MOTION - CONDOLENCE
The Late Professor Gordon Reid - Former Governor of Western Australia

MR PETER DOWDING (Maylands - Premier) [2.17 pm]: I move -

That this House records its sincere regret at the death of the former Governor of Western Australia, Professor Gordon Reid.

In moving this condolence motion I would like, on behalf of the House and the people of Western Australia, to pay tribute to Professor Reid. Professor Reid's passing will be felt with a deep sense of loss by all who knew him and all those who came into contact with him while he performed his duties as Governor. His stamp on the office of Governor of Western Australia must surely be the way in which he performed his duties in such a compassionate and caring manner. Indeed, he became one of this State's most respected and popular Governors and brought to the office a sense of stability and warmth. Professor Reid's distinguished period as Governor from July 1984 until his retirement last month was preceded by an equally distinguished contribution in the workplace and service to this country.

Professor Reid was born in Sydney in 1923 and left school at the early age of 14 to become a telegraph boy. He served as a navigator during World War II and later joined the Public Service. Many members will be aware of his deep understanding and passion for the parliamentary system; as a young man this eventually led him to work in the House of Representatives, first as a reading clerk, then through a range of jobs until he became Sergeant-at-Arms. Following this he moved into the world of academia, and for six years he was senior lecturer in public administration and comparative government at the University of Adelaide and then was reader in politics until 1965. Eventually Professor Reid returned to Perth and became Deputy Vice Chancellor of the University of Western Australia in 1978.

There is no question about the man's authority and knowledge in the area of the parliamentary system. In 1983 he was commissioned by the Commonwealth Parliament to produce a history of the National Parliament. So it was in addition to his role as Governor that he continued the research and writing of the history. In May this year the Governor General, Bill Hayden, launched the result of that effort, Australia's Commonwealth Parliament 1901-1988: Ten Perspectives.

It was with deep regret that I accepted Professor Reid's early retirement. Ill health forced him to surrender his commission, bringing to an end the enormous effort and work he put into the office of Governor in bringing the community together. Western Australia was indeed fortunate in the contributions of Professor Reid and his wife Ruth. They brought a unique blend of dignity and sincerity to the office. The immense contribution of Professor Reid over the last five years added to the standing of the office of Governor in our community and I am sure that all Western Australians are saddened by his passing, will remember his great contribution, and extend their very warm and sincere condolences to his wife and family.

MR MacKINNON (Jandakot - Leader of the Opposition) [2.21 pm]: It gives me no great pleasure to be seconding a motion of condolence to the former Governor but I am pleased to be able to support the Premier's comments.

Professor Reid, as we all know, was Governor of Western Australia from July 1984 until September of this year. As the Premier indicated, he was a man who had a distinguished record as an ex-serviceman in the RAAF and I know that he had a great feeling for his service career. I saw him participate in many activities at the Air Force Association in Bullcreek, which is in my electorate, and he continued that type of participation until the end of his career.

He was an employee of the House of Representatives for 12 years, during three of which he
served as Sergeant-at-Arms. He was professor of politics at the University of Western Australia and latterly Deputy Vice Chancellor and, as the Premier indicated, co-author of Australia's Commonwealth Parliament 1901-1988, a major work in the Parliament's bicentenary publications project, which was launched by the Governor General in May this year. Having spoken to the former Governor, I know he was thrilled that the Governor General saw fit to launch that particular publication and at the manner in which it was supported by all political parties when it was launched in Canberra. His contribution in the areas in which he worked were many, and his awards and recognitions run to many pages but they do not really describe the man that he was. He was a very intelligent and thoughtful man, as I said a couple of weeks ago when we moved a motion in recognition of his contribution as Governor. Rarely, if ever, did I see him speak at a function where he was not very well prepared, had thought about the people he was speaking to and made a contribution that they remembered for a long time. Despite the importance of his office, he was a warm and approachable man who was approached by many. He and his wife became loved by thousands of Western Australians. As the Premier said, the manner in which he conducted himself in that office brought great respect to the office of Governor in this State. I know that he had a great feeling for the position of Governor and that he felt deeply the honour of being able to serve his State in that way. During his time he took his job very seriously indeed. We owe Professor Reid and his wife who supported him through all of that time, particularly during the short illness at the end, a great debt. I join with the Premier in supporting the motion and in extending our sincerest sympathy to his family on their very considerable loss.

MR COWAN (Merredin - Leader of the National Party) [2.25 pm]: The National Party joins with the Premier and the Leader of the Opposition in supporting this motion. I would like to confine most of my remarks to the interpretation of how we in the National Party saw Professor and Mrs Reid and the way they executed their duties while in office. There is no question that, as the Premier and the Leader of the Opposition have said, Professor Reid committed his life to a better understanding of Government through his teaching of the Westminster system, whether it be while he was teaching at the university or as an academic staff member, or when he was the Governor. He always placed great emphasis on the system of Government in his teachings rather than on electoral systems or the way in which party politics operated. For those reasons he was always considered by everybody in Western Australia to be a person ideally suited to the role of Governor. He carried that task of teaching to the people of Western Australia even while he was the Governor. We are very appreciative in the National Party of the emphasis he gave to country tours while he was the Governor. We are also very appreciative of the support given to him by Mrs Reid and the degree of naturalness that both the late Governor and his wife brought to the position. Because he regarded that position so very seriously and because he felt it was a position that belonged to the people Professor Reid commanded great respect from Western Australians. I will quote some of Professor Reid's own words when he was talking about the Governorship and the role that it played -

If the community belittles the office, they belittle themselves. The role of Governor is to sit centrally as the titular head of the system of Government, someone who is not party to the competition, a representative, but not a participant.

That is the attitude that he and Mrs Reid had towards that particular position. I am quite sure that the role of Governor is now seen by many people much more warmly and closely than it has been in the past. We join both the Government and the Opposition in this motion.

MR PEARCE (Armadale - Leader of the House) [2.27 pm]: I add my words to those of the leaders of the three parties in this House with respect to the former Governor, Professor Reid, and announce that as a mark of respect to him the House will not be sitting tomorrow.

MR THOMPSON (Darling Range) [2.28 pm]: Professor Gordon Reid was not born great; he became great because of his strength of character, his dedication, his humility and his warmth. I am sure that all Western Australians will join those of us in the House today and express their deep condolence to Mrs Ruth Reid who so ably supported her husband in the wonderful job that he did as Governor of Western Australia.

DR GALLOP (Victoria Park) [2.29 pm]: Whilst I was not a student of Professor Reid at the University of Western Australia from 1968 to 1971 I took an interest in the many public
lectures he gave on the subject of politics. I was only remembering last evening that, after one of those particular lectures, I was inspired to write an article for my annual Kingswood College magazine on the democratic system. That was the sort of influence that Professor Reid had on those who heard him speak on politics because he brought to that subject great passion and a great belief in the democratic system and the importance of preserving that system. Some years later I also had the privilege of working as a tutor with Professor Reid in the Department of Politics at the University of Western Australia. One was able to see in those days what a great academic leader he was. He was certainly regarded as being one of the two or three leading political scientists, not only in Australia but also in those nations which utilise the Westminster style of Government.

Professor Reid was an outstanding essayist. I have here my file, entitled "Professor Gordon Reid on the Australian Parliament", which contains a number of essays, all of which are classics on the subject of political science. Some of the titles are: "Parliament and the Bureaucracy"; "Australia's Commonwealth Parliament and the Westminster Model"; "Parliamentary Privilege; Keep the Courts Out"; "The Changing Political Framework" - an essay which won Professor Reid a prize; "The Parliament" - a published essay in a book called A Survey of Australia; and "Parliamentary Parties and the Bureaucracy; the Problem of Scrutiny and Control by Elected Representatives". While teaching the subject of politics, if I was ever to tell a student how he or she ought to write an essay, there was no greater model than the essays written by Professor Reid.

Underneath all those works was a great commitment to the parliamentary system; we can see the sources of that commitment in the 12 years that Professor Reid was a servant of the House of Representatives. He joined the House of Representatives after the war, and served in the following offices: Reading Clerk, Clerk of Papers, accountant, Clerk of Records, and, finally, Sergeant-at-Arms of the House of Representatives from 1955 to 1958. Before Professor Reid became an active academic in the political science area, he had learned about the forms of Parliament; he had studied the political process; and he had observed the politicians in the forum of Parliament. I believe it was that first-hand knowledge which brought to his works a wisdom which no other academic in the subject in Australia was able to do.

Professor Reid published five very good books on Australian politics; and I outline those works for the record: "The Politics of Financial Control The Role of the House of Commons" - which was his doctoral thesis from the London School of Economics, for which he was awarded a prize; Out of the Wilderness; the Return of Labor, coauthored with the journalist, C.J. Lloyd, which was an appraisal of the first months of the Whitlam Government; he edited a book of essays on the Western Australian election of 1974; he also edited a book called The Premiers of Western Australia, which was a study of 21 Premiers from 1890 to 1980; and, finally, he coauthored a magnificent book called Australia's Commonwealth Parliament 1901-1988, a book which is indeed a selection of essays on the major themes that operate when considering the parliamentary system.

In his works Professor Reid looked at the decline of Parliament in the political system. He held a great suspicion towards the judicial and Executive arms of Government. He also had a great belief in political participation and citizenship, and in the Federal system of Government. Indeed, one of the wisest things that he ever said to me, when reflecting upon the Whitlam Government, was that Gough Whitlam would have made a brilliant Premier of New South Wales because of his commitment to equal access to social capital. It was really the State Governments which had the ability to do the things that Gough Whitlam wanted to do in the political system. That commitment to the parliamentary system informed his works and, I believe, made him without question one of the pre-eminent political scientists in our nation.

After his career at the university, he moved on to become Governor of this State. I am sure all members would agree with me that in carrying out his duties as Governor, he set an example to us all - if only from the many very short speeches that he had to give as Governor, which, as other members of this Parliament have said, were classics, especially in the way they were researched. The very clear theme in his speeches was the community spirit that exists in our State, and I think that every member of the community who heard one of those speeches felt inspired afterwards.
I conclude my support for this condolence motion by reading from one of Professor Reid’s essays, in which he reflected upon the decline of the role of elected parliamentarians in our system, and asked the question, "Why is it that we use parliamentarians less in the sorts of inquiries that we conduct into the matters of State from day to day?" He said -

For example, why should the ombudsman be separated from them in the way he is? Why haven’t we had parliamentarians on the enquiry into the Public Service? Why shouldn’t parliamentarians be associated in some way with Administrative Tribunals or, preferably, with the proposed Administrative Review Council? And why aren’t parliamentarians given greater opportunity, and time, to scrutinise and amend proposed laws, reinforced by suitable advice and secretariat?

He went on to say -

The habit of isolating elected politicians from those processes, and this applies specifically to the law-making functions, sets up a descending spiral of increasing political incompetence. We act at present as if we hunger after leadership but wish that it would not be ‘political’. The implication of that preference is troublesome.

The former Governor and professor of politics was a great believer in the parliamentary system, in the role of the member of Parliament in that system, and in citizenship generally. I believe that commitment underpinned his time as one of the great Governors of Western Australia.

Question passed, members standing.

PETITION - GRAYLANDS HOSPITAL
Prison-Forensic Unit - Establishment Opposition

MR HASSELL (Cottesloe) [2.37 pm]: I present a petition in the following terms -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned respectfully showeth:

That the community is extremely concerned about Government plans to establish at Graylands Hospital a prison/forensic unit for mentally disordered offenders and persons who have committed serious offences but been found "not guilty" by reason of insanity, particularly because such unit will now be in the heart of a residential area and close to a public primary school and private college and therefore your petitioners humbly request that:-

(1) Plans to establish the prison/forensic unit be abandoned forthwith; and

(2) Any future plan to open a prison/forensic unit within a populous suburb and next to schools and playgrounds be fully discussed with and justified to the community and all relevant authorities and interests before such future decision is made.

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

The petition bears 24 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

[See petition No 84.]

Points of Order

Mr PARKER: Mr Speaker, I seek your guidance. Because there is no parliamentary sitting tomorrow, if I were merely to give notice today, then we would not be able to read the Bills until after the parliamentary recess. Is it within Standing Orders for me to move - with the consent of the Opposition, of course - the first reading today, and the second reading on Thursday?

Mr PEARCE: This course of action would - because we are not sitting tomorrow - give the
Opposition an extra week in which to consider these Bills. I have just asked the Leader of the Opposition whether it would be okay with him if we were to take the Bills to the first reading stage now, so that we could have a second reading on Thursday, and thereby give the Opposition an extra week; or to jump on Thursday from the first to the second reading. If the Leader of the Opposition does not want to do either of those things, the Opposition will have a lot less time to consider the Bills.

The SPEAKER: I shall assume that was merely some advice which might assist me in my deliberations. If the Deputy Premier feels it necessary to proceed further this week, the only alternative is to suspend Standing Orders.

MATTER OF PUBLIC IMPORTANCE - LIVING COSTS

Western Australian Families - Increase Alarm

THE SPEAKER (Mr Barnett): Earlier today I received a letter from the Leader of the National Party seeking to debate as a matter of public importance the increased cost of living faced by Western Australian families.

[Five members rose in their places.]

The SPEAKER: In accordance with the Sessional Order, half an hour will be allocated to each side of the House for the purpose of this debate.

MR COWAN (Merredin - Leader of the National Party) [2.47 pm]: I move -

That this House -

(1) expresses its alarm at the increase faced by Western Australian families in their cost of living and calls on the Government to give the most urgent priority to changing those of its policies that are contributing to the increasing inflation rate in Western Australia;

(2) condemns the Commonwealth Government’s high interest rate policy because of the impact it is having on small businesses, farmers and homeowners in Western Australia; and

(3) notes that the failure of the State Government to honour its election promise to restrict increases in its taxes and charges to no more than the inflation rate is a significant contributory factor to the recent increase in the cost of living faced by families in Western Australia.

As everybody knows, while the wording of this motion appears to be quite simple, its contents nevertheless go straight to the heart of those problems being faced by all Western Australians. The people in this State are suffering because the policies of the Labor Governments, both here and in Canberra, are forcing the cost of living beyond acceptable levels.

The release last week of the trade deficit, Consumer Price Index and inflation rate figures underlines the urgency of this motion. Australia’s inflation rate jumped to eight per cent. It must be noted that Perth’s inflation rate is half a percentage point higher than the average, and most of that comes from the fact that housing cost increases in this State have jumped alarmingly. However, in addition to that there have been other cost increases. For example, food costs rose 2.5 per cent for the quarter. On most occasions I would be delighted about that because I represent a group which generally produces that food, but the unfortunate fact is that most of those cost increases have not been passed on in terms of returns to the producer. They have been absorbed in some of the costs and charges, many of which have been appropriated or are being applied by this Government.

There is no question that the Commonwealth Government is playing a significant role in this high inflation rate and jump in the CPI. Much of that comes from the Commonwealth’s monetary policy in its endeavour to maintain very high interest rates for the purpose, I believe, of dampening down the economy, although I have not yet seen any dampening effect take place. Instead the Government, with its high interest rate policy, has achieved two things. Firstly, and very clearly, it has put the cost of housing at a level which is unaffordable to most Western Australians; secondly, those very people who are the creators of wealth in this nation are finding that most of their profits - their reason for being involved
in small business, in the creation of wealth - are being eroded by these significantly high interest rate charges.

Mr Speaker, I am sure you, like everybody else in this Parliament, would have received representations from budding home owners or from people who have been fortunate enough to acquire a new home, complaining about the increases in interest rates. It must be remembered that in the main that rate is 17.5 per cent, but I remind this House that the interest rate paid by the majority of small businesses - and, as I said, these are the people who create the wealth of this State - is something like five or six percentage points higher than that, and that is purely and simply because of the monetary policy being applied by this Government's Federal colleagues in Canberra. It is about time somebody other than just people - in other words, Governments - began to apply a little pressure to the Federal Government and remind it that its monetary policy is not working; that the Keating-Hawke attack on small business is succeeding wonderfully - it is destroying small business at a great rate - but it is time it did something about reducing interest rates because of the impact they have not only on home owners but also on the very people who, if they are given the opportunity, will do most of the work in turning around the trade imbalance to resolve some of the problems that relate to the economy of this nation.

Part (3) of this motion deals with the State Government's failure to honour its election promise. Everybody in this House knows that promise was that no State Government taxes and charges would be increased beyond the inflation rate, and I think it was generally accepted that the annual inflation rate was 7.5 per cent. If ever there was a selective application of a Government promise, this would have to be it. Before whoever responds to this motion gets to his feet I would be the first to concede that the charges for the consumption of electricity and water have been kept at or below 7.5 per cent.

Mr House: But what about the rural water rates?

Mr COWAN: Yes, that is just the general amount, but when we come to the application of charges for water designated as having a commercial use we find that the promise made by the Government was to be only selectively applied and that rates for commercial use of water and power and some of the fixed charges that are applied on an annual or quarterly basis by the various essential authorities have leapt to enormous levels. That is something for which this Government deserves to be condemned. There is no doubt in my mind that as a promise it is as hollow as any of the other promises that were made by this State Government and upon which, unfortunately, it was re-elected. Now the taxpayers and the people of Western Australia are beginning to understand the real worth of a promise made to the people of this State by this Government.

It is not just those charges and taxes for essential services; there are also other taxes which go far beyond the level of the inflation rate. They have been applied at a level which sometimes defies imagination. Let us look at some of them. Let us take fuel tax. I do not know what the actual cost of transportation is in relative terms of a person living in the metropolitan area, but if one lives outside the metropolitan area $1 in every $7 one earns is consumed by freight or transport charges, yet this Government, having promised that there would be no increases beyond 7.5 per cent, immediately decided that it would increase fuel tax from 4.17¢ per litre by 1.5¢ to 5.67¢ per litre. To my way of thinking that is an increase of 30 per cent, yet we had the promise that there would be increases only to the level of something like 7.5 per cent.

Mr Parker: But to take your analysis of the proportion of living costs, that increase of 1.5¢ per litre would have taken the $1 out of every $7 to which you referred - I do not know that is right but let us assume it is - to $1 plus 2.4¢; that is, a 2.4 per cent increase.

Mr COWAN: I hope the Treasurer does not try to sell that argument to convince this House that the Government has increased fuel taxes by 7.5 per cent.

Mr Parker: We did not say we would increase them by 7.5 per cent. We have not made any promises about those taxes.

Mr COWAN: That is the very point - the Government was being selective. At least the Treasurer is being honest.

Mr Parker: We were selective in our promises.
Mr COWAN: No, the Government was not. I am sorry I do not have them here but I could show this House a number of occasions where the Premier stood up and said, "We will promise not to increase taxes and charges by more than the inflation rate." That is what the Treasurer said; that is what his Premier said; yet what do we have? We have a fuel tax that has been increased by something like 30 per cent, and we have an increase in financial institutions duty of even more than that. It has gone from two cents to 3.5¢, which in my view is something like 60 per cent plus.

Perhaps that could be explained. Could the Minister explain how that comes within the 7.5¢, because the average family pays only $5 a month in financial institutions duty, and that will add only 0.24 per cent to the inflation rate or their general consumption costs. One cannot do it that way. People cannot be fooled like that. Very clearly this Government has failed to honour its promise. It was totally misleading during the course of the election campaign, and Western Australians are now paying the price. I did not produce these figures; they were produced by a reputable body, and they show that Western Australia has the highest inflation rate in the country. The Government has to accept some responsibility for that.

MR THOMPSON (Darling Range) [3.01 pm]: It is with pleasure I second the motion moved by the Leader of the National Party. I commend him for bringing this matter before the House. Clearly all Western Australians are worse off this year than they were last year as a result of the rising inflation rate. That impacts in so many ways on our community. It impacts on people who are on fixed incomes; they are the people who suffer because the dollars they have at their disposal buy less than they did previously. It also impacts upon business - and particularly small business - because of the competition that business people face.

I do not want to dwell on the impact the rising inflation rate has on the community; I want to point out to the Government some things which I believe are necessary to correct the situation. I concede at the outset that although Western Australia had the highest inflation rate in the country - and that figure was recently reduced - the State Government alone cannot address this problem. I call upon the State Government to use its influence with the Federal Government, which is of the same political colour, to try to redress the situation. Australia is living beyond its means. Australia has become lazy by comparison with other countries, and unless we very dramatically change that situation, we will continue on the slippery slide. Australia's standard of living by comparison with that of other countries has slipped dramatically. Ten or 15 years ago Australia was in the top three in terms of its standard of living; it is now something like 24 on that list. As the inflation rate continues to rise, all Western Australians should accept there is a real problem in this country and it is time for all sections of the community to come together to do something about the problem.

Mr Gordon Hill: The reality is the level of inflation increase has actually dropped over the period of time to which you have referred.

Mr THOMPSON: The level of increase may have dropped, but inflation is excessively high. One need only compare our inflation rate with that of other countries to know that Australia is in deep trouble. One need only look at the interest rates in Australia and compare them with the interest rates of countries such as Japan, Taiwan and the United States of America to know that we are in deep trouble.

We need to get interest rates down, to get the community back to work, and to lift the level of productivity to address the problems now confronting us. Recently I spoke to some economists and asked them how we should go about correcting the unacceptably high rate of inflation and get the unacceptably high interest rates down. The three economists each had a different proposition and it seemed to me that they were fiddling with the edges of the problem. Australians need to understand they have stopped working, being productive and competitive, and we need to address that problem in particular. The traditional approach of conservative Governments has been to say to the work force, "We are in trouble, so you have to work harder." We need to get the cooperation of management and labour to make the Australian work force more effective than it is now. I believe there is a tremendous amount of goodwill within the trade union movement to achieve that, but the confrontationist approach adopted over the years has resulted in there being an "us and them" syndrome. That situation has to be reversed. We all have to accept that Australia is in trouble and that we need to pull together in order to redress the situation.
One of the problems I see - and it was confirmed in the discussions I had with the economists - was that money invested in Australia is being invested in the wrong areas. One needs to look at the amount of money being invested in property development. That is a highly speculative market with high returns.

Mr Gordon Hill: And at the moment, in financial institutions.

Mr THOMPSON: That may be so. It is in the financial institutions or in the speculative, high rise developments. However, money is not going into those areas where it is needed. We need investment in factories and secondary industry. The State and Federal Governments should restructure their policies to channel the available money in this country into those areas so that we can start to correct the balance of payments situation. The balance of payments situation in Australia is abysmal, but nothing is being done by the State and Federal Governments to redress that. We need to adopt new policies; indeed the motion moved by the Leader of the National Party calls upon the Government to structure its policies to assist in reducing the level of inflation. I put as a positive suggestion to this Government - and hopefully to the Federal Government - that it start looking at ways to structure policies in order to channel money away from the highly speculative area of property development into the areas of producing factories and generating jobs. That would result in the creation of real, not phony, wealth. This high rise syndrome is producing phony wealth; we have a bundle of phony millionaires running around this country. We need policies that result in money going into areas of real productivity.

I was very impressed to read the report of the chairman of Bunnings, Dolph Zink, in this morning's *The West Australian* in which he said that Bunnings is not one of those high flying operators involved in the creation of phony wealth in this country. Bunnings is involved in producing real goods, and is selling them in this country and overseas. While it may not be one of the glamour companies on the board of the Stock Exchange, it has demonstrated over the years that the policy of producing real goods results in real jobs being produced. I think we need to emulate that company's policy. Australian industry and capital needs to become involved in that sort of activity, not the phony activity and wealth which we now see.

The money available in the community is being wasted. I think it is time this Government and the Federal Government started to consider that and looked at ways and means of putting money into the sectors of our economic activity which would result in a rise in real productivity and real wealth rather than in the creation of phony wealth.

Turning to the industrial relations scene, the trade union movement needs to have a very close look at the way in which labour is structured in this country. Management also needs to consider that situation. When one considers some of the trade practices that have been built into our industries and compares them with what has happened over the years one can see why productivity has fallen significantly and why the Australian economy has declined dramatically. A classic example of those trade practices was highlighted some years ago in the iron ore industry. But there are other areas of economic activity in Australia where those unacceptable practices are in place. I do not blame the trade union movement entirely for the implementation of those practices because to a large extent the situation has been by brought about by lack of foresight on the part of management. A tripartite process has been instituted by the present Government and by preceding Governments to sit down and consider ways and means to ensure the work force becomes a more viable and more productive unit.

I am happy to support the motion. I congratulate the Leader of the National Party on raising an issue that is of concern to all Australians, but particularly to all Western Australians. We should concentrate more in this House on presenting issues such as this and trying to find positive answers to the problems that confront us.

MR PARKER (Fremantle - Deputy Premier) [3.12 pm]: Needless to say, for a number of very good reasons, the Government does not support the motion moved by the Leader of the National Party. Firstly, there are a number of inaccuracies in the motion, and in many cases the position purported in the motion to be that of the Government is not in fact the Government's position. Secondly, while we would not want to say that by any stretch of the imagination the current inflation rate or overall Australian economy is anything to write home about, the mix of policy prescriptions being adopted - with some exceptions, by the Commonwealth Government and in different areas by this Government - is that which is best able to deal with these matters. The alternative policy prescriptions put forward by some of
our opponents, particularly in the Federal sphere in recent times, are not the strategies which should be adopted in order to overcome the undoubted economic problems of Australia. The fundamental economic problem faced by Australia over the last few decades, particularly in the period since the war, is that as the world economy has become increasingly internationalised, the reducing ability of individual countries to dominate areas of activity and their own production has had a great effect on the world market. I refer to the declining ability of the American motor car industry to dominate motor car production, and to the former ability of the American and European steel industry to dominate in the same way. These changes are partly to do with technological change, transport, and the changing world scene together with a long period of peace time. Thus the opportunities for individual industries to operate within their own bailiwick has become increasingly broken down.

In parts of the world such as the United States of America, Canada and Europe - and in other parts of the world such as Asia, which are newly growing - these restrictions have been broken down. So, due simply to the fact that they are required to do so, policy-makers in those countries are forced into a position of freeing up their economies and allowing greater competition. The fundamental problem in Australia is that competition has not been faced up to across a whole range of areas - either because of the way the economy has grown up or because of the pleadings of special interest groups ranging from farmers through to manufacturers, trade unions and so on. The pleadings of those special interest groups coupled with our relative isolation from the rest of the world has meant that policy-makers in Australia in the past have not freed up the Australian economy in a similar way. We have been shielded from having to do that for many years. The impact of that policy was to some degree hidden from us by virtue of the fact that during the 1950s and the 1960s the boom in the primary commodity markets, the agricultural and resources sectors - which were largely due to the changes to which I refer - allowed some sectors of our economy which operated on a reasonably competitive basis to grow and develop. Those sectors were able to supply the demand from international markets in a way which bolstered exports and thus masked the fundamental trade imbalance suffered by Australia. I refer to the mining industry and some sectors of agriculture. Because of special pleadings the manufacturing sector was allowed to continue in a highly uncompetitive way; but eventually the chickens had to come home to roost. Eventually it had to be that in an increasingly internationally competitive world the non-competitive areas would fall by the wayside.

Mr Wiese: Does that apply in the case of Kodak?

Mr PARKER: I will come to that. One of the problems was that our industries were not the subject of targeted assistance or planned activity in order to ensure that certain strong areas grew and developed; instead, general overall levels of protection were erected for a whole range of industries. This added to the cost burdens for the rest of industry in Australia and for the community as a whole. At the same time we had a financial market which was very highly structured and protected. It was a conservative market, not willing to respond to the demands of those sectors of industry which were willing to deal.

