

Legislative Council

Tuesday, 30 April 1991

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 3.30 pm, and read prayers.

STATEMENTS - BY THE PRESIDENT

Educational Video on Parliament Operations

THE PRESIDENT: As some honourable members are aware, an educational video is being produced on the operations of Parliament. I have granted permission for silent filming of our Chamber to be undertaken during our sitting tomorrow. In doing so, I have allowed for some filming to be undertaken from the floor of the House, but I have stressed that the filming must not obstruct members or interrupt the proceedings of the House. I mean by "the floor of the House" the back of the Chamber and access through each of the side doors. Unless I receive some extreme objections, that filming will occur tomorrow.

Royal Commission - Freedom of Speech Meeting

The PRESIDENT: I also advise members that on Friday, 19 April 1991, together with the Speaker of the Legislative of Assembly and the Clerks of the Houses of this Parliament, I met with the Royal Commissioners to discuss the effects on the operations on the Royal Commission of article 9 of the Bill of Rights regarding freedom of speech in this Parliament. The commissioners indicated that they would remain cognisant of the law relating to parliamentary privilege, and they accepted that the principles related to article 9, as traditionally understood by Houses of Parliament, would be applied in the commission.

PETITION - DUCK SHOOTING

Prohibition Legislation Support

Hon Fred McKenzie presented a petition bearing the signatures of 6 304 citizens of Western Australia urging Parliament not to declare duck shooting seasons and to legislate for the prohibition of any future duck shooting in this State.

[See paper No 313.]

URGENCY MOTION - WHEAT

Guaranteed Minimum Price - Lawrence Government Commendation

THE PRESIDENT (Hon Clive Griffiths): Honourable members, I have received the following letter -

The Hon. Clive Griffiths, MLC
President of the Legislative Council

Dear Mr President

I wish to move under Standing Order Number 63 that the House, at its rising, adjourns until Friday, 21 June at 10.00 am for the purpose of considering the following matter:

"The House commends the Lawrence Government for -

1. the initiative it has shown in undertaking to guarantee the underwriting of the Australian Wheat crop for the forthcoming harvest;
2. the confidence this decision has engendered particularly among farmers and rural communities in the Western Australian agricultural region at this time of depressed economic circumstances;
3. the benefits which will flow from it to other industry sectors, such as transport operators, grain storage and handling, port authorities, fertiliser and chemical manufacturers, and rural small businesses;
and further,
4. urges other wheat growing states of Australia to take similar action;

5. urges all states to press the Commonwealth Government to accept their rightful responsibility in supporting a guaranteed minimum price for wheat."

Your sincerely

JAMES McM BROWN, MLC

MEMBER FOR THE AGRICULTURAL REGION

The mover of this motion will require the support of four members.

[At least four members rose in their places.]

HON J.M. BROWN (Agricultural) [3.44 pm]: I move -

That the House at its rising adjourn until 10.00 am Friday, 21 June.

I will relate a little bit of history so that members, particularly from the metropolitan area, understand what the motion is about. It is about stability in the rural community which provides added stability to the State. In 1946 the first guaranteed minimum price for wheat, known as the wheat stabilisation plan, was introduced in Federal Parliament by Reg Pollard, the then Minister for Primary Industry. The scheme stood the test of time until 1989 when it was changed to allow the price of wheat to be determined by market forces. Those market forces have resulted in a continuing downward trend in the price of grain received by the Australian producers. In 1958 the European Economic Community was formed because it wanted to become self-sufficient in production areas. In 1962 it formed the Common Agricultural Policy to ensure that its farmers received an adequate price for their products and could produce them independently.

I refer now to the United States Farm Security Act, commonly known to Australians as the Farm Bill which is introduced every five years in the American Parliament. The 1985 Farm Bill, in my view, saw the introduction of the American export enhancement program, known as the EEP scheme. A stabilisation scheme was in operation for well on 44 years in Australia; the European Economic Community established its own program and the Americans established a program through their 1985 Farm Bill. As recently as 9 April this year we were told by the United States ambassador, Mr Melvin F. Sembler, who was recently received at Parliament House by members of Parliament, that the budget for the EEP scheme this year is about \$900 million. Compared with American producers and the farmers in the European Economic Community, little or no funding is provided to Australian farmers and that puts them in a parlous position. I believe the Americans did not fully understand what was happening to the Australian producer as a result of their intention to beat the European Economic Community by discounting their grain. The discount on grain per tonne paid by the American Government equals the total income per tonne received by Western Australian farmers. In other words, Western Australian farmers receive \$A115 net per tonne for their grain and the United States subsidises its farmer with about \$US80 per tonne. That shows a vast difference between what the United States' farmer receives for his wheat compared with the Australian farmer, particularly the Western Australian farmer.

Between 15 and 23 May 1987 a joint Federal parliamentary delegation visited Washington under the chairmanship of Barry Cunningham MP. It included Wendy Fatin, Wall Fife, Ralph Hunt, Senator Michael Macklin and Neil O'Keefe. It canvassed all matters of agriculture, but its main concern was the removal of the export enhancement program and marketing loans. It was also interested in sugar policies and various other matters on which I will not elaborate. In August-September of the same year the Western Australian Parliament appointed an all party delegation of which I happened to be the chairman and which included Hon Eric Charlton. There were four members in the delegation which travelled to Canada, the United States of America and to Britain on the way home. The purpose of the visit was to consult with farmers in the midwest of the United States to see how they were faring with their subsidy programs and to compare their situation with what was happening in Western Australia. Everyone knows how land values have dropped in Australia and particularly in Western Australia. Some American farmers receive contributions of up to \$250 000 under their subsidy programs. From that, members can understand the battle that Australian grain producers have to wage to maintain their regular customers and to maintain Australia's market share of 12 per cent. In fact, that figure has now dropped to eight per cent. We were told by Ambassador Sembler that America's market had reduced from 28 per cent to

20 per cent. There is no surplus grain in the world at present. In fact, there is a 47 day excess of world production over world consumption, which is a minimal amount. There need be only one failure in one of the major five producing nations for there to be a crisis in grain production. Therefore, there is really no reason for such heavy subsidisation by grain exporting nations. We should be looking to obtaining a level playing field for all producing nations.

The first part of my motion commends the Lawrence Government for "the initiative it has shown in undertaking to guarantee the underwriting of the Australian wheat crop for the forthcoming harvest"; that is, the 1991-92 harvest. I refer to three other matters. In February 1987, the Prime Minister, the Right Hon R.J. Hawke, outlined in Davos, Switzerland, a proposal for resolving the world's agricultural trade problems. The key elements of the proposal included -

1. A commitment to halt subsidy escalation and progressively reduce the gap between administered internal and international prices for farm products.
2. An early reduction of internal administered prices for 1987-88. The Seven Economic Summit Countries - USA, United Kingdom, West Germany, Canada, Italy, France and Japan - should provide the leadership.
3. The narrowing of the price gap be expedited by interim measures aimed at containing stockpiles.

The next point is very important -

4. Farm income support measures be separated, wherever possible, from commodity prices and farm output.

The concern relating to the separation of subsidies and incomes and outputs was expressed to the Western Australian delegation by US farmers. That has never been resolved. The American community at large believes that there are many other demands on the Federal Budget that need to be considered before providing subsidies to the farming community. The same could be said about the Western Australian community's needs compared with the Premier's proposal which we are considering at the moment.

Following the Australian Prime Minister's proposal being outlined in Davos, Switzerland, on 6 July 1987, President Reagan announced a proposal which was tabled at the meeting on the General Agreement on Tariffs and Trade. The US proposal contained five key elements, the major one being to "seek agreement from all countries to eliminate over a 10 year period all market access barriers and subsidies which distort trade in agriculture". The four other points supported the first point. The proposal was to phase out subsidies over a 10 year period, but that has not happened, despite the high hopes held for that happening by the rest of the world. All of those points have been referred to in the comprehensive report prepared by Hon Eric Charlton, Hon David Evans, Mr Colin Bell and me which was presented to the Minister for Agriculture and tabled in the Legislative Council on 17 November 1987. We have seen action taken by the European Community and by the American community, but only inaction from Australia.

It is important that members understand that the guaranteed minimum price was arrived at taking into account sales figures for the two years prior to this year and an estimation of the current year's figure; that is, the figures for 1989-90, 1990-91 and 1991-92. To my knowledge, a guaranteed minimum price has been provided twice before by the Federal Government to subsidise the farming industry. It occurred first in 1971-72 and later in 1987 - it took two or three years to channel through - the subsidy for which totalled \$200 million. Those are the only two occasions in the last 43 years of the Federal Government's stabilisation fund or a guaranteed minimum price. However, on both occasions it meant untold benefits for producers and enabled them to initiate budgeting programs with the knowledge that they would get a fair and equitable price for their grain. No-one wants to see subsidies. However, the subsidy was removed by the Federal Labor Government with the support of the Liberal Party and the National Party. All parties in Western Australia strongly opposed the removal of the guaranteed minimum price.

Successive Ministers for Agriculture expressed their concern to the Federal Minister for Primary Industries and Energy, John Kerin. Although he listened to them, he was already tuned up to take the advice of his departmental officers, so he completely ignored the needs

of the Australian producers and went along his own merry way with the newfound agricultural program. The Federal Minister commissioned the McColl inquiry into grain storage handling and transport, and the people conducting that inquiry visited all States of Australia. The report lauded the performance of the handling and transport industries in Western Australia. In my opinion the report was commissioned to solve any differences that might exist between Victoria and New South Wales rather than to solve the problems in Western Australia. Although the report contained a few errors, overall it was very thorough. However, it is not necessarily a basis on which to alter the whole fabric and structure of the wheat industry.

I refer now to Western Australia and the attitudes that have been adopted following the Premier's announcement on Tuesday, 26 March 1991, concerning the guaranteed minimum price for wheat. I have with me a number of papers containing quotations made by various people. I do not use these papers as a bible, but merely to remind myself of the statements made by various people. I shall refer at a later stage to the Western Australian Chamber of Commerce and Industry, the Confederation of Western Australian Industry and the Chamber of Mines and Energy of Western Australia, all of which have made adverse comments about the project. I shall comment further on those organisations because I consider they did not give enough thought to the Government's attempt to give country people a chance for survival. *The West Australian* of 28 March, under the headline "Premier under fire for wheat rescue", stated -

Federal Primary Industries Minister John Kerin, Federal deputy Liberal leader Peter Reith and the rest of the nation's Premiers all dismissed the pledge on the guaranteed minimum price made by Dr Lawrence on the steps of Parliament House on Tuesday.

The article went so far as to state -

Mr Kerin said he would examine the constitutional implications of Dr Lawrence's decision,

South Australian Premier John Bannon, who is the Federal President of the Australian Labor Party, is quoted as saying that Dr Lawrence was irresponsible, and he linked the initiative to the Geraldton by-election on 13 April. He was not the only person to do that, but nothing could be further from the truth. Those people certainly need a lesson in geography, but I will not attempt to cover that point now. The article continued -

Mr Reith called the WA move one of the biggest by-election stunts in history.

Hon Barry House: You improved your vote from one in ten to one in six.

Hon J.M. BROWN: Hon Barry House may say what he likes, but I am trying to discuss a very important issue and he should not bring politics into it.

Hon P.G. Pandal: Don't be so stupid; you raised the issue of political stunts. What a stupid thing to say.

Hon J.M. BROWN: I am perfectly happy to respond to that interjection and if Hon Phillip Pandal were to stop and listen he would learn more about what is happening in the countryside. That would be more positive than trying to score political points. I did not hesitate to say that the first person to oppose the proposition was the Federal Minister for Primary Industries and Energy. I have quoted the opinions of various people on this matter. In order not to distort the views expressed, and for the education of members on the Opposition front bench, I quote further from the article -

But sources said NSW Premier Nick Greiner hoped to muster support from other Premiers for a collective plea to Canberra to help farmers.

There is nothing sinister or political about the quotes I am making from the newspapers of statements purporting to be the views of various people on this subject. I had also underlined the following quote -

The Primary Industries and Energy Department will examine the WA scheme in relation to the Constitutional and Trade Negotiations Minister Neal Blewett will look at the ramifications for Australia's position in international trade negotiations.

We are all crying out against subsidies provided in the European Economic Community and particularly in the United States, which countries are impinging on our overseas markets.

However, I heard Dr Blewett say on television that he did not envisage any harm to international affairs with the program that had been designed by the Western Australian Premier. It was further stated in the editorial in *The West Australian* on 28 March that -

The State Labor Government is once again gambling taxpayers' money with the decision by the Premier, Dr Lawrence, to underwrite the returns of WA wheat growers this season.

The editorial is a fair dissertation, which members may read for themselves. The final paragraph states -

The decision will revive fears of the Rothwells syndrome which looms large in the thinking of many WA people. Although the parallel cannot be drawn sharply, taxpayers could be forgiven for having an uneasy feeling that the wheat price guarantee is yet another case of the Government moving to prop up a shaky industry.

It also states -

There is little in the outlook for wheat which suggests prices will recover enough to avoid the need for WA farmers to call on the State Government's proposed minimum price support of about \$150 a tonne. Driven by the subsidised wheat trade war between the US and the European Community, prices have slumped from \$195 a tonne last year to an estimated \$115 a tonne this year. If that outlook does not improve - and a lot hinges on northern hemisphere production - taxpayers will have to dig deep to enable the State Government to honour its guarantee.

That is a fair proposition. I do not agree with all the comments in the newspaper but I have quoted them. Malcolm Quekett stated in his article on the same day that the Premier had taken the State Government into a big game of rural roulette. He continued by repeating the views expressed by people from other States about the risk the Lawrence Government would be taking. I spoke to the Premier at 7.30 am on the day she made her announcement and urged her to do something for the rural community. I said it was essential that some action be taken to ensure the survival of people in rural areas. Therefore, no-one was more pleased than I when the subsidy was announced. At the same time, I said that market trends indicated that the price for grain would increase from \$115 a tonne. I remind members that that is a gross figure and not a net figure. A United States report indicates that it costs Australian farmers \$60 a tonne for freight storage, handling and transport from farm gate to port, but in the United States the cost is only \$12 a tonne from farm gate to port. However, as was said to Ambassador Sembler, nothing could be further from the truth than to make such a price comparison because it is like comparing apples with oranges. For a start, the Co-operative Bulk Handling Ltd charge is \$13.50 for storage and handling, and the average freight rate is about \$16 a tonne, so the figure is under \$30. That is the sort of scaremongering which has taken place to suggest that Western Australian farmers are inefficient; yet when compared with their international counterparts in the European Economic Community and the United States they are far more efficient than their counterparts could ever be. The production of Western Australian farmers is about one tonne to the hectare, or about 15 bushels to the acre. The production of United States' farmers is probably five tonnes or more to the hectare. Western Australian farmers do very well, and are the fifth largest exporters in the world. A drop in production from 12 per cent to eight per cent has a dramatic impact on the income of all Western Australians and certainly hits very hard the community at large, particularly the rural community.

I refer now to an article in *The West Australian* of Saturday, 30 March, written by Paul Armstrong, headed "Bosses attack wheat pledge", which states -

PREMIER Carmen Lawrence's decision to underwrite the price of wheat bore little difference to the Government's attempt to save Rothwells, employer groups said yesterday.

The WA Chamber of Commerce and Industry, the Confederation of WA Industry and the Chamber of Mines and Energy have jointly accused the Government of singling out the rural sector for help and of bowing to primitive tactics and pressures.

Criticism also came from the privately funded Institute of Public Affairs, as well as the director of the University of WA's economic research centre, Professor Ken Clements.

I do not want to be derogatory to Professor Clements, but the comments he made later in the article suggest to me that his economics and mine are vastly different. I endorse the comment made by Philip Achurch, the director of the Small Business Association, that it is immoral and irresponsible to compare a guaranteed minimum price and Rothwells. I believe at one stage Philip Achurch was a Liberal candidate, and recently he led a march on Parliament House. There is no doubt that the Western Australian Farmers Federation has always been on the side of the Government in supporting a guaranteed minimum price of \$150 a tonne. The article states further -

The employers' joint statement said: "There is very little difference, in essence, between the proposed guaranteed minimum wheat price in WA and the disastrous Rothwells guarantee entered into by Dr Lawrence's predecessors.

"Which sector of the community does the Premier think has the ability to make up any shortfall incurred as a result of underwriting wheat producers?"

They also asked if Dr Lawrence was prepared to offer a price guarantee to struggling gold miners and retailers.

The employer bodies which made that joint statement represent three industries. Co-operative Bulk Handling Ltd, which is a member of two of those industries, should be rather concerned about its being associated with that ill conceived statement. Those employers do not realise that the prospect of a guaranteed minimum price has motivated people in the country to move forward, to plant a larger crop than they had previously planned to plant, and to use more fuel and purchase more superphosphate; and that more railway wagons are operating along the railway lines and more trucks are delivering goods from the farms around the countryside. Mingenew and Kalgoorlie were fortunate enough to receive bountiful rain, but farmers in other country areas are now waiting for rain so that they can commence their harvesting program. So other factors apart from a guaranteed minimum price can affect producers; but despite the shortcomings of nature farmers are prepared to commence a cropping program which will ensure that Western Australia continues to be a major producer of Australian grain. The article continues -

Professor Clements said he feared the move would cost WA taxpayers more than the estimated \$100 million.

The price guarantee would encourage farmers to use current methods, rather than restructure to become more competitive, he said.

I do not understand how the farmers of Western Australia can become more competitive than they have already demonstrated they can be. They have maintained their competitive position despite the export enhancement programs provided in the United States. There is a limit to the level of competitiveness which Western Australian farmers can achieve when, as Ambassador Sembler said, American farmers received \$900 million in the farm budget this year for their export enhancement programs but Australian farmers received only \$115 a tonne for their last harvest. At least they can now expect to receive \$150 a tonne. The Premier made the responsible decision that the guaranteed minimum price would be for a limit of five million tonnes. The announcement of that decision turned the mood in the farming community from one of dismay and despair to one of hope and confidence. There is a big difference between despair and confidence. Recently I attended two zone council meetings of the Western Australian Farmers Federation, one at Toodyay for the Mortlock zone and one at Mukinbudin for its zone. The farmers at those meetings were very appreciative of that decision and of the prospect of their receiving an increased price for their grain.

I could perhaps understand why the Confederation of Western Australian Industry and the Western Australian Chamber of Commerce and Industry made the statement which they did, but the Chamber of Mines and Energy is an organisation which I have endeavoured to support and I cannot understand its saying blatantly that the guaranteed minimum price can be compared with the Rothwells rescue. It leads me to wonder what direction that organisation is taking when that same organisation also wants to go onto farm land at will for exploration purposes. Like Hon Margaret McAleer, I have been a member of a committee trying to find a scheme in which it could be done equitably between farmer and miner. For them to come out and say what they have said makes me wonder just what was the

underlying motive for the three of them to join forces. For whom were they the spokespeople? For their own industry? It was absolutely disgraceful for them to embark on such a combined effort without knowing the full facts - especially the Chamber of Mines and Energy.

I will go a step further: The Chamber of Mines and Energy talked about gold, but it was given an extension of three years before a gold tax was applied. Many in the industry and many outside it - people from all walks of life - believe gold should have been taxed from the outset. The industry, which means so much to our exporting program, certainly has been treated very fairly and has received every consideration from the State and Federal Governments. It has received the benefit of no taxation on the fuel used for mining. For those groups to align themselves in opposing such a proposition for their fellow country people - because mining, in the main, is done outside the metropolitan area - is absolutely scandalous. I could not believe they would embark on such a program of denigration of a move that has provided joy, satisfaction and prospects for the future. I refer, of course, to the Premier's guaranteed minimum price for wheat under certain conditions.

Members may recall that farmers gathered at Midland to submit applications for social security benefits. While people think that was done as a gimmick, I can assure members that many farmers, together with their wives and families, receive social security benefits. I would suggest to many of them that, rather than look to the Rural Adjustment and Finance Corporation, they would do far better to direct their energies towards putting themselves in the hands of the Department of Social Security, which is rightly there to service those who are disadvantaged. There has been an increased demand for housing in the metropolitan area, and that increase relates to the fact that people are leaving country areas. There would not be one country member here who would not acknowledge that there has been a disastrous move from the country to the city of many of our valued citizens - men, women and children. That is another problem which will be overcome by a guaranteed minimum price for wheat, because people will not have to apply for social security benefits. I am sure Hon John Caldwell, Hon Murray Montgomery, Hon David Wordsworth and Hon Margaret McAleer know people who have applied for social security benefits. Previously they applied for the supplementary allowance; many farmers took advantage of that. Some members may think that is a burden on the taxpayer, but it is the right of those people to apply for social security benefits - or, as many people would say, for the dole. They are not dole bludgers, but no-one has taken that into consideration. Many farming families are receiving social security benefits now, as they have in the past; so, although many people thought it was a gimmick for all those people to go to Midland, it was not. I know that many people on family farms receive social security benefits because their businesses are operating at a loss.

I know of the downturn that has taken place within the rural community: The downgrading of our schools and allied services that subsequently are no longer required; the difficulty in holding hospitals and education facilities in country towns; the difficulty in ensuring public transport. We have seen all those things eroded, and the one hope country people have had is the acknowledgment by the Premier that things were not too good in the bush and that the only way to solve the problem was to take the plunge which should have been taken by the Federal Government. In no way should the State have to pick up the tab for the guaranteed minimum price for wheat; that is the rightful province of the Commonwealth. The Commonwealth had no right to shed its responsibility for a guaranteed minimum price to producers. People should consider the job opportunities that provides to the nation, just in wheat. For someone to want to destroy that opportunity by saying that subsidising wheat is comparable with subsidising Rothwells is disgraceful. That really is an odious comparison.

On 31 March an excellent article written by Janet Wainwright, headed "Guarantee gets money moving again in the bush", was published. I have spoken to Janet Wainwright from time to time and I have strongly disagreed with her on occasions, but her well researched article, which was written only a matter of days after the institution of the guaranteed minimum price by the Premier and which is worth reading to the House, said -

Premier Carmen Lawrence has made what on the surface is a courageous decision to guarantee that the State Government will underwrite this year's WA wheat crop at \$150 a tonne.

Avid watchers of *Yes Minister* and *Yes Prime Minister* will realise that "courageous" in public service jargon means "foolhardy".

Television's Prime Minister Jim Hacker can be deterred from any decision if it is seen to be "courageous".

But Premier Lawrence's decision is courageous in the real meaning of the word and even statesman-like.

The weight of criticism of Dr Lawrence's decision from federal political parties of all colors and even fellow Labor Premier John Bannon, does not mean the decision is foolhardy.

Nor, for anyone familiar with the geography or psychology of Geraldton voters, can it be considered pork-barrelling.

Sure, there is some element of pork-barrelling in the seaside electorate, such as announcements of sub-stations and money to be spent on the hospital, but giving the farmers a much-needed helping hand will have little impact on the seat.

If it has any, it might be remembered that the push for the guarantee came from the National Party.

The worst-case scenario - to use political jargon - is that the guarantee might cost the State \$140 million in three years.

We know that it is under \$100 million, and those familiar with our State know very well that what Janet Wainwright has said is fairly well correct: The guarantee gets money moving again in the bush.

Another article published in the *Sunday Times* and headed "Blockade farmers' wheat cash threat" said -

The leader of the National Party in the Legislative Council, Mr Eric Charlton, said he urged farmers to continue aggressive tactics.

"While the Federal Opposition continues its weak and unsupportive position there is little pressure on the Hawke Government to take any action on the wheat or wool industries," he said.

"The tragedy of the Australian wheat industry came when the Federal Government, with the support of an inept Opposition, wrecked a tried and successful formula and threw the industry into reverse."

Hon Tom Helm: Did he say that it was an inept Opposition?

Hon J.M. BROWN: Yes, that was in the Federal sphere.

[Resolved, that motions be continued.]

Hon J.M. BROWN: I thank members for their support in allowing me to continue. It is important and means so much to the nation that we have adequate debate on this matter. On 1 April Malcolm Quekett wrote -

The wheat subsidy row escalated yesterday with the National Party urging farmers to boycott businesses which do not support the Government's pledge for a guaranteed minimum price.

Further he said -

Confederation of WA Industry executive director Lyndon Rowe said he was confident that most members - from corner delicatessens to big companies - opposed a GMP.

"I am appalled at Monty House's response", he said. "That's just continuing the blackmail tactics that the farmers have been adopting."

Chamber of Commerce executive director Ross McLean said some chamber members might support a GMP - but Mr House's call was an inappropriate response from an MP.

On 2 April the editorial in *The West Australian* said -

House no help

National Party deputy leader Monty House has acted irresponsibly in urging farmers

to boycott businesses which do not support the WA Government's promise to underwrite wheatgrowers' returns this season.

It is not my intention to take any side in that matter, but the important point in these articles is the gravity of the situation in the farming community. Farmers are clutching at straws. It is rather appropriate for a farmer to be clutching at straws, but not at the chaff we have been feeding them. In order to survive they are taking every opportunity to get their message across; that is, they need support. That is the underlying feature of the articles. Whether or not I agree with their action, it brings to the attention of the Western Australian public the critical situation within the industry. I for one do not think anyone could condone Budget trucks blocking our freeways; no-one in their right mind would endorse that as a means of highlighting their problem. The dumping of grain and sheep at the US and British embassies was a peaceful demonstration of their concerns. Even the message that Mingenew farmers wrote on the monitoring station was a peaceful demonstration aimed at focusing the public's attention on what is happening. To say, "House no help" is not accurate because the message we want to relate - with very little opportunity to do so - is that the people in the city are sympathetic to those in the bush. The perception is that we do not want to do anything about the problem, but the reverse is the case because people in the city are cognisant of the downward trend in the country.

