Legislative Assembly

Tuesday, 21 August 1990

THE SPEAKER (Mr Michael Barnett) took the Chair at 2.00 pm, and read prayers.

SWEARING-IN OF MEMBER

The Clerk announced the return of the writ for the electorate of Cottesloe.

Mr Colin James Barnett took and subscribed the Oath of Allegiance, and signed the Roll.

PETITION - MT LESUEUR

Coal Mining or Power Stations - Opposition

MR KIERATH (Riverton) [2.04 pm]: I present a petition in the following terms -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, request that the Parliament, in recognition of the immense biological diversity and importance of the Mt Lesueur area -
>
> (1) create a National Park with boundaries as recommended by the Environmental Protection Authority,
>
> (2) no coal mining or power stations be permitted within the boundaries or adjacent to the Mt Lesueur National Park.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 165 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 78.]

PETITION - METROPOLITAN CEMETERIES BOARD

Building Demolition - Opposition

MRS WATKINS (Wanneroo) [2.06 pm]: I have a petition couched in the following terms -

> To: The Speaker and Members of the Legislative Assembly in the Parliament assembled. We the undersigned citizens of Western Australia request that the Metropolitan Cemeteries Board be refrained from the demolition of the building on the grounds that it holds religious significance for many citizens in Western Australia.
>
> Your petitioners therefore humbly pray that you will give this matter your earnest consideration and your petitioners as in duty bound shall forever pray.

The petition bears 67 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 79.]

PETITION - MORAWA AGRICULTURAL DISTRICT HIGH SCHOOL

Upgrading

MR MINSON (Greenough - Deputy Leader of the Opposition) [2.07 pm]: I have a petition in the following terms -

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

We, the undersigned, humbly request that the proposed upgrade of Morawa Agricultural District High School be commenced forthwith, and that a commitment to fund this upgrade be included in the State Budget for 1990-91.

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

The petition bears 454 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 80.]

[Interruption from the Public Gallery.]

The SPEAKER: Order! I direct the police constable to remove that person from the Public Gallery.

PETITION - LAW AND ORDER, SCARBOROUGH

West Coast Highway-Ventnor Street-Deanmore and Scarborough Beach Roads - Police Presence Increase

MR STRICKLAND (Scarborough) [2.09 pm]: I have a petition in the following terms -

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

We, the undersigned, call upon the Government to increase the police presence in the Scarborough area bounded by West Coast Highway, Ventnor Street, Deanmore Road and Scarborough Beach Road, particularly between 10 pm and 2 am, in order to maintain law and order and restore the basic rights of residents to have peaceful enjoyment of their property.

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

The petition bears 120 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 81.]

PETITION - FOOD ADDITIVES

Supermarkets and Food Outlets Display Chart

MR KIERATH (Riverton) [2.10 pm]: I present a petition couched in the following terms -

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

We the undersigned hereby petition that the Government require all supermarkets and food outlets to display clearly a chart detailing the coding used in food additives, thereby allowing the consumer to know which chemicals are used in the product. The consumer can then exercise freedom of choice in deciding whether or not to use the product. The chart should also warn of the possible harmful effects of food colourings, especially red E123, and yellow E102, (carmoisine and tartrazine), until it has been proven that these additives are not injurious to health.

The petition bears 114 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 82.]

PARLIAMENT HOUSE - SPEAKER'S GALLERY

Guests - Zambian Parliament Speaker and High Commissioner

THE SPEAKER (Mr Michael Barnett): Before calling Orders of the Day, I draw

members' attention to some guests in the Speaker's Gallery. The Speaker of the Zambian Parliament and the Zambian High Commissioner are with us today, and I welcome them to the Parliament of Western Australia; I hope that they will enjoy their stay here.

[Applause.]

BILLS (19) - ASSENT

Messages from the Governor received and read notifying assent to the following Bills -

1. Supply Bill
2. Treasurer's Advance Authorisation Bill
3. Offenders Probation and Parole Amendment Bill
4. Acts Amendment (Perth Market Authority) Bill
5. State Planning Commission (Amendment and Validation) Bill
6. Justices Amendment Bill
7. Seniors (Water Service Charges Rebates) Bill
8. Acts Amendment (Chemistry Centre (WA)) Bill
9. Stamp Amendment Bill
10. Collie Coal (Western Collieries) Agreement Amendment Bill
11. Acts Amendment (Gold Banking Corporation) Bill
12. Land Tax Assessment Amendment Bill
13. Acts Amendment (Petroleum) Bill
14. Petroleum (Submerged Lands) Registration Fees Amendment Bill
15. Petroleum (Registration Fees) Amendment Bill
16. Casino (Burswood Island) Agreement Amendment Bill
17. Lotteries Commission Bill
18. Marketing of Potatoes Amendment Bill
19. Reserves and Land Revestment Bill

HERITAGE OF WESTERN AUSTRALIA BILL

Second Reading

Debate resumed from 21 November 1989.

MR LEWIS (Applecross) [2.18 pm]: It should be understood from the outset the Opposition unequivocally supports this legislation and accepts its principles . That has been demonstrated over a period during which the Opposition introduced legislation in another place which passed through that Chamber; however, the legislation was subsequently ruled out of order by the Presiding Officer of this Chamber. So, let it be known that the Opposition supports heritage legislation. The Government should be condemned for not pursuing its undertaking to introduce this legislation four years ago.

Also, any such heritage legislation must be fair and equitable to all people concerned, and principally to those people who own property which may have a conservation order, a stop work order or some similar order placed on the property. The Government was not dinkum about its heritage legislation which was originally introduced by the present Leader of the House in 1987 in that it was flawed from the outset and inappropriately drafted; the legislation was full of contradictions to the extent that a listing of places of heritage did not include places of heritage owned by the Government which should have been listed. That legislation did not proceed because it was a dud. In 1989 the same Minister, who was the Minister for Planning and responsible for heritage matters in this House, introduced a rewrite of that legislation and for some reason or other that did not proceed either. This was notwithstanding the Government's indication of its good intention to introduce the legislation. The legislation floundered around on the Government benches; perhaps it was because the appropriate Minister did not feel competent to pursue it.

Mrs Beggs interjected.

Mr LEWIS: The Government has stated in the public forum that it is dinkum about the heritage legislation, but its actions have not supported that contention. Over the last three or four months the new Minister for Heritage has stated the Government's intentions. All I can say is that if it has taken the Government nigh on four years to introduce heritage legislation into this Parliament it does not have its act together.

Mr Minson: Four years!

Mr LEWIS: Yes; the Government first announced that it would introduce heritage legislation four years ago. A glowing example of the Government's intentions can be seen in its 1989-90 Budget. In 1988-89 the Budget allocation for heritage was $805 000. In fact, over $1 million was spent by the Government on heritage despite there being no Act in place for that appropriation. However, I am not critical of that fact. I am critical of the Government for allocating only $195 000 for the support of the Heritage Council in its 1989-90 Budget, which was the year it had professed to introduce heritage legislation. It can easily be seen that last year the Government had no intention of proceeding with the introduction of the legislation.

Another example of the Government's saying, "Do what we say and not what we do" and where its words contradict its actions in the preservation of places of heritage is the then Minister's actions in vandalising and demolishing the stables at the old Swan Brewery site. They were the only buildings of significance on the site and yet the Minister, who introduced the legislation in 1987 in his capacity as the Minister for Planning, demolished those stables. I should not refer to that site because no doubt every member on the Government benches is aware that it is an absolute embarrassment to the Government. It is about time the Government made a decision and did something about the site. The public of Western Australia have had enough of the Government's dallying.

Mrs Beggs: What would you do?

Mr Minson: Knock it down.

Mr LEWIS: I will tell the Minister in a minute. That example demonstrates the Government's ineptitude and its lack of resolve. Can any member on the Government benches tell the Opposition or the public of Western Australia what has been decided in respect of the shambles that is the old brewery site? Can the Minister tell me?

Mrs Beggs: The Government made its position very clear. It wants to restore the old brewery building.

Mr LEWIS: The Government continues to procrastinate.

Mrs Beggs: The Government must respect the requirement of Aboriginal culture, which is currently being determined by the court. When the court makes a decision we will be in a position to decide how to proceed.

Mr LEWIS: I have heard that the Trades and Labor Council has put heavy pressure on the Government. Its master, the Trades and Labor Council, has told the Government it would be folly to spend another $25 million on a white elephant.

Mrs Beggs: On heritage?

Mr LEWIS: That is not a place of heritage and the Minister knows it. It has not been classified. The stables were classified and the rest is a shambles.

Mr Clarko: It is an old factory.

Mrs Beggs: Is Mr Lewis saying that if a building is not registered it is not worth anything?

Mr LEWIS: The Government has pulled down the good bit. As far as the Opposition is concerned the brewery should be demolished and the site returned to parkland. That is what the majority of people in Western Australia want.

Mrs Beggs: You claim to support heritage legislation yet you would bulldoze that building.

Mr LEWIS: That is not a building of heritage.

Mrs Beggs: In whose opinion?

Mr Clarko: The National Trust's opinion.

Mr Minson: Doesn't it count?

Mrs Beggs: It has been listed on the national register as a building of historic and significant importance.

Mr Clarko: The National Trust said it is not worthy of preservation.

The SPEAKER: Order! The member for Marmion will get his chance later.

Mr LEWIS: The Government has been well and truly shown up by its indecision on the old Swan Brewery. When it made a decision it destroyed the only building that had any significance as far as heritage is concerned.

Mrs Beggs: You are a contradiction on two legs.

Mr LEWIS: Another occasion when the Government's action spoke louder than its words and where its real intent became clear was when it sold the Cottesloe Police Station. That is a classical building recognised for its heritage value. This Government disposed of it without thought of the need to protect that unique building.

Mr Shave: Why didn't the Minister look after that building if she is so concerned about our heritage?

Mrs Beggs: The Government wants to look after all buildings.

Mr LEWIS: The Earlsferry property on the Swan River was owned by the Government. The Government did not look after the property and allowed it to fall into a state of disrepair. The property was vandalised, a fire was lit and the roof was destroyed. After pressure from the Opposition the building was re-roofed. It was put out for sale by tender; the tenders were not accepted and it was eventually sold under a contract of sale under conditions that this Parliament knows nothing about. Questions were asked in Parliament about the conditions of sale, but to my understanding they have not been answered properly. Neither the price nor the purchaser was disclosed. The Earlsferry building had been recorded and was recognised as a building of heritage significance. The Government has shown by its actions that it is not interested in this building. The Government is more interested in giving the public the perception - that is the critical point - that it is interested in buildings of heritage. The Government's actions do not display any interest.

This legislation does not recognise the property rights of people nor does it lay down that those rights should be protected at all times. In recent years the property rights of Western Australians have been diminished or eroded by the intrusion of legislation and regulations. The time has come when the Government must recognise that people who own property have rights that go with the ownership of that property and that those rights should not, by the stroke of a pen, be diminished in any way and should not be removed in the public interest. Without compensation the point is that if the public or the State is of the opinion that a person's property rights should be diminished or, indeed, that a property would better serve the public to be in public ownership, the public should be expected to pay for those rights which have been sequestered from the owner.

This legislation does not fully recognise people's property rights, particularly when their rights are removed by a conservation order without any compensation for the loss of those rights. Notwithstanding the overtures from industry to Government, groups such as the Building Owners and Managers Association of Australia Ltd, the Australian Institute of Valuers and Land Administrators, the Real Estate Institute of WA, the Society of Land Economists and the Urban Development Institute of Australia have asked the Government to consider that where property values are diminished by virtue of conservation orders and the like and with the injurious affection of those properties because of such orders, stop work orders or the like, just and ample compensation should be paid for the loss of those rights. Unfortunately this Bill does not recognise that those rights exist and it does not in any way put in place the necessary machinery for such compensation to be paid.

I draw the attention of the House to the never ending bevy of laws and regulations which must be abided by prior to any development proceeding. Over the last six years a considerable amount of legislation has been put in place enforcing additional requirements for approval to undertake development, whether it be via the Environmental Protection

Authority, the Swan River Trust, for the protection of Aboriginal heritage and now for the protection of built heritage. All the relevant legislation has required proponents of development to obtain approvals. As a result of the additional Government agencies now involved in the development process the lead time for approval for development has been extended greatly and the costs associated with that have blown out considerably.

The Government and, indeed, this Parliament has a responsibility to facilitate development if it wants a strong and vibrant economy in this State to be founded on development. This State must have development, but if we keep on putting in its way the raft of approvals that must be obtained from numerous Government agencies which vet applications to the nth degree, nothing will even happen. Proponents of development will not want to risk their capital in Western Australia because the whole approval process will end up being too hard. Perhaps that is what we have seen in recent years; not one major development has taken place in this State in the last four or five years on which this Government can hang its hat. The economy in Australia, particularly in Western Australia, is on a steep decline. This Government does not recognise that people are not prepared to invest their money to expand the economy, to develop and to create wealth. After all, it is only from wealth that the Government receives its taxes which enables it to spend money on behalf of the people of Western Australia. If we do not have that economic growth, and if it is stymied by the raft of approvals that are required through a convoluted route of Government agencies, the proponents of development will go elsewhere. It is a worry to me and it should be a worry to the Government. The time has come when the Government should put in place a one stop situation where all approvals for development can be processed at once instead of proponents running from agency to agency, month after month and with great frustration and at the end of the day they do not know whether they will be able to proceed because of the arbitrary decision of various boards that have great power vested in them by virtue of Acts of Parliament.

I do not want the Government or the public to think from what I have said that the Opposition does not want heritage legislation: The Opposition does want heritage legislation. The point I am making is that we cannot keep setting up all these boards and agencies without also putting in place an agency that will facilitate approvals so that the process does not become bogged down and inhibit further development in this State.

I refer again to the issue of equity in this legislation and it is a point which has been made by industry; that is, the lack of equity to a person who may own built heritage. It may be a building which is recognised as being important and of some significance and, therefore, should be conserved for Western Australians. As a consequence a person may suffer financial loss because he or she or, indeed, a company, happen to own that property. All members of this House and the public should understand that any individual may own a property that is, by virtue of the processes, deemed to be of significance and, therefore, is on the register of heritage places. That registration will automatically encumber the property because the provisions of this Bill require a memorial to be registered in the Land Titles Office, and it will then be recorded on the certificate of title that the property is a place of significance. The registration of that memorial will automatically diminish the value of the property. The Government should recognise that that action alone will diminish the value of the property and, therefore, the owners of such property should be recompensed. The person who owns the property will not have the same rights to his property as his neighbours and others have to theirs. He or she will suffer because the State has deemed the property to be of significance and the people of Western Australia will share in the heritage value of that property. By the stroke of a pen that owner's property rights will be diminished. There is no equity in that situation. Why should the person who owns such a property have his rights diminished for the benefit of the wider community, without the wider community recognising that the owner has incurred a loss in the value and compensating him for that loss? That is a basic and fundamental question which the Government must address.

If a conservation order were placed on the Minister's home, for the benefit of the wider community rather than for her benefit, and it prevented her from using the property to its fullest and best use, would she not want compensation for that loss? Is that a reasonable question?

Mrs Beggs: It is a reasonable question to which I will reply when I make my speech.

Mr LEWIS: The silence of the Minister indicates that the Government does not recognise

the property rights of homeowners in this situation. It proposes to sequester people's property for the benefit of the wider community without compensating the people who have lost their rights.

Dr Alexander: Have you read the Bill? It does set out a process to go through.

Mr LEWIS: The member for Perth has obviously not read the Bill. I advise him that under the terms of this proposed legislation compensation is payable to a property owner for recoupment of the cost of work commenced, plans or engineering drawings completed, and the like before the order was placed on the property.

Mrs Beggs: Is that not compensation?

Mr LEWIS: It is compensation for work already commenced, and that is as it should be. However, the Minister is missing my point; that is, by virtue of an order being placed on the property the legislation may restrict the owner of that property from using it for its zoned or intended land use.

Mrs Beggs: If you think that is unreasonable, you obviously do not support heritage listing. You cannot eat your cake and have it too.

Mr LEWIS: The Minister obviously does not know the first thing about equity. I repeat that the Opposition unequivocally supports heritage listing but with the proviso that if the public wants to sequester a person's property rights, it should be prepared to compensate that person. That is not covered in this legislation. I hope that the Minister and the member for Perth now understand the point I am making.

Dr Alexander: We see the world from slightly different points of view.

Mr LEWIS: The member for Perth sees it from the ultra far left. I ask him whether he recognises property rights.

Dr Alexander: Absolutely, but not in the same terms as you do.

Mr LEWIS: I suggest to the Government that similar legislation is currently enshrined within another Act of the Western Australian Parliament; I refer specifically to the Metropolitan Region Town Planning Scheme Act, which provides for the State Planning Commission to impose an embargo on or reserve freehold land for a public purpose. Under the provisions of that legislation the State Planning Commission may set aside a person's property and reserve it for recreation or public use, but complementing that legislation is the recognition that by so doing it is sequestering a person's property rights. The legislation contains provision for compensation to be paid for injurious affection because the owner of the property cannot use it for its best use and to its absolute advantage.

Dr Alexander: That relates to land that will be used for public purposes. Heritage buildings will not necessarily be used for public purposes.

Mr LEWIS: They may not be used for public purposes but the embargo is imposed for public purposes because the owner will not be permitted to use that property for its best use. Does the member for Perth think that a conservation order on his property would diminish its value?

Dr Alexander: No, it would probably increase it.

Mr LEWIS: Is it possible that it may diminish its value?

Dr Alexander: It is possible.

Mr LEWIS: The member concedes that, does he?

Dr Alexander: It is very difficult to undertake studies to say that it will go one way or the other.

The SPEAKER: Order! This is not a court of law. It would be better if remarks were directed through me.

Mr LEWIS: I accept that, Mr Speaker. I am trying to make a point to a member who is ignorant about property law.

Mrs Beggs: You really are a joke.

Mr LEWIS: Thank you.

Mr Pearce: The Leader of the Opposition knew what he was doing when he made you the shadow Minister for "wank".

Mr LEWIS: For what?

Mr Pearce: WA Inc.

Mr Kierath: Are you allowed to say things like that in your position?

The SPEAKER: Order! That is very improper.

Mr LEWIS: A member of the Government has admitted that it is possible for a person's property rights to be diminished by this legislation. Is it not reasonable, therefore, that that person should be compensated for that loss? I am waiting for the Minister, who believes that it is a joke for me to stand up for people's property rights, to make her speech. Is it a joke for me to stand up for people's property rights? Is it a joke to allow the vandals sitting opposite to take people's properties from them without compensating them for their losses?

Mrs Beggs: Under what existing Statute is anybody compensated unless that person's property is required for public purposes? Give me an example.

Mr LEWIS: I am confounded by the Minister's ignorance. She was the Minister for Planning responsible for the Metropolitan Region Town Planning Scheme Act and she does not even know the provisions of that Act. Under that Act, a person whose property is subjected to a reservation order has rights. The Act provides for the payment of compensation for the loss of the right to develop the land. However, rather than paying compensation, the State Planning Commission under this and previous Governments has acquired the land with a solatium payment; in other words, an amount paid for the loss of that right. If such payment is acceptable under the Metropolitan Region Town Planning Scheme Act, why cannot the same provisions be included in the heritage legislation.

Dr Alexander: It is a different case.

Mr LEWIS: There is no difference at all. The heritage Bill places a restriction on development of the property.

Dr Alexander: So do most planning provisions. That is the basis of planning. It restricts private property rights in certain areas.

Mr LEWIS: I would hate to have been a student at the Western Australian Institute of Technology when the member for Perth was lecturing there. No wonder half the students turned out the way they did.

I will not labour the point; it has been well and truly discussed. Rather than the Minister calling me a joke for standing up for people's property rights, she should consider my comments with a view to amending the Bill.

Mrs Beggs: Do you have amendments on the Notice Paper?

Mr LEWIS: Of course we will, but the Minister does not have them yet, does she?

Mrs Beggs: No, I do not.

Mr LEWIS: I assure the Minister that amendments are forthcoming. The Minister is leaving the House; it is a bit hot for her. Perhaps she needs a cigarette.

Under the legislation, the Heritage Council of Western Australia, with ministerial approval and after the possibility for disallowance by Parliament, will be able to waive land tax, metropolitan region improvement tax and municipal rates. The Bill provides the Minister with the power to amend planning legislation for a specific property and to override by-laws for development of a property. However, a problem in the legislation is that the property owner has no right of appeal when the Heritage Council does not, in its wisdom, consider that a person has been disadvantaged by a conservation order or a stop work order or has not had rates waived or been given plot ratio bonuses. The owner has no right of appeal against the arbitrary body's failure to compensate him by enhancing the value or by failing to contra a loss by granting enhanced benefits, vis-a-vis plot ratios.

If the Government professes that compensation rights exist within this legislation, limited though they are, is it not inequitable that if the body entrusted to grant the compensation rights acts in an arbitrary way and fails to make compensation, there is no right of appeal against that body's inability to provide those property rights?

Dr Alexander: One can appeal against having one's building being put on the list.

Mr LEWIS: Of course one can appeal against that, but a proponent may accept that the building is significant, has heritage value and entrusts his lack of action to appear to the goodwill of the Heritage Council. If the Heritage Council fails to act the person has no right of appeal. A right of appeal must exist to cover the situation where the Heritage Council fails to act to return rights removed by an embargo placed on a property by way of a conservation order. The Heritage Council can recommend to the Minister, who in turn can recommend to the Governor in Executive Council, that a tax be waived.

One tax which has become obvious because of its absence relates to water, sewerage and drainage rates levied by the Water Authority. We have all heard in recent days about the taxing structures which have been implemented by this Government through the Water Authority and which are levied on the basis of property value and not on the basis of user pays, which is the Opposition's position. Ability to waive such charges should not be limited to the local authority. It should apply not only to the metropolitan improvement tax or State land tax, but across the whole range of Government taxes and charges. This must include the Water Authority.

The Opposition is not suggesting that the actual consumption cost should be waived; owners should be prepared to pay for their water consumption. However, the ability should exist to waive the standing costs in these three areas. The Government should give consideration to the transferability of contra-property rights which can be granted by the Minister using an order. However, this may not be appropriate where a property has a specific zoning or is encumbered by a conservation order so that contra-benefits cannot be given on that property. It is high time that rights which are deemed to be fair and which relate to equity or recompense for loss could be transferred to another property.

Under this legislation a stop work order can be invoked by a council for a period of 42 days, which I believe is reasonable. However, it is unreasonable that such an order, which is appealable to the Town Planning Appeal Tribunal after that 42 days, will not work.

Mrs Beggs: Why?

Mr LEWIS: The Town Planning Appeal Tribunal is five or six months behind with its work. The former chairman of the tribunal resigned in October or November 1989 and the Government sat on its hands until April 1990 before appointing a replacement. The deputy chairman did not have the power to convene the tribunal, so no appeals were heard for five months. This Government was not competent or confident enough to appoint a new chairman to that important tribunal, which is concerned with equity in property ownership.

Mr Kierath: The Government did not have a proper planning process.

Mr LEWIS: It did not have a tribunal in place to which people could appeal. I rang the tribunal today and asked if I lodged an appeal today when it would be heard. The answer was that it may be heard in December, would probably be heard in January, but as everybody is on holidays then it would probably be heard in February. That is why this appeal clause relating to a stop work order extending over 42 days will not work, because it will take another six months before a person can get a hearing before the tribunal; therefore, rather than 42 days the period will be 200 days. If that is equity, I do not know what equity is.

The Government has been hoist on its own petard regarding Aboriginal heritage matters recently. I think many people in Western Australia now believe that the credibility of Aboriginal heritage has been blown out of the water because various people purporting to represent diverse Aboriginal groups have been running from site to site, from Caversham or the Swan Brewery - and we should not mention that embarrassing subject - to Loreto Convent, making certain claims. They are nonsense. How big is the Wagyl?

Mr Clarko: It appears wherever there is a chance of making a buck, doesn't it?

Mr LEWIS: No, wherever a group of activists want to use the Aboriginal cause to benefit themselves.

Mr Kierath: There are a few projects around the place where people are trying to find the Wagyl but cannot.

Mr LEWIS: That is the nonsense of it. I would hate to think that this legislation will provide

yet another tool for activists. Such action costs them nothing but can cost a proponent significantly, especially one who has had plans processed and development approvals granted and is about to start demolishing a building; he is suddenly faced with a 42 day stop order because a group got into somebody's ear about what the proponent was doing. To take it to the extreme, Mr Deputy Speaker, it could be on your property or on my property - it depends on the shape of one's head! The Wagyl could pop up anywhere. Who would have thought that the Wagyl would suddenly pop up its head on the old Loreto Convent site, which had been owned by an order of nuns of the Roman Catholic Church for goodness knows how long - probably for 100 years?

People's property rights are being taken away from them overnight because of these actions supported by one of the most militant and irresponsible unions in this State. That type of action must cease. The Government has a responsibility to ensure that it does not continue. We can achieve legitimacy in respect of cultural and built heritage only if these issues are not prostituted and used by activists, at no cost to them but at great cost to the development proponents who are rightfully and lawfully going about their business. It is time the Government came to grips with this issue and amended its existing legislation so that this nonsense will cease. The public has had enough. The credibility of people who genuinely promote Aboriginal heritage is being diminished because of the actions of the irresponsible groups who are jumping on the bandwagon of legislation like this, who are embarrassing the Government in respect of the old Swan Brewery, and who are impacting on the right of people to go about their business.

Mr P.J. Smith: I agree with you to some degree but what will you do about the many legitimate heritage sites?

Mr LEWIS: We are not in Government.

Mr P.J. Smith: You are criticising this legislation.

Mr LEWIS: I am trying to draw to the Government's attention that it is time it did something about this.

Mr P.J. Smith: You are criticising the Aborigines for pointing out significant sites.

Mr LEWIS: I am not. I am pointing out that Aborigines are being used and that their credibility has been blown out of the water.

Mrs Beggs: Who is using them?

Mr LEWIS: The Minister is mixed up with the brewery, and if she does not have the message now she will never get it.

This legislation must be credible. Stop work orders must be issued on credible grounds, and not because of the arbitrary whim of some group which has been able to bend the ear of someone on the Heritage Council. The proposed penalties in this legislation are absolutely draconian. A person who assaults another person and kicks him in the head to death can be out of gaol in 15 months, but a person who demolishes a building or a brick wall on a site that has been registered as a place of heritage will suffer a $10 000 fine and two years' imprisonment. The court may also order that he restore the building to its previous state and/or may embargo the use of the site for 10 years.

Mrs Beggs: Do you actually support heritage legislation?

Mr LEWIS: I am pointing out that the proposed penalties are draconian in the extreme and that the Government does not care about people like Mr Tan, who was kicked to death. It cares more about this type of legislation than about human life.

Mr P.J. Smith: That is outrageous.

Mr LEWIS: It is not. That is the effect of the Government's legislation.

The Opposition will seek to amend this legislation so that a representative of the local authority will have the right to take part in deliberations where the Heritage Council is considering the registration of a place of heritage significance. That provision has been enshrined in the Swan River Trust legislation and if it is reasonable that it apply to that legislation it is certainly reasonable that it apply also to this legislation.

The Opposition unequivocally supports heritage legislation. However, the Government must

recognise property rights. We believe that if the public want to use another person's property for their benefit the public should pay. Adequate compensation should be provided when a development proposal is refused. Notice must be given of intention to resume. The legislation as it stands refers to compulsion or resumption, yet it does not make it compulsory to give notice of intention to resume. In other words, people can be left in limbo and not know where they are going. A right of appeal against a decision of the Heritage Council must also be included.

MR RIPPER (Belmont) [3.18 pm]: The member for Applecross has welcomed us to this spring session of Parliament with his usual bombastic and mildly entertaining style. I wish that he had spoken more about the value of preserving the cultural heritage of this State than about property rights because it seemed to me that he devoted more of his speech - in fact, about 90 per cent - to the disadvantages to property owners of protecting our cultural heritage than he did to the value of and the interest to the community of preserving places of significance to the cultural heritage of Western Australia.

It is worthwhile my rehearsing some of the arguments which emphasise the value of seeking to preserve places of cultural heritage. This is a quality of life issue, which relates to preserving the architectural diversity and beauty of our cities and towns. It is also an issue which relates to our sense of community and identity, and I wish the member for Applecross had devoted at least some of his speech to these matters.

Mr Lewis: Don't you care about property rights?

Mr RIPPER: I do, and later in my speech I will discuss some of the comments made by the member.

The debate on this Bill should be dealing with the reasons why we should preserve places of significance to our heritage. It is important to preserve those places to develop a sense of community spirit and to contribute to the development a sense of identity in Western Australia; it is important to preserve these places to develop a sense of history.

Mr Kierath: What about the brewery?

Mr RIPPER: I shall come to the brewery later. If the member is patient enough to follow my speech he may hear a comment on the brewery. Preserving places of significance to our cultural heritage is very important for promoting a sense of history. Our community does not have the sense of history which it should have. As a former history teacher, I can say that a sense of history is important for decision making. If we are aware of our history, our decision making for the future will improve. We have too many people debating issues and treating history as unimportant. We see that particularly in regard to issues involving the Aboriginal community. Some people in Western Australia are inclined to say that our cities and towns have a very short history in comparison to those in many other places. There is an element of cultural cringe in the attitude of some people to Western Australian history. We should not have this cultural cringe; we should be confident enough to assert that what has happened here is important and worth preserving. Cities and towns in other parts of the world have the confidence to assert that what has happened in their localities is of great significance to all humanity.

Our history will become older and more venerable, but if places of significance to our cultural heritage are to be available for future generations, we need to take protective action now. We will not be thanked by future generations if we fail to take the necessary action to preserve places of significance to our cultural heritage. Great cities and great nations everywhere do not ignore their histories. If we aspire to being a great place for people to inhabit, we should not ignore our history or our heritage. In fact we should actively promote awareness of it and inform our residents and visitors of our cultural heritage. European cities place great emphasis on preserving their cultural heritage. Old towns and city centres are often completely preserved; the modern commercial centres are not built on top of the old city centres but in alternative locations. We can still walk around those cities and see them as they might have been in medieval or renaissance times. Not only have some of those cities been preserved, but also some have been rebuilt following catastrophes such as war. A number of European city centres have been rebuilt piece by piece in order to preserve buildings of significance to their cultural heritage. As a community we in Western Australia have a long way to go before we would make that sort of commitment. We have been much

more interested in tearing down places of cultural significance than in preserving them. We have not gone so far as seeking to rebuild places which have been destroyed by catastrophe.

