

Legislative Council

Thursday, 12 November 1992

THE DEPUTY PRESIDENT (Hon Garry Kelly) took the Chair at 2.30 pm, and read prayers.

MOTION - STANDING ORDERS SUSPENSION

Address to Lieutenant Governor and Administrator - Berinson, Hon J.M., Commission Withdrawal Call

HON J.M. BERINSON (North Metropolitan - Leader of the House) [2.30 pm]: I move without notice -

That Standing Orders be suspended to the extent necessary to enable consideration forthwith of motion No 1, Address to Lieutenant Governor and Administrator.

I will be brief. I hardly need to remind the House that it has previously insisted that the subject matter of the motion is urgent. That was against my own views. It involved the unusual step of a disagreement with the ruling of the Deputy President. Nonetheless that is the position arrived at by resolution of the House. In those circumstances it is appropriate that we allow debate to conclude and be determined at the first opportunity, which is now. I need only add that I have given advance indication of my intention to the Leader of the Opposition, the Leader of the National Party and Hon Reg Davies.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [2.33 pm]: The Opposition is pleased to support this motion. For some days we have argued that there is urgency attaching to it. Rather than have any other matter dealt with by the Parliament before this matter, we are pleased to have Standing Orders suspended to enable debate.

Question put and passed with an absolute majority.

MOTION - ADDRESS TO LIEUTENANT GOVERNOR AND ADMINISTRATOR

Berinson Hon J.M., Commission Withdrawal Call

Debate resumed from 5 November 1992.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [2.34 pm]: Yesterday afternoon before the one hour rule elapsed I indicated to the House that I was pleased with the contributions that were made in support of this motion, a very important motion which calls on the House to advise the Governor of the terms of an earlier motion passed by this House more than a week ago. In summing up I draw the attention of the House to some of Hon Joe Berinson's final comments in opposition to this motion.

It seems to me that Hon Joe Berinson was trying to convince himself, if not the House, that he at no time has misled the House. It is clear from the evidence that has been put before the House that not only has Hon Joe Berinson methodically misled the House but also he has participated in a course of deception of the public and the undermining of public confidence in appointments to senior Public Service positions, particularly the appointment of Len Brush as chairman of the State Superannuation Board. By majority vote the House has found that Hon Joe Berinson was grossly negligent in various matters connected with his dealings with the Bell convertible note purchase, with the purchase by the State Government Insurance Commission of shares in the Bell Group and for failing to take advice in respect of the SGIC's obligation to comply with the takeover code with regard to the Bell share purchase.

By majority vote the House agreed to the proposition that Hon Joe Berinson failed to ensure that Mr Connell executed an appropriate enforceable guarantee in accordance with the oral undertaking that was given by Mr Connell. As members will recall, Hon Joe Berinson, with two other Ministers, met to discuss this matter and agreed on the terms of the Rothwells rescue.

The motion that was carried more than a week ago in this House concluded that Hon Joe Berinson had shown a total disregard for the law, had failed to enforce the law and had participated in improper practices. This House also found that he was responsible for a massive waste and loss of public funds in the deals that were designed to hide the truth of the

Government's involvement in Rothwells and many deals were shown to be no more than attempts to secure the re-election of the Australian Labor Party in this State.

All those matters have been discussed in this House. The House has voted on that motion and it is important now that His Excellency the Governor be advised in terms of the motion before the House. It is not good enough for Hon Joe Berinson to stand here and continue to deny the truth of these matters which have been carried by majority vote in this House. Hon Joe Berinson can deny his involvement day after day, month after month; but the facts are that the evidence of the Royal Commission, when compared with the comments and answers to questions given by Hon Joe Berinson in this place, indicates that the House was correct when it carried a motion that Hon Joe Berinson had methodically misled the Parliament.

In respect of the contribution by Hon Reg Davies, he argued yesterday that we live in a democracy. Rather than this House carry the motion that Hon Reg Davies supported nearly two weeks ago - the condemnation of Hon Joe Berinson which called for the resignation of a Minister - Hon Reg Davies now argues that the Governor should not be advised formally of the original motion on the basis that the matter be resolved by a State election and the people will decide the future not only of the Government but also of Hon Joe Berinson. I remind the House that Hon Joe Berinson has on numerous occasions confirmed that he does not intend to stand at the next State election. Any general election will certainly not indicate, one way or the other, the community's feelings about Mr Berinson.

The motion is truly one that needs to be carried by the House. It gives expression to the will of this House and it would be quite wrong to set the motion aside in the false hope that in due course a general election will reflect the community's abhorrence of this Government's losing thousands of millions of dollars.

As I said yesterday, if we fail to carry this motion it will be like leaving the fox in charge of the chicken coop. If we do not carry this motion Mr Berinson will be entitled to continue as a Minister and make all the decisions of a Minister and, no doubt, continue to advise the Government as he has done for the last 10 years on Government dealings at a cost to this community of thousands of millions of dollars.

I ask members to support the motion. It is time the fox was taken out of the chicken coop and exposed for the damage, destruction and huge loss of taxpayers' money which he has caused to this State.

Division

Question put and a division taken with the following result -

Ayes (16)		
Hon J.N. Caldwell	Hon P.H. Lockyer	Hon W.N. Stretch
Hon George Cash	Hon Murray Montgomery	Hon Derrick Tomlinson
Hon E.J. Charlton	Hon N.F. Moore	Hon D.J. Wordsworth
Hon Max Evans	Hon Muriel Patterson	Hon Margaret McAleer
Hon Peter Foss	Hon P.G. Pandal	(Teller)
Hon Barry House	Hon R.G. Pike	
Noes (16)		
Hon J.M. Berinson	Hon John Halden	Hon Tom Stephens
Hon T.G. Butler	Hon Kay Hallahan	Hon Bob Thomas
Hon Kim Chance	Hon Tom Helm	Hon Doug Wenn
Hon Cheryl Davenport	Hon B.L. Jones	Hon Fred McKenzie
Hon Reg Davies	Hon Mark Nevill	(Teller)
Hon Graham Edwards	Hon Sam Piantadosi	

The DEPUTY PRESIDENT (Hon Garry Kelly): The voting being equal, I give my casting vote with the Noes.

Question thus negatived.

**LEAVE OF THE HOUSE - TABLING PAPERS ON CORRECTIVE
SERVICES DEPARTMENT**

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [2.47 pm]: I seek leave of the House to table a paper which relates to certain construction and tendering practices in Western Australian prisons.

HON J.M. BERINSON (North Metropolitan - Leader of the House) [2.48 pm]: Mr Deputy President, could I suggest that consideration of this be given at a later stage of this day's sitting after I have had the opportunity to consider the nature of the paper which the Leader of the Opposition seeks to table.

Hon George Cash: It is a report you do not seem to be able to get hold of. I am trying to table it on your behalf.

The DEPUTY PRESIDENT: Order! There is no motion before the House. If the Leader of the Opposition is prepared to raise this matter at a later stage it can be considered.

Hon George Cash: I have sought leave to table a document which comprises documentation on adverse practices in prisons throughout Western Australia, particularly in relation to construction and tendering procedures.

The DEPUTY PRESIDENT: Is leave granted?

Hon J.M. BERINSON: At this stage, no, but I would be prepared to consider it later in the day if the motion is moved at a later stage. That would give me an opportunity to consider the paper. At this stage leave is not granted.

The DEPUTY PRESIDENT: Order! Once leave has been refused for a particular purpose it cannot be requested again.

Hon George Cash: At this day's sitting?

The DEPUTY PRESIDENT: That is right.

Point of Order

Hon D.J. WORDSWORTH: If Hon George Cash happened to quote from the document, could I require it to be tabled?

The DEPUTY PRESIDENT: For that to happen there must be a debate.

Business Resumed

The DEPUTY PRESIDENT: The Leader of the Opposition has sought leave to table a document: Is leave granted?

Hon J.M. BERINSON: No.

Leave denied.

Hon George Cash: It is an absolute sham on your behalf. You know it is a document you will not table.

Several members interjected.

Hon Tom Stephens: You are a fraud.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Several members interjected.

