

# Legislative Council

Wednesday, 14 October 1987

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 2.30 pm, and read prayers.

## FINANCIAL ADMINISTRATION AND AUDIT ACT

### *Report Tabling: Extension of Time*

THE PRESIDENT: I table the following notifications of extension of time for the tabling of annual reports for the 1986-87 year granted under section 70 of the Financial Administration and Audit Act 1985 --

The Minister for Agriculture --

Annual report of the Fisheries Department.

Annual report of the Herd Improvement Services.

I table the relevant documents.

(See paper No 381.)

## AGRICULTURAL EDUCATION

### *Select Committee: Special Report*

HON C.J. BELL (Lower West) [2.35 pm]: I bring up a special report from the Select Committee on Agricultural Education.

The Select Committee on Agricultural Education was appointed by resolution of the Council on 16 June 1987. The committee's terms of reference were very broad. Primarily it was to examine agricultural and horticultural education and training in Western Australia. Secondly, but equally important was the need to assess whether the present system will meet future needs of industry groups associated with agriculture.

Submissions were sought in July and August this year and the response has been overwhelming. Approximately 90 groups, institutions or individuals have submitted detailed responses. These submissions have suggested that there are major problems with the present system and this has been further reinforced in our discussions with educationalists, industry groups and advisory committees.

The problems are far more complex and deep-rooted than we had originally envisaged. It seems to the committee that a new direction may be required for agricultural education in this State. As far as I am aware it is 16 years since there has been an inquiry which has examined developments in agricultural education outside Western Australia. No assessment has been undertaken in relation to horticulture. Consequently, the committee has decided to visit New Zealand, primarily to look at Massey and Lincoln Universities which are in the forefront in the southern hemisphere in their specialisation in agriculture. The committee would also examine developments interstate.

Accordingly, the committee has resolved that leave be sought from the House for the committee to sit while the House itself is sitting.

Mr President, I move --

That the report do lie upon the Table and be adopted and agreed to.

Question put and passed.

(See paper No 386.)

## INDUSTRIAL RELATIONS AMENDMENT BILL (No 3)

### *Introduction and First Reading*

Bill introduced, on motion by Hon T.G. Butler, and read a first time.

*Second Reading*

HON T.G. BUTLER (North East Metropolitan) [2.38 pm]: I move --

That the Bill be now read a second time.

This Bill is a vital modification and improvement for industrial relations in Western Australia. It will remove part VIA from the Industrial Relations Act and as a consequence modify the jurisdiction of the commission to remove the prohibition from making regulations on the issue of union membership.

The regulation-making powers of the commission contained in section 113 are to be amended to enable the registrar to issue certificates of exemption from union membership which will be recognised, and which will have equal status with union membership. The issuing of certificates of exemption will adequately deal with the problem of those people who object to joining a union to ensure that they are not prejudiced. It is just and proper that these people are given the consideration proposed in this Bill.

It should be noted here that in 1976, when the Opposition was in Government, it recognised this situation and amended the Act to allow workers to obtain exemption as a matter of course and not on any grounds that needed to be proved. My intention is to do exactly that. Put simply, those who do not want to join unions will get a certificate of exemption. Part VIA did not meet in any way the needs of these people. On the contrary, it put them in the invidious position of being in the centre of disputes when an exemption certificate would have resolved the question of their non-union membership to the satisfaction of all parties.

I believe that a number of considerations should be taken into account in the framing of industrial relations legislation. The legislation must be relevant to the workplace, must be capable of being implemented, and should assist in creating better relations between workers and unions, employers and their representatives in the workplace. Because part VIA of the Act is an ill-conceived and bad law it cannot be effectively implemented. In short, part VIA has proved a farce. This was predicted by unions, the ALP and by many employers. I understand it also caused genuine concern among some members of the Government of the day.

It has been demonstrated that since its inception, part VIA has given rise to industrial disputes rather than assisting moves towards better industrial relations. It has not improved relations in the workplace; rather it has led to friction and irritation and caused disputes. As a consequence industry has by and large ignored part VIA. The question of union membership is better handled by the Industrial Relations Commission, which has the overwhelming support of the majority in our society. It is the commission that Western Australians identify as the umpire and judge -- the right place to take any industrial relations matter.

The effect of my amendments to the Industrial Relations Act is to remove part VIA and to return to the commission the jurisdiction to deal properly with the matters related to membership or non-membership of unions. This system was put forward by the commission itself in the first instance. The Bill proposes amendments to the Industrial Relations Act which not only make industrial sense but also commonsense and which will enable the Industrial Relations Commission to operate more effectively in matters which are at times the source of irritation and disruption in the workplace. The Bill is representative of the approach I have taken and I believe the Government has taken in industrial relations and reflects the attitude that those in the workplace can properly sort out their own affairs with the assistance of the Industrial Relations Commission where and when necessary.

I commend the Bill to the House.

Debate adjourned, on motion by Hon G.E. Masters (Leader of the Opposition).

## ACTS AMENDMENT (STUDENT GUILDS AND ASSOCIATIONS) BILL

*Introduction and First Reading*

Bill introduced, on motion by Hon N.F. Moore, and read a first time.

The PRESIDENT: Order! Honourable members seem to be totally disregarding the decorum of this place. I think their behaviour is getting worse. I do not know whether

honourable members wish to take some action to change the rules but until they do change them, they will have to conform with the rules we have now, which means that when the President puts a question members come to order.

## CONSTITUTION AMENDMENT BILL

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon. J.M. Berinson (Leader of the House), read a first time.

### *Second Reading*

HON J.M. BERINSON (North Central Metropolitan -- Leader of the House) [2.44 pm]: I move --

That the Bill be now read a second time.

Section 34 of the Constitution Act 1889 requires that amendment to the Standing Orders of either House be assented to by the Governor. Until the Governor's assent is given, no Standing Order has effect. The Clerk of the Legislative Council has expressed the view that the Governor's involvement is anachronistic. The Governor agrees that it would be entirely appropriate for the Constitution Act to be amended to delete the necessity for the Governor to approve Standing Orders.

This Bill proposes to amend section 34 of the Constitution Act to remove the requirement for approval of Standing Orders by the Governor. The Presiding Officers of both Houses have received a copy of the Bill.

I commend the Bill to the House.

Debate adjourned, on motion by Hon John Williams.

## CRIMINAL INVESTIGATION (EXTRA-TERRITORIAL OFFENCES) BILL

### *Second Reading*

Debate resumed from 22 September.

HON JOHN WILLIAMS (Metropolitan) [2.45 pm]: On the face of it this is quite an innocuous Bill which seeks to do certain things and provide certain things within the States. I will put the Attorney General's mind at rest straightaway; I will support this Bill wholeheartedly.

During several trips -- if I could put it that way -- around the world, interstate and intrastate, I have seen the way in which courts generally operate. If members could only avail themselves of the opportunity of staying in Western Australia and visiting the District Court and the Supreme Court from time to time, without any fanfare of trumpets and sitting in the public gallery, they would realise that what the Press releases to us and what it divulges from court cases of necessity, because of limitations on their staff and their space, is just one-tenth -- and I am being very generous -- of one per cent of what really goes on in criminal activities in Australia and in overseas countries.

Due to the restrictions of the Bill, I can only speak about Australia and in commending this Bill and in supporting the Government for bringing it in, I note that it is quite horrendous to sit in either the Supreme Court, the District Court or the Magistrates Court and listen intently to what is never reported. I hope the Press Gallery is paying attention to what I am saying. In one respect, I do not criticise them -- as I say, they have a limitation on space and personnel and to report every case that comes up before each of the courts would illustrate the horrific extent of interstate crime that goes on and which handcuffs our legal officers in trying to solve it.

I regard this Bill as one of the most important Bills that has ever been before this House for the prevention and detection of crime. Unfortunately I sat in the District Court last week, incognito, listening to a case where the magic word "heroin" was used. Heroin, marijuana and alcohol, as members would know, are all drugs within my definition. I do not delineate between them. The abuse of any of them is horrendous but to hear the facts that I heard in that court startled even me. The Western Australian Police Force had had under surveillance

a client for 18 months. That is a lot of money and a lot of surveillance and yet I was told by them that had they had this Bill as a part of their armoury that surveillance would not have lasted two months.

The client had been under observation for 18 months. The police had cooperated with their interstate and Federal counterparts, and the cost of the operation to bring two people to justice was enormous. I know that you, Mr President, are quite a wealthy person and understand references to hundreds of thousands of dollars, but I do not; I am not that wealthy. To hear a judge say, "It is a minor matter and therefore I fine you \$15 000 and confiscate \$84 500 and send you to gaol for a certain period", was an eye-opener for me. That is nearly \$100 000.

I know the Attorney General would wish that several more people in this Chamber and in the other place would go down to the court and listen. People have tried to say to me that this Bill is all right but perhaps not necessary. I think every last word of this Bill is necessary if we wish to bring to justice those people who can travel from Western Australia to South Australia or Darwin with immunity and take money like that. The judge said it was a minor case, but if they can travel interstate quite safely and tell their colleagues in South East Asia or America to "Put it into Darwin or Perth and we will transfer it very quickly because there is nothing they can do about it because it will be six or seven months by the time they get their warrants", it is difficult to bring them to justice. It is a laugh because after six or seven months the money is not there any more.

The Attorneys General have recommended this and who are we not to support it? I commend the Attorney General of this State for securing one or two important items for us. It is not a question of scratching the Attorney General's back but a question of fact that this is right. We have a vast State and had the model legislation gone through we would have had to wait for a magistrate to issue a search warrant. You, Mr President, more than anybody are acquainted with the vastness of the State. How can one get a magistrate at Wiluna or very quickly get one right out on the South Australian border? One cannot. I commend the Attorney General for his astuteness in observing that because of the vastness of the State this matter can be left to justices of the peace.

I further commend him for the other aspect he has written into this Bill in relation to police officers who are seeking a warrant being required to swear the warrant on oath. That is one of the linchpins of this Bill. I do not wish to gild the lily; it is a good piece of legislation. I am satisfied the Attorney General has safeguarded the interests of this State. If members are concerned I suggest they should not only support this Bill but do something in their spare time, if they have any -- I know they are very pushed -- and please go incognito to their Local, District, or Supreme Court and see how terrified they become at the enormity of the problems with which the Attorney General, his department, and the Western Australian Police Force are faced. We only know the one-hundredth part of the problem. I say without let or hindrance that this Bill will go a long way towards stopping much of the criminal activity that goes on interstate. I have much pleasure in supporting the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc*

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

*Third Reading*

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

## ACTS AMENDMENT (LEGAL PRACTITIONERS, COSTS AND TAXATION) BILL

*In Committee*

Resumed from 22 September. The Chairman of Committees (Hon D.J. Wordsworth) in the Chair; Hon J.M. Berinson (Attorney General) in charge of the Bill.

**Clause 12: Section 65 repealed and a section substituted --**

Progress was reported on the clause after the following amendment had been moved --

Page 13, line 23 -- To delete subsection (3) of proposed section 65.

Hon J.M. BERINSON: I have already indicated the Government's opposition to this amendment and its view on the need for written notice to appear on accounts. I will not cover that ground again. However, in the course of debate on Hon Max Evans' amendment a question arose as to the relationship of the provision for notice with the lump sum accounts which are sometimes rendered. The matter is not without some difficulty and I took the opportunity to report progress in order to clarify the matter and report back to the Chamber.

The position in this respect is as follows: Firstly, under the existing Act a practitioner must issue a bill before he can recover his costs, even where there is a written agreement for a "gross sum". An itemised bill may be required, but that bill cannot be taxed. Under the new provisions, the bill will be able to be taxed, but the taxing officer must give effect to the written agreement. Secondly, where there is an agreement for a gross or lump sum an itemised bill would, I believe, set out in detail the work which has been done, but without recording a cost against each individual item. The bill would simply note as to costs that there was a written agreement and the amount.

There are a number of ways in which proposed section 66A will affect a bill for a gross sum. In most cases, a "gross sum" bill is not strictly that. Usually the gross sum is to cover the amount of the practitioner's professional fees for his work, and there are generally disbursements which are not included within that sum. Itemisation and taxation would affect these peripheral sums just as if there had been no written agreement. In the unusual case where there was an agreement for a gross sum to include all the practitioner's work and all related expenses, itemisation could be considered the first necessary step before having the written agreement reviewed by a judge. Once an itemised bill setting out the work done had been received, the client could seek the advice of another practitioner -- or if sufficiently experienced exercise his own judgment -- as to whether there was any substantial disproportion between the work done and the amount of the gross sum.

When it came to taxation of that sum the only role the taxing officer could have in directly affecting the amount of the bill, would be in the rare case where there was a dispute as to whether the work had been performed at all. If, for example, the gross sum was to complete a particular transaction, or to carry particular litigation through to completion, the question of when the matter was complete could arise. Only in that case would it seem open to the taxing officer to disallow the bill. In other cases, an approach to the taxing officer would be a pointless step, as all he would be able to do is advise the client that he is unable to assist, and refer the matter if requested to a Supreme Court Judge. It may be in some cases that this could be a useful role to the extent that the taxing officer acts as a filter for the judge, either by informally advising a client that a bill seems to him to be appropriate, or perhaps by advising the client of the existence of the review procedure. It may also occasionally happen that there arises a question as to whether particular items in a detailed account had been performed. In such a case, a ruling by the taxing officer might assist the judge when and if he came to review the written agreement. Of course, a client may proceed straight to review by a judge, without attending before the taxing officer, and this will probably be the most appropriate course in those rare cases of an entirely gross or lump sum agreement.

Itemisation clearly has benefits for dissatisfied clients, even where there is a gross sum agreement, as it provides the information upon which any decision to proceed further can be taken. Taxation is rarely likely to offer any practical benefit, except to the extent that the taxing officer is prepared to make himself an informal filter for the judge. This limitation, however, would not seem to be enough on its own to justify a separate system for gross sum accounts.

Hon JOHN WILLIAMS: The Attorney General should be made aware that this is the first opportunity the Opposition has had to read his answer. I have read it very quickly, but it would appear that there are sufficient safeguards written into the legislation to satisfy the Opposition's query on the lump sum accounts. I am grateful to the Attorney General for his well explained answer to the objection raised by the Opposition. Although I am not a member of the legal profession, I cannot raise any objection to it. Obviously, the Attorney

General has had this matter explained to him sufficiently and I cannot see that the Opposition has any reason to continue objecting to the term "lump sum accounts". It is adequately covered in the Attorney's explanation. He has also explained what a taxing officer can and cannot do.