Many European cities have benefited by improving the quality of life of their residents and of visitors as a result of their commitment to the preservation of places of significance to their cultural heritage. They have also been able to turn those places into commercial assets. In many places people pay good money to tour and be informed about the heritage of the locality. In our own State, one success story is the City of Fremantle, which has been a success as a commercial tourist asset as a result of the emphasis it has placed on the preservation of its heritage. It has also been a success in terms of the values which the community wants to see preserved. Other examples are not so happy. Looking down St George's Terrace we can see the exact converse of what has happened in Fremantle. It is no asset for tourism at all. It is not well loved by citizens, and in terms of the preservation of our heritage it is a disaster.

I am not arguing, and the Bill does not argue, that we should sterilise buildings and preserve them as unused museums. One of the best ways to preserve a place of significance is to recycle it. Some of the most interesting buildings which one can visit in this country and in others are those which have been recycled for modern purposes. That recycling creates architectural interest. It creates an economic base to sustain the maintenance needed for the building, and it provides facilities for the community. I am very pleased that one of the objects of this Bill is to facilitate development to enhance the cultural heritage of particular areas. The Bill seeks not only to identify places of significance to cultural heritage and to preserve them and promote awareness of these places, but also to facilitate development which is in harmony with the cultural value of a particular area, and which provides an economic base which enables private and Government owners to finance the maintenance and preservation of the buildings successfully.

Another major strength of the Bill is that it does not seek to create a major new layer of bureaucracy. I was interested to hear the comments of the member for Applecross, because it seemed to me that he was thinking of a huge new layer of bureaucracy, a huge addition to the decision making process and great difficulties for developers. But the Bill makes use of existing planning approval processes and existing appeal processes. The Bill simply seeks to incorporate in those processes the consideration of heritage issues. Members should not see additional delays.

Mr Lewis: There is another agency.

Mr RIPPER: There is but it is not another decision making agency. It is not another agency to which an application must be made. It feeds advice into the existing processes.

Several members interjected.

Mr RIPPER: There will not be another set of bureaucratic hurdles for developers to jump over. There will be an integration of heritage considerations into the current planning processes, and that is an efficient use of administrative resources which will facilitate speedy consideration of development applications rather than delay them.

What is also important about the Bill is its emphasis on consultation with private owners in all parts of the operation of the system, and its emphasis on incentives. Our heritage belongs to us all, but the concrete or bricks and mortar examples of places of heritage belong to individuals. The member for Applecross pointed to some of the difficulties of making the trade-off between community considerations and the rights of individuals. Regrettably the member concentrated far too much on the difficulties he saw for individuals and not enough on some of the benefits to the community of preserving our heritage. After all, if we had absolutely unlimited property rights, we could have no community input into heritage preservation. I do not think we should start from the assumption that we have unlimited property rights and that we can somehow maintain those absolute rights while preserving places of significance to our cultural heritage. However, many provisions in the Bill do not seek to coerce people but provide incentives to encourage them to preserve the buildings which they own. For example, there is provision for grants, low interest loans, and for the revaluation of properties in order to give relief from rates and taxes. A provision in the Bill allows for rates and taxes to be waived.

The member for Applecross referred to water, sewerage and drainage rates being based on

the valuation of a property. A property which has been revalued as a result of a heritage agreement will have its water, sewerage and drainage rates reduced because its full economic use cannot be achieved under the heritage agreement. It will not result in a waiver of those rates but in the reduction of those rates.

Mr Lewis: You got my point on that.

Mr RIPPER: Yes, I did.

Another more significant bonus relates to planning. A significant provision in the Bill will allow the Minister, acting under a heritage agreement, to provide planning bonuses to developers who agree to preserve places of significance to our cultural heritage. Those bonuses could be extremely significant to developers. The Minister will be empowered - with the approval of Parliament - to alter the written law so as to relax building standards and to transfer development rights from one site to another. Some very significant incentives will be provided by the Bill to encourage owners to participate in the preservation of buildings which the community values.

The philosophy of the Bill is based on consultation and incentive, not coercion. However, that is not to say the Bill is based entirely on consultation and incentives. It will also provide, in times of urgent necessity, for the preservation of places which are in danger of damage. The Minister will have the ability to compel preservation, where there is an urgent danger of demolition, of a building of significance to Western Australia's cultural heritage. The Bill will provide for conservation orders, restoration orders and stop work orders and, in the last resort, for compulsory acquisition as would occur with resumption for other public projects. The Bill does not lack teeth but its spirit is that coercion should be used only as a last resort. Its underlying philosophy is consultation and the use of incentives.

A further strength of the Bill is that it treats public buildings as it would private buildings.

Mr Lewis: That happened only because the Opposition told the Government it should do that.

Mr RIPPER: It is interesting that the member should say that because that was not an original feature of the Opposition's Bill. The Opposition has on record its own proposals for heritage protection. These do not treat Government buildings in the same way as private buildings. The Opposition proposed fairly stringent protection of publicly owned buildings but provided very little protection for privately owned buildings.

Mr Lewis: The Government did not list one Government building in its first list. The member comes in here patting himself on the back about how great the Government's legislation is and yet it took four tries to get it right. The Government had to bleed off the Opposition even to get the legislation anywhere near this place.

Mr RIPPER: The member has had an hour already to make his speech. The Bill treats privately owned buildings in the same way as it treats publicly owned buildings. It will bind the Crown, and that is a significant strength and advantage when compared with the Bill presented by the Opposition.

The member for Applecross spoke about compensation. I will deal with some of the issues he raised. The Bill provides for sufficient compensation to be paid for wasted expenditure when a stop work order is issued. However, consideration for compensation for loss of profits must be compared with other planning decisions because planning decisions of all types advantage and disadvantage property owners. All sorts of planning decisions affect the values of properties. Not everybody who loses a potential profit or a potential sale because of these planning decisions is compensated. Neither do we seize the windfall profits which people gain from planning decisions or from Government projects. For example, many properties in the northern suburbs will increase in value as a result of the building of the northern suburbs electric railway. If we adopted the principle that everybody should be compensated for the deleterious effects on their property of a planning decision, perhaps we should adopt the converse principle; that is, somebody who receives a windfall as a result of a planning decision or other Government expenditure should make appropriate financial adjustments and pay into the Consolidated Revenue Fund the result of that advantage.

There is not much point in our proceeding down that line. I am saying that what is sauce for the goose must be sauce for the gander. We must accept that planning decisions may

disadvantage some people but advantage others. It is impractical to have an elaborate system of accounting adjustments, compensation and additional taxes in order to deal with that situation. This legislation is no different from other planning legislation in that regard. That point has been made by a number of members on this side by way of interjection. More elaborate compensating provisions would also be impractical because heritage considerations are only one aspect of the planning decisions that will occur with regard to these sites, just as other planning decisions are based on multiple considerations. Some people will benefit and some people will not.

Provision has been made where people have wasted expenditure having been subjected to stop work orders. There are also very extensive provisions for incentives. They provide what may be called very generous de facto compensation because people will be encouraged to agree to the registration of places of significance to the cultural heritage by virtue of incentives granted under heritage agreements to which I have referred and which are extensive. The incentives include significant planning bonuses which can be granted by the Minister. I do not believe people will find they have been seriously and significantly disadvantaged as a result of the heritage legislation because of the provisions to consult people and to provide incentives, and the compensation that will be available under the stop work orders. In the final analysis, people will not be more disadvantaged under this legislation than they are by any other type of planning decision.

Some comment has been made about the time during which this proposed Bill has been considered by the Government and by the community. The Bill has reached this place after an extensive period of consultation and negotiation. The process by which this Bill has been developed reflects a commitment to consensus and to consultation. Likewise, the mechanisms provided in the Bill reflect a similar commitment to the seeking of consensus through a process of consultation. Through the mechanisms established by this Bill all sections of the community can cooperate to preserve in a much better way than we have in the past places of significance to our cultural heritage. That will be very important for the quality of life of the community and for the commercial success of our tourism industry.

I commend the Bill to the House.

MR WIESE (Wagin) [3.40 pm]: Many of the matters which I wished to raise on behalf of the National Party concerning the Heritage of Western Australia Bill have been covered by previous speakers. Members have commented on the time lapse since the introduction of this legislation. I endorse those remarks because it has taken an enormously long time to reach the second reading stage. I wonder about the reasons for the delay and why the Bill has finally been brought on for debate this afternoon. I suspect the Government has faced increasing pressure from various organisations which seem to be able to make the Government take action in relation to this Bill. The Government should be aware that the passing of this legislation will cause great concern to a number of people in the community. Despite that, the Government is determined to bow to the pressure placed on it. I consider that the time has come to deal with the legislation in whatever manner this House may choose because we cannot afford to have this type of legislation hanging over the community indefinitely. It is appropriate to bring the Bill before the House at this time.

The community should be made aware of the immediate and potential implications of the Bill because it is probably one of the more significant pieces of legislation to come before Parliament during my time in this place. The general public should also be aware of the potential effects of the Bill on the lives of many people because it contains wide ranging provisions covering a large number of activities, buildings, and areas within the State.

The definitions contained in the Bill will give the community some idea of the breadth of its provisions. For example, the definition of "conservation" refers to the management of a place in a manner which will enable matters of cultural heritage significance to be retained. "Cultural heritage significance" is a very wide and significant term. It bears putting on record the breadth of material covered by that definition, such as the terms and matters which are of aesthetic, historical, scientific or social significance. Those matters may cover almost anything one wishes to bring within the terms of that clause. The term "development" within the legislation can refer to the demolition, erection, construction, alteration of or addition to any building or structure on the land involved. One could have no wider provision. The definition also covers excavations or other works, so if anything has been overlooked it can

be covered by the phrase "or other works". In this area, the Bill picks up on virtually anything one cares to name. Under the term "development" one can refer to any act or thing which is likely to change the character of a place or the external appearance of any building, or which would constitute an irreversible alteration of the fabric of any building. Therefore, under this legislation, when we refer to development we are talking about almost any act which can take place within a building, a place, or upon a piece of land.

The definition of "place" includes any area of land, such as an area of land situated below low water mark on the seashore or on the bank of tidal waters. That definition goes far beyond what people talk about when considering land or buildings. The definition of "place" also covers any works, buildings, and their contents relevant to the purposes of this legislation. We are talking about not only any land or any building but also the contents of those buildings which are of significance. The definition also refers to such of their immediate surroundings as may be required; that is, it covers everything around the piece of land or building involved. Another significant definition is that of "proposal" which outlines the scope of activities covered by the Bill. A "proposal" is defined as a project, plan, program, policy, operation, undertaking or development or change in land use, or any amendment of such a proposal, affecting a registered place or a place which is the subject of a heritage agreement. In other words, the Bill covers anything that any person may propose to do on a piece of land or within a building, or to the contents of that building.

I emphasise that this is an extremely wide ranging piece of legislation and the community should be made aware of it. I query whether the community is aware of how wide ranging the effects will be and of the potential of the Bill to change the way in which we may deal with buildings of significance or of heritage importance in the future. The objects of the legislation are to identify, conserve and, where appropriate, enhance those places within this State which are of significance to our cultural heritage.

This Bill will establish the Heritage Council of Western Australia, a body which will be responsible for the implementation of the Act. The Heritage Council will be responsible to and under the control of the Minister. It is important to bear in mind and to realise that ultimately it is the Minister who will make the decisions to declare buildings or places to be of heritage significance. I am pleased that the Minister has returned to the Chamber. I am sure she is very much aware of her powers under this Bill, and of her responsibilities. The Heritage Council is answerable, responsible and subject to the dictates and control of the Minister. It has some very significant powers and responsibilities under the Bill. The council will comprise people appointed by the Minister with specific and special interests in heritage matters and in the preservation of objects of heritage significance. The National Party does not have a great many problems with that. However, strong notice must be taken of the input from local government. Local government will be significantly affected by the Bill as it will be in the forefront when identifying buildings as well as having input into how those buildings and places should be dealt with.

The Heritage Council will have significant powers to enable it to carry out its work. Those powers will include formulating and implementing policy. The council will implement and enforce heritage agreements and a comment has been made already about the enforcement aspects of the Bill, which I will touch upon later. The Heritage Council will negotiate with public authorities, owners and occupiers on any proposal to deal with a piece of land or building with heritage significance. The council will assist and advise on the management and maintenance of any place of heritage significance. That raises the aspect of maintenance, which is important. Where will the funds come from? How much will the community have to pay for the maintenance of buildings of heritage significance? Will the Heritage Council cover the cost of matters of that nature?

The manner by which matters of heritage significance will come before the council is an interesting one. Matters can be referred in writing to the council by anyone. They can relate to any matter giving rise to concern on any place that is, or may be, of cultural heritage significance. That is a very significant clause; those words "or may be" indicate that quite obviously, now or at some time in the future, matters which are of significance to everybody will be referred to the Heritage Council. This provision will have the potential to disrupt a great many developments and planning procedures. This clause has enormous potential for abuse and misuse and the National Party wants everyone to be very much aware of that.

Reference has been made to the council's ability to seek cooperation from any public authority. The Minister may be able to clarify what is intended in this clause. It seems to me that this legislation gives the council the power to bring great pressure to bear on local authorities. It can compel public authorities such as local government to comply with its orders and wishes in respect of places or buildings of heritage significance. Specifically I would like the Minister to deal with the case that will undoubtedly arise where local government is compelled to provide assistance to the council to enable conservation work or heritage work to be undertaken. Who will meet the cost if an employee of local government or of a Government department is compelled to provide assistance to the Heritage Council? Will that money come from the Heritage Council or will it come from the local government body? That is a matter which needs to be clarified as I am sure that local government will have some grave concerns if it is called upon to meet the cost of orders imposed by the Heritage Council.

Another area of significance is that of the heritage agreements. These agreements can relate to almost any building or any place where the Heritage Council wishes to enter into negotiations or the Minister requires that an agreement shall be drawn up. These heritage agreements cover wide ranging areas and contain wide powers. They can be entered as a memorial on titles of land; they can be deemed a contract binding on the Crown; and they are enforceable by the council on behalf of the Crown. These agreements may be binding and enforceable on the respective successors to the titles of land. They are long term and of great significance for the future. These agreements can likewise cover areas such as restrictions on the use of the land or building. They may require people to cease activity that the council believes adversely affects the cultural or heritage characteristics of a building. The agreements can have a wide ranging influence on how a building or land can be used. They provide for access to the land for the purpose of inspection. They can require works to be carried out or require that the Heritage Council be permitted to carry out those works or to cause them to be done. They can require an indemnity to be furnished to the council in respect of the contribution to be made by the owner of the building or the persons on whose behalf the work has been done. They can stipulate the manner in which moneys provided to carry out works on land or building deemed of heritage significance shall be applied. These heritage agreements will be of great significance in the future operation of this Bill. It is also interesting to note that these agreements can affect building by-laws and can require the standards of construction of a building to comply with those in force when the building was initially constructed. That gives some idea of the wide ranging effects of and areas covered by these agreements.

The next matter I raise relates to the power of the Minister to make orders affecting existing laws. The breadth and scope of those ministerial powers are incredible. Under the provisions of this legislation if the Minister believes that an existing law prohibits something that he or she believes should be applied to a particular building, he or she has the power to make an order which will overrule any other legislation in operation in this State. That order can be published in the *Government Gazette* with no reference to the Parliament and used to override existing legislation. Two provisos cover the exercise of that power: Firstly, the Minister responsible for the legislation being overridden must agree; and, secondly, the order must be tabled in the Parliament in the same manner as a regulation is and the Parliament will have the power to disallow the order. However, if such an order overriding existing legislation were made at the beginning of a parliamentary recess, it could be as long as five months - that would have been the case if the situation had arisen at the end of last year - before the order came before the Parliament and could be disallowed. Therefore, although the use of those powers is somewhat restricted by that proviso, enormous potential exists to use the powers provided to override existing law within the community. Those powers are unprecedented and the community should have grave reservations about the manner in which they may be used.

Reference has already been made to the provision relating to property being placed on a register and whether the application for registration relates to cultural significance, special interest, or value for the present community or future generations.

I wish to comment also on the enforcement provisions, which have already been referred to by previous speakers. The enforcement powers in this legislation are extremely strong. The Minister may make conservation orders relating to a place or building. The Minister may

make a consent order by agreement with the owner of a building or area of land. If that fails or cannot be executed, the Minister has the power to place a stop work order on a particular development that the Heritage Council may become aware of and act upon. The Minister has enormous powers to impose restraints on owners, developers and proponents of development with regard to buildings with heritage significance. The legislation provides for quite enormous and horrific fines and penalties. The penalty of $10 000 or imprisonment for two years is strong enough, but in addition there is provision for a penalty of $1 000 a day for as long as the offence continues. That could amount to a very large fine and an excessive penalty on a person who contravened the requirements of the council under this legislation.

I note that provision is made for the legislation to be reviewed in five years' time. I hope that the review will be brought before the Parliament and that members will be given the opportunity to debate the matter and to make comment on the results of that review. Under that clause, the Minister is required to report only on the review and is not required to bring the review before the House.

DR ALEXANDER (Perth) [4.11 pm]: As previous speakers have indicated, this is an important piece of legislation. After listening to the member for Wagin, one of the few points we would agree on is the sweeping powers of the Bill about which he seems to be very worried. While the Bill has strong powers, its provisions are welcome and, as a number of speakers have indicated, they are long overdue. It is not worth discussing the history concerning the delays of this Bill.

Mr Lewis: You mucked it up.

Dr ALEXANDER: According to the member for Applecross it has been delayed because the Government "mucked it up" and according to the member for Wagin it is for some other reason. If I entered the debate, I would say that the Bill underwent a great deal of refinement before being finally presented in this form because of the Opposition's attitude and earlier opposition to the principles as well as to the details of the Bill. Rather than considering the delays, it is more important to look at the Bill's provisions and at some of the benefits it will bring to the metropolitan area and to Western Australia.

Cynics these days are apt to remark that the time for legislation has passed because so much of our heritage has been lost over the last 10 or 20 years of frenzied development. That sort of comment applies to areas like the heart of the city which, as members will be aware, falls within my electorate. Whether such comments are made flippantly or otherwise, it is true to say that a good deal of the "built" form in the central city - a significant number of buildings - both State and privately owned, is worthy of protection. Other speakers have referred to Fremantle which, without heritage legislation, has managed to preserve a considerable amount of its heritage, although under very different circumstances from Perth. It has managed to achieve protection of its historic fabric to an extent where that has now become an attribute of the area and an attraction for people. Photographs of the central city reveal that there is no comparison between Perth as it was in, say, the 1930s and the city's current profile. The once uniform style of buildings in the terrace - buildings which used Donnybrook stone and other attractive materials used in the early buildings - has all but disappeared. A jumble of styles, sizes and heights make up a completely different St George's Terrace from that which existed in the 1930s. By comparison, Fremantle's appearance today is much as it was in the 1930s.

The developmental pressures in the central city have been different. The point I am trying to make is that when owners of buildings recognise the historic value of older buildings, and particularly the tourist potential, they can become an economic asset. In that light, as the member for Belmont outlined, the legislation can be seen differently. We can be very worried about this or that aspect of compensation and argue about the details of it. However, this legislation has been framed to act as an incentive for people to consider old buildings creatively once they are on a heritage list. They may say that they are unable to replace that building with a 25 or 55 storey office tower but that they can do other things to it. In looking at the remnants of the early colonial buildings around the city centre, one can see where that process can take place. The Cloisters is a classic example of a building being preserved while the site on which that building is located is being used to its full potential. Some people might argue that it could have been used to greater potential; the buildings behind it dwarf it too much. The same thing happened to the former Palace Hotel, although the

developers went overboard. The building has been dwarfed to such an extent that the development detracts from the hotel's architectural character. Moreover, its use has been changed, which was not the original intention. However, it is possible to preserve old buildings when developing sites and to make full economic use of those sites. This legislation will encourage developers to look more creatively at doing that. Even the facades of Newspaper House on St George's Terrace and nearby buildings are being preserved, I understand, as part of a larger development. Had legislation like this been in place earlier, developers would have been encouraged to consider preserving the whole buildings if they were placed on the heritage list. Huge amounts of land behind those buildings could have been developed economically whereas other structures, without that historical significance, could have been demolished.

My argument is that far from being draconian, this Bill is framed to give owners incentives, both financial and otherwise, to either transfer their development rights elsewhere or to enter into arrangements whereby their rates and taxes are reduced. This would enable them to make more economic use of the areas and to restore the buildings to look attractive rather than looking drab and in states of disrepair. A number of examples of this have occurred already.

Mr Lewis: The Bill does not automatically provide those rights.

Dr ALEXANDER: It does not automatically provide those rights, but it allows the owners of buildings to enter into agreement with the Heritage Council and with the planning authorities on a voluntary basis to pursue that objective. Undoubtedly disputes will take place, but in that situation it is a matter of deciding where the private property owner's rights should be limited and where the public interest should take over.

Mr Lewis: There are no rights of appeal.

Dr ALEXANDER: As I tried to indicate earlier - the member will no doubt reject this point also - a right of appeal exists against the decision to list the buildings on the register.

Mr Lewis: If you accepted that the building was on the heritage list and entered into an agreement on the basis of trade-offs and then you did not receive them, you have nowhere to go.

Dr ALEXANDER: A developer would have a fair idea of the potential in a building and the concessions he could expect. The example the member for Applecross is giving assumes a developer does not want to conserve the architectural heritage and will be at odds with the Heritage Council.

Mr Lewis: They have agreed that. Do you not think there should be a right of appeal?

Dr ALEXANDER: Not at that stage. This is where the disagreement lies. The member asked earlier whether the Government opposes property rights. It does not, but it accepts that property rights should be limited in certain circumstances. Where planning legislation and heritage legislation exist is one example. If, for example, one owned a plot of land in St George's Terrace where the plot ratio is 5:1, as it is down most of the Terrace where a 20 per cent bonus is possible - or more if one happens to know the right people; but that is another story - and if the planning provisions were changed so that suddenly St George's Terrace were rezoned with a plot ratio of only 3:1 plus 20 per cent bonuses, no compensation would be payable.

Mr Lewis: I understand that.

Dr ALEXANDER: It is specific to particular sites. What is happening here is exactly the same process.

Mr Lewis: No, it is not.

Dr ALEXANDER: The process is very similar, therefore the argument about compensation does not stand up.

Mr Lewis: This is specific .

Dr ALEXANDER: The planning legislation is used for a specific purpose. At least grant me that much knowledge of the subject. The member is looking at it purely from the point of view of the property owner; the Government is trying to look at it in the much wider community interests.

Mr Lewis: You cannot just ignore people's rights.

Dr ALEXANDER: Nobody is ignoring their rights. The fact that this Bill has been five years in the making illustrates that point.

Mr Lewis: It is five years now!

Dr ALEXANDER: That was the member's figure.

Mr Lewis: I said four.

Dr ALEXANDER: The fact that the Bill has taken a long time to go through these processes illustrates my point. Property owners objected to certain measures in the original Act and as result this Bill has been modified. The member cannot have it both ways. It may not go as far as he likes -

Mr Lewis: As far as the industry likes.

Dr ALEXANDER: The Government has been responsive to the complaints of the property industry.

Mr Lewis: There is no consensus on this issue.

Dr ALEXANDER: The Bill has struck a very reasonable balance between the demands of the private property developers on the one hand and those of the community on the other.

Mr Lewis: There is no consensus on this Bill.

Dr ALEXANDER: That is the member's version. I do not think the Opposition is able to reach a consensus with the Government on any important legislation.

Mr Lewis: I am talking about the people out there.

Dr ALEXANDER: Certain sections of people. The member represents solely the point of view of the development industry; the Government does not.

Mr Lewis: We noticed that; you never have.

Dr ALEXANDER: Thank you: I take that as a compliment. Over the years a number of valuable buildings have been lost in the frenzy for development. Members can remember structures such as the old CML building, the AMP building in St George's Terrace, St George's House on the opposite side, and the Esplanade Hotel. These buildings were all demolished summarily and replaced by what in my opinion are faceless glass towers.

Mr Lewis: What about the brewery stables?

Dr ALEXANDER: We will get to that. These buildings may generate income, but they have not done much to add to the character of the city. If those buildings had been retained in their contexts, I am sure creative development could have seen some of these structures maintained with the development working around them.

As other speakers have indicated, Governments over the years - and this applies equally to Liberal and Labor Administrations - have not always been perfect in preserving buildings of historic value. At the Federal level Australia Post - I guess it was the GPO in those days - demolished a magnificent building in Hay Street in East Perth. The building which has replaced it has, in my eyes, very little heritage value at all.

Mr Lewis: I will agree with you on that.

Dr ALEXANDER: Good. Australia Post recently talked of selling off the GPO, and there was some suggestion that the lower floors would be gutted and a lot of the heritage value may have been destroyed. That proposal was put aside, but the threat was there for a while. Similarly the R & I Bank, which is a venerable financial institution, was responsible for demolishing some buildings previously used for parliamentary purposes around the Town Hall and replacing them with a very ordinary and ugly multistorey office structure which completely destroyed the symmetry of that block. The R & I Bank's participation in the Bond tower, to which I have already referred, and its use of the old Palace Hotel as a banking chamber rather than as a public hotel, is regrettable.

There is no point in saying that all the sins of the developers and the neglect of historic values should be shouldered by the private sector. That is not the case. I regret that the brewery stables were demolished in the way they were. It should be remembered, however,

that they were damaged by fire and vandalism and the opinion was that they should be taken down for safety reasons.

Mr Lewis: They were in the state in which the brewery is now.

Dr ALEXANDER: It is regrettable that those stables were demolished; I agree with the member on that. I do not subscribe to the heritage value of the remaining brewery, though some others may.

Mr Lewis: That is very refreshing to hear.

Dr ALEXANDER: I am not arguing that the heritage legislation should be used to preserve that structure, but I am saying that this legislation provides a mechanism for dealing with buildings which some people believe are worth preserving, though others do not. This legislation provides a mechanism for dealing with those disputes by getting the council to look at those buildings more objectively than proponents or opponents of a particular proposal can.

To return to the question of compensation, it can be argued, as the member for Applecross has done, that to make compensation payable or not payable is an erosion of private property rights. Where a property is required for public open space, for an airport, a railway station or something of that sort, it clearly comes into the public domain.

Mr Lewis: What about a reservation?

Dr ALEXANDER: Likewise eventually property in a reservation will be acquired.

Mr Lewis: Not necessarily.

Dr ALEXANDER: In most cases the planning authority will move to acquire the property in the reservation; otherwise there would be no point in reserving it. In this case the member is arguing that entering a building or a site on a register means that that site or building cannot be developed at all. It may still be possible to develop a site with a historic building on it to its full potential. If we have a historic building at the front and a 50 storey tower at the back -

Mr Lewis: Like the Palace.

Dr ALEXANDER: Exactly. Some of those developments work and some do not. It is possible to reach compromises, and this legislation does not sterilise sites by classifying the buildings. The buildings themselves can be used to generate income as a result of recycling for offices, for residential purposes or whatever.

Mr Lewis: Is it a diminution of capital value?

Dr ALEXANDER: It may be in some circumstances in the way the member is looking at it.

Mr Lewis: It is not my way at all.

Dr ALEXANDER: It can occur with changes in plot ratio which are not the subject of compensation. It is a case of beauty being in the eye of the beholder as far as the buildings and their historic value is concerned, and also whether this legislation provides adequate compensation. The legislation has built into it to a greater extent than earlier versions more incentives for the preservation of buildings and their recycling. That will offset to some extent any complaint that there is not sufficient allowance for compensation. Direct compensation is payable under stop work orders.

It is proposed that the Heritage Council itself will be an advisory body to the Minister. The Opposition suggested previously that it would invest the council with greater powers than this legislation does. I shall be interested to see whether the Opposition's amendments follow that direction. It is important for the Heritage Council to be advisory because in the last resort the responsibility for the preservation or otherwise of historic buildings should lie with the Government of the day which can take the praise or the brickbats which go with that process. It should not be incumbent on a council to become a separate statutory body with powers of its own, able to go outside the elected Government of the day. It is appropriate for the Heritage Council to be an advisory body as provided by the legislation.

The community needs to be aware of the wide ranging provisions of this Bill. I agree with the point made by the member for Wagin. He was implying that the community should be worried about the draconian powers which go too far.

Mr Lewis: The penalties are draconian.

Dr ALEXANDER: They are heavy, but whether they are draconian is a matter of interpretation. If somebody got up in the middle of the night and demolished one of the few remaining historic structures in the centre of the city, I do not think those penalties would be draconian.

Mr Lewis: It is either or all. There is no penalty for the removal of a part or the demolition of a whole structure.

Dr ALEXANDER: If people are aware of the historic listing of a building, they will not vandalise the building they own - it is highly unlikely, anyway. It is not just a case of our saying, "You do this or you will end up in the clink for two years." A consultative process is involved with the registration and the listing of a building with a heritage agreement. An appeals process is involved, although it does not go far enough in the member for Applecross's opinion. The process is not arbitrary in that a person does not simply give up his profit or whatever when a building is listed. So the penalties have to be seen in the light of the wide ranging nature of the legislation, as certain steps must be followed by the developer and by the Crown before any prosecution is likely to occur on a breach of the agreement or part of the agreement. If a developer refuses to go through the process of recognising the historic value of a site or building, the penalties are appropriate.

On balance this legislation deserves to be supported because of its long history and because of its importance to the community generally. We should also examine the rural areas when considering the legislation. It is a pity that the Leader of the National Party is not in the Chamber because he says that I know nothing about matters east of the Darling Range. However, I make an exception in this case in that I say that I am familiar with some of the country towns in the area he refers to.

Mr Fred Tubby: What about Karlgarin?

Dr ALEXANDER: No, I am not familiar with Karlgarin; that is not east of the range, anyway.

If we go to some of the historic port towns such as Albany, parts of Geraldton and to points north of Geraldton, as well as many wheatbelt towns, many historic buildings and groups of buildings can be found. Many such buildings belong to the public sector as they are, or were, the towns' post offices or banks, and many of those buildings are worthy of preservation. In towns like York the local authorities have taken the trouble to recognise the heritage value of these buildings. It must be added that this was done with some Federal assistance, as was the case in Fremantle; in those areas work was done to preserve the architectural heritage of the towns. Despite the relatively short history of white development in this State many structures in rural areas are worthy of preservation. Unfortunately, some of those structures have been demolished; for example, on the Albany waterfront many buildings with heritage value on Marine Terrace have been preserved, but recent demolitions have left holes in the urban landscape which will be difficult to fill with structures of a sympathetically historical nature to the previous facades.