Hon J.M. Berinson: I made you a fair offer -

The DEPUTY PRESIDENT: Order! The Leader of the House will come to order.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Point of Order

Hon P.H. LOCKYER: On a point of order -

Hon Tom Stephens: The Deputy President is on his feet. You are out of order.

The DEPUTY PRESIDENT: Order! Hon Tom Stephens will come to order. I will consider the point of order when I have had my say. I do not want to hear interjections like that for the rest of this sitting. The Leader of the Opposition sought leave to table a document and leave was refused and that is the end of the story.

Withdrawal of Remark

Hon P.H. LOCKYER: During that outburst Hon Tom Stephens referred to the Leader of the Opposition as a fraud. Mr Deputy President, in keeping with your ruling earlier this week that remark is unparliamentary and the member should be asked to withdraw it.

The DEPUTY PRESIDENT: I will not become involved in a debate on what is parliamentary or unparliamentary. I ask the member to withdraw it.

Hon TOM STEPHENS: In the context where it was used all day yesterday by Hon George Cash about other members and he was not asked to withdraw it, does it make it unparliamentary -

The DEPUTY PRESIDENT: Order! I said I am not prepared to get into a debate on whether it is parliamentary or unparliamentary. We are not talking about yesterday; we are talking about today. Hon Philip Lockyer has asked that the remark be withdrawn and I request that the member withdraw it.

Hon TOM STEPHENS: In deference to the new found sensitivities of Hon Philip Lockyer -

The DEPUTY PRESIDENT: Order! I asked the member to withdraw it.

Hon TOM STEPHENS: I withdraw it.

URGENCY MOTION - KENNETT GOVERNMENT INDUSTRIAL RELATIONS POLICY CONDEMNATION

WA Liberal Party Policy, Similarities

THE DEPUTY PRESIDENT (Hon Garry Kelly): I have received the following letter from Hon Tom Helm -

Dear Deputy President,

Pursuant to Standing Order 72, I give notice that at tomorrows sitting I shall move that the House, at its rising, adjourn until Saturday November 28 1992 at 8.00 am for the purpose of discussing the following motion -

That this House

1. condemns the Kennett Government for its attack on workers' rights and notes the similarity between the Victorian Government's industrial relations policy and the recently released WA Liberal Party industrial relations policy; and
2. calls upon the State Opposition to unconditionally guarantee it will not abolish -
 - (a) holiday leave loading;
 - (b) penalty rates;
 - (c) permanency in the public sector;
 - (d) freeze superannuation benefits;
 - (e) remove the right to strike; and
 - (f) impose common law penalties for industrial action.

Yours Sincerely

Hon Tom HELM MLC

MEMBER FOR MINING & PASTORAL REGION

The mover of this motion will require the support of four members.

[At least four members rose in their places.]

HON TOM HELM (Mining and Pastoral) [2.52 pm]: I move -

That the House, at its rising, adjourn until Saturday November 28 1992 at 8.00 am.

The purpose of this urgency motion is to allow the House to record its congratulations to the workers of Victoria and their families for the magnificent solidarity they exhibited when 100 000 of them gathered in the streets of Melbourne.

Several members interjected.

The **DEPUTY PRESIDENT**: Order! This debate has just commenced, so let it do so with a bit more decorum than is presently being exhibited.

Several members interjected.

The **DEPUTY PRESIDENT**: Order! I asked that this debate start with a bit of decorum, yet as soon as I sat down Hon Tom Helm and Hon Philip Lockyer exchanged views across the Chamber. They will please desist.

Hon TOM HELM: As I was saying when I commenced my speech, this is an opportunity for this House to record its congratulations to the workers of Victoria and their families who demonstrated so ably in the streets of the city of Melbourne their opposition to the ambush of the Kennett Government and recorded their dismay at the industrial relations provisions forced on the people of Victoria by stealth. One hundred thousand people demonstrated on the streets of Melbourne.

Several members interjected.

The **DEPUTY PRESIDENT**: Order! I have asked members to give Hon Tom Helm an opportunity to put his case. Other members can rise later and have their say, but at present he has the call.

Hon TOM HELM: I cannot understand why the Opposition is so upset. The fact is that the motion is asking Hon Philip Lockyer and his colleagues on the other side of the House whether they agree with what Kennett has done and whether they intend to do the same thing. Will they tell us who wrote the Liberal Party policy recently released? I will come to Hon Philip Lockyer and Dudley Maslen, the contender for the seat of Northern Rivers, in the course of my contribution. If they pin their ears back they will hear what I have to say and will be able to respond and tell the House exactly what is the position of the Opposition.

Several members interjected.

The **DEPUTY PRESIDENT**: Order!

Hon TOM HELM: In answer to Hon Philip Lockyer's unruly interjection, about two weeks ago he shook his head and said to me in the corridor that I was gone for all money, and that I was definitely gone now. I was inclined to agree with him. However, we knew that the Libs would get their foot in their mouth or shoot themselves in that foot.

Several members interjected.

The **DEPUTY PRESIDENT**: Order! Hon Philip Lockyer will come to order.

Hon TOM HELM: When Hon Philip Lockyer said that to me I put to him, as I do again now, that old Jeff Kennett was coming over the hill with the banners flying to the rescue of the Labor Party.

Several members interjected.

The **DEPUTY PRESIDENT**: Order! I am fairly reasonable when it comes to the level of interjections during a debate. However, if matters continue as they have been going this debate will degenerate into chaos. I have already asked members to cease their continuous interjections. If they wish to interject they should do so concisely and relevantly and not engage in a constant barrage of remarks across the Chamber. If members wish to say something about the substance of the motion, they will be able later to rise and seek the call to do so. It may be that those now interjecting will have a little trouble getting the call when that happens.

Hon TOM HELM: This cacophony is coming from the Opposition because when the time comes for them to get on their hind legs and make a contribution to this debate I suspect they will be silent. This Liberal Party through its aspiring Premier and front bench is bound to

come to the rescue of the Labor Party. The Labor Party was in its darkest hour but could look for the light at the end of the tunnel. There it was, the Liberal flag waving for us. We know we can do as much as we like in this State and nation because as sure as eggs the Liberal Party will be there and will say or do something that demonstrates to the people of this State and nation that it has no right to be in Government. It has demonstrated this through Kennett. It has demonstrated through him what the Liberal Party is about - it says one thing one minute and another the next.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon TOM HELM: In answer to the unruly interjections from Hon Philip Lockyer I will bring to the attention of the House an article from *The Northern Guardian* which appeared under the Liberal flag. It was written by Phil Lockyer - no, it was written by Dudley Maslen! I make clear that it was not written by Hon Philip Lockyer but by Dudley Maslen.

Several members interjected.

The DEPUTY PRESIDENT: Order! I am seeking to be reasonable and keep this debate on the road. I ask members to cooperate and to stop their constant barrage of interjections. Members on the second string front bench should also stop their little conversations across the Chamber. That would be appreciated greatly. Let us hear from Hon Tom Helm in reasonable silence.

Hon TOM HELM: Thank you for your protection, Mr Deputy President.

The DEPUTY PRESIDENT: Order! I ask Hon Tom Helm to address his comments to the Chair.

Hon TOM HELM: I always do.

The DEPUTY PRESIDENT: The member should continue to do so.

Hon TOM HELM: As I was saying before I was so rudely interjected upon, this article was not written by Hon Philip Lockyer but by Dudley Maslen because it says so at the top of the article. I will read a paragraph of the article so that people can understand what some sections of the Liberal Party are saying and maybe what they will all say when they respond to my remarks. The article states -

As in Victoria, the chickens are coming home to roost, and we have to accept our share of the blame, and the pain, if we are ever going to get this State back where it belongs. I hope Western Australians will be mature enough to realise that the privileges of 17.5% loadings, penalty rates on weekends, sickies and the like are no longer affordable -

Sickies are no longer affordable -

- and accept the fact that early self-discipline and self-sacrifice is far better than inevitable depression, if such luxuries are further squandered.