Obviously the Attorney's explanation is the result of a great deal of research and it would be silly of me to say that I am not satisfied. I am not legally qualified not to be satisfied, but I am qualified to know the honesty of the Attorney General in the information he has given to this Chamber and it is enough to not allow the Opposition's amendment.

**Amendment put and negatived.**

The clause was amended, on motion by Hon J.M. Berinson, as follows --

Page 13, line 26 and page 14, lines 1 and 7-- To delete "42" and substitute in each case "30".

**Clause, as amended, put and passed.**

**Clause 13: Section 66 repealed and sections 66, 66A and 66B substituted --**

The clause was amended, on motion by Hon J.M. Berinson, as follows --

Page 14, lines 20 and 26 -- To delete "42" and substitute in each case "30".

**Clause, as amended, put and passed.**

**Clauses 14 to 20 put and passed.**

**Clause 21: Schedule 2 added --**

**Hon J.M. BERINSON: I move an amendment --**

Page 19, line 12 -- To insert after the line the following --

(5) At any meeting of the Committee --

- (a) each Committee member present is entitled to a deliberative vote;
- (b) if the votes cast on a question are equally divided, the chairman shall have a casting vote; and
- (c) if the votes cast on a question at a meeting from which the chairman is absent are equally divided, the question shall remain unresolved until the next meeting at which the chairman is present.

I take the opportunity to indicate that the reason for this amendment and for the further amendment listed under my name to clause 7 was set out in some detail in my reply to the second reading debate, and I do not intend to cover the same ground again.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 22 to 46 put and passed.**

**Title --**

**Hon JOHN WILLIAMS:** I understand that this Bill will break new ground. It will be very easy to accommodate because the legislation is easy to understand. However, I seek an assurance from the Attorney General. It may have been read during the Bill and I missed it, but perhaps within a certain period after this Bill comes into operation, if any snags surface, I guess the Attorney General and his department will subject it to review. I apologise to the Attorney General if I have not read that comment, but with such an important piece of legislation as this, and with the legal fraternity jumping up and down, objections may arise. However, within 12 months these should become apparent.

Somewhere in this Bill there may be machinery for review, or indeed within less than 12 months the Attorney General may bring this legislation back to the House and point out something which may be unworkable.

**Hon J.N. CALDWELL:** The National Party is not entirely in favour of the way this Bill was drawn up and approached, because fundamentally it is against free enterprise. In today's age this is what we as Australians are looking forward to, and we are imposing this regulation on

legal practitioners. Perhaps some local practitioners have brought this on themselves. Two or three weeks ago in *The West Australian* lawyers were blasted by the Chief Justice, Sir Francis Burt. It seems to me there are insufficient legal practitioners to create competition or the profession would have regulated itself. Apparently the intake of students has been limited to 100 per year. This may have been increased, but I think the number of students going through universities and becoming practitioners has resulted in the requirement for a Bill such as this. In today's age the majority of people in Australia cannot afford legal practitioners; only the wealthy and the very poor can afford them.

The National Party feels that if the number of practitioners had increased dramatically, a standover Bill such as this would not have been necessary. For this reason the National Party would like to register its disapproval of this Bill.

Hon J.M. BERINSON: May I respond firstly to Hon John Williams by saying that although I do not believe there is anything in the Act to this effect, I have no difficulty in agreeing to the operation of this Bill on the basis of experience.

Hon John Caldwell raises an issue of much more fundamental importance which sends us back to square one as far as the discussion of this Bill is concerned. The honourable member is inviting us to consider the philosophical basis for taxation scales altogether. In that respect this Bill does not constitute an attack on free enterprise as he suggests. In terms of the basic facility for scales of costs, it does nothing more than preserve the existing position. We are not looking to implement new or additional scales of costs. All we are saying is that, given the scales of costs which have always been in place in this State, we should move to a different system of establishing the items applicable. In at least one respect this Bill is more appropriate than the situation which exists now. I refer to the scale of costs which are at the moment set by the Government by executive decision, whereas this Bill provides for it to be set in future by an independent committee. The other major scales are set by decision of the judges, and I suppose in terms of free enterprise an independent committee, or a committee of judges, would not have any distinction drawn between them.

May I make one other comment on this question of the principle of the scale of costs and its relationship to free enterprise. So far as I am aware, no principle of free enterprise obliges one person to pay another person's costs. In the law, that is precisely the position we have. In litigation it is standard practice for the unsuccessful party to be ordered to pay the other party's costs.

Without scales of costs, litigants would be at far greater risk than they are now. One part of Hon John Caldwell's comments with which I would certainly agree relates to the enormous hurdle which legal costs impose on people wishing or needing to go to litigation. Hon John Caldwell is right in drawing attention to the difficulties faced by people in the middle ground between those who can well afford to go to court and those who are so ill equipped financially to go to court that they are able to attract the support of the legal aid system; and in between there is an enormous problem. That problem would be magnified tremendously if the ability to order costs against an unsuccessful party would put him or her at risk of meeting substantially unlimited costs; namely, costs simply entered into by agreement between one of the parties and that party's solicitors.

Hon J.N. Caldwell: What about the shortage of legal practitioners?

Hon J.M. BERINSON: The shortage of practitioners in this State certainly is an important issue. The limitation of 100 entrants per year to the Law School was maintained in this State for far too long. The limitation is now 150 per year, but it will take some time for the larger flow to come through. I think I am right in saying that this year is the first year in which the Law School has been able to enrol 150. I am confident the standard of the group going through will be very high because my daughter is one of the students involved, so I am sure the quality will be excellent! However, I do not know whether the increase to 150 will be enough.

Hon E.J. Charlton: So the fees will automatically come down?

Hon J.M. BERINSON: That is something we will find out in three or four years' time at the earliest, and I would not hold my breath.

Having responded to those two comments, I thank the various members who have participated in this debate. It will be obvious that I and the Government have taken seriously

a whole series of submissions, comments and objections. There were a substantial number of amendments to the original proposals that I presented to the Parliament in the last session, and the various comments and contributions that have been made in the meantime have been fruitful in producing a better Bill than the one we started with.

**Title put and passed.**

**Bill reported, with amendments.**

## TRUSTEE COMPANIES BILL

### *Second Reading*

Debate resumed from 11 June.

**HON J.M. BERINSON** (North Central Metropolitan -- Attorney General) [3.25 pm]: I am aware of the unavoidable absence from this House of the Opposition spokesman on this Bill; therefore, I do not propose to take the Bill further than my reply to the second reading debate. Members will have noted that a substantial number of amendments have been listed, and I believe it would be helpful to Hon Max Evans and other members if I were to give some indication of the reasons for those amendments and then hold the Committee stage over for consideration next week or later.

This Bill was introduced in the first session this year and was held over for public comment. On the basis of submissions which have since been received the Government has agreed on a number of amendments to be moved in the Committee stage. These have been listed and circulated and I will now proceed to outline their effect.

Clause 4 of the Bill empowers the Governor by regulation to remove a trustee company from the list of authorised trustee companies in schedule 1 of the Bill. The Government has received submissions suggesting that there be a right of appeal from any decision by the Governor to remove a company's trustee status. The Government does not, however, consider it appropriate for an appeal process to be included in this legislation. Urgent remedial action may be required where a collapse or serious misconduct has occurred. The recent TEA collapse in Victoria is an example of such a situation. It should be emphasised that this Bill will authorise companies listed in schedule 1 to undertake a business not ordinarily permitted to companies and that significant funds held in a fiduciary capacity are involved.

Subclause 18(2) and (3) enables a trustee company to modify the scale of charges applicable to an estate committed to the company. Modification is effected by sending written notice of the scale as modified to the testator at his last known address. Trustee companies have suggested that the various deregulatory initiatives in the Bill, particularly those relating to fees, will result in more competition and therefore more frequent modifications of fee scales. Given that each company holds some 60 000 wills which have been made by people who are still alive, the companies have submitted that the cost of notifying these people individually each time an alteration occurs is unwarranted. There is also the problem that many testators change address without notifying their executor, so that notices to a last known address will not come to attention in many cases. The Government has therefore agreed to replace the provision for written notification -- subclauses 18(2) and (3) -- with a provision that amendments to fee scales will be effective following publication of amended scales in such form and manner and at such times as are prescribed by regulations.

The trustee companies also submitted that they should be able to deduct their fees as work is done on an emerging basis rather than be required to wait until administration of an estate is complete as is the situation at present. Amendments to clause 18 of the Bill are therefore proposed to bring our own provisions into line with those in the Victorian legislation.

Neither the current private trustee Acts or the Bill make provision for the charging of a capital commission for the administration of perpetual trusts. A perpetual trust is a trust that is continuously administered for an indefinite period; for example, a testamentary bequest that an income earning asset be held on trust for the life of a beneficiary and thereafter for the life of children of that beneficiary. To enable such changes too be made, it is proposed that the definition of gross value in clause 18(8) be replaced with a definition similar to that in the equivalent Victorian legislation.

As with the existing private trustee Acts, and equivalent Eastern States legislation, the term



"perpetual trust" is not defined. However, so that the term operates in context, I have given notice that the words "whether or not the administration of a perpetual trust is involved" be added after the words "5 years" in subclause 18(3).

The trustee companies also submitted that in the case of investment common trust funds, monthly distributions referred to in clause 20(8) of any increase or decrease in the value of investments held by the fund should not be required and the regularity of distributions should be left to the deregulated market. The companies have agreed that in the case of estate common trust funds monthly distributions were appropriate. It is therefore proposed that subclause 20(8) of the Bill be amended so as to provide that a trustee company shall distribute to the account of each investor the amounts referred to in that subclause on any day or days provided for by the terms of investment applicable to the particular investor. Consequential amendments are also proposed to be made to subclauses 20(6) and 20(7).

The trustee companies expressed concern with the requirement in clause 21(1)(a) that an auditor reporting to a court should report whether the trustee company had performed its duties in a proper and efficient manner. Although, as I understand the position, an auditor would address such matters in the usual exercise of his responsibilities, the present wording of clause 26(1)(a) may give to the auditor's opinion an unintended imprimatur and it is proposed to amend the clause accordingly.

The trustee companies also submitted that a provision enabling contributory investments ought to be included in the Bill. A contributory investment occurs when a trustee company pools moneys from a number of estates for the purpose of purchasing a specified investment. This Bill presently enables contributory investments provided they are limited to authorised trustee investments, and the Bill enables any number of estate common trust funds to be set up for that purpose.

The trustee companies also submitted that there should be retained a capacity for contributory investments to be created for the purpose of investment in non-authorised trustee investments, provided that in each instance the testamentary disposition authorises such an investment. To enable such investments to be made it will be proposed that clause 38 be inserted in the Bill.

The trustee companies have submitted that they should be entitled to charge a separate fee for professional services rendered for such matters as the preparation and lodgment of tax returns, land tax returns, etc. It is suggested by the companies that the preparation and lodgment of such returns is not part of their ordinary executorial functions and therefore they should be the subject of a separate charge. The two local companies may currently charge such a fee under their existing private Acts. It is proposed to insert subclause 18(11) which will permit such separate fees, and also subclause 18(12) which will require a trustee company to include in its published scale of fees applicable to the administration of estates, a note to the effect that an additional fee may be charged for such matters.

#### *Point of Order*

Hon N.F. MOORE: Mr President, do you consider that the second reading debate has now been closed following the Attorney's speech, bearing in mind that when he commenced his comments he gave us to believe he was explaining a point of procedure? It was not my view that he was making a speech to the second reading of the Bill. Had he done so he would have closed the debate.

The PRESIDENT: The Attorney General has closed the second reading debate. If an honourable member wishes to speak at the second reading stage of a Bill, it is his responsibility to stand when the call is made. I sympathise with Hon N.F. Moore because I think he perhaps could be forgiven for thinking that an explanation was being given. However, the Attorney did go on to say that it was his intention not to proceed further than the completion of the second reading debate and that he would hold the Committee stage over until a time to suit Hon Max Evans. It is not the President's task each time an Order of the Day is called to remind honourable members just who has and who has not spoken. During the course of the Attorney's speech I turned up my notes and found that the only member who had spoken previously was the Attorney himself. The fact is that he has closed the second reading debate.

*Personal Explanation*

**HON J.M. BERINSON** (North Central Metropolitan -- Attorney General) [3.34 pm] -- by leave: I make it clear that I was in error in my understanding of what stage had been reached in the debate. I now appreciate that all the comments and the arguments I have been attending to did not arise from debate but have come from other sources. I led myself astray in that respect. I have inquired from the Clerk as to whether there is some easy method of overcoming the problem, but it seems there is not. All I can suggest is that this would be an appropriate case for us at the Committee stage to look to the Chairman for a flexible view of the extent to which debate might be permitted on clause 1.

Nonetheless, I would anticipate that the matters I have responded to today by way of explanation of the listed amendments go to the heart of many of the comments that would have arisen in the debate. I hope to that extent they are helpful. I apologise to any member present or absent whose ability to speak at the second reading stage has been curtailed by my error.

*Debate Resumed*

Question put and passed.

Bill read a second time.

**APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL***Consideration of Tabled Paper*

Debate resumed from 24 September.

**HON W.N. STRETCH** (Lower Central) [3.38 pm]: It gives me pleasure to speak to the Estimates debate and to take this opportunity to mention some of the issues that have recently arisen in my electorate and that need to be drawn to the attention of the House and particularly to the attention of the Government. My comments will not all be critical; some of them as always, I would hope, will be reasonably balanced and quite useful. They will range over a number of issues, particularly the operations of the Department of Conservation and Land Management and some of the conservation and environment issues that are arising in the southern end of my electorate.

I will commence by talking about the north eastern end of my electorate where unfortunately the season has not been good. Once again despite a promising start to the season we have run very short of rain at a critical stage of the growing season. This will cause considerable problems around the Arthur River and Darkan regions and in a south easterly direction well down into the areas represented by Hon John Caldwell and Hon David Wordsworth. This will put some special pressure on the Government to provide alternative water supplies. It is not only a shortage of rainfall in some areas that has caused the shortage of feed. Some areas that normally receive in the old terminology 15 inches to 20 inches are down to four inches of rain. This has put enormous pressure on some farm water supplies and household water supplies. What has not been realised by even many of the people within the area is that some of the catchments of the major weirs serving the area are facing difficulties. The Wellington Weir, which services the comprehensive water supply area in the region is less than half full, and the water quality of that reservoir is very bad right now. I anticipate that, by early summer, the water will be darned near undrinkable. This will put pressure on the Water Authority to provide a potable water source for that area.