Once this legislation is passed and the listing process is complete - admittedly this will take some time - it will assist local authorities and preservation groups which currently appear powerless to stop the demolition of certain buildings. The member for Fremantle will refer to the area he represents; however, I indicate that enlightened councillors and planners in Fremantle have preserved many buildings despite pressure on them to do otherwise. Regrettably, that situation is unique and in many areas clusters of buildings of historic significance have been demolished. If one takes out Fremantle and York, it is hard to identify other towns which have made a conscious effort to preserve their historic fabric; not many exist. The attitude taken elsewhere seems to have been "develop or bust". In such cases, if a building was in the way the developers would think about the consequences after the development had taken place. Only a few examples of unified townscapes exist in this State and these owe something to the preservation of historically significant structures. I am sure that this legislation will help local communities and authorities preserve the best of the historically significant structures, and will do so without operating in the draconian manner referred to by some members opposite.

Debate adjourned, on motion by Mrs Beggs (Minister for Transport).

ACTS AMENDMENT (HERITAGE COUNCIL) BILL

Second Reading

Debate resumed from 21 November 1989.

MR LEWIS (Applecross) [4.36 pm]: It would have been appropriate in the first instance for the Minister to debate the first two Orders of the Day on a cognate basis because practically everything I wanted to say about this legislation applies to the legislation with which we just dealt. I have a few additional comments to make but I will not delay the Parliament at this time; it would be more appropriate to deal with these matters during the Committee stage.

Debate adjourned, on motion by Mrs Beggs (Minister for Transport).

FINANCIAL ADMINISTRATION AND AUDIT AMENDMENT BILL

Second Reading

Debate resumed from 5 July.

MR MacKINNON (Jandakot - Leader of the Opposition) [4.38 pm]: This Bill seeks to amend the Financial Administration and Audit Act following recommendations from the Burt Commission on Accountability. The principal Act has been in place since 1986 and has significantly improved the reporting processes of Government. It is fair to say that this Bill is quite routine and achieves most of its objectives, which are outlined in the second reading speech which states that the purposes of the Bill are to -

> give effect to the Burt commission's recommendations in respect of secrecy - that is, contractual confidentiality - and reporting on related bodies;

In that respect, this Bill does not achieve its objective and that is an issue on which I will be commenting at a later stage. The second purpose is to "provide for global appropriations". During the Committee stage we will try to establish exactly what that expression means because it is not clear either in the second reading speech or in the accompanying notes. The third purpose is to "establish criteria for final reporting by departments which have been abolished". The Bill does this effectively. The fourth purpose is to "adjust the time frame imposed in respect of the preparation, audit and tabling of annual reports". The Bill achieves that to our satisfaction, to the best of our knowledge and observation. The next purpose is to "streamline and devolve certain practices". The Bill achieves this objective. The next purpose is to "revise definitions, terminology and schedules to the Act". Again, the Bill does that effectively. The seventh purpose is stated in the second reading speech as being to -

> make consequential amendments in respect of annual reporting to the Acts referred to in the long title of the Bill, except for the Financial Agreement Act 1928, which is amended by the repeal of a redundant section.

Once again, those objectives are achieved. So, in most respects this Bill achieves what it sets out to do; however, in a couple of significant areas it does not do this. The Opposition is concerned about some aspects of this legislation and it will raise those concerns in the Committee stage. The Financial Administration and Audit Act is a very important piece of legislation and it is fair to say this Bill represents a huge lost opportunity to the Government. It is an indication that the Government does not clearly understand what is its role with respect to reporting and accountability to the Parliament and, more appropriately, it does not want to understand. I say that for three reasons: Firstly, it does not address a question which I have been raising in this Parliament for at least three, possibly four, years; that is, the consolidation of presentation of the Government's accounts. In other words, consolidating the Consolidated Revenue Fund and the General Loan and Capital Works Fund. I will comment on that later. It is a huge lost opportunity and Western Australia stands on its own as the only State in Australia that has not taken that step. It shows that the Government does not understand, or does not want to understand, the meaning of the words accountability and presentation.

Secondly, the Government has lost the opportunity to implement the recommendations of the Burt Commission on Accountability report in respect of the two most important aspects of that report - ministerial direction and secrecy. That was the core of the Burt commission

report. I remind members that the Burt report was released in January 1989 prior to the last State election in the hope of giving the public the impression that this Government would change. It was a commitment by the former Premier that every one of the Burt commission recommendations would be implemented promptly. It is more than 18 months down the track and this Bill does not, as it is claimed, address either of those issues. With respect to secrecy it just continues the practices of the past. It is a total cover up, as the Opposition will demonstrate during this debate.

Thirdly the Government has lost the opportunity to consolidate trust funds, an area of Government which has been crying out for proper treatment for many years. In case the Government thinks I am pointing the bone at it, the circumstance prevailed when the Opposition was in Government; it was due for reform then and it should be reformed now.

With regard to the presentation of a consolidated approach the Government should provide one set of Budget papers which will detail the total revenue and capital works items. That is what every business in Australia presents except the Government of Western Australia.

Dr Lawrence: That is not quite correct: There are variations between the States in the way they present their accounts.

Mr MacKINNON: There is, but the majority of States have a consolidated approach.

Dr Lawrence: If you look at the supplementary papers you will find a clear indication that that is the direction in which we are moving.

Mr MacKINNON: This Government has been in office for almost eight years - Nick Greiner has been in office for three years only and he has had this form of accounting in place for two years. The difference is that some Governments are committed to accountability and some Governments talk about accountability.

Dr Lawrence: The same information is available to this Parliament as in New South Wales.

Mr MacKINNON: Again the Premier highlights her ignorance or her wish not to understand. It is not a matter of the information being made available; it is available in both the Consolidated Revenue Fund and the General Loan and Capital Works Fund. It is a matter of the information being presented properly, and that is what the argument is about, as the Premier well knows.

I will make a prediction about this year's accounts: Every year since we have been in Opposition the presentation of the Budget papers has changed. One may ask why. The answer is to make it more difficult for interested persons to examine and compare one year with another. The same thing will occur this year. As I have said before, we need the Consolidated Revenue Fund and the General Loan and Capital Works Fund amalgamated to form a single consolidated fund. It would result in one set of accounts being presented to the Parliament which is something the Opposition has been requesting.

I again remind the Premier that Mr Greiner has been the Premier of New South Wales for three years only and he achieved that end some time ago. This Government has not achieved anywhere near that in seven and a half years. It is time that reform was implemented. It is time this Government brought itself into the twentieth century when it comes to the proper reporting of its accounts to the people of Western Australia. It is time the Premier gave a commitment that this will occur immediately. We do not want any excuses and we do not want to be told that the information is there and we can find it. The information might be in the accounts, but it takes a heck of a long time to find it. Only a couple of years ago I tried to dig into the accounts to find out exactly where the fuel levy funds had gone. It took two weeks to obtain the information from the Government. The information is in the accounts, but one has to dig hard to find it.

The Opposition wants an up front commitment that there will be a consolidation of accounts. I give an undertaking that when the Opposition becomes the Government it will ensure that the accounts will be consolidated in order that the people of this State are properly informed and that the accounts can be easily read. The people of Western Australia will be provided with proper accounting practices which will not be a subterfuge such as this Government continues to use to report to the people of this State. It is a huge lost opportunity. The Government has talked about accountability, but it is not committed to it and it is now a lost opportunity.

The second concern is in the area of political direction. What did the Burt report say about the question of political direction? I repeat that the Burt report went to two fundamental principles of Government; that is, secrecy and ministerial direction. I remind members that the report was released in January 1989 and it is now August 1990. On pages 102 and 103 of the Burt Commission on Accountability report the committee referred to the question of ministerial direction of the State Government Insurance Commission and I believe it made an accurate comment and report thereon. In fact, it referred to the interim Twenty First Report of the Legislative Council's Standing Committee on Government Agencies and supported that committee's recommendation which stated that -

> *"The State Government Insurance Commission Act 1986 should be amended to provide that all directions given by the Minister to the State Government Insurance Commission and by the State Government Insurance Commission to the State Government Insurance Corporation should be in writing and included in the annual report of both agencies."*

In other words direction should be in writing if given by the Minister. The commission on accountability stated -

> *This Commission supports that recommendation while emphasising that it is this Commission's belief that it is fundamental to Parliamentary accountability for statutory authorities to be subject to ministerial control.*
>
> *Consistent with this recommendation the Commission also recommends that the Financial Administration and Audit Act be amended to require all ministerial directions to statutory authorities to be in writing and appropriately reported by the organisation concerned. Where agencies are not subject to that Act, appropriate amendments should be included in the relevant enabling legislation. This requirement would be consistent with accountability criterion (g).*

The Burt report says that it is absolutely fundamental and basic to the whole question of accountability for that recommendation to be adopted. What did the Government do? What did the Government say about what the Burt commission says is fundamental? That is not my word but Mr Burt's word relating to the question of accountability. In her speech to the Parliament the Premier said the following -

> I draw to members' attention that the commission's recommendation on ministerial directions has not been taken up in the Bill.

Mr Burt said that it is absolutely fundamental, but it has not been taken up in the Bill. The Premier continued -

> In addressing this issue, Treasury reviewed some 900 Statutes which revealed a multiplicity of references to a Minister. These references vary from an implied ministerial power to direct ministerial power, provided in terminology such as "subject to the Minister", through to explicit authority to exercise wide ranging administrative powers and functions. In many cases these variations are attributable to changes in drafting style over time, while in others the intention was clearly to provide the Minister with specific powers.

The Premier continued, later -

> In view of these considerations and in accordance with Crown Law advice that the commission's recommendations on ministerial directions can only be implemented effectively by directly amending each Statute, this issue has not been incorporated in the Bill. Suitable standard provisions empowering Ministers to give directions through enabling legislation have been developed by Crown Law. However, as their adoption will require a case by case assessment, and having regard to the number of Statutes involved, Treasury has stated that it would not be cost effective to implement the commission's recommendation through an Acts amendment Act. Accordingly, the Government has decided the standard provisions will be introduced progressively into all new or amending legislation, except where Cabinet approves otherwise.

In other words, it is all too hard. This Government receives recommendations from Treasury but says it will require a bit of work to implement those recommendations -

Dr Lawrence: There are 900 Acts involved.

Mr MacKINNON: Those 900 Acts would not cost as much, I would think, as paying for the former Premier's legal costs or sending a car over to New South Wales, yet the Premier found plenty of time to do that. What about getting on with the job of implementing a recommendation fundamental to the question of accountability, as reported by the Burt commission? The Premier knows, and I know, that this may involve 900 Acts, but it can be addressed by one Bill. I ask the Premier why the job cannot be done when the Government has had 18 months to do so. It did not take the Premier long to send "Smooth Pierre" his car or to overrule a decision to do so, and it did not take two seconds for her to decide to pay his legal costs, which was the most unconscionable decision I have seen any Premier make. It did not take the Premier two seconds to decide to take her driver to the PacRim conference, but what does she say about this matter? It is all too hard.

We have actually looked at these 900 Acts and know what has to be done with them. However, the Government will not implement any of the recommendations which appear in this Bill and says it will be done progressively as the matters arise. How long do we have to wait, Premier, for 900 Acts to come before the Parliament?

Dr Lawrence: The key Acts have already been amended. The SGIC Act is coming before the Parliament during this session. The SEC Act has already been amended.

Mr MacKINNON: So we have 898 to go.

Dr Lawrence: It is critical that the Leader of the Opposition understands the magnitude of this task for the Parliament.

Mr MacKINNON: I understand the magnitude of the task as Treasury has been through it. All that is required is a simple amendment, as the Premier well knows, relating to each agency. All it need say is, "Directions shall be in writing from the Minister and be reported in the Act annually." That involved only two sentences which may become five or six sentences when the lawyers come to them. The whole 900 agencies can be listed in the one Act. That is what is needed, but the Government again says - a Government which has said it is committed to accountability and that the Burt report will be implemented in its entirety when it has an opportunity to do so - it is all too hard.

This Government does not have a commitment to accountability. Nor has this Premier. The absolute proof of that is the fact that the Financial Administration and Audit Amendment Bill is now before this place and a recommendation of the Burt commission says that it is fundamental to parliamentary accountability for statutory authorities to be subject to ministerial control, yet the Premier says, "We will do it when we get around to it." Now, 18 months down the track, the Government is making that admission. I again give a commitment that in our first year in Government we will ensure that recommendation is approved because we happen to agree with the Burt commission report that it is fundamental to parliamentary accountability that statutory authorities are subject to ministerial control in the form and manner he recommended.

Another aspect of the Burt commission report that the Government has conveniently circumvented appears at page 3 under the heading "Accountability" as follows -

> . . . each Government agency should be subject to the control of a Minister of the Crown and through that Minister it should at all times be ready and able to account to the Parliament for all that it has done in the exercise of its statutory authority; for the manner in which it has done it; and for the ends sought to be achieved by the doing of it. It is an idea which is fundamental to and which, in practice, conditions the operation of responsible government.

The report continues later -

> Hence it can be seen that accountability is accountability to the Parliament and, as will appear, the Parliament is the place within which the idea of public scrutiny must find its fulfillment.

Then, later again -

> In other words, the recommendations contained in this report are but means to an end and the attainment of the end is dependent upon the proper operation of the Parliamentary system and upon the proper use of Parliamentary questions in particular. And that is an area which lies outside this Commission's terms of reference.

Later, at page 6, he continues -

> The Commission recognises that whether the investment activities of any particular government agency are to be controlled in such a way as to satisfy each criterion of accountability is essentially a matter for Parliament to decide.

This section on accountability really refers to the question of secrecy. The Burt commission highlights the fact that at the end of the day it is for Parliament to determine this matter and not the Executive arm of Government. However, clause 27 of the Bill states in relation to section 58C of the Act -

> The Minister and the accountable officer of every department, and the Minister and the accountable authority of every statutory authority, shall ensure that -
>
> (a) no action is taken or omitted to be taken; and
>
> (b) no contractual or other obligation is entered into,
>
> . . . to such an extent as the Minister thinks reasonable and appropriate.

In other words, nothing has changed. Matters can be covered up and kept secret, and be not reported to the Parliament, to such an extent as the Minister thinks reasonable and appropriate. That is not acceptable and is not in line with what the Burt commission said. The Burt commission talked not about the Minister but about the Parliament and the accountability of Government to the Parliament. The Parliament is where the ultimate authority should lie and where the ultimate decision should be made. This legislation fails to address the issues of accountability through ministerial direction and the secrecy provisions, which were discussed by the Burt commission. In fact, the secrecy provisions have been ensconced in this legislation. The Government has again deliberately diverted and subverted the intentions of the Burt commission, which the Treasurer claimed in her second reading speech to have addressed.

In my reference to the trust fund I was not critical only of this Government, because for many years large sums of money have been paid into and expended from the trust fund with no parliamentary scrutiny. A consolidated trust fund budget which shows expected income and expenditure from each Government trust account should be presented to the Parliament as part of the Budget papers. This has been the practice in other States for some years. The opportunity of reforming this area was not taken up by the Government in this legislation.

The Bill achieves its stated objectives, with two important exceptions. First, it does not meet the criteria set down by the Burt commission. Secondly, the Government has lost the opportunity of reforming certain areas, and as a consequence we in Western Australia will once again have to suffer the ignominy of being left in the dark in respect of the presentation of accounts, rather than our following the lead of most other States - in particular, the enlightened State of New South Wales, which has led the way in respect of reporting financial matters. The Opposition supports this legislation, but I sincerely hope that the Financial Administration and Audit Act will be further amended to address the issues I have raised, which are fundamental to the proper accountability of Government to the Parliament and, through the Parliament, to the people of this State.

MR COWAN (Merredin - Leader of the National Party) [5.03 pm]: The first provision of this Bill which concerns me is in respect of what is or is not commercially sensitive. I applaud the strengthening of accountability through ministerial responsibility, and the provision that each department or statutory authority is now to be responsible to a Minister, but to some extent the Parliament will still be screened by the willingness of the Minister responsible to respond to any question which may be asked in the Parliament. There will be a final determination of accountability because departments and statutory authorities will be required to report to the Parliament, but the reports to the Parliament by some departments and statutory authorities may not necessarily be very revealing and may quite easily overlook some matters which are of concern. A Minister may still avoid the need to provide an answer to a question or may not respond at all by saying that there is a degree of commercial sensitivity or confidentiality which precludes him or her from answering the question. I will be interested to hear how the Government intends to get around that issue. I understand that this legislation will not cover the great number of agreements which come before the Parliament for ratification, but there are still many occasions when Government departments or statutory authorities are required to provide some degree of commercial sensitivity. For

example, I would be delighted to know the price that is paid for gas by Alcoa and some of the other major consumers of that product. I would be interested to know whether the Minister for Fuel and Energy, if questioned in the future after this Bill has been passed, would then be in a position where he would be required to reveal what some of these major consumers pay for gas. I venture to suggest that the answer would probably be that the information is commercially sensitive and that an answer cannot be provided.

Dr Lawrence: What do you think the answer should be?

Mr COWAN: That it is commercially sensitive. I wonder how Ministers will get around that.

Dr Lawrence: The phrase to which the Leader of the Opposition objected was "reasonable and appropriate".

Mr COWAN: I think that let-out is something that Ministers will be using extensively.

Dr Lawrence: The Ministers concerned will then have to account to the Parliament for their making that exemption, so there will still be accountability to the Parliament, and I am sure that the questioning will be very rigorous.

Mr COWAN: I wish I could share the idealism of the Treasurer about the capacity of the Parliament to extract information from a Minister who does not want to provide it. I think the real issue is that the Government has the numbers, and Opposition members can ask as many questions as they like, which can be as detailed or as searching as they like, but they will get only the answers that Ministers want to provide. The words in the Bill are very nice and might be accepted by those people in the Press Gallery who have listened to what has been said and who have been given a prepared statement, and they may then report that the Government is taking steps to improve its capacity to report to the Parliament and to be accountable to the people of Western Australia, but on this occasion, as on past occasions, I do not believe the Government's actions will really emulate its words.

Dr Lawrence: Do you propose what the Leader of the Opposition suggested, to simply have no discretion, which would leave open the problems you raised? I would be more than happy to entertain a solution if you have one. Crown Law and Treasury officials have been working on it long and hard, and this is their solution to the problem.

Mr COWAN: The solution is really in the hands of Ministers. It cannot be found in any wording in legislation. I think it will be incumbent upon individual Ministers to exercise their discretion and determine what is or is not commercially sensitive and whether they do or do not apply the escape clause that is written into this Bill. That will be the area where this and future Governments will be judged. I am trying to point out to the Premier that, while I can support and see the principles behind what she does and say, the proof will be in how she acts. It was ever thus; Governments of the past have been the same. The fact that the Premier is attempting to tighten up reporting procedures and accountability provisions is laudable, but the real value and the real assessment of that can come neither from a prepared statement nor from the words that might be uttered in a second reading speech, but from how she acts. Given the conditions and the requirements which existed prior to this - and which exist now, because this Bill has not yet been enacted - people are absolutely aghast that the Government was able, for want of a better description, to get away with what it did in relation to its failed business dealings while there were - as everybody thought - reasonable accountability provisions in practice in this State. However, those provisions did not stop a substantial loss of money from the taxpayers' purse in some of those business dealings.

The success or otherwise of these provisions will depend upon the capacity of Ministers to deal with those situations and not use their discretion or exercise the escape clause that is contained in this Bill. However, I acknowledge that there will be some occasions when a Minister is not in a position to respond. I know that the Burt Commission on Accountability took a very idealistic stance and said there should be no occasion when secrets are kept - I think that was one of the positions the commissioner took. I do not think that can occur in Government, and I do not think anybody who aspires to Government would ever claim that Government can be totally open. It just does not work that way.

The other issue of importance I want to raise is the question of ministerial direction. I have dealt with what I regard as being responsible to the Minister and I think that is admirable, but I have outlined the area of difficulty. The other matter is what comes the other way, where

the Minister is capable of giving a direction to a department or a statutory authority. I note that in her second reading speech the Premier specifically excluded some of those areas where she is not prepared to offer or to require ministerial directions. Again, I agree with that. For example, I am quite sure that a former member of my party would be absolutely disgusted if I insisted that there be a power of ministerial direction to all statutory authorities. I think former upper House member Hon Mick Gayfer would be aghast to learn that I was supporting the fact that his beloved company - or cooperative, in its proper sense; Co-operative Bulk Handling Ltd - was required to submit to ministerial direction. I think all hell would break loose.

Mrs Beggs: He would turn over in the wheat silo.

Mr COWAN: I think he might, and there would be other statutory authorities which would react in exactly the same way. Therefore I acknowledge that there will be occasions when ministerial direction is neither welcome nor really appropriate; but there are occasions when ministerial direction should be exercised. However, it must be exercised extremely carefully, and the latest concept - where a ministerial direction must be in writing and recorded in the annual report - is a very good one. There is only one problem with that; that is, where we have a senior officer or permanent head, or whatever, who tends to be a little more compliant and who is quite prepared to accept advice over the telephone and then implement that as though it were his or her own idea. That is something of a problem and I do not know quite how to legislate to get around that - I do not think we can.

Ministerial direction is necessary on some occasions; on others it is totally unnecessary. The procedure by which it is now laid down, where a ministerial direction must be given in writing and the full substance of that direction must be included in an annual report, is very important. I assume that is to continue. That is the way in which directions must be given by a Minister to a department or a statutory authority, so that there is some accountability, because on many occasions Governments, irrespective of who they are, find themselves accused of directing the resources of a department to satisfy political gains rather than the public demand. We are all accused of that. In fact, at one stage or another we have probably all made that accusation. I make it quite regularly to this Government in relation to regional development, where certain sums of money are appropriated for regional development and we discover that the Ministers who are responsible for those regional development authorities just happen to be the major beneficiaries of some of the developments that occur under the auspices of those development authorities. While we welcome those investments, it does grate a little to learn that the major beneficiaries, in political terms, are in fact the people administering those development authorities. I believe that produces a degree of cynicism and certainly an attitude in the public arena about politicians doing things not for the public good but for the good of that member of Parliament.

Mr Lewis: Political corruption.

Mr COWAN: I do not know that I would go so far as to say political corruption. Certainly political manipulation, there is no doubt about that.

Mr Court: Put it this way, there are some guilty looks on the other side.

Mr COWAN: Yes, I would agree with that!

Mr Pearce: I thought that was the first sign of a crack between the Liberal Party and the National Party.

Several members interjected.

The ACTING SPEAKER (Mr Ripper): Order!

Mr Shave: I would like to think the guilty ones have all gone.

Mr COWAN: No, I am sure they have not.

They are two of the areas where I believe the Government will have some difficulty. In conclusion, no matter how great the desire of the Government to be more accountable the general impression is that it is shutting the gate long after the horse has bolted.

MR COURT (Nedlands) [5.18 pm]: Mr Acting Speaker -

The ACTING SPEAKER (Mr Ripper): Order! Before I give the member for Nedlands the

call, I ask members to restrain their private conversations. At some stages during that last speech it was difficult for the Hansard reporter to hear.

Mr COURT: Accountability has become a key issue in the wake of the WA Inc fiasco and, as the Premier has outlined in her second reading speech, the Financial Administration and Audit Act was introduced in the first place to make Government departments and statutory authorities more accountable. This legislation amends the 1986 legislation. When that legislation was introduced it was about an inch thick, and one would expect that there would be a number of amendments to it, particularly after it has been in effect for some years. However, there is one issue which I believe has been not been addressed, in addition to those which have been raised by the leaders of the Liberal Party and the National Party.

This issue is something that I would appreciate the Premier's taking up - unfortunately she has left the Chamber temporarily. It concerns Government guarantees. It is an issue which was raised about two years ago, to my knowledge, by the member for Floreat, who came up with a private member's Bill putting forward a system by which there would be more accountability by the Government of the day in relation to guarantees given by various Government bodies. I suppose it all came to a head with the Rothwells guarantee, where the Government provided a $150 million guarantee to a rescue operation. As well, throughout the PICL deal all sorts of guarantees were given, many of which we are still not fully aware of today.

I will outline a very simple proposition that I would like the Government to consider, and this is something that the Government could include in amendments for this legislation: Basically, when a Government body gives financial assistance to a corporation or an individual in the form of any advance of money, the lending of money, the guaranteeing of any advance or loan, or the underwriting of any bills of exchange or the issue of shares and debentures, the Government must lay that information before both Houses of Parliament within six sitting days of the execution of that assurance. An interesting aspect of the proposal is that the Parliament cannot disallow the assistance once it has been given. In other words, a debate must take place within 14 days of the execution of the assistance and if the debate does not take place the assistance will not be allowed - that is the only way in which it could be denied. The purpose of this proposal is to inform the public of any financial assistance given through debate in both Houses of Parliament. This will keep the Government honest and open.

When the proposal was first advanced it was made clear that it was not intended to delay or deny any assistance that was given. It was accepted that the Government, as the elected Government, should make the decision - whether it was right or wrong - to give that assistance. However, at least the public, through their representatives in the Parliament, will have an opportunity to consider any assistance given by the Government. In this case, the Government could not hide a guarantee or any financial assistance, as we have seen happen over recent years.

The Leader of the National Party referred to the question of commercial confidentiality, and when financial assistance is provided by the taxpayer to an organisation or an individual confidentiality should not apply. The Government should be open and everybody should be aware of the assistance given. That proposition is an additional issue which could become a provision within the Bill before the House; it is a simple measure and it is something that I would like the Treasurer to consider while we are debating this legislation today.

Debate adjourned, on motion by Mr Pearce (Leader of the House).

STATEMENT - BY THE SPEAKER

Adjournment of the House - Ringing of the Bells Signal

THE SPEAKER (Mr Michael Barnett): I advise members that a problem has existed late in the evening with the staff of Parliament House who are not directly involved in working in the Chamber in that quite a large number of staff are unaware that the House has risen unless they are specifically given a message. I have asked that when the House rises in future we give a signal through the ringing of the bells. So that members do not rush back into the Chamber, a system has been devised whereby the bells will ring for five seconds, they will be switched off for five seconds and then the bells will ring for another five seconds. In that

case everybody will be alerted that the House has risen. The staff have been alerted to this change and members will need to be careful when they leave the Chamber!

[Questions without notice taken.]

Sitting suspended from 6.00 to 7.30 pm

RACECOURSE DEVELOPMENT AMENDMENT BILL

Second Reading

Debate resumed from 5 July.

MR CLARKO (Marmion) [7.30 pm]: This is the second attempt by the Government in recent times to amend the Racecourse Development Act. The first Bill was introduced in December 1989 in the Legislative Council, and the Liberal Party concluded that this Bill required amendment, especially so as to deny the Minister the power to give directions to the Racecourse Development Trust regarding two things. Firstly, the proportion of funds which would go respectively to racing and trotting; and, secondly, to deny the Minister the power to direct the trust as to how the fund should be administered and applied.

In the Legislative Council Hon Philip Lockyer placed on the Notice Paper certain amendments along these lines, but the 1989 Bill was not proceeded with in that Chamber. This 1990 Bill, which I shall call mark II, was introduced, and coincidentally it cut back the powers of the Minister for Racing and Gaming, largely along the lines of the Liberal Party amendments which appeared on the Legislative Council Notice Paper at the end of last year.

Clause 9 in the 1989 Bill, which was headed "Directions by the Minister," gave the Minister the specific power to direct the trust as to what proportion of funds should be split between racing and trotting. That was in proposed section 7A(2)(a). This provision has been deleted from the Bill we have before us today. The 1989 Bill gave the Minister the power to direct the trust, and that was set out in proposed section 7A(2)(b); namely, "The works to be carried out to improve safety at racecourses and training tracks." In this mark II version, this provision has been altered to the Minister specifically not having the power to "give directions for specific works to be carried out."

These are significant changes, and they are along the lines determined by the Liberal Party in late 1989. Why did the Minister - for there was a change of Ministers between the two Bills - make these changes? I would appreciate a comment from the Minister when she replies. Was it because she believes, as the Liberal Party does, that the Government should have less power with regard to racing - using "racing" in the broadest sense of the word? Does she agree with the Liberal Party that the role of the industry should be greater and the role of the Government less with regard to this measure? Did the publishing of the Liberal Party's intended amendments, which were along the lines that the Minister should have less power of direction, influence the Government, or what influenced the Government to make this change which was coincidental with the Liberal Party's stance?

Clause 9, which covers proposed section 7A(1) in this new Bill, gives the Minister extensive powers to direct the trust in writing regarding "its functions and powers". The ministerial powers are to be restrained only from directing the trust to carry out specific works. It seems to me only the specific clauses in this Bill which state what can or cannot be done will inhibit the Minister of the day.

My party has considerable apprehension about the application of proposed section 7A(1), but in the light of the changes which have been made, and in the light of the anticipated explanation of the Minister, with significant reluctance we will not oppose this new clause. We have compared this Bill with the much more extensive powers for the Minister in the previous Bill. I tell the Minister very firmly that that undertaking is given subject to the Government's agreeing to the deletion of clause 8 of this Bill. We can support the extensive powers given to the Minister in the first part of clause 9, but not if clause 8 remains, and I shall explain that argument in a moment. If we find that the Minister uses the powers concerning the operation of the trust, which are set out in clause 9, in an excessive way, in due course we will move in this Parliament to reduce those very wide powers.

My party intends to vote against clause 8, because clause 8 proposes that when matters relating to racing issues are considered by the trust, the two members from trotting will

withdraw and take no part in that debate. Also, when matters relating to trotting are discussed, the two racing representatives will withdraw. We are opposed to that. The seven members of the trust should deliberate on all matters concerning racecourse development, thus assisting the unification of all elements of racing and trotting. The sharing of decision making will increase unity and cooperation within the industry. People who know anything about the industry also know that a gap exists between those people involved in racing or trotting. If all seven members of the trust are involved in decision making we will have no need for the arrangement whereby two members from either sector of the industry withdraw depending on which matters are discussed.

The Opposition believes an opportunity exists for the development of further cooperation between both sectors of the industry in the broader sense. Our proposal is to have four representatives from the industry and three Government representatives form the trust; that is, the chairman, a person appointed by the Minister, plus the chief executive officer of the Racing and Gaming Commission, who is a public servant, together with the four other persons from the racing and trotting industry. The approach by the Government is to have five members on the trust - three from the Government and two from the trotting area on one day and the following day three representing the Government and two members representing the racing industry. In that way, the Government would always have a 3:2 ratio, with the capacity to do whatever it wished. The proposal put forward by the Opposition would mean the Government representatives would have to persuade by argument one of the other four persons to support the Government's wishes on a particular issue.

Clause 9 provides for the Minister to direct the trust in writing; if she does so, under our arrangement at least that action will be placed on the public record and be subject to public scrutiny. That would represent a modifying stricture on the Minister. Clause 9 allows the Minister too much power; that is unacceptable unless the Government agrees to the deletion of clause 8.