Another newspaper headline was "Premier rallies wheat lobby" and Dr Lawrence and Monty House are pictured. So there is no confusion in anyone's mind about the GMP it is my understanding that it will operate in the same manner as a Federal Government guarantee. Malcolm Quekett reported the Premier as saying -

"But it's open to growers to seek to rearrange payments made to them by the wheat board," Dr Lawrence said. "That's an arrangement we would be prepared to support them in."

Farmers can opt now to take an early advance as against the normal process of income, but it is discounted. However, that would be up to the Australian Wheat Board and several hurdles must be overcome before it gets that far. The Commonwealth Government has been adamant that it will not allow the Western Australian Government to underwrite the harvest, but the Premier has given an unequivocal assurance that one way or another she will ensure that farmers receive the guaranteed price she has put in place. She has been advised by her officers that other avenues are available. The Australian Wheat Board would be the best managing agent to implement an income operation for the Western Australian wheat growers.

Hon D.J. Wordsworth: Did Hon Jim Brown say that the Federal Government had determined that Dr Lawrence should not support farmers?

Hon J.M. BROWN: The Federal Government is strongly opposed to Western Australia's underwriting proposition. I said that at the very start of my speech and I have not changed my mind.

Hon D.J. Wordsworth: Is the Federal Government determined to stop the Premier?

Hon J.M. BROWN: The member would have to ask the Federal Government.

Hon D.J. Wordsworth: I thought that is what you said.

Hon J.M. BROWN: No, I did not. I said it had shown a determination to oppose Western Australia's implementation of a subsidy. I do not know whether it is opposed to our using the Australian Wheat Board to distribute the payments. I do not think there would be any opposition to that. John Bannon wants to be part of a deputation to the Federal Government - as do Nick Greiner, Joan Kirner and probably Wayne Goss - to try to overturn this State's proposition in favour of a Commonwealth subsidy. The Federal Leader of the National Party said that we should have a 95 per cent guaranteed price available to farmers over a three year period. The guarantee should not have been taken away from farmers! When I spoke to the Premier on the morning of 26 March when she made her announcement I was confident that the country would start to move in the right direction.

On 18 April the *Countryman* indicated that the wheat price forecast was up \$20 a tonne. The article by Andrew Young states -

Australia's wheat farmers, on the eve of the sowing season, have been told that returns are likely to be \$20 a tonne better than first expected.

Australian Wheat Board chairman Clinton Condon told delegates at the Grains Council of Australia conference in Tamworth, that growers could expect a return of between \$130 and \$140 a tonne in the coming season.

Further good news was the confirmation by Mr Condon that a general rise in world prices for wheat in the past month would result in growers receiving \$120 a tonne instead of \$115 for wheat delivered during the 1990/91 season.

The big turnaround in returns has been driven by concern at the lack of rain in the US and Canadian wheatbelts and a lack of subsidised wheat from the US.

Hon J.N. Caldwell: Is the \$150 per tonne guarantee in Australian dollars?

Hon J.M. BROWN: I have been talking only in Australian dollars. Even the newsletter of the Western Australian Municipal Association of April 1991 states under the heading "Associations welcome wheat guarantee decision" -

The CSCA and CUCA have welcomed the State Government's decision to introduce a Guaranteed Minimum Price for wheat.

CSCA President Joe North -

Councillor North is from Morawa -

- in acknowledging the decision, has indicated that the decision will be the single most important factor in restoring confidence in the rural sector this year.

The flow-on effects to business and community groups in country areas will be very beneficial in the immediate future.

Cr North rejected criticism of the decision, saying that the social and community benefits it brought far outweighed any reservations about the move.

That says it all; the flow-on effects will far outweigh any criticisms of the Government's decision. If they were valid criticisms I would certainly be prepared to consider and debate them; however, the criticisms of this program have been unfair, unjust and ill conceived. It is time that the organisations which made those criticisms examined their operations and considered the directions in which they are heading; that is, whether they are interested in benefits for all Western Australians and Australians. Their lack of initiative is not helping us fight a worldwide recession.

HON J.N. CALDWELL (Agricultural) [4.43 pm]: I support the urgency motion and indicate my surprise that notification of the motion was only given to members as the House prepared to sit today. The motion is important although perhaps a little delayed because the House has not sat for four weeks. It would have been better had the motion been brought forward for consideration before the House rose four weeks ago.

Hon J.M. Brown: We could not do it then.

Hon J.N. CALDWELL: As Hon Jim Brown has mentioned, it was not possible to discuss the motion at that stage. It is important to bring to the attention of the House and to the public that not only will the Government's decision affect the rural community but it will also have flow-on effects in the city. I will not discuss the world history of the wheat growing industry, as Hon Jim Brown has done that most ably. He mentioned many of the countries of which I have no knowledge of their wheat growing methods. In many of those countries farmers are not as efficient as Australian farmers. Also, farmers in many of those countries are given assistance which has had a detrimental effect on the sale of wheat throughout the world.

I witnessed the Premier make her announcement guaranteeing a minimum price of \$150 per tonne for wheat. The Premier was under pressure by both Opposition and Government members of Parliament to make a decision on the matter. It was gratifying that members of the Labor Party travelled in a delegation to the wheat growing areas to witness the problems confronting various growers and business people in the country. As a result of the pressure from lobbyists and the furore expressed by farmers who protested on the steps of Parliament House the Premier made a decision. I am sure that the Premier did not intend to make that decision on the day of the protest. I was standing close to her that day and the situation was confusing. I think she was caught up in the euphoria of the protest and she made a decision

that I hope she will never regret. It is my view that she intended to make that decision some two days later; however, only she would know that.

It is strange that the Western Australian Government has had to guarantee a minimum price for wheat. A future Western Australian Government will need to finance that guarantee and the beneficiaries of the income to be gained from those wheat crops will probably be the Federal Government. The anomaly is that a State Government has had to prop up an Australian industry while the Federal Government is the beneficiary. The stupidity of Federal politicians has been exposed by their not lobbying harder for the Federal Government to support wheat growers. It is absolutely unbelievable that a State Government has had to take up the Federal Government's role. Westrail is one of the enterprises to benefit from the flow-on effects of the decision by the Western Australian Government. I can see Hon Fred McKenzie begin to sit up straight - and well may he do so because Westrail will be one of the beneficiaries of the announcement by the Premier.

It would have been disastrous for many farmers if this guarantee had not been given because many were considering not planting crops this year. The farmers were not in a position to plant their crops because no-one had any idea of what would be the price of wheat at the end of the year. The farmers were unable to receive any guarantee of finance from the lending houses. In the end it was the lending houses which made the decision for the farmers. The farmers lost their enthusiasm and, as a consequence, all sorts of figures were bandied around about how much wheat would not be planted this year. Had the Government not announced a guaranteed minimum price for wheat, Westrail would have missed out on millions of dollars, and that would have had an enormous impact on its viability and on the Western Australian community in general. Undoubtedly Westrail's loss of income from carting wheat would have resulted in a slowing-down of the electrification of the metropolitan railway system. The situation would have impacted not only on Westrail, but also on other transport carriers which cart grain from various parts of this State to the ports. As stated in the motion, it would have had a major effect on the manufacturers, distributors and users of fertiliser and also on small rural businesses. The delegation comprising members from all political parties which travelled into the wheatbelt area of the State is aware that small businesses in rural communities rely on farmers obtaining finance to put in their crops.

Hon Sam Piantadosi: So do a lot of small businesses in the city.

Hon J.N. CALDWELL: Yes, especially those in the Midland area which are supported by agricultural producers. The guaranteed minimum price which has been granted by the Government will have a multiplier effect and will impact on the community as a whole. It has been stated that the Government may have to find \$100 million to meet its commitment. I do not want to stick my neck out, but I am almost convinced - I am sure that everybody in this State hopes - that the Government will not have to find one cent to meet its obligation. The price of wheat is already on its way up. It would be very difficult for this Government to find the money that may be necessary because there is no money in the Government's coffers. Government departments are saying that only maintenance will be undertaken at schools and at hospitals and that no money is available for new capital works. The Government would be hard pressed to find an enormous sum of money to fund the guaranteed minimum price if it becomes necessary. The Premier must outline as soon as possible how the guaranteed minimum price will be implemented.

Hon J.M. Brown: I did that in my remarks.

Hon J.N. CALDWELL: It is essential that financial assistance is given to the producer in the year of production because the benefits flowing from the GMP to the community will depend on the immediate circulation of funds. Paragraph (4) of the motion urges other wheat growing States of Australia to take similar action to that which has been taken by this Government. The Leader of the National Party has travelled to the Eastern States on three occasions to lobby members of the National Party to implement in their States a proposal similar to that implemented in this State. He has not received very much support. I do not know whether members of the Liberal Party have been lobbying their counterparts in the Eastern States, but I am sure that they have because they have been supportive of what has taken place in Western Australia.

The State Government should not have to guarantee a minimum price to its wheat growers or to any other agricultural producers. Rural producers have to contend with either a feast or a

famine. It is the role of the Federal Government to even out commodity prices. Australia's geographical location and the world market forces determine whether there will be a feast or a famine in this country. This applies not only to the wheat industry but also to the wool industry which is faced with more dramatic price fluctuations. The plight of the wool industry was brought to the attention of this House by Hon Phil Lockyer in a motion he moved earlier this year. Perhaps we should look at helping all farmers by allocating a payment of some kind, and this is an area in which the Rural Adjustment and Finance Corporation could assist. Consideration could be given to a reduction in fuel costs for the farming sector. State Governments could assist the farming community in a number of ways. Paragraph (5) of the motion urges all State Governments to press the Commonwealth Government to accept its rightful responsibility in supporting the GMP for wheat. The crux of this urgency motion is to emphasise that the Federal Government of the day, represented by Mr Kerin and other political leaders, is not doing its job.

It was not very long ago that Hon Phil Pendal suggested to this House that Western Australia should secede. The wheat industry is a typical example of an area in which this State Government is not getting a fair deal from the Commonwealth Government. Western Australia is the biggest wheat growing State in Australia; I understand that it produces at least 40 per cent of Australia's wheat. The Federal Government is getting a pretty good deal out of Western Australia's wheat growers.

Hon Jim Brown commented on an article in the *Sunday Times* written by Janet Wainwright, who is one journalist who has an affinity with the rural area. Unfortunately when articles appear in some other papers, particularly *The West Australian*, they knock anything being done for rural areas and seem unable to understand that the people in country areas are doing a major part of the job of supporting the economy of Western Australia. If we had a few more Janet Wainwrights sitting in the Press Gallery we would get a truer picture.

[Questions without notice taken.]

Hon J.N. CALDWELL: I conclude my remarks by offering an observation and a recommendation to the Government. The State Government should never have been put in the position of having to guarantee the State's wheat crop. Unfortunately, as a result of the inoperative stance of our colleagues in the Federal Government, something had to be done. The State Government, through Premier Lawrence, saw fit to guarantee the wheat crop to the tune of \$150 per tonne. I hope that the wheat industry and any other industry of a similar size will never be in such a position again. I hope that this is a one-off situation and a one-off guarantee. Obviously, when small industries get into difficulties, such as was the case with the cannery in the south west, the State can help in some way. However, the large wheat growing industry is the responsibility of the Federal Government, and it must be condemned for not taking the initiative in returning the wheat industry to its feet.

Finally, my recommendation to the Government is that if it must execute its guarantee, whether that involves \$20 per tonne or \$1 per tonne, the payment must be made as soon as possible. If the amount is only \$1 per tonne, the payment should be made almost immediately on the first advance. If the amount involved is larger, some other constraints will undoubtedly be involved. However, the money must be returned to the farming community as soon as possible so that it will help farmers and rural small business to return to their feet.

HON MARGARET McALEER (Agricultural) [5.37 pm]: I support the motion with the same important reservation that was mentioned several times by Hon J.N. Caldwell; that is, that this is not truly a responsibility of the State Government.

Hon J.M. Brown: I think we all said that.

Hon MARGARET McALEER: Yes, it is an important reservation. Hon Jim Brown recognised this in paragraph 5 of his motion.

The Opposition supported the Premier's announcement made on the steps of Parliament House when she said that she would take a proposal to Cabinet to provide a guaranteed minimum price for Western Australian wheat. I was present on that occasion and I shared in the reaction of the assembled farmers. The reaction was one of surprise and disbelief that the Premier had so rapidly acceded to demands. The reaction was also one of a certain relief. It was a most interesting occasion. The announcement was so unexpected that it was not initially understood by the assembled farmers, and the Premier had to repeat it.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order! Too many conversations are taking place in the Chamber.

Hon MARGARET McALEER: The next reaction to the announcement was that of the farmers asking, "How much more wheat should we plant now that we have a guaranteed price?" Although the Premier had said in her first announcement that the guarantee would not be open ended and would involve a cap, that was not necessarily understood immediately by the farmers. During the next few days, after the first announcement, the details of the guaranteed minimum price were eagerly awaited and we understood that the proposal was being fine-tuned with the help of the Western Australian Farmers Federation. When more details were supplied after Cabinet had agreed to the guaranteed minimum price there was of course a further reaction of, largely, disappointment when it was realised that the probability was - foreshadowed by the President of the Farmers Federation, Mr Peter Lee - that the payment would be made when the wheat pools were finalised, which would be in two or three years' time. The hope at the time had been that some immediate relief would be provided to farmers who were thinking of putting in their crops.

I was interested in a case, which I think I mentioned to the House previously, where a farmer had applied to a bank for approval of his budget, but was refused and was consequently considering selling his farm. When the announcement about the guaranteed minimum price was made he immediately reapplied for approval of his budget, but without success. When the announcement was first made by the Premier it was said that certain banks did indeed approve budgets which they had formerly rejected. However, after a few days, when it became clear that the money would not be paid up-front, the banks reverted to being nearly as strict as previously with clients who were considerably indebted to them. In that respect farmers expressed their disappointment, although the Western Australian Farmers Federation continued to say it was satisfied with the Premier's offer.

Hon J.M. Brown: It is important to note what the Western Australian Farmers Federation said.

Hon MARGARET McALEER: It is important, but the federation speaks for only a section of farmers. The fact is that people who were indebted would not be greatly helped. The purpose of the Premier's guarantee was in a sense misunderstood. As I understand the situation, rumours spread and it was freely said that many farmers would not be putting in crops because of lack of confidence about possible future prices. The situation was not simply that they would not be advanced money by banks, although that was a very important factor for some. Where farmers had the option to put in a crop, I think the Government's guarantee may have been important in providing them with confidence. However, where it failed to satisfy the requirements of banks, it had no effect.

Some doubt has always existed in my mind about how many farmers would not in the end have planted their crops had the season opened normally and as the time approached for them to make their preparations. We seem to have had to rely a great deal on hearsay and anecdotal evidence to support the information about the difficulties we have been discussing and which the Government sought to address. For instance, it was said that a number of farmers gathered in a bar would say boldly that they would not plant any crops, but in private conversation with a neighbour they were much more likely to say quietly that they would plant them after all. I am not minimising the fact that the guaranteed minimum price provided confidence, but we seem to have been provided with very few figures. In all the articles read out by Hon Jim Brown today I think only one contains any figure relating to the number of farmers who may or may not have planted their crops. I noticed that in the article by Janet Wainwright, if I remember rightly, she said that 60 per cent of farmers had had their budgets rejected by the banks. I do not know whether that is the correct figure, but we have been singularly short of figures to underpin the debate.

For the poor farmer who is nearly always in a gambling situation there is a considerable inducement to plant a crop, even this year, because if he does not have a crop he does not have even the possibility of any income. One of the difficulties about the guaranteed minimum price is not the immediate effect it has had - we all agree it has had a benefit - but perhaps the fact that if it must be made good in the future a great many rivers must be crossed before it can be made good. A recent article in a new publication called *Australian Grain* outlines some of these difficulties and I quote -

But the Lawrence promise has raised a number of potential constitutional, legal and equity ramifications such as:

- * Inequity of just underwriting pool wheat and the possibility of considerable rorts if all wheat sales are underwritten;
- * Advantages for one state's wheat growers over all others;
- * The possibility of having to re-regulate the domestic wheat market to make underwriting equitable but with the resultant conflict with the Federal Wheat Marketing Act;
- * Effects on the WA domestic market and its reduced competitiveness with Eastern States stock feed producers;
- * Possible effects on the board's legislated Federal Government underwritten borrowings;
- * National lowering of wheat returns because of WA growers producing a bigger crop; and perhaps most significantly,
- * Constitutional requirements that any bounties on production should be uniform throughout the nation and that the Commonwealth has exclusive power on bounties.

I know there is thought to be an answer to that last difficulty and the Grains Council deputy director, Mr Hooke, said that another part of the Constitution - section 91, which allows States to grant aid to any production or export of goods provided it has the consent of both Federal Houses of Parliament - is thought to be a solution to that problem. I know that in another article somewhere Prime Minister Hawke stopped short of saying that he would oppose the move by the Western Australian Government and said that such a decision was up to it. Presumably in that case the Federal Government would be of a mind to give the consent necessary for the State to make the payment. These matters cast a shadow over the action the State Government felt it must take and one hopes that it will not be necessary at any stage for the guarantee to be made good. As Hon Jim Brown pointed out, there is, and always has been, a possibility that the price of wheat will improve. One must take with a grain of salt the predictions of the Australian Wheat Board because last year, up until a fortnight before the first advance payment was made, its predictions about the price farmers would receive for their product were not accurate. Nonetheless, the possibility always exists that the price of wheat will increase. In the past couple of months there has been a discrepancy in the estimates given by the Australian Bureau of Agricultural and Resource Economics and the Australian Wheat Board. Anyone who takes an interest in the price of wheat knows very well that it is in the lap of the gods; Australia is greatly dependent on what happens in the northern hemisphere, on other factors which we do not know at this time, and on the farmers' having a good season. Even with a guaranteed minimum price for wheat, if the farmers have a light season the yield will not be sufficient to make wheat growing profitable this year.

I agree that as a result of the growing of wheat crops benefits will flow through to other industry sectors such as transport operators, grain storage and handling operators, port authorities, fertiliser and chemical manufacturers and small businesses. Insofar as the Government's guarantee of the minimum price is effective it can, of course, take credit for the benefits which will flow from it. It is important to note that, apart from giving this guarantee, the Government had other options available to it to provide assistance to farmers up front. For example, it could have subsidised the freight charges on fertiliser, which would have provided an immediate cash flow benefit to farmers.

Paragraph (4) of the motion states that the House urges other wheat growing States in Australia to take similar action to that taken by the Western Australian Government. As Hon Jim Brown pointed out, it has been noticeable that instead of taking similar action the other States reeled back in horror when they heard what this State Government had done. While those States agreed it really is a Federal Government responsibility, they took an alternative approach and asked the Federal Minister, Mr Kerin, for greater relief through the Rural Adjustment and Finance Corporation. Mr Kerin is reported to have said that if the other States had joined with Western Australia and had provided a guaranteed minimum price the Federal Government would have had to reconsider its position, even though it was against

providing a GMP for wheat. I am not sure where or when he was reported to have said that, but it certainly did not encourage the other States to take similar action to that taken by Western Australia. Short of that, perhaps there is no way of persuading the Federal Government to reverse its decision not to provide a GMP. The other States followed Mr Kerin's line that relief should be provided to needy farmers rather than to farmers across the board by increasing funds to RAFCOR. This means that the Western Australian Government will not only be faced with a possible payment of a GMP of up to \$30 a tonne at some time in the future, but also it will have to provide money to activate RAFCOR's funds which have been given to each State, and this will certainly be a burden on this State.

I suppose the actions of the State Government reflect the importance of the wheat industry and rural industries generally to Western Australia and that its dependence on these industries is greater than that of other States. I understand that wheat growing represents 29.9 per cent of the gross value of this State's rural production and 7.7 per cent of the State's gross output. Most members would be aware that Western Australia is the largest wheat growing State in Australia. It is interesting to note that 37.7 per cent of this State's gross rural output can be attributed to woolgrowers, who are in a worse position than are wheat growers and who remain in limbo waiting on the outcome of the proposals Mr Kerin was to take to the Federal Cabinet today. It is very important that the State Government, regardless of the financial burden with which it will be confronted if it is to activate the additional RAFCOR money supplied by the Federal Government, studies additional means of relief for wheat farmers and that it not rest on its laurels of guaranteeing a payment which it may, or may not, have to make good in two or three years' time. It is equally important that the State Government urges the Federal Government to take further action to minimise the costs which are a great burden on the wheat growers, grain growers and farmers generally.

It is with regret that I see that unions have imposed a moratorium on waterfront reform and that industrial unrest is threatening this country as a result of the Industrial Relations Commission's recent decision and the refusal of the Commonwealth Government and the ACTU to accept that decision. It is hardly a time when the rural industries can afford to be affected by industrial trouble. In a time of depression no business in Australia can afford the financial burden placed on it by industrial unrest. With the reservations I have expressed, I support the motion.

Sitting suspended from 6.00 to 7.30 pm

HON T.G. BUTLER (East Metropolitan) [7.30 pm]: I do not intend to take up too much time of the House, but I take this opportunity to support the motion moved by Hon Jim Brown. The motion is in five parts and commends the Lawrence Government for its initiative in guaranteeing the underwriting of the wheat harvest for 1991-92. It also commends the Government for the confidence its decision has engendered in the rural community and for the benefits that will flow to all sections of the community. The motion also urges other Australian wheat growing States to take similar action. Hon Jim Brown detailed the background to this issue extensively. I have said previously that I do not have the technical farming knowledge that some of my colleagues in this place have.

Hon John Halden: Can I help?

Hon T.G. BUTLER: The member can tell me when to harvest. Some of the members who have taken part in the debate were members of a delegation organised by Hon Eric Charlton which visited the wheatbelt recently. After speaking to many small business people, shire and community leaders and industry groups in the numerous towns, I became aware of the extent to which country towns depend on the farming community. We were told by the people in the towns that unemployment has increased at an alarming rate and that families are breaking up. Young people are leaving the country districts and travelling to the cities and other major centres to look for employment. The major fear those families have is that their children may not return to their home districts because no employment opportunities exist in country towns.

In listening to the debate on the granting of a guaranteed minimum price for wheat it has become clear that the problem is not caused by the people of Australia but by conditions beyond our control, in particular, the actions by the Government of the United States of America in subsidising the inefficient American wheat industry at the expense of the efficient Australian wheat industry. I was pleased when the Premier announced the

guaranteeing of the minimum price for wheat. It was a bold and brave decision for her to make. I am also advised that on her making that decision confidence in the rural areas was boosted. If we are to believe what we read and hear, the benefits flowing from that decision will be felt by both farmers and businesses dependent either directly or indirectly on farming for their survival. The Premier made that brave decision in the face of severe criticism from the Federal Government, State Governments, businesses, employer councils and *The West Australian*. It was a decision made with a feel for people in trouble. Something had to be done to prevent the jobs of hundreds of people being lost and small businesses going to the wall. Even to this point, *The West Australian* stopped just short of accusing the Government of involving itself in a business activity.

Paragraph 3 of the motion refers to the benefits which will flow to other industry sectors, such as transport operators, grain storage and handling, port authorities, fertiliser and chemical manufacturers, and rural small businesses. The sentiment expressed in that paragraph is supported by a letter which I received from the Western Australian Farmers Federation, which stated -

Yesterdays (26/3/91) announcement by the WA Premier, that the WA Government will proceed with a G.M.P. for 91/92 has come as an enormous relief for wheatgrowers in this State and provides hope for the future of thousands of rural families.

So the urgency motion moved by Hon Jim Brown, a Labor member who represents rural areas, is supported by the WAFF, which in the past has not declared itself a major supporter of the Government. I have much pleasure in supporting the motion because it commends the Government and the Premier for not being frightened to make a hard decision in favour of the rural community. I listened intently to what Hon John Caldwell and Hon Margaret McAleer had to say, and I too hope that it will not come to a point where this decision will cost the State any money, but I do not believe the Premier or the Government had open to them any other course if they were to assist the rural sector in Western Australia in this severe time of crisis.

HON D.J. WORDSWORTH (Agricultural) [7.41 pm]: I join members in supporting the motion. I will not go over the ground which has already been well trodden and is recorded in *Hansard*. The Premier did a brave thing in moving into a field which is recognised as a Federal responsibility, and that is appreciated. It would have been even more appreciated had money been made available to farmers to plant this year's crop instead of its coming in a couple of years' time. Farmers are planting their crops on a promise, and presumably those farmers who did not previously have the money to plant a crop will have to borrow money from somewhere.

Hon T.G. Butler: Don't they plant a crop in the hope that the season will be good, -

Hon D.J. WORDSWORTH: We do.

Hon T.G. Butler: - not on the basis of their being guaranteed an income?

Hon D.J. WORDSWORTH: Be that as it may, it is interesting that even though many farmers in the outer wheatbelt had stated that they would not plant wheat, in the Shire of Esperance the indications are that 20 per cent more crop will be planted. That highlights the benefits which Esperance has of being closer to a port, having cheaper fertiliser, and having small freight deductions. There is some benefit at times in living in an isolated area.

Yesterday I received a letter from the Merredin zone council of the Western Australian Farmers Federation. That letter was sent to the Minister by the zone secretary, Kim Chance, and the "Dear Minister" had been crossed out and "Dear Sir" had been inserted on the copy which was sent to me. I am not criticising that in any way, except that the letter took a month to get to me. The letter stated -

The Merredin Zone Council of the WA Farmers Federation has asked me to express our deep concern at the depression affecting the wheat, sheep and wool industries.

