# Legislative Assembly

Tuesday, 16 June 1987

THE SPEAKER (Mr Barnett) took the Chair at 2.15 pm, and read prayers.

## COMPUTERS

*Personal Information: Petition*

MR COURT (Nedlands) [2.16 pm]: I present a petition which reads as follows—

To:

The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned, hereby give notice that it is our will that our personal information not be placed into the Personal and Information Management computer programme (P.I.M.S.) or any other computer. This is to protect our individual freedoms which are constantly being eroded.

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

This petition bears 44 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(*See petition No 40.*)

## GREAT EASTERN HIGHWAY

*Right-hand Turn Lanes: Petition*

MR TROY (Mundaring—Minister for Transport) [2.17 pm]: I have a petition to place on the Table reading as follows—

To:

The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents of the Shire of Mundaring hereby petition that action be taken by the Government of Western Australia to construct right hand turning lanes at the intersection of Great Eastern Highway-Old York Road-Waylen Road, Greenmount, and to resurface the road with rough blue metal.

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

I certify that this petition bears 1 053 signatures and conforms to the Standing Orders of the Legislative Assembly.

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

(*See petition No 41.*)

## FINANCIAL INSTITUTIONS DUTY AMENDMENT BILL

*Introduction and First Reading*

Bill introduced, on motion by Mr Brian Burke (Treasurer), and read a first time.

## ACTS AMENDMENT (CORRECTIVE SERVICES) BILL

*Introduction and First Reading*

Bill introduced, on motion by Mr Peter Dowding (Minister for Works and Services), and read a first time.

*Second Reading*

MR PETER DOWDING (Maylands—Minister for Works and Services) [2.22 pm]: I move—

That the Bill be now read a second time.

This Bill amends the Offenders Probation and Parole Act and the Prisons Act, and makes incidental changes to other legislation to facilitate the effective administration of the Department of Corrective Services created administratively with effect from 3 April 1987, following the amalgamation of the Probation and Parole Service with the Prisons Department.

The amendments delete references to the specific titles for the departmental offices and the Prisons Department and Probation and Parole Service, and establish a line of authority through the permanent head of the amalgamated department. Legislative authority is provided to the permanent head to effectively administer the new department, in particular, by way of the powers and duties under the provisions of the Offenders Probation and Parole Act.

Sections 21, 23 and 23A of the Offenders Probation and Parole Act have been amended to retain the existing structure of the Parole Board. The amendments propose that the membership of the board should consist in their stead of the permanent head of the amalgamated department, or his nominee, and

a nominated officer from the community-based corrections division—previously the Probation and Parole Service—of the Department of Corrective Services. Other minor amendments are included to correct minor errors and omissions occurring in previous drafting. It has also been necessary to effect incidental changes to other legislation where references are made to the Director of the Prisons Department or the department itself; namely, the Prisoners (Interstate Transfer) Act 1983, the Criminal Code and the Parliamentary Commissioner Act 1971.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Mensaros.

## FINANCIAL INSTITUTIONS DUTY AMENDMENT BILL

*Second Reading*

**MR PETER DOWDING** (Minister for Works and Services) [2.25 pm]: I move—

That the Bill be now read a second time.

The proposed amendments are required as a result of the Commonwealth's decision to introduce financial institutions duty in the Australian Capital Territory. The Financial Institutions Duty Act presently provides an exemption from FID in respect of an amount which is credited to an account in this State for the purpose of transferring it to another State in which FID is payable.

To put the ACT in the same position as the States in respect of FID, the Bill proposes to extend the references in the Act to "other States" to include "Territories".

The Act also provides for an exemption from FID in respect of the deposit of stockbrokers' receipts which have been the subject of stamp duty in this or another State. The opportunity is taken in this Bill to also extend that exemption to the Territories. The effect of these measures upon revenue will be insignificant.

I commend the Bill to the House.

Debate adjourned, on motion by Mr MacKinnon (Leader of the Opposition).

## MINISTER FOR CONSERVATION AND LAND MANAGEMENT: SURGERY

*Censure: Matter of Public Importance*

**THE SPEAKER** (Mr Barnett): I advise members that earlier today I received correspondence from the member for Cottesloe. The member has indicated that he wishes to move a motion as a matter of public interest, which will censure the former Minister for Health.

Eight members having risen in their places,

There being sufficient members standing in their places in support of the motion intended to be moved by the member for Cottesloe, I approve of it. Thirty minutes will be allocated to speakers on my left, and 30 minutes will be allocated to speakers on my right.

**MR HASSELL** (Cottesloe) [2.28 pm]: I move—

> This House censure the former Minister for Health—who as such was responsible for the introduction of Medicare in this State—now Minister for Conservation and Land Management, Environment for his action in relation to private medical treatment when as a public, non paying, Medicare patient he,
>
> > was operated on by a specialist doctor of his choice; at the time of his choice, in the hospital of his choice; and was granted private room facilities,
>
> whereas a public Medicare patient was entitled to and would have received for a similar medical procedure,
>
> > an operation performed by a non specialist hospital employed doctor, after a waiting period determined by the optional nature of the surgery required, in a public ward, of a public hospital;
>
> condemns the Minister for his utter hypocrisy having regard to his expressed political and personal support for the Medicare system; and calls on the Minister to resign forthwith.

The actions of the Minister have not been disputed by him since his conduct became public yesterday, so the basic facts are clearly established. Let me enlarge upon those facts slightly.

The Minister apparently need some minor surgery to his leg. Had he sought to have that surgery done at the Fremantle Hospital as a Medicare patient he would have attended a clinic at the hospital, would have joined a waiting list, would eventually, perhaps after six months or more, have been admitted to that hospital, and his medical procedure would have been carried out by a registrar—that is, a doctor employed by the Fremantle Hospital who is, of course, medically qualified and who works under the guidance of a specialist attached to the hospital.

I have been advised as a result of a number of inquiries that only in the rarest of cases would a specialist vascular surgeon carry out a varicose vein operation, which was the medical procedure carried out on the Minister. It was a fact that the Minister had to carry out his operation, not a registrar of the Fremantle Hospital but a Mr Bill Castleden, a specialist vascular surgeon who is attached to the Queen Elizabeth II Medical Centre and who has rooms at the Repatriation General Hospital. Mr Castleden also has an attachment to the Fremantle Hospital but only in respect of specialist emergency cases. He has since been appointed to a further position at the Fremantle Hospital but has not yet taken up that position. He was recently appointed Associate Professor in Surgery to the Fremantle Hospital and will take up that appointment in a couple of months.

It is, of course, to be expected that a Minister of the Crown, when received in any public institution, would be accorded the respect appropriate to his office; no-one would have any complaint about that. But this Minister has gone far beyond that. He has betrayed his trust not only in terms of the office he holds; but he has also betrayed himself because he has acted contrary to the beliefs he professed when he sought to persuade this Parliament, as Minister for Health in 1983 and 1984, that the introduction of Medicare was a good thing and something that we should accept with enthusiasm. Let me remind the House of some things the Minister said in 1983-1984.

In November 1983 the Minister introduced the Hospitals Amendment Bill to facilitate the introduction of Medicare on 1 February 1984. He described the Bill as complementary to the Commonwealth legislation and, in *Hansard* on page 4563 he said—

> Admission to public hospitals will be on a basis of medical need, without regard to private insurance status. A fundamental principle of the Medicare arrangements is that every Australian resident is entitled to public hospital accommodation and treatment by doctors engaged by the hospital, without charge.
>
> Eligible persons are to be regarded as public patients unless they themselves elect to be private patients.

He went on to say—

> It is necessary to co-ordinate access to public non-teaching hospital beds. The number of specialist medical practitioners appears to be rising steeply. It is necessary to decide upon who has access to the use of available beds and resources, particularly to retain a proper balance if family doctors are also to participate in treatment of their patients in those hospitals.

When this former Minister for Health negotiated with the Australian Medical Association he insisted that in the agreement entered into between the doctors and the Government there be inserted a clause to the effect that private patients were not to be fast-tracked. This Minister has stood up for and stood by his socialist principles of medicine to the bitter end, except when those principles were to be applied to himself. When it came to the application of those principles to himself he wanted something better; he was not satisfied with Medicare. He was not satisfied with the delays which the present Minister for Health admitted occurred in a speech he made a few weeks ago in this House. Let me remind the House of one or two things the Minister for Health said in this place on 19 May 1987. In *Hansard* on page 1050 he said—

> I do accept that the member for Murray-Wellington moved this motion because of his general concern for people on waiting lists in our health care system. I share his concern from that point of view.

"I share his concern from that point of view", said the present Minister for Health. I interjected a little later in his speech and said in relation to waiting lists—

> You would know what it means to be on a waiting list if you were waiting for a hip replacement.

The Minister for Health said—

> I do not disagree with the member for Cottesloe; this is a problem. In fact I quite regularly have people who contact me, as the Minister for Health, and ask me to intervene to try to bring friends or relatives forward on a waiting list.

I said—

> Do you do anything about that?

The Minister said—

> No, I do not.

I said—

> Not for anybody?

The Minister said—

> No, I say, "I am the Minister for Health, I am not a doctor and I am not able to intervene in any way from the point of view of their place on a waiting list."

It is pertinent to ask whether the present Minister for Health had anything to do with the favourable treatment that was meted out to the former Minister for Health.

Of course, in the United Kingdom in circumstances such as this the position of the former Minister for Health would have been determined hours ago; he would have resigned. There would not have been any argument; there would not have been a need for a censure motion in Parliament; there would not have been the continuing and running publicity with hundreds of people ringing, writing, and responding to this story with their own tales of delay and waiting.

Under the standards that apply in the United Kingdom, the Minister would have resigned forthwith because he would have known he had abused his position, as this Minister has abused his position. He would have taken a course of action that was acceptable in the public eye. There is no reason why this Minister should not have received the medical treatment he wanted, as did the Premier when he needed medical treatment. The Premier went to St John of God Hospital. I assume he went to that hospital as a private patient with private insurance and, as I understand from the publicity, he had a private room. That was the correct procedure. It was not what this former Minister for Health did; this former Minister for Health who wanted to proclaim the virtues of socialism, who wanted to proclaim the virtues of his social medical system but at the same time wanted the advantages of the private system. His disgraceful conduct is absolutely unthinkable and he should resign. He is a champagne socialist who has jumped the queue, who had the doctor of his choice in the hospital of his choice and who had his own specialist to whom he went on appointment and arrangement presumably on the referral of his GP. That specialist made a special arrangement with the Fremantle Hospital to do this elective surgery. No-one else would have been accorded that treatment. Recently I asked the Minister for Health a question with regard to the categories of treatment regarded as "elective" in each of the public hospitals. The Minister gave me a non-answer.

I do know this: An answer to that question was prepared at the Fremantle Hospital and was suppressed. The actual truth about the waiting list was not revealed. Now, of course, there will be a witch-hunt at the Fremantle Hospital because this Minister has been found out. This champagne socialist has betrayed the trust of his high office; he betrayed the trust due as a holder of high office in Government and he has betrayed himself. He wanted and got a free ride on Medicare for what, in effect, was private treatment. The former Minister cheated pensioners, the poor, the old and the disadvantaged.

I conclude by pointing out that one of the many people who rang me after the television programme last night was a man who was involved in the supply of material to certain hospitals. He said that the other day he was at a hospital, talking to a trained sister. There was a pile of interocular lenses. The lenses are inserted inside the eye of mostly elderly people and pensioners after they have had cataract operations. He asked the sister what that pile was and the sister replied they were the interocular lenses for people who had died before they received their operations.

Those are the people whom this Minister has managed to beat. Those are the people he has beaten to obtain the benefits of optional medical treatment. If ever there was a clear-cut case of a duty on a Minister to resign, this is it.

**MR BRADSHAW** (Murray-Wellington) [2.45 pm]: I second this motion. I gladly support it, not because it was moved by the member for Cottesloe, but because it is disgusting that this Minister has used his privileged position to obtain preferential treatment for a minor operation. It is quite ironic that this Minister has used his privileged position to jump the queues to have his operation at the Fremantle Hospital in conditions not normally accorded to other Medicare patients. It was this Minister who extolled the virtues of Medicare and said how good it would be for all people of Australia. When the Opposition said that based on experience from overseas, in particular, England, Medicare was doomed to failure, the then Minister for Health was not able to comprehend our views; even now this Government will not admit the system is a complete failure. I guess it does not have to when it can obtain preferential treatment the way this Minister has.

This Medicare system introduced in 1984 by Federal and State Labor Governments is a farce, and has been proved to be a farce by the actions of Labor members. First, we have the Premier refusing to use the Medicare system and going into a private hospital for his back operation. Then we have the Prime Minister using a private hospital, as did Dr Blewett's family. Now, we have a Minister using his privileged position to jump the queues to get his

operation at a time which suited him—a rare occurrence for those on the waiting list. It is also interesting that he had his operation the week after the by-election, when Parliament was in recess.

It is diabolical when one considers the thousands of people waiting for elective surgery in Western Australia. Last week I received a letter from a poor pensioner. Part of that letter said—

> I, and about 100 other folk were there, for apparently the same reason, and after about 3½ hours' wait, told they would let me know when to come in, about 2 years' time.

What happens in the meantime? We have all these poor people and pensioners waiting up to two years for surgery. This lady underlined the words "two years" because she knows it will be a lot longer and she could easily be dead before the operation is carried out. This Minister has the capacity to pay for private health insurance but instead he jumps the queues, and has a private room and a specialist of his choice. These benefits are not available to other Medicare patients in Australia.

The former Minister for Health introduced complementary legislation on 15 September 1983. I wish to quote from page 226 of *Hansard* as follows—

> The member for South Perth claims to be very worried about the lack of hospital bed capacity. If he is genuinely concerned and not just acting as an apologist for private hospital owners and private health funds, I can assure him he does not need to worry any further. When the increased activity occurs if it occurs, in the hospitals, we will get extra funds for extra staff...

What a joke! At the time, we pointed out there would be an increase in demand for public hospitals because of the introduction of Medicare as everyone would be forced to take out Medicare cover and others would be forced to drop their private health insurance cover. That has proved to be the case.

Waiting lists are now astronomical. As the Liberal Party pointed out a couple of weeks ago, there are now nearly 8 000 people waiting for elective surgery, for most of which one has to wait at least one year, if not up to four years. Yet the Minister has the audacity to jump the queue and have preferential treatment. I think it is significant that he has had the temerity to do that after introducing Medicare, which is a shambles.

**MR HODGE** (Melville—Minister for Conservation and Land Management) [2.52 pm]: Oh, how the mighty are fallen. The former Leader of the Opposition is now debating my varicose veins in this Parliament as a matter of public interest.

I will be fairly brief. I want to use this occasion to correct all the inaccuracies and untruths that the member for Cottesloe has been pushing for the last couple of days, and set the record straight for the benefit of members of this House.

Early in April, I was referred to Mr Bill Castleden, a vascular surgeon at Queen Elizabeth II Medical Centre. I consulted him about my leg; he examined it and said, "Yes, you need an operation." I said, "Okay, where do I go from here and what steps need to be taken in getting it fixed?" He said he would arrange for it to be operated on. I said, "I am a Medicare patient of course." He said, "I understand that, that is no problem." I asked where it would be done and he said, "It could be done at a number of Government hospitals; I have appointments on the staff of several Government hospitals." I asked him whether he was on the staff of the Fremantle Hospital and he said, "Yes." I asked whether he could arrange for it to be done there, to which he said he thought he could. He said he would let me know after he had checked. He did check and told me that it could be done there and that he would contact me when it was appropriate for me to present myself at the hospital to have the work done.

About a month later I was contacted by his office and told to present myself at a certain time at a certain date at the desk at Fremantle Hospital. I did that and waited my turn for a considerable time, and filled out all the appropriate forms, some of which appeared on television last night.

Mr Peter Dowding: That is an absolute disgrace.

Mr HODGE: Yes, confidential medical forms. Anyway, that is beside the point for the purposes of this debate. I filled in the forms I was given. I was escorted to a ward and a room in the hospital. I had no idea what ward or room I was in until the orderly took me to the room. Mr Castleden called in to see me, as did his registrar and about four or five other hospital doctors, who all examined me for various things as they apparently do before an operation. I was not precisely sure whether Mr Castleden himself was going to do the oper-

ation or whether his registrar was going to do it; that was not made crystal-clear to me. I knew I had been admitted to the hospital under Mr Castleden's care, but I was not quite sure who was doing the operation. I found out after the operation that Mr Castleden did it; apparently the registrar was going to assist him but was held up in a clinic and arrived at the tail-end of the operation.

I want to make it very clear that I went to a public hospital doctor; Mr Castleden does not have a private practice, he works exclusively in the public system. I was told he was a suitable person to go to, as I had trouble with veins—he was a vascular surgeon. I consulted him in his rooms at Queen Elizabeth II, as a public patient, and he decided that an operation was necessary. He arranged it at the hospital where he is on the staff. He is on the staff for any nature of surgical procedure he is required to do. He is not on the staff solely for emergency work, as the member for Cottesloe said. He is permitted to do at Fremantle Hospital any surgical procedure that he deems necessary. Any work he does is paid for under a sessional basis under Medicare.

Mr Castleden arranged my admission; I was told to report on a certain date at a certain time. I had no say in what date or time; I went when I was told and I was very pleased to have the operation done. I was allocated a room in the ward by the hospital. Again I had no say; I made absolutely no requests to anyone. I did not even discuss the matter with anyone, other than with Mr Castleden. I categorically deny that I sought any special privilege or treatment; I did not discuss it with anyone in the hospital and I certainly made no approach to the hospital for a single room. I did not know which ward or room I was going to until I was escorted there by the hospital orderly. I completely refute the suggestions by the Leader of the Opposition that I sought and was granted a special privilege of a single room.

That really covers it from my point of view except to say that the care and attention I received at Fremantle Hospital was absolutely first-class. I went in on a Monday afternoon and came out at lunchtime on Thursday; and the staff at the hospital, from the orderlies and the catering staff through to all the doctors and nurses, were absolutely first-rate. I believe that everyone can be proud of the care and attention that is provided to all patients at Fremantle Hospital.

I repeat; I did not seek any special treatment. As far as I was concerned I applied as a normal public patient for an operation to be done on my leg. It was done most successfully and members will be pleased to know that my leg is well on the road to full recovery.

MR STEPHENS (Stirling) [2.58 pm]: I would like to indicate the National Party's point of view in respect of this motion.

The Minister started off by trying to treat lightly the question of varicose veins, but he really avoided the important principle involved in this motion.

Mr Brian Burke: I will be dealing at length with the principle, and then it will be up to the member for Cottesloe to resign. No-one on this side will do so.

Mr STEPHENS: I have only a brief time to speak and the Premier can make his points later.

The principle involved is that the public are entitled to have confidence in the impartiality of the Medicare system. That is what is at point in this motion. I am quite prepared to accept the Minister's word that he did not seek preferential treatment, but from what I have heard—and I can assure members that I had no prior notice of this motion; I first saw it when it was put in front of me just after it was moved and so I have to make a decision on what I have just heard in the debate so far—

Mr Hodge: Why don't you wait until you have heard the full debate?

Mr STEPHENS: We have heard the case from one side and we have heard the Minister's reply.

Several members interjected.

Mr STEPHENS: I know I may not have heard the full story, but I have heard the so-called prosecution and I have heard the first defence from the Minister. I am prepared to accept the Minister's word that he did not seek preferential treatment; but it is obvious that he received preferential treatment. That is the point which concerns me and the National Party.

I will not move to do so, but I would be happy if the Premier referred this matter to a Select Committee so we can get all the relevant information.

Mr Brian Burke: Why don't you seek leave to continue your remarks later during the debate?

Mr STEPHENS: No, I will not seek leave.

The Minister was granted private room facilities. I believe that the hospital can make that judgment, so I will accept that the hospital decided it was necessary that the Minister should have private room facilities.

The other point I would qualify is that part of the motion which calls on the Minister to resign forthwith. While I accept the other points in the motion, I do not think it is necessary to call on him to resign forthwith over this issue. If the facts as presented are accurate, perhaps the Minister should be condemned. But we are in a difficult situation because the Minister has assured the House that he did not seek preferential treatment.

Mr Brian Burke: And I will guarantee to the House that he was not accorded preferential treatment, and I will produce the documentary evidence to support that.

Mr STEPHENS: But we are still in a position of having to make a judgment on what we have heard so far. Why was a specialist doctor of the Minister's choice made available? Why was the operation at the time of his choice and why at the hospital of his choice? These are facilities which are possibly not available to John Citizen. The principle involved here is an important one; it is something we cannot treat lightly. The public must be assured that people in privileged positions are not given preferential treatment.

At this stage and with the qualification that we do not think the Minister should have to resign but that he should be merely condemned, we support the motion.

**MR BRIAN BURKE** (Balga—Premier) [3.02 pm]: As I indicated by way of interjection, at the end of my contribution I will be moving to amend the motion to reflect more accurately what should be the truthful outcome of the matter raised today by the member for Cottesloe. I do not know how this debate will be recorded in the newspapers, and I do not know whether the accuracy and the truth of the information that I will put to the House will be persuasive in the public domain, but certainly insofar as it is entertained by members of Parliament, it should be the case that not one member of this Chamber—perhaps just one member—will vote against the amendment I intend to move, because we have heard from the member for Cottesloe the most unfair and unwarranted attack upon another member of this House that has been made in a substantial sense during my period as a member of the Parliament.

I have heard other more florid attacks upon people, I have heard other more superficial and political jibes cast across the Chamber, but I have never heard a more calculated or unjustified attack upon the character of another member than has been made by the member for Cottesloe today. I will go through some of the things that I intend to thoroughly debunk prior to moving the amendment which I think is the appropriate amendment.

In his contribution the member for Cottesloe said that in the normal course of events the Minister would have attended a clinic at a public hospital. It is my contention, which I will demonstrate in due course, that the Minister followed that absolutely normal course of events. He attended upon a specialist to whom he was referred, a specialist who does not have private rooms and who saw him in the normal course of events.

The member for Cottesloe then said that the Minister would have been assigned to a waiting list on which he would have languished for six months. I will demonstrate that that is not the case, and if the House wants not to accept my proposition that it is not the case I will read out a statement from the specialist that thoroughly debunks and disproves the member for Cottesloe's comments, a statement containing information the member for Cottesloe could have obtained for himself had he been bothered at all to try to get to the truth of the matter, and not simply in a lopsided and distorted fashion to attack one of his colleagues.

The information that disproves that and other statements made by the member for Cottesloe is freely available but was not sought by the member for Cottesloe, and for him to be able to stand in good faith and make the charges he makes, compelled as he is by his own political future to make them, is to be absolutely deplored.

The member for Cottesloe then said that in the normal course of events the operation would have been performed by a registrar under the general supervision of a specialist, and that the Minister had somehow or other received preferential treatment because the operation was performed by the specialist. Once again the third and last of the substantial points raised by the member for Cottesloe will be thoroughly disproved, and the member for Cottesloe will be himself shown to be the member of this Chamber who, in the most unworthy sense, has been prepared to take advantage of his office and that he is the one who should be apologising—not resigning, because as the

member for Stirling said, whether people call on others to resign is largely dependent on how they believe that will assist their political stand. I am not all that concerned about whether the member for Cottesloe resigns, but I am concerned about whether people see this motion for what it really is.

The member for Cottesloe also said that the specialist who performed the operation was attached to Fremantle Hospital for specialist emergency cases only. That is simply not true. According to the administrator of the hospital, the specialist is entitled to perform whatever operations or procedures he chooses to perform. So how can the member for Cottesloe say that the specialist is not entitled to perform this procedure?

The member for Cottesloe then said that the Minister had betrayed his trust in accepting office; reading the motion one becomes aware that, very carefully, the member for Cottesloe does not say that the Minister did ask for special treatment, but in the debate he certainly said those things. The member for Cottesloe also said that the Minister had betrayed himself in that he acted contrary to his beliefs as expressed in Parliament. The member for Cottesloe then went on to talk about those expressions in Parliament by this Minister and by the present Minister for Health which he saw as being contradicted by the Minister's actions. Yet, as I will indicate shortly, there were no actions taken by the Minister that could possibly have been contradictory because there were none taken by the Minister in this matter.

First of all the member for Cottesloe said that the Minster had previously said, "Medical need will be the basis of treatment." It is my contention, easily demonstrable, that that was the basis of treatment in this case; but we will see in just a moment whether the member for Cottesloe disagrees with that when the evidence is before him. The member for Cottesloe said that there should be a decision on medical expertise; that is, medicos should have the capacity to decide who has access to public hospitals because of growing pressure.

He said public patients were not to be fast-tracked, and then he attacked the Minister, saying that the Minister stood for socialist principles except when they applied to him. He called the Minister a champagne socialist who wanted something better and was not satisfied with the delays.

The member for Cottesloe then went on to try to implicate the present Minister for Health and said that the question should be asked: Was he involved in hastening the treatment received by the previous Minister for Health?

I will demonstrate that not only did he not know anything about it, but also that there was no request from the present Minister, nor was there any hastening of the procedure according to all those people involved on the professional side in delivering the treatment.

Then the member for Cottesloe said that since the publicity hundreds of people had written to him expressing their disgust at what had happened. Now look, this matter was first publicised last night on television. How could hundreds have written to the member by now? Had they all rushed out at 7.30 pm yesterday, when the programme was on, written the letters and posted them the member would not have received them. The member for Cottesloe is not telling the truth. That is just a small reflection of a less than honest approach. Hundreds had written to him, he said. We know the member has been trying to publicise the matter for about a month, but the first publicity was given last evening and now he says he has received hundreds of letters following that publicity. That is not true.

He went on to say it was disgraceful conduct and champagne socialism, and that no-one else would have been accorded a specialist as this Minister was. He made some allegations about interocular lenses in an effort to arouse some public sympathy as though a vascular surgeon could operate and use interocular lenses! There is just no relationship, but of course I feel sympathetic, and I have had relatives who had to wait for elective surgery. I feel sympathy, but I do not try to blackguard the character of my colleagues by referring to some irrelevancy which suits my purposes at the particular time.

The member for Murray-Wellington made one point. He rambled on for a while, but his only point was that the Minister used his position to gain preferential treatment. I do not know how the matter will be publicised, but I know the truth and the way the member, for his own purposes—and none of us is under any illusion about his present purposes in this place—has twisted the truth. I want to read a statement by Mr W. M. Castleden, a vascular surgeon. This not a member of Parliament or a member of the Labor Party, or someone with an axe to grind, wanting to contradict the member for Cottesloe. This is a person who would have told the member for Cottesloe what he is

prepared to say publicly now, had he been approached by the member for Cottesloe. For the past month the member for Cottesloe could have obtained this information, but he chose not to deliberately because it suited his political purposes to be able to take a high profile in a political way to further his own personal ambitions. If this is not an occasion on which his personal ambitions have been dashed on the rocks of his own impatience I do not know what such an occasion would be. The letter states—

> Barry Hodge neither jumped the queue nor received favoured treatment when I operated on his leg.
>
> He consulted me in my rooms at the Queen Elizabeth Medical Centre and the consultation revealed a need for an operation on his leg.
>
> He asked whether it would be possible to have the operation performed at Fremantle Hospital and I said this could be done as I was on the medical staff at Fremantle.

What is wrong with that? To continue—

> There was nothing unusual about this as every effort is always made to treat patients at the public hospital of their choice, if possible.

What is wrong with that? the letter goes on—

> The operation was performed about a month later and was not a case of jumping the queue because there is no long queue of patients under my supervision or direct care at Fremantle Hospital.

Now how do members opposite feel about supporting the sorts of things the member for Cottesloe had to say? The letter states—

> The operation was performed about a month later and was not a case of jumping the queue because there is no long queue of patients under my supervision or direct care at Fremantle Hospital.

Mr Thompson: Are there elsewhere?

Mr BRIAN BURKE: I do not know.

Here is the next point the member for Cottesloe dealt with, and he can start to go pale at the gills, as well he deserves to. The letter states—

> I asked my registrar at Fremantle to be available for the operation, but on the afternoon of the operation, he was participating in a clinic at the hospital. He arrived as I was finishing the operation.
>
> Under Medicare, the decision about who is to perform an operation is made by the doctor responsible for the patient and as no registrar was available, there was no alternative to me performing the operation.

So there is the answer to the point made and repeated that somehow or other a specialist was called in and preferential treatment was given. It was said time and again that preferential treatment was given because no-one else could have had a specialist. The specialist himself says there was no alternative but for him to perform the operation. The letter goes on to say—

> I authorise Mr Hodge to make public this statement on my behalf.

That answers every question, challenge, allegation, and foul accusation but one made by the member for Cottesloe. There was no queue jumping; the specialist performed the operation because there was no alternative; and the Minister was seen in the normal way by the specialist in his own rooms at QEII—this specialist does not have private rooms. So on each of those counts the member for Cottesloe has branded himself to be hasty and wrong, to be politically propelled, and shallow and cruelly superficial in his approach.

It still leaves one question to be answered—the question about the private room and how the Minister, according to these two Opposition members, betrayed his trust and his principles, and as a champagne socialist obtained a private room. I have a letter from the Administrator of Fremantle Hospital in which he says—

> Mr. Hodge was admitted to Fremantle Hospital as an elective admission on the 11th May, 1987 at the request of Mr. Castleden who holds an appointment as part of the State Vascular Surgery Service.
>
> At the time of Mr. Hodge's admission, both the surgical wards were full and he was placed in Medical Ward B9N and his admission was arranged in that ward following his surgery. As with other surgical patients on that day, he was admitted to a medical ward as an overflow surgical patient.
>
> The single bed ward was available at the time. As the hospital has a relatively high number of single rooms (30 per cent of beds in the Princess of Wales Wing) the allocation was fortuitous.
>
> Yours sincerely,
>
> R. J. MARSHALL,
> Administrator.

Mr Laurance: That was quick. Did you get hundreds of letters or only a couple?

Mr BRIAN BURKE: It is extremely serious. The allegations are contradicted now not by the Government or individual Ministers, or the Premier, but by the professionals in peak positions of control responsible for the treatment.

Mr Peter Dowding: After the television programme.

Mr BRIAN BURKE: That is right. It is serious for this reason: In the most unworthy fashion the member for Cottesloe's ejection from a leadership position has changed him irrevocably and has turned him into a thoroughly bitter person. On this occasion be warned! The member for Cottesloe rushed to judgment to blackguard another individual, and the evidence is there that his judgment was wrong. The evidence contradicts not one but every single point he made. I do not know about Medicare; members can have their opinion, and I have mine. Members opposite can say it is a failure, a disgrace, and a disaster, and I can contradict them; but they cannot turn away the truth of the statements from the surgeon and from the administrator. That is why I warned the member for Stirling not to join the member for Cottesloe in his rush to judgment.

On the basis of that evidence freely given, with permission to be made public, the member has been branded a shallow and worthless person, prepared to say things without making the inquiries that are primitively necessary to justify his position. He has to live with that.

*Amendment to Motion*

In addition to that, I do not have to stand for the way in which the member wants to use this Parliament as a vehicle for the standards he is now setting. As a result, I move the following amendment—

> To delete all words after "censure" in line 1 and substitute the words—
>
> the member for Cottesloe for making allegations of improper conduct against a Minister of the Crown without any proof or substantiation. Further, the House expresses the view that while scrutiny of the Executive is an important part of the duties of a member of Parliament, the making of baseless allegations without any supporting proof demeans the institution of Parliament, as well as the member himself.

Had the member produced the information or sought an appointment with me and asked me to explain the inconsistencies that he believed the information reflected, there would be no need for this sort of motion. He did not do that. He did not lay the information before the Parliament and say that it was a serious situation that required addressing or explanation. He sought to take the matter one step further and to bring in a verdict on the basis of information untested even by his own cursory examination or inquiry. He has been found out, not on one, not on two, not on three, but on the four charges that he laid as part of this motion. He has been found to be absolutely wanting and he has been found guilty of doing a grave disservice, not just to the Minister, but to every member of this Parliament.

I commend the amendment to the House.

*Point of Order*

Mr HASSELL: Now that an amendment has been moved, Mr Speaker, would you advise us of the time arrangements.

The SPEAKER: Government members have four minutes left and Opposition members have six minutes left.

*Debate Resumed*

**MR LAURANCE** (Gascoyne—Deputy Leader of the Opposition) [3.24 pm]: What has happened in this regard is quite wrong; and no amount of ranting and raving by the Premier will make it right. It is not only wrong, it is also scandalous. If ever we have seen an example of *Animal Farm*, we have seen it here today. All the pigs are equal, but some are more equal than others. This little piglet, the Minister for Conservation and Land Management, was a little more equal than others. He received Medicare treatment, but a little more treatment than others.

Let us consider the monumental hypocrisy of the member; the spotlight is on him. However, all Government members are guilty because they inflicted a system on the people of this nation that is not good enough for them. When they have to go to hospital, they do not use Medicare. The Minister is a cheapskate who would not pay for his medical insurance but ended up with private facilities anyway. The Premier has not told us about that. Why did the Minister not get in the queue for a doctor,

wait for a hospital, and then go into a four-bed ward? The reason he gave was that it was a coincidence, as Mrs Malaprop used to say.

This Government has been part of a system that has introduced hospital care which is all right for the ordinary people, but not all right for people of power and privilege like the Minister. This afternoon, we have also been told about occasions when other Ministers, including the Premier, have opted to use the private medical system. They said to the people of this country that they must all use Medicare, but the Ministers want a private system. At least the Premier paid for it. I presume that when the Premier used the best surgeon and the best hospital, he paid for the best private insurance cover. This Minister not only wants to foist Medicare on the people of this country, but he also refuses to pay for private cover for the facilities he uses.

Everything the Minister received under this "coincidence" could have been available to him had he been prepared to pay for it. He is a cheapskate and a medifraud. He wants to be able to use a Rolls-Royce system for nothing.

The SPEAKER: Order! I do not want to preclude the member from making his comments, but I believe he is making them at the wrong time. The amendment before the House is that words be deleted. The member is not addressing himself to that. I have waited for two minutes to see whether he will return to the amendment, but he has not done so. I think the best way for him to debate this matter is to speak to the amendment and then have the House vote on it. It is not appropriate for him to continue speaking in the manner he is speaking.

Mr LAURANCE: Thank you for the instruction, Mr Speaker. However, I believe my arguments are being presented in opposition to the amendment.

Last week, this Government tried to attack the Federal Opposition for foreshadowing a policy which would get rid of the Medicare system in an attempt to give the people a decent private hospital system. The Government was attempting to support a system in which it does not believe. It wants to foist on the people a system it knows does not work. That is the reason we cannot allow this amendment to proceed. This socialist medical system has not worked in the United Kingdom, in New Zealand, or in Canada and it does not work for members of the Government because they are not prepared to use it when it comes to their personal health requirements. That is okay if members are prepared to pay for a private health system, but the Minister for Conservation and Land Management is not. He pretends to be one of the initiators of the Medicare system, but when he has to go to hospital, he opts for private health care.

Let us consider the evidence: The hospital concerned allocated a private room to the Minister, but the specialist concerned did not operate at Fremantle Hospital. He made a special arrangement for the Minister. Our information is that the specialist had to seek permission to conduct an operation there and had to perform the operation on a day when the operating rooms were not being used. In other words, he made a special arrangement to conduct that operation at that hospital. When we added it all up, we could see that very special arrangements were made for the Minister. When the crunch came, the Minister could not live under the system he had helped to implement, and that is the extreme hypocrisy of the man.