I refer now to a matter which I regard as especially significant. No matter how closely I read the current Act, I cannot find any section which gives the Minister the power to direct the trust. The Bill under debate provides that power for the first time. That is a potentially dangerous provision. Were the Government to agree to the proposal by the Opposition, we could consider the legislation in practice. The fact that the Government has changed the original version of the Bill in relation to the powers of the Minister seems to suggest the Government is not particularly opposed to the argument I now make. The Minister has been prepared to cut back along the lines I have mentioned; perhaps she is also prepared to go one step further in relation to the structure of the trust by allowing people in the industry to hold the appropriate majority. That represents an offering on our part; perhaps the Government could give something in return.

If the Government refuses to delete clause 8, the Opposition will urge its colleagues in the other place to delete both clause 8 and clause 9. We have an opportunity here for compromise. It is a major move away from the present Act to give the Minister the capacity to direct the trust in terms of its function. I offer the Minister the opportunity to delete clause 8.

The Opposition is also aware of the change in the amount of money available to the trust. In her second reading speech the Minister referred to changes in 1988; in other words, twice as much money is available to the newly formed trust, amounting to around $1.2 million a year.

The most significant part of the legislation, other than the ministerial powers, is the fact that the country areas will share those funds with the metropolitan area. I received a letter from a country section of the industry indicating support for the involvement of the metropolitan area and the country area in the distribution of funds. Subject to the qualifications which I have put and which the Opposition regards seriously, the Liberal Party supports the legislation.

MR COWAN (Merredin - Leader of the National Party) [7.46 pm]: I speak now as the unofficial spokesman for the National Party on matters pertaining to racing and gaming in the absence of our official spokesman, the member for Avon.

A Government member interjected.

Mr COWAN: I cannot explain his reason for not being present.

The Racecourse Development Amendment Bill involves some very serious implications for the racing industry inasmuch as previously the unclaimed dividends of the Totalisator Agency Board - the money for which the trust has responsibility to disburse - have been made available for the betterment of country racecourses and country trotting tracks. I understand some change will be made to the processes by which the volume of funds is made available to the trust for the purpose of distribution. Perhaps the Minister can indicate what the expected increase in funding will be. Another requirement is that the Racecourse Development Act will be expanded to allow the funds to be distributed among not only country racing and trotting tracks but also city areas. Because of the volume of racing and trotting in the metropolitan area, not too many people could argue with the principle behind a more equitable distribution of funds to both country and metropolitan regions.

Of concern to the National Party is the fact that this action may lead to demands by a number of people in the metropolitan area for the provision of additional racing facilities in that area. In many respects it could be argued that that is where the population is, and that is a valid argument. Another argument equally as valid is that a number of racing and trotting facilities exist in provincial towns adjacent to the metropolitan area, which facilities are perfectly suited for training activities and for racing and trotting. One could not go past the Pinjarra complex, or the complex in the Avon valley, for example - all those facilities which have been established and which could be utilised in a much better way by the racing and trotting fraternity in Western Australia.

I am aware of the great demand for the provision of facilities in a region very close to your heart, Mr Speaker; that is, of course, Rockingham. Many people have argued that because of the number of trainers and stables in the southern portion of the metropolitan region, some facility should be provided. That is an argument which must be weighed very carefully by the Government and by the people who are appointed by the Minister to the trust. That will be one of the contentious arguments raised and pursued by members of the racing industry and, in particular, those who have an interest in establishing better facilities in the Rockingham region. I predict that within three years funding will be made available for the provision of, if not racing facilities, training facilities in that area. The trust will come under severe pressure to make available those funds, which are granted to it through the allocation of unclaimed dividends from the Totalisator Agency Board, for the provision of capital resources to enable the provision of such facilities.

The membership of the trust is to change from its current level of four members to seven members: The chairman; two members from the Western Australian Turf Club, one of whom shall represent country racing; a member of the Western Australian Trotting Association; a member of the Western Australia Country Trotting Association; the Chief Executive Officer of the Office of Racing and Gaming or his nominee; and one other member. All members are to be appointed by the Minister, some on the nomination of the turf club or the trotting association.

The Bill provides that when a matter relating to a racing club which conducts galloping horse races is to be dealt with by the trust, the two representatives of the trotting industry shall not participate; the reverse situation will apply when decisions are made affecting the trotting industry. The Minister goes so far as to say that they will not be members of the trust. I understand from the member for Marmion that the Liberal Party is opposed to that approach. I confess that I have not received any representations from any clubs in my area opposing this Bill, although I am aware that some clubs are opposed to that particular proposition. However, I do not think that the Liberal Party's opposition stems from the fact that members of the racing industry, both trotting and galloping, will be taken off the membership of the trust when a decision on their respective industries is made. The member for Marmion has expressed his concern that the trust membership might be reduced to a point where the Minister is in a position to dictate the decisions and determinations of the trust. I have some knowledge of the chairman of this trust.

Mrs Beggs: He is also my constituent and is a fine person.

Mr COWAN: I think the chairman will remain in his job for a long time as he was only recently appointed. I suggest members re-examine that allegation because I can assure them that the chairman of the trust is not a person who would take lightly any possible hint that the trust could be manipulated by the Government, the Western Australian Turf Club or the

Western Australian Trotting Association. I have never in my life met a more independent person. Even though his views are very firm he still tries to give consideration, and in most cases succeeds, to the demands that are placed before him in relation to the various decisions that have to be made. I have no doubt that the chairman of the trust will make sure that that body, irrespective of its composition, will be impartial in the decisions it makes for the distribution of funds which may be paid into the trust by way of unclaimed TAB dividends. I can understand, and have some sympathy with, the concerns of my colleagues in the Liberal Party about the way the membership of the trust is formed and the way in which it operates - that is, although it is a seven member trust it loses two members when decisions are being made on racing or trotting matters, so effectively it is a five member trust determining matters relating to either racing or trotting. From my knowledge of the chairman of the trust the member for Marmion can be confident that the trust will make its decisions impartially and that it will deal with the issues in an impartial manner.

One or two other issues are important and need consideration. Again, the member for Marmion raised the question of a direction to be given by the Minister. I note that the proposal has a qualifier; I will read the whole clause -

> (1) The Minister may give directions in writing to the Trust with respect to its functions and powers, either generally or with respect to a particular matter, and the Trust subject to subsection (2) shall give effect to any such direction.
>
> (2) The power to give directions under subsection (1) does not include the power for the Minister, to give directions for specific works to be carried out.

The Minister may correct me if I am wrong but it is my understanding that if a submission or an application is made to the trust for funds for specific construction works or improvements to facilities around the State, the Minister has no power to give a direction that that application should not be heard.

Mrs Beggs: Or should be agreed to.

Mr COWAN: That is right. If an application has been received and dealt with and a decision has been made by the trust - whether to allocate money or not - the Minister cannot reverse that decision.

Mrs Beggs: The judgment of the Leader of the National Party about those sections of the Bill is absolutely correct.

Mr COWAN: That is a very important aspect. When these bodies are established it is often the case that although members of the Government swear a ministerial oath to serve the State without fear or favour, that disappears for the sake of political expediency and they whisper in the ears of various statutory authorities or bodies and priority is given for funding in various areas which are not worthy of that priority. If we become aware of any ministerial intervention in decisions made by the trust, the matter can be brought before the Parliament and dealt with. I assume that the accountability provisions contained in a Bill dealt with earlier this evening will apply also to this body and that any direction from the Minister to the trust will be in writing and will be included in its full form in the annual report of the Racecourse Development Trust. If that is not the case, it should be addressed.

One final issue causes me some concern. I regret that I am not sure whether the member for Marmion raised this matter, which relates to the capacity of the trust to become involved in safety issues. I cannot understand what qualification the trust has to deal with safety matters. The peak body in the metropolitan racing industry, the Western Australian Turf Club, has the necessary expertise to determine whether tracks are safe or unsafe. The country racing industry body also has the necessary capacity and expertise to deal with these matters, although country clubs are often limited by lack of capital funding. In this case the capital funding for improvements to certain areas of the track could very well be supplied by the trust. I am aware of instances in which provincial tracks have been banned by jockeys because of unsafe conditions. I would be delighted - and so would the various country turf clubs - to think those clubs had access to funding from a body with the financial wherewithal of this trust to assist in providing the necessary capital to overcome such problems. However, that is another matter. I do not think it is necessary for the trust to be given the power included in this legislation to determine health and safety standards, and to insist that they be implemented by the various turf clubs. I do not for one moment suggest that this will

happen but I cite a hypothetical case: It would be very easy for the powers that be to decide that two of the four provincial turf clubs operating in the Avon Valley are unnecessary, and it would be possible for them to eliminate those turf clubs by applying these health and safety provisions.

Mrs Beggs: The member for Avon might not agree with you.

Mr COWAN: That is his greatest worry. Such a situation would certainly not occur under the current chairman of the trust, but it could occur after his term has expired. I can recall certain legislation which came before this Parliament some years ago to which we were told there was tripartite agreement, from the Confederation of Western Australian Industry, representing employers, the Trades and Labor Council, representing employees, and the Government, the great arbiter which sits in the middle and generally does nothing. Parliament was told there was tripartite agreement to the Occupational Health, Safety and Welfare Bill. In many cases, although not exclusively, that legislation is now being used by the union movement as an arm to exercise its industrial muscle.

Dr Watson: You have not mentioned the ways that employers are using it.

Mr COWAN: We all know that no one side is perfect, but the member for Kenwick must acknowledge that I have not been critical of the union movement other than to say that the Department of Occupational Health, Safety and Welfare is being used by one side of that tripartite group to exert industrial pressure. She should not lament the fact that some employers take advantage of it; of course they do.

There is a history of manipulation of legislation by certain people to meet their own ends. I do not agree with provisions that will put the Racecourse Development Trust in a position where it can dictate terms based on safety that could lead, in the worst case scenario, to the closure of a racecourse, a reduction in the number of race meetings held or the downgrading of a racing club. That will no doubt be a natural progression in any event. Some people would perhaps like to hasten that process but, if that is the case, they must bite the bullet and take the necessary action.

With those reservations I indicate the National Party's support for this legislation in principle, mainly because it provides more money for disbursement to racing clubs. We recognise that it is not possible for country areas to have exclusive rights to unclaimed dividends and that they must be spread across the racing and trotting industries. Although the National Party has reservations about the power of the Minister to direct and the way the membership of the committees has been established, we have a great deal of confidence in the present chairman and I am sure that he will operate very well under these powers.

MRS BEGGS (Whitford - Minister for Racing and Gaming) [8.09 pm]: I thank the member for Marmion and the Leader of the National Party for their contributions to this debate. People say that often the legislation dealt with by the Parliament is unimportant. Both the harness and thoroughbred racing industries in Western Australia make an important contribution to the economy of this State. They provide a source of entertainment, and job opportunities for a large number of people, not just in the metropolitan area but also in a wide range of areas throughout Western Australia.

The member for Marmion raised specific issues which need clarification. He referred to clause 8, which amends section 6 of the Racecourse Development Act. It provides that when the Racecourse Development Trust is considering a matter relating only to a horseracing club, or to horseracing generally, the two trotting representatives do not form part of the trust, and vice versa. It is not appropriate that members of the harness racing fraternity determine matters that affect thoroughbred racing. In the same way, it is not appropriate that matters affecting thoroughbred racing are determined by people in harness racing. When such matters come before the trust it will be important that the people who have the expertise in particular areas are able to provide the appropriate information. I have the feeling that the member for Marmion is trying a subtle form of blackmail by saying that these amendments are not appropriate in the administration of this Bill.

The Leader of the National Party made some important points in determining the amount of money that should be allocated to the trust. It is important to ensure that the money is spent in the most appropriate way. I have a great deal of confidence in the current chairman of the trust. I and any future Minister will make sure that the people who are appointed to the Racecourse Development Trust have the best interests of the industry at heart.

The member for Marmion and the Leader of the National Party also referred to the powers of the Minister. The powers allocated to the Minister in this Bill are provided by a standard clause in all Government legislation; that is, the Minister has the power to direct in matters of policy the general application of those funds. I reiterate the sentiments conveyed in the second reading speech regarding safety when I said that horse racing by its very nature is a dangerous occupation. The danger is not associated with the members of the Western Australian Turf Club committee or the Western Australian Trotting Association committee or the various committees of racing bodies that make up all regional clubs, but is associated, and directly connected with, jockeys and reinspersons who ride or drive horses. That danger can emanate from dangerous driving or riding practices or from dangerous track conditions. Riding and driving practices are regulated by stewards; however, at present there is no independent forum with adequate powers to ensure that track facilities are safe. A track safety issue may arise and if it is not resolved quickly may lead to disputes between racing officials and personnel; this can also reduce public confidence in the industry. This Bill proposes to prevent that occurring.

When I was the Minister for Racing and Gaming, jockeys and reinspersons expressed very deep concern about their safety at some tracks. In most instances the jockeys and the reinspersons presented their concerns to the clubs, which had an opportunity to rectify the problems. However, the Racecourse Development Trust does not necessarily have to allocate funds to rectify safety issues. A number of options are available; it can allocate funds in the form of grants or loans or not allocate funds at all. This Bill provides for the trust to appoint independent consultants to assess claims made by jockeys and reinspersons. I am convinced that provisions in the Bill will ensure that the Minister cannot manipulate the trust and that any direction given to the trust by the Minister must be in writing and noted in the annual report of the trust which will be presented in the normal way to the Parliament.

Both the harness racing industry and the thoroughbred racing industry are vital to the economy of Western Australia. I am confident that the people who will be chosen as members of the Racecourse Development Trust will be responsible and will act in the best interests of the industry. It is not appropriate for members of the harness racing industry who are appointed to the trust to make determinations which will affect the allocation of funds made to the thoroughbred racing industry and vice versa. I said in the second reading speech that the allocation of funds to the trust will be determined in the same proportion as the funds distributed by the Totalisator Agency Board to the harness racing industry and the thoroughbred racing industry. I am confident that the extra funds now made available will be allocated in the best interests of the industry. I have confidence in the chairman and in the people who will be selected by both codes to make determinations that are in the best interests of the racing industry.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Dr Alexander) in the Chair; Mrs Beggs (Minister for Racing and Gaming) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Section 4 amended -

Mr CLARKO: Does the Minister agree that the 14 days referred to in proposed section 4(7) is an extremely short period in which to nominate a person? My recollection of the provisions relating to the nomination of persons in other Bills is that much greater time is provided. I cannot recall another Bill where the period within which to nominate a person is only 14 days. I do not know how often these bodies meet, but this period seems to be a short one. There is provision for two trotting members and two racing members; one may come from the country and one from the city. They may meet only monthly. I ask the Minister to consider providing a longer period, such as 30 days, or any other appropriate period. Perhaps the Minister can tell me if she thinks 14 days is too short a period.

Mrs BEGGS: I can understand the member's concern that some of these measures may be draconian, but I can assure members that there is wide consultation between Ministers in these matters, and all members of controlling bodies are advised well in advance that they

need to nominate someone. I am sure that without actually amending the Bill this problem can be accommodated. No Minister of any Government at any time would adopt a draconian attitude to that provision. If a body advised that it was unable to nominate a person within the required time frame, I am quite sure the Minister of the day would be happy to accommodate that request.

Mr CLARKO: I am not satisfied with that reply. The clause says that where a body fails to nominate a person as required within 14 days after receiving a request, the Minister may appoint an eligible person. That is not what the Minister seems to be suggesting. I have been a Minister, and I have been associated with people being appointed to various bodies and organisations. One would write to them and say that next year the body will need to nominate a person, but that is not what this clause says. This clause does not cover the approach where the Minister is asking a body to put up somebody. The clause says that within 14 days of receiving a request in writing, the body must give this name or the Minister will appoint somebody. If the Minister fails to accept my suggestion, I shall move an amendment.

I move -

Page 4, line 8 - To delete "14" and substitute "30"

Mrs BEGGS: I am happy to accept that amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 7 put and passed.

Clause 8: Section 6 amended -

Mr CLARKO: My party sees this as a critical section of the legislation. We put it to the Committee that the most appropriate thing to do is to retain the seven people appointed to the trust at all times and not take two out who are trotting people when dealing with racing and vice versa. I do not know of any comparable board or committee in Western Australia's legislative framework where people are removed because a particular subject is being discussed. For example many organisations have committees and such like which have been set up by legislation providing for an employer representative and an employee representative. Do you, Mr Chairman, think the employee would be pleased if he were told to go home while the committee discussed matters relating to the employers? I am sure you would not think that that was a sensible arrangement. I do not think it would be seen as reasonable by the Confederation of Industry or the Chamber of Commerce and Industry if, when matters concerning the employee were being discussed, the employer was told to go home.

This is a most illogical arrangement. We are talking about the development of racecourses in Western Australia. A little while ago the Minister said that she has great confidence in those who will be appointed to work on the trust. If that is the case, she should keep them all there. My colleague, the Leader of the National Party has said that he has personal knowledge of the chairman, and he has great respect for him. I would not dispute his assessment of the chairman, but if we were to have the seven people meeting to make decisions, there will develop among those people a closer affinity with and acceptance of each other's viewpoints.

We all know that there is a gap between the administrators of racing and trotting in the State today. That is not desirable. It would be best to have people working together, and I am sure the Minister would agree with me that in recent times her predecessor was associated with the establishment of TRAC. I am not sure how much initiative he had, but I believe it has been a successful body and it will become even more successful. The new body, called WATRIC, has had at least one meeting. It is bringing in trainers and jockeys. TRAC took a wide group of people involved in the racing industry. The organisation has attempted to bring in more people. It has attempted to bring in all the segments of the racing industry and put them together in this new committee. These people will make decisions and send recommendations to the principal club, the WA Turf Club. The WA Turf Club will consider those recommendations and refer them back. In the light of the response WATRIC receives from the principal club, decisions will be made. Whatever part the Minister plays in supporting that idea, I commend her and the Government for what they are doing; it is bringing the various parts of the industry together.

Mrs Beggs: The racing industry.

Mr CLARKO: It happens to be the racing industry. In the past people in the racing industry have complained that they have been left out. I support the Government in this project. Here is an opportunity to do exactly the opposite of what the legislation sets out to do. It is to have the representatives of racing and the representatives of trotting sitting together around the table, combining to make decisions. If they are good people, and I believe they will be, they will have the capacity to form a more closely knit organisation; there will be give and take, and so on. The proof that these people have the capacity to do that is that I understand the Racecourse Development Trust, prior to this legislation, has been dividing the money that is spent between racing and trotting according to the old formula, which was 60:40. The Minister has now put down 70:30, and I would support that. That is being written into the legislation. Previously there was, if the Minister does not mind my saying so, a gentlemen's agreement, or whatever the equivalent is for ladies -

Mrs Beggs: They are all gentlemen.

Mr CLARKO: - and those five people were able to sit there without any specific direction and come to these sorts of arrangements without a specific rule.

Mrs Beggs: The funds were allocated on a 60:40 basis.

Mr CLARKO: They did not have to do that - that was their own judgment. There was no legislation which said that they had to divide the money 60:40. The Minister has introduced legislation which provides that in future they will work to a pattern over a decade to reach 70:30. The Minister has laid that down. I do not object to that, but under the system we have at present, under some sort of gentlemen's agreement, these five disparate people were able to say, "The TAB funds were split 60:40; we will accept 60:40 here." I think these people will have the capacity to do that, and that there will be no need, when the subject of racing comes up, to send the two trotting representatives outside, or when the subject of trotting comes up, to send the two racing representatives outside. We should put the seven of them together. I challenge the Minister to tell me of a comparable committee, board or trust in Western Australia which holds meetings and says that several of its members must go outside when they are dealing with something that does not relate to those members. That would fly in the face of what committees are all about.

Mrs Beggs: Not in this case. You have got it all wrong.

Mr CLARKO: I challenge the Minister to tell me of any board, trust or committee of hers that, when its members are talking about a certain matter, kicks a couple of people out the door. I know of none.

Mrs Beggs: It is very hard to compare the racing and trotting industries with any other board throughout Government. I can tell the member for Marmion that it is a totally different scenario.

Mr CLARKO: If the Minister goes down to the University of Western Australia and looks at the University Senate and the sorts of people on that senate, there is Mr Latter, the Communist -

Mr Thomas: Come again?

Mr CLARKO: Is he not a Communist?

Mr Thomas: No.

Mr CLARKO: Is he an ex-Communist? We know about ex-Communists, do we not? That was part of Communism. It is in Communist theory. One says, "I am an ex-Communist", and one remains a Communist.

The CHAIRMAN: Order! The member for Marmion.

Mr CLARKO: We all know that. Anybody who has read anything about Communism knows that. People like Mr Latter are on the University Senate.

Mr Pearce: It is better to be an ex-Communist than a current fool.

Mr CLARKO: That is quite right. Wise men learn more from fools than do fools from wise men, and we can tell exactly who the Leader of the House is in this conversation. I invite the Government to produce a single board, trust or committee that runs a particular facet of life

in Western Australia where they actually say to some of their members, "You cannot be here for this." So that, in the case of the University Senate, Mr Latter would be told, "You are an expert in industrial relations. We are dealing with academic matters at the moment and because you do not have high academic qualifications you must leave the room while we talk about those matters." And, when they are dealing with industrial matters, they would say to the people who are academics, "Please leave, because we are dealing with industrial matters now." That is sheer nonsense.

Mrs Beggs: I invite you to inform me whether representatives of either the thoroughbred racing industry or the Western Australian harness racing industry have asked you to make this amendment.

Mr CLARKO: I do not make decisions on the basis of particular groups coming to me and saying, "We want you to do this or that." If they do so, I am happy to listen to any group. I am saying this because I believe the Minister's proposition is illogical. It does not happen in any other example of which I am aware in Western Australia.

Mrs Beggs: You are illogical because you are not reflecting the wishes and views of the industry.

Mr Thomas: Let us go back to the Cold War.

The CHAIRMAN: Order!

Mr CLARKO: Unfortunately the member for Cockburn's friends are very much located in the Cold War world. I say this very deliberately: I am not aware, and apparently the Minister is not aware, and neither is any Minister of the Government aware, of any other committee, board or trust set up in the peculiar way that is proposed here. I believe it is desirable for all of these seven people to be on the committee at all times. That is the normal, logical and reasonable thing to happen if a person is selected to be part of a trust which is concerned with some facet of life in Western Australia. I am saying it is also desirable from the point of view of bringing about greater cooperation with the people on the body. There is no demonstrable harm in such an arrangement and I invite the Minister to give us examples of where it would be harmful to have two trotting representatives listening while a discussion takes place about a racing track. In the absence of the Minister's being able to show examples in legislation in Western Australia, and in the light of her possible failure to give clear-cut examples of where people who are in the opposite industry would be unable to take a cooperative part in such an arrangement, in my opinion it is vital that this clause be deleted from the Bill.

Mrs BEGGS: The member for Marmion wants me to give an example of where this provision in clause 8 is comparable to any other board or committee set up by Government in regard to any other matter. The member for Marmion does not appear to understand that the racing industry in Western Australia is a unique type of industry with diverse interests. I remind him that on page 14 of my second reading speech I stated quite clearly that the funds between the two racing codes will reflect the changing ratio for the distribution of TAB surplus moneys established in the Totalisator Agency Board Betting Act by amendments passed in 1988. Not one person who has either consulted with me or made representations to me about this clause, either from the harness racing industry or from the thoroughbred racing industry, has said, "We think it is appropriate that representatives of the harness racing industry should determine how our 60 per cent is spent in terms of the Racecourse Development Trust Fund." Conversely, no-one from the thoroughbred racing industry has suggested to me that the harness racing industry should tell it how to spend its money.

Mr Clarko: Did they withdraw before?

Mrs BEGGS: No, they did not.

Mr Clarko: Of course they did not. It shows how weak your argument is.

Mrs BEGGS: But under this legislation the money apportioned between the two codes is defined specifically. I put it to the Committee that it would be most inappropriate and a waste of time for the two representatives, who were recommended by the thoroughbred racing industry to the Minister and appointed by the Minister, to be present at any particular time. For example, the present chairman of the Western Australian Trotting Association is Mr Mick Lombardo who is a very busy man with diverse business interests in this State. He

would not want to involve himself in discussions concerning the 60 per cent of the trust funds that are allocated to the thoroughbred racing industry.

I think the member for Marmion is totally out of touch with the industry. He obviously has not consulted with the industry. I have, and at no time has anyone in the industry had any difficulty with clause 8, because in their determination they know that those two members of the trust fund who are appointed would not be interested in how those funds were spent for either the thoroughbred racing industry or, on the other hand, for the harness racing industry. The people who have the expertise in those areas are the people who are involved on a day to day basis, either with the thoroughbred racing industry or with the harness racing industry. I reject out of hand the member for Marmion's proposal to delete the clause.

Mr CLARKO: It is amazing that under previous legislation the five members of the trust debated all issues in relation to racing and trotting. Not one single word of complaint has been made in Western Australia to say that the previous situation created a poor trust. The current Act has been in force since 1976, and during those 14 years the representatives from both racing and trotting sat together with the Government representatives without complaint about that situation. No suggestion has been made that it would be better if certain members withdrew when certain matters were being discussed. That exposes the crass ignorance of the Minister for Racing and Gaming.

One could give numerous reasons for the retention of the previous situation. I emphasise that for 14 years the trust has been making decisions about projects on which funds would be spent regardless of whether racing or trotting was involved. Both racecourse and trotting representatives have contributed to debate and made decisions regarding lists of projects to be undertaken. That is a far cry from the Minister's comments.

Representatives on the trust would say, for instance, "Yes, Bill, that is fair enough. We will consider the trotting project next as long as you understand ours will be a little dearer than yours. Maybe we will have to consider two of your projects to match one of ours." That sort of discussion would take place. I challenge anyone to point to a case in Australia where people are kicked off a trust or a committee in the way suggested. All members should be involved in all aspects of discussion; it all ties in together. An amount of $1.2 million will be spent on racing and trotting tracks; the seven members of the trust will work it out. Even giving credence to the Minister's argument that Mick Lombardo would not want to comment about a racecourse matter, he only has to sit and wait to talk about the next issue. If he did not talk the matter would be solved quickly. It is nonsense to argue that people should be kicked out of a meeting. The Minister has not produced any argument other than to say that she has not been approached by either sector of the industry about this matter.

During the last 14 years, has any member heard a single complaint about those representatives being present during discussions? Not one member of the public has raised a complaint. The Government is keen to have two representatives from the racing industry and three others appointed by the Government - that is a ratio of 3:2 - to comprise the trust. Were I desperate for power, and if I had the choice, I would set up a committee with a 3:2 ratio and not a 3:4 ratio. That is the heart of the Minister's position. For 14 years of the operations of the Racecourse Development Trust the Minister has had no powers other than those of appointing people to the trust; the remaining business matters were carried out by the trust.

If the provisions contained in the Bill are passed, the Government should bear in mind that the legislation faces possible rejection in the other place. Clause 9 represents a dangerous course for the Minister to take if she is not prepared to accept the Opposition's proposal.

Mrs BEGGS: The difference between the previous Act and the new legislation is that this Bill provides for the establishment of the Racecourse Development Trust - not a gentlemen's agreement. Provision is made for the trust to apportion funds between the two racing codes to reflect the changing ratio for the distribution of TAB surplus moneys established in the Totalisator Agency Board Betting Act by amendments passed in 1988. When the trust operates, to the thoroughbred racing industry will go a certain amount and to the harness racing industry will go another amount. It is absolutely ludicrous to suggest that the two members recommended by the harness racing industry on the trust should determine how the moneys specifically allocated to the thoroughbred racing industry should be spent and vice versa.

Mr Clarko: That has been done for 14 years without complaint.

Mrs BEGGS: But moneys have not been specifically allocated by legislation.

Mr Clarko: That is irrelevant.

Mrs BEGGS: It is totally relevant.

Mr Clarko: They worked on a 60:40 basis.

Mrs BEGGS: Previously, they fought for the moneys to be distributed between the two codes. This Bill ensures that the people determining how the funds are spent are the people who have a knowledge of problems relating to that section of the industry. I reject out of hand the proposal by the member for Marmion.

Mr COWAN: Having had something to do with trying to understand other organisations, bodies and operations -

Mr Pearce: Is this to do with recent research into the operations of the Liberal Party?

Mr COWAN: No. Certainly it has something to do with the need to understand and establish a greater degree of co-operation with the Liberal Party.

I understand the point made by the member for Marmion in that in the establishment of the trust it might be possible for the racing and trotting industries to bridge that great gulf that exists between them by maintaining some continuity among the people making decisions. In this case, the argument used by the Minister does not necessarily carry a lot of weight. The Minister stated that previously the representatives on the trust had to fight for whatever they could get. In this instance, they do not need to do that because the Government's amendments and later provisions in the Bill make it clear that the distribution of funds will be on a 70:30 basis.

Mrs Beggs: Or however the turnover is reflected; 70:30 is not necessarily the ratio.

Mr COWAN: With that proviso: If the turnover reflects differently, a greater proportion will go to racing or trotting. As much as I hate to say it, I suspect the greater turnover will go to the racing industry and maybe a greater allocation of moneys also. The trotting industry is facing much more intensive competition than is the racing industry. With activities such as night football and the introduction of the National Basketball League competition, the trotting industry is finding it much more difficult to compete for patrons than is the racing industry. Only recently has the industry begun to counter that situation. It will not see the results for a long time, so the percentages will be at best a 70:30 ratio in favour of the racing industry.

Given that the percentage is set, it may very well be possible to keep those persons nominated to represent either harness racing or thoroughbred racing on the board when determinations are made. I do not know of anybody involved in harness racing who does not know something about thoroughbred racing, or vice versa. On that basis, those representatives will not go into those meetings and plead ignorance; they will have some knowledge of the other industry and will be capable of making a decision.

This is not something over which Parliament has to make a great deal of fuss; nevertheless an argument can be mounted that it is time the thoroughbred racing industry and the harness racing industry moved closer together. The practice of leaving those people on the membership should be extended to the new, expanded trust. I see no reason for that not to occur.

Mrs Beggs: Neither body wants it.

Mr COWAN: I acknowledge that that might be true, as the Western Australian Trotting Association and Western Australian Turf Club do not want it, but it is not necessarily 100 per cent true of all racing clubs and all trotting clubs.

Mrs Beggs: Maybe not.

Mr COWAN: The Minister is maintaining the majority opinion, but to say that nobody wants it is not entirely accurate. There is some argument for the maintenance of the body of four members - not the five members the member for Marmion led us to believe was the case - which operated quite successfully. Now the Minister has expanded the trust membership to seven and I see no difficulty in keeping the members on the trust. By the

same token, I recognise that the majority of members in both industries do not support the concept of having the same membership at all times. People in racing and trotting are parochial and when it comes to the appropriation of moneys for the respective industries they feel that the other sport should not become terribly involved. I can understand that. However, I can also understand the point raised by the member for Marmion.

Mrs Beggs: The members would feel that they could not make a meaningful contribution to the debate on how the proportion of funds should be spent.