We should consider the mixes of policy measures and prescriptions which have been followed around the world in the last few years, particularly the three Anglo-Saxon countries mentioned. I accept those countries are not entirely Anglo-Saxon, and I apologise to my friends in the ethnic community, but in general terms, one could describe Australia, the United States and Britain as being Anglo-Saxon. Certainly we could describe those countries as being culturally Anglo-Saxon in terms of their political manoeuvring. The mix of policies followed by those three countries in the last six or seven years have been virtually identical. That mix has ensured a freeing up, firstly, of the financial system; secondly, of competition within various areas of industrial and trade activity; and, thirdly, of the opportunity for foreign investment to come in and take up the opportunities presented by the increased competitiveness created by the freeing up of the economy.

However, other countries have followed a different mix of policy prescriptions. Germany, Japan, and countries like Korea and Taiwan, have in many cases highly competitive industries, but the policy mixes have been substantially different. Two of the three Anglo-Saxon countries which I have identified have had some success in what they have sought to achieve, but in the ultimate they have been faced with some of the same problems. It is not accidental that Australia and the United Kingdom face similar issues at the moment such as almost identical interest rates and balance of payments problems.
Mr Clarko: The rates are not the same.
Mr PARKER: There is a difference of a couple of per cent.
Mr Clarko: It is 15 per cent in the UK.
Mr PARKER: The 15 per cent there is equivalent to 17 per cent here.
Mr Clarko: A businessman pays 20 per cent and has a base for an overdraft of more than 22 per cent.
Mr PARKER: The 15 per cent the member for Marmion cites -
Mr Clarko: This is an extraordinary period for them; the rest of the time they have half the rate we do.

Mr PARKER: I reveal to the member for Marmion that the business discount rate which is applied by the Bank of England - as of three weeks ago - stands at 15 per cent. It is something it has already done and not something it is talking about, and this relates to the 20 per cent referred to earlier. The leader of the National Party spoke about the 17 per cent and said that businessmen were paying more than that - I agree with that. However, I am not prepared to tolerate the constant prattle from the member for Marmion because I accept that 17 per cent here means that a lot of people are paying 20 per cent or 21 per cent, but the 15 per cent figure in the United Kingdom also means that a lot of people are paying 19 per cent. Therefore, the same situation applies.

These are the results of similar policy prescriptions in the UK and Australia in terms of balance of trade issues, interest rates and CPI figures which are virtually identical. During the period when people like Mr Peacock was a Federal Minister and Mr Howard was Treasurer a marked differential existed between the CPI in Australia and the CPI in the UK. At that time the inflation rate in Australia was in excess of 10 per cent, and about 6 per cent in the UK. The figure for the United States was considerably better, and the reason for that was the extraordinary competitiveness in the manufacturing sector in the United States which has access to a much larger market partly due to the foreign policy objectives it pursued successfully over the years. Also, it has a huge domestic market and a business in the US making bottle tops, suits or anything else would handle hundreds of thousands, if not millions, of items in a decent order. The competitive spirit and opportunities in America resulted in a diminution of the inflation rate - although not in the balance of trade - and a whole range of other areas such as job growth.

Australia has had substantial economic growth over the last four or five years which has well exceeded the average economic growth in the previous years of conservative Government in this country. Countries such as Germany and some of the Asian countries have had greater economic growth than Australia as a whole, but Western Australia has had spectacular economic growth greater than the OECD average, and greater than the British and American equivalents. This came about in the last few years due to a variety of factors including our successes in downstream processing of minerals, in mineral production and in certain sectors in the agricultural industry and a favourable period in the commodity price cycle. These have enhanced the competitive processes of Western Australian industry which has not grown up behind a protective barrier. Western Australia has been able to take advantage of international opportunities because of this - which was stimulated in certain areas by the Government - and has been able to move ahead and develop projects like the Rolls Royce turbine blade plant and the silicone industry at Kemetron. These industries have contributed to the substantial economic growth in Western Australia and to the development of export opportunities for the State.

In other parts of the world the mix of policy has been very different to those in the countries to which I have referred. Looking at Japan, Taiwan, Germany and Korea, one sees that none of those countries has been afraid to move for selective, intelligent and confined areas of Government stimulus of the economy.

The SPEAKER: Order! I do not know whether members heard me call for order or deliberately ignored me. Nevertheless, I would not mind a little quiet.

Mr PARKER: The countries to which I refer have adopted these policies, and I have some sympathy with the comments of the member for Darling Range in that the Commonwealth Government's policy has been deficient in concentrating entirely on the level playing field
idea prevalent in economic circles in the last few years. Similar policies were implemented in the United Kingdom and the United States. The policies of concentrating on a level playing field, such as reducing debt and taxation and improving the fiscal position of Government, are all laudable objectives, and these have been attained to a greater extent in Australia recently than the previous Federal Liberal Government achieved. It was only a few years ago that the 60¢ in the dollar tax rate applied and we had a 49¢ in the dollar corporate tax rate and a $9 billion Budget deficit. Now we have a $9 billion surplus and a top personal tax rate of 47¢ in the dollar - that is of 1 January - and a corporate tax rate of 39¢ in the dollar.

No-one can deny that the Commonwealth Government has been spectacularly successful in comparison with its predecessors. The area in which the Government has not performed adequately is not in ensuring the level playing field notion - which everybody adheres to until changes are sought to suit themselves - but that it should have intervened to stimulate certain areas of the economy as was suggested by the member for Darling Range. This could have been done through grants, low interest rates, export assistance opportunities and things of that nature but, unfortunately, the Anglo-Saxon policy makers seem to have been grabbed by the economic rationalists whose views on this prevail. I raise the point referred to by the member for Wagin regarding the decision taken by the Commonwealth to provide some assistance to Kodak - the details of which are not public, and as I am not privy to the decision, I refer to what I have read in the newspapers. The decision attracted comments from Mr Howard in his newly restored role, in which he stated that the Government should attend to macro-economics and not support private industry. This policy was not adhered to in the time he was Treasurer and has been implemented much more successfully by the current Federal Government. He claims that should not be done.

I agree with the explicit comments made by the member for Darling Range and the implicit comments made by the Leader of the National Party in relation to export-oriented industries - that is, wealth producing industries and not property speculation. Talking about attraction to property speculation, the non-application of a capital gains tax has the biggest single impact on property speculation. Yet, the Federal Opposition is now talking about abolishing a capital gains tax which was introduced, with my support, by the Federal Government. Putting aside all of the antisocial measures that such abolition would encompass and which have been clearly explained by the Federal Treasurer, one of the very large impacts that the deletion of a capital gains tax would have would be on the property market, by encouraging people to take money out of productive enterprises and putting it into such things as property speculation.

I agree with the criticism that the mix of policy prescriptions undertaken by the Commonwealth Government would be better added to by specific, targeted, carefully controlled measures to assist sectors of the industry that are wealth producing and that have the capacity to contribute to the economic success of the country. That has not been done in Britain, America or Australia, but it has been done in Germany, France and Italy and in most, if not all, of the Asian countries that I have mentioned.

The other point I wish to raise relates to the specifics of the motion. First, the Western Australia inflation rate is not 8.5 per cent, nor 0.5 per cent higher than the national rate. In fact, according to the Australian Bureau of Statistics, the national rate is eight per cent and the Western Australian rate is 7.8 per cent. What the Leader of the National Party said about WA's rate being higher is untrue; it is not a matter of fact.

Secondly, the Leader of the National Party made comments about the family pledge. I can deal with that by revealing, as I did in question time last week, that 0.16 per cent of the 7.8 per cent that applies as an inflation rate in Western Australia relates to increases in State Government taxes and charges. That compares with New South Wales where 0.34 per cent is contributed to that State's inflation rate and is more than double due to increases in that State's taxes and charges.

As I said by way of interjection, if for the moment we put aside the specific terms of the promises made and take the analysis that the Leader of the National Party made whereby he indicated that $1 out of every $7 was spent by rural people on transport, the increase in the fuel excise levy was 2.4 per cent in terms of the impact that it had on the motorist. Acceptance of his figures of $1 out of every $7 would mean that approximately $1.03 would be the new figure as a result of fuel increases.
I have in front of me a copy of the Premier's speech when presenting our election policies. I have also a copy of advertisements on that speech. The promises were very specific. The Premier said -

My Family Pledge on Family Living Standards is this.

The real costs of electricity, gas, water, driver’s licences, city and country bus and train fares will be cut to below the inflation rate for the next 4 years.

The cost of registering a car will cut by at least $20.

The Premier went on to talk about education allowances. Nothing in that pledge or the policy speech refers to "all" taxes. The advertisement also did not refer to other taxes. Under the heading, "The future for families", the advertisement states -

Electricity, Gas, Water, Driver’s Licences, City & Country Bus & Trains Fares will be cut to below the inflation rate for the next four years.

Even with that, as I have said, the changes that were made to the fuel franchise levy increase the cost of petrol by about 2.4 per cent only as to their impact on families whether we included them in our pledge or not - and we did not.

The Government can take a lot of pride in the economic record of this State and in the way its stewardship of the State has proceeded. I believe that, while there is room for variation - I accept there is room for variation in the policies followed by the Federal Government and by this Government, and we are constantly revising and varying our policies and we have announced many in the last few weeks - there is room also for this House not to accept the motion moved by the Leader of the National Party. I propose, therefore, to move an amendment.

Amendment to Motion

Mr PARKER: I move -

To delete all words after "House", with a view to substituting the following -

(1) notes that the contribution made by increases in Western Australian State Government charges to the State’s CPI is less than the national average;

(2) commends the State Government for implementing policies to achieve this result;

(3) calls on the Commonwealth Government to ease interest rates as soon as it is economically responsible to do so;

(4) applauds the State Government for fulfilling its commitment to keep State increases in taxes and charges that impact on family budgets to below the rate of inflation.

MR LEWIS (Applecross) [3.38 pm]: The Opposition will not support the amendment because it removes absolutely the intent of the original motion. The Liberal Opposition believes that Mr Keating and Mr Hawke have lost touch absolutely with ordinary Australians. They are so far removed from them that they do not know what is going on in the suburbs. The Treasurer and Premier have lost touch also with ordinary citizens in Western Australia. They do not know also what is going on in the suburbs.

Twelve months ago, there were 1 900 housing starts a month in Western Australia; today that figure is about 750. What does that mean for the future of all Western Australians who desire to get into their own homes? They know now that it is impossible for them to buy a home of their own. Inflation is driving interest rates up and has exacerbated the situation further. The average housing loan in Western Australia is around $60 000. Interest rate increases in the last 12 to 15 months have taken $50 per week more from the average family household. They cannot afford that. Interest rates of 22 per cent for small businesses are unsustainable. It cannot afford to pay those rates to the banks.

The motion indicates that this Government has not been sympathetic to the public in the light of what is occurring in the Federal arena. It operates on another plane and does not realise that businesses, farmers and householders cannot afford to pay these extraordinary high interest rates which they are being forced to pay. That lack of sympathy resulted in this...
Government introducing an extremely severe Budget which will affect the business community of Western Australia. It has increased financial institutions duty by 70 per cent and the fuel franchise levy by 36 per cent to 40 per cent. Payroll tax has also increased. Rates of stamp duty should never have been increased because the natural process of growth in the economy in this State would have lifted the vast amounts of money that the Government receives without those increases.

As I have suggested, this Government is totally out of touch with what is going on in Australia. We listen every day of the week to the Government's bandaid measures in an attempt to sort out housing problems by increasing density and making houses and blocks smaller. That is no solution to the fundamental problem. The problem is that people are being forced to pay high interest rates by the Federal Treasurer and an irresponsible Federal Government. They have lost touch absolutely and have no understanding about what their economic policies are doing to all Australians. I suggest that, in a little over six months, the electorate of Australia will pass sentence on the Federal Government because Australians cannot afford to go on paying these exorbitant high interest rates. Interest rates in Japan include a prime rate of 4.5 per cent and a housing rate of six per cent.

Australia cannot possibly hope to get out of this recession if the policies of this country keep interest rates as high as they are. The hard cold fact is that since 1980 the gross overseas debt of this country has increased from $9 billion to around $140 billion. That is the reason the people of Australia are paying some of the highest interest rates in the world. The Federal Government has accepted and adopted a policy of living on borrowings, and this nation cannot afford to keep borrowing to maintain a standard of living which the productivity of the country cannot sustain. The whole reason for these exorbitant interest rates is that the borrowings of this country are out of hand. The people of Australia have only one salvation; to re-elect a conservative Government, so that the interest rates of this country will be reduced as soon as possible. Otherwise the whole nation will go down the gurgler as quick as a flash.

MR HOUSE (Stirling) [3.44 pm]: The National Party cannot support this amendment. The self-congratulatory first few remarks in the amendment are absolutely unbelievable. I am amazed that this State Government should want to associate itself with the Federal Government to the extent of comparing their performances. There is certainly no gain for the State Government in doing so. The National Party agrees that we should call on the Commonwealth Government to reduce interest rates as soon as possible; and that should be very soon indeed. If this country is to survive and prosper - and particularly the rural people whom I represent - those interest rates must be reduced in the near future. The average person in rural areas cannot afford to pay interest at the rates imposed by this Government.

MR DONOVAN (Morley) [3.45 pm]: I support the amendment moved by the Treasurer and in doing so indicate that I obviously oppose the original motion moved by the Leader of the National Party. However, it is at least refreshing that this matter of public importance deals with an issue about which members of the National Party feel some concern, as opposed to the usual matters of public importance raised in this House dealing with heads and how best to axe them. I commend the Leader of the National Party on that point.

However, that is the limit of my applause for the motion, and the beginning of my agreement with the Treasurer's amendment. I refer to the comment by the Deputy Leader of the National Party that he finds this amendment absolutely unbelievable. Why is it unbelievable to congratulate a Government that has done, or is in the process of doing, what it set out to do? It is appropriate sometimes to acknowledge when a Government is doing what it sets out to do, and there is no question that the principal weakness of the original motion moved by the Leader of the National Party is that it targeted the Government's treatment of the family. No unit in the community of Western Australia has been targeted more for positive policy implementation, and positive financial and other assistance, than the family in Western Australia.

Several members interjected.

The SPEAKER: Order!

Mr DONOVAN: It is interesting to note the interjections from members opposite because when the original motion was moved as a matter of public importance, no members of the
Opposition initially rose in support, and when they did they only did so reluctantly. The Treasurer has outlined the economic and fiscal facts involved. He has also pointed to the growth of the Western Australian economy which Liberal Governments were not able to achieve in the past. The original motion asserts that the State Government has broken its promises, and the amendment quite appropriately points to the Government’s implementation of policies to achieve a fairer situation in this State. That is why I began by saying it is appropriate to applaud the Government. The amendment points to some of the obvious gains for families. It did not try to escape, and neither did the Treasurer, the fact that people are finding it difficult, that interest rates at the Commonwealth level do increase the burden, and that everybody on this side of the House, such as the Treasurer, will be calling on the Federal Government to reduce those interest rates when it is responsible to do so. It should not be done at the cost of unemployment or of sending this country down the tube. I remind the House that the real picture is that in every year from 1984 to 1990, State Government charges have decreased from just under $37 to just under $31; with the exception of 1987, when there was a very slight increase over the preceding year, but the increase in charges was still below the inflation rate.

Mr MacKinnon: Where have you been the last few years - on the moon?

Mr DONOVAN: That is not on the moon; those figures are available for members opposite to pick up and read. Members opposite argued that the Government’s promise has been broken because it does not embrace relief to business. I point out that the logical conclusion to that argument is that Government does not tax business at all - at a time when business is saying it is profitable, and at a time when wages are being kept consistently low. I agree with the member for Darling Range about the problems of productivity. I put it to the House that at least part of the problem of productivity has to do with investment decisions made by those people whom members opposite want us to leave alone.

Amendment (words to be deleted) put and a division taken with the following result -

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<th>Ayes (29)</th>
<th>Noes (25)</th>
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<td>Mr Marlborough</td>
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<td>Mrs Beggs</td>
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<td>Mr Cowan</td>
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Amendment thus passed.

Question (words to be substituted) put and passed.

Motion - as Amended

Question (motion, as amended) put and passed.
BILLS (2) - INTRODUCTION AND FIRST READING

1. Coal Mines Regulation Amendment Bill
2. Mining Amendment Bill (No 2)

Bills introduced, on motions by Mr Carr (Minister for Mines), and read a first time.

TOBACCO BILL
Second Reading

MR WILSON (Dianella - Minister for Health) [3.56 pm]: I move -

That the Bill be now read a second time.

The Government's intention to introduce comprehensive legislation to reduce smoking and promote health has for several years been part of its policy. This Bill fulfils policy goals and objectives held by this Government since it came into office in 1983, with a strong commitment - vigorously championed by the then Minister for Health, Hon Barry Hodge - to reduce smoking in the community. The current proposals reflect recommendations made by the World Health Organisation, the International Union Against Cancer, the Australian Medical Association, and many other authoritative international and national health agencies.

The background to this Bill can be simply set out. Smoking is the largest single cause of preventable death and disease in the community. Each year it causes 23,000 deaths nationally; and more than 1,700 in Western Australia. These people die from lung cancer, heart disease, bronchitis, emphysema, and many other conditions. Smoking is responsible for much ill health and suffering to smokers and their families. It is also a drain on the economy. Reliable estimates show that the cost of smoking through health care costs, absenteeism from work, and other factors was, even in 1984, well over $2.5 billion in Australia, and upwards of $200 million in Western Australia. This year the health care costs of diseases caused by smoking will be $112 million, rising to $146 million in 1992-93.

The younger people are when they start to smoke, the greater will be their risk of contracting diseases caused by smoking; and, tragically, more than 80 per cent of smokers start their habit while they are still in their teens, or younger. In this State, approximately one quarter of young people are smoking regularly by the age of 15, well before they can understand the dangers of smoking or its addictive properties.

Members of this House are rightly concerned about problems such as illicit drug use and AIDS. The Government can be proud of its record in these areas; in 1986 there were only 38 deaths from the use of illegal drugs, including opiates, barbiturates, tranquillisers and sedatives; and in 1988 there were only eight deaths from AIDS. Smoking causes more than 1,700 deaths each year. This is a problem we must attack with at least equal urgency. In response to the epidemic of diseases caused by smoking this Government has long been regarded as a leader nationally and even internationally. In 1983 we established the smoking and health project, which speedily became known as the Quit campaign. We have also been in the forefront of national initiatives to improve labelling on cigarette packs and prevent use of smokeless tobacco from engendering the same problems here that it has done overseas.

The work of the Quit campaign against formidable opposition has met with remarkable success. Smoking is declining amongst adult males and females, and even amongst young males. Regrettably, but hardly surprisingly in view of the way tobacco advertising has targeted this group, smoking is still increasing amongst young women. During the period of the Quit campaign more than 120,000 adults have given up smoking. At a conservative estimate, and discounting its impact on young people, the Quit campaign has been responsible for preventing the premature deaths of more than 7,000 Western Australians. It is a reflection of this State's reputation that materials from our Quit campaign are in use in every other State, and several countries; and Western Australia was selected from 10 contenders to host the next World Conference on Tobacco and Health, which will take place in Perth in April next year.

But all this activity has been in the face of continued promotional activity by the tobacco manufacturers, whose advertising budgets are vastly greater than ours. Tobacco advertising has been cynically and ruthlessly directed to all sectors of the community, and particularly in
recent years towards women and young people. Cigarettes are advertised not only through advertisements and hoardings, but also through sponsorship of sport and the arts, and a wide range of other outlets. The cigarette companies, all now controlled from outside Australia, have become adept at finding ways of circumventing restrictions, and continue to advertise cigarettes in a manner designed to present them as an attractive and essential adjunct to a normal and healthy lifestyle.

The tobacco companies claim that their advertising is designed to affect only brand share - a claim properly described by the Prime Minister of Ireland as "idle, useless, silly, and nonsensical", and contradicted on occasion even in the tobacco industry's own trade publications. For example, the magazine Tobacco International asserted in 1987 that, "The rise in cigarette consumption is basically due to advertising". A spokesman for the Gallaher Tobacco Company has commented that sports sponsorship, "is a form of advertising which enables us to introduce glamour and excitement"; and the General Manager for Hong Kong of British American Tobacco, which now runs the Wills Tobacco Company in Australia, said of sponsorship, "We are not handing money out for nothing. We have gone into this very thoroughly and the entire JPS (John Player Special) publicity is built around the motor racing scene as a fast, exciting, trendy sport for the young . . ."

Despite this, the tobacco companies claim that their advertising is not directed towards young people. I doubt if anyone seriously believes this. Of course, they have to replace smokers who are giving up or dying. There is ample evidence from around the world that children notice and are influenced by cigarette advertising and sponsorship. If anyone were in any doubt about the way cigarette advertising targets young people, they need only have attended the recent Royal Show at Claremont Showgrounds, where they would have seen children queuing up for rides on the Winfield chairlift. Currently in Western Australia more than 100 000 school children are regular or experimental smokers. If we allow present trends to continue 54 000 young people now under the age of 19 will die prematurely because they were smokers.

The tobacco industry and its supporters also argue that voluntary codes will suffice to control cigarette advertising. There is again overwhelming evidence to show that the tobacco manufacturers simply cannot be trusted to adhere to voluntary codes. The position on voluntary codes can be summarised as follows: "If we were starting fresh, I would say the first line of action would be industry self-regulation of advertising. But we have witnessed a charade of self-regulation for some years. The codes of self-regulation have been largely ineffective, and I see little hope for change". These words are not mine but those of the late Senator Robert Kennedy in 1967. His comments are as true now as they were then, when he also called for an end to cigarette advertising with the ringing indictment, "The cigarette industry is peddling a deadly weapon. It is dealing in people's lives for financial gain".

Small wonder, then, that there have been calls for further action. The Australian Medical Association and many other bodies have urged this Government to take even stronger action, and we have been impressed by the representations made to us. We have been impressed also by the pioneering legislation introduced first in Victoria and then in South Australia which provides a solution to the problem of how one phases out cigarette sponsorship of sport without depriving the sponsored sports of the funds on which they have come to rely. This Bill at last ensures that we have in Western Australia a comprehensive approach to reducing smoking, as well as providing for substantially increased funding in areas where it is much needed.

I will set out briefly the main features of the Bill in two main categories - controls relating to promoting and marketing tobacco products, and the establishment of the Western Australian Health Promotion Foundation.

First, controls relating to tobacco products. This Bill introduces a phased-in ban on tobacco advertising in most places. The Bill will prohibit the display of tobacco advertisements in public places, cinemas, and other places of entertainment; distribution to the public of leaflets and similar documents, and of objects such as cigarette lighters containing tobacco advertising; and the sale or hire of objects such as videos that contain such advertising. As a result, advertisements on billboards and in similar public places will ultimately be prohibited.

Advertisements in the print media will not be banned. This is primarily because a ban on tobacco advertising in the print media would, for constitutional reasons, require
implementation nationally rather than in a single State. The Bill does, however, provide that
advertisements for tobacco which are contained in print media that are printed, produced and
distributed in Western Australia may not depict people. I understand that the tobacco
industry has, at least in theory, agreed to this particular measure on a voluntary basis in other
States, so it should have no objections to its being a legislative requirement in this State.

Although cigarettes may not be advertised in public places, shopkeepers may advertise their
tobacco wares appropriately inside their stores. The Government will phase in restrictions on
outdoor advertising from 12 months after the Act is proclaimed early next year through to
December 1993. We have discussed these issues with the main outdoor advertisers and given
them appropriate assurances. The phasing in arrangement will include restrictions on paper
posters and illuminated signs. The legislation provides that there is sufficient flexibility to
meet the commitments we have given to the Outdoor Advertising Association of Australia,
and to preclude any hardship for this industry. I should also note our commitment that some
of the billboards which currently carry tobacco advertising will be replaced with health
advertising. This has occurred in both South Australia and Victoria, where some hoardings
carry the message, "This poster has given up smoking, and it feels great".

Distribution of free samples will be prohibited under the Bill immediately, and competitions
promoting tobacco will be prohibited after six months.

The legislation bans tobacco sponsorship of sport, the arts, and similar activities. This ban
does not apply for 12 months to contracts of sponsorship entered into before the Act comes
into force, or if an exemption is granted. Clause 15 provides for exemptions in relation to
sponsorship and advertising of tobacco products generally. Exemptions may be provided for
events of national and international significance. These exemptions will be granted by the
Minister for Health following consultation with the Minister for Sport and Recreation or the
Minister for The Arts, as appropriate. The exemptions will not be lightly granted but will
ensure that sports such as cricket, where there are events of clear national and international
significance, and horseracing, which is of little appeal to children, can receive appropriate
consideration.

The Minister may also grant exemptions at his or her discretion where significant hardship
would result from the application of the advertising and sponsorship ban. These hardship
exemptions can be granted up to the end of 1993. Particular reference will be given to
arrangements in force before the Act was proclaimed, for which exemptions will be available
in cases of hardship. However, hardship to tobacco manufacturers or wholesalers will not be
a criterion for exemption.

I will discuss replacement of tobacco sponsorship by the Health Promotion Foundation
shortly. Present legislation covering labelling of tobacco products and their health warnings
is incorporated into this legislation. The Bill also, however, makes it an offence to sell
cigarettes loose, or in packets of less than 20 as these are particularly attractive to young
people. This comes into force after six months. The current law in this State prohibits sales
of tobacco products to persons under 18 years of age. In this, Western Australia is unique; in
all other States the minimum age is 16. The 18 year provision in Western Australia makes
this legislation particularly difficult to enforce and to justify in a society where young people
are maturing ever earlier. The Bill therefore reduces the minimum age for sale to 16 years,
but increases the penalty for illegal sale to minors from the present outdated $4 to $1 000.
This will come into force immediately.

Vending machines containing tobacco products will only be permitted on premises licensed
to sell liquor, or in staff amenities set aside for persons over 16 years where they will have to
be clearly labelled with appropriate health warnings. This provision will apply after six
months. Present laws which prohibit sale of smokeless tobacco, with certain exemptions, are
to be incorporated into the Bill unchanged through regulation. The Bill also bans after six
months the manufacture and sale of confectionery resembling tobacco products. This is an
issue on which we receive many complaints from parents and teachers. As noted above,
exemptions may be provided under clearly specified conditions, taking into account particular
circumstances relating to events or hardship to persons other than tobacco manufacturers and
wholesalers.

Penalties for breaches of the Act will be substantial, and include provision for daily penalties
to be imposed for continuous breaches. The penalties are up to $5 000 fine for an individual, and $20 000 for a body corporate, for a first offence, with maximum penalties of $10 000 for individuals and $40 000 for bodies corporate for subsequent offences. Surveillance of the Act will be carried out not by any new bureaucracy, but with the assistance of health surveyors. We will discuss this aspect with local government, and I am already advised that health surveyors are in general very willing to provide assistance in this regard.

The second major component of the Act relates to the Western Australia Health Promotion Foundation. This is one of the most exciting developments in the health arena for many years, and much credit is due to those who in Victoria initially developed such a proposal. I might also note that equal credit is due to the politicians in Victoria who have been willing to support tobacco legislation and the Health Promotion Foundation on an all-party basis. I trust that such a positive approach which reflects public health concerns rather than partisan point-scoring will be echoed in this debate.

The WA Health Promotion Foundation will be established with committed Government funding of $5 million for the remainder of the current financial year and the Government is committed to funding for the foundation of at least $9 million annually thereafter. The funds for the Health Promotion Foundation will be raised from an increase in State tobacco licence fee from 35 per cent to 50 per cent of wholesale retail value. The remainder of funds generated from this increase will be devoted to dealing with the health care costs of diseases caused by smoking.

