



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE COUNCIL

Thursday, 19 June 1997

Legislative Council

Thursday, 19 June 1997

THE PRESIDENT (Hon George Cash) took the Chair at 11.00 am, and read prayers.

STANDING ORDERS SUSPENSION

Non-government Business

HON J.A. SCOTT (South Metropolitan) [11.05 am]: I move -

That contingent upon motion No 1 or motion No 2 for today being called, or upon the first resumption of debate on either motion, I shall move -

That standing orders be suspended so far as will enable and require the questions on motions Nos 1 and 2 for Thursday, 19 June to be put and determined before the adjournment of the House on Wednesday, 25 June.

I move this motion because we on this side of the House find ourselves in a position where non-government business is impossible to advance. The business which we wish to advance, motions Nos 1 and 2 - that is, those covering the amendment to Standing Order No 303, which signifies changes to the number of members on committees and their method of appointment; and the establishment of a standing committee on ecologically sustainable development - both fit within the framework recommended by the Commission on Government that the committee system become more powerful in this House.

Point of Order

Hon PETER FOSS: I think the member should be speaking to this motion, rather than those we will deal with if this motion is successful.

The PRESIDENT: Order! The question before the House concerns a motion that standing orders be suspended to enable motions Nos 1 and 2 on today's Notice Paper to be put and determined by a certain time. At the moment I think the remarks of Hon Jim Scott are being made by way of preliminary introduction. Clearly he is required to address the motion that is now before the House, and he should explain to the House why standing orders should be suspended.

Debate Resumed

Hon J.A. SCOTT: I do not intend to spend a lot of time on this matter. I merely point out the need on this occasion to suspend standing orders. I would prefer not to take this route; however, because of the difficulty involved in advancing non-government business in the time allowed in this House and the powers of the Minister to prevent further debate by taking up the remainder of the time allocation, we have chosen this method. We feel this is not an appropriate way in which to operate, and I look forward to seeing changes made to that system.

We are moving this motion to enable us to deal with motions Nos 1 and 2, so that they can be put into effect in this year of the Parliament. We have been negotiating with the Leader of the House to try to get the Government on side to use another method, rather than the suspension of standing orders; however, we have had no success and we have had every indication that the Leader of the House is not interested in allowing the expression of this side of the House to go forward and be resolved.

I have moved this motion in the hope that we can advance this business to ensure that these committees can be formed by the end of the year and that, with the changes to their composition, to meet the wishes expressed by both the community and the Commission on Government, the committees will not be government dominated. That is the principal reason for my moving the suspension of standing orders.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [11.10 am]: I am little perplexed by this motion. For the second or third time since the numbers in the House have changed, effectively the Opposition is seeking to determine the program of the House and is seeking to decide when matters will be debated and concluded.

Hon Kim Chance: It is only asking for a decision of the House.

Hon N.F. MOORE: Nothing prevents members opposite from doing what they are doing, but they must understand what they are doing and the context in which they are doing it.

Hon Kim Chance interjected.

The PRESIDENT: Order! I do not want any interjections at all on this matter. The Leader of the House is entitled to be heard in silence, as was Hon Jim Scott.

Hon N.F. MOORE: I want to explain to the House why I am perplexed and why I think there is no necessity for this motion. This motion presumes that for some reason the Government will not debate motions Nos 1 and 2, which yesterday were motions Nos 2 and 3. I do not know where Hon Jim Scott got that idea from. Ironically, today when he has moved a motion that the House deal with these motions, they have come up for debate by the effluxion of time. That is how the process works in this place. That is the first part of the issue.

The second part of the issue is that we resolve the motions. Members are entitled, quite rightly, to move the motion that has been moved today. However, the motion is an assumption on the part of Hon Jim Scott that the Government has no intention of resolving these matters before 25 June. I want to get the processes of negotiation into the right perspective and explain to the House why this motion is unnecessary. I may, by necessity, have to stray slightly off the strict provisions of the motion to explain why the motion is unnecessary because a process is in place to deal with the committee system. It is not necessary for this motion to be moved or to be passed by this House.

The PRESIDENT: Order! Just before Hon Norman Moore strays off the track, as he puts it, I indicate that I drew to Hon Jim Scott's attention that any comment on this motion was to be directed to the motion, which is discussion on why certain motions should not be put and determined before the adjournment of the House on Wednesday, 25 June. I want the Leader of the House to bear that in mind so that one rule applies to all who speak on this debate.

Hon N.F. MOORE: I accept your comments, Mr President. I simply feel it is necessary for me to put in clear terms the Government's position on the committee system so that members will realise the unnecessary nature of this motion and to indicate to the House that the Government has every reason to be a little offended by this motion, because it presumes that the Government has no intention of dealing with this issue. The Government has every intention of dealing with this issue, if only members would give me five minutes to do something about it - I use "five minutes" in the broadest possible way.

As members will know, an arrangement on committees was agreed to between the Labor Opposition and coalition members over a long period. That arrangement was that the Government would have the majority on all four major standing committees of this House, as opposed to the joint standing committees, and that the Labor Party would have the chairmanship of two of them. That was the arrangement agreed to and put in place. When the House resumed after the election, prior to the change in membership in this place the committees of the Parliament were constituted. As far as I was concerned, we on this side of the House fulfilled our obligations under any agreement we had with the Labor Party. I was operating, as I rightly should, on the basis of that agreement being in place. Anyone would have rightly criticised me if I had reneged on that arrangement. It would be fair to say that the Greens and Democrats, who now have a voice in this House, would be miffed that such an agreement was reached without their involvement. I accept that, but that is what happened. The Labor Party, for reasons best known to itself, was prepared to go along with that proposal and accepted the chairmanship of two committees. That is the position in which I found myself when the composition of the House changed on 22 May.

It then transpired that the Labor Party began negotiating with the minor parties on the committee system, and a couple of motions - the motions we are talking about now - appeared on the Notice Paper: Motion No 1 seeks to change the number of members on standing committees, and motion No 2 seeks to establish an ecologically sustainable development committee. Those motions were arrived at following an agreement between the Labor Party, the Democrats and the Greens. The Democrats put to me that they reached this arrangement with the other two parties because they had been approached by the Labor Party, and that because the Government had not put up any better proposition they were prepared to go along with that. As I explained to the Democrats, I was not in a position to negotiate with them because I already had an agreement with the Labor Party, and to negotiate another arrangement for the committees would have been to renege on an agreement the Government already had. That would be unprincipled and not something in which I would be interested in involving myself.

I looked at the motions on the Notice Paper and at the propositions that were put forward publicly about the committee system in the Legislative Council and came to the conclusion that it was not sensible to make ad hoc, piecemeal amendments to the committee system without having a proper review of the whole system. I put forward the proposition, which is now an order of the day, that the House set up a committee of review to look at the whole committee system. I explained when I moved that motion why I felt that was the most appropriate way to go. I indicated to the Democrats when I put this proposition to them that I felt this was the best way to go; that I believed we should refer the two motions to that committee for consideration. Hon Jim Scott wants to deal with them now.

I was informed by the Democrats that they would support the committee of review. I am the first to acknowledge they did not say to me unequivocally that they did not think we should not then deal with these two motions. I am not saying they are reneging on any deal on motions Nos 1 and 2. I said I felt it was appropriate that the motions be referred to the review committee for consideration because they are part of the possibilities of a new committee system in the House.

I explained to the Opposition that my motion to set up a review committee would be dealt with before the House rose for the recess so the committee could do its work during the recess and report back to the House at the beginning of the spring session, and we could make decisions on the basis of that committee's report. Subsequent to that, the combined parties who sit on the other side of the House got together and put forward a proposition to you, Mr President, and me as Leader of the House about the committee system. I was asked to meet with representatives of the Labor Party, the Greens and the Democrats. That meeting took place last Monday evening and was chaired by you, Mr President. It was put to me that the combined parties were not prepared to delay any changes to the committee system pending a report from a review committee, and they had collectively decided that some changes should be made now. At the same time, they wanted a review committee to operate after these changes had been made to determine whether further changes were needed. It was explained to me that the three parties had got together and agreed to that. Basically, it meant the existing system would be changed to reflect their combined views of what it should be, bearing in mind that they agree a review should be made of the committee system. It was proposed that the Estimates Committee be a Labor Party dominated committee, with three Labor members, two government members, and the ALP chairing the committee. It is interesting that I had already offered a position on that committee to the Democrats, who declined that offer. It is also interesting that the Labor Party, with its leader Hon Tom Stephens, has already moved to discharge one of the Government's members from that committee. I have never seen anything like that in this House.

The PRESIDENT: Order! I draw the attention of the Leader of the House to the wording of the motion, which is whether or not certain other motions should be put and determined before the adjournment of the House on Wednesday, 25 June. I said the same rule applies to all members. At the moment the Leader of the House is canvassing other motions or orders of the day on the Notice Paper, and I am interested in hearing why the motions referred to in motion No 8 on the Notice Paper should or should not be determined on or before the close of business on Wednesday, 25 June. The Leader of the House said earlier he would not digress greatly. I have listened carefully and in my view he is starting to canvass other motions.

Hon N.F. MOORE: I accept your comment and I will desist. Getting back to where I was, the combined opposition parties -

The PRESIDENT: Order! I am not picking on the Leader of the House, but I do not want him to pick up where he left off. I want to know why this motion should not be carried as it relates to the other two motions. That is the question before the House.

Hon N.F. MOORE: I was explaining a process of events which in my view, when I complete the description, will demonstrate clearly to the House why it is unnecessary for this motion to be passed. It is my understanding that a process of negotiations has been in place which does not require a motion of this type on the Notice Paper at all or for it to be agreed to. I was hoping to describe the process that has taken place so far, which I hoped would continue and make this motion unnecessary. I hope it will be either withdrawn or defeated.

The proposition put to me was that there should be a change to the Estimates and Financial Operations Committee, an ecologically sustainable development committee should be established, that changes should be made to membership of the Public Administration Committee and the Legislation Committee numbers, and a committee of review should be established. It was put to me that fundamental and significant changes should be made to the committee system. I explained to the representatives of the three parties at that meeting that I was working on the basis of an agreement already being in place, and I had not been formally told by anybody from the Labor Party that the agreement was off. I still have not been. Had I been told earlier, it might have been easier for negotiations to commence earlier and would have provided further reason that this motion was unnecessary. At the conclusion of the meeting I asked whether the proposition was negotiable. I did not get a straight answer.

Hon John Halden: Yes you did. That is unfair.

Hon N.F. MOORE: Hon John Halden did not say it was totally negotiable, but said they would like to know what I thought of it. I said I would get back to them the following day, and I must take the proposition to my party and to the Government. They are two separate things. My party in this context comprises members of the Legislative Council who make decisions in our party structure on these matters that affect the Legislative Council. Because of the importance of the matter, I also needed to talk to the Premier and other Ministers with an interest in this matter. The meeting finished at 6.30 on Monday evening, and on Tuesday I had a very busy day in this House. There were

party meetings on Tuesday and this was discussed in the party room. I have the views of members on the matter. On Tuesday I handled legislation in this Chamber all night and it was a long and arduous session. I did not have time to meet with the Premier. Hon John Halden approached me and asked whether we could meet, and I told him I had not been able to yet meet with the Premier but I would get back to him as soon as I could. Yesterday morning I received a message from Hon John Halden asking whether I could meet with them and whether I had reached a decision. I said I was tied up in a meeting and would get back to him as soon as I could. That was my intention. Hon John Halden knows as well as I do that Ministers have a very busy life, especially when a Minister is also the Leader of the Government in the House when his party does not have the numbers. It takes more time and it places additional stress on the Minister.

When I got to the House at 3.00 pm yesterday for a meeting of the Bills Committee, I met Hon Tom Stephens and we discussed matters in an amiable way. He suggested that we sit until we had finished the Iron and Steel (Mid West) Agreement Bill last night. I thought that was a good idea and then found a time limit was placed on it also. I recognise that I must be prepared to find things changing as time moves on. Hon Tom Stephens did not mention the committee system. When I returned to my office I was telephoned by the Press and asked whether I was aware that the Greens, Democrats and Labor Party had held a press conference to announce they were changing the committee system in the upper House, and the Government had been intransigent and difficult, would not reach an agreement and was seeking to delay these matters. I was not at the press conference, so I am summarising it as I imagine it was put and as I read it in this morning's newspaper. I was a little offended for two reasons. First, because I had sent a message to Hon John Halden - I checked to ensure he had received that message - that I would get back as quickly as I could but I was tied up in a meeting and had not had a chance to discuss it with the Premier.

Hon John Halden: Did you get back to me? No.

Hon N.F. MOORE: I sent the member a message.

Hon Barry House: Is Hon John Halden the leader?

Hon N.F. MOORE: No, he has been designated to do the negotiations on this. I do not know why. Perhaps he is better at these things than Hon Tom Stephens.

Hon Tom Stephens: Yes, he is much better.

Hon N.F. MOORE: I do not mind that, but I had sent a message to Hon John Halden and it was my intention when I got to the House to say I had not met the Premier and I needed more time.

Hon John Halden: Why not tell me?

Hon N.F. MOORE: I asked my secretary to tell Hon John Halden that I would get back to him as soon as I could.

Hon John Halden: But you did not.

Hon N.F. MOORE: When I was told a press conference had already been held, I was offended because this group had made the assumption that I should make a decision from the Government's perspective in a relatively short time, bearing in mind the significance of the changes proposed, even though I had already explained the necessity to talk not just to coalition members of the Legislative Council but also the Government. I was also offended because no-one told me they would not wait any longer. Had one of those persons who were at the meeting said they could not wait any longer and they would make a decision now, I would have asked them to give me five more minutes or whatever. That did not happen.

Hon John Halden interjected.

Hon N.F. MOORE: To be fair, I received the member's proposition on Monday evening, when it was explained to me. The member may well have discussed it with others, but not with me. He has given me between Monday evening and lunch time Wednesday to make a decision about the Government's position on a very significant change in the committee system when that committee system was put in place only after a select committee had taken evidence for months and the House had deliberated for years. Every committee of this House has been established on the basis of a previous select committee. The Standing Committee on Government Agencies was set up only after a select committee recommended it. Therefore, to ask me to come up with a proposition and to be in a position to make decisions about the committee system in less than two days and then not to tell me that I did not have any more time before the member went public is a bit rich and I was offended by it. I have gone to extraordinary lengths to indicate to members that I am not opposed to changing the committee system of this House. I have recommended a committee of review and when I moved that motion I said that we should look at the system because it has been in place for seven or eight years and it should be reviewed before we make any changes.

The member has put to me that we should make some changes without reviewing the situation and then review it at the same time. He will understand why it takes a little time to think about that; it is an extraordinary state of affairs. We are to make significant change without any review and then have a review to see whether we should make the change. That is putting the cart before the horse.

That was the situation in which I found myself yesterday. Now I find, not only did that happen, but this motion has been put forward by Hon Jim Scott that the standing orders be suspended - which does not happen very often - to enable and require that motions Nos 2 and 3 for Wednesday 18 June be put and determined before the adjournment of the House on Wednesday 25 June. At the same time, we have another motion saying that a member should be discharged and requiring that we deal with motions Nos 1 and 2, which are fundamental to the committee system.

I am trying to explain that what I was seeking from members opposite in respect of this matter was enough time for me to consult with my party and the National Party about a fundamental issue. I have never said that I will not deal with this issue before the end of the session.

Hon John Halden interjected.

Hon N.F. MOORE: It is totally unnecessary for the member to move it. It says that members opposite are not prepared to trust me on this matter; they do not believe that I will deal with it.

Several members interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: It implies that members opposite believe that the Government will not deal with this matter. They are wrong. They must give people who are in a position such as mine a little extra time. I do not have the luxury of spending all my life contemplating what will happen in the Legislative Council. I know some people do that and that their whole life revolves around working out strategies to stitch up the Government. I am referring to only one or two people and that is their nature. I do not have that luxury at the present time; I have another workload at the same time. I would expect Hon Tom Stephens and Hon John Halden, who have been in Government previously - Hon Tom Stephens has been a Minister - to understand that at times a Minister cannot find the time to make the decision he wants to make when someone wants it to be made. In addition, if the Minister must confer with other Ministers, particularly the Premier, it is not always possible. The Premier is exceptionally busy, far busier than anyone in this Chamber, including me. I responded that I needed a little time and that I would reply as quickly as possible. The member did not accept that and publicly decided what the Labor Party would do. It is a terrible pity that he does not have enough faith in me to accept at face value my statement that I will respond as quickly as possible. That is the sad thing about this.

Hon John Halden interjected.

Hon N.F. MOORE: Hon John Halden has argued that because an order of the day is listed as No 45 that somehow reflects its importance. That is not the case. When a motion becomes an order of the day it is automatically put on the bottom of the list. At the end of each evening, I go through the Notice Paper and work out what will be dealt with the next day and put that towards the front. I do not usually go beyond what must be done the next day. It is not my intention to deal with that order of the day today because we have other issues to deal with that will take up the rest of the afternoon; namely, the Kingstream Resources Bill and some other matters. However, its place on the Notice Paper is no reflection of its importance. If I tried to list issues every day in order of importance I would spend all day changing the Notice Paper for no good reason.

I have already indicated to anyone to whom I have spoken - I must be careful about saying I have spoken to someone whom I have not - that it was my intention to deal with the motion for a review of the committee system by either the end of this week or next week so the committee could meet during the recess. That is what I said during my speech: It is my intention that the committee meet during the recess to come up with propositions for where we might go in the future. For Hon John Halden's benefit, there is no intention of not dealing with that motion. There is also no intention of not dealing with motions Nos 1 and 2. However, I hoped I might be able to convince members opposite that motions Nos 1 and 2 should not be dealt with. That is one of the reasons I am opposing this motion - I do not believe they should be dealt with. Their content is such that they should be the subject of inquiry by the review committee.

