has done more in the capacity of a State Government to assist the shipbuilding industry in the Naval Base and Cockburn area. We have even been criticised for falling over ourselves to help that industry.

Hon John Halden: I do not think the Minister for Finance was with the payroll tax.

Hon Max Evans: We spent \$26m on infrastructure over the last four years and there is another \$15m to go.

Hon John Halden: What about the payroll tax?

Hon Max Evans: The payroll tax is \$3.5m, which comes nowhere near the expenditure.

Hon E.J. CHARLTON: That is right. That needs to be acknowledged. Let no-one believe that we do not support the boat building industry. We will address that as we go. Another point needs to be acknowledged. A cut of \$4b in government spending means that the people of Australia have to do in to the Federal Government in the form of taxes and charges \$4b less. Everybody will benefit directly or indirectly as a consequence of that. That whole issue needs to be recognised. When members opposite are critical of this Budget and ask what the State intends to do about it, let us remember that if we keep going on every year and ticking on another \$10b or \$8b or whatever the deficit may be in the balance of the nation's Budget, someone has to pay. We will pay interest on it, which I think we are paying to the tune of something like \$10b a year, which is a dead loss. That is the reason this Government made changes and sold BankWest as well as other organisations.

Hon John Halden: Did you say that the total revenue of the Federal Government had decreased by \$4b?

Hon E.J. CHARLTON: I said that by cutting the deficit by \$4b a range of people will benefit. It must also be acknowledged that the federal Budget offers incentives to wealthy people and people earning high incomes to take out private health insurance cover. Incentives have also been offered in the education and senior citizens areas. I applaud the Federal Government's actions and I have no gripe with its Budget. It is the greatest turnaround in this nation.

My concerns lie with infrastructure. It is an area in which my actions have been supported by my colleagues. Any reduction in the nation's debt must be balanced by an improvement in infrastructure. The operations of a State, nation or business will not improve if that does not happen. It is time we ran this nation like a business instead of adopting the Bankcard mentality, which is what has occurred in the past.

We should get this issue in perspective. Road funding has not been cut. However, there has been a cut in national highway funding. I certainly will not accept that cut and I will continue to do what any responsible Minister should do to ensure that the decision is turned around. Like everything in life, if one makes just one parting shot at an issue one will get nowhere. This Government will continue to lobby the Federal Government on this matter. I certainly hope there are not too many loony lefties still in the Federal Treasury who are nothing more than bean counters. I hope they have been replaced with people who will support the replacement of infrastructure, which will benefit the nation.

HON P.R. LIGHTFOOT (North Metropolitan) [4.12 pm]: I was surprised at the excellent standard of the Budget brought down by Mr Costello. I do not say that for party political reasons.

Hon N.D. Griffiths: You say that out of sheer admiration.

Hon P.R. LIGHTFOOT: I do not have that sheer admiration and I will rebut that interjection. I have never been a great admirer of Canberra. I have at times referred to that city as the Sodom and Gomorrah of the southern hemisphere.

Several members interjected.

Hon P.R. LIGHTFOOT: If I could angle a few words in between Hon Alannah MacTiernan's interjections, I have never had a great admiration for members of federal Parliament who, after several years' service to this State, adopt, for some reason, a centralist view. That centralist view is not something I share with the Canberra colleagues of members opposite or the majority of my colleagues, who seem to have inherited this centralist view. Canberra, by

any measurement, has been an enormous fiscal mistake for Australia. In the history of any country of 18 million people there has never been a more blatant mistake made with money than the mistake made with the creation of Canberra. Canberra is self-serving and it was not a city-state which was set up in the first place to serve the new federation. In fact, it is not even doing that today.

Having got that off my chest, one must accept, not necessarily the words of this House and of the speakers who have gone before me, but the position of those in the media who are expert in the field of disseminating information through the printed and electronic media in a way which people like me can understand. My understanding of it is that, apart from the hardline socialist element on the other side of politics, it will continue to be accepted widely by many people in varying businesses and professions in Australia.

I do not agree with some of the proposals in the Budget. I do not agree with removal of the 5 per cent bounty given to one of the most innovative companies in Western Australia - Austel Ships - which is still competing with bounties in, for example, Italy, where the Government pays something like 50 per cent of the cost of similar aluminium ships. Scandinavia is similar. It pays a bounty of between 10 and 20 per cent. It was really a miserly action on the part of the federal Treasurer to remove the 5 per cent bounty. That percentage often represents in other businesses the whole of the profit margin and is the difference between being in the black or the red. However, this company, which had a modest start, employs several hundred people and if the bounty is removed the net gain to the federal coffers will be negative. In other words, the 5 per cent which the Government paid out was a good investment. I feel rather ashamed that our federal counterparts are to remove the 5 per cent bounty payment. That is one item, of all the other good things that were in the Budget, which is distinctly negative. I should have said at the beginning of my contribution that my criticism is not in any way aimed at the overall Budget delivered by the federal Treasurer, but I thought some of its proposals were in rather poor economic taste.

Some of the alleged promises have been broken - I do not resile from that - but one must look at the overall picture instead of simply blaming the relatively new incumbent Government. Mr Keating said that the economy of this country was in surplus at the time of the last election and that the surplus would increase in 1996-97 and again in 1997-98, but the incoming Government had to predicate its fiscal policy on known figures. Members opposite would understand this. No Opposition has complete access to government figures. Some of them are confidential and that is, of course, necessary for the very survival of the Government. I do not say that in a nefarious sense. Members know what propaganda can do and they also know what press releases and leaks to the media can do to the projects which Governments must carry out. However, a statement was made to the effect that the economy was in surplus, but it turned out to be in deficit by something like \$6b, then \$8b and now over \$10b. It is astounding. Consequently, if a Government exhibits any fiscal responsibility, that must, although belatedly, be taken into account.

Hon Kim Chance: The Governor of the Reserve Bank called it a black hole of fantasy.

Hon P.R. LIGHTFOOT: That is a good example of propaganda and that is what happens when members opposite believe what is said by sympathisers. I do not believe that. I believe in the cold hard facts of the economy. No-one in any authoritative sense questions that there is a massive black hole and that it had to be taken into consideration. Members opposite heard the Minister for Transport question why the economy should go on supporting massive debt when \$1b annually is required to service the debt. Why should it not be reduced by the incoming Government? The Federal Government has reduced debt to give the people of Australia and Western Australia a better deal. I fully support that.

One area that has slipped through unnoticed by many people - I have not heard it mentioned today although I was out of the Chamber for a short period - is the not so much surreptitious, but rather very gentle, announcement made that section 23(pa) of the Income Tax Assessment Act, often referred to as the bona fide prospector section, would be rescinded taking effect from 7.30 pm last night. That will mean it is not at ministerial or executive discretion, but will require a Bill to rescind that particular section.

Section 23(pa) in its varying forms during the Second World War and the post war years has served Australia very well. That section relates to the bona fide prospector. It was introduced initially to assist those enterprising men - I think they were exclusively men at that time - who went into the wilds of Western Australia and found gold - predominantly but not exclusively - that was later developed as large gold mines. I refer you, Mr Deputy President (Hon Barry House) to those areas that prospectors have found in Western Australia which probably comprise 90 per cent of our minerals industry. I refer to Ford and Bailey in Coolgardie, Paddy Hannan in Kalgoorlie, Lang Hancock in the Pilbara, and others, who through their own enterprise, ingenuity and courage discovered these areas. Although it was not called that originally, section 23(pa) was used to give incentive to prospectors. I remind the House that Western Australia contributes almost 30 per cent to national export income, a vast amount of which is derived from our minerals industry. This State Government has given, not exactly an election undertaking, but an indication that it wanted to be in the position when it came into office in 1993 of doubling those commodity exports from \$12.5b to in excess of \$25b by the third millennium. I am not incorrect grammatically by saying millennium. I did say millennium, and corrected *Hansard* which reported "millennia" being three, whereas the third millennium is only one; therefore, it is the singular "millennium".

Hon Derrick Tomlinson: It should be one-third of a millennia.

The DEPUTY PRESIDENT: Order! I know that hundreds of people would be interested in that; however, I do not think it is relevant to this debate.

Hon P.R. LIGHTFOOT: I should have sought the advice of Hon Derrick Tomlinson prior to making that statement, and I would have added "a".

Although the mining, farming and fishing industries in Western Australia have won on the question of the diesel rebate, they have not won completely. I will make it clear that it was not that the Federal Government gave these industries throughout Australia \$800m, it is a rebate on what they spend. Of course, any tax on any sort of energy is a tax on employment and value added revenue or potential. We saw that when the price of natural gas in the Pilbara dropped, in rounded figures, from \$4 a gigajoule to \$2 GJ people were knocking on our door looking to establish energy intensive industries to utilise our vast iron ore deposits. The diesel rebate got through. However, I am worried about the rather surreptitious way that changes to section 23(pa) of the Income Tax Assessment Act were introduced late in the Budget as if that section was of little consequence. Section 23(pa) is very important to mineral discoveries in Western Australia.

Whether or not members agree with me that Mabo will be a great impost for the continuity of the production of minerals in Western Australia, to couple that now to section 23(pa) will take away the incentive of the bona fide prospector. That will truncate that flow of minerals and tenements into the industry. It takes a long time. It has been said that of every thousand prospects, only 100 are taken to the stage of drilling; of those 100 only 10 are considered for mining; and of those 10, only one perhaps is developed to the stage of a full blown mine. Any interruption to that - that is, Mabo, the fringe benefits tax, which had a deleterious effect on the mining industry in Western Australia, and now rescinding section 23(pa) - means we start to look anxiously at the future for the tenements that are acquired and the incentive to acquire those tenements. It is not easy or cheap to fund these sorts of projects. That is very important to Western Australia.

Western Australia mines and supplies nearly 80 per cent of the nation's gold, so any impost on gold or any minerals is an impost on Western Australia and Western Australians. I am not particularly happy that a federal coalition Government should do this without consultation with the west. I am surprised that it has gone unnoticed by people in Western Australia; or if it has been noticed, that they are not disclaiming that action that the Federal Government proposes to take.

Hon Kim Chance: *The West Australian* picked it up, to be fair. Will you give it credit?

Hon P.R. LIGHTFOOT: It is very difficult for me to give credit to what I sometimes refer to as the media arm of the Australian Labor Party, *The West Australian*. I do at this stage give it some credit for the article, because I have not seen it picked up anywhere else. However, I have no means of having access to other major dailies like the *Melbourne Age*, *The Sydney Morning Herald*, Brisbane's *The Courier-Mail*, or *The Advertiser*, and probably in that order.

Hon N.D. Griffiths: What about *The Mercury*?

Hon P.R. LIGHTFOOT: I thought the member was referring to the ABC television show.

That is an important aspect of what is a strong negative in the Budget for Western Australians. I will finish on this note - I am saying this because if someone else wants to speak they should start squirming around; budgets will never please everyone. One can please all of the people some of the time, and some of the people all of the time, but one cannot please all of the people all of the time. By and large this Budget has been widely accepted. I will not go through all those who have accepted it, but overall many financial writers in *The Australian* accepted it - not totally, but many - financial writers in the *The Australian Financial Review* accepted it and even financial writers in *The West Australian* accepted it. Editorials are notorious for indicating that they do not approve of budgets. In this case it has been something of an exception. The deficit had to be fixed. Australians could not go on paying that interest rate to prop up that deficit. The Budget will probably bring down interest rates and create a lower unemployment rate. I know that is not mooted in this Budget. It may be in the next Budget. I hope it is, because that is an important aspect and something that must be addressed by Mr Howard before he goes to the polls in 1999.

I embrace the Budget, although not wholly. Western Australia will be adversely affected in two areas. First, the removal of the 5 per cent bounty on our aluminium, multiple-hulled shipbuilding industry that is innovative, leads the world, and exports to high tech countries like Japan and Scandinavia should be reversed. Above all, I am looking to the future. Taking out section 23(pa) of the Income Tax Assessment Act, the bona fide prospector section, will be detrimental to Western Australia and the minerals flow that sustains this nation - not just Western Australia, which earns three times the average of the Eastern States. That section of the Budget should also be rejected by the Senate. I hope that all members here will look to see whether they cannot change the mind of the federal coalition and leave section 23(pa) of the Income Tax Assessment Act where it is. Malcolm Fraser made the mistake of trying to remove it and I think Mr Howard is making that same mistake; he therefore may have to recant on what his Treasurer has said.

HON N.D. GRIFFITHS (East Metropolitan) [4.30 pm]: I listened with interest to what Hon Ross Lightfoot had to say. He made reference to the future, to Mr Fraser and to Mr Howard. This Budget is the first step on Mr Howard's path towards Mr Fraser's fate because in framing the Budget Mr Howard and his cohorts failed to take into account the proper interests of Western Australia. It is because of the actions of the Opposition in this Parliament, the Australian Labor Party, that the diesel fuel rebate issue was brought to public attention.

Hon P.R. Lightfoot: That is rubbish.

Hon N.D. GRIFFITHS: Thankfully, Mr unaccountable Costello failed to get that issue off the agenda earlier because he had no concern whatsoever for the proper interests of Western Australia. Hon Ross Lightfoot referred to section 23(pa) of the Income Tax Assessment Act. I note that no-one from the Court Government has yet condemned Mr Costello for undertaking that step. I note also that Hon Ross Lightfoot has asked that the cold hard facts be presented. One of the things I have noticed about budgets is that they are based more on assumption than on cold hard facts.

If we note what the budget papers say and what the Minister for Finance said about growth, it is apparent that this federal Budget is not based on growth at all, but on contraction. It is a bad Budget because it takes out of the economy money which should not be taken out at this time. As we all know, we have had five years of economic growth. Regrettably, that period of growth is coming to an end. The budget papers themselves recognise that. The budget papers are based on growth for this financial year of 3.5 per cent. That is a cooling compared with a growth in excess of 4 per cent for the financial year just completed. The budget papers refer to growth of 3.14 per cent for 1997-98. An indicator of the effect of lack of growth is the rate of employment, more particularly a reduction in employment in the context of these brave promises given to, as Mr Howard refers to them, the battlers. Since 1990 or since the recession, which arguably began in the middle of 1989, unemployment in Australia has been at a rate of more than 8 per cent. That is a nasty figure. It is unfortunate that has occurred. It is more than unfortunate; it is a tragedy to all those directly affected, their children, the economy and indeed everyone in Australia.

Notwithstanding that, this Budget does nothing for growth. The Budget figure gives us the promise that at 30 June 1997 the unemployment rate for Australia will be 8.14 per cent. That is based on the assumption that the growth will continue, albeit at a reduced rate. That is based therefore on the assumption that after more than six years growth we will have an unemployment rate of 8.14 per cent as at 30 June 1997. Frankly, that is not good enough and I regret that it will cause problems for our state Budget. Our state Budget is the Budget of a State which is based on growth. Of all the States in Australia, we are most dependent on growth and on the industry referred to by Hon Ross Lightfoot. We are dependent on the mining industry and that is why we on this side of the House were so concerned about the diesel fuel rebate. That is why I am concerned about the ramifications of the changes to that section of the Income Tax Assessment Act referred to by Hon Ross Lightfoot.

I want to have a more careful look at that because there is something with which I am not happy. I do not like the idea of people taking huge pots of money and not contributing to the general wellbeing of the community, bearing in mind that no human being on earth ever created a mineral, although we play a role in finding minerals. Like Hon Ross Lightfoot, I encourage people to prospect. I want to encourage our mining industry. I want our State's economy to grow. The Budget brought in by Mr Costello and his colleagues in Canberra will inhibit state growth. It will prevent a sensible debt reduction strategy from taking place. It does not provide a solution to the perceived economic problems of Australia and as a result does not provide a solution to the budgetary problems of Western Australia.

It seems in part to be based on what I consider to be the discredited twin deficit theory; that is, if we reduce the federal deficit we reduce the current account deficit. The nonsense of that is that when the federal deficit was reduced in the late 1980s the current account deficit rose. The twin deficit theory did not work. It is a nonsense. One of the reasons it is a nonsense is the degree of deregulation that is taking place. Some may argue that that is a good thing. Many may say that the jury is still out. Others may argue at the end of the day that it was a bad thing.

I have listened to the points raised by those who have spoken so far. I intend to listen to what I trust more than one speaker will say shortly. However, this federal Budget poses grave dangers for the management of our state finances.

HON PETER FOSS (East Metropolitan - Attorney General) [4.37 pm]: I am in a certain amount of agreement with remarks by Hon Ross Lightfoot about the usefulness of Commonwealth Governments. I think we have a need to make very severe changes in commonwealth spending. However, most of that could be easily accommodated by abolishing those parts of the federal Public Service which unnecessarily duplicate areas of state government responsibility. It could be easily done by abolishing most of the Commonwealth Public Service and allowing the States to get on with matters assigned to them by the Constitution while the Commonwealth got on with its own responsibilities.

Interestingly, all too often the Commonwealth is obsessed with getting into state areas, but is not prepared to look after the areas which, under the Constitution, are legitimately its own. A good example is the Commonwealth Government's suggestion to cut legal aid. It was roundly condemned by all Attorneys General at the recent State Committee of Attorneys General meeting. I think the Federal Government misunderstands the concept of legal aid. Legal aid is a social matter; it is a matter of looking after those people in the community who cannot look after

themselves. It is not a matter of saying that because it is a commonwealth law which is causing people problems with litigation we must assist them. The original concept of the Commonwealth's becoming involved in legal aid was for it to help what were seen as commonwealth persons who, under the Constitution, are the responsibility of the Commonwealth, many of whom are pensioners. Many of the people picked up under the original scheme were people for whom the Commonwealth has a responsibility - people who often get into legal difficulty which has nothing to do with commonwealth law whatsoever. The concept of dividing its legal aid and supporting people under the Trade Practices Act, the federal courts or other such places is entirely artificial and the responsibility of the Commonwealth.

Unfortunately, all too often the Commonwealth fails to recognise areas under the Commonwealth Constitution for which it is responsible and unfortunately in this instance, it ignores this area. That is certainly the view of this Government. It is the view that I and every State Government expressed at SCAG, and it is a view that will continue to be expressed. I will ensure that the Commonwealth takes its responsibility for legal aid and for those persons for whom we consider it has responsibility.

Another example of where it should probably not be involved is the area of health. The Government has been asked to give explanations for how it will handle the health matter. However, this debate was brought on too soon. Except in one respect - that is, the dental program - the difference it will make depends on how it is carried out. For instance, the commonwealth contribution to the home and community care program in 1995-96 was \$17.817m and in 1996-97 it is proposed to be \$19m. Obviously the State matches that. One of the things we already know about HACC through investigations is that due to the extraordinary way it is administered - a joint administration between the State and Commonwealth - 30 per cent of HACC funds go to administration. That is not for the administration of the HACC programs, but for the administration of HACC accountability. That is \$12m of the combined fund that is put up against a wall because of the stupidity of the arrangements. That is a prime example of how the money that is required for health, which the Commonwealth wishes to cut out of its programs, could be found instantly if we got out of the stupidity of this incredible duplication and accounting in which we are involved. Hon Kim Chance knows how much I pressed the ideas of the multipurpose services when I was Minister for Health because of the simplicity of dealing with the whole question of accountability -

Hon Kim Chance: One bucket of money.

Hon PETER FOSS: Yes, and because one person could be used to do two jobs. Under HACC that person must be employed by HACC. He cannot do HACC things and something else that needs to be done at the same time. The waste that occurs because of the need for it to be done according to the rules that apply is heartbreaking at times. Anybody who has had anything to do with that system and who has seen the lengths one must go to in order to satisfy the stupid requirements that have been imposed on the State and has seen how an MPS can function alternatively, will have seen that millions of dollars in the Health budget that is spent on that nonsense could be spent on health care.

Hon Mark Nevill: You would accept that HACC is a far better scheme than what was before it?

Hon PETER FOSS: When HACC is performing its services it is fantastic.

Hon Mark Nevill: I don't disagree with you.

Hon PETER FOSS: I am not criticising HACC; I am criticising the unnecessary commonwealth bureaucracy of HACC.

Hon Mark Nevill: I wanted you to make that point clear.

Hon PETER FOSS: HACC is only one example of this. Admittedly it is probably the worst example. I am not saying that the rest is equally annoying and unnecessary. However, this State has said to the Commonwealth Government previously that it can extend those sorts of savings in MPSs to the delivery of services in the metropolitan area. A special Ministers' meeting was held to deal with that point. We showed the sorts of savings that could be made. We were not suggesting that we take the money, but that the money go back into providing the growth in health services that is necessary.

The important point is that this State is waiting to see what the Commonwealth Government suggests. The worst thing is that it is not only the Commonwealth that spends on duplicating this State's administration; we spend money on unnecessary administration. We can save money in our Budget and deliver to health services, provided the Commonwealth is prepared to make a sensible accommodation on how we deal with health funding. The State suggested to the Commonwealth that it operate on a purchaser-provider basis for anything the Commonwealth wanted done in health services, with the Commonwealth as the purchaser and the State as the provider. If we moved to that process, we could make a fantastic difference to the delivery of health services in this State.

Hon Cheryl Davenport: The only thing I would be concerned about is that an appropriate national standard be maintained.

Hon PETER FOSS: That is essential, because that is the basis of the purchaser-provider model. The State does not

control inputs or the money. Where does it get the control on quality by just proving that the money has been spent on somebody who is engaged under the HACC banner? It insists on the outcomes that are required and the standards that must be provided, and asks whether it can be provided for that money.

Another thing I suggested to the Commonwealth was on the question of one of the biggest expenditures of money; that is, in pathology. In a paper that was issued when we looked at the PathCentre I specifically started on a commonwealth basis. I said that we should look at that problem not from a state point of view, but from a national point of view. I believe the capacity exists to change the cost of pathology services enormously by appropriate contracting arrangements with the States and by using the purchasing power of the Commonwealth and the States. Money will be cut from the Health budget, and I think there are a few areas in which it should be.

I heard Dr Woollard being quoted. The one person I never quote on this matter is Dr Woollard because I know that the most important point in some of these matters is the money that is going around. Frankly, I think the most important thing is the service that comes out at the other end. A lot of money is being made in pathology that should not be made. This State pays well over the odds for pathology. I proposed a system to the Commonwealth under which the State could get around the problems the Commonwealth had with the limitations of the Constitution by its contracting the work to us.

I made a suggestion also about private health insurance. The Commonwealth went its own way on that question. I offered it an alternative way that I thought would be more effective in ensuring that we covered the gaps and that more people paid for their health treatment through private health insurance. We put each of those suggestions on the table as a way of getting more value for the money we spent in the area of health. I do not know what will occur with the new Federal Government and whether it will show a different attitude towards making the health dollar go further. Frankly, the percentage of the health dollar that goes in unnecessary duplication, administration and pettifoggery is far too high. The amount of money that goes in some areas of medical services is over the odds. People are being over rewarded, and pathology is a classic example of where that occurs.

The Government must say "wait and see" until it finds out the attitude of the Federal Government to some of the ways in which we can better spend that money, because at the moment that is not known. I have a degree of pessimism about this matter, but it need not be that way. These are the arguments we must make when we find out the detail from the Commonwealth. The State can offer the Commonwealth that saving without any cut in services, providing the Commonwealth is prepared to change the way it approaches this area.

I will deal with the dental services, where we know a cut has been made. Hon Keith Wilson and I fought the introduction of this commonwealth program because, as often is the case, it was introduced to address the fact that Victoria did not have a proper scheme dealing with adult dental care. At 1992, Western Australia had had a good scheme for at least 14 years which operated on a scaled, means tested contribution basis. It covered a wider range of dental procedures and a wider range of people. It was accepted. People contributed, either a small or larger amount; it was graded. It could have been improved. If we had to go back to it again we would do it slightly differently to obtain an improved system.

We predicted this problem. We asked how we knew that at some stage the Commonwealth would not take away the new scheme. For 14 years everybody was used to paying a contribution. It was a fair contribution. I do not think anybody was left without the possibility of dental care they could afford. It included a cap. We said that if the Commonwealth took that away, in the future we would have to get people back to set up our scheme. It would undermine our scheme by insisting that the State did not take any contribution, giving it an amount of money that would not make up for the amount it would get from the people anyway. It would complicate and narrow the scheme. Why complicate it in that way? As we feared, three years later there is a phasing out of the scheme. Frankly we will need to return to a scheme similar to that which we had before. I do not see that is a problem. It was a very good scheme. It was a far better system than the one we changed to. We resisted the change in the first instance, and we must now look at what we can do about it. There is a way of doing this, but having protected this in 1993-94 when we told the Commonwealth that it was not doing the right thing, we now find ourselves with exactly the problems we posed. We have a way of dealing with it, and I think we can do so. As I have said, it is a matter of how it will be done.

There is the question of the bounty. If the Commonwealth cuts the bounty, it will cost it money. I happened to be stuck in a room the other day and I picked up a magazine I do not normally read. It was an international magazine on tugs and ferries. Interestingly enough, about one-third of that international magazine, published in London, contained information about Western Australia, about products from the State, ships, news items about what was happening here, and computer programs and control systems from Western Australia. I do not think we would find too many international magazines with one-third of the content being about Western Australia. We have a unique industry in Western Australia. By this decision I feel the Commonwealth will not save 1¢; it will lose income tax and company tax and will probably end up paying unemployment benefits. The net result will be extremely deleterious to Australia, and particularly Western Australia. It is a stupid, short-sighted attitude. I sincerely hope the Commonwealth changes its mind on this issue in the same way as it has in regard to the diesel fuel rebate.

HON MARK NEVILL (Mining and Pastoral) [4.55 pm]: The federal Budget contained some measures which I strongly support. The measures to make the wealthy pay more for superannuation and medical insurance were long overdue. The fact that the previous Federal Government was doing so poorly in the polls for probably most of the 1990s and did not have an 80 seat majority possibly stopped it from having the courage to introduce those measures. They are commendable and it is good to see the conservatives in Canberra adopting those progressive social measures.

My comments on the federal Budget relate to a number of items, one of which is the fate of the unemployed. This Budget offers them nothing. Growth of 3.5 per cent will not solve the problems of the unemployed. The Budget Estimates predict that unemployment will be above 8 per cent. A number of major projects in Western Australia have been deferred, if not canned. They include the BHP ethanol plant in the north west, the Robe River pellet plant and the pulp and paper mill. We still have many good developments in the pipeline but not enough to help our unemployed. The change in the higher education contribution scheme fees will result in fewer people applying for university places with more young people being put into the labour market.