The foundation will have the following functions, with a particular focus on youth: It will fund activities related to the promotion of good health; it will offer alternative sources of funds to sporting and artistic activities currently sponsored by tobacco companies; it will sponsor a wide range of sporting, recreational, and artistic activities which provide an opportunity to advance important health promotion campaigns; it will provide funds for encouragement of healthy lifestyles in the community, and support activities involving participation in healthy pursuits through grants and sponsorship; it will assist community organisations to promote good health; and it will fund research in areas related to health promotion, and otherwise further the foundation's activities. The foundation will be able to replace all the funds and more provided by the tobacco industry to sport and the arts. The best information available to us is that sponsorship funds provided to sport and the arts in Western Australia by the tobacco industry total somewhere between $1.5 million and $1.7 million annually.

Sporting and cultural organisations which have received tobacco sponsorship in the past will be able to apply to the foundation, which can in turn provide alternative funds to replace the tobacco sponsorship funding. The replacement funding will not be provided without some return. The sporting and artistic organisations will be expected to provide ample opportunity for promotion of health messages. But of course the foundation will have much more money available to it than is required solely for replacement of cigarette sponsorship. This will provide a remarkable opportunity for sporting, cultural, community, and health organisations to seek new funding for worthwhile projects. The Bill provides that at least 30 per cent of the funds available should go to sporting activities, and at least 15 per cent to art and cultural activities. However, no single area - whether sport, the arts, or health - will be able to garner more than 50 per cent of the funds available. One crucial component of the Bill is, of course, that the foundation should evaluate its work and report on its effectiveness. We have also provided for a full review after a five year period.

The administration of the foundation will be by a director and minimal staff located outside the Public Service. Perhaps crucial to the effectiveness of the foundation will be its membership. Following much consultation with organisations in the areas of health, sport, and the arts, the Bill provides for membership of the foundation to be as follows: There will be nine members of the foundation, with representation from outside Government always outnumbering that from within Government. There will be an independent chairperson appointed by the Minister.

I have given considerable thought to the appointment of a chairperson, and I am very pleased to be able to say that Mr Harry Sorensen, the former chief executive officer of Challenge Bank, has accepted my invitation to take on this task. Mr Sorensen's credentials will be well known to the House. He has recently retired from his position at Challenge Bank; he has
received various awards for his services to the community, and he currently sits on or chairs major committees in all the areas covered by the foundation - namely health, sport, the arts, and community activities such as the newly established poverty task force. He also has the integrity and business experience that will make him, I believe, an outstanding chairman and will guarantee the independence of the foundation.

There will also be a nominee from organisations representing health, sport, the arts, and youth. The relevant organisations will be the Australian Medical Association, the WA Sports Federation, the WA Association of Professional Performing Arts, and the Youth Affairs Council of WA. Additionally, there will be the chief executives of the Health Department, the Ministry of Sport and Recreation, the Ministry of the Arts, and the Bureau of Youth Affairs. The foundation will be established as speedily as possible, and I have no doubt that within a very short time it will be seen as a major new force for good in the community.

That is what the Bill achieves. Let me briefly set out what the Bill does not do, as some misunderstanding has been generated by tobacco interests. The Bill does not ban all tobacco advertising, as tobacco advertising in the print media will be permitted to continue, albeit with some limitations on content. It will not ban tobacco promotion through billboards or sponsorship immediately. There will be suitable phasing-in periods and adequate scope for exemptions where necessary, particularly in relation to bona fide contracts and arrangements entered into before commencement of the legislation. It does not put up the price of cigarettes by the amounts that have been rumoured. The increase will normally be of the level of 30c per pack of 30 cigarettes, and less for smaller packs. This will not make Western Australian cigarettes unique. Some time ago Tasmania increased its State tobacco licence fee to 50 per cent, without even introducing a Health Promotion Foundation, although I understand that such a move is under consideration by the new administration in that State.

The Bill will not stop any shopkeepers from selling their tobacco products. The Bill will not fail to provide sufficient money to replace tobacco sponsorship. There is more than four times the amount necessary available. The foundation will not put all its money into sport, the arts, health, youth, or any other category. There will be a fair and reasonable division on the basis of commitments made in the Bill and decisions made by the foundation.

The foundation will not be a Government lap dog; it will have a majority of independent members and a chairman of great integrity and distinction. The Bill will not introduce any dramatic new measures that have not been introduced elsewhere. Indeed, it is much less restrictive than legislation banning tobacco advertising in more than 20 other countries including such bastions of free society as Finland, Norway and Canada. The Bill does not infringe on any freedom other than that of the manufacturer to promote a known carcinogen. The Bill is also not the first domino in a series which will then continue to include alcohol, chocolates, sugar, or any other product one can think of. It deals with tobacco, and tobacco only. The argument that "it is legal to sell cigarettes, therefore it should be legal to advertise them" is also illogical. First of all, it is not legal to sell cigarettes to young people; nor should it be legal to advertise to them. Secondly, there are many occasions, as with pharmaceutical products, where it is widely recognised that a product can and should be legally sold, but it may not be advertised.

Since we announced our intention to introduce this legislation we have been overwhelmed with support. We have received letters and phone calls of support from a wide range of organisations. As one might expect these include organisations in the health arena. They also include sporting, artistic and community organisations. Some of them have even supported our proposals through advertisements in the media. We have also measured public opinion, not with loaded questions, but with simple and straightforward questions. We find that public opinion has remained absolutely solid. There has been no reduction in the level of support, even at a time when the tobacco industry was advertising heavily against us. Support for a ban on tobacco advertising is 72 per cent. More than two thirds of adults - 67.6 per cent - support a price increase of 30 cents per pack, and 71 per cent support a phasing out of tobacco sports sponsorship if it is replaced with money from increased tobacco tax.

This Bill will do more to benefit the health of the community than any other single measure to have been implemented in recent years. I have no doubt that some members will simply
present the tired old arguments of the tobacco industry and its desperate campaign for "freedom" for a company to promote its lethal product. I am sure that most members of this House will join me in believing that this should be a genuinely non-partisan issue in which we all seek to benefit the health of the community. As I have already mentioned, we have been gratified by the high level of public support for the Bill. A letter I received from a school girl in Balga summarises the case for the Bill. She wrote -

Dear Mr Wilson

I know that advertising is very important to the tobacco industry. They would not be so alarmed by your proposal if this were not so.

I strongly agree with your proposal on the banning of advertising of tobacco, and I think that this move will improve the health of all Australians.

It is on this basis that I commend the Bill to the House.

[Applause.]

The DEPUTY SPEAKER: The question is that the Bill be now read a second time. The member for Collie caught my eye before the member for Cottesloe.

Mr HASSELL: It is usual for the Opposition to adjourn the Bill. That is the tradition of this House.

The DEPUTY SPEAKER: Are you taking a point of order?

Points of Order

Mr HASSELL: Yes I am. It is the tradition of this House for the representative of the Opposition to move the adjournment of the debate on a Bill for the obvious reason that the Opposition should carry the first speech in relation to an important piece of legislation. In directing the call elsewhere, you are not conforming with the traditions of this House.

Deputy Speaker's Ruling

The DEPUTY SPEAKER: I may not be, but my job as Deputy Speaker is to give the call to whoever who is first on their feet. In this instance the member for Cottesloe has brought that convention to my attention but in the subsequent debate the member for Cottesloe, as all members of the House, will get plenty of opportunity to speak. It was not a case of both members standing at the same time; the member for Collie stood well ahead of the member for Cottesloe.

Mr HASSELL: I stood as soon as the Minister finished. You know the tradition of this House. Are you playing political games?

Mr Pearce: Apologise for that.

The DEPUTY SPEAKER: I am certainly not playing political games. I am trying to do my job arbitrating in the Chair. If you had been on your feet before the member for Collie there is no doubt I would have given you the call. I am not seeking to make any political point, merely to point out -

Mr Hassell: You are influencing the way the debate -

Mr Pearce: That is a disgraceful attitude to the Chair. You should withdraw.

The DEPUTY SPEAKER: Order! The other convention is that the first speaker on his feet gets the call. In that situation I do not believe that any of your remarks are warranted and therefore the member for Collie has the call in this particular debate.

Mr Pearce: The member for Cottesloe's manner was quite impertinent in saying that to the Chair. What sort of respect for the place do you have?

Mr Hassell: I do not have respect for a Chair who does not follow the conventions of the House.

Mr BLAIKIE: My point of order, which concerns the ongoing debate that will ensue over the Tobacco Bill which is of great interest to all members, is that the Leader of the Opposition or a member deputed by him has unlimited time to speak. Does your ruling then mean that that unlimited time will be provided to the member for Collie or will it be provided to the Leader of the Opposition?
The DEPUTY SPEAKER: As far as I am aware the same time limitations as would normally apply will apply here. If the member for Cottesloe is to follow the member for Collie -

Mr BLAIKIE: That is not the point.

The DEPUTY SPEAKER: I am answering your question. Do not canvass my ruling while I am doing that. The ruling would be that the lead speaker for the Opposition who, in this case appears to be the member for Cottesloe, would have the usual 60 minutes and the other speakers would have times as set down. I am not seeking to alter the conventions of the House to that extent. I believe I am correctly advised, though I can see a few questions on the faces of the Clerks in front of me. However, I believe that that is the case.

Mr BLAIKIE: I think it is important that the rules are very clearly understood at this juncture.

The DEPUTY SPEAKER: I am following Standing Orders. A convention may have been breached in the mind of the member for Cottesloe but from my perspective, I should follow the more important convention of giving the call to the first person I see on their feet, provided it is compatible with the Standing Orders.

Mr COWAN: On that same point of order, there have been a number of occasions when members in the National Party have stood up after a second reading speech and adjourned the debate. Precedents have been set when National Party members have taken an adjournment. You are certainly not breaking new ground in giving the call to my colleague, the member for Collie.

Mr CLARKO: I request that you reconsider your ruling that the first person who catches your eye is the person to whom you give the call. That is not the practice of this House. It is the practice, only in some cases.

The DEPUTY SPEAKER: The member will resume his seat. I have already ruled on that point of order. It is very clear in the Standing Orders that it is the case, whether it is convention in your mind or not, and my ruling is that the member for Collie has the call. My further ruling, in response to the member for Vasse, is that the Leader of the Opposition or one other member deputed by him - in this case the member for Cottesloe - will have 60 minutes and that any other member - in this case the member for Collie - will have 30 minutes. That is the finish of the matter unless the member for Marmion wishes to dispute my ruling in the formal way.

Dissent from Deputy Speaker's Ruling

Mr CLARKO: I move -

That the House dissent from the Deputy Speaker's ruling.

Several members interjected.

Mr CLARKO: I was waiting for the Deputy Speaker to call me. The tradition is that the Deputy Speaker says, "The member for Marmion", and I then proceed.

Mr Pearce: You are supposed to get the call before you say anything at all.

The DEPUTY SPEAKER: When the Speaker, or his Deputy, is on his feet one should resume one's seat. The member for Marmion has the call.

Mr CLARKO: With regard to the matter that the first person who catches your eye is the first person who gets the call, that is of course not the case. Without question it was absolutely not the case. As each day begins the Speaker or the presiding officer gives the call to the Leader of the House. If I were to jump up before the Leader of the House the Speaker would be unwise to give me the call. On numerous occasions the Speaker will give the Premier the call. In regard to question time, if the Leader of the Opposition is in the House and he seeks to ask a question he will be given the call and that occurs every sitting day. There is no question that that is the situation.

Another classic case in which the first member to catch the Speaker's eye is not given the call is when a debate is occurring and after a member from one side of the House has spoken it is, without question, the tradition and rule in every Westminster Parliament that a member from the other side of the House will be given the call.
Mr Hassell: In question time we have one question from one side and then the next question from the other side regardless of who is first on their feet.

Mr CLARKO: As has been said, question time - the Government does not agree with me - is principally for the Opposition, but that has not been the case since 1983 when a deliberate series of Dorothy Dix questions have been asked every day. The Speaker or you, Mr Deputy Speaker, give half the questions to the Government and that was not the practice of the House in the old days. It is a decision of the Speaker and I am not seeking to disagree with his decision.

I tell you, Mr Deputy Speaker, that there are cases by the thousands which happen every single day - an example will probably occur later this evening if we move to debate other legislation - that when a member from the Government speaks, irrespective of who rises after he has completed his speech, the call will be given to a member of the Opposition.

Mr Deputy Speaker, you are absolutely wrong when you say that the first member who catches your eye is the member who is given the call. I do not know whether members know how giving the call came about in terms of naming a member by way of his constituency. It began when a Speaker of the House of Commons used to point to the member he thought had requested the call, but because he was cross-eyed he never gave the call to the right member. It was then that the practice of naming the constituency came about.

I do not want to go on, and I am loathe to dissent from your ruling, Mr Deputy Speaker, but I have outlined the practice of the House. If you find that one Standing Order says one thing, you should refer to Standing Order No 1 which brings us back to the Westminster system.

I make the point in regard to Speaker Thomas who was a brilliant speaker of the British House of Commons. At a seminar I attended he said that he declined to give the call to members who had displeased him. I asked him how long that went on for and he said for a year or more. He gave an example of the reasons that he was not happy with a certain member of the House of Commons. I told him that I did not think he would get away with it in Australia because if he tried it he would not be the Speaker for very long.

The DEPUTY SPEAKER: Order! This is a procedural motion and the member for Cottesloe has the call. The motion does not require a seconder. I remind speakers on both sides of the House that as they are testing my ruling and as I am in the Chair I do not have the opportunity to answer what is said. It is up to the House to judge. The Standing Order I was searching for is No 114 and it is the basis for my ruling. It states -

The Speaker shall call upon the Member who, in his opinion, first rose in his place.

It was clearly my opinion that the member for Collie was first on her feet. That Standing Order is the basis for my ruling. No other ground should be canvassed by members.

Mr HASSELL: Mr Deputy Speaker, the words, "in his opinion" that you read are important. They are the flexibility that allows the House to work. Many Standing Orders are, on many occasions, not followed to the letter. For instance, a condolence motion was moved today. I do not think any notice was given of it and there was no suspension of Standing Orders. In fact, no other preliminary occurred other than that the Speaker immediately gave the call, before he called for petitions, to the Premier. Why was that done? It is not in the Standing Orders. However, that is what happened because that is the usual procedure of the House. It is the usual procedure of the House that the spokesman for the official Opposition party is given the call to adjourn the debate on a Bill - that is the fact and that is unavoidable. Your ruling is wrong from the beginning, to the middle and at the end. No more need be said.

Mr PEARCE: Mr Deputy Speaker, Government members will move to support your ruling.

Mr Hassell: Of course.

Mr PEARCE: It is all right for the member for Cottesloe to start interjecting - his behaviour earlier today was the most disgraceful outburst I have witnessed. He sat in his seat and cast deliberate aspersions on the Chair. Government members admired the patience and wisdom with which you, Mr Deputy Speaker, dealt with that matter. If there had been a Liberal Speaker in the Chair and I did what the member for Cottesloe did I would now be on my way home.

I have never witnessed an instance in this House where a member sat in his place while the
Speaker or Deputy Speaker was on his feet and interjected and accused that person of party political bias or playing political games without being required to withdraw his comments. The member for Cottesloe has been dealt with leniently.

Mr Deputy Speaker, in support of your ruling Government members can understand the dilemma you face in trying to work out who is the member deputed by the Opposition when, on a daily basis so many members of the Opposition are falling in and out of favour with the Leader of the Opposition. On occasions members of the National Party have stood to represent the Opposition for the purpose of adjourning a Bill. It is unreasonable to expect that the Speaker can, at any given time, tell who is supposed to be the official representative of the Opposition in seeking the call. Therefore, it is quite reasonable for the Deputy Speaker to apply Standing Order No 114.

Mr Mensaros: You realise you are supporting the argument.

Mr PEARCE: The argument of the member for Cottesloe is this: The person who stands to be the official representative of the Leader of the Opposition should automatically get the call. If it were true, it would be bloody difficult to work out who that member is because of the situation in the Opposition. A week or two ago the member for Darling Range may have been in that category. If he were to rise now I would assume he would not be rising in that category. On many occasions there have been arrangements between the Liberal Party and the National Party for a member of the National Party to adjourn a debate. Normally members from the National Party adjourn debates dealing with agricultural matters.

Mr MacKinnon: On some.

Mr PEARCE: The Leader of the Opposition says, "On some". Last week we witnessed some amazing scenes in this House. The Liberal Party voted against a motion supported by the Government and the Opposition when the Government and the Opposition were seeking to remove a proposal to censure the Deputy Leader of the Opposition. The Liberal Party was opposing it and voting for it. Strange things happen in this place. One cannot expect of the Speaker, the Deputy Speaker or any Acting Speaker that they can, by some divine way, interpret who happens to wear the mantle at the moment they rise to speak. It is perfectly reasonable to give the call to the person who, in accordance with Standing Order No 114, first catches the Speaker's eye. The Deputy Speaker has gone further than that and has said that irrespective of who first catches his eye the person deputed by the Leader of the Opposition, when the time comes for the debate, will be the member who receives the longer time to debate what is before the House.

What could be more reasonable than that? If there is a competition then the Deputy Leader of the Opposition can make it clear to the Speaker who has been deputed to bear the mantle. When it comes to carrying the extra time involved in a debate that is a perfectly reasonable ruling. I bet you, Mr Deputy Speaker, would be pleased if Opposition members generally could work out who is and what is what as it would certainly make the running of this House much easier for all concerned; I certainly would be. We would be pleased to see a little bit of coordination on the other side, and until that happens we will have a difficult time in this place. The Government is pleased that you, Mr Deputy Speaker, have acted wisely and well in this matter.

Mr THOMPSON: There is an assumption on the part of some people in this Parliament that they own it when the fact is that they do not. Standing Orders of this Parliament still recognise three entities: The Government; the Leader of the Opposition, and coupled with that the Deputy Leader of the Opposition; and the rest of us as members who are all treated equally, and should be so treated under Standing Orders.

What right has the Liberal Party to assume that it has the right to secure the adjournment of debates on Bills that come before this House any more than any other member has that right? It is an absolute nonsense and completely in defiance of the Westminster tradition. It was not all that long ago that there was no Executive in the Parliament. From the time the Executive came into existence there was recognition of the Executive arm of Government and of the Leader of the Opposition; and, in latter times, his deputy. For the rest of the time we have been recognised as members.

This Parliament is becoming a joke as a Westminster model because of the way in which things have evolved. I spoke vigorously against the evolution of shadow Cabinet at the time
I stepped out of the shadow Cabinet. It was a sad evolution, a sad process in the life of our Parliament, because it gave some expectancy to those in the shadow Cabinet that they had a prior right to do certain things over the rest of the members of this Parliament. That is a nonsense!

This Parliament is becoming absolutely irrelevant to society because of the way in which things have been structured. Radical thought is being prevented. This Parliament should be the place where all sections of the community are represented. Radical thought cannot come to this place because of the way in which it has evolved over recent times - not that I support or go along with some of the radical thought that exists in the community. The way in which this Parliament has evolved is preventing that sort of representation coming to the Parliament.

What is under question here is the right of an individual member of Parliament to seek to adjourn a debate. I suggest that there is absolutely no right bestowed upon anyone by Standing Orders or precedent to move for the adjournment of a debate except that of the first person to catch the Speaker's eye having that right.

Mr DONOVAN: I do not wish to prolong this debate, but I am talking directly through you, Mr Deputy Speaker, to the member for Cottesloe. I am outraged because, like three other members of this place, it is necessary for me to assume the Chair from time to time and I have seen the member for Cottesloe accuse Mr Deputy Speaker of politicising the Chair in exactly the same frame as he has attempted to politicise it himself. It is inappropriate and outrageous in the extreme for this to happen this afternoon and we should not be having this debate.

Several members interjected.

Mr DONOVAN: The member for Marmion should make his own speeches. As the Leader of the House said, it is difficult from the position you find yourself in, Mr Deputy Speaker, to decide whether the member for Cottesloe acting for the Liberal Party in Opposition should get the call on a health Bill or whether the health spokesperson of the National Party in Opposition should get the call on the health Bill.

Your ruling is made easy, Mr Deputy Speaker - and this is the point that the member for Cottesloe will not recognise - by the existence of Standing Order No 114. You had no choice, Mr Deputy Speaker, but to make precisely the decision you made and any other person in the Chair at that time would have been bound to make the same decision.

The problem referred to by the Leader of the House and the member for Darling Range is one of the Opposition's own making. It is not a problem that you have created this afternoon, Mr Deputy Speaker. It is clearly the case that if the Opposition parties have a problem in respect of who gets an adjournment on portfolio Bills then the Liberal Party in opposition needs to get its act sorted out with its erstwhile coalition colleagues.

Mr Hassell: We will see what happens in question time today.

Mr DONOVAN: The member for Cottesloe is supposed to be a principled lawyer.

In conclusion, it is outrageous and unacceptable that the Chair should be politicised in the way in which it has been this afternoon by the member for Cottesloe. I support your ruling, Mr Deputy Speaker, and suggest to the House that no member has any alternative but to support that ruling.

Mr COWAN: This motion of dissent against your ruling, Mr Deputy Speaker, is one which arises, if not annually, certainly much more often than it should. It is clear that under Standing Order No 114 any person in the Chair has the opportunity as Speaker or Deputy Speaker to exercise discretion because it states clearly that the Speaker shall call upon the member who in his opinion first rose in his place. There is no way in which any member of this Parliament is able to predict the way in which the Speaker will interpret that passage, so the Speaker has the right to determine who, in his opinion, was the first member to rise in his place. There have been countless numbers of motions of dissent because someone has disputed that a ruling was accurate. Nevertheless, it is the opinion of the Speaker which prevails.

Mr Watt: We will have to get photo-finish camera equipment installed.
Mr COWAN: That may be the case, and correct weight sirens, and everything else, as well.

The other point is that you, Mr Deputy Speaker, made reference to Standing Order No 164, which outlines the time allotted for a debate, and again you were quite correct. In this case the only advantage to be gained by the member for Collie, if she were to win the recognition of the Deputy Speaker and was in his opinion the first member to rise in her place, was that she would exercise the opportunity to speak first when the debate was resumed. She does not gain the right to an extended time period - that is, to speak for the full 60 minutes - as that right is retained by whomever is deputised by the Leader of the Opposition to speak first for the Opposition on that matter. Very clearly the only privilege bestowed upon the member not being given recognition is that if she is in the House at the appropriate time she will get to speak first.

We are not really debating Standing Order No 164; we are debating a motion of dissent against your ruling. These motions are coming forward far more often than they should. There is often a contest, and I very much fear that we will see much fiercer contests to attract your attention so that you, Sir, or Mr Speaker, or whoever is sitting in the Chair, will give the call to the member of the National Party who, in your or his opinion, rose first. The member for Darling Range is quite correct; the Standing Order makes it very clear that a discretion is given to the Speaker. We accept that he should exercise that discretion, so we must support your ruling; we cannot support this motion for dissent.

Mr MENSAROS: The Minister's comment prompts me to make a short contribution to this debate, which is an interesting one from my point of view. It is interesting, not because the member received the call, but as a result of the legal argument, which is - although it has not been expressed precisely in that way - which of the objective rules should prevail? In my humble legal opinion, almost everywhere, the hierarchy is that custom prevails over Statutes.

Mr Pearce: That is rubbish. Statute law overrides common law everywhere. It is the reverse of what you are stating.

Mr MENSAROS: That is not so. The Leader of the House might hold that opinion, but I have studied these things for a little longer than he has.

Mrs Beggs: That does not mean to say that you are right.

Mr MENSAROS: A number of Statutes have never been repealed; they are still on the Statute books. Some are 800 years old, and they are obviously not being implemented simply because of a derogatory custom.

Mr Pearce: If that were true, Statutes would have no effect because custom would supersede them.

Mr MENSAROS: On the one hand we have the Standing Orders as read, and on the other the custom which has evolved in this House of Parliament. This has been pointed out by the member for Cottesloe, and the opposite has been submitted by other members. The Standing Order in question says that the Speaker should call on whoever he notices first, in his opinion. As was rightly pointed out from this side of the House, this is the interesting point which prompted me to rise. It was pointed out by the Minister himself that custom has it differently. The Minister said that the Deputy Speaker cannot be blamed because the Speaker often calls someone from the National Party to adjourn a debate. This underlines the truth of our argument that custom prevails. The Minister wants to argue that this call was correct, not because of the Standing Orders but because of the custom which prevailed previously. Although I have no doubt what the result of this motion will be - the Minister will lead his troops to vote against it - I want to point out that he really argued on our side.

Mr WATT: It is obvious to all who can count that the motion will be lost. We accept that. But the opportunity should be taken to establish one or two points. When I first came to this Parliament, question time was a shambles because everybody who wanted to ask a question leaped to his feet and tried to attract the attention of the Speaker. Since that time I am pleased to see that the matter has been organised in a much more disciplined way and as a result has operated much more effectively. Had the situation remained in strict accordance with Standing Order No 114 we should still operate question time on the basis of the bad practice which used to prevail.

We often hear people talk about the spirit of the law and the letter of the law. Just as the law
is capable of being interpreted in different ways, most people are caught up from time to time
with those who want to be pedantic about the letter of the law. These things are not always in
keeping with the spirit of the law. So it is with Standing Orders. They are capable of
adaptation, and over the years this has become the practice of this House. The situation could
very well arise - it may have been the case today; I do not know - where the member for
Collie may have had a copy of the speech the Minister was reading. When he started his last
sentence the member could have stood up in order to have the call. The member might have
had some prior knowledge and might have been on her feet to attract the attention of the
Speaker, as provided by the Standing Orders, before the Minister had even finished his
speech, let alone sat down.

Variations and conventions have been established over a long time. The purpose of the
Opposition's bringing this motion to dissent from your ruling, Sir, is to try to reassert that
there needs to be not only an observance of the letter of the Standing Orders, but also the
spirit of them. For a long time the spirit of Standing Order No 114 has been that if someone
other than the nominated spokesman is deputed to be the lead speaker, as provided in
Standing Orders, unless some other arrangement is made as it is from time to time, that
person will move the adjournment. I hope that good sense will prevail and we will get back
to that very sensible practice.

Mr BLAIKIE: While we have Standing Orders, we also have a convention of the Parliament.
In days gone by, when the member for Darling Range was the Speaker, we had the
disgraceful spectacle in this House, not only during question time but at other times - the
Leader of the House will understand this - where members wishing to ask a question would
compete with members from all over the House. On occasions up to nine members would
spring to their feet every time seeking to ask a question, all begging to claim the attention of
the Speaker.

Mr Pearce: Have you ever been in the House of Commons? There 150 people rise to ask
questions. There is nothing wrong with that. It is not antidemocratic. It is the Westminster
system.

Mr BLAIKIE: The convention has changed for the better.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr BLAIKIE: While Standing Orders were followed to the letter of the law in those dark
ages - although I do not agree with it - it was pathetic to see members grovelling to get to
their feet and claim the attention of the Speaker.

Several members interjected.

Mr BLAIKIE: Had members opposite been in Parliament in those days, they would know
that is precisely what happened. Since then there has been a more orderly set of
circumstances where questions have been permitted from both sides of the House. There has
been some semblance of order.

In respect of the circumstances you now find yourself in, Mr Deputy Speaker, the Parliament
recognises the Premier and the Leader of the Opposition. For this particular Bill the Leader
of the Opposition deputed the member for Cottesloe to take the adjournment.

Mr Pearce: How do we know that? Why doesn't he wear a badge? Nobody told the
Speaker.