Our members cannot reasonably be expected to gamble on both seasons and prices when other Australian's are guaranteed minimum standards of income under industrial awards.

The Federal Government's insistence that some selected industries shall remain

unassisted even in the face of a corrupted international market makes a mockery of the 'level playing field' which it claims to aim for.

That statement indicates that people in private enterprise are finding themselves incapable of carrying on in that manner and wish to be brought under the umbrella of some sort of guarantee. I am not criticising the writer of the letter or the content of it; I merely point out that Australia has reached a rather frightening stage when an organisation has to write a letter to a Minister in those terms.

I was interested to see the statistics which were presented at the Agricultural Outlook conference which was held in Canberra in February of this year. One can only be very concerned about those statistics. The Australian Bureau of Agricultural and Resource Economics, which prepares the statistics for agriculture, estimates that net farm cash income this year will be \$4.6 billion, with the brunt of the fall being felt by wool, wheat, barley and sugar producers. In 1960 those producers received \$10 billion, in the same dollar value terms. That indicates how the income of the farming community has declined. The farmers' terms of trade have declined from \$10.5 billion to a forecast in 1995 of \$4.5 billion. That figure of \$4.5 billion is exactly the same as today's figure; in other words, it is not expected to change in the next five years. The bureau also presented a comparison of the wool, beef and wheat industries, using 1980 as the base index, and with each industry starting at 100. It is expected that in 1995 both the beef and wool industries will be down to about 61; in other words, in a decade and a half they will have fallen from 100 to 61. The wheat industry will be in an even worse situation at about 55. While this general decline was taking place, between 1986 and 1989 wool went up to 140, and that index just shot right up. Unfortunately, that was for only a short period, and it then nose dived along with the rest.

Today we have heard a lot about what the Americans have done and about what is happening in the European Economic Community. However, and perhaps purposefully, we have tried to forget that Australia has become a difficult place for exporters to live and work in. Perhaps we are too inclined to blame someone else. I suppose that is natural enough if we belong to a party which is in Government both federally and at a State level, but we must face the fact that the very area in which we live has caused a lot of our trouble. Had this deterioration not taken place we could have lived with today's prices. That is illustrated in the recommendations of the Special Rural Task Force. That task force, at the instigation of the Minister for Agriculture, Hon Ernie Bridge, went into this matter in some detail and, while without doubt one of its recommendations was the concern about the drop in markets, it had plenty of other concerns. I refer to page 9 of the Executive Summary and Recommendations of the Special Rural Task Force, and quote as follows -

A. Macro-economic issues

As an export-orientated sector, returns from agricultural products sold on international markets are critically dependent on exchange rates. With the deregulation of the exchange rate in the early 1980s, the aim was to allow the Australian dollar to find its own level in international foreign exchange markets. However, to a degree this has not occurred because the Commonwealth through the Reserve Bank has intervened in these markets.

We all know about how Australia wanted to attract overseas currencies at the expense of export-orientated industry from within.

Some of the recommendations made by the Special Rural Task Force are as follows -

1. The Commonwealth Government should allow the Australian dollar to reflect the underlying strength of the Australian economy on international foreign exchange markets.
2. The Commonwealth Government should review its macro-economic policy settings with the aim of achieving a further easing of interest rates.

We cannot blame people from overseas for that; that is entirely Australian made - by, if I might say so, a Labor Government. The recommendations of the Special Rural Task Force continue -

3. The Commonwealth Government should be fully supported in its endeavours to bring about reforms to policies and practices of trading nations (particularly

the European Community, the United States and Japan) disrupting world trade . . .

That subject has been spoken on at length and I will not say anything more about it now. The recommendations continue -

4. The Commonwealth and State Governments should hasten the process of micro-economic reform in all areas.
5. The Commonwealth Government should hasten the introduction of the recommendations of the Garnaut Report on industry protection.

The Federal Government has made a long term statement on tariffs - one that is long overdue. The recommendations continue -

6. Productivity-based labour market reform . . .

We know where we are going on that one, and we have a long way to go. I see that our Prime Minister has stepped in and endeavoured to take the lead in this matter; and what has he done? He has promised four pay rises in a matter of a few months, which, thankfully, the employers have rejected; but that does not say it will not end up that way. I would like to think their rejection is the ultimate.

It was interesting to read in the *Sunday Times* of 28 April the headline "Wharfies' \$100,000 a year - plus perks". Admittedly the \$100 000 is for an overseer on the waterfront working, on average, 27 hours per week. The newspaper article lists some of the perks of the business, including free clothes, sunglasses and carrybags, accumulated sick leave, \$13 per week laundry allowance, \$5.30 per week telephone allowance, five weeks' annual leave with 27.5 per cent loading, and a meal allowance of \$9.15 if overtime exceeds one hour. The article states -

Workers have access to subsidised canteens in modern terminals with television, gymnasiums, saunas, tennis courts and pool tables.

Average annual earnings for wharfies vary from \$45,000 for 23 hours a week to \$100,000 for supervisors who work an average of 27 hours.

I do not think I need to read out any more, other than the final paragraph of the article, which states -

A shipping industry source said that if a worker's overtime at the end of a normal shift exceeded two hours he would be paid a minimum of seven hours at double time and a half, plus a meal allowance, irrespective of the length of overtime.

So often we see just that, where wharf labour purposely does not quite finish the cleaning up of a ship so they must go on to double time and a half and are paid for seven hours at that rate. These are the people whom our Prime Minister is offering four pay rises in the next 12 months. So much for productivity based labour market reform! The recommendations of the Special Rural Task Force continue -

7. The Commonwealth and State Governments should encourage banks and other rural lending institutions to take account of agriculture's sound long-term prospects in their dealings with rural clients.

I do not think many banks would be persuaded that we have a long term prospect under present conditions in Australia. The recommendations continue -

8. Rural financial institutions should be encouraged to adopt the Farm Assessment Scheme . . . provide an opportunity for owners of farm businesses to discuss their business prospects with major creditors.
10. A Rural Finance Committee should be formed by the Minister for Agriculture to monitor developments in rural credit.
11. . . . invoke Part B of the Rural Adjustment Scheme to ensure the Rural Adjustment and Finance Corporation (RAFCOR) has the full complement of RAS measures available . . .

Recommendations 12 and 13 relate to sharefarmers and the ability to leave agriculture. Recommendation 14 once again refers to the resources of RAFCOR, and we have seen the

Federal Government endeavouring to give more money to that corporation. I gather that the Premier has announced in another place today that Western Australia might not be able to match some funds being offered by the Federal Government for RAFCOR because of its commitments to the guaranteed minimum price.

The report of the Special Rural Task Force then discusses transport areas and in particular national road funding. I do not have to remind members of the tax that has been placed on isolation. The very people who live in isolated places must pay the most when it comes to road funding; it has simply become a matter of taxing and we have not seen that funding put into roads, as we should have. Recommendation 16 of the Special Rural Task Force refers to the Interstate Commission's recommendations on road user charges. The report goes on -

17. The State Government should not proceed with the proposed 1¢/t km levy on grain and fertiliser transport . . .

Of course, as I have said in this House before, that would have been illegal in any event, so no wonder the State decided not to do it. The recommendations continue -

18. The State Government should deregulate all commodities from rail transport, including bulk fuel.
19. The Commonwealth Government should exempt all rail authorities from fuel excise on distillate (diesel).

It is ridiculous that Westrail has to pay excise on the fuel it uses on its own rail lines. I am surprised Hon Fred McKenzie has not been able to exert his authority in this matter.

Hon Fred McKenzie: Could you repeat that, please?

Hon D.J. WORDSWORTH: The Special Rural Task Force recommends that the Commonwealth Government should exempt all rail authorities from fuel excise on diesel.

Hon Fred McKenzie: Of course it should - it is in the Interstate Commission's report. I have been programming that for ages. I am glad to hear Hon David Wordsworth mention it.

Hon D.J. WORDSWORTH: I thought I would get a response from Hon Fred McKenzie on that one.

Hon J.M. Brown: Do you agree?

Hon D.J. WORDSWORTH: Of course I do. The recommendations continue -

20. The State Government should hasten the corporate restructuring of Westrail . . .

I am sure Hon Fred McKenzie would agree with that, too. The recommendations continue -

21. The State and Commonwealth Governments need to hasten the pace of reform on the waterfront.
22. The Commonwealth Government should amend the Navigation Act to remove the provisions which prevent foreign shipping competing against Australian flagged ships in Australian waters.

The report then goes on to discuss taxation issues and so on. In other words, that task force has pointed out to us the true effects inflicted upon Australian producers by State and Federal legislation and the ridiculous situation where, in spite of the fact that we now have massive unemployment, particularly in rural areas, wages continue to escalate. While I support this motion I think that somehow the person who formulated it was trying to hide from some of the disadvantages that were caused by Labor Governments, and instead to blame overseas interests.

HON J.M. BROWN (Agricultural) [8.00 pm]: I thank members for supporting the proposition. I did not understand what Hon D.J. Wordsworth was alluding to in his last remark so I will not comment on it. By the same token I appreciated his contribution and those of Hon J.N. Caldwell, Hon Margaret McAleer and my colleague and friend Hon Tom Butler. Despite Hon Tom Butler's statement that he is not attuned to agricultural matters, ever since I have known him, especially in his previous capacity of President of the Australian Labor Party, WA Branch, he has attended rural conferences, something which holds him in very good stead. Hon Margaret McAleer wondered how many farmers would

increase their production of grain. I cannot tell her that, but in the Mingenew area Mr Obst - a very substantial farmer - who was not planning to put in a crop because he would incur a loss, intends putting in at least 2 000 acres as a consequence of the guarantee being given. I am not saying that is a demonstration of what will happen everywhere.

Hon Derrick Tomlinson: It is interesting to note that Mr Obst does not borrow money for his farm.

Hon J.M. BROWN: I do not know that, and I do not think that Hon Derrick Tomlinson does either. It is my understanding that he has commitments.

Hon Derrick Tomlinson: He does; all farmers do.

Hon J.M. BROWN: He did not intend to put in a crop at a loss.

Hon Derrick Tomlinson: I am not challenging that; the member is perfectly correct.

Hon J.M. BROWN: I could talk of other cases that I am personally aware of but that is not the job of parliamentarians. Hon Margaret McAleer referred to the publication *Australian Grain*, which said that wheat growers in certain States had advantages over those in other States. The other States do not care very much about Western Australia. I do not want to set State against State, but if our State has advantages over other States it is through the initiatives of our State Government and not the Federal Government. I am sure that everyone would understand that the initiatives taken by the State Government should have been the responsibility of the Federal Government. Although Hon Margaret McAleer said that the other States did not support us, they certainly backtracked. I mentioned that John Bannon, the South Australian Premier, thought the Federal Government should do something, as did New South Wales Premier Nick Greiner's spokesperson; however, the Victorians would not be subsidising any of their grain growers. I will not traverse old ground in that field, but those are some of the matters I did relate to the House to try to give a composite view of what is happening in the other States, without bringing in political motivation.

I have worked with members of the Waterside Workers Federation and seen how they have operated over several decades. I have seen their numbers diminish from 2 500 to less than 500 members, and I have seen improvements in cargo handling. However, despite such improvements the industry has set up a commission and employers have adopted the view that they are not satisfied with the present situation and there will be consultation to further streamline waterfront activities. So employers and employees have a part to play. We must have a starting point and, if there is a successful conclusion, all the better.

The debate has been fruitful and valuable to the people of Western Australia. The contributions that have been made by all members who spoke and the support of those who did not participate in the debate but stopped and listened was gratifying because we all understand the grain growing industry is important to all Western Australians. The guaranteed minimum price initiative is a responsibility which should have been introduced by the Federal Government. I believe the time will come when the Federal Government will recognise its own shortcomings in this direction and that will come about because of the actions of people like ourselves. The Federal Government will recognise there should be a GMP for grain.

In accordance with the procedures of the House, I seek leave to withdraw the motion.

Motion, by leave, withdrawn.

MEMBERS OF PARLIAMENT - LEAVE OF ABSENCE

Stephens, Hon Tom

HON FRED McKENZIE (East Metropolitan) [8.08 pm]: I move without notice -

That leave of absence for 12 consecutive sitting days be granted to Hon Tom Stephens (Mining and Pastoral) on the grounds of personal and parliamentary business.

Generally notice is given of such a motion and that has been the practice I have adopted since I have been the Whip. However this situation has arisen because prior to the last sitting of Parliament Hon Tom Stephens had been away for five days to attend his father's funeral in

Sydney and as Whip I granted him extra days for compassionate reasons. Due to the Geraldton by-election we have not sat since then and Hon Tom Stephens was not able to give notice that he had been awarded a scholarship by the Government of the United States of America and had to visit the US for educational reasons associated with that scholarship.

Question put and passed.

STATE SUPPLY COMMISSION BILL

Assembly's Request for Conference

Message from the Assembly received and read requesting a conference on the amendment insisted on by the Council, and notifying that at such conference the Assembly would be represented by four managers.

ADDRESS-IN-REPLY - SIXTH DAY

Motion

Debate resumed from 27 March.

HON DERRICK TOMLINSON (East Metropolitan) [8.10 pm]: I am pleased to support the motion moved by Hon J.M. Brown expressing loyalty to our Most Gracious Majesty and thanking His Excellency for the Speech he delivered to the Parliament. When preparing to stand, I noted that the motion is dated Thursday, 14 March. I looked at my watch and noted that it is now the last day of April. A great deal of time has passed since the motion was moved by Hon J.M. Brown. The Parliament has been in recess for much of that time. I am reminded also that, it being 1 May tomorrow, in something like three weeks we will reach mid term of this Parliament.

Hon J.M. Berinson: We should have a recess, then.

Hon DERRICK TOMLINSON: For some of us, that is half way through our first term, for others it is half way through their last term and yet for others it is halfway through yet another term of Parliament. The Attorney General said that, because we have reached mid term, it is recess time. Mid term is also report time and one is inclined to examine the Government's performance and give it a mid term report. I do not intend to do that, however, because I am reminded of a sage colleague and an incident when he and I were marking examination papers and I complained to him about the quality of the student responses to some of the questions that had been set in the examination. He looked at me and shook his head very wisely and said, "Never examine, Derrick, it is too embarrassing." That springs to mind now because, were I to examine the performance of the Government mid term, it might be too embarrassing. Some assessment of the Government's performance was made recently and it was given 16.5 per cent which, of course, is a very embarrassing score.

I draw the attention of the House to one aspect of the Government's performance in which there has been progress and I commend the Government on the progress it has made thus far. In the campaign leading up to the 19 February 1989 State election, the Australian Labor Party released a policy document titled "Outer Metropolitan". One of the matters referred to in that document was the provision of accessible and adequate health services in the community. It referred particularly to the Government's intention to commence in January 1990 a development program at the Swan District Hospital to provide an additional 80 hospital beds by mid 1995. I am pleased to say that, in the first year, the Government took the first steps towards honouring that promise and allocated in the 1989-90 Budget \$800 000 for the detailed planning of the 84 bed Swan District Hospital redevelopment. It also made a commitment to other developments in other hospitals in other parts of the metropolitan area, including the planning of 120 additional beds at Wanneroo Hospital to finish in 1991-92 and a new hospital at Kalamunda as an early priority. I do not know what progress has been made on the Wanneroo Hospital or on the new hospital for the northern suburbs. The Government also committed itself to a \$35 million refurbishment for the Osborne Park Hospital.

However, some progress has been made on the redevelopment of the Swan District Hospital. In the first year, as the necessary first stage, a team of consultants were contracted to prepare

a brief for the redevelopment of the hospital. It is necessary to point out the demographic context of the Swan District Hospital because it serves a large catchment area. A report by Silver Thomas Hanley indicated that the overall primary catchment area of the hospital is expected to increase by around 135 000 people by 2001, an increase of approximately 63 per cent on the 1986 figure. The demographic breakdown of that population shows an estimated increase in the child population - those aged zero to 14 - of 52 per cent, double the metropolitan area average increase. The number of females in the primary child bearing age group will increase by 53 per cent, which is estimated to be triple the estimated metropolitan average. Therefore, the growth in the Swan District Hospital catchment area will include a large number of young families and particularly married people of child bearing age. One might anticipate from that an increased demand for maternity services at the Swan District Hospital.

At the other end of the scale, the number of older people aged 70 years and over will increase by 75 per cent. One can anticipate, therefore, an increased demand for geriatric services at the Swan District Hospital. It should be pointed out that, while the catchment area of the Swan District Hospital services such suburbs as Midland, Ballajura, Bellevue and others, it also has an incidental catchment area of the midlands of the wheatbelt, particularly in its maternity wards, and hence it has what one might call an official but incidental catchment area. It is not only important, therefore, to that significant part of East Metropolitan Region with which Hon Tom Butler and I are familiar, but it also provides a very important health service for the western part of the agricultural area.

Hon T.G. Butler: You appreciate how the words "catchment area" can imply just about anything you like.

Hon DERRICK TOMLINSON: Yes, they do, but "catchment area" in this instance is defined for the purposes of the Health Department estimates.

Put in the context of that significant and rapidly growing portion of the metropolitan area and the service it provides to the western wheatbelt - the Midlands - the assessment of Swan District Hospital by Silver Thomas Hanley is somewhat alarming. I should make the point that it would be improper and unfair to lay the blame for the condition of the Swan District Hospital solely upon this Government. It is fair and proper to acknowledge that the conditions described in this consultants' report represent an element of neglect of the need for refurbishment and redevelopment of this hospital by previous Governments as well. I acknowledge, and I think health service providers would acknowledge, a rapid deterioration has taken place in the past six years, partly because of the age of the hospital, partly because of the severe economic constraints under which the Government is operating, and partly because of change in community attitudes towards private versus public health care since the introduction of Medicare. The shift in the balance of private versus public funding of health services has merely contributed to the financial difficulties in which the Swan District Hospital has found itself. The consultants' report makes the following point in its executive summary -

Whilst the majority of hospital buildings are structurally sound, in many areas, both the design and finishes do not meet current standards. In specific areas such as theatres, the present facilities are considered to be seriously deficient. With respect to engineering services, the majority of services are at the end of their economic life and will require upgrading and/or replacement in any redevelopment programme.

The detailed references to specific parts of the hospital explain why I refer to this report as alarming. In fact, it is a condemnation of the public provision of health services in that part of the East Metropolitan Region. The report states, when referring to the kitchen, birth suites and maternity area -

The kitchen area has recently been refurbished for the frozen food system of food preparation. Comments provided in the Engineering Services' report are relevant and should be taken into consideration. This area is considered below current acceptable standards for the functions performed and should also be evaluated as part of the redevelopment strategy in terms of future potential use.

The report states in connection with the pathology block -

The pathology laboratories are located in a separate transportable building. Servicing, access and space are considered inadequate.

On the subject of the service block, stores and staff toilets it states -

This is a detached group of buildings at the rear of the main hospital buildings. These will need to be evaluated in any future redevelopment of the site, in terms of location relative to other buildings on site and services' upgrading requirements.

Any future redevelopment should also consider removal of all asbestos products on site and review fire protection requirements in all buildings.

It continues with a description of physical conditions which are deteriorating because of the age of the hospital and the inadequate capital investment for the replacement and upgrading of these physical conditions, and because some of the facilities and services have moved beyond their anticipated economic life span and have not been replaced. The net result is a hospital which, although structurally sound, is not regarded as an attractive or convenient place in which to work. I suppose these things do not matter a great deal to a person who is sick. However, when one reads the comments on the operating theatres, one starts to wonder whether being sick in the Swan District Hospital is a health hazard. The air conditioning in the operating theatre is referred to in the following terms -

The operating theatre area in particular is totally inadequately served, and with low ceiling heights combined with minimum ceiling void. Retrofit of adequate systems is impractical unless the roof is replaced at considerable expense. It is generally considered inappropriate for the theatre area to continue in its current use but it could be adapted to a lesser clinical function.

The medical and gas suction reticulation is referred to as follows -

As mentioned previously in site services' comments, reticulation lacks adequate isolation and safety alarms. In addition only a partial service is provided in many areas. Outlets no longer meet code requirements and will require replacement when any area is upgraded. Current disciplined maintenance avoids significant risk of hazards but continued use of these outlets cannot be extended indefinitely.

The following comments are made about the operating suite -

The O.R. Suite consists of 3 theatres with the third theatre being essentially a procedures room.

The theatres and lounge areas are internal and, apart from the recovery room, there is no natural daylight into the suite.

The theatres are all minimal in size with the largest being 5.8 x 5.4 metres, the next at 6.0 x 4.8 and the theatre/procedure room at 4.4 x 4.2.

The design of the theatre suite does not allow for adequate separation of clean and dirty functions with a common corridor and the central sterile supply department accessible only via a public corridor.

The report continues and it is a total condemnation of that public hospital. I repeat that it services a significant portion of the East Metropolitan Region. I again make the observation that this Government is not solely to blame for the condition of the Swan District Hospital. I also make the point that the Government has acted to meet its commitment for the redevelopment of the Swan District Hospital. In the 1989-90 Budget it made an allocation of \$800 000 for the initial planning. Stage 2 has been funded in the Budget allocation for the current financial year and I understand that plans for the hospital are now complete. We await with some anticipation the decision of the Government for the allocation of funds to proceed with the redevelopment and the building of the hospital. I put the Government on notice that the people of the region are watching closely its intention in this regard.

Although the physical conditions of the hospital are inadequate, that is not its sole problem. I refer now to the annual report for 1989-90 which was tabled in this House at the end of last year. This report highlights a second aspect of the financial problems experienced at Swan District Hospital. The report by consultants Silver Thomas Hanley focuses upon a need for a substantial capital investment for the redevelopment of the hospital site to bring it up to a reasonable standard for health care. Although the Government has committed itself to, and we hope will continue to commit funds for, the redevelopment of that hospital, recurrent expenditure for maintenance faces serious shortcomings. In the report for 1989-90 the point

was made that the hospital's budget of \$12.2 million represented an increase of 1.2 per cent over the 1988-89 budget for other goods and services yet the consumer price index for the same period rose by approximately 8.6 per cent. What does that mean? It means, in real terms, a cut of about seven per cent in the allocation for the maintenance of Swan District Hospital, a hospital which has had cuts in real terms for four consecutive years. It was not isolated in those cuts. It has been argued that some of those cuts were justified to rationalise public expenditure. However, successive cuts of that magnitude can be achieved or maintained in only one of two ways: First, the hospital is made more efficient and becomes more productive for a lesser investment. Swan District Hospital, according to its performance indicators, is an efficient hospital. By 1988-89 Swan District Hospital had implemented as many efficiencies as possible and could not become more efficient given the physical conditions under which the hospital operated.

The second way to cut expenditure is to reduce hospital services. The first reduction in hospital services at Swan District Hospital involved the closure of 12 overnight minor surgery beds on 12 March 1990, which beds have remained closed. I make this comment in the context of the 1989 statement that hospital beds at Swan District Hospital would be increased by about 50 per cent by 1995. Between the time that statement was made in 1989 and March of 1990 the number of beds was actually reduced from 90 to 78. The net result is that minor surgical or elective surgical procedures have been reduced significantly. The second constraint on actual services at the hospital was to reduce ophthalmic surgery in the current year by 50 per cent. When elective surgery is reduced by the closure of a full minor surgical ward - in this case the closure of 12 overnight beds - and when ophthalmic surgery is reduced by 50 per cent but the demand and need for such services remains, conscientious medical practitioners and surgeons look elsewhere for beds, operating theatres and overnight care of their patients. They look immediately to the private system. However, there is a constraint upon that system because 60 per cent of the population accessing Swan District Hospital are public or Medicare patients who are either ineligible for or cannot afford private hospitalisation, or who for various reasons do not qualify for treatment in such hospitals.

When this happens people turn to the nearest public hospital, in this case Kalamunda District Community Hospital, which, unlike Swan District Hospital, has not exceeded its budget. The Health Department, or the Minister for Health, advised the Swan District Hospital that there would be no supplementation of its budget and because of that it looked to curtailing services. Kalamunda District Community Hospital was in the fortunate position of not exceeding its budget. It had managed, partly by good administration and partly because of the nature of the population it serves, to maintain a balanced budget. Swan District Hospital has 60 per cent public patients and therefore has a reimbursement for services that is less than the cost of providing those services, whereas Kalamunda District Community Hospital, because of the population it serves and because it has a greater proportion of private patients of the order of 60 per cent, is in the reverse situation of Swan District Hospital and has been able to maintain its budget. It has not been compelled to impose constraints upon its services because of budgetary considerations. Members should put that in the context of the matters related to Swan District Hospital that I have just described.

Swan District Hospital has been compelled, as a result of budgetary considerations, to close 12 minor surgical beds. It has been compelled to cut its ophthalmic surgery by 50 per cent. Doctors, surgeons and specialists whose patients would otherwise have attended the Swan District Hospital were directed to Kalamunda Hospital. The net result was that Kalamunda Hospital had to share the financial burdens of the Swan District Hospital. Added to that are the similar constraints which were imposed on the Bentley Hospital. I see you nod your head, Mr President, because you are familiar with the Bentley Hospital and the closure of such things as the outpatients' ward and the constraints that hospital had imposed upon its minor surgical wards. The same decision was made by doctors servicing the Bentley Hospital as that made by doctors who serviced the Swan District Hospital, and that was to gain access to the medical or hospital facilities and operating theatres which their patients needed; they looked to the hospital which had not suffered budgetary constraints, the Kalamunda Hospital. These are the results of, first of all, the budgetary constraints which the State Government has imposed upon its health system and, secondly, the results of the Medicare system as a consequence of which a large proportion of the population has been compelled to opt for public health care. These people have been compelled to opt for public

health care because they cannot afford double health insurance. They cannot afford the compulsory Medicare health levy as well as private health insurance, so their choice is absolutely constrained.