If the Minister had any decency at all, as the member for Cottesloe said, he would admit that he has abused the system and has allowed the system to be abused in his favour by the giving of preferential treatment. No-one will convince us that this matter was a coincidence. One of the issues might have been, but not all of them together. He was treated like a Rolls-Royce patient when he gave the people of this State a Holden. The system was not good enough for him or for the Premier. The people cannot elect to have a specialist of their choice, a hospital of their choice, or a private room at that hospital. None of those things is available to them. The Minister received not only one of them, but also the lot. If he attempts to maintain that the treatment he received was not treatment reserved for private patients, I want him to inform the House that anybody who enters a hospital and requests that sort of treatment will receive it. He should resign.

**MR TAYLOR** (Kalgoorlie—Minister for Health) [3.30 pm]: I wish to conclude this debate by indicating my support for the amendment moved by the Premier. The contributions by both the member for Murray-Wellington and the Deputy Leader of the Opposition have been largely irrelevant to what is before us today. They are perhaps as relevant to this debate as a sundial would be to telling the time in a coalmine.

The remarks made by the member for Cottesloe and the response to those remarks by the Minister for Conservation and Land Management are particularly relevant, as also is the detailed response given by the Premier. In relation to the remarks and imputations by the member for Cottesloe that the Minister may have received favoured treatment, that certainly is not the case. All the information I have before me on this matter and the information provided to the House by the Premier quite clearly shows that that is not the case. In fact, I was not aware that the Minister had been in hospital until he arrived at a Cabinet meeting after that hospital visit and limped into the room. I clearly remember saying to the Minister, "Where is your horse, Hopalong?", and it was not until he said that he had been in hospital that I or any other member of the Cabinet was aware that he had had an operation at Fremantle Hospital.

I can say, having been Minister for Health since early last year, that not one member on this side of the House has ever approached me and suggested that he or she be given any favouritism whatsoever in respect of treatment in our health system in Western Australia. That is the way it should be.

The other matter of great concern to me as Minister for Health—and it should also be of concern to the member for Cottesloe, in his role as a lawyer in early times—is the dealing with documents in relation to confidentiality. I cannot think of any documentation in this society which should be regarded as more confidential and more important to us than our medical records. I am absolutely astounded that any member of this House would seek to deal with medical records that have been stolen or leaked from any hospital.

I know full well that the Chairman of the Fremantle Hospital Board and other people at that hospital are very distressed indeed about the leaking, stealing, or whatever it may have been, of these documents. They have reason to be distressed; and I know that the chairman of the board has asked for an inquiry to be held to find out where those documents came from. I have received a number of calls in my ministerial office today from the staff and doctors at Fremantle Hospital saying how disappointed they are that the documents should have been publicised in this way. I have to support the amendment.

Since I have been a member of this Parliament, I have had a great deal of time for the member for Cottesloe in his former position as Leader of the Opposition. However, my attitude changed last night. I have always regarded the member for Cottesloe as a person with some integrity and character; I recognised that he was probably thrown out of the job more from the point of view of personality defects seen by the population as a whole rather than for any other reason. But, Mr Speaker, having seen him on television last night and heard him today, I think I was wrong and, in fact, that the member for Cottesloe should be judged by this House.

*Point of Order*

Mr HASSELL: Before you put the question to the vote, Mr Speaker, in accordance with the procedures of this House, I ask that the papers quoted by the Premier be tabled. I refer to Mr Castleden's alleged letter and the other letter.

Mr Burkett: What do you mean, "alleged letter"?

Mr Laurance: Speak up, Graham, I can't hear you.

The SPEAKER: I want to consider this matter properly, and I would appreciate being able to do so without that cross-Chamber firing at each other.

To assist me in making a determination on this matter, I ask the Premier whether the documents requested are official documents.

Mr BRIAN BURKE: I do not know the answer to that; I do know that I read both into *Hansard* in their entirety. One is a statement from Mr Castleden, and the other is a letter from the Administrator of the Fremantle Hospital. I have no objection to the member for Cottesloe's having copies, but I would like to ask each of the gentlemen concerned whether they have any objection. Mr Castleden said that he authorised Mr Hodge to make public this statement on his behalf, and no constraint is placed on the letter from the Fremantle Hospital by the administrator. I do not anticipate a problem, and if the member for Cottesloe is happy with that, I will have an inquiry made and will forward copies to the member as soon as possible.

The SPEAKER: It would certainly assist me in making a determination if that offer satisfies the member. If it does not, I will have to consult a number of precedents to determine whether they are classified as official documents.

Mr HASSELL: I do not want to delay the House over a technicality in this connection. If the Premier is prepared to provide me with copies, that will satisfy me. Of course, I do not know about other members.

I understand that we have a Standing Order which states that if a Minister quotes a document in the course of a debate he can be requested to table that document.

Mr THOMPSON: I think it is important for the future, Mr Speaker, to establish just precisely what is the position. I want those papers tabled and I think you do also. The procedure that documents cited in debate could be required to be tabled was changed by the very deliberate decision of the Parliament on a recommendation from the Standing Orders Committee. It is important that we establish the position.

Mr Brian Burke: It is now voluntary and the change has been to allow the document to be requested at the end of a member's speech.

Mr THOMPSON: My understanding is that there is no provision for that request to be made, or for them to be tabled under those circumstances, and that is why it is important that we have a definitive ruling on that point.

*Speaker's Ruling*

The SPEAKER: I find that I am able to do that now. I will read, for the information of members, the Standing Order which is being used in this particular case, and then give a determination on it. It is Standing Order No 231A, and members will note that this has recently been changed and is now fairly different from what it was when it was raised on various other occasions. The Standing Order says—

> A Minister who has quoted from an official document shall lay that document upon the Table of the House if so requested by any other Member either during, or immediately after the conclusion of, the remarks which include the quotation.

I can see that we are going to have some difficulty with this in the future in determining what is and what is not an official document. It is my view that the two documents were letters, either to the Minister or to another member, which offered them the opportunity to use them in any way they saw fit. In view of that, I could not in all conscience rule that they were official documents. Accordingly, I think the offer by the Premier to make them available to the member for Cottesloe should suffice in this case.

*Amendment to Motion Resumed*

Amendment (deletion of words) put and a division taken with the following result—

Ayes 25

| | |
|---|---|
| Dr Alexander | Mr Hodge |
| Mrs Beggs | Dr Lawrence |
| Mr Bertram | Mr Marlborough |
| Mr Bryce | Mr Pearce |
| Mr Brian Burke | Mr Read |
| Mr Burkett | Mr D. L. Smith |
| Mr Carr | Mr P. J. Smith |
| Mr Donovan | Mr Taylor |
| Mr Peter Dowding | Mr Troy |
| Mr Evans | Mrs Watkins |
| Dr Gallop | Mr Wilson |
| Mrs Henderson | Mrs Buchanan |
| Mr Gordon Hill | *(Teller)* |

Noes 20

| | |
|---|---|
| Mr Bradshaw | Mr Mensaros |
| Mr Cash | Mr Rushton |
| Mr Court | Mr Schell |
| Mr Crane | Mr Stephens |
| Mr Hassell | Mr Trenorden |
| Mr House | Mr Thompson |
| Mr Laurance | Mr Tubby |
| Mr Lewis | Mr Watt |
| Mr Lightfoot | Mr Wiese |
| Mr MacKinnon | Mr Williams |
| | *(Teller)* |

Pairs

| Ayes | Noes |
|---|---|
| Mr Thomas | Mr Clarko |
| Mr Tom Jones | Mr Spriggs |
| Mr Bridge | Mr Cowan |
| Mr Grill | Mr Grayden |

Amendment thus passed.

The SPEAKER: The question now before the House is that the following words be added after the word "censure"—

> the member for Cottesloe for making allegations of improper conduct against a Minister of the Crown without any proof or substantiation. Further, the House expresses the view that while scrutiny of the Executive is an important part of the duties of a member of Parliament, the making of baseless allegations without any supporting proof demeans the institution of Parliament, as well as the member himself.

Amendment put and a division called for.

Bells rung and the House divided.

*Remarks during Division*

Mr Thompson: Mr Speaker, the amendment that was just put before the House was put by you. It was not an amendment that the Premier moved. The Premier ought to have been required to move his amendment.

The SPEAKER: Quite clearly there were 30 minutes allowed on each side of the House for debate on this matter. The Premier moved the full amendment—that is, that all words after "censure" be deleted, and the other words be added. I chose to put that in two separate parts, and in any event I would have put the motion, as I have done now, at the end of the one hour's time-frame, without any further debate. However, he quite clearly moved the two parts together.

Mr Thompson: I submit that there is no provision for you to take two motions simultaneously. Clearly, the two actions are separated. The first one was to delete certain words, and that question was appropriately put. Without any member moving another motion, you stated a question which in fact was something that was foreshadowed by the Premier when he moved his amendment. If you cast your mind back to the time that you were a Chairman of Committees and to all the questions that were put to the House, the amendment to insert words in lieu was moved separately.

The SPEAKER: To facilitate the correct procedure of the House, the Premier moved to delete all words after "censure" and add the words—

> the member for Cottesloe for making allegations of improper conduct against a Minister of the Crown without any proof or substantiation. Further, the House expresses the view that while scrutiny of the Executive is an important part of the duties of a member of Parliament, the making of baseless allegations without any supporting proof demeans the institution of Parliament, as well as the member himself.

Not only did the Premier from my memory quite clearly move the amendment, but it is now here in black and white.

Mr Thompson: Why are we putting two questions?

The SPEAKER: I have already answered that.

Mr Thompson: How can two questions be put on one motion? You cannot have it both ways.

Mr Brian Burke: I think that is a matter that you might have taken up with the Speaker at your leisure because, substantially, if we are out of time when the first part of the amendment was moved, the substance is still there. It is open to interpretation. You are being smart about it.

*Result of Division*

The division resulted as follows—

Ayes 26

| | |
|---|---|
| Dr Alexander | Mr Hodge |
| Mrs Beggs | Dr Lawrence |
| Mr Bertram | Mr Marlborough |
| Mr Bryce | Mr Parker |
| Mr Brian Burke | Mr Pearce |
| Mr Burkett | Mr Read |
| Mr Carr | Mr D. L. Smith |
| Mr Donovan | Mr P. J. Smith |
| Mr Peter Dowding | Mr Taylor |
| Mr Evans | Mr Troy |
| Dr Gallop | Mrs Watkins |
| Mrs Henderson | Mr Wilson |
| Mr Gordon Hill | Mrs Buchanan |

*(Teller)*

Noes 20

| | |
|---|---|
| Mr Bradshaw | Mr Mensaros |
| Mr Cash | Mr Rushton |
| Mr Court | Mr Schell |
| Mr Crane | Mr Stephens |
| Mr Hassell | Mr Thompson |
| Mr House | Mr Trenorden |
| Mr Laurance | Mr Tubby |
| Mr Lewis | Mr Watt |
| Mr Lightfoot | Mr Wiese |
| Mr MacKinnon | Mr Williams |

*(Teller)*

Pairs

| Ayes | Noes |
|---|---|
| Mr Thomas | Mr Clarko |
| Mr Tom Jones | Mr Spriggs |
| Mr Bridge | Mr Cowan |
| Mr Grill | Mr Grayden |

Amendment thus passed.

*Point of Order*

Mr BRIAN BURKE: I know we have added the words to the motion, but is it not necessary to put the substantive question? I would hate the record to go uninscribed.

*Motion, as Amended*

Question put and a division taken with the following result—

Ayes 26

| | |
|---|---|
| Dr Alexander | Mr Hodge |
| Mrs Beggs | Dr Lawrence |
| Mr Bertram | Mr Marlborough |
| Mr Bryce | Mr Parker |
| Mr Brian Burke | Mr Pearce |
| Mr Burkett | Mr Read |
| Mr Carr | Mr D. L. Smith |
| Mr Donovan | Mr P. J. Smith |
| Mr Peter Dowding | Mr Taylor |
| Mr Evans | Mr Troy |
| Dr Gallop | Mrs Watkins |
| Mrs Henderson | Mr Wilson |
| Mr Gordon Hill | Mrs Buchanan |

*(Teller)*

Noes 20

| | |
|---|---|
| Mr Bradshaw | Mr Mensaros |
| Mr Cash | Mr Rushton |
| Mr Court | Mr Schell |
| Mr Crane | Mr Stephens |
| Mr Hassell | Mr Thompson |
| Mr House | Mr Trenorden |
| Mr Laurance | Mr Tubby |
| Mr Lewis | Mr Watt |
| Mr Lightfoot | Mr Wiese |
| Mr MacKinnon | Mr Williams |

*(Teller)*

Pairs

| Ayes | Noes |
|---|---|
| Mr Thomas | Mr Clarko |
| Mr Tom Jones | Mr Spriggs |
| Mr Bridge | Mr Cowan |
| Mr Grill | Mr Grayden |

Question (motion, as amended) thus passed.

## STANDING COMMITTEE ON DELEGATED LEGISLATION

*Council's Resolution*

Message from the Council requesting concurrence in the following resolution now considered—

That a standing committee of both Houses of Parliament, to be called the Standing Committee on Delegated Legislation, be appointed at the commencement of each Parliament, to which committee the following rules shall apply:

1. The Standing Committee on Delegated Legislation (the "Committee") shall consist of 4 members of the Legislative Assembly and 4 members of the Legislative Council.

2. (1) Of the members elected by the Legislative Assembly one shall be a member of a party of not less than 5 members other than a party whose leader is the Premier or Leader of the Opposition.

   (2) A member may resign from membership of the Committee at any time by writing addressed to the President or Speaker, as the case may require, and the appropriate Presiding Officer shall thereupon notify the House of the vacancy, and any member elected to fill that vacancy holds office for the balance of the vacating member's terms and is eligible for re-election.

3. A person shall not be elected to, or continue as, a member of the Committee if that member is:

   (a) A Minister of the Crown;

   (b) The President of the Legislative Council;

   (c) The Speaker of the Legislative Assembly; or

   (d) The Chairman of Committees of the Legislative Council or of the Legislative Assembly.

4. At its first meeting and thereafter as the occasion requires the Committee shall elect from its members a Chairman who belongs to the party or parties supporting the Government, and a Deputy Chairman.

5. It is the function of the Committee to consider and report on any regulation that:

   (a) appears not to be within power or not to be in accord with the objects of the Act pursuant to which it purports to be made;

   (b) unduly trespasses on established rights, freedoms or liberties;

   (c) contains matter which ought properly to be dealt with by an Act of Parliament;

   (d) unduly makes rights dependent upon administrative, and not judicial, decisions.

6. (1) If the Committee is of the opinion that any of the Regulations ought to be disallowed, in whole or in part, it shall report that opinion and the grounds thereof to each House before the end of the period during which any motion for disallowance of those Regulations may be moved in either House, but if both Houses are not sitting, it may report its opinion and the grounds thereof to the authority by which the Regulations were made.

   (2) Where a report is made to the regulation-making authority pursuant to rule 6(1), a copy of the report shall be delivered to the Clerk of each House who shall make it available to any member of Parliament for perusal, and any such report shall be tabled in each House not later than 6 sitting days from the start of the next ensuing sitting of each House.

7. If the Committee is of the opinion that any other matter relating to any Regulations should be brought to the notice of the House, it may report that opinion and matter to the House.
8. A report of the Committee shall be presented in writing to each House by a member of the Committee nominated for that purpose by the Committee.
9. The Committee has power to send for persons, papers and records, and to sit during an adjournment of either House or of both Houses.
10. A quorum for the conduct of business is 4 members.
11. Except to the extent that they impinge upon the functioning of the Committee, its proceedings shall be regulated by the standing orders applicable to Select Committees of the Legislative Council.

**MR MENSAROS** (Floreat) [3.56 pm]: This message contains a resolution passed by the Legislative Council, which requests the Legislative Assembly to agree to it. It is about a Standing Committee to examine delegated legislation, which really means regulations and by-laws.

In order to understand how this resolution has reached us, we have to look at the history of the matter. In 1976 the Court Government decided to institute the Legislative Review and Advisory Committee. Accordingly it introduced a Bill which, in due course, became an Act of Parliament and was promulgated. According to the provisions of that Bill, the committee started to operate. I thought it was a very good idea.

The committee worked well and was a very commendable body. Its first chairman was a respected former member of Parliament who was a Minister for 12 years and the Speaker for another three years, Sir Ross Hutchinson. The committee was only requested to report to Parliament in five sets of circumstances, and it has not reported often. That does not take away anything from the merit or work of the committee.

On many occasions, if I needed to look at a regulation which interested me and related to my portfolio, I asked the department for the comments of the committee. Later I used those comments in order to familiarise myself, not with the regulation itself but with its possible results, or to help me to reinforce my own view if I had any suspicion or doubts about the regulations.

This committee had as one of its officers a very capable young man who, parallel with that job, became a part-time private members' draftsman in this Parliament. I have nothing but praise for his energy and talent and his capacity to handle drafting requirements. He exhibited considerable skill during his time with the committee. My judgment was proved to be sound when, I understand, he was offered and accepted a good job at the Washington Congress, an acknowledgment of his capacity.

Later developments saw the Legislative Council establish a committee on committees, which deliberated about many things and suggested, among other things, in due course that the Legislative Council should have a Standing Committee to supervise subordinate legislation. There is no doubt that the suggested committee would have had a similar function—even if its terms of reference were not exactly the same—to the statutory committee.

As a result of this, I understand that the Attorney General felt that two actions should be taken. The first was that the statutory committee should be discontinued by repealing its Statute, and indeed he introduced legislation to this effect and it is still on the Notice Paper.

When this repealing legislation was debated in the Council, apparently the Attorney got the message that the Council would not agree to the repeal of the Statute unless its own committee could be operative and do the same job. Instead the Attorney reached a compromise—I do not know which way—that there should be a Standing Committee but that it should be a Standing Committee of both Houses, and it should review all subordinate legislation. When that became effective and was accepted by resolution of both Houses of Parliament he felt there would be no barrier to prevent the statutory committee from being discontinued. The resolution contained in this message really describes this parliamentary committee of both Houses. But I think it is a bad compromise and I will briefly point out why I believe this to be so.

When the Attorney General introduced the Bill to repeal the Legislative Review and Advisory Committee Act, he gave two reasons for doing so. First, he said that the committee had reported to Parliament on only eight occasions; it had existed for 10 years and this showed that

it was superfluous. He also said that the Council had decided on a Standing Committee to do this work.

I think the real reason for his decision to repeal the statutory committee's Act was, first, to save money, although not a great deal of money has been involved with this committee, particularly when compared with the other expenses incurred by the Government and especially when compared with the functions of various other committees and agencies. Secondly, I believe he also wanted to extricate the Government—something the Government has wanted to do more often as it comes to feel more secure and to believe it has a God-given right to office—from the scrutiny of this statutory committee.

It could be argued that a parliamentary committee would do the same job. It could be argued theoretically that it would be legislators undertaking this scrutiny of secondary legislation and that this therefore would be preferred to having the work carried out by an outside administrative committee. However, if we are honest with ourselves and look at the situation pragmatically, we soon discover that that is not a good argument, that it is highly theoretical and not at all pragmatic.

It is proposed that the Standing Committee should comprise half Government members—and we can forget about the manner of electing them—and half Opposition members—minus one, who would be from the National Party. This arrangement must have been decided on before the Narrogin by-election and must have been decided on by a fairly pessimistic Attorney General, because it refers to a party of not fewer than five members.

Mr Stephens: That is only consistent with the ruling that a group should have five members to constitute a party.

Mr MENSAROS: Perhaps I am too suspicious, and perhaps the member for Stirling can contradict what I am about to say. When we consider the work of other committees, even when they have operated satisfactorily and have had sufficient facilities available to them, in 50 per cent of cases they have produced majority resolutions favouring the Government or unanimous resolutions favourable to the Government. The Standing Committee would produce the same result. In contentious cases, past experience shows that the National Party supports the Government 50 per cent of the time and the Opposition the other 50 per cent of the time.

Mr Stephens: I would challenge that.

Mr MENSAROS: I did not take out precise figures, but without wanting to be petty about it, the National Party has voted roughly 50:50. If that pattern is continued—which I think is a deliberate pattern—what will be the result of the recommendations of this proposed Standing Committee? I challenge the Minister or any other member here to give me an example where a parliamentary committee, a Standing Committee or a Select Committee has decided on an issue in anything other than along party lines. That is not necessarily the right situation to have, but it is a fact of life.

However, if we have an outside administrative committee, we have people who are not under party direction, people who are not caucused. If they are good members of the committee they will simply express their view on a matter.

I also notice a slight difference in what I call the terms of reference but what should properly be called the functions of this proposed Standing Committee compared with the functions of the statutory committee. The statutory committee's Act has five different provisions which should trigger the committee to report to Parliament.

The Council's resolution includes only four and leaves out one. The four are identical, but paragraph (b), which is left out, refers to the attention of Parliament being drawn to any regulation on the grounds that the regulation calls for elucidation. That is a very fine expression meaning that the regulation is so bottled up that it cannot be understood and it should be reported to Parliament because it is more or less incomprehensible.

As a member of the Opposition who has to read these regulations, I do not disagree with that because the drafting of regulations and Statutes is becoming more obscure. Apparently the staff of the Crown Law Department that drafts regulations and Statutes has been changed. It was difficult enough in the past to understand them but it is becoming more and more difficult. I am not attempting to criticise; I am merely stating what I have found from my experience of reading and studying more Statutes than most other members of this place, without the help of aids.

I am sorry that we are not continuing with the Legislative Review and Advisory Committee. The proposed Delegated Legislation Standing Committee will not be as objective as the previous committee, although it will be

required to report if a regulation does come within the confines of the other four conditions—that is, if it is ultra vires, if it violates the traditional freedom of the individual, if it makes rights dependent on administrative and not upon judicial decisions, or if it contains matters which an Act of Parliament and not a regulation should contain. It will not have to report if the legislation is simply obscure.

I would like the Minister to explain whether the proposal of a Joint Parliamentary Committee would have any meaning at all—in other words, will it have enough funds? Will he therefore undertake to ensure that the committee will have every facility available to it to enable it to work properly? I want the Minister to undertake to ensure that sufficient funds will be allocated to it from the CRF through the parliamentary vote so that it will have a proper venue from which to work, proper staffing, and proper facilities. If the Minister does not give us that undertaking, two things are clear: First, the reasons the Attorney General gave for repealing the Act were not true—he simply wanted to save money—and, secondly, the committee will be useless. I believe members of the proposed committee will have their hands full in dealing with the secondary subordinate legislation which will come before the committee, and more so when the Parliament is sitting because they will have to also deal with issues before the Parliament.

Unless the Minister can undertake to appropriate sufficient funds to the committee to enable it to do its job, it will not work.

**MR STEPHENS** (Stirling) [4.15 pm]: The National Party will support the motion to concur with the Council's resolution. However, we question whether it may be more advantageous for the Standing Committee on Delegated Legislation to consist of only members of the upper House. Those of us who have been members of this place for many years know that more and more subordinate legislation is being produced every year and it is virtually a full-time job keeping track of the legislation. As I said, I believe we should consider whether the committee should consist solely of members of the Legislative Council, particularly when we consider the changes for the Legislative Council that will come into effect when the electoral reform legislation is proclaimed. I am not suggesting that we should amend the motion. However, I suggest that it may be something that we will have to consider in the future.

It is essential that all secondary legislation and regulations be thoroughly examined. Constituents from time to time approach me with problems which I find after investigation have resulted from a regulation being tabled. We all know that members have the power and the opportunity, within 14 sitting days of the date of the tabling of a regulation, to move for the disallowance of a regulation. However, it is impossible for members to keep track of the regulations and it is usually a little late for a member to do anything about a regulation after a constituent has found himself disadvantaged by it. Quite frequently, regulations are introduced without the knowledge of members. Perhaps, even then, the only person who knows of them is the Minister who tabled them. I think this committee has a very important function to perform in protecting the rights of individuals.

The member for Floreat spoke about the performance of the National Party. I have not kept statistics on our voting performance. However, the member for Floreat said that he thinks that on about 50 per cent of occasions we vote with the Liberal Party and on the other 50 per cent of occasions we vote with the Labor Party. He has not taken into account the number of times we initiate matters in this House and either the Labor Party or the Liberal Party support us. It is also important to note that, on 95 per cent of occasions, issues are decided in this House on the voices. That indicates that the House, on the whole, agrees with the matters before it. On those figures only about five per cent of matters are decided by a division.

As I said, the National Party supports the motion.

**MR PEARCE** (Armadale—Leader of the House) [4.20 pm]: I appreciate that at this late stage of this part of the session members are so enthusiastic, but I was a bit nonplussed when the member for Floreat rocketed to his feet and launched into his reply on this matter. I had not actually moved the motion or made the speech.

Mr Lightfoot: I do not know whether he rocketed to his feet.

Mr PEARCE: I am prepared to accept that the member for Floreat is very fast on his feet. He is a man of considerable ingenuity and flexibility in so far as it comes to rocketing to his feet.

Mr Stephens: The Minister is getting tired.

Mr PEARCE: It could be that too. I am getting slow and I had to see the doctor only last week about my shoulder. Fortunately, he did not send me to hospital and my name did not come up on the "7.30 Report".

Mr Deputy Speaker, I suggest that we might try the following process. I have what one might call a second reading type of speech to this motion. I could have taken a point of order on the member for Floreat and cut him off in full flight, but he explained the matter adequately. I am happy to have my moving the motion inserted at the beginning of this debate. I do not know whether the House wants it, but I am happy to have my explanation of the motion inserted in *Hansard* without my reading it. The whole motion would look a little more regular in the *Hansard* if that were done. I do not mind if it is not.

*Point of Order*

Mr STEPHENS: How can the House be debating something which is not properly before the Chair?

Mr Pearce: I agree, but it was you and the member for Floreat who debated it.

The DEPUTY SPEAKER: In view of the circumstances that took place before I took the Chair it might be better for the Minister to read his speech and move his motion.

Mr Pearce: It is not my fault that you people spoke on this motion when it was not before the Chair.

*Debate Resumed*

Mr PEARCE: I am happy to accept the explanation of the member for Floreat. It was quite a good exposition on what is proposed and on the history of this matter. I am happy to have him move the motion.

I am happy to move the motion standing in my name on the Notice Paper because I am seeking to amend the motion that came from the Legislative Council.

The amendments are relatively minor amendments which have been worked out by the Speaker and the Clerk of this House. I believe they may have been referred to the Standing Orders Committee in order to have the position of this House noted in the formulation of the committee. The Government is happy to accept the amendments proposed by the Speaker and the Clerk.

The Government would certainly not countenance the suggestion put forward by the member for Stirling; that is, the committee should consist only of members of the Legislative Council. Recent events have taken us very close to a more equitable position in the Legislative Council. Members on this side of the House cannot forget that the Legislative Council as it will be constituted under legislation which passed the upper House recently, and I guess will pass this House in the not-too-distant future, still has a considerable imbalance between zones. The Government would certainly not be prepared to have sole right in regard to legislative review vested in a House which, while being elected a little more democratically than it was, still is fundamentally undemocratic in its make-up.

I cannot give an unequivocal assurance to the member for Floreat that certain figures will appear in the Budget appropriated to the Parliament for use by this committee. Obviously the Government would not be agreeing to this proposition if it were not of the view that this committee should work in a proper way. Once it is established, I guess it can consider what are its needs and will make its Budget bids through the Speaker or the President of the Legislative Council in the normal way. Those claims could be judged in the same way as is everything else in the Budget.

*Motion to Concur with Amendments*

I move—

That the motion be agreed to subject to the following amendments:

Rule 2

Delete subparagraph (1) and substitute—

(1) The Assembly members of the Standing Committee shall be chosen as the House may determine but, where there is a party in the Assembly of not less than 5 members, other than a party whose leader is either the Premier or the Leader of the Opposition, one of the Assembly members of the Standing Committee shall be a member of that party.

Insert new subparagraphs (2) and (3) as follows:

(2) The term of office of each committee member extends from the time of election to the committee until the expiration of that Parliament during which he was elected.

(3) When a vacancy occurs on the committee during a recess or a period of adjournment in excess of two weeks the President or the Speaker, as the case may be, may, appoint a Member to fill the vacancy until an appointment can be made by Council or Assembly, as the case may be.

Renumber subparagraph (2) to read (4)

Rule 9

Insert after "during" the following—

"a recess or".

Rule 10

Add "of whom not less than 2 shall be members of the Assembly".

Question put and passed, and a message accordingly returned to the Council.

## MINISTER FOR CONSERVATION AND LAND MANAGEMENT: SURGERY

*Tabling of Documents*

**MR BRIAN BURKE** (Balga—Premier) [4.25 pm]: I seek leave of the House to table a letter from the Administrator of the Fremantle Hospital and a statement by Mr W. M. Castleden.

Leave granted.

(*See papers Nos 205a and 205b.*)

## WATERFRONT WORKERS (COMPENSATION FOR ASBESTOS RELATED DISEASES) AMENDMENT BILL

*Second Reading*

Debate resumed from 20 May.

**MR THOMPSON** (Kalamunda) [4.26 pm]: A few months ago a Bill was introduced into this Parliament designed to provide compensation for people who had been injured at work when handling asbestos. When the legislation was passed by this House there was an oversight and the Bill that is currently before the House is designed to correct that oversight.

The Opposition supports the Bill. It believes that it is appropriate that money from the workers' compensation supplementation fund is used for the purpose for which this Bill determines. The Opposition will ensure that this Bill has a speedy passage through the Parliament in order that those unfortunate individuals who have been injured, as outlined in the Bill, can be compensated.

**MR TRENORDEN** (Avon) [4.27 pm]: The National Party also supports the Bill. It accepts the fact that there was an oversight in the previous legislation.

There is no doubt that the matter of asbestos-related diseases is of concern to the community. I have been surprised at the number of people in my electorate who have contacted me about the concerns they have because they have been in contact with asbestos in their different occupations.

**MR PETER DOWDING** (Maylands—Minister for Labour, Productivity and Employment) [4.28 pm]: I thank the Opposition for its support of 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 Mr Peter Dowding (Minister for Labour, Productivity and Employment), and transmitted to the Council.

## WORKERS' COMPENSATION AND ASSISTANCE AMENDMENT BILL

*Second Reading*

Debate resumed from 11 June.

**MR THOMPSON** (Kalamunda) [4.30 pm]: This Bill seeks to do three things: First, it seeks to facilitate the establishment of additional members of the Workers' Compensation Board in order that a backlog of claims can be dealt with. Secondly, it is intended to clear up any doubt about the legalities of activities being conducted each day by inspectors in the area of workers' compensation. Thirdly, it seeks to make it a requirement to notify the Commissioner for Occupational Health, Safety and Welfare in the case of certain diseases.

I indicate at the outset that the Opposition supports the Bill. We accept that the great backlog which has occurred with respect to claims against the Workers' Compensation Board needs to be dealt with. That process cannot be undertaken with the present personnel, therefore we agree with the need to increase the capacity to handle those claims.

The activities of the inspectors with respect to ensuring that employers meet their obligations under the terms of the workers' compensation legislation is a necessity. It is also a necessity that in the course of their duties they are covered by the law. As the Minister has pointed out, there is some question about whether the activities currently undertaken by the inspectors are lawful, and the intention is to put beyond any doubt the right of those inspectors to do what they have been doing. We support that proposal.

We are alarmed to learn that so many employers appear not to be facing up to their obligations under the legislation. Many people employed in Western Australia are currently not covered by workers' compensation. That is bad for employees. It is also bad practice on the part of employers, because if there are people who are not insured as the law requires, the load on workers' compensation is carried by fewer people than should be the case. We support the Government's intention in this respect.

The third and most minor provision of the Bill requires medical practitioners and others to advise the Commissioner for Occupational Health, Safety and Welfare of certain illnesses. That is simply a machinery matter and we support it also.

**MR TRENORDEN** (Avon) [4.34 pm]: This House is an interesting place. I did not expect to debate this Bill for some time. In fact I get to my feet with some degree of annoyance. I would have preferred more time to examine the Bill.

Speaking off-the-cuff, the purpose of the Bill is to provide an efficient and speedy process, which is desirable. The Deputy Chairman as well as the Chairman may hear cases. The speeding-up of the process is a good thing.

The Bill also entrenches the right to carry out random inspections. While we are not in support of this sort of invasion, in my last occupation as an insurance agent I found a considerable amount of premium evasion in the community.

We are concerned about increasing the number of people who have a right to impose upon small business. I would have liked more time to look into this area. Though we support it, it is necessary to ensure that, when raising premiums for workers' compensation, employers apply to the declarations the correct wages, the correct number of workers, and the categories.

We are very concerned about the increasing number of people running around the workplace interfering with the responsibilities of small business people. It is getting to the stage where the small business people are having their time wasted. That is as important an issue as ensuring that premiums are paid.

A couple of weeks ago in my electorate the Human Rights Commission subpoenaed a firm to attend a court hearing because an apprentice, who happened to be an Aboriginal, accused the firm of racial prejudice. That firm had to stop work for the whole day and give up that day's production for a claim which was found to be frivolous. There was no claim at all. When the pressure was put on this youth, he withdrew all his accusations. Ten minutes' investigation by a reasonably competent person could have saved that firm probably $1 000. I am not saying that will happen, but it is a concern.

We concede it is necessary that employers should know that someone is looking over their shoulders when they fill in declarations to ensure that it is done correctly. It is as a result of evasion by officers of firms filling in declarations about workers' compensation that the burden on others is increased. More importantly, partners or others associated with a particular person may be put into a situation of bankruptcy.

Apart from our concern about inspectors' increased powers and the policing of small business, we support the Bill.

**MR HOUSE** (Katanning-Roe) [4.38 pm]: This is an area which has concerned me for some time now. The Minister will remember a grievance debate a couple of weeks ago when I raised a very important point, in my opinion, about directors of companies being forced to pay workers' compensation insurance premiums to insure themselves. Inspectors now go into the workplace to ascertain whether workers' compensation insurance is being paid, and that is what we are talking about.

I have no objection to people who legitimately should be covering employees and are not being found out and prosecuted. That is exactly what should happen to them. I have no sympathy with them. As a result of the law passed in this Parliament last October, there is a problem distinguishing who is the employer and who is the employee.

In many farming families the situation has arisen where nominal directors of companies are forced to pay workers' compensation in-

surance premiums to cover themselves against the salary which they pay themselves out of that company. In many of those cases those people are not actively engaged in the day-to-day work of the farming operation. They may be engaged in the office, or in an advisory capacity. Unless this problem is addressed, it will create a lot of heartbreak in the future. People have been forced to pay a couple of thousand dollars a year in workers' compensation insurance on which they do not have a hope of collecting.

I say that because I think the Act we passed is open to interpretation as to whether it is in fact legal. If one is a director of a farming company and has crops growing in the ground and a wool clip growing on the sheep's back, and one is injured, one may not lose any income at all—not one cent—by not performing a task on that farm for a period of months. That is quite possible.