The member wants to make changes to Standing Order No 303, which would change the number of members on all committees. Interestingly, that motion also seeks to change a longstanding rule in this House that, when there is more than one candidate for a position in this Chamber, a secret ballot is held. Motion No 1, which the member wants dealt with today, states that any appointment for the purpose of this standing order shall be by way of resolution and not otherwise. I do not know whether Hon Jim Scott is aware of what that motion will do if it is passed. It means that,

instead of having a secret ballot for positions if there is more than one candidate, the appointment will be made by resolution. In other words, the House will have a motion put to it that Joe Blow be a member of such and such a committee and we will all put up our hands and everyone will know who voted and how they voted. More importantly from Hon Tom Stephens' point of view, it will mean that Mr President does not have a vote. It is a deliberate attempt to remove the vote of a member of this House. I find that appalling. I do not know whose mind would come up with that sort of idea. I am trying to work out how someone could come to this House with the deliberate intent -

The PRESIDENT: Order! The Leader of the House is now starting to debate motion No 1 on the Notice Paper, which is the very thing I was trying to avoid. We are required to discuss whether motions Nos 1 and 2 should be put and determined before the adjournment of the House on Wednesday, 25 June. I remind the Leader of the House that that does not allow debate on the substance of those motions.

Hon N.F. MOORE: Forgive me, Mr President; I was so appalled at that action I could not help myself. There is no necessity to deal with this motion today and resolve it by a certain date. This motion should not be passed but should be referred to a review committee, because it recommends a number of substantial and significant changes to the committee system, and also seeks to change the voting system in this House. If Hon Jim Scott wants to change the way in which we vote, that matter should be dealt with by a review committee before we make a decision. It is outrageous to propose a significant change to the processes and traditions of this House without that matter being considered by a review committee.

A similar situation applies to motion No 2, which is that the House set up a standing committee on ecologically sustainable development. Hon Jim Scott wants us to resolve that matter now. Not only should we not deal with that motion now, but also we should not resolve it now, because it is the sort of matter that should go to a review committee. I will not use the time today to argue whether an ecologically sustainable development committee is a good or bad thing, because there will be time in the future to argue that matter more substantively

Every time in the past that this House has contemplated serious and significant changes to the committee system, a review has always taken place first. I used the example earlier of the Government Agencies Committee, which was set up after a select committee had been put in place. The committee system that we have now was put in place after the Ferry committee on committees and after considerable consideration of the issues. Substantive debate is required on this matter, not between now and next week, but over a long time. When Hon Joe Berinson sat in this seat, he made sure that the House deliberated at length about a committee system before he first considered it and ultimately agreed to it.

This House has had a history of making decisions about changes to the committee system not quickly but only after proper reflection over a period of time. Hon Jim Scott is saying today that he has two ideas on the Notice Paper for significant changes to the committee system in the Legislative Council of Western Australia, and he will use his numbers to make sure that we deal with that matter between now and next week. That is a tragedy. It is totally unnecessary.

I have a fundamental, personal commitment to the committee system in this House. I have always had that commitment, unlike some others who now have a different view about committees. I am consistent on this matter. I have never changed my view. However, any changes must be made on the basis of consensus across the House, otherwise they will not work. I have said to Hon Jim Scott, Hon Tom Stephens, Hon John Halden and Hon Helen Hodgson that they should not try to impose upon this House a committee system that the Government cannot live with, because the goodwill and consensus that are required to make it work will not be there; and that if they do achieve ultimately what they want, there will be resistance to what they are seeking to do with it.

We should not go down the path that Hon Jim Scott has recommended today but should agree to a review committee. We should give ourselves two months out of our four years in this Parliament to see whether we can collectively, with three members from the opposition side and three members from the government side, with no majority one way or the other, work out a better committee system for the Legislative Council. I am not asking for a great deal.

Some people in this House have the view that they must try to bring down the Government this week; if they cannot do it this week, between now and August will be even better. They want to change the committee system dramatically so that they have the numbers and can really stitch us up. They can stitch us up between now and next week if they want to, and they will use their numbers to try to do that, but they should think beyond the immediate situation. I know members opposite have been waiting for 103 years for this to happen, as I mentioned the other night in respect of a slight error that was made. Another two months will not make a lot of difference to what members opposite are able to do ultimately. However, another two months will make a significant difference to whether the committee system in this House works well.

I ask Hon Jim Scott to accept what I am putting as a compromise. I could put my head in the sand and say, "I have an agreement with the Labor Party that it will give us the majority on committees because it knows that one day it will be in government and it would like the same situation to apply to it; and we will go halves in the job of chairman. That is the Government's position and we will not accept any changes. You can change it only over our dead bodies. That is the end of it." However, I am prepared to accept that that is no longer an option, even though that is what I would like. I am a politician; if we have the numbers on committees, that suits me fine.

Hon Peter Foss: It is a breach of a word that was given.

Hon N.F. MOORE: That is right. Let us accept that word has been breached. I might add for the member's benefit that I said to the Democrats that we would forgo one of our positions on the Estimates Committee by giving it to a Democrat, which would mean that we would lose control of that committee. That was a gesture of goodwill because a vacancy had arisen on that committee. The Democrats rejected that offer. I also intended to offer Hon Jim Scott one of the positions on the Delegated Legislation Committee because he had been on that committee before and had expressed an interest in that, but before I had a chance to get to that stage, this ultimatum was put to me.

I prefer to have the committee system that is in place now, which was set up after agreement with the Labor Party. That is where I stand. Hon Jim Scott wants to change all the numbers and have eight members on the Standing Committee on Public Administration. I am confused, because there is some difference between motion No 1 and the proposition that Hon Jim Scott put to me on Monday. I still do not know what his position is on that matter; I guess he will explain it when we get around to dealing with this motion, and perhaps he will move an amendment. Hon Jim Scott is also proposing a committee on ecologically sustainable development. That is his position.

My position is that we should keep what we have now. The other position is that we should change the committee system before a review has taken place. I am prepared to adopt a position somewhere in the middle; namely, that we review the whole committee system. If after two months Hon Jim Scott comes back with motions Nos 1 and 2 because that is the view of the review committee, I will wear that, and I will wear any other changes that the review committee may suggest. I have many views about what we should do with the committee system. I have been thinking about it for a long time, and for longer than most people have been thinking about it. We should be making some changes. A review committee could look properly at that question, but it does not take to the end of the earth to make that happen. It needs only a couple of months of good hard thinking by a couple of members. Hon Jim Scott has already come up with two motions in a couple of days. It has been put to me that the review committee could not do its job in two months. I believe that it could do its job in two weeks, if it put its mind to it, because Hon Jim Scott has indicated to me that the three parties on the other side got together in a matter of days and put together a proposition which they are now asking the House to accept.

They are asking the House to make a decision upon it even before the House has reviewed it. We should not accept today the member's proposition to debate it and then have it determined. We will debate, so that does not much matter, because it came up on the Notice Paper anyway. The member's motion perhaps should not have been that we debate it but that we determine it. I do not think we should determine it. I do not mind debating it, but I would rather that somebody had moved a motion which said, "Let us accept the Government's proposition of a review committee, as in Order of the Day No 45, and that we refer these two motions to that review committee." That would have been in keeping with the spirit which I understand the members of the Greens believe should happen in this House.

I have listened to the maiden speeches of the members, as we all have. Hon Christine Sharp in particular talked about consensus, agreement and members working together to achieve a common end for the common good. I do not have a problem with that general philosophical view, other than to say that there will be times when we have political differences, when we cannot reach agreement and when we will finish up having divisions and debates, as we did with the industrial relations legislation. However, on many other subjects, such as the structure of the House and the committee system and how it will work, I would have thought that we could work out collectively how to make these things work better. We have done it in the past; there is no doubt about our doing it in the future. To come into the House with a motion which says, "We have got to do it today and make a decision next week" is totally against the spirit of what I understood the Greens to be about. It is not like Hon Jim Scott to be a demanding person. I could understand Hon Tom Stephens doing it. I cannot understand why Hon Jim Scott would come in with an aggressive approach when the whole ethos of his party is about consensus and cooperation.

Hon J.A. Scott: I notice you moved me off the Delegated Legislation Committee by motion.

Hon N.F. MOORE: With respect, that committee did not exist when the motion on it was put to members. It finished by prorogation of Parliament.

Several members interjected.

The PRESIDENT: Order! We are debating the matter that I raised earlier. The Leader of the House will direct his comments to that. Other speakers have indicated that they wish to speak.

Hon N.F. MOORE: Thank you, Mr President. Hon Jim Scott's observation is incorrect. I will explain to the member in due course about prorogation of Parliament.

Hon Peter Foss: It is a dissolution.

Hon N.F. MOORE: That is exactly right.

The PRESIDENT: Order!

Hon N.F. MOORE: The observation is an absolute furphy. To come into the House, as Hon Jim Scott has on this occasion, with a motion that we are debating to suspend standing orders, which is pretty significant in itself and does not happen very often -

Hon Peter Foss: Especially when you take the conduct of the business out of the hands of the Government.

Hon N.F. MOORE: That is right.

Several members interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: That is another issue which I will not go into today. I suspect that we will have plenty of chances in the future to talk about that. We have seen a hint of it in the first two weeks. It is surprising on such a minor matter that we should be taking this course of action.

Several members interjected.

The PRESIDENT: Order! Will the Leader of the House direct his comments to me? Let us move along and progress the motion.

Hon N.F. MOORE: Thank you, Mr President. I am a bit surprised that Hon Jim Scott, bearing in mind the ethos of the Greens (WA) party, should be seeking to suspend standing orders and then require - it says "enable and require" - the questions to be put and determined before Wednesday, 25 June. Even the words in the motion remind me of Hon Tom Stephens. It may be that he drafted it.

Hon Tom Stephens: I support it; I did not draft it.

The PRESIDENT: Order!

Hon Ljiljanna Ravlich interjected.

The PRESIDENT: Order, Hon Ljiljanna Ravlich!

Hon N.F. MOORE: If I may sum up my position, I do not believe that this motion should be agreed to. If the member withdrew it, that would be a better way of demonstrating that he believes we can reach some sort of consensus on issues of this substance.

Hon J.A. Scott interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: The proper spirit of this place would be demonstrated if the member were to withdraw the motion and allow me to get back to him, Hon John Halden and Hon Helen Hodgson on the proposal he put to me on Monday, to which I have not had a chance to respond. I still have not had a chance to meet the Premier.

Several members interjected.

Hon N.F. MOORE: I will go out and find him as soon as I have finished this speech.

The PRESIDENT: Order! If the Leader of the House directs his comments to me he will not encourage interjections.

Hon N.F. MOORE: I apologise, Mr President. I give an assurance to members opposite that I will get back to them today. As the member is so adamant that he wants a decision and has moved this motion which demonstrates how adamant he really is, I will assure him that I will get back to him some time today in response to the proposition he put to me on Monday.

Hon Peter Foss interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: I give that assurance on the basis that this motion might be withdrawn so that we can continue to deal with the issue of committees on a bipartisan, non-political basis. That would be by far and away the best way to deal with this. It would be more in keeping with what the new House is all about - the House which has come of age, as I am told by Hon Tom Stephens through the media this morning. I find it unusual that it has come of age when I am standing here doing exactly what Hon Joe Berinson did for 10 years as a Leader of the House without the numbers in the Legislative Council. During those days we had a committee system with a variety of circumstances. In some cases the Government had a majority and in some cases the Opposition had a majority; we had good government members and not so good government members, and likewise with the Opposition. However, the committee system worked reasonably well. I feel a little irritated when I read about it being some sort of a new era in which for some reason or another the Legislative Council will make the Government more accountable when the old Legislative Council did not. I would argue very strongly that the old Legislative Council did a very good job on a number of issues surrounding WA Inc. One of the reasons that Hon Tom Stephens is so adamant about getting numbers on the committees is that he wants to go down in history as some guy who unearthed a Watergate of some description within Western Australia through a parliamentary committee of the Legislative Council. That is for him to argue.

This motion is unnecessary because it is trying to impose upon the House a point of view in an area where the imposition of a point of view is inappropriate. It would be far better, as I have tried to explain in some detail, if we did not have to deal with this motion. If we do have to deal with it, it would be far better if we did not agree with it and accepted Order of the Day No 45 when I put it up for consideration. Then we can put in place a review committee of three members of both sides with you, Mr President, as non-voting chairman. As the order of the day says, we can then look at the whole committee system and some committees in particular. That would be the most appropriate way to go.

It is a pity that members of the Opposition parties have felt the need to do this today. I have tried to explain that a process is in place of which I am a part. I was brought into the loop as was explained to me on Monday to consider what had already been decided. I was given to believe, and Hon John Halden verified it in the House, that there was some room for manoeuvring and variation on the proposition put to me. I left that meeting on the point of seriously considering agreeing to the new numbers proposed, but I had a serious problem with the new committee. Members will appreciate that the new committee proposed in motion No 2, about an ecologically sustainable development committee, is something that any Government would have to examine very carefully before agreeing to it.

The PRESIDENT: Order! One hour having elapsed since the commencement of the debate I am required to seek the leave of the House that the debate continue.

Opposition members: Aye.

Hon N.F. Moore: No.

Hon John Halden: That is indicative of your attitude. You had the chance to continue and you denied it.

The PRESIDENT: Order! Leave is not granted.

As to Suspension of Standing Orders

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [12.01 pm]: I wrote to you, Mr President, advising of my intention to move for the suspension of standing orders. I understand that this will require you to make a ruling on my motion. No doubt you will advise me whether this debate will continue. The debate began in a way that I would like to see continue; that is, in a reasonable manner. There is much that is resonant and evocative in what the Leader of the House is saying. If we can continue this debate for a little longer we may be able to resolve some issues that the leader has put before the House.

Hon Peter Foss: It will require 18 votes.

Hon TOM STEPHENS: The suspension of standing orders is important. The alternatives are steps that members on both sides of the House want to avoid taking. If this debate is recognised as an urgent debate which should be concluded during today's sitting we might be able to reach agreement which will avoid steps being taken which might damage the process of this House. I ask you to allow this debate to continue, Mr President.

The PRESIDENT: Hon Tom Stephens handed me a letter less than a hour ago indicating that if leave were not granted to continue motion No 8 under that section of our standing orders that allows the first hour for such debate, he would then move for the suspension of standing orders to allow consideration of motion No 8 to be debated to its conclusion at this day's sitting. Under Standing Order No 461 I am required to form an opinion; that is, whether there

is some urgent necessity to allow the motion to be debated and then considered by the House. It is true, as the Attorney General has indicated by interjection, that for the motion to be carried it will require 18 votes; that is an absolute majority of the House and it is for the House to decide.

In view of the importance of the committee system and of the opportunity that has seen a representative of the Greens (WA), the Democrats and a representative of the Government comment on this today, and given the substance of the motion which is asking the House to decide whether a vote should be taken next Wednesday, I have decided that sufficient urgency exists for the Leader of the Opposition to move the motion. There can be debate on it and the House can decide whether it wants to agree to the suspension of standing orders.

We will be debating matters related to the suspension of standing orders to allow motion No 8 to continue forthwith. If the Leader of the Opposition or others stray from that I will bring them to order. If they do not comply with that request I will have them resume their seat.

STANDING ORDERS SUSPENSION - NON-GOVERNMENT BUSINESS

Continuation of Consideration

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [12.06 pm] - without notice: Thank you very much Mr President. I move -

That so much of standing orders be suspended to allow consideration of motion No 8 to continue forthwith and be debated to its conclusion at this day's sitting.

To be carried, this motion requires an absolute majority; that is, we will need 18 votes. If it is carried with 18 votes the House can then complete consideration of motion No 8 on the Notice Paper. I would like all members of the Government to agree with this motion.

I moved this motion because for a range of reasons we are facing a crisis point for the Legislative Council. I sat silently during the comments by the Leader of the Government because I appreciated the tone in which he was addressing the House. I hope that if this debate continues we will all undertake to debate it in the same manner in which the Leader of the Government has addressed motion No 8; that is, put the issues on the table, not try to up the ante and not try to raise the temperature of the debate, but deal with the issues with which we are now faced.

The people of Western Australia indicated at an election last December that they wanted a Chamber in which the activities of government were subject to review and scrutiny and where light was thrown onto all areas of government. The non-government parties believe that cannot happen under the current committee system. If this motion is carried, motion No 8 will then be dealt with and a process will be put in place that will guarantee we will have what the people of Western Australia voted for at the last state election; that is, review and scrutiny through a reconstituted House and a committee system. The people of Western Australia will then receive what they asked for at the polls.

Since the events of the 1980s, the days described as WA Inc, three committees of inquiry have been held: The McCusker inquiry, the Royal Commission into Commercial Activities of Government and Other Matters and the Commission on Government. The recommendations of those three major and very expensive systems of inquiry specifically relate to the operations of this House. The Leader of the House was correct: We do not change any system willy-nilly without appropriate consideration of the issues. Those issues were considered in a fleeting way by the McCusker inquiry, and in a more significant and substantial way by the Royal Commission into Commercial Activities of Government and Other Matters.

Hon Peter Foss: They did not know what we had done, and that was disappointing.

Hon TOM STEPHENS: I am trying to avoid interjections. However, I will respond quickly. The Attorney General criticised the Royal Commission into Commercial Activities of Government and Other Matters for failing to understand what the upper House was doing. The Labor Party recognises that the royal commission cost the community an enormous amount of money. I think it was around \$50m. The people of Western Australia know that our activities while in government were subject to the royal commission. That process cost the Labor Party dearly both in the eyes of the community and in our own eyes. Our leaders and heroes have been taken from us. They have been discredited by the royal commission process. In many ways, our party as it was has been destroyed. At the most recent state election, with the increase in numbers in the other place, we recognised that we had gone through our own watershed. To have gone through that process and all that pain, and not to see any changes in the process of Government and Parliament, makes it all futile. That pain - the virtual destruction of our party and the discrediting of our heroes and leaders - would make some sense to the Labor Party if we had a better system of government, and a Parliament of review and scrutiny. It would make some sense if no Government - conservative or Labor - could ever repeat the mistakes that led to the discrediting of our leaders and the destruction of our party.