Mr COWAN: A helluva lot of members do not make a meaningful contribution to the debate in this Chamber, so perhaps we should exclude members on the Government backbench; in that case, the member for Marmion and I might get a result!

Mrs Beggs: When the vote comes, they will know exactly what to do.

Mr COWAN: Unfortunately, the Minister is right.

The member for Marmion has a case, even though I acknowledge that the majority of people in the industry from trotting support only trotting and the majority of people from racing support only racing. However, this proposed change could be allowed as well because it would be a very good start to encouraging greater cooperation between the trotting and racing industries, and we would all be in favour of that.

Mr CLARKO: I indicate to the Leader of the National Party that from 1976 until 1988 the trust had a membership of four and from 1988 until the present day the trust has had a membership of five. I remind members that in the legislation introduced in 1988 the membership included a chairman, a person appointed by the Minister, a person nominated by the WA Turf Club and a person nominated by the WA Trotting Association. At all times the membership has included people from the racing and the trotting industries, and matters affecting both racing and trotting have been discussed in the deliberations of the trust. The trust has not asked the fellow from trotting to walk out when it was discussing matters involving the racing industry, and vice versa. I have no evidence before me - certainly not presented by the Minister - to show that a problem has existed. The Minister has an obligation to show that a problem has existed over the 14 years in which both racing and trotting representatives have attended trust meetings. The Minister has failed to make any case for the withdrawal of two of these representatives.

I am pleased that representatives from the metropolitan and country racing and trotting industries will be included with the new legislation. However, carrying the Minister's argument to its illogical conclusion, when the trust is to discuss a metropolitan race track, the country people would have to be sent home. That is a nonsense. It is not done anywhere else.

Mrs Beggs: I have put the case because we are talking about the specific distribution of funds between two codes.

Mr CLARKO: Previously, a specific distribution had no effect on the situation; the trust came to an agreement on a 60:40 ratio without any rules or directions. Whether the ratio is 70:30 or 60:40 or any figure in between, it is a matter of people sitting around a table and coming to an agreement. In future a formula will have to be matched but a decision will be made as a result of deliberations. I take it that some projects will be so large that one code will have to give up its interests for a short time to allow the money to be provided for the development of the other code; however, the situation will be reversed another time. This means that the 70:30 distribution will not apply for ever and a day. Sometimes racing will receive more for its development and sometimes it will go to trotting; they will work this out I am sure.

The Minister indicated at the end of the second reading debate that she had trust and confidence in the people on the respective bodies. I see immeasurable good occurring from the membership sitting around a table to discuss matters. The five members in 1988 did not have any problems and this body included members from both the racing and trotting industries. In the previous 12 years no problems were created with a membership of four. In fact, over the 14 years no problems have occurred as a result of the membership and no significant arguments have been proposed by the Minister for the change.

Mrs BEGGS: There will be many occasions on which matters of general policy and its

application will cause disagreement regarding how the trust and its membership should operate. It is illogical for the member for Marmion to suggest that two members of the trust from the harness racing industry should spend their time indicating their support or otherwise for issues before the trust which are not directly related to the harness racing industry. I emphasise again that the difference in 1990 is that the trust will apportion the funds between the two codes to effect the changing ratios for the distribution of TAB surplus moneys established in the Totalisator Agency Board Betting Act through amendments which were passed in 1988. That is a significant difference. At no time in my consultation with representatives of either the harness racing industry or the thoroughbred racing industry have I been advised that they wanted their counterpart in the other industry to have a decision making role in how funds which are apportioned to them are spent. It is ridiculous for the member for Marmion to suggest that when moneys are being apportioned those two members would have any significant contribution to make. I would suggest that those members, who would be busy in other areas of their lives, would be wasting their time.

Mr COWAN: I am pleased that my colleague, the deputy leader, has returned because he has the file with letters received from country race clubs.

Mr Pearce: We were thinking of having a Select Committee into Parliament so that your deputy leader could be here.

Mr House: I thought I should lead a Select Committee into the imprest system.

Mr COWAN: It is not fair of the Government to attack my colleague in this manner. Everybody knows that the scoreboard is about equal at the moment - an equal number of Ministers and Liberal and National Party members are away. At least the deputy leader of the National Party is back. I will get back to this issue, which is quite vexing. The National Party has had representations from country clubs about other issues in the legislation.

Mrs Beggs: But not this one.

Mr COWAN: We have not had representations about this issue. However, I recognise that the member for Marmion has made the point that when it was a four member committee the trotting representative stayed for the whole of the committee's deliberations. The Minister is now saying that with the expanded group that member cannot stay. There has been no argument against that by the country racing and trotting clubs who have communicated with us.

Mrs Beggs: They are happy with it.

Mr COWAN: Nevertheless, the Government should be prepared to give some serious thought to the concept of forcing the two arms of the racing industry to spend a little more time together. If a statutory authority is the vehicle by which that can be done, it is a good idea. If the Minister wants to dig her heels in and be stubborn -

Mrs Beggs: You know I am never stubborn.

Several members interjected.

Mrs Beggs: I am not stubborn. If I thought there was any value at all in forcing them to come together I would do so, but there is none.

Mr COWAN: That is a judgment the Minister has made and clearly the clubs that we represent have indicated no preference for that. The Minister is known for her tendency to respond to those clubs.

Mrs Beggs: I do.

Mr COWAN: I am very pleased that the Minister does respond, but that does not happen in all cases. The point I am making is that this is one area where we have had no request for change.

Mrs Beggs: That is right.

Mr COWAN: We have had requests on other issues such as the power of direction, and the capacity of the trust to investigate and make recommendations or determinations. We have received a number of representations in relation to safety, as I am sure the Minister has. Our attitude will not be quite the same as the Minister's on this, but we do acknowledge that there has been no demand from the various clubs to have all seven members of the trust deliberate on all matters.

Mrs Beggs: That is because they are adopting an approach of commonsense and the Parliament should reflect that attitude.

Mr COWAN: I suggest to the Minister that it would be equally commonsensical for the seven member body to sit right through. The people who are appointed will be responsible people and they will not make irresponsible decisions. The industry has said it wants trotting people to make decisions on trotting and that it wants racing people to make decisions on racing. No doubt we should accept that. Our acceptance of that is equally as strong as our acceptance that the industry is saying that the Minister's power to direct is too great and that the power of the trust to make recommendations in relation to safety is too strong. I hope that the Minister pays the same degree of cognisance to those demands.

Mrs Beggs: I have.

Mr COWAN: In one instance the Minister is saying that the industries want their respective representatives to deal with the decisions about the distribution of funds that they are entitled to under the allocation of TAB unclaimed dividends. In the other instance the Minister is saying that the objections of the industry in relation to her power to give directions other than specific directions shall be ignored. The Minister cannot have it both ways.

Mrs Beggs: I have amended those things. Mr Cowan is behind the eight ball.

Mr COWAN: We have not got to them.

Mrs Beggs: They have been amended; this is a change to the old Bill. I do not have any power of direction in terms of specific matters - none at all. I have the general power of direction that all Ministers have.

Mr COWAN: We will deal with that in the next clause and we will show how the Minister can use those general directions to be relatively specific. I remind the Minister that she cannot get up and say -

Mrs Beggs: I can say that, with my hand on my heart, because I have changed the legislation to reflect the wishes of the industry.

Mr COWAN: I did not know the Minister had one. The Minister is using as her reason for not accepting the proposition of the member for Marmion the fact that the industries do not want this. If that is the case, why is the Minister ignoring the wishes of the industries in respect of clauses further down the track?

Mrs Beggs: I have good justification.

Clause put and passed.

Clause 9: Sections 7A and 7B inserted -

Mr CLARKO: In my response to the second reading speech, I said that during the 14 years of the Racecourse Development Act the Minister has not had the power to direct the trust. In proposed section 7A(1) and (2) the Minister is given inordinate powers to direct in writing the trust in respect of its functions and powers, whether it be general or in respect of a particular matter. We go from a situation where the Minister had no powers of direction whatsoever, to her virtually being given the opportunity to do anything. The only restriction is proposed section 7A(2) which states that the Minister cannot give directions for a specific work. In effect, she cannot say that the Pinjarra or Bunbury tracks will be upgraded. That has been deleted. Apart from that the Minister will be able to do almost anything she likes. I did not hear all of her response to my remarks in the second reading debate, and I would appreciate an explanation for the deletions in this Mark 2 version of the Bill, compared to the Mark 1 version of last year. Some ministerial directions have been deleted and perhaps the Minister will advise members the reason for that. As far as I am concerned the Minister showed that she was not prepared to continue the sensible arrangement which has applied for the last 14 years in regard to representatives from the trotting and racing associations sitting on the trust. She cannot have the confidence of the Liberal Party in regard to how she or her successors might act. I repeat that there has never been included in this legislation such powers of direction and now the Minister will be given comprehensive power to direct.

It is interesting to look at the previous Bill, Mark 1, and note that the Government had in mind to actually have the Minister determine the manner in which the fund was to be divided between the horseracing and trotting clubs. The Opposition was prepared to amend that

provision by including the words "Such ministerial direction shall not apply to the proportions in the fund". In the Mark 2 version of the Bill it is interesting to note that the Minister has explicitly included the proportions and, as far as the Opposition is concerned, it is supportive of it, but it did anticipate it long before this version of the Bill.

In the previous Bill the Minister was to have the power to approve of works to improve the safety of trotting and racing tracks, but that has now been turned around 180 degrees. It would be interesting to hear why the changes were made to the powers of the Minister to direct. This clause is an absolute vote of no confidence in the chairman and other members of the trust. If the Minister did trust the seven people concerned there would not be any need for this clause, which has not been included in the legislation over the last 14 years. There has been no evidence during that time that there have been problems because the Minister did not have the power to give direction. Is the Minister prepared to tell the Opposition what directions she will give to the trust? Presumably they will be on matters on which she and the trust do not see eye to eye. It is obvious that if the trust saw eye to eye with her on various matters there would be no need for this clause - it will be nothing but a form of policeman responsibility.

I move -

Page 5, lines 13 to 21 - To delete the lines.

Mrs BEGGS: It is amazing that the member for Marmion does not understand or perhaps has not read what is stated in my second reading speech of, as he said, the Mark 2 version. I said -

> . . . consistent with the principles set out in the Burt Commission on Accountability report, the Bill provides that the trust will be subject to directions from the responsible Minister with respect to its functions and powers. It is not intended that the Minister give directions to the trust in relation to a particular application before the trust. The trust will carry out its day to day functions free of ministerial direction, and directions if given would be only on general policy or if it was clear that some practice or policy of the trust needed to be corrected.

Of course, if the Minister were to give a direction to the trust it would have to be in writing and notified in the annual report of the trust. This clause is no different from any other clause on the general powers of direction by any Minister in relation to any legislation, department and/or statutory authority. It is inappropriate for the member to suggest that this clause implies that the Minister of the day would be using his or her powers to manipulate the trust in any political situation when, as the Leader of the National Party said, Ministers take an oath to do their duty without fear or favour. I assure members that it is a normal provision in every Act presented to this Parliament and it is in accordance with the Burt Commission on Accountability report.

Mr CLARKO: The Minister's words do not add up. In her second reading speech she said, "It is not intended that the Minister give directions to the trust in relation to a particular application before the trust." We know that because it is stated in proposed section 7A(2). The Minister's second reading speech stated, "The trust will carry out its day to day functions free of ministerial direction," but it does not need to do so. For instance, if this top class Minister who is doing a tremendous job were replaced by a fifth class substitute -

Mrs Beggs: Like yourself?

Mr CLARKO: I do not see any humour in that statement. The Government is probably due for a new leader - it has had three since 1988 and it might choose the Minister for Racing and Gaming as its leader. If that were to occur we would have a different Minister for Racing and Gaming. While I have confidence in the present Minister, I may not have confidence in the Minister who follows her.

The Minister's second reading speech stated that the trust will carry out its day to day functions free of ministerial direction. It is sheer nonsense and whoever wrote it should be transferred to another area. The words I have moved to be deleted give the Minister the power to give directions in writing in respect of functions and powers - the Minister could do that in regard to day to day operations. I have read hundreds of second reading speeches in which there has been a huge gap between them and the actual Bills and when a relevant matter reaches the courts it is what is stated in the Bill which decides the issue. The Bill

states, "The Minister may give directions in writing to the Trust in respect to its functions and powers . . ." It is not necessary and the Minister has not produced for the Opposition a case history which shows there has been a need for direction by the Minister in the 14 years in which this Act has operated. This legislation is not about accountability; it is about no confidence in the seven trust members and it is about this Government, which in its usual style is seeking to grab more power to the central position which, in this case, is the Minister for Racing and Gaming.

The Minister has not answered my question; that is, the reason the Government decided to agree to the amendment proposed by the Opposition in the Legislative Council to reduce the power of the Minister to direct. I put it to the Minister that there is no need to have in this legislation directions by the Minister. In the original legislation the words, "The trust, with the approval of the Minister" were to be included. The Opposition in the upper House gave notice that it would delete those words from the legislation and by sheer coincidence it has been deleted from the Mark 2 version of the Bill. The Minister made no case for the need to provide a Minister with all-embracing power. That provision is a vote of no confidence in the members of the trust and it is not necessary. It will provide nothing more than an example of "big brother" ruling over the development of racecourses in the State.

Mr COWAN: The Minister should apply the logic she applied to the previous clause where she indicated that she was taking certain action because the racing and trotting industry wanted it. In this case, because the racing and trotting industry does not want this ministerial power provided in the Bill, she should follow the path she originally took and take this proposed section out altogether. I might also add - I will deal with it in a future clause - that the National Party is not only opposed to the Minister's ability to give directions to the trust, but it is also opposed to the trust being able to give directions to racing clubs.

Mrs Beggs: On matters of safety?

Mr COWAN: Why should the trust give directions on matters of safety? Why should the trust suddenly be regarded as an all-powerful body on matters of safety?

Mrs Beggs: It is not, but it would seek advice. I am sure it would not give directions without consultation with the clubs involved. A body comprising the appropriate representatives must be in place which can make judgments on matters of safety because the jockeys and reinspersons, who are not represented anywhere in the current system, are subject to enormous risks.

Mr COWAN: That assumes that the industry has no regard for the safety of those persons.

Mrs Beggs: I am not saying that at all.

Mr COWAN: The Minister has said that.

Mrs Beggs: I am not saying that; those persons are underrepresented in the decision making process. If you were to speak to any of them they would tell you that.

Mr COWAN: I cannot recall any racing or trotting club which is not conscious of safety. No-one enjoys witnessing a fall or the injuries sustained because of racing accidents. The only limitation on measures to prevent the racing and trotting industries from making their tracks the safest in Australia is that of capital. They are high risk sports; falls and injuries will occur despite safe tracks.

A comment was made earlier tonight about the undesirability of a Minister being able to direct a statutory authority. A body has been established for the distribution of funds and it is inappropriate for that body to be given direction by the Minister. Similarly, the body that has been established should not be able to give directions to race clubs or trotting clubs.

Amendment put and a division taken with the following result -

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Ayes (21)

Mr Ainsworth	Mr Grayden	Mr Nicholls	Mr Watt
Mr C.J. Barnett	Mr House	Mr Omodei	Mr Wiese
Mr Bradshaw	Mr Kierath	Mr Strickland	Mr Blaikie *(Teller)*
Mr Clarko	Mr Lewis	Mr Thompson	
Mr Court	Mr MacKinnon	Mr Fred Tubby	
Mr Cowan	Mr McNee	Dr Turnbull	

Noes (24)

Dr Alexander	Mr Cunningham	Mr Kobelke	Mr D.L. Smith
Mrs Beggs	Dr Edwards	Mr Leahy	Mr P.J. Smith
Mr Bridge	Dr Gallop	Mr McGinty	Mr Thomas
Mrs Buchanan	Mr Graham	Mr Pearce	Dr Watson
Mr Carr	Mr Grill	Mr Read	Mr Wilson
Mr Catania	Mr Gordon Hill	Mr Ripper	Mrs Watkins *(Teller)*

Pairs

Mrs Edwardes	Mr Taylor
Mr Mensaros	Mr Marlborough
Mr Minson	Mr Troy
Mr Shave	Mrs Henderson
Mr Trenorden	Dr Lawrence

Amendment thus negatived.

Mr COWAN: I take it we are now dealing with proposed section 7B under the heading of "Directions by the Trust". It is inappropriate that the Minister should have the power to direct the trust. The National Party also holds the view - it would be inconsistent if it did not - that the trust should not be given the power to direct racing clubs to carry out works to improve safety at a racecourse or training track. The race clubs in Western Australia are very conscious of safety. I am sure that if the trust expressed concern, and especially if it were providing money to race clubs to improve safety conditions, it would not be necessary to issue a direction that certain safety requirements be met. The National Party opposes the proposed new sections; in the same way that the Minister should not have the power to direct, neither should the trust have the power to give directions to racing and trotting clubs.

I also draw to the attention of the Minister the doublespeak contained in proposed new subsection (3)(a) and (b). I query why paragraph (b) is included; if the trust has called for submissions from jockeys, reinsmen and reinswomen as to safety issues, clearly it will consider those submissions. It is time someone told the parliamentary draftsperson that members have enough difficulty understanding the legal jargon, without superfluous words being included in legislation.

Clause put and a division taken with the following result -

Ayes (24)

Dr Alexander	Mr Cunningham	Mr Kobelke	Mr D.L. Smith
Mrs Beggs	Dr Edwards	Mr Leahy	Mr P.J. Smith
Mr Bridge	Dr Gallop	Mr McGinty	Mr Thomas
Mrs Buchanan	Mr Graham	Mr Pearce	Dr Watson
Mr Carr	Mr Grill	Mr Read	Mr Wilson
Mr Catania	Mr Gordon Hill	Mr Ripper	Mrs Watkins *(Teller)*

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Mr C.J. Barnett	Mr House	Mr Omodei	Mr Wiese
Mr Bradshaw	Mr Kierath	Mr Strickland	Mr Blaikie *(Teller)*
Mr Clarko	Mr Lewis	Mr Thompson	
Mr Court	Mr MacKinnon	Mr Fred Tubby	
Mr Cowan	Mr McNee	Dr Turnbull	

Pairs

Mr Taylor	Mrs Edwardes
Mr Marlborough	Mr Shave
Mr Troy	Mr Trenorden
Mrs Henderson	Mr Minson
Dr Lawrence	Mr Mensaros

Clause thus passed.

Clauses 10 to 17 put and passed.

Title put and passed.

Bill reported, with an amendment.

FINANCIAL ADMINISTRATION AND AUDIT AMENDMENT BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

DR LAWRENCE (Glendalough - Treasurer) [9.40 pm]: I thank some members opposite for their fairly generous support for this Bill and others for their provisional support for it. I will first address the questions raised by the Leader of the Opposition and the member for Nedlands, in particular, as the Leader of the National Party generally accepted the major provisions of the Bill and seemed to have a clear understanding of its operations.

A number of points were raised by the Leader of the Opposition which deserve some attention. The first was the question of ministerial direction. It was suggested that the Government lost an opportunity to ensure that the recommendations of the Burt commission were implemented in full. As was quite openly and fully explained in my second reading speech, it was not the Government's intention to do other than what was reasonable and possible in relation to the Burt commission's recommendations.

It needs to be understood that there are a vast number of Acts of this Parliament. I am told that roughly 50 per cent of that number apply to statutory authorities or authorities or agencies set up other than by departmental structure. They are the areas where I would have thought the Parliament was keenly interested in the question of ministerial direction. It is a practice under the Westminster system that Ministers direct their departments daily. It becomes problematic when those quasi autonomous and autonomous authorities and agencies are subjected to ministerial influence. It is clear from the Government's actions to date, and those contemplated during this sitting, that we will be moving expeditiously in most cases, and have in some cases, to ensure where ministerial direction is exercised it is a written direction which then becomes a matter for report to the Parliament.

Were we to say, for instance, that all of the Acts that have been before this Parliament during its history could be covered by a simple omnibus provision in this Act to report every ministerial direction in writing to the Parliament, we would find that the careful analysis which has been undertaken by Treasury and Crown Law - not by politicians or officers of Cabinet - reveals severe difficulties in overriding and conflicting provisions.

Mr MacKinnon: Are you saying the Burt commission was wrong?

Dr LAWRENCE: I am saying that the Burt commission made a statement of principle that needs to be implemented with sanity.

Mr MacKinnon: That is not what you said at the time; you said it would be implemented in its totality.

Dr LAWRENCE: And it will be implemented first and foremost in those areas.

Mr MacKinnon: You have qualified it already.

Dr LAWRENCE: It will be implemented first and foremost in areas which are the subject of concern before this Parliament.

Mr MacKinnon: Have you found out how many agencies it has been implemented in?

Dr LAWRENCE: When the Leader of the Opposition spoke he was listened to carefully.

Mr MacKinnon: How many?

Dr LAWRENCE: I do not have the number. Every Bill which has come before the House to date has contained provisions. The Health Act, for instance, contained 30 or 40 references to the Minister and his influence on various components of his department and associated agencies. If we were to simply enact a provision which went across those provisions Crown Law advice is that it would create enormous legal problems. Members opposite may not believe that these officers are competent -

Mr MacKinnon: You have not read the Burt commission report.

Dr LAWRENCE: I have.

Mr MacKinnon: You are talking about financial direction; that is what this report says is fundamental.

Dr LAWRENCE: The Leader of the Opposition may not believe the advice given to Governments by Crown Law and Treasury and may not accept the competence of their officers. However, I have accepted that advice after careful questioning of those officers about those provisions and I believe it is a sensible way to proceed.

Mr Lewis: Will you table that advice?

Dr LAWRENCE: Not all advice is given in written form. I can certainly get that advice for the member for Applecross.

Mr MacKinnon: Probably the same sort of advice you got about the Royal Commission.

Dr LAWRENCE: I cannot believe the attitude taken by the Leader of the Opposition. We are trying to handle this matter, as the Leader of the National Party seems to recognise, in a responsible fashion. The Leader of the Opposition did not seem to recognise in his speech that there are some occasions when it is quite inappropriate for ministerial directions to be the subject of report and tabling because they are a matter of daily occurrence and a part of the Westminster system. I would have thought from the speeches he made in this House -

Mr MacKinnon: Did Burt say that? Did he give a qualification?

Dr LAWRENCE: If the Leader of the Opposition reads them in the context in which those observations were written -

Mr MacKinnon: Did Burt say that on occasions it should not be?

Dr LAWRENCE: I find the interjections from the Leader of the Opposition unhelpful. They do not contribute to the debate and are designed to speak over me. If he wishes to reply he will have an opportunity to do so during the Committee stage of the Bill.

Mr MacKinnon: No, I will not, because it contains no clause on this issue.

Dr LAWRENCE: That has not stopped the Leader of the Opposition in the past. The critical question relates not to the Government's intention, because that is clear, but to how it can be effected. If the Leader of the Opposition were given the task of providing what he requires as a member of the parliamentary staff simply in printing terms, apart from the possible legal ramifications, he would find that it would occupy the time of this Parliament not just for the rest of this session but for the rest of the time of this Government.

Mr MacKinnon: That is rubbish.

Dr LAWRENCE: It is correct and the Government has no intention to try to duck the requirement of ministerial direction. Indeed, it is required of Ministers in any case, whether or not the legislation has passed through this Parliament.

The second matter raised by the Leader of the Opposition related to the apparent failure, in his view, to provide for adequate disclosure to the Parliament; in other words, to prevent so-called secrecy provisions. He quoted selectively from the Burt commission's report. I will read into the record the commission's recommendations in this regard. It states -

> *The Commission recommends that, as a general rule, only to be departed from with the approval of Parliament, no government agency be permitted to conduct operations in a manner or to enter into any agreement which contains a provision which would prohibit that agency or the responsible Minister from providing to Parliament information as to its operations or the contents of that agreement in such manner and to the extent that the Minister thinks fit.*

We did not hear that from the Leader of the Opposition. In fact, it is quite clearly the case -

Mr MacKinnon: Only to be departed from with the approval of the Parliament.

Dr LAWRENCE: Selective quoting is a habit adopted by the Leader of the Opposition on many occasions. It is important for the House to recognise that in our view that recommendation was too generous and the wording of the Bill is much tighter than that

because it has to be seen as a reasonable decision by the Minister and not simply a fitting decision by the Minister. Therefore, by any standard the drafting and wording of the Bill provide for a tighter provision than recommended by the Burt commission and to say otherwise is, frankly, to be misleading.

Mr Court: Mrs Premier, can I ask you a question?

Dr LAWRENCE: I am not "Mrs Premier".

Mr Lewis: What are you?

Dr LAWRENCE: I am not "Mrs".

Mr Court: I apologise. What title should I use?

Dr LAWRENCE: "Premier", as the member would if I were male. He would not call a male "Mr Premier".

Mr Court: I would.

Dr LAWRENCE: The member for Nedlands will have to find another title for me.

Mr Court: Can I call you "Dr Premier"?

Dr LAWRENCE: If you wish.

Mr Court: The Premier said that she wants to implement the recommendations of the Burt commission instantly.

Dr LAWRENCE: In a sane fashion. One has to look at the possibility of placing before the Parliament Acts that need to be amended individually in order to achieve the outcome Burt recommends. That is exactly what I said in my second reading speech; that we are trying to identify Statutes where there is clearly ministerial direction beyond the power of the Minister's statutory authority. However, were we to say that every time a Minister directs a department such as the Health Department or the Ministry of Education that should be the subject of a report to Parliament,we would undermine the fabric of the Westminster system. The Burt commission report does not recommend that, and that represents a fundamental misreading of what it said. The argument that was debated at the time indicates that that was clearly the question that was being raised by the people, by the Parliament and by the Burt Commission on Accountability.

The member for Nedlands referred to guarantees. That is an important question, and the Government has given an undertaking in the upper House that it will examine that question and report back to the Parliament in this session. However, there are important difficulties, which would be recognised by anyone who has been on this side of the House. I am sure members opposite who have been in that position - long ago though it may seem - will understand that.

The Leader of the Opposition raised the question of consolidated Budget papers. That is a goal towards which we are moving. The Leader of the Opposition will know that for some time the supplementary Budget papers have been provided in a form that is consistent with the national accounts. We intend to continue that process and to expand it this year so that there will be a clear "whole of Government" perspective, including statutory authorities. It is important that members recognise that this Bill is one of the key instruments used by central agencies to control the behaviour not only of departments but also of Ministers and to ensure that appropriate accountability and reporting to this Parliament takes place.

Despite the conspiracy theories apparently adopted by some members opposite, there is no subterfuge in this legislation. It is a simple and straightforward matter of our being reasonable in implementing the recommendations of the Burt commission. It provides appropriate checks and balances. The critical thing in the report, as the Leader of the National Party seemed to understand, was that in the end Ministers are accountable to the Parliament. They are subject to close questioning in the Parliament, and to both questions on notice and questions without notice.

Mr Lewis: He said the Ministers could give any answers.

Dr LAWRENCE: Yes, but he said also they do so at their cost. We all know the consequences of not being straightforward and of not reporting accurately to the Parliament. That is a responsibility which all Ministers take seriously. I wish that members opposite

would try to be as accurate in their statements to this House, rather than - as in the case of the Leader of the Opposition - selectively misquoting from what is a very important report which has been given to Treasury and Crown Law officials as the basis for drafting. We have not sought to intervene in the advice they have given to us. We have accepted it after close questioning as being the most reasonable response.

The other elements of the Bill have generally been agreed to so I do not propose to expand on them again but to thank those members opposite who have seen the purposes of this Bill, and to regret perhaps that some members have chosen to score a few fairly cheap points in the process.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Mr Ripper) in the Chair; Dr Lawrence (Treasurer) in charge of the Bill.

Clauses 1 to 7 put and passed.

Clause 8: Section 9 amended -

Mr MacKINNON: Clause 8 arises from the criticism made by the Auditor General of the practice of retaining the interest earned on the investments by Treasury and keeping it for long periods in the accounts as receipts in suspense. In other words, from time to time the Government earns interest on its investment of surplus funds, and credits that interest to the suspense account. However, the suspense account should not be and was never designed to hold funds for long periods of time.

Mr Lewis: A slush fund.

Mr MacKINNON: It is commonly called a slush fund. The Government has abused the suspense account, and I will come to that in a moment.

The suspense account was initiated to apply to moneys held pending determination of the account to which they ought properly be paid. The Government has abused that provision by using that account to accumulate interest earnings for several years - up to 30 years. This amendment proposes to overcome the criticism of the Auditor General by establishing a suspense account in the trust fund specifically for the purpose of holding moneys so earned until a decision is made by the Treasurer about their allocation. It should be noted that clause 17 of the Bill also tightens up this whole section by providing for the Treasurer's discretion to be limited to payment of these moneys to either the Consolidated Revenue Fund or the General Loan and Capital Works Fund.

I do not criticise that approach as being inappropriate but it probably is the minimum that should occur at this time because it does not address the real problem in practical terms. The problem is really threefold. I refer, first, to the practice of accumulating the moneys indefinitely to constitute a slush fund. Members will recall that during a couple of healthy revenue years - and we are not in one of those at the present time - former Premiers Burke and Dowding were able to accumulate up to $190 million in the so called suspense account which was then used to fund the massive blow out in spending by Mr Dowding prior to the 1989 election. That clearly was not a responsible financial management practice. I would say also - much to the chagrin of the current Premier - that has left the State in a far worse position than it should be in. A better approach than the one incorporated in this legislation would have been to establish what I would call a surplus revenue account in the trust fund to which may be paid, first, any surplus on CRF transactions at the end of the year, and, second, interest earned and held in suspense and not paid to the CRF within 12 months of the year in which it accrues. Funds in the account could then be applied to extinguishing past deficits or could be paid to the consolidated fund as required for revenue equalisation purposes. Such an approach would give the Government desirable financial management flexibility and also ensure greater visibility of the funds and transactions involved.

Clauses 8 and 9 deal with the trust fund. It should be noted that emphasis is placed on the preparation of the trust fund statements which describe the purpose of each account. That is okay so far as it goes but it should also be noted that in this State the degree of accountability

to the Parliament for revenue and expenditure in the trust fund is very poor. I indicated during my second reading remarks that is not a criticism of this Government necessarily but is a practice that has been followed for many years. It is time it was remedied. There is no requirement for the Treasurer to advise Parliament of a proposed expenditure from the trust fund, as an adjunct to the Budget papers, nor any requirement to report to Parliament on trust fund transactions in a consolidated form. At the very least, the Treasurer should be required to report to Parliament in respect of each account in the trust fund, receipts during the year, disbursements from the account and the balance of the account as at 30 June. Given the size of the funds passing through the trust fund each year, this is a necessary reform.