Mr BLAIKIE: I am telling the House now. These are the facts: This is not a House for
political parties per se; it is a House which recognises the Government and Her Majesty's
Opposition. It recognises those political parties. The National Party is a political party, but it
is not the Opposition. My case is that the Leader of the Opposition deputed the member for
Cottesloe, and part of the convention should have been for you, Mr Deputy Speaker, to give
the ruling to allow the member for Cottesloe to adjourn the debate. If that is not to be the
case, members of the Government in future may well wear this decision which they now
contest greatly. When the Premier gives the Budget speech, for example, the convention has
been - but it does not have to apply - that the Leader of the Opposition takes the adjournment.
It could well be that the Speaker of the day might decide to allow any member to speak -
which is the Speaker's right under Standing Order No 114 - and to give the
adjournment to the member who first attracts the Speaker's attention. That may well be the letter of the Standing Orders, but it has not been the convention of the Parliament. I do not believe it should be at this stage.

Mr Deputy Speaker, while I have great sympathy for the position you hold - having sat there myself and been challenged on the odd occasion - in this instance the Standing Order very specifically states what is required. However, the convention of the House demands that the call should have gone to the member for Cottesloe, who was deputed by the Leader of the Opposition.

Mr MacKINNON: I want to make a couple of comments briefly in relation to this matter because an important point is being made. In terms of this debate and any other, the Opposition will ensure that its point of view is put forward, whatever the games that people might play from time to time with respect to these issues.

The DEPUTY SPEAKER: I trust the member is not including the Chair.

Mr MacKINNON: No, I am not indicating that you, Mr Deputy Speaker, would play games. However, in respect of your ruling, Mr Deputy Speaker, I want to put this: The logical extension of what you have ruled is that if at some time or another in the future the Government, for example, wanted to adjourn its own debate for political reasons, your ruling indicates in its strictest sense that the member - if it is a member of the Government who is first seen - rising to his feet will be given the call. Logic says that custom would not allow that to occur, as it would not I hope. That is a very dangerous precedent to set because it would give the Government of the day the ability to use the Standing Orders in the strict sense of the word - and there is no Standing Order that says it has to be a member of the Opposition - as follows -

The Speaker shall call upon the Member who, in his opinion, first rose in his place.

If the Government wanted to play that sort of game - that is what I meant earlier by "games" - that sort of circumstance could occur. The Standing Orders in their totality are quite clear to me because when one looks at Standing Order No 164, why would it say the "Leader of the Opposition or one Member deputed by him"? Quite clearly that is the intention of the Standing Orders; that has been the intention of the custom of this House where agreements have been reached in the past and will be in the future. The Opposition seriously puts forward its dissent motion for those reasons. The Opposition will not win the division. Perhaps in the short term the games that might be played might do some good for somebody. However at the end of the day I urge you, Mr Deputy Speaker, to think seriously about the customs of the House, the reasons those customs have developed and - I have used only one example, I could have used several - how those forms, unless we are very careful, could be abused, to the detriment of this Parliament and all it represents.

Withdrawal of Remarks

Mr HASSELL: Mr Deputy Speaker, perhaps you will allow me to use the point of order to withdraw the remarks I made from my seat which improperly reflected on the Chair. I should not have done so, and I both withdraw and apologise.

The DEPUTY SPEAKER: I thank the member for Cottesloe for that. At the time I was thinking the situation through and that is why I did not ask for a withdrawal. I thank the member for Cottesloe and just warn members that they should not indulge in such practices as whatever else their disagreements might be with the Deputy Speaker’s interpretations of Standing Orders, I think everyone would agree that that must be upheld.

Motion (Dissent from Deputy Speaker’s Ruling) Resumed

Question put and a division taken with the following result -

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COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENTS AMENDMENT BILL

Second Reading

Debate resumed from 26 October.

MR LEWIS (Applecross) [5.10 pm]: In the short time remaining to me I remind the House of the substance of my contribution to the second reading debate and call on the Minister to explain any misunderstandings of the intent of the Bill. It should be understood that it is not possible to legislate for every contingency in the world. Also, the more regulations applied by legislation to agreements, the more complicated the legislation will have to be. Not all problems to do with commercial tenancy are landlord based; they can be caused by the landlord or the tenant, as both can be protagonists. The Opposition believes the way to achieve harmony in arbitrating in commercial tenancy disputes is by way of a properly thought out code of conduct which will stand behind the provisions of the Fair Trading Act; this would bring goodwill and fairness to all dealings between participants.

I now remind the Minister of the matters which need further explanation: Firstly, retrospectivity was not referred to in the second reading speech, yet the legislation contains substantial retrospectivity clauses. Therefore, it behoves the Minister to explain the consequences of the retrospectivity clauses if the Bill is passed without the amendments we propose to move during the Committee stage. Secondly, in relation to the Liquor Act, will the Minister explain whether people will be able to go to the tribunal or a superior court to plead for compensation regarding the key money that was agreed to and properly paid in regard to specific liquor outlets for the payment of the privilege of that licence, and how the legislation will impact on previous terms and conditions agreements.

It is interesting to note that service stations will not be affected by the retrospectivity clause, but other tenancies in retailing will be. I cannot see the difference; if retrospectivity is to apply, it should apply to service stations as well. Tenancy problems often are passed from the lessee assignors to assignee purchasers regarding the sale of the business. Many arguments are generated due to the person selling a business telling untruths or misrepresenting the substance of the business on matters such as its profitability. If the landlord is to have full disclosure, it is reasonable for the disclosure to apply to the assignor and to the assignee when businesses are traded. Also, clarification of rental dispute proceedings is required so that parties will know whether rents can be determined after three tries, or will be determined by the way of lease, or whether rental is determined on vacant possession or according to a specific use in the lease. It is incumbent on the Minister to explain these matters and to refer to the need for appeal rights on any decision by the registrar.
MR TRENORDEN (Avon) [5.15 pm]: I have been trying to speak on this Bill for some weeks and perhaps it is to the House's benefit that I have decided to throw out three quarters of my speech as I am tired of hearing the speeches made in the last few weeks.

All debates have two sides and this one concerns the interests of the landlord and of the tenant. I put on record the reasons for the introduction of this legislation: A lot of people have suggested that there would be no need for this type of legislation in a free enterprise system, and I agree with that. Unfortunately, we do not have a free enterprise system with shopping centres. We have a very unbalanced system, because when plans are drawn up by local and State Governments, the zoning ensures that the retail trading centres have a monopoly; that is the reason for the legislation. I am told that in the United States the occupancy rate of shopping centres is about 60 per cent, so it follows that the vacancy rate is about 40 per cent. That means a market exists in which people seeking to rent are offered many alternatives. This is as a result of less tough zoning procedures, with competing shopping centres being set up close to one another. This is something we should allow in our system. Looking at the way new areas are developed in Western Australia, an area is put aside for zoning for certain types of activity. This area is purchased by investors, and is sometimes sold and repurchased several times before it is developed. Often the site is purchased by a small nucleus of people, or by a large organisation, who have the clear knowledge that the centre will be owned without competition. There can be no competition for that centre. The owners know they will have close to a 100 per cent occupancy of their centre and they also know that there are only a handful of people in the State who will be interested in owning and controlling large shopping centres. What does that mean? It means that the system is extremely out of balance. Players such as the AMP Society, National Mutual, MLC Group, people from overseas and certain organisations are the owners of these large centres. A prospective tenant may have the opportunity to inspect retail space at a certain shopping centre and if he is not happy with it he will go to the next centre, which may be a considerable distance from the first centre he visited, only to find that it is owned by the same landlord or a landlord who has a similar attitude to the first landlord. The situation is that there is a protected group of people within the marketplace.

Rents for retail space are subject to the property value of the centre - that is, about 10 times the gross rental value of the centre - and that determines the price of the property. Many of the centres are owned by insurance companies and property trusts and they are under extreme pressure to lift the capital value of the holding in order to return a dividend to the policyholder. Of course, this results in rates to the retailer and subsequently higher prices to the consumer. The consumer ends up paying dearly for high property values. High property prices and rates are driving up commercial values and that is something we have to live with. Some of the owners of large shopping centres are not what one would call user friendly. However, this legislation covers not only the owners of large shopping centres, but also the owners of smaller centres. Unfortunately, like all legislation we are not only talking about the ownership of large centres, but also the ownership of small centres which are owned, in many cases, by individuals who, in the main, are reasonable people. The main criticism is of centres like Garden City and Carousel.

Over the past 20 years various types of enterprises have been forced out of the city area because of high rentals. I refer particularly to furniture, hardware and food retailers. They were forced to relocate because the rentals and rules that applied within the central city area made it impossible for them to operate. As a result, they moved into other centres and the same thing has happened. In recent years they have moved to light industrial areas and some noise is now being made about the activities of furniture and hardware retailers in light industrial areas. Where do they go next? Is Rottnest the next stop? The whole system is getting out of control.

Currently 40% in the retail dollar is controlled by one large retailer, Coles Myer Ltd and Coles-related companies. The small operators are being pushed out and only the large operators will survive. Considerable pressure is being put on the small retailers who are trying to live within a quickly changing system. We all know that the world is the market and pressures will be put on us by the world market. All we are doing by encouraging the existing system is speeding the change in the company which has the monopoly in the marketplace and the ever increasing property prices are reflected in the price of consumer goods. We can change this system by changing the rules which apply to the rezoning of
land. However, we are not likely to do that because the same consumers who pay high prices for consumer goods on the shelf will complain bitterly about rezoning proposals for residential areas. As a result, we have legislation before the House which puts pressure on owners of shopping centres in favour of tenants. We cannot get away from that argument, as much as we would like to.

About 18 months ago, on behalf of the National Party, I introduced a Bill to this House which comprised nine amendments to the Act and the majority of those amendments have been included in this legislation. I will refer to them in some detail. The National Party's Bill of last year contained a proposal to provide tenants with easy access to the Commercial Tribunal to resolve disputes arising from rent reviews. That has been addressed by this legislation. The Bill we introduced provided tenants with an implied option to renew an overall lease to a term of 10 years, and that is still the National Party's favoured position. We would prefer to give a five year lease with a five year option. The reason is that we are now talking about mega-dollars and it is costing people a substantial amount of money to go into coffee shop, newsagency, and haberdashery businesses. Only a few days ago we heard in a debate in this House that the pressure of rent, rates and taxes, and land tax is being constantly loaded on to the retailer and because of this pressure he needs more time in terms of years to build up his trade in order to get back his original outlay. It is almost impossible, taking into consideration key money, sinking funds and so on, for retailers to find the money over a period of five years to meet their outgoings. The member for Scarborough said only a few days ago that many of these people go into a retailing business in good faith only to find holes in their leases and in the legislation and the end result is that they trade for five years for absolutely nothing other than going broke. Perhaps in some cases they just hold their own. It is creating a serious situation in the community and many of the people who have approached me share that concern. The marketplace is uneven and must look to having a level playing field.

The National Party's Bill proposed to reduce from 42 days to 14 days the maximum period in which the landlord can give an answer to a tenant's request to assign a lease. This legislation provides that a landlord cannot reasonably hold back the acceptance of an assignment of a lease. A period of 42 days can cause a great deal of pain to people who wish to assign their lease. What happens is that if one signs an offer and acceptance it is good for 30 days. The landlord can hold out for 42 days, which puts many tenants in a poor situation. Having asked around the marketplace, I have found that in most cases these sorts of things go through in a matter of days, but there are circumstances where landlords are overseas, interstate or unavailable and this might not happen.

[Leave granted for speech to be continued at a later stage of the sitting.]

Debate thus adjourned.

[Questions without-notice taken.]

Sitting suspended from 6.02 to 7.30 pm

MOTION - COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENTS AMENDMENT BILL

Second Reading - Debate Resumption

MR PEARCE (Armadale - Leader of the House) [7.33 pm]: I move -

That debate be resumed on Order of the Day No 2.

The Minister dealing with this Bill has been called away. I have suggested to members who want to speak on the second reading - a member was in the middle of his speech - that members should make their speeches and I will adjourn the debate so that the Minister can read the speeches in Hansard. I appreciate that that is not the best way of dealing with legislation. If members want to adjourn the debate I will be happy to do so.

I have spoken with members who propose to speak on this matter and they have indicated agreement with my motion. If there is an alternative view I am prepared to leave the matter and move on to another.

Question put and passed.
Debate resumed from an earlier stage of the sitting.

MR TRENORDEN (Avon) [7.37 pm]: Before the dinner suspension I was talking about the provision in the Bill allowing a landlord 42 days to contact a tenant in matters of assignments. The limit on offers and acceptances is 30 days and it makes it difficult for the tenants when they wish to sell their premises and who sign someone up with an offer and acceptance to find that if the landlord is not cooperative he can take the offer and acceptance beyond the 30 days for which it is good to 42 days. In some cases it has been proved that landlords have been able to make life difficult for tenants in that matter. I moved last week to reduce that period to 21 days and I agreed by consensus to raise the period to 28 days to make it similar to the requirements of the offer and acceptance.

That is a basic requirement of this legislation. Not only is it important that landlords have the time to be able to operate and look at whether they will accept a reassignment, but also whether consideration is given to acceptance of the reassignment by the landlord, unless he has special reason not to. The tenant also has the normal legal right to be able to sell his business.

The SPEAKER: Order! There is too much background conversation. The member for Avon is a long way away and having difficulty trying to make me hear him. I wonder whether members might cooperate with him.

Mr TRENORDEN: It was obvious that Hansard was having some difficulty. I was trying to slow down so that the reporter could handle my speech more easily.

The SPEAKER: Very civil of you.

Mr TRENORDEN: Thank you, Mr Speaker.

My fourth point relates to banning key money, sinking funds and other issues which require that money is paid up front. I have a list of variable outgoing and expenditures for 1988-89 for Floreat Forum. It includes items such as council rates, water rates, land tax, insurances, air-conditioning, cleaning common areas - whatever that means - rubbish removal, car parking, electricity, fire protection, pest control, and building repairs and maintenance for a figure of $26 453. It also refers to security, telephones, background music, signs, gardening, general expenses, management fees, and a sinking fund for $32 950. In fact, the building repairs and maintenance item and the sinking fund are the same. The tenants of the shopping centre are paying twice for the same item.

In this shopping centre the input to the sinking fund was $13 500 in 1984-85; $22 675 in 1985-86; $24 000 in 1986-87; $28 000 in 1987-88; and $32 950 in 1988-89 totalling $121 125. The amount going into the sinking fund will never surface anywhere else. It is held by the owner and the people who make their contribution to the sinking fund and move on never see any benefits from that fund.

The input to the building repair and maintenance fund for the same periods totalled $23 697, $22 463, $38 619, $26 885 and $26 453 giving a total of $138 127. Contributions to the two funds total a quarter of a million dollars over five years. Those contributions have really gone to the same item. It is right that this legislation outlaws the assigning of funds because we should be encouraging the owners to make all of those payments up front.

The variable outgoings and expenditure should cover rates, taxes and most of the items on this list which are legitimate. However, there should not be a sinking fund. A practice is creeping into the industry of asking for one or two months' rent as bond money, and returning it to the tenants after five years. It is an extra levy on the tenant because when the bond money is returned no interest is included with it. Under the residential tenancy legislation a special fund was provided to ensure that interest on bond money was payable to the tenants. My amendment will seek to introduce a similar provision in this legislation. It has been pointed out that National Mutual, as the landlord, picks up $75 000 at Whitford and Warwick shopping centres. What benefits do the tenants get from that contribution? It has been pointed out that variable outgoings in some centres amount to 60 per cent of the rent; in other words, tenants are paying 160 per cent of the rent figure. That is not the spirit in which landlords and tenants should be dealing with each other.
The fifth point related to a longer term for notifying tenants and landlords of changes in leases; that is, for the landlord to advise the tenant he will not renew a lease and vice versa. The Bill before the House covers that point, but a further problem arises within the lease arrangements. When a person assigns a lease to another party he still has responsibility under the terms of the head lease for the rental. If the party to whom the lease is assigned goes bankrupt, the landlord can come back to the original head lease and demand payment from the person who signed that lease. That has happened in many cases, and it is a case of double dipping for the landlord. Some cases have occurred where an assignee cannot be found, but generally such a situation involves a retailer who has enlarged his business and moved to bigger premises. That could happen on more than one occasion with the result that he is responsible for the leases which he has assigned to other parties.

There should be written disclosure on a lease agreement, and this will be covered in the legislation. One point not included is the need to ensure that the original disclosure is included with the new lease when a lease is assigned. I do not intend to proceed further with that point, but I believe it is in the landlord's interest. We all know of arguments about responsibility that have continued for a number of years. If that written disclosure is not included in the new lease, doubts could arise about how it will affect the landlord and the new tenant.

This legislation does not address problems with the demolition clause. Many cases have arisen where people have said that their ability to trade has been affected by a landlord's deciding to carry out renovations or alterations to a shopping centre which have affected only one small part of the centre, and impacted more heavily on one business. This is a clear oversight in the legislation and complaints could be made in future about landlords affecting an individual's ability to trade in a shopping centre.

The National Party is in agreement with most aspects of this Bill. It has been a long haul for many people trying to get this legislation before the House. The majority of the Bill will not be contested by the Opposition, but some areas will be. It is a pity that some people have suffered for the last 18 months during which the Government took its time to introduce the legislation.

There are many problems in this area in the community. I have been given an article which appeared in a newspaper circulating in Subiaco that contains comments from tenants moving from the old Rogerson buildings in Subiaco. They complain that their rents have increased by 150 per cent, 415 per cent and 400 per cent. When the landlord's representative was asked to comment on these increases he said, "No comment. No comment. No comment." Those types of dealings between landlords and tenants are not conducive to harmony in the industry. There are other ways of dealing with commercial tenancies. In New South Wales the conservative Government has moved towards a code of conduct for the industry, and this may be an option for Western Australia in the future. At the moment we do not have that option. Our option is to deal with the Bill presented by the Government. The National Party will seek to amend the legislation, and I will raise the main issues I wish to speak on during the Committee stage, which I will follow with great interest.

MR BRADSHAW (Wellington) [7.47 pm]: It is interesting to note that the original Bill was introduced in this House in 1985, and it obviously contained a number of inefficiencies. It was probably pointed out at that time that it is difficult to protect people in all circumstances, whatever legislation is introduced. The Minister pointed out in his second reading speech that some people will always find ways of circumventing the provisions of the legislation. I remember that not long after the original Bill was enacted I received a telephone call from a person who wanted to rent a shop in a new shopping centre at Karratha. The original Bill provided that a person could lease premises for a fixed rent or a rent based on turnover, with the tenant having the choice of which type of payment to make. This person complained that he had applied to rent a shop, and had been told that rent would be based on turnover. He was given no alternative. I telephoned the agent handling the lease who said that he had received legal advice that he was acting within the law; although it was certainly not within the intent of the Act. The agent said that if the person wished to lease a shop in the centre, he would have to pay a rent based on turnover. As much as I believe that legislation should be in place to protect tenants and landlords - it is always a two-way deal - I am philosophically opposed to this type of legislation. However, under certain circumstances such legislation should be in place and basically I support the intent of this
Mr BRADSHAW: The Bill proposes to stop the trend towards landlords requiring tenants to pay into sinking funds in connection with costs associated with the construction, extension and structural improvements to a shopping centre. However, I believe that landlords will be able to find a way around this tightening up of the provisions by increasing the rent or introducing a service charge.

This Bill aims to improve the lot of landlords and tenants. I am not sure that we will ever achieve a system which is totally satisfactory; however, we are on the way with this sort of legislation. We should encourage the development in Western Australia of more shopping centres; even though there may be some detrimental effects, the advantages will far outweigh the disadvantages. There would be a reduction in the price of vacant land which is zoned suitable for such developments; and we might even find - as the member for Avon indicated - that if there were a few vacant shops around the place people would be attracted to going into the shopping centres, thereby giving the tenants the opportunity to trade profitably. Many of these shopping centres premises are gold mines for their tenants; however, they often have to invest a large amount of capital for their stock and fittings. The landlords should be content with the rent they receive, without imposing extra charges. I know from experience that such outgoings can amount to in the vicinity of an additional 40 per cent. It is often the case when a shopping centre is established in a new suburb that the young married occupants of the homes are both working, and the full potential of that shopping centre may not yet be developed, yet the landlord still wants his pound of flesh. A lot of tenants go to the wall in those circumstances.

When this Act was introduced in 1985, the then Minister for Consumer Affairs, the member for Ascot, indicated that it was designed to resolve conflicts between landlords and tenants. We should always try to legislate to overcome such difficulties, but I am not sure that we will always be successful, because it is human nature for people to have their own ideas about how things should be done. The Bill aims to tighten up some loopholes in the original Act, but I am not sure that it will achieve what the Minister is trying to achieve; and in a few years’ time we may see the introduction of more amendments to this Bill. In the meantime, I am prepared to support this legislation.

Debate adjourned, on motion by Mr Parker (Deputy Premier).

Convicted Inebriates' Rehabilitation Repeal Bill

Second Reading

Debate resumed from 27 September.

MR HASSELL (Cottesloe) [7.57 pm]: Perhaps the Deputy Premier could indicate who is handling this Bill for the Government.

Mr Parker: I think the Minister for Justice is the most qualified.
[Tuesday, 31 October 1989]

Mr HASSELL: The Opposition is not opposed to the repeal of the Convicted Inebriates' Rehabilitation Act. The Act has not operated as it was envisaged, especially in recent years, and the Government is now pursuing other approaches to drunkenness and alcoholism, which are very serious problems in the community. This Bill is a precursor to the introduction of legislation to decriminalise drunkenness. That legislation will be the appropriate legislation in which to discuss the effectiveness and soundness of the Government's plans in this area.

We do not oppose this Bill. I had not intended now to look at the matter of how to cope with the problem of drunkenness. We agree that the proceedings contained in this legislation do not apply in practice and that this legislation might appropriately be removed. As to whether the other solutions will be correct is a matter for a further debate at a different time.

MR PARKER (Fremantle - Deputy Premier) [8.00 pm]: I wish to thank members for their support of this measure.

Mr Blaikie: They can't find him - and your Whip cannot find him either.

Mr PARKER: Maybe once the Bill has passed he will emerge, I do not know.

Mr Court: Have a look - he might be underneath.

Mr PARKER: It is obviously a very good piece of legislation. I am very pleased that it is so good that the Parliament can deal with it even in the absence of the responsible Minister. I am so pleased with the Opposition's response to the Bill that I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Parker (Deputy Premier), and passed.

PRISONERS (RELEASE FOR DEPORTATION) BILL

Second Reading

Debate resumed from 27 September.

MR HASSELL (Cottesloe) [8.02 pm]: The Opposition does not oppose this Bill, which is intended to facilitate the deportation of people who have been ordered to be deported from this country but who are incarcerated at the time the order is made. It is to allow them to be deported when they become eligible for parole and can be granted parole for the purposes of deportation, and it is to allow them to be granted parole for the purposes of deportation when they have an indeterminate sentence.

The Bill is a seemingly straightforward and practical measure. It contemplates that when the Commonwealth exercises its constitutional responsibility, which undoubtedly it is doing under the laws of immigration, the State authorities will facilitate the completion of an order for deportation. At the same time there is one provision in the Bill which could raise some eyebrows amongst those who are concerned about our legal procedures and, lest it be suggested at a later date if some difficulty should arise that the Opposition has not been vigilant in these matters, I draw attention to it although I think we understand the reason for it. I refer to clause 7 of the Bill, which provides that -

The rules known as the rules of natural justice (including any duty of procedural fairness) do not apply to or in relation to the doing or omission of any act, matter or thing under this Act by the Governor.

In the normal course of events that would be the kind of provision about which the Opposition would be gravely concerned and which it would oppose vigorously. However, it is my understanding from reading the Bill, the second reading speech, and so on that such a provision is necessary to preclude prisoners who are subject to its provisions pursuing legal rights twice. The Commonwealth law provides plenty of avenues nowadays for people who are ordered to be deported to appeal. They have procedural rights to appeal, they have rights to hearings, and they have rights to be heard. The purpose of this provision, as we understand it, is to make sure that, having exercised all those rights and still having been
ordered to be deported - in other words, the Commonwealth has lawfully exercised its right to make a deportation order, and then the State sets out to facilitate the completion of that deportation by granting parole - the prisoner does not then try a new tack to avoid deportation and to bog himself and the whole system down in long-winded legal proceedings relating to the rules of natural justice in proceedings before the Governor. My understanding from reading clause 7 is that what we are really saying in enacting this quite extraordinary provision is that the rules of natural justice and the rights of the prisoner are protected in another place; namely, at the Commonwealth level, through the administrative procedures and the legal entitlements relating to appeal from deportation at that level.

Mr Parker: And, more than that, it is virtually impossible for the State to abide by the laws of natural justice itself, in its own proceedings, given that it is, in effect, enacting what someone else has done.

Mr HASSELL: That is understood. Having said that, we do not oppose the Bill. It is new legislation, it is desirable legislation both socially and legally, and we support it on the assumption that I have made in relation to that seemingly peculiar provision.

MR TRENORDEN (Avon) [8.07 pm]: The National Party does not oppose this legislation. Obviously individuals in gaol and the terms under which they are kept in gaol have been a concern for the last couple of years. There seems to be some concern that people might be given parole and might be subject to some sort of deportation order; but in general, in the vast majority of cases, this legislation will work in the course of natural justice, as the member for Cottesloe has pointed out. If the member for Cottesloe needed to speak for only four minutes I think a minute is enough from the member for Avon.

MR PARKER (Fremantle - Deputy Premier) [8.08 pm]: Probably even less is required from the Deputy Premier.

Mr Blaikie: Are you picking up the Minister's entitlements of office?

Mr PARKER: I will have to negotiate that with him. I thank members from both the Liberal and National Parties for their support of this measure. It is important and desirable, as the member for Cottesloe has said, and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Parker (Deputy Premier), and passed.

FISHERIES AMENDMENT BILL (No 2)

Second Reading

Debate resumed from 28 September.

MR MINSON (Greenough) [8.09 pm]: I support this Bill, the content and thrust of which is similar to the statement the Minister for Fisheries made in the first session of Parliament this year.

Clauses 7(b) and (c), and 9 are particularly relevant as they contain the thrust of the Opposition’s intentions in a similar Bill. It is good to note that clause 14 provides a right of appeal, and recognises the role of the Western Australian Fishing Industry Council. That body is very important and has worked hard for the industry. I am happy that WAFIC is recognised in this legislation as the official body to be notified and to be involved in appeals in the event of disputes in relation to the transfer of licences.

Fishing, and crayfishing in particular, is a special industry in Western Australia, being a large export income earner. For that reason we must pay particular attention to it. Most people in this House are already aware of the set of circumstances which led to the introduction of this Bill, because it refers to the transfer of licences to foreign-owned end users. Members should be aware also that towards the end of last year much public debate took place regarding the proposed transfer of licences. That is a matter of public record.

I am pleased that the Government has at last seen fit to introduce this Bill. As I said earlier
this year in response to a ministerial statement, it has taken a little longer than it should have. In that regard, I congratulate the National Party for introducing its Bill which was similarly worded and which, I believe, precipitated Government action and the subsequent introduction of its own Bill.

The Opposition supports the Bill.

MR HOUSE (Stirling) [8.12 pm]: The National Party is pleased to support this Bill. However, we are very disappointed that the Minister saw fit to reject the Bill originally introduced by the National Party in another place and subsequently introduced in this place by myself a couple of weeks ago. My Bill appears on the Notice Paper as the Fisheries Amendment Bill. We would have been delighted if the Government had seen fit to accept our Bill because largely it will do very much the same as the Bill now under debate. I thank the member for Greenough for his complimentary remarks regarding the National Party’s Bill. By and large the National Party Bill would restrict foreign ownership within the crayfishing industry; indeed that is the main thrust of the Minister’s Bill although it contains a few minor changes to other parts of the principal Act as well. It is interesting that the Government is not prepared to accept our proposal because the Bill under debate is exactly the same. Nonetheless this Bill represents a much needed step forward for the industry. It will be welcomed by people within the crayfishing industry.