The major shortcomings I see in the Budget include the fact that there are no incentives for manufacturing industry. Mining and agriculture will not supply the jobs that are needed. Those jobs must come from the manufacturing industry. This underlines the points made about the bounty on shipbuilding at Kwinana. Perhaps that bounty should be wound back at some time, but it was instrumental in the development of that industry. It is the same with the assistance given to the wine industry. The wine industry has performed very strongly and continues to do so. There may be a time to wind back that assistance when the industry is travelling well. However, nothing in the Budget assists any sector of the manufacturing industry. It is probably against the philosophy of this Government to do that. The steel industry nearly closed in 1983, but with an industry plan and assistance it performed well for at least 10 years, although it is struggling a bit at the moment. The car industry is another example where we may not have had an Australian manufacturer had we not had the car industry plan. People might argue about the success or otherwise of that car industry plan. However, we need an industry policy if we are to develop jobs in the manufacturing sector. Nothing in this federal Budget alludes to that. Even the research and development tax concessions have been wound back from 150 per cent to 125 per cent. That is a gaping shortcoming in this Budget. We will not be able to supply the jobs that are needed.

In my view, the Federal Government was elected on the statements it made about high unemployment, particularly youth unemployment. That was a major black mark against the previous Labor Government. Nothing in the Budget gives young people any assistance. If unemployment deteriorates, and I think that is a real prospect under this Budget, in the next two Budgets we will have some pork-barrelling to retrieve the situation. That is the typical political cycle, no matter who is in government.

Hon E.J. Charlton: You don't think that will happen?

Hon MARK NEVILL: The Minister does not run the Federal Government, and I hope that does not happen. I am just saying that if the employment situation deteriorates - the Federal Government is only budgeting to hold it at the present level - the political pressure from the backbench will be applied to pork-barrel the electorate and we will end up with the same situation we have with most governments when they have been in office for a fair time: They are becoming unpopular and they pork-barrel to stay in power. I have yet to see a government that is not guilty of doing that.

Hon Peter Foss touched on the other point to which I will refer. Nothing in this Budget wipes out the unnecessary duplication between the Federal Government and the State Governments. The only two departments that have been hacked in terms of numbers and funds are the Department of Transport and the Department of Regional Development. I put it to members that the major problem does not lie there; it is in health, and possibly education -

Hon John Halden: Training.

Hon MARK NEVILL: - and probably federal training; that is, within the Department of Employment, Education, Training and Youth Affairs. I believe the States can develop those services better. That problem has not been addressed in the federal Budget. I was pleased to see the Government has deferred its proposal to discount by 75 per cent the assets of farms for Austudy. It is disgraceful when people with assets of \$1.5m get Austudy for their kids and a person who is a non-farmer on average weekly earnings gets absolutely nothing. I hope the Senate knocks that provision out, if ever it gets to that place.

Hon E.J. Charlton: What about the farmer with assets and no income?

Hon MARK NEVILL: The level does not have to be set that high. My point is that \$1.5m is far too high. Because those farmers are cash poor and asset rich, I grant that they do need consideration; however, that proposed commitment needs to be given the bullet by the Senate, if it comes through. Some provisions in the Budget are good; however, my view is that there is very little hope for the unemployed and there is nothing in it in the way of industry policy that will solve our long term problem. It is not a Budget that gives me a lot of confidence in the longer term economy of Australia.

The DEPUTY PRESIDENT (Hon Barry House): Order! I am required by the wording of the motion to put the question before 5.00 pm.

Question put and passed.

[Questions without notice taken.]

MOTION - LEGISLATION COMMITTEE, STANDING ORDER 341 SUSPENSION, EXTENSION

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.34 pm] - by leave: I move -

That the Order of the House made on Tuesday, 18 June 1996 suspending the operation of Standing Order 341, so far as it applies to the Legislation Committee, be extended from Wednesday, 21 August 1996 to Wednesday, 4 September 1996.

Members will be aware that some time ago, a set of circumstances led to the Legislation Committee not being fully constituted. I understand that the opposition members on that committee resigned and the committee was not reconstituted. It was necessary at that time to move a motion to suspend Standing Order No 341 until Wednesday, 21 August to enable some work to be done by an informal committee to see whether we could resolve the matters which had led to the difficulty in constituting that committee. Regrettably, it is now 21 August and the situation has not been resolved. I do not know the reasons, although I am led to believe that the informal committee has not met; therefore, a resolution has not been reached by that group of people. Therefore, we need to extend the suspension of Standing Order No 341 to enable us to resolve this matter. In the event that we have to comply with that standing order, the Legislation Committee will cease to exist, and that will be very unfortunate. Members all know that the importance of this House revolves to a large extent around its committee system, and it is necessary for us to maintain our committee system and to resolve from time to time the sorts of problems that may rear their ugly heads when committees conduct their business. It must be understood, however, that we are all politicians and from time to time we will disagree about the way in which things should operate. On the other hand, we have reached a level of maturity in this House where we can have a committee system which will at times transcend political interests and which means that this House is a House of Review.

The problem with the Legislation Committee arose because of the concerns of some opposition members about the way in which that committee was functioning, and it related to a number of pieces of legislation which were contentious. Members such as Hon John Cowdell were quite critical of the way in which that committee was operating. The informal committee which we put together under the chairmanship of the President, with members from both sides, was designed to try to overcome some of these difficulties, in an environment where the formality of a select committee was not present. That informal committee has not met, but I am advised that a meeting will be held next week to look at the issues that were raised when this matter became a problem for us all.

I propose that we do not allow the Legislation Committee to fold because of the requirements of Standing Order No 341 but give ourselves an extra two weeks. I say two weeks because I want to put a serious time limit on this; and also because the President will not be back until next week, and it is important that he have a week in which to become involved. Therefore, I ask the House to agree to an extension of the time limit from today until Wednesday, 4 September, so that this matter can be resolved. I assure the House that if it is not resolved then, the future of the Legislation Committee will be decided along political lines, which will be most unfortunate.

I acknowledge that the Opposition may have very good grounds for being a bit upset about the lack of progress which has been made so far, and I give it an assurance that the process that I have just mentioned will take place over the next two weeks.

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [5.37 pm]: The Leader of the House was correct when he said that the Opposition was somewhat annoyed in view of the fact that I have put some proposals clearly on the table with regard to the future of our committee system in this House and that an informal committee of this House was established but so far has not met. I advise the House that yesterday I sought, and have in my office, the resignations of all of the opposition members on every standing committee of this House, but because of the speed with which the Leader of the House was prepared to attempt to rectify this matter, I am happy to second this motion.

The committee system of this House will no longer, as far as I am concerned as Leader of the Opposition, continue to be dominated by the conservatives, where it has all of the chairpersons and the numbers in every case. If that situation is not rectified, the Government can take its bat and ball and play its own game, because we will not be involved in that game. I want it to be understood clearly in any future negotiations that it will have to be a shared arrangement. I understand the Government is entitled to have more numbers than is the Opposition with regard to the chairmanship, but it is not entitled to the continued corruption of the committee system as this House is corrupted by the use of numbers.

Question put and passed.

OFFICIAL CORRUPTION COMMISSION AMENDMENT BILL*Assembly's Message*

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

LISTENING DEVICES AMENDMENT BILL*Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon N.F. Moore (Leader of the House), read a first time.

Second Reading

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.40 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to amend the Listening Devices Act to give the Anti-Corruption Commission, as it will be known, the power to authorise its officers to use listening devices in their surveillance work. A member of the commission will be able to authorise an officer of the commission to use a listening device.

To ensure there is appropriate oversight and accountability for the use of listening devices by the commission's officers, the commission will be required to furnish to the Attorney General on request a report containing such particulars, as the Attorney General requires, of the use of listening devices by any commission officer to listen to any private conversation to which the officer was not a party. This is in line with the existing requirement for the Commissioner of Police to report to the Minister for Police. However, in the case of the commission, to protect the rights of individuals and also to ensure the independence of the commission in the performance of its functions, the Bill states that a report by the commission to the Attorney General is not to disclose the details of information obtained by any particular use of a listening device.

The power to authorise the use of listening devices is one that is appropriate for an independent investigatory body whose primary functions include the assembling of evidence to furnish to the Director of Public Prosecutions for use in prosecutions. The Royal Commission into the New South Wales Police Service has, at page 94 of its interim report dated February 1996, recommended such a power, together with other surveillance powers for a police corruption commission. The Commission on Government also recommended that the powers of its proposed Commissioner for the Exposure, Prevention and Investigation of Corruption include all investigatory and surveillance powers available to the police. This would include the power to use listening devices.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Tom Helm.

TRANSFER OF LAND AMENDMENT BILL*Committee*

The Deputy Chairman of Committees (Hon Murray Montgomery) in the Chair; Hon N.F. Moore (Leader of the House) in charge of the Bill.

Clause 1: Short title -

Hon MARK NEVILL: I remember in 1985 or 1986 listening to Hon Ian Medcalf, the then Leader of the Opposition, being horrified that the Government would tamper with the Transfer of Land Act which had served the State so well since 1892. I do not think he could have envisaged the impact that computer technology would have on land conveyancing.

This Act has served the State well. This Bill and its extensive amendments will change the face of that Act dramatically. The Bill before us, however, is only an interim measure. I understand that the Act is to be reviewed in the near future. When one reads the schedules one realises how archaic is some of the language, and it would be easy to be led to the view that this is a major and final overhaul of the Act. It is not.

We have a separate problem with this Bill in that a number of pieces of related legislation have been in the Parliament at the same time, and it was difficult to know which piece of legislation would receive a guernsey first and be passed. We have dealt with the Strata Titles Amendment Bill which impacts on this legislation, the Local Government Act, and perhaps one or two other pieces of legislation which impacted in a minor way. It is also apparent that some of the interest groups have been late in putting together their submissions and views on this legislation. It appears that the Government did not have the benefit of the Law Society and some industry views on the Bill when it was introduced. The net result is that we have a very substantial raft of amendments which have not been addressed in the second reading debate. I do not have any great argument with them. I have a few questions, but as no mention has been made during the second reading debate the onus will be on the Leader of the House to explain the purpose

of some of the more substantial amendments during Committee. I will be asking him to elaborate on aspects of some of the major changes.

Hon N.F. MOORE: I acknowledge the comments made by the honourable member. He is quite right: This Bill is very substantial, but it also has a substantial number of amendments. We could have proceeded with the Bill in its previous form, knowing that it would be amended down the track. However, the decision was made - hopefully with the member's support - to move to include those amendments in this Bill. As the member said, there are a number of amendments that relate to other pieces of legislation - that is, the Strata Titles Amendment Act, the Local Government Act and the Local Government (Miscellaneous Provisions) Act - which were passed subsequent to the original drafting of this legislation. That has necessitated amendments to this legislation, but they are minor and should not be of any concern. There was a late submission from the Law Society. It has been decided to accept a number of the suggestions made in that submission and they are contained within the amendments that I will move.

Finally, in respect of the new caveat removal provisions, we have received advice from the Chief Justice - who was requested to make comment on the content of this Bill - that certain amendments were appropriate. The Minister for Lands has taken those issues to Cabinet separately from the original Bill and sought approval to have them included as amendments to this Bill. When we get to the relevant clause I am happy to go into some detail about the rationale behind that decision. To be fair to the Committee, I did ensure that these amendments were in order, bearing in mind that they represent reasonably significant changes that were not referred to in the second reading speech. I intend during Committee to give the information in somewhat more detail than normal because of the situation that has arisen. I look forward with enthusiasm to working our way through the Bill. It is very long and the process will be laborious - that is probably one of the reasons Hon George Cash is sitting where he is.

Hon MARK NEVILL: I have some misgivings about the Government's sending draft Bills to the Chief Justice. I have great respect for our Chief Justice, but I believe in the concept of the separation of powers. My view - and I do not know whether it is shared by my colleagues - is that perhaps it is appropriate for a legislation committee to send a Bill to the judiciary for comment, but it irks me that the judiciary can comment on Bills before they are introduced in this Chamber. There should be a separation of powers and the Opposition in Parliament should be able to scrutinise a Bill before it goes to the judiciary. The judiciary has a contribution to make, but perhaps that should occur when a Bill is before a legislation committee. I have misgivings about their having it before that time.

Hon N.F. MOORE: I would share the same misgivings if I were in the member's position. I need to clarify the matter. The whole Bill was not sent to the Chief Justice: He was sent only those parts affecting the caveat removal provisions. It was deemed necessary to get his advice in respect of that particular part of the Bill because of the importance that it has in respect of the way his court operates. As a normal rule I agree that the judiciary should see legislation when the rest of the world sees it - when it comes to the Parliament.

Clause put and passed.

Clause 2: Commencement -

Hon N.F. MOORE: I move -

Page 2, line 2 - To delete "and (4)" and substitute the following -

, (4) and (5).

Amendment put and passed.

Hon N.F. MOORE: I move -

Page 2, line 4 - To insert after the figure "84," the following figure -

98,

This is a technical amendment to ensure that if this Bill receives royal assent before 1 July 1996 the provisions of schedule 1, which amends the provisions of the Local Government Act 1995 and the Local Government (Miscellaneous Provisions) Act 1996, come into operation on 1 July 1996.

Amendment put and passed.

Hon N.F. MOORE: I move -

Page 2, after line 14 - To insert the following new subclause -

“ (5) If this Act receives the Royal Assent before 1 July 1996 then Schedule 1, to the extent that it would amend the *Local Government Act 1995* and the *Local Government (Miscellaneous Provisions) Act 1960*, comes into operation on 1 July 1996.”.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 3 and 4 put and passed.

Clause 5: Section 4 amended -

Hon N.F. MOORE: I move-

Page 4, lines 4 to 6 - To delete the definition.

This relates to the changes brought about as a result of the amendments to the provisions of the Local Government Act 1995.

Amendment put and passed.

Sitting suspended from 6.00 to 7.30 pm

Hon N.F. MOORE: I move -

Page 4, after line 11 - To insert the following -

(g) by inserting after the definition of "Minister" the following definition -

“ **“Minister for Lands”** means the Minister to whom the administration of the *Land Act 1933* is committed. ”.

Page 4, line 26 -To delete the word "authority" and substitute the following word -

government

Page 5, after line 5 - To insert the following definition -

“Strata/survey-strata plan” has the meaning that it has in the *Strata Titles Act 1985*;

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 6 to 22 put and passed.

Clause 23: Section 48 repealed and sections substituted -

Hon N.F. MOORE: I move -

Page 13, lines 10 to 16 -To delete the lines and substitute the following lines -

(2) Where the Registrar issues a duplicate certificate of title, the duplicate shall be in or on a medium approved by the Registrar.

(3) Where the original proprietor of land that is the subject of a certificate of title has requested that a duplicate certificate of title not be issued -

(a) the Registrar shall endorse the certificate of title to that effect; and

(b) nothing in this section prevents the Registrar from issuing a duplicate certificate of title on the request, in an approved form, of the person who, for the time being, is the proprietor of the land for a duplicate certificate of title to be issued to that proprietor or to a person named and authorized by that proprietor as the person to whom the duplicate may be issued.

This amends the provisions of the former proposed section 48B(2)(b). The amendments now impose an obligation on the registrar to endorse the certificate of title to the effect that the duplicate certificate has not issued, only in circumstances where the original proprietor of the land has requested that the duplicate certificate of title not be issued. It was considered that, if the previous provisions of the proposed section 48B(2)(b) were to remain unamended, it would have imposed an obligation on the Registrar of Titles to record on every original certificate of title the fact that a duplicate had issued. This would have imposed an enormous unnecessary administrative burden for all of the existing original certificates of title issued. The provisions of the proposed new section 48B(3)(b) have been inserted to provide that, in circumstances where successive owners of land have requested that the duplicate certificate of title not be issued to them, where a subsequent owner of land requests that the duplicate title be issued to him, this may be done. If this amendment were not made to the Bill, then it could have been argued that, in circumstances where the original owner had not requested that the duplicate certificate of title be issued, a subsequent successive owner may not have been able to do so. This amendment has been made primarily as a result of comments from the Law Society of Western Australia in regard to the provisions of the Bill. I think that clarifies the reason for the deletion of the former proposed section 48B(2) and its replacement with the new proposed section.

Hon MARK NEVILL: I thank the Minister for the explanation of the amendment. Could the Minister explain why someone would want to request that a duplicate certificate not be issued?

Hon N.F. MOORE: It is to do with banks and building societies which do not want an enormous number of certificates to store and look after.

Hon Mark Nevill: They store them currently?

Hon N.F. MOORE: Yes. Essentially that is what the amendment to the Bill is all about.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 24 to 32 put and passed.

Clause 33: Section 59 repealed and a section substituted -

Hon N.F. MOORE: I move -

Page 19, lines 7 to 15 - To delete the lines and substitute the following lines -

Notations as to legal disability of proprietor

59. Where the proprietor of land under the operation of this Act is a minor or a person under any other legal disability the Registrar shall state on the certificate of title and on the duplicate certificate of title (if any) the age of such minor or the nature of the disability, as the case may be, so far as is known to the Registrar.

The amendment deletes the new clause which is headed “Where duplicate certificate issued to person under disability” and substitutes it with a new set of words. The proposed amendment is another one of those requested by the Law Society and seeks to clarify the proposed new section 59. Although the substance of the clause remains the same, the heading has been changed to better indicate what the clause is about.

Hon MARK NEVILL: The heading has been changed and the beginning of this clause has been restructured. It does not seem to me to be all that significant a change. When we look at some of the other sections of the Act, it seems this probably could have been left until the major review.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 34 to 36 put and passed.

Clause 37: Section 65 repealed, sections substituted and savings -

Hon N.F. MOORE: I move -

Page 21, lines 27 to 31 - To delete the lines and substitute the following lines -

65A. (1) Subject to subsection (2), a memorandum of an easement affecting land under the operation of this Act that has been created by a plan, diagram or instrument shall be entered on the certificate of title for each dominant and servient tenement.

(2) Where -

(a) an easement has been created under Part IVA by notation on a strata/survey-strata plan; and

(b) the easement has been notified on a registered strata/survey-strata plan,

it is not necessary for a memorandum of the easement to be entered on the certificates of title for the dominant and servient tenements that are also a subject of that plan.

The amendment provides for a new section 65A under the heading of “Memorandum of easement”. This amendment has been made necessary due to the enactment of the Strata Titles Amendment Act. It is a reflection of the changes made in that Act which must be incorporated in this Bill.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 38 to 41 put and passed.

Clause 42: Section 70A inserted -

Hon N.F. MOORE: I move -

Page 23, line 15 - To delete the word "authority" and substitute "government".

Page 23, line 21 - To delete the word "authority" where first appearing and substitute "government".

Page 24, line 5 - To delete the word "authority" where first appearing and substitute "government".

This brings the Bill into line with the Local Government Act.

Amendments put and passed.**Clause, as amended, put and passed.****Clauses 43 to 45 put and passed.****Clause 46: Section 73 repealed -**

Hon N.F. MOORE: The effect of this provision is to remove the repeal of section 73 from the provisions of the Bill so that section 73 will remain in the provisions of the Act. The repeal of section 73 is now contained in the provisions of the Acts Amendment (Land Administration) Bill. It is considered that the reforms contained in the Land Administration Bill and the Acts Amendment (Land Administration) Bill will make the provisions of section 73 of the principal Act redundant. It is appropriate for section 73 to be repealed at the time that the revisions of the Land Administration Bill and the Acts Amendment (Land Administration) Bill are enacted. In other words, those Bills have not been enacted. Therefore, it is necessary to leave section 73 in the Act for that period.

Clause put and negatived.**Clause 47 put and passed.****Clause 48: Section 74A repealed and a section substituted -**

Hon N.F. MOORE: I move -

Page 26, line 10 - To delete the words "section is" and substitute "sections are".

Page 26, after line 20 - To insert the following -

Issue of subsequent duplicate certificates of title

74B. Where a duplicate certificate of title has been issued and -

- (a) the duplicate has been destroyed by, or in circumstances known to, the Registrar; and
- (b) the proprietor of the land that is the subject of the certificate of title requests, in an approved form, that a new duplicate certificate of title be issued without cancellation of the certificate of title,

then the Registrar may cause a new duplicate certificate of title to be issued to the proprietor or to a person named and authorized by the proprietor as the person to whom the duplicate may be issued.

The first amendment corrects a grammatical error. The second amendment is another amendment that is being made as a result of the Law Society of Western Australia's opinion being sought. This proposed section 74B is necessary because the provisions of proposed section 48B only deal with the circumstances where the initial original certificate of title has been created and the circumstances where the proprietor then subsequently requests that a duplicate certificate of title not be issued to the proprietor. Proposed section 74B is also necessary to deal with the circumstances in which a duplicate certificate of title has issued to the proprietor, but a subsequent proprietor has requested that no duplicate title be issued to him after the conclusion of a land transaction. This would require the Registrar of Titles, having received the duplicate certificate of title already issued, to destroy the certificate and to note on the original certificate of title that the duplicate title has not been issued. This proposed section 74B also permits the Registrar of Titles upon a request by the proprietor to issue a new duplicate certificate of title in circumstances where the previous duplicate certificate of title has been destroyed by the Registrar of Titles due to the request of a previous owner to not have the duplicate certificate of title issued.

Hon Mark Nevill: Does the Registrar of Titles have the power to destroy duplicate certificates?

Hon N.F. MOORE: He has the capacity to do that under certain circumstances, where a request has been made by the proprietor.

Hon Mark Nevill: He does not have to store them?

Hon N.F. MOORE: That is right.

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 49 to 53 put and passed.

Clause 54: Section 81D amended -

Hon N.F. MOORE: I move -

Page 30, lines 14 and 15 - To delete the words "to whom the administration of the *Land Act 1933* is committed" and substitute the following words -

for Lands

This means the Minister for Lands is the person required to do the things under section 81D of the principal Act. It is a technical amendment to remove from the existing section the long reference to the Minister for Lands acting under the Land Act, and to include the definition of Minister for Lands which applies to the Minister acting under the Land Act 1933.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 55 to 64 put and passed.

Clause 65: Section 100 repealed -

Hon N.F. MOORE: The Government seeks to delete the clause so that section 100 of the Transfer of Land Act will not be repealed. The effect is that the initiative in the Bill providing that subleases will be noted on certificates of title rather than the head lease will no longer apply. This amendment is a result of the submission from the Law Society of Western Australia which opposed the principle behind the amendment. It was agreed that this amendment would be reviewed as part of the complete review of the Transfer of Land Act which will occur later this year. This amendment could have been left for the major review but, in view of the concerns expressed by the Law Society, it is proposed to retain section 100 in the principal Act. I ask the Committee to vote against the clause.

Clause put and negatived.

Clause 66: Section 101 repealed -

Hon N.F. MOORE: I move -

Page 34, lines 13 and 14 - To delete the clause and substitute the following new clause -

Section 101 repealed and a section substituted

66. Section 101 of the principal Act is repealed and the following section is substituted -

" **Register of sub-leases**

101. The Registrar shall keep a register of sub-leases and cause to be entered in that register details of the parties to, and the term and memorandum number or symbol of, each registered sub-lease.

This amendment reflects a redrafting of section 101 in plain English. It is considered the substance of the section will remain the same but the redrafted section is in language that will be better understood.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 67: Section 102 amended -

Hon N.F. MOORE: Again, the Government seeks to delete the clause. It is a technical amendment which arises as a result of the removal of the repeal of section 100 of the Transfer of Land Act. This section was previously required to give effect to noting sub-leases on certificates of title. As this initiative has no longer been given effect, clause 67 is not required.

Clause put and negatived.

Clause 68 put and passed.

Clause 69: Section 106 amended -

Hon N.F. MOORE: I move -

Page 37, line 25 - To insert after the word "specified" the following words -
in writing

This amendment has been agreed to as a result of further consultation with the Law Society. The effect of the amendment is to provide that, in circumstances where a notice of default is to be issued under a mortgage or charge document, and where in the mortgage or charge document the mortgagor or chargor has indicated a facsimile number to which notices may be sent, it will be possible for the mortgagor or chargor to indicate in writing, not necessarily in the mortgage or charge document, a new facsimile number for service of notices under the mortgage or charge.

Hon MARK NEVILL: Under proposed new subsection (2)(d) on page 37 of the Bill, reference is made to an annuitant. What is that?

Hon N.F. MOORE: An annuitant is a person who receives an annual sum charged to a piece of land. For example, a widow may receive funds under those circumstances.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 70 put and passed.

Clause 71: Section 121 amended -

Hon N.F. MOORE: I move -

Page 39, line 25 - To insert after the word "specified" the following words -
in writing

The effect of this amendment is to provide that, in circumstances where a mortgagee is applying for an order for foreclosure in respect of a mortgaged property and where the mortgagor has a provision contained in the mortgage document for service of notices upon the mortgagor to be a facsimile number, the mortgagor may also specify a new facsimile number for the service of notices in writing to the mortgagee without the necessity of having it included in the mortgage documents. It is a similar explanation to that on the previous amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 72 to 76 put and passed.

Clause 77: Section 129A amended -

Hon N.F. MOORE: I move -

Page 42, line 7 - To insert before the word "Where" the words "Subject to subsection (6),".

Page 42, after line 11 - To insert the following new subclause -

(6) Where -

- (a) a restrictive covenant has been created under Part IVA by notation on a strata/survey-strata plan; and
- (b) the restrictive covenant has been notified on a registered strata-survey-strata plan,

it is not necessary for a memorandum of the restrictive covenant to be entered on the certificates of title for the land (if any) benefited, and the land burdened, by the restrictive covenant, if that land is also a subject of that plan.

This amendment has been made necessary due to the enactment of the Strata Titles Amendment Act 1995. In essence the amendment provides that where a restrictive covenant has been created under part IVA of the Bill for notation on a strata/survey-strata plan and where that restrictive covenant has been notified on the registered strata/survey-strata plan it will not be necessary for a memorandum of a restrictive covenant to be noted on the certificate of title for the land burdened or benefited. This is because the restrictive covenant in respect of strata plans and survey-strata plans are noted on the strata plan and not the certificate of title due to the provisions of section 4(3) of the Strata Titles Act 1995.

Amendments put and passed.

Clause, as amended, put and passed.

Clause 78 put and passed.

Clause 79: Sections 129BA and 129BB inserted -

Hon N.F. MOORE: I move -

Page 43, line 14 - To delete the word "authority" and substitute the word "government".

Page 43, lines 23 and 24 - To delete the words ", or is a caveator in respect of,".

This is to remove the requirement that caveators are to consent to the creation of restrictive covenants benefiting local and public authorities. After consultation with the Law Society it was agreed with them that the requirement of obtaining a caveator's consent was too onerous and that only the consent of a person with a registered interest in the land was required. A caveator does not have a registered interest; that interest is merely noted on the title rather than registered. I move -

Page 44, line 7 - To insert after the word "local" the word "government".