I wonder whether the court would refuse one's claim for workers' compensation assistance, and in fact I would argue if I were a solicitor that that could well be the case. Yet we have, by virtue of these inspectors, people being forced to pay the premiums. That is an issue the Minister and the Government must address because it is causing a problem and unless that problem is answered and rectified we will continue to have an increasing problem.

Basically, as the member for Avon has pointed out, the National Party supports this Bill, but with the qualification that we feel there are areas in it that still need to be tidied up.

**MR PETER DOWDING** (Maylands—Minister for Labour, Productivity and Employment) [4.41 pm]: I thank members opposite for their comments and their support of the legislation. I am sorry that the member for Avon was caught a bit short. I guess as we move through this week it is unfortunately the sort of thing we will come across and I hope it has not inconvenienced him too much.

The National Party really must make up its mind one way or another—either we are going to police the matter or we are not. If we are going to police it, then we will have to police it. To the extent that that means there are people moving throughout the community making inquiries from time to time, that is just one of those things.

Mr Trenorden: I believe the problem is the method of policing by insurance companies.

Mr PETER DOWDING: There may well be a problem, but let us put it on this basis: If the member can think of a better method, then by all means he should please let us have it because we do not want to appoint inspectors if that is not necessary. However, I point out that that was a decision of the Workers Assistance Commission, which has on it representatives of the insurance industry, and my understanding is that the industry is supportive of this piece of legislation.

Mr House: In the case I was citing, no wonder they are supporting it. They are making a lot of money and no-one is making a claim.

Mr PETER DOWDING: I will come to that in a minute, but first I will deal with the position of the member for Avon. If there are ways and means of reducing the costs, I would wish to see it done. For four years now I have lived in hope that we would be able to devise a mechanism for introducing a number of inspectors in the area. We have been doing that in another piece of legislation—the occupational health and safety legislation—which is reducing the regulatory role and putting the onus back onto the employer and the employee because that is where it ought to lie.

As to the point raised by the member for Katanning-Roe, I know there is a sort of ethos about the noble farmer that our brethren in the agrarian socialist movement want to push. But let me say that that is not a universal position, and the laws must be pitched at some sort of general norm. The general norm is that working directors are entitled to workers' compensation payments in the event of injury, that the employing company has a liability for those payments, and that not only are we dealing with the family company situation but we might be dealing also with a situation where sons or relatives work for a particular company. Frankly, obligations can cripple the other participants in the company and it can lead to a desperate financial position for people who ought to have been covered for industrial accidents.

I understand the point the member for Katanning-Roe has made; I can understand that some people would regard this requirement as an impediment. I can only say that it was a decision made after a great deal of thought and examination, and it has always been the case that those people had access to the unfunded scheme.

Mr Thompson: It is indeed the case that they were accessing it. That is why the legislation had to come in.

Mr PETER DOWDING: Yes, they were actually getting into this fund so there had to be the legislation and the inquiry. So the saying, "Bad cases make bad law", is not just a trite statement.

Mr Trenorden: Surely in the case of family farming companies where the participants are covering themselves because they are the sole owners of the company, it would not be difficult to legislate to allow those people to exempt themselves?

Mr PETER DOWDING: The difficulty is that the character of those companies changes from time to time. We would certainly discuss it. I am not ruling off the line and saying that we cannot discuss it. I would be happy to consider the possibility of people exempting themselves, but the truth is that workers' compensation premiums are based on a contribution from everybody and the minority of people who suffer the accidents then receive their payments; but the costs of them are spread across the total sector. As soon as we start exempting one group or another we will get a concentration of liability which puts the responsibility on other relatives. It is difficult. Instead of paying workers' compensation premiums we could just add another cent onto payroll tax—that would be another way of doing it. I cannot see an easy way but I would be happy to await the prospect that, like Saul on the way to Tarsus, we will see the light.

I thank the Opposition for its support of 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 Mr Peter Dowding (Minister for Labour, Productivity and Employment), and transmitted to the Council.

(78)

## PREVENTION OF CRUELTY TO ANIMALS AMENDMENT BILL

*Second Reading*

Debate resumed from 20 May.

**MR RUSHTON** (Dale) [4.50 pm]: The Opposition does not intend to oppose this legislation, but it has some concern about different aspects raised by it.

Firstly, the House needs to remember that the increase in penalties is extensive. There is a penalty of $5 000 or 12 months' imprisonment in the new legislation. I wonder whether the Minister could give an explanation of these steep increases and whether he can cite some examples of situations which have encouraged the Government to increase the penalties so sharply. The Minister has indicated that he intends to update the legislation. I would have thought that the steep increases in penalties could also have allowed a review of the existing legislation to take place. Then there could be a balanced judgment and these increased penalties could be brought in when the Bill was subsequently redrafted.

It has been stated that the Royal Society for the Prevention of Cruelty to Animals has made many representations for the steep increases. The RSPCA carries a fairly big burden in the area of prevention of cruelty to animals. I wonder whether the Minister could indicate if there will be an increase in funding to that society, particularly when one considers that the Government will receive an increase in revenue from the increased penalties. With the increase in penalties, will there be provision for extra funding for the RSPCA in seeking to carry out its tasks?

I believe attention should be given by way of education. That would perhaps influence people against cruelty to animals. Every member in this House would deplore cruelty to animals. For my part I am sympathetic to what the legislation is seeking to do, but I believe that we should have things in balance. In recent times in my electorate dogs have been killing sheep. There are some very bad situations in that respect, and an owner could be seen to be cruel to animals if he does not find a sheep which has been mauled and deal with it very quickly. I have experienced this myself and we have not been able to catch the dogs responsible. Last weekend a fairly near neighbour lost seven sheep from marauding dogs. We have set traps; in fact it was suggested that we should apply to put baits around, but I would not do that because many innocent dogs wander through my

property, and I would not countenance the distress or death of those dogs, even though one might be able to pick out the offending dog.

The local ranger has set traps but to this stage these have not been successful. If one has such extreme penalties, there must be some provision for a person who has offended in this respect to appeal, should there be circumstances in which he is possibly not guilty. I would like the Minister to balance the scales for me in that regard.

The community supports very fully the proper application of prevention of cruelty. For that reason I support the Government's move in this regard. We look forward to the new legislation, but I hope the Minister will be able to give an indication of the things he intends to address in the new legislation.

I hope the Minister will firstly give the House some explanation of the new drafting and the philosophy behind his changes. Secondly, I hope he can indicate whether the RSPCA will receive any extra funding. Thirdly, I ask the Minister to present the House with examples of circumstances which warranted these extreme increases in penalties. It is not good enough to indicate that other States have increased their penalties. If we did that all the time, we would finish up with some very uneconomic actions from time to time. We need to do our own thing in this respect. I would appreciate the Minister giving me that explanation in due course.

**MR HOUSE** (Katanning-Roe) [4.58 pm]: I wish to put the National Party's point of view and to make a very brief contribution to this debate.

I believe the member for Dale was quite correct when he said that all members on this side of the House would be very interested to hear what the Minister said in respect of the upgrading of the legislation at a subsequent time when we provide in the Act further avenues for people to bring action for cruelty against animals in areas in which they have not traditionally applied. I think this will open a very interesting sort of debate. I refer to scenes about which there has been agitation, like mulesing operations in farming areas. I will refer to that again in a moment.

It is evident that if one talks about that sort of area, the inspectors who enforce these laws need to know clearly what exactly they are to look at. They need to be experienced people who can discern between cruelty which is meted out to animals by somebody who has been deliberately neglecting those animals or so-called cruelty which is meted out by somebody in a case where it may not be intended to be cruel. As an example of that, I cite the live trucking of sheep. There have been many letters to newspapers from people who have objected to the live trucking of sheep. They also object to the live shipping of sheep. Of course the alternative is to put the sheep into an abattoirs system and have them killed, and yet we see a report on "The 7.30 Report" in which David De Vos, who is supposed to be a feared reporter, interviewed a Ms Christine Townsend. She indicated that mulesing is unnecessary. I am not sure what experience she has to make such a statement. I make it clear that I, and the people I represent, would not accede to that view in any way at all.

Mr Watt: If I were a sheep I would rather be mulesed than flyblown.

Mr HOUSE: It could be that in the past there have been some fairly bad situations, but nowadays modern livestock transport is right up to the twentieth century. We have good carriers who do an excellent job. It is not in their interest to mistreat the stock, and it is not in the interest of the owners or the people who will eventually purchase that stock.

I do not think members will see too many cases of people seeking to mistreat stock intentionally in the farming or trucking businesses. Quite frankly, I am sick and tired of people like Chris Townsend who get on television and make statements about mulesing and tailing which do not affect her livelihood and which I am sure she does not look at with a balanced point of view. Anyone who thinks that a farmer should give a sheep an anaesthetic before mulesing it is not only impractical but downright stupid. Those people should get out in the country and have a look at the operation and talk to people and find out why it is done.

The RSPCA has taken the side of these people in some instances. That occurred in the matter of live sheep shipments. I read in the Minister's second reading speech that the RSPCA has made representations about the upgrading of fines, and I hope he has a balanced point of view from the other sections of the industry. I am not objecting to the upgrading of fines; I join with those who think that people who deliberately mistreat animals should themselves be treated in the harshest way. There is nothing worse than people who mistreat a dumb animal. They should be fined, and in some extreme cases they should be

imprisoned. I do not have any truck at all with them, but there must be a balanced point of view.

I concur with the member for Dale when he said we must look at the complementary legislation the Minister intends to introduce and see what it contains before we can put the fines in perspective. I hope the Minister will comment on that when he sums up. The law and its enforcement are one thing, but knowing what one is enforcing and why is an entirely different matter. That is why it is so important that the inspectors and the courts understand precisely what they are talking about.

I refer now to rye-grass toxicity, and I can tell the House, having lost a lot of sheep from that, that there is no cure for it. That applies to lupinosis as well. One cannot do anything about either of those problems. Once the sheep are affected one has to suffer with them. A farmer will do as much as he can to make them comfortable and put those which are obviously going to die out of their misery.

Mr Peter Dowding: But you do not leave them lying on the ground writhing and digging a hole in their agony and not do something. That is what the member for Murchison-Eyre did.

Mr HOUSE: I am not entering into that debate, but when one has 400 sheep writhing in agony, and I have been in that position, it is most unpleasant for the owner. It is not possible to deal with 400 sheep in anything less than seven or eight hours, and I say that from personal experience. Obviously some will suffer. It must be put in the proper context, and that is what I am trying to do in this debate.

**MR LIGHTFOOT** (Murchison-Eyre) [5.04 pm]: I would like to contribute to the debate and explain what lupinosis is and some of the ramifications of that particularly puzzling disease. I will perhaps touch also on mulesing of sheep which affects the industry with which I am involved to a large degree.

There seems to be some conjecture about lupinosis; it has been bothering Western Australian woolgrowers for some decades, although it was not recognised for some time. The State suffered and still suffers the loss of thousands of sheep annually through this disease. Mr W. A. Cowling, a plant breeder, Mr W. G. Allan, a veterinary pathologist, Mr P. Wood, a plant pathologist, and Mr J. Hanlon, a research officer, all of the Geraldton regional office, have gone perhaps further than all agricultural scientists in trying to explain the disease known throughout the wheatbelt and the industry as lupinosis.

Its technical name is *Phomopsis leptostromiformsis* and it is referred to by the professional people as Phomopsis rather than lupinosis. It is a disease that occurs predominantly through summer and autumn, and because a large amount of self-sown lupins grow in Western Australia there is a higher per capita loss of sheep, particularly in grazing areas and high rainfall areas, than in any other part of Australia. These lupins are very conducive to soil rehabilitation in that they are leguminous—they leave nitrogen in the soil when they grow—so they are ideal for crop rotation. However, because of the disease sheep are likely to contract from lupin stubble, this plant which is of great benefit as a rotational crop is often not used.

When lupins are self-sown through pastures they become most dangerous between summer and autumn, particularly when it rains, as my farmer colleague from Bindi Bindi has pointed out. Attempts to control lupinosis in sheep have been unpredictable and thwarted largely by its unpredictability; it is the complex interaction of the toxin-producing fungus with its host the lupin plant, or what remains after it has been grazed in spring and early summer. The sweet leaves are taken off and the stalks are left because there is often plenty of self-sown fodder around during that period. When fodder becomes scarce towards the end of summer the stalks are brittle. The stubble softens with the rain after the sweet leaves, pods, and peas have been devoured or fallen off through natural atrophy. With the softening of the stems comes the toxin-producing fungus—the Phomopsis I mentioned. Depending on the grazing conditions and the other food available, there is a varying degree of animal loss. As several of my colleagues mentioned, once sheep have ingested this there is simply nothing that can be done. There is no counter to it. One can make the sheep as comfortable as possible, but when several hundred are involved it is an impossibility.

As far as I know lupinosis is confined to sheep; perhaps goats get it, but I have only seen it prevalent among sheep. This risk discourages farmers from rehabilitating their soil with this wonderful crop, one variety of which—

The SPEAKER: Order! Can you indicate what this has to do with the Bill?

Mr LIGHTFOOT: It has to do with cruelty and the confusion some people have with respect to animals suffering from lupinosis. I am referring to the inability of owners to treat that problem and I think it can be fairly regarded as coming under this Bill.

By way of a preamble, I thought it necessary to explain a disease often misconstrued by city people. If the sheep are not treated criticism is heaped on the person concerned.

The risk of lupinosis discourages many farmers. Some effort has been made to rectify the disease, but it is high time that a much more concerted effort, perhaps on a national basis, was made. The disease is not exclusive to Western Australia, but it is confined mostly to Western Australia. Perhaps the disease should draw the attention of the CSIRO or other national bodies which could greatly contribute to its elimination, control or rectification. It is a cruel disease and I do not resile from that fact.

Some scientists from the Department of Agriculture in this State set out in the mid-1970s to find a resistance to the phomopsis fungus in lupinosis. The fungus grows on the outside and inside of the brittle, distorted stem of the lupin plant. I have often seen lupin plants between 100 and 125 centimetres high, but they do not survive for very long at that height because they become top-heavy and fall over. Generally they are between 25 and 50 centimetres in height and a fair amount of toxin, from the fungus, grows on the inside and outside of the plant at the first rains.

The risk becomes increasingly great when the lupins are self-sown. In other words, the landowner has nothing to do with the growing of the lupins. They come up year after year and are indigenous to Western Australia. It is difficult to ascertain the extent of lupins amongst other grasses.

With the first rains comes the toxin. Often, Department of Agriculture scientists and field personnel have visited farms to ascertain the cause of debilitation among sheep and they have not given a thought to the possibility of lupinosis.

The low stubble appears to have the highest toxicity. I would like to read to the House from an article by Mr J. G. Allen, a veterinary pathologist with the Animal Health Laboratories of the Western Australian Department of Agriculture. He said—

> Most lupins grown in areas receiving more than 380 mm annual rainfall develop some toxicity during summer and autumn. The toxins responsible for lupinosis are found mainly in the lupin stem. Therefore management to reduce the quantity of lupin stem eaten by sheep will reduce the risk of lupinosis.

That seems to be fairly logical. He also said that as the seed supply diminishes, the sheep will eat more stem of the lupinosis. It is difficult for a farmer to control the eating habits of several thousand sheep in a paddock if he is not aware that there is lupin stubble in the paddock.

The prevention of lupinosis is merely to take the sheep away from any old lupin stubble before the first rains. In other words, once sheep have contracted lupinosis nothing can be done about it.

Mr Cash: Is it possible for someone to accuse a farmer of cruelty to an animal when in fact the animal suffered because of lupinosis?

Mr LIGHTFOOT: Yes, it is quite possible. In fact, in this House it is probable that that accusation was falsely based on that and directed at me. However, the Minister is not in the House tonight and I do not propose to discuss that issue; suffice to say that I found the whole matter quite distasteful and unnecessary. Nonetheless, it is worthy of a reply from me to rebut those rather sordid accusations made by a Minister of this place.

Mr Cash: While his allegations may have been ill-founded and false, the allegations you have made about him are certainly not false.

Mr LIGHTFOOT: They were not only ill-founded, but also, as the member for Moore said, they were ill-informed as well. I fail to see how a city-bred lawyer can be conversant with a disease that has puzzled farmers for decades and which has certainly puzzled scientists for some years. At this stage there is no cure for it.

Mr Cash: Were the allegations of cruelty by the Minister ill-founded?

Mr LIGHTFOOT: I think the allegations of cruelty by the Minister are ill-founded. I thank the member for Mt Lawley for bringing that matter to my attention.

I refer now to the mulesing of sheep. It is a treatment to sheep which causes concern to some people outside the industry. I can understand their concern, but having been a sheep-grower for 15 years or more—

Mr Laurance: A good one, and in top country.

Mr LIGHTFOOT: Yes, as my colleague, the Deputy Leader of the Opposition said, it is a top area and we produce top wool. It is an area which is full of fine people.

The aspect of mulesing which causes most concern is apparently not the act itself, but the fact that the lambs are not given any anaesthetic while the operation is being carried out. As the previous speaker said, when a farmer is mulesing several thousand lambs a day it is not feasible to inject into those lambs anything that reduces the pain. However, the pain is kept to a minimum.

Obviously, the mulesing takes place on the hindquarters of the lamb and starts on the strips of wool on the back legs. The instrument used to strip the wool and the skin away from the back legs of the lambs is similar to the old hand shears. The hand shears are exceedingly sharp and are sharpened after every few operations by the muleser. I would estimate that he would do a lamb every three or four seconds.

The thin strips of wool and skin on the back legs of the lamb are removed in a semi-circle and it also includes the stripping of the dock. The area involved extends down either side of the dock and down the hind legs for probably 18 centimetres. It all depends on the size of the lamb.

Mr Crane: And over the back of the tail.

Mr LIGHTFOOT: As my colleague, the member for Moore, said, and over the back of the tail. It strips the dock and goes over the back. There is a variation to that method. The method to which I have referred is called radical mulesing. A variation to that method is used because stripping the dock exposes the tail of the lamb to ultra violet rays and in hot areas—because of the risk of skin cancer—that part is left. It has the effect of tightening up the skin on the back leg, which will always be devoid of growing wool. I draw the analogy between that and a clenched fist. If one were to clench one's fist he would see how tight the skin is.

The wound at the back of the lamb—obviously the lamb grows into a sheep—heals and it tightens up very tightly and the droppings, when the sheep manures, do not adhere because there is no wool in that area. When the ewes, which are prevalent to breech strike, urinate, the same process occurs. There is no wool in that area and the urine does not stain the wool and, therefore, it does not leave a host area for the blowflies, particularly the exotic blowfly from South Africa—the green blowfly—which is voracious in its ability to lay maggots and breed.

As my colleague said, it is a reasonable analogy, but I have not had a facelift and do not intend to have one; it would probably have the same effect.

The alternative is that one leaves one's sheep. In Western Australia we have distinct seasons. There is a prevalence at one time of green feed which tends to scour sheep; they urinate and manure a lot. They are put on dry feed, but when they come back to green feed the scouring is even worse. The alternative is that we have sheep which are not mulesed. They are very subject to blowfly. The flies strike around the breech. These blowfly maggots are distasteful, but let me say it for the benefit of those who say one should not mulese one's sheep—one should find some other method. There is no other method, to my knowledge. These sheep which are not mulesed suffer blowfly strike by exotic blowfly; not only the old, brown version, which is bad enough but also the exotic blowfly.

The sheep get struck on the breech and the maggots enter the sheep through the orifice, causing, as one can imagine, the most horrific death to that animal. Alternatively, or in conjunction with that, the blowfly maggots crawl through the back and on occasions—I must say on too many occasions in station country—they are discovered too late to save the sheep. The sheep is completely encircled with maggots. It is dripping wet with that vile substance caused by chronic blowfly strike.

Sometimes it is nine or 10 months after the strike that the condition is discovered. The whole fleece can be lifted. In fact I have lifted it completely off the back of a sheep. The sheep has been denuded underneath, except for this mass of writhing maggots. It is without question the most horrific sight anyone can witness. The stench of those poor suffering animals is unbelievable. Members would have no hesitation in endorsing that most humane method of preventing it, which is mulesing. It is the greatest single factor in the preservation of sheep and the prevention of their suffering in the pastoral as well as the farming area. Anyone who professes to speak against mulesing is

demonstrating absolute and total ignorance. Worse, he may have an ulterior motive for seeing that the sheep industry in Western Australia—and also obviously Australia—suffers considerably. Without mulesing the estimation is that 15 per cent of the flock in Western Australia would be lost to blowfly strike, and that does not include the loss of wool from the sheep which could be saved.

While one can employ the old-fashioned method of trying to prevent blowfly strike by crutching, that process is impossible in station country today because of the size of the properties, in conjunction with the economics involved. In other words in station country, sheep go out after shearing time, and the next time they are seen is when they are mustered for shearing again. These days to muster two or three times on a station is not viable. At one time we would mulese only the ewes.

*Point of Order*

Dr ALEXANDER: I have listened to the member for Murchison-Eyre for 20 minutes.

Opposition members: He was very interesting.

Dr ALEXANDER: It may be interesting to members opposite, but you suggested about 10 minutes ago, Mr Speaker, that the speech should be directed to the motion. I can find no reference to the exotic matters to which the member refers in the second reading speech of the Minister. His comments were not in any way directed to the sorts of farming practice and management techniques to which the member refers. Interesting though members opposite may find this rather obscure speech, it has very little or nothing to do with the Bill before the House.

The SPEAKER: I am very sorry that I cannot agree.

*Debate Resumed*

Mr LIGHTFOOT: I do not have a lot more to say on the subject. I wonder what prompted the member to take a point of order. In fact, it is from the ill-informed academic that resistance to mulesing and that sort of thing comes. Over the years we have suffered from these people, particularly from those who have their snouts in the social trough, if I may extend the animal analogy. Opposition to the practice of mulesing does not come from good, practical, hard-working Australians who seem to be imbued with that necessary logic to understand what people in Western Australia, particularly in the country, do to prevent cruelty.

Mr Brian Burke: Without wanting to provoke or to be unfair at all, you did make a brief statement about lupinosis and reveal a detailed knowledge of the subject, yet it was only this morning that you rang to obtain that knowledge from the department. That was a bit much.

Mr LIGHTFOOT: I did not ring this morning at all.

Mr Brian Burke: I am sorry.

An Opposition member: That is another try-on.

Several members interjected.

Mr LIGHTFOOT: The Premier should be sorry for making that inaccurate statement.

Mr Brian Burke: I am apologising. I thought you had rung. Perhaps it was yesterday.

Mr LIGHTFOOT: Not yesterday, the day before or the day before that. As the member for Clontarf says, the practical knowledge seems to be mostly on this side at the moment.

I think this House is now more informed on those two aspects of this subject which causes concern to animal liberation people. I do not refer just to my speech today; members on this side who have had practical experience have also contributed. This industry contributes enormously to the wealth of all Western Australians. I trust that practical reason will prevail. Anything which prevents cruelty to animals should be endorsed by this House, subject only to that being weighed against the betterment of this industry.

Debate adjourned, on motion by Mr Carr (Minister for Local Government).

## BILLS (3): ASSENT

Message from the Governor received and read notifying assent to the following Bills—

1. Great Southern Development Authority Bill
2. Declarations and Attestations Amendment Bill
3. Local Courts Amendment Bill.

**[Questions taken.]**

The SPEAKER: Members, I advise that when the House resumes after the suspension of the sitting for tea, I will have a momentous message to read to the House.

*Sitting suspended from 6.00 to 7.15 pm*

## HOSPITALS AMENDMENT BILL

*Receipt and First Reading*

Bill received from the Council; and, on motion by Mr House, read a first time.

## BILLS (5): RETURNED

1. Acts Amendment (Electoral Reform) Bill.
2. Marketing of Eggs Amendment Bill.

   Bills returned from the Council with amendments.
3. Salaries and Allowances Amendment Bill.
4. Pollution of Waters by Oil and Noxious Substances Bill.
5. Western Australian Marine Amendment Bill.

   Bills returned from the Council without amendment.

## PREVENTION OF CRUELTY TO ANIMALS AMENDMENT BILL

*Second Reading*

Debate resumed from an earlier stage of the sitting.

**MR CARR** (Geraldton—Minister for Local Government) [7.20 pm]: The second reading debate on this Bill was fairly wide ranging and a number of members took the opportunity to speak about matters that may or may not be considered to be cruelty to animals. I hasten to emphasise that there is nothing in the Bill which in any way alters the definition of what is or is seen to be cruelty to animals. The Bill deals with increasing the existing penalties for offences involving cruelty to animals.

I understand that members were seeking to canvass the issue as to what might or might not be considered an offence of cruelty to animals because in my second reading speech I indicated that the Government is considering an extensive review of the Prevention of Cruelty to Animals Act. The review will consider all the offences that are contained in the existing Act. However, I emphasise to members that in this Bill there are no changes to what are considered to be offences.

During the second reading debate I was asked by a couple of members to give some indication of the likely major changes that will result from the review of the legislation to which I referred. I advise members that the Government is at the very early stages of an extensive review of the Act. At this stage, it would be premature for the House to discuss what might or might not be the substance of subsequent amendments.

I have been responsible for the administration of this legislation for a relatively short period. When I gained the responsibility for it I was made aware that several forces in the community wanted changes and I have made it clear that, although I am prepared to undertake a major review, we are starting from a neutral position. Neither I nor the Government has any hidden agenda in terms of responding to any particular pressure upon us at present. That review will take a considerable period and I do not foresee it coming before the Parliament this year; a more likely time frame would be one or other of the sessions of Parliament in 1988.

The member for Dale asked why there is a need for higher penalties; the first point to make is that extensive representations have been received from a wide range of views in the community saying that penalties are much too low. This is best seen in recent court cases where the maximum penalty of $200 has been imposed for first offences. That has occurred in cases relating to cruelty to dogs and horses and also in the case, which has been discussed at some length in this place, involving sheep affected by lupinosis. I do not want to enter into debate about the merits or otherwise of that case except to say that the court made a conviction and imposed the maximum penalty of $200 for what I understand was a first offence. That suggests on the one hand that it was a serious offence or, on the other hand, and more likely, that the level of penalty was too low. Members will know that it is common practice for magistrates and justices to impose penalties in the range of 10 per cent of the maximum penalty for first offenders. Therefore, when a first offender attracts the maximum penalty of $200 a likely interpretation is that the penalties are quite out of step with the real situation.

I indicated in my second reading speech that a number of the other States had increased their maximum penalty to $10 000; but this Government considers that $5 000 as a maximum penalty is a more appropriate level.

The member for Dale asked whether the RSPCA would receive increased funding as a result of the higher level of penalties. These penalties are a separate issue from the question of funding for the RSPCA; they are not imposed as a revenue-raising exercise; they are being placed in the Act because they are considered appropriate penalties for offenders

to meet in response to offences. During the last Budget a higher allocation was made to the RSPCA than had previously been the case. My recollection is that the allocation for 1986-87 was $40 000 compared with $25 000 for the previous year. The Government regards the work of the RSPCA as important and seeks to assist that organisation to the extent it is able, given the difficult budgetary position the Government is facing at present.

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 Mr Carr (Minister for Local Government), and transmitted to the Council.

## LOCAL GOVERNMENT AMENDMENT BILL

*Second Reading*

Debate resumed from 26 May.

**MR RUSHTON** (Dale) [7.30 pm]: This amending legislation is basically pedestrian in nature, and is mostly acceptable to the Opposition. There are five or six clauses which will require minor amendments, and I think two will be opposed by the Opposition, but hopefully the Minister will be conciliatory in his approach to this. I thank the Minister for making the Committee notes available to the Opposition; they have been very helpful.

Mr Carr: Did you say you are proposing certain amendments?

Mr RUSHTON: No, but some Opposition members might propose amendments. I would seek to have the Minister agree to certain items I will mention, and he may be prepared to—

Mr Carr: I might say it is a bit of an irony when you compliment me on the one hand as being cooperative in giving you a copy of the Committee notes, and then say you are going to bring some amendments and give us no notice of those, and there are no amendments listed on the Notice Paper.

Mr RUSHTON: It may be that the amendments will be moved in another place and we will at least get the Minister's reaction here to one or two points. Those points are not great, and I hope the Minister will be conciliatory and agree to the changes.

I express my appreciation to the three associations which responded to my request to inform me of their reaction. In general terms, those associations support the legislation. A number of councillors have written to me and expressed variations, but we will proceed on the basis that, when the Minister hears the items that we have for consideration, he will agree to the changes.

I support the Minister's announced intention to rewrite the Act. I started on the revision of a division of the Act, and that is how big the task is; but I suggest to the Minister that still might be the best way of cleaning the Act up—division by division, or part by part, or whatever one would like to call it. If that is done with the intention of providing good local government, we ought to be able to come together on much of that. However, if one reads *Hansard* to see what the traumas were when a previous Minister for Local Government—who was a Minister in the Legislative Council—sought to bring in a new Bill, I think it took many tries before he got very far. The wise thing would be to bring in a rewrite of the various parts, and progressively improve them.

I support the Minister's suggestion of providing local government with more autonomy and wider powers. This is consistent with my intention in introducing the local government liaison committee, and local government through that means was able to bring forward any changes that it wanted. Many local governments have expressed the view, however, that the move so far by the Government to bring about greater autonomy has proved to be a somewhat cosmetic measure in that while they do have autonomy in some sections, the major issues of adult franchise and the question of one-vote-one-value in wards are very upsetting to them. There has been a suggested intention to have compulsory voting, which I think the Minister has backed, and the idea is that every three or four years, everybody would change over, instead of the continuance of the method of replacing so many people each year, which has the strength of local government at heart.

Many people in local government believe that the Minister is steadfastly moving towards politicising local government by introducing these various moves. For instance, we could go back to the time when there was a commitment by the Prime Minister of the day to regionalise local government, which is fully

supported by the present Prime Minister. However, that would not be in the best interests of local government. That would destroy community interest and would be, so far as I am concerned, a backward step.

It is interesting to reflect on the change to adult franchise that the Government has already introduced, and of course many of us know how it happened, and there are many regrets about it. A council may now be represented by people who are not contributing to that council in the way of being ratepayers or occupiers. If that were to happen in many councils, there would be total resistance; the local government would not accept a representative by way of a councillor who was not a ratepayer or occupier. That is happening in a far-away council such as Wiluna, and demonstrates what can happen. It could also happen at Halls Creek and could happen to varying degrees in various places. It is a retrograde step and would not be accepted by ratepayers. It could result in the reaction that local governments would ask for a reconsideration of adult franchise, to go back to the position where electors were ratepayers or occupiers.

I have heard the Minister say from time to time that members of Federal, State, and local governments are equal. I do not consider them as being equal. They all have different tasks to fulfill. This legislation demonstrates clearly a number of the Minister's beliefs. The reaction of the Opposition to those will show clearly where it stands in that regard. By having people who are not contributors in real terms—

Dr Alexander: In financial terms.

Mr RUSHTON: One can have volunteers, but local government is different from State Government and Federal Government, and it is time that we recognised that and made sure that we do not have duplications and triplications of costs. In fact, the economic plight of this country is partly due to the continuance of overspending, duplication, and triplication of spending. There are many things that local government can do, but it needs to coordinate and deliver services and be properly funded, and that needs to be identified, and I would hope that before we are finished with this legislation tonight, that will be clearly pointed out.

What we come back to is that we go from adult franchise to one-vote-one-value, which is causing great concern to a number of councils. The Minister is pressing on and saying he will not give way. He will be conciliatory so long as we do what he says; but councils are voting against his proposals. While they accept to a broad degree the legislation that is before us tonight, the councils have asked me to make a couple of points. However, it is not within my power to make the amendments which they have asked for. One of them is to remove from the Minister the power to direct councils to change their ward boundaries where council by resolution rejects the change. That is pretty direct and definite, and I think that would apply in many councils. The other amendment that councils put to me was to give them the power to charge all residents on the roll a rate in order that they contribute to council funds. That follows on from adult franchise.

Nothing will politicise local government more quickly than compulsory voting. The other aspect that will to a degree remove the volunteer from local government is to do away with the elections held each year for one-third of the representation of a particular ward. This will directly move towards destroying local government, and it should be resisted.

The Local Government Association has been most helpful in respect of these concerns, and it has raised a few points. The association has been supportive, but quite a few councils have raised resistance when it comes to the social services which are included in this Bill, and the question of payment of councillors.

It worries me tremendously that the introduction of wider powers for social services will result in a great degree of increased costs because it needs very direct action to reduce the intrusion of Government in respect of spending. We want to reduce the size of Government and this will move towards broadening the scope for local government to be involved in social services and will enable local government to intrude into the social services area. This can do only one thing; it will increase costs.

Members of the Labor Party should think very deeply about this question because it will increase the rates in their various local authorities and result in a situation where equal people are treated differently. If one particular council, say Fremantle which is very orientated towards increasing social services, could do such a thing while a council in a neighbouring area did not, one would see a great disparity between people of equal means. They will be treated differently.

I think the allocation of social services to people such as old age pensioners should be provided by the Commonwealth Government

to local government to carry out such activities. Local government could do this on behalf of the Commonwealth Government, which could nominate the services it wanted local government to carry out and provide the funding necessary. Local government should then be able to coordinate and deliver that service. That is the way to go. Many services could be better carried out by local government but there needs to be a clear determination of which Government is responsible for which service.

It would not be difficult to determine that. The Commonwealth would have certain services and the State Government would have certain services. Those two levels of Government could allocate the revenue to local government, which could act as an agency for them on a number of occasions. The Opposition has no objection to that and when we come to that clause we should see whether there is not something that we could do to make that acceptable, in the interests of the economy of our country, local government, and the consumers of the services.

I hope the Minister will be able to concede that point. There has been rejection of his presentation before in respect of the introduction of broadening the scope of social services. This is one area where the Minister could agree to put differences aside so that members could work together to bring about the coordination and delivery of such social services. One also needs to remember that we have the ability to carry out certain services in this country and we have the ability to broaden the introduction of such social services and to implement various facilities. However, such introduction needs to be specific. If one wanted to build a facility in Gnowangerup, Manjimup, or Morawa, one could do so and local government would carry that general project through. That is what needs to be done in the interests of delivering the best services to local government for the consumers and in the best interests of our nation in respect of its economy.

If this does not happen, there will be a continued abuse of services and the constant escalation of the cost of services which are constantly being duplicated or triplicated. This is certainly not in the best interests of Australia. If ever there was a time when this needed to be done, it is now. The Government's reaction to the Opposition's suggestions in respect of social services will be most interesting because the Government is supposedly interested in seeing that there is an effective management of such services. If the Government proceeds with the amendments before it in this regard, it will obviously be moving in the Opposition's direction.

I now refer to the payment of councillors, which is a major issue. Inflation is being used as an argument to increase the sums paid to councillors, but it still has the same philosophy of the toe-in-the-door approach with regard to payment of councillors.

Dr Alexander: It allows ordinary people to stand for and remain on councils.

Mr RUSHTON: They can stand now. I was an ordinary person when I stood for local council. One cannot say that because a person is rich he delivers the better service. Many of the people in councils are on very average or low incomes and they are quite often the best contributors to a council. I think it is good to have a good mix of councillors so that one can draw on different opinions. That is why I am very keen that there should be no party politicising of councils. As far as I am concerned we should attract a cross-section of society and as a result there need not be a huge cost structure being built up as people will not be moving into a party political structure which to a very significant degree increases the sums of money needed to enable people to contribute and to become elected.