With respect to clause 8, and in part to clause 9, this is an area of Government accounts which has long been neglected. It is addressed to a very limited extent by this amendment, but much more needs to be done. Will the Treasurer indicate whether she is prepared to give consideration to the suggestions I have made, and give some indication that the next time the Financial Administration and Audit Act comes before the Parliament we will see an improvement in the reporting process of this aspect of the Government accounts?

Dr LAWRENCE: This clause basically seeks to give authority which was previously obtained in other Acts, and it is a clarification sought particularly by the Attorney General. To suggest that the amount of money available, especially from interest earned, should not be carried over for a period of time would depart from past practice. The Leader of the Opposition seemed to be saying simultaneously that we cannot hold it in a suspense account but we should not spend it. We cannot hold it and spend it simultaneously. He seemed to be putting forward a curious idea. This is not something which escapes parliamentary scrutiny; it is clearly a matter for the Parliament to consider and have reported to it. The Leader of the Opposition is suggesting that there should be no capacity for the Treasury to take funds from one year to the next. I do not see that as a reasonable course of action.

He is also suggesting that CRF funds which are surplus could somehow be paid into such an account and taken out for some other purpose. The Leader of the Opposition should realise that it is not possible to take those funds without an appropriation.

Mr Lewis: It should be stopped from being used to balance your Budget fictitiously. That is the point.

Dr LAWRENCE: It is being used responsibly to balance the Budget. As I identified, there has been no suggestion that those interest funds are not an appropriate form of revenue to be taken into account by the Government, depending on the needs of the time. To suggest otherwise is to go against the long practice of this Parliament.

Mr Lewis: They should be brought to account every year.

Dr LAWRENCE: In relation to the trust fund, it is clearly the position that trust funds are subject to financial report by the responsible agency.

Mr Lewis: What are they in trust for?

The DEPUTY CHAIRMAN (Mr Ripper): The member for Applecross will have an opportunity to make his comments later. The rules of debate in Committee offer plenty of opportunities to members. I ask the member to stop his interjections.

Dr LAWRENCE: The measures being suggested by the Leader of the Opposition could seriously compromise the authority of agencies, and they appear to overlook the fact that some of those moneys are deeded by private sources to be held in trust. I do not think what the Leader of the Opposition is suggesting could be achieved.

Mr MacKINNON: Let me remind the Treasurer again of what I said. She has the habit, I think picked up from her predecessor, of deliberately trying to misinterpret the facts. I am talking now about the suspense account to which interest earnings go. I said this: Funds in the account could be applied to extinguishing past deficits, or be paid to the Consolidated Revenue Fund as required for revenue equalisation purposes. That does not mean to say this will happen every year. Such an approach would give the Government desirable financial management flexibility, which is what the Treasurer is talking about. It would ensure greater visibility of the funds in the transactions involved, and that is what I am talking about. The Treasurer did not indicate at all with respect to the trust fund why we cannot have a report. There may well be some areas where there should be concerns, but the big majority of trust

funds should be dealt with, as I have said here, in a form which is much more visible to the Parliament.

Dr Lawrence: I believe that is what the Bill achieves.

Mr MacKINNON: That is not what the Bill achieves at all. As I said before, that is why it does not work. There is no requirement for the Treasurer to advise the Parliament of proposed expenditure, nor for her to report to the Parliament trust fund transactions in a consolidated form. That requirement is not in the legislation, and it should be. I give an indication that when we return to Government, that is a matter we will address.

Clause put and passed.

Clauses 9 and 10 put and passed.

Clause 11: Section 21 amended -

Mr COURT: Can the Treasurer give any examples of where the Treasurer needed to authorise the opening of a bank account, and where that could not be done under current legislation? If there are any examples of why this change is being brought in, can the Treasurer bring them to our attention?

Dr LAWRENCE: I do not have any personal knowledge, but I shall take advice from Treasury. If the member opposite is agreeable, we will provide him with that information. Treasury has adopted that position because it believes that provision to be necessary. We do not have a particular example available to give here.

Clause put and passed.

Clause 12: Section 25A inserted -

Mr MacKINNON: I would appreciate an explanation of what this clause means by "Transfer from central appropriations". Could the Treasurer give me an example? Does it mean, for example, if the Department of Mines has a line item for wages and the Government decides part of the way through the year that it will not need all that money for wages in the Department of Mines, it can transfer it to wages - that is the same description - in the Department of Conservation and Land Management, for instance, which might need some further funds as a result of a Government decision? If it does not mean that, what specifically does it mean? How will that change be reported to the Parliament, bearing in mind that Parliament approves Budget allocations line by line? We can compare one year with another. How will we know where transfers have occurred from central appropriations? How will we know what has occurred, and how will these transfers be reported to the Parliament?

Dr LAWRENCE: The basic intention here is to control departmental expenditure in areas where there will be a surplus under an item as a result of retirements or long service leave, for example. Rather than allow agencies to spend to the limit, we should be able to withdraw moneys back. Where wage increases occur during the year, we should be able to provide precisely the amount needed and no more. This reduces the capacity for agencies to have discretionary expenditure on salaries and wages and items of that kind. It means that the Treasurer can exercise tighter control over those elements.

Mr MacKinnon: I still do not understand. If $1 million is allocated to the Department of Mines and that department is going to spend only $900 000, can the Government then allocate the $100 000 that is saved to another agency for wages only, or can it be for any other purpose?

Dr LAWRENCE: I think the Leader of the Opposition misunderstands completely. There is no transfer provision, basically, in the case he indicates. That is my understanding. They cannot simply transfer it to another purpose.

Mr MacKINNON: I still do not understand. What differs from the situation we have today? When a department does not use all of the allocation it just shows up in the Budget as being underspent. I do not understand the purpose of this clause. What is it designed to achieve? If it does not mean that money is transferred from one agency to another, what does it mean?

Dr LAWRENCE: Basically it is in relation to each agency. In the past Governments have had to anticipate, for instance, what might be the case with wage and salary increases during

the year. From time to time those appropriations have clearly been inadequate and wrong, for various reasons. In this way they are given the absolute minimum that is required to meet salaries and wages, for example, and then the additional amounts are allocated from a central source to supplement them - that and no more. It simply means the central agency retains control of those funds until such time as they are needed, with the capacity, presumably, to put them to other purposes from time to time.

Mr MacKinnon: Are you saying this legitimises what we have already been doing?

Dr LAWRENCE: No, we have not already been doing it. Basically we have been giving them an estimated amount and they have to come back to Government for additional money because they have overspent, or send money back because they have underspent. We give them the basic, reasonable minimum amount of money and add to that on the basis of increases in salaries and wages.

Mr COURT: I also found this rather ambiguous, and the Treasurer's explanation confused me further. She said that the central agency, so to speak, would top up the particular body. What happens now if a department underspends or overspends its estimate in the Budget? Whenever I see the word "global" I become suspicious, because former Deputy Premier Bryce used that word all the time. He did not know what it meant. He had all these "global" policies and in the end it did not seem to mean anything. It seems a funny term for Treasury to be using. I regard it as a slang term. I do not know what is the difference between the current process and what this clause enables the Government to do.

Dr LAWRENCE: I am not sure whether I will succeed in explaining this, and perhaps it could be the subject of a more fulsome explanation. Basically, in the past an estimate was made of a department's allocation. Departments have always had the capacity to expand a little if they have a little money over and equally, but less often, to contract a little if they are short of funds. In this proposed way, Treasury not only maintains effective control over the funds available for staffing within FTE limits, but also can add to them selectively, depending on wage increases or the need to recruit staff in the departments. It would be a very ad hoc process if departments were to come back if they had overspent their budgets, and it was, in a sense, a penalty for those departments which were prudent and which sent money back, as opposed to those which simply used the opportunity to expand on their FTEs, which they certainly had some capacity to do. It is basically about central control.

Clause put and passed.

Clauses 13 to 26 put and passed.

Clause 27: Sections 58A to 58C inserted -

Mr MacKINNON: I want an explanation of proposed section 58B. Can the Treasurer give me an example of act of grace payments that have been made? What are the types of payments this clause would cover and how are they handled now? What does this clause now do that previously was not done and which required the amendment to be brought forward?

Secondly, this clause contains proposed section 58C about which I talked with respect to secrecy and which the Treasurer claims is in line with and is tougher than the provision recommended in the Burt Commission on Accountability report. Proposed section 58C quite clearly says that any action of secrecy or cover-up is authorised "in such a manner and to such an extent as the Minister thinks reasonable and appropriate". There is no reference there to reporting to the Parliament. I acknowledge the comment made by the Leader of the National Party; I am not at variance with what he said. There will be times when perhaps Ministers make that decision but, in the words of the Burt commission's report, why is there not in this clause a requirement for reporting to the Parliament? A Minister may decide to do something like that, but surely the place for that to be reported is here, rather than for the Minister to make that decision and then for it to come out five or eight years later, when all of a sudden something or other triggers the revelation or, as we found in recent times, when that information had to be leaked out some time after the election when the decisions had already been made.

What I object to here is that in my observation this clause changes absolutely nothing. Currently Ministers can do exactly the same, and do. However, there is no reporting mechanism to the Parliament and I believe that such a clause should ensure that when a

Minister exercises the power in such a manner and to such an extent as that Minister thinks reasonable and appropriate the Parliament should be informed about that. It should not be kept secret. There should not be a cover-up or a continuation of what Sir Francis Burt referred to as being unacceptable. The proper place for reporting of these types of matters is not the Executive but the Parliament, and that is where this clause has its fundamental weakness: It does not involve the Parliament. The Minister might have to answer questions here, but this clause does not give us any indication as to where to ask the questions in the first place if one is not aware that that secrecy had in fact occurred.

I ask again: How would that have stopped any of the secrecy and cover-up with respect to the matters that have occurred in WA Inc? It would not have, because it would have been exercised in such a manner and to such an extent as the Minister at that time thought reasonable and appropriate for political purposes. The Parliament was not informed, and even under this clause it would not have been informed. I therefore believe the Government should give serious consideration to thinking again on this clause. I can assure the Treasurer that we are looking very closely at this clause to see how it can be amended to ensure that the Parliament does in fact have a proper reporting process built into it in terms of secrecy which, I repeat, is one of the fundamental recommendations of the Burt report that this clause does not address.

Dr LAWRENCE: The Leader of the Opposition's first question was about act of grace payments. The critical issue here is basically to reduce the number of these requests that come to Executive Council.

The second question related to mechanisms. Basically, the recommendation was that it would go from the Treasurer to the Executive Council; very small amounts would sometimes be the subject of Executive Council deliberations. For some time, we have been seeking to reduce the number of frivolous matters that go in that direction. However, the amounts to be specified would be the subject of regulation; if the Opposition has concerns about those amounts this would be an opportunity for the Opposition to examine them. The sorts of payments made are clearly those where, for instance, a school child has been injured in the playground, or a worker or Government employee has had damage done to property or to himself and is not covered by insurance but where there is a reasonable expectation of care being exercised by the State. Another example is of unclaimed moneys where a claim is regarded as valid and subsequently turns out to be bogus; in the meantime, money is paid and the reasonable judgment is that the person who should have received the money should not be penalised. That sort of claim goes before the Minister and Exco. We are seeking to prevent that continuing to be the subject of Exco consideration, and to reduce that to a smaller amount.

Given the previous discussion, we will not agree with the member's request relating to secrecy provisions. It is important to recognise what is provided. In the past it was possible that under some arrangements entered into it would be legally impossible even for a Minister to find out what arrangements have been entered into, on some occasions - for instance, with statutory authorities - and certainly not to disclose that to Parliament. All members would be aware of examples of that kind.

Mr MacKinnon: That is under section 58A.

Dr LAWRENCE: I am addressing the general point that it is important to recognise that such arrangements are strictly illegal and it is not possible for any organisation or department to enter into such agreements. Whether it goes sufficiently far in the Opposition's view is a matter for judgment. Discretion must be enabled. The important point is that it is the manner and extent of reporting that is the subject of ministerial judgment - not whether or not.

Mr MacKINNON: I do not accept the Treasurer's explanation. It did not go to the fundamental principle in the clause. In these matters, Parliament must be involved in the process. The position has not changed one iota. We will give serious consideration to addressing this matter in the Legislative Council to ensure that the Parliament is brought into the process and that matters of secrecy which have caused difficulty, as highlighted by the Burt report, are addressed in the proper form.

Clause put and passed.

Clauses 28 to 30 put and passed.

Clause 31: Section 63 amended -

Mr MacKINNON: Section 63 of the Act reads -

> The accountable officer of a department shall by 15 August in each year cause to be submitted to the Auditor General and the Treasurer a copy of the financial statements and the information referred to in section 62(1)(a) and (b).

This clause deletes the words "and the Treasurer". I would have thought the Treasurer should receive a copy of all reports - unless there is difficulty in the Treasurer having access to the appropriate information. I may have misread the clause. I would appreciate an explanation of why accounts no longer need to be submitted to the Treasurer as well as to the Auditor General.

Dr LAWRENCE: Basically, this is an efficiency measure. Obviously, access is gained to these reports at the time the Auditor General's report is provided. Removal of the mandatory element is balanced by the introduction of the Treasurer's power to require information under section 58A; it simply reduces the pile of paper at the Treasury.

Clause put and passed.

Clauses 32 to 35 put and passed.

Clause 36: Section 96 amended -

Mr MacKINNON: This clause causes some concern as it gives the Government broad ability to dispose of property - which is the new insertion under subclause (b) - and then inserts the new subsection (2). It appears the Government is attempting to circumvent the Constitution. What Constitution are we referring to? What funds, and where could the disposal of funds from asset sales go that would require circumvention of the Constitution Act? How would that be reported to Parliament? How would we know of the property sale? How would that information be reported to this place? This clause has not been explained to my satisfaction. Given the experience of recent times with the Government, I require a better explanation than that given to date.

Dr LAWRENCE: The clause extends section 96 of the Act to enable the making of regulations for dealing with the proceeds of the disposal of public property. It provides a greater level of authority than that which currently exists. At the moment that is affected by Treasurer's Instruction. Crown Law advice was that it was sufficient that reports be moved to Act level with appropriate regulations promulgated under the Act. The first move is to strengthen the provisions as they relate to the disposal of public property. Section 64 at the moment provides that all revenue be returned to the Consolidated Revenue Fund unless Parliament provides otherwise. Dealing with the sale of assets, this provision allows for revenue to be returned to the same source from which they were originally purchased. That is a more responsible use of money. If assets are purchased from the General Loan Fund, that is the point to which the funds are returned rather than their being budgeted into the CRF as perhaps has been the case in the past.

Mr MacKINNON: That is the explanation I expected. The explanation justifies the concern I had in the first place. As a principle, I strongly object to what the Government is doing with asset sales. Unlike New South Wales, for example, where considerable assets have been sold and the funds used to reduce a debt, this Government has disposed of assets to pay wages.

Dr Lawrence: I said they would be returned to the CRF.

Mr MacKINNON: That is what the Government is doing in this year's Budget; no doubt the same will be done in next year's Budget. The provision is not for those moneys to go to the CRF because the proceeds of the disposal of public property may be dealt with otherwise than by payment to the Consolidated Revenue Fund, and regulations so made have effect notwithstanding section 64 of the Constitution Act. The Constitution Act states that the funds must first be returned to the CRF because that is the appropriate reporting process to Parliament. Those moneys must be returned to this place and the expenditure authorised. Presently, assets are sold and the money goes to the CRF for wages. All recent asset sales in this State were designed to do nothing more nor less than to pay back some of the huge

losses incurred under WA Inc when those moneys should be used to repay a debt. In that case, we could easily see what will happen. Under the present arrangements, cash could come into the CRF and, under another line item, it could go to Capital Works or wherever the Government wishes to place the funds.

There is no need for this clause unless the Government has some ulterior motive. It may be that the Government wants to propose a regulation which gives it the power to circumvent the Constitution and pay funds wherever it likes without any reference to the Parliament, as no request for approval will be required from the Parliament for that expenditure. The Treasurer says that it can be returned whence it came, but that could be anywhere. I do not accept the explanation given. If the Treasurer cannot give a better explanation than that, I give notice that if the clause is not defeated in the other place it will be significantly amended so that it will not circumvent the Constitution. We will not allow it to circumvent the proper processes of Parliament under the Act which gives the Parliament the primacy of decision making in respect of the funds. This power should be retained and not circumvented by - good heavens - a regulation which is proposed by this clause.

Dr LAWRENCE: The Leader of the Opposition seemed to confuse expenditure with receipts. The disposal of public property and funds is the subject of Treasurer's Instruction. This allows some flexibility in the direction which I would have thought the member would be recommending because if all of these receipts go straight into the Consolidated Revenue Fund it is likely that they will go towards paying wages and other such costs. If one has the capacity for an agency to retain the funds from assets sold, there is every possibility they would be put to a purpose other than wages and salaries. In any case, all funds are the subject of appropriation and every item of appropriation comes through the Parliament for approval. We are not talking about expenditure; we are talking about receipts which come from the sale of assets. I am happy to provide further information for the member.

Mr MacKINNON: The Treasurer does not need to provide any further information. It is clear that she is the one who is confused because the Consolidated Revenue Fund receives funds from a range of sources; that is, from the Federal Government, from the revenue of the State, territorial or otherwise, or from the sale of assets. There is a line item in this year's Budget for the sale of assets as there was last year, and there will probably be one next year. Section 64 of the State's Constitution states the following -

> All taxes, imposts, rates and duties, and all territorial, casual and other revenues of the Crown (including royalties) from whatever source arising within the Colony, over which the Legislature has the power of appropriation, shall form one Consolidated Revenue Fund to be appropriated to the Public Service of the Colony in the manner and subject to the charges hereinafter mentioned.

The clause under discussion will enable that whole process to be circumvented and that is something that the Opposition does not endorse. It is like the previous clause in that it is another process by which this Government wants to ensconce all power in the Executive arm of the Government by totally ignoring the Parliament; that is something we have never supported in principle and practice and we do not intend to start doing so now. I indicate to the Treasurer that this clause is totally unacceptable to the Opposition. Again, I give notice that we intend to take action accordingly.

Dr LAWRENCE: Before the Leader of the Opposition takes a course of action, I hope he takes the trouble to avail himself of information regarding the level of accountability in other funds.

Clause put and passed.

Clauses 37 and 38 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 10.38 pm

QUESTIONS ON NOTICE

ROTHWELLS LTD - BOND CORPORATION
Government Employees Superannuation Board - $50 million Loan

42. Mr COURT to the Deputy Premier:

(1) Was the Bond Corporation correct when it said in a recent statement of claim filed with the Supreme Court that the Premier had wanted the Bond Corporation to lend money to Rothwells to allow the Government Employees Superannuation Board to be repaid a loan of about $50 million to avoid political embarrassment?

(2) If this is not correct, why did the Government want Bond to make a $100 million loan to Rothwells?

Mr TAYLOR replied:

(1)-(2)

This matter is the subject of litigation which is being defended. The Government has no intention of prejudicing those proceedings by commenting on these matters.

TAFE - COLLEGE ESTABLISHMENT
Murdoch University Adjacent Site

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

(1) Has a final decision been made on whether a Technical and Further Education college will be located adjacent to Murdoch University?

(2) If so, what is the size of the site?

(3) What is the exact location of the site?

(4) When is it likely that work will commence on the site?

Mr TROY replied:

(1) Yes.

(2)-(3)

Exact location and size of site yet to be determined.

(4) Construction will commence approximately three months after the decision has been made defining the TAFE site.

PARLIAMENT HOUSE - STAFF DISMISSAL PROTECTION
Industrial Relations Amendment Act (No 4) Proclamation

914. Mr COWAN to the Minister for Productivity and Labour Relations:

(1) Have all sections of the Industrial Relations Amendment Act (No 4), passed by Parliament three years ago, now been proclaimed?

(2) If no, which sections have not yet been proclaimed and why?

(3) What protection currently exists to protect staff at Parliament House from unfair dismissal?

(4) Do staff at Parliament House have access to the Industrial Relations Commission to appeal against unfair dismissal, bearing in mind that legislation to enable access was passed by Parliament three years ago?

(5) If no to (4) to whom does a member of the staff at Parliament House currently have a right of appeal against unfair dismissal, suspension or any other industrial matters?

(6) Why has the Government broken the commitment made to this House by the former Minister, Mr Peter Dowding, that the right of appeal against unfair dismissal would be in place for staff at Parliament House within one year of the Industrial Relations Amendment Act (No 4) being passed by the Parliament three years ago?

Mr TROY replied:

(1) No, not all sections have been proclaimed. The Western Australian Industrial Relations Commission has however made an award concerning Parliament House staff. It is known as the Parliamentary Employees Award 1989. It was issued on 27 October 1987.

(2) Section 7(1) of the Bill is yet to be proclaimed. The Government indicated during debate in the Committee stages of the Bill that proclamation of this section would be withheld pending the implementation of measures designed to protect parliamentary privilege.

(3)-(5) Although some avenues exist at common law, there is no ability for Parliament House staff to refer such matters to the Industrial Relations Commission at this stage.

(6) The preparation of legislation to protect parliamentary privilege and to nominate an employer of Parliament House staff has proved to be a complex exercise requiring extensive consultation with the Presiding Officers of both Houses of Parliament, representing the Joint House Committee, and the Crown Law Department. Drafting of the appropriate legislation is now proceeding.

HEALTH - SCHOOL HEALTH NURSE SERVICES
Fitzroy Valley Area - Kimberley Health Staff Review

942. Mr MacKINNON to the Minister for Health:

(1) With reference to the Minister's letter to me of 3 May 1990 concerning the position of a school health nurse for the schools of the Fitzroy Valley wherein the Minister indicated "A review of all Kimberley health staff is currently under way to establish the most equitable distribution of health resources" would the Minister advise if that review has been completed?

(2) Who was the review conducted by?

(3) What was the outcome of the review?

(4) Has the review been able to provide any further resources for schools in the way of extra school health nurse services in the Fitzroy Valley area?

Mr WILSON replied:

(1) A report has been submitted on the health services in the east Kimberley. The review of health services in the west Kimberley is not yet to hand. It is anticipated that this will be available by December 1990.

(2) Dr Gareth Goodier, Regional Director, Kimberley Health Region.

(3) The report on services in the east Kimberley has detailed numerous proposals for a rationalisation of services in that district.

(4) If implemented, the proposed changes in the east Kimberley would enable one extra community nurse to be allocated to the Fitzroy Valley area.

POLICE - TRUANCY PATROL, BENTLEY

965. Mr KIERATH to the Minister representing the Minister for Police:

(1) In relation to the Bentley truancy patrol, will the Minister advise me -

(a) the reasons for the initial setting up of the patrol;

(b) the statistics detailing the number of truants the patrol apprehended, and any decrease/increase in truancy at schools in the area covered;

(c) when did the patrol cease to exist;

(d) why was the patrol terminated;

(e) are there any plans for reinstating the patrol;

(f) (i) Is the Minister aware of an upsurge of breaking and entering and other offences related to juvenile crime, in the area;

(ii) if yes, will the Minister agree to reintroduce the truancy patrol, even in a modified, scaled-down version;

(iii) if not, why not?

(2) What action will the Minister take to resolve the crime problems in the Bentley area?

Mr TAYLOR replied:

(1) (a)-(f)(ii)

The Bentley Truancy Patrol was established as a pilot scheme to measure and evaluate statistics gathered to ascertain the need for this type of initiative in the Victoria Park Policing Division. The pilot scheme ceased operation in May 1990 and I am informed by the Commissioner of Police that consideration is being given to the permanent establishment of a truancy patrol in that police division.

(f) (iii) Not applicable.

(2) The WA Police Force are leaders in community policing programs. Programs such as Neighbourhood Watch, Operation Identification, Bicycle Identification, School Watch, Safety House program and security advice to provide crime prevention information to industry, are examples of these. The Office of Crime Prevention which is based in Bentley is able to assist any person who would like to seek assistance in setting up or improving any of the above programs in Bentley. With the assistance from the community in crime prevention and police officers reacting to specific complaints from members of the public, crime in Bentley will remain under control.

BREATH TESTING OF DRIVERS - SENIOR DETECTIVE
Pedestrian Accident

971. Mr HOUSE to the Minister representing the Minister for Police:

(1) Can the Minister detail why the results of the breath-test administered to a senior detective after an accident involving a pedestrian on Friday, 22 June 1990 have not been released?

(2) Was the injured pedestrian given a blood alcohol test and, if so, what was the result?

(3) Can the Minister assure the House that the results of the internal investigation into the incident will be made public?

Mr TAYLOR replied:

(1)-(3)

The matter is still under inquiry. However, it is not in accordance with normal practice for the results of the BAC tests to be made public by the Commissioner of Police. Police have no power to require pedestrians to submit to a BAC test.

DAWESVILLE CUT - FINAL APPROVAL DATE
Land Rezoning Approvals

974. Mr MacKINNON to the Minister representing the Minister for Planning:

Further to question 641 (2) of 1990 -

(a) what was the date that final approval was given for the Dawesville cut project;

(b) were any rezoning approvals given for the land in the immediate area of the project between the date in (1) above and 1 January 1990, or if no final approval has been given, since 1 January 1988;

(c) if yes, to what zoning on what dates?

Mrs BEGGS replied:

(a) On 4 January 1989 the Minister for Environment published the conditions

under which the Peel Inlet-Harvey Estuary Management Strategy - Stage 2 could be implemented. The strategy included construction of the Dawesville Channel, subject to several conditions, including a dredging and spoil disposal management plan and a staged monitoring and management program, to the satisfaction of the Environmental Protection Authority. A final approval has not been given.

(b) No rezoning approvals have been given for the land in the immediate area of the Dawesville Channel project since 1 January 1988.

(c) Not applicable.

POLYCHLORINATED BIPHENYLS - DISPOSAL
High Temperature Incinerator

985. Mr KIERATH to the Minister for Health:

Considering that the Government announced plans in 1986 to eliminate all polychlorinated biphenyls in Western Australia within five years, and considering that Government publications currently classify the estimated 1000 tonnes of PCB's in Western Australia as dangerous substances requiring strict handling and disposal -

(a) does the Government still plan to build a high temperature incinerator to handle disposal of PCB's, and if so -

(i) when;

(ii) where;

(b) is the Government considering overseas disposal of Western Australia PCB's;

(c) is the Minister aware that the Government Waste Management Committee is only able to offer storage for one or two PCB's per enquiry (despite the fact that some electrical contractors may remove as many as 300 PCB's from one site) and advises the public that industry and individuals should be personally responsible for the safe storage of PCB's;

(d) is the Minister aware that some of these people, either through ignorance or carelessness, dispose of PCB's at their local rubbish tip, despite the fact of environmental dangers of leakage and the dangerous by-products produced by low temperature incineration;

(e) what does the Minister intend to do to monitor this;

(f) does the Government intend to provide suitable storage facilities for PCB's until they can be properly disposed of;

(g) if so, when and where?

Mr WILSON replied:

(a) (i) The Government is awaiting the outcome of Commonwealth, New South Wales and Victorian Governments' "Joint Task Force on Intractable Waste" proposal to build an incinerator for the whole of Australia. It has been reported in the media a proposed site will be announced some time in September. In the meantime, the Health Department is exploring alternative methods of disposal of organochlorines including bioremediation. Talks have recently been held with a Queensland firm, Biosolutions, about sponsoring a feasibility study of their technology.

(ii) Only Mount Walton is under consideration.

(b) Overseas disposal of PCBs is in conflict with current Government policy.

(c) Yes.

(d) No. It is obviously possible that people dispose of PCB containing capacitors

through ignorance. No electrical contractor should do so. The HDWA and the Chemistry Centre provide information as to whether capacitors are PCB-containing or not, and how best to store them.

(e) I have directed the Health Department to write to all local governments as a first step towards developing a comprehensive strategy for collecting intractable wastes including PCBs. In the meantime local authorities have statutory responsibility for maintaining the safety of their rubbish tips.

(f)-(g)
A decision on a storage facility will be announced in the near future as part of an overall plan for dealing with intractable waste.

AIRPORTS - BROOME AIRPORT
Relocation

986. Mr MacKINNON to the Minister representing the Minister for Lands:

(1) Does the State Government support the Broome Shire Council's request and plans for relocation of the Broome Airport?

(2) If not, why not?

(3) If it does, what action has the State Government taken to progress that matter to finality?

(4) What efforts have been taken by the State Government to convince the Federal Government of the need for some urgent decision-making on this matter?

Mrs BEGGS replied:

(1) The State Government approved in principle the proposed development of a new aerodrome at Broome in September last year. The major proviso was that the Minister for Local Government be satisfied as to the development being in the public interest.

(2) Not applicable.

(3)-(4)
Contact has been maintained with the Shire of Broome and the Commonwealth throughout the period of consideration of this matter, and I am advised that the remaining problems were close to resolution when the joint venturers made their recent announcement. The Minister for Local Government has also made approaches to the Commonwealth, which is now considering alternative options.

HOSPITALS - BROOME HOSPITAL
Improvement Plans

987. Mr MacKINNON to the Minister for Health:

(1) What plans does the Government have for the improvement of the Broome Hospital?

(2) What is the estimated cost of those plans when fully implemented?

(3) When is it likely that those plans will be completed?

Mr WILSON replied:

(1) Funding is presently available in the Capital Works Program for planning and investigations as to the future nature of Broome health services. Preliminary discussions have commenced.

(2) The cost will depend on whether the eventual preferred option is for redevelopment of existing or a replacement hospital.

(3) Broad options should be available for consideration within six months.

HEALTH - KIMBERLEY HEALTH SERVICES
Silver, Thomas and Hanley Report

988. Mr MacKINNON to the Minister for Health:

(1) Why has the report into Kimberley heath services prepared by Silver, Thomas and Hanley in 1988 not been released for public comment and information?

(2) What recommendations in the report were not accepted by Government and why not?

(3) How much did the report cost to complete?

Mr WILSON replied:

(1) The report was prepared as an internal management document to contribute towards the development of a health plan for the Kimberley region to be undertaken following the appointment of the regional director. While the report was not produced as a public document a copy was made available to the Broome Shire Council for its information and I would be happy for the Leader of the Opposition to be provided with a copy should he so desire.

(2) As indicated above the report is being used to provide input into a continuing planning process and no decision has been made about specific recommendations.

(3) $45 300.

COLLEGES - SOUTH WEST COLLEGE
Pre-apprenticeship Courses

989. Mr BRADSHAW to the Minister for Education:

(1) Have pre-apprenticeship courses been cut at the South West College in 1990?

(2) Will any pre-apprenticeship courses at the South West College be cut in 1991?

Dr GALLOP replied:

(1) No.

(2) The pre-apprenticeship programs for 1991 are yet to be finalised.