Hon T.G. Butler: They cannot afford health insurance?

Hon DERRICK TOMLINSON: Of course they cannot afford health insurance when they are already paying up to \$1 000 for Medicare.

Several members interjected.

The PRESIDENT: Order!

Several members interjected.

The PRESIDENT: Order! For crying out loud, order! I ask honourable members to stop their interjections because they are out of order. I ask the honourable member addressing the Chair to continue doing just that and to ignore those members who are unruly.

Hon DERRICK TOMLINSON: Thank you, Mr President; I shall ignore the unruly interjections and make the point that for a significant portion of the population the impost and cost of Medicare, which they cannot avoid, has denied them the capacity to pay for private health insurance. Because they are denied the capacity to pay for private health insurance, they disqualify themselves from access to private hospitals, and they are compelled to use public hospitals. Because they are compelled to use public hospitals, and because public hospitals are surviving under severe budgetary constraints, hospitals such as the Swan District Hospital and Bentley Hospital are compelled to curtail their health services, and the doctors servicing such hospitals are compelled to direct their patients to the nearest available hospital, or deny them reasonable hospital treatment. While I was sufficiently charitable to suggest that the capital constraints and needs of the Swan District Hospital cannot be entirely blamed upon the current Government, I put it to the House that the recurrent expenditure constraints upon the public hospitals and the flow over of the consequences of those expenditure constraints from one hospital to another lie entirely at the feet of this Government.

Hon Garry Kelly: You have only one foot at the moment.

Hon DERRICK TOMLINSON: In the remaining 25 minutes let me turn to another aspect of the consequences of constraint or restraint in public expenditure.

Several members interjected.

Hon DERRICK TOMLINSON: I am doing my best to ignore the unruly interjections, but I find it very difficult.

Hon Garry Kelly: They are very "ruly".

Hon T.G. Butler: We find you difficult as well.

Hon DERRICK TOMLINSON: The constraints in public expenditure are imposed for two reasons. One is quite clearly the economic condition of the nation. Western Australia is not isolated from those economic conditions; it too is suffering from the maladministration of the country from Canberra. The other reason for the constraint, of course, is that some \$64 million was allocated in the 1990-91 Budget to pay the debts, or some of them, of the profligate Burke and Dowding Governments. Of course we cannot allocate \$64 million to profligate debts without -

Hon B.L. Jones: Alleged debts.

Hon DERRICK TOMLINSON: If they are alleged debts, one wonders why \$64 million had to be allocated to meet them, or was the sum merely an alleged \$64 million which was allocated to that function? If one allocates \$64 million to the servicing of a debt, or to paying back a debt, every domestic Treasurer knows that cuts must be made somewhere else. The constraints in expenditure are not merely good management on the part of this Government; they are the consequences of bad management which appear in the deterioration of our health system, the lack of access to adequate health services by the people of Western Australia, and in this case the people of these metropolitan regions.

Turning to another aspect of those expenditure constraints we look at education. The Darling Range District Education Office was compelled in November 1990 to distribute to its school principals this circular -

MINOR WORKS REQUESTS

As you are aware, Government budget cuts have affected the funds available for Minor Works Projects.

For 1990/91, the Darling Range District has received \$94,100 (early starts) only. There are no further funds this financial year. This compares with over \$180,000 funded in 1989/90.

That is a reduction of the minor works budget for the Darling Range Education District by 50 per cent. By September, of that \$94 100 allocation \$3 100 remained to be spent on minor works for repair and maintenance of schools in the Darling Range education district for the period from November 1990 to 30 June 1991. It does not take much imagination to understand the consequences of that; in fact, the consequences were indicated in the same circular. The school principals were advised that to manage this situation they should defer some breakdown maintenance and only a minimal amount of preventive maintenance should be undertaken. They were then advised that such things as flyscreens were not to be replaced, asbestos-fibro repairs, ceiling repairs and window repairs were to be deferred; lock repairs were to be undertaken because of some threat of loss of property; and furniture, blackboard, pin board, and audio visual equipment repairs should be deferred. The natural wear and tear on equipment and facilities at schools was not to be attended to because no money was available.

What does that mean in real terms for schools? Let us take the Kalamunda Senior High School, which in 1989-90 commenced a repair and renovation program. The first half of that program was completed with funds allocated in the 1989-90 Budget. The school expected that the second half would be met out of funds allocated in the 1990-91 Budget - but no funds were allocated. The net result is that half the Kalamunda Senior High School has been repaired and repainted; the other half remains unrepaired and not repainted. It will continue to be unrepaired and not repainted for the indefinite future. The roof of its library leaks when it rains. It has been reported to the Building Management Authority some 40 times, and some 40 times officers of the BMA have visited the school and stuck on Mastic, or a similar repair material, to the roof. The net result is that it looks like a dalmation and continues to leak on the stock and the learning resources, and unless the library staff are alert it leaks also on the computer equipment.

Hon T.G. Butler: Would the member agree that we probably have too many schools to maintain?

Hon DERRICK TOMLINSON: That is an interesting question. One would assume that if we have too many schools to maintain then the schools are under utilised.

Hon T.G. Butler: True.

Hon DERRICK TOMLINSON: I put to the member that some schools are under utilised. I understand that the Government has a school renewal program under way. I understand that 30 schools are being considered for renewal.

Hon John Halden: You are wrong! Your speech has been wrong! You are wrong again!

Hon DERRICK TOMLINSON: If the honourable member likes, I will bring in a list of the 30 schools being ordered for renewal.

Hon John Halden: I challenge you to do that!

The PRESIDENT: Order! The Parliamentary Secretary knows that he cannot challenge members to do anything in this place. Certainly he cannot do that by way of interjection. I suggest he refrain from interjecting.

Hon DERRICK TOMLINSON: I am not sure what renewal means but I suggest, in the light of the question by Hon Tom Butler, that renewal for some schools means closure. In the light of the experience of the parents and children of the Carmel Primary School, who learnt their school was to be closed -

Hon T.G. Butler: Is the member talking about the Carmel Junior Primary School?

Hon DERRICK TOMLINSON: No. The school was called the Carmel Primary School; it only had preprimary and years 1, 2 and 3 classes. Its classification was class 3 primary school. It was not a junior primary school. That school learnt of its closure a few weeks

before the end of the school year, as a consequence of the member for Darling Range's asking a question in another place. The Minister for Education answered that the Government intended to close the school. However, the parents of that school had been told by the previous Minister for Education, Dr Lawrence, that they would be consulted before closure. When the matter was challenged in the Supreme Court on the meaning of consultation, the parents were advised that consultation meant "after the event" - after the event they would be told what the Government intended to do. I sincerely hope that the schools listed for renewal this year, as a consequence of budgetary restraints that the Ministry of Education is working under, will involve a different process of consultation from that of being advised after a decision is made for the schools to be closed.

I have digressed, because I was referring to the consequences of the restraints in the minor Capital Works Budget and the fact that there is no money in the coffers for school maintenance and repair in the Darling Range district. I could go on to quote examples, such as the Kalamunda Senior High School, where urgent repair and maintenance programs are being deferred. I could refer to the East Maylands Primary School, which is in a different education district, where the student toilets are - if I may use a colloquialism - a 1940s version of school dunnies. They stink! They stink because the urinals are stainless steel urinals. The one modernisation at the East Maylands Primary School is the stainless steel urinals in the boys' toilets. They have also stainless steel cisterns above the urinals. However, the placement of the cisterns above the urinals in the boys' toilets at this school are at such a height that the junior primary boys cannot reach them. They do not have a chance.

Hon Barry House: Do the urinals have chains?

Hon DERRICK TOMLINSON: The toilets were modelled on the toilets built at the Rivervale State School when I was a pupil there. When I was in sixth standard at that school in 1952, a chain pulling system was in existence. The chains were above the height of the little boys in standards one and two. Therefore, those of us big boys in standard six were allocated to be chain monitors. After recess and after lunch we had to go into the toilets and pull the chain.

Hon John Halden: And loved it too!

Hon DERRICK TOMLINSON: Yes, because it got us out of schoolwork and gave us five minutes of freedom from the classroom. It was a much sought after job.

Hon Sam Piantadosi: It was your real vocation in life.

Hon DERRICK TOMLINSON: I was the best toilet chain puller in Rivervale State School!

Hon John Halden: Little has changed!

Hon DERRICK TOMLINSON: A significant change has occurred: As has been demonstrated at the East Maylands Primary School, the toilets now have a button system which also cannot be reached. I have made light of this issue, Mr President, but this is a very serious issue. The situation not only stinks, as Hon Tom Butler indicated, it also represents a health hazard. If we were to apply the provisions of the Occupational Health, Safety and Welfare Act to the school, the school would be condemned.

Hon T.G. Butler: Keep your voice down; you are a health hazard.

Hon DERRICK TOMLINSON: The toilets at that school fail to meet not only the provisions of the Occupational Health, Safety and Welfare Act, but also the Local Government Act. The latter Act does not apply and the situation is allowed to remain. The children of the East Maylands Primary School have to tolerate these conditions. When it rains the children must run through the rain to reach the toilets and to return to the classrooms. However, they are not protected from the rain once they are in the toilets because of a metre-wide gap between the roof and the wall. Therefore, the children hazard a drenching not only when going to and from the toilets, but also when in the toilets. If they also press the button on the cistern they hazard a triple drenching! These matters are serious and the conditions to which I refer at East Maylands Primary School apply to the school as a whole. This school badly needs redevelopment, refurbishment and, in fact, replacement. The East Maylands Primary School represents the parlous condition of public education facilities in this State in the same way that the Swan District Hospitals represents the parlous condition of public health.

Hon T.G. Butler: Can you remind me of the number of students at East Maylands Primary School?

Hon DERRICK TOMLINSON: It is a class 2 primary school, and would have in the order of 170 students.

Hon Fred McKenzie: Meanwhile Rivervale State School no longer exists.

Hon DERRICK TOMLINSON: Unfortunately not. Do not make me feel sad; it is my old alma mater.

We are mid-term in this Parliament and it is a good time to consider the achievements of this Government. When it comes to economic management and responsible Government, the people of Geraldton made a fair assessment; that is, sixteen and a half persons out of 100 voted for the Labor Party. Having reached half term of this Parliament the Government has the responsibility of considering its priorities. I indicate to Government members opposite that health and education expenditure represents approximately two-thirds of this Government's expenditure - it is a major responsibility of Government. However, in this major responsibility this Government is found wanting. A duplication of neglect has also occurred and we have reached the stage of crisis in our education and health services. The shortcomings will not be able to be met by future Governments unless urgent action is taken to change the direction of Government priorities.

I commend the motion to the House.

HON JOHN HALDEN (South Metropolitan - Parliamentary Secretary) [9.06 pm]: In associating myself with the motion before the House, I shall clarify a matter raised by the previous speaker to which I responded by way of interjection. Although the member may believe that a list exists of 30 schools which are to be closed under the school renewal program, he will see that the list does not exist when he sees the report next Tuesday. I challenge the member to present such a list because, as chairperson of the school renewal committee, I know such a list does not exist and the matter never occupied my attention or that of the committee. It is unfortunate that the member should listen to hearsay and gossip and then spread it, especially when it is likely to cause considerable anxiety in the community. His information is false. The member should be a little more circumspect about the matters he brings before the House, especially on emotive issues. I will not mention the detail of the report before its presentation but the matter of consultation raised by the member is an important one. Consultation will be a hallmark of the report, and the consultation process involved the public, the Ministry of Education and the committee.

I draw to the attention of the House a matter which has caused considerable concern and should be discussed in this place; that is, the situation of the police in juvenile matters and community policing. From time to time this Parliament and the community place the police in a difficult situation as they try to uphold the letter of the law while upholding community expectations of the law, which often may not be strictly within the letter of the law. That can be very difficult. I draw members' attention to an example of the police being placed in a very difficult situation; that is, the control of prostitution. It is well over a century since prostitution within this State has been tolerated under either an informal or formal containment policy. Such a containment policy is an anomaly in the law because the law says that certain activities related to prostitution, but not prostitution itself, are illegal. It is therefore particularly difficult for the police to determine how to enforce a containment policy. The official containment policy has been in vogue since 1975. At that time some 13 facilities, for want of a better term, were allowed to operate and that number has not increased since then. However, around the edge of the containment policy has been the establishment of escort agencies, massage parlours and the single prostitute who works from her home to supplement her income. They all fall outside the containment policy placing police in a very difficult position, as of course are many of the local government authorities, particularly in relation to the single residential prostitute or brothel.

Having a law but not having a law causes great difficulty. Prostitution has been addressed by a number of Governments over a long period and none has as yet bitten the bullet about what should be done about it. A number of reports have been prepared, many of which have made very clear recommendations. One of those, written in the early 1980s by a member now in the lower House, Dr Judith Edwards, recommended significant changes to and regulation of the industry. However that report was not acted on. Recently the Government initiated what was called a community panel on prostitution chaired by Beryl Grant. In September 1990 the panel made a number of recommendations which in essence suggested

that the prostitution industry should be regulated. That report has been open to public comment and the recommendations plus the various items of public comment are now with the Minister for Police. I understand that shortly he will decide whether the recommendations should be incorporated into legislation. I hope the Minister will make his decision quickly, because a decision is overdue. That is no reflection on him whatsoever; he ought to be praised, as should Beryl Grant for the quality of the report and for seeing the necessity to act in this area.

The report addresses a number of quite pressing issues, and one of those concerns local government and its power to deal with brothels, escort agencies and massage parlours. I recently became aware that this matter was debated in a meeting of the City of South Perth where one councillor - I do not know from where he obtained his figures, but they are seemingly fairly authoritative - was able to say there were some 35 illegal brothels within the confines of the City of South Perth. I am told he obtained those figures from the personal columns of the Saturday and Sunday newspapers. I have no reason to doubt that information; he may know that better than I do. The problem is it has been difficult to contain something that is illegal by regulation and by law. Under the Local Government Act and town planning schemes the issues do not relate to brothels or prostitution. Also, it is difficult to get the police involved because the action of prostitution itself is not illegal. There have also been significant difficulties for local government in this area. I am aware of certain councillors, not just in the City of South Perth but also in the City of Melville, who have raised their concerns about brothels and their associated problems which can occur within a neighbourhood, such as noise and parking problems, and being given a difficult time in trying to represent the majority of the community. Those problems will continue until local government squarely faces up to the issue.

The recommendations suggested by Beryl Grant and the panel make it clear that local government should use its powers under its town planning schemes to control those matters. The report recommends that single operators should obtain planning approval and that would mean being subject to home occupation regulations. Then, of course, if people who chose to run a single person brothel did not conform to the regulations, the local government authorities would have some power to act. At the moment they do not have that power. If prostitution were regulated the police would have a role to play also.

The other matter that has come to my attention on prostitution concerns Kalgoorlie. Although I do not claim to represent that electorate - I suppose all electorates have their own quirks - it is unfortunate that the situation with prostitution in that town has been allowed to continue into the 1990s. I was horrified to discover that there are certain informal rules - I presume enforced by the police, which must place them in a very difficult situation - which apply to prostitution in Kalgoorlie, some of which are: Prostitutes in Kalgoorlie are not permitted to live outside the brothels and in certain instances must work and sleep on the premises in the same room; their movement around town is restricted; they are not allowed to enter hotels; they have a dusk to dawn curfew; they are not allowed to visit friends within Kalgoorlie; and their families must live a certain distance away from Kalgoorlie. Police must enforce these rules. Those conditions imposed on anybody in any industry performing any task should not be tolerated in our society today. It is time we seriously looked at how people in the prostitution industry are treated. Clearly it is well supported, not only by clients who frequent the brothels but also by the tourist industry, which likewise seems to have considerable interest in Hay Street. Realistically, we should not be allowing the situation to continue any longer.

The report prepared by Beryl Grant and her panel suggests that at the moment prostitution itself is not illegal, but the ancillary activities such as keeping and managing premises, living off the earnings, street soliciting, and involvement of minors are illegal. The police submitted to the committee that they found it impossible to work to a policy which might eradicate brothels or prostitution, and that containment created obvious difficulties. They suggested a panel of community representatives be established which would register and oversee the industry. It would be funded with money collected from the various brothels, enabling it to run at no cost to the community, and be responsible for health and planning requirements and complaints. The panel would ensure the operation and management of brothels was handled by people with wide community interests. The police should be congratulated for putting forward a very sensible proposal. Many of the recommendations of

the panel reflect the recommendations of the police.

In addition to this problem is the health issue. In a time of great controversy about AIDS and sexually transmitted diseases, prostitution is a great concern to the community. In my research of this report I found that the incidence of sexually transmitted diseases through prostitution in this country is the lowest in the world. It is clear that prostitutes involved in the industry are conscious of their health. The difficulty is that there is no regulation of escort agencies, massage parlours or the home operator and there is great concern about the likelihood of the spread of sexually transmitted diseases and AIDS. The proposal put forward would be of considerable benefit in controlling the spread of those diseases.

It is interesting to look at the attitudes of other community groups in our society towards prostitution. The churches have a very clear perspective and they have accepted that prostitution is part of a dysfunctional society, but acknowledge that it has existed since ancient times. They expressed the view that the civil rights of people within the industry should be maintained. I suggest that those people operating in Kalgoorlie do not have many rights. The churches are of the opinion that prostitutes should receive counselling if they wish to leave the industry and return to other occupations or positions within society. Again, there is a need to change the current emphasis within the containment policy. In addition there is recognition that the police are placed in an unenviable position. I suggest to members that they read the report as it outlines the options for change, which are prohibition, containment, decriminalisation and regulation. Obviously prohibition is something which has not worked throughout history and containment would present considerable difficulties for the police. Decriminalisation has some merit but there is likely to be no control, and in any industry where there are concerns about health and a problem of communities existing in harmony with brothels, it is not feasible or likely. Regulation is the most feasible and reasonable option and it is one which is likely to work.

Local Government has great difficulty in dealing with this issue in spite of the fact that it experiences the problem regularly. However, it is time that local government addressed this issue. The recommendations which have been brought forward are sensible and reasonable and should accommodate the needs and demands of all concerned. If that does not happen there will be a continuation of the difficulties of enforcing the sort of laws, regulations and by-laws which concern prostitution. Nothing typifies the difficulty experienced by the police more than the section of the Act pertaining to prostitution which they are required to enforce.

Hon George Cash: Which of the options do you favour?

Hon JOHN HALDEN: I favour the regulation option, which I am sure most members would favour. Our views may differ about how far the regulation should go and what effect it might have on workers in that industry and those who own premises. Members would not expect that eradication is a possibility and would accept that containment would present many difficulties. Without some regulation the industry will be left with great problems with various sections of the community and would be open to a range of conflicts. It would be a disservice to the community and to the industry and it would not solve anything. I do not agree with deregulating the industry totally and I do not believe any group would advocate that. I am sure that when the Minister brings down his recommendations we will be arguing more about the subtleties of the difficulties being experienced rather than the intent of his recommendations based on this report.

Another issue I draw to the attention of members also involves the police and I refer to car chases, which have had a high profile in the Press recently and are of great concern to the public. The police are caught in a difficult position because they are required by law to do certain things which obviously present dangers to the offenders, the police and to the community. The police are placed in an enormously double edged position of knowing the dangers and also realising the great expectation on the part of the public that people should not be allowed to continue to steal cars to the degree that it is occurring. Those who have had their cars stolen would agree that it is inconvenient and they are somewhat peeved about it. It has become a common practice and the community is becoming agitated. The police respond accordingly. However, when a tragedy occurs, as was the case recently, the police find themselves in a difficult position. On the one hand they are enforcing the law and on the other hand they are confronted with unfortunate situations.

The Leader of the Opposition in another place proffered as a solution greater community

consultation, but that has already occurred. What concerned me is that the Leader of the Opposition called for more severe penalties, which I do not consider to be a solution. Members would agree that the call for more severe penalties, although popular, is simplistic. The penalty for car stealing has become more severe, but that has not deterred people from committing that offence. If we adopted the Leader of the Opposition's solution, offenders would be gaoled for lengthy periods. One has to take a wider perspective of this matter and ask why, with greater penalties, more police, greater community concern and community policing, this problem continues. When one seeks to place it in perspective, car stealing in many cases is the end of the line for young people who perceive it to be, in some way, legitimate. I do not condone that, nor would anyone in this Chamber, but it is part of a subculture that is concerning a lot of people.

It was interesting to hear the comments yesterday of Supreme Court Judge Terry Walsh regarding the locking up of juveniles for long periods and a whole range of other juvenile justice matters. He said clearly that detaining young people is not the answer to this problem. Those who have been to Riverbank would be aware that it is an outdated and outmoded facility that has not worked realistically. Many of the problems for the young people involved in these sort of activities arise from the fact that they have no empathy with the community or understanding of community values and desires or of the pain that car theft and associated matters cause the community. The comments of Judge Walsh, although not new, were worthy of far more consideration than comments of the Leader of the Opposition in the other place. Judge Walsh's comments were basically that we must continue to pursue the underlying causes to ascertain why young people are involved in these activities. He said that some of the reasons are poverty, unemployment, family disintegration and racism. I think we would all agree in part with many of his statements, if not all of them. He advocated further that, rather than prison detention, community based detention programs and prevention programs - particularly for some racial groups and administered and monitored by those groups - were an important tool that we must continue to use, despite community criticisms of those programs from time to time. It will be a long term project, there is no doubt about that.

Calls by people such as the Leader of the Opposition in the other place for stiffer penalties will in no way assist with this problem. In the United States of America numerous calls to upgrade penalties have resulted in some States imposing penalties that are so ludicrous that people sentenced to 20 years' imprisonment are held in goal for two months because of insufficient room to hold them due to the outrageous length of the sentences being imposed. Those sorts of happenings must be avoided. The issues related to poverty, unemployment and the disintegration of community and family require Governments, particularly in difficult financial times, to think laterally about how they will assist these groups. It is by no means an easy problem to solve, or one that will be solved by throwing money at it. However, it is one that continues to require perseverance by the community and Government in looking at the various options and possibilities available in these areas.

I have a strong bias towards programs such as Outward Bound and Westrek, both of which have had considerable success, on an international and local level, in cutting down recidivist rates among juveniles. That sort of regime teaches young people to be independent, taking them away from their community and peers and placing them in another community but not in a prison. The value of work, cooperation, leadership, and so on is taught to young people who attend those programs. The statistics with which I have been supplied show that these programs have been successful over time although the success rate may well drop. However, the success rate in these programs is far greater than that of many of the institutionalised programs currently run by the Department for Community Services. We are all acquainted with the problems associated with those programs and with putting children in institutions.

Another of my roles is speaking to prisoners at maximum and minimum security prisons throughout the State. It is surprising and astounding to see the number of people who started their criminal activities at a young age and who became involved with the Department for Community Services's system for a protracted period and who were also involved in the corrective services system for a protracted period because they show that those systems have not worked in many respects. We all have thoughts about why they have not worked and we need to look at and address those reasons. It is incumbent on all of us to look at those facts. Like many others, I do not have solutions to these problems except the generalisations I have

outlined tonight. In all the calls we make about the direction of juvenile justice the underlying difficulty and the meat in the sandwich, if you like, often relates to the police trying to enforce the law, to be compassionate in certain instances and to contain their anger about certain events in other instances. They are sometimes unable to contain that anger, understandably because of some of the distressing things that happen in the community in which we live.

We need to be very clear about the sorts of policies we should pursue as I do not think we are currently. We have a mishmash of policies from the 1960s, 1970s, 1980s and 1990s. Until we are clear about things and can tell our law enforcers what we think their direction should be, and until they understand that and hopefully agree with it, progress will be difficult as they will be confused and other people who have roles within the juvenile justice system will also be confused. The confusion between rehabilitation, retribution and providing opportunities - even militaristic regimes that can be suggested - makes it difficult for people to know what is the right and appropriate thing to do with young people. I again harp back to the fact that many existing programs have not been successful in their treatment of young people who have broken the law repeatedly. We need to review a number of those approaches to make it a little easier on everyone, which is what I started with as the theme of this speech.

The comment of Judge Walsh that perhaps we imprison juveniles too often in this State should be considered. There have been an enormous number of reports from the Parliament and committees about imprisonment rates for juveniles and adults in this State and how that rate should be lowered. This State has the highest imprisonment rate in the Commonwealth, a rate that is comparatively high by international standards. Recommendation after recommendation has suggested that that is not the appropriate way to go, particularly for juveniles, and that the imprisonment rate should be lowered. I recently went back through records to the 1950s and found that that theme is consistent. The difficulty is that it has not resulted in the lowering of the imprisonment rate in this State; if anything, that rate has increased. Of course, one can argue that the crime rate has also increased, and I agree with that. The difficulty is that when a young person is placed in an institution and is brutalised he learns lots of new tricks which tend to be criminal activities and the prison becomes the school where he learns those activities.

Hon Derrick Tomlinson: Is that conditioned by the nature of the institution? For example, you could have some institutions directed towards rehabilitation which do not have the consequences of institutionalised brutalisation.