I think it cost me $5 or $10 when I first stood—the cost of photocopying my personal platform. When one gets to a high profile type of election, quite a considerable amount of money needs to be spent. To my mind that is not in the best interests of the community. Local government should be available to all people and if there is a realistic recovery of expenses, that is desirable and can be worked out in a general agreement, if it needs to be enacted.

This is the beginning of moving towards providing salaries for councillors, and it will produce all sorts of anomalies. Firstly, there will be the situation where people who stand for local government will no longer be volunteers to do that service on behalf of their communities. How does one value how a volunteer should be paid as against another person who works for Apex or the Country Women's Association or some other organisation? What does one do to them?

Does one pay them? Of course not, because it would ruin their total contribution. I can draw a parallel: I remember that in a ward of our own municipality the councillors decided to

make the various sporting facilities free. Another ward had ground committees and did a lot of work, and it was not long before everybody was demanding that facilities be free throughout the municipality. The costs got to be horrific, and now everyone has to make some contribution. That is the sort of thing one has when there is disparity in payments in one area compared with another. We can bring forward so many cases, but perhaps it is better to discuss in Committee what should be done in relation to payment of members.

Looking at the areas about which the Minister was more specific, the principal matters included wider powers to provide human resources. We will debate that in Committee, but I hope the Minister will agree to something like the proposal I suggested—that we set the item aside and see if we can come to some common ground, because at the moment we are poles apart. Providing the power to pay allowances to members is starting down the track to paying salaries, and there are a lot of problems associated with it. We agree with the power to set certain fees and charges, but I make one suggestion in that regard: There is a power of veto provided in this item, and local government and I would like to see that removed so that it is truly autonomous. The Minister is saying that some local government authorities might act inappropriately, but there are checks and balances. Local government strikes its own rates at present and the Minister cannot interfere. It comes back to the people; they react if something is done inappropriately. I suggest the Minister should agree to amend this and remove the power of veto. That would be reasonable.

The Minister commented in his second reading speech that he would like to see all the associations in one body. I think that is totally inappropriate because they are different. I deliberately set up the local government liaison committee to take on board that situation. We saw the Local Government Association taking advantage of the Country Shires Association at the Sheraton meeting which the Minister attended and through its tactics destroying a considerable amount of faith in the idea of a joint association. I suggest it is in the common good of local government to recognise community of interest. There is no need to have one association, but there is a need to be respectful and recognise the special attributes of different councils. There is a need to recognise the difference and the appropriate needs of country shires as against metropolitan shires. I understand the Minister is working closely with the local government liaison committee, and has carried on and respects that organisation and attempts to negotiate changes. I believe it is worthwhile, and I do not see the need to have one association. We would lose some of the best aspects of both organisations through having that central power.

I have attended the Local Government Association as a member, and I was the Minister responsible for seeing that all metropolitan municipalities were joined together in the LGA. When I first became Minister in 1974 the City of Perth and the City of Fremantle did not belong to the LGA, and from time to time the City of Stirling made noises about leaving. I set myself the task of joining the municipalities together, so it cannot be said against me that I am not aware of the need for unity in local government. I have made a contribution.

One of the most rewarding tasks was to visit all local authorities in this State in my first 12 months in office as Minister for Local Government. It was rewarding because it created a feeling of unity within local government and it enabled me to understand more effectively their various needs, although my father had been in local government for a long time and I had been an elected member. Visits to places like Murchison, Sandstone and Wiluna and others were an eye-opener and made me far more tolerant and considerate of local government.

I was a little unhappy the other day to see a report—I am not sure who prepared it, perhaps the secretary of local government—on a comparison between Murchison and the City of Stirling, which made the comment that Murchison had nine members these days, or whatever the number was, and Stirling had 13. There is no comparison; each does a magnificent job. We can be very proud in this State that our local authorities represent all sections of the State—maybe Rottnest does not come within a municipality. Generally speaking local government administers the whole State. I think I was the first Minister to visit the Murchison Council at its present site—I think a Minister for Police had visited before when it was at a different location—and I was delighted to see how they carried out their task. There were six aeroplanes on the landing strip which had travelled huge distances. They have a big task; they care for the transport needs of the general area. Similarly, a municipality like

Sandstone demonstrates very clearly the reward for having local people to administer other local people.

It is the best system that we can envisage for our State. As far as I am concerned we would not want to change the associations' relationship. There is strength in what we have, and centralisation of these associations would diminish their effectiveness. Members should realise that the point of recognising local associations in this legislation relates to sales tax benefits they will enjoy.

I think the number of petitioners required for the division of a district should be changed. The Minister has included about 20 members. I think it would be worthwhile considering 200 members. That is not a difficulty. There are cases where that would be an applicable number. To have 20 members in the case of City of Stirling is a minute requirement. We could have 500 members depending on the size of the council.

The DEPUTY SPEAKER: Order! There is far too much chatter on my right. I am interested to hear what the member for Dale has to say.

Mr RUSHTON: I refer to the removal of the secretary's local government powers. The council should be responsible and not the building surveyors.

Basically this is a Committee Bill. We agree to most clauses. The Bill does highlight the philosophical differences we have relating to payment of councillors and the delivery of social services. I think it would be practical to make a change in that respect.

If I list my proposed changes, the Minister will have something to think about before I bring them up during the Committee stage. First, I would remove the requirement for the secretary of local government to be involved in building approvals. Secondly, I question the division of municipalities and the petitions they might have. With respect to the question of payment to councillors, the Opposition does not believe the situation should be changed at present. We believe there is room to modify that situation so we can be realistic about present-day costs. We do not want to embrace the introduction by regulation of a salary. We think that destroys the whole intent of local government members serving on a voluntary basis. A local government council is quite a separate organisation compared with the State or Federal Governments.

We are mindful of the economic plight of Australia. We support a reduction in the size of government, be it Commonwealth or State, and we do not want to see a duplication of costs by local government competing with the Commonwealth. We believe there is room for local government to be the coordinator and deliverer of many services.

Obviously, my colleagues have many points to raise relating to this legislation. The Opposition will be supporting the second reading but will also seek to oppose certain clauses if the Minister is not willing to agree to our amendments.

**MR CASH** (Mt Lawley) [8.05 pm]: I support the Minister's comments in his second reading speech wherein he said that he was about to organise the rewriting of the Local Government Act. We have had the current Local Government Act for many years. Instead of rewriting it, over the years we have tended to make amendments and it is starting to look like the Commonwealth Income Tax Act which people have talked about rewriting for many years but have never got around to the task. My only caveat is that I trust the Minister will continue to liaise with the various local government organisations to get their input and to see that the Local Government Act, as rewritten, reflects the real intentions, objectives and aspirations of local government itself and not just those of the specific political parties.

This Bill covers a number of areas within the Local Government Act. In general terms it could be said it is based on the concept of providing more autonomy to local government. Included in it are specific areas of additional welfare services. Later on I will go into that aspect, which the member for Dale mentioned. It is something the Opposition does not see as necessary or a good thing for local government given the various provisions that exist at the moment in the present Act and the fear of duplicating services and having local government enter into areas which could be better organised and managed by both Commonwealth and State Governments.

I refer to the idea of paying elected members for serving on councils. As has been suggested by the member for Dale, this is a proposal to which the Opposition cannot agree. During the Committee stage we shall put our case and outline some of the pitfalls that occur in local government when one starts paying people because they are elected members.

There are a number of other amendments within this Bill which will enable local goverments to get on with the job of governing their particular area rather than running back to the Minister for ratification in respect of resolutions they may have passed.

One area which interests me is the opportunity for greater use of infringement notices for minor breaches of the Act. As a former Mayor of the City of Stirling, you, Sir, would be aware that we worked together as fellow councillors and when I became the deputy mayor, there was a great need for us to cut down on red tape. I can remember when we used to sit at the City of Stirling council chambers hour after hour—sometimes past midnight—trying to determine whether certain people should be prosecuted through the court system or whether that was going too far. We had to have regard to the costs and the likely outcome of court cases.

I am sure, you, Sir, would agree with me that a greater use of infringement notices by local authorities would certainly cut down on red tape and the cost of prosecutions. It would give people—especially those in the building area where there are infringements against building bylaws—the opportunity to pay a modified fee and accept they had erred rather than take a local government authority to court and risk suffering the huge costs that can often be awarded against unsuccessful litigants.

I refer to the opportunity for local governments to set certain fees. I certainly see some merit in that. At the moment, under the Local Government Act, there is a requirement in many instances for a council to prepare a by-law just for the setting of a fee in respect of a service it is providing or offering its ratepayers or residents.

The provision of these by-laws and the need for them to be drafted by legal draftsmen obviously takes time and again is a financial imposition on the ratepayers and residents. The Minister's desire to extend the setting of fees by legislation is a very positive matter.

Another area the Bill covers is the power for the council to make regulations in respect of parking for the disabled; local government has been asking for that power for some time. There is no doubt in my mind of the real need for local authorities to have that power so that they can provide, or have shopkeepers provide, suitable parking for the disabled. The provisions within the Bill which will require the display of an ACROD-type sticker on the windscreen of a car will go a long way towards assisting those people.

Another area referred to by the member for Dale, and included in the Bill, is the decision by the Government to allow the three local government associations, as we know them today, to be incorporated under the Local Government Act. Although I have some questions as to the real reasons for this—they are not fully explained in the second reading speech—I understand from discussions with the Minister that it was included for general taxation reasons. I trust that the Minister will elaborate on this in due course. I do not see anything sinister in it but I do not know the precise reasons for bringing these associations within the Local Government Act.

Another area we can deal with during the Committee stage relates to the present situation—if the three local government bodies are included in the Local Government Act, what about the possibility of those bodies amalgamating or another local government body being formed? It will interest me to know how the Minister envisages dealing with either of those situations should they arise.

With regard to the extension of the provision of welfare by local government, which the Minister reflected on in his second reading speech, the Opposition cannot support this proposition. Certainly, it cannot support it when the definition of welfare is not set out within the Bill. It is a case of going back to comments made 18 months or two years ago in this place when basically the same provisions were put forward. A great deal of discussion took place at that time between people who had formerly been members of local government and others who had close association with local government. I recall telling the Minister that as far as I could understand the then current provisions of the Local Government Act allowed local authorities to do almost anything in the welfare area. The Minister said that was not necessarily true and that the Crown Law Department was raising some queries in respect of areas local governments were getting into. The Minister was asked to identify specific cases, and I cannot recall much discussion on that aspect. I would like to go through that area, probably in the Committee stage

It is my view that the current wording of the Local Government Act, having regard for the actions of local authorities throughout Western Australia over many years, is sufficient to allow them to do many things. It is sufficient to allow

them to do things which we, in the Opposition, regard as the province of local government. We may want to extend the opportunity for local governments to provide welfare—that is, to extend into areas of topping up social service payments or providing special cases of unemployment benefits to ratepayers or residents—but it may be argued that they are not yet covered within the Local Government Act. It is a matter of opinion, but one of the reasons that the Opposition is opposed to the extension of welfare provisions within local government is that no-one seems to be able to identify the particular areas they want to go into which are not presently covered by the Act.

When we start talking about welfare we must also recognise that the more we provide the opportunity for local government to get into the welfare area, the more we give the opportunity for duplication of expenditure. With the three levels of Government in Australia at the moment—Federal, State, and local—all wanting at times to do basically the same thing and provide basically the same service, we could end up with a very inefficient situation in respect of delivery of welfare services. If local government is to be encouraged to go into the welfare area it is incumbent on the Federal Government to fund the operations it requires the local government to move into.

I can remember on many occasions receiving notification from Canberra, or the State Government of Western Australia, advising local government that particular schemes were in operation whereby finance was available to the local government so long as it made a certain input into those schemes. On many occasions my fellow councillors at the City of Stirling were more than happy to try to seize $200 000 grants from the Commonwealth. However, on reading the fine print it was usually discovered that local government was required to contribute considerable funds, often on a one-for-one basis and, in addition, it had to provide office accommodation and the other facilities that go with the extra staff needed.

I can remember you, Mr Deputy Speaker, supporting me on many occasions when it was a case of the Commonwealth offering local government a belt but local government being required to buy the trousers or the balance of the suit. I can recall decisions refusing to accept the offer of the belt rather than committing ourselves to additional ratepayer expenditure on schemes which often stopped within 12 or 18 months of being initiated by the Commonwealth Government.

The payment of elected members has not been supported by the Opposition in the past, and the member for Dale set out the various reasons for that. I agree with the points he raised; if local government is to continue to be able to deliver goods at a grassroots level, there must be an input by the volunteers who have done so much to get local government going since its inception in this State. At the moment it is proposed to provide a $10 000 payment to a president or mayor, $3 000 payment to a deputy mayor or deputy president, and $1 000 payment to other elected members. That might sound good from the councillors' point of view but it is, in fact, the beginning of the end; it is the beginning of having full-time, fully-paid elected members in local government. Obviously, the extension to that is that local government will become more political than it is at the moment; that is, it will become a party political situation no different from the Commonwealth or State. It will be different perhaps only with regard to some of the activities it performs.

Another reason why we should not consider the payment of a salary or allowance as such to local government councillors is that it may cause people who are presently prepared to offer their services and are in receipt of huge salaries because of their professional expertise, to decide that if that is all the value the community is prepared to put on the services that they contribute, they would be better off returning to their professional practices and enjoying a considerable amount more than local government could ever offer them. More than that, we could find that instead of getting candidates for local government elections from the local community, political parties will choose those persons because of the salary that will attach in due course to the position. It seems to me that as soon as that happens, we will have destroyed one of the basic tenets of local government, which is that it is an organisation represented by people who are part of the local community and interested in providing a community service to their fellow citizens.

The payment of councillors has always been opposed by the Opposition, and I believe it should continue to oppose it. In the case of, for example, the City of Wanneroo and the City of Stirling, the Mayor of the City of Wanneroo was recently paid an allowance in the order of $18 000 a year; the Mayor of the City of Stirling is paid $15 000 a year. If we agree to these particular provisions proposed by the Minister, we would be short-changing those

people who run particularly large municipalities—in fact so large that by the time one adds up the City of Perth, the City of Stirling, and the City of Wanneroo, one almost has two-thirds of the metropolitan population of Perth.

I have already commented about the greater use of infringement notices, and have said I believe it is a positive step. It will cut down on red tape and reduce costs, which will be of benefit. As far as being permitted to make regulations for the various fees that local governments charge from time to time, I notice that it is proposed that some of these fees will cover camping grounds, swimming pools, straying stock, and those types of things. I support that proposition.

With regard to the ability of ratepayers or residents of a particular shire to petition the Minister, the Bill presently provides that 20 persons can petition the Minister to cause an investigation to see whether a local government authority should be divided. It seems to me, and this is also the view of the Local Government Association, that in the case of areas like the City of Perth, the City of Stirling, or the City of Wanneroo, where there is a huge number of residents—and I know in Stirling that number is in excess of 165 000 people—it might be practical for the Minister to give some consideration to a sliding scale. That sliding scale might work along these lines: Where the number of electors is less than 5 000, then perhaps we could use a sliding scale of 50 per cent, or 50, whichever is less. If there is in excess of 5 000 electors, then the appropriate figure might be 100. Where there was in excess of 10 000 electors, it would be more appropriate to use the figure of 200 if people wish to petition the Minister to give consideration to the division of a local authority.

That is a proposition which the Minister may consider in due course. If it is not moved by way of amendment during the Committee stage, given the discussion that is likely to occur during the Committee stage, it might be considered by the Minister or his advisers prior to this legislation reaching the other place, because I know from my discussions with members in that place that they also are concerned with the situation. The member for Dale recalled the fact that in the City of Stirling it would not be difficult to raise 20 people to sign a petition to have the city divided. In fact, if one went to an ordinary council meeting of that local authority, one could get 20 electors there on most nights. I am sure they would be prepared to sign a petition, even when they might not really understand the effect of that petition, if some argument was advanced that appeared to save them some money.

The Bill also includes a number of other amendments which, while appearing relatively minor, certainly speed up the legislative process in respect of local governments. However, it will also cut down on red tape, and if there is one thing I am in favour of, it is the fact that we have to try to cut down the bureaucracy. There are many shires at the moment which have people employed purely on shuffling papers, because of the wording of the Local Government Act. I believe if there is any way that we can streamline the Local Government Act and in turn reduce the bureaucracy that is necessary to manage local authorities generally in this State, and as such provide a saving to ratepayers or residents, we should take any opportunity at any time to do that.

So with those comments, I indicate my support of a number of the provisions of the Bill before the House. I obviously reserve my right to comment on certain areas where I believe amendments may make the provisions better for local governments.

**MR HOUSE** (Katanning-Roe) [8.28 pm]: I do not wish to go over in any great detail the comments that have been raised by the member for Dale and the member for Mt Lawley, but I wish to put the National Party's point of view on a couple of subjects dealt with in this Bill.

I agreed with the opening remarks of the member for Mt Lawley when he said there is no question that the Local Government Act is in need of a total review. I have held that belief for some time. If I am disappointed about anything, it is the fact that when this Government came into power some four years ago, one of the things that the then Minister said—and he is still the Minister—is that he would give greater autonomy to local governments and that the Local Government Act would be rewritten to include those things that would achieve greater autonomy. I was a councillor at the time, and I applauded that statement. I thought it was marvellous that we finally had a Minister who was prepared to do that. However, I am disappointed that, in four years, the changes have not been very great. Perhaps the Minister does still intend to address a few of these issues in a minor way, but there is a long way to go. I hope the Minister will get on with the major revision of the Act and get it into the Parliament as quickly as possible.

I would hate to see the erosion of the powers of local government in any way at all. I think that people in local government do a magnificent job, and I do not want to see the power they have to look after their local community taken off them, because that is exactly what they do. They are local people, making local decisions, and making them about the people that are closest to them. Local government is certainly the tier of government that is closest to the people.

I think other members in this House who have had some local government experience would agree that it is very interesting that local government authorities do not hear much from the ratepayers at annual electors' meetings when things are going well, but they certainly hear from them when they make a mistake, and if the electors think things are going wrong they certainly let the councils know. But I hold the view that that reflects the fact that most of the decisions made by local government are pretty good and in turn reflect the true reactions and views of what is happening in their areas and localities.

Having made one or two major changes to the Act the Minister now is seeing at least one of his chickens coming home to roost, and that is in the area where this Government has given power to electors to elect councillors. In an earlier amendment to the Act, the Government took away the power that once belonged exclusively to ratepayers, and said that all people who are resident in a local government area were entitled to vote for the councillors.

I just cannot believe that we can establish a system that allows people who do not have any direct responsibility for paying to make a decision about paying. That is what it is all about. If a local council made up of a majority of non-ratepayers can make a decision, for example, to build a civic centre that might cost half a million dollars and the council can increase the rates in order to pay for that facility, non-ratepaying councillors do not themselves have to pay. There just cannot be a government system in the world that would have that sort of inequity.

Mr D. L. Smith: Do you think unemployed people should. not vote at Federal and State elections?

Mr HOUSE: If we in this Parliament make a decision about taxes we ourselves have to make a contribution to those taxes and whatever rates we levy; so I cannot see how we can have a majority of people, which is the case, elected to a council who could make a decision and not have to be personally responsible for paying out of their own pockets for that decision.

Mr D. L. Smith: The children of pastoralists are not ratepayers even if they are adults. Should they have a vote at local government elections?

Mr HOUSE: I hope the member for Mitchell has the opportunity to speak to this Bill because I would be interested to hear his views. I am putting my point of view now but I would be quite happy to listen to him later.

Of the 17 major changes contained in this Bill there are two or three that are very important; the rest are minor. The main change relates to the provision that will allow local governments the authority to provide welfare services. I am not arguing against that provision; indeed, I would support it as I have supported any provision for greater autonomy for local government. However, there must be some fear and trepidation on the part of those people who are involved in local government; it is all very well to give them the power but then we have to fund the welfare services they are going to provide. Originally welfare services were provided by the State and were then expanded to the Commonwealth; they now seem to be coming back almost directly to local government. In an era when local government is feeling the financial pinch, as are all Governments, I hope this is not a sign that the State Government is seeking simply to foist back onto local government an area of responsibility it does not particularly want without the appropriate funding that should go with it. Local government can ill afford to have an extra cost imposed upon it without some form of assistance in revenue.

That brings me to the point of the Local Government Grants Commission and the argument that is always put forward by those who support the concept that we should allow everybody to vote in local government elections whether or not they are ratepayers. It seems to me that the Local Government Grants Commission, in its recent assessment of country areas, has made some fairly dramatic changes. Those changes reflect what the commission says are changing conditions in the country. I advise the House that in 1986-87 the Shire of Gnowangerup received a grant of $244 963; in 1990-91 it will receive $140 407, a drop of $104 000 over that four-year period. What we are saying to that local authority is that it can have extra responsibility and that all the people

in its area have been given the right to vote but that it will receive a decreased grant from the Local Government Grants Commission.

That is not an isolated case. I will back up that argument by giving members an example from the Shire of Lake Grace. In 1986-87 its local government grant was $298 834; in 1990-91 that will decrease to $149 030, a fall of about $150 000. There are other similar examples in my area and it seems to indicate a transference of funds to the city area from the country area; the slice of the cake is no bigger, so obviously it is simply being redistributed.

If the Minister is fair dinkum about giving local governments greater power, he should look at the funding side of the issue. The current situation has been brought about by some of the decisions of the Grants Commission. I am sure the Minister will tell this House that the commission is an independent body. It might be independent but it is made up of people who have a vested interest in particular areas, and maybe they do not understand what they are doing to some areas. If we take from towns the size of Lake Grace and Gnowangerup and give to towns the size of Narrogin, Katanning, Bunbury, or Albany, all we are doing is instituting a greater system of regionalisation in this State which certainly will not benefit the people of those small towns in the long term.

The second main area of concern to me in the Bill is the extension of rights which are now limited to ratepayers. The purpose of this Bill is to extend those rights to all electors. I cannot for the life of me see why it should be the province of electors—in this case I am talking about those electors who do not own land; they might be occupiers of houses within the area—to be able to inspect the rate book which clearly shows the land-holdings and base rate valuation of people within that district. That seems to me to be an invasion of the privacy of those land-holders.

The third area of this Bill of major concern to me is that the Minister has often stated that he is in favour of greater autonomy for local government. However, in the section where he provides the ability for councils to set fees and charges, he immediately sets into the legislation a provision for ministerial veto. That is no different from what we have had before. In the previous Act it was the Governor's veto and I am sure those of us who know a little about how these things work realise that in reality it would have been a ministerial veto. If the Minister is serious about autonomy for local government, why did he leave that section in the legislation? If councils do not act in a responsible manner, obviously they will be answerable to their ratepayers in the same way as anybody elected to a position will have to be answerable at the ballot box when the time comes.

I want to refer to an issue canvassed thoroughly in the argument put very succinctly by the member for Mt Lawley. It does need to be repeated. It concerns the area of payments and allowances for councillors. I want it put on the record quite clearly that the National Party is opposed to the provision of payment for councillors. It is interesting that this issue has raised its head at many local government authority meetings around the bush, and also at meetings at a higher level in the city at the annual general conference. The issue has never been supported, to the best of my knowledge, by any meeting that I have attended, whether of my local shire council, or the local branch of the Country Shire Councils Association of the great southern region, or, indeed, by the annual association meeting in Perth.

I do not believe that there is any great ground swell among councillors to be paid. I do not think there is any necessity for that. People who argue that it allows the "ordinary person" to become a member of a council are largely out of touch with the way councils operate. I have never seen anyone precluded from standing for council because of lack of payment to councillors. If we are to talk about paying them, we open up a Pandora's box of questions such as how much they are worth and how much time they spend on council matters. The best way to go is not to provide payment to councillors.

I turn now to the question of the need for three local government associations. The quickest way to buy an argument in local government these days is to come down strongly on the side of having one body or two or three, because one generally finds that people will accept either one or two associations but will argue about having three. Representations for three bodies from people in this place usually come from members who have a CSCA organisation in their electorate.

If we fragment local government any more than it is, we are really on the wrong track and will open up a situation where the 139 local authorities in WA are represented by three associations, which seems to be going too far. I prefer two associations and I strongly argue that way because there is a great difference be-

tween matters considered important among local government in the country and matters considered important by local government in the city.

Mr Rushton: Large country towns like Bunbury still join with country shires, but have their own association.

Mr HOUSE: There is a provision within the Country Shire Councils Association to incorporate those associations into its system.

Mr Rushton: They have had that facility for a fairly long time.

Mr HOUSE: Yes, and we could have a pretty good argument about this, as I said. There is a great divergence of opinion among people I represent and I am sure among the people the member for Dale represents. I am expressing my opinion, whether it be right or wrong.

The next topic I mention is one I will go into in greater detail when in Committee. If I have read the Bill correctly, it will give local government electors the right to lobby for the removal of property which is really the property of ratepayers. The Bill seems to give electors the right to differentiate between electors and ratepayers. I do not want that to happen. I believe that only ratepayers should elect councillors, but I am realistic enough to understand that what we have is what we must live with. I do not want that power to be taken from ratepayers and given to electors generally. I want to see the rights of ratepayers protected, because ratepayers are the ones who have provided the finances and they are still the ones providing the great majority of finances in local government today.

Mr D. L. Smith: About 50 per cent.

Mr HOUSE: It is a lot more than that. The member should have a look at the budgets of some local authorities.

The provision to give councils the right to issue infringement notices for specific offences is a good one, which I support. It is something that could be expanded as time goes by. It is a first step in a whole range of areas that could be upgraded to allow local government to make its own decisions.

The National Party largely supports this Bill although it does have some reservations about its not going far enough. During the Committee stage we will certainly be opposing the payment of councillors and having more to say about the provision of welfare services.

MR WIESE (Narrogin) [8.45 pm]: Having come virtually straight from local government and, indeed, still being a part of local government until this Friday, I find it interesting now to be a member of this House and commenting on and passing judgment on local government matters, and especially on changes to local government.

Once again the Parliament has before it a series of seemingly minor amendments which, quite interestingly, are basically acceptable to local government in general. I make that assertion on the basis of having talked to members of local government in my electorate, as no doubt most members have done.

What we have with these amendments is a slow whittling away of local government autonomy, and a slow series of changes to local government as it was in years past when I first became a member of local government. We are seeing many small changes which many people in local government would prefer not to see.

Over the time that this Minister and this Government have been looking after the affairs of local government we have seen a continual process of slow, small changes made to local government in a way which has surprised many people, and which in fact has changed local government quite considerably from what it once was.

The implementation of adult franchise for local government elections has had a big effect on local government, whereby now every person in a shire is able to vote at local government elections without having to be a ratepayer; all people can have a say in how money raised by the shire is spent without their needing to have any financial stake in the affairs of the shire, because they do not need to pay the rates which foot the bills in order to qualify for a vote.

Further changes have been made which affect ward boundaries, and these changes are having quite an impact on local government compared with what local government was years ago. These changes are not acceptable or wanted by a great many ratepayers and councillors, certainly not out in rural areas. However, these changes are being forced on them, once again very slowly and subtly by the present Minister and his Government.

Local government is agreeing to these changes because, quite frankly, it has no other option. If it does not accept the changes it is

being told in no uncertain manner that the changes will be made for it. That is the way "agreement" is being reached.

It is interesting to note that an amendment to section 191 gives local government the power to set fees by resolution. In other words, local government is being given more autonomy. Local government has been pressing the Minister for that power for a long time. However, the Minister will retain the power to overrule councils. The situation will be that the Minister will only grant that power to councils and to the people when it suits him.

Another area which has been well canvassed by previous speakers, but upon which I want to make some comment, is the move to introduce a payment for councillors. It is a seemingly small step for councils, but again, when one considers it, it is a very significant step. This Government is slowly, gently, and subtly making more changes to our system of local government. I do not believe that local government has been asking for this provision. Until now, local government has been well served by many dedicated people giving freely of their time and effort with a desire to improve their communities and to provide amenities and improvements for people in towns, shires, and cities. This Bill attempts to "politicise" local government by introducing a payment for councillors. I thoroughly agree with the comments made by previous speakers on this matter.

An interesting sideline to the introduction of this payment is that the legislation intends to set a maximum figure that councillors, presidents, and deputy presidents, will be paid. That is fair enough. However, some ratepayers in smaller council areas, including the Shire of Narrogin, will be extremely upset if their councillors are paid anywhere near the maximum fee suggested in the legislation. The fees, for instance for the Shire of Narrogin, would be in the vicinity of $20 000, causing a rate rise of 15 per cent. However, the greatest problem is that the councillors themselves will be put in the position of having to determine the payment for their services. I believe that will be extremely awkward for them, because no matter what they determine, they will be in a no-win situation. It would be interesting to see what would happen if we returned to the situation of having to determine our salaries. I do not believe many of us would want that to happen. I believe councils will find it extremely difficult to cope with the situation they will be placed in if this amendment is accepted.

Another amendment to the Act has not been commented on by previous speakers. I touch on it only because I find it interesting. The amendment will empower councils to make payments to people who have suffered injustices as a consequence of an omission or decision of a council. I am not completely opposed to that change because I know that councils have found themselves in the situation of having to make that decision. However, I want the Minister to provide me with examples of the types of circumstances which might give rise to the use of these powers.

I wonder whether there should be a requirement in the legislation for councils to advertise their intentions to use those powers prior to their exercising the power. It would be a safeguard for the ratepayer and, because it would be a safeguard for the ratepayer, it would be a safeguard for the councillors.

Welfare provisions have been spoken about comprehensively by previous speakers. I therefore do not intend to delve into that question very deeply other than to say I believe that councils should have only a limited role to play in welfare issues. They should deal only with short and medium-term care for people who find themselves in urgent and desperate circumstances. I am aware that councils very often become aware of many of these circumstances before other agencies in the community. I believe that councils should step in and provide immediate short-term welfare or assistance to those people. If they go beyond that, though, they begin to duplicate and even triplicate the work done by State and Commonwealth departments and agencies. I believe that once the council has dealt with the immediate short-term requirements of these people, they should be funnelled through to the State and Federal welfare systems. I do not deny that local government should provide a third tier of short-term assistance for needy people.

I also believe that local government's role should be limited in the provision of buildings and of services outlined in the clauses dealing with welfare. The ratepayer already pays for those services when he pays his rates. He is also paying for services when he pays his taxes and charges to State and Federal Governments. I believe the ratepayer is being hit hard enough at the present moment for the services being provided.

As I said, I believe this Bill is an example of the slow, inexorable determination by this Government to reshape local government, the

third arm of Government. The Government is doing this regardless of the wishes and desires of a large section of the community.

Many councils and councillors are basically opposed to many of the changes and innovations introduced by the present Government at present because they see local government being changed into the type of local government that they do not want or need in the country.

**MR LEWIS** (East Melville) [9.00 pm]: Although the amendments in this Bill appear innocuous they will have a profound effect on local government. The provisions which will have a large effect are: The proposal to pay councillors a stipend if a council so desires; the provision which categorically includes welfare within the ambit of local government; the ability for a building surveyor of the council to issue a stop-work order without the authority of that council; and the ability for a council to make ex gratia payments. They may seem rather simple and inconsequential amendments but they involve a great deal of change to the fabric of local government.

I accept that previous speakers have highlighted my concerns but I would like to go through them again and express my opinions. It is ridiculous that 20 people can petition for a division of a municipality or a local government council. Local authorities such as Wanneroo, Melville and Stirling have ratepayers ranging in number from 70 000 to 160 000 and it is totally inadequate to allow 20 people to petition for a change. Perhaps a set number should be established for a shire, a town or a city.

Previous speakers have referred to the proposal to allow local government to set fees. I applaud this amendment; it has been a long time coming and I compliment the Minister on introducing it. However, I also suggest that he is giving with one hand and taking back with the other; if a local authority and its elected members stand or fall on the basis of their performance and the decisions they make for the community, by way of setting rates and expending funds, they should also have the responsibility, without the overriding veto of the Minister. If this provision is not accepted as reasonable by members on this side of the House, I am quite sure that the Bill will be amended in another place.

Another aspect of the Bill which has not been referred to by previous speakers is the provision which makes it an offence for any person who is not disabled to park in an area set side for disabled persons. This offence will be subject to a maximum penalty of $80. I applaud this provision. I am aware that one of my constituents has been placed in a very distressing situation on two or three occasions within the City of Fremantle by people wantonly parking in areas set aside for disabled persons. These were able people who were parking in that area as a matter of convenience. I compliment the Minister on including this provision in the legislation.

We all know that the Local Government Act is an ultra vires Act whereby it has been accepted for many years by a range of learned counsels that if something is not specifically written into the legislation, the local authority cannot do it. That, of course, is demonstrated by these very simple amendments; for example, we must include the word "hire" so that people can actually hire something from a stall. I have always felt that the Act should be rewritten; I know the Minister gave an undertaking previously to do so and the previous Government was moving down that path. When the Act is finally rewritten I would like it to include incidental powers; in other words, if there is a power to sell, it will be accepted that there is a power to hire. With a little forethought a new Act could be drafted whereby matters incidental to the intent could be included without the need for further amendment at a later stage.

I have personal concern about the proposal in this Bill to remove from the secretary of local government the power to put a stop-work order on a building. I accept the contention that it is antiquated and restrictive with regard to the powers of local government. Notwithstanding those remarks, it is dangerous to the extreme to put those powers solely in the hands of the building surveyor of a local government. It is only right and proper that the elected council should have the power and should act on the recommendation of a building surveyor or town clerk to issue a stop-work order. We all know of instances when a stop-work order could cause the loss of $10 000 a day in the ongoing construction of a building.

I am sure many members have had experience in local government of certain officers becoming prejudiced against certain individuals. It is said they have it in for them. That is the very reason we have elected councils—because elected councils temper the decisions of planners, health surveyors and the like who could otherwise cause financial injury or malicious damage to a third parties.

It is fundamental, if one has an elected council, to make decisions on the basis of the Local Government Act. The power to issue a stop-work order should be vested only in that elected council. For that reason I shall be moving an amendment during the Committee stage.

Getting back to the philosophy of whether ratepayers or owners—or indeed full adult franchise—should be the basis for the election of a local council, I have a very firm and strong belief that the only people who should be eligible to elect a local council are the owners and occupiers of the properties within that council or municipality.

That is highlighted particularly with the circumstances which currently exist in the Shire of Wiluna. That council, elected by a majority who pay no taxes at all, has the absolute power to spend all the funds of that council as it desires.

Mr Carr: Do you know how much income the shire gets from rates?

Mr LEWIS: I can accept that in the case of Wiluna it might be 80:20. I do not know. I am talking about a principle.

Mr Carr: It is about 98:2.

Mr LEWIS: Fine. But I am talking about a principle. I am drawing to the Minister's attention, and also to the attention of the Minister for Transport, who thinks this is rather funny—

Mr Troy: I think your attitude is rather funny.

Mr Rushton: Whose money is it?

Mr Carr: At 98:2 it would hardly be yours.

Mr Rushton: It is local people's money in taxation.

Mr LEWIS: I draw the attention of members to the fact that ratepayers also pay taxation. In fact, in an ironic way, they are disfranchised because they pay their taxes, as do the people who do not own property, who are not occupiers. This does not cut across the situation with Wiluna.