The parliamentary Labor Party, both in this and the other place, is irrevocably committed to the process of ensuring better and more accountable government, subject to the scrutiny -

Hon Peter Foss interjected.

The PRESIDENT: Order! The last time the Leader of the Opposition took an interjection he spent five minutes responding. He should address the motion to suspend standing orders to enable motion No 8 to continue forthwith and be debated to its conclusion today.

Hon TOM STEPHENS: I hoped that the Government would indicate within the first hour today a time frame in which it would be prepared to consider these issues. Regrettably, that has not been the case -

Hon N.F. Moore: We ran out of time.

Hon Peter Foss: He said that he would deal with Order of the Day No 45.

Hon N.F. Moore: I will respond in a minute.

The PRESIDENT: Order! The Leader of the Opposition should address his comments to me.

Hon TOM STEPHENS: We are all aware of the process: At the end of one hour, the Government has the opportunity to extend that time frame to allow the consideration and resolution of that motion.

Hon N.F. Moore: We also have a new system which allows committees to report between now and one o'clock - which I thought you would applaud. To continue this debate is to take away that opportunity.

Hon TOM STEPHENS: I regret that is the case, but even at this point the Leader of the House has not been able to indicate a time frame in which motions Nos 8, 1 and 2 or Order of the Day No 45 would be considered.

Hon Peter Foss interjected.

The PRESIDENT: Order! The Leader of the Opposition should address his comments to me. We do not need interjections. We are debating whether the standing orders should be suspended, and that is all. The sooner the Leader of the Opposition concludes, the sooner we can hear other speakers and put the matter to the vote.

Hon TOM STEPHENS: I support the motion to suspend standing orders to allow the Government to provide a time frame in which the House can consider motions Nos 8, 1, and 2 and Order of the Day No 45, and bring them to resolution. Other processes are available to non-government members but some are extremely painful. Some we are loathe to use; others we are very good at. We are very good at debating the issues. The Government has an agenda to complete, and that includes some issues that we would like to get through. We would like to see some passage of the legislation on the Notice Paper -

Hon N.F. Moore: That sounds threatening.

Hon TOM STEPHENS: It is a description of the process -

Hon Peter Foss: It is a threat.

The PRESIDENT: Order!

Hon TOM STEPHENS: I support the suspension of standing orders because that will enable the Government, even at this stage, to consider the difficulties of not going down the path suggested by the non-government parties.

Hon Peter Foss: You will delay the legislation, and that will serve us right!

The PRESIDENT: Order!

Hon TOM STEPHENS: The process that we favour will allow the orderly process of government and non-government business. It is important to suspend standing orders, because last week the Leader of the House invited me to let him know which items of non-government business the Opposition wanted to deal with. In good faith, I wrote to the Leader of the House indicating the two items which were part of our agenda for this week. They were the consideration and resolution of our call for a royal commission and the resolution of a committee matter. The next time I bumped into the Leader of the House in the corridor he berated me for writing to him.

Hon N.F. Moore: You knew that I was discussing the matter with your emissary, Hon John Halden, and there was no need to write to me. That was being done at your request.

Hon TOM STEPHENS: It is correct that I and my party colleagues asked Hon John Halden to discuss the matter with the Government and with other non-government parties. We wanted him to use his renowned skills of

negotiation to bring the items to a resolution. We all know that I have not been able to bring my skills to bear on the Leader of the House to bring these matters to resolution. In the circumstances, I thought that if it were just my incapacity to get through to the Government, we should try to use someone else in the team with the necessary skills. I asked him to consider the matter. The Opposition also considered the matter and decided to explain what issues needed to be considered immediately and they included the resolution of the committee issue and the royal commission motion this week.

The Leader of the House's response was, firstly, to berate me in the corridor. I understand that he is, like I am, finding that the new circumstances of the House require more skills than either of us has had to draw upon previously. It is a new experience for both of us, but I am sure that he and I can rise to the challenges confronting us. We should not need to bring on motions such as this.

Hon N.F. Moore: I know you shouldn't. That is what I argued for an hour.

Hon TOM STEPHENS: But we have, because regrettably, even at this point, we have not had from the Government any indication of when the House will be able to resolve these matters. I think the Leader of the House has rightly pointed out to the House that, unlike me, with my full-blooded, full-throated -

Hon Peter Foss: Red cordial.

Hon TOM STEPHENS: No. I am a hot-blooded and full-blooded Irishman.

Hon N.F. Moore: That explains a lot of things.

Hon TOM STEPHENS: Do not be fooled by my surname. I bring my Irish heritage to this House.

Hon Peter Foss: I thought they drank whiskey, not red cordial.

Hon TOM STEPHENS: I bring to the House and to politics a determined approach. I understand the urgency of politics and I understand the urgency of resolving these matters. As members will know from reading newspaper reports, these issues have been discussed on the non-government side of the House, and the other parties, the Greens and the Democrats, have different approaches to politics. They have displayed a very strong commitment to consensus politics and they want to see matters brought forward by resolution, which involves both sides of the House considering matters and reaching agreement.

That is a different approach from the approach I take. Hon Jim Scott has often publicly said about me, in reference to the handling of some issues, that I am confrontationist in my dealings with the Government. I confess that I am confrontationist, but do not seek to be unnecessarily confrontationist. I want to take up the invitation of the Leader of the House to find a way to bring these matters to a resolution without confrontation. Even at this late stage the Leader of the House could be walking around the Chamber and talking to non-government members.

Hon N.F. Moore: I know what the non-government members' position is. I have not had time to talk to government members. That is what I am trying to tell you.

Hon TOM STEPHENS: May I encourage the Leader of the House to not feel obliged to sit in his seat now.

Hon N.F. Moore: With respect, I cannot leave this House for five minutes knowing what you are like. With your Irish blood you could do anything.

Hon TOM STEPHENS: I want to give the Leader of the House plenty of opportunity to allow these matters to come back off the boil and to be resolved.

Hon N.F. Moore: Nobody is boiling except you.

Hon TOM STEPHENS: I am only quietly boiling. Under this calm cool exterior is a seething volcano of anger.

Point of Order

Hon DERRICK TOMLINSON: The matter that should be being debated is whether standing orders should be suspended, not seething volcanoes.

The PRESIDENT: Order! Hon Derrick Tomlinson does have a point of order - I do not refer to his comment about volcanoes. The Leader of the Opposition has strayed from the motion. The House is required to discuss whether standing orders should be suspended for the reasons he has outlined in his motion. I ask him to direct his comments to that motion.

Debate Resumed

Hon TOM STEPHENS: I will. Standing orders should be suspended because even at this point the Leader of the House should understand the urgency that non-government members consider these matters should be given. This House has had 13 parliamentary sitting weeks since the last state election. In that time not one item of non-government business has been brought forward for consideration or resolution. As I previously described to the House, if the House does not carry this motion -

Hon N.F. Moore: We could have done a motion on a native title select committee, Mr Stephens. I actually agreed to that. Remember?

The PRESIDENT: Order! I do not want the Leader of the Opposition to digress or to be interrupted by interjections. The Leader of the House should cease interjecting so that the Leader of the Opposition can direct his comments to this motion.

Hon TOM STEPHENS: I want this motion carried because the House will then provide the Leader of the House with the opportunity to engage in discussions more urgently and deliberately and in a more focused manner than he has been able to do so far. I understand the reason the Leader of the House gave to the House for not wanting this, and it is valid. The reason is that he is under a lot of pressure leading the Government in this House.

Hon N.F. Moore: I want to fix up the committee system properly. It has nothing to do with pressure.

Hon TOM STEPHENS: With respect, the Leader of the House is under pressure. He is a senior and influential Minister in the Government. He is well respected by his Cabinet colleagues and his views on a range of issues are valued; therefore, he is not left with a large amount of time to consider important issues to the House such as its committee system.

Hon N.F. Moore: That is why I ask you for a little bit more time. That is all I asked for and you did not give it to me.

Hon TOM STEPHENS: We want the Leader of the House to have that time and to take that time, but at some point, even now by way of interjection if necessary, he should say what he is offering.

Hon N.F. Moore: I will respond to you.

Hon TOM STEPHENS: The Leader of the House has indicated that he will provide a response to my contribution. Presumably, my motion will need to be seconded and then the Leader of the House will be able to respond. When the Leader of the House responds he should put before the House - to the Greens, the Democrats and the Labor Party - an alternative time frame that he would like us to consider other than that which we have now embarked on by virtue of the series of motions on the Notice Paper.

Hon Peter Foss: He indicated that to you.

Hon TOM STEPHENS: That time frame could include things such as this: If the Government is saying that we are now left with only four sitting days, including today and then the next three sitting days of the House next week, to consider its legislative agenda and its budget bills, and then that at the end of those four days the House will rise and the non-government agenda can go hang, it will appreciate exactly why the Opposition considers it important to move this motion.

Hon Peter Foss: He said the reverse.

The PRESIDENT: Order! Let the Leader of the Opposition wind up his comments.

Hon TOM STEPHENS: If the Leader of the House can say to us when he will allow the non-government agenda, as limited as it was expressed for this week - that is, two items of business - to be considered and resolved and when he will ensure that these matters are dealt with, then we might find that the non-government members have a different approach to this motion and motion Nos 1, 2 and 8. He may find that the non-government members will adopt a different approach. I am not speaking on behalf of any of us, because I do not know what the Government's timetabling of the non-government agenda is. The House could be given some iron clad assurance, maybe even in the form of an amendment to my motion. As it appears that is not possible, Mr President, for whatever reason, the Leader of the House could foreshadow a motion to carry out what is foreshadowed, and we would have to trust that he would do so. If he puts before the House a timetable of matters important to the non-government side to be brought to resolution, we could be encouraged to step back from the drastic steps upon which we are embarking, including the motion before the Chair. I could be encouraged by an assurance from the Leader of the House to withdraw the motion before the Chair. He may also find by such action that he persuades the Greens to withdraw motion No 8, and that the Greens and the Democrats find it unnecessary to press on with motion Nos 1 and 2.

Until the leader does something, 17 members on this side of the House will want at least one person opposite, although we hope all members opposite do so, to vote with us to suspend standing orders so these matters can be dealt with. It is important for this motion to be carried at this stage in the absence of that timetable. I have given the Government only two items of business with which the Australian Labor Party wants to deal this week. Speaking on behalf of the ALP, and I have not spoken to other non-government parties on this matter yet, I want an additional item of business which is already on the Notice Paper brought to resolution before the House rises next week. That will not be subject to this motion. I would like consideration and resolution of motion No 4, which calls for a select committee to consider the labour relations issue. That is my wish list.

Hon N.F. Moore: You've got to be joking.

The PRESIDENT: Order! The wish list of the Leader of the Opposition should not be forming part of comments on this motion. He should direct comments to why standing orders should be suspended. He was doing so, but he has digressed. He should return to that subject and conclude by indicating why standing orders should be suspended.

Hon TOM STEPHENS: Thank you, Mr President. I support the suspension of standing orders as we seem to have no other way of making the Leader of the Government understand that we also have some agenda items we want considered and brought to resolution.

Hon N.F. Moore: I have no problem in being convinced of that - it is just how you do it.

Hon TOM STEPHENS: The Leader of the House understands that we want to deal with these matters, but he does not propose to support the processes to achieve that result. Regrettably from the perspective of the Leader of the House, times have changed in this House as a result of the vote of the people. This created the necessity to determine processes by which this House can pass the legislative program, including the budget items. In order to achieve that goal, the Government had to forgo its full numbers on the floor of the House and place a coalition member in the Chair. We embrace the current situation of 17 members on this side of the Chamber, 16 members opposite and a minimalist non-government agenda. The Leader of the House will note that unlike the more ambitious agenda adopted by those who control the other House, with government control of all committees, the appointment of all chairmen, and the placement of a majority of government members on all bodies -

Hon N.F. Moore: That is how it has always been with Governments from both sides of politics.

Hon TOM STEPHENS: In marked contrast to that situation, and not in a spirit of revenge for the actions of Governments in the other place, this motion provides an opportunity to proceed with issues which amount to minimalist change. This change is at the very baseline of the expectation of the people of Western Australia and the reports of the Royal Commission into Commercial Activities of Government and Other Matters and the Commission on Government.

The PRESIDENT: Order! Again, the Leader of the Opposition is straying from the topic. The motion before us is to suspend standing orders to allow motion No 8 to be debated to its conclusion today. Motion No 8 deals with motion Nos 1 and 2 on the Notice Paper, not the other matters the Leader of the Opposition continues to raise. I ask him for the final time to confine his comments to this motion; otherwise, I will ask him to sit down, I will get a seconder and I will put the vote.

Hon TOM STEPHENS: I appreciate the firmness with which you have put your guidance to me, Mr President.

I will conclude my remarks in order to provide an opportunity for a seconder to speak to the motion. This matter is urgent. The suspension of standing orders is needed to enable the House to allow some consideration and resolution of items of business flagged in motion No 8; that is, motions Nos 1 and 2, as correctly pointed out by the President. That represents minimal change to the committee system in this place. The alternative processes which would be unleashed if the Government does not go down this path are not attractive. If this motion is not carried, the Australian Labor Party would be led down an alternative route. We know what the Government needs to get through in its program, and we know how to debate the issues to the point where the Leader of the House will beg us to bring back on Motions Nos 1 and 2 for resolution.

Hon B.K. Donaldson: That is a threat.

Hon TOM STEPHENS: No. I state that so members opposite understand the processes in which we are capable of engaging. The Government no longer has the opportunity through the numbers to impose a time management process. Therefore, in those circumstances -

Hon N.F. Moore: Hon John Halden has passed out - I am sorry; he was asleep.

Hon N.D. Griffiths: Why don't you grow up!

The PRESIDENT: Order!

Hon TOM STEPHENS: I have moved the motion to enable the orderly processes of the House to be maintained.

Hon N.F. Moore: You should have stopped earlier. You're doing more damage to yourself.

Hon TOM STEPHENS: I want the Leader of the Government to take the matter seriously and support the motion. The alternative is a precipice over which the Leader of the House should not push the House; that is, the precipice of disorder.

Point of Order

Hon DERRICK TOMLINSON: Mr President, I put it to you that the honourable member is in breach of Standing Order No 100, and I ask that you rule that he no longer be heard.

The PRESIDENT: Order! I am not sure whether Hon Derrick Tomlinson was actually moving a motion, but I assume not as our standing orders contain no motion to that effect. However, if Hon Derrick Tomlinson is referring to continued irrelevance or tedious repetition, he has a point of order. I have indicated to the Leader of the Opposition on a number of occasions that he has strayed. A point of order has now been taken and I ask him to conclude his remarks having regard to Standing Order No 100 relating to irrelevance and tedious repetition.

Debate Resumed

Hon TOM STEPHENS: I call upon the House to support the motion.

HON JOHN HALDEN (South Metropolitan) [12.40 pm]: I second the motion. The necessity for this motion is the very reason we have the problem; that is, the opposition parties want to be assured of a resolution to the committee system. We have put forward a proposition which has not been responded to by the Leader of the House. This is not a new issue. The committee system has been both formally and informally debated inside and outside this Chamber since the last election. Everyone knew there would be a need for new accommodations, committees and rules.

This issue did not come out of the ether today or yesterday; it has been around since January this year. Prior to 22 May, the Government and the Opposition were keen to discuss this matter collectively. One always knew that post 22 May there would be other players with different aspirations who had to be accommodated.

The Opposition would not have moved for the suspension of standing orders if the Government had shown its bona fides in this matter and allowed the debate to continue past one hour. It was a reasonable debate. I put it to members that this issue comes down to bona fides and unfortunateness. The Government's bona fides would not allow the House to debate the matter beyond one hour. Members know that this issue will now be listed in Orders of the Day, probably after Order of the Day No. 46, and near the other committee motion which is languishing at the bottom of the Notice Paper. The opposition parties want a commitment from the Government and the reason the standing orders motion was moved was to try to get that commitment. This issue did not have to be resolved in this way. I know Hon Jim Scott has given a note to the Leader of the House to -

Hon N.F. Moore: The notes come via you.

Hon JOHN HALDEN: They come via whatever method suits the Leader of the House. It is of no consequence by whom they come. That cheap shot is typical of what opposition members have to deal with.

The PRESIDENT: Order! I do not want any interjections. This debate looks as though it will last longer than the original one hour debate. I ask Hon John Halden to speak to the point at issue.

Hon JOHN HALDEN: The point at issue is the very point you made, Mr President. It is a tragedy that we are moving a nonsense motion; one which could have been accommodated in one minute, or not at all, by virtue of not concluding the debate at the end of the hour.

It is an issue of bona fides. The Opposition has always said to the Government that it will negotiate every issue in the motions before the House. The issues of resolution of ballots, committee numbers and the structure of committees are open to debate, but we must have a mechanism to resolve the debate. I have told the Leader of the House that we will not dillydally with this matter.

The issue must be resolved prior to the House rising for the winter recess. The only way to achieve that end is via the motion to suspend standing orders which has been moved by the Leader of the Opposition. It is a tragedy that we must go through this procedure to get to an end point which is, "Talk to us, negotiate with us - I understand you might be busy but I and other members will be available at any time of the day." If the Leader of the Opposition can

delegate to me responsibility for this issue, perhaps the Leader of the House can delegate responsibility for it to another government member. If this happened there would not be the need to go down this path.