PETROL - RETAIL SITE DEVELOPMENT PROBLEMS
Government Task Force Report

995. Mr MacKINNON to the Minister representing the Minister for Planning:

(1) Has the Minister yet received the report of the Government task force into problems of petrol retail site development?

(2) If yes to (1), when was it received?

(3) Will the report be made public?

(4) If yes to (3), when will it be made public?

(5) If it will not be made public, why not?

Mrs BEGGS replied:

(1)-(5) The Minister for Planning has received the report of the Government task force into problems of petrol retail site development. The report will be made public after it has been considered by Cabinet.

DENTAL PROSTHETISTS ACT - AMENDMENTS

996. Mr MacKINNON to the Minister for Health:

(1) Does the Government have any plans to amend the Dental Prosthetists Act?

(2) If so, what will be the nature of these amendments?

(3) When is it likely these amendments will be introduced into the Parliament?

Mr WILSON replied:

(1) No.

(2)-(3)
Not applicable.

TAFE - HOBBY TYPE CLASSES, SENIOR HIGH SCHOOLS
Charges Increase

998. Mr TUBBY to the Minister assisting the Minister for Education with TAFE:

(1) Have the fees for hobby type classes conducted at senior high schools out of school hours been increased for next term?

(2) If so, what is to be the new fee and what is the percentage increase on the old fee?

(3) Is this increase in line with the Premier's pledge to keep taxes and charges at or below the inflation rate?

(4) If no to (3), why not?

(5) Are all subjects charged the same course fee?

(6) If yes to (5), are students taking subjects which require no resources, other than a teacher and a room, subsidising students who take subjects requiring plant and equipment?

Mr TROY replied:

(1) No.

(2)-(4)
Not applicable.

(5) Yes.

(6) The fee structure of the community adult education program provides for recoup of salary costs only.

WELFARE - GOVERNMENT WELFARE AGENCIES
Single Parent Statistics

1003. Mr COURT to the Minister for Community Services:

(1) How many single parents in Western Australia seek help from Government welfare agencies?

(2) How does this compare with similar statistics in other States?

(3) What is the estimated cost for the welfare provided in the last financial year?

Mr D.L. SMITH replied:

It is presumed that this question relates to the State's discretionary financial assistance program.

(1) In 1989-90, 12 909 supporting parent pensioners received assistance through the State's discretionary financial assistance program. Supporting parent pensioners represented about 40 per cent of all persons assisted and issues to this group accounted for approximately 47 per cent of total expenditure.

(2) The Western Australian Government provides significantly more assistance of this type than any other State Government.

(3) The total value of discretionary financial assistance provided in 1989-90 was $4.74 million.

BUILDING SOCIETIES - ASSET BACKING RULES
Statutory Requirements

1021. Mr HOUSE to the Minister representing the Attorney General:

(1) What are the rules governing building societies in Western Australia in relation to their asset backing?

(2) Are Western Australian Building Societies capital-guaranteed by the Western Australian Government?

(3) What are the rules governing the portfolios of building societies in Western Australia?

(4) What is the statutory liquidity requirement for Western Australian building societies?

(5) At what level are the liquidity funds of the Western Australian building societies in relation to the statutory requirement?

(6) What steps does the Government take -

(a) monthly;

(b) annually;

to ensure that the Western Australian building societies comply with their statutory requirements?

Mr D.L. SMITH replied:

(1) Section 42 of the Building Societies Act 1976 requires permanent building societies to maintain a minimum net worth of five per cent of mean assets. Section 40 of the Act also requires societies to have liquid funds of 12.5 per cent of total withdrawable funds. As at 30 June 1990 liquid funds totalled $370 million.

(2) No.

(3) Under section 32 of the Building Societies Act, the registrar has approved lending guidelines which -

(a) limit the amount of unsecured loans;

(b) restrict advances to a percentage of valuation unless advance is mortgage insured.

Investments for other than liquidity purposes may be made only in accordance with section 47 and with the approval of the registrar.

(4) 12.5 per cent of total withdrawable funds.

(5) As at 30 June 1990 the liquidity ratios of Western Australian building societies ranged from 18.5 per cent to 23.8 per cent.

(6) (a)-(b)

Western Australian building societies are required to submit returns of liquidity investments, withdrawable funds, revenue and appropriation and net worth on a monthly basis. Full details of societies' loan portfolios including loan exposures and doubtful debt provisions are submitted quarterly. The annual financial statements are analysed and checked to ensure compliance with legislation.

POLICE DEPARTMENT - ACQUITTED PERSONS RECORDS

1028. Mr MENSAROS to the Minister representing the Minister for Police:

(1) Are police records retained by the Police Department of persons who are either treated in the first instance or even if found guilty, acquitted later by a superior court?

(2) If so, will the Minister take the necessary action that the records of all persons who were acquitted will be automatically expunged without the acquitted person having to request the removal of those records?

(3) If answer to (2) is in the affirmative, will the Minister publicly announce such action?

Mr TAYLOR replied:

(1) It is presumed that the member's question seeks to establish whether police retain records of persons after being acquitted by court process. Such being the case then the answer is yes.

(2) No. The Police Act provides the authority for the police to retain the particulars of an apprehended person subject to the person being found not guilty of any offence and seeking the destruction of those particulars, in which case the request must be complied with by law.

(3) Not applicable.

WATER AUTHORITY OF WESTERN AUSTRALIA - EMPLOYMENT STATISTICS
Day Labour Tradesmen and Apprentices

1029. Mr MENSAROS to the Minister for Water Resources:

What is the number of -

(a) day labour tradesmen;

(b) apprentices;

employed by the Water Authority of Western Australia in the

(i)metropolitan area;

(ii)country areas?

Mr BRIDGE replied:

		Metropolitan	Country	Total
(a)	Day labour tradesmen	395	185	580
(b)	Apprentices	77	14	91

SCHOOLS - FLOREAT ELECTORATE
Downgrading or Upgrading

1030. Mr MENSAROS to the Minister for Education:

Is there any strong prospect of downgrading or upgrading State schools in the Floreat electorate and, if so, which are the schools involved?

Dr GALLOP replied:

No Government schools in the electorate of Floreat have been listed for reclassification in 1991. Student enrolments of primary and secondary schools throughout the State are currently being analysed in a review of reclassification levels for 1992.

When the review process has been completed, district superintendents will be advised of any schools being considered for reclassification. Following consultation at a school level, any decisions affecting the classification of schools will be made later in 1990.

ASEA-BROWN BOVERI PTY LTD - COUNTERTRADE ARRANGEMENTS
Government Expenditure

1033. Mr BRADSHAW to the Minister for Trade:

(1) How much money has been expended by the Government in regard to counter trade arrangements with ASEA Brown Boveri?

(2) What are the details of costs expended?

Mr TAYLOR replied:

(1) To date, $424 619 has been paid to ABB as reimbursement to cover some of the direct expenses it has incurred in identifying countertrade opportunities in WA. There is provision in the master countertrade agreement finalised with ABB that the Government will recoup these funds from the company should ABB fail to meet its countertrade obligations.

(2) As the work undertaken by ABB in researching and identifying investment and export opportunities involving more than 20 Western Australian companies is commercially sensitive, it is not possible to provide a more detailed breakdown of these figures. If the member would like a briefing on

this subject, I am prepared to have officers from the Department of Trade Development meet with him.

TANNERY - BOYANUP
Site Suitability Inquiry Costs

1034. Mr BRADSHAW to the Minister for Water Resources:

(1) With regard to the costs involved with investigations carried out by the Water Authority of Western Australia to establish the suitability of the site for the proposed tannery at Boyanup, who has paid for the investigation and review to be carried out?

(2) How much in dollar terms is involved?

Mr BRIDGE replied:

(1) The Water Authority was not involved with the investigations to establish suitability of the site for the proposed tannery at Boyanup. The Water Authority provided comments to the Environmental Protection Authority on the document presented. (Notice of intent.) However, because of raised public concern to the notice of intent, the Water Authority agreed to carry out a water resources survey of the area and provide residents with up-to-date information on water quality.

(2) The total cost of the survey was $1 300.

SHEEP - LIVE SHEEP TRADE
Saudi Arabia - New Zealand Exports

1035. Mr HOUSE to the Minister for Agriculture:

(1) Has the New Zealand live export sheep trade to Saudi Arabia doubled the number it has sent in the same time period in recent years?

(2) Does the Minister agree with the statement by an Australian Meat and Livestock Corporation spokesman that the reason for the increase in New Zealand's live sheep exports is because of the uncertainties surrounding Australia's live exports to Saudi Arabia, and can the Minister outline the reasons for the Minister's opinion?

(3) When does the Minister believe that Australian live exports to Saudi Arabia will resume?

(4) What input has the Minister had into the formulation of the new set of guidelines for the resumption of trade drawn up by Australian Meat and Livestock Corporation?

Mr BRIDGE replied:

(1) Exports of live sheep/lambs from New Zealand to Saudi Arabia have approximately doubled in recent years.

(2) Exports of New Zealand live sheep, particularly lambs, have been steadily increasing during the past few years. There is little doubt that the recent problems experienced by Australia have assisted New Zealand's access to the Saudi market. Despite prolonged and determined efforts by the Federal Minister for Primary Industries and Energy and the Australian Meat and Livestock Corporation, it has not yet been possible to negotiate a formal agreement with the Saudi authorities.

(3) It is not possible to accurately predict when the trade might resume. I am hopeful that the development of revised guidelines for live sheep exports will provide the basis for a formal long term agreement with Saudi Arabia.

(4) I have been most concerned about the continuing difficulties being experienced by the live sheep export trade, and the serious economic effects on this State's sheep industry. On 28 June I discussed the problem with the chairman of the AMLC, Mr Austen, and stressed the need for urgent action. Senior Department of Agriculture officers have liaised closely with industry in assisting with the development of the new guidelines.

MOTOR VEHICLES - FAMILY VEHICLES
Registration Policy Pamphlet - Fee Reduction Definition Inclusion

1036. Mr MENSAROS to the Minister representing the Minister for Police:

Appreciating the Minister's clarifying reply to question 934 of 1990, I ask whether in order to make the intent of the policy of the family motor vehicle registration clear to all vehicle owners, could the Minister cause the definition, namely that the vehicle is eligible for the family reduction in all circumstances except if it is claimed for a taxation deduction, to be printed on the pamphlet accompanying the motor vehicle licence renewals sent out to owners?

Mr TAYLOR replied:

No. While thanking the member for his suggestion, a separate section "Vehicles Not Eligible Include" has been included in the next reprint of the brochure. The reprint is scheduled for issue within a month.

A copy of the relevant section is displayed below -

VEHICLES NOT ELIGIBLE INCLUDE

- Motorised caravans, caravans, trailers, trucks and motor cycles.
- Those vehicles registered in a corporate or business name.
- Those vehicles for which a depreciation value is claimed as a deduction against taxation.

SCHOOLS - JURIEN SCHOOL
Secondary Wing Construction Commencement

1037. Mr McNEE to the Minister for Education:

When is the building program for the Jurien School secondary wing due to commence?

Dr GALLOP replied:

A concept plan has been prepared. Construction program dates will not be available until after the State Budget is brought down later this year.

SHARK BAY - PERON STATION
Government Purchase

1040. Mr MacKINNON to the Minister representing the Minister for Lands:

(1) Is the Government negotiating to buy Peron Station at Shark Bay?

(2) If so, what stage have those negotiations reached?

(3) When will the negotiations be finalised?

(4) For what purpose does the Government require the station?

Mrs BEGGS replied:

(1) Yes.

(2) The Minister for Lands has signed an officer and acceptance on behalf of the Crown.

(3) Settlement is due on or before 19 August 1990.

(4) The northern portion of the station is required for national park as shown in the Shark Bay region plan. The southern section is earmarked for rehabilitation with the possibility of the land being used for grazing purposes some time in the future. Provision will also be made for future expansion of Denham townsite.

ABORIGINAL MANAGEMENT AND ECONOMIC SUPPORT UNIT - HOWARD, MR A.T.
Reappointment

1041. Mr MacKINNON to the Minister for Aboriginal Affairs:

(1) Referring to question 497 of 1990 can the Minister advise if Mr A.T. Howard will be reappointed to the Aboriginal Economic Management Unit following the termination of his contract in June 1990?

(2) What is the expiration date of contracts for -

(a) Mrs V.V. Thomson;

(b) Miss C. Howard;

(c) Mr M. Pitt?

Dr LAWRENCE replied:

(1) Yes.

(2) The people named are employed by the AMESU, however their contracts of employment do not have specific expiry dates.

BUILDING MANAGEMENT AUTHORITY - ENGINEERING DESIGN SECTION
Qualified Engineers

1044. Mr KIERATH to the Minister for Works:

Within the Building Management Authority's engineering design area would the Ministry advise -

(a) how many qualified engineers are employed in this section;

(b) how many operating (practising engineers rather than administrative or managerial) qualified engineers are employed in the section;

(c) does both the Civil Service Association and the Association of Professional Engineers Australia (Western Australia) claim to cover these engineers in an industrial relations capacity;

(d) will the Minister outline the approximate membership of both organisations in this section;

(e) has the Minister held formal discussions in regard to the Capital Works Projects Service Review 1990 with -

(i) the CSA;

(ii) the APEA;

(f) if not, will the Minister outline the reasons for refusing to discuss this review (CWPSR) with the appropriate associations representing the engineers;

(g) will the Minister release the CWPSR 1990 and if so, when;

(h) will the Minister details changes in staff numbers in the engineering design area since 1983;

(i) how many qualified engineers have -

(i) left the design section since 1983;

(ii) have been recruited since 1983?

Mrs BUCHANAN replied:

(a) Owing to the complexity of withdrawing this detailed information from the personnel information management system, I am unable to supply the requested details now. However, when the information has been obtained, I will forward it in writing to the member.

(b) All professionally qualified engineers may be required to perform project work as a part of their duties.

(c) All salaried staff within the Building Management Authority are covered by the Public Service General Conditions of Service and Allowances Award No PSA A4 of 1989. The Civil Service Association is the respondent to this award.

(d) The Building Management Authority does not have access to the confidential membership records of the APEA or the CSA.

(e) (i) Yes.

(ii) No.

(f) Appropriate and extensive consultations have been held with the Civil Service Association which represents all salaried staff.

(g) The report is available to affected employees and the Civil Service Association.

(h) The Building Management Authority was created in 1985. The Public Works Department existed prior to this time. Accordingly, meaningful comparisons cannot be made between 1983 and 1990.

(i) (i)-(ii)

Refer to (h).

LOGGING - SHANNON NATIONAL PARK

Illegal Logging

1046. Mr HOUSE to the Minister for the Environment:

(1) Further to questions 706 of 1990 and 721 of 1990 in relation to the recent illegal logging along Strachan Road in Shannon National Park and the adjacent State forest, when and how did the Department of Conservation and Land Management become aware that there was logging in Shannon National Park, which is illegal under the Conservation and Land Management Act?

(2) (a) As CALM believed the logging was adjacent to the national park, prior to the commencement of the logging, did CALM or its contractors attempt to establish where the park boundary was;

(b) if yes, in what manner was the park boundary estimated and how was it indicated to the tree feller;

(c) if not, why not?

(3) (a) Has CALM now marked the estimated boundary of Shannon National Park where the illegal logging took place with red flagging tape;

(b) if yes, when did it do so and why was this not done before the logging took place?

(4) (a) Has CALM marked recently cut stumps in Shannon National Park with yellow chalk;

(b) if yes, when did it do so and how many stumps were marked in this way?

(5) What is the name of all firms or companies that -

(a) carried out the logging;

(b) hauled the logs;

(c) bought the logs?

(6) Were any of the contractors that -

(a) carried out the logging;

(b) hauled the logs;

employed by CALM;

(c) if yes, please identify them?

(7) How many -

(a) karri;

(b) jarrah;

(c) marri

trees were felled -

(i) in the national park;

(ii) in the adjacent State forest?

(8) (a) What was the total volume extracted of -

(i) karri sawlogs;

(ii) jarrah sawlogs;

(iii) marri sawlogs;

(iv) karri chiplogs;

(v) marri chiplogs;

(b) what was the price paid per cubic metre for each of the above;

(c) what was the total price paid to CALM for the logs;

(d) what volume of each of the above was bought and what total price was paid by each of the purchasers?

(1) When did the logging take place and for how many days did -

(a) the logging last;

(b) the hauling of the logs last?

(2) According to regulation 18 of the Forest Regulations, is every tree feller, immediately after felling a tree, required to distinctly brand the stump with his branding hammer, and, before the timber is removed from the stump, distinctly brand each log into which the tree is cut?

(3) According to regulation 23 of the Forest Regulations, is it correct that no log shall be removed from State forest or Crown land unless it has been branded with the feller's branding hammer?

(4) Why are there no brands on -

(a) any of the stumps;

(b) any of the remaining stockpiled logs;

in the area of illegal logging along Strachan Road?

(5) Will the Minister state the legal basis for any CALM officer authorising a feller to brand logs with chalk instead of his registered branding hammer, in contravention of regulation 18 of the Forest Regulations?

(6) If, as stated in answer to question 721 of 1990, the feller was authorised to brand the logs with chalk instead of his branding hammer why are there no marks other than chalk crosses on the remaining stockpiled logs left in log dumps along Strachan Road?

(7) (a) Does CALM intend to prosecute the feller who contravened Regulation 18 of the Forest Regulations;

(b) if not, why not?

(8) Will the Minister state the legal basis for a CALM officer authorising the removal of logs not branded with a registered branding hammer, in contravention of regulation 23 of the Forest Regulations?

(9) (a) Does CALM intend to prosecute those who removed the unbranded logs, in contravention of regulation 23 of the Forest Regulations;

(b) if not why not?

(10) What precautions were taken in regard to the logging done in the disease risk (dieback quarantine) area to the east of Strachan Road?

(11) Why did CALM take in heavy equipment to pile up some of the remaining logs in log dumps along Strachan Road when the area was very wet and in a disease risk area and dieback prone area?

(12) Why did CALM burn some remaining logs and no logging debris in the log dumps along Strachan Road during the week of 21 May 1990?

(13) If, as CALM claims, the logging was for the removal of dead and dangerous trees 100 metres either side of the road prior to a prescribed burn -

(a) why are many dead and dangerous trees still there;

(b) why are most of the stumps and crowns, and the logs in the dumps (prior to burning) sound and healthy;

(c) why does the logging extend up to 180 metres from the road?

(14) (a) Prior to a prescribed burn, is it left to contractors to determine which are dead and dangerous trees or does CALM treemark the dead and dangerous trees for removal;

(b) if CALM does not treemark dead and dangerous trees, why does it not do so?

(15) (a) Did CALM treemark the dead and dangerous trees for removal in the area of illegal logging along Strachan Road;

(b) if yes, in what manner did it treemark the trees for removal;

(c) if not, why not?

(16) Will the Minister table the delivery notes for all logs removed from the area of illegal logging along Strachan Road?

Mr PEARCE replied:

(1) CALM became aware of the logging in Shannon National Park when it received a copy of a letter from the Conservation Council of WA (Inc) to the Minister for the Environment on 3 May 1990. The activity was not logging in the sense of timber production, but an operation to remove dead and hazardous trees. It is not therefore considered "illegal". For the information of the House I have tabled CALM's briefing note on this subject.

(2) (a) Yes.

(b) The park boundary was demarcated by a forest officer several hundred metres north of where the catchment boundary is shown to cross Strachan Road on the CALM 1:50 000 map. The officer had interpreted the drainage pattern from his own observation in the field. He marked the boundary with flagging tape. The method used to indicate to the faller was by treemarking individual trees for felling.

(c) Not applicable.

(3) (a) Until an accurate survey by a licensed surveyor establishes the precise national park boundary, it is not possible to exactly determine the location of the boundary in the field. The position of the catchment boundary as shown on the CALM 1:50 000 map was marked approximately by CALM using red flagging tape. I refer the member to the document tabled in the House on 3 July 1990 titled "Four Corners The Expose Exposed" Appendix 22, which is a letter from J.H. Towie (licensed surveyor).

(b) See (2)(b) above.

(4) (a) Yes.

(b) 31/5/90, 150 stumps.

(5) (a)-(b)
B.E. & D.M. Wilson.

(c) Logs were delivered to tow sawmillers - Franey and Thompson, Albany (jarrah sawlogs) and Whittakers, Denmark (karri sawlogs) and the Diamond Mill (chiplogs).

(6) (a)-(c)
The contractors had a log supply contract with CALM but the contractors' employees are not CALM employees.

(7) (a)-(c)
Until an accurate survey by a licensed surveyor establishes the precise national park boundary it is impossible to say how many trees were felled inside the national park.

(8) (a)-(d)
Because at the time the operation was conducted it was not known that the area in question was a national park, no separate records of delivery notes were kept. It would be impossible to distinguish between logs from inside the national park and those from adjoining State forest.

(9) (a)-(b)
During the month of January 1990, until the end of January.

(10) The words "branding hammer" do not appear in regulation 18 of the Forest Regulations.

(11) The words "branding hammer" do not appear in regulation 20 of the Forest Regulations.

(12) (a)-(b)
The faller had temporarily lost his branding hammer and was authorised to chalk-brand the logs. Forest regulation No 18 does not require use of a branding hammer, only the branding with a registered brand. (T1) has always been accepted for fallers (Lo) mark their brands with chalk or timber crayon, or cut them into the log with an axe.

(13) See (10) and (12) above.

(14) Rejected logs and off-cuts are not required to be branded.

(15) (a) No.

(b) See (10) and (12) above.

(16) See (11) and (12) above.

(17) (a) No.

(b) See (11) and (12) above.

(18) The precautions taken in regard to the operation within the disease risk area east of Strachan Road included -

(1) Dieback hazard assessment.

(2) Dry soil conditions specified and prevailed during the operations.

(3) Clean down prior to entry to the dieback free area.

(4) Clean down between subcatchments.

(19) The equipment taken into stack the off-cuts and other debris on landings along Strachan Road in late May entered the area clean and under dry soil conditions. This can be verified by ABC "Four Corners" film of the activity taken on 25 May, in which dust is seen rising from the soil and the loader's wheels are free of mud.

(20) See (19) above.

(21) Hazardous trees are assessed by a CALM officer experienced in forest fire control, and assisted by a decision guide tabled for the information of the House. All trees were marked for removal by the officer.

(a) Not all dead and dangerous trees are a fire hazard.

(b) It is impossible to tell from the condition of the stump or the smashed crown of a fallen tree whether it met the criteria for removal.

(c) Some old windblown logs were taken during this operation to prevent them from being wasted.

(22) (a) No. In most cases the trees are treemarked for removal by a forest officer.

(b) Not applicable.

(23) (a) Yes.

(b) Orange spray paint. Trees painted "F" to authorise falling.

(c) Not applicable.

(24) See answers (7) and (8) above.

GOVERNMENT DEPARTMENTS AND AGENCIES - PUBLIC OFFICIALS
Company Positions Listing

1049. Mr CLARKO to the Minister for Racing and Gaming:

(1) Will the Minister table in the Parliament a list of all those public officials responsible to the Minister who currently hold positions or have held positions in the last 12 months in companies which do business with the Government and its agencies?

(2) Will the Minister ensure that the list details the outside positions held by these officials?

(3) Will the Minister ensure that this list is tabled at the first available opportunity after 30 June 1990 each year?

(4) If not, why not?

Mrs BEGGS replied:

The information requested by the member is not available. However, at the Premier's request the Public Service Commission is conducting a review of the application to the public sector of the Public Service Code of Conduct. It would be appropriate for the member to await the result of that review.

ROTHWELLS LTD - COMMISSION PAYMENTS
Holmes a Court St George's Terrace Properties, Bell Group Shares, Broken Hill Proprietary Shares

1050. Mr COURT to the Deputy Premier:

(1) Were any commissions paid to Rothwells on the Holmes a Court, St George's Terrace properties deal, the Bell Group shares and the Broken Hill Proprietary share deals?

(2) If yes, how much commission was paid?

Mr TAYLOR replied:

(1) I am not aware of any commissions being paid.

(2) Not applicable.

HOSPITALS - HEATHCOTE HOSPITAL
Closure

1053. Mr BRADSHAW to the Minister for Health:

(1) When will Heathcote Hospital close?

(2) What effective plans have been put in place to compensate for the closure of Heathcote?

(3) How many beds are planned for Bentley and Fremantle Hospitals for psychiatric patients?

(4) Are these numbers in line with the Hodge and Smith reports on psychiatric services?

Mr WILSON replied:

(1) Plans are being finalised for the closure of Heathcote Hospital in the second half of 1992.

(2) Cabinet has approved the replacement facilities for the closure. This involves the construction of new facilities at Fremantle and Bentley Hospitals.

(3) Fifty acute care beds are being planned for Bentley Hospital. Fifty acute care beds and 36 beds for psychogeriatric patients are being planned for Fremantle Hospital.

(4) These numbers are in line with the recommendations of the Smith report of November 1987.

(The Hodge report of June 1984 does not include recommendations in respect of number of beds.)

ALCOHOL AND DRUG AUTHORITY - EXPENDITURE

1054. Mr BRADSHAW to the Minister for Health:

(1) How much money did the Western Australian Alcohol and Drug Authority receive for 1989-90?

(2) How much was expended?

(3) Of the amount spent, how much was given to the private agencies?

(4) Which private agencies received funding and how much?

(5) Are the private agencies checked for responsibility and effectiveness?

(6) Is the Western Australia Alcohol and Drug Authority checked for responsibility and effectiveness?

Mr WILSON replied:

(1) $12 470 000.

(2) $11 925 053 - includes committed savings to Government.

(3) $2 987 418 - includes decriminalisation of drunkenness - Salvation Army $243 037.

(4) See below.

(5) Yes.

(6) Yes.

SCHEDULE OF GRANTS
NON-GOVERNMENT AGENCY SUPPORT PROGRAM 1989-90

AGENCY	$
Alcohol Advisory Council of WA (Inc)	41 048
Association for the Care and Rehabilitation of the Alcoholic and Homeless Inc	29 565
Alcoholic Recovery and Research Foundation of Mandurah (Inc)	25 504
Cyrenian House	329 679
Daughters of Charity	67 860
Drug Research and Rehabilitation Association (Palmerston)	319 841
Eastern Goldfields Halfway House	20 971
Holyoake Institute	397 073
Jesus People Inc	104 805
Perth Inner City Youth Service	23 600

Rosella Halfway House	20 970
Salvation Army	334 425
Serenity Lodge	166 463
St Bartholomew's House	28 664
St Patrick's Care Centre	33 788
WA Alcohol and Drug Dependence Industry Committee	233 132
WA Network of Alcohol and Other Drug Agencies	96 157
Wesley Central Mission	57 570
Women for Women with Dependencies	30 709
TOTAL	2 361 824

SCHEDULE OF GRANTS
ABORIGINAL NON-GOVERNMENT AGENCIES 1989-90

AGENCY	$
RECURRENT PROJECTS	
Irrungadji (Nullagine)	53 074
Mawarnkarra (Roebourne)	5 890
Milliya Rumurra (Broome)	20 205
Ngnowar Aerwah (Wyndham)	42 482
Ngurawaana	25 266
Nindila Advisory Committee	1 009
Salvation Army (Carnarvon/Port Hedland)	84 810
Waringarri (Kununurra)	57 246
ONE YEAR PROJECTS	
Collie Aboriginal Advancement Association	35 923
CAPITAL ONE-OFF GRANTS	
Drinksafe Campaign (Pilbara)	1 690
Milliya Rumurra (Broome)	2 204
Narrogin Action Group	300
Ngnowar-Aerwah (Wyndham)	2 000
Noongar Alcohol & Substance Abuse Services (Perth)	15 000
Pakadjing Alcohol Awareness Committee (Halls Creek)	1 759
Salvation Army (Carnarvon/Port Hedland)	4 335
Waringarri (Kununurra)	226
Warunga Aboriginal Community (Kalgoorlie)	3 700
West Pilbara Alcohol Awareness Comm	438
Yamatji Ngura (Kalgoorlie)	25 000
TOTAL	382 557

SERVICE STATIONS - TRADING HOURS LEGISLATION

1055. Mr TUBBY to the Minister for Consumer Affairs:

(1) Could the Minister advise if legislation to abolish overtime payment will be introduced for employees in the retail fuel trade in conjunction with legislation to extend filling station trading hours?

(2) If not, why not?

(3) Could the Minister advise if substantial penal provisions for oil companies which use lease agreements to dictate trading hours will be included in legislation to extend filling station trading hours?

(4) If not, why not?

(5) Could the Minister advise if legislation to divorce oil companies from direct retail trading will be included in legislation to extend filling station trading hours?

(6) If not, why not?

Mrs HENDERSON replied:

(1) There has been no discussion on this.

(2) These matters may at the discretion of industry participants be addressed before the Western Australian Industrial Relations Commission.

(3) The matter is being considered. It is my intention that service stations who cannot operate profitably or choose not to open should not be forced to do so.

(4) Question (3) refers.

(5) This matter is not currently under consideration.

(6) Federal legislation already restricts the number of sites that can be owned and operated by oil companies.

SERVICE STATIONS - ROSTER SYSTEM

1056. Mr TUBBY to the Minister for Consumer Affairs:

(1) Could the Minister advise which periods of the day on which days of the week motorists in the metropolitan area are having difficulty purchasing fuel?

(2) Could the Minister advise which sections of the metropolitan area are being most affected by the current petrol station roster system?

(3) Could the Minister advise why additional roster stations have not been given permission to open during the periods mentioned in response to (1) and in the areas mentioned in response to (2)?

Mrs HENDERSON replied:

(1) Beyond normal trading hours on all days.

(2) All zones.

(3) Consumers who have complained about the inconvenience of the current system are not seeking an extension of it.

SMALL BUSINESS - ECONOMIC STATISTICS
Rural Small Business

1072. Mr HOUSE to the Minister for Small Business:

(1) What are the latest economic statistics on the small business sector, with particular reference to those outside the metropolitan area?

(2) On the basis of the above information, what proportion of rural businesses does the Minister estimate are -

(a) experiencing a downturn in their business;

(b) experiencing an adequate business turnover;

(c) facing the prospect of closure and/or bankruptcy?

(3) Does the Government have any strategy to assist rural businesses in the advent of an economic downturn?

(4) Will the Minister table the most recent survey or report on rural small business?

Mr CARR replied:

(1) According to the latest ABS data, the total number of small business in WA is 77 050.

Of these, 29 339 are non-metropolitan which represents 38 per cent of all small businesses. Other economic statistics such as turnover and value added are not available for the total small business sector or for the regions, as ABS collects such data by some industry sectors only.

(2) (a)-(c)

Estimates are unavailable. These issues require intensive research which has not been undertaken.