Let us remember what he said about leave loadings, penalty rates and sickies. Do members remember what happened in Victoria? When Kennett brought down his industrial relations Bill he was not too sure about it because it involved 80 amendments. He gave himself and his Ministers a pay rise after that! However, we must be mature and accept the pain. We must have self-discipline and self-sacrifice. Kennett said the same thing - the workers who are responsible for the mess that Victoria is in must be disciplined, yet the Ministers received an \$8 000 a year rise. What did we hear last night in this Chamber? These are the chickens that we must keep away from people, or are they the turkeys who talked about giving chairmen of committees and members of committees an opportunity for a pay rise? That is, members of Parliament doing their jobs deserve extra money! I speak as chairman of a committee, but the Liberals have been saying that the workers must pay and that society cannot afford sickies.

Several members interjected.

The DEPUTY PRESIDENT: Order! Hon Norman Moore and Hon Sam Piantadosi will stop their conversation across the Chamber.

Hon TOM HELM: The society in which we live cannot afford to allow sickies, but we are

told by the Liberal Party that society can afford for people such as me, a chairman of a committee, and members of committees, to have a wage rise. We say, "No way, Jose!" There is no chance that we will go for a pay rise while people are being asked to make a sacrifice, while the accord is still in place, and while the working people in this State are accepting a 13 per cent cost of living decrease as a result of the cooperation of the trade union movement.

Several members interjected.

Hon TOM HELM: I hope that some of the useless interjections being made will be repeated when the members rise to speak.

The DEPUTY PRESIDENT: Order! I have asked Hon Sam Piantadosi and Hon Norman Moore not to have a private conversation across the Chamber, yet they continue. If they want to make interjections they should interject precisely and relevantly. I do not want to hear a constant barrage or a monologue.

Hon TOM HELM: The question addressed by the motion deserves to be answered. It is the quietest launch of any policy statement I have seen anywhere. The reason it is being kept quiet is because it does not contain very much. It does not say, as Kennett says, that no worker will lose one dollar in wages as soon as a Bill comes before the House. It does not say that a Bill will come before the House at 4.00 am, at the same time as a wage rise is pushed through for members of Government. It says nothing like that. Page 1 of the policy document launched recently by the Western Australian Liberal Party is interesting. I notice it is not called "Jobback", "Fightback", or "Lookback", or "Back to the Future". It is called "Jobs and Choices".

Hon P.G. Pandal: They would be foreign words to you!

Hon TOM HELM: They would be, because I have spent some time unemployed. The member is correct. He is a very hurtful person. The same goes for Hon Peter Foss. If they had spent time unemployed they would understand the connotations that has.

Hon Derrick Tomlinson: It is so true of your Government which has created the country's worst unemployment situation since the Depression.

Hon TOM HELM: That is a joke! Members opposite are users -

The DEPUTY PRESIDENT: Order!

Hon TOM HELM: They will use unemployment either as a political tool or as a joke, never having experienced unemployment. We should return to the motion, although I know members opposite do not want to debate it. They are embarrassed by it.

The DEPUTY PRESIDENT: Order! Hon Tom Helm! The member should direct his remarks to the Chair.

Hon TOM HELM: I did not know whether members opposite could hear me, Mr Deputy President. At that bottom of page 1 of the document it reads -

The new system of reform will be carefully managed, and all employees will be protected by a safety net of legislated minimum conditions.

We are supposed to be comforted by legislated minimum conditions. That is the same as saying that today we do not have legislated minimum conditions. The policy statement is no different from the policies in place today, with one very important exception; that is, the minimum is not stated. Even if people were to agree with that first page comment, surely they are entitled to ask, "What is the minimum?" I am very aware of the offer of the Prime Minister to the Federal shadow Minister for Industrial Relations, John Howard, to give him a parliamentary draftsman to draft a Bill. I am sure we could offer the same thing to the State Opposition. Members opposite should tell us what they mean by minimum wages. Do they mean \$3 an hour for youth wages, or less? They are silent. Members opposite do not know what they are talking about.

Hon P.G. Pandal: We are not allowed to interject.

The DEPUTY PRESIDENT: Order! I suggest to Hon Tom Helm that members are silent because members of the Opposition know that to interject is highly disorderly.

Hon TOM HELM: You are right again, Mr Deputy President. How can I doubt what you

say? We have then a legislated minimum but no-one knows what it is. No-one knows how much anyone will get under this supposed new scheme - which is no different from what we have now because awards contain minimum wages. The second page of the document states -

The new approach will examine the introduction of individual employment contracts.

As we know from the New Zealand experience, employment contracts can mean many things to many people. If a person happens to be a 16 year old entering the work force that person will be faced with an employer - small or large - who will be much more mature than the employee. The young person will be expected to negotiate with the older person - be that an industrial relations person, an officer of a large company or the owner of a small business. Nonetheless the Liberals will examine the introduction of individual employment contracts. Why are they not honest? Why do not they tell us that the New Zealand experience is the way they want to go? They want individual contracts, and I am sure my comrade, Hon Doug Wenn, will be able to describe the outcome in New Zealand.

Hon W.N. Stretch: In New Zealand, five per cent of the work force have less wages; 95 per cent have the same or more.

Hon TOM HELM: Perhaps the member will be able to respond when he gets to his feet and say whether that five per cent is the highest earning five per cent or the lowest earning five per cent. In other words, is that the highest saving to the economy that can be made or is it the lowest? Perhaps he can say when he gets to his feet, but I suggest that it is the lowest. The savings are minimal. That will not apply to the politicians; they are in the land of plenty.

Hon Peter Foss: Are you stating that or are you suggesting it?

Hon TOM HELM: I am suggesting it.

Hon Peter Foss: You don't know?

Hon TOM HELM: How can one respond to a question when a member has said that only five per cent of the population is earning less wages? It is comforting to be part of that 95 per cent. I am glad I am not part of the five per cent, who are those on the lower wage scale. On page 6 of the policy statement -

Hon Derrick Tomlinson: To what are you referring?

Hon TOM HELM: It says, "Statement of Principles to Maintain the Rule of Law".

Hon Derrick Tomlinson: Who is the author, and when, where and why was it published?

Hon TOM HELM: It is not signed, so nobody has claimed to be the author.

Hon Derrick Tomlinson: Will the member read the cover so I that can make an interpretation?

Hon TOM HELM: For the sake of the slower members in this Chamber, it is titled "Industrial Relations - Jobs and Choices - Liberal Policies for the 1990s and Beyond" and it was released in October 1992. It has a Liberal Party flag on the cover and the words "Liberal Western Australia". It does not have any pictures in it.

Hon Murray Montgomery: Is that why you are having trouble understanding it?

Hon Peter Foss: We cannot afford them. We pay for our own documents.

The DEPUTY PRESIDENT: Order! Hon Peter Foss will come to order.

Hon TOM HELM: It is a statement of Liberal Party principles. If any member of the Opposition dares to respond to the questions I am raising he should do so after I have finished. The policy statement says that the Liberal Party will maintain the rule of law. Is that the rule of law that affects the right to strike? Is that following the Kennett Government's track in Victoria where strikers will be liable for a \$1 000 a day penalty? Is that is the kind of law that the Liberal Party will maintain and improve upon?

Hon T.G. Butler: Is that in their policy?

Hon TOM HELM: That is the Kennett industrial relations policy; there is nothing in the Liberal Party policy document. I am trying to highlight the similarities of the WA Liberal Party policy on industrial relations - that no-one claims authorship of, and no member

opposite has said by way of interjection that it is not their policy - and the Kennett industrial relations policy and what happened in Victoria. Questions need to be asked of the Opposition in this State. The people of this State deserve answers. We are heading towards an election yet the Liberal Party had the quietest launch of any industrial relations platform I know of.

Hon N.F. Moore: There was a function attended by 200 people.

Hon Peter Foss: Mr Helm is talking nonsense.

Hon TOM HELM: The Opposition is quiet about its policy -

Hon N.F. Moore: We are not quiet about it, drip.

Hon TOM HELM: - because of what Kennett did in Victoria.

Hon N.F. Moore: It was a huge launch and every media outlet was asked to attend.

The DEPUTY PRESIDENT: Order! I ask that the continual interjections stop. If members disagree with the member who has the floor, they should try to get the call after he sits down.