It is a tragedy because, at the end of the day, all we are looking for are simple and basic rules; that is, that the matter be resolved before the House rises, whenever that happens to be. If the Government wants to sit an extra week or fortnight, we will happily be here to resolve these matters. We can do that formally, informally, in committee or out of committee. Opposition parties will not allow the Government to not address this matter and bring it to resolution. We will give it every opportunity for its input and we acknowledge its ability to change various criteria. However, we cannot allow the situation to prevail where the House has to suspend standing orders, so that the opposition parties, the majority on the floor, can resolve one matter. It is an issue in which we all have an interest. It is also a matter which must be resolved to the stage I indicated, allowing for everything the Government wants; that is, a review, control of certain committees and the ability to negotiate all of that. It is not an outrageous request by opposition parties. They are requesting the Government to take them seriously and understand that the rules have changed. The Government cannot use the forms and the procedures of the House to filibuster on motions and drop them onto Orders of the Day and think we do not know that game. We do know that game and it must stop. The counter game of the suspension of standing orders has to stop.

Mr President, you made a very wise choice in allowing us to continue this significant debate. We should not have to go through that. We must stop this process if the parties in this House are to have a working arrangement.

This issue is more about fear of the unknown than anything else. We do not know where it is going, but we want to review it and we will probably still fear it after the review. I remember a previous Leader of the House, Hon Joe Berinson, after having a two year review of the committee system, still fearing the outcome. That is the nature of the beast we are dealing with. The will of this House must be tested to see whether we want to go down this path at this time and with the appropriate safeguards. The only way we will reach that point is to pass this motion.

Very shortly we will have the lunch suspension. The Government has shown it is not prepared to talk further on this matter by not extending the one hour rule. This motion can pass only with an absolute majority. If the Government has any bona fides there should be one government member on this side.

Hon N.F. Moore: What an absolute joke you are at times. You are introducing the wrong element to this debate. Even your leader is better than you.

Hon JOHN HALDEN: I do not think this is funny and I do not appreciate the cheap comments by the Leader of the House.

Hon N.F. Moore: You are a joke.

The PRESIDENT: Order! The Leader of the House will cease interjecting.

Hon JOHN HALDEN: We have another opportunity. We should use lunchtime to hold a meeting that I have asked for on four occasions now.

Hon N.F. Moore: Twice, with all due respect.

Hon JOHN HALDEN: The Leader of the House can liaise with the Premier or whomever and we can get down to the business end of this. We will have an hour to discuss this matter, and to try to resolve it without the suspension of standing orders. After the continuation of that debate I hope we will be in a better position to stop this penny-ante sniping at one another about something that the opposition parties want to achieve, and the government parties want to achieve, but of which they are fearful. We will never get over that while we go through this sort of nonsense. The only way we will get over it is to sit down and talk about it and either agree or disagree. Disagreement on these matters is inevitable; however, it must be addressed in a much better way than currently. This is an issue upon which we need the bona fides.

If Hon Norman Moore is serious about this issue, he will talk to us at lunchtime. If he is serious, this suspension motion will be carried and we will deal with motion Nos 1, 2 and 8 and Standing Order 45 in one way or another - amended or by agreement - so that we can be assured of resolution within the time frame; that is, prior to the winter recess. I am sure that I say this on behalf of 17 members: We will be insistent and by one form or another this matter will be resolved before the winter recess. That is not necessarily the proposition that we see on the Notice Paper. However, that can be changed only if the Leader of the House or his delegate or delegates - I am not interested nor do I care how many delegates - sits down and talks to us so that we resolve this as soon as possible.

The credibility of the Government is at stake. The Government says it wants to make changes and it wants it talk to us. It has that opportunity. It also has the opportunity via motion No 8. We left that open until 10.00 pm next Wednesday, so there could be further negotiations and discussion. However, we are saying to the Government that

it will not filibuster this beyond the winter recess. The Government can dillydally all it likes, and we will be sitting here dillydallying together. However, we will resolve this matter one way or the other. This is an open-ended offer, but with a closed ending in time - that is, the winter recess. I do not offer the Government anything in the way of threats, except to say that this matter must be resolved. It is unfortunate that we have reached this point where it is incumbent upon the opposition parties to use the forms of the House. This does contain an element of play for touch. We believe the Government has fears that make it moribund in changing the committee system. We want to address those fears and discuss the arrangement. However, we will not allow any situation of playing for touch, and nor should we.

For too long Oppositions in this place have been toyed with and have not been given the opportunity to at least have their concerns brought to finality.

Hon N.F. Moore: I remember how it was for 10 years.

The PRESIDENT: Order!

Hon JOHN HALDEN: I intend to conclude shortly.

Mr President, I thank you for this opportunity to participate in this very important debate. The mechanism is not important; it is the debate that is important. The mechanism is a piece of nonsense, and that is the silliness of this. We should be debating the substance of this matter informally or formally - I do not mind which; probably both is appropriate. Members opposite can no longer fall back on their 107 year tradition of nobbling the process through their numbers. I concede that is one of the Opposition's fears. We must get over that fear, just as members opposite must get over their fear of a change in numbers and process on the committee system. Just because people have fears we should not run off to the bunkers and throw the hand grenades over the top. That will work, but we will all die in the process.

I hope that we will use some shortly available free time to develop this matter.

Hon N.F. Moore: It might be free for you. You might have a slack itinerary and agenda.

Hon JOHN HALDEN: The Leader of the House has 16 people on his side of the House, and we have 17 here. Delegation is a process of authority. The Minister should have thought about this before. Hon Tom Stephens obviously did.

Hon N.F. Moore: I have thought about it at length.

Hon JOHN HALDEN: The Leader of the House did nothing. One of his problems is that when he thinks about things he tends to do nothing.

Hon N.F. Moore: I had an agreement with your party.

The PRESIDENT: Order! As soon as I allow one interjection we get cross-discussion. We get off this motion and I am put in a position where one of the members will stand and draw my attention to a particular standing order. Hon John Halden will direct his comments to me.

Hon JOHN HALDEN: Thank you, Mr President. I intend to do so.

The Leader of the House has the opportunity to use the time, or to delegate. An array of options is available to us. Surely with the intellectual capacity in this Chamber we can resolve the problem without pieces of nonsense like "I am not available at this moment." Nonsense is probably an offensive word. I do not mean to be offensive. The reality is that we have 34 members; we can resolve this. We do not need this process. We need a clear commitment to resolving this issue at a point in time. I have no more commitment to this whole issue than that. The outcome may not be reflected by these motions on the Notice Paper. However, if the Government does not start to wise up and talk to us, that is what it will get. The opposition parties have been able to talk only with each other. We think this is a fair arrangement. We have not grabbed every committee like the Government did historically with the chairman and numbers. We tried to share it in a reasonable way and now is the opportunity to look at that.

I hope that we will use the opportunities that are available to us, and we will not dillydally on this motion or perhaps subsequent motions. I thought it was a particularly brave decision of yours, Mr President, to allow the House to debate this matter. You have given both the Leader of the Opposition and me considerable latitude, and I hope the House will show the same latitude to other members. We have put our positions on the table publicly in this silly framework within which we are dealing. In that way, Mr President, you have assisted in what I hope will be the resolution of this matter.

HON J.A. SCOTT (South Metropolitan) [12.59 pm]: I, too, think this is a very serious debate. I understand that we are living in a representative democracy and each member represents his or her constituents. However, under the current arrangements for the way in which business is carried on in this House, when we on this side wish to represent the views of our constituencies, we have no way to bring matters to resolution if the Government wishes to stop us, without our resorting to measures such as this. Although there is a complete circuit for government business to pass through this House, there is no circuit which can be used to conclude non-government business. That is what has brought us to this debate.

Sitting suspended from 1.00 to 2.00 pm

Hon J.A. SCOTT: I will briefly recap what I was saying before the suspension for lunch. Although members equally represent similar size constituencies, people on the other side of the House have a channel in which to move government business through the House, and rightly so. However, we on this side of the House must be able to look after the needs of our constituents who may not see eye to eye with the Government for whatever reason and may want to work through a member on this side of the Chamber.

That is very difficult under the current system without the resolution of a motion such as this. That would not be necessary if there had been a cooperative approach; but it is clear there is basically a reversal of the filibustering role. There is no method by which the Opposition can handle non-government business unless it operates in this way. The matter can be resolved amicably and sensibly if members on all sides of the argument wish that to happen.

This motion is an attempt to force the Government into resolving this issue. I am glad Hon Norman Moore treats the committee system very seriously. Presumably that is why he had an alternate motion on the Notice Paper to look at the committee system as a whole, but I wonder why he has not given that motion the priority we seek.

Hon N.F. Moore: I explained that. You should just listen. I said that we would deal with that before the end of the session.

Hon J.A. SCOTT: That has been explained, but not very clearly.

Hon N.F. Moore: I said it 17 times.

Hon J.A. SCOTT: Had the Minister taken the matter seriously, we would not be having this debate now. I wonder whether the Minister took the opportunity during the luncheon suspension to further his understanding of his party's position on this matter.

In conclusion, I say that I am determined that this matter will be resolved within the standing orders and before the House rises for the spring adjournment, and I hope the Leader of the House intends to work in a cooperative way to ensure that happens.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [2.05 pm]: I will be brief as I do not want to repeat what I have said earlier today. It is a pity the opposition members who have spoken - the Leader of the Opposition and Hon John Halden - have had to resort to veiled threats in this matter. Hon Tom Stephens talked about some threats to our legislative program. I just remind him that the legislative program next week essentially deals with the Budget. If he has some ideas about that, I suggest that he talk to Treasury officials about the effect the Treasurer's Advance Account has on salaries and things of that nature. If he is seeking to delay that debate, he should bear that in mind. It is a pity those opposite felt there was a need to threaten anybody. This is not a threatening occasion, other than the motion itself. It is threatening because it says that the Government must do something by a certain time.

I have tried to explain to the House that in good faith I have negotiated with a number of members about this issue of committees. I was the only person in the loop who did not know that negotiations had finished yesterday afternoon. I was not told that the other parties no longer wanted to hear from me. I understand that is why those opposite feel they need to go down this path. Had they come to me yesterday afternoon, prior to going to the media, and said that they would not give me any more time to deal with this issue, I would have responded accordingly, given the circumstances at the time. However, those opposite did not do that; they merely went ahead and told the public what they would do. Now they have told the House that we must resolve this matter within a certain time. I had hoped to continue to discuss the proposition those opposite put to the Government only last Monday - it is not as though it was three months ago. Until last Monday I assumed the agreement we had with the Labor Party still applied. I still have not been told that it does not apply. Perhaps by way of interjection the Leader of the Opposition might tell me that the deal is now off, so we should forget about it.

Hon Tom Stephens: There was never an agreement between the Government and the Labor Party in regard to the committee system. There was a proposal, but no agreement.

Hon N.F. MOORE: That is fascinating! It is actually written down on a piece of paper. For the benefit of the minor parties, part of the agreement we did not have contained a provision that if either side felt there was a requirement that the minor parties should be represented on the committee, the side that thought they should be represented would forgo a position to accommodate that requirement. That is fine, but I tell Hon Tom Stephens this: Not everybody on his side of politics tells the same story. All I know is that somebody is telling lies, and somebody is not. I do not know who is doing what. I assumed an agreement was in place; however, I am now told that it was never the case. I now have no illusions at all about where we stand with the Labor Party. Those opposite can be absolutely certain that I will never be standing here again talking about a deal between the Liberal Party and the Labor Party, because there will never be another. We cannot operate on this basis, Mr President, as you well know.

Having had this matter totally clarified, as I said to Hon John Halden, Hon Helen Hodgson and Hon Jim Scott the other day, I have some problems with the proposed standing committee on ecologically sustainable development. I have been prepared to look at the other issues that have been raised and will now talk to my party about them. I had a preliminary discussion with the Premier during the lunch suspension and have discussed it with those in my party room. I would like the opportunity in the near future to continue the discussions with the other parties about this matter. For the benefit of Hon Jim Scott, I indicate that I have given an absolute assurance that Order of the Day No 45 on a review committee will be dealt with this session. I said that at the time I moved it, I said it this morning, and I am saying it again now. A motion to appoint a review committee will be moved and members can agree to that motion or not - whichever they choose.

If members opposite are agreeable, I would like to continue the negotiations that were started, but not finished. I was the only one who was not told they had finished. I give an absolute assurance that if we can reach agreement, those issues that are agreed on will be dealt with this session. If, however, we cannot agree, the Government will argue as strongly as it can against what members opposite propose to do. That is only proper.

Hon Tom Stephens: If we cannot?

Hon N.F. MOORE: As I said, if we cannot, we will argue our case as strongly as we can.

Hon Tom Stephens: Will you stop the Opposition from bringing it to resolution?

Hon N.F. MOORE: I do not know. I will not give an assurance on that because I do not know what is likely to happen. I will not speculate on what might or might not happen. Just as Labor Party members in government sought to argue their case and to win their argument, I am seeking to do that. I do not agree with what the Opposition is trying to do to the committee system at this point. It is not a political position; it is a position that is highly defensible. I spent some time this morning defending that position. I am prepared to compromise more if we can reach agreement to overcome this stalemate.

I said this morning that I have already compromised on what exists now in the committee system, which was based on an agreement with the Labor Party that we did not really have. The position of members opposite is what is on the Notice Paper. I am now prepared to find a position somewhere in the middle. However, I do not know whether that will satisfy members opposite. I will not go from one side of the argument to the other to satisfy members opposite because that is what they want to do. If we can reach agreement, we will go ahead with the argument; if we cannot, we will argue the point and go through the processes of the House until the House makes a final decision.

Hon John Halden: If you said we might not reach agreement but we will argue the issue before the winter recess, there would not be a problem.

Hon N.F. MOORE: We will deal with issues as they come before the House, which is always the case. The motion on Standing Order No 303 came up today without this motion being required. It happened to get here because that is the way things happen in this place. Eventually motions on the Notice Paper are dealt with. I make this clear: If we can reach agreement, I will facilitate that agreement being put in place before the end of the session.

Hon Tom Stephens: If we cannot?

Hon N.F. MOORE: If we cannot, the Opposition will have to use whatever tactic it wants to use to force its point of view, and I will use whatever tactic I can to prevent its point of view being imposed on the House. It is as simple as that; that is how it always works, and that is how it must be. There is no argument about that. I hope Hon Tom Stephens withdraws this motion, because I expect it will not be passed anyway, and that Hon Jim Scott withdraws his motion, and we can sit down, when we can find enough time, to discuss further the issues that were raised with me last Monday.

Hon Tom Stephens: When will that time be?

Hon N.F. MOORE: I do not know at the moment. I will talk to the people involved and find a time suitable to everybody when I have had a chance to finalise the Government's position. Members opposite are asking me to make significant changes to the committee system without a lot of time to consider that.

Hon Tom Stephens: I put a proposal to you. In reference to the next items you want to bring on, whether it is in Committee or anywhere else, I would like to speak on those items for as long as is necessary to enable you to complete the discussions with the other non-government parties on these matters.

Hon N.F. MOORE: Today?

Hon Tom Stephens: Today.

Hon N.F. MOORE: That is a most extraordinary state of affairs. Five weeks ago the Public Gallery was full of people standing and screaming at us to intimidate us into not passing a Bill and to frighten us out of this place. Today in a much more subtle way Hon John Halden and the Leader of the Opposition tell us that the Government's legislative program is under threat.

Hon Tom Stephens: I am trying to facilitate your program.

Hon N.F. MOORE: They say that if we do not go along with this, we should not expect our legislative program to be dealt with. Now I am being told that I must walk out of the House on legislation I am handling to somehow sit down for five minutes and do some sort of a deal. Hon Tom Stephens is a silly man to suggest that sort of nonsense. This situation does not need a five minute resolution; it must be thought through properly. That is what Hon Tom Stephens is trying to avoid.

Hon Bob Thomas: You said six months.

Hon N.F. MOORE: I have asked for two little months in a period of four years. Members will not go along with that. Now they ask me to compromise some more. I said I would sit down and talk about that, but they want it to be done in two or three minutes this afternoon. Hon Tom Stephens is the most outrageous man.

The PRESIDENT: Order! I ask the Minister to direct his comments to me and not to single out any member and direct his comments to that member. We are debating whether standing orders should be suspended.

Hon N.F. MOORE: I will not be told by Hon Tom Stephens when I will or will not meet with other people. I will arrange with them when we can find time collectively to talk about this. I will not say here and now when that might be, other than to say to members in the clearest terms possible that I will meet with those who put a proposition to me. If we can reach agreement, it will be put in place before the House rises at the end of next week. Okay? Does it matter whether it is done today, tomorrow or Monday? It makes no difference. Why does Hon Tom Stephens not treat me as a grown-up person with some degree of dignity and a capacity to sit down and talk to people, and stop treating me like a school child who must be told what I should and should not do between now and this afternoon? Hon Tom Stephens should accept the fact that I am prepared to do this. However, he has the numbers and ultimately he can do whatever he wishes. I have put to the House a proposition that I think is appropriate because I genuinely believed until I got here yesterday afternoon that I was still in negotiations with those parties about this matter. I would be happy to continue those negotiations to see whether we can reach an agreement. If we cannot, members opposite can do what they want to do - and they will wear it for as long as the arrangement is in place.

The Opposition should do us all a favour and not threaten the Government's legislative program. Members opposite should not say, as Hon John Halden said, that they have things they can do to us that will make us feel unhappy. Hon John Halden does not need to say that to me. I know the standing orders of the House well. I know what Oppositions can and cannot do in this place, because I was in opposition for a long time. I keep reminding Hon John Halden of his attitude to committees, which has been diametrically opposite to what it is now. His party argued against committees vigorously - not whether we should have an extra one or change the numbers, but that we should not have a committee system at all. Now it has completely changed its mind and says we must have another standing committee and change the numbers on the committees. Members opposite talk about how fantastic it will be now there is a real upper House. Hon John Halden cannot change his position from one extreme to another and claim he is not a hypocrite.