I suppose a simple analogy is the wellness club. A member would pay, say $500, and the wellness club is run by a committee of members of that organisation. I cannot accept that any third person can demand to have a say in how those funds are expended.

Mr Carr: That is a very poor analogy.

Mr LEWIS: Let us turn it into a football club, a cricket club, a sporting club or whatever. The wellness club is like any other club. Club members put up the initial funds for the buildings, equipment, or whatever, and pay fees to enable that club to continue to exist. A third group comes in and says, "We are going to run this club; we do not care whether you have paid for it or whether you have contributed funds to it, we have the vote, and we will tell you how to spend your funds." I cannot accept that proposition as being reasonable and fair.

I also cannot accept a local authority being made responsible for welfare. Welfare has to do with Federal and State Governments. It has no place in local government, other than that local government has to administer the funds set aside specifically for welfare by State and Federal Governments.

Mr Carr: But it is questionable whether the Act allows them to do that now. That is what we are correcting.

Mr LEWIS: I have had considerable experience on a local council, and the council on which I had experience at no time had any doubt that it had the ability to expend the funds which had been granted to it for specific welfare items. The critical thing in this part of the debate is whose responsibility is welfare. Do we go down the line and say that health is now the responsibility of local government?

Mr D. L. Smith: It has been for a long time.

Mr LEWIS: To correct the member for Mitchell, health is under the jurisdiction of the Department of Health. Local government's responsibility is only to administer the Act.

Mr Carr: So local government is involved.

Mr LEWIS: It is under the jurisdiction of the State department. It does not have an open book to do what it desires in the health field. The Act is very tight in respect of health matters in this State, and properly so. It should be administered by the State. What I am suggesting is, if we want the Act to give local government responsibility for welfare, it should be done on the basis of a State Act using State and Commonwealth funds only. Then we would be willing to agree right across the State.

Local government was formed some 80 or 90 years ago as a result of concerned people in the community being worried about the conditions of their roads. They formed themselves into bodies to maintain those roads. That was the genesis of local government in this State. From that we went on to parks. It became accepted that local government looked after the local

oval where people kicked a football around. Then it picked up the health responsibility from the State Government—and rightly so. Then it gained control over matters to do with building. In the last 30 or 40 years the planning monster came upon local government.

Local government very easily embraced the planning process and forced more controls onto the community. Of course all these community services came from the genesis of a group of people who were concerned about maintaining the roads in their district. Now we have the whole spectrum of local government services and the Government wants to push welfare in there again with the unfettered situation as to the amount of money a council can spend. One could have the situation of a council which does not represent one ratepayer within a local authority spending all of those funds if it so desired on welfare. There is no definition of welfare, so I categorically oppose the ability of local government to pick up that other monster called "welfare".

We live in a country that is not travelling too well. Our Premier and our Prime Minister have both said that we have to rein in Government and Government expenditure. Here we are giving the greatest imprimatur of all time to local government to go out and spend more money. I suggest that before we expand Government further—Government which in this country through its local, State, and Federal bodies gobbles up 44 per cent of the gross national product—we should just think about limiting the power of local government and whether indeed it should be tampering with welfare and spending its funds on welfare.

I would like to touch on the ability of local councils to pay an ex gratia payment to someone who has been unfairly treated or who has been placed in a situation where he has been financially injured or the like because of the actions of a council and its decisions. Members may have heard me previously refer to matters of nonfeasance and misfeasance within the community. I made a speech in November 1986, and for the benefit of the member for Narrogin, who has now left the Chamber, I defined the situation that can exist whereby local councils do things that cause injury to people, particularly financial injury.

I will quickly recap on nonfeasance and misfeasance, which I believe the Minister should certainly look at and incorporate in any redraft of the Local Government Act. Nonfeasance occurs when a council knows about a rut in a road or a dangerous situation with a building and does nothing about it. That rut in the road may cause damage or an accident to occur or part of a building may fall off and injuries to person or property may result, but because the council knew about it, but did nothing about it, it cannot be sued under common law. That is called "nonfeasance". However, if the council knew about the rut in the road or about the building and tried either to patch the road or repair the building, and damage still took place, that council can be sued. That is called "misfeasance". I strongly believe that the Local Government Act should be amended so that insurance companies cannot hide behind this common law, which comes from English law, and do not pay out on a matter of nonfeasance when they should.

I believe that the amendments to this Act give a local authority the ability, where it sees that damage has been done possibly through its negligence or its lack of action, to make restitution.

Mr Carr: The question of nonfeasance has been the subject of Law Reform Commission reports and has been the subject of a fair bit of negotiation between the Attorney General and the Local Government Association over the last two years. I am not quite sure exactly what stage they have reached in respect of an agreement but certainly it has been the subject of a considerable amount of discussion.

Mr LEWIS: I was aware that things were happening but I have a constituent who was very badly done by. I believe this clause will give that council the ability to pay people where previously they have not had that ability. However, within the legislation are other very simple amendments like the need to keep a special parking fund. It may be questioned why a parking fund was specifically set aside. I think that unfortunately parking has become a fund-raising source for local government. Indeed in the first instance it was never intended to be so. It is very specifically written into the Local Government Act that a parking fund had to be accounted for separately. The idea of that was to ensure that the parking fund did not become a burden on the ratepayers. The whole thing has now swung around and it has become a very big revenue-earning mechanism for certain local government authorities. Perhaps some of these local authorities are now embarrassed by the amount of money that is raised by these parking funds, and for that reason they see there is no longer any need to keep that as a specific account. Although I have no argument one way or the other, I thought it was rather

ironic that in the first place the local authorities wanted it there to make sure it was not costing them too much, and now they do not want it there because they are embarrassed by the amount of money that is raised through parking.

I believe that this legislation is quite subtle and will have a quite profound effect on local government. There are four or five things within it which fundamentally I cannot accept. I am very pleased to see that the National Party does not accept them. I hope that the Minister pauses and thinks a little about whether to pursue seriously these particular amendments, particularly as to the payment of councillors and the ability of councils to expend unfettered their rates and revenue on welfare and other matters.

Once people did things in the community because they wanted to do them. It was like being the president of a bowling club, or the secretary of a hockey club, or the captain of a cricket team, or even the president of the orchid society. People do things because they want to do them; they do not do things because they want to be paid. They do things because they have a community interest in the common good of their community. I think it is a retrograde step that, after so many years of local government rejecting payment, the Government is once again trying to give the councils the ability to pay their councillors. More disappointing still is that the amount to be paid will be paid by regulation as prescribed. To my mind that is the thin edge of the wedge.

With very little difficulty the Government, at the discretion of the Minister, can up the ante and maybe in 10 years' time we will have full-time local councillors. People go into local government because they want to help their community and do things for others. The introduction of payment is a retrograde step. If there is to be the ability to pay, I would prefer to see the amounts of $1 000, $3 000, and $10 000 written into the Act so that any proposed increases will have to come back to this Parliament to be approved.

**MR CARR** (Geraldton—Minister for Local Government) [9.31 pm]: I thank members who have spoken and in particular to the extent that they have expressed support, although I note that it is rather muted in some parts. Each of the members who spoke welcomed the announcement by the Government that it will rewrite the Local Government Act. That is significant because there will be a major change in the structure of that Act. It will not be, as the member for Dale appeared to believe, a rewriting of the existing Act in its present form. It is intended to be a complete restructuring of the Act.

The member for East Melville spoke of the undesirability of the present structure where the Act lists the things local government can do and therefore brings about a situation in which every time circumstances change or there is a new initiative or a change of technology we have to come here to add to the list. So it is we have come here at times with things such as allowing councils to locate television reception dishes in their area, and the like.

We propose a much simplified Act written in a general competent style; that is, an expression that a council is able to make such laws as are appropriate for the good government of the municipality it administers. While there will be some guidelines as to how it will operate, it is our view that the turning-about of the approach will lead to a much more simplified approach to local government.

Mr Rushton: What is the timing of that?

Mr CARR: We embarked upon it this year as a major research project in the department. One fellow will lead it full-time, supported by other departmental officers. I think it would be a 12-month project at least and I hope, therefore, to have legislation before Parliament probably in the second session of next year. That is a possible time frame. I make the point that it is not something which can be done overnight.

Mr Rushton: I think you are optimistic with that programme.

Mr CARR: Maybe.

A number of members questioned our commitment to autonomy for local government. That surprises me because I believe the Government has runs on the board as far as this aspect of local government is concerned. I will refer to a couple of examples; firstly, the changes we have made to the rating system with the removal of the maximum level of the minimum rate and the introduction of differential rating. That has been a major reform of local government. It is something previous Governments were confronted with and talked about for a long time, but it was only when we came to Government that we were prepared to do it. It has been taken up by 25 to 27 local governments and we have been hearing some good feedback about the success of that measure, which greatly enhances autonomy.

With regard to the 250 sections and subsections of the Act which require a council's decision to be approved either by the Minister or the Governor, we have amended 25 per cent of those provisions and are working continually through those measures. At each point councils are being given more opportunity to make their own decisions.

It is interesting that members who spoke tonight said most of the changes in the Bill had been welcomed by local government. Each speaker made the point that consultation had taken place between members opposite and local government, and there was a generally strong expression of support for the measures we were implementing.

Mr Lewis: Not all of them.

Mr CARR: I know, but most of them. Indeed, I would go further and say I have local government support for each of the measures in the Bill.

Mr House: What about the Municipal Officers Association; did you consult them?

Mr CARR: Not specifically on the matters contained in the Bill.

Mr House: They are a pretty important group in local government.

Mr CARR: We are in general consultation with them from time to time on various issues, but I have not specifically canvassed these particular amendments with the MOA.

Mr House: Would that be usual?

Mr CARR: I suggest we have had more consultation with the MOA and the Municipal Employees Union than has any previous Government.

Local government itself strongly supports the package of amendments before the House, and in that context it is a little surprising that the Opposition has been inclined to query so many amendments during the course of the debate. A number of members canvassed a range of general local government issues not in the Bill, and I will refer to some.

A number of members said the amendments should be opposed because they constituted an attempt by the Australian Labor Party to introduce politics in local government. I have heard some hoary chestnuts in the time I have been in this place, but none to match the suggestion of politics in local government. Every initiative made by any Labor Government anywhere in association with local government has been opposed by conservative forces on the grounds that it will introduce politics into local government. It is already there as everybody knows, more so in some councils than in others. In some councils there is not a great deal of political influence. I noticed the member for Mt Lawley expressing surprise. There are some councils where there is strong political influence. It has been that way for a long time. Forces come and go in different places, and it has nothing to do with legislative amendments put in place over a period of time by this and other Labor Governments. It is one of the issues conservative people like to throw up because they know the expression "politics in local government" will scare off a few councillors and lead to opposition to a new initiative.

In that context reference was made to the adult franchise question. I say clearly and firmly that the Government in no way apologises for or retreats from the introduction of adult franchise in local government. We regard it as one of the important initiatives we have taken, and we see no need to apologise. Some members have pointed to the Wiluna situation as an example of where this process has gone wrong. I flatly deny that and say that what has happened in Wiluna is very interesting because it has turned around a serious injustice.

The situation in Wiluna is that on the latest figures available, which are in the Local Government Department's annual report made available to members today, the rates in Wiluna in 1984-85 were $16 400 out of a total revenue of $691 000. In other words, between two per cent and three per cent of the shire's total income came from rates. The rest of the income was as follows: $170 000 from general purpose grants; $358 000 from specific purposes grants; and $146 000 from various other revenue sources. For years almost all the revenue of the Wiluna Shire came from sources outside the shire—from various Government sources for various projects. That money was largely given on the basis of the population that had to be serviced.

For years there were no Aboriginal people on the Wiluna Shire Council. It could be argued that it was a considerable injustice that there were no people on that council who were in any way connected with the Aboriginal community. The shire's money was being used to provide services for the Aboriginal people without their having a say in how the money should be spent.

Mr House: What about quoting the figures for the City of Stirling?

Mr CARR: Why?

Mr House: You are alluding to the fact that the decision to introduce this system was right. You have used, as an example, the Shire of Wiluna as being at one extreme, but I do not know whether the City of Stirling is at the other extreme.

Mr CARR: The figures for the City of Stirling will not justify or detract from whether adult franchise is a good system. I understand that the majority of people in the City of Stirling would have been on the roll before this system was introduced. The figures are available in the book that I have in my hand and members can read them if they desire.

The point I am making is that in regard to the Shire of Wiluna members opposite should not hold up their hands and say that everything was fair and even-handed before, but that something terrible has now happened.

Mr Lightfoot: It is terrible that the multi-million dollar pastoral industry and the multi-million dollar mining industry are not now represented on that shire.

Mr CARR: I can well understand the concern of the people who are contributing to that shire and who were not successful in having their candidates elected to represent them on the council. I suggest that a fair balance would be to have some representatives from the pastoral areas as well as some representatives from the Aboriginal communities.

The point I am trying to make is that people who are now saying how terrible the situation is at Wiluna should think back to the situation which prevailed three years ago when the boot was on the other foot. At that time there were no suggestions from people that the Aboriginal population, which makes up three-quarters of the population of the shire, was not having any say in how the money allocated to the shire was distributed.

Mr Lightfoot: They did not care about it.

Mr CARR: What does the member for Murchison-Eyre mean by that? They did not have a chance to be on the roll. This Government gave them that chance and it will not retreat from its decision.

Mr Rushton: It will when there are riots.

Mr CARR: Riots!

Several members interjected.

Mr CARR: Before I cover the issues raised by members relating to the Bill, I refer to one issue which is not directly related to it. I refer to the issue raised by the member for Katanning-Roe concerning the Local Government Grants Commission. He expressed concern about some councils which were faced with the prospect of considerably reduced grants.

I would like to make a few comments about the Local Government Grants Commission. Some reference has been made to the commission and to the concern of some people who do not fully understand the situation which exists in particular parts of the State. I point out first that it was this Government which appointed three local government-elected people to the Grants Commission, thus giving local government the majority of elected people on the commission. In fact, two of those representatives are from the country—one represents the Country Shire Councils Association and the other represents the Country Urban Councils Association.

Secondly, it was this Government that opened up the guidelines as to how the funds would be allocated. Historically, there has been criticism of the operations of the Grants Commission because the guidelines for the allocation of funds were not clearly spelled out. A number of councils queried its actions. If a local authority received a large grant it was happy, but if a local authority received a small grant it was disappointed. Local authorities did not have a clear understanding of how the funds were allocated.

This Government opened up the procedure and the guidelines for the new financial year spell out, in considerably more detail than ever before, how the funds will be allocated.

Members will be aware that a series of seminars will be held around the State and that I have sent to each of the members of Parliament a set of guidelines as drawn up by the Grants Commission. In order to gain an understanding of the guidelines I take this opportunity to inform all members that they would be well advised to attend one of the seminars which will be held at the local authorities in their constituencies. If they have any queries they will have the opportunity at the seminar to raise them with the Grants Commission.

Any council that feels aggrieved by the allocation of the Grants Commission will have the opportunity for direct representation to the Grants Commission to set out its case. I am fully confident that, while there will be some changes in the allocation of funds, they will be in the best interests of local government.

Mr House: Is there any appeal above that level?

Mr CARR: I, as Minister, will have the power to ask the Grants Commission to reconsider its allocations. However, there is no power for the Minister to say that a certain council should receive more funding and another council should receive less funding. I would not want that power.

Mr House: I understand that, but if they feel aggrieved they could put a case which would allow you to make a decision to ask the Grants Commission to reconsider the allocation.

Mr CARR: Yes, that would be done more on a general basis rather than a specific basis. If one of the associations came to me and said that there was a widespread detrimental impact on a category of councils, I would have the power to refer the allocations back to the Grants Commission and ask it to reconsider them. When its decision came back to me in an amended form or in the same form, I would not have the power to take any action.

I will move on to the more specific items raised in the Bill. The first concerned the payment of allowances to councillors. I hasten to emphasise that we are talking about the payment of incidental expenses, not the payment of salaries to councillors. There appears to be a fairly strong reaction against this among members opposite.

I thought the member for Dale said that there was a possibility of his embracing some change. He did not spell out to me what sort of change he would be willing to embrace. I would be interested to know what sort of change he would consider to be appropriate.

One aspect of the debate on this issue was the comparison of local government councillors with members of Apex Clubs and the CWA. It is an unfortunate comparison. It is true that they are all voluntary organisations and that, at the moment, councillors give their time voluntarily. That is where the comparison ends.

Whether members like it or not the local government system that we have is a significant part of the three-sphere system of government. It has the opportunity to play a governmental role within a community; and comparing elected councillors with people who have joined the CWA, Apex Clubs and other service clubs is putting down local government. It is an insult to local government when one considers the type of responsibility it has and the circumstances under which candidates become elected to local councils.

Local government is extraordinarily different from service clubs. To say that local government councillors should not be paid because members of Apex Clubs are not paid is, to my mind, quite an insult to the part that local government plays in our community.

It is not a matter of having to be paid to do something. It is a matter of saying that local government is so important to a community that anyone who lives in the community and has an interest in it should be able to do so, so long as he can receive the support of the community at the ballot box. People should not be prevented from becoming involved in local government because they cannot afford to do so.

The reality is that some people cannot afford to be involved. Considerable expenses are associated with being in local government. The member for Mt Lawley would know that better than most, because he was a member of a very large council with wards in the vicinity of 28 000 electors in some cases.

The costs associated with properly and strongly representing—and being elected to represent—a ward such as that are not inconsiderable. Some people in the community would not be able to afford the cost, and therefore the situation is that people are deprived of the opportunity to be involved in local government because they cannot afford it. That is what we are trying to remedy at the moment. We are trying to remove that impediment.

Mr Lewis: If people do not get elected, they do not get paid.

Mr CARR: I am astonished at that remark. I thought I had made my position fairly clear to the member. Any person should have the opportunity to be elected and be able to afford to carry out the functions of a councillor. Expense should not be an impediment to their being elected. Clearly this is an impediment to many people becoming involved in local government.

It was interesting that, amid all the comments that we should not be paying councillors, there was this expression of another reason why this legislation should not be passed, and that was that we were proposing a maximum of $10 000 and some mayors were already receiving $18 000.

Mr Rushton: That is carried on under the present situation.

Mr CARR: That is under the entertainment provision. They are enabled to have that entertainment allowance. It is our view that this should replace the entertainment allowance.

It is extraordinary for members to oppose the Bill on the one hand because they do not believe councillors should receive allowances, but on the other hand oppose it because we are putting in a maximum of $10 000 when we know that some people are receiving $18 000. That sort of principle does not make sense.

It was argued that there is not a lot of support for this in local government. I question that. The Local Government Association supports the proposal. Country shires have not considered it recently, to my knowledge, but at the last conference at which it was considered it was the subject of a very close vote.

The question of welfare services seems to provide even more uncertainty for members opposite than the other provisions in the Bill. I hasten to emphasise that there is no wish on the part of the Government to duplicate services. We are proposing a clear mandate for local councils to be involved in the coordination of welfare services.

The member for East Melville said that he had experience with a council which had been active in coordinating welfare services funded by other spheres of government. A number of councils in this State play exactly that role. There is considerabe legal doubt as to their entitlement to be involved in those services. It may be that the council he was involved in has not been criticised for providing those services. That is not surprising.

I am not aware of anybody who argues that local government should not be involved in coordinating those services in that way. What I am saying is that the legal doubt that councils and others face should be removed, and those councils which at the moment choose not to be involved in welfare services because they do not believe they have the right to, or those councils which are using this legal uncertainty as an excuse for not being involved in coordinating welfare services, would have an impediment removed and they would be able to become involved without any question.

Mr Cash: May I ask you to confirm that there is plenty of provision in the Local Government Act for the Minister to use his discretion if a council is unsure?

Mr CARR: The member is not suggesting that every time any council wants to undertake any project which looks even remotely like welfare it should come to me for approval to spend money under that section?

Mr Cash: The argument that they cannot does not stand up, because there is sufficient provision in the Act now to allow them to do it. Crown Law appear to be the only people confused; certainly not the councils themselves.

Mr CARR: There is very considerable uncertainty at the moment, and it is a matter of trying to remove that uncertainty. It is not just in the city either. It was particularly interesting to hear a couple of members from the country speak this evening, because welfare services in the country are just as much affected. With the rural downturn, members would be aware that in some parts of the State local governments have become involved in rural counselling.

The member for Narrogin is aware of an allocation made in the last couple of months through the local government development programme from the Commonwealth Government for rural councils involving both the Shire and the Town of Narrogin and the Shire of Mt Marshall. While that is funded mostly by the Commonwealth Government, the councils are providing some level of services in terms of office space and so on. It could be argued that they do not have the power.

It is not just a city thing; it is a country thing as well. Members who want their local governments to provide assistance to their electors should be looking very seriously at the opposition they have to that measure.

Mr Lewis: You go much further.

Mr CARR: How much clearer do we have to make it? In the second reading speech we have made it clear. We have responded to the Opposition, which said that we were trying to duplicate and triplicate everything provided by State and Commonwealth Governments. We have made it very clear that we see the major role of local government to be the coordination of welfare services.

Moving to the next point, which was also the subject of some discussion, that related to the three associations of local government being incorporated in the Act. This is done principally for two reasons. One is because local government has requested it. I am sure the associations see it as providing certain advantages in terms of status, recognition, and importance in the eyes of the community. The other reason relates to sales tax where the associations would have the opportunity to have the same benefits of sales tax exemptions which are presently accorded to local government.

The member for Dale attributed to me the view that I supported one association of local government rather than three. I have been fairly guarded in becoming involved in that issue because my position primarily is that it is a matter for the local governments to decide how many associations they want to organise themselves into. I have made it very clear that if the associations stay in the present form of three organisations, I will seek to work with each of them. If they amalgamate into two or one, I will seek to work with whatever amalgamation results. If a new one forms, I will try to work with that too. I do not see it as my role to be involved in deciding how many associations of local government there should be.

Having said that—and that is my principal position—I see it as easier from the Minister's point of view to deal with one association which is able to put the varying views before the Minister. That can be done to some extent through the liaison committee, but the member for Dale should not look back to the one initiative he took as Minister for Local Government and see that as the be-all and end-all for resolving problems of communication.

While local governments are different in different parts of the State, a very strong common thread runs through all local government, and so long as a sufficiently broad umbrella organisation can be formed to accommodate the different groups, a single association would probably be very desirable. Anyway, that is their decision and we simply seek to respond to their request to be incorporated in the Act.

With regard to the issue relating to the division of a council into two councils, questions were raised on the number of petitioners. I acknowledge that the number required, namely 20, is a small number when considering a large council. We gave some consideration to a sliding scale, but came to the conclusion that we should probably try to be consistent with the rest of the Act.

There are a number of places in the Act where a sliding scale would be more appropriate. It is our view that it would be appropriate for us at some time, hopefully fairly soon, to embark upon a review of all sections of the Act which relate to petitioning and to look at structuring a sliding scale rather than do it as a piecemeal exercise.

The question of setting fees by resolution was raised by a number of members. Some concern was expressed about the veto remaining available to the Minister. It is important to realise there is a distinction between a veto as is proposed in this legislation and the requirement of prior approval as was previously the case. There are advantages in two ways. One relates to the speeding up process.

Previously, local government needed the Governor's approval to have bylaws changed. Every time councils wanted to set a new scale of fees for their swimming pools, they found it took considerable time. It also meant the Minister had to examine the level of fees for every request. The measure we have put in place here is an experiment. It follows on from what we did last year with the Cemeteries Act. Members will recall that when the Cemeteries Act was passed, we went from a situation where fees were set by by-laws, to using the same wording we have in this Bill; namely, that fees will be set by resolution of the councils. It is intended that we have a ministerial veto. That is something we propose to review after a year or two of operation of the Bill.

It is my hope we would be able to say in two years that we never needed to use the veto and we saw it as appropriate to take it out. I give members the assurance we will be reviewing that particular measure at a later time.

The clause dealing with ex gratia payments was inserted at the request of the Ombudsman. He found, in his dealings with local government, that he did occasionally come across circumstances where he believed a person had been disadvantaged by no fault of his or her own and that the council was unable to statutorily pay any compensation to the person involved. We saw that as being a reasonable request from the Ombudsman and have inserted it at his request.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

*In Committee*

The Deputy Chairman of Committees (Mrs Henderson) in the Chair; Mr Carr (Minister for Local Government) in charge of the Bill.

**Clauses 1 to 3 put and passed.**

**Clause 4: Section 12 amended—**

Mr RUSHTON: This clause relates to the petitioning of a city or town. Despite what the Minister has said, it is felt that 20 persons is too small a number required to sign the petition. The population of towns and cities is considerably larger and, as a consequence, the

Local Government Association considers this figure should be similar to that in section 611 of the Local Government Act.

It is a matter to which we should give very serious consideration. I ask the Minister to give some indication that he is prepared to work on preparing an amendment voicing our suggestion which could be introduced in the Legislative Council.

Mr HOUSE: As an ex-councillor who was involved in the division of a shire—the division of the Gnowangerup Shire into what is now known as the Gnowangerup and Jerramungup Shires—some five or six years ago I know peoples' emotions can run very high.

There will always be pockets of people who want to transfer to neighbouring shires. In our case we had six neighbouring authorities. Had that been allowed to happen, we would have had a total fragmentation of the system and it would not have worked at all.

This amendment will be making a rod for the back of the Minister. I agree that 20 persons is too few to be making such a submission. The number needs to be raised. Without having given a lot of thought as to how many it should be, perhaps we could come up with a percentage high enough to reflect a true indication of the number of the people in the area rather than 20 agitators on a particular cause.

Mr CASH: I support the proposition put forward by the member for Dale, who has specified the number of people he believes should be considered before we start imposing this mandatory number of 20 people.

At times it is very convenient for people who are not particularly happy with some of the actions of their councillors or council officers to meet in an informal way. Someone may come up with the idea that the way to solve these matters would be to split or divide the shire. I have heard that on many occasions in the metropolitan area. The only thing that has stopped people rushing forward is the fact that they realise they do have to have a large number of people to petition the Minister before any action can be taken.

In the case of Wiluna, I accept the comments made that the Aboriginal people in the eastern part of the shire are the only elected representatives and the people in the town proper of Wiluna feel somewhat disadvantaged. Twenty people would not be an unreasonable number in that case to petition the Minister to consider the division of the shire.

In the case of a city situation—and we used the examples of Perth, Stirling, or Wanneroo—there is no question that the limited number of 20 will cause nothing but trouble because it will encourage people as soon as there is a problem to petition the Minister to divide the city.

I have been through a number of exercises whereby very expensive reports were commissioned and professional advice sought, for instance, on whether or not the City of Stirling should be divided. There was much discussion as to whether Wanneroo Road should be the dividing line or whether perhaps the east-west line somewhere over towards Osborne Park should have been used. All sorts of things came out of it, such as the rating base. Members would realise that in the City of Stirling the rating base is in the Osborne Park industrial area. As soon as that is taken away from one side of the city, the portion east of Wanneroo Road would suffer and the rates would have to rise accordingly.

Most of the infrastructure in the City of Stirling is at present in the western portion of the city and all sorts of considerations must be taken into account before one comes to the proposition that a local government area should be split. From what the Minister has said tonight and from other statements he has made, I know this is an area that he believes must be examined. I am aware that the Minister said tonight that to be consistent with other sections of the Act he would prefer to leave this figure 20 as it stands, but I urge him to reconsider that. If it is not his intention to amend it in this place tonight it is my view, and I know it is a view shared by many members of the Liberal Party and the National Party, that it would be appropriate that an amendment be proposed in another place so that we can clear up any problems that would occur by using the figure 20 in this regard.

Mr CARR: I am not opposed strongly to the principle that has been espoused by the three members who have spoken to this clause. The figure 20 was chosen simply because it was in the previous section of the Act, which provided only for the division of a shire into two shires. Until fairly recently I was not aware of the fact that a town or city could not be divided. Indeed, we went through an exercise a year or so ago of looking at a proposal to divide the Shire of Wanneroo, as it then was. I am not quite sure whether the Shire of Wanneroo became the City of Wanneroo prior to or just after the reporting of that inquiry, but if that inquiry had recommended the shire be split we may

have run into a situation where, if that shire had already become a city, it would not have been able to be split in accordance with that section.

That is the reason for our choosing to amend the Act to include a town or city, and we did that without making any amendment to the number of petitioners required. I do accept the general principle that the figure 20 is probably a smaller number than is desirable. As I said in the second reading address, there are a number of other sections scattered throughout the Act which require certain numbers of petitioners in certain circumstances. It is my view that the most appropriate way of addressing that would be to go through the whole Act and pick them all up in one consistent review, and come back here with a sliding scale that fits the various situations with regard to the different shires. That is still my view as to how we should proceed, but I will have officers in the department to look quickly at how easily this particular clause could be amended and how significantly such an amendment would impact on other sections in the Act.

In that context I am prepared to consider amending this clause while the Bill is before the Parliament at the present time, but that should not be considered as a commitment that I will because I will want to get some advice as to how serious a discrepancy or anomaly would be created.

Mr Rushton: Will you let us know the result of your deliberations?

Mr CARR: It will become obvious during the passage of the Bill through the Parliament.

**Clause put and passed.**

**Clauses 5 to 10 put and passed.**

**Clause 11: Section 191A inserted—**

Mr RUSHTON: This clause relates to the changes that have been introduced to allow councils to set some fees and charges, and I think that is a most desirable step. It does give positive confidence in local government authorities if the Government allows them to do this in their own right. However, the retention of the power of veto by the Minister contradicts his claim that Government is giving local government autonomy in this regard.

The case I cited in my second reading speech was that we give local government the power to set rates, and that is a major responsibility, yet we do not set out to veto that. Consistent with the so-called committed objective of the Government to give autonomy to local government, now is the time for the Minister to make an amendment, once again given time to have it considered and prepared because it is fairly intricate. I did not set out to prepare the amendment; I thought it would be better if the Minister had his officers to prepare it and have it introduced in another place so that we could tell local government authorities that both the Government and the Opposition are supporting them and have a trust in them in having this autonomy.

Therefore I recommend that the Minister give appropriate approval to my suggestion.

Mr HOUSE: I, too, would like to speak against this clause. I believe the Minister has continually prided himself on the fact that he has given more autonomy to local government, yet this clause simply exchanges the need for the Governor's approval for a requirement for ministerial approval, which by and large amounts to the same thing.

If we are really serious about giving local government more autonomy, the area of fees and charges is one area where it can be entrusted with this sort of power, and like all people elected to public positions local government councillors will be judged at the ballot box if they do not do the right thing. I do not think we can put that sort of rider into an Act when the Minister consistently says he wants to give more autonomy to local government. It is a bit like giving a child a toy for Christmas and then taking it away from him every time we do not like the way he plays with it.

This clause is contrary to everything the Minister has been saying for the last four years.

Mr LEWIS: It is interesting to note that out of all of the provisions within this Bill, this is the clause about which I have had two calls, both from municipal officers. The concern they expressed has been exactly that expressed by the members for Dale and Katanning-Roe, that the Minister is giving with one hand and taking back with the other.

I would like to hear especially why the Minister sees the need for the power of veto, bearing in mind that he does not have the power to veto a rate that is struck or the manner in which a local authority expends its revenue.

Mr CARR: I see this very much as a transitional clause and in principle I really do not have any objection to the comments made by those members who have spoken. Indeed, I see it as being transitional in two ways. Firstly, the clause specifies certain fees and charges that a

council may set by resolution. It is our intention that, provided this transitional experiment proves successful in the next year or so, we would come back to the Parliament to amend this section again to expand considerably the category of fees and charges and items for which a council can proceed to set its own fees by resolution without reference to the Minister.

I see it as transitional in that sense and in the sense of putting in this veto in the interim to see how it works in practice. It is really a dramatic change to go from the situation where every council had to submit every charge and fee to my department in order to have changes made to by-laws. That meant it had to go to the Governor-in-Executive-Council to be signed by the Governor. To have reached the stage of being able to set their own fees and charges without any reference to the Minister or Government is a very dramatic change. I guess this was just a view that we should proceed cautiously. We were very largely guided by the precedent to which I referred earlier which related to the Cemeteries Act. The Cemeteries review committee met and we made decisions arising out of that to provide for its fees and charges to be set by resolution in this way but with that ability in the legislation for the Minister ultimately to veto a charge. In practice I would suggest it would be very unlikely to veto a charge. I am very hopeful of finding myself in a position in 12 months' time where I have not had to veto any fee or charge under this section of the Bill or under the relevant section of the Cemeteries Act.

My inclination would be very much to go the full step and remove the veto, and to extend the range of fees and items which can be set by the council.

Mr RUSHTON: The Opposition is really questioning the objective of the Minister in giving these powers to local government. Both sides of the Chamber, on the voices at least, are saying that they would like local government to have this autonomy, yet the Minister is hedging his bets.

I am not questioning the Minister's sincerity, but he has made a great play of the so-called autonomy he is willing to give local government yet, when presented with the opportunity of both Opposition parties agreeing to this autonomy, he is not prepared to institute it. That really puts a big question mark on the sincerity of the Government's professed desire to grant local governments autonomy. Local government itself believes that these moves are basically cosmetic and mostly for publicity purposes. The real issue is that local government is having certain things imposed on it against its will, as the member for Narrogin noted. The Government is moving in directions in which local government does not want it to move—for example, in relation to boundaries and other major issues. However, when it comes to lighter issues—and this is one—the Government makes a great play about autonomy but does not allow it. The Opposition is prepared to trust local government because it is to be held responsible in respect of these fees within the next year or so.

Surely local government already has the authority to strike a rate without question, so why is the Minister being timid? Basically it is on the head of local government. We are giving it these responsibilities. The Liberal Party supports it, the National Party supports it and so do I. The Minister has the opportunity to be the champion of this cause. The Minister has been stating for as long as he has been Minister for Local Government that one of his planks is autonomy for local government. I think he has been a bit hypocritical from time to time; I tried to give local government autonomy. I did manage to give a lot of councils what they wanted. However, the Minister has made a great play of this while in reality he has given very little. The Minister has taken four years to do what he has done. In four years as the Minister for this portfolio, I did a lot more than he has done. The Minister has been talking a great deal but he has not been doing anything. I suggest to the Minister that he go out and do it. The Opposition supports the Minister. Get on and do it.

Mr CASH: I also listened with great interest when the Minister was talking about giving greater autonomy to local government. I have supported him all the way, with the exception of some very specific areas but there is no question: I think we both agree there is a need to get rid of the red tape that is associated with government generally and in particular with local government where it is always hanging on the coat-tails of the Minister.

This is a great opportunity to allow councils to set fees by resolution and that is the purpose of this amendment before the Chair—that is, without having to go to the Minister and getting permission in respect of the setting of a by-law. I ask the Minister: At the moment, in view of the fact that councils have to set fees by law, just how many by-laws has the Minister rejected on the grounds that the council has imposed an unreasonable charge?

Mr Carr: I don't think I have rejected any that have related to charges. There have been a couple I referred back to the council, for example, in relation to Perth City Council street trading. I referred that back to them but normally, no.