Hon TOM HELM: Page 3 of the Liberal Party's policy document states that, under Liberal plans, employees will be free to choose union association involvement and that union and non-union members will be allowed equal status in and input to the work environment. We must clarify this point. Does that mean equal pay and equal status? Those are important issues and in many ways they are very similar. Mr Deputy President, if you and I were working on the same production line producing the same goods and had the same level of experience it would be fair for us to receive the same pay and conditions. However, page 2 of the Liberal Party's policy document says that the Liberal Party will examine the introduction of individual employment contracts. How will the Liberal Party determine equal pay and equal status when each worker must sign an individual contract? How can that be done while the trade union movement will not have any status within the workplace of the future, as envisaged by the Liberal Party? Would members' opposite tell me if I am wrong?

Hon N.F. Moore: Where does it say that?

Hon TOM HELM: It does not say anything.

Hon N.F. Moore: Of course it doesn't say it; the member should read what it says.

Hon TOM HELM: The Opposition's policy does not say anything. Does the Opposition mean it will not go down the track of individual contracts -

Hon N.F. Moore: It means if you want to do that you can.

Hon TOM HELM: - and that it will not adopt the policy that it will be illegal for a worker to tell his work mate what his contract contains? The Liberal Party must explain to the people of this State exactly what it does mean, because it is not in this policy document.

Hon P.G. Pandal: The Labor Party wants to protect the power of the trade union bosses.

The DEPUTY PRESIDENT: Order!

Hon TOM HELM: I would like the interjector to demonstrate that when he makes his contribution to this debate; if he can, I will cop it. I would also like members to examine the stupid statement that was made by way of unruly interjection. Why would I want to protect any boss anywhere? It is not a matter of protecting what is already in place; it is a matter of protecting people from the things that Kennett did not lay down and that they were not aware of. The difference between Kennett and Thatcher is that Thatcher said quite clearly to the people of Great Britain what she would do. The British Labour movement did not believe her; that was the bottom line. Kennett's industrial relations policy outlined the Liberal-National coalition's policy and it said not one thing about removing the holiday loading.

Hon P.G. Pandal: That is better than what happened under the Labor Government.

The DEPUTY PRESIDENT: Order! Hon Phil Pandal will come to order. If the member feels strongly about the issue he should take a chance and try to get the call when Hon Tom Helm finishes.

Hon TOM HELM: Kennett deliberately lied; not once but twice. He not only said that workers would not lose a dollar through his industrial relations system, but also did not say

that he would improve the pay and conditions of his Ministers. I am trying to get to the bottom of the industrial relations policy of the Liberal Party in Western Australia coming up to an election. It would be interesting to know.

Hon Sam Piantadosi: Its front bench will get a 30 per cent pay increase.

Hon N.F. Moore: Would you care to tell us what you mean by that? Can you substantiate that?

Hon TOM HELM: Page 4 of the industrial relations policy of the Liberal Party mentions the Industrial Relations Commission, which we are led to believe will be abolished if the Liberal Party - God forbid - gets into power.

Hon N.F. Moore: Is this after we get elected?

Hon Sam Piantadosi interjected.

The DEPUTY PRESIDENT: Order! Hon Sam Piantadosi and Hon Norman Moore will cease their private conversation. If they want to talk, they should go outside.

Hon TOM HELM: The Liberal Party's policy document states that "modest fees may be considered for some commission services". No-one is precluded from using the Industrial Relations Commission at the moment; that includes an employer or an employee who cannot afford to pay for such a service.

Hon P.G. Pendal: Is that tie choking you?

Hon TOM HELM: Is something wrong with the member's eyes?

Hon P.G. Pendal: Sooner or later I will.

Hon TOM HELM: Will the WA Liberal Party policy impose a fee for service for anyone who wants to go to the commission? Under the Liberal Party's proposal an 18 year old who has just entered the work force and has gone to the commission because he has been unfairly dismissed will have to pay for the service. In the olden days, when unfair dismissal cases were dealt with, it was a matter of industrial disputation. However, we are now in a civilised age and people can go to the commissioner and have him or her hear the case and have a determination with which both sides agree. Is the Liberal Party saying under this proposal that if people can afford to go to the commission and get a fair hearing and a fair judgment they can do so? The Federal policy of the Liberal Party provides that an employee advocate and a public servant be appointed to look after the interests of workers.

Hon Peter Foss: A public servant to look after the interests of the Government.

Hon TOM HELM: My inquiries with the trade union movement indicate that it has about 250 full time union officials in this State who take care of the aspirations and worries of workers. They attend before the commission, chase up issues of work safety and service the membership of the union. I do not know what proposal the State party has; I suspect that it does not know what it is doing. However, a proposal has been put forward by the Federal party, at least, for a public servant to be appointed to replace those union officials. Is this State to do as Kennett did; that is, sack 8 000 public servants? I keep calling him Kermit, and I apologise for that, because he reminds me of someone with no brains. I should not do that and I will not do it purposely.

Hon Peter Foss: That would be unparliamentary.

Hon T.G. Butler: You certainly cannot call him Hon Jeff Kennett.

The DEPUTY PRESIDENT: Order!

Hon TOM HELM: The proposal of the State and Federal Liberal Parties is to employ at least another 250 more people to look after the rights of the working people of this State. That is a wonderful idea, but members can forget it. I do not know whether they do it in Russia yet; in fact, I do not know whether they do that in other countries of the world yet. However, in this State the proposal is that instead of having elected union officials people will be elected in a democratic way.

Hon George Cash: What a joke.

Hon TOM HELM: I can hear the giggling pool from members opposite.

Hon George Cash: There is nothing more undemocratic than unions.

Hon TOM HELM: The people who are to be elected in a democratic way will be appointed by the Government in power at the time. That is not the reason and it never will be.

Hon T.G. Butler: Mr Moore has never agreed to unions. He does not believe that they exist.

Hon TOM HELM: Even when he was a member.

Hon Tom Stephens: He is one of the most dangerous conservatives in this House.

The DEPUTY PRESIDENT: Order!

Hon TOM HELM: By that inane laughter from Hon Norman Moore, he is perhaps casting aspersions on the Western Australian Electoral Commission which holds the ballots for union officials in this State. Perhaps he does not know that.

Hon N.F. Moore: Why don't you have secret ballots for going on strike?

Hon TOM HELM: After reading this proposal one can imagine how ignorant some of the members are on the other side of the House. I will give the member an example of a secret ballot. Recently in Port Hedland a strike was held by shire employees. To go on strike they held a secret ballot, and by far the majority of people who voted wanted to go on strike.

Hon Peter Foss: What is wrong with that?

Hon TOM HELM: Hon Peter Foss likes that. He does not care what happens as long as a secret ballot is held. I do care; I think secrecy is the bad side of the coin.

Hon N.F. Moore: Stand up and be counted?

Hon TOM HELM: When it was time to return to work, when the position had been resolved and a union official came from Perth and said that he had obtained the sorts of things for which everybody was hoping, the workers had another secret ballot. Guess what? They wanted to stay on strike. Let us not talk about secret ballots being the answer to industrial relations problems.

Hon Peter Foss: If they want to, that is their choice.

Hon TOM HELM: I agree with Hon Peter Foss. Surely if they want to, why do they not go on strike? If they want to, surely the role of people such as Hon Peter Foss and me is -

The DEPUTY PRESIDENT: Order! Hon Peter Foss and Hon Norman Moore are having a continual comment by way of interjection. I ask them to desist. They do not realise they are doing it, but I do not like it.

Hon TOM HELM: If Hon Peter Foss is in such favour of secret ballots why do we not have them in this Chamber?

Hon T.G. Butler: It sounds to me as if he would be in favour of that.

The DEPUTY PRESIDENT: Order! Hon Tom Butler is doing exactly the same thing about which I warned the members previously.

Hon TOM HELM: Why do we not have all our ballots for passing Acts of Parliament in secret?

Hon Peter Foss: Do you want me to tell you why?

The DEPUTY PRESIDENT: Order!