I congratulate the Government for at least introducing the Bill which contains the exact provisions of the National Party Bill. On that basis, I support the Bill.

MR GORDON HILL (Helena - Minister for Fisheries) [8.14 pm]: I thank members opposite for their comments and support of the Bill. No doubt the National Party deserves recognition for its involvement in the framing of the legislation, but I must correct the member for Greenough and the member for Stirling in that they both made the comment that the National Party’s actions caused the Government to respond by introducing a similar Bill. The Government had previously indicated its intention to proceed with this legislation.

Mr House: When was that announcement made?

Mr GORDON HILL: My predecessor, Hon Julian Grill, Minister for Economic Development and Trade, made the announcement; I am not sure of the precise date.

I acknowledge that this Bill has been a long time coming. I accept that point but the legislation has been dealt with very cautiously because it was necessary to write a policy statement giving guidance to the Director of Fisheries and the industry. Cabinet had to consider the policy statement because that is not something to be taken lightly. The Director of Fisheries and the industry need guidance in relation to the future of the processing industry and the rock lobster industry generally. It is not an issue to be dealt with lightly; it is not just a question of the Government’s accepting the Opposition’s Bill. The greatest compliment to pay anyone is to imitate a person’s actions. It is not that we have copied the National Party’s legislation; we have made substantial changes to allow the Minister for Fisheries to make a policy statement and to give direction to the industry and to the Director of Fisheries.

In addition, the Western Australian Fishing Industry Council and interested parties have been given the opportunity to provide input to the appeal process. WAFIC has been given the opportunity to disseminate information about the appeals process. We have examined some of the penalties that have applied under the Fisheries Act and decided it is now appropriate to update the Act. This has not occurred since 1979. The changes contained in the Bill are fairly substantial. I acknowledge the support of members opposite and the initiative of the National Party in another place in the introduction of a similar Bill. I commend the Bill to the House.

Question put and passed.

Bill read a second time.
Clause 14: Section 35K repealed and substituted.
Mr GORDON HILL: I move -
Page 8, line 7 - To delete "includes".
Amendment put and passed.
Clause, as amended, put and passed.
Title put and passed.
Bill reported, with an amendment.

WHEAT MARKETING BILL
Second Reading

Debate resumed from 28 September.

MR HOUSE (Stirling) [8.22 pm]: I am sure members will recall that earlier this year Parliament passed a motion that was supported by all members objecting to the legislation then before the Federal Parliament to change the wheat marketing arrangements that this country has worked under since the Depression years of the 1920s. That was a very proud day for me because I sponsored that motion. I was delighted when it received all-party support.

There was very good reason for its receiving that support because for 50 years the wheat industry had been very stable. It had a great understanding of where it was heading; the growers were in control of their own industry through various acts of Parliament; firstly, the federal Act that administered the export and domestic marketing of wheat; and secondly, by the complementary State legislation. Despite the protests made by all members of this Parliament and a great many growers from all around Western Australia and Australia, the Federal Government in its wisdom, or otherwise, saw fit to amend the Wheat Marketing Act. There was a great deal of debate in the Federal House over those amendments. Because of that Bill and - I am not proud to say it - because of the capitulation of the National Party in the Federal Parliament on the legislation, we find ourselves debating the complementary legislation that is necessary to ensure that wheat is marketed, transported and handled in an orderly fashion in this State. I would rather have not been here debating this legislation; I would rather have seen the Federal legislation defeated. However, that was not to happen and we have to face reality in the Bill before us now.

This legislation will be in place for this year's wheat crop and for more in the future. It is a landmark day for the wheat industry because it came out of the deregulated days up until the 1930s when a great many growers went bankrupt and suffered at the hands of the wheat traders of this and of other countries. Growers organised themselves into an orderly body. They elected people, not only to Parliament but also to the grower representative bodies. From that day forward we have had a very orderly system which we have refined over the years and we now have a very stable, orderly and good marketing system for grain in Australia.

The only thing I am very thankful about is that the Federal Government did not press ahead with the recommendations to deregulate the export market for wheat. Thank God they had enough brains to stop before they got to that stage and thank heaven that they did not go any further with regard to some of the other recommendations of the McColl report to the Federal Minister. The main thrust of this complementary legislation is to enable the State to free up domestic marketing of wheat and to allow the present transport and handling provisions to remain in place.

The SPEAKER: I am sorry to interrupt you but we have a bit of difficulty in relation to a matter which happened earlier today. We are trying to determine whether you are the person deputed by the Leader of the Opposition to speak on this Bill in order to determine how much time you have.

Mr HOUSE: Why should the Leader of the Opposition have any say in that?

The SPEAKER: Because that is what the Standing Orders say. You carry on, we have assumed that you are and we have given you 60 minutes.
MR HOUSE: Mr Blaikie said it is okay.

The SPEAKER: If there is any difficulty at a later stage then -

Mr Court: From memory, I think that Barry MacKinnon made an arrangement with Mr House on that Bill.

The SPEAKER: Yes, that was my understanding.

Mr House: Yes, I think he did.

Mr Court: There were two Bills and I think an arrangement was made and as far as we are concerned he has been deputised.

The SPEAKER: In respect to the matter that happened earlier today when I was not in the Chair, it is difficult when on odd occasions the Opposition gives the call to the National Party and on other occasions does not and this is not communicated to anybody. In future it might be helpful for this to be communicated at least to the Clerks, if not to the Chair. We will leave it at an hour for the member for Stirling.

MR HOUSE: Thank you Mr Speaker. I do not intend at this stage to take a full hour.

Mr Court: I think an arrangement was made on this particular Bill.

Mr HOUSE: I thank the Deputy Leader of the Opposition for affording me that privilege.

It is important that tonight we as a Parliament and as members representing the wheat growing interests in this State debate the particular aspects of this Bill that will affect us as from this harvest of 1989-90 onwards. The most important provisions of this changed complementary legislation are that the domestic marketing of wheat will be allowed to be freed up, so to speak. It will not be acquired by the Australian Wheat Board and remarketed to domestic marketers as it was in the past. Farmers and growers will have the opportunity to sell their grain directly to the maltsters and people who want to buy grain for the domestic market without having to use the Australian Wheat Board. In this legislation the Australian Wheat Board itself will have the power to be a player in that market. In other words it can buy wheat and, if it thinks it can gainfully do so, remarket it on the domestic market.

An interesting point about debating this legislation now is that wheat prices around the world have been rising in the past 12 months. Without a shadow of doubt growers will receive better prices for their wheat crop this year than they did last year. As a wheat grower and as a representative of many wheat growers in this Parliament, I hope that there are not too many growers who will think that the increased price for their grain this year has come about because of this legislation or the Federal Government's legislation. That is certainly not the case. The increase in the price of grain was going to happen anyway because of a number of bad seasons in the wheat growing countries in the northern hemisphere.

It is interesting, in light of the price movement, to comment briefly in regard to the Federal Government's underwriting provisions in its legislation. The same provision is not contained in this legislation, but it is the product of the wheat marketing Bill debated in the Federal Government. The Federal Government and any Federal member who supported the relevant clause stands condemned in the eyes of all wheat growers. To call 80 per cent an underwriting provision is a joke. To underwrite 80 per cent of a crop is no guarantee at all and the Federal Government has abdicated its responsibility to the grain growers of this country. There was no need for it because the underwriting provisions previously in place served a good purpose and brought a guarantee to growers' incomes and would have continued to do so for a long time.

I was interested to read in one of the rural publications this week that some bright-eyed economist predicted that wheat prices would fall by between 20 and 30 per cent next year. I could not help thinking that this time last year when wheat and wool prices were good the same bright-eyed economists were also talking down that market. They were, indeed, very successful and I hope they are not as successful with regard to the wheat market as it stands because growers need an increase in prices.

The underlying resolutions of this Bill are, indeed, the very crux of what we are debating. The powers that this Parliament will impose on the wheat growers of this State, above those powers imposed by the Federal legislation, are the pertinent points of this Bill. While I have read comments from some grower representatives that this Parliament does not have the
authority to pass this sort of complementary legislation, let me tell them that had they read the Federal Act a little more carefully - they had a responsibility to do so before they rushed into print last week - they would have clearly understood that the Federal Minister had given an undertaking to the States that he would not prescribe parts of the Act that would give him the authority to override the provisions for handling, transport and storage of grain. I advise members that that is exactly what he said. The Federal Minister has given that right to the States and I congratulate the Minister for Agriculture in this State for taking up that right and recognising the sense in making sure that that control stayed with this Parliament and for having the courage to put in place the principles that this Bill embodies.

Most importantly, this Bill will allow Co-Operative Bulk Handling Ltd to remain the sole receiver and handler of export grain in this State. Likewise, the provisions in this Bill which apply to the Transport Act will predominate. Those two important provisions are necessary. CBH is now an efficient organisation. In the past it could have been criticised for some of the actions it took and for some of the costs it imposed on growers. However, by and large we would find that 90 per cent of this State’s growers would congratulate it for the magnificent network of storage facilities it has established around this State and for the very efficient handling of this State’s grain crop. Last year it handled something in the order of 5.5 million tonnes of grain over a period of five or six weeks. That stands as a testament to CBH’s ability to handle this State’s grain crop. Over a period of a year it has looked after the handling and shipping of that grain out of Australia. Some five or six years ago there was criticism of CBH but, to the credit of its directors, it got its act together and is now doing a damned good job. Anyone in this State who thinks that private handlers would do a better job should have a good look at how they would do it. I believe they would pick out the eyes from the market. For example, I am sure these private handlers would receive grain in a place like Wongan Hills, where only one or two types of grain are produced in a large quantity, but I am equally certain that they would not receive grain from Green Range, Boxwood Hills or Jerramungup, where there are between 10 and 15 types of grain of as many different qualities. When people criticise CBH, it is important that they look at the service it provides. I defy anyone to put up a concise argument that would allow this State’s grain crop to be handled and stored by private traders. Those who want to opt out of the system do so on the basis that CBH would be there for them to use if they required its services.

Mr Taylor: The same thing happens with rail transport.

Mr HOUSE: I was about to mention the transport provisions in this legislation. We need to maintain the Transport Act of this State. While one may be somewhat more critical of the transport arrangements in this State, nonetheless he can say that the Government and industry have been working together over the past four or five years to get their act together. It is fair to say that they are now making the grade. Not every area is perfect and there are still some areas where it is too costly to transport grain from the farm to the port by rail and we would like that cost reduced. However, to the credit of the people in the industry and the grain freight steering committee, comprising representatives of the handlers, growers and the Government, we are getting there. I was interested to read of the new arrangements that have been put in place this year and I am sure that the industry leaders would not have made them if the Government and Westrail did not feel they were in the best interests of the growers. I acknowledge that there may be more gains to be made for growers in relation to the reduction in rail freight charges. I am equally sure that if the Government were to throw open the system we would be faced with a hell of a mess. While we may be able to get people to transport the product in one year, we may not be able to get them to handle it the following year. The yield from the crops rise and fall naturally from between two and three million tonnes to seven and eight million tonnes and we would end up with an uncoordinated system of transport. As a result, I am prepared to support the provisions in this Bill which allow those transport provisions to remain in place.

This Bill also confers, subject to notice by the Minister, powers in respect of barley for use within this State. That is an important part of this legislation. This Bill will mean that, with the Minister’s concurrence and under a notice issued by him, people who grow a specific type of barley - perhaps one not handled in large quantities by Co-operative Bulk Handling Ltd; one that perhaps it does not want to handle at all - will have authority to move that grain directly to the malsters, feed merchants or whoever wants to purchase that grain. That same provision for ministerial intervention is embodied in the handling and transport clauses of
this Bill. It is important for people who wish to criticise these clauses, or who would seek to amend them, to read carefully what this Bill does, because it gives the Minister power to issue notices to overcome handling and transport provisions if he feels there is a necessity to do so. I am prepared to support that happening because there are only two alternatives; one, to not have any ability for flexibility - and I am not in favour of that - and the other, to have a complicated system of permits and penalties which, in my view, would turn into a bureaucratic nightmare.

The compromise is to allow the Minister to have the power he feels is necessary to allow notices to be issued to specific growers or handlers. That is an important part of this legislation. It is also important to note that this complementary legislation in Western Australia is different from the legislation passed in some other States. I have heard this Bill criticised because it does not go as far as McColl perhaps wants the States to go. People who criticise the Bill in that way need to remember that this State is unique in its efficiency and ability to store, handle and transport grain produced here. We stand way out in front of the unholy mess one sees in New South Wales and Victoria if one goes there at the time the harvest is being taken in. We stand way in front by world standards. Having had the good fortune to go to Canada, I have seen the mess they get into there from time to time in handling their grain. I can assure the growers of this State that they certainly would not want that repeated in Australia. The last thing we need in Australia is for the big entrepreneurial operators of this country to get into the grain industry and get it into the mess they have got a whole lot of other industries into. The growers of this State need to stay in control of their industry; that is why the National Party is prepared to support every clause of this Bill - because it allows growers and their representatives to stay in control. If any person tries to convince me that the Alan Bonds, Laurie Connells and other entrepreneurs should be able to get their hands on this great wheat industry and get it into the mess they have got their own affairs into I would be prepared to listen, but I would also be prepared to argue with them. I do not think for one minute that we should give any encouragement to those sorts of provisions.

My remarks cover the Bill and outline our support for what the Minister is trying to do. I am sure the Bill provides sufficient provisions and powers to allow the Minister to permit people to bypass the system at various times should they need to do so. As a representative of wheat growers I am not about to let control of this industry pass out of their hands. I repeat that I was pleased when this Parliament gave all party support to the motion opposing Federal legislation. I am sorry that we have had to now debate such a Bill about that matter. It is important that we, as legislators, make absolutely sure that we protect the interests of the wheat growers of this State. I am pleased to give National Party support to this legislation.

MR OMODEI (Warren) [8.45 pm]: We support the Bill as it relates to the Australian Wheat Board's being able to trade on the domestic wheat market and as it deals with other grains. However, we propose to amend this Bill in the Committee stage.

Mr House: You will try.

Mr OMODEI: Yes, we will try to amend the Bill to allow for any person in this State to handle, receive or transport grain. We support those clauses of the Bill mentioned by the member for Stirling. The motion moved in April condemning the Federal Government for trying to interfere with the State's rights with regard to the handling and transport of grain was supported by us. We hold to the comments made at that time as we believe it is the province of the State to make decisions in relation to this matter. We would prefer such decisions to be made by this Parliament rather than their being imposed on us by the Federal Government.

At the moment the wheat industry has a de facto deregulation of the domestic wheat market. By that I mean a system of permits allows for the handling and transport of grain. We are seeking to ratify that and to allow any person to trade in grain. Of course, the Commonwealth's powers are of concern to us. We are talking about three per cent of the State's grain, about 250,000 tonnes. We have had extensive talks with farmer organisations throughout the State and lengthy discussions with farmers generally. As a person new to this position I found those discussions interesting. We have found great support for our stance in relation to our proposed amendments in those areas. We support the Bill, apart from those clauses restricting the handling and transport of grain.
MR AINSWORTH (Roe) [8.47 pm]: I support the Bill. It is worth going back in history a little way to look at why we are debating this Bill. This Bill was brought into being because of some inefficiencies and anomalies in the operation of the domestic grain market and areas of transport in the other States rather than what was happening in Western Australia. Unfortunately, and because we are part of a national marketing system, we had to suffer changes along with the grain growers in other States. The domestic wheat market for human consumption, which is what part of the Federal Act was dealing with in its new form, is small in this State, representing two per cent to three per cent of the total Western Australian crop. It is not significant in tonnage terms or in the number of growers who can take advantage of a deregulated domestic market.

A deregulated domestic market would probably have more effect in this State than in any other because we were sharing in a pool advantage caused by a regulated market in the rest of Australia. We are no longer sharing in that pool price advantage. It is sad indeed that a representative of the grain growers in this State who is in the Federal Parliament ran an argument supporting the Kerin proposal rather than supporting the wishes of growers expressed at a range of country meetings throughout the State last year. The claim made by that Federal member was that growers did not understand their own industry and legislation and that grower representatives were misleading them. If that were the case, the Australian Wheat Board was also misleading growers because at a series of growers’ seminars its representatives outlined what deregulation of the domestic market and removal of the price advantage from that market would cost growers; it was said to be between $2 and $5 a tonne in reduced prices over the entire pool.

That is the position we are at now. As the deputy leader of the National Party mentioned earlier, we are looking at increased prices across the board for wheat for very different reasons. It would be very unwise for anyone to claim that the increase in price was as a result of the deregulation which took place within the Federal Act, because clearly that is not the case. When the export price is above the domestic price on a free market basis, that is the time we would have seen a great advantage from continued regulation. However, that has gone, so there is no point in ruing the day, except that we must be careful not to lose more control over other markets.

Given that we are forced to introduce complementary legislation because of the Federal Act foisted upon us, this Bill protects our right to control our handling, storage and transport. I commend the Minister for Agriculture on the comments he made during his second reading speech outlining that position very clearly. What we have before us makes the best of a bad situation. We cannot change the Federal Act, but at least we can make the best of the situation in this State. Included in that best possible situation criteria is the control over both Co-Operative Bulk Handling’s sole right to export our grain, together with controls retained on transport. We have an orderly transport and handling system for grain in Western Australia; without doubt the best in Australia. For that reason we want to retain that control embodied in this Bill. We have very good industry consultation with Westrail and the Government and the other parties involved in setting the price for rail transport in this State. It is significant that that has been achieved on a very orderly basis, not necessarily with a great deal of ease at times. The debate between growers and the various other parties involved has been somewhat protracted and heated, but we have come out with a satisfactory reduction in the cost of rail freight in this State in real terms, and that is something about which other States look at us with envy.

Something we cannot afford to neglect is that while we are debating a Bill which represents only a small reduction in the sole rights of the Australian Wheat Board to sell on the domestic market, the agenda federally is for more and more of those controls to be taken from us. We will see a move - perhaps in the next few years, perhaps a little longer, depending on the political situation, but rest assured vested interests outside the Federal Parliament are pushing in this direction - to have the monopoly controls of the Australian Wheat Board taken away. That would be the most detrimental thing that could be done to the Australian wheat industry, because it is the stability of having a single desk wheat seller that has caused the Australian wheat industry to be as stable as it has been and to return as many export dollars as it has been able to do. We must at all times resist that sort of move; it can only be to the detriment of the Australian wheat industry and to this State’s economy in the long term.
While commending the Bill I sound a note of warning: If we do not vigorously oppose any such moves in the Federal scene it will be to the detriment of this State as a whole. I commend the Bill to the House.

MR McNEE (Moore) [8.54 pm]: When speaking of change, we must be careful of the emotion surrounding it. Unfortunately sometimes commonsense tends to be thrown out of the window. We are dealing here with an emotive subject; something very dear to the hearts of all members. One must respect the opinions of all the people involved. It is very important not to be tricked. I often think that some day a Bill will be moved in this House telling me what I can do. We always seem to be defining what we cannot do. If we are not careful we shall develop a "cannot do" mentality.

The important problem within any industry is that regulation can blur signals and reduce contact with people in the industry and in the marketplace. It prevents change and initiative. It is a barrier to productivity because it kills incentive. Farmers need to maximise their returns, and to do that they need to be free to choose from a range of services. We are constantly reminded of the 1930s, and well we might be. There is evidence to suggest that a Government action in the 1930s caused more heartburn that anything else. That heartburn was caused by something called a "grow more wheat program" of the Government of the day. That program promised growers something like four shillings a bushel for wheat. By the time the harvest came it was not possible to pay that sum. Regardless of the advice the Government of the time had been offered that it was an impractical thing to do, it had pursued that course which resulted in a tremendous amount of wheat being grown. Indeed that production level was not beaten until the 1960s. That is an indication of the volume of wheat produced in the 1930s with very elementary equipment. Tractors in those days were very poor. Horses would still be entrenched firmly with many farmers. Production of anything was extremely difficult. Those farmers created a record which took a long time to break. When we talk about history we must be very careful to get our facts right.

Australia has an advantage in the production of grain. We possibly have the most innovative and productive farmers in the world. An Australian farmer feeds something like 70 other people. The next nearest farmer feeds something in the order of 50 people. Our farmers are very adept at making the right decisions about inputs. We have some farmers today in multi million dollar businesses. Some of them have expenditures for the year running to substantial numbers of hundreds of thousands of dollars. They are very astute businessmen in their own right, and they want the right to control their industry, their decisions and their place. They want to be able to make decisions free of encumbrances, and I think we must allow them that opportunity. Some members might believe that monopolies are good, but I question whether they are and whether they in fact return the best price, the best service or the best anything. I suggest monopolies do not.

We have some deregulation. Indeed the Minister was congratulated about that, but what the Minister is really saying is, "Here is some deregulation but it is not really deregulation because I will ensure that I continue to control that industry one way or another." We are talking about three per cent or thereabouts of the Western Australian wheat crop; we are talking about a minor movement in the wheat industry in this State. I hope the little amount of deregulation which has occurred will result in that three per cent growing into 10 per cent because if some entrepreneurial people become involved - we have them on the Wheat Board and in other places - I am sure that given such opportunities they will develop that market. That is what I look to in the people who market my produce; I want them to develop markets not only across the world but within Australia. It is very important that this happen. The Minister seems to be reluctant to face this issue; I know the Minister wants to be responsible about this matter and would not want to hold back Western Australian farmers. However his actions indicate otherwise.

In respect of transport the Minister is saying, "Yes, you can have deregulation to the Wheat Board provided that you follow the Transport Co-ordination Act and seek a permit if you want to shift wheat from point A to point B." Immediately that creates difficulties for the fellow from the Wheat Board who perhaps might be out in a paddock somewhere making a deal. In such a circumstance he would not know whether he could shift that wheat from point A to point B until he gets the approval from the Minister for the permit. We should not be talking about the 1990s; we should have done that a long time ago. We should now be dealing with the next century in our thinking; if we do not think about that, we will be sadly
lacking. Provided that permit can be granted, the deal can be made. One example that comes readily to mind is that of a specific type of wheat grown for noodles. The other day the Minister's photograph appeared in an article dealing with a new variety of wheat, which is good for noodles. We export something like one million tonnes of wheat for noodles. The Minister will correct me if I am wrong about that. We were talking about value adding. Politicians make powerful speeches about value adding. This is the Minister's chance; perhaps we could find somewhere to establish a noodle plant. However, under the Minister's regulation, we would have to be very careful where we put it because we will not be able to transport that grain by the cheapest method. As any businessman would know, it is essential that one has cheap transport of goods. If we are to be serious about value adding to products - and I am - we should pay attention to those things which impede the establishment of such a unit. That just happens to be one, but there are many others which would suffer likewise.

One of the problems is that people will rush in and say, "Well, dash it all, if we deregulate transport and we get all that grain on the road, there will be some horrific accidents." There probably would be; however, I do not suggest that we should put all the grain on the road, nor do I suggest - as no-one with any common sense would - for one minute that all the grain will be on the road. In fact it all comes back to the monopolies. If indeed we make some competition for Westrail, be it ever so small, Westrail might well take up the challenge, meet it and produce a very competitive price. That is what I want to see happen for Western Australian grain growers. That is, the lowering of the price they have to pay to transport their grain. It is simply not good enough that the cost is getting dearer. We have a regulated system which has had a series of committees making decisions that have only cost us money. One can argue all one likes about "in real terms" and all the other nice phrases one might like to use, but the fact is that it is getting dearer.

I draw the attention of members to an article in the Australian Rural Times of last week, which is headed, "Victorian rail deal saves $3.6 m". The article reads in part as follows -

The Australian Wheat Board has scored a major victory in a campaign to cut grain freight rates - a deal giving an estimated $3.6 million to Victorian growers.

This gives Victorian growers an average $2.50 a tonne saving. I know plenty of growers who could save a moderate $2 500 out of that - there are others who could save much more - if they were growing, as many farmers do, 2 000 or 3 000 tonnes of grain. It does not matter whether one is producing in a small or a big way, a saving is relevant. The article goes on to say that in New South Wales, negotiations are still under way but they expect there would probably be a saving of about $1.8 million.

Unfortunately, the article continues -

Competitive rates are already under way in Queensland and SA. But WA's Westrail, which has the highest comparative rates in the country, is still holding out. Mr Watsford said it was possible that negotiations in the West would end in an "almighty fight".

I assume that is correct, but I do not know. It has been clearly indicated in Victoria that savings can be achieved and we need to do the same in Western Australia. All grain will be transported on rail and as the Minister for Agriculture would know, and the Minister for Transport would know even better, savings are possible at Westrail. The Ministers need only look at the Midland Workshops to see where savings could be achieved if they are dinkum about saving farmers' money. Fuel has risen from 23¢ a litre in 1983 to 69¢ a litre this year - I realise this is a Federal matter and not the fault of the State Government - and as much is spent on welfare in a fortnight as is spent on roads each year. Would it surprise members to hear that people are concerned about the state of our roads? Of course not; people are concerned because the Government does not have its priorities right. I well remember the remarks made by the current Federal Treasurer about how he could raise taxes from fuel bowsers. I want to see good roads and I suggest that the money raised from fuel excises could be used.

I want to pay tribute to Co-Operative Bulk Handling Ltd as it is a company of which Western Australian farmers can justifiably be proud. I am sure that CBH would not be concerned about small companies operating in opposition in its market; indeed, CBH would
not look upon it as opposition, but as freeing up the market so that people can trade. I understand that the Minister will give notice as to whether grain can be stored and kept outside the system. I am sure the Minister will correct me if I am wrong, but if that assessment is correct, how will traders in grain make a contract for the disposal of grain for the next few years if access to facilities is unavailable to operators without notice? I would not invest money in a business that relied on the whim of the Minister for its survival. In freeing up the industry, there is absolutely nothing wrong with extending the handling allowances.

I asked the Minister a question the other day related to peas and the ludicrous situation the industry faces. I asked the Minister whether peas were a prescribed grain, to which the answer was yes; I asked whether the traders who bought peas legally could offer the peas to CBH for loading, and the answer was no. Once the peas are offered to CBH for loading, they become the property of the Grain Pool. That is a ridiculous situation. A whole range of markets exist in which people with entrepreneurial skills are able to trade, and they should be able to do so with peas. The Wheat Boards in New South Wales, Victoria and South Australia will establish pea pools, which seems a good idea. I do not grow peas, but I would think carefully about doing so if that was the case. Why is this not done in Western Australia? Is it because we do not grow sufficient peas? It was argued that there should be no cross subsidy between wheat and any other product.

The Australian Wheat Board will be a major competitor and will attract a great deal of grain because it has expertise, but it should use the expertise in the best way. Some people know how to grow produce, but others have expertise in marketing that produce. The Chairman of the Wheat Board commented in a letter recently about the first sale of wheat made under the deregulated system. That delivery was made in 25 tonne lots to the mill each day until the delivery was completed. That was the way the mill was to take the wheat, but it should have been allowed to do it in other ways because the more regulation put in place, the more difficult it is to compete. Farmers say that they would not contemplate buying big trucks if they could get grain freight to operate more competitively.