Page 44, lines 20 and 21 - To delete the words ", or is a caveator in respect of,".

They will have the same effect as the previous amendments.

Hon Mark Nevill: One is to discharge; one is to create.

Hon N.F. MOORE: It is the same basic principle. I move -

Page 45, line 8 - To delete the words ", or is a caveator in respect of,".

This is a similar situation.

Amendments put and passed.

Clause, as amended, put and passed.

Clause 80: Section 129C amended -

Hon N.F. MOORE: I move -

Page 47, line 5 - To delete the word "authority" and substitute the word "government".

Page 47, line 10 - To delete the word "authority" where first appearing and substitute the word "government".

Page 47, line 15 - To delete the word "authority" and substitute the word "government".

These amendments result from the provisions of the Local Government Act 1996. I move -

Page 48, lines 1 to 4 - To delete the subclause.

The proposed subclause to be deleted is 80(4). The effect of the amendment is to remove the amendment of the provisions of section 129C(4). The proposed section is being amended by the consequential amending provisions of the Local Government Act 1996 and therefore there is no necessity for the provision to be within this Bill.

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 81 to 83 put and passed.

Clause 84: Part IVA inserted -

Page 50, lines 12 to 14 - To delete the lines and substitute the following lines -

(b) a strata/survey-strata plan lodged for registration under the Strata Titles Act 1985,

This amendment is necessary due to the enactment of the Strata Titles Amendment Act. That Act now provides for two types of strata plans which may be lodged for registration under the Strata Titles Act 1985. Therefore it is necessary to refer to both these strata plans as being strata/survey-strata plans in the provision of this Bill. In the creation of easements and restrictive covenants on plans and diagrams the creation of these easements and restrictive covenants can be effected on strata plans and survey-strata plans. I move -

Page 51, line 11 - To delete the word "authority" and substitute the word "government".

Page 52, line 3 - To delete the word "authority" and substitute the word "government".

Page 56, line 7 - To insert after the word "local" the word "government".

These amendments bring this Bill in line with the Local Government Act 1996.

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 85 and 86 put and passed.

Clause 87: Section 145 repealed and a section substituted -

Hon N.F. MOORE: I move -

Page 60, lines 18 to 23 - To delete the lines and substitute the following lines -

- (i) who is not a party to the instrument or power of attorney;
 - (ii) who is not a minor and not under any other legal disability; and
 - (iii) whose full name, address and occupation are stated on the instrument or power of attorney;
- and

This is another amendment brought about as a result of consultation with the Law Society and the conveyancing industry liaison committee. The previous provisions of the Bill provided that all documents and instruments of powers of attorney were to be signed by a person authorised to witness a statutory declaration. After consultation it was agreed that such a witnessing requirement was too restrictive, particularly in the execution of documents such as mortgages, which were usually done at financial institutions where no qualified witnesses would be available. Furthermore, it was not possible to extend the class of persons capable of being able to witness statutory declarations as the Ministry of Justice would not consent to the increase of that class to include such persons as loan officers. Further, the increased witnessing requirements contained in this Bill were initially seen by the Department of Land Administration to be a mechanism that would assist in reducing the possibility of the fraudulent execution of documents, especially in cases where no duplicate certificate of title had been issued. However, on further consultation on this issue it was agreed with the Law Society that imposing stronger witnessing requirements for the execution of documents dealing with interests in land would not prevent fraud and probably was not likely to reduce its possibility because any person wishing to commit a fraud by way of forgery would do so irrespective of any stronger witnessing provisions. Such a person would fraudulently indicate on the document that a qualified witness had signed it. DOLA does not have the resources to check every signature to ensure that a qualified witness has signed it. Therefore, it was agreed between the Law Society, the Conveyancing Industry Liaison Committee and DOLA that the witnessing provision for documents signed under the Transfer of Land Act would return to the existing witnessing requirements under the Act; that is, any person over 18 of legal capacity and independent of the parties to the document may witness a signature.

The term "legal disability" is used in clause 87, which will amend section 145 of the Act. In order to understand the meaning of the term it is important to look at its use in the context of the subject matter of section 145 and the existing provisions of the Act. Section 145 deals with the witnessing of documents under the Act. In particular, it is concerned with elements that the Registrar of Titles must satisfy himself with to determine whether the document is properly witnessed. One of those elements is that a witness must be a person who is not a minor - that is, a person who is not under the age of 18 - and not under any legal disability.

The term "legal disability" in the context of witnessing a person's signature to a document refers to a person who is over the age of 18 and who is not suffering from any mental incapacity which prevents that person from understanding what he is doing. It is considered that the use of this term is in keeping with the rest of the provisions of the Act; notably sections 59, 188(iii) and 211, which use the term "legal disability" in the context of unsoundness of mind. It is considered that the use of the term "legal disability" in the proposed amendments to section 145 is therefore consistent with the existing provisions of the Act.

Hon MARK NEVILL: This amendment appears to be sensible. As the Minister said, all documents and instruments and powers of attorney are signed by a person authorised to witness statutory declarations in the previous legislation. The Law Society says that the witnessing requirements are too restrictive and will not prevent fraud. In considering those witnessing requirements, section 145(1)(a) applies to documents executed in Australia. I think another requirement should be that the person is an Australian citizen. Someone who is clever could have the documents witnessed at a ship in the Fremantle Harbour and the person would not be seen again. Such people would fit well into that category: They are not a party to the instrument, they do not have power of attorney, they are not a minor, and they would not be under any other legal disability. I do not know whether the term legal disability would cover those people. I am sure it is not intended in that sense. Their full name, address and occupation would not mean

much if they had left on the next ship. When the principal Act is amended later this year, perhaps an additional clause should be included that the person must be an Australian citizen. I do not oppose the clause.

Hon N.F. MOORE: The Government will take that on board. However, many people would satisfy these requirements who have lived in Australia for a long time and who are not Australian citizens and have chosen not to be. It is probably a reflection of the multicultural nature of our society that some people do not take out Australian citizenship, although I am one of those who would urge them all to do that.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 88 to 139 put and passed.

Clause 140: Section 239 repealed and a section substituted -

Hon N.F. MOORE: I move -

Page 82, lines 6 and 7 - To delete the lines and substitute the following line -

strata/survey-strata plan;

Page 82, line 20 - To delete the words "strata plan" and substitute the following words -

strata/survey-strata plan

Page 82, line 28 - To delete the words "strata plan" and substitute the following words -

strata/survey-strata plan

This amendment is a requirement because of the provisions of the Strata Titles Amendment Act 1995 which creates a new strata plan known as a strata/survey-strata plan. Reference to a strata/survey-strata plan has been included in the provisions of proposed section 239 so that any person wishing to obtain a copy of a strata/survey-strata plan from the Registrar of Titles may do so upon payment of the prescribed fee.

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 141 and 142 put and passed.

Clause 143: Sections 240A and 241 inserted -

Hon N.F. MOORE: I move -

Page 87, line 29 - To delete the words "on payment of" and substitute the word "pay".

This is a pedantic amendment dealing with a minor typographical change to ensure easier understanding of the clause.

Hon MARK NEVILL: I cannot let that pass. It is a good plain English amendment, however I suggest a couple of hundred others could have been done at the same time.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 144 put and passed.

Clause 145: Various provisions amended in relation to "Register" -

Hon N.F. MOORE: I move -

Page 89, in the Table in the first column, after line 12 - To insert the following -

s. 100
s. 102

This clause needs to be amended in view of some decisions that have already been made. This amendment is consequential as a result of the previous Committee stage amendments to the Bill which now provide that proposed sections 100 and 102 will no longer be repealed. Therefore, it is necessary for them to be reinserted in the column.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 146 to 148 put and passed.**Clause 149: Schedule 9A inserted -**

Hon N.F. MOORE: I move -

Page 97, after line 25 - To insert the following -

an easement for motor vehicle parking	the right of every person who, for the time being, is entitled to an estate or interest in possession in the land indicated as the dominant tenement or any part of the land with which the right is capable of enjoyment and the right for that person and the person's employees, agents and visitors, at any time, to park motor vehicles for the periods and for the times specified in this plan /diagram /instrument
--	--

That amendment describes the situation about an easement for motor vehicle parking. It is another issue raised by the Law Society of Western Australia. It suggested that a further short form easement be included in schedule 9A. This provision will permit the creation of an easement for motor vehicle parking by reference to a short form easement on a plan, diagram or instrument. It is considered to be a useful addition to the existing short form easements proposed in the Bill. Some people have suggested that it is a way in which lawyers can ensure they have a parking space for their cars at their offices.

Amendment put and passed.**Clause, as amended, put and passed.****Clauses 150 to 153 put and passed.****New clause 85 -**

Hon N.F. MOORE: I move -

Page 58, after line 35 - To insert the following new clause -

Section 136K inserted

85. Part V of the principal Act is amended by inserting before section 137 the following section -

Interpretation in, and application of, Part V

136K. (1) In sections 138B to 138D, “**section 138A caveat**” has the meaning given by section 138A.

- (2) The provisions of sections 138A to 138D are in addition to, and are not to be read as limiting the operation of -
 - (a) the other provisions of this Act in relation to caveats; and
 - (b) a person's entitlement, if any, to apply for an injunction in relation to a caveat.

This relates to the matter of caveat removals to which I referred earlier. To give members an understanding, I will provide some information about what is being sought to happen. Under the Transfer of Land Act 1893, the registered proprietor is unable to have the caveat removed, generally speaking, unless, first, the registered proprietor has an existing dealing with his land; second, the interest of the caveator has ceased to exist; third, the registered proprietor undertakes legal proceedings in the Supreme Court for the removal of the caveat; or fourth, the caveator voluntarily withdraws the caveat.

It is important for members to be aware that under the Transfer of Land Act, it is not the function of the Registrar of Titles to examine the legal validity of each caveat lodged for noting on a title. The only function the Registrar has when a caveat is lodged is to ensure the caveat complies with the requirements as to form as specified by the Transfer of Land Act. The Act leaves the issue of whether the estate or interest claimed by the caveator is valid to the proprietor and the caveator to determine by way of an agreement, or to the courts if the parties cannot agree about the validity of the estate or interest claimed.

The driving force behind the proposed caveat removal provisions is that the existing provisions of the Transfer of Land Act impose an unfair burden upon the registered proprietor. This is especially the case when the caveator has made a claim that does not appear to establish a proper legal ground for the interest being claimed. The burden is then on the registered proprietor to start legal proceedings to have the caveat removed and to bear the expense of those proceedings. Further, it is considered that a caveator who asserts an interest in the land should bear the onus

of proving it, and these amendments will achieve this. These amendments ensure the Transfer of Land Act will provide a further administrative method of removal of caveats noted on certificates of title. This new method will permit registered proprietors to apply to the Registrar of Titles once a caveat has been lodged in respect of land, to require the caveator within 21 days of receiving the notice to obtain an order validating the interest claimed by the caveator. If the caveator fails to obtain an order extending or validating the caveat within 21 days, the caveat will automatically lapse. The proposed removal procedure will not apply to all caveats. It is considered that some caveats need to be exempted from the caveat removal procedure as the estate or interest claimed by the caveator is rarely questioned. The exemptions to the procedure fall generally in the area of caveats lodged by local or public authorities, the Registrar of Titles or the Commissioner of Titles; caveats lodged pursuant to a court order; caveats lodged under section 30, 176 or 223A of the Act; or caveats lodged by, on behalf of or with the consent of the Minister for Lands. This proposed new procedure is considered to have significant advantages in dealing with problems which have arisen in the past with the Transfer of Land Act. These problems concern, first, the registered proprietors being required to commence legal proceedings and bear the initial expense of removal of caveats from their certificates of title. Second, once the caveat has been removed, some caveats were almost immediately relodged with another caveat claiming another related interest.

With respect to the second problem, it is considered that the proposed new caveat removal procedure will provide that where a caveat has been automatically lapsed or removed by a court order, a caveator will be prevented from lodging another caveat in respect of that land. The exception to this will be when the registered proprietor has consented to the lodgment of that caveat, or a caveator has obtained a Supreme Court order authorising the caveator to lodge another caveat. For a minimum of expense a caveator is able, under the existing provisions of the Act, to cause maximum damage to a registered proprietor in circumstances where the caveator is attempting to sell, mortgage or otherwise deal with his land.

There are provisions under section 140 of the Act for a registered proprietor to sue a caveator for an award of damages when the caveat is held to be invalid. Such a legal right is practically useless if the caveator has no assets which can be attached to the registered proprietor. Further, the onus is on the registered proprietor to take action to claim damages against a caveator. These proceedings require the proprietor to further outlay money in legal fees for the damages claimed which may not be recovered from the caveator if the caveator has little or no assets. This new clause relates to the proposal put forward in respect of the way in which caveats are dealt with or removed from a title. This change is essential. The Chief Justice believes that this is an appropriate way to deal with this matter.

New clause put and passed.

New clause 86 -

Hon N.F. MOORE: I move -

Page 59, after line 29 - To insert the following new clause -

Sections 138A to 138D inserted

86. After section 138 of the principal Act the following sections are inserted -

Caveats to which sections 138B to 138D apply

138A. A caveat that has not been lodged -

- (a) under section 30, 176 or 223A;
- (b) by or on behalf of a beneficiary claiming under a will or settlement;
- (c) under a court order;
- (d) by the Registrar on the direction of the Commissioner;
- (e) under any written law other than this Act;
- (f) under any Commonwealth Act; or
- (g) by or on behalf, or with the consent, of the Minister for Lands,

is a caveat for the purposes of sections 138B to 138D.

Certain caveats may lapse unless justified by caveator

138B. (1) If a section 138A caveat has been lodged then the proprietor of the land in respect of which the caveat was lodged may apply, in an approved form and payment of the prescribed fee, for the Registrar to serve the caveator with a notice to the effect that, unless the caveator takes the action referred to in subsection (2) within 21 days after the day on which the notice is served, the caveat will lapse.

(2) If the notice referred to in subsection (1) is served on the caveator then the caveat lapses 21 days after the day on which the notice was served unless, before that time, the caveator has -

- (a) obtained from the Supreme Court an order extending the operation of the caveat -
 - (i) for such further period as is specified in the order; or
 - (ii) until the further order of the Court;
 and
- (b) lodged with the Registrar a copy of the order.

Powers of Supreme Court

138C. (1) A caveator who is served with a notice under section 138B (1) may apply to the Supreme Court, in accordance with rules of the Court, for an order extending the operation of the caveat.

(2) On the hearing of an application under subsection (1), the Supreme Court -

- (a) if satisfied that the caveator's claim has or may have substance -
 - (i) may make an order extending the operation of the caveat for such period as is specified in the order;
 - (ii) may make an order extending the operation of the caveat until the further order of the Court; or
 - (iii) may make such other orders as it thinks fit concerning the caveat or the land in respect of which the caveat was lodged;
- (b) if not satisfied that the caveator's claim has or may have substance, shall dismiss the application; and
- (c) may make such ancillary orders in relation to the application as it thinks fit.

(3) An interim order under this section may be made *ex parte* unless the Court orders otherwise.

(4) The applicant shall ensure that the Registrar is served with a copy of each order made by the Court on an application under subsection (1).

Restrictions on further lodgment of certain caveats

138D. (1) If a section 138A caveat -

- (a) is withdrawn after a notice under section 138B (1) is served on the caveator but before the caveat could lapse under section 138B (2);
- (b) has lapsed under section 138B (2); or
- (c) no longer has effect because of the operation of an order made, or a dismissal, under section 138C by the Supreme Court,

then the caveator cannot lodge with the Registrar any further section 138A caveat in respect of the same land unless -

- (d) the proprietor's consent to do so is endorsed on the further caveat; or
- (e) the Supreme Court has made an order giving leave for the lodgment of the further caveat and a copy of that order has been served on the Registrar.

(2) If a caveat has been withdrawn before a notice under section 138B (1), if any, is served on the caveator then nothing in subsection (1) prevents the caveator from lodging a further section 138A caveat in respect of the same land.

This amendment is a continuation of the process I spoke about regarding an earlier new clause; namely, it is part of the caveat removal process I have just described.

New clause put and passed.

New clause 87 -

Hon N.F. MOORE: I move -

Page 59, after line 29 - To insert the following new clause -

Section 141 repealed and a section substituted

87. Section 141 of the principal Act is repealed and the following section is substituted -

Endorsing certificates as to, and sending copies of, caveats

141. (1) Where -

- (a) a caveat is lodged under section 137; or
- (b) a caveat lapses, whether because of the effect of a provision of this Act or the operation of an order of the Supreme Court,

the Registrar shall enter a memorandum of the caveat or the lapse of the caveat, as the case requires, on the certificate of title for the land in respect of which the caveat was lodged.

(2) A copy of a caveat lodged under section 137 or of so much of the caveat as the Registrar thinks is material to the person to be notified under section 138 shall be sent with the notification under section 138.

This new clause relates to the matter I have just discussed on the whole question of the removal of caveats. I suggest we agree to it.

New clause put and passed.

Schedule 1 -

Hon N.F. MOORE: I move -

Page 103, line 38 - To insert after the word "Register" the following words -

within the meaning of that Act.

Page 104, line 14 - To delete the word "Register" and substitute the following words -

relevant register under the *Transfer of Land Act 1893*

Page 104, line 24 - To delete the words "Register within the meaning of" and substitute the following words -

relevant register under

Page 104, lines 29 and 30 - To delete the words "place in the Register within the meaning of" and substitute the following words -

Register under

Page 106, lines 4 to 37 and page 107, lines 1 to 26 - To delete the lines and substitute the following lines -

*Local
Government Act 1995*

Section 6.72 is amended by deleting "assurance fund established" and substituting the following -

State with the Registrar as the nominal defendant

Schedule 6.2 clause 1 (2) (b) is amended by deleting "at the direction of the Commissioner of Titles, may dispense with the production of the certificate of title but the Land Titles Office may cause such orders to be made and such advertisements to be published as are provided for by that Act in the case of dealing with land the" and substituting the following -

“ with the consent of the Commissioner of Titles, may dispense with the production of the duplicate certificate of title (if any) but the Registrar may cause such orders to be made and such advertisements to be published as are provided for by that Act in the case of dealing with land the duplicate”.

Schedule 6.3 clause 1 (1) (a) is amended by deleting “the register book, memorial, or record” and substituting the following -

“ a register kept under the *Transfer of Land Act 1893* or in a memorial or record kept by the Registrar of Deeds ”.

Schedule 6.3 clause 1 (3) is amended by deleting “the register book, memorial, or record” and substituting the following -

“ a register kept under the *Transfer of Land Act 1893* or in a memorial or record kept by the Registrar of Deeds “..

Schedule 6.3 clause 4 (3) is amended by deleting “at the direction of the Commissioner of Titles may dispense with the production of the certificate of title but the Land Titles Office may cause such orders to be made and such advertisements to be published as are provided for by that Act in the case of dealing with land the” and substituting the following -

“ with the consent of the Commissioner of Titles, may dispense with the production of the duplicate certificate of title (if any) but the Registrar may cause such orders to be made and such advertisements to be published as are provided for by that Act in the case of dealing with land the duplicate ”.

Schedule 6.3 clause 8 (2) is amended by deleting “may dispense with the production of the certificate of title but the Registrar may make such orders and publish such advertisements as are provided for by that Act in the case of dealings with land when the certificate of title” and substituting the following -

“ , with the consent of the Commissioner of Titles, may dispense with the production of the duplicate certificate of title (if any) but the Registrar may cause such orders to be made and such advertisements to be published as are provided for by that Act in the case of dealing with land the duplicate certificate of title of which ”.

*Local Government
(Miscellaneous
Provisions) Act 1960*

Section 297A (8) (a) is amended by deleting “Certificate of Title” in the second and third places where it occurs and substituting in each case the following -

“ duplicate Certificate of Title (if any) ”.

Page 107, line 27 - To insert after the word “Book” the following lines -
and substituting the following -

“ within the meaning of the *Transfer of Land Act 1893* ”.

Page 108, line 12 - To insert after the word “Register” the following words -

within the meaning of the *Transfer of Land Act 1893*

Page 108, line 18 - To insert after the word “Register” the following words -

within the meaning of that Act

Page 109, line 4 - To insert after the word “Book” the following lines -

and substituting the following -

“ within the meaning of the *Transfer of Land Act 1893* ”.

Page 109, line 8 - To insert after the word “Register” the following words -

within the meaning of the *Transfer of Land Act 1893*

Page 109, line 15 - To insert after the word “case” the following lines -

and substituting the following -

“ within the meaning of that Act ”.

Page 109, lines 17 to 20 - To delete the lines in the second column.

Page 109, line 31 - To delete the word “under” and substitute the following words -

within the meaning of

Page 110, lines 24 to 28 - To delete the lines and substitute the following lines -

Strata Titles Act 1985

Section 3 (1) in the definition of “person concerned” is amended by deleting “register book kept under the *Transfer of Land Act 1893*” and substituting the following -

Register ”.

Section 3 (1) is amended by inserting the following definition in its appropriate alphabetical position -

“ **“Register”** has the meaning given by the *Transfer of Land Act 1893*; ”.

Section 4 (3) is amended by deleting “register book kept under the *Transfer of Land Act 1893* -

“ Register ”.

Page 111, lines 9 to 12 - To delete the lines and substitute the following lines -

Section 19 (8) (a) is deleted and the following paragraph is substituted -

“ (a) in the case of a transfer of common property under this section, register the transfer by creating and registering in the transferee's name a certificate of title for the land transferred, and no notification of the transfer shall be otherwise made in the Register; ”.

Section 19 (9) is amended by deleting “issuing” and substituting the following -

“ creating and registering ”.

Page 111, lines 20 and 21 - To delete the words “register the transfer and”.

Page 111, lines 25 to 36 - To delete the lines and substitute the following lines -

Section 129A (1) is amended in paragraphs (a) and (b) by deleting “register book” in each case and substituting the following -

“ Register ”.

Section 129A (4) is amended by deleting “register book” and substituting the following -

“ Register ”.

The amendment to page 103 follows request by parliamentary counsel to clarify the meaning of “reference” to ensure that a reference to the register may include reference to not only the certificate of title register, but also other registers held by the Department of Land Administration under the principal Act, such as the lease register. The amendments to page 104 relate to the process just described and were suggested by parliamentary counsel.

The amendments to page 106, lines 4 to 37, and page 107, line 1 to 26, will delete the old Local Government Act references in the schedule and replace new words. The amendment outlines all the matters which relate to the new Local Government Act. This amendment will bring the schedule into line with the current Local Government Act.

The amendment to section 297A(8)(a) of the Local Government (Miscellaneous Provisions) Act is necessary to correct an incorrect reference to a certificate of title. The certificate of title referred to in this section, is not the original certificate of title, but rather a duplicate certificate of title. It also adds a reference to circumstances where a duplicate certificate of title may not have been issued at the request of the proprietor.

The amendment to page 107, line 27, clarifies the existing provisions of the Bill to ensure that the reference to the register is the register within the meaning of the Transfer of Land Act. It is a technical amendment to cover that concern. The amendment to page 108, line 12, also clarifies that the register is the register within the meaning of the Transfer of Land Act. Again, the amendment to page 108, line 18, is a request by Parliamentary Counsel to clarify the situation.

The amendment to page 109, line 4 is a technical amendment and is for the same reasons I have outlined in other amendments. The amendment to page 109, line 8 is required to the Redemption of Annuities Act. The amendment to page 109, line 15 deals with the Retirement Villages Act and substitutes the words “within the meaning of the Act”.

The amendment to page 109, lines 17 to 20 deletes the provision in the Bill relating to section 62(4) of the Rights in Water and Irrigation Act. It is necessary because that section was repealed by section 129 of the Water Agencies (Restructure Transitional and Consequential Provisions) Act. That legislation has already been passed which makes this amendment unnecessary. The amendment to page 109, line 31 is a technical amendment.

The amendment to page 110, lines 24 to 28 is necessary because of the provisions of the Strata Titles Act, which came into force before this Bill. Sections 3(1) and 4(3) of the Strata Titles Act are being amended to delete reference to the register book and substitute a reference to the register. This amendment is consistent with the policy behind the Bill; that is, to delete reference to “register book” and substitute “register”.

The amendment to page 111, lines 9 to 12 also refers to the Strata Titles Act. This amendment is required by virtue of the fact that the Strata Titles Amendment Bill has been passed in advance of this Bill. Again, the amendment to page 111, lines 20 and 21 is a technical amendment to clarify the provisions of the relevant section in the Strata Titles Act. It ensures that it is referring to the creation and registration of a certificate of title which is consistent with the policy of the Bill. Again, because the Strata Titles Amendment Bill has been passed the amendment to page 111, lines 25 to 36 is necessary.

Amendments put and passed.

Schedule, as amended, put and passed.

Schedule 2 -

Hon N.F. MOORE: I move -

Page 116, line 29 - To delete “s. 6(1) in the definition of “townsite”.

Page 116, line 31 - To delete “s. 533(7)(a), s. 593(4)”.

These are technical amendments which are necessary due to the provisions of the local government legislation which will come into effect on 1 July this year. It will repeal the relevant sections of the Local Government Act.

Amendments put and passed.

Schedule, as amended, put and passed.

Schedule 3 -

Hon N.F. MOORE: I move -

Page 118, lines 15 and 16 - To delete the lines.

Again, this is a technical amendment because of the amendments to the local government legislation which have been passed by this House. It is no longer required in schedule 3.

Amendment put and passed.

Schedule, as amended, put and passed.

Title put and passed.

Bill reported, with amendments.

PETITION - WINDY HARBOUR-AUGUSTA ROCK LOBSTER FISHERY

By leave, Hon Kim Chance presented the following petition bearing the signatures of 303 persons -

To the Honourable the President and members of the Legislative Council in Parliament assembled.

We the undersigned residents of Western Australia, request -

A public enquiry into current and past management practices of the Department of Fisheries in respect of the Windy Harbour/Augusta Rock Lobster Fishery.

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

[See paper No 526.]

SELECT COMMITTEE ON WESTERN AUSTRALIA-SOUTH AUSTRALIA QUARANTINE CHECKPOINT

Report

HON P.H. LOCKYER (Mining and Pastoral) [8.50 pm] - by leave: I am directed to report that the Select Committee on Western Australia-South Australia Quarantine Checkpoint requests that the date fixed for the presentation of this report be extended from Thursday, 22 August to Thursday, 21 November. I move -

That the report do lie upon the Table and be printed.

Question put and passed.

[See paper No 527.]

MOTION - ABORIGINAL RECONCILIATION

Resumed from 19 June.