Hon TOM HELM: Hon Peter Foss raised the issue. I am asking a question -

The DEPUTY PRESIDENT: Order! I ask Hon Tom Helm to address his remarks to me; I will listen to him.

Hon TOM HELM: It gives me no greater pleasure than to speak to you, Mr Deputy President. However, I have fools on my right who cannot resist saying inane and stupid things. What am I supposed to do? Someone must teach them.

If secret ballots were such a good idea and were the panacea for industrial relations why do we not conduct them in this place?

Hon N.F. Moore: Because we represent the people.

Hon Tom Stephens: You represent money.

The DEPUTY PRESIDENT: Order!

Hon TOM HELM: A statement of strategy is made on page 9 of the industrial relations policy of the Liberal Party. It states -

However, when we study the strongest western economies (such as West Germany and Japan) and the fastest growing economies (such as Taiwan, Korea and Singapore) one single feature stands out above everything else - a focus on individual enterprises.

That also applies to individual contracts, etc. The evidence indicates that that is not the case.

Hon Peter Foss: The industry and enterprise.

Hon TOM HELM: Hon Peter Foss can use whatever name he likes; no-one is arguing whether there should be enterprises or individual unions. They are certainly not individual contracts; they are strong unions. I ask the House to support the motion.

HON DOUG WENN (South West) [3.27 pm]: I support the motion. I thank Hon Tom Helm for raising the matter and for giving members the opportunity to debate some of the debacles of the Opposition which members opposite will lay upon this State, if and when in about 20 years' time they get elected. I do not have a lot of time -

Hon George Cash: You have all afternoon because it was pretty clear that you tried to obstruct us then.

Hon J.M. Berinson: What are you talking about? He rose for the call, nobody else did, and he got the call.

Hon N.F. Moore: You are not going to let us respond to this outrageous claptrap.

The DEPUTY PRESIDENT: Order!

Hon J.M. Berinson: You are not up to it Mr Moore. Just remember the times that I have been cut out of a reply by you.

The DEPUTY PRESIDENT: Order! The Leader of the House will come to order. There must be something about Thursday afternoons. Hon Doug Wenn has the call; members should hear him in silence.

Hon DOUG WENN: It is obvious that members on the opposite side are yelling about time being taken up and wasted.

Hon N.F. Moore: We are wanting a chance to respond.

Hon DOUG WENN: A member gets only so much time and members opposite are using up all the time on interjections.

Hon N.F. Moore: You can have as much as you like as far as we are concerned; 43 minutes.

Hon DOUG WENN: The point was made yesterday about how long Hon Norman Moore has been sitting in that position. It was said that he was like a batsman who had come to the wicket. He has not even had a run yet; he is still sitting there holding the crease.

Hon N.F. Moore: I want to talk, but your leader is going to shut me up.

Hon DOUG WENN: When the member gets the chance he can get on with it.

Hon N.F. Moore: You have 43 minutes to go.

Hon DOUG WENN: Hon Tom Helm is right in raising this matter in the House to show the people of Western Australia what the members on the other side are about. There is no doubt that a national agenda has been set up.

Hon N.F. Moore: You would know about that.

Hon DOUG WENN: That is the beginning; Kennett has jumped the gun on them.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon DOUG WENN: Their own Federal leader has bucked against it because he has been caught out; he wanted to do it nationally.

Hon N.F. Moore: How can you say that with one million people unemployed?

The DEPUTY PRESIDENT: Order! I ask Hon Doug Wenn to direct his comments to the Chair. Perhaps, then, interjections will not be so frequent.

Hon DOUG WENN: For those who have an interest in how the New Zealand debacle has gone, Kennett has picked up the same bit of paper and attempted to do the same thing here.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order! One hour having elapsed since the time fixed for the meeting of the House, leave of the House is required for this debate to continue. Is leave granted?

Opposition members: Aye.

Hon J.M. Berinson: No.

Debate adjourned, pursuant to Standing Order No 195.

Opposition members interjected.

The DEPUTY PRESIDENT: Order! The Leader of the Opposition will come to order. Standing Orders provide for leave to be required for debate to continue past the hour. Leave has been refused and that is the end of the story.

Hon George Cash: Because we got conned again by Joe.

The DEPUTY PRESIDENT: Order! I ask the Leader of the Opposition to apologise. He is being discourteous to the Chair.

Hon George Cash: I apologise to the Chair.

Withdrawal of Remark

Hon J.M. BERINSON: As well as that, I require the actual statement to be withdrawn. Everyone in this House saw that no-one on the other side rose for the call. In spite of that, they are accusing me of conning people and they are not entitled to do that.

Hon George Cash: You are a con man.

Hon J.M. BERINSON: I ask for both comments to be withdrawn.

The DEPUTY PRESIDENT: The Leader of the House has asked for the two comments to be withdrawn.

Hon GEORGE CASH: Mr Deputy President, could you indicate to me -

Hon Tom Stephens interjected.

The DEPUTY PRESIDENT: Order! Hon Tom Stephens -

Hon GEORGE CASH: I do not know whether he wants me to withdraw that he is dishonest or that I called him a con man.

The DEPUTY PRESIDENT: Order! I do not need any assistance from Hon Tom Stephens. I will handle the point of order. Will the Leader of the House please indicate the words he wants withdrawn.

Hon GEORGE CASH: That he is dishonest or that he is a con man.

The DEPUTY PRESIDENT: Order! The Leader of the Opposition will come to order. I do not know what is wrong with the House this afternoon. When the Presiding Officer is on his feet, no-one speaks.

Hon J.M. BERINSON: In the face of the Opposition's own incompetence in failing to rise to speak, firstly, the Leader of the Opposition said I had conned the Opposition and, secondly, called me a con man. I did nothing; I just sat, the same as they sat. They are caught out by their own incompetence and they want to blame me for conning them. That is utterly unacceptable and unparliamentary and I ask that both references be withdrawn.

The DEPUTY PRESIDENT: Order! The Leader of the House has asked that both references be withdrawn.

Hon GEORGE CASH: Mr Deputy President, I am not sure, but I assume the Leader of the House is talking about my reference to his being dishonest and the other reference to his being a con man. If it offends him, I withdraw.

Point of Order

Hon D.J. WORDSWORTH: For the record, who seconded the motion that we have just debated?

The DEPUTY PRESIDENT: Order! It was an adjournment motion. Before the motion can proceed, four members have to rise in their place.

MOTION - MATTER OF PRIVILEGE*Williams, Harry, Contempt of the House*

Debate resumed from 11 November.

THE DEPUTY PRESIDENT (Hon Garry Kelly): Last night at 7.30 pm, Hon John Halden raised a matter of privilege; namely, the serving on him while the House was sitting of a writ of summons as defendant in a civil action. The Leader of the House asked that I indicate whether that act is a form of contempt. Erskine May, at page 125 of the twenty-first edition of *Parliamentary Practice*, states -

... serving or executing civil or criminal process within the precincts of either House while the House is sitting without obtaining leave of the House is a contempt ...

The relevant footnote cites cases and authorities. Accordingly, if the circumstances stated in the member's motion are correct, the motion adjudging the person guilty of a contempt is in order.

HON JOHN HALDEN (South Metropolitan - Parliamentary Secretary) [3.35 pm]: I do not intend to speak on this matter. Obviously the matter that I presented to the House last night speaks for itself. I do not think there is any need for me to delay the House any further.

Point of Order

Hon N.F. MOORE: We are being asked to judge a person guilty of an offence. However, we have no proof of what happened.

Hon J.M. Berinson: You have the statement by the member.

Hon Derrick Tomlinson: Come on!

The DEPUTY PRESIDENT: Order! I am attempting to get advice on this matter. Will members give me that opportunity?

Hon P.G. Pandal: Yes.

The DEPUTY PRESIDENT: Thank you. There is no requirement for the House to hear any person before judging him guilty of contempt. If Hon Norman Moore is unhappy with the motion, he can amend it; or, if the House disagrees with the motion, it can defeat it.

Hon N.F. MOORE: Can it be adjourned?

The DEPUTY PRESIDENT: It can be adjourned.

Motion Resumed

Debate adjourned, on motion by Hon N.F. Moore.