I have written already to the Minister for Water Resources about this matter and have spoken with him on several occasions. I have put forward suggestions whereby we could utilise some of the underground and artesian supplies available. He was quite sympathetic. I stressed to him and I stress to this House that the Government must realise that there is no use in trying to put in a standpipe when the dams dry up. Barring a couple of thunderstorms of majestic proportions, nothing much will avoid farmers having to cart their water this summer. Speaking about thunderstorms of majestic proportions, it was upsetting to see the results of the bad storm that went through the Moora district and which caused such damage. The rural producers of this State have put up with quite enough without that final, cruel blow. I believe that this House should extend its sympathy to those people who, until that storm, looked like reaping a decent crop and who have now had it torn away from them. Water

supplies will be a major problem and one which the Government must address.

The town of Wagin is not quite as badly off for water and feed but it has other serious problems. It is the centre of a thriving tourist industry and has become an area for major development. It is served by a very good airstrip which is used extensively by the Royal Flying Doctor Service and also by other visiting aircraft. Members know that winter in that area is fairly severe. There are no buildings at the airstrip. The shire and people of the area have got together to raise funds for some sort of airport facility, but they are short by \$12 000. Unfortunately, I regret that the Government has not seen fit to assist them in that regard. The importance of the area is that it is a central location for the flying doctor. Members should understand the problems with transferring patients in the middle of winter from ambulances to aircraft, particularly when the aircraft is held up by bad weather. The provision of buildings for that central airport should be a matter of high priority. If they are provided, not only will the people of Wagin benefit, but also the airstrip is multidirectional and it will be able to provide a far better service to the district and to the surrounding area.

Hon J.M. Brown: Is it illuminated?

Hon W.N. STRETCH: Yes, both of the runways are lit, but are manually operated which does not cause a problem. I understand that the shire submitted a reasonably conservative building programme including a patients' transfer centre, a small reception area, and an area to allow passengers to wait out of the weather. I believe that the Government could provide a better service to the people of the central great southern area for a reasonably small amount of money.

Wagin has an excellent tertiary and further education facility which was established years ago under the direction and guidance of Mr David Chappell. All rural members will remember his extension services to the agricultural industry and also to households, gardens, small businesses, and other fields of endeavour.

*Sitting suspended from 3.45 to 4.00 pm*

At the time that TAFE facility was established there was some debate as to whether it should be located in Katanning or Narrogin -- the two larger centres -- and it was decided that Wagin was more suitable because it served a wider area. Mr Chappell took up that position with great enthusiasm and established a service which is second to none. He provided a service as far north as Kellerberrin, to Newdegate in the south east, and it went out to Boyup Brook. He made a superhuman effort to establish it as a viable way of bringing education and improved techniques to farmer groups. The strength of his system was that rather than set up a school in a centralised location, he found a demonstrator and took the courses to the people who wanted that service. I assume that my colleagues on the Select Committee chaired by Hon Colin Bell have already met him.

Hon C.J. Bell: We have met him on two occasions.

Hon W.N. STRETCH: I hope that the committee has come to the same conclusion that I did; that is, it was an exemplary way of delivering those sorts of courses to the rural areas. It was always difficult for Mr Chappell's concept to work within the formalised structure of a TAFE course. I shared office facilities with Mr Chappell for some time and also shared some of his frustrations when trying to formalise courses that were not really adapted to the formalised TAFE structure. In the move towards more and more formalised structures in rural education we are getting away from the practical hands-on type of course that epitomised the Chappell regime.

I raise this matter at this stage because the Minister for Education has made a commitment to the people of Narrogin that the next TAFE college will be established in Narrogin. As it is part of my electorate, I am delighted for the people of Narrogin but I am also concerned that if that happens, Wagin may not only lose a facility but also rural education will lose something. The type of course that Mr Chappell established so successfully does not need a bricks and mortar environment; it needs to be run from a very small nucleus or centre and not to be bogged down in formal lectures in a formalised college situation.

Wagin has recently been offered a fine building, a closed-down convent school, which the Catholic Diocese of Bunbury has generously made available at a minimal cost if the district wishes to use it as an education centre. However, TAFE has made a commitment to Narrogin. I applaud that proposal in some ways although I am concerned about it in others.

We must move away from the TAFE concept and consider a new agricultural extension service. The Government should give consideration to accepting this offer of the convent school. It has four brick and tile classrooms and an administration centre and if the Government wanted to erect such a building it would cost in the vicinity of \$250 000; yet it is being offered to the Government at a very low price. I cannot give the exact figure but it may be around \$10 000 to \$20 000. That is a gift in anyone's language. The final price could be even lower when the negotiations are completed.

This sort of centre would move away from the formalised TAFE structure that has stultified the courses since Mr Chappell left his position and it would allow the re-establishment of these courses on a spread-out basis. Once again we could get back to running more courses offering a wider involvement, with less red tape, and giving a better direct service to agriculture. I urge the Minister for Education to look at the scheme, it is a bargain basement opportunity for the Government to move into this area and it will help to train young people as well as established farmers and others. The courses range over any subjects one cares to mention, from boilermaking to mulesing sheep. The sorts of instructors that could be gathered together to work from that centre could cover virtually any field within technological reason.

The question of water supplies to Wagin and those other inland towns is going to be a major worry, as it was for Kojoonup, and that would also apply at Darkan and Woodanilling and all that area in my electorate.

I have mentioned the question of funding for country roads in this place before. I regret to say that the situation is becoming worse, not better. It is a sad fact that the effective life of our roads is coming towards an end in many areas on many major routes. This fact was highlighted by the annual reports of the Main Roads Department over the last couple of years, which stated fairly forcibly that we should be rebuilding approximately 290 kilometres of road a year. In 1985-86, only 90 kilometres of road was reconstructed, so we are falling behind by 200 kilometres a year on the MRD estimates. If we keep that up, the ramifications will be fairly dramatic because our road usage is increasing, and we are really building a rod for our own backs unless we bite the bullet now and increase road funding dramatically.

A question which reflects on costs to everybody right throughout the State is whether we bring produce from the rural areas into the city for sale or move goods out from the city to the rural areas for sale. Road conditions are an integral part of transport costs, and the Government will have to face up to its responsibilities in this regard. I was concerned to see a headline in the *Western Farmer* of 3 September this year, which quoted the Minister for Transport, Mr Troy, as saying that roads are not a priority for the community. I fail to see how the Minister can say that. He admitted that they were a priority five or six years ago, but not now. Mr Deputy President (Hon D.J. Wordsworth), I think you would realise from your experience in the country that the situation is worse now than it was five or six years ago; and if the community does not realise that, that is its fault. If it is not a priority within the community now, then I believe members of Parliament must awaken the community to the fact that in the future, the problem is going to become steadily worse. A lot of the money will be from Federal funding, but this question must be addressed by all parties and by whichever party is in Government. The question is not one that can be swept under the carpet because it is an ever-increasing cost, and the longer we put it off, the dearer it is going to be when we finally rebuild.

Members will have seen in the Press that a shire in Victoria has started to actually rip up its sealed roads and restore them to the gravel surface because it cannot afford the resurfacing costs. We do not want to see that happen in Western Australia, where our roads are arterial links over much of the State.

Hon H.W. Gayfer: Are the road standards here being looked at with a view to doing that?

Hon W.N. STRETCH: The same process of ripping up and resurfacing is being looked at, and I think that is a very disturbing aspect. I thank my honourable colleague for mentioning this because if we get to that stage -- and considering that our roads are such an important part of our transport network and our way of life -- we are moving backwards much faster than I thought.

Hon H.W. Gayfer: What about bringing them back to gravel?

Hon W.N. STRETCH: There is nothing wrong with gravel roads if we can stay on them and keep the potholes off them, but I think most people prefer a sealed surface because it reduces maintenance costs on vehicles, and saves time, which we appreciate very much in our way of life.

I urge members seriously to take up this matter with their shire councils to ensure that the community does realise the long-term costs of making short-term savings in road construction and road funding. I believe many local councils are still having trouble getting gravel for proper road construction in their areas, and I believe that is a situation where the Department of Conservation and Land Management must take a sensible view about the provision of those supplies. I know that in some areas jarrah dieback is a very serious threat which is very widespread in the forests, and it is difficult to find areas where gravel can be taken out safely. However, such areas do exist and it is no good for the department to say, "Go 150 kilometres up the road and get it there." That is not an alternative. The department must be more flexible in its approach to this problem. In shires such as Manjimup, Nannup and Boyup Brook, the situation will become worse.

I now move on to another topic: The shutting up of ever-increasing areas of vacant Crown land and thereby shutting shires out of those areas. This question must be addressed by Government departments because it has a major influence on the cost of replacing those roads that I referred to earlier. My colleague, Hon Sandy Lewis, and I recently attended the opening of some very fine additions to the Collie Hospital, and I was very pleased to see that rather than waiting for people to die before they are honoured, the Government and the Department took the unprecedented step of naming that wing after Mr Tom Jones, the member for Collie. Hon Sandy Lewis and I find that Tom Jones is one of the most pleasant people to deal with as a member of Parliament. We have always had a very close and friendly relationship with Tom and Win, and I think we, along with everyone else, were very pleased to see him rewarded in this way. No-one has worked harder for his electorate than Tom Jones, and although we cannot help our philosophical differences, we certainly get on very well. I applaud him for the work he has done in running that electorate. He is a great man and a great worker for Collie.

Tom Jones was as upset as we were about the centralisation of the Collie staff of the Water Authority into Bunbury. I was at the launching of the Water Authority Office in Bunbury, shortly after the member for Kimberley was elected to the position of Minister for Water Resources. The question that was worrying everyone at the time was, "This is a very fine concept but will it mean that officers will be taken from outlying areas and centralised in Bunbury?" The Minister assured us that was not the idea at all.

Unfortunately that has now happened. The Collie office has been downgraded. People now come out to Collie from Bunbury after reporting for work at the office at Bunbury each morning. It is another nail in the coffin of country centres. Regionalisation is a very fine theory, but unless it is germinated and developed from within the area and demanded by the area it will not succeed. We have seen the same thing with decentralisation. It is everybody's dream, but it is very difficult to achieve unless there is an innate desire by the community itself to get it going. It cannot be foisted upon a community.

We now have the Bunbury office tower. It is a very fine building but regrettably, from my calculations from answers to my questions by the Minister for Budget Management, it is costing the taxpayers of Western Australia approximately \$500 000 a year for empty office space because people do not want to go into the tower. Some departments are not suited to high-rise office developments and it is simply not good sense for them to go in there. We know some departments have refused point-blank to go in there because it would hamstring their operations.

Hon J.M. Brown: Perhaps the charge per square metre for rental is too high.

Hon W.N. STRETCH: That is an arrangement the Government made, but we could call that a direct blood-letting of the taxpayer. People were not told that most of the Government departments in Bunbury were reasonably adequately catered for. The surrounding areas such as the ones I represent threw their hands in the air in horror at the thought of that sort of expenditure, which was really for a cosmetic dream. I am not knocking it — in 50 years' time, by the time the building has deteriorated, there might be a need for it. At present it is a false need. It was not a good concept and I am utterly disgusted to see it now being filled by

people drained from surrounding towns. As members from rural areas would know, once people begin to leave towns the schools lose numbers and the towns lose business and it becomes a slow, downhill run. I am horrified to see the Government leading the charge. If private businesses have to move, that is supply and demand, but when a Government instrumentality moves its people without a good, commonsense, apparent reason, I believe that is a very sad thing. I hope this trend can be arrested straightaway, and perhaps reversed. It is a great worry to the people of Collie and they would love to see something done to encourage people back to their town rather than have Government departments draining people away from it. Collie has a great future but it cannot withstand this steady attrition of people leaving the area.

The highlight in the area at the moment is, of course, the announcement by Federal and State Ministers of the commencement of construction of the Harris River Dam. I know members will be bored to tears with the mention of this dam because it has been going through this House for all the time I have been here. Possibly it has been to the barrier four times before -- I think this is the fifth. Let us hope it is the final time. I believe the Government will go ahead with the project this time. I have already touched on the need for it in my earlier remarks about the quality of water currently from the Wellington Weir, and also the lack of supply. The Harris River Dam will take away a certain amount of catchment from the Wellington Weir but at least the water caught in the Harris River Dam will be fresh and will greatly alleviate the situation in the wheat-belt towns served by it. They go well out beyond my electorate into those of Hon John Caldwell and Hon Mick Gayfer, and even beyond that.

The Government must not allow that dam project to be put aside. Water resources in this country are absolutely the bottom line; they are the essential element in the continuance of country towns and communities. The comprehensive water supply scheme did more to lift the standard of living and the growth of country towns than any other single factor and it would be a tragedy if now, by the reallocation of resources, this project for the supply of good, potable water was allowed to slip back and again join the queue for yet another run to the barrier.

Hon H.W. Gayfer: I cannot remember how long ago it was since any improvements were made to the CWS.

Hon W.N. STRETCH: It is a long time. There were small extensions but no major improvements.

Hon J.M. Brown: Do you mean the diameter of the pipes and the increase in water supply?

Hon W.N. STRETCH: That will come; it is reasonably adequate. The present worry is that the water level in the dam is too low, but that is beyond anyone's control. The quality is so bad that it is absolutely essential we get this new dam built so that the level of the Wellington Dam can be allowed to go up a bit. Hopefully then we can flush some of the salt out of the bottom of it because presently the salt content is very close to the upper limit of the World Health Organisation's potability levels.

To its sorrow, the Manjimup end of my electorate is virtually the centre of the pesticide issue. Manjimup and Pemberton are very intensively farmed and there are some very real problems there which we brought to the attention of the Government very early in the piece. To his credit the Minister for Agriculture has moved to do what he can to alleviate that problem.