HON CHERYL DAVENPORT (South Metropolitan) [8.51 pm]: At the conclusion of my remarks on 19 June I referred to a report that had been released on 7 June this year by the Aboriginal Legal Service. At this point, given the events of the past couple of weeks, it is now more important than ever that we consider the question of reconciliation and whether it is to continue in this country. I will refer to the ALS report entitled "Report on the Western Australian Government's Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody". I refer members to recommendation 60 of the royal commission which reads -

That Police Services take all possible steps to eliminate:-

- a. *Violent or rough treatment or verbal abuse of Aboriginal persons including women and young people, by police officers; and*
- b. *The use of racist or offensive language, or the use of racist or derogatory comments in log books and other documents, by police officers.*

When such conduct is found to have occurred, it should be treated as a serious breach of discipline.

The ALS progress report on the implementation of those recommendations in relation to that one says -

The ALS continues to receive complaints that police are behaving in a manner contrary to this recommendation. About 60% of complaints lodged on behalf of complainants by the ALS are allegations of assaults by police. Racist abuse, humiliation and harassment also seem to be common experiences of ALS clients. Not all people who complain to the ALS actually lodge official complaints as the procedure takes too long and is too complicated. They are also scared of what police might do to them if they lodge a complaint.

The other way in which this recommendation is not implemented, and a reason for people not lodging complaints, is that there is very rarely a satisfactory outcome. Of allegations finalised against police by the Ombudsman in 1993-1994, only 3% of outcomes were totally or substantially favourable. A further 2% were partially favourable to the complainant. An examination of ALS complaints shows that there is rarely an independent witness and so the investigation ends in an adverse finding of fact. Where independent evidence is available, the ALS have found police justify assaults by police procedure.

The report goes on to say -

It is intolerable that whilst Aboriginal people are frequently charged with assault on a public officer and receive heavy penalties, a police officer behaving in a similar manner towards an Aboriginal person gets off scott-free.

I also refer to recommendation 62 of the royal commission, which deals with the question of juvenile justice. Members know that is an area about which I am particularly concerned. That recommendation says -

That governments and Aboriginal organisations recognise that the problems affecting Aboriginal juveniles are so widespread and have such potentially disastrous repercussions for the future that there is an urgent need for governments and Aboriginal organisations to negotiate together to devise strategies designed to reduce the rate at which Aboriginal juveniles are involved in the welfare and criminal justice systems and, in particular, to reduce the rate at which Aboriginal juveniles are separated from their families and communities, whether by being declared to be in need of care, detained, imprisoned or otherwise.

Members should note the comments in the ALS report on the question of detention rates and whether that outcome has been achieved. The total inadequacy of the Government's implementation of this recommendation could not be illustrated more graphically than by the abhorrent rate of imprisonment of Aboriginal youth in Western Australia, who in 1993 were 48.3 times more likely to be imprisoned than other youth. The ALS was not able to obtain recent statistics; however, I know that figure has not been reduced. The Government and legislators would be aware that something is radically wrong with a system that sees that many young people receiving detention sentences.

What is also interesting to note in this report is the ALS belief that the only way that we will deal with this problem is to concentrate more on prevention rather than cure. The ALS says that the strategies that need to be developed should have been introduced during the passage of the Young Offenders Bill. Unfortunately, members will remember that the young offenders legislation was not negotiated with Aboriginal communities before it was introduced. When the Legislation Committee was dealing with the Bill, it had only just begun to hear submissions from the community, and several of those submissions were from Aboriginal organisations which wanted to give evidence so they would have some ability to at least place their concerns on the record. The fact that we have still not seen any reduction in those imprisonment rates suggests that the Young offenders Act, after almost 18 months of operation, has had very little effect.

I will deal with the observations that the Aboriginal Legal Service makes in relation to cautions and the juvenile justice teams. They say that cautions and juvenile justice teams have been incorporated in the Act without research into their impact on and availability to Aboriginal youth. The juvenile justice teams were piloted, but not independently evaluated. Statistics show that only 15 per cent of Aboriginal youth have access to the teams, compared with 80 per cent in the case of non-Aboriginal youth. I can vouch for that being the case, because I have asked a significant number of questions on that issue and raised it in debate with the Attorney General. That is a real problem. I know that some steps are being taken to try to address that in relation to cultural appropriateness; however, it is still far from satisfactory.

The other issue that has been brought to my attention is young Aboriginal people receiving cautions. The only way in some instances that they receive a caution is if conditions are imposed. There is certainly no way of proving that is happening. However, we know from evidence that has been placed before both the Aboriginal Legal Service and the Youth Legal Service that is the case. The problem is that young people, particularly young Aboriginal people, are not confident to take the issue further because they obviously believe that the outcome from their perspective will not be good and they may be victimised in the future. A range of things need to be done to ensure that the Act and the operation of both the cautioning system and the juvenile justice teams is improved so that Aboriginal young people are not forced into the criminal justice system as much as they are currently.

These are just three recommendations which highlight the inadequacy of the Government's response from the perspective of the Aboriginal community. Many of the 339 recommendations in the report of the Royal Commission into Aboriginal Deaths in Custody have not received the in-depth commitment that is required to achieve the positive outcomes that have been suggested. If the reconciliation process is to succeed, the rhetoric of government must cease. Now is the time to demonstrate government commitment, and nowhere is that more important in the reconciliation process in this State than in the attitude of the justice system to Aboriginal people in general, and to Aboriginal young people in particular. I have seen no improvement in the numbers of young people in detention during my seven years as a member of Parliament. The incident last week in Halls Creek should not happen in this day and age, and it is very sad that a 14 year old Aboriginal lad has been charged with attempted murder. The whole community should look at this issue, because it is obvious that massive underlying problems are causing these incidents to continue to happen.

The final royal commission recommendation, No 339, deals with the question of reconciliation and states -

That all political leaders and their parties recognise that reconciliation between the Aboriginal and non-Aboriginal communities in Australia must be achieved if community division, discord and injustice

to Aboriginal people are to be avoided. To this end the Commission recommends that political leaders use their best endeavours to ensure bi-partisan public support for the process of reconciliation and that the urgency and necessity of the process be acknowledged.

The Aboriginal Legal Service makes the comment that this has not been implemented - I think we would all agree - and states -

Whilst the Aboriginal Legal Service was prepared to work with the former Commonwealth Government, the ALS has grave concerns about recent actions taken by the new Coalition Government in the area of indigenous affairs. The ALS also continues to have serious reservations about its ability to work with the State Government in any process to achieve reconciliation. The attitude of the State Government towards the Aboriginal Legal Service and other Aboriginal organisations in the implementation of the Royal Commission recommendations indicates an unwillingness to listen to what Aboriginal people are saying. In particular, the State Government's performance in the areas of criminal justice and Aboriginal land rights indicates a marked disregard for the human rights of Aboriginal people.

Whilst the Aboriginal Legal Service is of the view that the notion of reconciliation is to be supported, in Western Australia this appears to be a near impossibility in view of the State Government's attitude towards Aboriginal people.

That is a sad indictment, and one hopes that as a result of this report and those comments greater effort will be made to mend some of the obvious gaps that exist between the Government and Aboriginal communities.

It is difficult to disagree with that assessment, and I will enlighten members further. In May, I spoke with Commissioner Patrick Dodson, the Chairman of the Council for Aboriginal Reconciliation about progress with regard to reconciliation, and I truly admire his commitment to and optimism about reconciliation. He also intimated to me that the commission's budget for the next financial year was facing cuts in the vicinity of \$3m to \$4m, which would lead one to deduce that the federal coalition Government does not have the same commitment to reconciliation as did the Keating Government, despite Prime Minister Howard's rhetoric recently.

That brings me to the events of the last few weeks. I have to wonder at and admire the dedication and commitment of Patrick Dodson, given the announcement a week ago by Senator Herron about the quite savage cut to the ATSIC budget of some \$445m over the next three to four years. I admire his courage to hang in, given that he knows the impact of those cuts on Aboriginal people, particularly in the area of employment, and also in funding for the arts and cultural programs. Many Aboriginal people are employed in this area, and this move will shift them from a situation where they are employed and have dignity to the dole queues. That serves no purpose for anyone in this country because it will increase the bill of the Department of Social Security. The arts and cultural programs that have taken place over the last 10 years have helped to make Aboriginal people feel they are valuable and valued members of the Australian community.

I am concerned also about the criminal justice system and the decrease in the legal aid budget, which will impact on access to justice by Aboriginal people. These examples make me question whether the federal coalition Government does have a commitment to reconciliation. However, I am comforted by the comments made by Patrick Dodson over the last few weeks. An article in *The West Australian* of 9 August states -

Pat Dodson says it's time Aborigines were asked what they thought about industrial relations, or trade with Asia, or cuts to the ABC.

"Aboriginal people have got an interest in the totality of our society, not just areas where we're classified - social disadvantages, criminal justice," . . .

"What we are trying to do is maintain the challenge to the non-Aboriginal people to go beyond the immediate perceptions that they have about us - to go beyond the glib phrase that blacks are lazy," Mr Dodson writes.

Given that he has a very hard row to hoe, they are pretty courageous words. Since those comments were made, he has had to contend with the cuts that I mentioned earlier, which were announced days before the Budget. His comments in Monday's *The West Australian* are also of great importance. The article states -

Mr Dodson said yesterday he acknowledged that the process was in crisis but walking away from it would serve little purpose.

"It's obvious now reconciliation is in some sort of crisis," Mr Dodson said. "But I'm not going to resign because I don't believe by resigning, personally, that achieves the objective that I believe is still before this nation.

"It's an opportunity we have in this country, a fantastic opportunity to work through complex and difficult issues."

I congratulate him for his courage and his commitment to this process because it will not be an easy row to hoe.

I wish to quote now from the magazine "Walking Together", which we all receive as members of Parliament. Patrick Dodson makes this comment in relation to education being crucial for reconciliation. He says -

Education is fundamental to reconciliation. Genuine reconciliation often requires a change of the mind as well as the heart. That is not always recognised as possible or necessary when there has been a long-standing history of mistrust, fear and deception between individuals or communities.

When the concept of Education and Reconciliation is applied to relationships between races and not just to individuals, then structural ways of addressing the underlying causes for the mistrust, misbelief and poor interaction have to be found so that mutually beneficial outcomes may be developed . . .

Much public opinion is formed in conversations with others whose knowledge on any of the key issues could be substantially flawed or simply constructed on a false premise such as: "All this money goes to Aborigines and it's wasted. They don't pay taxes either!" Education for all Australians about the key issues is critically important for the nation's own sense of identity.

So education here means broad community education, not just the formal education system. However, schools have a vital role to play in educating young Australians about the major issues of reconciliation. Most Australians have, at best, a limited knowledge about Aboriginal and Torres Strait Islander peoples, while many hold quite false beliefs. This is despite a much higher profile for indigenous issues in the mass media in recent years.

I quote now from an article in *The Weekend Australian* by Lois O'Donoghue on June 15-16. The first few paragraphs are very important to this whole debate. The article is headed "Who's accountable to whom?" and reads -

All too often the national debate on the funding of programs for Aboriginal and Torres Strait Islander Australians returns to a few simple and crude ideas. The media and politicians mount brief campaigns, wringing their hands about the extent of indigenous disadvantage, manipulating images of deprived communities, and then look for someone to blame.

More often than not the blame falls on the main Commonwealth agency, the Aboriginal and Torres Strait Islander Commission (or, before 1990, its predecessors, the Department of Aboriginal Affairs and the Aboriginal Development Commission), since it is naively assumed and portrayed that we have sole responsibility in this area of government. Then the bandwagon moves on, the opportunity is lost to make a considered analysis of the causes and persistence of indigenous disadvantage in this country, an analysis that might take us forward.

Always in the background during these recurrent exercises is a considerable body of opinion that resents any form of government assistance to indigenous people, that talks about our being overcompensated, that is always on the lookout for evidence of misspending within the indigenous affairs budget, and is gleeful when it thinks it finds it.

Recently the new Government has taken extraordinary actions in relation to ATSIC. It has gone to Parliament seeking ministerial power to appoint an administrator to the commission and impose a special auditor to determine whether or not the organisations we fund are "fit and proper bodies to receive public money". To justify these actions, the Prime Minister has referred to increasing community concern, an "apparent haemorrhaging of public funds".

I cannot take exception to the Government's concern for accountability - how could I? How could anyone?

However, I can take exception to the assumptions that seem to underlie the Government's actions. I can wonder whether or not they are knowingly drawing strength and support from prejudiced and ignorant opinions and ask why indigenous Australians need to be more accountable than anyone else, for comparatively small amounts of money.

If, as many Australians would have us believe, the perception is that Aboriginal people have it so good, why has their quality of life not improved? We should all think very long and hard about that.

I want now to pay tribute to one of the greatest fighters for reconciliation in Australia - the late Rob Riley, who passed away this year on 1 May. With some 2 000 other people I went to Pingelly to be present at his funeral. Rob left us all with the certain knowledge that reconciliation was uppermost in his mind. He was returned to his land in a service conducted by two people - one an Aboriginal pastor and another a non-Aboriginal minister. Rob stood for two objectives which were very prominently featured in the eulogy delivered at various services on his death. Rob probably advised many of his people on these two principles: First, "you cannot be wrong if you are right"; and second, "you don't stop fighting for justice simply because those around you do not like it; you keep on fighting". I ask members to think carefully about those two principles.

I quote now two paragraphs from the eulogy which was printed and distributed at Rob's funeral. I hope members will forgive me if I become teary-eyed.

Hon Tom Stephens: It is understandable. It is a moving text.

Hon CHERYL DAVENPORT: The eulogy reads -

Rob's extraordinary contribution to public life has yet to be recorded. As a man he was complex and sensitive. His dignity and compassion were linked to his Aboriginality. He thrived on communication and contact with people. The pride taken in being Aboriginal no matter what the circumstances made it all worthwhile for Rob. His life is all he could give in the end . . .

There is no need to ask what this man has done for us. We do not question his motives. He stands tall against the measures that judge success. It is for others outside the Aboriginal nations to ponder the meaning of such words as trauma and pain, frustration and hurt, dispossession and institutionalisation, and domination and denial when used by someone of Rob Riley's calibre. Their leaders must come to terms with the ease with which they determine policy and priorities and what it is they are prepared to allow from their positions of power, control and domination of Aboriginal people's lives and destinies.

It is time that we, as legislators, rose to the challenge and achieved an outcome which provides a future where we can live together as Australians, equal in every way.

HON N.F. MOORE (Mining and Pastoral-Leader of the House) [9.18 pm]: This motion has been on the Notice Paper for some time. I think it is the third time that Hon Tom Stephens has moved it. I hope that we can come to a decision about the motion this evening. For most of my political life - indeed, prior to coming to politics - I have had a very deep interest in Aboriginal people. Over that time, I have seen a range of projects, strategies and programs which have been unsuccessful, and which have achieved virtually nothing in the overall context of improving the living conditions and the lives of Aboriginal people. On the other hand, I have also seen excellent programs conducted and very significant results achieved. During that period I have spent a little time talking to Hon Tom Stephens; in fact, on one occasion I travelled throughout Western Australia in his company. While he and I have had a number of disagreements about a whole range of issues over a long period, I have always been of the view that his attitudes towards and compassion for Aboriginal people are nothing but genuine. Quite frankly, I was surprised at the regard that many Aboriginal people had for Hon Tom Stephens because of the many things that I had heard about him in the past. When we were together in the Kimberley it became very apparent to me that he was very highly regarded by many in the Aboriginal communities. That is justifiable given that he has devoted a large part of his life to improving the lot of Aboriginal people.

Having heard him speak on this subject on a number of occasions, I was a little angry at the tone of his opening speech on this motion. I can understand his being angry about the things he sees in the Aboriginal world. However, I make the point very clearly that it is not in the interests of anyone for him to get up in this House and simply abuse everyone he can find for not doing enough. He spent some time attacking me as the Minister for Education, and Employment and Training. The whole nature of his introductory speech was anything but conciliatory; in fact, it was a speech designed to inflame. I find that most regrettable because for 10 of the past 13 years in Western Australia there was a Labor Government at both state and federal level - indeed, the Labor Party was in office at the federal level for 13 years.

It is not good enough and it is not helpful in this debate for the honourable member to spend his time in addressing this issue attacking the Court State Government. First, it is unfair to expect that all the problems facing the Aboriginal world will be solved by the Court State Government in three years, bearing in mind that members opposite had 10 years to remedy the problems about which he talks so vociferously. The irony of his speech - and it was crossing my mind throughout his contribution - is that he wants reconciliation, which means getting together to sort things out through mutual effort and agreement, yet he spent so much of his speech attacking one side of politics that he believes has a view that is not in the interests of promoting the welfare and benefit of Aboriginal people. I make that point very clearly.

The issues contained in this motion are not owned by one section of the political world or another; they are not owned by one racial group in the community; it is not black versus white, Liberal versus Labor or the Democrats versus the Greens. It is important to all of us. The problem is that we have differences of opinion about how we might achieve the same thing. I do not for one minute believe any member of this House would not want the same sorts of advantages to be provided to Aboriginal people and the same sorts of solutions to the problems. We all seek the same ultimate goal. Of course, there are differences of opinion about how one gets there. That is what politics is all about. What we all do as politicians is strive to achieve the same end on a whole range of issues, but invariably we disagree on how to get there. That is the nature of human beings.

There is a view held by some people that the only way to solve the "Aboriginal problem" is to keep spending large sums of money. I have watched that process over the past 20 years of my political career and in most cases I have seen vast amounts of money wasted. Even if it has not been wasted, it has not achieved the sorts of results

anticipated when the programs were initiated. It is proper for Governments to ask whether the funds that have been allocated to Aboriginal affairs or any other area of government expenditure have been spent properly, efficiently and wisely, and to reduce those funds if it is agreed they are not necessary or can be spent somewhere else. What we have seen in Australia for quite some time is Governments of both persuasions spending very large sums of money on programs which have been designed to improve the lot of Aboriginal people but which in many cases have not been successful. One of the problems is that they have not been targeted at the areas that need the most attention. I refer to health, education, training, housing and employment - the sorts of issues that lead to a more productive and beneficial lifestyle.

A lot of energy has been utilised over the past 15 or so years in Aboriginal affairs to create a situation where we might have within Australia two nations. The concept of the makarrata was around during the Fraser days. As part of the concept of reconciliation there is talk about some form of formal document recognising a "treaty" between the Aboriginal people of Australia and everyone else. I do not believe that that sort of approach is part of reconciliation at all: It creates the possibility for further division. One of the things I have noticed throughout my electorate and throughout Australia in recent times, particularly following the Mabo decision, the ongoing granting of land rights in places like the Northern Territory, the disputes about mining in many parts of Australia, the deals that are being done involving native title, the problems that surround the provision of land in parts of the north west for tourism development, and all those sorts of problems that have arisen perhaps out of a well-meaning set of proposals by the Federal Government and others, is that it is leading to a situation where the division is getting greater. I may well be wrong, and I hope I am. However, I have never witnessed such anger, frustration and division as I have in recent times. That is of great concern to me, because I fear that there will be violence in some parts of our State unless we can deal with some of these issues. I am not laying the blame at anyone's feet; I simply understand the frustration and concerns raised by many people, both Aboriginal and non-Aboriginal.

One of the great ironies of Australia's attempts in this process of reconciliation is that we are going in exactly the opposite direction. The very word "reconciliation" assumes that one is coming from a position of antagonism and seeking to reach a position of collective support. I have the feeling that it is going in the opposite direction and that what we are creating in Australia is the potential for two quite disparate racial groups that behave differently and operate under different rules. I wonder if it is in the best interests of Australia. It is not what I would call reconciliation. Unlike Hon Tom Stephens and Hon Tom Helm, who also made a speech in this debate, I do not know what are the answers.

Hon Tom Helm: I did not speak in this debate.

Hon N.F. MOORE: The member must have spoken on a previous occasion, maybe in a previous debate.

Hon Tom Helm: I will check.

Hon N.F. MOORE: I would be grateful. It may be that the member spoke in some other debate.

Hon Tom Helm: There have been times when I have had something to say about Aboriginal affairs.

Hon N.F. MOORE: I acknowledge that the member has spoken on a number of occasions on the subject. I was trying to make the point that both members when they speak on these issues give me the impression that they believe they have all the answers. That impression is created in my mind because of the very forthright and strident approach they adopt about what should be done and the very severe criticism they level at anybody who does not go down the path they believe is appropriate. I come back to the point that they were on this side of the House for 10 years. It is not good enough to say that all the problems have been created since 1993; they certainly have not.

Hon A.J.G. MacTiernan: Over those 10 years substantial achievements were made.

Hon N.F. MOORE: I suggest to the member that instead of interjecting on me she get in her motor car and drive around Western Australia and talk to a lot of people, not just the people with whom she might normally associate. I suggest she ask them what they think about what is happening in Aboriginal affairs. I think she will find that what I am saying is correct; there is a very serious problem. It is not good enough for Hon Tom Stephens to tell us what we should be doing to fix the problems when he has already had a go at it and did not fix the problems. The problems are still there; they are fundamental; they are basic. Those problems are very, very difficult to resolve. I do not know what are the answers. All I can say and do as a person who does not fully understand the Aboriginal psyche, and I never could because I am not an Aboriginal person, is to do what I believe is appropriate in the context of modern Australian society to enable Aboriginal people to play a significant role in and to gain satisfaction from being part of this society. What I have done as a Minister, regardless of Hon Tom Stephen's views, has been quite significant. I am the worst judge of myself of course, but I know more about what I have done than anybody else does because I live with myself all the time.

When I was a schoolteacher a long time ago, the last school I was teaching in was at Laverton, where a significant number of the students were Aboriginal children. Prior to that I taught in Karratha, where a large number of students were from Roebourne and were Aboriginal students. I have a fundamental belief that if we are to provide anything of any substance to the Aboriginal people it has to start in our schools; not in year 1 but rather at about the age of

one or two. What happens is that the vast amount of the early education that children have in our community is gained through the socialisation processes of living in a family or community before they go to school. When non-Aboriginal children attend year 1 they have had a significant period of socialisation in the sort of culture we have in this country. They may well know how to count, know their colours and a whole range of things that are part of the ongoing education process in our system. My experience has been that when many Aboriginal children start year 1, they are already two or three years behind the non-Aboriginal children in the class.

Hon A.J.G. MacTiernan: Quite often they have not even held a pencil.

Hon N.F. MOORE: That is exactly right, and that is the point I am making. Those Aboriginal children have not had the two to five years of socialisation that non-Aboriginal children in most cases experience.

Hon A.J.G. MacTiernan: They have had socialisation.

Hon N.F. MOORE: I could sit down and the member could make the speech for me because for once in her life she is on the right track. The point I am trying to make is that the education system in Western Australia and the requirements of school are "taught" at home in most non-Aboriginal families. However, in many Aboriginal families they are not taught. Therefore, many young Aboriginal children start off well behind the eight ball compared with some of their peers when they first start school. I have been a strong advocate, and as Minister I am an even stronger advocate, of providing a far superior early childhood education system for Aboriginal children. Whether we or Aboriginal people like it or not, Aboriginal children will grow up in what is essentially a European society. Although some may wish to remain in a traditional Aboriginal society, it is simply not possible in view of the changes that have been made in Australia since 1778. It is necessary for Aboriginal people to have an understanding at least and a capacity to be part of our European society. I use the word "European" in its broadest sense. It is necessary for Aboriginal children to learn at school the subjects that non-Aboriginal children learn, such as counting, colours, reading, writing, working computers and being involved in physical education and sport, understanding history and geography.

Hon Tom Helm: Are you talking about assimilation?

Hon N.F. MOORE: No, I am talking about the reality of modern Australian life. If Hon Tom Helm believes it is possible for Aboriginal people to live a totally Aboriginal lifestyle, quite separate and independent from the rest of the community, I suggest it is not possible, even if somebody wants to do that.

Hon Tom Helm: Can you describe what is an Aboriginal lifestyle?

Hon N.F. MOORE: I probably could if I were to rely on what I read, but I have not lived an Aboriginal lifestyle, although I witness many people who do. However, my reading tells me that the sort of Aboriginal lifestyle that is being lived these days by many Aboriginal people in remote parts of the State is quite different from the sort of lifestyle that was lived prior to 1778 or contact with European people. It is a modified system. Interestingly, the European lifestyle has probably been modified by the influx of other races within our community. Societies change because people with different views and cultures become intermingled. It is only my opinion, which may be proved to be wrong, but early childhood education for Aboriginal children is absolutely vital if they are to get a reasonable start in the education we provide in the schools in our country. During my teaching days I watched Aboriginal children coming along in year 1 as bright-eyed, bushy-tailed delightful children who were happy and gay - in the former sense of the word - and quite delighted to be at school and intermingling with the rest of the class. Generally they enjoyed being at school. Then over the years I watched as they went through their primary school days and got further and further behind in their educational achievements to the point where once they reached secondary school there was no enthusiasm whatsoever for learning and a dull resistance to being at school. As a consequence, disciplinary problems arose, achievement was nil and eventually those people in many cases dropped out from the education system. What I am saying in a round about way is that early childhood education is absolutely vital if we are to give Aboriginal children an equal chance in the education system. As part of that, I as Minister for Education and others have spent a great deal of time looking at early childhood education right across the board, but with particular emphasis in some of the programs for Aboriginal children. I will continue to argue that is one area in which we have to do a great deal.

Also, because of my interest in Aboriginal education, as Minister I set up an Aboriginal education and training council. I did so because it seemed to me that we needed to have a body of people who understood the needs of the Aboriginal community and who also understood how the system worked. We brought onto the council Aboriginal people who were highly regarded in their communities - we sought to get people from across the State - and I also put on that council the chief executive officers of those agencies which provide education and training. The requirement was that there would be no deputies and those CEOs had to turn up for every meeting. I appointed Rev Cedric Jacobs as the chair of that council and provided the funds and resources to enable it to do its job. That structure is considered by many people in other parts of Australia as a very appropriate way to go about making decisions about Aboriginal education. If members opposite do not believe me, I suggest they ask some of the people who are involved in the federal bureaucracy who will tell them that that is a good model for getting the right advice and making sure that the decision makers in the bureaucracy are receiving the right advice on a regular basis. There

is a requirement for them to advise the Minister whether they are doing what is necessary to be done. This is an arrangement that will, in time, pay real dividends because it will give us a chance not only to get the Aboriginal perspective on education, but also to tie that in with what can be delivered by those agencies that deliver education and training.

Hon Tom Helm: Would you make that report public?

Hon N.F. MOORE: I hope so. I am not the Minister any more. It does not come under my jurisdiction. I hope it reports on a regular basis.

Hon Tom Helm: Is it obliged to?