Hon JOHN HALDEN: Yes. There are two elements to the member's question. The first is the overt aim of the organisation, or what the people who work in it are attempting to do. I believe that most, if not all, of those people in this State have the sorts of aims and aspirations which the member is suggesting they should have. The difficulty is that there is also a covert system of mores, rules, regulations - call it what we like - among the peer group in those institutions. We have all heard the stories about people being brutalised in gaols. From my experience, exactly the same happens with juveniles. In fact, in some cases it is probably worse. The length to which some juveniles will inflict pain and punishment on each other is probably worse than the length to which adults will go. So the answer is in two parts: There are covert and overt systems, particularly where we have both adults and juveniles who for many hours of the day have nothing productive to which to apply their hands and their minds. That provides a breeding ground for malcontent and for learning new criminal skills. That is why my suggestion and the suggestion of others about providing perhaps a harsher or more active regime, where juveniles have to get out and do things, and be constructive and give back something to the community, and where they have to learn to survive, is far more worthwhile and less costly than are the current alternative systems we have in place.

Hon Graham Edwards: Bush camps.

Hon JOHN HALDEN: Exactly. Recently I was in the Northern Territory, which has adopted a concept of mobile prisons. Those mobile prisons are gazetted and take the form of a piece of wire put round the middle of what is basically the desert, and from which Aboriginal prisoners do a range of community based projects. To this time not one Aboriginal has attempted to escape from one of those mobile prisons. I understand that the

work they do is appreciated by the Government, because they do work for the National Parks Commission; by the prisoners themselves; and by the community, which enjoys the facilities constructed by those prisoners.

I am not attempting to come up with guarantees, but I call upon the Government and the Minister to look at this matter seriously, as I know they have been doing, and to act as soon as possible to make it a little easier for those people who have to enforce the law. Hopefully at the end of the day we will have a community which will be more tolerant, safer and enjoyable for those who do not have the same opportunities as do the rest of us, perhaps by virtue of their socioeconomic background, racial background, or whatever, so that the opportunities provided will be more egalitarian. Perhaps that is a bit of a pipe dream but it is appropriate that the Government and the Opposition discuss this matter in a reasonable manner and come up with solutions which will result in a common ground. I support the motion.

Debate adjourned, on motion by Hon Murray Montgomery.

BILLS (2) - REPORT

1. Local Courts Amendment Bill
 2. Miscellaneous Repeals Bill
- Reports of Committees adopted.

ACTS AMENDMENT (JUDICIAL QUALIFICATIONS) BILL

Second Reading

Debate resumed from 20 March.

HON DERRICK TOMLINSON (East Metropolitan) [9.45 pm]: The House will recall that on 11 July 1990 it debated an amendment to the Supreme Court Amendment Bill which changed the minimum requirement for appointment as a Master of the Supreme Court. At the time the Bill was presented to the House the Opposition recognised the merit of the initiative it was designed to enable; namely that the Chief Justice could appoint an otherwise eminently qualified person whose experience was in a jurisdiction other than that specified under the then existing law. The amendment relaxed the criteria for experience of the jurisdiction, hence that eminently qualified person was subsequently able to be appointed to the position of Master of the Supreme Court. However, at the time that amendment was enacted the Attorney General acknowledged that it was a specific amendment relevant to a specific need, and he undertook to introduce a general review of qualifications for appointment to judicial and quasi-judicial positions. The Bill before us is the outcome of that review. It establishes minimum requirements for appointment as a Supreme Court judge, a Master of the Supreme Court, a Children's Court judge, a District Court judge, President of the Industrial Relations Tribunal, and Chairman and Deputy Chairman of the Workers' Compensation Board. At that time in 1990 the Liberal Party agreed to the amendments to the Supreme Court Act, and it also agrees to the amendment contained in the Bill now before us.

When the 1990 Bill was introduced it referred to experience in a jurisdiction elsewhere, and on the motion of Hon Peter Foss the term "elsewhere" was replaced by the phrase "in a common law jurisdiction" to make the judicial experience of the appointee equivalent to experience in a judicial system which was similar to that of Western Australia. Hon Peter Foss' amendment at that time stated a common law jurisdiction to distinguish it from a civil law jurisdiction. I note that in the Bill now before us the parliamentary draftsman has opted for the more general term of "the system of jurisprudence is sufficiently similar to that in the State for legal practice" and allows the Chief Judge of the Supreme Court to make an assessment of its equivalence. It is reasonable that the discretion rests with the court as to what constitutes a reasonably similar jurisprudential system.

The effect of the Bill, apart from specifying the minimum qualifications for appointment as a judge or to judicial or quasi-judicial position, is to establish some equivalence in terms of number of years' experience as a legal practitioner and experience in judicial positions, an equivalence amongst judges of the courts of various jurisdictions - the Supreme Court, the

Children's Court - and the Chairman or Deputy Chairman of the Workers' Compensation Board. This raises in the minds of members of the legal profession a couple of questions to which this House might address some attention at some stage, although we do not intend to proceed with any amendments.

The first question raised with me in discussion of the Bill concerns the equivalence of the number of years of experience as a legal practitioner for a Supreme Court judge with that of a Children's Court judge, a District Court judge and the Chairman of the Workers' Compensation Board. The Attorney General, in his second reading speech, made some reference to differences in the qualifications required of a Supreme Court judge. The question raised with me was: Given the particular function of the Supreme Court, and in particular its appellate function, why the equivalence between the minimum number of years' experience of a Supreme Court judge and a Children's Court judge? The Supreme Court, being a court of higher jurisdiction in some respects, might anticipate having a legal practitioner of greater experience. That question was raised, and I recognise that in previous debates the Attorney General has pointed to the increasing difficulty of recruiting to the position of judge people of advanced experience. There is a tendency to recruit more junior persons, in terms of years, to the position of judge; hence we had to address this matter in the amendments to provisions for judges' retirement and superannuation so that those who are recruited at ages of less than 45 years and who opt to retire at age 55 would then qualify for superannuation benefits. So I recognise that there might be some difficulty in recruiting to judicial service people who have had more than eight or 10 years' experience, but I communicate to the House the reservation that some members of the profession have expressed; that is, given the higher standing of the Supreme Court, should it not require a longer period of experience as a legal practitioner for appointment to the position of Supreme Court judge?

The other question which was raised, and it relates again to legislation which was debated in this House, I think last year, concerns the status of the Chairman or Deputy Chairman of the Workers' Compensation Board. Again, the requirement is not less than eight years' experience as a legal practitioner and, in terms of experience as a legal practitioner, it is equivalent to that of a judge. If the years of experience as a legal practitioner are equivalent to those of a judge, and if the other experience in a judicial or quasi-judicial capacity required for the Chairman or Deputy Chairman of the Workers' Compensation Board is in fact similar or equivalent to that of a District Court judge or a Children's Court judge, the question was raised: Why not recognise the Chairman or Deputy Chairman of the Workers' Compensation Board as a judge, with all of the appurtenances that attach thereto?

Hon J.M. Berinson: What do you have in mind when you refer to appurtenances?

Hon DERRICK TOMLINSON: All of the benefits which accrue - the status, the title of judge, the standing of that person in the legal community, and so on. One other factor we might consider is that if we had acknowledged the Chairman or Deputy Chairman of the Workers' Compensation Board as a judge rather than a chairman, it might have overcome a problem which the Opposition anticipated in the operation of the Workers' Compensation Board; namely, that given the increasing workload of that board and the solution to that, at the time, of increasing the number of other persons serving on that board, the alternative which was suggested was that if the chairman were designated a judge, judges in courts of other jurisdiction, such as the District Court, could temporarily be appointed to serve in a judicial capacity on the Workers' Compensation Board - similar to a District Court judge, in the case of Mr Justice Blaxell, I think, being appointed also to serve on the Children's Court bench.

I raise those two questions for consideration: Firstly, should not the number of years of legal experience of a Supreme Court judge be considered superior to the number of years of legal experience of judges in courts of other jurisdiction, given the superior standing and the higher judicial demands of the Supreme Court; and secondly, if in terms of qualifications and experience the Chairman of the Workers' Compensation Board is equivalent to that of a District Court judge or a Children's Court judge, why not recognise that the position is that of a judge and, at the same time, afford the opportunity for other solutions to the bottleneck which occurs from time to time in the Workers' Compensation Board? Those two questions aside, the Liberal Party supports the principle and the content of the Bill.

HON J.N. CALDWELL (Agricultural) [9.59 pm]: The purpose of this Bill is to update and standardise the various qualifications provisions for appointment to judicial office. The aims of the Bill have been quite well identified by Hon Derrick Tomlinson so I will not discuss them further. This Bill is in line with National Party thinking as it is sensible to make equivalent outside qualifications recognisable in Western Australia for judicial qualifications. Because of that we have no quarrel with it, and we support the Bill.

HON J.M. BERINSON (North Metropolitan - Attorney General) [10.00 pm]: I thank the members who have spoken in this debate for their indication of support for the Bill. Only two substantive questions were raised and those were by Hon Derrick Tomlinson. He asked in the first place why there should be an equivalence in the minimum experience required by the judges of the various courts covered by this Bill considering the level of the duties of the judges of the Supreme Court as opposed to those in the other courts. It is important in this context to appreciate that when referring to periods of experience we are dealing with minimum periods only. The choice of judges for the respective courts depends on a number of considerations which go well beyond the question of years of practice. It may or may not be the case - frankly, I have not had occasion to extract the relevant detail - that the average years of practice of District Court judges when appointed are roughly similar to those of Supreme Court judges when appointed. Whether that is right or not does not really matter. The important consideration on every occasion is that an appointment to any of our courts must ensure that not only the years of experience, but also the professional ability of the nominee is fully adequate for the purpose for which the appointment is proposed.

Hon Derrick Tomlinson: Merit is more important than seniority.

Hon J.M. BERINSON: Obviously; that is clearly the case with the appointment of Supreme Court judges. It is fair to say that on some occasions in the past the appointment of a judge to the Supreme Court has been deferred pending the availability of a practitioner who could attract the support of the profession, the Chief Justice and other referees who are invariably approached for their opinion by an Attorney General seeking to forward a nomination to Cabinet. Frankly, that is about all that can be said on the point, and the short interjection from Hon Derrick Tomlinson probably covered everything I had to say in any event, when he said that merit was more important than length of experience.

The second question focused mainly on the position of the Chairman of the Workers' Compensation Board. With due respect to Hon Derrick Tomlinson, he may have some misunderstanding of the position of chairman of the board. It is true that the Workers' Compensation and Assistance Act speaks at many points about a chairman of the board. A clearer indication though of the nature of that position is provided by section 112(3)(a) which, omitting irrelevant words, provides that of the three members of the board one is to be a judge and chairman of the board. Thereafter the terms are used interchangeably and, although referred to by the title of chairman on many occasions, the provisions of section 112 look to the chairman as being a judge.

In relation to the further comment about the appurtenances of the office I refer the House to section 112(18) of the Act which indicates that -

The Chairman of the Board is in relation to his office as Judge of the Board entitled to -

- (a) the style and title of "His Honour"; and
- (b) like salary, allowances and reimbursements, leave of absence, pension rights, and rights under the *Superannuation and Family Benefits Act 1938* to that which a District Court Judge, other than the Chairman of Judges, is entitled in relation to his office.

Hon Derrick Tomlinson: To all intents and purposes as a judge.

Hon Peter Foss: The deputy chairman does not even get tenure.

Hon J.M. BERINSON: I am not talking about the deputy chairman but about the chairman and, perhaps for completeness, I should point out that section 112 also provides under certain circumstances for an acting chairman of the board to be appointed where the chairman is unable or unwilling to act for any particular reason. The acting chairman does not attract the same conditions as the chairman.

Hon Peter Foss: It is a serious problem and has been acknowledged as such.

Hon J.M. BERINSON: As much of what I have related to the House has come from about two minutes' review of the Workers' Compensation Act -

Hon Derrick Tomlinson: Commendably fast work.

Hon J.M. BERINSON: This was not my prime interest when preparing the Bill. I would go further than that and say that on a number of occasions I have expressed some reservations about the tendency in some legislation, especially in earlier years, to talk of an officer of a board or tribunal or body of some similar kind having what was described as the status or standing of a judge of one or other of the courts without actually being a judge of the court.

Hon Peter Foss: The Law Society recommended that it all be collapsed back into that one body and that people be assigned to each of those tribunals.

Hon J.M. BERINSON: That is one way of approaching it, but it is not necessarily satisfactory for a body like the Workers' Compensation Board. That brings me to another aspect of the same question by Hon Derrick Tomlinson; that is, if we are to have a chairman of the Workers' Compensation Board who is entitled to the title of His Honour and who has all the conditions of service of a judge of the District Court, why not just appoint a District Court judge to the board? There can be arguments for that depending on who is available for the purpose. However, just as I suggested earlier that in looking for appointments to the Supreme Court and the District Court we look for appropriate levels of experience and standing for those courts, so a similar case can be made in respect of the Workers' Compensation Board. There would be practitioners who have had very intensive experience in the Workers' Compensation Board and who are fully suitable for appointment there without necessarily being appropriate appointees to the District Court with its very substantial load of criminal work. When I say that, I am not suggesting that we do not have judges and appointees who go to various courts without specialist experience in criminal law and thereafter cope with that quite adequately. That has happened very regularly in the Supreme Court and it has also been quite often the case with District Court appointees. I am not saying it is impossible. Nonetheless the truth of the matter is that there are practitioners with specialist experience and in those cases a good argument can be made for their appointment to a tribunal such as the Workers' Compensation Board without necessarily having it follow that they would be suitable for complete interchangeability with the District Court.

Hon Peter Foss: That is not what is suggested. It is rather like the High Court of Judicature which used to have its various divisions and a person from PDNA would never be seen in any of the other divisions; they would not even know how to handle it. However, it was quite adequate to put them in that division and let them do it.

Hon J.M. BERINSON: Mr Foss has answered his own question. If we are going to have a division with only one or at most two judicial officers who only act in that division, we may as well have the board that we have now.

Hon Peter Foss: There is a very big difference. One of the big problems with the Workers' Compensation Board is the need occasionally to supplement it on a temporary basis. It would be perfectly acceptable to have some overflow from the District Court to help out with the Workers' Compensation Board. Most of the time, it has been in that appropriate jurisdiction and it does allow a bit more flexibility.

Hon J.M. BERINSON: I have not turned my mind to it. However, I cannot think of anything to prevent a District Court judge from acting in the Workers' Compensation Board with appropriate formalities attended to. The same applies to the Children's Court. I think the position in that court is quite instructive. We have established a position of judge of the Children's Court for the first time. We have said that the position of that judge should be equal in standing, conditions and in all other respects to the standing of a District Court judge. We have been fortunate to have a District Court judge in Judge Jackson who was prepared to undertake what I believe can be fairly described as the extremely onerous task of establishing that office in the Children's Court for the first time, let alone dealing with the general problems that arise in that jurisdiction. The fact is that we were not in a position and it would not have made much sense to insist that the judge of the Children's Court be a District Court judge who could simply be allocated over to the Children's Court as and when, for example, the Chairman of Judges determined he should do that.

Hon Derrick Tomlinson: Is that what you have done in the case of Mr Blaxell?

Hon J.M. BERINSON: His appointment has been made with the clear understanding on all parts - in particular with the understanding of Judge Blaxell himself - that his services would be shared by the District Court in the first place but by the Children's Court as well as and when the need for that arose. That is an entirely different situation from simply drafting any District Court judge to fill the gap whether or not he was willing, whether or not he had the temperament or whether or not he had the experience in that jurisdiction.

Hon Peter Foss: That does not follow having people appointed to a different bench, does it? That is not what happened in the High Court of Judicature. The judges were not shuffled around willy nilly whether or not they liked it. People are used where it is appropriate. You will always have to have judges in what you are doing in these things. However, it gets over many of the problems, particularly the deputy chairman's lack of tenure in the Workers' Compensation Board, associated with fluctuating demands of cases, and the proper use of manpower.

Hon J.M. BERINSON: I think I have been rather too generous in responding to concerns about the Workers' Compensation Board. With due respect, I do not believe that this Bill is the occasion on which to get into the intricacies of the Workers' Compensation Board organisation and structure although that may well be a suitable subject for debate on another occasion.

Hon Derrick Tomlinson: Exactly as I suggested.

Hon J.M. BERINSON: Hon Derrick Tomlinson has been right twice in the one night and that is something of a record.

I have gone into some detail because the issues that were raised were relevant to our considerations without being fundamental to them. I welcome the general support for the Bill and I commend it to the House.

Question put and passed.

Bill read a second time.

Committee and Report

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

Third Reading

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

DIRECTOR OF PUBLIC PROSECUTIONS BILL

Second Reading

Debate resumed from 28 March.

HON PETER FOSS (East Metropolitan) [10.21 pm]: The Liberal Party supports this Bill. I will not go into the detail I went into when the 1990 Bill was first before the House in the last Parliament, but I wish to mention a few of the matters that are of some concern to the Liberal Party.

The reason the Liberal Party supports the creation of the office of the Director of Public Prosecutions is that it is seen as a way of ensuring, and giving public confidence in, the independence of prosecutions brought in this State. It has been a matter of some concern as to how this independence can best be ensured. Members may recall that when this Bill was last introduced, the Attorney made much of the fact that part of the independence was ensured because the appointment was what is called a "life tenure" - appointment to the age of 65 years. It was felt that, in the appointment of a Supreme Court justice, this would ensure the independence of those people because they would not be beholden to any person for their reappointment. It certainly is accepted in the community that if a person is appointed for life, he realises, because he is no longer beholden to any person for reappointment, that he is extremely independent. However, the Liberal Party was concerned that the person was not being appointed to a judicial office, but to an extremely important executive office. Whereas it might be acceptable to appoint to the age of 65 years a person

whose role is such that he sits and receives information and decides upon it, a totally different situation applies to a person who is the head of a department. It was believed that a person who is head of a department must be on his mettle and be accountable, and that he may be removed if not doing a good job - as opposed to acting improperly. The person must feel the need to prove his ability to do his job well and be seen, as any chief executive of a department must, to be performing. The problem was how to reconcile these two problems; that is, the need to grant independence and the wish that the person be responsible and accountable.

The Liberal Party went to considerable lengths to try to achieve this. Its first proposal was that the Director of Public Prosecutions be appointed for five years, and reappointed thereafter by a panel carefully selected so that it did not represent any particular party or any interest. That proposal was unacceptable to the Government, which made it quite clear that if the Opposition insisted on amending the Bill in that manner it would not allow the legislation to proceed. The Bill was referred to the Legislation Committee to try to arrive at a compromise, and compromise was offered by both the Liberal Party and the National Party. The first compromise offered was that the right of the Executive to appoint the DPP would be retained, but to avoid a repetition of the terrible situation with the Commonwealth DPP, with the failure to reappoint Mr Ian Temby, reappointment should be made by a panel. This would have preserved the situation so far as the right of the Government to choose was concerned, but it still was not acceptable to the Government.

A further concession was offered by both the Liberal Party and the National Party; that is, there should be consultation with this panel and if the advice of the panel were accepted, that would be the end of the matter. If the advice of the panel were not accepted, that advice would be published. The Government would still have the right to appoint and to reappoint but in doing so it would have to take into consideration the recommendation of this panel. I should at this stage indicate that the members of the panel would be the Chief Justice of Western Australia, the Chief Judge of the District Court, the Attorney General, the Commissioner of Police, the representative of the President of the Law Society and the representative of the President of the Bar Association - people whom I hope the Government would in any event consult and whose advice I hope would not be lightly disregarded. The proposal maintained the right of the Government but included a public balance, in that if the Government disregarded that advice, the advice would be published. I would have thought that was a perfectly reasonable compromise, in no way impinging on the right of the Government to appoint or reappoint the person to take that office, but purely making public the fact that advice had been disregarded. This, too, was rejected by the Government.

I understand that the Attorney General is prepared to give an undertaking that the Government will consult in the making of this appointment. I await confirmation of that from the Attorney, and certainly the Opposition's support for this Bill is dependent on that undertaking being given. I cannot help but say that it is most regrettable the Government has taken this obdurate attitude of refusing to write any amendment into this Bill in any way, and refusing to proceed with the legislation unless it gets its way entirely with regard to this appointment. The Opposition believes that every one of the Government's objectives with respect to the appointment have been met and the Government's right to make the choice to appoint and to reappoint was preserved. However, the Government would not budge one inch. It is more important at this stage that the DPP be appointed than that this Bill should lapse because the Government is so pig-headed with regard to an important way of guaranteeing the independence of this appointment. We do not believe under the present circumstances that sufficient independence is given to the DPP; however, we believe that the appropriate way to deal with this is as follows. We accept that the person will be appointed for five years. That is important because for the time being the most important aspect is to have an appointee of the appropriate quality and vigour. However, we anticipate that by the time reappointment of this person arrives, there will be a change of Government. With that change of Government we will introduce legislation which will guarantee the independence of the Director of Public Prosecutions. To adopt a pragmatic attitude to this the Opposition believes that from a practical point of view it need not be concerned about the independence of the DPP because when the time comes for reappointment the legislation will be in a different form.

Hon J.M. Berinson: Remind me to tell you the story about prayers being answered.

Hon PETER FOSS: I am sure the Attorney General will tell me that story. It does seem to me to be the only attitude the Opposition can take at this stage if this Bill is to get off the ground.

It is notable that the Opposition indicated its support of this Bill from the very beginning. The delay in passing this Bill occurred mainly because of a report from the Legislation Committee sitting on the Notice Paper for a considerable period. The Opposition had hoped the Government would have been keen to resolve the impasse and to get the appointment under way. Putting that behind us, if we are to get the appointment as soon as possible, this is the best way to go. The Opposition has never been in favour of a life appointment because it would be a disaster and would lead to the wrong kind of appointment. Notwithstanding the possibility of this impingement on the independence of the DPP, the Opposition will support it.

I would also like to mention one of the concerns with which we were slightly at variance although it was not dealt with in the Bill. To some extent it was dealt with by the Attorney General in his second reading speech. To the extent that second reading speeches have become important in interpreting a Bill, I should deal with this matter. The Attorney General indicated that the appropriate salary for the DPP should be similar to that which pertains in other parts of Australia; that is, either equivalent to that of a Supreme Court judge or between that of a District Court and Supreme Court judge. More importantly, he said it was not appropriate to fix it by reference to the amount a person could earn in private practice. I take that to mean not that he did not have any regard to what the person could earn in private practice, but that he did not seek to give a salary which is equivalent to what that person could earn in private practice. There is a marked difference. One of the ways we attract people to judicial office is to offer them security of tenure, prestige and a substantial and generous superannuation package which usually, at the age people become judges, would be extremely expensive to obtain privately. Those emoluments can be attractive to a person who is at a particular stage in his career and be quite apart from the wish of that person to serve the State in judicial office. It is a great honour to be selected for judicial office and many lawyers feel the responsibility to take on that position although it invariably means a substantial decrease in earnings. All these factors go together to persuade a person who is at the height of his career at the bar to go to judicial office. What will persuade a person to the office of DPP?

Hon J.M. Berinson: What has persuaded them in other jurisdictions where they have gone from the private Bar at the level of salary which I have indicated?

Hon PETER FOSS: Certainly some of those things applicable to judicial office will not be appropriate to the DPP. For instance, it will not be a life appointment. The Opposition does not believe it will be likely that a person will stay in that position for life. A person may be appointed for five years, for a further five years and so on and he may remain in that position until age 65. I suspect that will not be the case and that the position will be seen as an interlude. It is important that there are emoluments which are different from those given to a District Court or Supreme Court judge even though, in some ways, they may be equivalent positions. The package that will be put together will make the difference. This matter has been more closely addressed in the 1991 Bill as opposed to the 1990 Bill. The most specific changes between these two Bills are contained in the schedule and refer to superannuation. That is not the only way in which it is possible for the remuneration to be structured in such a way that it is attractive to a person who is currently at the Bar.

We should not leave aside the fact that in Western Australia we have a serious shortage of senior persons available to take on these jobs. The position of DPP is not a judicial appointment and someone from the Eastern States may be appointed to the position. For many years Western Australia has had a difficult time in finding sufficient people to fill the positions at the bar and on the bench. Western Australia has had more difficulty in filling these positions than have other States. I will not go into the reasons that we have had a shortage of senior people of high standing to fill these positions, but Hon Joe Berinson, more than most people, would be aware of the difficulties of finding people willing to go to the bench and of the problem that by appointing people to the bench we deplete an already small senior bar. It is a matter of considerable concern to the legal profession that Western Australia has a small senior bar and has had difficulty in filling positions on the bench.

It will be necessary for the Salaries and Allowances Tribunal to be flexible. The Opposition

has always accepted that the package, as a whole, should be equivalent, but it does not necessarily believe it should be put together in quite the same way as is the package for a Supreme Court judge. The flexibility has been addressed in the Bill and the Salaries and Allowances Tribunal is not in any way limited in the way in which it will fix that remuneration. However, it may feel bound to read the Attorney General's second reading speech and to take heed of what he said. The Bill is unambiguous and is quite clear that there is no limitation on how the salary will be structured. The Bill is also clear in that it is a far more flexible arrangement than that outlined in the 1990 Bill.

Another area of concern is that the staff of the DPP will be members of the Public Service, but in reading the Attorney General's second reading speech it will not create a great problem. The second reading speech indicates that in all probability most of the active staff of the Director of Public Prosecutions will be members of the Crown Law Department briefed by the DPP. Therefore, they will not be fully employed by the DPP, and to the extent they are governed by Public Service or any other regulations that arises out of employment with the Crown Law Department. People at the independent bar may also be briefed. Advice we have received shows that it is important that the permanent staff of the DPP should not regard themselves as part of the Public Service. That, unfortunately, is still in this Bill. One of the problems about having people who are not members of the Public Service is how one sets up how they are to be employed, their terms of employment and so forth; it might require more drafting. It has been suggested to us that people in the DPP's office should not see themselves as public servants and should not see their next level of employment as being in some way dependent upon the Government. It is made quite clear by the Attorney General in his second reading speech that one of the reasons the Director of Public Prosecutions and the deputy director are not to be members of the Public Service but will hold independent office is to ensure their independence. Our advice is that it should go further and that no person in the DPP's office should be a member of the Public Service.