Points of Order

Hon GEORGE CASH: Mr Deputy President, can you indicate to the House whether the said Mr Harry Williams has already apologised in writing? Does he know anything about this matter?

The DEPUTY PRESIDENT: Order! I am informed that Harry Williams is aware of the motion and will apologise if the House so orders.

Hon GEORGE CASH: Has he done it yet?

The DEPUTY PRESIDENT: No, he has not done it yet.

Hon PETER FOSS: I know the House does not have to hear the person, but it would be helpful to the House had Mr Williams apologised. Then we would know that everything had been established and the order could be passed knowing Mr Williams knew about it and acknowledged it. We could then deal with it immediately.

The DEPUTY PRESIDENT: The debate has been adjourned. The House has decided not to continue with the matter and we should leave it until another time.

PORT KENNEDY DEVELOPMENT AGREEMENT BILL

Committee

Resumed from 11 November. The Chairman of Committees (Hon Garry Kelly) in the Chair; Hon John Halden (Parliamentary Secretary) in charge of the Bill.

Progress was reported after clause 1 had been agreed to.

Clause 2 put and passed.

Clause 3: Interpretation -

Hon PETER FOSS: I have severe problems with this in connection with how the Government thinks it will proceed. The Standing Committee on Legislation recommended that certain alterations be made to the agreement. As a result of that, it proposed an amendment to clause 3 to provide for those alterations to be made. For a short period there was discussion about a variation agreement and many other things happening but that seems to have gone quiet. I do not see in the Bill any indication that the Government has dealt with the requirement for certain things to be done and for that agreement to be ratified. What is the intent in trying to deal with the recommendations of the committee?

Hon JOHN HALDEN: I presume the member is talking about the agreement and the additional words suggested by the committee?

Hon Peter Foss: Yes.

Hon JOHN HALDEN: This situation is handled by amendments to the legislation, which includes the agreement as amended in accordance with schedule 3. The amendments to schedule 3 proposed by the committee will result in amendments to the Bill, and that will then satisfy all of the conditions the committee set out in schedule 3.

[Continued on p 6716.]

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

LEAVE OF THE HOUSE - TABLING PAPERS ON CORRECTIVE SERVICES DEPARTMENT

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [4.41 pm]: Earlier this afternoon I showed a document to Hon Joe Berinson. He expressed some concern that part of it was not signed. I have therefore separated the document.

Hon J.M. Berinson: That was not the basis of my objection; you know that!

Hon GEORGE CASH: I seek leave of the House to table a letter addressed to Hon Joe Berinson, MLC, Attorney General, from the Minister for Works, Services, and Regional Development, dated 21 November 1990 which members can see has been signed.

Hon J.M. Berinson: That is fine; by Mrs Buchanan?

Hon GEORGE CASH: Yes.

Hon J.M. Berinson: I should be aware whether my reply is also to be tabled.

Hon GEORGE CASH: Yes.

Hon J.M. Berinson: If I can hear a list of what is proposed to be tabled I will be in a better position to indicate what I will do.

The DEPUTY PRESIDENT (Hon Garry Kelly): Could the Leader of the Opposition please detail the documents to be tabled?

Hon GEORGE CASH: The document is a letter from the Minister for Works, Services, and Regional Development dated 21 November, 1990 to Hon Joe Berinson MLC, Attorney General, signed by Pam Buchanan, Minister for Works and Services. His reply is the next one.

Hon J.M. Berinson: I want them tabled together, if at all. Are you going to table them all?

Hon GEORGE CASH: I am asking for that document to be tabled.

Hon J.M. Berinson: Don't play your trivial pursuit game here again, Mr Cash. I am asking a simple question. Identify the associated documents. We cannot deal with them one at a time.

The DEPUTY PRESIDENT: Order! Does the Leader of the Opposition seek to table a single document?

Hon GEORGE CASH: There are a number of other documents.

The DEPUTY PRESIDENT: But at present the Leader of the Opposition seeks to table the letter described. Is leave granted?

Hon J.M. BERINSON: I indicate that I will not agree to this document being tabled in isolation. If Mr Cash will identify the associated documents, I will be in a position to know whether leave will be granted. In particular, I wish to know if he is prepared to indicate that my reply to that letter is to be tabled. I urge him, if he is serious about tabling this document, not to jump from tabling one document alone to leave to table the lot. I am looking for his indication that he wants leave to table the document from Minister Buchanan to me and my reply to Minister Buchanan. If we can deal with both of those, he can know in advance that I will willingly give leave.

The DEPUTY PRESIDENT: It is not a question for the Chair to decide which documents are to be tabled by leave. The Leader of the Opposition has sought to table a letter, I understand from Minister Buchanan. The question is that leave be granted.

Hon J.M. Berinson: Is the Leader of the Opposition prepared to link that with the reply?

Hon GEORGE CASH: If the Leader of the House gets that one out of the way.

Hon J.M. Berinson: Is the Leader of the Opposition prepared to seek leave to table the two together?

Hon GEORGE CASH: And the other documents?

Hon J.M. Berinson: Don't be smart, Mr Cash, you have exhausted that this week.

The DEPUTY PRESIDENT: Order! The Leader of the Opposition has sought leave to table a letter from Minister Buchanan. Is leave granted?

Hon J.M. BERINSON: No.

Leave denied.

Hon GEORGE CASH: I seek leave of the House to table a letter from the Minister for Corrective Services addressed to the Minister for Works and Services and Regional Development dated 14 December 1990.

Hon J.M. BERINSON: That is in reply to the previous letter the Leader of the Opposition referred to; is that what he is saying? We cannot have blank cheques on questions like this. Either this man is serious, in which case I will happily accommodate him -

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon J.M. BERINSON: I am not giving the Leader of the Opposition a blank cheque on this matter because his record indicates he is not to be trusted. I am simply asking for the identification of this letter. If the Leader of the Opposition indicates that it is a letter from me in response to the earlier letter referred to from Mrs Buchanan, leave will be granted; not only that but I will also assist in any formalities required to give leave for the first letter mentioned to be tabled. I am not interested in hiding from these documents.

Hon George Cash: Yes, you are.

The DEPUTY PRESIDENT: Order! Once again leave is sought to table a document. It is not for the Chair to decide what qualifications be put on that document. The Leader of the Opposition has sought to table a letter written by Hon J.M. Berinson. Is leave granted?

Leave granted. [See paper No 594.]

MOTION - STANDING ORDERS SUSPENSION

Tabling of Letter from Minister Buchanan to Hon J.M. Berinson

HON J.M. BERINSON (Leader of the House)[4.46 pm] : I move without notice -

That so much of Standing Orders be suspended as will allow for the tabling of the document previously referred to constituting a letter from Minister Buchanan to me.

Hon George Cash: I do not intend to seek permission of the House to table that first letter now. As I was refused leave, it will not be tabled.

Question put and passed with an absolute majority.

LEAVE OF THE HOUSE - TABLING PAPERS ON CORRECTIVE SERVICES DEPARTMENT

Hon GEORGE CASH: I seek leave of the House to table a report submitted by Ms Caroline Johnson relating to the questionable practices -

Hon J.M. Berinson: That was exactly the improper material my answer referred to.

Hon GEORGE CASH: It is not at all. I am seeking leave to table the document. If Hon Joe Berinson seeks to hide things so that he is not dragged into this -

The DEPUTY PRESIDENT: Order! If the Leader of the Opposition and the Leader of the House wish to conduct business before this House they will direct their comments through the Chair and not at each other. As I understand, the Leader of the Opposition is seeking leave to table another document.

Hon GEORGE CASH: This document is a report submitted by Ms Caroline Johnson relating to questionable practices carried out by the Building Services Division and is dated 7 July 1992 and is signed.

Hon J.M. Berinson: So far as I am aware I have not read that document, I therefore decline to give leave.

Hon GEORGE CASH: The Leader of the House saw it earlier.

Hon J.M. Berinson: Is the Leader of the Opposition saying I saw it here when it consists of 100 pages? He is going from bad to worse.

The DEPUTY PRESIDENT: Order! Leave is denied.

Leave denied.