Hon N.F. MOORE: I cannot recall. It would be required to inform the Minister of what it wants to do. The whole idea is to provide advice to the Government about what should be done. I have no problem with that becoming public. That is what it is about. I also re-established the Aboriginal education branch in the Education Department. For a long time there was one with a superintendent of Aboriginal education in charge. For some reason the previous Government got rid of those positions. I do not know why. It may have felt there should not be a particular branch in the education system that looked after the interests of Aboriginal people. I believe it is necessary to have that sort of branch. I made sure that it had on it people like Bernie Ryder and Ken Wyatt who are Aboriginal educators and who have the capacity to make a significant contribution to Aboriginal education. That decision was important not just because there are people in that branch who understand Aboriginal education and can tie it in with what the Education Department is doing, but also because they are advocates for Aboriginal education. They work within the bureaucracy and promote and advocate the needs of Aboriginal education. They have the status to do it.

I was delighted at the work being done by Aboriginal educators within the Education Department. One of the most moving experiences I had as Minister was to attend an awards night when awards for education and training were made not only to students but also to teachers on the basis of submissions that were made by their communities. A most moving experience for me was to see an Aboriginal female teacher receive an award and watch the tears roll down her cheeks when she said that it was the first time anybody had thanked her. That sort of recognition is coming out of the Aboriginal education branch, which is doing its best to create role models in education and to make sure that education is appropriate and that we have culturally appropriate educational programs in our schools.

Hon A.J.G. MacTiernan: Are these programs funded by specific purpose grants from the Commonwealth? I am just curious.

Hon N.F. MOORE: Why must the member take that attitude? All she talks about is money. She believes that if we chuck a big bucket of money at a problem, it will go away. If the member had been listening to the first half of my speech, she would have heard me say that is not the answer. The answer is not buckets of money. It is the right policy.

Hon A.J.G. MacTiernan: I am asking a question.

Hon N.F. MOORE: I do not know the answer to the member's question because I do not know the detail of the federal Budget. However, I do know that if we do not get the processes right in the first place, it will not make any difference how much money we throw at the problem; it will not go away. The member should not ask questions that she knows I cannot answer. That is the second major achievement in Aboriginal education in the last couple of years. I do not resile from that decision. I would be interested to know whether Mr Stephens thinks that was a good idea. He has spent a fair bit of time being critical. At the other end of the education spectrum, bearing in mind that what I have been arguing up to now and will always argue is that Aboriginal children need to get a good start so that they can continue to maintain progress through the education system so that they do not become failures and drop out. It is necessary that Aborigines have an early start in education. Once we have gone through the education process, it is vital that we put in place proper training programs which will allow Aboriginal people and everybody else to be gainfully employed once they have left of the education system.

Something that I noticed when I became Minister was that a large part of my electorate, the Kimberley, was completely unserved by the TAFE sector. I was told that the previous Government had told the department not to spend money on training or on TAFE colleges in the Kimberley because it was a safe Labor seat and the previous Government wanted to spend money in a more marginal area.

Hon A.J.G. MacTiernan: Who said that?

Hon N.F. MOORE: That was the view of people who work in the department. When I looked at where the money was being spent I noticed that they were right.

Hon A.J.G. MacTiernan: Were they politically biased?

Hon N.F. MOORE: Not at all. They said they were told not to spend money in the Kimberley. I asked them why not and they said because it was a safe Labor seat.

Hon A.J.G. MacTiernan: Are you are saying that is what Labor said?

Hon N.F. MOORE: That is what they said. I will say it again for the member. When I became the Minister I said to them that there was nothing in the Kimberley and asked them why not. They said it was because they were told not to spend money because it is a safe seat.

Hon A.J.G. MacTiernan: Who told you that?

Hon N.F. MOORE: Does the member think I will go through the names of the bureaucrats who told me that? The member should not be so silly.

Hon A.J.G. MacTiernan: Was it your staff?

Hon N.F. MOORE: They were not my staff. They were people who work in the department. I had a look at where the money was being spent and found that a lot of money had gone to the Joondalup campus, which Hon John Halden has spent a lot of time criticising. I also noticed that a lot of money was being spent in marginal seats. I said that the Kimberley needed TAFE as did the wheatbelt and now they both have one. I made the decision - there are no votes in the Kimberley for me as Mr Stephens well knows - on the basis of need that the Kimberley College of TAFE should be established. I was annoyed that every second tertiary institution in Western Australia was setting up a campus in Broome so that people could go for winter sojourns and there was nothing in Derby, Fitzroy Crossing or at Halls Creek and there was only a little shed in Kununurra. I am sure Mr Stephens has been to it; it was not even airconditioned. That was TAFE in the Kimberley. Currently there is a new facility worth \$3m in Kununurra which is the headquarters of the Kimberley College of TAFE, a significant facility at Halls Creek alongside the school, a facility the department shares with the Yiyili community at Fitzroy Crossing and a facility at Balgo; and funds have been allocated from this Budget of \$1.5m for the Broome facility and \$500 000 to Derby. I believe that the Aboriginal communities in the Kimberley need us to provide appropriate and meaningful training. Many people said they had got through the secondary school education system, which is a significant achievement for many young people, but they had nowhere to go after that. Perth is too far away and many Aboriginal people do not want to move to the south. They want facilities in their areas. It was not enough to have a branch of Edith Cowan University or the University of Notre Dame Australia in Broome. It was necessary to provide vocational education and training across the Kimberley, and the Government is doing that. In addition, the college will provide distance education to communities throughout the region. I regard that as a significant achievement, even though Hon Tom Stephens may not, of which I am very proud. Spending money in the Kimberley will not make any difference to my pay cheque; the money had to be spent there. I hope that Hon Tom Stephens will acknowledge that one of these days.

On the subject of vocational education and training, when I became Minister for Education I inherited as part of the Education Department the Pundulmurra establishment in Port Hedland which was an absolute disgrace. It was worn out, it had appalling facilities and equipment, and it was a backwater that did not belong to any part of the Education Department because there was no Aboriginal education section at that time. The college was trying to do something for Aboriginal children who wanted a different range of training opportunities. I decided it should be made into a community college. Someone suggested it should be attached to the Hedland College but I decided against that because the Aboriginal people wanted significant involvement in a facility that related to their needs. They did not want to be part of the Hedland College. I agreed. However, I decided that the council would comprise not just Aboriginal people, but also non-Aboriginal people who had the expertise to make it work. The Government has allocated \$3m to that college in the last couple of years, making it into a community college and giving it its own council. The difference between the college when I became Minister and now is the same as the difference between chalk and cheese. Hon Tom Helm was good enough to acknowledge the improvements on a previous occasion. I appreciate that and we both know it is going well. However, I am aware that the college has some problems at the moment which are brought about by the difficulty of getting the right staff to work in the college. The department is trying to find ways and means of making it more attractive. Pundulmurra College is a significant achievement of this Government because it is able to provide a range of training opportunities that were not available previously. I regard it as a particularly significant achievement in Aboriginal education. I do not want to talk all night on this subject. I have a list before me, which I will not read -

Hon Tom Stephens: Would you like to have it incorporated in *Hansard*?

Hon N.F. MOORE: No, it is in speech form.

Hon Tom Stephens: I would love it to be incorporated in *Hansard*.

Hon N.F. MOORE: It is not necessary to have everything incorporated in *Hansard*. The member should not be silly. I will give him a copy afterwards, but I do not propose to table it because it is written in a style which I would not normally use. When I was Minister for Education and Hon Tom Stephens' speech was made in this House I was not the only person who was incensed. A number of people working in the Education Department in the then Education Policy and Coordination Bureau were incensed at what they read, not because Hon Tom Stephens was criticising me but because he was criticising them. They were working to the best of their ability as part of my

portfolio and they believed they were achieving things. They went away and of their own volition put together an 88 page document. They asked me to read it in the House but I do not intend to do so because it is not in a style I would normally use. This list contains not things I have done personally, but things that have been done in the three and a half year period of this Government which the officers believe are appropriate and proper and are achieving good results.

We still face in this State situations such as the incident at Halls Creek recently. There are significant problems with alcohol throughout Aboriginal communities in Western Australia. There are very serious problems with regard to the way in which the native title action is being handled. There are very serious problems in the level of education and training being achieved by Aboriginal people, the level of health, quality of housing and number of jobs. We have a long way to go, but passing motions in this House agreeing to reconciliation will not make the slightest difference to the average Aboriginal person in Western Australia. Hon Tom Stephens may feel good telling us that we should pass this motion, and it may make him feel warm with an inner glow. It must be acknowledged that we all share Hon Tom Stephens' ultimate objective, but we do not necessarily agree on the way to get there. There is no lack of desire, enthusiasm, energy or determination on the part of the Government to resolve the many disadvantages that many Aboriginal people suffer.

In conclusion, I point out that many Aboriginal people are not disadvantaged. Many Aboriginal people in our society do not in any way consider themselves disadvantaged and many have made a significant contribution to the community and to the way in which they run their families and are involved in a range of community activities. Many people of Aboriginal descent fall into that category and I meet them everywhere I go. It is wrong to suggest that every Aboriginal person is disadvantaged. One needs to look back and consider in retrospect why many of those people are as they are. It raises questions about the role of missions and the policy of children being taken from their parents. It was an appalling policy, but I have been told by some Aboriginal people that it was the best thing that could have happened to them. As a parent I find the idea of children being removed from their families abhorrent. However, some Aboriginal people say that that policy enabled them to achieve what they have in life. That is one of the great ironies of this debate.

It should not be a debate, but members of Parliament should have enough maturity to recognise the problem and discuss the different ways and means of resolving that problem, rather than listen to a tirade such as that we heard from Hon Tom Stephens. On two previous occasions he spoke in a more conciliatory manner and it is regrettable that he adopted that approach on this occasion. I could list all the things that have been done but, in the same way as the 10 years of Labor Government did not solve the problem, the three and a half years of coalition Government has not solved the problem. It will be a long time before the problems we are talking about completely disappear. The Government is happy to support the motion but, as I said previously, it recognises that passing motions in Parliament and talking about this matter will achieve very little in the overall scheme of things.

HON DERRICK TOMLINSON (East Metropolitan) [9.59 pm]: I support Hon Tom Stephens' motion. I listened to the latter part of Hon Cheryl Davenport's address. I heard the sadness as she spoke about Rob Riley; I understood that sadness. I did not share it because I did not know Rob Riley. Early in my career as a member of Parliament I had some interaction with Rob Riley. When I had the title of shadow Minister for Justice the Parliament dealt with legislation which impinged directly on justice for young Aboriginal people particularly. As a result of Rob Riley's position in the Aboriginal Legal Service and my position as the shadow spokesperson for justice we met on several occasions to discuss our mutual concerns and our divergent points of view. I cannot pretend that in that time I came to know or understand Rob Riley. However, I came to respect him. I sincerely hope that he came to respect me. I do not think he understood me, just as I did not understand him, because we saw the world through different eyes. I am urban white Australian and I look at the world through the eyes of white education.

My earliest memories of Aboriginal people belong to a time certainly before I was at school. I lived in Riversdale Road in the shadow of the smokestacks of what is now called Cockburn Cement Ltd. In those days it was called Swan Cement Ltd. I was a poor, white Australian. It was a time before poverty and before social status impinged itself on my consciousness. However, I was certainly a poor, white Australian living in the shadow of the smokestacks of Swan Cement. Occasionally an old man walked along Riversdale Road with a length of what I suppose was the branch of a tree over his shoulder. It was stripped of its bark and had a fork at one end. We called this man the prop man. I notice Hon Cheryl Davenport nodding. Her prop man probably was a different prop man. He walked along the street crying "props, props" so I came to know him as the prop man. What was interesting about this preschool Derrick Tomlinson, who was unaware of social status, class or race, was that this poor, white Australian understood that in some way he was superior to the prop man. He was also fearful of the prop man because he neither knew nor understood him. Nonetheless he felt superior because as the prop man disappeared into the distance saying "props, props" this three or four year old white Australian was able to likewise yell out after him "props, props" from his position of superiority. That was my first vision of the Aboriginal people through the eyes of a white Australian. The education I had did not enlarge my vision of Aboriginality. I can remember my primary schooling at Rivervale State School and I recollect vividly the lessons we had on the Dutch people and their houses and cleanliness. I can remember the enthusiasm with which I coloured in the bright red tulip in my activity book. I knew all about the Dutch. I learnt about the Italians and a group of people whom we called the Islanders or the

fuzzy wuzzies. However, I do not recall at any time learning about Aboriginal Australians through the duration of seven years of primary schooling.

For the first three years of my secondary schooling my history text book was written by a gentleman whose name is indelibly printed on my memory, G.V. Porteous. His book, *Australia Since 1606*, began with the Portuguese, the Dutch and the English. We learnt about Janssen, Vlaming and Dampier and about Rottneest, whose name was a perversion of "rats nest", a name given to it by the Dutch. We learnt about Captain Stirling and about Australind. We did not learn a thing about Aboriginal Western Australians. We learnt all about the riddle of the rivers. We could recite the journeys of Sturt, Burke and Wills and Leichardt. We knew the Murray, the Murrumbidgee and Lake Alexander; but we did not know a thing about the Aboriginal people. We learnt about Captain Cook and his encounter with the Aboriginal people in what became Botany Bay. We learnt about Governor Phillip and the reconciliation, as it was then called, with the Aboriginal people; but we learnt nothing about the Aboriginal people.

I proceeded to university and in the second year of my undergraduate studies I undertook a course of Australian history. One of the books we were required to read was a book called *Australia* by Gordon Greenwood. He was then considered the foremost historian of Australian history. The first chapter of his book was related to prehistory; in other words, events which occurred before 26 January 1788. We were not required to read it. The history of Australia began on 26 January 1788 and I became an expert - a little drip - on the convict system. I understood the Pentonville scheme. I could recite the crimes for which people were transported to Australia for five, seven or 10 years, or for the term of their natural life. I graduated to reading novels such as Marcus Clark's *For the Term of His Natural Life*. I read everything about colonial culture. I became deeply interested in and read the history of the emergence of the industrial labour movement in Australia, the union movement. That is when I became a Liberal.

Hon Kim Chance: You mean you did not understand it?

Hon A.J.G. MacTiernan: It is just as well you didn't study the Aborigines or you would have joined the Nazi Party.

Hon DERRICK TOMLINSON: In all that time, I did not learn anything about Aboriginal Australians. Like Hon Norman Moore, I was for a brief period of my life a teacher. I think that was when I had my first encounter with Aboriginal people. Teaching at Geraldton, for the first time I had a full blood Aboriginal person in my class. She was one of the most delightful young ladies I taught. She was a beautiful girl - intellectually, physically and in every sense. She had a beautiful personality. I enjoyed teaching her. At the end of second term she said to me, "Mr Tomlinson, I won't be back next term." I did not quite get the message. I said that I was sorry to hear that and I asked her why. She said that she had to return to Broome to look after her grandmother. I said that surely there was somebody who could look after her grandmother. She looked at me in the most puzzled way. I saw her again about two years ago. She recognised me; I recognised her. She was a vastly different person from the young lady I had taught in Geraldton in 1965. The vibrancy, the vitality, the enthusiasm and the joy of living was gone. She was just another Aboriginal person, without self-respect, without hope, without aspiration, and without ambition - something had drained those things from her.

I stand here and confess that I look upon Aboriginal Australia through the eyes of my white education. Certainly I can read the anthropology and the archaeology, and I can intellectualise the whole process and concept of Aboriginality, but I do not pretend to understand it. I think my education on Aboriginal Australia really began when I became a member of this place.

I have already spoken about my interaction with Rob Riley. I remember two memorable occasions. On one I was undertaking a task on behalf of the Minister for Education and I visited the Aboriginal community of Warburton. I was an urban educated white Australian, visiting for the first time a remote Aboriginal community. I flew into that community. My impression is encapsulated in a single expletive, which is unparliamentary; therefore, I will not make the statement here. However, I confess that I was aware of being an alien in my own country. When I think in terms of being an alien in my own country and then relate that to Warburton and shortly after to Warakurna, I realise that I was not an alien in my own country; I was an alien in somebody else's country. I was the minority. I could not understand their world. I could not relate to their world; neither could I appreciate what looked to me like hopelessness, purposelessness, powerlessness, and the alienation of those Aboriginal people in what they regard as their own land.

It created an indelible impression on me of the education of Aboriginal people because, like Hon Norman Moore, place a great deal of value in education. I believe sincerely and strongly that one of the hopes for reconciliation of Aboriginal people, of achieving justice and equity for Aboriginal people, is in education. However, I looked at the education of Aboriginal children in those remote communities and I realised that in the equivalent of 12 years schooling, their total attendance is the equivalent of three years continuous schooling. It is not surprising that in the equivalent time of schooling of three years, at the end of 12 years they achieve the equivalent level of competence: They perform at a year 3 level of literacy and numeracy.

As much as I have some great hopes and aspirations in education as a means of the upward progress of Aboriginal people, I cannot be impressed by the fact that they are underachieving in a very real way. I then ask: Where do we

start with the education of these people? Where do we begin with the education of people who come to school undernourished, hungry, unwashed and uncomfortable; who come to a school that is totally alien to their experience; who listen to teachers who speak a language that is not theirs and which they do not understand? How do we teach a child whose middle ear infection means that he or she has 25 per cent hearing in the left ear and perhaps no hearing at all in the right ear? How do we teach a child whose vision is impaired by glaucoma? How do we teach a child whose respiratory infection means that the child is so debilitated that learning becomes meaningless? How do we teach a child who goes home with his or her homework, as is expected in our white man's school, to a home that is not supportive of and not conducive to school learning? My child comes home with his mathematics problems and swears and rants and raves and then says, "Dad, show me how to do it." He gets the feedback and the assistance because fortunately he has a dad who has the benefit of the white man's education and who can steer him through the white man's education. What about that Aboriginal child? As much as I share the hopes, aspirations and expectations of education, I do not believe we can separate education from housing, health, general wellbeing and real employment for these people. Until education has meaning, until education leads to employment, and until education leads to social and economic security, it is meaningless and will be undertaken without commitment. That experience left me with some feeling of hopelessness, and I ask the question: Where do we begin? To be honest, to this day I do not know where to begin. However, we must ask that question, and ask also: Why do it in the first place?

My other experience as a member of Parliament has been a much more uplifting one. Some two years ago - Hon Tom Stephens will provide me with the date - I was privileged to visit Broome at the time Bishop Jobst was retiring as the Bishop of Broome. I am not a Catholic. I do not pretend to understand the Catholic Church, nor the rituals of the Catholic Church. However, I assembled with the people of Broome at a farewell for Bishop Jobst. I confess I sat there with some amusement looking at the bishops and the priests in their regalia. I could not help feeling out of place in this outdoor setting in Broome. In the service when it came to the moment when the gospels are delivered - I wonder whether that is the right term -

Hon Tom Stephens: That is right.

Hon DERRICK TOMLINSON: - there was a pause for some preparation at the back of the gathering. One did not turn around to look at what was going on because that would have been disrespectful. We sat, waited and listened. Out of the darkness came one of the most eerie, yet one of the most beautiful, hymns I have ever heard. I use the word "hymn" because I do not know what the appropriate word is. When I heard that, I could not resist turning around to observe what was happening. I watched a group of Aboriginal people moving down the equivalent of an aisle in this open air service singing, chanting, or whatever the correct term is - as far as I was concerned, it was singing - in the most beautiful manner as they delivered the gospels. What I sat and observed was a melding of two cultures: One which was totally alien to the environment - that is, the culture of the Catholic Church with all of its white robes, its pointed hats, its crooks, its stave and its sprinkling of water, and so on - but very much a part of the white culture of Broome; the other being the culture of the Aboriginal people who delivered their gospels in their way, in their language. I saw the two cultures come together. I must confess at that moment - it is not a moment of revelation; I will not pretend it was; I did not fall down and see visions - for the first time I understood the meaning of reconciliation. In that instance it was the bringing together of those two cultures, a melding of them where each had equal respect for the other. The bishop was no better than the Aboriginal people whom he embraced and who embraced him.

In preparation for this debate I followed the voice of my education. For some time I have been wondering what the word "reconciliation" meant in the context of this motion; that is, reconciliation between indigenous and wider Australian communities. The voice of my education said that if I did not know what reconciliation was, I should go to the font of all wisdom in the English language, the *Oxford English Dictionary*. I looked up the word "reconciliation" in that dictionary. It states that it means the action of reconciling persons or the result of this. If reconciliation is the act of reconciling, what is reconciling?

The dictionary gave me a choice of alternatives, a multiple choice test. First, was to bring a person again into friendly relations to or with oneself or another after estrangement. I certainly could have been reconciled with my first wife after our estrangement, and I think we were. We have been brought into a friendly relationship. However, I do not think this motion talks about that form of reconciliation. We are not talking about bringing together persons into a friendly relationship after an estrangement. We never had a friendly relationship with the Aboriginal people; we have always had the relationship of the ruler and the ruled.

One of the fictions of my education was that when Australia was colonised, as was the custom in British colonies, the indigenous people assumed the rights and privileges of English gentlemen. The phrase in the text book stated that indigenous people under English colonial law assumed the rights and privileges of English gentlemen. I do not believe for one moment the Aboriginal people have ever been given the rights and privileges of English gentlemen. I reject that notion of reconciliation, that there was ever a friendly relationship. I reject the notion that there was ever an estrangement. There was never a meeting of the two.

The next choice given in the dictionary is to win over the friendship with oneself or another. Again the friendship

was never there. The voice of my education tells me about the subjugation of the Aboriginal people and, again from G. V. Portus, about a gentleman called Batman who bought what is now Melbourne for a few handkerchiefs and mirrors. I recall the stories of the sugar and the flour and also of the sugar and flour laced with arsenic. I recollect the history of not only subjugation but also decimation of Aboriginal people. I believe this winning over again to friendship with oneself or another is not an appropriate meaning of reconciliation in this context.

The next meaning given is to set estranged persons at one again, to bring back into harmony or concord, to reunite. To reunite assumes a unity in the first place. It is not that form of reconciliation. It also states that it means to bring peace, favour, etc and also to bring back, to restore, to readmit to the church. The Aboriginal people were never there. It defines reconciling as to purify by a special service after profanation. Again that was never there for the Aboriginal people. The last choice given by the dictionary for reconciliation is to conciliate, to recover a person's favour, to gain credit but, most importantly, to bring into a state of acquiescence.

Disregarding what happened in 1991 in the Commonwealth Parliament, I agree with this definition: Supporting the concept of reconstructive conciliation between indigenous and wider Australian communities. In acknowledgment of this support, I adopt the vision of the Council for Aboriginal Reconciliation; namely, a united Australia which respects this land of ours, values the Aboriginal and Torres Strait Islander heritage and provides justice and equity for all.

A concept which derives from my education is that Australia is an egalitarian community. There is some degree of myth in that, but it is a myth I have embraced. Australia is an egalitarian community, in which mateship is important. People care for one another, not simply because there is some form of profit in it, but simply because they share human compassion. One looks after one's mates. That is the sort of Australia that I was brought up to believe in, to honour and to love. I stand in support of reconciliation between the indigenous and the wider Australian community in the sense of providing justice and equity to those people. We have a long way to go. Indeed, we have a long way to go in the education, health and housing of, and economic security for, these people.

I join the Leader of the House when he said that the answer to this issue does not lie in throwing money at the problem. We throw money at the education of Aboriginal children who suffer all the disadvantage to which I have referred, yet the gains are marginal - if there are any gains at all. We throw money at the health of Aboriginal people, and then put them back into houses where hygiene, diet and care is such that health rapidly deteriorates. The housing provided is inadequate. We do not give them skills to make them employable and economically independent. Therefore, throwing money at education, housing or whatever, achieves nothing.

However, things might be different if we give them their education and health and make them responsible for those matters. If we give them back their self-respect, self-determination and dignity, we will then be talking about reconciliation. Giving them welfare handouts serves only to make them dependent on our society. Certainly, give them a helping hand. Reach out the hand of mateship and help them up. However, do not give them the welfare that holds them down. Give them the notion of justice and equity, as when they know justice and equity, they are part of it. I wholeheartedly support Hon Tom Stephens' motion.

[Resolved, that the House continue to sit beyond 11.00 pm.]

HON MURIEL PATTERSON (South West) [10.35 pm]: Although I have agreed with a great deal of what has been said, I will look at another area of this debate. Early in my political career, I had a concern about the bad publicity dished out about Aboriginal kids and black deaths in custody. Nothing was discussed to which young people could aspire. Therefore, I decided that we should be talking about the indigenous people's achievements. I am grateful that this House granted me the opportunity to chair a Select Committee on the Achievements of Indigenous People of Australia. It was my privilege to have on my committee Hon Derrick Tomlinson and Hon Tom Helm. After we finalised the committee's report and after travelling a great deal of Western Australia and interviewing a varied and large number of people, each of us moved from our original opinions. The three of us started with a wide variety of opinions to come pretty close to seeing things from each other's viewpoint. Throughout my electorate I often speak to our Aboriginal citizens. Like other races, the Aboriginal people are varied in this nation, and I do not like to see people lumped together by saying that something about Aborigines covers all indigenous people: They are individuals.

Tonight I share with this House a recent privileged experience: A couple of months ago I went to a church service in Albany, at which the guest speaker was Pastor Harley Heywood. I took particular interest in this speaker because he was of my children's age. He is an Aboriginal man educated in Albany, and later in the city. During his well thought out and constructive sermon he mentioned reconciliation. I must be honest; I thought "Heck, here we go; he will use this as a political opportunity." Not so. He said something that I think touched everybody at the service; namely, that reconciliation cannot come from government and cannot be legislated, and that people cannot be told what they must feel. Reconciliation comes from the heart. He went on and spoke of his concerns in the Aboriginal community. This story never reached the media as it was not dramatic enough.

Twelve years ago in the Balga area Pastor Denzil Humphries had a vision of an Aboriginal church. He felt that kids should not be on the street. Members know that many Aboriginal people, about 6 000, live in the Balga area, and

many of them are unemployed and have problems. Many families have concerns with peer groups, as kids move into gangs, and a lot of concern has been expressed by responsible people. Pastor Denzil Humphries said that the community needed its own church instead of using other buildings because it would give to the kids a sense of belonging. The community went to the local council, and I will not go through the long story of its trying to obtain land. As members would imagine, the local council was concerned about having an Aboriginal building in a built-up area. It thought there may be problems with it and the building may not be completed. In addition, it thought it would lead to vandalism in the area. However, the community was granted land at 4 Penrith Road and it is in a central location.

On saving \$40 000 towards building the church the community decided to go ahead with the building and to undertake a lot of the physical work themselves. In other words, it was a self-help project. While they were building the church many people donated money because they could see that something was happening. It was a great time of fellowship. I am sure that country members understand that concept more than city members. Country people tend to make great friends when working on community projects.