The most important aspect of the pesticide issue is to recognise that it is not simply the farmers' problem but also a community problem. As with the conservation issue, we come up against the difficulty of past practices and who is to blame. I have been at great pains, and I believe all members of Parliament, of whatever party, should be at great pains, to stress that no blame is to be attached to anybody on the pesticide issue. The conventional wisdom of the times and the recommendations of the Department of Agriculture and other bodies were that these pesticides were essential, or highly recommended, for the growing of a good crop. They kept costs down and produced a high quality product.

The problem that has arisen now is simply a question of new research and new wisdom arising, and catching up with the people who are involved. DDT is probably the least of the worries. I believe no other single chemical has saved more lives in the history of the human

race than DDT. If one looks at its role in wiping out malaria and many other tropical and subtropical diseases, one can indeed salute its use. It is a good chemical but it does have the problem of cropping up in the food chain. That was found in the United States when the bald eagle's eggs were found to be infertile. All hell broke loose and DDT was banned there 10 years ago. Not having any bald eagles in Western Australia, it did not affect us so greatly; indeed, up until the last couple of years DDT was used with no ill effects.

I have yet to find documentation of people being killed by DDT, but it just shows that one cannot be too careful and also, regrettably, that none of us has crystal ball wisdom to see 10 or 20 years ahead to the long-term effects. Therefore one of the first calls from the Liberal Party when the pesticide issue arose was for an immediate assessment of all the chemicals we are now using. I believe this is ongoing and I think we all must be more vigilant. I believe that the use of pesticides is falling away, but unfortunately there will always be areas where they are required.

The chemicals causing us grief now -- the dieldrin, aldrin, and heptachlor group -- are pretty nasty. We acknowledge that, and it is no use blaming anybody for the use of chemicals which were at the time thought to be good, even though we are now faced with the problem of a lengthy half-life of those chemicals. Apart from digging them up and moving them away, the question is how to remove them from agricultural land? And then where do we place them? The problems are great, but we are working towards solutions. We will all have to be very understanding, and the Government should make some contribution to the compensation fund which will undoubtedly help some people who have no alternative grazing areas for their animals. Some farmers in the Manjimup-Pemberton district have a special problem as they have virtually no land which they can guarantee is free from chemicals. Other farmers who have pesticide-free areas can move their animals to those areas. The chemical residue appears to halve in intensity over 90 days, so there is light at the end of the tunnel, although those farmers with 100 per cent affected pastures will need assistance.

I believe more than financial assistance is required such as leases under pine trees being tendered out by the Department of Conservation and Land Management as these areas have proven to be very good for grazing. This is an ideal opportunity for the Government to step in and offer that grazing land to farmers with 100 per cent contaminated farms. I urge the Minister for Conservation and Land Management to look with favour on that suggestion. In previous years priority has been given by the department to drought-affected areas. I believe the present situation is one of similar emergency as the farmers have nowhere else to go. Such a move would be a constructive one for the Government to make, giving people some hope. Not all that many farmers have no alternative land but those who do not are finding the situation fairly desperate.

I would also suggest that perhaps low-interest loans could be made available through RAFCOR to help farmers purchase additional land or, if necessary, buy their farms back and have them replanted with pine trees. While I am not in favour of subsidies, or handouts, this is an example of farmers being overtaken by the times. The Government must be sympathetic and keep the farmers on the farms. Through no fault of their own, these farmers are caught up in this situation, and the Minister for Agriculture made the point that internal American politics are involved as much as misadventure. Therefore, I feel there is a doubly important need for compassion and sensible help for these people.

The question of residential land in Walpole is one which has concerned both myself and the people of the area for many years. I am constantly in contact with people in Walpole who ask how we can sort out this problem which related firstly to industrial land, and now to residential land. I believe the Minister is looking at revesting the land in the shire council for ease of subdivision and development. The land should be developed in sympathy with the general nature of the surroundings. The question of deep sewerage is involved, which may result in higher costs; although where the blocks are some distance from the water the extra costs would possibly not be incurred. These problems I believe are better addressed at the local level rather than through a departmental organisation which, quite frankly, has not been able to deliver over the last few years.

Another preoccupation of the people of that area is the setting aside of the South Coast National Park and, to a certain extent, the Shannon. People have concerns about the effects

of this development on access to their usual recreational pursuits such as fishing, camping, and other activities. With so much of the country being shut away, I feel the only species not being considered is homo sapiens himself which should not be the ultimate end of good conservation. Good conservation is quite compatible with use of areas by the populace. The best scenery or the best species should not be locked away where no-one can enjoy them. Access must be provided in a sensible way and in conjunction and cooperation with local people. We are heading towards this situation but the Government must be aware that the local people have some rights.

Northcliffe, Pemberton, and Manjimup are a long way from major centres. The beauty of the area has always been that it is a cheap and attractive place for a holiday and the Government should encourage people to travel there. I do not believe there is any future in forcing people into highly expensive resort-type developments as many people cannot always afford that type of holiday. Access to the beach areas is a very important right which the local people should retain.

I find the situation rather strange when the move to shut up this country comes from the Labor Party. If all we hear about the oppressed masses is true, they are the very people who should be allowing access to the good, cheap family holiday areas and I would have thought it closer to their hearts than ours. Yet we see this Government doing more to keep people from those recreational areas than any other Government in history. I find it paradoxical and upsetting, as I believe we should be going in the other direction and looking at the needs of people first, then working the needs of the environment around those people. We should be looking at more settlements such as Windy Harbour along the coast. These settlements need not necessarily be settled or developed now, but provision should be made in future planning so that people from a particular area can have access to cheap, safe, beach-type holidays. Cheap holidays are hard to achieve in the cities, and they are becoming more and more difficult to achieve in the provincial towns around the State.

Members of the Honorary Royal Commission, such as Hon Fred McKenzie, will recognise the problem, having looked at other parts of the world. Conservation is a great thing. We all need and believe in it. I am very disturbed at the political moves being made at present to paint the conservative side of politics as the rapers of the environment, the destroyers of all trees, the diggers-up of national parks, the despoilers of the beaches, and all sorts of unpleasant associations. Of course, it is all untrue.

Returning to the conventional wisdom which I mentioned regarding chemicals, I left school and drove a bulldozer for 20 years and I probably did my share of destroying quite a lot of good timber. That was the conventional wisdom of the day, and given my time over again I know some areas which we would not have treated in that way. We would have gone ahead and developed farm land, but with more understanding because now we recognise the problem. There is no point in beating our breasts now and saying we must make reparation; what is done is done, and was regarded as the proper course at the time. Farmers these days are generally aware of the need to regenerate the countryside which is being degraded.

The farming community would not argue with this philosophy — including Hon Jim Brown, Hon John Caldwell and Hon Matt Stephens and myself who attended the WISALTS annual general meeting yesterday. We found it very encouraging to see groups such as WISALTS and many others taking a major role in the control of land degradation. There is also the Land Management Society. These are voluntary bodies which get together and treat this problem. The Men of the Trees have a display in the lobby here tonight; they go out and using their own resources plant trees wherever possible. Mr Deputy President, (Hon D.J. Wordsworth) you know from the Esperance district that the conventional wisdom led us to clear some land which probably should not have been cleared. That goes for all areas of the State up to the north eastern wheatbelt.

Hon J.M. Brown: I understand farmers plant more trees than any other group.

Hon W.N. STRETCH: I would agree with that. I know several farmers who plant up to 10 000 trees a year as a matter of course.

It is not only pointless but also politically mischievous for people to paint the conservative side of politics as the destroyers of the environment. Of course there are difficulties; we have to try to maintain an industrial base as well as a farming base in this State. The old



definition of a conservationist as one who built his house and furnished it last year tends to ring true at times. We all want to be conservationists after we have got all we want. It is a bit cynical, but there is a lot of truth in it. At the bottom of our hearts we probably know we have all damaged the environment at some time. There is no point in grieving and beating our breasts; the point is to use the conventional wisdom of today and forget about blaming people for the conventional wisdom of earlier days.

I will not touch on the general question of the Shannon River National Park because it is the subject of a later debate, but I sympathise with the people who are trying to buy their Forests Department houses in Collie and Dwellingup. It is unfortunate the Minister saw fit to tack this issue onto the Shannon debate and it is regrettable that their title has been delayed because of what I believe is a foolish and mischievous action by the Minister. The proper thing would have been to separate this matter and treat the forestry houses and the conservation aspect as separate issues. It was against the interests of these people who deserve better. The Minister attacked the Liberal Party in this House for deferring that debate, and that was very unfair because the fault lay with the type of presentation of the Bill. We will go into that at a later date.

That leads me to the situation being faced in the small timber town of Grimwade. For those who do not know, it is a small forestry settlement south east of Donnybrook. It has been more or less the experimental mill for pine timber from the Forests Department areas and has unfortunately come under notice of closure from the Department of Conservation and Land Management. It is a beautiful district surrounded by a lot of pine forest, and driving into it is like driving into a painting on an old chocolate tin with pine forests, beautiful soil and valleys and an attractive townscape. The department has said it must go despite the fact that the storekeeper was recently given a five-year lease.

Naturally the people who live there are very keen to stay on. I can see no real reason for this move and the department has given none. If it is good enough to sell forestry houses to people in Dwellingup and Collie and other areas it should be good enough for the people of Grimwade. They want to stay there for their own reasons; they love the area and its quietness, and I can see no reason why they should have to move out. There may be problems the department has not come clean about, although I do not believe there are. I was at a meeting with some CALM officers and residents and no reasons came out of that. Perhaps senior officers in Perth have some reasons why Grimwade has to go. I make a plea for those people to be allowed to stay in the houses for as long as they want, and when they want to go they should be given the option of disposing of the houses which they will have paid for by then. They are happy to lease them from the department or buy them. It seems a pointless move; there is power, water, a big tourism potential, a store, a swimming hole, and everything else that makes a community attractive. I urge the Minister for Conservation and Land Management to look at the area and he might end up buying a house himself.

That covers most of the points I wish to raise in this debate. I reiterate that we are facing major water problems which will need sympathetic Government attention very soon. I hope the wheels are in motion for the provision of alternative supplies. We must look at a lot of alternative methods of getting water to these areas. We also have to put some incentive back into the provision of water supplies by people themselves. This can be done by the State Government approaching its Federal counterpart with a view to increasing the tax deductibility of the provision of water supplies in the year of expenditure. At present one can claim one-third of the cost in the year of expenditure. This should be raised to 100 per cent. It looks like a concession but really it is not. It is an investment because, as the Government will find to its sorrow, it is a very expensive business to move water to people. It makes more sense to give them the incentive to provide their own water supplies on site.

Another point I think the Government should take up with its Federal counterparts is the Social Security Act. I am sorry the Minister for Community Services is not here because I think it would disturb her as much as it has disturbed me and my constituents. This letter was sent to me by a lady in her late 70s. She is a pensioner who did the right thing and wrote to the department to say that she and her husband had saved up and were taking a holiday. She received a reply which said --

Thank you for advising us of your holiday dates and your return date to Australia.

Would you now please advise us of your current financial circumstances if there have

been any changes, i.e. current bank details etc.

We would also require your 1986/87 tax returns and those of your husbands. This is only if in fact you submit tax returns.

Would you also advise us where the funds came from to finance your overseas holiday.

Should you require any questions to be answered please phone. . .

It gives a telephone number and there is room for a signature and the date. The letter then goes on to say there are penalties for not giving information asked for, if they are able to do so, and for deliberately giving false or misleading information.

I can see what is behind this, but I ask members to consider this person's situation. She is over 70 years old and she and her husband worked in a small business all their lives. They finally saved enough for the trip of a lifetime. They did not have enough to do everything they wanted so their children contributed the balance so they could have a good trip and do all the things they wanted to enjoy. They notified the department and got this damned impertinent letter. It left a sour taste in their mouths and was a bitter note on which to end their trip. There must be a more careful way of doing this sort of thing. I hope that the Minister will bring this matter up with his Federal counterparts and try to find a way in which the Department of Social Security can obtain answers to questions without resorting to this type of thing.

A Government member: Could you read that letter again?

Hon W.N. STRETCH: The letter reads --

Would you now please advise us of your current financial circumstances if there have been any changes, i.e. current bank details etc.

Obviously if a person has travelled overseas there has been a change to his financial circumstances. The letter continues --

We would also require your 1986/87 tax returns and those of your husband's. This is only if in fact you submit tax returns.

How many husbands do they expect her to have? The letter continues --

Would you also advise us where the funds came from to finance your overseas holiday.

Should you require any questions to be answered please phone 098 410666.

It goes on to outline the penalties. If a person is 22 years old and he undertakes a world trip and is claiming a pension, he can fill in a form like that. For goodness sake let us put an age limit of 60 on it. I take great exception to the distraction of people's dreams and enjoyment at that age. I am sure that members opposite know what I mean.

HON T.G. BUTLER (North East Metropolitan) [4.52 pm]: I join with my colleagues in supporting the motion and congratulate the Government on once again bringing down a credible Budget and for continuing with its sensible management of the Western Australian economy. I also take this opportunity to speak on one or two matters of interest to me.

I draw the attention of members to the fact that over the next two weekends; that is, 17 and 18 October and 24 and 25 October the Swan Valley Tourist Commission will be coordinating the Spring Valley Festival. It will provide an opportunity for Swan Valley winemakers, restaurateurs and tourist operators to take part in a major promotion of Swan Valley wines and of the many features and highlights of the Swan Valley. The Swan Valley Tourist Commission's constitution allows it to embrace not only the Swan Valley, but also some of the surrounding areas such as Guildford, Midland and Mundaring. Unfortunately, a large majority of people living in the Perth inner city are unaware of the attractions of the Swan Valley and the surrounding areas.

All members know that Hon Gordon Masters and Hon Neil Oliver are fully conversant with what the Swan Valley has to offer. I am sure of that because I have been in their company on more than one occasion when sampling the delights of the Swan Valley. At a function we attended recently Hon Gordon Masters brought to my attention the fact that people do tend to travel as far south as Mt Barker and Margaret River to sample the wines that grow in that

region, but they bypass the Swan Valley. By travelling a shorter distance they could visit the Swan Valley and sample and enjoy the wines and the many aspects of the valley at less expense.