Mr CASH: I think that supports the Opposition's argument. Local government generally is a very responsible body; there is no question about that. The fact that the setting of fees is now to be by resolution allows the council, if there is some major objection by the residents or ratepayers of its municipality, to reflect that concern by adjusting any fees, if necessary on a weekly or fortnightly basis. Councils will have that flexibility once it is by resolution. I think that the member for Dale is right: This really is a case of the Minister believing there should be greater autonomy for local government but trying to have two bob each way by saying that even though he is prepared to allow the setting of fees to be by resolution of the council, he, as Minister, will still require the right to revoke any charges with which he is not satisfied or which he thinks are unreasonable.

The Minister has now conceded that he has not done that in all the time he has been a Minister in respect of increases in charges by by-law. I wonder why he wants to tighten up at this stage of the game.

While we are talking about the resolutions of councils, the other day the Minister was quoted in the paper as saying that he believed there was a need to end so-called secrecy within councils. I was very surprised to read that report. It is something I had not come across in my time as a member of local government and it is something I took the opportunity to discuss with others in local government today. They assured me that they saw no problem and did not understand just what the Minister was getting at in that newspaper article.

It was pointed out to me by a number of councillors and council officers that there was no requirement or restriction on a council holding its committee meetings in an open forum; that is, open to the public. Some councils have moved that way and it has been fairly successful. I know the proposition was put to the City of Stirling on a number of occasions when I was there and the only reason it was rejected—that is, in respect of committee meetings—was on the basis that it was often necessary to refer by name to specific residents, ratepayers or companies with which the council was dealing. At times when one was dealing with a prosecution or where there was a possibility of a prosecution for an alleged breach of one of the Acts under the control of the council, there was no question in my mind that it would not have been appropriate to deal with the matter in an open forum. Councillors do not enjoy the privilege that is extended to members of Parliament. As a result it would have been quite inappropriate to deal with those sorts of things in public. That can be either accepted or not by the Minister; but on the other hand there should be an opportunity for councils to hold their meetings in open forum if they so desire.

Councils meet behind closed doors, not to be secretive about their actions but to prevent any ratepayer or resident from being maligned in a public place before resolutions of councils are made. Let us not forget that when a council resolves in a particular way behind closed doors, it is later necessary for it to go to open meeting before the public and make public any resolution on dealings it has been having.

When I read the Minister's article in the Press the other day I was reminded of just how many times his Government had been secretive about its dealings over the last four years. I will give a couple of instances of this to outline the hypocrisy attached to the Minister's statement. This Government has made planning decisions the facts of which it has never made public. Certainly the Government has given the public little indication of the number of its political advisers. Its dealings with Exim Corporation, the State Superannuation Board, and the Anchorage development have been shrouded in secrecy. Most certainly its dealings attached to the sale of the Midland abattoir were most secretive, and we as the Opposition and certainly the general public have not got to the bottom of that matter.

If the Minister wants local government to be more public in its deliberations, if he wants its committee meetings to be held in public forum rather than in a committee system behind closed doors, let us not waste our time talking just about local government but let us extend the principle all the way to the State Planning Commission so that its deliberations on various issues are made available to the public.

The DEPUTY CHAIRMAN (Mrs Henderson): Order! I remind the member that we are not dealing with the clause concerned with committee deliberations in public or in private but with clause 11, which deals with the setting of fees and charges. He has strayed far

beyond the bounds of the clause, and I ask him to wind up his comments on those other matters and direct his remarks to clause 11.

Mr CASH: I understand your determination. I had thought I was referring to general resolutions of councils, and clause 11 deals with resolutions of councils when they set fees.

Those resolutions are often made behind closed doors, and this was the subject of some criticism by the Minister the other day. I am sure I will have other opportunities during Committee debate to highlight the fact that the Minister should not accuse local government of being secretive when his Government, of which he is a senior member, has been very secretive in its actions over the last four years.

Mr HOUSE: It is interesting that on this clause we have had four Opposition speakers, all with local government experience, advocating that the Minister should put into practice something he has been saying for some time; that is, he should be removing the hand of Government from the area of local government decision-making and giving it greater autonomy. For the life of me I cannot see why he will not accept what Opposition members have said. It is not usual in this place to have universal acceptance of a particular view among three Opposition parties, but that is the case with this matter. I urge the Minister to reconsider his stand and accept what he has often said is his preferred position of giving local government autonomy.

Mr LEWIS: Having heard the attitude of Opposition members and indeed of the Minister, I move an amendment—

> Page 4, lines 14 to 16—To delete the lines.

That will remove the ability of the Minister to veto a council's determination when it strikes its charges. The Minister has already suggested he has no great argument against this being done. It seems all members on this side agree that it should be done, so I commend the amendment to the Committee.

Mr CARR: It seems to be a habit of the member for East Melville to propose amendments on the run. I recall that when amendments to the Dog Act were being discussed here, notwithstanding that there had been plenty of time for him to draft amendments and have them placed on the Notice Paper, he insisted on drafting them on the run in an almost indecipherable manner.

This amendment may have consequential effects, and I have already indicated that we see this provision as a transitional measure which we will review in about 12 months. It is not appropriate to move in the manner suggested.

It is an extreme irony that members opposite, who were so opposed to giving local government any autonomy at any time in years past when they were in Government, are now coming forward with this nonsense and trying to pretend they are the champions of autonomy for local government. The member for Dale, with his look of mock horror, put the biggest clamp ever on local government when he was the Minister responsible and really tried to hold down local government. He resisted every attempt to give local government some autonomy. This attempt by him and his colleagues to appear to be the champions of autonomy for local government is one of the biggest jokes of all time.

**Amendment put and a division taken with the following result—**

Ayes 18

| | |
|---|---|
| Mr Blaikie | Mr Mensaros |
| Mr Bradshaw | Mr Rushton |
| Mr Cash | Mr Schell |
| Mr Court | Mr Stephens |
| Mr Grayden | Mr Trenorden |
| Mr Hassell | Mr Tubby |
| Mr House | Mr Watt |
| Mr Lewis | Mr Wiese |
| Mr Lightfoot | Mr Williams *(Teller)* |

Noes 23

| | |
|---|---|
| Dr Alexander | Mr Marlborough |
| Mrs Beggs | Mr Parker |
| Mr Bertram | Mr Pearce |
| Mr Burkett | Mr Read |
| Mr Carr | Mr D. L. Smith |
| Mr Donovan | Mr P. J. Smith |
| Mr Peter Dowding | Mr Troy |
| Mr Evans | Mrs Watkins |
| Dr Gallop | Dr Watson |
| Mr Gordon Hill | Mr Wilson |
| Mr Hodge | Mrs Buchanan |
| Dr Lawrence | *(Teller)* |

Pairs

| Ayes | Noes |
|---|---|
| Mr Clarko | Mr Thomas |
| Mr Spriggs | Mr Tom Jones |
| Mr Cowan | Mr Bridge |
| Mr MacKinnon | Mr Grill |
| Mr Laurance | Mr Bryce |
| Mr Crane | Mr Taylor |
| Mr Thompson | Mr Brian Burke |

**Amendment thus negatived.**

**Clause put and passed.**

**Clause 12: Section 231A inserted—**

Mr CASH: This clause is intended to empower local governments to take action against people who park in parking bays that are

marked for the disabled if those people are not showing an ACROD sticker on their car. It is an important amendment and one local government has been seeking for some time. I know from talking to various shopping centre merchants' associations around the metropolitan area that it is something they have wanted for a long time. There is nothing worse than people who are not disabled taking advantage of the bays set aside for the disabled just to save themselves a short walk. One then finds the disabled person is severely disadvantaged and often has to park many hundreds of metres away from the front doors of a shopping centre. It is grossly unreasonable, and I support this amendment.

The Minister might like to explain what legal implications this will have when the local ranger starts booking people within shopping centres—that is, on private land. I wonder whether the shopping centre managers or representatives will be able to issue tickets themselves on behalf of the local authority. I pose the situation that might arise in a big shire like the City of Wanneroo if parking bays are set aside for the disabled in shopping centres: Will the shopping centre be required to get in touch with the shire to have a ranger come out and book people? Can the Minister explain how he sees this working?

Mr CARR: It is an interesting question and one which was raised recently with the department in a more general sense—in terms of power for a council to appoint persons to be voluntary rangers or some such title. It implies that although they are not employees of councils they would be given a power to become a form of authorised person or authorised honorary parking inspector. The short answer to the question is that I believe it needs to be a council employee, but we are looking at the possibility of providing the additional powers referred to by the member not only within this clause, but with more general application elsewhere in the Act.

Mr LEWIS: Obviously the organisation that is principally involved is that called ACROD. I am not sure whether there are other organisations which look after the disabled which will come within the prescription of the regulation. Will other organisations be taken into account, or only people associated with ACROD?

Mr CARR: We received a number of approaches from different organisations initially presenting the need for such legislation and then pointing out the desirability of their having the power to issue stickers. Discussions have taken place between my department and these associations and ACROD, and it has led to the point where each of the organisations is satisfied that ACROD is a body with a sufficiently umbrella-like capacity to issue stickers on behalf of other organisations.

My advice is that no association which has made its concern known is not satisfied with the arrangement for ACROD to be the issuing authority. It is a valid point, and it is something we will need to watch during the implementation of the legislation. If problems arise we will seek to address them at the time.

**Clause put and passed.**

**Clauses 13 to 15 put and passed.**

**Clause 16: Section 401A amended—**

Mr RUSHTON: I draw the Minister's attention to the impact of this amendment, which I support. I have been involved from time to time with seeking the secretary for local government to support a stop-work order. I suggest that with this amendment we would finish up with the council or the building surveyor having the power. We ought to remove the building surveyor from this clause and make it obligatory for the council to be responsible for carrying out these matters, the reason being that they may be of major importance. It is not that I do not have faith in the building surveyor, but most members on both sides of the Chamber would agree that a matter of this magnitude should reside in the authority of the council.

Some councils would like to remove the right of appeal to the Minister for Local Government. I would not support that. It is essential that there be a backstop, and the Minister would be the backstop in this case. I ask him to agree to an amendment which requires the removal of the building surveyor so that the council would be responsible for taking the step.

Mr LEWIS: We should address the question of why there is a fundamental need for a council to be elected. The Local Government Act is quite voluminous; it is basically a bible or a handbook on everything that can be done within local government. It could be said that the bureaucrats or senior officers such as the town clerk, the building surveyor, or the town planner could run the local authority after implementation of this Bill. That is not the case.

We know that, from time to time, local government officers are a little overzealous and sometimes think differently from other people. In my experience there have been thousands of

occasions when recommendations by senior officers of councils have been overturned by the elected council. I believe it is a council's job to accept the responsibility for someone issuing something as serious as a stop-work order. We should bear in mind that a stop-work order on the casino, for instance, could cost $100 000 or $200 000 a day. Placing the responsibility for issuing a stop-work order on the building surveyor is wrong. That responsibility should rest with the elected members of the council. I therefore move an amendment—

Page 6, line 17—To insert after "deleting" the following—

"or the building surveyor" and

Mr CARR: I believe the member shows a little misunderstanding about the relationship between council and its officers. However, the Act indicates a duplication that does not make much sense. It is important to understand that an officer of the council is, in all senses, subject to and responsible to the council and that when we talk about the council's taking an action such as issuing a stop-work order, that may well mean, if this amendment is passed, that the building surveyor will carry out the order on behalf of the council under the delegation powers that were included in the Act a couple of years ago. On the other hand, even if we leave it as it is and the building surveyor issues the order, it will be no different from the council's issuing the order because the building surveyor would be issuing the order on behalf of the council.

The member is making a distinction that does not need to be made. I do not see much need for the two alternatives in the Act in its present form. I do not have any objection to the principle of the amendment, even though I do not like the idea of having amendments passed to me on the night they are to be debated. It should have been placed on the Notice Paper a week ago and we could have checked out the problems associated with it. I believe that there are no great problems with the amendment, so the Government will agree to it.

Mr CASH: I support the amendment moved by the member for East Melville and I am glad that the Minister has indicated his support to it.

Quite clearly, any person who has the authority to issue a stop-work order has enormous authority when it comes to the financial implications that could be caused by the issuing of such an order.

It is quite proper that while the authority should be with the council—the council should not keep running backwards and forwards to the Secretary of the Department of Local Government to have everything agreed to by that department—the issuing of a stop-work order should certainly be by resolution of the council. If the council wants to delegate the authority to the building surveyor, so be it, because when that happens it is usual for the council to require the building surveyor, or any other officer to whom it has delegated that authority, to report to the regular meetings of the council on what specific occasions that authority had been used.

It is a serious matter when stop-work orders are issued against builders. In view of the implications that could arise, the member for East Melville is quite correct in seeking this amendment.

**Amendment put and passed.**

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

**Clause 17: Section 416 amended—**

Mr HOUSE: My understanding of this clause is that it extends the same rights to electors as is extended to ratepayers under the Act.

If that is the case, I ask the Minister to explain exactly what rights the electors will have. I also asked the Minister why section 416 of the Act has been singled out when there are other sections of the Local Government Act which include the same provision.

It appears to me that electors could be given rights that will override what ratepayers have perhaps done in the past.

Mr CARR: It is not a matter of singling out this section of the Act for special attention. When amendments were made to the Act some three or four years ago powers which had previously been available only to ratepayers were provided to electors. We thought that we had picked up those sections of the Act which referred to ratepayers, but this was an omission and it is just a matter of making the section consistent with other sections in the Act.

I was interested to hear the member for Katanning-Roe suggest that there were other sections of the Act which were inconsistent. If that is the case, I would appreciate his drawing them to my attention. The intention of the Government is simply to correct an anomaly that exists.

**Clause put and passed.**

**Clauses 18 to 20 put and passed.**

**Clause 21: Section 446 amended—**

Mr RUSHTON: This clause enables local authorities to provide buildings for the provision of welfare services. A great deal has been said by members on this side of the Chamber regarding the Opposition's objection to this clause.

Having been involved with local government for many years I have a high regard for local government coordinating and delivering certain services. The existing Act authorises local government to provide buildings for welfare services. In the past, buildings have been provided for this purpose, especially in country areas which have had a greater need for them.

Members should be very wary about subparagraph (iv) which states "such other welfare services as the council thinks desirable." This relates to the general competence powers and it takes us back to the Whitlam days of having local government divided into regions. The next thing we will know is that we will have central political party funding which will bypass local government and State Government for those regions. That is the reason that the Opposition has a resistance to this clause.

I draw the attention of members to the increased costs that will result from the provision of buildings for such services. I repeat that from the Opposition's point of view a working party should be appointed to determine the actual services that local government has to deliver. The working party should ascertain, in cooperation with the State and Federal Governments, the specific items that should be coordinated and delivered by local authorities.

The ratepayers should not have to meet the cost of the provision of such buildings for welfare services. We will see an unreasonable escalation in local government rates.

I refer now to the Local Government Association's policy, of which I have a copy. It states that the level of services provided by local government should be maintained by the Federal and State Governments. It has been suggested that a review of the three levels of government should be undertaken to look specifically at the provision of funding for such services. A number of local authorities have contacted me on this subject and they are of the opinion that in certain areas they have the ability to undertake the provision of such services more economically than either the Federal or the State Government. They would welcome the opportunity to deliver and coordinate those services. It is up to the Minister to take note of that fact and to reword his amendment. If it is not possible for him to do that now, he should do it in another place. It is what is sought by local government.

Another point I raise concerns the question of voluntary services. If local government intrudes too far into the welfare area it will in many cases destroy the urge of the people to deliver voluntary services which are essential and which makes for a good community. As a result, we could see a drying-up of voluntary services in such a way that the community would be affected.

I go back to the point that local government undertakes many services and is very well equipped to provide the services I have suggested. However, these services must be funded specifically.

One must have regard for the fact that some councils have a different capacity and ability to provide these services. If they were given the right to do their own thing we could have a situation where the City of Fremantle may extend a service to the pensioners in its area while the Shire of Mullewa may not have the capacity to deliver that same service.

People with the same disability and the same need would be treated unequally. The Commonwealth is responsible for old age pensioners although the State has certain responsibilities in this area, but if it is proposed that local government do something in that field, that should be spelt out. It could be done by local government with local coordination and delivery, but not by financing it.

The Opposition is opposed to this clause as it stands. It is a general competence power and that is the aspect we do not like. It is taking local government into an area for which it is not financially equipped. I repeat what I said earlier: It provides an opportunity for duplication and triplication of services. If ever there was a time for Australia to economise and do things in a better way, it is now. We want less and not more government.

Mr HOUSE: The National Party also has some reservations about this clause. We agree that there could be some concern about the duplication of funding and the source of the funds. I pointed out in the second reading debate that I thought there was some worry that local government might be taking on an added service and then not have the facilities to adequately provide that service.

However, we support this clause because it is at least a step in the right direction towards giving local government greater autonomy in providing another service to people if it feels that is necessary. It will be up to local councils to make a decision and many of them will probably decide not to be involved. I see nothing wrong with giving them that option.

The problems with this Bill are highlighted in this clause. We are making a piecemeal attack on the Local Government Act when it should be completely rewritten. If we keep chopping it about piece by piece we shall mess things up by not looking at local government in the total context of those areas in which it should be involved.

Mr CASH: This is probably one of the most controversial clauses in the Bill. In part it suggests that in addition to the various things local government is able to do—that is, the provision, maintenance, and improvement of museums, public halls, agricultural halls, civic centres, public libraries, reading rooms, life-saving club rooms, youth club rooms and rooms for educational and cultural activities, children's playgrounds, women's grounds, kindergarten schools and infant health centres within its district—it should now be able to provide buildings for the provision of welfare services.

At no stage tonight has the Minister defined for the Committee what he believes the meaning of the word "welfare" to be. I know that the word has caused concern when other Bills have come before this place; it has very different connotations. At one stage when dealing with the Occupational Health, Safety and Welfare Bill we referred to the Factories and Shops Act to try to get some indication of what the word "welfare" means.

I put it to the Committee that if local government is to carry out its functions in a proper way, it should at least understand what those functions are. By not defining the word "welfare", a council could move into almost any area and if it were questioned about the appropriateness of being in a certain area, so long as the council resolved that it believed the area involved welfare or concerned the welfare of its residents or ratepayers, that would be sufficient to justify its actions. I hear the member for Perth mumbling from time to time.

Dr Alexander: Don't you have a dictionary?

Mr CASH: I have a dictionary. Is the member suggesting that the definition in the dictionary is sufficient to define the word? If that is the case, perhaps he would exercise his right as a member in this place to move that the definition of the word "welfare" in his dictionary be incorporated in the Bill. If he does so, we shall at least have some understanding of what it means. The Bill has no definition of the word "welfare" and it leaves the Bill wide open with regard to what local government can or cannot do.

The point has been raised tonight that one of the difficulties in the general government of Australia is that Commonwealth and State Governments and local councils all want to jump in and perform the same or similar services. That is no way to get an efficient and effective delivery of welfare or any other service; it is duplication or triplication in certain areas. Our Federal Leader, John Howard, has said that he wants to move away from duplication and triplication of services; he wants the various tiers of government throughout Australia to clearly understand their areas of responsibility so that they can get on with them and do them efficiently and effectively.

I remember that when this question about the definition of welfare came up 18 months ago we had the same argument; no-one was prepared to define the word or to say how far local government could go in providing services. It has been said that local government will have to raise the money and in the end it will be accountable to the electors. It will be interesting to see what happens in Wiluna if that council determines that the untied moneys that flow into the shire shall be used for the provision of welfare services in the eastern regions of that shire. There will be complaints but it will be said that the council is acting legally so long as it has resolved that it believes the expenditure is for welfare services.

I put it to members that low-cost housing, for instance, could be included in the words "buildings for the provision of welfare services". I am not sure that we should encourage local governments to go into low cost housing. That is the province of Homeswest, as it should be.

Residential communes is another area which should be included under this provision. I do not believe that is the responsibility of local government which, as the member for East Melville pointed out earlier, was originally formed to deal with the provision of roads and bridges in this State. There has now been a progression to the ultimate stage of giving local government authority to move into any area. We have now arrived at the situation where

local governments can do almost anything as long as they resolve that the act comes within the function of welfare services.

Apart from buildings for the provision of welfare services, this clause provides that local government should be entitled to go into other areas such as the implementation and coordination of State and Commonwealth welfare programmes within its district. Many local authorities already coordinate or facilitate State and Commonwealth welfare programmes. I have no real objection to that. My objection is that we seem to be inviting or encouraging local governments to go into new areas. I have seen this happen before. As soon as local government is encouraged to go into a new area, an area which may already be looked after by the Commonwealth or the State, there is no question that the Commonwealth or the State will try to pull out of its responsibility in due course.

That has happened on a number of occasions in the last few years, especially with respect to the Commonwealth. The Commonwealth promises to provide funds to a particular scheme, local government accepts the promise, and all of a sudden the Commonwealth withdraws its finance and local government is left with the responsibility of carrying it on.

It is easy for the bureaucrats in Canberra to say that if local government does not want to provide that service it can stop it. Let me assure the Committee that once a service is started within a given municipality, a certain expectation is built up in the area and the ratepayers or residents are not very happy when someone wants to cut it out. The bunnies in this exercise are usually members of the local authority, and in particular the councillors. It is easy to say, "No money is coming from Canberra any more", but it is very difficult for local councillors to convince the ratepayers and electors that in fact the service should not be continued.

Mr D. L. Smith: If your Federal colleagues are elected they will have to learn.

Mr CASH: The member is quite right. That is something I support. If the member is referring to the comments of our Federal leader, Mr Howard, the various areas of Government within Australia must understand and accept their specific responsibilities so that no duplication of services occurs. I agree. But that is not the situation at the moment.

Mr D. L. Smith: It will simply mean a transfer of the cost of providing those services from the taxpayer to the ratepayer.

Mr CASH: If I believed that I would probably support the system as it operates today, but that is not the situation in reality. The member knows that the Commonwealth provides certain welfare services. The same services are duplicated by the State. In some of those areas the local authority is also involved in the provision of the same or very similar services.

Mr D. L. Smith: If that is the sort of advice your Federal leader is receiving, no wonder he is so far off the mark.

Mr CASH: Obviously the member cannot understand it. It may be that he does not have a working knowledge of local government, although that surprises me because I understood that he was involved in the Bunbury scene for some time.

Mr D. L. Smith: I was the legal practitioner advising shires and local authorities in the area.

Mr CASH: That probably explains his lack of knowledge in that area. What I am suggesting is that there is a duplication of services. The member would probably find that difficult to understand, because if there is one thing we have been able to see, even in the amendments before the House today, it is a particular philosophy.

I understand—and there is general agreement with the Minister for Local Government—that we will encourage local authorities to be more autonomous. But weaving its way through the comments, and especially the interjections raised by members of the Government, is a belief in the handout mentality. Members opposite expect things to be handed out to them. If those handouts are duplicated or triplicated, members opposite do not care so long as someone is putting something in their hands.

I do not believe that that is the way for our country to go. I do not believe we will make progress if we all adopt that attitude. Thankfully members opposite are still in the minority. The day they gain a majority it will be all over for this country. We are seeing that occur. There is no question about it. The fact we are going downhill is one—

Dr Gallop: Where will you go when we get the majority? Will you leave the country?

Mr CASH: Not at all. I will never run from the battle. I will stay and fight and try to put up a reasonable case to the people of Australia so that they understand the handout mentality of members opposite who have had their snouts in the public trough all their lives. Perhaps they will review the situation. One can only try.

This Bill is a fair indication of the mentality of Government members. They want to allow local government to get in there and do anything, irrespective of whether the same services are being provided by the Commonwealth or the State.

Let me go one step further. Let us not forget that this clause also provides that local governments in the future—if the amendments are carried—will be able to provide counselling and information services; activity, refuge and shelter services; child and youth care; and such other welfare services as the council thinks desirable. I have to say, even to the member for Mitchell, who admits that he does not have a lot of competence in this area, that I cannot understand just what that covers, because to me it seems to cover everything.

Mr D. L. Smith: I suggest you do a few law subjects.

Mr CASH: I would do law subjects if I thought I would not end up with the lack of knowledge that the member has demonstrated in this Chamber so often. That is one of the reasons that I do not rush down to the university.

Mr LEWIS: The member for Perth was talking about what welfare actually meant. The *Oxford Dictionary* is quite enlightening. "Welfare" means good fortune, happiness or wellbeing; having highly developed social services; health; insurance; control of finance by Government; organised effort for all or part of a group, especially employees of a factory and the like. That, of course, opens up anything.

The Minister, in his second reading reply, alluded to the situation where he believed that this provision was required to facilitate local authorities' ability to accept and use funds from State and Federal sources.

I would like to think that when the Minister suggested that, he was agreeing that perhaps local government in its own right and from its own revenue resources may not go into the welfare area without the coordination of a State or Federal authority. I believe that welfare is accepted within society as being a need, and certainly not as it is used today by people who relentlessly, and certainly without any thought of where the funds come from, use the services that are available. I would like to think that the Federal Government also got out of welfare; it made its grants to the State, and the State administers welfare through local government. I accept that as laudable and probably the proper way to go.

However, under the umbrella of an Act put in place by the State, similar to the way the Health Act operates today, whereby there is power delegated to local government to administer the Health Act, I think that welfare funds should be paid direct to local authorities and that the laws governing those funds be delegated to local government.

I am implacably opposed to any revenue of local government being used for welfare. Local government has gone right off course. As I said earlier, it started out with people wanting to do certain physical things within the community. Now it has gone to the intangible things. Today we have a society that is spending far too much on government; it has a bias towards rewarding the non-producers in the world at the expense of the producers. As the take of Government grows—it is 44 per cent of the GDP at the moment, and I think it was something like 31 per cent in 1972—in that short period of time, 13 per cent of the productive capacity of this country has been removed, because no person in this Parliament can tell me that any Government agency creates wealth or profits or returns to society.

Mr D. L. Smith: What existing functions and powers would you take away from local government?

Mr LEWIS: We are going to rationalise.

Mr D. L. Smith: Nominate some functions and powers that you will take away from local government?

Mr LEWIS: I am talking about the Government having the desire to allow local government to get into the wide and very broad field of welfare, which can range from holidays for employees to looking after babies in creches.

Mr D. L. Smith: You said local governments should not have the powers they already have. Nominate some of the powers you will take off them.

Mr LEWIS: The member does not comprehend, and should go back to filling in his Lotto cards. What the member for Mt Lawley has said flies in the face of what the Minister said. The Minister said that local government needs the power to provide welfare so that it can get in and spend this money, and lots of local

authorities at the moment do not think they have these powers. I suggest that is nonsense, and I think he is trying to mislead this Chamber, because the clauses which the Minister wishes to insert with this amending Bill give an absolute open book for local government to do what it desires from its revenue in any area, from throwing parties, to holidays, to providing creches.

Mr Read: It would not last very long; it would soon be voted out.

Mr LEWIS: The member sits there and throws in interjections, and never says anything constructive in debate in this Parliament. The member never puts forward anything constructive because maybe his leader does not have the confidence in him to do anything but utter inane interjections, which is the only thing he is good for.

Mr Read: The member is getting upset.

Mr LEWIS: I am not upset at all. In fact, it is quite humorous to see how dumb the member is.

The DEPUTY CHAIRMAN (Dr Lawrence): I think there is sufficient personal abuse going on at the moment, and I would ask members on both sides of the Chamber to desist, and continue with the debate.

Mr LEWIS: I thank the Deputy Chairman, but I am only responding to members who wish to throw a few barbs in, and if they throw them in, they will cop them back.

There is no place in local government for welfare; there never has been, except to facilitate the expenditure of the State or Federal funds that become available. If this amendment were framed along the lines that were suggested to facilitate that, with the exclusion of the ability to use municipal funds from their rate revenues, I would support this clause, but not in the way in which it is presently framed, because I think it is the thin end of the wedge to get local government into welfare, and the burgeoning Governments to spend more and do less in our society.

Dr ALEXANDER: I want to briefly respond to some of the comments that were made during the contribution by the member for East Melville and the member for Mt Lawley.

Mr Lightfoot: They were good speeches, and I appreciate them.

Dr ALEXANDER: The member may have done, but I just wanted to correct a few errors.

Mr Cash: Are you saying the Minister is not competent to respond?

Dr ALEXANDER: The Minister will respond to all of the points raised in a very competent fashion. However, I was challenged to rise and address this matter, and I will.

The DEPUTY CHAIRMAN (Dr Lawrence): I do not think it is reasonable to prevent the member for Perth from beginning his address. He has not had a chance yet to say more than a few words.

Dr ALEXANDER: We do things in an organised fashion on this side of the Chamber. The member for East Melville just referred to the *Oxford Dictionary* definition of "welfare", but one clause that he read there, "social services provided by government", is precisely what we are talking about here. Members opposite know that, and that is what they are afraid of. The bottom line came when the member for East Melville said that he was implacably opposed to local government providing any funds for welfare purposes. That is why they are opposing this amendment.

Now fortunately, the National Party is not opposing this amendment, which illustrates the difference in attitude between the two parties on the opposite side of the Chamber. The National Party is much more progressive about this matter than the Liberal Party is. What the Liberal Party fails to recognise is that many local authorities, including the Perth City Council, partly as a result of my urging, are already providing welfare services and welfare officers. The City of Stirling and the City of Fremantle have one—

Mr Cash: No-one is denying that. It is in the Act.

Dr ALEXANDER: For the member's party to get up and oppose the welfare provision is outlandish and archaic and illustrates where the Liberal Party is going—backwards. The provisions of this amendment allow, firstly, for coordination and implementation of State and Federal Government programmes. Secondly, as the National Party has already pointed out, they would allow extension in other areas where councils think fit, and if the ratepayers and electors of a council think it has gone too far, it is up to them to say so. The member's party is supposed to be in favour of autonomy, yet here it is trying to restrict the services which can be provided by local government. Members of the Liberal Party have contradicted themselves completely and shown us what they really are: Totally anti-progress and totally anti-social services which help people in those areas.

Mr CARR: I would like to respond briefly, and only briefly because the member for Perth has handled the comments made by the Opposition very well and has correctly indicated the backward-looking approach it has.

I make the specific point that when we put such an amendment before the Parliament on a previous occasion criticism was levelled that we had not adequately defined "welfare". The same issue has come up again tonight. In a sense that is not surprising because it is always a very difficult concept to define. We have nevertheless attempted to set out in this clause, especially in proposed subparagraphs (e) and (f) paragraph (c), a summary of the types of issues that we consider local government authorities should be involved in, and I refer to "the implementation and co-ordination of State and Commonwealth welfare programmes", and then the specific reference to counselling and information services; activity, refuge, and shelter services; and child and youth care. While that should not be taken as a complete definition of "welfare" it is nevertheless an indication of what the Government's attitude is as it seeks to amend this legislation.

Mr Lewis: What about "such other welfare services as the council thinks desirable"? Isn't that absolute?

Mr CARR: No, it does not mean absolutely everything but such other things along the lines of those that have already been detailed in the Bill. Those items are put there as an indication of the Government's intention. There was criticism earlier tonight of the way in which the Act was structured, in the sense that if we set out what powers were in the Act and a new power were needed we would have to put in that new, specific power. Subparagraph (f) (iv) referred to by the member for East Melville has the ability to pick up such sundry or incidental items.

I disagree with the member for Mt Lawley's comment that various spheres of government these days seem to want to jump in and duplicate what the other spheres of government are doing and, more specifically, that local government wants to jump in and duplicate what the State and Federal Governments are doing. That is not my experience; my experience is that local governments do not want to jump in and spend extra money by duplicating what somebody else is doing. My impression is that local councils generally want to encourage the State and Commonwealth Governments to do things in their areas completely at the expense of the State and Commonwealth Governments, and not at the expense of the local government authorities. However, when local councils are not able to persuade those other two spheres of government to make those expenditures, their next preferred position usually is to cooperate with the State and Commonwealth Governments to get such funding as they can from them, play a coordinating role, and perhaps contribute something towards the project.

I am sure all members can think of projects in their areas where there is Commonwealth or State Government expenditure combined with a reasonably modest local government expenditure. I can certainly think of a current project in my electorate, where funds have been provided under the home and community care programme and by the State Government for a community centre—something along the lines of the older style senior citizens' centre. That clearly is a building for the provision of welfare services and is exactly the sort of thing being referred to in the amendment before the Chamber. It is the sort of project local government has undertaken anyway, notwithstanding the fact that it is possible the power is not really in the Act now.

It is particularly appropriate that the National Party members have seen fit to support this amendment because there are items here that come within their sphere of influence. I referred to one earlier and it relates specifically to "counselling and information services". The recently implemented project involving Narrogin and Mt Marshall where a counselling service is being provided largely at Commonwealth expense but with an input by the local government authorities is an excellent example of what we are talking about. It is something that is important, it will help the people in that area, and it is basically a Commonwealth project; but the local authorities are playing a significant role in coordinating the service locally and also providing a little incidental assistance in the form of office space and the like. It is therefore appropriate that the National Party supports the legislation, and I thank its members for their support of this clause.

Mr CASH: When the Minister rose he said he did not intend to speak for very long because he thought the member for Perth had covered the point. We then heard the Minister speak for some time, probably because he recognised that the comments of the member for Perth were both irrelevant and shallow, and in fact I was surprised that he was even talking to the same clause we have been dealing with for the last half hour or so.

I want to continue my remarks on those other areas that councils will be allowed to move into if this clause is carried. The preamble to section 446 of the Act says—

> A council may from time to time appropriate out of its municipal fund such sum or sums as the council thinks proper for or towards . . .

Subparagraph (f) then says—

> the provision of—
>
> (i) counselling and information services;
>
> (ii) activity, refuge, and shelter services;
>
> (iii) child and youth care; and
>
> (iv) such other welfare services as the council thinks desirable.

This is very broad. I refer to some recent developments on the Federal scene where the Prime Minister recently said that he intended that unemployment benefits should not be paid to youths under the age of 18 years. We now have a situation where a local authority could expend its municipal funds to make grants or unemployment payments to the very people whom the Prime Minister said should not receive those grants from the Federal Government; so I really wonder what this is all about.

The argument has been used that the Opposition is opposed to local government performing the delivery of any welfare services. I totally reject that; the Act quite clearly allows local authorities to perform and deliver certain welfare services. What I am saying as a member of the Opposition is that I do not believe it is wise to extend those provisions so far as to encourage local authorities to get into areas that are already adequately covered by both the Commonwealth and the State. I accept that in subparagraph (e) there is a need now to bring into the Act authority for local authorities to implement and coordinate both State and Commonwealth welfare programmes because it may be that local authorities will have to expend certain municipal funds in the management of those programmes, and if a legal problem were identified by the Crown Law Department, so be it. I recognise the need to make a change there, but that does not suggest that local government should be encouraged to move into any area at all, and that is my general objection to this clause.

I remind the Chamber that the Minister has claimed that the words "such other welfare services as the council thinks desirable" relate to various services that are already nominated in the Act. That is not the case; the member for Mitchell is quite wrong in trying to coerce the Minister into believing that to be the case; and those words are sufficient to allow local government to enter into "such other welfare services as the council thinks desirable".

Mr D. L. Smith: You should know that we amended the Interpretation Act last year in this regard.

Mr CASH: Rather than the member for Mitchell making his rather foolish outbursts, he would do well to stand and give the Committee the benefit of the knowledge that he claims to have. That would be better than making petty interjections which add nothing to the Committee stage of this Bill.