On 4 August, 12 years after commencement, the church was opened and is called the Northern Area Aboriginal Evangelical Church. It is an absolute credit to the people involved in the construction of the building and I suggest to members that they should take the opportunity to look at it. It includes a conference hall, the church and classrooms and is set in a very attractive landscaped garden. During the construction of the building I was asked whether I would attend the official opening of the building and I said that if I was able, I would do so, and I am very glad that I did.

I referred earlier to 6 000 Aboriginal people, many of whom are kids, with whom these people work. Many of them are street kids and not all Aboriginal children. The pastors and elders of the church told me that they worked with many white Australians. The difference they found between the two cultures is that in an Aboriginal society if the kids go off the rails - for example, glue sniffing - or have antisocial tendencies, their family, even though they are greatly upset, will not throw them out of the home. I am afraid that cannot be said about white families. When white children go off the rails - for example, they become involved in drugs or the girls become pregnant - they are often shown the door because they are a disgrace to the family. The point was made that white Australians must take responsibility and care for their children even if they bring shame on their families.

I come back to the opening of the church which I attended. The member for Nollamara and the member for Kenwick were also in attendance. About 400 people, mostly Aboriginal people, were in attendance. We were welcomed by the church elder, Dennis Taylor. There was a grand band, which included some talented musicians. The building is well amplified and the singing was absolutely terrific. The singing was led by Alan Eade, another church elder, and it was an inspiration to hear them singing "Amazing Grace" and "How Great Thou Art".

Pastor Harley Haywood thanked many people, including a 14 year old lad. A small presentation was made to this lad because after school each day he would leave his mates who were playing football, or whatever, to work on the construction of the church. His friends tried to entice him to play with them, but he would not do so because he was too interested in the building. His ambition is to be a builder and his father told the people working on the site to work him hard so that he could find out what it means to be a builder. This lad worked throughout the entire project. Pastor Denzil Humphries officially opened the church, and rightly so because he had the original vision to commence the project. The message was delivered by Pastor Clive Hayden, whom I do not know. It was an inspiring experience to listen to the people who led this project. They are educated men and I know that Harley has visited the Bronx in the United States, and Korea and a number of other countries. He has a lot of experience behind him. He could not be called a charismatic guy and one wonders how he came to be leader of these people. There was certainly something about this guy and he knows where he is going. I am sure that is the reason that many people follow him. He is giving them a sense of faith and security.

Tonight members have spent a lot of time talking about money and the cost of Aboriginal support. I advise members that this building, which is valued at approximately \$250 000, was paid for by the Aboriginal community. Not one cent came from the Government. The pastors believed that for the Aboriginal people to regain their pride and self-esteem it was necessary for them to pay for this church. They do not consider themselves to be disadvantaged and they wanted their own spiritual home to share with all Australians. I will look back on this project as one of the greatest achievements I have seen. The opening was delightful and I took photographs, copies of which I will send to the church community.

Earlier, Hon Derrick Tomlinson said there is still a long way to go. In this case we are well on the way.

HON TOM HELM (Mining and Pastoral) [10.50 pm]: I, too, am proud to support the motion tonight. I have been looking forward to joining the debate and perhaps explaining to members on the other side of the Chamber in as kindly a way as I possibly can some of the directions we should be taking and pass on some of what I have learned as a member for Mining and Pastoral Region. I share similar emotions to my colleague Hon Cheryl Davenport, except that rather than being sad about the things that confront me around my electorate I get angry. Anger and despair are the two emotions I feel. I often wonder what we can do to improve the living and general conditions of

Aboriginal people, particularly in the desert communities I will pass on some of the suspicions that not just Aboriginal people feel about the motives of the present State Government in its time in power. I do that because of something that was put to me recently. I do not have a paranoid theory of conspiracies; however, I share with my colleagues on this side some confusion about why this State Government has not gone to the polls a little earlier. Jeff Kennett was so successful in Victoria that we thought Richard Court would follow his example. We could not understand why he did not. It was put to me that it was because of the way that Century Zinc has panned out. Century Zinc is owned by Conzinc Riotinto of Australia, which does not have a reputation around the mining industry for being a big softy. CRA is the biggest miner in the world. It is on the record as holding an anti-union point of view, and it has been militant in its dealings with Aboriginal people. I will go no further than to talk about the previous Administration and its decision to put a special Act together with a long foreword on the Marandoo mine and the Karijini people in Onslow and Roebourne.

In the matter of Century Zinc, CRA adopted the same steamroller tactics to open that mine to exploit the mineral contained in it. With the support of the Borbidge Government in Queensland and the public support of the new Federal Government, CRA would have been quite amenable to a special Act being put in place that would override the intent of Mabo and sidestep the Racial Discrimination Act and the High Court decisions since the implementation of the Acts of Parliament that have put into effect the Mabo decision. CRA did not do that. I could not understand why until I realised what I had learnt in the Rudall River and central desert areas. CRE, which is the exploration wing of CRA, has been very cooperative with Aboriginal communities. That recent development of cooperation, and learning to live cheek by jowl with the traditional owners of the land which they wish to explore and ultimately mine, has occurred in the past two or three years only. I have said in this place before that it is something from which this Government can learn.

Miners have understood what Mabo is about. Mabo is about accepting the fact that the indigenous people of Australia were here before the invasion by the British, French or Portuguese, or whatever angle of history one accepts. They were here and they had common law rights as are described in traditional English law. Mabo and the Native Title Tribunal provide that Aboriginal people are treated as equals in every respect - equals, not more than equal, not with the right to veto - with an ability to have a say in what goes on in the places that are recognised as their traditional homelands. CRA has taken that concept on board and is finding that it is to its commercial advantage to work with the indigenous people of those lands rather than go to a Government and ask for special Acts of Parliament, which was done in the past. CRA is learning that nothing is to be gained by trying to sidestep the intentions and the declared position of the indigenous people of this nation.

I apologise to Hon Norman Moore, but I did praise the administration of Pundulmurra. I fell into the trap of most people by playing the man rather than the ball. Sometimes I feel so angry, I could hit people, such as when I was confronted with the death of my friend Rob Riley. I used to share his anger yet my connections in this issue are the least of any of us in this Chamber. However I think I can understand exactly what he was going through. I think I have got over that anger to a large extent and tried to take the opposite tack; that is, to explain to people where I think we might take some steps that are different from those we have taken before.

The point has been made by the Leader of the House and by other speakers that we are guilty of recognising the problem and throwing money at it. The Court Government had an opportunity to recognise a problem and to deal with it without spending a cent, and it backed away from it. The State Government challenged the Mabo decision and it lost. One figure of the cost involved in that challenge is \$30m. The Mabo decision is that we treat indigenous people as equals. The High Court also threw out a case that was connected with Broome because it said that this Government did not negotiate in good faith with the traditional land owners. This Government is flying in the face of those criticisms that it aimed at the previous federal Labor Government that it appeared to be throwing money at the problem rather than addressing it. We were not as guilty as people made out. We tried to facilitate to enable those people to negotiate on equal terms and for there to be an understanding that self-determination was a desirable target for people. This can be understood from a simple deduction. As the Leader of the Opposition explained, the aim of taking young Aboriginal children away from their parents was to give them the opportunities of non-Aboriginal children. I am sure that in almost all cases it was done for the best of intentions, but it did not work. The churches, and this is demonstrated in the Kimberley and the Pilbara, followed their Christian beliefs and thought that a paternalistic regime was needed for the good of Aboriginal people; that did not work. Almost all the alternatives have been tried and have failed in the 200 years we have been here. I am attracted by the comments of Hon Derrick Tomlinson who said that Aboriginal people are asking that the empowerment they had before 1788 be given back to them. Hon Derrick Tomlinson talked about a church service held in the open air with the full majesty of a mass. In our culture that would appear to be a contradiction. I, too, am not a Catholic, but it seems to be easier for us to accept Catholics, Jews, Muslims and other groups that do not share some of our beliefs than it is to accept Aboriginal people. It is a matter of culture. I try not to be critical of this, but it is the reality.

There is anger in the community, but I am not frightened of the anger among the non-Aboriginal people. When I was in Hedland in 1988 there was talk throughout the non-Aboriginal community of the Ku Klux Klan, baseball bats and vigilantes. However, a meeting was held at the Matt Dann Cultural Centre at which Aboriginal people were able to articulate their problems and the mistakes that had been made on both sides. The Aboriginal people in the

audience sympathised with the fears of the non-Aboriginal people and much of the earlier talk of vigilantes and the like faded away. For the first time in the past 16 years since I lived in the Pilbara we are experiencing militancy from the young black population and anger that is starting to express itself in an inappropriate way. It is perhaps the way I expressed anger when I was a young person living in the town of Liverpool and trying to fight the injustices I experienced in that community, with its many cultural and social problems. Disadvantages are experienced in society not just by Aboriginal people. I witnessed them in the town in which I was born, and when I was old enough I joined the militant section of the Labour Party in the United Kingdom. I became a member of the Transport and General Workers Union, which was run by communists. I toyed with the Communist Party - which is a strong and well respected political organisation in my home town of Bootle - because I wanted to fight back and correct the injustices in the only way I knew how. I was not very articulate then, and still am not, and I wanted to correct the injustices with my fists. That is not the right way to go.

We must exploit the tools now available to us. We must exploit the powers of the National Native Title Tribunal and support it by recognising the traditional owners, in spite of the complications, so that we can go some way towards giving the Aboriginal people a share of the fruits of the desert. We must recognise their right to share, not in a financial way, but through appropriate training and education. I was with Slim Parker and Darren Inji, who represented the Karijini people, in talks with CRA about what the Aboriginal people wanted before allowing the mining to go ahead. We talked about sacred sites and sites of significance, which are very important to them, but equally important was the need for training for Aboriginal people that was transportable and saleable and would allow them to get jobs anywhere in Australia. We talked about real jobs on the minesite at Marandoo. CRA told the Aboriginal people to get knotted because it had no need to do any of those things. The Labor Government at the time said that if CRA experienced any difficulties the Government would pass legislation to give it what it wanted. As a result, the negotiations broke down, legislation was introduced and the mining went ahead. Strangely, all the things the Karijini people wanted, they eventually got. CRA can be criticised for allowing those traumatic meetings to take place, but once it understood the requirements of the Aboriginal people, it supplied them. That is reconciliation.

I take issue with some of the comments made by Hon Derrick Tomlinson, but one interpretation was quite appropriate. My reading of history is not as extensive as that of Hon Derrick Tomlinson, but I am aware that without the cooperation of Aboriginal people, some of the early explorers and pioneers would not have been as successful as they were.

Hon Derrick Tomlinson: John Eyre might still be wandering around the desert!

Hon TOM HELM: I understand that when the invaders first came to this land, for the most part the Aboriginal people were not antagonistic. Of course, history has been distorted to some extent with regard to these matters. In order for reconciliation to be achieved, we must recover some of that early trust between the Aboriginal people and the invaders. Once the cooperation was demonstrated, both sides found it to their advantage to be friendly. Reconciliation means going back 200 years to achieve mutual respect. The word "respect" is important in this debate. We must respect the people to whom we speak. There is a great deal of difference between my background and that of the Leader of the House and politically there is a gulf between us. However, even if we disagreed most violently, I could still respect him and those differences between us. I will argue with him until I am blue in the face about some of the things in which he believes, as he will with me, but I have never detected any disrespect from him and would be most apologetic if he ever thought I was disrespectful to him. The problem is that, for whatever reason, people do not respect the indigenous people.

It would be wrong not to comment on the funding cuts to the Aboriginal and Torres Strait Islander Commission. It is all very well to say that certain aspects of ATSIC funding must be quarantined. That is bull. The Government cannot fund an organisation such as this and specify how the funds must be spent. Nobody with any respect for the organisation would dictate how the funds must be spent. If the Government has any feeling at all it should continue funding ATSIC. I am the first to admit that some things needed changing, but changes were starting to occur. The accountability in ATSIC was equal to that in any other publicly funded organisation in this nation. The Government cannot talk about reconciliation and a fair go unless it gives people the tools with which to present their case at the same level as the case that will be presented by anthropologists, lawyers and Queen's Counsel. The Federal Government is sending out the wrong message. If the Federal Government wants to put out a message that it will increase the funding, it cannot also put out a message that it will reduce the funding. It cannot say that it believes in a fair go for everyone and that it will put out the hand of friendship and ensure that all people are treated equally when it will not provide the funds that are required to give Aboriginal people the necessary tools.

I will end on a note that might be an indication of the culture of Australians and the reason that some people are very afraid of what they think Aboriginal people in this nation are all about. Truscott airfield just out of Kalumburu was built during the war and was used primarily as a base for putting mines on islands that were occupied by the Japanese and for putting mines in the sea, and also for putting landmines in certain places. A bomber which had completed its run and was making its way back to Truscott was attacked by fighter planes and suffered some damage, and it came down in some swamps about 30 kilometres from Truscott. Some Aboriginal people went out to rescue the

crew, and when the paper reported that incident, it said that the rescue team consisted of three Australians and five Aborigines. That speaks volumes to me. It was referring to the heroism and bravery of those people, and it described those people who were non-Aboriginal as Australian and those who were Aboriginal as non-Australian.

Hon Kim Chance: It is a bit like saying two people and three shearers!

Hon TOM HELM: Yes. That was done in a non-derogatory way; it was trying to be respectful and to record the bravery of those people, but it regarded them as different. On the one hand, the differences should be respected and admired and any changes in those differences should be accepted by the remainder of society, but those differences should not dissuade us or anyone from recognising what is the truth at this time. Those people will do better - I will not say they will make it because I do not know of anyone who has made it yet - in education and health, which are two key areas, when they are allowed to determine how best to live and what is appropriate for them. That is the issue. It is not a matter of saying those people must take their place in society. The indigenous people of this nation had their place and it was respected by those people who came into contact with them on an ongoing basis; it is just that somewhere down the track they have become inconvenient. They were convenient when they were working on the stations; they were inconvenient when their lands got in the way of sheep and cattle all those years ago.

It is an historic time for this House to be able to debate this motion, and Hon Tom Stephens should be congratulated for putting it before us. It raises a number of matters, and I hope it will lead to a change in my attitude. I have tried during this debate to avoid criticising individuals, but I cannot let pass the remark made by Hon Graham Kierath that he would never allow his children to live in the conditions in which Aboriginal people allow their children to live. There is no way that people will have respect for a person who makes that kind of comment, when all fair-minded people would like to see some changes in the living conditions of Aboriginal people in this State. A recognition that we can be reconciled is a step in the right direction.

There is no way that anyone will legislate that we should get together, but the role of the Government is to take the lead. It should take up that challenge, and it will see, as has been the case with Zapopan in the Northern Territory, where there is an agreement between that mining company and the indigenous people, that the thrust of the High Court Mabo decision and the Native Title Tribunal is about sitting around the table and talking as equals, and about the power residing with the elected representatives. The Minister has the power to determine what happens at the end of the day; that has not been taken away. We have not given the power to make the final decision to any person who did not have it in the first place, but we are empowering people to argue that they deserve some part of the action. We are not talking about millions of dollars. Century Zinc in Queensland is a clear example of how Aboriginal people will not be bought off by dollars. CRA Ltd put \$60m on the table and said, "Give us the rights to the pipeline and to the lands and we will not have a problem", but the Aboriginal people said, "Stick your \$60m; we want to talk about the life of the mine and other things." It may be worth more than \$60m - I do not know - but it had to do not with dollars on the table but with jobs for young people, proper education and training, and all those things which people who live in Perth take for granted but Aboriginal people cannot take for granted because they do not have.

It is good in some respects that the diesel fuel rebate will still be available to miners, because with these cuts - I suggest there will be more cuts - to Aboriginal funding, Aboriginal people will have no alternative but to go to the miners and to have those facilities that were provided by those funds replaced by the people who wish to mine on their land. I am proud to support the motion.

HON J.A. SCOTT (South Metropolitan) [11.17 pm]: I support this motion, and in doing so I have a sense of puzzlement, because I have heard members opposite say that they support Aboriginal reconciliation, but there has been some hypocrisy because when the Land (Titles and Traditional Usage) Bill went through this House, every member opposite voted to ensure that land rights would be taken away from Aboriginal people. I find it very difficult to understand that probably the most important thing to Aboriginal people - their link with their land - could be voted against by members opposite, yet they want to support this motion. I am glad they want to support this motion, but I do feel quite angry about their hypocrisy.

Hon E.J. Charlton interjected.

Hon J.A. SCOTT: The Minister for Transport says that is what I think. It is not what I think; it is what has happened. Every member on that side of the House voted to turn down the right of Aboriginal people to have title to the land from which they came. The funny thing about that Act was that Aboriginal people do not want to own the land; they are of the land. This is the very strange part about this whole argument. In fact while the economic rationalists on the other side talk about reconciliation and the niceties of Aboriginal people who join in the nice white ceremonies and so on, the reality is that when it comes down to their pockets those economic rationalists want to vote against the Aboriginal people retaining their dignity, which is inherent in the connection with their land. I feel that we are living through a period of huge hypocrisy. Despite the backhanded compliments, that is a reality, because the Minister for Transport, who finds this all so amusing -

Hon Tom Helm: Do not listen to clowns; talk to us.

Hon J.A. SCOTT: The Minister for Transport who finds this very funny must have very little soul left in his body if he thinks it is a great joke that Aboriginal people have this connection with the place in which they were born.

Hon N.F. Moore: That is an unfair and unnecessary comment. Just go on with your speech.

Hon J.A. SCOTT: The Minister for Transport should stop making snide comments.

Hon N.F. Moore: He is not making snide comments.

Hon J.A. SCOTT: The Leader of the House is out of his hearing range. The Minister for Transport was making snide comments while he was sitting over here; I heard them, but the Leader of the House may not have.

Hon N.F. Moore: He is about to leave my hearing range too!

Hon J.A. SCOTT: Maybe the Leader of the House agrees with the Minister for Transport that Aboriginal people do not have connection with the land. I know they do.

Hon E.J. Charlton: I said I would like to hear what you think should be done, rather than giving a dissertation about what you thought was meant by the previous legislation.

Hon George Cash: Don't let him do that; he is the most negative person in this House.

Hon Tom Stephens interjected.

Hon George Cash interjected.

The DEPUTY PRESIDENT: Order!

Hon J.A. SCOTT: It is funny when one speaks from the heart how people do not like it. Suddenly a sense of guilt surges up -

Hon George Cash: You say nothing positive; you are negative.

Hon J.A. SCOTT: Did Hon George Cash vote to allow Aboriginals to continue to have that connection with the land or did he vote to take away the land rights of people in Aboriginal communities?

Hon George Cash: I will leave you to read *Hansard* because it is recorded accurately. That does not take anything away from my statement that you are the most negative person in this House. I am disappointed because one expects more of your single issue self -

Hon J.A. Scott: Hon George Cash has it wrong; I am not a single issue person.

Hon George Cash: Yes you are.

Hon J.A. Scott: I will speak another time about the fallacies of the stupid comment tabled by the Leader of the House about the *Griffin Venture*.

Hon N.F. Moore: I hope you say that outside sometime.

The DEPUTY PRESIDENT: Order! I encourage Hon Jim Scott to direct his comments through the Chair and I encourage all other members to stop their interjections.

Hon J.A. SCOTT: I am sure Hon Derrick Tomlinson and Hon Muriel Patterson would genuinely like to have Aboriginal people fit in with the nice sides of their personalities. However, unfortunately what we get from this Government and the Federal Government is a situation where Aboriginal people are not reconciled, but are trampled. We need only look at the latest federal Budget and what has happened to the Aboriginal and Torres Strait Islander Commission. Rather than protecting the interests of the most vulnerable people in our society, the Federal Government is doing exactly the opposite. Aboriginal reconciliation! The members of the federal reconciliation committee are considering whether the committee is worthwhile. I will not stand by in this place while this Government allows itself to believe that it is in favour of reconciliation. What a joke! What hypocrisy! It is not in favour of reconciliation. It is about looking after its own vested interests; it is about trampling Aboriginal rights and reconciliation and everything that Aboriginal people hold dear. It is not about understanding that the original Australians had many things to offer to the people who came to this continent.

Anyone with an environmental background knows that understanding by Aboriginal people of the natural environment is beyond that of our expert agencies. For example, the Aboriginal people know precisely the moment to burn sections of rushes surrounding wetlands so that regeneration is far more luxuriant than before. No one else knows when that moment is. If other people tried to burn those rushes today, they would destroy them because they do not know the proper time to undertake that burning; yet that knowledge is not validated in any way. Reconciliation means to show respect for people's knowledge and values. It goes beyond making motherhood statements.

In this country there has been a great change over the past 10 years. One of the very few great things that the Labor Government did was to bring in a policy which showed respect for the values of differing societies. Whatever one says about the Labor Government, its respect for multiculturalism in our country was a very important and lasting initiative. It is one thing it can be really proud of. Rather than looking at one aspect of society and saying that it was okay, that Government made an effort to gain the greatest benefit from and give value to the differences that other cultures bring to our society. Unfortunately, it does not seem to have carried through to Aboriginal people. Those people probably have more to offer us than anyone in this country, but we have forgotten that. We have gone ahead and developed European agriculture in a way which has caused massive salinity problems in the wheatbelt. We have proceeded with many ecological measures that have resulted in disaster. If we had half an appreciation of the knowledge of Aborigines, that would not have happened but we have disregarded that aspect. We must respect that knowledge. I do not think that we have done that in the past.

I do not want to hear this Government talking about how wonderful it is that Aboriginal people have fitted in with certain facets of our society. We must consider what they have to offer and accept it as being equal to what we offer, because it is equal. The tragedy about what people call reconciliation today is that they say that it is great when a person fits into the European mould, gets a good job, and does not cause trouble - that is a good Aborigine. However, that is not the reality. The reality of reconciliation is our understanding that the values Aboriginal people have are worth holding to us; and they are worth listening to and valuing. The Government has not understood that, but it must be understood before we can have true reconciliation. I ask members opposite to try a little harder to let go of that part of themselves which says that the European way is the only way. Until that happens we will never achieve true reconciliation in this nation. We have much to gain from letting go of some of the European traditions, and from listening to the wisdom of the Aboriginal people in this country. The descendants of the people who lived here before European settlement have true wisdom.

I ask members to examine their motives when they consider this motion. Members on both sides should ask why they did or did not support land rights for Aboriginal people. To be fair, Aboriginal people did not want control of land; they did not want to stop mining companies from mining.

Hon Muriel Patterson spoke about Denzil Humphries. I remember Denzil Humphries' mother having cups of tea with my mother many years ago. My mother was looked down on because she invited Aboriginal people into the home to sit with her and have cups of tea. A certain amount of racism existed in our community. It has receded to a certain extent but we still have some resistance to accepting that Aboriginal people have true worth; that they have something of value to offer us.

I agree with Hon Tom Stephens that reconciliation between Aborigines and the wider Australian community is a vital factor in the advancement of this nation. However, when we consider that advancement we should not think we are advancing Aboriginal people. We are advancing ourselves as a nation by taking on some of the values they have to offer; we are taking what is good from their society and offering them what is good in ours. In that way we will be getting somewhere rather than assuming that we have all the answers; that we, the paternalistic, Anglo conquerors know it all, when we do not. We are making many mistakes in this country. We have much to learn from Aboriginal people. Reconciliation offers us something of value as much as it offers Aboriginal people something of value. I support the motion, but I ask members to look into their hearts as well as their minds. When they support this motion I hope that they do so not in paternalism but in true brotherhood.

HON TOM STEPHENS (Mining and Pastoral) [11.37 pm]: I welcome the expressions of support for the motion. It is a long time since I first moved it. It has been moved three times. On the previous occasions when I moved it, the motion was allowed to lapse and it dropped off the Notice Paper. By virtue of a range of tactics by me and others who have an interest in the matter, the motion has finally been allowed to be debated, the Government has responded to my comments, and a vote will soon be taken. Many people have participated in the process of ensuring the Government would deal with the motion tonight. I am aware of some of those on the government benches and others who have pressed various government members to ensure that the motion was dealt with. It seems like a hell of an effort to bring on a simple motion.

I thank some of the members who have spoken to the motion. Hon Cheryl Davenport has yet again produced one of those contributions that has the capacity to move anyone, even the hardest of hearts, as she combines information and experience with a very strong sense of appreciation of the circumstances with which Aboriginal people are faced. She has brought all of that to bear on the issue, and her contribution goes down as yet another of the important milestones that her speeches represent in this place. I will comment quickly on the contribution of Hon Tom Helm. I appreciate very much his contribution in this field of Aboriginal affairs. I value his sentiments as I know that they and his involvement in Aboriginal affairs are very much appreciated by so many people in the Aboriginal communities throughout our shared electorate.

The comments of Hon Jim Scott touched a note which, although uncomfortable for government members, was one of the notes I wanted to develop in my response. I very much welcome his intervention in the debate. Hon Derrick Tomlinson has contributed to the debate in ways that indicate he has a real feel for some of the substantive issues that face the Aboriginal community. I value, and I am sure the Aboriginal community values, his sensitivity to these

issues that are caught up in the question of Aboriginal affairs. Hon Muriel Patterson's contribution is understood as a genuine attempt to wrestle with the questions of Aboriginal development in this State. No doubt many other members wanted to speak as well, but by virtue of the late hour they were encouraged by their respective leaders to stay out of the debate and to let the motion finally be brought to a conclusion.

The response of the Minister, Hon Norman Moore, set the tone for the debate by being restrained. He was respectful of my position. He was complimentary and, at the same time, took the opportunity to chastise me for his perception of my failure to fully appreciate the goodwill that in his view the Government has brought to these issues and the contribution of Ministers such as himself. I will not take issue with some of the comments he made. I welcome the positive contributions he enumerated that he has made in collaboration with officers of his department, as I am sure they are welcomed by the Aboriginal community, particularly in those areas in which a significant impact has been made. I appreciate and take at face value the fact that some of those contributions have come by virtue of his own leadership of his department to ensure that facilities that would otherwise not have been available to far flung regions - the Kimberley and the Pilbara - are now available and now significantly advance the interests of Aboriginal people within those regions.

When I made my most recent speech in introducing this motion, I called on the Government not to glibly pass the motion; that is, not to simply and glibly agree to the passage of this motion that has been moved and passed in every other Chamber of every Parliament across this nation but ours. I asked the Government to take the opportunity of putting on the record its track record in the field of Aboriginal affairs in the three and a half years it has been in office. I asked it to allow that track record to be subjected to scrutiny by virtue of this debate, and at the same time to put on the record what it proposed to continue to do in Aboriginal affairs to ensure the opportunity for advancing the interests of Aboriginal people, thereby making it possible for a reconciliation process to be well-founded in this State. I hoped that on the public record would be the track record of this Government in Aboriginal affairs.