The thrust of the Bill is good, but it requires minor amendments in the overall context. The Opposition is not talking about horrendous or horrific changes, we are talking about minor changes in the transport and handling of produce which will only benefit the industry. Furthermore a company like Co-Operative Bulk Handling Ltd needs little protection from the Minister because it is run by experts. It should, for the benefit of growers, be encouraged to expand its skill in the handling of grain by pursuing the world market. Unless we meet the challenges that face the wheat growing industry there is a danger that it will develop into some type of cottage industry and that should not happen. I am encouraged when I consider that a company like Wesfarmers Ltd, which was formed as a farmers' cooperative and to which I referred in its initial stages of operations as a "T-model company", has developed into one of the top companies in Australia. It is in the best interests of farmers that CBH develop into a company which is on a par with Wesfarmers.

I urge the Minister to have some regard for the industry and for the people in it and he should not be keen to rush in and amend regulations. He has the chance to be known as the Minister who freed up the small home market in Western Australia. He should think very carefully before he throws away the chance he has to do something that will benefit the industry. The freeing up of the market will certainly not do the industry any harm, but it will enable producers to maximise their options and to use their skills in the way they know best.

MR BRIDGE (Kimberley - Minister for Agriculture) [9.22 pm]: I thank members who have spoken in respect of this legislation which was introduced into this House for compelling reasons.

For the benefit of the member for Moore I will refer to the level of consultation which took place in respect of this legislation. As members are aware it was some time ago that the Federal Government embarked on a Federal legislative program for the wheat growing industry. Prior to the last State election a public debate ensued on this legislation not only in Western Australia, but also throughout Australia. At the conclusion of the election I was assigned the agricultural portfolio. It was soon after I was given this responsibility that this issue was very much to the forefront of public interest. I set in place the basis on which consultation was to take place. It was very extensive and proceeded for a number of weeks.
The consultation process enabled as many people as possible within the industry to gain a proper understanding of the Government's proposals and this led to the formulation of this legislation. I well recall, as would the member for Moore, the meetings that took place throughout the country areas and which were well supported by industry groups. It was not without the canvassing of people within the industry that the framework enshrined in this legislation was agreed to. I feel confident, in representing the industry in Western Australia, in advising the House that the basis on which this legislation was framed reflects the majority decision of industry groups in this State, whether growers, processors or traders.

Many factors surround the introduction of this legislation. The primary factor is, of course, the conferring of powers and functions on the Australian Wheat Board to trade domestically. That is central to the legislation and was necessary in the light of the position taken at a Commonwealth level and subsequently followed up with a legislative program.

As the deputy leader of the National Party said, there are many people in Western Australia who would have preferred that this legislation not be introduced into this Parliament. I guess that many people still believe that the Government's decision was not necessary, indeed, was inappropriate and not in the best interests of the industry. Those views were canvassed extensively, particularly in the Federal arena. At the end of the day the legislation put forward by the Federal Minister for Primary Industries was passed. As a result, that legislation now operates throughout Australia and it requires the States to introduce what is known as complementary State legislation. The States' legislation will allow the Australian Wheat Board to deal, in a domestic sense, as an effective trader and it will have the ability and flexibility to take its place in that field. I guess one could ask how far we should go in recognising the effectiveness of Co-Operative Bulk Handling Ltd's operations in this State and also the effectiveness of the rail transport system. Those issues have been canvassed by the industry. Most people speak in favour of the existing rail transport system in this State.

As the Leader of the National Party said, CBH has an international reputation and, as such, is highly regarded for its efficiency. We do not need to allow its international reputation to prompt us to that realisation. An examination of CBH's facilities throughout the State show that they are satisfactory and they offer the industry the type of facilities which are considered appropriate. I do not claim to be an expert in this industry, but I have had considerable experience in the pastoral industry. Each time I visit country towns in which CBH facilities are located I cannot help admiring the basis upon which those facilities were put in place. It is incorrect to say that this legislation does not recognise CBH's position in the industry. People are entitled to consider that situation. People are entitled to consider that situation. I take no odds with the member for Moore for taking that view, or for being strong about it. If I, as Minister, felt that an effective way of dealing with the interests of the industry in Western Australia was to recognise the existing facilities were supported by the majority of people, I would go down that path. We have framed this legislation on that basis. This is not something that has not been thought through with the total concurrence of the industry. In my view our judgment is vindicated when one looks at the nature of CBH's operations and links that with the current railway system.

The other interesting thing is the motion that was carried in this place some time ago by all party agreement. It is right to say that aspects of the legislation outlined in this Bill are consistent with the terms and agreed positions arrived at and supported by all parties at that time. That motion said to the Federal Government, "Do not tread within Western Australia when looking at the wheat industry. If you want to look at changes in other parts of Australia do so, but leave Western Australia alone." In that message we were saying to the Federal Government that because of the continued changes in this State over a number of years considerable improvements had been achieved in respect to the availability and effectiveness of the system, and cost reductions as well.

In summary, the procedure put in place and agreed upon by the Government and independent groups has achieved a satisfactory result. In the final analysis, although concerns are being expressed, particularly by the member for Moore and to a lesser extent by the member for Warren, there is no doubt in my mind that this legislation is consistent with the agreed position arrived at in this Parliament which required me as Minister to convey our conclusions to my Federal counterpart, which I did.

Mr Omodei: That was what we wanted - to make our own regulations rather than there being interference by the Federal Government.
Mr BRIDGE: That is exactly what we are doing. It is State rules that are important to the local industry. After major consultation we reached an agreed position with the industry about this matter which we have adopted. Generally speaking, and despite the significance and importance of this Bill - particularly now - we have reached the latter stages of our time frame for the introduction of this Bill, which was the end of October because of seasonal factors. We have done this with a great degree of support and cooperation from all parties.

I thank members of the industry groups who have worked strongly and positively with representatives from my department and the ministry in search of a sensible form of legislation to accommodate the industry in Western Australia while at the same time providing the Australian Wheat Board with the capacity to trade in an appropriate manner in a domestic sense. I also thank members of the National Party and the Liberal Party for their support. I feel I have been ably supported in seeking to bring before this House a significant framework as the industry sees it, but one which is not without its complications as highlighted this evening.

In the final analysis, it is an important measure and an historical one. We are doing this after many years during which a structure has been in place for this industry. There were justifiable reasons for its being put in place. The preservation of a set of arrangements created so long ago needs to be considered in an appropriate manner in this State. It is all very well to talk about freeing up industries because those are nice, flowing words, touching on the interests of mankind in this country. However, I have seen that flowing out sometimes leads to fairly disastrous consequences, so we have to measure up what we are able to achieve out of the process of deregulation as opposed to a structure deliberately designed and purposely put in place to serve an industry. That is what we are talking about when we talk about the dismantling or otherwise of this arrangement.

The way we have proceeded to the introduction of this Bill will ensure its acceptance, and its passage will serve the industry and the State. I thank all the people who have supported me, as Minister, and the Government, in relation to this matter. I, with pleasure, commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Dr Alexander) in the Chair; Mr Bridge (Minister for Agriculture) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Functions of the Board

Mr HOUSE: This clause allows trading in wheat and wheat products. I now raise a matter I meant to raise during the second reading debate in relation to growers who sell to people who set themselves up as traders in wheat. There have been a number of instances, particularly in relation to the private purchase of oats - which is not a prescribed grain - where private traders have gone bankrupt, leaving the growers who sold to those traders without payment. That is one of the things the previous Federal legislation covered. The Australian Wheat Board had the power to acquire the grain and also had a guaranteed payments scheme.

First I want to sound a note of warning to growers who may think that because they are dealing with a company they will automatically receive payment. They will not. They should make absolutely certain, if they decide to sell on the domestic market, that they have a guarantee of payment. They should make certain they are not dealing with $2 companies or men of straw. They should make every effort to see that their grain is secure until it is paid for.

Is the Minister going to introduce a procedure to check on companies acquiring grain? It is very important that growers are able to check on the people they are dealing with. Does the Minister intend to take a lead with regard to that, or does he intend to let the market operate without guidelines or regulations for people who will operate in the private market?

Mr BRIDGE: I would be prepared to take that on board. No specific provision is in place. Ordinarily one would expect that course of action to be embarked upon by producers or
growers, but because matters may emerge which are not in the interests of the producers, it is appropriate to examine that safeguard. I have quite deliberately taken account of this.

Mr House: Before this legislation gets to another place, perhaps some thought could be given to the Minister handling the Bill there making an announcement about what might be done.

Mr BRIDGE: If the member would like to talk to me about how he sees that matter being dealt with, I would be happy to discuss it.

Mr WIESE: On the surface this clause seems a little contradictory. I am sure the Minister can explain the anomaly. Paragraph (d) makes provision for the board to trade in grain and grain products other than wheat and wheat products. Paragraph (e) allows the board to make arrangements for the growing of grain, other than wheat, for the purpose of trading in such grain. On the other hand, subclause (3) would appear to prevent the board from trading in grain. Can the Minister explain the problem I see there?

Mr BRIDGE: My understanding is that the first part referred to confers powers on the board. The latter part reads down those measures.

Mr WIESE: I think the Minister is saying exactly what I suspect. Paragraphs (d) and (e) enable the board to become involved in grain and grain products other than wheat. The major grains we are talking about are barley, linseed, rapeseed and lupins. There are a few other crops like peas. Those two paragraphs allow the board to trade, but subsection (3) prevents it from trading in them.

Mr BRIDGE: We are talking about the Australian Wheat Board's ability to trade in the area of barley, lupins, rapeseed and linseed. That is under the prescribed classification.

Mr Blaikie: The important thing is, do you intend to have any of those prescribed products in due course under this Bill?

Mr BRIDGE: No, as I understand it.

Clause put and passed.

Clause 6: Powers of the Board

Mr OMODET: I move -

Page 3, lines 25 to 28 - To delete the lines.

We intend to move further amendments to ratify this amendment relating to section 7 of the State Act. It amazes me, as a farmer, that we are talking about placing importance on the three per cent of the domestic wheat market of 250 000 tonnes. I would have thought dealing with a permit system would be a pain to any farmer. We seek to free the transport of grain and allow farmers to use any kind of transport so that they can move their product at a more economic rate. That is a provision we intend to delete to enable us to amend it further under clause 7 and in a new clause which will be known as clause 8.

Mr HOUSE: The National Party will not support the deletion of those words but will support the retention of this clause as it stands. It is rather a shame that the mover of the amendment did not outline in greater detail his reasons and give some examples of why he sought to make such an amendment. Let me just say to him that there are a couple of important points to be made. The first of those is the principle of the orderly marketing and transport of grain. In this case we are talking about the orderly transportation of one of the State's largest commodities to get it from the farm to the ports for sale, and in this case to get it to the maltsters or to the private traders who might buy that grain under the Act.

One could argue, as the member for Moore did, that we are talking about three per cent of the total grain crop. I question that figure but only on the basis that, as he said, it may well grow as time goes by and, indeed, if he is correct and that brings a greater return to the State's grain growers, so be it. If he is right about that I have no argument with it. However, what I would question is the changing of the Transport Co-ordination Act which has stood us in good stead for many years. I do not believe that any evidence has been put forward at this stage to indicate that we should do other than support the system that is already in place. Indeed, many of those who argue from time to time for changes to things do not always put forward an economic principle for the whole range of the argument. In other words, they
often do as McColl did in his report - and I have a copy of his report here - and take selective examples where one can prove that one can shift the grain from A to B more quickly by a different method than that by which it is being shifted now. However, if one takes the overall range, from the northern grain growing areas to the southern grain growing areas, one will find that the system we have in this State now has stood the test of time and needs to be supported.

Therefore the National Party will not support the amendment but will vote to leave this clause as it is. I might say that I am absolutely certain from the meetings that were held around this State last year that 90 per cent of the State's grain growers would support exactly what is embodied in this Bill.

Mr BRIDGE: I also oppose this amendment, and the member for Stirling has highlighted the factors which we feel are compelling.

One of the interesting features of the debates which took place prior to the framing of this legislation was a generally agreed position which was adopted in the Parliament whereby over the five year period in which the transport changes had occurred there was a significant reduction in the cost to the industry. That is something that is recognised now and it is consistent with the transport arrangements that are in place. It is therefore very appropriate that we sustain that arrangement and in order to do that this clause as it is framed is important. It is important for the Minister for Transport to have the conditions in place as they are contained in this clause. I have had discussions with my colleague, the Minister in charge of the Transport Co-ordination Act, and have gained assurances from him as to the way in which the industry's interests would be accommodated in respect of the marketing changes for the licensing arrangements that are contained in this legislation.

With those clear arrangements firmly in place, consistent with what has been the effect of the arrangements in recent years, we see no reason to support this amendment. I therefore oppose it.

Mr BLAIKIE: I support the amendment moved by the member for Warren. Basically this amendment seeks to create an opportunity to free up the transport of grain in Western Australia. The Minister can correct me if I am wrong but I believe about 250 000 tonnes will be affected by this Bill. What is proposed by the Liberal Party is that the buyer should have the opportunity to choose the method of transport. That currently does not apply and I urge the Government to look very long and hard at its opposition to this amendment.

The freeing up of transport modes will be very important to the industry. It will not wreck the industry but will at least give those people the opportunity of choosing the best method of transport for them - which may not necessarily be the cheapest - and the one which is most desirable financially.

Traditions that have been entrenched literally for decades are very difficult to change because old attitudes die hard and many people are very fearful of change for change's sake. However, change can bring some very important benefits. The Government has already brought a number of important benefits to a range of industries with its deregulation policies so I am quite surprised that the Minister for Agriculture has adopted this attitude so early in this debate. One transport area which caused great concern to everyone in Western Australia was the deregulation by the then Minister for Transport, Hon Julian Grill, of passenger transport, yet in those areas where deregulation occurred it resulted in a significant increase in the level and opportunity of services to the area. It has not decreased from the area; it has provided a range of new activities, opportunities and services that did not exist previously.

The services that were available three or four years ago were holding back the movement of passenger transport in Western Australia very significantly. The Government deregulated that and I have already acknowledged to the current Minister for Transport that I believe it was a very positive step. I am quite surprised that the Government has not followed that example in relation to the transport of grain.

Some other transport areas have been totally deregulated over the last 10 years and part of the debate tonight has included arguments I heard 10 years ago about change not being what people wanted at all; generally it was a flat earth policy approach. However, the changes that have taken place in the timber and mineral sands industries have brought incredible benefits to the people in the regions concerned; because, whereas all goods were totally regulated,
either to rail or to road transport operators, there has since been a total deregulation with the end user having the opportunity of choice as to what he wants. This has provided a new industry for people, with new opportunities. It has also significantly reduced the cost of transport and both the end users and the producers have been substantially advantaged because a new area of competition has been introduced into the transportation industry.

I therefore question the Government’s motive. On one hand it says, “We want to free all this up; we want to give this market opportunity.” On the other hand, the Government always says, “We will not do anything about transport.” But transport is one area in which the Government can act effectively and positively. This is an area that can bring very significant benefits to the people involved in the industry by increasing opportunities, or at least give them a choice of transport options.

Another example of deregulation that the Government can effect relates to the dairy industry. For years successive Governments - disappointingkly, Liberal Country Party Governments - have effectively held the dairy industry in a totally controlled situation which has led to its virtual demise. However, I am pleased to see that one of the people advising the Minister tonight is a person who has been close to a significant change in the dairy industry.

The Government has taken a fresh look at that industry and when it did so many cries of panic could be heard. “Goodness gracious, if the Government looks at the industry, we will all be doomed”, some people said. People thought that because we have had an industry for 100 years it should not be touched; nothing should be done about it. However, significant changes did take place. Perhaps I should say that the changes were of a minor nature but they had a significant effect on the industry. I refer to the effects of deregulation, because those minor changes have meant that people can move into and out of the dairy industry; they can progress in the industry and, if they choose, they can go backward. Under previous Governments these people were totally shackled; they could neither move in nor out of the industry unless some illegal de facto arrangement was in place.

I also point out that the dairy industry was in a state of total depression and literally hundreds of people were leaving the industry. Basically all the production factories were located in Perth. Since deregulation - which people opposed bitterly - in the last two to three years three new innovative dairy factories have been built in Western Australia, and there are more to come. Western Australians used to be rather ashamed of their products but now Western Australian products grace the shelves of the superior stores throughout Australia. I relate these things to the Minister because that is what deregulation in the industry has done. It has freed up the industry and given the people choices which were not available before.

The first phase of the amendment relates to transport and gives people the opportunity to choose a method of transport. On the matter of deregulation of transport I question whether many farmers in Western Australia would support the total transportation of superphosphate by rail. If I took a poll to see whether people wanted an option to choose a mode of transport, I venture to say that 99 per cent of people would favour it. Those people who wanted rail transport or those who wanted some other mode of transport would have the right to choose between the prices of the contractors.

We are considering whether this Parliament wants to give people on the land the opportunity of choice. This is a very important principle for members of Parliament to consider. If people do not want to take that opportunity that is their decision, but I believe that once the opportunity is provided people will make a determination regarding the various transport modes on offer.

I reiterate that in all areas of the State where all the arguments have been advanced against giving people a right of choice the end result has been that people do not want to return to the ways of the past; they want the right of choice; they want the opportunity to choose the mode of transport they believe is in the best interests of not only themselves but also the industry.

The amendment moved by the member for Warren should receive the serious consideration of the House.

Mr COWAN: The member for Vasse would be well advised to know that even though we are very pleased to hear his recital of events that occurred in the dairy industry, we are talking about the wheat industry. In that industry there happens to be a freedom of choice in relation to the transport of produce on the domestic market which has been in place for five years.
There has been some castigation of Westrail which is the major transporter of grain in Western Australia. The majority of growers are not the least bit concerned about the ability of Westrail to provide an efficient service. If people do not believe that I recommend that they go to the Beacon area on Friday and listen to the arguments that they put forward - most of them will be wheat growers - in seeking to preserve their rail link with the port area. A disastrous proposition has been put forward by Westrail that the Beacon-Wialki line be taken out of use. Those people and many others will argue very strongly for the retention of rail. We do not accept that this so-called freedom of choice which has existed for five years will show that Westrail will fall out of favour because of some efficiencies.

The change in the pricing structure in the area where we produce a little bit of wheat has become quite evident in the last five years. If a person wanted to sell grain on the domestic market to processors - we have to acknowledge that the only real market domestically is for processors rather than millers - he could do so utilising the road transport system. However, in our territory, the price of transporting that grain to a processor using road transport is approximately $5.50 to $6.50 per tonne dearer than the Westrail freight rate. People cannot argue very strongly about Westrail's alleged inefficiencies because people in the Beacon-Wialki area are fighting to save their rail line and, in the area where I produce wheat, the price of grain sold direct to a processor and transported by road as opposed to the regulated system - rail - is between $5.50 and $6.50 a tonne dearer.

The most important thing in this case is that a transport choice is available already to the producer. This clause allows for a system and some order in the transport of grain. No-one could argue that the State is not responsible for transport or that we should be dictated to by Canberra. It is fine if the Opposition wants a totally deregulated, open slather system in which there is no monitoring or input from the State. We will not support that. We believe our transport system is up to scratch. The choice has been made by growers. Whatever happens in the transport industry should remain the responsibility of the State Government which is responsible to this Parliament and should not be dictated to by Canberra. A choice of transport options exists. The State is able to and does provide good services. There is no doubt that this subclause should be retained and the amendment should not be supported.

Mr McNEE: I support the amendment moved by the member for Warren. I plead with the Parliament to take off its blinkers because I remind the Chamber that the only thing that is constant in this place is change. It is not good enough to say that, because something has served us well for 10, 20, 50 or 100 years that it will do well for another 10, 20, 50 or 100 years. That line of argument spells disaster. Of course, a grower has some limited choice provided he uses his own vehicle to transport his wheat. However, I am talking about the person who wants to make the real choice. When I ask the Minister to deregulate the transporting of grain, I am asking him to allow somebody to have a real choice to have somebody move it on his behalf by road or by rail.

No-one has said that Westrail is inefficient. We have said that Westrail, which is a monopoly, can do with some competition. That will do no harm. It will improve its performance. We do not know how well Westrail can perform. I know, however, that when the transport of wool was deregulated some years ago, Westrail commanded about 90 per cent of the traffic. At that time I remember being invited by Westrail to attend a function to launch its wool bulk depot in my district. I thought that that system would work in the transport of wool. Everyone knows that wool is not transported by rail any more because the producers of wool voted with their feet. They have their wool transported by road because it is more efficient.

Farmers made the decision about the dollars they paid per bale, whether the wool was transported by road or rail. Farmers these days are very competent at making businesslike decisions. They made that decision to accept the transport of wool by road with the result that Westrail has opted out. I am not crowing about that. I imagine that if one went to Westrail, it would probably say that it is not terribly good at transporting wool. I am not suggesting that it is not terribly good at transporting wheat. However, if one wanted to move a particular type of wheat from Calingiri to Narembeen, rail may not be the best way to do it. People in the industry should make the most money they can out of their product because I do not believe that there is a farmer in Western Australia who will not accept a cheaper freight rate. No-one is suggesting for a minute that we will close the lines or do anything horrific. The Opposition wants a competitive system. Who can understand competition
better than farmers? The Opposition recognises that they are price takers. I do not believe I can do much to change that. Better people than I would have changed it if it were possible to do so. Within those constraints we must take control of those things we can control, and this is one of the areas where they can be helped.

The member for Vasse made some very pertinent comments about the dairy industry. He referred to change and, of course, unless we change with the times we shall be for ever condemned to going down the wrong track, and we shall not improve the position at all. I make a plea to the Government to consider those people in the industry. It has been said that some of the lines in the outer areas will be under pressure, but they may not be. It might be that if some grain is taken from areas closer in, it will help those outer areas because they should enjoy cheaper freight on the long hauls. I would have thought that was a more efficient way, and that the cheaper closer-in hauls could be causing the greatest problem.

In any case, with regard to the transport of superphosphate, no-one suggests that it is efficient for anybody. We have tried using 200 tonne block trains. When the Minister answered a question I asked the other day he said he did not think that regulating the transport of super to rail was inefficient. If he gives some thought to the matter, I am sure he will realise it is inefficient. If I order a 20 tonne truckload of super to travel 300 kilometres, the railways are bound to deliver it to me. It may well be that Westrail would prefer not to have that business, and it might be better if it were not regulated to rail. If the Government had the commonsense to consider this matter seriously it could come up with a much cheaper and more efficient method. However, it decides stubbornly to stick with the system because it has been regulated and, come hell or high water, no matter what the result or how unprofitable, it will not change. I make a plea to the Parliament to consider the best interests of the producers of this State and also the best interests of Western Australians at large. As long as there is inefficiency in our rural industries, Western Australians will pay the price. I support the amendment.

Mr BRIDGE: The Government is doing precisely what the member for Moore is seeking in the interests of the industry. That was admirably demonstrated as recently as yesterday when an agreement was reached with the Western Australian Wheat Board. If the Wheat Board had any great concern it would not have entered into that voluntary arrangement. As the Leader of the National Party said, there are measures of choice. The Opposition is arguing about the degree of choice, not that choice does not exist.

Mr McNee: You are splitting hairs.

Mr BRIDGE: Whatever the member’s view, it is a matter of interpretation. In the Government’s view the system operates with that capacity and that is the way it should remain.

Mr Blaikie: If that is your stand on this legislation, why did the Government change in a number of other areas that gave deregulation, right of choice, and right of absolute choice? Why is it being different here?

Mr BRIDGE: I am not sure which legislation the member for Vasse refers to but I do not think it is relevant to this debate. It is quite unnecessary to make that equation because we are dealing with a set of arrangements relating to the wheat industry. It may be that another course of action has been pursued in another approach in this Parliament. I am not saying it has not happened. The measures contained in this legislation are based on what was generally regarded as the agreed position. It is not as though the Government is completely restricting the capacity of choice, but it is the measure of choice under discussion. The Opposition wants to open the whole area and by hook or by crook to succeed or fail. It must be more disciplined as to how changes are introduced.

Mr Blaikie: Why?

Mr BRIDGE: It is important.

Mr Blaikie: Why?

Mr BRIDGE: Because the industry requires that. The industry wants legislators to make any changes in an orderly, planned and structured way.

Mr McNee: You are saying you do not want to do it, you do not want the farmers to have the best deal.
Mr BRIDGE: In the context of this legislation I am not prepared to do it. Nonetheless, it is not designed to do what the Opposition is suggesting; that is, it is not designed to impede the industry and farmers. It is designed to take account of their protection and to provide safeguards. It is on that basis that the clause has been framed.

Mr OMODEI: A number of points have been made in a variety of ways. The basis of the Opposition’s argument is that it wishes to deal with parts of clause 6 to enable some very important amendments to be made to clause 7. This will allow people to handle, transport and deliver grain. Much has been said about the efficiency of Westrail. There is no doubt of its efficiency in some areas; however, in other areas there are inefficiencies. One of the worst things one can do to farmers is impose a permit system on them. It is anathema for farmers to go through the process of getting permits for anything, let alone the handling and transport of grain. The legislation is continuing that imposition. We want to free the handling and transport of grain so that farmers get the best dollar for their product. The member for Moore has made that point on more than one occasion. I believe that the amendment seeks to remove that section, so that we can move other amendments in following clauses that will improve those efficiencies for farmers.

Mr WIESE: If we delete these lines, we are left with a completely deregulated transport industry in respect of the transporting of grain. The grain industry is not prepared to accept that. Having said that, I sound a warning to the Minister for Agriculture and the Minister for Transport and we have previously sounded this warning during a previous debate on the Transport Co-ordination Bill: I believe we made it very clear that the National Party believes there is an urgent need for a review of the workings of the Department of Transport and the permit system. I want now to give an example, which should bring to the attention of the Minister the need for a close look at some of the provisions of the Transport Co-ordination Act. The grain freight rate which is being charged to the growers of grain who deliver into Kojonup and Qualeup is about $7 to $7.50 per tonne. Neither of those CBH bins is served by rail, so the grain is lifted out of those bins and transported by road across to Broomehill, put onto rail, and then taken down to Albany, up to Perth, or wherever the handling authority wishes to dispose of that grain. Despite the fact that the grain has gone out of Qualeup, which is 20 miles west of Kojonup, and has been transported approximately 50 kilometres across to Broomehill, and then put onto rail, those growers are still charged $7 per tonne, but the poor old guy who lives in Broomehill is charged about $11 per tonne for that grain to be carted to Albany.

While I praise the Minister for Agriculture and the Minister for Transport for what they are doing in respect of the transport of grain, because they have managed to lower the freight rates, I suggest that these sorts of anomalies need to be ironed out of the system, because they destroy what the Government is trying to do. I do not support the amendment, because it will create a situation of open slather, and will favour the lucky few who happen to be close enough to a market to take advantage of their ability to deliver by road; and it will disadvantage those growers who live 300 kilometres, or more, away from the ports.

Mr BLAIKIE: The Minister has already made some comments in response to the arguments raised by members on this side of the Chamber, but I do not believe the Minister addressed the questions asked of him, and has not settled down to addressing the nub of the Government’s position, which is that in a number of industries - specifically the transport industry - it has seen fit to ensure that deregulation take place, yet in this instance -

Mr Bridge: I have acknowledged what you said. I said also that while I understood, that equation meant nothing here tonight. This is the decision which has been made by the Government, and this is the course of action that we are proposing to take in respect of this legislation. I am not arguing with you that it has not happened in other areas of change, but it is not happening in this instance due to the factors I have outlined tonight. It is as simple as that.

Mr BLAIKIE: The Minister may say it is as simple as that, but it has no relevance to other decisions the Government has made. I say also that in other areas where the Government was intent on making those decisions, there was hostility and total misapprehension about what was going to happen. The end result has been beneficial to the wider community.