I listened to Hon Tom Stephens talk about the pain the Labor Party went through. I did not notice any pain between the election and the time the agreement that I thought we had was put in place, because that agreement was proceeded with after the election between the different sides of the informal committee. I thought agreement had been reached. No pain was expressed by anybody then about how the Democrats and Greens and others had to have control of these committees. The pain seems to come and go, depending on the time of day.

Hon J.A. Scott: Which committees are the Democrats and Greens in control of?

Hon N.F. MOORE: I did not say anything about that. I am talking about the pain Hon Tom Stephens spoke about in his speech. Hon Jim Scott should have listened to his speech; Hon Tom Stephens has made it several times. It is the mea culpa speech about how terribly sorry the ALP is that it has been decimated to virtually minor party status in the Legislative Assembly, and similarly in this House.

Hon Tom Stephens: That is genuine.

Hon N.F. MOORE: I know, and the member told me how sorry he is and how determined he is to control this upper House with his 12 members. The same pain he described in that speech was not apparent in discussions about the membership of committees before the election and the appointment of the committee. He cannot keep changing his position all the time and expect the Government to give him any credibility.

Hon Tom Stephens: I said you should do whatever you like. I never agreed to anything with regard to the committees.

Hon N.F. MOORE: As the Leader of the Opposition has now pointed out, I have no right to take notice of anybody in his party except him, because that is the only place from where I will get the truth.

Hon Tom Stephens: Do not put words in my mouth.

Hon N.F. MOORE: I am not putting words in the member's mouth, but that is the position we now find ourselves in. The Government does not want to agree to this motion because there is a better way of handling this matter. There is no need to continue debate on the previous motion because if the House wants to be a collaborative place and allow for proper negotiations to continue, it will not proceed with that. I have given an assurance to set up a review committee, provided members opposite agree to be part of that committee, otherwise there would be no point. I would be happy to continue the negotiations started the other day, and I have given an assurance that if agreement can be reached it will be dealt with between now and the end of next week.

If we cannot reach agreement, everybody will do whatever they want using the processes of the House to achieve that. Members on the other side of the House will use whatever process they can to achieve what they want, and members on this side of the House will do the same. That is the way the House works when agreement cannot be reached. I make that offer in a genuine way.

I am disappointed that we are debating this today, not because of the time wasted, but because I genuinely believed a process of negotiation was going on. I was disappointed to find I was again left out of the loop, and the Press had been given my spot and knew what would happen while I was not told.

HON HELEN HODGSON (North Metropolitan) [2.22 pm]: Standing orders should be suspended because this House is in an unprecedented situation and it is a matter of urgency that this be resolved. This matter has been the subject of discussions between the Australian Democrats and other members of this Chamber since before 22 May. Therefore, discussions have been ongoing for a month before reaching this point. I initially raised this matter with the Leader of the House before 22 May, and was told by him that we should speak to the Australian Labor Party.

Hon N.F. Moore: You now know why.

Hon HELEN HODGSON: I have been told it was because of the agreement in place, to which the Democrats were not a party.

We have talked to members of the ALP. The standing orders should be suspended to deal with this unprecedented situation because the change in the composition of the House means consideration should be given to the composition of the committees. The different groups represented in this House must be able to participate in the committee system. The Democrats are not bound by any agreements with the Government, but we must try to find a way of ensuring representation on the committees is achieved.

I attempted to negotiate in good faith and held meetings with the ALP and with the Leader of the House. In fact, I had at least three meetings at which this matter was raised, in one of which the matter was dealt with in some depth, before we went to a round table discussion. It has been my goal all along to reach consensus rather than go through the process through which we are going today. I reached agreement with the Leader of the House that the committee on committees would proceed and would be established by the end of this week. It is now the end of this week, and the problem now facing us is that even if the motion were debated, there is no guarantee under the standing orders that the matter would be resolved by the end of next week, let alone this week. We are concerned that this would mean a further two months in addition to the period of more than one month in which this matter has been discussed with the Government.

I also made it clear to the Leader of the House that the motions on the Notice Paper were put there with our knowledge so that we could reach resolution through other means if the round table discussion did not achieve anything. Subsequent to that, the Leader of the House proposed that we roll all those other motions on the committee system into the committee on committees proposal. At no stage did I say I would support it.

Hon N.F. Moore: I have not said you did.

Hon HELEN HODGSON: I believe it is necessary that this method of dealing with the matter still be an option if negotiations do not proceed satisfactorily. A number of meetings were held last week, and all the parties got together on Monday, and again it was made clear to the Leader of the House that we wanted a resolution of this matter before Thursday. In order to achieve that resolution, we had to start taking some action because if it is not dealt with by today, it will not be dealt with by the end of next week.

Hon N.F. Moore: Why not?

The PRESIDENT: Order! Members, we have managed so far without too many interjections.

Hon HELEN HODGSON: The motion for the committee on committees is now No 45 on the Notice Paper and, although I accept the Minister's undertaking that if a satisfactory arrangement is reached he will bring it forward and deal with it there is no guarantee of that.

Hon N.F. Moore: I gave that guarantee three times.

Hon HELEN HODGSON: It is a function of the way standing orders are constructed in this place that it is difficult for non-government members to ensure a matter is dealt with at the time it should be.

Finally, all the way through we have tried to resolve this matter by negotiation and to bring the parties together to reach consensus. I deeply regret it has reached this point, but it is the only way of ensuring the matter is dealt with before the House rises next week.

HON CHRISTINE SHARP (South West) [2.27 pm]: I add to the comments of my colleague, Hon Helen Hodgson, by saying that I have not been quite so lucky. As the Leader of the House knows, I am very committed to, and spoke to the House in my inaugural speech about, a proposal to set up a standing committee to inquire into ecologically sustainable development. On three separate occasions I have approached the Leader of the House in the corridor and requested time to discuss that proposal with him. So far he has not had time to talk to me about it. I have not been so lucky as other members as to have any negotiations whatsoever. It is a pity because, as the Leader of the House has said today, it is an important and significant proposal.

We are talking about a lack of process and opportunity to engage in dialogue. It is becoming, as has been made clear by members on this side of the House, a matter of chronic frustration that no-one is talking or listening. The Greens (WA) are not making harebrained, radical proposals. For example, every other Parliament in Australia, apart from Queensland, has a committee similar to the ESD committee which I have proposed. I am asking, as other members have asked, that we discuss this matter and bring it to resolution, rather than the Leader of the Government saying he has no time to discuss it.

Hon Peter Foss: Do you accept that the committee on committees is a good place for doing that?

Hon CHRISTINE SHARP: If we are to review committees, it is important that the eight new members have an opportunity to work with the committee system before that is done. A review would be much more appropriate in 18 months' time to see whether the system is appropriate and whether the reconstituted committee system is working well. I am not in a position to review it yet.

Several members interjected.

The PRESIDENT: Order!

Hon CHRISTINE SHARP: I appreciate that the Leader of the Government is very busy - I understand and sympathise with that. However, if he is too busy to talk, it would be valuable if he nominated someone to speak on behalf of the Liberal and National Parties in negotiations on this matter. It is very important that we are able to talk as silence is very frustrating and brings out the kind of emotions we see in the House today.

Question put and a division taken with the following result -

Ayes (16)

Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport
Hon E.R.J. Dermer
Hon N.D. Griffiths
Hon John Halden

Hon Helen Hodgson
Hon Norm Kelly
Hon Mark Nevill
Hon Ljiljana Ravlich
Hon J.A. Scott
Hon Christine Sharp

Hon Tom Stephens
Hon Ken Travers
Hon Giz Watson
Hon Bob Thomas (*Teller*)

Noes (15)

Hon E.J. Charlton
Hon M.J. Criddle
Hon B.K. Donaldson
Hon Max Evans
Hon Peter Foss

Hon Ray Halligan
Hon Barry House
Hon Murray Montgomery
Hon N.F. Moore
Hon M.D. Nixon

Hon Simon O'Brien
Hon B.M. Scott
Hon Greg Smith
Hon W.N. Stretch
Hon Muriel Patterson (*Teller*)

Pairs

Hon Tom Helm

Hon Derrick Tomlinson

The PRESIDENT: The question is resolved in the negative as the division has not resulted in the concurrence of an absolute majority, as required under Standing Order No 461.

Motion thus negatived.

ORDERS OF THE DAY

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [2.37 pm]: I move -

That Orders of the Day Nos 8 and 9 be taken before Order of the Day No 1.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [2.38 pm]: The Leader of the House has moved this motion, but has not told me the matters with which he wants to deal. I want to work out his program.

Hon N.F. Moore: I was going to start from number eight and move down the list. That is what happens.

The PRESIDENT: Order! The Leader of the Opposition is entitled to either support or oppose the motion and he must address his comments to me.

Hon TOM STEPHENS: I would like the opportunity to support the Government's motion, but in order to do that, I need to ascertain what we are now to do today. I hear for the first time from the Leader of the Government that he wants us to deal with the third reading of the Curriculum Council Bill, and that he then proposes to move to Committee for the Iron and Steel (Mid West) Agreement Bill. How will we then fit in the request for consideration of the Land Administration Bill which is Order of the Day No 7?

Hon N.F. Moore: Some negotiations are taking place on that at the moment. Sit down and let us do some things.

Hon E.J. Charlton: Your member is trying to work that out.

Hon TOM STEPHENS: If the Leader of the House says he wants to bring on Order of the Day No 7 -

Hon N.F. Moore: I do not know yet whether agreement has been reached.

Hon E.J. Charlton: He is trying to negotiate.

Hon TOM STEPHENS: If the Leader of the House wants to bring on the Land Administration Bill, and the request had been made to me, the answer would have been yes. In the absence of his talking to me indicating what he wants to do, I do not know as I cannot read his mind.

Hon N.F. Moore: You do not need to even try.

The PRESIDENT: Order! Problems arise with all the cross-Chamber chat and not directing comments to me. The fact is that sessional orders outline business on Thursday and Sessional Order No 4(2) indicates that after 1.00 pm the House shall proceed to orders of the day in a sequence determined by the Leader of the House. That is what we are now doing. I understood the member to rise either to support or oppose the proposition before the Chair, and that does not require general discussion on the ongoing management of the House between the Leader of the House and the Leader of the Opposition. I am bound by the sessional order.

Hon TOM STEPHENS: I support the motion moved by the Leader of the Government. If he wants the House to consider Order of the Day No 7 - if that were in his mind, although not in his motion - this side of the House would be able to accommodate that desire. However, in the absence of his talking to me in advance, I do not know what the Leader wants.

The PRESIDENT: Order! I am sure the Leader of the Opposition can take that up that point with the Leader of the House once we move on to Orders of the Day Nos 8 and 9. I am sure the member will have an opportunity to raise those issues, rather than address the matter to me and cost the House part of its sitting time.

Hon TOM STEPHENS: I do not want to do that, Mr President. In conclusion, if the Leader of the House now wants either to have his motion amended to accommodate the Land Administration Bill, or anything else, he should let us know and we will try to accommodate him the best we can.

Question put and passed.

CURRICULUM COUNCIL BILL

Third Reading

Bill read a third time, on motion by Hon N.F. Moore (Leader of the House), and returned to the Assembly with amendments.

IRON AND STEEL (MID WEST) AGREEMENT BILL

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon N.F. Moore (Leader of the House) in charge of the Bill.

Clause 1: Short title -

Hon TOM STEPHENS: This is my first opportunity to speak on this legislation. I listened to and watched with great interest the second reading debate, which was interesting for a range of reasons because a range of viewpoints was expressed. The viewpoints are summarised in a variety of ways. I was about to take this opportunity of presenting to the House a brief summary.

Hon N.F. Moore: This is not the second reading debate.

Hon TOM STEPHENS: I am expressing support for the legislation.

Hon N.F. Moore: If you are trying to delay this -

Hon TOM STEPHENS: I am not trying to delay it.

The CHAIRMAN: Leader of the Opposition, I am the Chairman, and I am here, if you would like to address your remarks to me.

Hon TOM STEPHENS: I have no intention of delaying the legislation. As the Leader of the Government will know, the Opposition supports this legislation. The way the House expressed itself during the second reading debate led to a resolution in support of the Bill. The Government was very fulsome in its expression of support for the Bill and gave to the House a range of reasons that this agreement should be given the fulsome support of the House. Speaking on behalf of the Labor members of the Opposition, Hon Mark Nevill, supported by Hon Ljiljanna Ravlich and Hon Kim Chance, spoke in support of the legislation bringing forward for agreement the iron and steel mid west project. Hon Mark Nevill indicated that there were specific reasons that we have arrived at this position, not the least of which was that the Government agreed in another place to ensure the arrangements for this agreement would be subject to scrutiny by the Public Accounts and Expenditure Review Committee. That is one of the reasons the Labor Party has been able to give its support to this Bill. That support recognises the enormous employment opportunities that will flow from this proposal. We recognise how important the employment prospects are for the people of Western Australia, not only in the early phase of starting up the project but throughout its life. The jobs that will flow from this agreement are vital to the future of the mid west region, the entire State and in turn, of course, the nation.

Regrettably we note that at the present time that region, our State and our nation continue to be faced with the challenges of creating more employment opportunities for the Australian community. Regrettably the employment statistics with which that region in particular is faced, and our State and nation, mean that we are not faring well. Recent trends need to be reversed, and this agreement Bill will contribute to that result.

Several members interjected.

The CHAIRMAN: Order!

Hon TOM STEPHENS: The interjection of Hon Bob Thomas is absolutely germane to this debate.

Hon N.F. Moore: It has nothing to do with the Bill and you are making a second reading speech.

Hon TOM STEPHENS: Not at all, I am speaking in support of the short title.

Several members interjected.

The CHAIRMAN: Order!

Hon TOM STEPHENS: The interjection by the Leader of the House and the response by my colleague Hon Bob Thomas highlight the issue about which I was speaking; that is, that there is regrettably a loss of an adequate participation rate in Western Australia. Regrettably we are seeing a contraction in the number of jobs available to Australians throughout this nation. That must be reversed. Hopefully this Bill will provide for an agreement which will contribute to the reversing of that trend. I put on record that that is one of the reasons, perhaps the most fundamental reason, the Opposition supports the agreement and the Bill.

As well as that we heard expressed during the second reading debate the concern of the Greens and Democrats, who articulated their case very well on a range of issues. One of the concerns I find myself having to address is how in processing this major initiative in the mid west we can guarantee that the national estate is not placed at risk. Particularly, it is important to see that the resources and the environment of the region are not placed under any pressure that might cause Western Australia any fundamental structural damage, which might have an impact not only on the environment but also on the lifestyles of the people of the mid west.

Also important are the future job prospects of the people of that region and, therefore, the State and the nation. If in one generation irreparable damage is done to the environment of a region, although short term jobs eventuate, damage could be done to the sustainable development of that region.

I accept the Minister's response and remind him at this first opportunity that he assured the House that all the appropriate environmental assessments will be undertaken, some of which have been undertaken. As this project has come on stream the Government has undertaken to ensure thorough and comprehensive environmental assessments which ensure an appropriate balance between this development project and the environmental concerns raised by not only the Greens and Democrats in this Chamber but also the Labor Party here and in the other place. I find the assurances of the Minister comforting and reassuring.

In support of the short title of this Bill, I speak, as I often do on such issues, wearing my other hat, not just as Leader of the Labor Party in this House, but also as the local member of Parliament for the Mining and Pastoral Region, the hinterland of the mid west - the Agricultural Region - where this project is to be located. It is of considerable interest to the population centres, many of which are in my electorate. I am thinking of places such as Yalgoo, Mt Magnet, Cue and Meekatharra.

Why is it of interest to them? Not only the environmental health but also the economic health of the areas adjacent to Geraldton are important to the people of the hinterland of my electorate. That region is under considerable pressure, as a result of not only fly in, fly out operations that have reduced the employment opportunities of the permanent population of the region, but also the difficulties with which, in particular, the gold industry is faced.

With another project envisaged by virtue of this Iron and Steel (Mid West) Agreement Bill the people associated with the region wonder whether it will produce short term job opportunities and long term prospects. For those reasons we can well appreciate that the people of that region hold high hopes for it.

A significant section of that population comprises Aboriginal people. They have not yet been adequately locked into employment strategies of government or industry either in this region or anywhere else in the State. As the opposition spokesman on Aboriginal Affairs, I am passionately committed to locking Aboriginal people into the economic development of our nation. I hope this project will advance that prospect considerably. However, it requires the proponents of the project to work in collaboration with government to ensure that outcome. It will not eventuate just as a consequence of dropping a project within a region and being assured of that result. I urge the Government and the proponents of the project to ensure they take the necessary steps to produce that result. I hope they have learned from the mistakes of other development proponents who have not yet adequately met any reasonable target figure. However, I recognise some progress is being made on some projects.

Hon MARK NEVILL: I am pleased to see the Kingstream Bill reach the Committee stage. An amendment will be moved that has not been finalised so I will agree to delay the debate on the proposed new clause until we deal with

the schedule. I hope this Bill will be completed this afternoon. That may require leave to move it through all remaining stages at this sitting.

Hon N.F. Moore: I am happy to do that as a matter of course, but we might need to sit beyond 5.00 pm.

Clause put and passed.

Clauses 2 to 4 put and passed.

New clause 5 -

Hon HELEN HODGSON: I move -

Page 2, after line 15 - To insert the following new clause -

5. Commencing 2 years from the day on which this Act comes into operation, and thereafter not less than once in each subsequent 5 year period throughout the term of the Agreement, the Auditor General shall report to each House of Parliament on the performance of the Agreement by the Government.

Further consideration of the new clause postponed, on motion by Hon Norman Kelly.

[Continued on p 4367.]