Among the many things that the Swan Valley has to offer are the 22 historical buildings located in Guildford. With the exception of the town hall all those buildings are nineteenth century architecture and that is unique in and around Perth. In the Swan Valley there are 22 wineries and I can assure members that the standard of wine is very high. People are encouraged to visit the wine cellars and taste the wide range of excellent wines that are available. This opportunity will be available to people over the next two weekends through this promotion. In the Swan Valley, Midland, Guildford and Mundaring there are 38 restaurants. There is also a combination of 19 museums, arts and craft shops and galleries and there are countless walk trails and picnic sites. I do not know whether any members have had the opportunity to visit the Hall Collection Museum at Guildford which is owned by Kemp and Evelyn Hall and is valued in the vicinity of \$6 million, but if they have not I suggest that they do. It is one of the best private collections in the world and it is situated at Guildford and is accessible to people travelling from the city. I doubt whether many people from the city take the opportunity to visit Hall's museum.

I doubt whether there is another area in Western Australia which offers more than the Swan Valley. I suggest to members that they take the opportunity over the next couple of weekends to visit the area. The wineries will take the opportunity to launch their spring wines and the restaurants will have special menus for their patrons with emphasis on alfresco dining. The Swan Valley has the potential to offer more than Fremantle. I hope that the people of Perth will take the opportunity to visit the Swan Valley during the festival.

The State Government has recognised the importance of the Swan Valley in the Budget. It has provided \$162 200 under the Swan Valley policy for viticulture, tourism and planning initiatives. An amount of \$63 000 was provided through the Department of Agriculture; \$30 000 through the Tourism Commission and \$68 400 through the State Planning Commission. The Government will continue to provide concessional loans for table grape growers to promote exports. An amount of \$350 000 has been provided for those concessional loans. The low interest heritage loan programme and the free architectural advisory service will be continued and they will benefit owners of historical properties in Midland and Guildford. Further benefits to people under the Swan Valley policy include a water rate reduction of \$100 per owner of semi-rural properties. They will be rated on residential, rather than commercial rates.

The Swan Valley policy provides the basis for successful interaction between the table grape and wine industries and recreation, tourism and heritage. I strongly recommend to members that they visit the festival and look at what is a remarkable facility which is situated very close to the city.

Earlier in the year, with Hon Norman Moore and others, I took part in a tripartite overseas mission. I am pleased to say that the report of that mission was recently released by Hon Peter Dowding, Minister for Labour, Productivity and Employment. While the members of that mission had diverse philosophical beliefs, the report attempts to rein in the collective thoughts of those members, and to allow for the differing philosophical views. Hon Norman Moore has advised the Minister and other members of the mission that he has some difficulty with certain aspects of the report, and I do not argue with his right to do that. While he has those differences, the report does nothing more than attempt to draw to the attention of businesses and unions in Western Australia and in Australia the different methods of operation in other countries. It also recognises that it is not possible to transfer those systems and institutions to Western Australia.

Economic activity, work force productivity, industrial relations and labour systems are all related in the countries we visited; that includes the historical, social and cultural activities of those places. The fundamental principles which apply and underpin the systems we examined bear further investigation, because they could apply here with proper structures suitable for our own culture and method of operation. Those principles are present to a degree, and have been enunciated by the ACTU, which says that the union movement must link its activities to skill formation and to productivity. In return for this approach it seeks greater cooperation of the employer in information-sharing and consensus-based policies and objectives.

The union movement in Australia has always advocated that a willingness by employers to establish a broader information base was in the best interests of labour and management, and the conclusion of the mission report on pages 4, 5 and 6 set out a very fair summation of our perception of those systems in the countries we visited. That section of the report points out what has been achieved basically on the tripartite basis within the systems of the countries visited. It concludes that the higher economic performance of some of the countries was in no small way attributable to the system of industrial relations which exists, based on information-sharing and as far as possible consensus agreements brought about by frank and open discussion.

An understanding of their role in the overall development and maintenance of the economy has been built up among the officials and the rank and file of the trade union movements in other countries. That is fairly important. They are not treated as some people in this country would treat them -- as lepers, or as people to be afraid of -- they are encouraged to think more on a tripartite basis. I think Mr Moore referred to this in his comments on the report.

Hon N.F. Moore: Power sharing.

Hon T.G. BUTLER: Whether one likes this approach or not, it cannot be denied that Sweden, with a population of 8.3 million people and a labour force of 4.2 million, has an unemployment rate of 2.8 per cent and a low inflation rate in 1986 of 3.3 per cent. I know that Mr Moore considers the Swedish economy is in trouble. I do not know his authority for that, but I wish this economy, which is in bad trouble, had an unemployment rate of only 2.8 per cent and an inflation rate as low as 3.3 per cent.

Hon N.F. Moore: It is generally accepted that their unemployment figures are taken on a different basis from ours. They have things like national service.

Hon T.G. BUTLER: I know that was said when we were overseas, but I do not think those figures can be discounted in comparison with the method used for our figures. The Swedish economy is based on such things as very high exports, and high productivity levels to complement those exports. Sweden has many large companies active on the world market and very low unit labour costs; it has surplus current accounts with strong trade balances and very high living standards.

Hon N.F. Moore: And very high taxes. That is one of the choices to be made.

Hon T.G. BUTLER: Whatever they are doing, whether one agrees with it or not --

Hon N.F. Moore: They do not have names on ballot papers, only political parties.

Several members interjected.

DEPUTY PRESIDENT (Hon John Williams): The honourable member will ignore the interjections.

Hon T.G. BUTLER: I am doing my best.

Several members interjected.

DEPUTY PRESIDENT (Hon John Williams): Order!

Hon T.G. BUTLER: Information sharing is not confined to employer and labour organisations in those countries; it is carried through the workplace by the establishment of work councils which are set up through their codeterminations Acts. They clearly underpin those systems with its industrial democracy overtones. The tripartite system which operates in those countries is taken very seriously by both management and unions.

While we did not encounter distrust and criticism, there is nevertheless a very sincere commitment to the maintenance and operation of the tripartite system. It does not interfere with the employer's managerial prerogative. In the final analysis, the right to make decisions resides with the management, and it is required to take the problems to the work force before making the decision in the hope that problems can be resolved without a decision having to be made which will affect the lifestyle of the employees and the operation of the company.

Because of the tripartite system of discussion and the willingness to share information, the constant upgrading of technology has not made a significant difference to unemployment levels. Due to a commitment by labour and management of skills development through the various comprehensive training and retraining schemes, unions in those countries are not

frightened, nor do they fight new technology because it simply means higher productivity which enhances the economy and will in turn maintain and increase their employment opportunities.

Australian unions, however, traditionally are apprehensive about new technology because as a rule it is introduced at the expense of the work force without any prior discussion or notification. It just goes in and there is a major leap from what was in place to what will be in place. Consequently, there has been no area of negotiation and no allowance for training or retraining. That is the basic difference between the systems in West Germany, Norway, and Sweden, and that in Australia. However, the leap is not as great in those countries as it is here, because it is backed up by very sophisticated training and retraining schemes which are continually updating the work force to meet the needs of the new technology.

The Australian trade union movement could be more easily persuaded to embrace new technology if it were better advised through the willingness of employers to consult with it. The joint employer-employee approach to training, again, is based on consensus through broad information-sharing negotiations. One of the real problems they do have over there, and I find this quite interesting, is that a syllabus for apprentice training can take up to five years to complete. That makes the continued introduction of new technology and the training methods sort of contradictory. But the major companies are free in those circumstances to conduct their own in-house training of apprentices and retraining of their work force to meet the requirements of the improved technology that is introduced.

In West Germany, at the Labour Office in Cologne, we were told that people on unemployment benefits who came to look for employment were interviewed by industrial psychologists and given aptitude testing to ascertain what work they were best suited for, or were best suited to be trained in. There was no compulsion to accept the advice -- they were free to retrain in whatever vocation they wanted -- and that has caused some problems in West Germany because in some areas they have developed an overabundance of people trained in one profession and a shortage of people in other professions. Again, this has resulted in the need for further retraining.

West Germany appeared not to have a firm labour market planning policy, unlike Sweden. They adopted the democratic attitude that if someone wanted to be a schoolteacher, he could be a schoolteacher despite the fact that at present there are 1 000 unemployed schoolteachers. They would advise them, but not insist. However, in the Labour Office in Cologne they did provide a very extensive library to inform young and mature trainees of the various trades and professions available. They had complete video libraries, as well as books that explained just what each occupation involved. For instance, if someone wanted to be a bricklayer, they could see just what that involved. They had videos to show what bricklayers do and to give people some idea of whether they thought themselves suitable for that occupation. Also, and this impressed me greatly, they contacted all school students in the second last year of schooling and invited them to the centre to make them aware of what was required of them in whatever profession they chose. That is something we should consider. Instead of having such a diverse operation in terms of unemployment and training, we should be getting the children while they are still at school, not waiting until they have left school before we try to encourage them to make up their minds about what they would like to be trained in.

The Swedish model relied more on training to meet the requirements of the present and projected labour markets, and the democratic right to select a profession was permitted if it fitted into the projected labour markets. Sweden did not see any use in having an overabundance of unemployed professionals and a shortage of some other professional group. They preferred people to train in the areas that were required by the labour market projections. Possibly that is one of the major reasons for the unemployment figures of 8 per cent in West Germany and 2.8 per cent in Sweden. Another positive aspect of the training system in both of those countries is that the vocational training is linked to the education system. The last year of school is dedicated to vocational training, making the leap from school to work less traumatic for school leavers. They can, of course, receive unemployment benefit for a year but then they must make up their minds to retrain. They are paid a retraining allowance which is marginally higher than the unemployment benefit, which is an incentive for them to retrain rather than to remain unemployed.

Hon H.W. Gayfer: Do they automatically start off there, or do they have another interview?

Hon T.G. BUTLER: They can go onto unemployment benefits only for certain reasons, not for the sake of lying on the beach but only for a domestic reason or if there are other extenuating factors. But they are encouraged by virtue of the fact that the retraining allowance is more than the unemployment benefit. It is always in their best interests, from day one, to retrain rather than to continue to be unemployed.

Hon H.W. Gayfer: And if they cannot get a job they go to the work psychologist?

Hon T.G. BUTLER: Yes.

The DEPUTY PRESIDENT: Order! Would the member address his remarks to the Chair? The Hansard reporter is endeavouring to take down what is being said.

Hon T.G. BUTLER: A major factor -- and a very impressive one -- in the whole retraining programme is the family support given to the training of an apprentice. When a youth is contacted at school by the labour market officers, and while they are assessing him, the parents are involved. Wages are also kept at a level which places some responsibility on the family to support the children. Basically that is the main difference between their approach and ours to the whole question of training and retraining. As I said, the report recognises the difficulty in transferring the historical, social and cultural system and institutions of that country to Australia: but it is possible, in my opinion, to look at the principles underpinning the system, which in turn may help us to develop a system that will mean a greater degree of cooperation. That will improve our schools' performance, our training and our productivity. I recommend that members look at the report. I would be happy to supply any member with a copy of the report because I believe it is positive and very enlightening reading that members will find extremely educating.

I raise my last point simply because it was a disappointment to me. That is, the fact that the debate on the Australia Card is over, despite the fact that the Leader of the Opposition in another place is trying to resurrect it for --

Hon A.A. Lewis: But you supported it?

Hon T.G. BUTLER: That will become patently clear, but if Hon A.A. Lewis wants recorded in *Hansard* the fact that I supported the Australia Card, I am only too happy to have that recorded. If that makes Hon. A.A. Lewis happy, I am happy too.

The PRESIDENT: Order!

Hon T.G. BUTLER: I am disappointed not so much that the card was dropped but that the circumstances surrounding it made that inevitable. However, I believe it must have been very disappointing for the rank and file members of the Liberal Party to see their elected representatives jumping onto the bandwagon of support for the anti-Australia Card people. It was only a matter of a couple of months ago that the Liberal Party had the opportunity to fight an election on the question of the Australia Card, but it would not touch it with a barge pole. The Liberal Party would not, at that stage, go near it with a 40-foot pole. It would not go near it because at the time it realised that the polling was showing that in excess of 75 per cent of the population favoured the introduction of the card. The Liberal Party did not go out; it was not the torchbearer, not on your sweet Nelly. Members of the Liberal Party waited until people who had been subjected to strong scrutiny for trying to rot the system whipped up enough hysteria, with the assistance of the inaction of the Federal Government -- and I blame the Federal Government for not advertising the virtues of the card more -- and they then decided to --

Hon A.A. Lewis interjected.

Hon T.G. BUTLER: The Liberal Party had an opportunity to fight the last election on the Australia Card issue and squibbed it.

Several members interjected.

The PRESIDENT: Order!

Hon T.G. BUTLER: It was pretty sickening to sit and watch the hypocrisy of some members of the Opposition, who wanted to identify Government members who supported the card. It really was a wimpish exercise by the Liberal Party. The Liberal Party members can feel smug because the card is now finished --

Hon Neil Oliver: Is it?

Hon T.G. BUTLER: Yes, it is. Hon Neil Oliver knows it is. He would dearly like to see the issue revived for the South West Province by-election. Hon Neil Oliver does not fool anybody; it is not possible for him to do so.

Several members interjected.

Hon T.G. BUTLER: All that was proved by the way in which the Liberal Party went about it is that the Liberal Party is composed of a bunch of spineless wimps.

Several members interjected.

Hon G.E. Masters: I didn't see you out there talking to those 40 000 people.

Hon T.G. BUTLER: Of course I was not out there talking to the 40 000 people.

Hon W.N. Stretch: Do you call them wimps too?

Hon T.G. BUTLER: I am talking about the Liberal Party and how its leaders jumped on the bandwagon. The Liberal Party members did not have the intestinal fortitude to stand up on day one to criticise and condemn the card. The Liberal Party waited until there was a swell of public opinion.

Hon W.N. Stretch: That is quite untrue.

Hon T.G. BUTLER: The Liberal Party had the opportunity to fight a Federal election on the Australia Card and squibbed it. History will reveal that fact, so let us not kid ourselves. The Liberal Party went to water come election time.

Several members interjected.

Hon N.F. Moore: The Labor Party backed off from the card. You said that you supported it in principle.

Hon T.G. BUTLER: I did not say that at all. I said I was very sorry it had been tossed out.

Several members interjected.

Hon T.G. BUTLER: The Prime Minister had very little choice under the circumstances.

Hon N.F. Moore: Don't you stand up for your principles?

Hon T.G. BUTLER: Do not talk rubbish to me about principles. When Liberal Party members talk about principles, I go back to what I have just said: Where were the Liberal Party's principles come election time when it had an opportunity to fight an election on this issue? Where were Liberal Party members?