I believe the amendment under discussion will enable councils to perform any welfare services they believe are appropriate so long as they resolve accordingly at an appropriate meeting.

In summary, this clause goes too far. It does not encourage efficient or effective delivery of welfare services and cannot possibly be supported by the Opposition in its present form.

Mr RUSHTON: I refer to the ability of the Federal Government to bypass the State Government in the delivery of certain welfare services. This is a real issue with the continuation of regionalism, which was the objective of the Whitlam Government.

Mr Carr: That is hysterical nonsense.

Mr RUSHTON: I put this point to the members of the National Party because it would affect their area in the sense that the Commonwealth delivered unequal services to various communities. They were basically related to Labor electorates. They delivered services to Labor electorates disadvantaging those that were not Labor electorates. I am suggesting that the Commonwealth would have the ability to fund, for example, Geraldton and miss out Greenough, and do it under the guise of this power.

The power relating to welfare is unlimited. Could the Minister explain what would stop them doing this? What stopped them doing it before was that they did not have the welfare powers. There is no restriction on local government in this State to give reasonable welfare services. What is the restriction on the Commonwealth from delivering these services? The Minister has enumerated a few, which are basically Commonwealth services. How are the

State's responsibilities bypassed? There does not seem to be any restriction. It is a major concern.

The Department of Urban and Regional Development deliberately set about delivering welfare throughout Australia on a political basis. It bankrupted the country at the same time. Regionalisation was being put into areas that were Labor Party electorates. Strangely enough, it did not do them any good because they were even upsetting Labor voters who saw their powers being transgressed.

As the member for Narrogin said, this Government is intruding further into areas that local government does not want them to do. It is moving one-vote-one-value into local government. It could be an insidious move to bypass States and enhance the central power which this Government supports. It supports the all-powerful Canberra. It does not mind the States' rights being bypassed or the community interest and local government being destroyed. It supports regionalism, which means central power backed by Canberra.

Does this clause give the ability to the Commonwealth to bypass the State relating to funding a welfare item on which the local government and the Commonwealth agree? Could he give me a categorical undertaking that it would not allow that to take place?

Mr CARR: I have never heard such claptrap and nonsense since the time the member for Dale was Minister for Local Government and used to go on like this all the time. Nothing in this legislation changes the powers the Commonwealth has to fund local governments on matters it sees fit. At the present time it is able to provide funds to the HACC programme, as I indicated earlier.

Mrs WATKINS: I am in somewhat of a dilemma in that I support a very conservative local authority like the City of Wanneroo which already implements the various clauses of this Bill.

We talk about counselling and information services. I wish to tell members about the wonderful financial counselling service that is offered by the City of Wanneroo. It assists many people within the city who do not have the ability to assist themselves. This counselling service has about eight or nine people who are funded through the City of Wanneroo to assist those people.

Subparagraph (f)(ii) refers to activity, refuge, and shelter services. We have those shelter services and activities. I was employed by the City of Wanneroo in the out-of-school care scheme which has been operating for the last eight or nine years. The scheme assists people from low to middle income families. When parents are working their children are well looked after because of the implementation by a forward-thinking local government which had the vision to implement the out-of-school scheme. Those children are looked after and well cared for by extremely well qualified people.

The Bill refers to such other welfare services as the council thinks fit. There are a number of other welfare services that can be implemented. I have a problem with the Opposition opposing this clause. Many local authorities are conservative by their very ilk and membership, and many councillors are members of the Liberal Party who would support this clause.

Let us look at youth services. I am involved with a group known as the Wanneroo Youth Drop-in Centre. We have been supported by the City of Wanneroo—a conservative local government—to have this scheme implemented. They have supported us in the most incredible ways. They have paved the way for our drop-in centre to open.

I refer to Ocean Reef where people have been trying for a number of years to have youth involvement in the local recreational centre. There is a diversity of people involved in this centre. The councillors of the City of Wanneroo—albeit conservative—have opened the way to enable youth to come in and be accommodated under the guidance of the City of Wanneroo.

I do not understand why members of the Opposition oppose this clause. If they look at their various councils, they will find many of these things are being implemented already. I rest my case.

**Clause put and a division taken with the following result—**

Ayes 28

| | |
|---|---|
| Dr Alexander | Mr Marlborough |
| Mrs Beggs | Mr Parker |
| Mr Bertram | Mr Pearce |
| Mr Burkett | Mr Read |
| Mr Carr | Mr Schell |
| Mr Cowan | Mr D. L. Smith |
| Mr Donovan | Mr P. J. Smith |
| Mr Peter Dowding | Mr Trenorden |
| Mr Evans | Mr Troy |
| Dr Gallop | Mrs Watkins |
| Mrs Henderson | Dr Watson |
| Mr Gordon Hill | Mr Wiese |
| Mr Hodge | Mr Wilson |
| Mr House | Mrs Buchanan |

*(Teller)*

Noes 13

| | |
|---|---|
| Mr Blaike | Mr Lightfoot |
| Mr Bradshaw | Mr Mensaros |
| Mr Cash | Mr Rushton |
| Mr Court | Mr Tubby |
| Mr Grayden | Mr Watt |
| Mr Hassell | Mr Williams |
| Mr Lewis | *(Teller)* |

Pairs

| Ayes | Noes |
|---|---|
| Mr Thomas | Mr Clarko |
| Mr Tom Jones | Mr Spriggs |
| Mr Bridge | Mr Stephens |
| Mr Grill | Mr MacKinnon |
| Mr Bryce | Mr Laurance |
| Mr Taylor | Mr Crane |
| Mr Brian Burke | Mr Thompson |

**Clause thus passed.**

**Clause 22: Section 513 amended—**

Mr RUSHTON: This clause provides for payment of councillors, and is opposed by the Opposition. Councillors have the clear right to be paid expenses and there should be an upgrading of those costs because of inflation since the last adjustment. It would be appropriate if such an adjustment were made.

The point to remember is that the Government is seeking to implement its policy, which is that local government councillors should be paid an honorarium or salary, and this should be determined by the Salaries and Allowances Tribunal. This is another move in the direction of politicising local government, and it is a direction in which local government does not want to go.

Local government certainly wants a recovery of expenses mechanism and it has spelt this out. The Opposition supports that aim. There should be an adjustment of the present level of reimbursement of expenses that are incurred from time to time. Mention has often been made tonight of voluntary services. I would emphasise that point. Local government councillors want that situation to continue but they want to be able to recover genuine expenses. The Government wants to change that and basically move towards councillors receiving a salary. In the end there would be fully-paid councillors and one would have some difficulty working out what the rates of pay should be. Each councillor would have a different regard for his services and how those services should be rewarded.

The Minister has said on other occasions that the amounts are not required to be paid to councillors; it will be optional. One can see a very strange situation where in one ward a councillor on one side of the road could be paid differently from a councillor on the other side of the road. The Minister considers that this sum is not a payment; it is a reimbursement. Of course one would have to have other than good sense to believe that what is now proposed by regulation is not a salary or honorarium. The Government is moving in that direction. The Opposition opposes the Government's moves in this respect. We believe that the alternative is appropriate—that local government councillors are entitled to appropriate expenses. There is provision for that now. There needs to be an upgrading of those expenses in respect of inflation and the genuine expenses which councillors incur.

Mr HOUSE: The National Party has very strong feelings about this provision for the payment of councillors.

There are two sections within this clause. The first relates to allowing councils to determine how many of their members may attend local government conferences and the payment of the expenses of such delegates. The National Party believes this is a right and proper provision because this is one way that country local government councillors can keep abreast of things happening in other areas—that is, by being involved with other councillors on such occasions as annual conferences.

However, the National Party strongly believes that there should not be any prescribed payments as such for councillors serving on shire councils. As I pointed out during the second reading debate we have not had any evidence produced to suggest that firstly councillors in local government have been agitating for this. Of all the councillors with whom I mix from time to time, I have not met one who has suggested to me that councillors should be paid for the services they render in their districts. In fact quite the contrary; the great majority of these people are happy to give their time and efforts to help make the districts in which they serve better places.

There is possibly some argument in respect of allowing some expenses in terms of local government service. There may be, for example, argument that could be conceded with regard to telephone expenses. In the shire I represented councillors representing outlying areas contracted the local shire office on behalf of the people they represented; they had to make a trunk call.

I guess in fairness to them one can make a case for the payment of some of those telephone calls because they are considerable out of pocket expenses on today's cost structure. In

no way have I heard a case made for the payment of councillors, either by the Minister today or by ratepayers or the councillors of various councils with which I am involved. I have heard it said that the non-payment of councillors precludes people from becoming members of local authorities. I cannot accept that argument and I would need to have it proved to me that that is conclusively the case before I change my mind. I am happy to listen to the argument but it does not seem to me there are any cases where that has happened. The National Party does not support the payment of councillors and we will vote against this clause.

Mr CASH: I do not support the payment of councillors at all. Like the member for Katanning-Roe, I am interested to know who is being disadvantaged by the fact that councillors are not paid at the moment. No-one has said that Fred Bloggs from such-and-such a municipality could not stand because he found out that councillors were not paid the princely some of $1 000 a year as an allowance. We just have not had any evidence at all. Whom are we discriminating against? Nothing has been advanced to show that we should change the present system.

It is proposed in this amendment that mayors and presidents should be paid an allowance of up to $10 000 a year, that deputy mayors and deputy presidents should get an allowance of up to $3 000 a year, and other elected members should get $1 000 a year. At the moment the Mayor of the City of Wanneroo is paid an allowance of $18 000 and the Mayor of the City of Stirling enjoys an allowance of about $15 000 a year. If these provisions go through, will those cities be precluded from providing allowances for their mayors as is the currrent practice?

Mr Carr: Would you consider the payments made at the moment under the entertainment section of the Act are reasonable and legitimate expenses incurred by people occupying those two positions?

Mr CASH: Absolutely.

Mr Carr: Then how do you argue against $10 000 being available to other people in other councils?

Mr CASH: I asked whether the wording of the clause will not preclude the Mayors of Wanneroo and Stirling from being paid more than $10 000, as they are at present.

Mr Carr: Yes, it does. This provision for a general expense allowance replaces the entertainment allowance provision.

Mr CASH: Therefore these people will be disadvantaged?

Mr Carr: Yes.

Mr CASH: That is the point I am raising with respect to these two cities.

Mr Carr: If your objection is against the correctness of the level of $10 000, I am happy to listen to argument which says that is the wrong figure and there should be a different figure.

Mr CASH: I understand that, and it is the point the Minister raised in his response to the second reading debate. I was not suggesting that because they will not be able to draw their $15 000 or $18 000 allowances it is a reason that everyone else should get it. I suggest there is an anomaly right now. These people enjoy those amounts. If this provision goes through they will be cut back and will have to argue for themselves if they want to make representations to the Minister to increase the amount of money. I am saying the general principle of paying elected members to serve on local authorities is something the Opposition cannot accept. No really good reason has been advanced for us to change our minds at all.

Mr Carr: Even though you say those two people spend $15 000 and $18 000, which is on the entertainment side of their expenses, that is not taking into account other expenses they are able to claim under the entertainment provision?

Mr CASH: Yes. Please understand what I am getting at. The three per cent fund at the City of Stirling involves a heck of a lot of money. A $15 000 entertainment allowance to the Mayor of the City of Stirling is not extravagant when one considers the sort of expenses he has to meet from that particular fund.

Mr Carr: That is separate from the three per cent. That is where the council has three per cent it can spend any way it likes including on its own entertainment. That is separate from the allowance for the mayor.

Mr CASH: In the case of the allowance to the Mayor of the City of Stirling, it is for general entertainment in that he can draw on a particular fund which is side by side with the three per cent.

Mr Carr: That is for his entertaining on behalf of the council separately from the rest of the council.

Mr CASH: Exactly.

Mrs Beggs: Does he have to justify how he spends it?

Mr CASH: Absolutely. That is why when the Minister asked me whether it was accounted for in a proper manner I can say I know it is because I have watched it year after year. I have seen various mayors produce receipts. The member for Scarborough is a former Mayor of the City of Stirling, and he will confirm how strict it is.

Mr Burkett: I wrote every entry in a book, and I still hold those four books.

Mr CASH: I know from having sat in the member for Scarborough's office at the City of Stirling how accurate and detailed the records were in respect of those funds. He tried to do things in the manner and style of a bank manager, and that was well accepted by the councillors. That in itself is not sufficient argument to justify the payment of expenses to other councillors, and as we have stated on numerous occasions the Opposition does not support payments to elected members of local authorities.

Mrs WATKINS: I have some grave difficulties with the Liberal Party's stance on this clause. I cannot understand why members opposite take the stance that they do. I have never stood for local government, but all we have to do is look at a recent document produced by the Department of Local Government and see how many women have been elected to local authorities in the past 10 years. There are very few. It is a tiny minority, much like this Parliament.

Let us analyse the reasons that women have not stood for local government. It is not because they do not have the ability; they have plenty of ability, as has been shown in this place. The reason they have not stood is generally that they either come from a single income family in which the male is the breadwinner, or they are a supporting parent so they have no income other than a supporting parent's benefit or maintenance from an estranged husband. In my opinion, if women are going to stand for local government and give the job everything they have, they should be paid.

If I may show a one-eyed vested interest, let us look at the women in local government in the City of Wanneroo because it is the local government I know something about. Let us look at one of the women who was recently elected, and I am so delighted that she was because she is a woman with much intestinal fortitude. She is a widow, and she is not being paid for her position in local government. She deserves to be paid because I know she will give that position her all. I object to the fact that she is unable to claim any remuneration. I object to the fact that the Liberal Opposition is not prepared to support the Government in its move to have this woman and many others like her paid for the position she holds in local government.

I really think the male members opposite—there are not too many females among members opposite except for one in the other House—should look at that issue. Why do women not become more involved in local government?

The men who become involved in local government are business people generally. Many members of the Opposition have been involved in local government. Are they supporting parents? Are they in single income family situations?

Mr Trenorden: Yes.

Mrs WATKINS: Is the member a welfare beneficiary? I find the Liberal Party's views on this matter objectionable. It cannot support the Government in its stand to provide some form of equality in local government. I believe if we are prepared to pay councillors we will obtain better and more effective representation instead of the rabble that sometimes exists in local government. I support the clause.

Mr CASH: The member for Joondalup said that because councillors are not paid—she was, as I understand it, referring to women—they are rabble. Councillor Alma Venville of the City of Stirling has been a member of that place for something like 15 years. I would not refer to her as "rabble" and I am surprised that the member for Joondalup should refer to someone of her limited means in that way. The other person for whom I have great respect is Councillor Maureen Grierson, the member of the Stirling City Council for the Scarborough ward. She is not of great independent means, either. For the member for Joondalup to say that those two women, who have served their ratepayers well, are nothing more than rabble does not do much for her as a member of this place and does even less for her party. She certainly did not advance her argument very much.

Mrs Beggs: Have either of them dependant children?

Mr CASH: Councillor Maureen Grierson has. Councillor Alma Venville is an age pensioner. I believe her children have grown up and have children of their own.

Mrs Beggs: Would she pay baby-sitting costs?

Mr CASH: I do not know; as I said, I cannot speak for her.

I am disappointed that the member for Joondalup should cast a slur on those two lady councillors who have worked particularly hard for the City of Stirling.

Mr HOUSE: I thank the member for Joondalup for her contribution because I think she, with her example, highlighted exactly what the Liberal Party and National Party have been saying, which is that payment for councillors will not affect people entering local government. She said that there were not many women in local government and the ones she knew were from single income families. Obviously, nothing will keep them out of local government.

I cannot see how she did anything else but advance our cause. The women I know in local government have made a very worthwhile contribution to it. They have dependent children and gave up their time, something for which they did not seek any payment.

Mr D. L. SMITH: Committees of both of the councils in my electorate meet once a month, immediately prior to the full council meeting, and both meet on working days. Over the last few years I have approached people who I thought would have made good councillors. All of them have declined to stand because they worked in private enterprise and their employers told them that if they were elected to council and attended council meetings on one day of the week, they would do so without pay. Those are the sorts of people who are precluded from standing but who should be encouraged to stand if their councils had the capacity to reimburse them.

Mr CARR: I find it difficult to understand the line taken by the Opposition, especially following the comments made earlier by the member for Mt Lawley. The member for Mt Lawley said that he could completely defend the actions of the Council of the City of Wanneroo paying an entertainment allowance of $18 000 a year to its mayor and the actions of the Council of the City of Stirling paying $15 000 a year as entertainment expenses to its mayor. He said those actions were easy to defend because of the money those people had to spend in their positions as mayors. We should also consider the positions of deputy mayors, deputy presidents, and all of the councillors of this State. They are not paid an allowance for entertainment but are called upon, in their roles as councillors, to do their share of entertaining on occasions, and yet we discount those expenses altogether.

Mr Cash: You are misrepresenting what I said. There is a provision in the Act for people to be paid for reasonable expenses for carrying out any duties.

Mr CARR: Many expenses cannot be tabulated. It is all very well to say that everything can be written down. I know that one can provide proof of missing a day's work or staying overnight in a hotel. However, everybody who has been involved in public life knows there is a range of incidental expenses that are difficult to claim, including the use of one's car to drive to see a ratepayer, or the use of one's phone on official business.

Mrs Beggs: Or baby-sitting expenses.

Mr CARR: Yes, and grooming expenses. People in public life incur those expenses because of the many social functions they have to attend in the positions they hold. Councillors have to pay for dry-cleaning, hair styling, motor vehicle expenses, and baby-sitting expenses.

The legislation does not suggest that councils must pay every mayor $10 000. The word "must" is not used. However, we are suggesting options and the first option would be for a councillor to choose to request an allowance.

If an individual councillor does not want to claim anything because he believes that being a councillor is the same as being a member of an Apex club, he does not have to claim.

Secondly, we are not saying that councils must meet expenses that are claimed. An option is provided for councils to choose whether or not they pay the allowances prescribed. It is clearly stated in the legislation that if a council chooses to pay a lesser amount than is prescribed, it has the option to do so.

The Opposition is saying that people in public life have expenses, but that it will not give them anything to help them unless they happen to be the Mayor of the City of Wanneroo or the Mayor of the City of Stirling and, in that case, they pay them tens of thousands of dollars.

Where is the Opposition's consistency? It is totally inconsistent. If the Opposition is to be fair, it must think about ordinary councillors who incur motor vehicle, or telephone expenses. I find it difficult to understand the attitude of the Opposition. It is being completely inconsistent.

Mr RUSHTON: Reference has been made to the inability of women to serve on councils. The number of women appointed to councils is increasing and they are encouraged to stand as candidates. They are making a marvellous contribution to their respective communities and they have been elected on their ability. They are not chosen because they are women, but because they are caring people in the community.

Members opposite have said that if a person happens to be this or that he cannot stand as a candidate for a local government election. I know of councillors who have been pensioners and of others who have come from all walks of life. It is desirable to have a mix of people on a local council. A person's standing in the community should not preclude him from standing as a candidate. It does not stop him from contributing to the community.

Mr Read: With regard to the pensioners to whom you are referring, if they incur a great deal of expense in performing their duties, how do you think they should be treated?

Mr RUSHTON: There is a provision in the Act which provides for the reimbursement of expenses. Councils can authorise the payment of expenses incurred by councillors.

The Government is aiming, as part of its policy, to pay councillors. It is destroying local government. It is treating it as it would Federal or State Governments. It wants to reach the situation where one of the three tiers of government becomes redundant. This Government is aiming at making State Governments redundant and that is what it will achieve if it continues on the way it is going.

There is nothing in the Act to preclude persons from all walks of life from standing for council. I suggest that the best councils are those which attract people from various walks of life because they have a better understanding of the local scene.

I commenced my local government career with the Armadale-Kelmscott Roads Board. At the time, the roads board held its meetings during the day and I asked that the meetings be held in the evening. Initially, the board resisted, but eventually it agreed to evening meetings. I deliberately took that stance to allow anyone in the municipality the opportunity to stand as a councillor and I thought that that was important. It depends on the stance taken by councillors whether council meetings are held during the day or in the evening. I know of many councils which hold their committee meetings at 5.00 pm to accommodate those councillors who are unable to attend meetings during working hours.

Mr D. L. Smith: There are two problems with that. One is that the worker concerned could be one out of 12 members. The other is that in some cases, the majority of councillors could be farmers and the maximum expenses they can claim for loss of wages is $50 and that does not go anywhere near recouping their loss.

Mr RUSHTON: I know of some councillors who are able to get time off from their workplace. Meeting arrangements are made to accommodate the councillors and paying them will not make any difference. It will not solve the problem that was raised relating to sitting times.

Mrs Beggs: What about the person who is a non-income person and he or she claims a certain amount of expenses which are not claimed by other councillors? Other councillors may find a reason to make that public. They may say that a councillor has claimed double the amount claimed by other councillors because that person does not have a fixed income and has to employ baby-sitters, etc. It is hypocrisy on your part.

Mr RUSHTON: The Minister for Tourism is defeating her own argument. It is a voluntary arrangement and the Minister is saying that it is unfair.

Mrs Beggs: No, I am not.

Mr RUSHTON: The Minister needs to get her act together and to understand local government.

If the Minister for Local Government is not prepared to look at the broader issues involved and to undertake a review of expenses incurred by councillors I suggest to him that he give the matter some thought and indicate to the Chamber what he is prepared to accept when the Bill is introduced into another place. If he does not do that, the Opposition will oppose this clause. If the Minister is prepared to amend the clause to accommodate the Opposition, the Opposition will be prepared to accept the Government's proposal.

Mr BURKETT: As one who had 10 1/4 years on the City of Stirling and four years as the mayor of that authority, I feel compelled to enter this debate. It is ridiculous to hear the member for Dale talk about this Government trying to politicise local government by amending the Act to permit councillors to claim $1 000 in expenses.

During the period when the member for Dale was the Minister for Local Government, the member for Mt Lawley would remember that at every committee or council meeting he and I attended at Stirling we were given a carton of cigarettes, a box of chocolates and blocks of chocolates. They were not a payment, but a little fringe benefit. I believe that councils are quite justified in doing that.

I saw a lot of good things happening at the City of Stirling, particularly in my last nine years in local government. I advise the member for Dale that in my first year on that council—the member for Mt Lawley was not a member of the council at that time—at one town planning meeting I attended I saw three councillors leave the meeting because of pecuniary interests they had in rezonings which were being discussed. They did not need to be reimbursed for their expenses because local government was good to them.

The Stirling City Council had a dining room and, as the member for Mt Lawley knows, we shuddered when the dining room was to be opened for lunch one day each week to allow councillors to invite nine guests. I think that it now opens two days and one evening a week and certainly the Stirling City Council does not spend anywhere near 0.5 of one per cent of its three per cent account. It is farcical when we talk about $1 000 and for members opposite to carry on with the claptrap that we have heard tonight.

If members want to know which were the projects involved in which the three councillors left the town planning meeting because of pecuniary interests, they were a service station, a tavern that had been constructed within a shopping centre car park which already had an inadequate carparking area, and a block of five one-storey units.

The City of Stirling was not politicised. It had 13 members; I was one, another was Alma Venville, and the other 11 members had been or were members of the Liberal Party. Five had sought preselection for Liberal Party seats in Parliament, one had stood for Parliament and failed, and he is now a member of Parliament in this Chamber. Locally he does a very good job and he was a very good councillor on the City of Stirling. I refer to the member for Karrinyup. Members opposite should not talk about politicising local government because the present Minister for Local Government has really put local government to the forefront; one has only to see the way he performs at the annual general meetings of the local government associations.

Local government in this State has never been Labor. I should know; my brother is shire president at Exmouth and he is certainly well known to the people on the other side. I am very thankful that blood is thicker than politics because I love my brother very much, as I do the rest of my family.

This is farcical; the member for Dale knew of the gifts of cigarettes and chocolates we received as a simple token. We are talking about no more than that when we talk about the $1 000 payment included in this Bill. Whether it is Alma Venville, a pensioner who lives in a humble flat at 8 Puntie Crescent, Maylands; former councillor Maureen Grierson, who lives in a duplex home in Albert Street, Osborne Park; or Margaret Bellamy, a lady in a wheelchair who has no legs and was recently elected as a councillor to the City of Stirling. She is a pensioner and so is her husband, who is a retired roadworker. We are not talking about rich people or about poverty-stricken people; we are talking about people who will be given a token sum of money to offset their expenses.

The member for Mt Lawley knows that when I was mayor of the City of Stirling and councillors told me that there was a function at the Mt Lawley Golf Club and they would like to ring the bell and buy a drink, I would say, "Certainly, bring me a receipt." If it came to $89.60, a cheque was written out to the Mt Lawley Golf Club and the receipt went in the book. I still have the documents relating to every amount spent in the four years that I was mayor.

For God's sake, the member should face up to facts—what a joke to say that we are politicising local government. Politics have been in local government for a long time, we all know it and we are big enough and strong enough to face up to that fact, whether it is Stirling, Wanneroo, or wherever. I am not talking about the Sunday meetings held by one group or another. The member must be fair dinkum and he must start telling the truth. I support the Minister.

Government members: Hear, hear!

**Clause put and a division taken with the following result—**

Ayes 23

| | |
|---|---|
| Dr Alexander | Mr Marlborough |
| Mrs Beggs | Mr Parker |
| Mr Bertram | Mr Pearce |
| Mr Burkett | Mr Read |
| Mr Carr | Mr D. L. Smith |
| Mr Donovan | Mr P. J. Smith |
| Mr Peter Dowding | Mr Troy |
| Mr Evans | Mrs Watkins |
| Dr Gallop | Dr Watson |
| Mrs Henderson | Mr Wilson |
| Mr Gordon Hill | Mrs Buchanan |
| Mr Hodge | *(Teller)* |

Noes 18

| | |
|---|---|
| Mr Blaikie | Mr Lightfoot |
| Mr Bradshaw | Mr Mensaros |
| Mr Cash | Mr Rushton |
| Mr Court | Mr Schell |
| Mr Cowan | Mr Trenorden |
| Mr Grayden | Mr Tubby |
| Mr Hassell | Mr Watt |
| Mr House | Mr Wiese |
| Mr Lewis | Mr Williams |
| | *(Teller)* |

Pairs

| Ayes | Noes |
|---|---|
| Mr Thomas | Mr Clarko |
| Mr Tom Jones | Mr Spriggs |
| Mr Bridge | Mr Stephens |
| Mr Grill | Mr MacKinnon |
| Mr Bryce | Mr Laurance |
| Mr Taylor | Mr Crane |
| Mr Brian Burke | Mr Thompson |

**Clause thus passed.**

**Clauses 23 to 26 put and passed.**

**Clause 27: Section 540 amended—**

Mr HOUSE: Clauses 27, 28, and 29 are similar. My objection to clause 27 is that it will allow an elector who is not a ratepayer to inspect a valuation register. That register contains details of land-holders and the valuations of their properties, and I do not see any good reason why electors, as opposed to ratepayers, should have access to that book. That privilege should not be extended to non-ratepayers. Perhaps subsequent clauses will provide a good reason but I would like the Minister to explain why he thinks people should have access to records which have nothing to do with them.

Mr CARR: I do not agree that it has nothing to do with them. My position and the Government's position is that the matters concerning the administration of the council concern each of the electors within the area and each should have the opportunity, if he so wishes, to examine those documents, as with other documents held by the council. I cannot understand any objection to the proposal.

**Clause put and passed.**

**Clauses 28 to 31 put and passed.**

**Clause 32: Section 669F inserted—**

Mr RUSHTON: I submit that there must be a typographical error on page 12, line 20 in the definition of a prescribed person. I think the words "a clerk" should read "the clerk".

Mr Carr: I see nothing wrong with it but I will get someone to check it, and if there is a problem we can deal with it.

Mr CASH: This is a very good clause and I support it completely. It will allow local authorities to issue infringement notices and, therefore, to impose modified penalties on breaches of the Act previously dealt with by way of prosecution through a court or by way of by-laws generally.

This will save the councils a lot of time and a lot of money. I know, from talking to councillors that this is one of the most sought after provisions of this Bill.

Mr HOUSE: I endorse the previous speaker's comments on infringement notices. I draw the attention of the Minister to the situation in one of the shires I represent, a situation which highlights a problem which is totally different from that occurring in the larger city councils where they have facilities and manpower to police these things.

The shire in my electorate adopted a model by-law to legalise the no-parking zone at the school. It removed the right of the police in that town to control parking unless the offence was under the Traffic Act. Being a small council, it did not employ a ranger and could not police those sorts of things.

That problem had not been appreciated before. The council can take on the authority, but it must have the manpower to police it. Perhaps there should be some liaison with the Minister for Police and Emergency Services. The Traffic Act must be tidied up to allow the police to have control over those areas. These areas of conflict should be addressed.

**Clause put and passed.**

**Clause 33 put and passed.**

**Clause 34: Section 679 amended—**

Mr HOUSE: Allowing councils to make ex gratia payments or provide benefits to people who they may consider have been suffering an injustice as a result of some law, or something that has happened to them, will set a very dangerous legal precedent. This sort of amendment may usurp the power of the courts. A council may decide to make such a payment, and subsequently an appeal against the pay-

ment may go to a court. The council is being set up to make a judgment for something which should take place in the courts.

Councillors have not wanted to be involved in courts or payments to ratepayers for all sorts of things. We are opening up an area which could prove to be a problem. Most members will be aware of a very serious accident involving the local council in my area. If that council, for whatever reason, had seen fit to make any sort of ex gratia payment to the people involved, it would have opened up an area of legal responsibility which might not necessarily be its responsibility. It might find itself paying costs which it might not be legally responsible for or which the ratepayers whom it represents might not have been responsible for. It is not the job of councils to make decisions on matters of law.

**Clause put and passed.**

**Clauses 35 to 37 put and passed.**

**Title put and passed.**

*Report*

Bill reported, with an amendment, and the report adopted.

*Third Reading*

Bill read a third time, on motion by Mr Carr (Minister for Local Government), and transmitted to the Council.

## VALUATION OF LAND AMENDMENT BILL

*Second Reading*

**MR PEARCE** (Armadale—Leader of the House) [12.57 am]: I move—

That the Bill be now read a second time.

In 1984, both the Valuation of Land Act and the Local Government Act were amended to provide that where a local government so resolved, owner-occupied residential properties could be valued on actual rental rather than a value related to that of the vacant land. These occurred in areas of high land values, but with old improvements. An inequity was created not only between comparable residences, but also between the value for local government and that adopted for water supply and sewerage rating. The purpose of the Bill is to remove this anomaly by valuing all residential properties on actual rental.

The Valuation of Land Act as currently enacted also requires that all other properties shall have a value not less than one which is related to that of the vacant land. The Bill seeks to value improved properties on actual rental while retaining the minimum basis for underdeveloped land.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Mensaros.

*House adjourned at 12.58 am (Wednesday)*

## QUESTIONS ON NOTICE

### SUPERANNUATION

*Old Scheme: Expense Rate*

1204. Mr TRENORDEN, to the Treasurer:

Could he please supply the expense rate for the State Superannuation Fund for the past financial year—that is, the expenses as a percentage of costs of administering the fund against its income?

Mr BRIAN BURKE replied:

The net administration expenses of the State Superannuation Fund in 1985-86 were $1 962 630. This represents 1.29 per cent of income of the fund as set down in the Auditor General's third report.

### HEALTH

*Medical Research: Allocations*

1226. Mr BRADSHAW, to the Minister for Health:

How much money has been allocated by the Government for medical research in Western Australia this financial year?

Mr TAYLOR replied:

The funding of medical research in Australia is the responsibility of the Commonwealth Government on the advice of the National Health and Medical Research Council. This important national expert forum provides an important coordinating role for activities in this area to avoid funding duplication and to ensure that important initiatives are supported.

However, it should also be recognised that the Government, through its financial support of teaching hospitals, provides considerable additional assistance for the general conduct of medical research in this State. Medical research forms an integral part of many of the important diagnostic and treatment services rendered to patients in our institutions and has resulted in many significant and notable medical achievements in the past.

Because of obvious direct identification difficulties, the funds expended on research are not separately identified. Nonetheless, it constitutes a very real commitment within the teaching institutions and remains an important area of activity.

### DEFENCE

*United States Ships: Fremantle Visits*

1236. Mr MacKINNON, to the Minister for Defence Liaison:

(1) How many United States service ships have visited the Port of Fremantle since 30 June 1986 to 31 May 1987?

(2) How many United States service personnel were on the ships?

Mr BRYCE replied:

This question relates to the portfolio responsibilities of the Federal Minister for Defence. However, I have been able to ascertain the required information as outlined below—

(1) There have been 17 visits of United States service ships to the Port of Fremantle during the period 30 June 1986 to 31 May 1987.

| | | |
|---|---|---|
| (2) | USS *Enterprise* | 5 074 |
| | USS *White Plains* | 417 |
| | USNS *Hassayampa* | 130 |
| | USS *Tarawa* | 2 418 |
| | USS *Juncau* | 819 |
| | USS *Fresno* | 322 |
| | USS *Tuscaloosa* | 332 |
| | USNS *Navasota* | 99 |
| | USS *Copeland* | 194 |
| | USS *Missouri* | 1 510 |
| | USS *Blue Ridge* | 990 |
| | USS *Paul F. Foster* | 321 |
| | USS *Carl Vinson* | 5 504 |
| | USS *Vinzennes* | 379 |
| | USS *San Jose* | 460 |
| | USS *Paul F. Foster* | 333 |
| | USNS *Mispillion* | 124 |

## DEFENCE

*United States Ships: Fremantle Visits*

1237. Mr MacKINNON, to the Minister for Defence Liaison:

(1) How many United States service ships visited the port of Fremantle in 1985-86?

(2) Which ships were they?

(3) How many United States service personnel were on each ship?

Mr BRYCE replied:

This question relates to the portfolio responsibilities of the Federal Minister for Defence. However, I have been able to ascertain the required information as outlined below—

(1) A total of 16 United States service ships visited the port of Fremantle in 1985-86.

(2) and (3)

| | |
|---|---|
| USS *Constellation* | 4 914 |
| USS *Worden* | 416 |
| USS *White Plains* | 442 |
| USS *Camden* | 590 |
| USS *Crommelin* | 235 |
| USNS *Passumpsic* | 125 |
| USS *Midway* | 3 986 |
| USS *San Jose* | 460 |
| USS *Reeves* | 390 |
| USS *Cochrane* | 352 |
| USS *Oldendorf* | 322 |
| USS *Kirk* | 273 |
| USNS *Mispillion* | 132 |
| USS *Okinawa* | 2 355 |
| USS *Cleveland* | 1 313 |
| USS *Fort Fisher* | 773 |

## DEFENCE

*United States Personnel: Fremantle Visits*

1238. Mr MacKINNON, to the Minister for Defence Liaison:

How many United States service personnel is it estimated will visit the port of Fremantle from the end of June 1987 to the end of June 1988?

Mr BRYCE replied:

This question relates to the portfolio responsibilities of the Federal Minister for Defence, and, as I understand it, information relating to future visits of United States service ships is classified.

## WESTINTECH INNOVATION CORPORATION LTD

*Government Assistance*

1273. Mrs HENDERSON, to the Minister for Industry and Technology:

(1) What assistance, if any, has been given to the Westintech Innovation Corp Ltd?