Schedule 1 -

Hon MARK NEVILL: Does clause 3(4), ratification and operation, override the environmental protection provisions regarding mining tenements under the Mining Act?

Hon N.F. MOORE: As I pointed out last night, clause 2(3) will ensure no variation in the requirements of the Environmental Protection Act. The clause referred to by the member does not override that aspect of the agreement.

Hon NORM KELLY: I refer to clause 4(2), initial obligations of the proponents. Will information relating to works, material, equipment and supplies that are obtained and carried out outside Australia, be made public as a matter of course?

Hon N.F. MOORE: That information will not be made public as a matter of course. The company is required to provide that information to the Government. The Government will be looking after the interests of the Western Australian taxpayers. It will ensure that the company meets its obligations under the agreement. The information in the reports may be confidential. It is the Minister's obligation to ensure that the information is provided promptly.

Hon NORM KELLY: People should be aware of the level of foreign plant and equipment involved in the project. Can the Minister estimate the percentage of foreign plant and machinery which will be involved in the building of the mill? Can the Minister estimate the level of infrastructure?

Hon N.F. MOORE: It would be impossible to give an indication at this time. Engineering proposals and drafts may be available, but tenders have not been called for construction of the mill. Until that happens, the proponents would not know. Local contractors will compete with overseas contractors and, bearing in mind the local content clause, the proponents would not know the likely local, interstate or overseas content until the contracts have been called and let.

Hon NORM KELLY: Clause 5 relates to proponents submitting proposals. Will those documents be made public? I refer the Minister to paragraphs (f) residue disposal; (k) environmental management program; and (l) relating to the use of local labour, and so on. With a project of such size that information should be made public.

Hon N.F. MOORE: Normally, a report would not be tabled in Parliament or information given to *The West Australian*. However, if a member has an interest or a query, or wanted to know about certain aspects of the project, he could ask a parliamentary question, use the freedom of information process, or contact the company. He could also follow the company's operations in the community. There is no call for secrecy, but I am not aware of a process in which reports are tabled in Parliament.

Hon MARK NEVILL: My question relates to clause 13. Because of other pressing matters I have not been able to look at the land acquisitions public works legislation. Will the Minister explain what sections of that legislation will not apply because of this clause?

Hon N.F. MOORE: That is a detailed and complicated question. I cannot provide an answer to it immediately, but if the member is prepared to put the matter on notice, without holding up the Bill, I guarantee to provide him with that advice as soon as possible.

Hon MARK NEVILL: It is not a question of great importance, but I would like the matter investigated.

Hon N.F. Moore: We will provide an answer as soon as possible.

Hon MARK NEVILL: My next question refers to clause 19. Has any arrangement been contemplated for the people operating the power station to supply power to Western Power?

Hon N.F. MOORE: There is potential for that to happen down the track. That will be considered in the future when the power station is built and it will all depend on the power station's capacity, whether any excess is available and whether Western Power needs to buy or acquire any power from the organisation.

Hon NORM KELLY: I refer to clause 32. The Minister said that on listening to my comments during the second reading debate I was being too negative about this project. At this stage, I express the Democrats' appreciation for this clause because it provides that any changes to the agreement must be tabled in both Houses of Parliament. That is a good accountability mechanism to have in such an agreement Bill.

Hon N.F. MOORE: I thank the Democrats for their positive response to this clause and indicate that if this were not the subject of an agreement Act then the Bill would not provide this measure.

Hon MARK NEVILL: Clause 20 refers to natural gas transmission. In the second reading debate I canvassed at some length many of the issues that I intended to canvass under this clause. Subclause (4) requires the proponents to provide to the Minister for Resources Development information relating to gas transmission and other matters in the Petroleum Pipelines Act which are the responsibility of the Minister for Mines. The Minister for Mines has responsibility for the Petroleum Pipelines Act, yet continually the Minister for Resources Development poaches on that area. That has resulted in an unholy mess and fragmentation. Would it not be better if the Minister for Resources Development consulted with the Minister for Mines on these matters? Given the Minister for Mines's influence in the area, the Petroleum Pipelines Act may as well be taken away from the Department of Minerals and Energy

Hon N.F. MOORE: Naturally, as Minister for Mines I support Hon Mark Nevill's view. However, I assure him that the Minister for Mines is not being excluded from this process. There has been ongoing and detailed correspondence and discussions on this whole question between the Minister for Mines and the Minister for Energy. As the member points out, the Petroleum Pipelines Act is the responsibility of the Minister for Mines, and it is possible for the Minister for Mines to issue a licence for a pipeline. On the other hand, one needs to understand that gas or energy policy is the responsibility of the Minister for Energy. Therefore, both Ministers must come together on matters of energy policy before decisions are ultimately made to allow someone to supply gas.

I understand that a licence must be obtained to construct a pipeline and a licence must be obtained from the coordinator of energy to supply gas. Although the Minister for Mines has some authority over the construction of pipelines, he does not have any authority over the supply of gas. Quite properly, it is the province of the Minister for Energy to set the Government's policy on the delivery of gas and energy. Once that is approved by the Cabinet, the Minister for Mines and the Minister for Energy work together to ensure that the policy is put in place.

Hon MARK NEVILL: Subclause (5) refers to the gas storage and subclause (6) provides that the pipeline must be north of latitude 29 degrees south. Most of these gas reservoirs are south of the 29th parallel. The legislation provides that a pipeline can extend to the storage of those gas fields. That conflicts with the 29 degree south limit. Should it be subject to the other clause? If there were a second pipeline, by default, we could get a pipeline to Perth by linking an underground storage reservoir to what was the Wang natural gas pipeline. Has any storage area been highlighted and is it linked to the Wang natural gas pipeline?

Hon N.F. MOORE: No. The storage is for the project itself. It is not envisaged that it could be used in the way the member has suggested. As he said, with the contract as it has now been let - with Epic involvement - the question of going beyond 29 degrees south is not applicable.

Hon J.A. SCOTT: I note that the schedule states -

Except as otherwise specifically provided for under this Clause the Proponents' water requirements shall be obtained in accordance with laws applicable from time to time in Western Australia in respect of rights in water and the supply of water and water services.

Does that or any other clause cover not only the extraction of water but also its disposal, given that the project will be sensitive to the crayfishing industry?

Hon N.F. MOORE: The use of water within the project will be covered by the Environmental Protection Act as well as other Acts relating to water supply. The process does not produce a great deal of excess water, it is recycled. The disposal of used water is negligible.

Hon J.A. SCOTT: Will there be sufficient water for a completed industrial estate and the other users of ground water in that area?

Hon N.F. MOORE: These are specific details about which I am seeking advice. There will be sufficient water for this project and any other potential project.

Hon J.A. SCOTT: I understood that an attempt has been made to establish a horticultural industry north of Geraldton. Will this have an impact on that?

Hon N.F. MOORE: The water comes from south of Geraldton. If someone were growing tomatoes to the north, it would not be a problem.

If the member has any concerns about these issues, officers from the Department of Resources Development are only too willing to provide any number of briefings he wishes. That is a standing offer to all members if they want any details about the agreement.

Schedule put and passed.

Postponed new clause 5 -

Hon HELEN HODGSON: This new clause is in line with one of the Democrats' fundamental principles; that is, accountability. We believe that it is essential that the public of Western Australia know about the total cost of this project given the infrastructure being put in place in the Oakajee area. The Auditor General is the appropriate person to undertake ongoing monitoring of the cost of this project.

The Auditor General is an essential parliamentary watchdog. He is responsible to the Parliament and totally independent from the Executive. The briefing document provided to new members on 26 May states -

The Auditor General serves the public interest. As the principal provider of independent and impartial information on public sector accountability and performance to the Parliament, the Auditor General has a responsibility to the community to assure there is no waste of taxpayers' resources and that the elected Government delivers services in an efficient and effective manner to the benefit of all Western Australians.

The Democrats believe the Auditor General must be the independent monitor of the financial aspects of this agreement.

I will recount an extraordinary meeting that took place this morning between me, the Minister for Resources Development, Hon Mark Nevill and Hon Julian Grill. At that meeting I was initially told that we did not have the power to amend this Bill. We soon refuted that, saying that as long as we were not amending the schedule it did not matter that it is a state agreement Act; the Parliament does have the power to amend the Bill. Something even more disturbing followed.

I was given a report of what the Auditor General had said about this new clause which did not sound very convincing. I was told that the Auditor General had said that it was not practical for it to be done; the result would be the tabling of a single page containing a series of checks saying what had and had not been spent. My knowledge of audit practices is such that I did not believe that to be the case, so I followed that up by contacting the Auditor General this afternoon. I was told that the Auditor General believes strongly that it is viable for him to fulfill this role and there are precedents in New South Wales, South Australia and Queensland where the Auditor General does have these powers in Acts of this nature. I was told also that the Auditor General was perfectly happy to fulfil that role and felt it would part of his functions if the Parliament chose to include this provision in the Bill.

I found that meeting extraordinary, because I believe it was an attempt to intimidate me from proceeding with this motion. I do not believe that is in the best interests of legislation or this Parliament.

Hon Giz Watson: Hear, hear!

Hon HELEN HODGSON: I will proceed with the motion because I believe that the Auditor General is the best person to supervise and report on these activities. I believe that such a provision in this Bill will ensure that all the activities are monitored jointly and a report is presented to the Parliament through which the public can see what is happening with the Oakajee project. That is essential, because there has been much community concern about elements of the project and the project as a whole.

I will now deal further with the audit process. I have dug out from my accounting standards a couple of sections that deal with performance audits for public sector agencies. Australian auditing standard 106 states that public sector entities generally do not employ resources to generate profits, although some are engaged in activities of a commercial nature and are required to achieve profit targets, and that the majority of public sector entities are

involved in collection of revenues, distribution of funds, enforcement of laws, provision of services to the public, or the administration of expenditure programs aimed at a variety of social and economic goals. What we have in this Bill is an expenditure program aimed at a variety of social and economic goals. It states also that while the financial statements of public sector entities provide an account of their financial operations, they often are not designed to report overall performance in meeting objectives. As a result, performance audits and reviews are gaining increased recognition in the public sector as a vital component of the accountability process. That is an acknowledgement from the Australian Society of Certified Practising Accountants, through the auditing standards, that performance audits and reviews are a vital component of the accountability process.

Auditing standard 806 states -

"Performance audit" means an audit of all or part of an entity's or entities' activities to assess economy and/or efficiency and/or effectiveness. It includes any audit directed to:

- (a) the adequacy of an internal control structure or specific internal controls, including those intended to safeguard assets and to ensure due regard for economy, efficiency and effectiveness;
- (b) the extent to which resources have been managed economically and efficiently; and
- (c) the extent to which activities have been effective.

It states also -

The objective of a performance audit is to enable the auditor to express an opinion whether, in all material respects, all or part of an entity's or entities' activities have been carried out economically and/or efficiently and/or effectively. In the case of a direct reporting audit, the objective also includes the provision of relevant and reliable information about performance.

How could anybody possibly object to that being required of government enterprises under a Bill of this nature? I commend the amendment to the House.

Hon N.F. MOORE: The Democrats do not have some sort of monopoly on a desire for accountability. We all believe in accountability,

Hon Norm Kelly: Start practising it!

Hon N.F. MOORE: We do. Rather than make unsubstantiated allegations, and rather than make throwaway WA Inc lines and things of that nature, as Hon Norm Kelly did last night, he should say something which is substantiated about where he believes someone has not been accountable. Hon Norm Kelly gets a bit carried away at times with his belief that because he sits in the middle, somehow he is purer than anyone else. If we want to talk about headlines, keep using that sort of language.

Hon Helen Hodgson suggested that she was intimidated. I was not at the meeting and I know nothing about it, other than that it was an attempt to reach some resolution about this motion. It is interesting that the member felt intimidated because someone tried to talk her into accepting a different point of view, when she had no sympathy for members of this House who were physically intimidated for about three days and felt that was legitimate behaviour on the part of the union movement. Intimidation means different things to different people. Hon Helen Hodgson will find in her political career that from time to time people will seek to change her mind. I was not at the meeting, so I have no idea how the member was supposedly intimidated, although I do know that a point of view was put to her that this clause was unnecessary - not that it was wrong or inappropriate, but that it was unnecessary.

The Auditor General of Western Australia audits government agencies and departments as a matter of course. He carries out his duties under his legislation to ensure that government agencies carry out their responsibilities.

Hon Kim Chance: He does an excellent job of it too.

Hon N.F. MOORE: I am sure he does. He obviously has the capacity to audit Westrail, the Department of Resources Development -

Hon Kim Chance: Stateships.

Hon N.F. MOORE: Yes; all the agencies that will be involved in this agreement Act in any way from the Government's perspective. He can do that already, and he will do it from a financial point of view, which is what I assume the member is talking about, although the motion talks about performance.

Hon Mark Nevill: That is what she spoke about.

Hon N.F. MOORE: Will Hon Mark Nevill go along with that?

Hon Mark Nevill: You will hear what I have to say.

Hon N.F. MOORE: I am interested to hear that Hon Mark Nevill supports the proposition that this project -

Hon Mark Nevill: I am open to persuasion, but you are not making much success of it.

Hon N.F. MOORE: I always find it very hard to persuade Hon Mark Nevill because he is a person of fixed views. That is not a criticism; it is a good thing. In fact, I am discovering these days that many people have more flexible views than has Hon Mark Nevill; they are flexible on the hour.

The situation is rapidly developing where a project of great significance to Western Australia will now have its affairs looked at by the Auditor General, who will look at the performance of the Government in meeting its contractual obligations and will delve into a range of areas in which traditionally he has not been involved. That is not to say that he should not be involved, but I have never known the Auditor General to report on the performance of a state agreement Act, so we are adding another line of reporting.

The Public Accounts and Expenditure Review Committee will also look at this project, so the Parliament will have its finger in the pie at the same time. If we had the Greens' committee on ecologically sustainable development, I suspect it would go to that committee as well. Talk about sovereign risk and those sorts of issues! Members opposite are proposing that people who wish to invest money in Western Australia must go through all the regulatory agencies - and there are too many in Western Australia these days; it takes a long time to do anything in this State - the Auditor General will then check on what they are doing, the expenditure review committee will look at what they are doing, and an upper House committee will also look at what they are doing. People will soon start asking why they should bother to go to all the trouble of spending money in Western Australia if they can go to other parts of the world where they are not required to go to 57 agencies to get these approvals. In addition their proposal does not have to go to two parliamentary committees or to the Auditor General.

The Opposition was talking about job opportunities and the reason we do not bother about downstream processing in Western Australia, and we have already heard about jobs today. One of the reasons people do not invest money in Australia is because of the range of government involvement and impediments.

Hon Kim Chance: It needs to be done, and that is why I mentioned places like Poland, Chechenia and Belarus. There was no balance and it destroyed their economy.

Hon N.F. MOORE: We have not destroyed our economy; it should be better than it is now, but we have a problem with unemployment. Hon Bob Thomas gave me a serve a moment ago when he said unemployment is too high. He is quite right. We will not attract investors who want to spend lots of money by putting impediments in their way with a requirement to get all sorts of approvals. When they have those approvals they will be assessed by countless organisations who could have a different point of view from them.

This agreement Bill does not have to come to Parliament. There is no need for a state agreement Bill. It is traditional to bring it to the Parliament. The Government could have entered into this agreement with the company without doing that and members opposite would not have had the opportunity to move this amendment. It is not necessary because there are sufficient checks and balances in the agreement to make sure it is adhered to. There is a suggestion, by the tone and nature of the amendment, that the Government will allow the company to get away with things. That is nonsense.

Hon Mark Nevill: You are reading that into it.

Hon N.F. MOORE: Of course I am not. I am told by the mover that members opposite believe in accountability and by insinuation everyone else does not.

Hon Mark Nevill: You need a holiday.

Hon N.F. MOORE: Hon Mark Nevill knows more about these things than other members in the Chamber. If he is prepared to allow this amendment to go through, he has either not thought it through in his normal way or he thinks that by putting up his hand on this occasion it will not cause any trouble down the track, but will give him a few brownie points for another occasion. That is not his normal style.

Hon Mark Nevill: If you do your job it will not cause trouble down the track.

Hon N.F. MOORE: Investing companies will not bother to come to Western Australia once they know that every time they want an agreement Act with the Western Australian Government it will have to go to the Public Accounts and Expenditure Review Committee, the Auditor General will look at it and, I assume, in the future it will have go

to the ecologically sustainable development committee from where it will not see the light of day again. It all adds up to a disincentive to industry to invest the number of dollars this project envisages.

Hon Christine Sharp: It is a good thing we have the trump card.

Hon N.F. MOORE: I do not support this amendment. It is not necessary because the Auditor General will look at the finances. The Government, through the Department of Resources Development, which is a coordinating agency, will make sure the terms and conditions of the agreement are met. To suggest it cannot do that is a serious reflection on it. It has a significant track record of getting projects which have been successful for Western Australia. That has been done without the Auditor General monitoring the performance of the agreement. I do not know why members want to agree to this amendment. It reflects the view by the mover that people are dishonest and the Auditor General must watch over their shoulder. That is not the point, and I oppose the amendment.

Hon J.A. SCOTT: I support the amendment because it is valid for this project. During the second reading debate I said that one of my concerns about the project was the loose ends. A range of procedures must be undertaken before a state agreement Act is put together. In this instance those procedures have not been done, including a cost benefit analysis.

Hon B.K. Donaldson: What do you want to do - put it into trees and hug a tree every day?

Hon J.A. SCOTT: That has nothing to do with it.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon J.A. SCOTT: An Auditor General's report would be particularly valuable on this agreement Act. During the second reading debate Hon Norman Moore admitted that this project had many loose ends. One would normally expect that when considering a project for which the State will outlay vast amounts of taxpayers' money that one would be given some idea of the amount to be paid, and the returns to the taxpayer both financial and non-financial. None of that information has been provided.