Several members interjected.

Hon T.G. BUTLER: I did not see any Liberal Party members standing up on tree stumps anywhere in the electorate to condemn the Australia Card at election time.

Hon G.E. Masters: I did; I condemned it.

Hon T.G. BUTLER: It must have been under Hon G.E. Masters' voice.

Hon G.E. Masters: I am delighted that you're in favour of it.

Hon T.G. BUTLER: Hon G.E. Masters must have been quiet about it because I cannot recall reading anything attributed to him about the Australia Card.

Hon G.E. Masters: You would like to bring it back, wouldn't you?

Hon T.G. BUTLER: I would support it if it came back.

Hon G.E. Masters: As long as we have it on record. That's all we need.

Hon T.G. BUTLER: I am glad it is on the record. What is Hon G.E. Masters going to do? Tack me to a cross because I have said it?

Hon G.E. Masters: I think you are doing that yourself.

Hon Garry Kelly: Do you support tax file numbers?

Hon T.G. BUTLER: Wait a minute; I am going to get to that.

The PRESIDENT: Order! Hon T.G. Butler is making the speech.

Hon T.G. BUTLER: I feel sorry simply because people who live well below the poverty line

would have benefited from the millions of dollars that could have been saved by wiping out frauds by the introduction of the Australia Card. I am proud to say in this place that I have taken part in many demonstrations and I have been in them from the beginning. I did not wait until the weight of public opinion told me what I should do and how I should demonstrate. That is a very pathetic and wimpish attitude.

Hon G.E. Masters: I wish he would get on with it.

Hon T.G. BUTLER: If it upsets the Leader of the Opposition, I will take all the time in the world.

Hon G.E. Masters: You have never upset me.

Hon T.G. BUTLER: I think I am capable of doing that.

The DEPUTY PRESIDENT (Hon D.J. Wordsworth): Order!

Hon T.G. BUTLER: It seems that everybody who is anybody in the Liberal Party is making contradictory statements in relation to the upgrading of the tax file number. That will make an interesting debate. An article appeared in *The West Australian* on 28 September, and while I am not a disciple of *The West Australian* and feel reluctant to quote from it, it is normal practice for Opposition members, in particular Hon Gordon Masters, to quote from it ad nauseam. I do not suppose there is any possibility that he will doubt the veracity of the quotation I am about to give. It is attributed to the Leader of the Opposition and the headline says, "Opposition prefers tax number to ID Card". The article goes on to say --

The Federal Opposition and Australian Democrats prefer an upgraded tax-file number as an alternative to the near-defunct Australia Card.

The Leader of the Opposition, Mr Howard, has said that the Opposition will be prepared to look at the tax-file proposal, the alternative supported by sections of the Government.

He said that he would not commit the Opposition in advance of seeing what the Government put on the table this week.

Mr Howard said the Opposition's ID Card task force would turn its attention to finding ways and means of dealing with taxation and welfare fraud.

On 6 October *The West Australian* carried a headline saying "Tuckey warns on tax files". The article stated --

The Opposition will oppose the Government's plans to implement an upgraded tax-file number system as an alternative to its failed Australia Card.

The Opposition spokesman on health, Mr Tuckey, said the Government's tax-file number proposal appeared to be nothing more than a de facto Australia Card system.

So the Opposition could not get its act together within a matter of a few days. Mr Tuckey denied that it was opposition for opposition's sake and said that it was not political opportunism in any way. I believe it is clearly opposition for opposition's sake. That is what the Opposition is all about. It is openly admitted by State and Federal conservative politicians. Claims are made that the Opposition criticises and also puts up alternatives. This is strongly claimed by members of the Opposition in this place, but there is little evidence of it. Many suggestions are thrown in but there is no substance to them and as a result they flounder.

On 28 September Mr Howard was reported as saying the Opposition's ID Card task force would turn its attention to finding ways and means of dealing with taxation and welfare fraud. On 6 October Mr Tuckey was reported as saying, "There are other solutions, but it's not our job to say which is best." That is quite extraordinarily contradictory of the statements of his leader, but I do not suppose anyone should be surprised at what Mr Tuckey might say. His mind languishes permanently in the gutter; I doubt he would have room for any profitable clean thoughts.

Hon A.A. Lewis: Can he possibly get as low as Keating?

Hon T.G. BUTLER: I think it was Mr Lewis who told me that naming people while seated was not covered by parliamentary privilege.



The Liberal Party's whole attitude towards change is extremely negative and in keeping with its most obvious ally, the ratbag left -- the people who live on the lunatic fringe of politics. They seem to be the people who object to change, and their attitude can only be matched by the Liberal Party.

Several members interjected.

The DEPUTY PRESIDENT (Hon Robert Hetherington): Order! I point out that the Leader of the Opposition's interjections are highly disorderly.

Hon T.G. BUTLER: I am glad you drew that to his attention, Mr Deputy President. He has a great habit of drawing it to my attention from time to time.

For the past year I have listened with interest to a number of claims that this House is a great House of Review.

Hon A.A. Lewis: Mr McKenzie is on the broad left.

Hon T.G. BUTLER: He is not quite as broad as Mr Lewis.

The DEPUTY PRESIDENT: Order! I would be glad if the honourable member would address the Chair and get on with his speech.

Hon T.G. BUTLER: The Government claimed even when in Opposition that the Legislative Council was undemocratically elected and was used by conservative Oppositions to deliberately block progressive Government legislation. I have listened with interest to the denials by members of the Opposition. I have heard them stand here and say that this is a House of Review, and I have heard each member on the front bench of the Liberal Party hotly defend it as a House of Review. So I was somewhat surprised and pleased when I noticed that a senior Liberal Party member of this House agreed publicly with us that he saw the role of the upper House as blocking things. Unfortunately he is not here and I hate doing this when he is not here. Those were the words he used -- "After all, upper Houses are to block things."

Hon N.F. Moore: After things are reviewed they sometimes get blocked.

Hon T.G. BUTLER: No, he was quite definite. He said, "After all that is what you have an upper House for -- to block things". It is slightly different from reviewing things. Even Mr Moore as a former school teacher would find it difficult to equate "review" with "block".

Hon N.F. Moore: I am sure you have the exact quote of what he said.

Hon T.G. BUTLER: I have. Would the member like me to read it?

Hon N.F. Moore: You should do so so that we get it in the exact context.

Hon T.G. BUTLER: It was a media interview with Hon Phillip Pandal on 4 September, and it was in relation to the Liberal Party's by-election campaign. The interviewer was Jean Moorhouse.

Hon A.A. Lewis: Where?

Hon T.G. BUTLER: On ABC regional television. Mr Pandal was quoted as saying --

Well a Liberal victory obviously is important to the Liberal Party for a number of reasons, some of which aren't all that apparent. Now clearly there's a need for us to maintain that retirement of Vic Ferry and his replacement, we believe by Barry House, to maintain the conservative strength by a mere one vote in the House. Now I think that's got some long term implications for the State. It's not just upper Houses incidentally who block Labor Government legislation. There's been many occasions, despite what Labor propagandists tell you, many occasions in the past where conservatives have blocked their own Government's activities in the upper House.

I would like to find out where that is reported. He went on to say, "After all that's why you have an upper House to block things."

That must come as a terrible shock to Hon Mick Gayfer because I have heard him say that this place is a great House of Review. It must be a terrible disappointment to find that senior members of the front bench of the Liberal Party are sharing the same view that Government members have of this House.

Hon N.F. Moore: That was a very poor argument. It was pathetic.

Several members interjected.

The DEPUTY PRESIDENT (Hon Robert Hetherington): Order! The behaviour of this House is degenerating and I would like to hear the member on his feet talking to me, I can do without three other conversations going on simultaneously, including members on the front bench.

Hon T.G. BUTLER: I have heard senior members of the Liberal Party claiming that they have reviewed all the legislation before they have rejected it. Hon P.G. Pandal has said that the role of the upper House is to block the legislation, not to review it.

Hon A.A. Lewis: Read that quote again.

Hon T.G. BUTLER: He is the only one who has explained the true philosophy of the Liberal Party in its approach to this House, and he is to be congratulated for it. I support the Bill.

HON A.A. LEWIS (Lower Central) [5.43 pm.]: I sometimes feel that we are moving with undue haste because the Notice Paper appears to be very light on and one wonders what the Government thought we would do with the time available when it set its programme. I wish to start with a few quotes from a magazine entitled "Imprimis" from Hillsdale College in Michigan. I do not know how many members receive a copy of that magazine and of those who do, how many tend, like me, not always to read it. Being a great friend of Hon Fred McKenzie, he has convinced me that I should travel more often on the bus and I now have more time in which to read.

Several members interjected.

Hon A.A. LEWIS: Whether it be by bus, train, or with Hon Tom Helm. I do not think he will last that long but if he does the Deputy President will fix him up with his beady eye and suggest he behaves himself as do the members on the front bench. I am sorry that you, Mr Deputy President, are not sitting alongside me because I have to pronounce an Italian name which sounds like one of the words you use from time to time.

Mr Oreffice, the head of Dow Chemical Company, has written an article about the legal complications of running a business in the United States. I want to draw some comparisons with this country and with some of the problems I foresee if we continue along the road we have been going along in the past. That is not to say that I am against occupational health, safety and welfare, the workers, unions or anything else. However, I think everybody in the community should understand that when we impose upon business certain rules and regulations the cost will finally be borne by the consumer and the nation. I am sure that my comrade from the far north, Hon Tom Helm, will agree with everything I am about to say.

Mr Oreffice claims --

The whole climate of doing business in the United States suffers under huge legal responsibilities imposed on all areas of profit and non-profit sectors.

The article continues --

Ultimately, he notes, consumers are hurt too, because liability costs are passed along to them in the form of higher prices, discontinued on undeveloped goods and services.

In a speech five years later, talking about the law of tort and the problems in the law, he said --

Somewhat we moved from being an innovative, creative and dynamic society to becoming one of the most litigious people on earth.

Is that what is happening in Australia? Looking around this place, such action tends to be led by the Government. Where else in the world has a Premier issued a writ against a Leader of the Opposition? The number of writs issued by Ministers in this Government probably exceeds all those issued by Ministers of all previous Governments in this State.

An Opposition member: Paid by the taxpayer.

Hon A.A. LEWIS: I am not going to say who they are paid by. I know that in Sir Charles Court's day, if Ministers were involved in litigation in the course of their business and

proved to be right in such matters, they were protected, as I believe they should have been. I cannot remember one of Sir Charles Court's Ministers issuing a writ.

Hon T.G. Butler: Sir Charles Court issued one.

Hon A.A. LEWIS: Against whom?

Hon T.G. Butler interjected.

Hon A.A. LEWIS: That might be one. It might be of course Messrs Burke, Bryce, and Tonkin or the other people who would not front up to committees but who made all sorts of allegations against Sir Charles Court and Mr O'Connor. Of course, they could not back them with facts. The comments were made under parliamentary privilege which is a cowardly way to go about things. When the House set up a committee, they would not appear before it.

Another comment by the same gentleman in this article reads --

There are more students in law schools than in all the graduate schools in engineering, chemistry, physics and the biological sciences combined.

Hon John Halden interjected.

Hon A.A. LEWIS: As Minister? Then that was probably thoroughly deserved. The article continues --

These are sad facts to contemplate for a nation trying to maintain or regain technological leadership.

The article goes on to talk about S-4-S -- suing for settlement.

Hon John Halden interjected.

Hon A.A. LEWIS: That is great. I am glad Hon John Halden is happy about it. It may be justice but the time may come when he may not be so keen on litigation.

A Government member interjected.

Hon A.A. LEWIS: Well, he is happy for Mr Shervington who I think received \$500 to pay his legal fees. The member may take a little advice from me --

An Opposition member interjected.

Hon A.A. LEWIS: He did not give it to him; he paid his lawyers to write a letter, as I understand it, but Mr Shervington certainly circulated the matter far and wide.

One of the things that happens to members of Parliament, and has happened to a lot of us, is that we often get set up on various occasions. I was once set up at the Concert Hall. I was definitely set up, and luckily I had a couple of lawyers, ex-Governors General, and a few people prepared to give evidence. A man called my wife names, which I do not ever use; I put my wife into the car and came back and poked the man in the chest and said, "Never do that again." I was sued by this gentleman for assault.

Hon T.G. Butler: The member showed admirable restraint.

Hon A.A. LEWIS: I think I did. However, when I received the writ I had some doubts as to whether I should not have done the other thing. I may as well have received the writ for a real bunch of fives instead of being restrained.

Returning to the article by the president of the Dow chemical company, it reads --

One of the Dow Chemical Company's recent suits may be illustrative. The suit was brought privately by a small company which utilizes plastics. Its owners decided to sue every plastic producer on antitrust grounds, claiming that we producers have conspired to fix prices throughout the years. The plaintiffs had no case, but a few producers settled just to avoid the nuisance of litigating a suit. Here is the business decision I was faced with: Our lawyer said, "We have a better than 98 percent chance of winning this case. But we can expect that the discovery proceedings and the length of the court trial will cost us between three and five million dollars in lawyers' fees and lost time alone. The plaintiffs will settle for \$200,000. What is your business decision?" We paid \$200,000. It was pure and simple blackmail, but I could take no other reasonable action. As the manager of an enterprise, I have

shareholders to whom I am accountable. I must do what's best for them. We don't settle all of the time, however, because we really believe that fighting is necessary if we are to overcome the legal crisis.

He goes on to talk about a product called Bendectin produced by Merrell-Dow Pharmaceuticals and given to 33 million women around the world, and proven safe throughout the decades. The article continues --

The U.S. Food and Drug Administration and the equivalent organization in Great Britain have declared after testing and retesting that the drug is completely safe. But three percent of all children are born with some defect whether the mother takes anything or not. Now, three percent of 33 million means that there are approximately one million birth defects in this total group and some smart lawyer decided to round up a few hundred mothers in order to file suit against us. Why did we discontinue manufacturing Bendectin? At one point our sales in the United States were \$20 million a year, but our legal and insurance costs alone reached \$18 million.