(2) What are the likely consequences of that assistance?

Mr BRYCE replied:

(1) The Western Australian Technology Development Authority holds an investment in Westintech Innovation Corporation Ltd being 500 000 ordinary shares of $1 each.

(2) The investment was made by the Government in order to encourage the promotion of a management investment company—MIC—situated in Western Australia. The company, whose head office is at Technology Park, was able to obtain a licence as a management investment company at the inception of the Federal Government's scheme to encourage investment in technology-based industry. Investors in a management investment company are entitled to a tax deduction in respect of their investment. The management investment company in turn invests in new start-up projects of a technology-based nature as a venture capitalist.

The original management investment company scheme filled a much needed gap in the Australian venture capital market. Since its formation, the corporation has invested in a number of exciting projects in Western Australia and has acted very diligently as an investor in new enterprises. Since that time, a second management investment company licence has been granted to another Western Australian company, Stinoc Pty Ltd.

The consequences of the investment by the Government in helping to promote the creation of Westintech Corporation Ltd can therefore be summarised as acting as a foundation

member in the creation of a source of finance for promising new ventures in the State.

## TECHNOLOGY PARK

*Developments*

1274. Mrs HENDERSON, to the Minister for Industry and Technology:

What future developments are envisaged for Technology Park?

Mr BRYCE replied:

The Western Australian Technology Development Authority is currently negotiating with six organisations for the development of additional commercial premises at Technology Park. In addition, four new enterprise units each of 250 sq m are anticipated to be opened in approximately September 1987.

The authority has under active consideration at the present time the construction of four further enterprise units each of 500 sq m, two facility units each of 1 000 sq m, and a development of laboratory and office standard units to further assist the creation of new enterprises in Western Australia. All these three developments will be available for rental by technology-based enterprises.

Further consideration is being given to an extension to the research and development building to double the number of incubator units—100 sq m. The demand for the existing units far exceeds supply.

## TECHNOLOGY PARK

*Tertiary Institutions' Involvement*

1275. Mrs HENDERSON, to the Minister for Industry and Technology:

(1) What are the interrelationships between the tertiary institutions and Technology Park?

(2) What practical relationships have been established, if any, between companies located at Technology Park and Western Australia's tertiary academic institutions?

(3) How many people are currently employed by companies located at Technology Park?

(4) What types of accommodation are available from advanced technology companies at Technology Park?

(5) What specialised equipment is available for general use at the park by companies located there?

Mr BRYCE replied:

(1) Currently, the Technology Park comprises a series of developments designed to assist "start-up" companies in the early stages of their product development. It is anticipated that several more mature organisations will commence building research and development facilities at the park in the near future. The interrelationship between the tertiaries and the occupants at the park is intended to bring the research talents at the universities to bear on research problems encountered within industry.

(2) The first commercial occupier at the park, Delta West Ltd, has established relationships with the tertiary institutions in respect of a number of research projects. Relationships are expected to increase as the small organisations in the park become more established and require the need for specialist research facilities.

(3) 260.

(4) Accommodation currently available at Technology Park for advanced technology companies consists of—

12 100 sq metre "incubator" units;

4 250 sq metre enterprise units;

4 375 sq metre enterprise units;

4 500 sq metre enterprise units.

In addition, there is a "facilitators" wing situated in the central building which houses seven organisations whose operations are designed to assist the technology-based companies.

(5) The Technology Development Authority is shortly to commission, with Delta West, a laboratory-scale fermentation pilot plant together with associated downstream processing equipment. This facility will be available for all research within the tertiary institutions and industry on a user-pays basis.

Computing equipment for use by small local organisations is also available at the Olivetti-AT and T centre and the facility occupied by the Western Australian Regional Computing Centre, a division of the University of Western Australia.

## FEDERAL ELECTION CANDIDATE

*Reinstatement to Employment*

1277. Mr MacKINNON, to the Minister for Police and Emergency Services:

(1) Is he aware that the endorsed Liberal candidate for the Federal seat of Cowan, Detective Constable Paul Filing, has been advised that if he resigns to contest the forthcoming Federal election and is not elected, he will not be reinstated to the Police Force with his current seniority, salary, and other entitlements?

(2) Will he ensure that any police officer who resigns to contest a State or Federal seat for any political party is reinstated—including Detective Constable Filing—without loss of rank, salary, or other entitlements in such circumstances?

Mr GORDON HILL replied:

(1) and (2) The Police Act quite clearly states that employment of police officers is the prerogative of the Commissioner of Police and not that of the Minister. I am advised by the Commissioner of Police that Detective Constable Paul Filing is required to resign to contest a seat in the Federal Parliament; and after the election, if he wishes to reapply to join the Police Force, his application would be given consideration by the commissioner in line with present policy as endorsed by the previous Government.

## ROAD: ALBANY HIGHWAY

*Tender: Completion*

1278. Mr SPRIGGS, to the Minister for Transport:

(1) Has the Main Roads Department tender No. 43/86 for work on Albany Highway in January 1987 been completed?

(2) If the work is complete, was the tender for $1 500 000 and, if so, was that the total spent?

(3) If more was spent, how much was the final figure?

Mr TROY replied:

(1) Yes.

(2) The department's tender price was $1 519 352.48. Seven other higher tenders were received. As the Main Roads Department tendered on a commercial basis, such information is confidential.

(3) Answered by (2).

## TRANSPORT: RAILWAYS

*Electrification: Tenders*

1279. Mr CASH, to the Minister for Transport:

(1) Have tenders for the electrification of the Perth suburban rail system been let, and if so will he advise any contracts which have been awarded to date?

(2) If tenders have not been let to date, when will this occur?

(3) What is the timetable for the electrification of the suburban system?

(4) Will his recent comments in the House concerning the need to recognise possible reductions in Commonwealth funding cause any deferment of the Government's policy to electrify the suburban rail system?

Mr TROY replied:

(1) No.

(2) Tender documentation for the rolling stock, the supply of which has the longest lead time for the completion of the first phase of electrification, is due to be issued next week. Tenders for other contracts will be issued following completion of documentation in accordance with the overall electrification programme.

(3) A detailed critical path network is now being prepared. It is expected that the first electric trains will run in early 1989, with completion of the electrification of the Armadale line in early 1990 and of the Midland-Fremantle line by late 1991.

(4) No.

## MINISTER FOR POLICE AND EMERGENCY SERVICES

*Aircraft Incident*

1280. Mr MENSAROS, to the Minister for Police and Emergency Services:

(1) Has there been any inquiry into the near accident he and his entourage were subjected to recently during an official flight?

(2) Is the Government considering paying compensation to any of those who were on the plane and suffered shock and trauma?

Mr GORDON HILL replied:

(1) Not known.

(2) No.

## EDUCATION

*Television Programme: "Behind the News"*

1281. Mr MENSAROS, to the Minister for Education:

(1) Is the Australian Broadcasting Corporation television programme "Behind the News" being viewed in primary schools?

(2) If so, is this a recommended part of any curriculum?

(3) Does it depend on the choice of each principal and/or class teacher whether the programme is viewed?

Mr PEARCE replied:

(1) Yes.

(2) No.

(3) Yes.

## SEWERAGE TREATMENT PLANT

*Westfield*

1282. Mr RUSHTON, to the Minister for Water Resources:

(1) Is he aware the City of Armadale opposes the siting of the waste disposal plant at Westfield?

(2) Is he aware the community of Forrestdale, represented by the Forrestdale Progress Association, opposes the siting of this plant at Westfield?

(3) Is he further aware the sewerage treatment plant on the Westfield site ceased operations in December 1986 because it had been found that this location was unsuitable for the continuance of sewerage treatment and waste disposal?

(4) Is he also aware of the decision previously taken, based on professional advice, that reticulated City of Armadale sewerage should be connected to the mains system for health reasons?

(5) Is it now intended to receive the sewerage waste at the Westfield site for a short period to meet an emergency?

(6) What alternatives are being looked at for the disposal of sewerage waste?

(7) If it is presently intended that the Westfield site is to be permanent, will he please table the health report which considers the site now adequate?

(8) Will he now direct that an alternative site be sought for sewerage waste disposal for the metropolitan south of the river community?

Mr BRIDGE replied:

This question has wrongly been addressed to the Minister for Water Resources. It has been referred to the Minister for Health, and he will answer the question in writing.

## HEALTH

*AIDS Patients: Hospitals*

1283. Mr BRADSHAW, to the Minister for Health:

(1) How many AIDS patients are currently in public hospitals in Western Australia?

(2) Are AIDS patients allowed to be admitted to all public hospitals?

(3) Has consideration been given to setting up a specialist hospital for AIDS patients?

Mr TAYLOR replied:

(1) On Friday, 12 June 1987, two.

(2) Yes, but the Royal Perth Hospital is the preferred hospital for assessment and treatment.

(3) No.

## GOVERNMENT EMPLOYEES

*Public Service Freeze: Cessation*

1284. Mr CASH, to the Minister for Public Sector Management:

Further to his answer to question 1255 of 1987, when was the freeze lifted?

Mr BRIAN BURKE replied:

See answer to question 922. The freeze was lifted on an agency-by-agency basis as individual organisations agreed to their contribution to the global target of a three per cent reduction across the public sector. In most cases this occurred between November 1986 and February 1987.

## CRIME

*Riot: Floreat Athena Sports Centre*

1285. Mr CASH, to the Minister for Police and Emergency Services:

(1) Is he aware of reports that an unknown number of persons attacked the Floreat Athena Sports Centre on the night of 25 May 1987?

(2) Did the police investigate the reports, and if so what action was taken?

Mr GORDON HILL replied:

(1) Yes.

(2) Yes. An offence report of "damage" was submitted by Leederville police and is currently under investigation by Mt Hawthorn police.

## POLICE

*Random Breath Testing: Mobile Unit*

1286. Mr CASH, to the Treasurer:

(1) Referring to the answer given by the Minister for Police and Emergency Services to question 1231 of 1987, when were the two motor vans which were subsequently fitted out with breathalyser units originally purchased, and when were they disposed of?

(2) What was the—

(a) original cost of the vans;

(b) fitting out cost;

(c) sale price?

Mr BRIAN BURKE replied:

(1) The two motor vans were purchased in November 1976 and sold in August and September 1982.

(2) (a) $3 674 each;

(b) the cost of fitting out the vans is not known;

(c) $2 963 and $3 435 respectively.

## HEALTH

*Handicapped Children: Irrabeena Centre*

1287. Mr BRADSHAW, to the Minister for Health:

(1) What is the proportion of social trainers to handicapped children provided by Irrabeena Centre?

(2) Has this proportion varied in the last five years?

(3) If yes, in which way?

Mr TAYLOR replied:

(1) The proportion of social trainers to intellectually handicapped children is currently 1:13.4.

(2) and (3) During the last five years this proportion has been adjusted downwards slightly to reflect a decrease in the proportion of residential to preschool children.

## FIRES

*Lightning-caused*

1289. Mr EVANS, to the Minister for Conservation and Land Management:

How many lightning-caused fires has the Department of Conservation and Land Management, and previously the Forests Department, been called to control in each of the past 10 years?

Mr HODGE replied:

1977-78—98 wildfires

1978-79—14 wildfires

1979-80—6 wildfires

1980-81—5 wildfires

1981-82—31 wildfires

1982-83—10 wildfires

1983-84—8 wildfires

1984-85—30 wildfires

1985-86—25 wildfires

1986-87—12 wildfires.

## EMPLOYMENT AND TRAINING

*Apprentice Training Facility: Carine*

1290. Mr MacKINNON, to the Minister for Education:

(1) Has the apprentice training facility at Carine now been closed for all or any trades?

(2) If so, when was the facility closed and for what trades?

(3) What alternative arrangements have been made for students who were attending the Carine facility?

(4) What arrangements, if any, have been made to assist students who may have difficulty travelling to these alternative facilities?

Mr PEARCE replied:

(1) and (2) The final stage—stage 3—of fitting and machining apprentice training was moved to Wembley College of TAFE two years ago, and the final stage of mechanical fitting apprentice training was moved to Midland College of TAFE at the end of 1986.

(3) All students have been accommodated at the alternative colleges.

(4) Most final stage apprentices have their own transport, but both the Midland and Wembley colleges are served effectively by the public transport system.

## TAXES AND CHARGES

*Land Tax: Collections*

1291. Mr MacKINNON, to the Treasurer:

(1) What was the total amount collected by the State Government in the form of land tax during the years ended—

(a) 30 June 1983;

(b) 30 June 1984;

(c) 30 June 1985;

(d) 30 June 1986?

(2) What was the total amount collected by the State Government in the form of metropolitan regional improvement tax during the years ended—

(a) 30 June 1983;

(b) 30 June 1984;

(c) 30 June 1985;

(d) 30 June 1986?

(3) What is the estimated income from each of these sources for the year ending 30 June 1987?

(4) (a) Is a similar tax to the metropolitan regional improvement tax imposed in any country area in Western Australia;

(b) if so, where?

Mr BRIAN BURKE replied:

This question has been addressed incorrectly to the Treasurer. It has been directed to the Minister for Budget Management and he will answer the question in writing.

## EDUCATION

*Students: Safety House Scheme*

1292. Mr MacKINNON, to the Premier and Treasurer:

(1) What support has the Government given to the Safety House Association of Western Australia since its inception in 1983?

(2) Has the Government received a request from the association for further financial assistance?

(3) Has a decision yet been made with respect to that request?

(4) If so, what was that decision?

(5) If not, when is it anticipated a decision will be made?

Mr BRIAN BURKE replied:

(1) In addition to practical support from the Education and Police Departments, the Government assists with funding to meet the salary of the association's project officer. Government grants to the association since May 1985, when funding under the community employment programme ceased, have been—

| | $ |
|---|---|
| 1984-85 | 2 200 |
| 1985-86 | 21 000 |
| 1986-87 | 21 000 |

(2) to (5) A request for increased funding from 1987-88 has been received and is being considered as part of the budgetary process. The Government's decision will be conveyed to the association immediately following the presentation of the 1987-88 State Budget to Parliament.

## LAND

*Crown: Treatment*

1293. Mr MacKINNON, to the Minister for Lands:

(1) Referring to question 1143 of 1987, what changes are being considered to the manner in which Crown land is treated in Western Australia?

(2) Who is giving consideration to these changes?

(3) What groups or sections of the community have been consulted in relation to these changes?

(4) When is it likely that legislation will be introduced into the Parliament to effect these changes?

Mr WILSON replied:

(1) Legislation and administrative procedures affecting the Crown land estate are presently being reviewed with the objective of ensuring that an appropriately modern, cost-effective approach is used for the administration of the State's real estate holdings.

(2) Working groups within the Department of Lands Administration.

(3) To date the review has been internal. However, appropriate consultation will occur as the study progresses.

(4) It is intended to introduce appropriate legislation as soon as possible, depending upon the progress of the study.

## HOUSING

*Residential Tenancy Legislation: Introduction*

1294. Mr MacKINNON, to the Minister for Housing:

(1) Why has he failed to answer a question I put to him concerning the introduction of tenancy law legislation—question 1200 of 1987—when he has previously answered similar questions placed before him on 26 November 1986, 19 November 1986, 14 October 1986, 8 October 1986, and 19 June 1986?

(2) Which Minister is now responsible for the introduction of tenancy law legislation into the Parliament?

(3) When did that Minister assume responsibility for the handling of the legislation?

Mr WILSON replied:

(1) The proposed tenancy legislation is embodied within the Consumer Affairs portfolio. Since I am no longer Minister for Consumer Affairs, and have not been since 16 March 1987, it is inappropriate for the member to direct questions relative to that portfolio to me.

(2) and (3) Answered by (1).

## PERTH OBSERVATORY

*Closure: Decision*

1295. Mr MacKINNON, to the Minister for Works and Services:

(1) Has the Government yet made a decision whether the Perth Observatory will close?

(2) If not, when is it likely that a decision along those lines will be made?

Mr PETER DOWDING replied:

(1) No.

(2) Several options are in the preliminary stages of investigation.

## GOVERNMENT EMPLOYEES

*Retirees: Contract Employment*

1296. Mr MacKINNON, to the Minister for Public Sector Management:

(1) Does the Government have a policy towards the employment on contract of Government employees who have previously accepted early retirement and severance payments from the Government?

(2) If so, what is that policy?

Mr BRIAN BURKE replied:

(1) and (2) No, re-employment of Government employees who have previously accepted early retirement and severance payments from the Government is generally discouraged. However, in special circumstances persons with certain skills, knowledge, or experience have been hired on a consultancy basis.

## WA EXIM CORPORATION

*Pastoral Leases: Minister's Visit*

1298. Mr COURT, to the Minister for Economic Development:

(1) When did he last visit Exim Corporation's pastoral leases in the Kimberley?

(2) Is the timetable for the sale of the leases considered satisfactory?

(3) When is it anticipated that the first restructured leases will be put on the market?

Mr PARKER replied:

(1) Earlier this month.

(2) Yes.

(3) As previously stated, restructuring of the Fitzroy Valley leases will not be completed before 1989. The project is conditional on several factors, including progress on the TB eradication programme.

## QUESTIONS WITHOUT NOTICE

## FEDERAL ELECTION

*Candidates: Reinstatement*

203. Mr MacKINNON, to the Minister for Police and Emergency Services:

I thank the Minister for his answer to question 1277 today.

(1) Is the Minister aware that Administrative Instruction 606 issued by the Public Service Board of Western Australia under the heading "Commonwealth Elections" says in section (3)—

> A person re-appointed pursuant to subparagraph 2(2) shall be appointed at the same salary level that was paid immediately before the resignation took effect and shall be deemed to have continued in the Public Service on leave without pay during the period from the day on which the resignation took effect, to and including the day immediately preceding the day the person was re-appointed.

That refers, of course, to State public servants who contest Federal elections. In other words, if unsuccessful, they will be reappointed on the same terms and conditions as they were at the time of their retirement as though they took leave without pay.

(2) Given his answer to question 1277, will the Minister now take action to ensure that Detective Constable Paul Filing, the Liberal candidate for the seat of Cowan at the forthcoming Federal election, and any other police officer who resigns to contest a State or Federal seat for any political party, including Detective Constable Filing, will be reinstated without loss of rank, salary, or other entitlements in such circumstances similar to the basis on which any other public servant would be treated under Adminstrative Instruction 606? I am well aware of what the Act currently says, but I am asking the Minister whether he will now ensure that Detective Constable Filing is not treated in such a discriminatory manner.

(3) If not, why not?

Mr GORDON HILL replied:

(1) The Leader of the Opposition is obviously not aware that members of the Police Force are not public servants but are in fact police officers under the Police Act. They take an oath and are sworn as police officers, not as public servants.

(2) and (3) The matter is currently receiving consideration by the Crown Law Department.

Mr MacKinnon: But will you give an assurance that Detective Constable Filing will be reinstated without any loss of seniority or conditions of employment?

Mr GORDON HILL: Quite obviously the Leader of the Opposition has not read my answer to question 1277. That is an assurance that I cannot give because it is a matter for the Commissioner of Police to determine in terms of hiring and firing under the Police Act. That is quite definitely set down there. The question of the extent

of the Police Act and my right as Minister to become involved in that area is to be determined, and that is a matter for Crown Law Department advice.

Mr MacKinnon: I understand that it is the commissioner's role to administer the Act, but if the commissioner says, "No, he cannot be reinstated because of the regulations", would you change them?

Mr GORDON HILL: That is a matter that obviously needs consideration after the Crown Law advice is received; I have already said that. In terms of the commissioner's responsibility at the moment, it is quite clearly defined.

## PASTORAL LEASES

*Working Conditions: Youths*

204. Mr READ, to the Premier:

(1) Is the Government concerned about the situation occurring on pastoral stations which resulted in the recent deaths of two youths in the Kimberley?

(2) Has he seen recent comments about the youths made by the member for East Melville in *Hansard*, page 2210, last Wednesday?

(3) Are these views correct?

Mr BRIAN BURKE replied:

(1) to (3) Yes, the Government is concerned about the situation that is the subject of the question, and a working party has been established by the Government to consider the situation and to recommend appropriate action. We are waiting on the completion of all of the inquiries that are being conducted into the deaths of these two boys before deciding if any other action is appropriate. However, I am disturbed, and all members should be disturbed, at the statement by the member for East Melville on page 2210 of *Hansard*.

Mr Lewis: You were not even here.

Mr Read: He was.

Mr BRIAN BURKE: I was here.

Mr Bryce: It is one of the rather identifiable benefits of *Hansard*—it is on public record.

Mr BRIAN BURKE: On page 2210 of *Hansard*, during her speech the member for Gosnells said—

> We are talking about two young people working under the most shocking working conditions who decided to leave their employment.

The member for East Melville interjected—

> Who stole a vehicle and were running away.

The member for Gosnells then said—

> A Federal Liberal Government would pay them nothing for six months. That is their punishment for voluntarily leaving their job.

That I was here was evidenced by the next comment, when I interjected and said—

> Did you hear what the member for East Melville said?

That was the end of it, but I was definitely here and I heard the interjection by the member for East Melville.

I find it absolutely appalling, and I hope the member for East Melville will understand that he is not joined in those views by members on this side of the Parliament. We do not understand that to be the case. We do not know what the case was and I would hope that members on the other side would urge their colleague, the member for East Melville, at an early opportunity to either withdraw or apologise for his remarks because obviously they would cause great heartbreak to the family if it became current that their children were being accused by him of stealing a motor vehicle.

## ABORIGINAL COMMUNITIES

*Kava: Distribution*

205. Mr CRANE, to the Premier:

This question could well be directed to a couple of other Ministers, because it is a broad question. I am sorry I have not given the Premier notice of it but it is of such concern to me that I felt I must ask this question today as Parliament is drawing to a close. It concerns the exploitation of Aboriginal people.

(1) What action has been taken on the matter of the distribution of kava to Aboriginal communities as reported in last week's edition of *The Western Mail*?

(2) Will the Premier consider the urgent introduction of legislation while Parliament is still sitting to prevent the importation of kava by irresponsible people who care nothing for the welfare of our indigenous Aborigines and whose only motive is profit?

I am very concerned about this, as I have worked with Aboriginal people all my life. I have had a lot to do with them and they have enough problems to overcome without our deliberately putting more in front of them. I believe it is our responsibility to act very quickly and I ask the Premier if he would please do that. I am ready to help him.

Mr BRIAN BURKE replied:

(1) and (2) I suspect that the Minister for Aboriginal Affairs is the most appropriate Minister to answer the question, but I understand he is not here and on that basis I will tell the member what I know about the matter and perhaps provide some help to him.

Firstly, I understand that the Minister for Aboriginal Affairs has expressed public concern about the sale and consumption of kava by Western Australians, and has negotiated a three-months moratorium on the sale or distribution of kava, at least with those people who have so far indicated that it is their intention to sell or distribute the drug, or the powder from which it is made.

I share some of the concerns expressed by the member for Moore and will undertake to ask the Minister for Aboriginal Affairs to negotiate an extension of the moratorium so that it will extend at least until the Parliament meets again for the next session. In that way the member will have time, with us, to assess the effects of the consumption of kava and to learn from the studies that are being conducted. It will also mean that should we need legislation the moratorium will stretch to the period when the legislation can be introduced, provided it can be negotiated, and that will mean that it is not necessary, in haste—in the next week, remembering that the Parliament is due to rise on Friday of this week, if we sit on Friday—to rush the legislation in now or to delay the Parliament for another week or two for just one piece of legislation. That is what I am prepared to do, and if the moratorium can be extended until we come back again in September there will be no sale of kava and the member will have the opportunity to decide whether or not legislation should be introduced.

## TAXI DRIVERS

*Security Devices*

206. Dr ALEXANDER, to the Minister for Transport:

My question relates to newspaper and television reports in the past 48 hours which make it abundantly clear that there is growing concern amongst taxi drivers about violence. I share that concern because many of those taxi drivers work or live in the electorate of Perth. Would the Minister please advise the House what steps the Government is taking to address this serious problem?

Mr TROY replied:

I, too, share the member's concern on this matter. The Taxi Control Board, with its predominance of elected individuals representing both owners and drivers, addressed the issue of violence last Wednesday and yesterday forwarded to me a range of measures it believes should be adopted to help drivers combat violence. I have endorsed those recommendations which essentially cover the installation of safety devices; the use of protective shields separating drivers and passengers; and the subject of driver training.

I am not prepared to fall into the same trap as members opposite and detail the types of safety devices recommended, for to do so would negate their effectiveness, in my view. Within a matter of minutes of one member of the Opposition's detailing on radio the sorts of measures that

had been adopted in New South Wales, my office received phone calls from very senior people in the industry heavily criticising this revelation and saying, in effect, it had blown the effective utilisation of such devices.

On the recommendation of the Taxi Control Board, safety devices will be installed in Perth taxis. Those cab owners who wish to install a protective shield will be allowed to do so, and the Taxi Control Board, in consultation with the police, the taxi training school, and coopted expertise from criminologists and the like will seek to improve training in how to cope with potentially violent situations. Following a meeting of night drivers at Fremantle in the early hours of this morning, I have agreed to meet the representatives of that group tomorrow morning. I fully appreciate the concerns of night drivers who are primarily concerned in this situation, and I have arranged for a separate meeting of the Taxi Control Board to be convened to hear representations on behalf of night drivers.

It has been suggested there is a link between violence and non-payment of fares. There may well be such a link, but members opposite have displayed a quite remarkable attitude on this issue. Yesterday the Deputy Leader of the Opposition called for action on violence and the non-payment of fares, yet when he had the opportunity to bring forward his Bill on the subject during the last day of private members' business for this part of the session he failed to do so.

The Government has addressed the problem of non-payment by amending the regulations and giving the Taxi Control Board increased powers to prosecute. The first of several cases pending was heard last month and resulted in that offender paying nearly $140 in fines, court costs and compensation for time spent in gathering evidence and general compensation for the failure to pay a $20 fare. As similar cases progressively get to court, I am confident potential fare evaders will be deterred. Amendments to the respective Acts covering the minimum penalties are currently being processed.

## MOTOR VEHICLE LICENCES

*Concessions: War Widows*

207. Mr LEWIS, to the Minister for Police and Emergency Services:

In view of the Minister's statement in his second reading speech on the Road Traffic Amendment Bill (No. 2) of 1986, recorded on page 3922 of *Hansard*, where he said entitlement to concessions on motor vehicle licence fees would be extended to those aged pensioners and aged service pensioners not currently entitled to a concession, why are applications for concessions by aged war widows now being refused?

Mr GORDON HILL replied:

The question may be an administrative one and I need to check the procedures as they apply within the Police Department. I would appreciate it if the member would put the question on notice, and I will have it answered.

## MOTOR VEHICLES

*Repossession: Legislation*

208. Mr HOUSE, to the Minister for Consumer Affairs:

With regard to the Minister's Press release detailing the fact that legislation would be introduced into State Parliament to prevent finance companies repossessing a vehicle because of a previous owner's debt on it—

(1) When will the legislation be introduced?

(2) Will the legislation cover caravans and boats as well as vehicles?

(3) Will the legislation cover farm machinery?

Mr TAYLOR replied:

(1) Legislation relating to chattel securities has been approved by Cabinet, and I hope it will be introduced in the next session of Parliament.

(2) The legislation will cover all registered vehicles, which include caravans. There are some difficulties with boats which we are trying to sort out. It may be possible to include them if we can sort out the technical difficulties.

(3) We are not sure whether the legislation will include farm machinery. In this respect there are some technical difficulties that are also associated with boats in terms of registration and getting information on registration. However, if it is at all possible we would like to include both boats and farm machinery.

Mr Watt: If they were registered for road use they could be included.

Mr TAYLOR: That is one of the difficulties.

## LABOR PARTY PREMIERS

*Conference*

209. Mr MENSAROS, to the Premier:

(1) Was it correctly reported that he made a trip to the Eastern States last weekend, I think to Melbourne, to meet Labor Premiers and the Labor Prime Minister to discuss the Federal Liberal Party's policy on taxation and its consequence on the ALP, and to work out some strategy to combat the expected popularity of that policy?

(2) Was it correctly reported that the Premiers of States which have no Labor Governments did not participate in this conference?

Mr BRIAN BURKE replied:

(1) There was a meeting in Melbourne on the weekend to which I went, which meeting was not called to counter the expected popularity of the Opposition's tax package. It was called to determine whether the problems posed by the detail of that package to our State were posed to other States and to the Commonwealth. I have to report that the meeting was an extremely fruitful one, but the full horror of the tax package was not fully known to the Government here. It became clear in large part as a result of the meeting.

I will give one or two brief examples. Does the member for Floreat understand that the health policies of the national Opposition and the Medicare undertakings depend upon the national Parliament, at the behest of the now Opposition when in Government, if ever it reaches Government, abrogating the agreement signed with the States and due to run at least until June 1988? Do members on the other side of the House really support the retrospective legislation that is involved in that abrogation?

Mr Lightfoot: Is it retrospective?

Mr BRIAN BURKE: It abrogates an agreement into which the Commonwealth and the States entered freely.

Mr Lightfoot: I do not believe it will be retrospective legislation.

Mr Mensaros: You did not answer the question about the Liberal Premiers.

Mr BRIAN BURKE: To continue—

(2) No, they did not attend.

Mr Mensaros: Were they invited?

Mr BRIAN BURKE: I did not arrange the meeting. I do not know, but I presume they were not invited. Judging on past performance, there is nothing he could contribute. One aspect that should be of concern is that amount of $92 million, I think, that is to be paid to the States under the Medicare agreement which will be lost because it will be abrogated under the Liberal's tax policy.

Mr Howard proposes that we continue to pay the Medicare levy, that we be forced to pay for private insurance, and that we be forced to pay the first $250.

Mr Lightfoot: Not everyone; be accurate.

Mr BRIAN BURKE: It is the Liberal Party's policy; the member should be proud of it. I thought it was popular. This policy is like a case of AIDS.

When it became apparent that people did not want to pay the first $250, Mr Howard produced a new idea—that is, that it could be insured against. Of course, the prohibition or sanction against overuse would be lost because the $250 is meant to constrain people from overusing health and doctors services. This sort of a cop-a-lot-together policy was put forward as we run towards an election.

Mr Bradshaw: What have you done to stop the overuse of Medicare?

The SPEAKER: That is another question.

Mr BRIAN BURKE: That is another question; and not a very good one. This mishmash health policy affects all of the people of our State.

Mr Trenorden: We have a mishmash policy now—Medicare.

Mr BRIAN BURKE: The member looks to be in reasonable health.

Mr Trenorden: Not as good as you.

Mr BRIAN BURKE: That is true, but the health system has not let the member down; he is in the pink.

The next question the member for Floreat will ask is—

Mr Bryce: What does Joh think?

Mr BRIAN BURKE: No, why did the taxpayer pay for the trip? That is a legitimate question, is it not?

Mr Mensaros: Yes.

Mr BRIAN BURKE: I have outlined the important matters that we discussed and which were of great interest to the State. However, by the same token I was asked that question on the radio on Monday and I gave the answer.

Mr Trenorden: I wonder whether the answer on the radio was as long as this answer.

Mr BRIAN BURKE: I do not know; there were no interjections on the radio. In addition, the audience generally, at least as it relates to the other side of this Chamber, was more intelligent.

Mr Lewis: Did you shout at it, too?

Mr BRIAN BURKE: No, I only shout at the member and the kids, but I could not do without either of them. Members would be surprised to learn that, in the last four years there have been numerous meetings of Liberal Party leaders across this country to which I have not been invited. On the first occasion I thought that my invitation had gone astray because the taxpayer was being asked to pay the costs of Western Australia's participation in that exercise. However, I found that my invitation was not mislaid; it was not even sent.

The Government agreed to pay for the costs of the Liberal Party leader's attendance at meetings in different parts of the country from time to time to do God-knows-what because none of them are in Government. If they were all gathering to hear the accumulated wisdom of the Premier of Tasmania, I suggest he write it on the back of a stamp and post it to them.

What is sauce for the goose is sauce for the gander. In this case, having set the example of paying for the Leader of the Opposition's attending a Liberal Party meeting at which matters of great moment such as political matters would be discussed—I cannot say for sure that they were, but high-blown Government policies were certainly not discussed—I decided it was even more appropriate that I attend this meeting with the Prime Minister and Premiers of other States. I think that the member for Floreat should have encouraged me to go because he is always criticising me for my shortcomings. Perhaps I can learn from them. Certainly, the Prime Minister is developing into one of the great Australian Prime Ministers.

## HEALTH

*Immunisation Programmes*

210. Mrs HENDERSON, to the Minister for Health:

Will the Minister give the House some indication of the success or otherwise of the most recent measles and mumps immunisation programme?

Mr TAYLOR replied:

About three weeks ago the Government launched a television campaign to encourage parents to have their children immunised against measles, in particular. I am pleased to advise the House that the amount of vaccine administered in the central immunisation clinic during the first three weeks was 34 per cent higher than the figure for the same period of the previous year, that figure not being compared with the period in the previous year, which was low. This campaign has been ongoing and the rate has increased significantly over the last two to three years. Members will

be pleased to see that sort of campaign eliciting that sort of positive response from the community because it can only be better for the health care of the children and everyone else involved in health care in this State.

## PREMIER

*Interstate Travel: Funding*

211. Mr MENSAROS, to the Premier:

I further ask the Premier whether he knows that, when Opposition leaders travel, they do not receive an allowance for participating in a particular meeting but that they receive a general allowance.

Mr Parker: The Leader of the Opposition has unlimited travel. It does not come out of his allowance.

Mr MENSAROS: He has a certain allowance.

In view of that, can the Premier inform me whether his funds were obtained from the Consolidated Revenue Fund or ALP funds?

Mr BRIAN BURKE replied:

This is an extraordinary question. Is the member suggesting that the Leader of the Opposition, as Premier, or I, should have a better entitlement than the Leader of the Opposition?

Mr Mensaros: I am not suggesting that. I am suggesting that if you go to a purely political meeting, it should be paid for by the party.

Mr BRIAN BURKE: Is the member suggesting that he takes it out of his imprest account?

Mr Mensaros: No.

Mr BRIAN BURKE: Should the Leader of the Opposition pay for himself?

Mr Mensaros: I know he can make a certain number of trips.

Mr BRIAN BURKE: The member is wrong; the Leader of the Opposition has unlimited travel.

Mr Mensaros: I did not know that.

Mr BRIAN BURKE: I know, that is why the member asked the question. I thought either he did not understand or that he was trying to undermine the Leader of the National Party.

I know that restrictions on travel for the Leader of the Opposition existed under Sir Charles Court and there were also restrictions on trips according to the closeness of election dates. However, we changed that.

Mr Parker: I think it was changed before we came to office.

Mr BRIAN BURKE: In any case, the Leader of the Opposition has unlimited travel for whatever purpose he likes. When the Leader of the National Party applies for assistance to travel to National Party leaders' meetings, the Government will certainly give him financial assistance to do that, not only on the basis that the National Party needs all the help it can get, but also because it is good for the State for Opposition leaders and Government leaders, even if in party or political terms, to meet with their colleagues to discuss common problems and, if possible, to bring to bear the benefits of those meetings for the State's future.

In this case it is quite clear that, as a result of that meeting, we have taken another step towards the defeat of the Howard Opposition at the next election. That is in the interests of this State.