Hon Norman Moore said that the Public Accounts and Expenditure Review Committee will be looking at this process, but it will consider the pre-project position. The amendment offered by Hon Helen Hodgson will apply down the track, although still within the term of this Government. That is a very appropriate mechanism to consider how the project is going at that stage. I have noted that Auditor General reports - I do not read a heck of a lot of them - give agencies a guide on how to improve their practices in the future, and this would be a valuable tool in considering the way the project has progressed and to improve methodology for future agreement Acts. This new clause represents a commendable way for that information to be compiled. I thoroughly endorse this proposed amendment by Hon Helen Hodgson as it is about accountability.

I was alarmed to hear that the Minister for Resources Development had given misleading information to Hon Helen Hodgson, and that makes me more concerned and more certain that such accounting procedures should apply. If people feel the need to mislead people to get their way, I wonder -

Withdrawal of Remark

Hon B.K. DONALDSON: The member is casting aspersions when referring to a Minister of another place misleading a member of this place.

The CHAIRMAN: I did not hear those comments; however, if Hon Jim Scott made those comments, I ask him to withdraw.

Hon J.A. SCOTT: I will withdraw whatever it was that offended the member.

Hon PETER FOSS: He either withdraws or does not withdraw.

Several members interjected.

The CHAIRMAN: I understood the member to say that he withdrew without reservation; is that correct?

Hon J.A. SCOTT: I withdrew whatever it was that offended.

The CHAIRMAN: The member has now clearly withdrawn.

Committee Resumed

Hon J.A. SCOTT: The information given by the Minister in the other place to Hon Helen Hodgson has turned out to be incorrect. Members can place any connotation on that situation they like - I am not a dealer in semantics like Hon Derrick Tomlinson. However, that information makes me increasingly concerned that such accountability measures need to be put in place, and this Chamber has a role to ensure that the Government is accountable for its actions. I support the new clause.

Hon MARK NEVILL: The Opposition supports the amendment. We want to make it clear to the Government that we want to complete this business this evening. We will give the Government cooperation both in this House and in the other place with the passage of the Bill. If the Minister seeks leave to proceed through all stages, that will have the support of the Opposition and, I am advised, of the Democrats and Greens.

Hon Tom Stephens interjected.

Hon MARK NEVILL: If people were a little less recalcitrant it could be done before 5.00 pm. The Opposition is prepared to suspend standing orders in another place to ensure that this Bill is dealt with tonight. I make that very clear to the Minister. There is time to get any legal advice from Crown Law or from the Auditor General. This Bill should not be delayed.

There is no intention of including this clause in every agreement Act that comes before the House. This proposed agreement Act is a special case. If the Government has to foot the bill for the port, the proposed Act can result in a large amount of taxpayers' funds being expended. For that reason such a clause is contemplated in this proposed agreement Act. It will certainly not be rolled out every time an agreement Act comes into this House. Most agreement Acts do not involve the Government spending large amounts of funds. This clause requires a report on the performance of the agreement by the Government. It does not require any report on the performance of AFK Pty Ltd. It is merely a question of the performance of the Government. It is common practice these days to conduct performance audits. We have them for hospitals. They go beyond just purely financial management and the random check of paper trails. It is quite appropriate for this to happen. I do not believe it would be an onerous burden for the Government.

The Minister for Resources Development described it as a farce. The Minister's adviser said, "This clause will not achieve what you want to do." I ask why the hell are you worried? The Minister handling the Bill said that it would result in the Auditor General delving into all sorts of corners. The Government cannot have it both ways. The clause is perfectly reasonable. The Government has no real reason to be concerned about it, if the project is run properly, and I expect nothing different. We do not suggest the Government will do anything sneaky or underhand; there is no reflection on the Government. The Bill involves possibly a large expenditure of taxpayers' money. The port may be financed by something like the Lend Lease Group or another private operator; we do not know. This is a little more insurance and perhaps a bit more comfort for the public. We are all victims of the sort of nonsense we have been peddling over the last few years. We have to do these things to give the public confidence.

The substance of the meeting this morning was probably enough for moving a substantive motion against the Minister for Resources Development.

Hon N.F. Moore: Were you there?

Hon MARK NEVILL: I was there with Hon Julian Grill. I wish to make a few comments other than moving a substantive motion in which one can raise these things. The Minister's treatment of Hon Helen Hodgson was quite appalling. I do not know whether she was upset, angry or annoyed but she was obviously very disturbed by the meeting. I do not think the Minister covered himself in glory. He tried to suggest we could not amend an agreement Bill. When it was pointed out to him otherwise, he backed off that. He said then that the Auditor General said it was a waste of time. Then he said he would get the Auditor General to table a letter in another place, and all sorts of things. I do not want to go into it too deeply. We concluded that meeting by suggesting to Hon Helen Hodgson that she phone the Auditor General to see whether he had the capacity to conduct a performance audit on the Government's handling of this proposed agreement Act. She had tried to do that before. It was not until after lunch that she got in touch with the Auditor General. His version of what he could do was very different from what the Minister had said. I will leave it at that.

The Opposition will be supporting this amendment. We do not believe it is onerous. It is appropriate in this case and, I repeat, we will do everything we can to facilitate the passage of this Bill through the Parliament. The Minister will not be denied leave if he seeks to have the Bill passed through all stages. The Minister in the other place will not receive any opposition if he wishes to have the Bill dealt with in the other place. We are keen to have the Bill pass through Parliament tonight and to ensure that it is not delayed. I support the amendment.

New clause put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before the tellers tell, I cast my vote with the ayes.

Division resulted as follows -

Ayes (14)

Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport
Hon N.D. Griffiths
Hon John Halden

Hon Helen Hodgson
Hon Norm Kelly
Hon Mark Nevill
Hon J.A. Scott
Hon Christine Sharp

Hon Tom Stephens
Hon Ken Travers
Hon Giz Watson
Hon Bob Thomas (*Teller*)

Noes (14)

Hon E.J. Charlton
Hon M.J. Criddle
Hon B.K. Donaldson
Hon Max Evans
Hon Peter Foss

Hon Ray Halligan
Hon Barry House
Hon Murray Montgomery
Hon N.F. Moore
Hon Simon O'Brien

Hon Greg Smith
Hon W.N. Stretch
Hon Derrick Tomlinson
Hon Muriel Patterson (*Teller*)

Pairs

Hon Tom Helm
Hon Ljiljana Ravlich

Hon M.D. Nixon
Hon B.M. Scott

New clause thus negatived.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time on motion by Hon N.F. Moore (Leader of the House) and passed.

CASINO (BURSWOOD ISLAND) AGREEMENT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Hon Max Evans (Minister for Finance) and read a first time.

Second Reading

HON MAX EVANS (North Metropolitan - Minister for Finance) [4.55 pm]: I move -

That the Bill be now read a second time.

In my statement to this House on 8 April I announced that the Burswood Property Trust would acquire the management interests in the Burswood International Resort Casino held by Victoria Company Limited, the operator of the casino. This would mean that the control of the day to day operation of the casino would be taken over by the trust, which is predominantly Australian owned.

In my statement I also outlined the Government's support for the corporatisation of the Burswood trust and its intention to amend the Casino (Burswood Island) Agreement to increase from 5 per cent to 10 per cent the aggregate total number of shares on issue that any person shall be entitled to hold in the new Burswood public company to be created as part of the corporatisation of the Burswood Property Trust.

Among other benefits, corporatisation will improve the trust's ability to retain funds and raise finance; will improve unit holder reputation by providing for the election and review of the performance of directors of the company managing the affairs of the trust; and will broaden the trust development and investment opportunities.

Institutional investors and fund managers support corporatisation. They have also, on a number of occasions, made submissions and deputations to the Government to increase the limit on individual unit holdings from 5 per cent to 10 per cent. This Bill seeks to amend the Casino (Burswood Island) Agreement Act 1985 to ratify the amendments to the Casino (Burswood Island) Agreement and to entrench in the Act the mandatory articles to be contained in the

articles of association of the approved company; that is, the new Burswood public company, to be approved by the Minister to hold, as part of the corporatisation of the Burswood Property Trust, all the units in the trust.

The Bill will also ensure that the Act contains, for reference purposes, a complete set of the text of the amending agreements; and it will enable the maintenance of an up to date text of the agreement. The amendments to the agreement permit corporatisation of the trust and enable the new Burswood public company to hold all the units in the trust and acquire all the "A" and "B" class shares in Burswood Resort Management Limited - the manager of the trust.

Subject to unit holders' approval, the Burswood Property Trust proposes to effect corporatisation by a scheme of arrangement pursuant to which unit holders will swap their trust units for shares in the new listed Burswood public company. The trust will remain intact, but all the units will be held by the new Burswood company, and the manager and trustee of the trust will be replaced by a subsidiary company of the Burswood company.

In effect, the Burswood Property Trust will become an in-house structure, wholly owned and controlled by the publicly listed Burswood company. The trust will continue to own the Burswood International Resort Casino and other facilities, but ultimate control will reside in the new Burswood company.

The casino agreement will empower the Minister to approve the Burswood public company acquiring all, and not less than all, of the trust units and it also ensures that the Burswood company is subject to all the controls which exist under the agreement. Amendments to the agreement will require the new publicly listed Burswood company to be approved by the Minister, and the memorandum and mandatory articles of association to be in accordance with the requirements set out in the Casino (Burswood Island) Agreement Act and Agreement and any alterations to be approved by the Minister.

The mandatory articles impose the same conditions on foreign shareholdings at 40 per cent and individual shareholdings at 10 per cent. They also require the head office of the Burswood company to be located in Western Australia, at least two-thirds of the directors to be Australian citizens, and the presiding director at board meetings to be an Australian citizen.

The Government has taken this opportunity to incorporate additional amendments to the agreement. The agreement will provide for any change in ownership or control of a future operation management agreement to be approved by the Minister.

The restriction on Gaming Commission nominees to the Burswood Park Board being limited to only members of the Gaming Commission will be removed. The provisions establishing and relating to the defunct Burswood Park Technical Committee will be deleted. A new provision recognises that the State may excise land from the Burswood Park Reserve to be granted or leased to the Burswood Property Trust, and any moneys received may be paid to the registered proprietor of that land immediately prior to its acquisition by or on behalf of the State.

A mechanism has been inserted into the agreement to change the boundaries of the Burswood Park Reserve land. Currently the agreement does not provide a mechanism to change the boundaries of the Burswood Park Reserve land without amendment to the agreement. The need to amend the boundaries of the reserve land may arise if the area of the reserve is, for example, increased by the incorporation of more land into the reserve, decreased by the excision of land for the purpose of public streets or other proposals agreed to by the trustee, or decreased by the excision of land from the reserve to be granted or leased to the trust.

The definition of "resort site" has been amended to incorporate the land presently leased by the Department of Land Administration to Tennis West. The Tennis Centre reserve will be incorporated into the Burswood Park Reserve land. The Burswood Park Board will control and manage the Tennis Centre Reserve as lessor so that the grounds and facilities can be maintained at the same high standard as the adjoining Burswood Park. Tennis West, the Burswood Park Board and the trustee support this proposal. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.58 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Additional Bells to be Installed

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [4.57 pm]: I raise formally something I raised informally with you, Mr President, not as an excuse, but to seek your assistance in ensuring that bells will be installed in two parts of this building so that members in those two locations can be certain of knowing that the

bells are ringing. It is impossible to hear the bells from the offices of both the Leader of the Opposition in the Legislative Council and the Leader of the Opposition in the Legislative Assembly. I urge the Joint House Committee immediately to make arrangements to ensure those bells can be heard in both locations.

The Opposition again regrets what just happened. Yet again we are embarrassed by the situation. There are no easy excuses for this. However, we are left with having to find ways of ensuring that it will not be repeated. That will be greatly assisted if bells can be put in the two locations so that members can hear the division bells when they are ringing.

With the numbers in this place so finely balanced, the failure of members to be able to hear bells in either of those locations is likely to lead to a repeat of this situation.

Question put and passed.

House adjourned at 5.00 pm

QUESTIONS ON NOTICE

HEALTH - DEPARTMENT

Public Relations - Expenditure

581. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Health:

- (1) What is the department's projected expenditure on public relations/community awareness in the 1997/98 Budget?
- (2) How does this compare to the current financial year's allocations?
- (3) How many FTEs within the Minister for Health's department are involved in communications, public relations/community awareness or media relations?
- (4) Are any of those persons journalists and, if so, how many?
- (5) What is the department's projected expenditure on advertising in the 1997/98 Budget?
- (6) How does this compare to the current financial year's allocations?
- (7) Are there any new campaigns to be undertaken by the department in the 1997/98 financial year?
- (8) If so, what is the projected cost of those campaigns?
- (9) Is the management/organisation of those campaigns to be out sourced?
- (10) If so, to whom?
- (11) How many officers from each department or agency are located permanently within the Minister's office?

Hon MAX EVANS replied:

- (1)-(11) This information has been provided to the Chairman of the Legislative Council Standing Committee on Estimates in response to questions raised by the member during the Estimates hearing.

QUESTIONS WITHOUT NOTICE

TOURISM - NUMBERS

Drop

564. Hon TOM STEPHENS to the Minister for Tourism:

- (1) Is the Minister aware of a meeting of tourist operators early this week which concluded that the June tourist numbers were the worst ever on recent record?
- (2) Has the Government received a request from tourist operators to divert \$50 000 of funding in the Elle advertising campaign to tackle advertising to try to improve the tourist numbers for July and August?
- (3) Given that the industry is prepared to contribute \$50 000 to such a campaign and the appalling fall in tourist numbers, will the Minister take immediate action to ensure the funds requested are provided without delay?

Hon N.F. MOORE replied:

- (1) I am not aware of the meeting to which the member referred and I do not believe the assertion in the first part of the question is correct. In the past month there has been a reasonably flat period in tourism not only in Western Australia, but throughout Australia. However, nobody has suggested to me that that is particularly unusual. It is a point in the tourism cycle when the numbers are often reasonably flat. Hon Tom Stephens must also understand that in the past 12 months or so there has been a significant increase in the number of beds available for tourists in Western Australia; about 1 000 beds in the metropolitan area in four and five star accommodation. That has put a fair amount of pressure on the existing properties from which it had been hoped, with the increased numbers of tourists coming to the State, those hotel operators would benefit. They are now finding that the increased competition from the new properties has not given them

the boost they anticipated. Some people in the industry are not taking into account that fact when they look at their circumstances.

- (2) No. I have not received a request of that nature. It may have been sent to the Tourism Commission, but not to me. I want to mention that the Western Australian Tourism Commission has a very significant events program between now and about February next year called "The Best on Earth in Perth". EventsCorp has organised those programs to try to overcome the cyclical difficulties that are sometimes experienced in the tourism industry and to provide events when there is a flat spot or a downturn in tourist numbers at a particular time. Unfortunately the activities of EventsCorp have been roundly criticised by the Opposition and one or two journalists to the point where there is a lack of enthusiasm by people to seek to have events in Western Australia because whenever they do, they get criticised for trying. With the negative criticism of members of the Opposition and some sections of the media, it is a wonder anybody tries to do anything in Western Australia.
- (3) I am not aware that the industry is prepared to contribute \$50 000 to a campaign. There is not an appalling fall in tourist numbers, to my knowledge. I will follow up the question with the Tourism Commission to see whether a proposition has been put to it. It has certainly not been put to me and has not been drawn to my attention by anybody in the tourism industry. I met with the Tourism Council of Australia only a week ago. It raised a whole range of issues, particularly the negativity that seems to permeate the media of Western Australia these days. It was not put to me that there was an appalling drop in tourist numbers or that there was a need to divert funds from one campaign to another. There is no offer of \$50 000 to undertake a short term campaign in the immediate future.

POLICE - SELECT COMMITTEE ON THE WESTERN AUSTRALIA POLICE SERVICE

Recommendations - Ms Jeannie Angel

565. Hon N.D. GRIFFITHS to the Attorney General

- (1) Is the Attorney General aware that the report of the Select Committee on the Western Australia Police Service into the third term of reference was tabled one year ago today?
- (2) In his response to that interim report on 19 September 1996 under the section dealing with other matters the Attorney General stated that -

James Heaney and Jeannie Angel: The committee recommended that in these cases, substantial compensation and an apology are warranted. The Government's legal advisers are presently re-examining these cases.

Does the Attorney General recall saying that?

- (3) Is the Attorney General now able to say whether Ms Jeannie Angel will receive an apology?

Hon PETER FOSS replied:

- (1)-(3) No.

TOURISM - ELLE RACING

Purchase of Second-hand Yacht

566. Hon TOM STEPHENS to the Minister for Tourism:

On 6PR last night John Harvey revealed that he may be forced to purchase a second-hand yacht to enter the Whitbread race. Is that acceptable to the Government under its sponsorship deal with Elle Racing Pty Ltd, and would the syndicate then be entitled to all outstanding moneys owing to it under the sponsorship agreement?

The PRESIDENT: Order! I did not catch all of the question, but some of it sounded as though it were seeking a legal opinion.

Hon Tom Stephens: No, I would not do that.

The PRESIDENT: Order! I am sure the Leader of the Opposition would not wilfully do so, but perhaps the Minister for Tourism might have regard for it.

Hon N.F. MOORE replied:

I am aware that Mr Harvey, through his organisation Elle Racing Pty Ltd, has given consideration to looking at a different yacht. I am not in a position to say whether that will be acceptable to the State Government in terms of its contractual arrangements with Mr Harvey.

Hon Tom Stephens: What if it's a bathtub?

Hon N.F. MOORE: The State Government is not in the business of sponsoring bathtubs to sail around the world. If Mr Harvey does not use a brand new boat, as part of the contract with the Western Australian Tourism Commission, it would require very serious consideration by the Tourism Commission about whether it would accept some alternative. Any proposition put by Mr Harvey would be considered on its merit.