Hon J.M. Berinson: Why?

Hon PETER FOSS: For the same reason and partly because of the Public Service mentality. The belief in the Public Service is that Ministers can do no wrong and are next to God and therefore the idea of taking some sort of action against them is a little less than palatable; they may not even contemplate the idea that Ministers should be seen as potential clients of the DPP.

Hon Derrick Tomlinson: Perhaps it is merely a Public Service tradition of loyalty to the Minister.

Hon PETER FOSS: It could be that. Of course, in the light of the events that have taken place in Western Australia over the past eight years, that might be a problem. If people felt that their position and future in the Public Service was in some way dependent upon a Minister that may have changed their attitude to how they proceeded.

Hon J.M. Berinson: How do you envisage the staff of the DPP overriding in any sense the decisions or discretion of the DPP?

Hon PETER FOSS: Hon Joe Berinson must really appreciate the situation in a legal office. I do not for one moment think that the DPP will make all the decisions or that people down the line will not have the -

Hon J.M. Berinson: Why don't you raise the same objections, which I understand you are not raising, to the briefing of matters by the DPP to officers of the Crown Law Department?

Hon PETER FOSS: The reason given to me is that if the DPP holds any concern that a person working for him has a Public Service mentality as opposed to the eating raw meat type of mentality that he wants on his staff as they are seconded from the Crown Law Department and he is briefing them he can decide tomorrow that he will not brief them and will brief somebody else. If he has a public servant on his staff whom he wishes to get rid of because he rates him as a dud he will have almighty trouble getting rid of him, especially if his objection to him is that he has a Public Service mentality rather than any particular fault, or he has not committed any wrongdoing that can be pointed to as a ground for dismissal. There is a solid, practical difference between having people on one's staff who are part of the Public Service and being able to direct them and get them eating raw meat for breakfast and having staff one is stuck with because they are public servants. That is our advice, which I

believe is good and authoritative advice. Having said that, we are not insisting on it. That is the appropriate way to go, but in view of the fact that we think the most important thing is to get this Bill passed and operating we will not be insisting on that. I made that point because I believe it to be a valid one and one that we tried to make to the Attorney through the Legislation Committee. I have dealt with the areas that are of considerable concern to us. I hope I have explained adequately to the House why we are now prepared to support this Bill notwithstanding what we see as its inadequacies.

I will mention a couple of things that appeared in the second reading speech that are important parts of the Bill. One of the Bill's good points which has considerable potential in this State is the ability of the DPP to commence and prosecute proceedings for Courts of Petty Sessions. It has proved to be a practical difficulty previously, especially in complicated cases, when matters have not been capable of being handled in that way. That was a sensible decision and one I hope will pay dividends. There is no doubt that a case can be well handled by police prosecutors when it is within the normal sphere of their influence. However, there are complicated legal matters where it is extremely difficult for the Crown Law Department to get a case back on the rails once it has gone off the rails due perhaps to the police not recognising at an earlier stage that more complex assistance might be needed. I know there have been complaints from the Crown Law Department in certain cases that it has not been involved early enough.

The other point relates to the ability to require information to be provided. Again, this has been an area of occasional problems. In some cases it would help if the Crown Law Department could do a little more by way of directing the sort of information required rather than relying on the information received.

The other innovative matter is giving the DPP the ability to take over summary proceedings for an indictable offence, again following the same concept that if it is a complex offence there may well be occasions when it is suitable for the DPP to take it over.

Another important matter is the power of the director to give indemnities and assurances with regard to the use of evidence. The American experience has certainly been that the giving of indemnities to small time crooks has been quite useful in catching big time crooks. I know that procedure has been used in Western Australia sparingly, and it is appropriate it should be used sparingly. I think the policy adopted in Western Australia has been a good one. I would not like to see wholesale adoption of indemnities. That procedure should be used as a last resort, but it is an important resort that should be available.

Hon J.M. Berinson: I do not wish to interrupt while Hon Peter Foss is agreeing with the provisions of the Bill, but I stress that the recent matters to which he refers are not new to this Bill but appeared in the original Bill.

Hon PETER FOSS: That is correct. The substantial changes relate to tenure and superannuation, but I am speaking on the Bill as a whole. I have already spoken about the judicial salary and how I hope very much that the tribunal will be innovative in attracting somebody to the job. I notice that the Attorney General agrees with that statement. I think the superannuation provisions as redrafted are considerably better than they were in the previous Bill.

I turn now to what the Attorney General referred to as the reserve powers. As I indicated previously, we considered whether there should be a complete handing over to the DPP of the powers of the Attorney General or whether the Attorney General should have some sort of reserve powers. We came to the conclusion, quite independently of the Attorney General's view, that it was appropriate for the Attorney General to have reserve powers. I think we can go overboard in trying to arrive at independence by seeking to take away from Ministers their discretions and powers, and thereby completely isolating those independent officers from the scrutiny of and accountability to Parliament. Although we occasionally have some doubts about the ability of the Parliament to carry out its scrutinising function, we must appreciate that the Parliament is the only current expression of the will of the people, and it is important that the Parliament have the ability to scrutinise the activities of all people who are employed by the State, and that they be accountable to someone. The fact that the Attorney General will have these reserve powers means that ultimately there will be the opportunity for him to act and to be responsive to the Parliament, and to take that responsibility to the Parliament. I would be loath to see every single thing about which we

have concerns about its independence shelved off to somebody else to be decided and for that accountability of the Parliament to be completely lost. We occasionally go too far in trying to set up these independent people: The more independent they are, the less accountable they become.

Some attempt has been made to make the DPP accountable by requiring him to report annually to the Parliament. The same situation applies in respect of the Ombudsman and the Auditor General. I have some concern that through those reports we are still not getting the contact that we perhaps need to get with those people who, unlike the DPP, are officers of the Parliament. Perhaps some sort of procedure could be adopted, within the procedures of this Parliament, to ensure that those people who are required to report to the Parliament also report to a committee of the Parliament so that there will be an opportunity for some form of dialogue between those officers and the Parliament, and where we will have the opportunity to question them about their performance and to find out exactly what they are doing. We are getting closer to that with our Estimates Committees, where the officers of various Government departments can be questioned, but we do not have an equivalent dialogue between members of Parliament and these officers, who are not officers of the Parliament but who hold official positions.

One matter of interest is that the DPP will not be entitled to carry out independent legal work, except with the consent of the Government. He can be sacked if he does carry out independent legal work without such consent. Recently I attended the Constitutional Convention in Sydney, where I had the opportunity of meeting Mr Davies, the Solicitor General for Queensland. He was in the unusual position where he had been appointed Solicitor General for Queensland with a right of private practice. He has a substantial private practice. It strikes me that that is probably not a bad idea so far as appointment to such a position is concerned, for a number of reasons. First, it enables him to maintain his independence a bit more easily because he can at any stage go back to his private practice. I imagine that it would be extremely difficult for a Solicitor General with any length of appointment, who has been acting only as a Solicitor General, to say he wants to go back into private practice because he does not like what has happened.

Hon J.M. Berinson: I cannot imagine that involving the faintest difficulty. We have had a number of Commonwealth officers in that position, such as Mr Byers.

Hon PETER FOSS: Also Bob Ellicott.

Hon J.M. Berinson: Yes. I cannot imagine a DPP being short of professional work at the bar, with the background that he would have.

Hon PETER FOSS: The Attorney General had better wait for the conclusion. I am raising that as an interesting point. The first point was that he got independence because he had the ability to go back into private practice. It would be very difficult for Solicitors General in this State to go back into private practice, having practised as Solicitors General for any length of time. The second point is that he would have access to a different type of work and a different kind of commercial information. One of the problems we have in this State with the Solicitor General's area of concern is the ability to be current with developments in commercial law in Western Australia, simply because the practice of the Solicitor General is not as much involved in commercial law as is perhaps that of a silk outside the Government service. That also appeared to be a compelling reason for having a Solicitor General with that experience. The third reason is a fairly important one. It is a problem whenever one has only one client that it is far too easy after a while to become identified with that client and to take the client's side rather than to give totally independent advice, which of course is what people pay one for. One does not go to a lawyer in order that he will unashamedly back everything which one wants to do. One goes to a lawyer to get independent advice. It would make it much easier to maintain that independent point of view if the person had a practice both outside and inside.

Hon J.M. Berinson: Whom is the DPP advising?

Hon PETER FOSS: I have not finished. I am now going to distinguish that from the office of DPP.

Hon J.M. Berinson: Why not answer my questions before you encourage them?

Hon PETER FOSS: In the case of the DPP it would not be appropriate. I do not for one

moment believe that it would be appropriate for a person who is the executive officer of a department to have a right of independent practice. In this case the office of DPP differs significantly from the office of Solicitor General. Nor do I believe, unlike the Attorney General, that the DPP will be out of practice, because I believe he will be very much in practice as a result of his being a DPP. Thirdly, it would be difficult in terms of the type of work that he is doing to combine his practice of acting for the Crown with a practice in which he would not be acting for the Crown. So in the case of the DPP those three considerations, which are important and would be helpful for a Solicitor General, do not apply. For those reasons, I support the move that the DPP not have an independent right of practice. For all those reasons, the Liberal Party supports the Bill. We hope it will go forward rapidly and that there will be a suitable appointment of a highly qualified and vigorous chief executive officer of the DPP's department.

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

House adjourned at 10.59 pm

QUESTIONS ON NOTICE

AGRICULTURAL IMPLEMENTS - TOWING REGULATIONS

5. Hon D.J. WORDSWORTH to the Minister for Police:

- (1) Which regulations concerning towing of agricultural implements are currently being enforced?
- (2) Are changes to these regulations envisaged?
- (3) Are there regulations gazetted that are not yet being enforced?

Hon GRAHAM EDWARDS replied:

- (1) All provisions of the Road Traffic (Towed Agricultural Implements) Regulations 1990 are being enforced.
- (2) Yes.
- (3) No.

WATER AUTHORITY OF WESTERN AUSTRALIA - PRIVATE SECTOR CARRIERS

Payments Value for Goods Movement, Perth-Kimberley Region

61. Hon GEORGE CASH to the Minister for Police representing the Minister for Water Resources:

What was the value of payments made directly to private sector carriers for the movement of goods from the metropolitan area to the Kimberley region including Broome, by the Water Authority for the financial years ended June 30 1989 and June 30 1990?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following reply -

Value of payments made directly to private sector carriers for the movement of goods from the metropolitan area to the Kimberley region, including Broome, by the Water Authority are as follows -

Financial year ended 30 June 1989 - \$224 459.06

Financial year ended 30 June 1990 - \$355 565.60

CRIME - SOUTH PERTH DISTRICT

Break-ins - Motor Vehicle Thefts

100. Hon P.G. PENDAL to the Minister for Police:

How many of the following offences have occurred in the South Perth district during each of the last six months -

- (a) house and other building break-ins; and
- (b) motor vehicle thefts?

Hon GRAHAM EDWARDS replied:

- (a) An average figure of 40 break-ins per month were reported or became known to police in the South Perth district from September 1990 to February 1991.
- (b) An average figure of 21 motor vehicle thefts per month were reported or became known to police in the South Perth district from September 1990 to February 1991.

GAS - AUTO LP GAS

Perth Price

134. Hon GEORGE CASH to Hon John Halden representing the Minister for Consumer Affairs:

Given that the prices for auto LP gas in other States of Australia is as follows -

- (a) Sydney - 13 cents per litre;

(b) Melbourne - 23 cents per litre; and

(c) Adelaide - 18 cents per litre

will the Minister advise why the price of auto LP gas in Perth is as high as 38 cents per litre?

Hon JOHN HALDEN replied:

An independent daily survey of LPG prices commissioned by the Federal Prices Surveillance Authority indicates the following average prices on Friday, 22 March 1991 -

Sydney	34.9 CPL
Melbourne	24.2 CPL
Adelaide	29.2 CPL

The Perth price is 35.5 CPL. The Prices Surveillance Authority recently issued an information paper on LPG prices. I will arrange for a copy to be sent to the honourable member. On 12 March 1991 the Prices Surveillance Authority announced an inquiry into the price of LPG in Australia and made specific mention of prices in Perth and Sydney. The Ministry of Consumer Affairs' Prices Monitoring Unit will be conducting a survey of LPG prices throughout the State in July which will be published in the Press. In the meantime, the Prices Monitoring Unit is assisting the PSA in its inquiry with prices in the metropolitan area and major country areas.

MOTORCYCLES - HEADLIGHTS, AUSTRALIAN DESIGN RULE
"Rights on Light Group" Representatives - Police Ministers' Meeting

148. Hon GEORGE CASH to the Minister for Police:

I refer to the Minister's answer to Question on Notice No 938 on Thursday, 27 December 1990, in which he said he was happy to meet with a deputation of concerned motor cycle riders to discuss the Commonwealth initiated Australian Design Rule which will require new motor cycles registered after 2 March 1992 to be wired to ensure that the headlamp remains on while the motor cycle is operational and ask -

- (1) Did the Minister meet with the representative group in early January 1991?
- (2) If not, why not?
- (3) Will the Minister as soon as possible meet with representatives of the "Rights on Light Group" to discuss the date on use of headlights on motor cycles?

Hon GRAHAM EDWARDS replied:

(1)-(2)

It was not possible to convene a meeting in January 1991 due to difficulties in getting all interested parties to agree on a suitable time.

(3) I met with representatives in March 1991.

SPEED LIMITS - MORLEY DRIVE
Karrinyup Road - Alexander Drive

149. Hon GEORGE CASH to the Minister for Police:

(1) What is the maximum speed limit on -

- (a) Morley Drive;
- (b) Karrinyup Road; and
- (c) Alexander Drive from Walcott Street Mt Lawley to Widgee Road, Noranda?

(2) In view of the dual carriageway on Alexander Drive between Bradford Street Mt Lawley and Widgee Road Noranda, has consideration been given to raising the speed limit to 70 kph on that section of Alexander Drive from Bradford Street Mt Lawley to Widgee Road, Noranda?

Hon GRAHAM EDWARDS replied:

- (1)
 - (a) 70 km/h;
 - (b) varies from 60 km/h to 70 km/h;
 - (c) 60 km/h.
- (2) Not known. Determination of speed limits is made by the Main Roads Department.

POLICE UNION (WA) - RETIREMENT

Thirty Year Option Proposal - Government Undertaking

152. Hon GEORGE CASH to the Minister for Police:

What undertaking has the Government made to the Police Union of Workers in respect of a proposal to provide a thirty year optional retirement for police officers with full benefits?

Hon GRAHAM EDWARDS replied:

Any discussions which I may have had concerning industrial matters with representatives of the WA Police Union, and any undertakings which may have been given by any persons present at any such discussions if they took place, would be confidential and should be respected as such by all persons present as well as anyone who in an official capacity acquired knowledge of either the fact of or nature of any such discussion. I do not consider that it is appropriate for me to respond in more specific terms to this question.

TOWED AGRICULTURAL IMPLEMENTS REGULATIONS - IMPLEMENTATION DATE

Amendments

157. Hon GEORGE CASH to the Minister for Police:

- (1) Are the Towed Agricultural Implements Regulations 1990, as published in the *Government Gazette* on 28 September 1990, in operation?
- (2) Will the Minister advise when these came into effect?
- (3) Is it intended to amend the Towed Agricultural Implements Regulations?
- (4) If so, in which area, and when?

Hon GRAHAM EDWARDS replied:

- (1) Yes.
- (2) 1 November 1990.
- (3) Yes.
- (4) In the area of achieving a workable balance between road safety and the practical requirements of farmers, which are currently being addressed.

FIRE BRIGADE - FUNDING

Consolidated Revenue Fund Consideration

164. Hon MURIEL PATTERSON to the Minister for Police:

- (1) Has any consideration been given to fire brigade funding being made through consolidated revenue?
- (2) If yes, would the Minister supply details?
- (3) If not, why not, given that \$65 000 was to be spent in 1987 on a review of Western Australian Fire Brigade administration by a committee comprising the board's chairman, union officials and representatives of the volunteer fire brigade, insurance companies, Public Service Board and Government departments?
- (4) Why is part of the State funded by consolidated revenue while other people subscribe through local government rates and insurance?
- (5) Have any submissions on fire brigade funding been presented to Parliament?

Hon GRAHAM EDWARDS replied:

- (1) No detailed consideration has been given to funding fire brigades through consolidated revenue.
- (2) Not applicable.
- (3) The current method of funding the fire brigades is considered to be the most efficient and equitable system.
- (4) The State bears 100 per cent of the costs of the Western Australian Fire Brigades Board in areas served only by volunteers. This acknowledges the significant contribution in time and money by volunteer firefighters and their employers.
- (5) Parliament considered funding of volunteer fire districts in 1979. There have been no other submissions to Parliament on fire brigade funding since then.

WA SPORTS CENTRE TRUST - FINANCIAL STATEMENTS

Estimates 1990-91 Copy

180. Hon MAX EVANS to the Minister for Sport and Recreation:

Would the Minister provide a copy of the financial statements containing estimates for the WA Sports Centre Trust for the period 1 July 1990 to 30 June 1991?

Hon GRAHAM EDWARDS replied:

I refer the member to the Budget estimates for that period.

STATE GOVERNMENT INSURANCE COMMISSION - COMMUNITY CONTRIBUTION CLAIMS

Dividends, State Taxes and Charges, Sponsorship Details

183. Hon MAX EVANS to the Leader of the House representing the Minister assisting the Treasurer:

As the State Government Insurance Commission, in its annual report dated 5 December 1990, claims to have contributed more than \$90 million back to the community since its 1987 formation, could the Treasurer provide full details of all dividends, notional corporate tax, other State taxes and charges, and sponsorships made by the commission since that time?

Hon J.M. BERINSON replied:

The Minister assisting the Treasurer has provided the following reply -

Details of the more than \$90 million contributed to the community by the SGIC and SGIO since 1 January 1987 are as follows -

SGIC dividends to State Treasury	\$56.0 million
SGIO notional corporate tax equivalent	\$9.3 million
Other State taxes and charges	\$38.5 million
SGIC sponsorships	\$1.1 million
SGIO sponsorships	\$2.0 million
Total	\$106.9 million

"THE ANCHORAGE", NORTH FREMANTLE - GOVERNMENT EMPLOYEES SUPERANNUATION BOARD

Freehold and Leasehold Property Ownership

184. Hon MAX EVANS to the Leader of the House representing the Minister assisting the Treasurer:

- (1) Would the Treasurer advise if the Government Employees Superannuation Board owns all the freehold and leasehold properties in the area known as "The Anchorage" and bounded by the Swan River, Swan Street and the two bridges at North Fremantle?
- (2) If not, which properties are still not owned?

Hon J.M. BERINSON replied:

The Minister assisting the Treasurer has provided the following reply -

- (1) The Government Employees Superannuation Board does not own all the freehold and leasehold properties in the area known as "The Anchorage".
- (2) Properties still not owned are the properties owned by the Crown and Land Holdings Pty Ltd.

TOBACCO CONTROL ACT - HEALTH PROMOTION FOUNDATION PAYMENTS
Tobacco Licence Fee Assessments Issue

187. Hon MAX EVANS to the Minister for Education representing the Minister for Health:

- (1) Would the Minister advise when the payments due to be paid under the Tobacco Control Act 1990 to the Health Promotion Fund will be paid and at what frequency (ie weekly or annually) they will be made?
- (2) Would the Minister advise whether the assessments for tobacco licence fees are issued monthly, quarterly or annually?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) The initial payment, representing 10 per cent of the total amount of fees paid under the Business Franchise (Tobacco) Act 1975 to the Commissioner of State Taxation for the period 1 July 1990 to 31 January 1991 was paid to the Health Promotion Foundation on 21 February 1991. A further payment representing 10 per cent of the February collections will be made before the end of March. Subsequent payments will then be made bimonthly.
- (2) The assessments are issued bimonthly.

SWIMMING - WORLD SWIMMING CHAMPIONSHIPS
\$19 million Economic Benefits Breakdown

197. Hon MAX EVANS to the Leader of the House representing the Premier:

- (1) Could the Premier provide a breakdown of the economic benefits to Western Australia of \$19 million mentioned by her after the 6th World Swimming Championships?
- (2) Is this the same \$19 million referred to last year by the Government in respect of the World Swimming Championships?
- (3) If so, could the Premier provide a breakdown of the \$19 million estimate with comparisons of the \$19 million initial benefits to Western Australia?

Hon J.M. BERINSON replied:

The Premier has provided the following response -

The Minister for Sport and Recreation will shortly be releasing an economic impact of the 6th World Swimming Championships by independent analysis which I suggest the member read when it is released as it will answer the above questions.

OFFICE SPACE - CENTRAL BUSINESS DISTRICT
Government Rentals

199. Hon MAX EVANS to the Leader of the House representing the Treasurer:

- (1) Would the Treasurer advise the area of office space in the Central Business District for which the Government pays rent and which is not occupied or is only partially or notionally occupied?
- (2) In respect of such space, would the Treasurer advise -
 - (a) details of the areas and the buildings in which they are contained;

- (b) the annual rental cost for each building; and
- (c) any other holding costs?

Hon J.M. BERINSON replied:

This information is supplied by the Office of Government Accommodation in relation to properties under its control.

- (1) 5 589.65 square metres.

- (2) (a)-(b)

Building	Area (square metres)	Annual rental (incl. outgoings) \$
CSA Centre	318.14	62 612 *
London House	434.65	147 004
Law Chambers	803.90	190 218 **
Public Trust	3 186.76	435 860 **
Kings Building	136.80	34 132
Supply House	594.40	128 802
Cable House	115	37 173 ***
	<u>5 589.65</u>	

Note:

* Former space utilised by Inquiry into Aboriginal Deaths in Custody. Previously funded by the Commonwealth. However, was taken over by the State upon completion of the inquiry.

** Recently became vacant as a result of the transfer of Corporate Affairs Department to the Commonwealth.

*** Responsibility of Technical and Further Education (TAFE).

- (c) Nil.

HEALTH - PATIENTS' ASSISTED TRAVEL SCHEME

Government Inquiry

201. Hon N.F. MOORE to the Minister for Education representing the Minister for Health:

- (1) Has the Government's inquiry into the patients' assisted travel scheme been completed?
- (2) If so, when will it be made public?
- (3) Is it intended to seek Parliamentary approval for any changes to the guidelines for PATS assistance and if so, when can this be expected?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) Yes.
- (2) A Press statement was issued on 26 March 1991 and details of the revised scheme will be widely publicised through a public information campaign currently being prepared by the Health Department.
- (3) No.

AGRICULTURAL IMPLEMENTS - TOWING REGULATIONS

Police Treatment

202. Hon D.J. WORDSWORTH to the Minister for Police:

- (1) Is the Police Force ignoring regulations concerning towing of agricultural implements or a code of practice which, by law, should now be enforced and instead, reverting back to those previously enforced over recent years?
- (2) If the answer is yes, what happens in the case of an accident requiring a pay out by an insurance company?

Hon GRAHAM EDWARDS replied:

- (1) No.
- (2) The honourable member is asking me for a legal opinion. He should also be aware that the legal consequences of an event depend on the unique facts surrounding that event.

POLICE DEPARTMENT - FUNDING RESTRICTIONS
Inquiries, Court Cases and Suspect Extradition Failures

206. Hon GEORGE CASH to the Minister for Police:

- (1) Could the Minister give an estimate of how many police investigations have failed to go ahead this year because of lack of funds and restrictions on overtime within the Police Department?
- (2) Can the Minister estimate how many court cases have had to be abandoned for the same reasons?
- (3) Can the Minister advise how many extraditions of suspects from other States have been shelved for the same reasons?
- (4) Can the Minister confirm that, because of under-staffing, Criminal Investigation Bureau officers have now been instructed not to investigate reported thefts of below \$1 000 in value unless a suspect is known?
- (5) Can the minister confirm that training of a new batch of 180 police recruits has been delayed because of lack of funding and indicate when that training will, in fact, begin?

Hon GRAHAM EDWARDS replied:

This question is operational in character and accordingly I am advised by the Commissioner of Police that -

- (1) Nil - all reported matters are investigated, the depth of the inquiry depends on the seriousness of the offence.
- (2) None.
- (3) None - all extraditions are dealt with on their merit. Contributory factors include the seriousness of the offence and in the case of prison escapees, the length of sentence still to serve.
- (4) No such instruction has been issued.
- (5) No - funds have been provided for two intakes this financial year in accordance with the four year plan. Next intake will begin 17 June 1991.

As Opposition spokesman on police the honourable member should by now be aware that it is the responsibility of the Government to provide resources to the Commissioner of Police who must then use them to the maximum effect given the policing priorities of the entire State. Since coming to office in 1983 this Government's record in resourcing the Western Australia Police Force has been unwavering. This period has seen police numbers increase from 2 818 in 1983 to 3 905 in 1990, and we are still working towards fulfilling a commitment for 1 000 additional officers over four years, the half way mark has already been reached. The CRF allocation over that same period has increased from \$103 650 000 to \$242 346 000 and a substantial capital works program has been undertaken.