Hon J.M. Berinson: I indicate that no leave will be granted for the tabling of further documents unless they are first provided to me with a reasonable opportunity to peruse them. That reasonable opportunity is not provided by a two minute glance at a 100 page or more document that the Leader of the Opposition is saying he is not prepared to leave with me. If he wants them tabled, let me see them.

The DEPUTY PRESIDENT: Order! There is no business before the Chair at present.

Hon GEORGE CASH: I seek leave to table other documents, the first dated 25 May 1988 headed "To all Ministers - No. 27/88" and subheaded "Tendering for Government Projects" signed by former Premier Mr Dowding.

The DEPUTY PRESIDENT: Is leave granted?

Hon J.M. Berinson: No, for the same reasons given in answer to my question.

Leave denied.

Hon GEORGE CASH: I seek leave to table a document dated 11 January 1991, Circular to Ministers No 3 of 1991, headed "Tender Procedures", and signed by Dr Lawrence.

Hon TOM STEPHENS: Point of order.

The DEPUTY PRESIDENT: Order! I will leave the Chair until the ringing of the bells.

Sitting suspended from 4.51 to 4.56 pm

The DEPUTY PRESIDENT (Hon Garry Kelly): If members refuse to respond to my call for order, I will keep interrupting the sitting until, I hope, members see a bit of sense. The

Leader of the Opposition has a series of documents which I understand he will seek leave to table. The practice is that leave is sought. If leave is denied, that is the end of the question for that document. If we are to make any progress this afternoon, I suggest that everyone accept the result of the process which we are going through, rather than have it degenerate into a series of interjections across the Chamber.

Hon GEORGE CASH: I seek leave of the House to table a document dated 14 August 1991, addressed to Hon J.M. Berinson, MLC, Attorney General and Minister for Corrective Services, headed "Minister for Construction and Services", and also headed "Albany Regional Prison Redevelopment". It is a two page document.

Hon Peter Foss: Is the member reading from that document?

Hon GEORGE CASH: Yes, I am.

Leave denied.

Point of Order

Hon PETER FOSS: I ask that that paper be tabled pursuant to the Standing Order in respect of the tabling of documents which have been read from by a member.

The DEPUTY PRESIDENT: This issue arose tangentially earlier in today's sitting. That Standing Order applies only to requests for the tabling of documents used in the course of a debate. We are not in a debate. The Leader of the Opposition is simply seeking to table documents. There is no point of order. It is Standing Order No 48, for members' reference.

Debate Resumed

Hon GEORGE CASH: I seek leave to table a letter from the Department of Services, dated 25 May 1990, under the hand of Mr L.W. Graham, Executive Director, Department of Services, which deals with the procurement of specialist equipment by the Department of Corrective Services.

Hon J.M. Berinson: Addressed to whom?

Hon GEORGE CASH: I have identified the letter.

Leave denied.

Hon J.M. Berinson: He does not want them tabled.

Hon Kay Hallahan: It is the latest political stunt.

Hon GEORGE CASH: I seek leave of the House to table the document from the Executive Director of the Department of Corrective Services of Western Australia to Mr L.W. Graham of the Department of Services dated 14 May 1990. It is headed "Procurement of Specialist Equipment - Department of Corrective Services".

Leave denied.

Hon GEORGE CASH: I seek leave of the House to table a document headed "Preferred Contractors - Jobs on Capital Works Only". It is a list of contracts believed to be informal since no documentation of tender quotation or contractual agreements has been sighted in the departmental records.

Leave denied.

Hon GEORGE CASH: I seek leave of the House to table a document addressed to the Executive Director Building Services Division with a heading "Building Services Division Review of Structure of Operations" dated 2 July 1992 and signed "Carolyn Johnson Facilitator" comprising about seven or eight pages.

Leave denied.

Hon GEORGE CASH: I seek leave of the House to table a document again addressed to the Executive Director Building Services Division headed "Building Services Division Final Report Review of Structure and Operations" dated 14 July 1992 under the name of "Carolyn Johnson Facilitator". Attached to that are a number of appendices indicating various options for the structure of the building services division.

Leave denied.

Hon GEORGE CASH: I seek leave of the House to table a document directed to the Executive Director of the Department of Corrective Services. It is signed by an investigations officer of the Department of Corrective Services and is dated 7 July 1992.

Hon J.M. Berinson: What is the name of that officer?

Hon GEORGE CASH: If Mr Berinson agrees to table the document he will know.

Hon J.M. Berinson: Are you not prepared to identify it to that extent?

The DEPUTY PRESIDENT: Order!

Leave denied.

Hon GEORGE CASH: I seek leave to table two pages from the Second General Report of the Auditor General for 1992 on departments and statutory authorities relating to the Department of Corrective Services and headed "Unsatisfactory Findings Departments".

Leave granted. [See paper No 595.]

Hon J.M. Berinson: Hon George Cash should be ashamed of himself.

Hon R.G. Pike: That is the pot calling the kettle black, my God!

The DEPUTY PRESIDENT: Order! Hon Bob Pike will come to order.

Hon GEORGE CASH: I seek leave to table a document headed "Supplementary Information Legislative Council Estimates Committee Prefix Nos 5 and 6 Division 14 Treasury". It is an unsigned two page document relating to certain matters raised during the Estimates Committee.

Hon J.M. Berinson: Addressed to whom?

Hon GEORGE CASH: I am not sure.

Hon Tom Stephens: That is for *Hansard*.

Hon J.M. Berinson: Are you not prepared to identify a document even to the extent of telling the House to whom it was sent?

The DEPUTY PRESIDENT: Order!

Hon GEORGE CASH: The reason I cannot identify to whom it is addressed is that clearly it is an answer to a question I asked. It was probably directed to the Minister.

Hon J.M. Berinson: How am I supposed to know?

Hon GEORGE CASH: If Mr Berinson wants to cover things up in his usual fashion -

Hon J.M. Berinson: You have used that one up.

The DEPUTY PRESIDENT: Order!

Leave denied.

Hon GEORGE CASH: I seek leave to table a document which is a report allegedly into the mismanagement of the building services division of the Department of Corrective Services. It comprises a considerable number of pages.

Point of Order

Hon J.M. BERINSON: The Leader of the Opposition is misleading the House. The position that has clearly been stated not only by me but by the Executive Director of the Department of Corrective Services is that there is no report. For the Leader of the Opposition to describe a document as a report and attempt to have leave granted for its tabling is improper conduct and is directly misleading. This is the third time in two weeks that the Leader of the Opposition has misled the House.

Hon R.G. Pike: That is the pot calling the kettle black.

Hon Tom Stephens: Shut up, Pike.

The DEPUTY PRESIDENT: Order! I may have to resort to ringing the bells again. I ask the Leader of the Opposition to describe the document in more precise terms.

Debate Resumed

Hon GEORGE CASH: Mr Deputy President, the document deals in part with the operations, planning and estimating of the building services division of the Department of Corrective Services. It deals with the procedures for planning and estimating which are said to be deficient and did not comply with Government policy.

Hon J.M. Berinson: By whom is it signed?

Hon GEORGE CASH: Would Mr Berinson just wait a minute?

Hon J.M. Berinson: Happily.

Hon GEORGE CASH: I am trying to give the House some additional information. It deals with -

Hon Kay Hallahan: Of course you are! The document is not headed and yet it is a report.

Hon GEORGE CASH: It deals with the purchase of barbed barrier tape which is said to have led to many complaints from unsuccessful potential suppliers.

The DEPUTY PRESIDENT: Order! The Leader of the Opposition should not quote from the document.

Hon GEORGE CASH: I am genuinely trying to describe the document.

Hon J.M. Berinson: You are admitting it is not a report now. Is that what you are doing?

The DEPUTY PRESIDENT: Order!

Hon GEORGE CASH: It is my understanding and belief that this is a report which probably -

Hon J.M. Berinson: Signed by whom?

Hon GEORGE CASH: - emanated from persons who were required to investigate the activities of the building services division of the Department of Corrective Services. Without question it implicates the activities of the Minister for Corrective Services.

Point of Order

Hon J.M. BERINSON: The Leader of the Opposition is just flying kites again in a most obnoxious way. He knows what he says is not so -

Hon George Cash: Allow me to table the document then.