FAMILY AND CHILDREN'S SERVICES - NGALA FAMILY RESOURCES CENTRE

*Funding***567. Hon NORM KELLY to the Minister representing the Minister for Family and Children's Services:**

- (1) What is the Government's commitment to parenting by funding organisations such as the Ngala Family Resources Centre to ensure they can operate properly and employ quality staff?
- (2) Has funding to Ngala been decreased in real terms since the Court Government came to power in 1993?
- (3) Does government funding incorporate a contingency for staff pay rises?
- (4) What incentives does the Government provide for attracting and keeping quality staff at agencies such as Ngala when nurses at Ngala earn 8 to 10 per cent less than nurses in public and private hospitals?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. I have not been able to get the answer yet. I ask that the question be placed on notice.

TELECOMMUNICATIONS - COMSWEST

*Contract - Termination***568. Hon E.R.J. DERMER to the Minister representing the Minister for Works:**

- (1) What measures has the State Government taken to ensure the continuation of its telecommunications services in the event of ComsWest having its services terminated by Telstra?
- (2) With the current billing dispute between Pacific Star Communications Pty Ltd and Telstra, is the State Government at risk of assuming responsibility for the financial liability incurred by Pacific Star?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The Minister has spoken with Telstra and has received assurances that services will not be disrupted.
- (2) The State Government will pay only for services that have been delivered and properly billed.

MAIN ROADS WESTERN AUSTRALIA - FREMANTLE-ROCKINGHAM CONTROLLED ACCESS HIGHWAY

*Sale of Limestone***569. Hon J.A. SCOTT to the Minister for Transport:**

- (1) Has Main Roads Western Australia entered into any agreements, or has it been involved in any discussions, for the sale of excavated limestone along the route of the proposed Fremantle-Rockingham controlled access highway with either the developers of the Point Catherine residential marina or the Jervoise Bay Marine Park?
- (2) If yes, how much money does Main Roads expect to make from the sale of the limestone?
- (3) Will, or does, this compromise Main Roads' ability to consider alternative routes away from the Coogee limestone ridge?

- (4) If not, why not?
- (5) Will the building of the road along the inland side of the coastal ridge be more difficult and increase the cost of the road?
- (6) If so, what is the additional estimated cost of building this road through the rugged terrain along the limestone ridge compared with the original proposal?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) No.
- (2)-(3) Not applicable.
- (4) The options being considered are on the western side of the coastal ridge.
- (5) Not applicable.

HOUSING - KARAWARA, COOLBELLUP AND LANGFORD

Redevelopment Tenders

570. Hon CHERYL DAVENPORT to the Minister representing the Minister for Housing:

- (1) When will the Minister announce the successful tenderers for the state housing redevelopments in Karawara, Coolbellup and Langford?
- (2) Have independent social impact studies been conducted in Coolbellup and Langford?
- (3) If not, why not?
- (4) If so, will the Minister table the social impact study reports?
- (5) What was the individual cost of these studies?
- (6) Has Homeswest appointed project officers for the Coolbellup and Langford redevelopments?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The following timetable is proposed: (a) Feasibility and financial analysis submissions by short listed applicants - approximately 10 weeks to 30 August 1997; (b) assessment of submissions - approximately four weeks to 30 September 1997; (c) approval process, Minister for Housing, and announcement - approximately eight weeks to 31 December 1997.
- (2)-(5) At this stage independent social impact studies have not been carried out. A decision as to whether this process is necessary will be made prior to the commencement of these projects.
- (6) Homeswest is examining the internal management structure for these projects.

SHARK BAY - PINK SNAPPER

Ban

571. Hon GIZ WATSON to the Minister representing the Minister for Fisheries:

I asked this question yesterday. I refer to the Minister for Fisheries' announcement that he has reversed his decision to ban the taking of pink snapper from the eastern gulf of Shark Bay.

- (1) Has the Minister received new scientific information from the Fisheries Department to support this decision?
- (2) If not, will the Minister explain why he has reversed his decision?
- (3) Is the Minister aware that last year the average recreational catch of pink snapper was only one or two fish?
- (4) Does the Minister therefore accept that a bag limit of two snapper results in no net reduction in catch?
- (5) Is the Minister concerned that the average catch of pink snapper was only two fish when the bag limit was higher?

- (6) Does the Minister consider there must be a reduction in pink snapper catch in the eastern gulf of Shark Bay?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1)-(6) Minister House made the decision to close the eastern gulf to the taking of pink snapper in May 1997 following the receipt of Fisheries Department advice as an interim measure so further assessment could take place. After local consultation and further advice from the Fisheries Department and the peak recreational fishing advisory committee, a revised management package will come into effect on 4 July 1997. The total package includes a bag limit of two pink snapper per angler in the eastern gulf with an increase in the minimum legal size to 50 centimetres and a maximum size of 70 cm. Western gulf fishing rules remain at a bag limit of four pink snapper per angler and a minimum size of 45 cm, with only two snapper over 70 cm.

An important component of this package is the introduction of a clearly marked no fishing zone around the main spawning area in the eastern gulf. A mixed bag limit of seven fish a person will apply to both the eastern and western gulfs to protect all species from shifting or increasing fishing effort. The local recreational fishing advisory subcommittee will be reformed as the Shark Bay regional recreational fishing advisory committee. An ongoing research program involving egg count surveys, trapping, trawling and tagging will provide valuable information on the state of pink snapper stocks. This revised package is possible due to the total closure having been in place for two months. This represents approximately one-third of the peak recreational fishing season in Shark Bay.

The scientific advice from the Fisheries Department is that the plan will provide significant protection for immature and large spawning snapper. The results of ongoing research on pink snapper will be available towards the end of this year and the Minister will review the package early next year.

TELECOMMUNICATIONS - INFRASTRUCTURE

Coordinating Group

572. Hon E.R.J. DERMER to the Leader of the House representing the Premier:

Some notice of this question has been given. I refer to a report in *The West Australian* of 18 June in which a spokesman for the Premier indicated that a coordinating group had been working for some time on the development of an approvals and disputes resolution procedure for the planning of high impact telecommunications infrastructure to be in place by 1 July.

- (1) Has the coordinating group developed recommendations for this approvals and disputes procedure?
- (2) If so, will the Minister table those recommendations today?
- (3) If not, why not, and on what date will the recommendations of this coordinating group be made available?

Hon N.F. MOORE replied:

I regret that I do not have an answer yet. Therefore, I ask the member to either ask the question next week or put it on notice.

SHOPPING CENTRES - EATON

Dispute

573. Hon J.A. COWDELL to the Attorney General representing the Minister for Planning:

- (1) Has there been any disputation between the Ministry for Planning and the Shire of Dardanup relating to the size of a proposed shopping centre on land in Eaton owned by Geoff Prosser or his associated companies?

If yes -

- (2) What was the nature of the dispute?
- (3) How was the dispute resolved?
- (4) Did the former Minister for Planning, Richard Lewis, request a formal inquiry, report or investigation into the conduct of the Shire of Dardanup and companies connected to Geoff Prosser over the development of this shopping centre site?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) On 6 February 1996 the Dardanup Shire Council granted conditional approval for the development of a shopping centre of approximately 12 000 square metres gross leasable area on lot 7, Eaton Drive, Eaton. The WA Planning Commission wrote to the Shire of Dardanup on 20 February 1996 expressing concerns with the reported development approval and requesting the council to provide an explanation of the situation. Principally, the concerns related to the size of the centre and the possible inconsistency with town planning scheme No 3 and planning policy documents affecting the area.
- (3)-(4) A series of meetings were held and letters written between council, the proponents, and the Minister for Planning during March 1996. The then Minister for Planning requested an inquiry into the council's actions, which was carried out by an independent person appointed from the Town Planning Appeal Committee.

TOURISM - COMMISSION

*Marketforce - Contract***574. Hon TOM STEPHENS to the Minister for Tourism:**

On 8 May the Minister informed the House that the State Supply Commission had given approval for the Western Australian Tourism Commission to appoint Marketforce to develop a long term brand position for Western Australia. I ask -

- (1) Did the WATC sign a contract with Marketforce to carry out that task?
- (2) If yes, when was the contract signed?
- (3) Did Marketforce carry out the task?
- (4) When was it completed?
- (5) What did the WATC pay Marketforce for this work?

Hon N.F. MOORE replied:

I was unable to obtain an answer to that question in the time available so I ask the member to place it on notice or ask it next week.

RESOURCES DEVELOPMENT - COMPACT STEEL PTY LTD

*Rockingham Land***575. Hon HELEN HODGSON to the Leader of the House representing the Minister for Resources Development:**

- (1) With reference to media reports of 22 May 1997, has the Minister reconsidered the option held by Compact Steel over land in the East Rockingham industrial park to develop a steel mill at that location?
- (2) If so, what is the Minister's current position on that development?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(2) I assume the member is referring to the media reports emanating from the article in the *Sound Telegraph* on 21 May 1997. Compact Steel's first right of refusal over land at the IP14 industrial estate has not been extended at this stage. However, should the company demonstrate significant progress on its project, the Minister would be prepared to reconsider the matter.

EDUCATION - DEPARTMENT

Agreement with ALHMWU - Career Structure for Education Assistants

576. Hon J.A. COWDELL to the Leader of the House representing the Minister for Education:

- (1) Was the Director General of Education in Western Australia, Ms Cheryl Vardon, briefed on the agreement reached with the Australian Liquor, Hospitality and Miscellaneous Workers Union on the implementation of a career structure for education assistants in October 1996?
- (2) Did the Education Department conduct a costing of the implementation of a career structure for education assistants agreed between the department and the ALHMWU in October 1996?
 - (a) If a costing was done at that time, or any other time, what are the details of this costing?
 - (b) If no costing was done, can the Minister advise why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The director general has no recollection of such a briefing, and the department has no record of any briefing being provided to the Director General of the Education Department of Western Australia concerning implementation of a career structure for education assistants.
- (2) The department has no record that a costing of the implementation of a career structure for education assistants was conducted in October 1996.
 - (a) A costing of the implementation of a career structure for education assistants was conducted by the Education Department in May 1997. As the matter is subject to ongoing proceedings in the Western Australian Industrial Relations Commission, it is not appropriate to provide details of this costing.
 - (b) Not applicable.

EMPLOYMENT AND TRAINING - NEW ENTERPRISE SCHEME

Funding

577. Hon RAY HALLIGAN to the Leader of the House representing the Minister for Employment and Training:

- (1) What program has been operating since 1984 to assist the unemployed to explore self-employment?
- (2) What funding has been allocated to the program for 1997-98?
- (3) Does the Minister see opportunities for this program to address the youth unemployment problem?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The New Enterprise scheme.
- (2) An amount of \$500 000.
- (3) Yes; however, the program is only one of a range of strategies available through the Department of Training and agencies funded by the department to address youth unemployment. Others include the very successful Joblink program, under which more than 40 agencies are funded to provide employment assistance. In addition, the school leaver program, administered by nine of the Joblinks, assists unemployed young people to find suitable employment, training or education placements.

HEALTH - NARCAN

Use by Ambulance Staff

578. Hon NORM KELLY to the Minister representing the Minister for Health:

- (1) Can the Minister verify the period for which the Narcan trial in ambulances will be conducted?
- (2) Will ambulance officers have the option of making either intramuscular or intravenous injections?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Six months.
- (2) Ambulance officers and paramedics will be permitted to administer Narcan only through intramuscular injections.

COMMERCE AND TRADE - WORLD MINING AND ENERGY GAMES

Funding

579. Hon TOM STEPHENS to the Leader of the House representing the Minister for Commerce and Trade:

With regard to the \$20 000 provided by the Department of Commerce and Trade towards the World Mining and Energy Games held in 1995 -

- (1) By what process was this money given?
- (2) When was the money given, and to whom?
- (3) Has the department contributed to any similar events and if so, which events?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The money was granted through the regional initiatives fund to help stage part of the event in a regional setting.
- (2) The funds were drawn through a cheque dated 1 July 1994, payable to the World Mining and Energy Games Pty Ltd.
- (3) The department has not contributed to any other similar industry based sporting events.

TAXIS - LICENCES

Peak Period Restrictions

580. Hon KIM CHANCE to the Minister for Transport:

Late last year restrictions were placed on peak period taxi operators, which imposed limits on the age of their vehicles and prevented them from servicing the Perth Airport.

- (1) How does the Minister justify the imposition of these restrictions, given that they were imposed after the operators had tendered for and bought their licences?
- (2) How many persons own more than one peak period licence?
- (3) How many licences does each of these multi-licence holders own?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) Age limits were reintroduced for all Perth's taxis as a result of concerns expressed by the taxi industry and the community. Wide consultation took place and some options were considered. We finally came up with the current age restriction.

Peak period restricted taxis were introduced to meet the demand for taxi services on Friday and Saturday nights, principally from Fremantle, Perth city and Northbridge. The condition to limit the peak period taxis from servicing the airport resulted from industry feedback and observations by Department of Transport officers that many of these taxis were observed waiting at the airport, when there was outstanding demand for taxis in other areas.

- (2) Three.
- (3) One person owns five peak period restricted taxi licences, and two people each own two peak period restricted taxi licences.

TELECOMMUNICATIONS - INFRASTRUCTURE

*Competition***581. Hon E.R.J. DERMER to the Leader of the House representing the Premier:**

I refer to the state government commissioned report "Telecommunications Deregulation - Is Western Australia Prepared", which states that the Government could encourage carriers and service providers to make available new services, expand existing services or change pricing by taking up those new services. Given the decision of Telstra to stop its cable roll out, will the Premier endeavour to foster true competition in the telecommunications industry by encouraging rival service providers to step into the breach created by Telstra's withdrawal?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. The Government is encouraging carriers, both current and new players, to provide cable infrastructure in Perth and towns throughout the State. It welcomes Telstra's roll out, which has passed more than 100 000 homes in Perth so far, and trusts it will continue. Telstra has not announced any decision to stop. However, Telstra's cable is being used solely for delivery of pay television, which is also available by satellite and wireless technologies from Galaxy.

The Government also welcomes the announcement by AlintaGas that it has selected Northgate Communications as its potential alliance partner for cabling Kalgoorlie. It is particularly pleased that in both cases all the cabling is underground, thus ensuring reliability of supply of the services carried on the cables.

Provision of cable infrastructure and services and their pricing are commercial decisions by the carriers and service providers, based on market forces. These services will be consumed by Western Australians when they are sound value for money. The same value for money basis applies to government decisions to take up telecommunications services and use them to supply government services to the public. The Government and the people of Western Australia welcome world competitive communications services, and encourage local industry to cooperatively meet the challenges this involves.

BUILDING INDUSTRY - CODE OF PRACTICE

*Breaches - Investigations***582. Hon TOM STEPHENS to the Minister representing the Minister for Works:**

I refer the Minister to page 12 of the building and construction industry code of practice.

- (1) Who is responsible for investigating any allegations of breach of the code?
- (2) Under what legislative provisions are these investigations conducted?
- (3) What role does the Minister have in the decision to -
 - (a) investigate an alleged breach of the code; and
 - (b) apply any sanction?
- (4) Does any other Minister have such a role?
- (5) If yes, which Minister?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The Building and Construction Industry Task Force is responsible for investigating any allegations of breaches of the code.
- (2) The investigations are conducted under the legislative provisions of any commonwealth or state Act of Parliament or any subsidiary legislation.
- (3) The Minister has no role in a decision to investigate any alleged breach of the code. He would consider sanctions recommended by agencies within his portfolio.
- (4)-(5) No Minister has a role in the decision to investigate an alleged breach of the code, but any Minister with the legal ability to purchase construction services could consider sanctions recommended by agencies within his or her respective portfolios.

FORESTS AND FORESTRY - PEMBERTON MILL

*Karri Logs from Regrowth Forest***583. Hon NORM KELLY to the Minister representing the Minister for the Environment:**

- (1) Does the Pemberton mill utilise any karri logs from regrowth forest?
- (2)
 - (a) If so, what amounts on an annual basis?
 - (b) What age are the logs?
 - (c) Where have the logs come from over the last five years, and from where are they scheduled to come over the next three years?

Hon MAX EVANS replied:

To answer this question requires detailed research and I therefore request that it be put on notice.

CINEMA COMPLEXES - JOONDALUP

*Contract - Selection Criteria***584. Hon BOB THOMAS to the Minister representing the Minister for Lands:**

Further to question without notice 560 of 18 June 1997, I ask -

- (1) What were the criteria used to determine which companies would be invited to express interest in operating the Joondalup cinema?
- (2) Which companies were invited to express interest?
- (3) Were any objections received to the selection process?
- (4) Who was responsible for determining the representation on the selection panel?
- (5) What were the names of the people on the selection panel and which companies did they represent?
- (6) Why was a public tender not called for this contract?
- (7) What role did the Minister, or staff from his office, play in letting this contract, and what was the name of the officer involved?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) All known operators were invited to lodge an expression of interest.
- (2) Grand Theatre Company, Greater Union Organisation Pty Ltd, Hoyts Cinemas, Coastal Cinemas, and the Reading Group.
- (3) Lakeside Joondalup Shopping Centre Joint Venture.
- (5)

Brian Armstrong	Armstrong Jones Management Limited
Barry Stockton	Armstrong Jones Management Limited
Ross Holt	LandCorp
Tony Morgan	LandCorp
- (6) Expressions of interest-negotiation process was considered the appropriate approach.
- (7) Following the completion of the selection process, the Minister for Lands' approval of the successful applicant was required under section 17(2)(a) of the Western Australia Land Authority Act. Ministerial approval was provided on 12 November 1996 to the authority's entering a heads of agreement contract with its joint venture partner for the operation of the Joondalup cinemas.