The Minister for Transport would certainly well recall the arguments that were advanced when the Government deregulated road passenger services, and the brouhaha it caused; yet
what is the situation today? Four times as many services and opportunities exist and the people have benefited entirely. People must understand that rail was important in developing and opening up our State. As rail services were provided to the State the Governments of the day protected those services by regulating all transport to rail. So on one hand the Government provided a rail service to a region and on the other hand, in order to protect its investment, it ensured that no other services could compete with that service. That might have been all right in the 1920s, 1930s and 1940s, but in the 1980s things have changed quite considerably.

Mr Cowan: The domestic grain transport system is currently deregulated.

Mr BLAIE: And am I free to go and cart tomorrow?

Mr Cowan: Yes, if you are carting for a transport company.

Mr BLAIE: But I do not want to cart for a transport company.

Mr House: Whom do you want to cart for?

Mr BLAIE: For myself.

Mr House: You can do that.

Mr BLAIE: And for my next door neighbour.

Mr House: Why do you want to do that?

Mr BLAIE: Because I want to deliver grain. I want to cart it to the bloke down the road and to the fellow over in Merredin.

Mr House: In other words you are a trucking company.

Mr BLAIE: No, I am not, I am just a single truck operator and the bloke in Merredin wants me to cart grain. He wants to exercise his right of choice, and I want to provide that service. It is as simple as that.

The Minister does not operate in the same sort of de facto free system as the Leader of the National Party indicated. The Minister represents a system that can survive only in a totally open, free transport system. If the Kimberley were subjected to the sort of constraints that the Leader of the National Party was talking about, the Minister would not be here tonight and his electorate would not be here at all because it simply could not survive. The Minister has seen the benefits of a total system in which, if people wanted to, they could use Stateships. They have that freedom of choice as to how they want to cart their goods. If they want to send goods across the border, backwards and forwards, they can do so. I suggest to the Minister that that is how he has been able to survive.

This amendment provides an opportunity for choice. It is difficult to understand why the provision of choice is a matter that is so hotly disputed and so hotly opposed. Surely everybody would expect the right of choice to be the most basic of all entitlements people have.

Mr House: Does that principle apply to the amount of milk your dairy farmers produce?

Mr BLAIE: The member for Stirling should read my Royal Commission report.

Mr BRIDGE: It is not a matter of our hotly disputing anything. This legislation and these clauses reflect what the industry wants in this State.

Mr Blaikie: This legislation reflects what John Kerin told you you would have.

Mr BRIDGE: John Kerin told me nothing. There is absolutely no suggestion, or advice, or guidance, or information, or anything else that has come from Mr Kerin in respect of these measures. The measures contained in this legislation emerged from the general consensus that was arrived at in Western Australia in which industry members themselves were the key actors. They have said to me that this is the path they want, so it is not the Government that is arguing, it is the reverse. The member for Vasse is reflecting a view and I have tried to say I am not in dispute with that view. He has a view about the degree of choice and freedom; that is what it amounts to. It so happens we do not agree on that point. We agree there is an appropriateness of choice; the member says there is not. That is really where it stays.

Mr McNEE: I have to agree with the member for Vasse. The Minister speaks so freely of freedom of choice yet that is the very thing he wants to take away - to clutch. That is what
he wants to do. We are asking for some freedom. The Minister was at a meeting in Wongan Hills in April, which 350-odd people attended. In a motion which was carried by a considerable majority those people said that the Australian Wheat Board and the grain traders should have the right to use the cheapest method of transport and handling at their disposal. That is what the people said but the Minister is quite happy to deny those people their right. He is saying, "I know better than you and I know better than the people in the industry. I know, I will control it." He says that, yet he stands up and talks in doublespeak and pretends he is not saying that. He should declare himself as being firmly in the corner of regulation because that is really where he belongs. It is abundant excuses but unfortunately he has to say it. Really the Minister's own heart's desire would be to agree with me because he knows as well as I do that that choice is in the best interests of the Western Australian wheat grower. We are asking the Minister to give those people the freedom to make the choice for the best operation and the best price. It will not be open slather at all. We are talking about a very small step, such as an infant might take. The Government has taken it upon itself to make that very small move. It is absolutely amazing that the Government could resist so strongly. The Minister will have to explain to the people why the Government does not want people to exercise their right to choose how they will operate. If we follow the Minister's logic we might as well say that people do not have the right to choose whether to deal with one stockbroking firm or one oil company. The Government can take away those choices, but we are talking about the right of choice in a very small part of the market. We are talking about a little bit of freedom. The Western Australian grower is quite happy to take upon himself the responsibility to have that freedom. The Government is denying that freedom, not because it wishes to say people cannot make the choice but because it is foisting upon the Western Australian public.

Mrs Beggs: Are there any female operators in the industry?

Mr McNee: The Minister should go back to her sausage sizzle.

The Government is saying that it will make a choice for people. The Opposition says that people should be able to make that choice themselves freely without ministerial direction or notice.

I plead with the Minister to consider the industry and the benefits to be gained by the industry; to consider the benefits to Western Australia, and not be hoodwinked by the jargon which might be pushed regarding something horrible happening if the Government takes this small step. I ask not only that the Government consider this worthwhile amendment, but also that it free up the industry a small bit and allow farmers to make the choice.

Mr Cowan: I remind the House that in this case the legislation deals with the domestic market, and nothing else. A freedom of choice already exists in the domestic market in relation to transport, a choice which can be exercised by the grower.

Mr Blaikie: And the buyer.

Mr Cowan: Yes. It appears to me that the freedom of choice which is granted under the auspices of this legislation as it stands is perfectly adequate; perhaps more importantly, these provisions meet the demands of the majority of growers.

The member for Moore mentioned one meeting. Perhaps the member for Moore would like to recount to the Chamber the results of the other grain meetings that were conducted when this issue was extremely important. It still is important, of course, but I mean when it was important enough for the grower industry bodies to arrange meetings of growers to debate this issue. Meetings were held at Mingenew, Wyalkatchem and Newdegate; something like 1200 wheat growers attended the meeting at Newdegate. At each meeting an overwhelming majority of growers called for the embodiment of the principles that are incorporated in this legislation.

Mr Omodei: Are you saying our advice from farmer organisations all over this State is wrong?

Mr Cowan: I am saying that the West Australian Farmers Federation would never give that advice. The information the member for Warren received was from The Pastoralists & Graziers Association. I do not know that I would ever be one to insult The Pastoralists and Graziers Association by making claims I cannot substantiate. I do not know how many members that association has but I can assure the member for Warren that if all members to a
man and woman supported the concept that he is trying to embody in his amendment they would still be in a minority in the wheat industry.

The legislation as it is written, and as it is supported by the National Party, meets the demands of an overwhelming majority of growers. In the view of the growers there is enough choice for these people to satisfy their needs. If I, as a grower, and the member for Moore as a grower, wanted to sell grain to the Australian Wheat Board and it wanted to buy that grain for domestic market purposes, the Australian Wheat Board under this legislation can arrange to transport grain in any manner it sees fit.

Mr McNee: Not freely.

Mr COWAN: It can, quite freely.

Mr McNee: I say it can’t.

Mr COWAN: With respect, the member for Moore is wrong. Not only is he wrong, but also the majority of growers want the system as it is outlined in the legislation presented to this House. We will certainly support the wishes of the majority of growers of wheat and other grains in this State.

Mr BRIDGE: I am sure this clause has received more than its fair degree of prominence tonight in the canvassing of concerns and issues related to it. The member for Moore has said that the Government is making a decision about what will happen in the future. Considerable consultation took place with the growers in respect of these measures. It was not simply a case of the Minister’s saying that this would be the course of action we would embark upon without first discussing the measure at length with the industry and reaching an agreement with the industry.

The member for Moore suggests that the measures contained in this legislation are not appropriate for the industry, but a large percentage of growers in the industry have made that decision. Despite that, because there seems to be some uncertainty about the procedures which are in place and the capacity of growers to be able to pursue certain options, I am prepared to undertake discussions with the Minister for Transport to perhaps spell out those measures if that would be of use to the industry. Clearly we are not consistent tonight with our interpretations of the measures. If there is uncertainty I would be more than happy to allay those concerns.

Mr McNee: How about going back to Wongan?

Mr BRIDGE: I played my guitar there and they want me back. I would be happy to go back.

The DEPUTY CHAIRMAN (Mr Donovan): Order! Before I put the question I am conscious of the interest in the clause by members on my left, and the confusion shared by the member for Wagin and myself. It is my duty to remind members that they are voting not on the amendment in the Notice Paper but on the amendment which is simply to delete lines 25 to 28.

Amendment put and a division taken with the following result:

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Ayes (17)
Mr Bradshaw
Mr Clarko
Mr Court
Mrs Edwards
Mr Grayden
Mr Hassell
Mr Kierath
Mr Lewis
Mr MacKinnon
Mr McNee
Mr Mensaros
Mr Nicholls
Mr Omodei
Mr Strickland
Mr Fred Tubby

Mr Watt
Mr Blaikie (Teller)

Noes (29)
Mr Ainsworth
Dr Alexander
Mrs Beggs
Mr Bridge
Mr Carr
Mr Catania
Mr Cowan
Mr Cunningham
Dr Gallop
Mr Graham
Mr Grill
Mr Gordon Hill
Mr House
Mr Kobelke
Dr Lawrence
Mr Leahy
Mr Marlborough
Mr Pearce
Mr Read
Mr Ripper
Mr D.L. Smith
Mr P.J. Smith
Mr Taylor
Mr Thomas
Mrs Watkins
Dr Watson
Mr Wiese
Mr Wilson
Mrs Buchanan (Teller)
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Clause 7: Application of Bulk Handling Act 1967 -

Mr OMODEI: It is obvious from the debate that members of the Government and the National Party do not intend to support the amendments we propose to move. Clause 7 deals with the ability of any person to receive, handle, transport or deliver grain within the State. We proposed to move a new clause 8 which would do the same thing in relation to the Transport Co-ordination Act. However, in order not to delay the Chamber any further, and due to the evident attitude, we will not move any of the amendments.

Clause put and passed.

Clauses 8 to 15 put and passed.

Clause 16: Review of Act -

Mr HOUSE: I ask the Minister whether he has any thoughts or ideas about how this review might be implemented. For example, a review carried out by members of his staff may not achieve the results that would be achieved by involving sections of the industry. I want to be clear in my mind that when this review is carried out, the Minister will be consulting all sections of the industry, and the review will be public and open to submissions from the industry so that the Minister will gain a proper determination on the working of the Act.

Mr BRIDGE: Ordinarily, the answer would be yes, as I would be prepared to give an undertaking to the House that the way the review would be undertaken would be with proper consultation with appropriate organisations from the industry. But, the difficulty in giving a clear assurance is that the review is five years down the track. It may well be that another person will be Minister - I may be in Texas or Kansas singing - and, therefore, an assurance cannot be forthcoming. The intentions of the Bill require the Government of the day to undertake that process, and despite the fact that it is five years away, it is expected that the review will be carried out as the member suggests.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

ACTS AMENDMENT (REMUNERATION OF GOVERNOR) BILL

Returned

Bill returned from the Council with an amendment.

STAMP AMENDMENT BILL (No 4)

Returned

Bill returned from the Council with requested amendments.

ADJOURNMENT OF THE HOUSE - SPECIAL

On motion by Mr Pearce (Leader of the House) resolved -

That the House at its rising adjourn until Thursday, 2 November, at 10.45 am.

House adjourned at 11.09 pm
QUESTIONS ON NOTICE

OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT - CONSTRUCTION
SAFETY ACT

1247. Dr TURNBULL to the Minister for Labour:

(1) In each of the last three years -
(a) how many joint declarations have been made under section 4(3) of the
Occupational Health, Safety and Welfare Act 1984 or under the
Construction Safety Act;
(b) which mines or parts of mines were involved and for what periods
were they under the Occupational Health, Safety and Welfare or
Construction Safety Act; and
(c) how many inspections at each of these construction sites were
completed by inspectors appointed under the Occupational Health,
Safety and Welfare Act or under the Construction Safety Act?

(2) Can these dates of inspection be provided?

Mr TROY replied:

The question will require considerable research. If the member has a specific
matter to be raised I will be happy to provide the information.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE REGULATIONS -
MACHINERY SAFETY REGULATIONS
Pressure Vessels - Certificates of Inspection

1248. Dr TURNBULL to the Minister for Labour:

(1) (a) In each of the last three years, how many certificates of inspection
have been issued for inspection of pressure vessels which require
inspection under the Occupational Health, Safety and Welfare
Regulations 1988 or the Machinery Safety Regulations 1978; and
(b) what percentage of the total number of pressure vessels requiring
certificates of inspection in each of the last three years do these
represent?

(2) (a) In each of the last three years, how many certificates of inspection
were issued for mobile cranes which require inspection under the
Occupational Health, Safety and Welfare Regulations 1988, or the
Machinery Safety Regulations 1978; and
(b) what percentage of the total number of mobile cranes requiring
certificates of inspection in each of the last three years do these
represent?

Mr TROY replied:

(1) (a) 1986-87 9547
1987-88 10084
1988-89 8263

(b) The Department of Occupational Health, Safety and Welfare believes
all pressure vessels that are known to require inspections have been
inspected.

(2) (a) 1986-87 3782
1987-88 3888
1988-89 3227

(b) The comments for 1(b) above also apply to cranes.
PRODUCTIVITY POLICY UNIT - TAXPAYERS FUNDS
Minor Offence - Disciplinary Action, Bartholomeus, Mr Neil

1288. Mr MacKINNON to the Minister for Productivity:
(1) Further to question 1063 of 1989, can the Minister advise whether the
disciplinary action referred to in the answer to that question was taken against
Mr Bartholomeus?
(2) If not, was the action taken against a senior public servant?
(3) What was the minor offence referred to?
Mr TROY replied:
(1) The disciplinary action was not against Mr Bartholomeus.
(2) A senior officer was one of three officers.
(3) All three officers were disciplined in relation to the incorrect use of a local
purchase order.
This issue was the subject of a thorough investigation under the Public Service
Act, which has now been concluded.

PERTH HOSTEL - INSANITARY HOSTEL
Legal Action - Government Ownership

1315. Mr COWAN to the Minister for Works and Services:
(1) Is legal action being taken against the Perth Hostel, 196 William Street, for
allegedly keeping an insanitary hostel?
(2) Is this building owned by the State Government?
(3) How much money has been spent on repairs by -
   (a) the State Government; and
   (b) the hostel operators
   over the last 18 years?
(4) Has the State Government been notified of the structural repairs that are being
demanded by the Perth City Council; and, if so, when?
(5) What action is the Minister taking in response to the work order and the legal
action issued by the Perth City Council?
(6) How many residents of the hostel are there, and are they going to be required
to find alternative accommodation?
Mrs HENDERSON replied:
(1) It is understood that the City of Perth has taken legal action to enforce a work
order issued under the Health Act and City of Perth health by-laws.
(2) Yes. The Perth Hostel is one of a number of premises on the east side of
William Street, between Roe and Aberdeen Streets, owned by the State
Government. The sites were purchased to accommodate future development
of the cultural centre.
(3) (a) In May 1977 lease conditions were amended to limit the lessee’s
liability for repairs to $2,000, subject to the firm understanding that the
State Government would be under no obligation regarding costs over
that amount and that, should orders require expenditure in excess of
$2,000, the lease would be immediately terminated. Repair work
requested by the Perth City Council is estimated to cost $60,000. The
State Government has not spent any money on repairs to the premises.
(b) The Perth Hostel is operated as a boarding house on a commercial
basis. The State Government is therefore unaware of what expenditure
may have been incurred by the lessees.
(4) A copy of the work order was referred to the Building Management Authority
The Minister for Lands acting with delegated authority under the Public Works Act is currently considering giving notice of determination of the lease to the lessees.

(a) It is understood that the premises, which is operated as a boarding house, can accommodate up to 33 boarders.

(b) A non-profit housing group has shown interest in taking up the lease, if the current lease is determined. Should the lease change hands, it is likely that current residents will be offered first option on the accommodation.

WESTERN AUSTRALIAN DEVELOPMENT CORPORATION - EMPLOYEES

Current Statistics

1431. Mr MacKINNON to the Premier:

(1) How many employees are still in the employ of the Western Australian Development Corporation at the present time?

(2) Would the Premier break down the divisions within which those employees are currently located?

Mr PETER DOWDING replied:

(1) Forty-six.

(2) WADC - Permanent - 1
     - Temporary+ - 6

     LandCorp - Permanent - 11

     EventsCorp - Permanent - 14

     Special Projects -

     (i) East Perth Project
         - Permanent - 4
         - Seconded# - 2

     (ii) *Asset Management Task Force
         - Short Term
         - Contract - 8

* LandCorp is providing administrative support for the Asset Management Task Force pending formalisation of other administrative arrangements. These people are paid from a separate appropriation which is administered by LandCorp.

# Seconded officers are employed by WADC for a fixed period. At the expiry of their secondment officers will return to their relevant departments.

+ Temporary transfer from Exim Corporation handling asset sales.

AGRICULTURE - DIEBACK

Phytophthora Species - Crops and Vines Infection

1439. Mr WATT to the Minister for Agriculture:

(1) Further to question 7 of 1975, has Phytophthora cinnamomi, Phytophthora citricola or other Phytophthora species been detected in the following categories of crops in Western Australia -
(a) orchard crops, including nuts;
(b) horticultural crops, including native flora and exotic flora;
(c) vegetable crops; and
(d) vines - including grapes?

(2) What action has the State Government taken regarding outbreaks of *Phytophthora* infection in commercial crops?

(3) What action has the State Government taken concerning -
(a) plant disease hygiene requirements at commercial Government nurseries operations in the State;
(b) registration of commercial nurseries, including Government nurseries; and
(c) plant hygiene requirements at other nurseries providing planting stock for various public and private revegetation projects, especially in or adjacent to valuable conservation areas?

Mr BRIDGE replied:
(1) (a)-(b) Yes.
(c)-(d) No.

(2) Encourages nursery hygiene practices in all crops. Some specific treatments have been developed for susceptible crops; for example, the use of tolerant rootstocks - such as citrus, avocados - and phosphorous acid injections - avocados.

(3) (a) The major commercial Government nurseries - for example, CALM, Main Roads Department - adopt nursery hygiene practices which accord with accepted standards for *Phytophthora* control.
(b) The Government favours self-regulation in regard to nursery hygiene standards. The Government is assisting the Nursery Industry Association to develop an accreditation scheme for all plant nurseries.
(c) The Government has publicised correct nursery hygiene practice, made purchasers aware of the risks associated with introduced stock and assisted by testing nurseries and stock where requested.

**PRISONS - BUNBURY**

*Watchtower Removal - Prisoners' Categories*

1462. Mr BRADSHAW to the Minister representing the Minister for Corrective Services:

(1) Has the watchtower been removed or now not used at the Bunbury Regional Prison?

(2) If so, why?

(3) Have extra security measures been taken?

(4) What category of prisoners are kept at the Bunbury Regional Prison?

(5) What type of crimes fit the categories?

Mr D.L. SMITH replied:
(1) The use of the watchtower was discounted in July 1987 and it was removed on 6 April 1989.

(2)-(3) Bunbury Regional Prison is rated as a low-medium security prison and the security provided is consistent with this rating. Some additional fencing was installed prior to the removal of the watchtower.

(4) Prisoners who are assessed by professional departmental staff in accordance
with established policies and guidelines as being of a low, medium or minimum risk to the security of the public. Some short term maximum security prisoners are held in a separate more secure section of the prison pending court hearings or transfer.

(5) A prisoner convicted of any offence may be held at Bunbury Regional Prison at different stages of his imprisonment but only as described in (4).

**WASTEWATER TREATMENT PLANT - BEENYUP**

*Stage 3 Extension - Preliminary, Primary, Secondary and Solids Treatment Facilities*

1467. Mrs EDWARDDES to the Minister for Water Resources:

Referring to question 1401 of 1989, will the Minister please advise -

(a) precisely what are the extensions to the preliminary, primary, secondary and solids treatment facilities to which the Minister refers;

(b) are these extensions working towards the replacement of the incineration system by a solids treatment process; and

(c) if so, could the Minister advise the date by which this process is to be completed?

Mr BRIDGE replied:

(a) (i) Extensions to the preliminary treatment facilities include new screens, grit removal equipment, odour control facilities and associated equipment.

(ii) Extensions to the primary treatment facilities involve upgrading the capacity of the primary sedimentation tanks and installing a new scum disposal system.

(iii) Extensions to the secondary treatment facilities involve the construction of four secondary sedimentation tanks and associated equipment.

(iv) Extensions to the solids treatment facilities involve the replacement of the existing sludge dewatering equipment and sludge incinerator with a new anaerobic digestion and sludge dewatering complex.

(b) Yes, as per (a)(iv).

(c) Current planning anticipates that the new anaerobic digestion complex will be operational by the end of 1989, enabling the sludge incinerator to be phased out. The precise date for closure of the incinerator will depend on how smoothly the start-up and commissioning phase for the new anaerobic digesters proceeds.

**HEALTH - HOSPITALS, TEACHING**

*Waiting Lists - Statistics*

1480. Mr HASSELL to the Minister for Health:

As at 30 September 1989, what was the total number of people on waiting lists at teaching hospitals in Western Australia?

Mr WILSON replied:

The number of people on waiting lists for teaching hospitals as at 30 September 1989 was 8,447. This information should be interpreted carefully. The waiting list is comprised largely of people awaiting non-urgent treatment and a significant proportion of people are treated very quickly. For example, approximately one-third of all people on waiting lists at Royal Perth Hospital are treated within a week of being placed on the waiting list. Treatment priorities are determined on the clinical need as assessed by the relevant specialist and those who need urgent treatment receive it promptly.
WATER AUTHORITY OF WESTERN AUSTRALIA - OFFICES
Bunbury, Mandurah, Collie, Albany, Bridgetown - Staffing Levels

1489. Mr NICHOLLS to the Minister for Water Resources:

(1) What are the current staffing levels at the Western Australian Water Authority offices in -
   (a) Bunbury;
   (b) Mandurah;
   (c) Collie;
   (d) Albany; and
   (e) Bridgetown?

(2) What were the staffing levels for those offices at -
   (a) 1 November 1986;
   (b) 1 November 1987; and
   (c) 1 November 1988?

(3) What were the number of requested connections for sewerage in these areas during the 1987-88 and 1988-89 financial years?

(4) What were the number of requested connections for water in these areas during the financial years 1987-88 and 1988-89?

(5) What is the capacity of the Gordon Road sewage treatment plant and what is the current capacity being used?

(6) (a) Has the demand on the Gordon Road treatment plant ever been exceeded;
   (b) if so, when; and
   (c) what would be regarded as 100 per cent of current capacity?

(7) Would the Minister support a move to downgrade the Mandurah office, even if the staffing numbers remained the same?

(8) Is the south west regional management plan 1988-89 and 1989-90 available to me, as the member for Mandurah, upon request?

Mr BRIDGE replied:

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Note: Refers to offices only; does not include depot staff which, except for Bridgetown, are at separate sites. 1986 and 1987 figures are year averages; November figures could not be obtained in the time available. The significant jump in Bunbury staff from 1986 to 1987 arises from regionalisation and devolution of central functions from Perth.

(3)-(4)

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<tr>
<td>Bunbury</td>
<td>230</td>
<td>245</td>
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<td>610</td>
<td>517</td>
<td>1468</td>
<td>942</td>
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<td>Collie</td>
<td>NA</td>
<td>37</td>
<td>NA</td>
<td>39</td>
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</tbody>
</table>
Albany  136  100  296  136  
Bridgetown  nil  nil  NA  62

Note: These are net connections; that is, connections less disconnections.

Bridgetown sewerage scheme did not become operative until August 1989.

(5) Gordon Road waste water treatment works capacity -
12 750 People - 17 850 cubic metres/week - design capacity

(6) (a) No. The highest recorded weekly inflow was 1 583 cubic metres/week equivalent to 11 307 people for the week ending 4 January 1989;
(b) not applicable; and
(c) actual capacity will probably differ slightly from design capacity. Testing to determine actual capacity has commenced and results may be available after the 1989 Christmas holiday period.

(7) No.

(8) The three year - 1988-89 to 1990-91 - management plan is available if desired. The plan is currently being revised for 1989-90 to 1991-92 and will be made available when completed and approved by the Water Authority's executive.

TREATIES - OVERSEAS COUNTRIES
"Federal Clauses" Insertion - State Government Approaches

1491. Mr MENSAROS to the Premier:

(1) Has the Premier's Government made any further approaches to the Commonwealth Government for having "Federal clauses" inserted into treaties Australia concludes with overseas countries?

(2) If so, has there been any positive result of such approach?

(3) If not, why not?

Mr PETER DOWDING replied:

(1) No.

(2) Not applicable.

(3) The Commonwealth Government does not ordinarily favour the inclusion of Federal clauses in treaties and therefore will not instruct Australian delegations negotiating treaties to seek the inclusion of such clauses. In addition, some High Court judges in the Tasmanian dams case indicated that Federal clauses worked in favour of the validity of Commonwealth legislation under the external affairs power. However, the Commonwealth has no objection to Australia making unilaterally a short "Federal Statement" on signing or ratifying certain appropriate treaties.

The general form of such a statement is as follows -
Australia has a Federal constitutional system in which legislative, Executive and judicial powers are shared or distributed between the Commonwealth and the constituent States. The implementation of the treaty throughout Australia will be effected by the Commonwealth, State and Territory authorities' having regard to their respective constitutional powers and arrangements concerning their exercise.

EDUCATION - TECHNICAL AND FURTHER EDUCATION
Rockingham - Engineering Trade Courses

1495. Mrs EDWARDDES to the Minister assisting the Minister for Education with TAFE:

Will the Minister please advise if the engineering trades courses will be offered to students at the Rockingham TAFE in 1990?
Mr TROY replied:

Yes.

TREATIES - OVERSEAS COUNTRIES
Federal Statistics - State Powers, Transfer Statistics

1497. Mr MENSAROS to the Premier:

(1) Would the Premier establish from the Commonwealth Government the number of treaties currently in force between the Commonwealth of Australia and overseas countries?

(2) How many of those transferred State powers to Commonwealth jurisdiction as per the High Court's interpretation of the Constitution?

Mr PETER DOWDING replied:

(1) It is not possible to give an exact number without a great deal of work. However, the Department of Foreign Affairs has advised that between 80 and 90 treaties were entered into during the 12 months of 1988. This provides an indication of the total number of treaties which Australia has entered into over the preceding decades.

(2) None. Treaties do not transfer State powers to Commonwealth jurisdiction. Treaties do not take effect in domestic law in Australia unless given effect by State or Commonwealth legislation enacted pursuant to a constitutional power conferred by the Constitution on the Commonwealth. The States, often, under arrangement with the Commonwealth, implement obligations required under a treaty pursuant to their own constitution powers.

EDUCATION - TECHNICAL AND FURTHER EDUCATION
Reserve No 37138, Melville - Construction Plans

1504. Mr MacKINNON to the Minister assisting the Minister for Education with TAFE:

(1) Does the Department of Technical and Further Education have plans to construct a facility in the future on Reserve No 37138 which is located in the City of Melville?

(2) If so, when is it likely that these plans will be implemented?

(3) If TAFE has no plans for the property, has it advised or will it be advising the Government Asset Management Task Force that this land is surplus to requirements?

Mr TROY replied:

(1) No.

(2) Not applicable.

(3) Yes.