That is without packaging, producing and marketing the product. This is the sort of thing I am frightened will happen in Australia. Another section of the article reads --

We've been lucky so far; in the instance of the drug, Bendectin, we have won every single case except one and it is under appeal. In one suit, the jury pronounced its judgment that the product was not defective, and that Merrell-Dow was not negligent. Yet the same jury awarded \$1,160,000 to the plaintiff. Our innocence was written into the decision, but it made no difference. Do some of these kinds of cases get overturned? Yes, in fact, this one was, but the plaintiff's lawyers are appealing it again.

The article goes on to quote the case which did not involve that company, as follows --

A woman was on this company's premises for a meeting, and as she walked out of the building she stepped off a sidewalk, fell, and broke her leg. She sued the building owners. She sued the company. She sued everybody and wound up settling for a very large sum of money. There was no ice and no moisture build up on the cement; she just simply wasn't looking where she was going, stepped off the sidewalk, injured her leg, and collected.

The article goes on to talk about the standard of juries, and the need to be judged by one's peers. Many people are excused when called for jury duty, because of their occupation and the length of the cases. The writer of the article quotes one case concerning a technical chemical formula, and says that 11 out of the 12 jurors were unemployed persons because all people with technical knowledge were set aside because they would lose too much time from their jobs. What is the cost of a technical person, a manager, going before a court? We must look at this. Too often -- and I am glad the House is taking some interest in this -- we legislate without thinking of the end cost to the consumer.

*Sitting suspended from 6.01 to 7.30 pm*

Hon A.A. LEWIS: Mr President, I am glad to see you are back in the Chair because I had been allowed to have my deadline, and the name I was trying to get before the dinner break was Orefice. I must thank my Italian tutor here for helping me with the pronunciation.

Hon Robert Hetherington interjected.

Hon A.A. LEWIS: *Hansard* will be able to get it from this document.

The PRESIDENT: Order! The honourable member needs to address the Chair on some subject in order to retain the call. If he is not saying anything I am wondering whether he has anything to say.

Hon A.A. LEWIS: Which Standing Order are you referring to?

The PRESIDENT: Standing Order No 64. The honourable member might have a look at that shortly.

Hon A.A. LEWIS: In an hour's time I might have the time to look at it, but if you are asking me to speak faster --

The PRESIDENT: I am just asking you to speak.

Hon A.A. LEWIS: You are the first person in this House ever to ask me to do that.

I am absolutely depressed by the attitude of the Government over the Bridgetown High School; indeed not only the attitude of this Government but also the previous Burke Government, the O'Connor Liberal Government, and the Court Liberal Government. It is a disgrace for a high school not to have a library resource centre and an administration block. At present most district high schools have these facilities and I find it hard to accept being put off by successive Ministers for Education; and it is not from a lack of pleading with Ministers for some sense to be displayed by Governments on this issue. I have even drawn up the plans to show how the school should be redeveloped -- not a completely detailed plan, because my lettering is not as good as it was when I was a draftsman. But the plans were agreed to by the P & C, the school community, and the Education Department; they thought my plans were very good. I remember how, 10 or 11 years ago, Hon Bob Hetherington argued for work to be carried out on the Belmont school in his electorate; he gave us a very lucid argument for those improvements when he sat in the seat now occupied by Hon Phil Pandal. When Mr Hetherington was in Opposition he got something started for that school.

When we make a plea in this place for something to be done of the nature I have outlined, the Government should accept that there is an obvious problem, because most members quietly go about their business and discuss these problems with the appropriate Ministers. The Minister for Sport and Recreation gave an example last night of the sort of thing I am talking about, and I am sure the community will be very happy that he is to take action -- I hope something will happen; and, knowing the Minister, I am sure it will.

Hon Mark Nevill interjects. I do not know about the Caulfield Cup; I know where Caulfield is but I do not think it comes under the responsibility of the Minister for Sport and Recreation. That sort of thing would be the responsibility of Hon Pam Beggs, the Minister for Racing and Gaming. Mr Masters is the Opposition spokesman on racing and gaming matters and I am sure he could tell Hon Mark Nevill what is going on, more so than could the Minister for Racing and Gaming.

Hon H.W. Gayfer interjected.

Hon A.A. LEWIS: It seems Mr Gayfer has been reading my notes, because I was about to speak about water supplies in the bush. Hon Bill Stretch earlier raised the problem of water supplies, although he did so in a rather funny way, I thought, because he indicated that we had the capacity to provide the necessary water to the people in need of it. One of my fears is that this year places in areas represented by Hon Mick Gayfer, Hon Bill Stretch, Hon Eric Charlton, and probably Hon David Wordsworth and Hon John Caldwell, will face considerable difficulties with water supplies. The reason is that the pipes going into those areas are not big enough and this will mean we will have the problems we had last year, when we had no water in any standpipe during the day, and people had to go out during all hours of the night and day to fill their tanks to get water for their stock. Already we are seeing farmers having to cart water for their stock. The situation is drastic. We will need temporary tanks as a priority at key dams. And the Government will have to act before the end of this month, before the real pressure goes on to water supplies. If it does not there will be no water, or very little water, and there will be chaos in our agricultural areas.

There are a couple of matters related to conservation which I believe we should be talking about in this country. I noted with some amusement "Cameron's Comments" in the *Rural Update* of October-November. He said --

On a lighter note, Australian Conservation Foundation W.A. spokesman Ric Humphries has advocated an exciting new role for W.A. pastoralists. He has claimed that they should sell their leases to the Government for conversion to national parks so that in turn they can become park rangers!

The ACF is to be applauded for recognising the ability of pastoral leaseholders to "caretake" Crown land and service mills and bores for the wild life.

Hon E.J. Charlton: Who said that?

Hon A.A. LEWIS: It is interesting that people in this place listen to only half of a story. Because they have their attention drawn away from the main theme for a few seconds, they lose the thread of the conversation.

Hon E.J. Charlton: I didn't know whether you were agreeing with him or not. That is what I was asking you.

Hon Mark Nevill: This is one of his more lucid speeches.

Hon A.A. LEWIS: It is probably one of Mr Charlton's. It would be helpful if Mr Charlton listened so I could tell him what I think. He can make his own speech; I am sure he has time to do it.

It is extremely interesting to see the worldwide trends by conservationists. I wish to relate to the House what is happening in California at the moment because I think it highlights the direction of the world conservation movement, and not just the conservation movement in America.

There is a dam in Yosemite National Park which was constructed over 70 years ago. It supplies water to Sacramento and San Francisco with a little water being supplied to Los Angeles. It has been suggested the dam be ripped out of the park because the conservation movement says it should not be there. The cost to the American taxpayer of ripping out that dam is estimated at \$6 billion, which does not include the cost of building another dam to take its place. When we talk about drawing a long bow, spending \$6 billion to remove a dam which is giving good service to a great part of California is drawing a long bow indeed.

I believe that the conservationists have lost their way. They do not even know what the land that has been covered by the water of this dam will be like after 70 years. They do not know whether it will be usable with the country surrounding it.

What could we or the American people do with \$6 billion for conservation. I believe that the conservationists have gone overboard. Unfortunately, the way America is going at this time, this option could be accepted.

The conservation movement has to stand back and have a good look at itself. I was in Yellowstone National Park recently. In its early days, there were probably 80 to 100 bison in the park. Recently I saw 900 in a herd. They were slab-sided and, if they do not have problems with overgrazing, they will probably have problems with disease. The interesting thing is that the bison and elk are eating the leaves off the trees above the snowline and have therefore destroyed the beaver population. Yellowstone had a large beaver population with many dams. Because the beaver cannot compete with the elk and bison, their numbers are declining.

A previous Leader of this House, Hon Graham MacKinnon, suggested that we should harvest kangaroos. I believe the Americans will have to harvest bison because, if they are allowed to leave the parks and graze on adjoining land, they will be slaughtered. In that sense, the national park is becoming a destroyer of the natural environment by having unnaturally large numbers of species kept within its boundaries.

Hon H.W. Gayfer: There must be culling.

Hon A.A. LEWIS: Yes, and in all sorts of ways. Hon H.W. Gayfer, Hon John Caldwell, and my friend, Hon Bill Stretch, have been all over the D'Entrecasteaux National Park. Conservationists have told us that only two horse trails will be allowed, with a limited number of horses, and they will have to be licensed. I will deal with the licence a little later. Many people who are operating trail horse riding in the south west of this State may not like the United States licensing system. However, at Yellowstone, Grand Teton, and Yosemite Valley National Parks there are many horse trails. At Grand Teton there are probably 100 horses on the park at any given time and at Yellowstone there are probably 300 horses at any given time. The people here feel that there are problems and one of the problems is the number of horses involved. I understand a group of up 30 horses from one stable are riding around this park. We are told that we cannot have horses on national parks in this State, but the D'Entrecasteaux National Park has had horses on it since the commencement of the estate.

Hon H.W. Gayfer interjected.

Hon A.A. LEWIS: It looks like it. In this country we have forgotten that parks are for people's recreation. We know that there must be wilderness parks, but that is another matter.

I refer to what I will call concessions. In the United States' national parks, if a person has a concession to run horses on a park he must pay three or four per cent of his gross earnings as a licence fee to the national park. Some of the hotels are not very cheap and the one that I stayed at in Yosemite Valley cost \$A500 per couple per night. I understand that three per

cent of the charge went to the national park because it represented the concession. A further five per cent was for sewerage, water and electricity and \$3 went towards the provision of a free bus that travelled around the Yosemite Valley.

In Western Australia private enterprise will have to provide these sorts of facilities under the auspices of the Department of Conservation and Land Management. For years we have listened to a group of people who really have not wanted to manage the national estate; they have wanted to tie it up. These people represent one or two per cent of the conservationists, but they have been the vocal one or two per cent. We must give a lead as to the way we want to go. I will not dwell on the old chestnut of ICUN recommendations, but whenever I have travelled around the world I have found that those recommendations have been agreed to.

I could talk about numerous other things in the field of national parks. One that comes to mind is floating rafts. At Grand Teton approximately 95 000 customers a year ride the floating rafts down the river and probably another 10 000 ride canoes. The lakes in the area have charter boats on them and tours are conducted on the lakes. At the present moment the wall of the reservoir at the end of Jackson Lake is being rebuilt and the water level is 15 feet lower than it would normally be. The Americans are realists, but they do have their weaknesses. Between 15 and 18 per cent of the staff of the national parks service in the United States are situated at regional offices. I think that between 500 and 600 staff are located at Washington and they are really worried. I understand that bureaucracy has gone mad with its attitude.

Another point members should be aware of is that rangers in the United States have to undergo 400 hours of law enforcement work. The United States' rangers wear six-guns on the hip. I wondered how some of them managed with their radios on one side and their six-guns on the other and they also wore belts and carried clocks and knives. They looked like Christmas trees with presents hanging all over them. The ranger with whom I travelled was a nice fellow and he got into the car wearing a six-gun and a radio; and inside the car there were two other radios and under the front seat he carried a high-powered rifle.

It was interesting to see the large number of people who visited the national parks. Approximately 3 000 tourists visit Yellowstone, Grand Teton and Yosemite National Parks each year and most of them visit in the first five months. There were people everywhere. If they see a mountain sheep, a bison or an elk, they stop in the middle of the road and the ranger's job is to get the traffic moving again. I have already spoken about the herd of bison which I saw. There must have been between 3 000 to 4 000 bison in the herd and people were stopped on the road watching them.

That leads me to another thing: We have to have an education programme because people like Hon Eric Charlton may take their families into a national park and suggest to one of the family members to stand next to a bison while a photograph is taken. They forget that the bison, like the bear or the elk, is a wild animal. When I left Yellowstone only seven fatalities had been reported this year. At Grand Teton, six fatalities had been reported and, unfortunately, one body cannot be recovered because it is in an inaccessible spot. These are the sorts of things we should be looking at in Australia.

May I now move on to fire. Members have heard about the criticism of the burning policies of the old Forests Department. They have heard about how things should not be burnt, and whether there should be a fire restriction. Western Australia leads the world in burning. We are the leader in reducing the undergrowth hazard. We are looked upon by every State and every country I have been in as leading the way. I am worried a great deal when I come back to this country and find that the professionals, who are doing a superb job in Australia, are being criticised in their home country. We must have an education programme on burning.

I quote a national parks person in the United States -- I will not name him -- who said to me, "Mr Lewis, the greatest problems in the national parks service in the United States have been Smokey Bear and Bambi." I will not elaborate on that, even though somebody here does not understand it, like Mr Butler.

Hon T.G. Butler: Fair go! I have just sat down.

Hon A.A. LEWIS: Members will recall the story of Bambi and the fires.

Several members interjected.

The PRESIDENT: Order!

Hon A.A. LEWIS: I have been speechless in this place before, but my comrade here has floored me this time because he obviously does not understand what I am talking about. However, I forgive him because he is a new and young member.

Hon E.J. Charlton: He never knew.

Hon A.A. LEWIS: The American fire service was hung up on Smokey Bear. Whenever they wanted funds in the old days they would put Smokey Bear on the Congress table and get all the funds they wanted. Now they find they must have a fire ecology, and to back away from it is difficult.

America has a national parks and forests service and a bureau of land management. I believe that we in Western Australia have the opportunity -- we are not doing it as yet -- to coordinate all the aspects of land management under CALM. We have a long way to go, but having had a look at the United States twice, once with my friends Hon Fred McKenzie and Hon Vic Ferry, I am sure we can make it. However, there must be a change of direction.

I guess I have been pretty naive in my political life. I saw political interference in land management in the United States which nearly equalled the political interference with land management in this State. In the United States it was not for political dogma that decisions were made; it was for greed. People wanted to make a buck. In Western Australia we know it is political dogma. The ALP Conference has been overruled by city people who have made decisions affecting the bush which they do not understand. They do not understand the management problems, and they have stuck to that document through thick and thin without considering the long-term effect on Western Australia and on Australia.

Hon T.G. Butler: You are the foremost authority on this, are you?

Hon A.A. LEWIS: I do not know whether I am or not. The member's own Premier appointed me to be in charge of the Royal Commission. I have done two or three Select Committees on the subject. I may not be a definitive expert.

Hon T.G. Butler: A plain yes or no would suffice.

Hon A.A. LEWIS: When has a plain yes or no ever sufficed for the member? He would still continue to interrupt if he thought he had an audience until he had been completely flattened, and I do not want to do that.

Hon T.G. Butler: I am glad of that!