Hon Norman Moore has risen to the occasion in his portfolio and has indicated that a large document will find its way to me at some opportunity. I accept the Minister's offer to take delivery of that document and to subject his portfolio to the scrutiny he has indicated will be available to me by letting that track record be studied. I will then see whether I have any criticism of the Government. I look forward to getting the document at an early stage.

Hon N.F. Moore: You may even find something to praise.

Hon TOM STEPHENS: I may indeed.

Hon N.F. Moore: That would be a nice change.

Hon TOM STEPHENS: Perhaps it would be a nice change.

I will talk a little about my *modus operandi*. My colleagues - certainly some of my ministerial colleagues in the last Labor Government - will tell members that my mode of operation in dealing with the question of Aboriginal affairs has been to be doggedly persistent. Understandably, in government there are plenty of forums for parliamentary members such as me to pursue the interests of constituents. Hon Norman Moore, Hon Tom Helm, Hon Mark Nevill, Hon Phil Lockyer and I have large numbers of Aboriginal constituents whose interests we must vigorously pursue, especially considering their particular needs. I did that vigorously in the period in which the Labor Party was in government. On the few occasions when that has resulted in some public dust-ups in the media between me and some of my ministerial colleagues, I have experienced the discomfort that that brings to parliamentarians as they try to pursue the interests of their constituents in this area of Aboriginal affairs and I have recognised how difficult it is to advance the interests of that section of the Western Australian community.

Despite the fact that it is difficult, it has never stopped me from speaking my mind in every forum in which that opportunity has been available to me. I did not find it necessary to come into the Parliament while in government and berate Ministers, because by and large I found them receptive to the various lobbying I did on behalf of Aboriginal people. There were some exceptions when I found myself still unable to convince Ministers. I feel that it was not from a lack of commitment to the interests of Aboriginal people on their part, but from a genuine disagreement over the strategies that should be adopted.

That is a different case to the experience I have had in the past three and a half years. For me it is a pity that in the process of this debate the Minister has not tabled or presented to the House the solid contribution he claims has been made by this State Government in Aboriginal affairs in the period it has been in office. The Government has 16 Ministers and many more portfolios. They could all have taken the opportunity to reflect on what they have been doing for the past three and a half years and to put that on the public record to be the subject of scrutiny. At least we could then have dealt with the history of the Court Government in office. We would at least have had on record what it had to say about itself and we would have been able to then respond to those claims about its track record in this area. However, that has not happened. Worse than that, there has been no indication of what the Government proposes to do in Aboriginal affairs in the future, for the next six months, or beyond if the Government happens to be re-elected at the next state election. It is for those reasons that I am disappointed.

A motion such as this in a House with a reputation which our House has should be dealt with in the way I outlined.

That is, the Government should have taken up that invitation. The upper House of the Western Australian Parliament has a particular history and legacy in its dealings with the interests of Aboriginal people that leaves us all with particular responsibilities. The hopes and aspirations of Aboriginal people in this State have been dashed too regularly in this Parliament, and on some occasions in very recent memory. The pieces of legislation that were introduced into this Parliament by the Burke Labor Government to fulfil the aspirations of Aboriginal people to land rights and to fulfil its pre-election commitments were defeated by our conservative counterparts when they were in opposition in 1984. Those aspirations of Aboriginal people were defeated and thwarted at that time. This state upper House has regularly had canvassed within it some of the most insensitive handling of the Aboriginal issue anywhere in the nation. We have the odium of the way in which the debate on these questions has been carried out in this place over many years. There is a real need for this Chamber to take a fresh look at the way in which it deals with Aboriginal questions and to start to instigate policy changes in this field.

Hon Jim Scott has raised the question of native title and the fact that it is only so very recently that this issue was dealt with in this Chamber by the Government's introducing legislation that endeavoured to expropriate the property rights of Aboriginal people. That is hardly a gesture to advance the cause of Aboriginal reconciliation. Thankfully that was struck down in the High Court as racist legislation. The Government has a very perverse way of going about expressing support for Aboriginal reconciliation indeed.

It is also in this Chamber that the former Lands Minister, Hon George Cash, introduced a policy which has still not been reversed by his successor and which has frozen the excisions for Aboriginal people to gain access to or title to living areas from pastoral leases across this State. That is despite the fact that he commissioned a report into that specific question; that report eventually recommending in favour of the excision process. However, the freeze is still in place.

Transport Minister Charlton has expressed during the time that he has been in this Parliament a great interest in the advancement of Aboriginal people's needs. His Transport portfolio has a specific responsibility for a very tiny area of Aboriginal issues; that is, access roads to Aboriginal communities. Programs in this area desperately need to be advanced and accelerated. However, the Minister has always said that funds will be available from the State Government only when they are matched with funds from ATSIC. We have just seen what has happened to ATSIC funding. One can imagine the prospect of any dollar for dollar allocation of funds or extracting any guarantee of improved road conditions for Aboriginal communities on any large scale in this State. The Minister has been intransigent on this issue. These are all substantive issues that must be addressed if we are ever to be able to tackle the questions of Aboriginal reconciliation.

Many people believe the definitive document on what to do in the field of Aboriginal affairs has been written. It is the royal commission report into Aboriginal deaths in custody, which deals with so many of the substantive issues facing Aboriginal people. The recommendations only beg to be implemented and only beg the funding so that they can be introduced. Instead of doing that, when this Government came to office it immediately moved to the Daube committee inquiries. The Daube group produced two very flash, expensive volumes that now grace the shelves of most public libraries and presumably most government department libraries. They were filled with recommendations, very few of which have been implemented. However, one recommendation - that there should be another inquiry - was implemented. So the Government proceeded with yet another inquiry, which was that chaired by Dr Hames, a Liberal member in the other place. Dr Hames did a lot of work, there was a flurry of activity, and yet another report was produced to grace the shelves of public and departmental libraries. It has even more recommendations - only one of which has been acted upon; that is, that there should be another inquiry into a specific area. That recommendation led to the McCarrey inquiry. A huge amount of money has been spent on all these inquiries. The McCarrey report has now been published and sits on the departmental shelves and the recommendations are there for departments to consult. However, there is still no activity on the part of this Government in response to any of those reports, with one exception - and on this occasion it is not a recommendation for another inquiry. It appears that \$3m has fallen out to provide funds to two communities - Jigalong and Oombulgurri - for infrastructure. If all of those inquiries, reports and studies had been avoided, the Government could have provided double the amount of funding for Aboriginal community infrastructure across Western Australia.

We know what needs to be done; it has been spelt out - the reports are legion. We need some action. That brings me back to the question of my mode of operation. I was basically hoping to inflame, embarrass, probe, goad, push, shove or whatever the Government into doing something. I wanted to develop within the Government an appetite to do something. I wanted to see Ministers doing something in the field of Aboriginal affairs that could change this State, and therefore the nation, by advancing the interests of Aboriginal people. I wanted to provide a real chance for Aboriginal people's interests to be advanced rapidly and for reconciliation to occur when people have some prospect of equity.

We have regularly seen the Finance Minister, Hon Max Evans, take initiatives in his portfolio that have reduced the income of the State by changing the Stamp Act and the land tax provisions. Those moves have reduced the capacity of Government to respond to the needs of Aboriginal people and the financial challenges with which Governments

are faced. It is a pity that the Minister has not been able to see that Governments must have cash resources that can be allocated to Aboriginal people and programs that would advance their interests. There are some steps that I would have liked to have seen the Government take. For instance, I floated in my contribution that there is something to be said for establishing a permanent standing committee of this House in the field of Aboriginal affairs that could flag the special significance of Aboriginal people's challenges and the challenge for the wider community to ensure that we are advancing their interests.

Hon Norman Moore has pointed out that, in his view, inadequate progress was made when the Labor Party was in Government - at both the state and federal level. I agree that inadequate progress was made, although I proudly say that there was some progress during that decade. However, much more needs to be done and it can be undone so easily by Governments rapidly removing funding programs that support Aboriginal people. A standing committee of this Chamber is one way of introducing an Aboriginal focus in this Parliament. It could take up some of the themes that have been developed in other Parliaments, such as the New Zealand Parliament, where some attempt has been made to establish a real council of elders. That would serve the interests of Aboriginal people, the Parliament and the State well.

Reference was made by the Minister to the fact that Australia too easily is splitting into two nations and that we are seeing tensions created by virtue of some of the developments that have taken place in Aboriginal affairs. That is precisely what we have when we deal with Aboriginal people: Two nations. According to every indicator - health, education, imprisonment, morbidity, mortality, the whole kit and caboodle - Aboriginal people are separated from sharing in the common wealth of Australia and the benefits of living in a very rich country.

Too easily people rattle off the view that dollars are not the answer to the problems faced by Aborigines. However, dollars are certainly part of the answer. People need to realise that in Western Australia in particular, the Aboriginal and Torres Strait Islander Commission, or its predecessor, is the only organisation that will provide funding for many of the essential services with which Aboriginal communities need to be equipped. It has stepped in to ensure funds were available to establish essential services and infrastructure for Aboriginal communities. That has meant that all the services, such as community management, power, water, housing, education, health and sometimes even police services, can be provided only if ATSIC allocates the funds. The interests of Aboriginal people are being significantly penalised because of the recent federal Budget decision that ATSIC is to be stripped of its funding base.

I will give an example. Recently I talked over and over again to the people associated with the Warmun community who are faced with expenditure of three-quarters of a million dollars that is required each year to pay its power bill. Those funds come only from ATSIC; no-one else contributes. Just down the road is the opportunity of being connected to the Western Power grid associated with the Ord River hydro power scheme at a cost of about \$1.5m; however, as yet no-one is prepared to allocate the funds - two years of recurrent expenditure - to ensure a connection to a basic, essential service that every other Western Australian gets, particularly those who live in a larger population centre, such as Turkey Creek. The population of the Warmun community is sometimes around 400 people. In that circumstance, any other non-Aboriginal population in this State is provided with essential services by the State Government through Western Power. However, Aboriginal Australians - not only those in the Warmun community; I can rattle off the names of dozens of them - can get power only when they get funds from ATSIC. As I say, we have seen the decision in the recent federal Budget to cut funding to that organisation.

Funds are not the answer in themselves, but they are part of the answer. If ATSIC is stripped of some funding, there will be a bigger problem. ATSIC with funds had significant failures, but ATSIC without funds, without discretionary budgets, will give rise to a bigger problem. Aboriginal people will be faced with that problem. For people on the opposite side of the House to support the strategies embarked upon by the Howard Government is a great tragedy. Hon Norman Moore indicated he has a commitment to the advancement of Aboriginal interests through the early childhood program. He went on to talk about other programs associated with higher education, and he said that a lot of effort should be put into that area. I am not arguing with that. However, the Minister also needs to realise that focusing on Aboriginal youth and Aboriginal communities as a solution has been an approach that has been adopted by the wider communities to the needs of the Aboriginal communities.

Instead of simply adopting a single focus, there is a real need for a multifaceted approach to these issues. That has come through the report and recommendations of the Royal Commission into Aboriginal Deaths in Custody. That report recognises the totality and size of the problem, and that funds cannot be thrown at any specific area with an expectation of getting an outcome. There must be a real prospect that Aboriginal children have an opportunity in the society in which they live. That requires a whole range of strategies to be put in place to give them the ability to see there is a chance for them to make it through the education system and then to benefit from their contribution, as can other Australians. Much will be laid to waste by the budget cuts in Aboriginal programs and there is a real risk that Aboriginal people will increasingly collapse in despair. Fortunately there are many achievers about, some of whom the Minister spoke. Those Aboriginal people can take great pride in themselves and their achievements, as can the wider community. Regrettably many problems exist and they can be tackled only by implementing the recommendations of the reports that are already available to the Government, and by not shying away and pretending there is not the capacity or that a path has not been charted. It has been charted. The political will, the funding

programs and the determination on the part of Government to implement the strategies that have been outlined are needed. It is wrong to provide an environment in which Aboriginal people must operate where funding is stripped under the guise of saying that a fist full of dollars will not fix anything. As I say, by itself it will not. The problem does require much more than that. However, it is certainly an essential prerequisite.

I will give a couple of examples. At this moment the State Government's strategy of stripping away funds from the field of Aboriginal health will see the closure of essential Aboriginal health services conducted by the Sisters of Mercy at the Wirramanu community at Balgo under a contract that was entered into when we were in government. The Sisters of Mercy have been endeavouring to provide health services to that community following the withdrawal of the Health Department from that area. Instead of their needs being met, in responding to the financial challenges of that group of women and their staff to address the needs of the community, the Government has cut back funding to the point where the Sisters of Mercy have said, "Sorry, we will have to pull out; we cannot deliver services to this community with the funds you are proposing to allocate to us." That is just a small example of the mean spirited approach on the part of this Government to the efforts people are putting into Aboriginal affairs. All that they need is an adequate level of support.

Another facility is just up the road, the Mirrilingki Aboriginal Education Centre within the Warmun community near Turkey Creek. That facility focuses on Aboriginal alcohol programs, and I have not seen any other program like it in this State. It is a quality program with fantastic staff, with Aboriginal leadership by Ester Bevan, and with quality support people like Sister Patricia Seeley and her colleagues who in the East Kimberley region are tackling alcohol programs without any funds at all, despite their pleas for financial support from anywhere, including the State Government. That centre is being placed at risk by virtue of the budgetary restraint of the State Government as it fails to respond to the needs of Aboriginal people in the north east Kimberley and east Kimberley regions.

Hon N.F. Moore: How long has that program been going?

Hon TOM STEPHENS: It has been going for about five years and has been getting better and better. Now it has been hit with its latest problem, the high cost of power.

Hon N.F. Moore: Have they ever had any state money?

Hon TOM STEPHENS: I understand they got some very limited allocations from us. In the past four years the program has shone. It is a program that deserves substantial support. These people are not even asking for big money. It is a piddling amount; perhaps about \$10 000 a year. We should compare the cost of what has happened recently in Halls Creek in part as a result of alcohol abuse with the cost of the failure of government to deliver anything as a substantive response to the alcohol problems of the Aboriginal community of just the north east Kimberley region, let alone the east Kimberley region. Here we have a simple program that could be kept going by the allocation of \$10 000. Instead, the staff, women and Aboriginal people who are trying to keep the darn thing going are up against Governments that seem to give them the runaround constantly, and the funds are not available to them.

Hon N.F. Moore: Have those communities asked for money from the Aboriginal and Torres Strait Islander Commission?

Hon TOM STEPHENS: They have asked for money.

Hon N.F. Moore: Why have they not received any?

Hon TOM STEPHENS: ATSIC has said, "We cannot give you funds until you are on the recurrent expenditure of the commonwealth health department." The commonwealth health department has said, "We cannot give you funds until we receive a recommendation from ATSIC." As a result they go backwards and forwards with disastrous results.

Hon N.F. Moore: All the faults do not lie in one basket.

Hon TOM STEPHENS: No, but the Alcohol and Drug Authority has substantial funds available.

Hon N.F. Moore: Let us be fair.

Hon TOM STEPHENS: It is not any one authority by itself. Governments have agencies which fund these matters. The State Government has programs and the Western Australian Drug and Alcohol Authority has responsibility in this area to respond to the alcohol problems of the State. We must look at the income from the sale of alcohol throughout the State and look at the piddling amount that is put back into helping the people who have significant problems with alcohol and their interface with wider community and the consequent cost to towns, the State and nation as a result of alcohol abuse. What will be the final cost of just that one incident at Halls Creek? God knows, but it will certainly be much larger than any of the allocation of funds to tackle the alcohol problems of that region. That is only one of many very important issues. The Wangkatjungka community at Christmas Creek are still landlocked and cut off from any prospect of advancing their interest of equity in the Kimberley community. They are landlocked on a tiny island of land in squalid conditions and desperate to have a land program. They are not

alone; there are no orphans in that area. They need the support of Governments to ensure they have some prospect of being able to advance their interests. However, there are few positive signs.

The Minister can be proud of the partnership that TAFE has with Karrayili at Fitzroy Crossing. I hope the Minister will be ensuring that his department will subject itself to the scrutiny of the review I referred to in my opening remarks, when I mentioned the Dixon report, which the Minister asked me about. That report has assessed the efforts of the TAFE facility. Some aspects are a function of personality. The TAFE experience is still affected by what the Minister has set in place, the assets of which he is rightly proud. Some fantastic things are happening. The Halls Creek initiative is going marvellously. The assets are on the ground, as well as some quality people, and these are exploding the opportunities for Aboriginal people. However, at the same time it seems to me that TAFE can too easily get waylaid into courses which support the needs and interests of people who come into the area for very short periods. As a result some of the Aboriginal residents of that region sometimes do not have the capacity for their own needs to be met. Many of those needs can be met only if TAFE programs are going out into remote communities across that region and TAFE is not expecting Aboriginal people to go into the flash centres in the major population areas. It is an improvement on what was there before. However, the Minister's department should ensure that it absorbs the Dixon report, its critique and the strategies necessary to ensure the value of those expensive and large facilities which have been put in place.

The comment was made that conciliation does not come from government but somehow comes from the heart. I understand what was said, but I hope that is not being used as an opportunity for somehow absolving government of its responsibility in this field to allocate some real effort and policy commitment in order to ensure that the interests of Aboriginal people are advanced in this State. That approach cannot be used as an excuse that somehow or other reconciliation is distant from the obligations of government. Governments have an obligation in this field. We must get on with the task of ensuring that Aboriginal people can walk tall and stand with us as equals in this State.

In the ATSIC budget for 1996-97 we will see a loss of funding of over \$470m from its programs, which represents a 30 per cent reduction in programs other than the community development program, community housing, infrastructure and native title representative bodies. As a result the ATSIC board sees itself as having no other option but to terminate some of its major programs. We will see the loss of the community training program, which means that ATSIC will have no labour market program other than CDP. ATSIC has been forced to terminate the development and industry strategies, which were initiatives in the report of the Royal Commission into Aboriginal Deaths in Custody about which I have just been speaking. The movement towards an award wages program is to be terminated. That means that ATSIC will no longer be able to supplement those organisations moving their indigenous staff towards award wages. Very importantly the community and youth support program is to be terminated, which will effectively remove from ATSIC the responsibility of assisting indigenous organisations providing community and social services to Aboriginal people. That is now to be the total responsibility of commonwealth and state agencies, which are to provide the needed community services and welfare to indigenous people.

I hope the State Government is listening to the results of the budget cuts, which it presumably supports. We will now have increased its responsibility in these areas. Other programs will be significantly reduced, including the community development employment program, which by the end of the year 2000 would otherwise have been contributing very significantly to the employment opportunities for Aboriginal Australians. Now the termination of that program will contribute significantly to the savings that the Federal Government requires. Cuts will be made to business funding, which will reduce the scope for wealth generation by indigenous individuals and communities. The budget for Aboriginal hostels is also to be significantly reduced and some hostels are to be closed, with the probability of no new indigenous aged care hostels. People in our electorates will view that with great alarm, particularly in some of our larger communities. We will probably see the termination of many hundreds of ATSIC organisations and the consequent loss of valued and much needed services and the loss of jobs for indigenous people. I am drawing heavily on comments that have been made by Lois O'Donoghue, the Chairman of ATSIC, who seems to be a pretty reliable source from which to quote. As the chairman of that commission she is now faced with budget cuts and has indicated in her analysis that these results will flow from those cuts.

The Federal Government indicated at the beginning of its term that it would be judged by the outcome. The outcome of some of these decisions will be very dramatic. A sharp increase in indigenous unemployment is predicted. It is already at 38 per cent. The potential for wealth production in Aboriginal communities will be reduced through the reduction of funding for business development and land acquisition programs. We can see the benefit of some of those programs in our areas. Some of them have been fantastic. For example, the tourist business development strategy associated with the Cape Leveque Kooljaman resort project, the Warman community roadhouse and the economic developments such as the roadhouse at Fitzroy Crossing; these represent great employment and training opportunities that are now about to be curtailed as a result of the savage budget cuts imposed on ATSIC by the Government. Social problems in indigenous communities through the loss of employment and needed services and termination of initiatives to prevent Aboriginal deaths in custody will be some of the inevitable results that will flow as a result of these budget cuts. What an extraordinary irony it is that ATSIC was forced only very recently by this Federal Government to pay some \$1.4m to meet the cost of the special auditors who went around scrutinising

hundreds of organisations, many of which will now fold as a result of these budget cuts. What a bizarre way to go about business. The Government whacked in auditors, presumably to try to improve the systems of organisations, many of which are about to be wound up. As a result of the Federal Government's 1996-97 Budget ATSIC has had to terminate programs, including the community training program. Its abolition sees savings of some \$7.8m in 1996-97, increasing to \$19.8m in 1998-99 and beyond. That program funded some 533 projects in 1995-96, the majority through regional council budgets. As a result of the termination of the program ATSIC will no longer be able to provide training support to organisations, provide study awards, provide resources for specialist assistance for organisations or provide an in-work training program after June 1997.

The long term impact of terminating these programs is that accountability - surely, the very thing the Government is after - will suffer. There will no longer be any capacity in ATSIC for labour market program activity to promote training for these youths at risk caught up in the criminal justice system. What will be the impact of that? That is one of the most tragic aspects. Areas like Perth and the south west of the State with the involvement of Aboriginal youth in the criminal justice system and the exposure to what appears to be taking place in the south, which seems to be an extreme expression of the objection to the plight they face. The programs are in place but it appears that many of them are to be cut.

This will reduce the opportunity for indigenous people to improve their education and training levels, particularly in the area of management skills. The movement to the award wages program has been terminated, and we will see an imbalance in award coverage across the indigenous work force and a continuation of the disparity in wages and conditions for workers in indigenous organisations. Therefore, there will be no future mechanism for managing the introduction of awards. In fact, there will no incentive for the organisations to ensure that the working arrangements meet their obligations to Aboriginal workers. Despite the progress made in moving to the award wages program, it is estimated that approximately 80 to 90 per cent of indigenous organisation are yet to be covered by appropriate awards.

A very significant program termination is the community youth and support program, which is to be terminated in March 1997. The program targeted the socially disadvantaged and problems of dysfunctionality suffered by Aboriginal and Torres Strait Islander people, attributable to a large extent to their heritage of dispossession, decimation and deprivation. It is largely service driven and covers vital areas, such as link up services, family violence intervention, child welfare, youth and juvenile offender services, the royal commission's young person's development program, aged care services, and community administration and support services. It is a multipurpose umbrella service covering family, youth and cultural issues.

These were important elements of programs supported by reports of the Royal Commission into Aboriginal Deaths in Custody. The juvenile offenders program was particularly targeted for support by that commission. Projects across Australia were funded to reduce the contact between the justice system and young Aboriginal people, and the range of services included drop-in centres, youth counselling and the employment of youth workers.

Employment among indigenous youth is said to be 50 per cent in the 15 to 19 years age group, and 46 per cent in the 20 to 24 years age group. However, these programs have been axed in this week's federal Budget. What an extraordinary irony that this State's upper House is about to pass a motion on Aboriginal reconciliation in the same week that the Howard Government makes unprecedented cutbacks in Aboriginal Affairs. These budget cutbacks will have a significant impact on any prospect of Aboriginal reconciliation across Australia. Two of the key benefits derived for Aboriginal people from community and youth support programs has been the provision of essential support services and the employment of Aboriginal people through community based organisations, and the delivery of support services to their communities. Funding cuts in this area will undermine the community based support networks currently in place, a prime source of indigenous employment particularly in remote areas. These services, in the eyes of indigenous people have been won over years of hard effort, involvement and pressure, and presented an opportunity for self-management which successive Governments had accepted as a legitimate aspiration of indigenous people.

These cuts are a tragedy. They destroy decades of hard work by many indigenous people to ensure the provision of culturally appropriate service to their communities. The programs assist over 340 community organisations, employing about 500 people. It seems that cutting that program will have the most significant impact on Western Australia as a result of the slashing of the ATSIC budget. I understand that the State Government has been advised of that situation in its briefing from ATSIC, despite the answers given in the House earlier today. It indicates that across the metropolitan area and the south west there will be a significant impact on the involvement of Aboriginal people in employment and training strategies in this area, and a consequent rise in dysfunctional behaviour which easily leads to engagement in the criminal court processes.

The CDEP program is a chapter by itself, and I would love to take the opportunity to detail it to the House - perhaps I will do so on another occasion. The list of programs goes on: The business development program; the land acquisition program; the Aboriginal hostels program; and so on. The cuts to ATSIC this week announced last week by the Federal Minister are flying in the face of the demands and the needs of the nation for Aboriginal reconciliation. We walk away from that policy at our peril. Although we are about to pass the Aboriginal

reconciliation motion, I was tempted to withdraw the motion rather than let it be glibly supported without a real commitment by the State Government to bring about some changes in Aboriginal affairs. There is little point in the passage of this motion through this House when clearly the Government has not been able to articulate a real commitment to Aboriginal reconciliation. I could ask for the leave of the House to withdraw the motion, but I will not.

I will take what is on offer; that is, support for the motion. A number of people have urged me to proceed with the motion in an endeavour to find hope somewhere. These people hope that the motion will be used as a strategy to find in the Government the will to tackle these questions. I cannot see it.

If anything, the motion will be on the record, which is little enough. I am despondent about the lack of preparedness by this Government to advance Aboriginal people and, thereby, advance the cause of Aboriginal reconciliation in this State. However, let us take what we have on offer; that is, an agreement to pass the motion. This will see this House join the rest of the Chambers of all other Parliaments across the nation in supporting this matter. Third time lucky. Presumably the motion will be passed and I hope it serves as a reminder that we have an obligation in this Parliament, especially the Government, to deliver the goods in the field of Aboriginal advancement in Western Australia.

Question put and passed.

House adjourned at 12.28 am (Thursday)

QUESTIONS ON NOTICE**LAND - SUBDIVISIONS AT CHURCHMAN'S BROOK ESTATE; LOT 52 WATERWHEEL ROAD, BEDFORDDALE, APPROVED WITHOUT DEEP SEWERAGE**

523. Hon A.J.G. MacTIERNAN to the Attorney General representing the Minister for Planning:

How were subdivisions at the Churchman's Brook Estate, Bedforddale, and Lot 52 Waterwheel Road, Bedforddale approved when these areas are not deep seweraged?

Hon PETER FOSS replied:

Subdivision approval for the Churchman Brook rural residential estate is for lots between 3000m² to 8150m². The Western Australian Planning Commission's policy does not require lots of these sizes to be connected to deep sewerage. The subdivision was cleared by the Health Department and the Water Authority. The commission has received a subdivision application for Lot 52 Waterwheel Road, Bedforddale. This application has not yet been determined.