ARTIFICIAL BREEDING OF STOCK AMENDMENT ACT - PROCLAMATION

1505. Mr BRADSHAW to the Minister for Agriculture:

(1) Has the Artificial Breeding of Stock Amendment Act 1988 been proclaimed?

(2) If not, why not?

(3) If yes, have any licences been issued under this amendment?

(4) If not, why not?

Mr BRIDGE replied:

(1) Yes, on 7 April 1989.

(2) Not applicable.

(3) No.

(4) The issue of licences is dependent on amendments to the artificial breeding of stock (cattle) regulations. Proposed amendments to significant sections of the regulations are currently being drafted by the Crown Law Department.
HEALTH - STATE HEALTH LABORATORY SERVICES

Closure

1506. Mr HASSELL to the Minister for Health:
(1) Did the Government close down the State Health Laboratory Services?
(2) If so, when and why?
(3) In what way are the services now catered for?

Mr WILSON replied:
(1) No.
(2)-(3) Not applicable.

PETROCHEMICAL INDUSTRIES LTD - DIRECTORS
Legal Action - Government Indemnification

1509. Mr COURT to the Deputy Premier:
(1) Has the Government indemnified the Government appointed directors of Petrochemical Industries Ltd against claims arising as a result of their activities as directors of the petrochemical project?
(2) If no, is it the Government's intention to now indemnify them against future legal action?

Mr PARKER replied:
(1) No.
(2) The question is hypothetical. There has been no legal action taken against any of the directors.

PARLIAMENT HOUSE - "COMMUNITY LUNCHES"
Parliamentary Dining Room - Continuation

1512. Mr MENSAROS to the Premier:
(1) Has the Government continued to have "community lunches" in the parliamentary dining room?
(2) If so, how many lunches have been held in 1988 and in the first nine months of 1989?
(3) What was the total cost of these lunches for the respective two periods mentioned in (2)?
(4) Who has met the costs?

Mr PETER DOWDING replied:
(1) Yes. The Government continues to utilise community lunches as a forum for community organisations to put their views to the Government. Many of the people who have attended have served the community in a volunteer capacity and the lunches provide an opportunity for the Government to recognise their contribution.
(2) Ninety-nine.
(3) 1988 - $31 350; and 1989 - $ 1 650.
(4) Ministry of Premier and State Administration.

HEALTH - ROYAL PERTH HOSPITAL
Cardiac Surgery - Delays

1514. Mr MENSAROS to the Minister for Health:
(1) Are there any delays presently in cardiac surgery at Royal Perth Hospital?
(2) What, if any, is the waiting time for emergency cases and for non-urgent cases?
Mr WILSON replied:

1. Patients do not have to wait for cardiac surgery at Royal Perth Hospital if it is required urgently.

2. The waiting time for non-urgent cases is four to six weeks and is less than that in any other State.

**LAND - PERTH SUBURBS**

*Property Revaluation*

1515. Mr MENSAROS to the Minister representing the Minister for Budget Management:

1. In which suburbs of the Perth metropolitan area have properties been revalued by the Valuer General so far in 1989?

2. Which suburbs in the metropolitan area are planned to be subject to property revaluation and during which months in the future?

Mr PARKER replied:

1. General valuations came into force on 30 June 1989 for all suburbs within the following local government areas -
   - Towns of Bassendean, East Fremantle and Kwinana.
   - Shire of Serpentine-Jarrahdale.

2. (a) Unimproved Values -
   - Cities of Armadale, Cockburn, Gosnells, Perth-Coast ward, and Wanneroo.
   - Shires of Kalumburu, Mundaring, Rockingham, and Swan.

(b) Gross Rental Values -
   - The triennial general valuation for the whole metropolitan area commenced in September 1988 and will continue until the completion date of 31 March 1990. These valuations will come into force on 1 July 1990.

**HEALTH - NURSES**

*Public Hospitals - Overseas Recruitment Statistics*

1516. Mr MENSAROS to the Minister for Health:

How many registered nurses have been recruited for public hospitals in 1988 and in the first half of 1989 -

(a) from the United Kingdom; and

(b) from other countries?

Mr WILSON replied:

The following numbers of registered nurses have been recruited by the Health Department for public hospitals in response to specific overseas advertising in 1988 and in the first half of 1989 -

(a) United Kingdom 14

(b) From other countries 3

These figures do not include any direct recruiting by public hospitals for which figures are not available.
INTEGRATED CATCHMENT MANAGEMENT POLICY GROUP - MEMBERS
Pastoralists and Graziers Association - Representative

1520. Mr McNEE to the Premier:
(1) Who are the members of the State Government integrated catchment management policy group?
(2) Does the Pastoralists and Graziers Association or the Western Australian Farmers' Federation have a representative on the group?
(3) If not, why not?

Mr PETER DOWDING replied:
(1) The group is a Government coordinating group consisting of representatives from -
Office of the Cabinet (Chair)
Waterways Commission
Mines Department
Department of Agriculture
Department of Conservation and Land Management
Department of Local Government
Department of Planning and Urban Development
Environmental Protection Authority
(2) No.
(3) It is a group to ensure coordinated action of key Government agencies in the national resource area, and to facilitate implementation of the integrated catchment management in Western Australia. The Premier has indicated that the membership and role of the group will be reviewed.

TRADE UNIONS - TRANSPORT WORKERS UNION
International Airport - Picket Line

1521. Mr KIERATH to the Minister for Labour:
(1) Did the Transport Workers Union have a picket line at the international airport on Friday, 20 October, which allowed entry only to those commercial delivery vehicles driven by ticket holders of the TWU?
(2) If so, what action will the Minister take in these situations to ensure that small businesses will not be adversely affected, bearing in mind that small businesses use various staff members who are neither drivers by occupation nor TWU members?

Mr TROY replied:
(1) No.
(2) Not relevant.

CORPORATE AFFAIR DEPARTMENT - COMPUTERS
New System Installation

1522. Mr COURT to the Minister representing the Attorney General:
(1) Is the Government in the process of installing a new computer system in the Corporate Affairs Department?
(2) If so, when did the installation commence?
(3) When will it be fully operational?

Mr D.L. SMITH replied:
(1) Yes.
(2) Funding was approved in May 1989 and installation commenced shortly after.
(3) Mid-November 1989.
TAXES AND CHARGES - FRINGE BENEFITS TAX
Government Departments and Agencies - Remote Area Concessions

1526. Mr MENSAROS to the Treasurer:

(1) Are Government departments and agencies paying fringe benefits tax as Commonwealth departments and agencies do?
(2) What concessions are there regarding fringe benefit tax the Government has to pay in remote areas?

Mr PARKER replied:

(1) Yes.
(2) The Government receives the same concessions as general taxpayers in paying fringe benefit tax in respect of remote area allowances. These concessions relate to housing and travel as provided for under the Commonwealth Government’s fringe benefits tax legislation.

HEALTH - STRANRAER NURSING HOME, SUBIACO
Closure

1529. Mr HASSELL to the Minister for Health:

(1) Under what circumstances has the decision been taken to close, at short notice, Stranraer Nursing Home in Subiaco?
(2) Has the Minister been approached to keep the Stranraer Nursing Home open?
(3) At what locations precisely are the 120 spare beds where the residents are to be rehoused?
(4) Has any consideration been given to the residents’ choice of nursing home?

Mr WILSON replied:

(1) The decision to close Stranraer Nursing Home was made by the Federal Minister for Housing and Aged Care, Hon Peter Staples.
(2) No.
(3) Throughout the metropolitan area.
(4) Every consideration was given to residents and relatives in respect of their choice of nursing homes. All residents have now been successfully relocated.

BUTCHERS - TRADING HOURS
Saturday Afternoon - Permission

1546. Mr COWAN to the Minister for Consumer Affairs:

(1) Are butchers allowed to trade after 12 noon on Saturdays?
(2) If yes, can they sell other than 500 gram packages of red meat on Saturday afternoon?
(3) If butchers are trading on Saturday afternoon, what is the total number of those trading?

Mrs HENDERSON replied:

(1)-(2) Butchers are allowed to open Saturday afternoons if they so choose but sales of fresh meat after 1.00 pm must be confined to prepacked quantities not exceeding 500 grams weight.
(3) This information is not available.
QUESTIONS WITHOUT NOTICE

HORGAN, MR JOHN - WESTERN AUSTRALIAN DEVELOPMENT CORPORATION
Wayatinah Pry Ltd - Payment Agreement, Variation

266. Mr MacKINNON to the Premier:
(1) Is the Premier aware that in Mr Horgan’s letter dated 16 September 1988 and tabled in the Legislative Council last week Mr Horgan stated, "The board of WADC, on commercial grounds, has agreed to variation of the fees payable by WADC to Wayatinah under the Agreement. WADC’s shareholder has agreed to the variation."

(2) Is the Premier also aware that the Treasurer - who at the time was the Premier - is the WADC shareholder?

(3) If so, can the Premier explain why he agreed to the variation to the WADC agreement which, firstly, increased the annual payment made to Mr Horgan’s company Wayatinah Pry Ltd by 50 per cent - that is, from $300,000 to $450,000 - and secondly, made a countersigning payment to Mr Horgan’s company of $162,500?

(4) In relation to the (3), what was the countersigning payment, and what was it for?

Mr PETER DOWDING replied:
(1) Yes.
(2) Yes.
(3)-(4) Yes. The sign-on fee and the annual consulting fee to Wayatinah Pry Ltd had been agreed to prior to my taking office as Premier. I felt an obligation at that time to continue to accept that those arrangements should be in place.

HEALTH - HOSPITALS
Nurses’ Performance - “Anecdotal Notes” System

267. Mr COWAN to the Minister for Health:
(1) Is it a fact that some hospitals are using what are known as "anecdotal notes" as part of the process by which the performance of nurses is monitored?

(2) If yes, are they used in all hospitals?

(3) Can the Minister explain how the system works?

(4) What safeguards are in place to prevent this method being abused by hospital administrators or by nurses who may have a grudge against another nurse?

Mr WILSON replied:
(1) Yes, I can confirm that that practice is in use in all hospitals.
(2)-(4)

It was adopted as part of the new nurses’ career structure when that came into operation 18 months to two years ago. This system was favoured by the nursing profession as a means of performance measure when nurses were seeking to move from level 1 to level 2 positions or from level 2 to other level positions. This system of peer review is a common one used for reviewing performance in a large number of health professions. It is not restricted to the nursing profession.

Mr Cowan: Do nurses get to appeal?

Mr WILSON: I am not sure that any formal appeal is involved, but all the advice I have ever received or the information I have ever obtained from talking to nurses about how this system operates is that it is ensured that the notes used in measuring performance are used with the knowledge of the person about whom those notes have been made so that at no time are they kept or used in
any secretive way but are made and used with the full knowledge of the 
person being assessed. No doubt some people would not like the idea of that 
happening, but in most cases nurses have accepted this practice on the basis 
that the person being assessed is made fully aware at all times of the content of 
the notes and of the fact that notes have been taken and will be used as a 
means of assessing the person involved for promotion.

HORGAN, MR JOHN - WESTERN AUSTRALIAN DEVELOPMENT 
CORPORATION
Wayatnah Pty Ltd - Payment Increase, Treasurer's Agreement

268. Mr MacKINNON to the Premier:

(1) In view of his answer to my previous question, can the Premier explain why, if 
the agreement was reached with the previous Premier, it was not signed until 
September 1988 with the agreement backdated to July?

(2) Why did he, as Treasurer, agree to a 50 per cent increase in the payment?

(3) Would he answer the question he failed to answer previously: Why pay a 
signing on fee; is that normal in Government; and how was that figure arrived 
at?

Mr PETER DOWDING replied:

(1)-(3)

The Leader of the Opposition would remember the basis on which this 
company was put together; it was to be a company which, at the request of the 
Leader of the Opposition, was to be free of any ministerial control; it was to 
be run by the private sector in an entrepreneurial way, but they were to have 
no entrepreneurial return. When the mates of the Leader of the Opposition 
who are in business set up a company - and let us take, for instance, the 
Leader of the Opposition in the upper House, the former member for 
Murchison-Eyre, and one or two other Liberal members - and have their 
entrepreneurial meetings in Parliament House in order to set up that company 
of which they are to be directors, they also decide that they will take a 
shareholding so that their entrepreneurial efforts are reflected in the growth of 
the wealth of the company and so that they get a share of that growth of 
wealth through the shares they have in that company.

The Leader of the Opposition is familiar with that scenario because half of his 
members have those sorts of shareholdings and directorships. In this case Mr 
Horgan was asked to do two things by my predecessor: The first was that he 
continue doing the sort of work that he had been doing, I think, for about four 
years, but sign an agreement that he would not consult or use his efforts in any 
entrepreneurial activity other than those for WADC, GoldCorp and Exim. My 
understanding of the discussions is that the sign-on fee involved his signing on 
for five years and agreeing that during that period there would be no activities 
outside of those for the companies I have just mentioned. I understand the 
agreement had been reached in globo; that is, there was a global figure and the 
distribution between individual companies was a matter for the agreement of 
the individual boards. I think that is the readjustment to which the Leader of 
the Opposition referred.

MEAT INSPECTION FEES - HARVEY AND WAROONA SHIRES
Release of Funds - Decision

269. Mr BRADSHAW to the Minister for Health:

(1) When will a decision be made to enable the shires of Harvey and Waroona to 
release the hundreds of thousands of dollars collected on de facto meat 
inspection fees?

(2) Will he ensure that the money collected by the shires is spent in their 
respective communities when it is spent?

(3) If not, why not?
Mr WILSON replied:
(1)-(3) I can advise that very vigorous representations have been made to me on this same matter by the Minister for South-West, as local member in that area. There is a problem which has tied up the release of these funds, which means that under existing legislation the Minister is not able to make a decision about the release of the funds. In order to resolve the situation, I have referred the matter to the Crown Law Department for its opinion as to the most appropriate action to take. I am hoping for that opinion to be made available in the near future, and at that stage a decision will be made.

WATER AUTHORITY - WASTE WATER AND INDUSTRIAL WASTE
Tertiary Treatment Plant, Albany - Costing Completion

270. Mr HOUSE to the Minister for Water Resources:
(1) Has the Water Authority completed its costing of a tertiary treatment plant for waste water and industrial waste in the Albany area?
(2) If so, what is the cost?

Mr BRIDGE replied:
(1)-(2) The answer, as I understand it, is that the assessment of the requirements of the Albany area have not been finalised. I am a little hesitant because I am not quite clear on the matter and I do not want to mislead the House. My understanding is that the details have not been finalised. If it will satisfy the deputy leader of the National Party, I shall be happy to seek the information today and provide it to him.

SEWERAGE - NEW HOUSING DEVELOPMENT
Environmentally Suspect Subdivision - Town Planning Appeals Tribunal, Approval

271. Mr THOMPSON to the Minister for Environment:
I draw the Minister's attention to the front page article in The West Australian of Monday, 30 October, under the headline, "Sewerage hold-ups block new housing". I draw attention particularly to the paragraph which reads -

... an environmentally suspect subdivision was approved by the Town Planning Appeals Tribunal, despite opposition from the State Planning Authority, the Environmental Protection Authority and the Health Department.

(1) Has the Minister any evidence that the Town Planning Appeals Tribunal is likely to uphold other appeals?
(2) If that is the case, what impact does he feel the decision will have on the ground water in the area, and in particular on the river systems?
(3) Is the Minister aware that some 65 000 homes in the Perth metropolitan region, past which sewerage mains travel, are not connected to the system but rely on septic tanks for the discharge or treatment of household waste, which is thus discharging into the ground water?
(4) What action does the Government intend to take to connect those 65 000 homes to the sewerage system, bearing in mind the fact that every day effluent is being discharged into the ground, causing a pollution hazard?

Mr PEARCE replied:
(1)-(4) If there were to be an award for the most comprehensive question of the day, I think the member for Darling Range would win it. As Minister for Environment I can answer those questions which have an environmental emphasis.
I was very disappointed to see that the Town Planning Appeals Tribunal had upheld the appeal against the advice of every Government authority which had an interest in that subdivision. My own view is that that was a very unwise thing for the tribunal to have done, particularly as it seems to be gainsaying the Government's sewerage policy which is to allow development in the Perth metropolitan area only in areas of deep sewerage or where deep sewerage can be made available. The policy which the Government has followed is a very wise one.

Mr Lewis: Perhaps the tribunal is giving you a message.

Mr PEARCE: I do not think that the way to do it is to uphold an appeal in respect of a subdivision which would have the effect of putting unacceptable nutrients into Perth's ground water, or into the Swan River, or anywhere else, at whatever level.

Mr Peter Dowding: What did you do about it when you were in Government? One of the problems here is that you left the thing so entirely alone that there is a huge backlog.

Several members interjected.

The SPEAKER: Order!

Mr PEARCE: The Premier is perfectly right in saying that decades of Liberal rule in this State is the reason we are facing the problem that we are.

Mr Clarko: Seven years have passed.

Mr PEARCE: Our infrastructure has been allowed to run down to the point where Perth has the least amount of sewerage of any of the major capital cities, and that is a problem which runs back many years and cannot be solved in a single year, or even in seven years.

Mr Peter Dowding: You left good inner city electorates like mine alone because they were Labor electorates. You put nothing into them.

Several members interjected.

The SPEAKER: Order!

Mr PEARCE: I am hoping for the award for the most comprehensive answer.

Mr Cowan: Any answer at all would win that.

Mr PEARCE: That is unkind. The troubles of the Leader of the National Party have made him a touch tetchy. The fact is that these problems are not easily overcome. To allow small patches of subdivision is not the way to overcome them. Irrespective of the decision of the Town Planning Appeals Tribunal, because we have given environmental legislation an overriding authority in these matters, it will be competent for the EPA to assess that subdivision and place on it environmental conditions to be met before subdivision can go ahead. That is the way in which the environmental aspects of that subdivision can be protected.

WESTERN AUSTRALIAN DEVELOPMENT CORPORATION - TRAVELLING EXPENSES

Horgan, Mr John - Tabling

272. Mr MacKINNON to the Premier:

(1) Will the Premier table in the Parliament the details of travelling expenses incurred by Western Australian Development Corporation during the year ended 30 June 1989 - including the details of travelling expenditure specifically incurred by the corporation’s Chief Executive, Mr John Horgan?

(2) If not, why not?
Mr PETER DOWDING replied:

(1)-(2) Normally we would not. Normally we would assume that the obligations of the WADC board would be met and that any problems would be caught in an audit. The Leader of the Opposition himself and those sitting on the Opposition front bench now, including the member for Cottesloe and the member for Floreat when they were in Government, were involved in the policy decision made prior to 1983 and repeated in this House whenever there is a question about ministerial travel expenses. The Leader of the Opposition himself took part in that policy formulation, which was that in view of the often important nature of ministerial duties and the like, the Government would release that material only if there was some matter of concern - something which ought to be properly investigated.

If the Leader of the Opposition has the slightest concern about any aspects of the expenditure of the WADC he should refer it to me, and as the Minister responsible, now that the Act has been amended, I shall be happy to look at it. We amended the Act which members opposite required to remove the power of ministerial responsibility.

I do not often give advice . . .

Several members interjected.

Mr PETER DOWDING: I do not often give advice to members opposite, but when I do it is worth listening to. The advice I want to give to members opposite is this: If something is wrong and they have some material, by all means they should give it to me and I shall have the matter investigated; but they should not continue with this smear by innuendo. It is on the same level as the dishonesty of the Leader of the Opposition when he brought up the question of the sausage sizzle and the present Minister for Planning and member for Wanneroo. At the end of the day the public thinks less of all of us when members opposite put up that sort of smear. Politicians do not have a good name in the community.

Mr MacKinnon: Largely due to you.

Mr PETER DOWDING: That is not true, nor is it fair. The truth is that we are talking about things that happened prior to the last election. The Opposition cannot get its mind on the present, let alone the future, and it is denigrating the whole political process. The Leader of the Opposition has even done it in the Eastern States' Press, as I said the other night. The Leader of the Opposition did it in an article in the Eastern States' Press - in The Australian Financial Review - where he dishonestly and untruthfully stated that the Western Australian Development Corporation still had a mandate to become involved in equities. The Leader of the Opposition knew that was not true, yet he dishonestly put it into an Eastern States' paper, and in that way he played his part in denigrating this State. The advice I give the Opposition is this: If it has something of concern, by all means please raise it with me. The Opposition has my undertaking that I will look into it; however, the Opposition should not just continue with its slimy smear and innuendo because at the end of the day it does not do the Opposition any good.

GRAIN TRANSPORT - GOVERNMENT AGREEMENT
Newspaper Article - Benefits

273. Mr McNEE to the Minister for Agriculture:

With the announcement by the Government in this morning's The West Australian of a five year agreement on grain transport by the Government, can the Minister indicate the benefits which will accrue to the State's grain growers?

Mr Peter Dowding: It is not the Minister for Agriculture's portfolio.
Mr BRIDGE replied:

The article seems to indicate a satisfactory agreement was reached in terms of the transport arrangements in which the industry's position was discussed in consultation with the appropriate Minister and representatives. The details of the specific areas of benefit are difficult for me to discuss other than in a broad sense. The discussions and the agreement reached are designed to bring benefits to the industry in this State. In that context, I was pleased to learn of the agreed position which was reached as a result of those discussions. I would be keen to talk to the Minister and the industry about how they see those benefits flowing to the industry.

Other than that, I do not have the final details. I again make the offer to members opposite that, if they are interested in particular details in respect of the position agreed to at that meeting, I will be happy to seek them from my colleague and make them available.

Mr Pearce: The member raised this question when you were not in the House a week or so ago, alleging that there were to be increases in the grain freight rate. However, for the fourth year in a row the Government has been able to decrease the grain rate in real terms. That is, the increase in the rate is substantially less than the inflation rate. The member was absolutely wrong when he suggested the opposite was the case.

Mr BRIDGE: That interjection indicates there has been a decrease rather than an increase in costs and charges in real terms.

Several members interjected.

Mr BRIDGE: I do not know why the member for Cottesloe in particular is laughing. Perhaps he could tell me. Come on, smart alec. The member for Cottesloe is a sad case.

POLICE - LICENSING SERVICE, HEAD OFFICE
Engineering and Examination Branch - Employees. No Increase

274. Dr TURNBULL to the Minister for Police and Emergency Services:

(1) Could the Minister confirm that there has been no increase in personnel in the head office of the police engineering and examination branch of the licensing service?

(2) Is the Minister aware that the changes to the vehicle examination system, while decreasing personnel in the field, have greatly increased the workload at the head office, so much so that on a number of occasions recently it has been impossible to contact an officer for a whole day?

(3) When will the Minister ensure that this situation, which is very disruptive to the members of the public who have questions on the examination of vehicles, is rectified?

Mr TAYLOR replied:

(1)-(3) No, I am not aware of the situation raised by the member for Collie, but I will certainly check it out. In relation to licensing, significant improvements have taken place. In addition, I had discussions with the Civil Service Association some months ago about the situation in the licensing branch of the Police Department. As a result of that, at the specific request of the Civil Service Association, a functional review was undertaken into the entire licensing branch and the way it goes about its task in Western Australia. That functional review has now been completed and the document is with the Premier, who is responsible for the functional review process. I am sure that during the course of reviewing that matter and looking at its outcome, we will look at some of the matters raised by the member for Collie.

In respect of complaints about this issue, more often than not people are quite ready to telephone my office or at least write to me. However over recent weeks I cannot recall getting a single letter on that issue.
275. Mr McNEE to the Minister for Transport:

(1) In view of the article in this morning's *The West Australian* headed "Wheat deal agreed" relating to grain transport, when was the agreement signed?

(2) Will the Minister table the documents relevant to the agreement between Westrail, Co-Operative Bulk Handling, the Australian Wheat Board and the Western Australian Grain Pool as soon as possible?

Mr PEARCE replied:

(1)-(2) I am amazed that the member has the effrontery to raise these matters in this House because it was only last week or the week before when the member alleged the Government was not doing what New South Wales and Victoria were doing in terms of lowering the rate for grain freight. I told the member then that he did not know what was going on in what he called his own industry, because the grain agreement then was almost at the final stage. I predicted then that the agreement would be signed in a way which, for the fourth or fifth year in a row, meant a decrease in real terms of the grain freight rate. That has not been equalled in any other State in Australia. Western Australia has led the nation in cutting back on the rate of freight for grain by rail. That is why when the Commonwealth Government moved to make its deregulatory changes it was not at all concerned about the situation in Western Australia because it saw that Western Australian grain growers had a fair deal.

My understanding is that the agreement was signed late last week, although I did not attend it. It was a matter handled by Westrail, acting in a commercial way with some of the organisations the member mentioned in his question. I will raise the matter of whether it is reasonable to table the agreement documents in the Parliament with Westrail and the other signatories to the agreement. I have no problem with doing that. They are certainly not hiding, which is why they are publicising the rate in *The West Australian*. I do not mind betting that if they had not publicised it in *The West Australian*, the member for Moore would not have heard about it for six months. It is no good the member saying, "I demand to know what the rate is" because it was in the newspaper this morning, and that is why the member knows about it. I will certainly ask the signatories to that agreement whether they are agreeable to my tabling it in the Parliament. If they are, I will table it.

276. Mr COWAN to the Minister for Conservation and Land Management:

(1) Is the Minister able to inform the House when the Government will make a decision on the declaration of the proposed national park in the Mt Lesueur region?

(2) Will the area to be delineated as a national park coincide with the area recommended by the Conservation Through Reserves Committee?

Mr TAYLOR replied:

(1)-(2) It is good to see the Leader of the National Party taking an interest in these conservation issues.

Mr House: He has always taken an interest in conservation matters. Just because you have moved up into the "A-Team", do not take that line!

Mr TAYLOR: I will think twice about staying here if the member for Stirling treats me like that.
The Government is looking seriously at the matter of Mt Lesueur. I have had a number of discussions with the Deputy Premier, the Minister for Mines and the Minister for Environment on the issue. We have all visited the area - I certainly have - and when we make a decision, it will take into account the sorts of factors raised by the Leader of the National Party, and we will make the best possible decision we can.

WOKALUP RESEARCH STATION - ASSET MANAGEMENT TASK FORCE

Sale Intention

277. Mr OMODEI to the Minister for Agriculture:

(1) Does the assets management task force intend to sell part or parts of the Wokalup Research Station?

(2) Will the Minister categorically oppose any such proposal?

(3) If not, why not?

The SPEAKER: Order! That is the second question tonight that has been, in my view, directed at a Minister incorrectly. If the Minister wants to answer the question, I will let him. However members should be very careful about to whom they direct their questions.

Mr BRIDGE replied:

(1)-(3)

I enjoy answering these agriculturally inclined questions because the reality is that we are all going well. We are all one big happy family in the bush. I am sure they would want me to express words of interest in this Parliament from time to time to tell the world how we are going.

In response to the member for Warren I would like to have been able to answer his question. The problem is that in choosing the portfolios the Premier has not given me that opportunity. The Premier has chosen the Deputy Premier to be in charge of that area.

Mr MacKinnon: So you support the sale of the research station?

Mr BRIDGE: I have already stated -

Several members interjected.

The SPEAKER: Order!

Mr Pearce: Instead of the Leader of the Opposition telling us whom he supports, he should tell us who supports him.

Several members interjected.

Mr BRIDGE: I have made my position perfectly clear -

Several members interjected.

The SPEAKER: Order! If members cast their eyes at the clock they will note that it has reached a very important time, at least for me. I would like to hear the Minister’s reply so that I can get going.

Mr BRIDGE: I am glad that you have allowed me to do that, Mr Speaker. The question must properly be directed to the Deputy Premier, who is in charge of that portfolio.