(3) The Government's policy is centred around providing better access in rural areas to Government services and information, and this will not change during

the current economic downturn. To this end, the Small Business Development Corporation has several programs of assistance -

Regional offices in Merredin and Bunbury provide the central wheatbelt and the south west region access to the full range of business advice and information provided by the corporation.

A total of 15 regional small business centres have been established throughout the State which provide a point of contact to the corporation and its services, and also provide publications and relevant business material. Regional visits are undertaken on a regular basis to each of these 15 sites.

The corporation is involved in the forthcoming Dowerin Field Day where information on the State Government's assistance programs is disseminated to local business operators. A SBDC program is also currently underway to assist rural manufacturers to broaden their markets.

Monthly supplements in the *Sunday Times* along with radio segments throughout the State ensure rural sectors receive regular, up-to-date information. Access to the corporation's advisory and information service is also provided to small businesses throughout the State through its 008-hotline number, enabling free calls for information and assistance on small business matters. In addition, the Department of Regional Development and the North West has six regional offices which ensure assistance and information is provided to all regions throughout WA.

The department's Community Economic Development Program - CEDP - has developed over 10 projects since it was first established in 1988-89. Fourteen facilitators are also employed throughout the State to assist in local development, nine of which are based in non-metropolitan areas.

(4) I am not aware of any recent survey or report specifically addressing rural small business. However a report titled, "Country Towns: A Future or a funeral?" has been released this month - August - by the Joint Country Shire Councils' Association and Country Urban Councils' Association working party. This report incorporates some economic development issues in rural areas.

PORTS AND HARBOURS - FREMANTLE PORT AUTHORITY
Commissioners' Current Terms

1073. Mr COWAN to the Minister for Transport:

Who are the commissioners of the Fremantle Port Authority and when does the current term of each expire?

Mrs BEGGS replied:

Commissioners of the Fremantle Port Authority are -

Dr J.H.E. Taplin - Chairman.
Mr J.R. Watson
Mr A.T. Poustie
Mr J.T. Clarke
Mr Z. Sumich

The term of appointment for all five commissioners will expire on 31 December 1990.

EQUAL OPPORTUNITY COMMISSION - POLICE OFFICERS
Sexual Assault on Aboriginal Women Report

1074. Mr COWAN to the Minister for Justice:

With reference to the Equal Opportunity Commission's report on police practices, released recently -

(a) did the Commission make any inquiry into the allegations about police officers sexually assaulting Aboriginal women before including those allegations in its public report;

(b) if yes, what inquiry;

(c) if no, did the Commission have any basis for believing the allegations to be true before publishing them;

(d) if yes, what basis;

(e) what is the Government's policy on Government agencies making or repeating unsubstantiated allegations in the public arena and was the Equal Opportunity Commission made aware of that policy before publishing its report;

(f) has the Equal Opportunity Commissioner admitted that the allegations in the Commission's report are unsubstantiated;

(g) is the Minister aware of any evidence of any kind that supports the Equal Opportunity Commission's allegations about police officers sexually assaulting Aboriginal women;

(h) if no to (g), what action, if any, has the Minister taken to protect the integrity of the Police Force from unsubstantiated allegations by one of the Government agencies within the Minister's ministerial responsibility?

Mr D.L. SMITH replied:

(a)-(b) The extent of these inquiries is documented in the commissioner's report.

(c)-(d) The commissioner found they were unsubstantiated.

(e) In respect of commissioners, the Government's policy is not to direct commissioners whether of equal opportunity, police, for parliamentary investigations or otherwise, on how they should do their task except to the extent permitted by the legislation conferring powers on the commissioner.

(f) Yes.

(g) The commissioner detailed the allegations made but made it clear these were unsubstantiated.

(h) I have repeatedly reaffirmed what the commissioner herself said in her report - that these allegations were unsubstantiated.

EQUAL OPPORTUNITY COMMISSION - POLICE OFFICERS
Sexual Assault on Aboriginal Women Report

1075. Mr COWAN to the Minister representing the Minister for Police:

Is the Minister aware of any evidence of any kind that supports the allegation contained in a recent report published by the Equal Opportunity Commissioner that police officers have sexually assaulted Aboriginal women?

Mr TAYLOR replied:

I personally know of no evidence which supports the allegation referred to as being a true statement and my inquiry of the Commissioner of Police is that he has no such knowledge either.

AIRPORTS - BROOME AIRPORT
New Airport Contract

1078. Mr COWAN to the Minister for Transport:

(1) Who has been awarded the contract for the development of the new Broome airport?

(2) What is the projected cost of the new Broome airport?

Mrs BEGGS replied:

(1)-(2)

The current owners, the Commonwealth Government, are proposing to call for expressions of interest for ownership and operation of the Broome Airport. Expressions of interest will be called in mid-September this year.

MINISTERS OF THE CROWN - PREMIER LAWRENCE
PacRim Conference - Driver Guidelines Tabling

1080. Mr COWAN to the Premier:

Will the Premier table the guidelines under which the Premier has authorised public monies to be used to enable the Premier's driver to accompany the Premier to the PacRim conference in the United States?

Dr LAWRENCE replied:

There are no 'guidelines' as such, however, I would remind the member that it is a well established convention extending over the life of many previous Governments that a State Premier, when travelling overseas on official State business, is accompanied by appropriate personal staff. The member is assured that the expenditure of all public moneys associated with such travel will be in accordance with the provisions of the Financial Administration and Audit Act. Furthermore, my Government has agreed, for the first time in this State, to table details of ministerial overseas travel expenses as part of its drive towards greater accountability.

DEFAMATION ACTIONS - MINISTERS OF THE CROWN
Legal Costs Guidelines

1081. Mr COWAN to the Premier:

(1) Are there any guidelines for dealing with money won by a Minister in a successful defamation action against a private citizen?

(2) If yes, will the Premier table them?

Dr LAWRENCE replied:

(1)-(2)

The Crown does not become directly involved in the institution and conduct of proceedings for the personal benefit of a Minister or officer claiming damages for torts - especially defamation - and other civil remedies. These are personal actions, and it would be expected that a successful action would result in an order for payment of damages to the individual concerned. All legal costs associated with such proceedings - whether successful or otherwise - will be borne by that litigant himself. However, in special circumstances the Cabinet might authorise the commencement of an action and provide an indemnity as to legal costs, for example, where the prime motive for taking the proceedings is to make clear the truth concerning particular Government decisions.

LEGAL PRACTITIONERS - QUALIFIED PRACTITIONER STATISTICS

1084. Mr COWAN to the Minister representing the Attorney General:

(1) How many people are qualified as legal practitioners in Western Australia?

(2) What is the anticipated increase in the number of practising lawyers resulting from the establishment of the law school at Murdoch University?

(3) What steps have been or will be taken to deregulate legal fees, so that the public may benefit from increased competition in the legal profession in the future?

Mr D.L. SMITH replied:

(1) Approximately 1 700 legal practitioners currently reside and practise in the State. There are more legal practitioners on the roll, but these live elsewhere or do not practise.

(2) Murdoch University enrolled just over 100 students in the first year of its new law course in 1990. It is anticipated that about 75 Murdoch graduates may be admitted as legal practitioners each year from 1995.

(3) A new representative statutory committee to regulate legal fees has recently been established. The present scheme for the regulation of fees does not prevent lawyers charging less than scale fees. Lawyers are free to charge competitively. The scale fees have the value of fixing the upper limit in the absence of special agreements, not the lower limit.

LEGAL PRACTITIONERS - SMALL CLAIMS TRIBUNAL
Claims Statistics

1085. Mr COWAN to the Minister for Consumer Affairs:

(1) How many claims against legal practitioners or law firms have been lodged with the Small Claims Tribunal?

(2) How many of these claims have resulted in -

(a) an order against the legal practitioner or law firm;

(b) an order against the claimant;

(c) a split decision;

(d) settlement before the hearing?

Mrs HENDERSON replied:

(1) Eight.

(2) (a) Nil.

(b) One.

(c) One.

(d) Nil.

One claim has been part heard and five claims are awaiting hearing.

BURSWOOD PROPERTY TRUST - VICTORIA CO
Compliance Committee

1086. Mr COWAN to the Minister for Racing and Gaming:

With reference to the Minister's recent approval of the takeover of control of the Burswood Property Trust by the Japanese-based Victoria Company -

(a) was a condition of the Government's approval establishment of a compliance committee;

(b) if yes, what is the function of the compliance committee and who are its members;

(c) to whom does the compliance committee report and will its reports be made public;

(d) did the Minister insist on Genting being awarded the contract to operate the casino for the next two years as a condition of the Minister agreeing to the granting of the exemption from the Casino (Burswood Island) Agreement Act, thereby enabling the sale to Victoria Company;

(e) if yes, why?

Mrs BEGGS replied:

(a) Yes.

(b) The Compliance Committee's function is to report to the Gaming Commission on various matters relating to the personnel and companies within the Victoria Group of companies, including changes in shareholding or directorships of the Victoria Casino Group of companies; whether any

directors of the Victoria Casino Group of companies have become the subject of criminal proceedings; and whether there is any other information likely to affect Victoria's fitness and propriety. Financial accounts for the Victoria Casino Group of companies must also be submitted annually.

The Compliance Committee consists of three members, two from the Victoria Group and one member independent of Victoria. The first members of the Compliance Committee are -

Mr Teibu Ogino
Mr William Martin
A Victoria representative yet to be appointed.

(c) The Compliance Committee reports to the Gaming Commission. Section 20 of the Gaming Commission Act 1987 prevents the committee's reports from being made public.

(d) No. It was a condition of my approval that the Technical and Management Services Agreement entered into between Victoria and Genting not be amended without my approval.

(e) Not applicable.

QUESTIONS WITHOUT NOTICE

TAFE - COLLEGES
Course and Staffing Cut

257. Mr AINSWORTH to the Minister assisting the Minister for Education with TAFE:

(1) Are TAFE colleges being asked to identify areas where course and staffing cuts can be made?

(2) If yes, does this indicate overall funding reductions for TAFE in 1990-91?

(3) If yes to (2), what steps are being taken by the Government to provide alternative pre-vocational training for those students denied entry to TAFE colleges?

Mr TROY replied:

(1)-(3)

I am grateful to put on the record the circumstances to which I believe the member's question refers; that is, the letter which was formulated at the South Eastern Metropolitan College of TAFE which covers the Fremantle and Rockingham areas - perhaps the member could confirm that assertion. Anyway, the letter relates to an exploratory exercise conducted by the director at that TAFE college in the form of some preliminary budgetary examinations. I support the approach adopted which involved exhaustive examinations of programs, and which took into account a range of scenarios and a range of ways in which the college may respond to likely Government direction. The document had no more substantiation than that; it was a document that was at the initial stage and it certainly does not indicate a trend that will apply throughout TAFE or even in that college.

I am not in a position to give a clear-cut answer to what will happen with TAFE until the Budget is finalised, but I want the member to understand that TAFE places enormous emphasis on vocational training and that the Government appreciates these efforts. Unfortunately, this attitude was not reflected by Opposition members in the other place in relation to the SESDA legislation. We support vocational training fully and we hope that industry and all other sectors will do so as well.

ELECTIONS - VOLUNTARY VOTING LEGISLATION

258. Dr WATSON to the Minister for Parliamentary and Electoral Reform:

Does the Government intend to propose legislation to make voting voluntary at parliamentary elections?

Dr GALLOP replied:

The media coverage of the Opposition parties' conferences has shown a virtually unique circumstance of agreement between the parties on policy relating to voluntary voting. This may have been for slightly different reasons, but similar logic applied in both cases. The President of the Albany branch of the National Party was reported in *The West Australian* as stating that the Liberal and Labor Parties would lose ground through voluntary voting. The quote stated -

> "We would have an excellent opportunity of gaining a share of the 3 to 4 per cent of thinking voters who decide the composition of Government at each election," he said.

It was a fairly narrowly based argument put forward within the National Party.

Mr Cowan: By one member of the party.

Dr GALLOP: I am referring to the president of one of the branches of the National Party. To move to the President of the Liberal Party's Canning division one finds that the argument is even more interesting. She was advocating a move away from our current voting system to one of voluntary voting. In an article in *The West Australian* on 20 August it was stated -

> The president of the Canning division, Mrs Ricky Johnston, said it was not compulsory to actually vote, only to go to a polling booth and have your name marked off.
>
> A compulsory system meant "dregs of society" got a say whereas with voluntary voting only those who were interested actually cast a vote.

Would the Leader of the Opposition tell me who the dregs of society are who do not deserve a vote?

Mr MacKinnon: I support, 100 per cent, voluntary voting which is a system which operates in every progressive western democracy.

Several members interjected.

Dr GALLOP: The great Australian institution that has existed since the 1920s and 1930s and which encourages people to vote through legislation to that end should be defended and protected in our society. The stated intention of the Liberal Party to build policy principles was obviously not applied when the selfish and self-righteous reasons were given for change to electoral law.

In contrast to the questionable reasons the Opposition appears to have relied upon to form policy, the Government prefers to rely on principle. The Government believes that the legitimacy of Parliament is stronger because the obligation to vote guarantees that Parliament does represent the real opinion in the community.

I refer to the 1920s and 1930s when compulsory voting was introduced: The percentage of people who voted in the 1922 Federal election, which was before compulsory voting was introduced, was 58 per cent; in Western Australia in 1930 it was 74 per cent; and, in the Legislative Council in 1962 it was 41.7 per cent which, in fact, was 20 per cent of those on the Legislative Assembly roll. The Government believes that it should encourage people to vote because the legitimacy of elections is an important component of the final result.

IRAQI CONFLICT - ROYAL AUSTRALIAN NAVY VESSELS INVOLVEMENT

Premier's Support

259. Mr MacKINNON to the Premier:

Mr Speaker -

Dr Gallop: Give us a definition of the "dregs of society"? You are too embarrassed to do so.

The SPEAKER: Order!

Mr MacKINNON: In answer to the Minister for Education the definition is, "the member for Victoria Park". My question to the Premier is as follows -

(1) Does the Premier support the decision of the Prime Minister to send three Royal Australian Navy vessels to the multinational naval task force in the Gulf?

(2) Has she, on behalf of the Western Australian people sent a message of best wishes to the commanders of the servicemen on those vessels?

(3) If not, will she do so prior to their departure tomorrow for active duty in the Gulf?

(4) If not, why not?

Dr LAWRENCE replied:

(1)-(4)

Clearly, all Australians at this stage are wishing that fleet well and that message will be conveyed from Government and, I presume, on behalf of the Opposition to the fleet. The decision by the Prime Minister is one we will support. The details of the instructions that Cabinet will give them will be the subject of community debate; that is, the extent to which they are involved in any direct action and the extent to which they are operating under the United Nations Security Council's recommendations are matters for reasonable community debate. There is no question that this Government and everyone in this Parliament fully supports those people as they steam to the Middle East in what is an extremely difficult circumstance for all the nations involved.

LOCUSTS- PLAGUE

260. Mr LEAHY to the Minister for Agriculture:

In the development of the current campaign to combat the expected plague of locusts this spring would the Minister advise of the steps he has taken and will take to consult those who live in the affected areas?

Mr BRIDGE replied:

In July this year I wrote to each of the parliamentarians who represent the areas in which the locust plague was identified. The purpose of that letter was to advise those members of the impending outbreak and the technical details that had been made available to me. Since then the Agriculture Protection Board has been involved in a series of meetings with local groups to discuss their concerns and to consider the most effective measure that could be put in place to deal with the problem. It was necessary to do that because there has been a great deal of public concern in relation to the spraying techniques that may be employed in this campaign. In the last few days fears have been expressed about aerial spraying. I contacted the APB to highlight this concern and to express my personal concern about the nature of this process. I have indicated to the APB that ground application is the preferred option and should be considered in the context of the general concerns which are emerging. That is the current state of play. The Government is conscious of the impact this outbreak could have on industry and to that end it must be treated seriously. With regard to the concerns that are beginning to emerge, a sensible and balanced approach is required and, in the end, we must come up with a formula that is capable of being managed and is workable. To that end I give an undertaking to the House that that is the way in which this matter will be dealt with.

Mr House: Does that include aerial spraying if it is proved necessary?

Mr BRIDGE: I have indicated to the APB that I must be convinced that aerial spraying cannot be avoided. Until such time as that information is provided to me and I am convinced that that is a necessary approach I want to be advised of other preferred options. That is as strong a position as one can give to

those people who are interested in view of the extent of the nature of this plague. It is a very serious plague and could have major ramifications if it is allowed to continue uncontrolled. I am monitoring the position and it must be reassessed before action is taken.

Mr House: Will you give the APB extra staff in those areas to handle that plague if it is necessary?

Mr BRIDGE: Appropriate forms of consultation with industry groups, farmers, organisations, the APB and me will proceed. At the end of the day, if we have problems with the aerial technique and there is another preferred option we will reassess our current ability to accommodate that situation. If that is the case I will be happy to look at it. If we were not looking at it in this context those plans would be in place and we would be proceeding to aerial spraying. However, concerns about that method have been expressed by farmers and community groups and it requires further assessment.

TOTALISATOR AGENCY BOARD - MANAGEMENT DIRECTIVE
Employees' Personal Interests in Businesses Disclosure

261. Mr SHAVE to the Minister for Racing and Gaming:

(1) Does the Minister support the directive by the Totalisator Agency Board management that all staff employed by the TAB are required to provide a full disclosure of all personal interests they have in firms or businesses outside the TAB, whether those firms or businesses deal with the TAB?

(2) If yes, why?

(3) If no, will the Minister give an undertaking that she will instruct the TAB management that the supply of such information will not be compulsorily required.

Mrs BEGGS replied:

(1)-(3)

I am aware of some concern among staff at the Totalisator Agency Board about a directive distributed as a result of matters raised in this House and in the public arena about the activities of some members of the TAB in relation to the satellite companies associated with the TAB. I heard about this matter only today and I have not yet seen a copy of the directive. I have asked for a copy to be forwarded to my office, and when it is received I will be in a better position to comment on this matter. I am not sure that it is a requirement of the Public Service Act, but if the directive does represent an intrusion into or an invasion of people's privacy -

Mr MacKinnon: The TAB is not covered by the Public Service Act.

Mrs BEGGS: Some members of the TAB staff are. If the directive intrudes on people's privacy, I am more than happy to ask the management to revise the instruction on that basis. However, in view of other matters connected with the TAB some direction should be given to staff about the correct and proper practices in relation to the TAB satellite companies.

BURSWOOD PROPERTY TRUST - VICTORIA CO
Compliance Committee

262. Mr CATANIA to the Minister for Racing and Gaming:

Will the Minister advise the House of the need for and functions of the compliance committee established to report on Victoria Co, the operators of the Burswood Resort Casino?

Mrs BEGGS replied:

This question arises from an article which appeared in one of the daily newspapers last week. It is important for me to inform Parliament exactly how the compliance committee will operate. Obviously there is some misunderstanding on the part of the media and the Opposition spokesman on racing and gaming matters about how it works.

Mr Clarko: There is no misunderstanding.

Mrs BEGGS: If members opposite listen to my answer they will understand that they have it wrong. The compliance committee is an additional mechanism by which the Gaming Commission can keep informed of developments within the Victoria group, as well as assist in monitoring the integrity of the companies and persons making up the group, both inside and outside Australia. The function of the compliance committee is to report on the activities of the Victoria group and on various matters relating to personnel and companies within that group. The requirement for the Victoria group to operate a compliance committee is additional to all existing regulatory requirements under the Casino Control Act, Gaming Commission Act and Casino (Burswood Island) Agreement Act.

The committee can be effective only if representatives are persons who are in the best position to know of all the activities of the Victoria group of companies, overseas and in Australia. The composition of the committee and the two members so far appointed are eminently suitable to fulfil this role. The compliance committee places the onus on Victoria to ensure that it continues to demonstrate it is fit and proper to retain unit holdings in and management of the casino. The agreement to set up the compliance committee contains provisions offering far more protection for the State than does the current legislation, and introduces very substantial risks for Victoria should the committee not report openly and frankly to the commission. For example, if one of the original casino founders were assessed to be not fit or proper, under existing legislation the only action available to the State would be to suspend or cancel the casino gaming licence, thereby affecting all unit holders and the casino operation. That party could not be required to dispose of its units. However, the compliance committee agreement contains a mechanism whereby if a finding of unfitness or impropriety has been made the Minister can order Victoria to dispose of its units and management rights without affecting the remainder of the unit holders or the operation of the trust and casino.

The concept of a compliance committee is not unique to Western Australia. The Nevada Gaming Board in the USA, a body with far more experience in casino regulation than the Gaming Commission in Western Australia, has similar committees operating in its jurisdiction.

The requirement of the Gaming Commission that Victoria establish a compliance committee is not a reflection on Victoria's integrity, it is merely a recognition that information from some overseas authorities is not as readily available as is the case in Australia.

Mr Clarko: Why not get the general manager of Victoria Co to write and tell you the same things? Do not call it a compliance committee.

Mrs BEGGS: It is a compliance committee because under the agreement if it does not report changes to the structure of the company, in this State and in other parts of Australia, a severe penalty can be imposed.

The Gaming Commission should be commended for its negotiation of the compliance committee agreement, which certainly enhances the present regulatory controls of the casino and its operators in Western Australia. I am pleased that the commission was able to negotiate this agreement at the time of the sale of those units to the Victoria group because without that agreement it would be difficult to be assured of the ongoing integrity of the company.

McCUSKER REPORT - SPECIAL PROSECUTOR
Perth Office Space

263. Mr COURT to the Premier:

(1) Is it correct that the Government is currently looking for office space in Perth to house a special officer to undertake prosecutions arising from the McCusker report?

(2) Is the Government preparing to appoint a special prosecutor - as was the case in Queensland - to undertake the recommended prosecutions?

(3) If yes, is this structure the Government's answer to the public demands for a Royal Commission?

(4) Does the Government intend to avoid public pressure for a Royal Commission by appointing a special prosecutor to deal with the McCusker report which, as a matter of public record, deals only with a limited part of the WA Inc activities, and by appointing a partial inquiry into certain matters to be undertaken by the Auditor General or some other Government or parliamentary officer?

Dr LAWRENCE replied:

(1)-(4)

Good try.

Mr Lewis: What do you mean?

Dr LAWRENCE: Members know that the McCusker report will be tabled in this Parliament later this week.

Mr MacKinnon: We do not know that.

Dr LAWRENCE: The Leader of the Opposition knows the reasons that it is not tabled today.

Mr MacKinnon: We do not know that it is to be tabled later this week.

Dr LAWRENCE: Whenever - later this week or next week. The Leader of the Opposition and the Leader of the National Party know, and I understand have accepted, the reasons the report is not in this House. Perhaps they should communicate them to their members.

The Government's response will become a matter of public record and no doubt debate, and at an appropriate time clearly it will be made very public indeed following the Parliament's opportunity to examine the report. Members opposite have no doubt heard that as a result of the existing prosecutions arising from the McCusker report there is a need to mount a substantial effort which goes well beyond what is available through the legal officers currently available. I am not aware that they are seeking additional office space but, knowing the number of people already involved, I have no doubt that they need it.

RECYCLING - PUBLIC SECTOR PAPER RECYCLING CAMPAIGN
Other Products

264. Mr KOBELKE to the Minister for Services:

Has the Minister given consideration to extending the public sector paper recycling campaign to other products used by Government departments and agencies?

Mrs BUCHANAN replied:

I am pleased to say that the Department of Services, having organised the initiative to recycle waste paper from the public sector, is also considering several other products, such as oils and plastics.

For the information of members, I advise that the paper recycling campaign conservatively will earn taxpayers $150 000 through sales to the recycling company. It is anticipated that there will be additional savings insofar as paper is used more efficiently in the public sector. For example, fax cover sheets can be recycled and paper printed on one side can be reused for photocopying draft documents. For the benefit of members, I will arrange for guidelines for the recycling of paper to be forwarded to all parliamentary officers, and I encourage members from both sides of the House to become part of our recycling drive.

I noted with great interest that a few days after the announcement of the paper recycling campaign the Liberal Party spokesman on the environment proposed a plan to recycle waste products in Government departments, and mentioned the very products which I had already noted in my statement of 7 August. It is pleasing that the Liberal Party is joining the Government in encouraging recycling in the community, even though in some cases it is limited to the extent of recycling Government media statements.

TREASURY DEPARTMENT - BUDGET 1990

Consultant Employment

265. Mr COWAN to the Premier:

Has the Government engaged the services of consultants or other persons from outside State Treasury to assist Treasury officials in framing the 1990 Budget?

Dr LAWRENCE replied:

I am not aware of that happening. Chief executive officers and departments can arrange from time to time for consultants to be employed. That applies to any department so long as the employment is arranged properly. I am not aware of anyone employed at senior level as a consultant directly by the Government; that is, the ministry or the Treasurer for that purpose. It is quite possible that Treasury has employed consultants as most departments do from time to time. I would be misleading the member if I said that this never happened, but I am not aware of any consultants employed by Treasury at present to assist in framing the Budget. If such consultants have been employed, it is certainly not with my approval.

TEACHERS - WAGE AGREEMENT

Anomalies

266. Mr TUBBY to the Minister for Education:

(1) Since ratification of the memorandum of agreement which provided teachers with their second tier wage increase, what action has the Minister taken to address the anomalies which have arisen?

(2) In particular, what does the Minister intend doing about the regulation 188 teachers who lost $7 a fortnight and the senior teachers who gained a pittance but who lost their relativity to positions with similar responsibilities and duties?

Dr GALLOP replied:

(1)-(2)

The member for Roleystone seems to have some difficulty in understanding the wage agreement entered into between the State School Teachers Union and the Government. The matter went to the Industrial Relations Commission where it was ratified and endorsed with a couple of small amendments. It is not the Government which awards wage rises in this area but, ultimately, the Industrial Relations Commission.

As a result of that wage agreement, which was accepted by the commission, some changes have occurred in relativities. The member referred to a couple of those changes in his questions. Those relativities were expected to change because under the basis of the work value principles adopted it is understood by all parties in the industrial relations system that traditional, historical relativities have to be upset, otherwise there is no way in which the commission can award a wage increase. That is what happened.

In asking what we would do about the anomalies, the member assumes there are some anomalies. In fact, the commission has endorsed the increase and given those increases to the teachers on the basis of the submission we made. Therefore, I find the question somewhat confusing.

Mr Tubby: The Minister is the employer and a party to the agreement. He said that no teachers would be worse off under this agreement.

Dr GALLOP: They are not.

Mr Tubby: That is a blatant lie. They are!

The SPEAKER: Order! The member for Roleystone is not to use that terminology.

Dr GALLOP: A flow on from the wage agreement may have some relevance to what the member is asking. It is part of the wage agreement that in consultation with the State School Teachers Union we will work out proper job descriptions for each of the categories that exist in what we have determined for the wage package. We are to sit down and do that with the Teachers Union, certainly in relation to senior teachers. That is an important issue and I hope that the member for Roleystone, given his background and his belief in and support for the education system, will urge senior teachers - who are a small part of the system, about five per cent - not to engage in any industrial action in an attempt to pursue their objectives. We believe that would certainly not be in the best interests of the teaching profession, students or the schools. For our part we are committed to looking at their job descriptions and facilitating a speedy resolution of that process.

Mr Clarko: They have been sold short.

Dr GALLOP: The member for Marmion has not had an idea on education for many years. The Government does things but all he does is nit pick. The Government will be consulting the Teachers Union on the question of job descriptions because it agreed to do that in the wage agreement. That process is well in train.

TAFE - SOUTH EAST METROPOLITAN COLLEGE
Thornlie, Carlisle and Bentley Colleges Funds

267. Mr KIERATH to the Minister for Productivity and Labour Relations:

(1) Is the Minister aware that the cluster director of the South East Metropolitan College of TAFE has obtained approximately $9 000 from the Thornlie, Carlisle and Bentley colleges?

(2) Was the purpose of that money to obtain a vehicle for use by the director?

(3) Did the money have to be removed from existing funds?

(4) Was the Thornlie college money taken from the certified retraining fund?

(5) Does the use of certified retraining funds for purchase of vehicles meet with the Government's policy on financial arrangements?

(6) What action does the Minister propose to rectify this anomaly and to ensure that it does not happen again?

Mr TROY replied:

(1)-(6)

Certain vehicles were purchased during the past year as a result of TAFE operations moving into clustered arrangements with regional emphasis. This was necessary to have mobility to fully put that into effect.

Mr Kierath: Was it budgeted for?

Mr TROY: I will finish my answer. The member will find in relation to those funds that there is a degree of flexibility at each college where they can be used in a discretionary way. To my knowledge no budgeted provision for a retraining fund certified by the Parliament or me has been tampered with or misused, as the member is suggesting. I will certainly have the matter clarified, but to my knowledge that is not the case.

REGISTER OF FOREIGN OWNERSHIP - LEGISLATION IMPLEMENTATION DATE

268. Mr HOUSE to the Premier:

Can the Premier give a more precise date than that given in her Press release

as to when she will introduce legislation to enable the establishment of a register of foreign ownership in Western Australia?

Dr LAWRENCE replied:

I am pleased that the member has asked this question. I cannot give a precise date for introduction of the register but it will be early in the next session of Parliament. We hope that the implementation date will be at the beginning of the next financial year. Therefore, it will need to be cleared through the Parliament by the end of June.

AIDS - WESTERN AUSTRALIAN AIDS COUNCIL (INC)
Publication Distribution Concern

269. Mr NICHOLLS to the Premier:

(1) What is the Government's policy regarding the booklet being distributed by the Western Australian AIDS Council, which has been the subject of considerable public concern recently?

(2) Does the Government support this type of material being circulated in the community?

(3) Does the Government support literature supporting homosexuality being used in any program or for any purpose which is funded by the taxpayers of this State?

Dr LAWRENCE replied:

(1)-(3)

I am a little surprised that this question was directed to me as I am not the Minister for Health, who is responsible for this matter.

Mr Nicholls: The Premier is in charge of Government policy.

Dr LAWRENCE: On that basis I could be asked questions about any matter and clearly that is not the intention otherwise it would be necessary for me to be briefed on every matter under the control of every Minister at every moment in order that I could sensibly answer questions without notice. I do not think that is required of any Premier, or of any member of the House.

However, I am happy to tell the member that I am aware of the disquiet caused to some sections of the community by that publication. I have not seen it. The Minister for Health is responsible for this matter and clearly takes that responsibility. Therefore my answer is perhaps less informed than it would have been had I seen it. It is important to recognise the fact that when the material is directed at high risk groups, whether drug users or homosexuals, one needs to do that in a way and using a medium that is likely to reach them.

We are talking about AIDS, the most serious disease to ever confront this community. While from time to time both the member for Mandurah and I would probably disagree with the technique used - and I will certainly make it my business to examine that publication - nonetheless we must recognise the fact that one needs a method and form of communication that will be received by the people with whom we wish to speak.