Hon A.A. LEWIS: Yes, I think I am the definitive expert. May I comment that barbecues in United States parks are called cook-outs. Bringing up a totally different subject, for Hon Tom Butler in the main, I attended other types of conferences as well. In Australia at meetings we go through the minutes and then business arising from the minutes. The expression for this in America is, "any old business", and that is why I thought of Hon Tom Butler.

The use of seasonal labour and volunteers in the United States parks service is extremely well managed. Most of the volunteers receive an honorarium of \$6 a day while in a campsite. Most of the seasonal rangers receive a minimal fee only. Yellowstone and Grand Teton parks are open for only five months, so people on vacation from university, school teachers and others go into those parks to do their work, and we in Australia should be looking at that system and not backing away so fast that we cannot be seen. We are not picking up the volunteers and the seasonal people we could have in the parks system.

I have said enough about parks; I wish to move on to another subject. Before the dinner suspension we heard Hon Tom Butler talk about *The West Australian* and the veracity of its reports, and in the main I am quite prepared to believe *The West Australian*.

Hon T.G. Butler: It is your gospel.

Hon A.A. LEWIS: It is not my Bible or my gospel. I have one of those, which I use on another day of the week. The quote I have is on a Monday, not on a Sunday. This quote is from *The West Australian* of Monday, 12 October, and it is a quote from a special correspondent; which always worries me because it could be anybody.

Hon T.G. Butler: It could be you.



Hon A.A. LEWIS: I will not try to protect the gentleman from himself.

The headline is, "Hawke warns Schultz on coal, beef deals". If we read what Hawke is warning about, we find he is telling Mr Schultz he has to smarten up his ideas because of the defence bases and the huge amount of material we in Australia take from America. We cannot deny that, and the ALP appears to believe that is what he is warning the US about. However, there are many people in the United States who believe that Australia could be sacrificed tomorrow and that their internal politics are so tense, and their farmers are in such a bad condition -- and their farm lobbies make ours look like amateurs -- that they want to turn inwards and be isolationist; they want to withdraw all their equipment from Australia. We should not run away with any idea that we are in a position to bargain one-to-one with the United States. What does Hawke think he is doing? Does he think he is still running the ACTU and dealing with a few manufacturers? When he was doing that, he crippled them and created the worst possible climate for Australia.

Let us look at this great United States manufacturing base and at two or three figures, which are United States figures; they are not just plucked out of the air. I am sure the United States Commerce Department and the people I spoke to in Washington would falsify these figures especially for my benefit -- or that is what members of the Labor Party will be saying when they hear them.

Looking first at construction machinery, foreign trade, if we talk about Caterpillar, which is a big American producer of equipment and which sends it all over the world -- and I will deal with that in a moment -- in 1981 it had a positive balance of trade of \$5.419 million.

[Leave granted for the member's time to be extended.]

Hon A.A. LEWIS: In 1986 it was \$131 million; and for the first three months of 1987, it was minus \$5 million. So in construction machinery, they have gone from \$5.419 million to minus \$5 million in 1987, and this is the great construction base!

If we look at farm machinery, in 1981 there was a trade excess of \$1.392 million for the first four months; and in 1987 it was minus \$105 million. This is where the United States is today. I will not go into Japanese-American trade, but I will say that the Centurion line of Caterpillar has 28 models, and not one of those is built in the United States; they are built in the United Kingdom, Japan, Canada, West Germany, Belgium, and now in South Korea.

To get down to the nitty gritty, Mr Hawke says that the United States has to do certain things. Let us look at exports for agricultural machinery and equipment around the world, and at imports to the United States. We will take the United Kingdom for the first seven months. The United Kingdom has picked up United States exports of \$32 million; France has taken \$50 million; Hungary has taken \$4 million; Poland has taken \$7 million; Italy has taken \$6 million; Mexico -- which rings a bell with Mr Keating -- has taken \$28 million; Venezuela has taken \$18 million; Brazil has taken \$10 million; Belgium has taken \$24 million; West Germany has taken \$23 million; Turkey has taken \$3 million; Saudi Arabia has taken \$39 million; and finally we get to Australia, which has taken \$18 million. So we are pretty small peanuts, are we not? Canada has taken \$384 million.

Turning to imports, the United States took \$227 million from Canada; \$26 million from Belgium; \$128 million from West Germany -- and I will not go through all the rest -- \$111 million from the United Kingdom; \$15 million from the Netherlands; \$32 million from France; \$66 million from Italy; and \$2 million from Australia. If we are talking about trade, Mr Hawke has absolutely nothing to beat the United States with, except maybe defence bases. We have to decide whether we want those defence bases. I know that the ALP would give them away tomorrow. The ALP's left wing would say, "Good riddance; get out of the place so we are undefended." They have always said that.

Hon P.G. Pandal: Not just the left wing either.

Hon A.A. LEWIS: I am being kind; I believe it is only the left wing. For years we have hung on to the coat-tails of the US and Canada. I will quote from a speech of the late Jack Scott, Managing Director of Sperry New Holland, when he was addressing his dealers in January 1970 --

Over the years the Canadian Wheat Board and the United States Commodity Credit Corporation have played a major role in determining world prices. Of course their

influence has diminished recently. There have been times when the U.S.A. has purposely held large stocks of wheat and has had in operation really savage acreage control and crop diversion programs aimed at holding wheat production and stocks. Strangely at the same time we in Australia increased our acreage by 150% virtually under the umbrella of the exporters. Naturally this raised many questions in the United States such as that expressed by a U.S. speaker at an International conference who said that "the U.S.A. has withdrawn 500 million acres from production so that other countries can grow wheat". He went on to say that "satisfactory incomes for farmers in some countries of the world are the result of the generosity of the U.S. Treasury and the Canadian Wheat Board". Unfortunately there is truth in what he said, so that it is understandable that this situation could not last.

Since 1981 another 143 000 acres have been taken out of production in the US. The PIK programme took out 83 million; the farmers' Act of 1985 took out another 60 million. Subsidies in agriculture have risen from \$8 billion to \$25 billion. The US farmer today is underproducing by over 40 per cent and is subsidised by 55 per cent. Nobody can believe that this is healthy, but for Mr Hawke to start threatening what he will do, is ridiculous. What could we do in this country with \$25 billion? That is a quarter of our international debt, which is something over \$100 billion a year at the moment. The US is using that amount to subsidise farmers. We should put our feet on the ground. The Prime Minister should stop waffling. He is the bloke who created most of the problems in the first place. As the President of the Australian Council of Trade Unions he demanded conditions that gave Australian workers -- and I know I cannot blame the Australian workers -- the best conditions of any workers in the world.

Hon Tom Helm: All of them?

Hon A.A. LEWIS: No, 90 per cent of them. I took out my calculator to work that out. I am sorry I did not ask Hon Tom Helm before I calculated the figures. However, Hon Tom Helm knows that is true; that is why he came here from the country of his birth. He knew how well the workers in this country were going and that is why he came here. He had people like Hon Tom Butler and Bob Hawke to look after him. How long can we afford it? We cannot afford it. The US is far from being generous with leave and annual leave loading and things like that. In fact there is no leave loading.

Hon Tom Helm: There are no jobs. They do not need leave.

Hon A.A. LEWIS: That is the mentality of people who are sitting in cushy positions and could not give a damn about their fellow workers. We are talking about an immigrant to this country -- and we have a couple in the House; I am looking at one now -- and we have to get stuck into work to reduce unit costs in this country so that it can compete with the rest of the world. We can talk all the nonsense we like.

Hon Tom Helm: You can't say we've got naught.

Hon A.A. LEWIS: Can we not?

Hon Tom Helm: No.

Hon A.A. LEWIS: Then why is Lang Hancock doing a deal which is supported by the Government to give Rumania iron ore, which it cannot sell? If one can barter, one can sell. I will not get into an argument with my colleague because I do not think he understands what the word "sell" means. We have to produce at reasonable costs.

Hon G.E. Masters: Otherwise we will lose our markets.

Hon A.A. LEWIS: Exactly; and if Hon Gordon Masters continues to interject from that chair, the President will talk to him.

The PRESIDENT: Order!

Hon A.A. LEWIS: Hon Tom Helm and I can make an effort outside this place to come to some agreement but for years people have walked around each other -- employees and employers -- like stiff-legged dogs at a dog fight. We have to make an effort to do what is in Australia's national interest. I know Hon Tom Helm would be right in there trying to get his new country up where his old country is now. The only prosperous place I saw, the only place where people had their chests out and their shoulders back, was Great Britain. I admit

that was only so in the south, not in the north. It is not good in the north; I would go so far as to say it is a disgrace, but certainly Great Britain was the only country where I saw some semblance of innovative methods and some striving to create for their country. I will give the Englishmen their due; in times of duress they show their best. We are based on mainly English stock in this country and we should show our best from now on. There is a time to be facetious.

Hon Mark Nevill interjected.

Hon A.A. LEWIS: There is a time for Hon Neville Wran to interject, at his peril. This country is too important to be laughed at and to have snide remarks made about it. The time has come for us all to get off our butts and work together, and not make these funny remarks. We should get rid of the old Hawke image of trying to grab something for nothing; I believe we should be contributing to this country. That is all I asked of this Budget; we have not found it in the Budget but I hope this Government may see the light. It has more money than it has ever had before and this side of the House hopes the Government will try to make this country great again.

Debate adjourned, on motion by Hon Margaret McAleer.

## BLOOD DONATION (LIMITATION OF LIABILITY) AMENDMENT BILL

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon Kay Hallahan (Minister for Community Services), read a first time.

### *Second Reading*

HON KAY HALLAHAN (South East Metropolitan -- Minister for Community Services) [8.31 pm]: I move --

That the Bill be now read a second time.

This Bill provides for an amendment to the Blood Donation (Limitation of Liability) Act 1985. The purpose of this short Bill is to ensure that workers will be able to receive workers' compensation should they contract AIDS during the course of their employment.

Members will recall that the principal Act provides a statutory limitation of liability in respect of any AIDS related action. An "AIDS related action" is one brought by a person who claims to have contracted AIDS by reason of having been administered blood or blood products supplied by the Red Cross Society or a hospital or by having been involved in the process of blood donation and transfusion. It also covers actions by persons who contract AIDS from a person who has contracted AIDS in such circumstances. This limitation of liability is available to the Red Cross Society, hospitals, and persons associated with them in respect of blood and blood products taken, prepared, and supplied by them, provided that the strict criteria specified in the Act are followed.

It was not contemplated at the time of drafting the principal Act that the definition of AIDS related action would exclude the right to receive workers' compensation. This amendment remedies that defect and permits workers' compensation to be claimed should AIDS be contracted in the course of employment.

Because of the higher standards of care exercised by health care workers in Australia, there have been no reported cases of any persons contracting AIDS as a consequence of their employment. Members may be aware of reports from the United States of America regarding health care workers contracting AIDS. The Minister for Health has been informed that one worker in the United States of America has contracted category "C" AIDS as a result of a "needle stab" injury. Three other cases are also under investigation in which AIDS may have been contracted through blood exposure to mucous membranes through conditions such as broken skin or dermatitis. In all four cases the workers were not taking precautions to prevent infections. This underlines the importance of observing infection control guidelines.

As the right to receive workers' compensation was never meant to be excluded, it is appropriate that the amendment be retrospective in nature. The amendment is deemed to have come into operation immediately after the commencement of the principal Act.

I commend this Bill to the House.

Debate adjourned, on motion by Hon Margaret McAleer.

## BUNBURY PORT AUTHORITY AMENDMENT BILL

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon Graham Edwards (Minister for Sport and Recreation), read a first time.

### *Second Reading*

HON GRAHAM EDWARDS (North Metropolitan -- Minister for Sport and Recreation) [8.34 pm]: I move --

That the Bill be now read a second time.

The purpose of this Bill is to amend the Bunbury Port Authority Act 1909 to enable the authority to negotiate land lease agreements with private organisations, including those that are not port related, for periods in excess of 21 years. It has become increasingly important for port authorities to ensure the provision of efficient port services and facilities for industry, including the granting of land leases for extended periods. Section 25 of the current Act prohibits the port authority from leasing vested port land to industries other than those which are "exclusively connected with shipping" and then for periods not exceeding 21 years. The implications of this are not so much a constraint on the operations of the port authority but a serious hampering of business undertakings in developing long-term plans and financing arrangements as well as not permitting the efficient utilisation of State resources.

The current Act precludes an organisation with manufacturing capabilities from being granted a land lease by the authority. Cable Sands Pty Ltd is such an organisation. Because of the narrowness of section 25, Cable Sands Pty Ltd cannot be granted a formal lease as the company's operations do not fulfil the section's requirements.

The objectives of the proposed amendments are to overcome this problem and to give the authority greater flexibility in administering its vested land.

Amendment of the Act will permit the authority, with ministerial approval, to lease port land for purposes other than those exclusively connected with shipping, but only for periods up to 21 years. This will enable the authority to efficiently utilise land resources which may otherwise lie idle and be under-utilised.

Leases for periods exceeding 21 years, but not exceeding 50 years, will only be granted on receipt of ministerial approval. The proposed amendments will also ensure that there is integrity with respect to the granting of leases. For instance, where the port authority proposes to grant a lease for a period exceeding three years, the amendments would not allow this to occur until such notification has been issued and circularised in the *Government Gazette* and a local newspaper.

It is also proposed to insert a new section 25A to give the authority the power to grant leases for periods not exceeding 60 days. In such instances, due to the time period involved, granting of such leases will not require ministerial approval. The inclusion of this section will allow the authority to take advantage of short-term benefits without causing unnecessary paper work.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Margaret McAleer.

## ADJOURNMENT OF THE HOUSE: SPECIAL

On motion by Hon Kay Hallahan (Minister for Community Services), resolved --

That the House at its rising adjourn until Tuesday, 20 October 1987.

*House adjourned at 8.38 pm*

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**QUESTION ON NOTICE**

**POLICE: TRAFFIC OFFICER**  
*Boyup Brook: Removal*

344. Hon A.A. LEWIS, to the Minister for Sport and Recreation representing the Minister for Police and Emergency Services:

- (1) Is it intended to move the traffic officer from Boyup Brook?
- (2) If so, why?

Hon GRAHAM EDWARDS replied:

- (1) The position referred to at Boyup Brook is being examined. No decision has yet been reached.
  - (2) The Police Department is constantly reviewing and rationalising personnel resources State-wide.
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