I invite the honourable member to contrast this with the dismal record of the Court/O'Connor Government of which the present Leader of the Opposition, Mr MacKinnon, was a Cabinet member and which culminated in the Police Union threatening to take industrial action over neglect. This threat brought the desperate response from that Government, on the eve of an election, of a promise to increase the force by 100 officers for each year over a three year period. This followed the failure in 1982 of that Government to increase

police numbers by even as much as one officer. In fact, the high level of spending in this area since 1983 has in part been necessary to redress the situation caused by the many years of neglect of both the police and emergency services by the previous Government. At a time when economic restraint is required, the Government has responded with a responsible Budget. As a result there has been a levelling off in terms of the police allocation. In no way does this mean that the police are under-resourced or unable to fulfil their duties.

CONSUMER AFFAIRS MINISTRY - BUILDING INDUSTRY COMPLAINTS
Prosecutions, Remedied and Unresolved Complaints

207. Hon GEORGE CASH to Hon John Halden representing the Minister for Consumer Affairs:

Of the 757 complaints made to the Ministry of Consumer Affairs against the building industry in the year to 30 June 1990, can the Minister advise -

- (1) How many of these complaints were remedied by Consumer Affairs?
- (2) How many brought prosecutions against builders?
- (3) How many were unresolved?

Hon JOHN HALDEN replied:

- (1) The Ministry of Consumer Affairs records indicate that 743 consumer complaints regarding building activities and trades were received in the 1989-90 financial year. These complaints were resolved as follows -

Full redress obtained	169
Partial redress obtained	64
Situation clarified	34
Trader warned	8
Subtotal	<u>275</u>
Referred to Small Claims Tribunal	124
Subtotal	<u>124</u>
No redress due to -	
Lack of evidence	20
Conflict of evidence	16
Trader bankrupt/in liquidation	27
Unable to locate trader	15
Outside Ministry's jurisdiction	66
Other reason	59
Subtotal	<u>203</u>
Complaint withdrawn/lapsed	65
Complaint found not to be justified	45
Subtotal	<u>110</u>
For information only	25
Subtotal	-
Complaints still under active consideration by ministry	6
Subtotal	-
TOTAL	<u>743</u>

- (2) The Builders Registration Board undertakes the prosecution of builders for breaches of the Builders' Registration Act. The Ministry of Consumer Affairs only prosecutes builders for breaches of general fair trading legislation.
- (3) See (1) above.

FIRE BRIGADE - EXCHEQUER CONSULTANTS REPORT*Funding Structure Changes*

209. Hon GEORGE CASH to the Minister for Emergency Services:

In view of the recommendations made in the report prepared by Exchequer Consultants in respect of funding arrangements for the Fire Brigade Board -

- (1) Does the Government intend to vary the current funding structure of the Fire Brigade Board?
- (2) If so, will the Minister provide details?

Hon GRAHAM EDWARDS replied:

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

STATE GOVERNMENT INSURANCE COMMISSION - FINANCIAL STATEMENTS*Packer and Anderson - Loan Extension Agreement*

210. Hon MAX EVANS to the Leader of the House representing the Minister assisting the Treasurer:

In respect of the State Government Insurance Commission financial statements to 30 June 1988, note 7 - receivable, states that the balance owing was \$195 million over equal instalments on 30 June 1988, 31 December 1989 and 31 December 1990. Will the Treasurer advise -

- (1) If an agreement has been made between the SGIC and Packer and Anderson to elect to postpone payment of the second and third instalments to a date no later than 30 June 1995?
- (2) If the answer is yes -
 - (a) what are the exact terms of that agreement;
 - (b) why was an appropriate note not included in the financial statements to 30 June 1988 of the SGIC; and
 - (c) why was an appropriate note not included in the financial statements to 30 June 1989 of the SGIC?
- (3) Was Ministerial approval required to extend this deal?
- (4) Was any Ministerial direction made in respect of the extending of the terms of payment?
- (5) If the answer is yes, why was this not in the financial report?
- (6) As the note to 30 June 1988 accounts refers to discounting of the present value of the outstanding instalments, was this because the amounts were interest-free to 31 December 1989, 31 December 1990?
- (7) If so, why was it not stated that "the amounts were interest free" in the note in the statements?
- (8) Does the Treasurer agree that the financial statements are misleading at 30 June 1989 because they do not refer to the extension of the loan?
- (9) If not, what are the reasons?

Hon J.M. BERINSON replied:

The Minister assisting the Treasurer has provided the following answer -

- (1) The terms of the deed varying the sales agreement of December 1988 included an option to postpone payment of the instalments until a date not later than 30 June 1995 with a commercial rate of interest accruing on the amount outstanding. Sharland Pty Ltd and Skeat Pty Ltd have exercised their rights under this agreement.
- (2) (a) The terms of agreement allowed the owners the right to defer payment of the instalments.

- (b) A note was not included because the parties had not exercised the option to defer the first instalment at the time the accounts were signed.
- (c) A note was not included because the parties had not exercised the option to defer the second instalment at the time the accounts were signed.

(3)-(4)

No.

(5) Not applicable.

(6) No, the total sale price included implicit interest amounts because of the deferred nature of the payments. It was normal accounting policy and practice to then discount amounts due more than 12 months in the future so as to recognise the implicit interest. It is not an interest free amount.

(7) Not applicable..

(8) No. See (2)(c) above.

(9) The SGIC annual report and financial statements have been audited by the Auditor General and in his opinion -

- (ii) the controls exercised by the State Government Insurance Commission was sufficiently adequate to provide reasonable assurance that the receipt, expenditure and investment of moneys and the acquisition and disposal of property and the incurring of liabilities have been in accordance with legislative provisions.

SHEEP - LICE ERADICATION PROGRAM

211. Hon D.J. WORDSWORTH to the Minister for Police representing the Minister for Agriculture:

- (1) At what stage is the program to eradicate lice in sheep?
- (2) Is it on schedule as expected?
- (3) Are reports still being sent to grower representatives regarding results of tests?
- (4) If not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following response -

- (1) The nine year lice eradication campaign commenced in July 1987, and the stated completion date was July 1996. The legislation enabling the collection of wool grower contributions is due to expire in June 1992, and it will be necessary to review the program before that date.
- (2) Since 1987, the number of positive lice detection tests has fallen from 11 per cent to six per cent. Although the rate of improvement has been slower than originally anticipated, the eradication program is providing significant benefit to the sheep industry.
- (3) All positive lice detection test results are sent to the growers. This has been the situation since the campaign started.
- (4) The industry representatives on the State Lice Liaison Committee have agreed that it would be too expensive to send results of negative tests to growers.

RESTRAINING ORDERS - EXPIRED ORDERS TREATMENT

215. Hon P.G. PENDAL to the Attorney General:

- (1) What happens to a "restraining order" taken out against a particular person, after that order has expired?

- (2) If these orders are retained, where are they stored?
- (3) For what period of time would an expired restraining order be kept before being destroyed?
- (4) Is it possible for a person to have an expired restraining order removed from all records so that he has "a blank slate" for the future?
- (5) If the removal of such order records cannot be accomplished, why is this?
- (6) Can consideration be given to the possibility of expired restraining orders being completely removed from records, in cases where, for example, only one order has ever been taken out against that person, over a reasonable period of time?

Hon J.M. BERINSON replied:

I am advised as follows -

(1)-(3)

Restraint orders issued prior to 1 December 1988 remain in force until withdrawn by the complainant. Orders issued after 1 December 1988 expire 12 months from the date of service unless ordered otherwise by a magistrate. Orders are deleted from general police computer records with hard copies being shredded on date of expiry.

(4)-(6)

No. The Police Warrant Bureau retains internal indices of orders only. They are for administrative records to ensure no duplicity and that no action is taken in respect of expired orders.

PERPETUAL FINANCE CORP LTD - PROFIT 1990
Rural and Industries Bank of Western Australia - Consolidated
Revenue Fund Payment Inclusion

216. Hon MAX EVANS to Hon Tom Stephens representing the Minister assisting the Treasurer:

- (1) In respect of the R & I Bank, could the Minister advise if the profit to 31 December 1990 of Perpetual Finance Ltd and its subsidiaries of \$1 719 000 included the \$1 096 000 estimated to be paid out of the Consolidated Revenue Fund?
- (2) On what date was it paid?
- (3) Was it shown as abnormal or extraordinary profit?
- (4) When will the accounts of Perpetual Finance Ltd be available?

Hon TOM STEPHENS replied:

The Minister assisting the Treasurer has provided the following answer -

- (1) No, Perpetual Finance Corporation Ltd had written off a debt of \$1 095 091.75 against revenue in a prior year. The amount was taken to revenue for the year to 31 March 1990 and as that date was included in debtors.
- (2) An amount of \$1 095 091.75 was paid on 21 December 1990.
- (3) Refer to (1) above.
- (4) Accounts for the 12 months to 31 March 1991 are expected to be available in mid-May.

ROAD TRAFFIC ACT - AMENDMENTS
Unproclaimed Amendments

223. Hon GEORGE CASH to the Minister for Police:

Which amendments to the Road Traffic Act have not been proclaimed as at 20 March 1991, and why?

Hon GRAHAM EDWARDS replied:

Section 11(b) Road Traffic Amendment Act (No 2) 1987. Because police have indicated concerns about being placed under a legal obligation to make an application for restitution on behalf of people whose motor vehicles are unlawfully used and damaged. Police have been unable to resolve administrative difficulties associated with this approach to assisting such victims of crime and are examining a possible alternative approach.

**GOVERNMENT EMPLOYEES SUPERANNUATION BOARD - ANDERSON,
MR WARREN**
*Central Park Property Put Option - Solicitor General's and Auditor
General's Inquiry*

225. Hon MAX EVANS to the Leader of the House representing the Minister assisting the Treasurer:

- (1) With regard to the Government Employees Superannuation Board, would the Treasurer advise if the Solicitor General and the Auditor General have investigated all matters relating to the \$5 million put option on the Central Park property between the GESB and Mr Warren Anderson?
- (2) If the answer is yes -
 - (a) has the investigation been completed; and
 - (b) to whom did they report?
- (3) What action will be taken by Government on the report?
- (4) Will the Treasurer table the report?
- (5) Were any Ministers involved in the giving of the option?

Hon J.M. BERINSON replied:

The Minister assisting the Treasurer has provided the following answer -

(1)-(5)

The Solicitor General has made a report to the Deputy Premier and at the recommendation of the Solicitor General, the matter has been referred to the Royal Commission, together with all statements made during the Solicitor General's investigations.

The Auditor General reported to Parliament on the matter, via his section 95 report, which was presented on 28 March 1991. In the report the Auditor General advised that he would await the Royal Commission's consideration of the matter before completing his investigation. To the extent that the matter is still subject to investigation, it would be improper to make comments at this stage.

WETLANDS - MAYLANDS CLAYPITS WETLAND
Preservation Support Petition - Future

227. Hon P.G. PENDAL to the Minister for Education representing the Minister for Planning:

- (1) Has the Minister received a petition supporting the preservation of the Maylands claypits wetland?
- (2) How does the Government view the future of these wetlands?

Hon KAY HALLAHAN replied:

The Minister for Planning has provided the following reply -

- (1) Correspondence on the claypits has been received from time to time but I am unaware of a formal petition having been presented in recent times. I will check on this, however, and advise the honourable member.
- (2) The current zoning would allow the landowner to develop the claypits for residential purposes under both the council's district planning scheme and the metropolitan region scheme.

I am advised that the Stirling City Council's Maylands Peninsula land use management plan proposed in general terms that the claypits be filled and developed for residential purposes, with a new lake being established as part of the public open space to be provided in conjunction with the development. A joint study examining open space and other planning issues in the area has commenced. The study involves the City of Stirling, the Swan River Trust, the Environmental Protection Authority and the Department of Planning and Urban Development. Maylands Ratepayers and Residents Association and the People for the Peninsula will be consulted in the course of the study. Wetlands and environmental issues will be addressed as part of the study.

WETLANDS - MAYLANDS PENINSULA

Lakelands Preservation and Modification - Government's View

228. Hon P.G. PENDAL to the Minister for Education representing the Minister for Planning:

- (1) How does the Government view the move by a community group to have the wetlands situated on the Maylands Peninsula preserved and modified into a lakelands area?
- (2) Is there any reason, in terms of planning/zoning, why such a move could not proceed?

Hon KAY HALLAHAN replied:

The Minister for Planning has provided the following reply -

- (1) See answer to question 227.
- (2) Environmental issues which are part of the planning consideration would need to be addressed with any development or modification of the current situation.

AGE - EQUAL OPPORTUNITY LEGISLATION

Sitting Members of Parliament

233. Hon GEORGE CASH to the Leader of the House representing the Premier:

Will the impending equal opportunity legislation, as it relates to age, allow sitting members to remain members of Parliament regardless of their age?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

Yes. Amendments to the equal opportunity legislation will make it unlawful to discriminate on the basis of age, in employment. However, the impending legislation proposes that compulsory retirement be exempt for a period of two years.

ROADS - HAYES AVENUE AND COBHAM AVENUE, DIANELLA

Closure Gazetted

234. Hon GEORGE CASH to the Minister for Education representing the Minister for Lands:

- (1) Has any section of Hayes Avenue, Dianella or Cobham Avenue, Dianella ever been gazetted for closure?
- (2) If so, will the Minister provide details?
- (3) Is the Minister aware of any intention of the local authority to change the current status of either of these roads?
- (4) If so, will the Minister provide details?

Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

- (1) There have been a number of gazettals for the permanent closure of various parts of Hayes Avenue over the years. Records indicate no such action has occurred with Cobham Avenue.
- (2) Given the number of partial closures which have occurred over Hayes Avenue, extracting the details for each action would involve considerable research. However, I understand the honourable member may be interested in the most recent closure action, which was near Hayes Avenue and Molloy Street. The closure of this portion of Hayes Avenue was requested by the City of Stirling which satisfied the requirements of section 288A of the Local Government Act. The closure of this section of road was gazetted on 23 February 1990 and the land contained in the closed road was subsequently reserved for "Recreation and Public Utilities Services" with vesting in the City of Stirling. A special condition is attached to the vesting order giving service authorities right of access.
- (3) No.
- (4) Not applicable.

GOVERNMENT EMPLOYEES SUPERANNUATION BOARD - ANNUAL REPORT
Redeemable Investing Preference Shares

236. Hon MAX EVANS to the Leader of the House representing the Minister assisting the Treasurer:

Could the Minister advise the full details of -

- (a) the redeemable investing preference shares referred to in the Annual Report of the Government Employees Superannuation Board including the -
 - (i) date of acquisition;
 - (ii) cost of acquisition;
 - (iii) rate of return;
 - (iv) name of the company or corporation;
 - (v) terms of redemption; and
- (b) the name of the independent valuer of the Central Park Development Project at 30 June 1990;
- (c) the name of the independent valuer of the Westralia Square building No 1 development project at 30 June 1990;
- (d) the rate of return on the Ministry of Education building in Royal Street, East Perth, referred to in the annual report at page 45;
- (e) the full cost details of the preliminary expenses and rate of amortisation in respect of the future acquisition of land and the development and marketing of land of the separate properties referred to;
- (f) the original costs to be amortised; and
- (g) the amounts amortised on each property to 30 June 1990?

Hon J.M. BERINSON replied:

The Minister assisting the Treasurer has provided the following reply -

- (a) (i) 30 April 1987.
- (ii) \$10 million.
- (iii) Year 1 - Never less than the annual dividend declared for Town and Country WA Building Society's fully paid shares.
- (iv) Town and Country WA Building Society.
- (v) Capital returned on maturity on 30 April 1995.

- (b) Jones Lang Wootton.
- (c) Jones Lang Wootton.
- (d) Rate of return in 1989-90 was 11.2 per cent per annum.
- (e) The preliminary expenses (property) disclosed in the board's accounts are in connection with the Anchorage project and include costs not directly associated with the acquisition of the freehold property holdings to date. These include -

	\$	\$
Project costs (developer fees, architect, environment reports, etc)		2 670 472.10
Future land acquisition associated cost		2 474 890.31
Marketing		199 429.92
Building/construction/demolition maintenance		141 511.60
Miscellaneous (security, insurances, etc)		<u>182 134.82</u>
		<u>5 668 438.75</u>
Less:		
Amortisation project costs	534 094.42	
Write down future land acquisition costs	320 712.28	
Write down other costs	<u>523 074.34</u>	<u>1 377 881.04</u>
	BOOK VALUE	<u>4 290 557.71</u>

The amortisation of these costs which commenced in 1989-90, was as follows -

- Project costs - 20 per cent per annum.
- Future land acquisition - based upon valuation write-down.
- All other costs - written-down to zero as they have no future value in the project.

(f) See (e) above.

(g) Anchorage project - \$1 377 881.04.

**STATE GOVERNMENT INSURANCE COMMISSION - PAPERS TABLING,
1 MAY 1990**

Minister for Finance, Economic Development and Goldfields Direction

239. Hon MAX EVANS to the Leader of the House representing the Minister assisting the Treasurer:

- (1) The annual report of the State Government Insurance Commission states that a ministerial direction was received on 1 May 1990 from the Minister for Finance and Economic Development and Goldfields. Why was the direction only given the day tabled papers Nos 184A and B, 185 and 186 of 1990 were tabled in Parliament?
- (2) Were all the documents compiled on that day?
- (3) When was the direction given?
- (4) Why is it dated 1 May 1990?

Hon J.M. BERINSON replied:

The Minister assisting the Treasurer has provided the following answer -

- (1) The direction was required because SGIC had been notified by the other parties to the agreements that if the agreement were to be tabled on 1 May 1990 they would sue the SGIC for breaching the confidentiality clause contained in the agreement.
- (2) No.
- (3) 1 May 1990.

(4) It was dated 1 May 1990 because that was the day it was given.

PERTH ENTERTAINMENT CENTRE - DEBT, \$200 000

Treasurer's Annual Report

240. Hon MAX EVANS to the Leader of the House representing the Treasurer:

Could the Treasurer advise details of the debt of \$200 000 on the Perth Entertainment Centre shown in analytical information at page 4 in the Treasurer's Annual report as follows -

- (a) what was the arranged debt;
- (b) on what date was it incurred;
- (c) why was it not repaid when the building was sold in October 1987; and
- (d) when will it be repaid?

Hon J.M. BERINSON replied:

The Treasurer has provided the following reply -

- (a) \$1 million borrowed from the Commonwealth.
- (b) 17 October 1978.
- (c) The loan was not repaid because the interest rate negotiated with the Commonwealth was lower than the prevailing interest earning rate. Accordingly, in the long term it was cheaper to allow the loan to be repaid in accordance with the agreed repayments schedule.
- (d) 30 June 1990.

GOVERNMENT AGENCIES - PURCHASES OF GOODS AND SERVICES

Over \$50 000 Details - Circular to Ministers No 27 of 1988

241. Hon MAX EVANS to the Leader of the House representing the Treasurer:

On 11 January 1991 the Premier, in a Circular to Ministers No 3/91, referred to a Circular to Ministers No 27/88 and reiterated the requirement for agencies to invite public tenders for all purchases of goods and services over \$50 000. Could the Premier advise the following details of all Government purchases of goods and services over \$50 000 purchased since the date of the Circular to Ministers No 27/88 as follows -

- (a) the cost of the purchases;
- (b) the nature of the goods/services;
- (c) the date of the purchases; and
- (d) who authorised each of the purchases?

Hon J.M. BERINSON replied:

The Treasurer has provided the following reply -

I am advised that to provide an answer in the form sought by the member would be a massive undertaking across the whole of Government. If the member raises any specific concerns, the Treasurer will respond to them.

EMPLOYMENT - WAGE PAYMENTS LEGISLATION

242. Hon GEORGE CASH to Hon John Halden representing the Minister for Productivity and Labour Relations:

- (1) Will the Minister advise which legislation or regulation provides that an employer must pay an employee's wages on the date the weekly, fortnightly or monthly period is completed?
- (2) Under what circumstances can an employer withhold "days in hand" from an employee?
- (3) If such circumstances exist, what is the maximum number of days an employer can withhold?

- (4) Are State Government departments and statutory authorities subject to this legislation/regulation?

Hon JOHN HALDEN replied:

- (1) Industrial awards and agreements, made under the authority of the Industrial Relations Act, regulate payment of wages and the pay periods.
- (2) Awards do not make reference to "days in hand" but usually refer to circumstances when pay may be withheld. One example would be where an employee has left an employer without giving the period of notice specified in the award. Also some awards allow employers to withhold pay to cover any debt incurred by the employee. It is not unknown for some employers to withhold a worker's first pay until he or she terminates their employment. This practice is in breach of normal award provisions.
- (3) This is dependent upon the provisions of the award or agreement.
- (4) Yes.

CRIME - HIGHGATE, MT LAWLEY, EAST PERTH
Car Theft, Break and Entry, Robbery and Assault Statistics

244. Hon GEORGE CASH to the Minister for Police:

Will the Minister provide the following crime statistics for the years 1989 and 1990 for the areas of Highgate, Mt Lawley and East Perth -

- (a) car theft;
- (b) break and entry;
- (c) robbery; and
- (d) assault?

Hon GRAHAM EDWARDS replied:

For the fiscal years 1988-89 and 1989-90 the following information is provided -

	East Perth		Highgate		Mt Lawley	
	89	90	89	90	89	90
(a) car theft	174	153	68	61	161	165
(b) break and enter	388	312	173	183	472	565
(c) robbery	4	6	3	1	3	4
(d) assault	99	99	20	17	35	30

LAND ADMINISTRATION DEPARTMENT - GASCOYNE JUNCTION TOWNSITE
Land Blocks Lease or Sale

245. Hon BARRY HOUSE to the Minister for Education representing the Minister for Lands:

- (1) Does the Department of Land Administration intend to lease or sell blocks of land on the north side of the Gascoyne River in the Gascoyne Junction townsite?
- (2) If so, will these be fully serviced lots with power and water connected?
- (3) If not, why not?

Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

- (1) No.
- (2) Not applicable.
- (3) It is not considered viable to bring reticulated town water to the area. Also, the Water Authority of Western Australia will not issue new bore

licences owing to the limited supplies within the existing bore field, and the need to protect existing bores and the town water.

LAND - GASCOYNE JUNCTION TOWN SITE

Lots 54, 61, 66 - Water Authority of Western Australia Approval

246. Hon BARRY HOUSE to the Minister for Police representing the Minister for Water Resources:

Why are the Gascoyne Junction town sites lots 54, 61 and 66 not obtaining water authority approval for release when previously, water would have been made available if they had not been forfeited by previous owners because they had not built on them?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following response -

As lots 54, 61 and 66 are within the townsite of Gascoyne Junction, and would presumably eventually draw their water from the town's reticulated supply, the Water Authority is willing to allow access to the Gascoyne River aquifers. Access to the river will need to be formalised and the prospective owners of the lots will be required to approach the Water Authority office in Carnarvon to gain a licence. Abstraction would be limited to the normal domestic requirements.

LAND - GASCOYNE JUNCTION TOWN SITE

Lots 54, 61, 66 - No Release or Sale

247. Hon BARRY HOUSE to the Minister for Education representing the Minister for Lands:

What are the reasons for Gascoyne Junction town site lots 54, 61 and 66 not being released for lease or sale?

Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

See response to question 245.

LOBSTERS - POT REDUCTION POLICY

248. Hon GEORGE CASH to the Hon Mark Nevill representing the Minister for Fisheries:

- (1) What is the current policy in respect of pot reduction in the lobster industry?
- (2) What number of pots have been withdrawn from the industry as a result of the pot reduction policy in each of the last three years?

Hon MARK NEVILL replied:

- (1) A 10 per cent pot reduction program was introduced in 1986-87 and it has operated as a permanent two per cent per year pot reduction for five years for the seasons 1987-88 to 1991-92 inclusive.
- (2) 1988-89 season 1 458
1989-90 season 1 440
1990-91 season 1 421.

**RURAL AND INDUSTRIES BANK OF WESTERN AUSTRALIA -
DIVIDEND/INCOME TAX**

Consolidated Revenue Fund Estimate 1990-91

249. Hon MAX EVANS to the Leader of the House representing the Minister assisting the Treasurer:

- (1) What is the Consolidated Revenue Fund estimate for 1990-91 dividend/income tax to be received from the R & I Bank?
- (2) How much was paid?
- (3) On what date was it paid?

Hon J.M. BERINSON replied:

The Minister assisting the Treasurer has provided the following answer -

(1)-(3)

An amount of \$20 411 000 was paid to the Consolidated Revenue Fund by the R & I Bank of Western Australia on 10 March 1991.

CENTRAL PARK DEVELOPMENT - \$5 MILLION PUT OPTION
Solicitor General's Report

251. Hon MAX EVANS to the Attorney General:

Can the Minister advise when the Solicitor General will complete his report on the Central Park \$5 million put option which was referred to him in October or November?

Hon J.M. BERINSON replied:

Please refer to answer to question without notice 101 on 28 March 1991.

COMMISSIONERS FOR DECLARATIONS - APPOINTMENTS
Application Rejections

252. Hon BARRY HOUSE to the Attorney General:

- (1) How many appointments of Commissioners for Declarations have been made -
 - (a) in the State; and
 - (b) in the south west
 in the past five years?
- (2) How many applications for Commissioners for Declarations have been rejected in -
 - (a) the State; and
 - (b) the south west
 in the past five years?
- (3) What is the criteria for approval or rejection of nominations?

Hon J.M. BERINSON replied:

(1)-(2)

Commissioners for Declarations for the State -

Year	Appointed	Outstanding
1986	481	Nil
1987	728	Nil
1988	54	Nil
1989	51	Nil
1990	58	Nil
1991 (March)	15	7

Separate statistics are not maintained for the south west or of rejected applications.