FISHERIES DEPARTMENT - ROGERS, P., FINANCE OFFICER; BUDGET SHORTFALL

584. Hon MARK NEVILL to the Minister for Transport representing the Minister for Fisheries:

- (1) Did the officer relieving Mr P. Rogers whilst he was on stress leave discover a significant short fall in the Fisheries Department budget for the 1995-96 financial year?
- (2) If yes, what was the claimed amount?
- (3) Was the finance officer responsible relieved from his position by the Acting Executive Director Steven Homes while the director was on stress leave?
- (4) Is it true that Mr Rogers has subsequently reinstated the finance officer?

Hon E.J. CHARLTON replied:

The Minister for Fisheries has provided the following response:

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

FISHERIES DEPARTMENT - HEAD OFFICE, INTERNATIONAL TELEPHONE CALLS

586. Hon MARK NEVILL to the Minister for Transport representing the Minister for Fisheries:

- (1) What was the cost of international telephone calls from -
 - (a) 1 July 1993 to 30 June 1994;
 - (b) 1 July 1994 to 30 June 1995; and
 - (c) 1 July 1995 to 30 June 1996?
- (2) Have any officers been investigated for illegally using Fisheries Department telephones for overseas calls?
- (3) What was the outcome of the investigation?
- (4) Was any officer disciplined or required to repay the cost of international calls?
- (5) If not, why not?
- (6) What was the total cost of international calls made by any officer in (4) above?

Hon E.J. CHARLTON replied:

The Minister for Fisheries has provided the following response:

Information provided to me indicates that:

- (1) For the year ended 30 June 1996, the cost of international telephone calls amounted to \$3423.28. Figures for earlier years will require costly manual compilation. I am not prepared to allocate resources for this purpose.
- (2)-(6) No. However the Executive Director of Fisheries has advised me of an instance where a private international fax was sent from a departmental machine. The officer provided an explanation for the call and reimbursed the cost.

QUESTIONS WITHOUT NOTICE**EMPLOYMENT - GROWTH RATE****604. Hon JOHN HALDEN to the Minister for Employment and Training:**

Some notice of this question has been given. Given the Federal Treasury's description of the anticipated effect of the federal Budget as "likely to be depressive" -

- (1) Has the Minister revised down the estimate for job growth in Western Australia?
- (2) What is the new figure?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(2) Since the coalition Government came to power in February 1993 over 100 000 more Western Australians have found employment, translating into an annual average growth rate of 3.9 per cent, relative to the national rate of 2.8 per cent. The federal Budget forecast is for national unemployment to remain at the same as the current rate of 8.5 per cent. This assumes a gross domestic product growth rate of 3.5 per cent over the year. Western Australia's unemployment rate remains below the national average. On the basis of the forecast assumptions underlying the federal Budget, the continued fostering of strong economic growth in Western Australia by this Government will ensure that employment opportunities for Western Australian will be maximised.

NATIONAL PARKS - EXPLORATION LEASES**605. Hon J.A. SCOTT to the Minister representing the Minister for Resources Development:**

Some notice of this question has been given.

- (1) What national parks in Western Australia currently have exploration leases and/or temporary reserves over them, and by which companies?
- (2) Which national parks in WA are being considered for exploration licences?
- (3) Is it the intention of the Government to allow continued exploration in national parks in WA?
- (4) Will the Minister rule out allowing excisions, exploration or mining activities in national parks in this or the next term of Government?

Hon N.F. MOORE replied:

The question was asked of the Minister representing the Minister for Resources Development, but the question was sent to the Minister for Mines. The member is confused. The answer is not readily available, and I ask the member to place the question on notice.

AUSINDUSTRY SERVICES - COMMONWEALTH FUNDING CUTS**606. Hon JOHN HALDEN to the Leader of the House representing the Minister for Commerce and Trade:**

- (1) What AusIndustry programs will the State Government close as a result of funding cuts announced in the federal Budget?
- (2) Will the State Government take responsibility for funding the Federal Government's cuts to the AusIndustry programs?
- (3) What Western Australian businesses will lose funding as a result of the Federal Government's decision to severely cut the AusIndustry enterprise development program and export finance advice program?
- (4) How much will these cuts amount to?
- (5) How many jobs losses will this cause?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

The Minister for Commerce and Trade has provided the following reply -

- (1) Although joint commonwealth-state programs will continue, the State Government may need to rationalise some services. This is currently under evaluation. Further information is being sought from the

Commonwealth on the funding level. As at 1 July 1996, AusIndustry services were rationalised and the maximum ceiling per service was reduced to \$15 000.

- (2) No.
- (3) No businesses will lose funding, but the range of services to small to medium sized enterprises will be reduced, and thus many Western Australian businesses will not be able to receive financial support for some areas of enterprise improvement.
- (4) The State was expecting \$2.2m from the Commonwealth for enterprise improvement. It is now likely to be less than half this amount. Information on Western Australia's final figure is not yet available from the Commonwealth.
- (5) Not known at this stage.

SHELL GATEWAY SERVICE STATION - AUSTRALIND BYPASS, BUNBURY, FUEL TANK PROBLEMS

607. Hon DOUG WENN to the Minister for Environment:

- (1) Is the Minister aware of the problems that have occurred in the new Shell service station situated at the Australind bypass in Bunbury?
- (2) If so, is it a fact that underground tanks were made of plastic or fibreglass and not steel, and that upon being filled with fuel one of the tanks split?
- (3) Was the Environmental Protection Authority called to assess the environmental damage?
- (4) If not, why not?
- (5) If yes to (3), what was the extent of the damage?
- (6) Will the owner of the service station be made to change the damaged tank or has it been repaired in situ?
- (7) If repaired in situ, can the Minister advise the House that he has been given an assurance by the manufacturers of the tanks and the Shell company that this accident will not happen again?
- (8) If that assurance was not obtained, what action will the Minister or the EPA take on this issue?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) The Department of Environmental Protection was informed by a third party at approximately 10 am on 20 August 1996 of a possible problem with fuel storage at the Shell Gateway service station.
- (2) The underground tank is made of fibreglass and approved under the Dangerous Goods Regulations administered by the Department of Minerals and Energy. The tank had been filled with fuel, and upon checking the volume the operator found that the volume of liquid had increased. The installer's investigation established that water had seeped into the tank through a crack and that no fuel had escaped. The tank has been emptied and an assessment is being made of the damage.
- (3) The DEP is investigating the issue with the Department of Minerals and Energy.
- (4) See (3).
- (5) Investigation is proceeding.
- (6)-(7) An assessment of the damage to the tank is proceeding. The DME in discussions with the proponent will determine whether a new tank is required.
- (8) Any further action on the viability of the tank will be carried out by the DME.

WESTRAIL - TRACK FORCE, CONTRACT

608. Hon A.J.G. MacTIERNAN to the Minister for Transport:

Some notice of this question has been given.

When did Westrail first use the services of labour hire firm Track Force?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question. It was 28 September 1995.

WESTRAIL - EMPLOYEES AT FORRESTFIELD LOCOMOTIVE DEPOT

609. Hon M.J. CRIDDLE to the Minister for Transport:

Yesterday the Minister made a commitment that he would inform the House on the position with Westrail workers at Forrestfield. Is the information now available?

Hon E.J. CHARLTON replied:

The basic information I have received to this stage is that the workers referred to yesterday by Hon Alannah MacTiernan have been in that position only since Monday of this week. It has not been going on for some time as seemed to be implied.

Hon A.J.G. MacTiernan: Read the *Hansard*!

Hon E.J. CHARLTON: It is not 21 or 22 workers; as of today it is 16 people, 10 of whom -

Several members interjected.

The DEPUTY PRESIDENT: (Hon Barry House) Order!

Hon E.J. CHARLTON: This misinformation delivered by Hon Alannah MacTiernan, discredits her; in the future people will know that what she says probably will not be true. Ten out of the 16 workers are with Morgan and Banks as from next Monday for retraining and job opportunities, and two have been -

Hon A.J.G. MacTiernan interjected.

Hon E.J. CHARLTON: Look girl, you are in serious trouble as you have backed a loser! Two have been offered positions with country depots

Hon A.J.G. MacTiernan: The jobs were abolished!

The DEPUTY PRESIDENT: Order! I bring Hon Alannah MacTiernan to order. The member has often heard that she may not like the answer to the question, but she must listen to it.

Hon E.J. CHARLTON: I had better say it again. I gave a commitment yesterday to give this response, and I said at the beginning of this answer that I would do it quickly. However, as members opposite never stop interjecting, how in the name of goodness can a dedicated bloke like me respond to the member's serious concerns about these poor people? It started on Monday - it was not going on before - 16 people are involved, not 20-whatever, and 10 of these people are to be with Morgan and Banks as of next Monday to give them a new opportunity.

Hon A.J.G. MacTiernan: Who are Morgan and Banks?

Hon E.J. CHARLTON: Two have been offered jobs at country depots. Reference was made to taxpayers' money, but no taxpayers' money is involved. Westrail now runs at a profit so the cost comes from its commercial operations.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon E.J. CHARLTON: What are taxpayers? They are people who contribute money towards a government operation, but taxpayers do not contribute to Westrail.

Hon Kim Chance: Have a look at division 47 in the budget papers.

Hon E.J. CHARLTON: The poor old member opposite is very disturbed about that situation: As Westrail is not in the Budget estimates any more, he can worry about it. One of these people, and certainly others, has several weeks of accrued leave - in one case it is 26 weeks' leave. They have been asked to take their leave, but they have been reluctant to do that for other reasons. Also, half of the people have already submitted their interest in the severance package, so it will be interesting to see whether they pursue that aspect. The individual referred to as sitting on his own not being allowed to watch TV has an injured back. As a consequence of his injured back, Westrail has been advised not to allow that person to be involved in any work because he continually complains that the jobs he performs injure his back.

Members opposite are laughing. They think this is funny. This is the sort of thing that these people have gone out on a limb over. This person is receiving compensation and has been told that he cannot do certain jobs. If he were given a job that he has complained about he would take action against Westrail. This is the same person whom Hon Alannah MacTiernan claimed yesterday has been locked up in a canteen and told to stay there. He says he has this terrible problem with his back, which the medical profession says is not true. Of the 20 people referred to yesterday, the correct figure for which is 16 -

Hon A.J.G. MacTiernan interjected.

Hon E.J. CHARLTON: The member should settle back in her seat and dream up something else! There were 180 to 200 people in the area referred to by the member yesterday. She is referring to the 16 left out of the 200. The rest of them have been moved satisfactorily into other operations in Westrail or they have taken redundancy. Of the 16 left today, 10 will be moved to service operations next Monday. That leaves two, one of whom has an injured back and cannot do anything. That leaves one and I will find out about that person and let the member know.

WESTRAIL - EMPLOYEES AT FORRESTFIELD LOCOMOTIVE DEPOT

610. Hon A.J.G. MacTIERNAN to the Minister for Transport:

Is the Minister aware that yesterday during the urgency debate I made express reference to the fact that the men now at the Forrestfield locomotive depot had work until last Friday?

Hon E.J. CHARLTON replied:

Yes, but I took on board what the member's leader said. The member should take notice of her leader. He said at this rate it will be \$750 000 a year. As of today, two days later, the number is down to 16. On Monday it will be 10. Seven have already provided expressions of interest. One bloke cannot do anything. I think the member should do her figures again. As the Minister for Finance said today, we should never take any notice of the guys, girls and ladies on that side of the House when they have anything to say about finance because the \$750 000 of taxpayers' money which the Leader of the Opposition said will be lost the way things are going is now down to about \$7.50.

APPRENTICES - COMMONWEALTH BUDGET ALLOCATION, MAATS FUNDING

611. Hon JOHN HALDEN to the Minister for Employment and Training:

- (1) How many Western Australian businesses will use incentive payments for apprentices who complete their training, as a result of the Federal Government's Budget?
- (2) How many Western Australian apprentices will the Federal Government now have to subsidise under MAATS announced in the federal Budget since their paid wage will now be lower than the unemployment benefit?

Hon N.F. MOORE replied:

I thank the member for some notice of the question.

- (1)-(2) The federal budget papers indicate that \$207m is to be allocated to the implementation of MAATS over the next four years. Further details are awaited as to specific state allocations and related conditions.

HALLS CREEK - RIOT INQUIRY

612. Hon TOM HELM to the Leader of the House representing the Premier:

- (1) Is the Premier aware of newspaper reported claims of witnesses to the recent Halls Creek incident which appeared in an article in *The West Australian* on Saturday, 17 August, and which suggest that the incident may have been sparked by "a police van hitting an Aboriginal man and subsequent attacks by police against two other men in the Halls Creek Hotel"?
- (2) Is the Premier aware of claims that large numbers of intoxicated persons were being continually served additional alcohol at licensed premises in Halls Creek in the immediate lead up to this incident?
- (3) In view of these claims, what steps will the State Government take to ensure that there is an independent investigation into the circumstances that surround this incident to assess what additional steps need to be taken to address these issues and to ensure that the prospect of any repeat of this set of circumstances is minimised?

Hon N.F. MOORE replied:

I thank the member for some notice of the question.

- (1) Witnesses in Halls Creek have verified that the group of Aborigines was fighting and aggressive at least 30 minutes prior to police arrival. No person was hit by the police van on patrol.
- (2) There was a large number of intoxicated persons within the vicinity of the hotel. However, evidence that intoxicated persons were served liquor has not been available. If evidence is forthcoming through police inquiries, then appropriate action will be implemented. Police were set upon by the crowd prior to being able to determine this issue.
- (3) The key government agencies, in conjunction with the commission of elders, will meet later this month to develop constructive and positive resolutions to these areas of concern. A bush meeting involving elders and community leaders in the outlying desert communities is being arranged to discuss the Halls Creek

incident and other matters of concern. It is expected that other participants will include representatives from the Halls Creek Shire Council, the Aboriginal and Torres Strait Islander Commission regional council, the Aboriginal Lands Trust, the Department of Aboriginal Affairs and the Chief Executive Officer and officers from the DAA Kununurra office. The Minister for Aboriginal Affairs will also be raising the matter at a justice coordinating council meeting later this month which will be attended by the Attorney General, the Ministers for Police, Family and Children's Services, and Education, and the Minister assisting the Minister for Justice and senior representatives of those government departments and agencies.

ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION - BUDGET CUTS

613. Hon TOM STEPHENS to the Minister representing the Minister for Aboriginal Affairs:

In view of the recent detailed Aboriginal and Torres Strait Islander Commission briefing given to the Minister's department -

- (1) Will the Minister detail to the House of the impact of the cuts to ATSIC in WA?
- (2) In particular, will the Minister give details which of the WA programs will cease as a result of the decision of the commission in response to the budget cut?
- (3) Will the Minister list the Aboriginal organisations in Western Australia that are to receive significant cuts to their budgets as a result of these cuts?
- (4) What funds will be removed from each of these organisations and what will be the specific impact of the loss of these funds? In particular how many FTEs will each organisation have to shed as a result of these funding cuts?

Hon N.F. MOORE replied:

I thank the member for some notice of the question.

- (1) The Department of Aboriginal Affairs has not received a detailed briefing from ATSIC regarding the impact of budget cuts to its 1996-97 programs.
- (2) The State Manager of ATSIC, Mr Peter Macklin, has provided the Chief Executive Officer of ADD with a copy of a media statement issued by Lois O'Donoghue, Chairperson of ATSIC, dated 14 August 1996. That statement contains only general information regarding the extent of the cuts to ATSIC's budget and the potential impact of those cuts on the Aboriginal community. No specific breakdown of the cuts has been provided.
- (3)-(4) The member should be aware that the Commonwealth Government has announced a reduction in funding to ATSIC but left the decision regarding where the specific cuts are to be made in ATSIC programs to the ATSIC Board. ADD is not aware that the ATSIC board has yet made any decision regarding cuts to individual ATSIC programs. Until those decisions are made, it will not be possible to provide detail of which Aboriginal agencies and programs will be affected.

WITTENOOM - SLABS ON LOTS 174, 175, 176 FIFTH AVE, LOT 329 FIRST AVE, REMOVAL

614. Hon J.A. SCOTT to the Minister representing the Minister for Works:

Regarding the removal of the cement housing pads on lots 174, 175 and 176 Fifth Avenue and lot 329 First Avenue in the Wittenoom townsite -

- (1) Who destroyed and removed these housing pads from these lots?
- (2) On what authority were these housing pads destroyed and removed from these lots?
- (3) Why were these pads removed from these lots?
- (4) Was the contractor or authority aware that these properties were privately owned?

Notwithstanding the current State Government proposed buy out plan for private properties in the Wittenoom townsite -

- (5) What compensation/restoration will be offered to those Wittenoom community members who have had their building pads removed from private lots without permission?
- (6) What remedial work will be carried out on surface contamination caused by asbestos fibres that, as a result of the removal of housing pads, have spread over other areas of these lots?

Hon MAX EVANS replied:

I thank the member for some notice of the question.

The Minister for Works has provided the following reply -

- (1) The government contractor undertaking the dismantling and removal of government owned buildings and slabs in the Wittenoom townsite removed the slabs.
- (2) The slab on each of lots 174, 175 and 176 Fifth Avenue was removed by the contractor on instructions from the Western Australian Building Management Authority. The slab on lot 329 First Avenue was removed mistakenly by the contractor without authority.
- (3) The slabs were removed in the course of implementation of the Government's decision to phase down activity in Wittenoom.
- (4) Legal advice to the Government is that at the time of removal of the slab on lots 174, 175 and 176 Fifth Avenue, the owner of those lots had agreed irrevocably to sell them to the Government. The Western Australian Building Management Authority became aware of the removal of the slab at lot 329 First Avenue only after removal occurred.
- (5) Legal advice to the Government is that in neither case has legally compensable loss been suffered. However, in relation to lot 329 First Avenue, an ex gratia offer of \$200 has been made by the contractor. An offer of compensation in relation to lots 174, 175 and 176 Fifth Avenue is not contemplated.
- (6) All sites where work was carried out have had clean fill provided to a minimum depth of 100 mm and the soil then stabilised.

TRAVEL - GOVERNMENT FOR THREE MONTHS ENDED 31 MARCH 1996, TABLING DATE

615. Hon TOM STEPHENS to the Leader of the House representing the Premier:

- (1) When will the report of the interstate and overseas travel undertaken by Ministers, members of Parliament and officers on official business for the three months ended 31 March 1996 be tabled?

The DEPUTY PRESIDENT: Order! I find it impossible to understand the question because of the speed at which it is being read.

Hon TOM STEPHENS: I will get someone to send you a copy of it.

- (2) Will the tabling of that report also be delayed some eight months, as happened with the report for the three months to 31 December 1995?
- (3) Will the Premier direct other Ministers to follow the precedent established by Minister Foss, and promptly table in Parliament at the very first sitting following their travel reports giving full details of their overseas travel?
- (4) If not, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(4) The report for the three months ended 31 March 1996 is being compiled and will be tabled as soon as possible once this process is completed. In contrast to the previous administration this Government tables details of all interstate and overseas travel as part of its commitment to accountability. Ministers are also encouraged to make available any additional information they consider to be in the public interest. I also encourage members of the Opposition to provide similar information in relation to their overseas travel.

WORLD FISHING CONFERENCE - BRISBANE, STAFF ATTENDANCE

616. Hon KIM CHANCE to the Minister representing the Minister for Fisheries:

- (1) How many of the Minister's staff and Fisheries Department staff attended the second world fishing conference in Brisbane in July and August this year?
- (2) What was the total cost of travel, accommodation and attendance at the conference incurred by the Minister's staff and departmental staff?

Hon E.J. CHARLTON replied:

I thank the member for some notice of the question. The Minister for Fisheries has provided the following response -
The world fishing conference is held only every four years and this year it was in Brisbane.

- (1) Ministerial office - two staff members; Fisheries Department - 15 staff members.
- (2) The travel details will be tabled in Parliament as part of the September quarterly return.

FINES ENFORCEMENT - SUBMISSION FROM BAILIFFS ASSOCIATION

617. Hon JOHN HALDEN to the Attorney General:

- (1) Has the Attorney General received a submission dated 4 April 1996 on fines enforcement from the metropolitan and country bailiffs' association?
- (2) If yes, does he intend implementing any of the recommendations contained in the submission?
- (3) If so, which recommendations, and when will they be implemented?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2)-(3) I wish to consider this matter further before replying.

COURTS - FAMILY, MEDIATION SERVICE CESSATION

618. Hon N.D. GRIFFITHS to the Attorney General:

Is it the case that, as a result of funding cuts, the mediation service of the Family Court of Western Australia has ceased?

Hon PETER FOSS replied:

The simple answer is no, but that may not necessarily be helpful. The service ceased because it ran out of funds, not because it suffered funding cuts.

LAW REFORM COMMISSIONER - ONE COMMISSIONER

619. Hon N.D. GRIFFITHS to the Attorney General:

Is it the case that there is still only one Law Reform Commissioner?

Hon PETER FOSS replied:

Yes.

SENTENCING ACT - SENTENCE ADMINISTRATION ACT, SENTENCING (CONSEQUENTIAL PROVISIONS) ACT, AWAITING PROCLAMATION

620. Hon N.D. GRIFFITHS to the Attorney General:

Is it the case that the Sentencing Act 1995, the Sentence Administration Act 1995 and the Sentencing (Consequential Provisions) Act 1995 are still waiting to be proclaimed?

Hon PETER FOSS replied:

All those Acts are awaiting passage by this Parliament of the Criminal Law Amendment Bill. I urge all members who have an interest in seeing those Acts proclaimed to support the immediate passage of that Bill.

SENTENCE ADMINISTRATION ACT - AMENDMENT TO CHANGE CALCULATION OF PAROLE ELIGIBILITY

621. Hon N.D. GRIFFITHS to the Attorney General:

- (1) Will the Attorney General introduce legislation to amend the Sentence Administration Act to change the calculation of parole eligibility?
- (2) If so, when?
- (3) If not, why not?
- (4) Will such legislation be introduced before the Sentence Administration Act is proclaimed?

Hon PETER FOSS replied:

- (1)-(3) I am certainly considering such an amendment at the moment. The matter of when is obviously dependent on the capacity to go through the ordinary government process of having it approved and drafted.
- (4) I will not wait until that time because the current sentencing legislation does not alter the current calculations. Therefore, deferring the sentencing legislation would make no difference whatsoever. It is more important to get the advantages of the rest of the sentencing legislation rather than hold them back

for some technical reason.

PROFESSIONAL STANDARDS BILL - INTRODUCTION PLANS

622. Hon N.D. GRIFFITHS to the Attorney General:

I refer the Attorney General to the report of the Select Committee into Professional and Occupational Liability. Is it anticipated that a professional standards Bill in substantive accord with the recommendations of the select committee will be introduced this session?

Hon PETER FOSS replied:

The Bill is in the process of being drafted and I hope it will be ready for introduction this session. Whether it is introduced will in part depend on whether the Opposition can advise its attitude to the Bill. I shall be happy to cooperate with the Opposition in advancing the introduction, if this will assist.

The report of the committee is not limited to that Bill; it has certain other recommendations and it is my intention to give effect to all those recommendations. The Bill will do that. I am very happy if it is of assistance to the member, to have him participate in the preparation of that Bill at an early stage if that will help it go through the Parliament earlier.

PROFESSIONAL STANDARDS BILL - DRAFT BILL

623. Hon N.D. GRIFFITHS to the Attorney General:

Does the Attorney General expect to provide me with a copy of the draft Bill in the next week or thereabouts, so that speedy cooperation of the Opposition can be forthcoming?

Hon PETER FOSS replied:

The ability to provide a copy of the draft Bill within a week or so depends on whether I have it within a week or so. I will provide it at the earliest opportunity, provided it will assist the matter!

NEWSPAPER LIBEL AND REGISTRATION ACT - NEWSPAPER PRINTER DETAILS REQUIREMENT

624. Hon TOM STEPHENS to the Attorney General:

- (1) Is the Attorney General aware that section 16 of the Newspaper Libel and Registration Act requires a newspaper to carry the name and address of the printer?
- (2) Is the Attorney General aware that the government promoted newspaper "Proudly Western Australian" has been published without such details?
- (3) What steps will the Attorney General take to ensure that this newspaper, which has received extensive lodgment of taxpayer funded government advertisements for an orgy of government self-congratulation and promotion, complies with the Statutes of Western Australia?
- (4) What steps will the Attorney General take to ensure that government departments and agencies are advised that it is not only inappropriate that taxpayers' funds be spent in that way, but also that government advertising programs should not be undertaken in newspapers that breach the registration Act?

Hon PETER FOSS replied:

The Newspaper Libel and Registration Act is very interesting. I read it a great deal when I was a lawyer engaged in defamation cases. It is not as simple as the member thinks.

Hon Tom Stephens: You are responsible for it.

Hon PETER FOSS: I know what the member thinks it contains, and I know what is in it. It does not apply to all the newspapers that the member may think it does.

Hon Tom Stephens: It refers to the printer of every newspaper.

Hon PETER FOSS: What is a newspaper?

Hon Tom Stephens: That will be in the definitions. You know it when you see it.

Several members interjected.

Hon PETER FOSS: The point about it is that apart from the member really making a lot of rhetorical points rather than asking a question, he is also asking me to give a legal opinion, which, as he knows, is also out of order.

Hon Tom Stephens: What is the point of having legislation? You are a flop as Attorney General.

Point of Order

Hon E.J. CHARLTON: Mr Deputy President, I think Hon Tom Stephens has wilfully damaged the property of the House, because he has torn up the legislation!

The DEPUTY SPEAKER: Order! I was about to formally bring Hon Tom Stephens to order. I think he has settled down now.

Questions Without Notice Resumed

FIREARMS - LICENCES, STATISTICS

625. Hon J.A. COWDELL to the Attorney General representing the Minister for Police:

Further to the assurances provided by the Commissioner of Police in Legislative Council Estimates Committee hearings, I ask -

- (1) How many firearm licence holders pay an ordinary \$22 licence fee to cover -
 - (a) one firearm;
 - (b) two to five firearms;
 - (c) six to nine firearms;
 - (d) 10 or more firearms?
- (2) How many 16 and 17 year olds currently possess firearm licences in Western Australia, and how many weapons are covered by these licences?

Hon PETER FOSS replied:

I thank the member for some notice of this question. As explained by the Commissioner of Police in Legislative Council Estimates Committee hearings, the information requested is recorded but does take some time to collate. I am informed that this information is currently being compiled. Therefore, I ask that the member put the question on notice to enable the information to be provided.