- (3) Future appointments of Commissioners for Declarations will only be considered in exceptional circumstances. This proviso was written into the 1987 amendment to the Declarations and Attestations Act which also widened the range of persons who are eligible, without specific appointment, to witness documents to the same extent as Commissioners for Declarations.

POWER STATIONS - COAL FIRED POWER STATION, COLLIE
Generator Building Cost

253. Hon W.N. STRETCH to the Leader of the House representing the Minister for Fuel and Energy:

With respect to the proposed coal fired power station at Collie -

- (a) what will be the total cost of building the two 300 kw generators; and
- (b) does this amount cover all the environmental aspects of the power production?

Hon J.M. BERINSON replied:

The Minister for Fuel and Energy has provided the following answer -

- (a) The proposed power station will be privately owned and the total cost is a confidential matter for the Mitsubishi/Transfield consortium.
- (b) The power station will satisfy the conditions established by the Environmental Protection Authority and these conditions are ultimately reflected in the power price.

PASTORAL LAND TENURE LEGISLATION- PASTORAL STATIONS
Conservation Purposes Requirements - Compensation Level

254. Hon BARRY HOUSE to the Minister for Education representing the Minister for Lands:

- (1) On what grounds are the following pastoral stations required for conservation purposes and therefore will not be converted to new pastoral leases under the proposed changes to pastoral land tenure -
 - (a) Dirk Hartog;
 - (b) Waterbank;
 - (c) Charnley River; and
 - (d) Osmond Valley?
- (2) What level of compensation will be paid to these station owners and for any other property to be resumed under the new proposals?
- (3) Does the Government intend to commercially develop any parts of the Waterbank Station lease which are close to the Broome town site?

Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

- (1) All four stations are subject to Environmental Protection Authority recommendations requiring all or part of the land within the stations being set aside for the establishment of or inclusion into national parks or conservation reserves.
- (2) Acquisition by resumption is presently not being considered as an option. The preferred course of action is acquisition by negotiating a fair market value for the stations as was recently done with Peron Station.
- (3) A range of potential land uses exist for surplus areas of Waterbank once acquisition has been completed. A decision about these uses has yet to be reached.

LAND ADMINISTRATION DEPARTMENT - MIDLAND RELOCATION
Savings Estimate

258. Hon BARRY HOUSE to the Minister for Education representing the Minister for Lands:

- (1) Is it correct, as reported in the *Sunday Times* on 3 March 1991, that the Department of Land Administration expects to save \$1 per year as a result of its relocation to Midland?
- (2) If not, what is the anticipated saving, or cost, of the relocation?

Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

(1)-(2)

The article correctly implied an error in a departmental memorandum. The estimated savings are of the order of an average \$1 million per annum over 10 or more years.

ROAD TRAFFIC (EVENTS ON ROADS) REGULATIONS 1991 - SPORTING CLUBS
Tax Burden

260. Hon BARRY HOUSE to the Minister for Sport and Recreation:

- (1) Is the Minister aware that new charges now levied under the Road Traffic (Events on Roads) Regulations 1991 are imposing a heavy burden on many sporting clubs which use public roads (e.g. cycling, triathlon, athletics)?
- (2) Does the Minister intend to inquire into this matter and recommend the exclusion of these organisations from the tax?

Hon GRAHAM EDWARDS replied:

- (1) I am aware of an extension of the principle of "user pays" to the Road Traffic (Events on Roads) Regulations 1991. However, this extension does not impose a heavy burden on any sporting clubs as the costs apply only in the case of a formal road closure.
- (2) If the member is able to substantiate the allegation contained in his question, to the effect that there is a "heavy burden on many sporting clubs which use public roads", I will give the matter some consideration.

LAND - AVON LOCATION 30364, INKPEN ESTATE
Industrial Park Establishment

262. Hon BARRY HOUSE to the Minister for Education representing the Minister for Lands:

- (1) Why has Avon Location 30364 on the Inkpen Estate been set aside for an industrial park for noxious and hazardous industry in preference to purchasing privately owned land nearby?
- (2) Is the Minister satisfied that clearing of this land to establish the industrial park will have no detrimental environmental impact such as erosion, soil degradation and increased salinity, on the surrounding area?
- (3) Is Avon Location 30364 still classified as a C class reserve?

Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

(1)-(2)

Avon location 29014, formerly reserve 30364, has been suggested as possibly fulfilling environmental and economic criteria for a special industry park. Since it is Government-owned and available for this purpose, there is no need to consider purchasing private land. However, no decision will be made as to whether a special industry park will proceed on this site until the Government has had an opportunity to consider the outcome of the current public environmental review and the Environmental Protection Authority's recommendations.

- (3) Avon location 29014 is not a reserve.

FAMILY COURT - LEGISLATION AMENDMENTS
Federal-State Agreement

264. Hon REG DAVIES to the Attorney General:

In view of the public dissatisfaction with family court procedures as evidenced by a petition now being circulated and in view of the Family Court Act of Western Australia being a State Act, I ask -

- (a) can reform of the Family Court of Western Australia be implemented without deference to the Federal Parliament; and
- (b) is family law in Western Australia a State or Federal matter?

Hon J.M. BERINSON replied:

- (a) Pursuant to an agreement between the State and the Commonwealth dated 26 May 1976, the State agreed not to amend the Family Court Act or regulations without prior consultation with the Commonwealth. The agreement also provides that the State accepts the principles and philosophies embodied in the Family Law Act and that if the Family Law Act or regulations are amended, the parties will consult with a view to the State making such amendments to the Family Court Act and regulations as the circumstances require.
- (b) In essence, the law relating to marriage and dissolution of marriage is a Federal matter. The family law relating to unmarried couples and ex-nuptial children is a State matter, as are proceedings relating to children of a marriage brought by third parties.

STIRLING CITY COUNCIL - BRIBERY ALLEGATIONS
Police Inquiry Status

265. Hon REG DAVIES to the Minister for Police:

What is the current status of the police investigation into the bribery allegations in relation to the Stirling City Council given that *The 7.30 Report* and *The West Australian* have indicated that police investigations have ceased?

Hon GRAHAM EDWARDS replied:

Inquiries into the Stirling City Council bribery allegations have been concluded. Police are awaiting a request from the Royal Commission for the production of their report.

WATER AUTHORITY OF WESTERN AUSTRALIA - VASSE DIVERSION DRAIN
Upgrade Funding

269. Hon BARRY HOUSE to the Minister for Police representing the Minister for Water Resources:

- (1) Is the Water Authority of Western Australia about to upgrade the Vasse diversion drain to cope with a "100 year flood" level with funding to come from the following areas -
 - (a) Water Authority of Western Australia - 40 per cent;
 - (b) Busselton Shire - 20 per cent; and
 - (c) Federal Government - 40 per cent?
- (2) If this is so, is the WAWA 40 per cent funding to be debited against drainage rate payers or is it to be a State Government grant?
- (3) When the five mile brook was diverted to protect the big swamp area in Bunbury from flooding, were there contributions from WAWA, the City of Bunbury and the Federal Government and in what proportion?
- (4) If the funding came from some other source, would the Minister provide details?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following response -

- (1) Yes, subject to finalisation of funding arrangements.
- (2) The authority's contribution will be funded by the authority and recorded as a further capital cost of the infrastructure associated with the Busselton drainage district. Such capital costs are met by all customers of the Water Authority of Western Australia.

- (3) All funding for construction of the Five Mile Brook diversion was provided by the State Government from General Loan Funds.
- (4) Not applicable.

AGRICULTURE PROTECTION BOARD - AGRICULTURE DEPARTMENT
Amalgamation

270. Hon BARRY HOUSE to the Minister for Police representing the Minister for Agriculture:

- (1) Is the Agriculture Protection Board and the Department of Agriculture to be amalgamated?
- (2) If so, why?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following response -

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

GROUND WATER - POLLUTION

272. Hon N.F. MOORE to the Minister for Police representing the Minister for Water Resources:

- (1) Is it correct that some, or all, of Perth's underground water supplies are polluted?
- (2) If so -
 - (a) what has been the cause of this pollution; and
 - (b) what action is being taken to eliminate or reduce the pollution?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following response -

- (1) Some pollution of groundwater has occurred in developed parts of the Perth region. Much of the region's groundwater resources are not polluted, however, and are suitable for public water supply use. Groundwater for public water supplies is mostly drawn in undeveloped and less intensively developed areas, where little or no contamination has occurred.
- (2) (a) The major causes of pollution have been waste disposal from industrial and commercial activities; domestic refuse disposal (rubbish tips); septic tanks; fertiliser use for horticulture; and wastes from intensive animal based industries such as piggeries and feedlots.
- (b) The major actions being taken to eliminate and reduce pollution are licensing and regulation of industrial and commercial waste disposal through the Environmental Protection Act; development of a metropolitan waste strategy to reduce pollution from domestic refuse disposal; sewerage of new urban areas in the region; backlog sewerage of existing unsewered areas; control of intensive horticulture in important groundwater areas; and licensing and regulation of intensive animal industries through the Environmental Protection Act.

Sound land planning and management are key elements of effective long term groundwater quality protection. Environmental protection policies, under the Environmental Protection Act, and statements of planning policy, under the Town Planning and Development Act, are being prepared to guide land planning and development in important groundwater areas of the Perth region.

FIRST BOSTON CORPORATION - CREDIT SUISSE BANKS
\$400 million Government Loan

273. Hon MURIEL PATTERSON to the Leader of the House representing the Premier:

With reference to the \$400 million loan signed by the Government with the First Boston and Credit Suisse Banks in September 1990 or thereabouts;

- (a) what interest was chargeable; and
- (b) what were the terms and conditions attached to the loan?

Hon J.M. BERINSON replied:

I assume that the honourable member is referring to the US\$400 000 000 Euro medium term note program established by the Western Australian Treasury Corporation on 23 July 1990 in London. The program was arranged for WATC by Credit Suisse First Boston Limited. Under this program WATC is able to borrow funds from time to time in overseas markets for terms of one to 15 years by the sale of Euro medium term notes through a panel of dealers. The dealers for this program are Citicorp Investment Bank Limited, Credit Suisse First Boston Limited, Daiwa Europe Limited, Shearson Lehman Hutton International Inc, and Swiss Bank Corporation. Since the program was established, WATC has issued five series of 10-year EMTNs. The amounts raised totalled A\$127 008 900. The interest costs on these loans were between 0.57 per cent per annum and 1.27 per cent per annum below WATC's domestic loan rates giving interest savings of A\$12 556 per annum or A\$9 125 560 over the next 10 years.

QUESTIONS WITHOUT NOTICE

PALOS VERDES ESTATES PTY LTD - APPEAL
Minister for the Environment's Media Statements

114. Hon GEORGE CASH to the Attorney General:

- (1) Does the Attorney General agree with the public statements made by the Minister for the Environment to the media on 10 April 1991 regarding the unanimous decision of the Supreme Court to allow an appeal by Palos Verdes Estates Pty Ltd?
- (2) If not, will the Attorney General dissociate himself from those outrageous and disgraceful comments?

Hon J.M. BERINSON replied:

(1)-(2)

I am aware of the general community interest in those comments but I never pursued them in detail or had occasion to examine precisely what he said. It follows that I am unable to develop an opinion, nor am I in a position to express one.

PALOS VERDES ESTATES PTY LTD - APPEAL
Minister for the Environment's Media Statements

115. Hon GEORGE CASH to the Attorney General:

In view of the Attorney General's response to my previous question, will he now as a matter of urgency consider the remarks made by the Minister for the Environment on 10 April 1991 and assess whether that Minister committed a contempt of court or a breach of the Minister's oath of office?

Hon J.M. BERINSON replied:

I am prepared to take an early opportunity to consider the comments but hardly think after this passage of time urgency is called for. Nothing suggested either today or previously provides any grounds for my pursuing the further possibilities to which the Leader of the Opposition has referred.

FAMILY COURT - ATTORNEY GENERAL'S STATEMENT

116. Hon PETER FOSS to the Attorney General:

In view of the Attorney General's vigorous defence of the Family Court in a statement to the House last year, on an occasion when I did not attack that court, will he assure the House that if after investigating this matter he finds an attack on the court has occurred he will make a ministerial statement in similar form to that which he made regarding the Family Court?

Hon J.M. BERINSON replied:

I am sure that the statement I made about the Family Court was, to Hon Peter Foss, a memorable one; it is just that I do not now recall it. If it did make the sort of impression that led him to describe it in the terms he has just employed, then I can only say that that would have reflected my view of what he had to say at the time. Having said that, I have already indicated that I am prepared to look at the statement made by the Minister for the Environment and, if that leads me to the view I should make a further statement to the House, then I will do so.

CAR THEFT - GOVERNMENT ACTION

117. Hon E.J. CHARLTON to the Minister for Police:

In view of what can now be considered as nothing less than an epidemic of car stealing and the violence associated with it, and in view of the damage being done to personal property and an obvious need for restitution to be made as well as legal action to be taken, what does the Minister or the Government plan to do, particularly in view of the report just issued regarding these critical circumstances?

Hon GRAHAM EDWARDS replied:

That is a broad question. From a policing point of view my first priority is to ensure that the people involved in this recent spate of activities are apprehended as quickly as possible. They are a defiant and desperate bunch of thugs who are quite dangerous when cornered. The police are taking severe additional steps to handle this matter and the member would understand that I am not in a position to explain to him what those steps are. Mr Zanetti, Deputy Commissioner of Police, made a statement to the media this afternoon relating to this matter. I have contacted the Commissioner of Police and conveyed my serious concern, not just today but on other occasions in recent times, as these activities have increased from a spate of what appeared to be unrelated matters to a number of matters that may well be related and the result of a well organised group.

I am greatly concerned for the safety of people who disturb these law breakers as they attempt to steal a vehicle, and I urge them not to confront them but to ring the police. This is a matter for the police. I do not believe the cost of a vehicle in any way equates with a person's life or wellbeing, so I urge the public to put these considerations first. The member has touched on many other matters in his question but that is the most appropriate answer I can give at this time.

CAR THEFT - LEGISLATION CHANGES

118. Hon E.J. CHARLTON to the Attorney General:

Does the Attorney General or the Government intend making appropriate changes to the law relating to stealing motor vehicles and the violence and damage associated with that action, and in particular to the law covering restitution and compensation for injury suffered by people on such occasions - especially as the Minister for Police has just suggested these occurrences are organised?

Hon J.M. BERINSON replied:

I doubt very much whether this is an area where further changes to the law would be of great assistance. Members will know that the Government has indicated its intention to amend the law so as to make so-called unlawful use of a motor vehicle equal in all respects to theft of a motor vehicle. Work on that is proceeding. If I understand the member correctly, however, he is referring to the violence and injury which has followed from the careless or reckless driving of those stolen vehicles. If that is so, I would say that the current law in respect of assaults, injury and, in the worst cases, manslaughter or worse, is fully adequate to the problem, provided that the people concerned are apprehended. I do not believe that we need to look, for example, at something in the nature of an aggravated manslaughter charge -

Hon Peter Foss: Felony murder.

Hon J.M. BERINSON: - which would result from the unlawful killing of a person as a result of a motor vehicle accident. If it is unlawful killing, it is unlawful killing, and the available penalties are very severe.

On the question of restitution, there again we have a problem which does not go to the law. Restitution can be approached either through the criminal process or through the civil process. The problem in this situation, however, lies not in the availability of a legal framework for restitution but in the fact that in so many of these cases - I would hazard a guess in the majority of them - the perpetrators of the injury or the damage do not have the capacity to pay.

Questions have been raised about whether the unlawful actions of juveniles from time to time leading to loss by others should not lead to some liability on the part of their parents. That position was addressed most recently in the new Children's Court Act, and there is a capacity there, but there must be some sort of linking of that capacity with, firstly, some failure on the part of the parents to exert a control which they reasonably could in all the circumstances, and secondly, a financial capacity in the parent.

Hon E.J. Charlton: Would you acknowledge that there is the capacity for those people to be penalised or to make restitution, even though they may be on a low income, or even on social security, by making them contribute part of that payment towards restitution, which they currently do not have to do?

Hon J.M. BERINSON: Is the honourable member saying they should contribute part of their social security?

Hon E.J. Charlton: Yes.

Hon J.M. BERINSON: This raises an entirely new question, and a very important question which has frustrated me enormously over the years.

The PRESIDENT: Order! The question is not a question, so the Attorney General does not have to bother about answering it.

Hon J.M. BERINSON: But it is a very interesting subject.

AUSTRALIAN SECURITIES COMMISSION - COMPANY EXTRACTS *Accuracy Guarantee - Law Society "Alert" Publication*

119. Hon PETER FOSS to the Attorney General:

I refer to the Law Society "Alert" which I sent to the Attorney. It refers to the Australian Securities Commission and says -

The Australian Securities Commission Company Extract provided in response to routine company search enquiries carries the warning:

"The ASC cannot guarantee the accuracy or completeness of the information contained in the extract".

This warning should be taken seriously. In at least one instance a Company Extract has failed to disclose the existence of a current charge.

The Commercial and Revenue Law Committee of the Law Society recommends that until the ASC is able to guarantee the accuracy and completeness of Company Extracts, practitioners should continue to rely on microfiche/imaging searches (certified if appropriate) in addition to or in lieu of Company Extracts.

I ask -

- (1) Is the situation of the ASC not being able to guarantee the accuracy and completeness of information provided consistent with the undertaking given to the State about the quality of the services to be provided?
- (2) Will the Attorney General take up this matter with the ASC to ascertain when it will be able to guarantee the accuracy and completeness of the extracts?
- (3) What does this mean in the way of inconvenience to the people of Western Australia as opposed to people practising in other States of Australia?

Hon J.M. BERINSON replied:

(1)-(3)

I thank the honourable member for sending me a copy of this Law Society circular. This is the first time I have had this problem drawn to my attention and I am not surprised by that because I think it is well understood in the profession and in the commercial community that the management of all associated areas has now passed to the ASC. No doubt complaints about matters such as this have gone either directly to the ASC or to the Commonwealth Attorney General.

In response to the second part of the question, to put it in as neutral a way as I can, in spite of past differences between the State and the Commonwealth about the transfer of corporate affairs powers, it would not be fair to regard this shortcoming as a failure by the Commonwealth to meet its commitment to the standard of services, nor at this early stage would it be fair to suggest that this indicates some intention on its part to refrain positively from providing the service we were assured we would get.

The real life situation is that the ASC is in the very earliest stages of a tremendous change. It is one which involves the recruitment of a large number of staff members, some of whom have been drawn from the Corporate Affairs Department of the State, and accordingly bring their experience with them, but many others have had to be recruited afresh without former experience in corporate administration.

There has been another problem with which the ASC has been faced in very large measure, and it has been reflected in what is left of the Corporate Affairs Department to a much smaller extent in simply setting up in new premises and getting new systems under way. The long and short of it is that the situation indicated by the Law Society circular is an unfortunate start to ASC activities in this State. I am sure that the ASC would be anxious to overcome the difficulties which have led to its providing the warning that has been referred to. Certainly, everyone in this State, from the Parliament to the professions and the commercial community affected, is entitled to look to that sort of improvement.

Finally, I am not in a position to provide any comparative indication of the position in this State as against the others. As I have indicated, it is only a few minutes ago quite literally that this matter has been drawn to my attention, and to respond to that aspect of Hon Peter Foss' question would obviously need extensive inquiries in the other States.

SCHOOLS - CAMP SCHOOLS
Pemberton, Bridgetown, Point Peron Closure

120. Hon BARRY HOUSE to the Minister for Education:

Are the camp schools at Pemberton, Bridgetown and Point Peron to be closed, or is their management and control to be removed from the responsibility of Ministry of Education to the Ministry of Sport and Recreation?

Hon KAY HALLAHAN replied:

The future management or indeed the closure of the camp schools is under consideration currently.

MULTANOVA - PHOTOGRAPHS

121. Hon DERRICK TOMLINSON to the Minister for Police:

- (1) Do the Multanova cameras on station photograph all vehicles or only those travelling in excess of predetermined speeds?
- (2) Are photographs of vehicles and drivers and, in some cases, passengers destroyed when no infringement notice is issued?
- (3) For how long are the photographs taken by the Multanova cameras kept by the police?

Hon GRAHAM EDWARDS replied:

(1)-(3)

If the member would care to place the question on notice, I will supply an answer. Previously, I have afforded honourable members the opportunity to inspect the operations of the Multanova camera. I am not sure whether the member took up that offer. However, I am more than happy to ask the police to make available that facility again. I extend that invitation to all members with an interest in the operations of the Multanova camera.

EMPLOYMENT AND TRAINING - "CLEVER COUNTRY", FEDERAL PUSH
State Support

122. Hon T.G. BUTLER to the Minister for Employment and Training:

A great deal of media attention has been given to the Federal Government's push for Australia to become a clever country. What is the State Government doing to support this initiative?

Hon KAY HALLAHAN replied:

I thank the honourable member for the question. It certainly is a very topical one as we are at present in the process of considering award restructuring and competency based skills, and witnessing a significant change to the skills of the work force.

The State Government has recognised the importance of a highly skilled, flexible and productive work force which is responsive to industrial and technological change. That matter is high on the Government's agenda. The State Employment Skills Development Authority legislation was passed last year. That independent, tripartite authority was officially established in March this year and held its first full meeting on 10 April. The SESDA network comprising the authority, the Industry Employment and Training Councils, and the Skills Standards and Accreditation Board will provide a single network in which the issues of skills development and labour market planning can be addressed in Western Australia. Claims of lack of planning can therefore be rebutted, and we will have comprehensive planning for labour market needs.

I draw to the attention of members a discussion paper, "The Training Challenge: Training for the 1990's and Beyond" which has been released to industry and the community for comment. The discussion paper will assist the authority in its first major task; that is, the formation of SESDA's strategic

plan. The paper covers skills formation, vocational education reform, award restructuring and equity of access to skills formation. I take this opportunity to invite members to browse through the paper. Comments should be forwarded to SESDA at this important time. It is an important time because we have the opportunity to influence the direction of skills formation and training for the next decade in Western Australia. Some members have more traditional interests in these areas than others; however, I would appreciate it if members would consider the training paper.

TECHNICAL AND FURTHER EDUCATION, DEPARTMENT OF
Narrogin Centre Details

123. Hon MARGARET McALEER to the Minister for Education:

Will the Minister advise the details of the proposed TAFE centre to be sited at Narrogin, the estimated cost, and the likely date of commencement of construction?

Hon KAY HALLAHAN replied:

I think I have recently written to a member of Parliament on this matter. Whether it was to a member of Hon Margaret McAleer's party or to a member of the National Party, I am not sure. Some difficulty was experienced in finding suitable accommodation in Narrogin; however that problem has now been overcome. I am told that for the next year or two the accommodation now occupied by TAFE - with the option of conducting classes at the high school as well - means that the building of a facility will not be necessary maybe until the 1994 financial year. I will provide the details for the member. Perhaps my correspondence was with the local government authority, but I will certainly provide a copy of that correspondence as it outlines basically what I have advised the House today.

QUESTIONS - UNANSWERED

66 Outstanding Questions

124. Hon D.J. WORDSWORTH to the Leader of the House:

(1) Is he aware that -

- (a) sixty-six questions remain unanswered on today's Notice Paper;
- (b) as the House has not sat for the last month, the least time the questions have remained unanswered is a month but some were asked on the first day of the opening session;
- (c) the lack of answers to questions represents a breakdown in the Westminster system where an elected representative can ask the Executive questions on the administration of the State; and
- (d) prior to the Burke Government, the Ministers and staff of departments took up the task of answering a question on the day following the asking of it? It was very rare that a question was not answered the following day?

(2) Will the Leader of the House make a special effort to clear the 66 questions on the Notice Paper?

Hon J.M. BERINSON replied:

(1)-(2)

In answer to the first part of the question as to whether I was aware that there are 66 unanswered questions, the answer is that I was not aware. In an attempt to count them, I missed most of the rest of Hon D.J. Wordsworth's queries. Nonetheless I am prepared to accept that there are 66 questions unanswered. Certainly there is a list there. I am prepared to draw the attention of Ministers to those questions which have remained unanswered for a particularly long time, although it is only fair to Ministers to point out that we are now up to question 353 and that is a matter to be considered in the

context also of Mr Wordsworth's question relating to practice in earlier days. I do not know what was the volume of questions in earlier Parliaments but I doubt whether we have ever had them in the number that have been experienced in more recent of our Parliaments. Having said that, I have undertaken to ask Ministers if they can expedite their replies. Certainly I will have a check made on my own portfolio to ensure that if any of the 66 outstanding questions relate to me they will not remain unanswered.

SPEED CAMERAS - EASTERN STATES

Faults - Prosecutions Dismissal

125. Hon PETER FOSS to the Minister for Police:

- (1) Is he aware of reports of cases in the Eastern States of camera radar prosecutions being dismissed as a result of a fault with a camera radar?
- (2) If so, has he investigated to determine whether this involved the same kind of radar equipment as that used in Western Australia, and whether the same faults could be found in the equipment functioning in Western Australia?

Hon GRAHAM EDWARDS replied:

(1)-(2)

The police undertook a great deal of work and examination before choosing the Multanova, which, as I understand the situation, is different from the camera radars used in the Eastern States. I have seen the system working in Victoria, and that is certainly very different from ours. In that State the police rely on a camera operating from a vehicle. The Multanova was chosen in Western Australia because it did not have the deficiencies to which the member referred in his question. However, I will ask the police to give more attention to ensure that the camera to which the member referred was not the Multanova. It is certainly my understanding that it is a different system. While camera systems in the Eastern States may have faults, collectively they have been a great deterrent to speeding. Members must accept that this as a great life saving measure, and there is no way that that could be called a fault.