Hon J.M. BERINSON: - just as he knows that is not a report, because no report exists.

Hon D.J. Wordsworth: Let him table it and we can judge.

The DEPUTY PRESIDENT: Order! The Leader of the Opposition has sought to table a document and he has outlined what he regards to be the document's salient points.

Debate Resumed

Hon GEORGE CASH: There is a notation, which is certainly not on every page, which says "Department of Corrective Services Report on the Operations of the Building Services Division" but it appears at the bottom of a considerable number of pages. I therefore seek leave and also refer to the document as a report.

Leave denied.

PORT KENNEDY DEVELOPMENT AGREEMENT BILL*Committee*

Resumed from an earlier stage of the sitting. The Chairman of Committees (Hon Garry Kelly) in the Chair; Hon John Halden (Parliamentary Secretary) in charge of the Bill.

Clause 3: Interpretation -

Consideration resumed.

Hon JOHN HALDEN: I refer to schedule 3, which is proposed to be deleted. The words to be added are "and under the direction and control of the board". I now refer members to the proposed amendment to clause 13(g) standing in my name which indicates a function.

Hon Peter Foss: That is the function; where is the power?

Hon JOHN HALDEN: The power is contained in clause 20(3) of the proposed new Part 5 - Miscellaneous.

Hon PETER FOSS: When I first spoke in this debate I drew the attention of members to paragraph (b) of Standing Order No 364 which states -

Consideration in a Committee of the whole of a tabled report and the next stage of a Bill so reported is an order of the day for a future sitting.

It seems that the Order of the Day with which we are presently dealing is not only the consideration of the Bill but also the consideration of the committee's report. The Chairman had us doing that during clause 1 of the Bill. However, part of the order with which we are dealing today is the consideration of the committee's report. The Government has sought to do something different from that which was reported by the committee. I would appreciate it if, as the Parliamentary Secretary works his way through, he takes each of the recommendations of the committee in turn as shown in the Bill and deals with them to indicate where they have now been dealt with, why there has been a change and why the alternative is satisfactory.

Hon JOHN HALDEN: I am happy to do that and I understood that we would probably be doing so. Hon Peter Foss, as a member of the committee, will probably want to raise questions about why the Government has done certain things in accommodating the recommendations of the committee. I have all the answers here for the member and am happy to provide them.

Clause put and passed.

Clause 4: Agreement ratified and implementation authorized -

Hon JOHN HALDEN: Clause 4 is amended because the committee initially intended that the Bill have a schedule. As it is will now not have a schedule that provision is not required and becomes inoperative.

Clause put and passed.

Clause 5: Reserve cancelled, roads closed and land vested in Crown -

Hon JOHN HALDEN: No modification is proposed by the Government or committee to clause 5; it therefore obviously agrees with it.

Hon PETER FOSS: Paragraph (b) of clause 5 states -

(b) All those portions of road within the Port Kennedy area that are dedicated or reserved for public use under any Act are closed.

The definition of the Port Kennedy area is "the area bordered in blue and shown as the Port Kennedy area on plan No. 1744". Does the Parliamentary Secretary have a plan of that area?

Hon JOHN HALDEN: I have a document which shows the various Crown lots and roads; however, it is not a map of the types of land. I am sure it would serve the purpose of the member if he would like a copy.

Hon PETER FOSS: A number of matters as well as amendments that will be moved by the Opposition are dependent on the definition of the Port Kennedy area. Therefore, it is critical for us to know what the area of Port Kennedy is before we proceed.

Hon JOHN HALDEN: As well as this sketch map I refer Hon Peter Foss to the interpretation in clause 3 which states -

"Port Kennedy area" means the area bordered in blue and shown as the Port Kennedy area on plan No. 1744;

I do not have an appropriately marked map, but I am happy to provide the member and the Committee with that map as soon as it is obtained.

Hon PETER FOSS: I accept that offer. What is contained in the Port Kennedy area? I refer members to the sketch map indicating land tenure plan 1 on page 58 of the Bill. A small area is shown large and a large area is shown small.

Hon JOHN HALDEN: I thank Hon Peter Foss for drawing that map to the Committee's attention. The small area on which is written stage 1 and stage 2 is the Port Kennedy area.

Hon Peter Foss: The small map of the large area as opposed to the large map of the small area?

Hon JOHN HALDEN: The member is correct.

Hon PETER FOSS: That includes a protuberance into the sea which is a proposed marina. Does the current plan go into and around that protuberance or is that protuberance not in the Port Kennedy area?

Hon John Halden: Yes, it is in the area.

Hon PETER FOSS: Is it in that area because the blue line follows the shape of that land or is it because of what is often known as a Queen Victoria's portrait type map in that it is a big square lump of land and many things are inside it and some of the things are not land? What is the situation if the marina is not exactly the shape and size shown in this plan?

Hon JOHN HALDEN: The document to which we are referring is *not meant to be precise*. It is meant to be indicative and informative.

Hon Reg Davies: Just a sketch map.

Hon JOHN HALDEN: Yes.

Hon PETER FOSS: I have some doubts about how we can then constitute an authority with power to decide things and with some rights to do things within that area if the area it has power over is not defined.

Hon JOHN HALDEN: It is difficult often to define coastal areas because maps are drawn to the high water mark. The high water mark varies from year to year and considerably over a number of years.

Hon PETER FOSS: That seems to indicate either a problem or a failure to address the matter. Under ordinary constitutional law, the right of the States ends at a certain place. However, the rights of the State go beyond that under two circumstances: First, where there is a natural connection between it and a port, harbour or marina and, secondly, the Australian offshore applications of laws legislation passed by the Commonwealth confers on the State power to operate into that area.

It seems desirable that if we are to do what we are attempting to do in this Bill - that is, to confer power on the Port Kennedy board - there should be some way of knowing the limits of its authority. I cannot believe that authority is variable depending on where it happens to suit the occasion. I cannot believe that some of the boundaries are not as surveyed. It is an extraordinarily lax and imprecise thing if we do not know the authority of either the board or possibly even the Minister under the Act and the agreement as to what piece of land we are talking about.

Hon JOHN HALDEN: I have been advised that the member's point is one that has not just been raised today. It came to the attention of the Crown Law Department some four or five years ago because of the difficulty of variations and of including into it things like ports, harbours and marinas, and the need to have some flexibility about where we can locate those based on a range of issues that may arise from time to time. I do not have the results of the Crown Law Department's consideration of this issue, but I am happy to provide it to the member.

Hon PETER FOSS: That would be extremely helpful. One of the reasons I raise the matter is that, under the terms of the agreement, the State undertakes to grant title, both freehold and leasehold, to the people with whom it is entering into an agreement. I am loathe for the State to enter into an agreement to grant freehold and leasehold title, first, in an area which is undefined and, secondly, without its being clear to me if the State will be able to give that title and how.

Hon JOHN HALDEN: The issue of title is a matter encompassed in the purpose of the Bill. The Bill will provide the title. However, in these coastal environments, it is difficult to be exact for the reasons that the honourable member and I have agreed upon in our discussions. That does not mean that we could suddenly move a marina from one point to another. However, there has to be a degree of flexibility in this matter. If the marina had to be moved slightly for whatever reason, that could be accommodated. However, we could not move it 500 metres, for instance.

Hon PETER FOSS: I wonder why the State did not try the Queen Victoria's portrait method of defining the land. Where is the authority contained in the Bill to vary it at all? It seems to me that if the line follows that shown in this plan, that is the line. I do not see any authority to move it around. If it does not follow the line shown in the plan, how will we be able to carry out the obligations contained in this and pass any provisions relating to the marina proposed by the Opposition?

Hon JOHN HALDEN: I am again advised that the ability to vary to a small degree the location of the marina is one of the difficulties, and that is the reason for the blue line on the map which does not necessarily comply with the provisions of the Land Act. There are likely to be some difficulties. I draw the attention of the member to item 12 in the agreement which states that for the purposes of this agreement the Land Act is deemed to be modified under the following paragraphs (a) to (c).

Hon REG DAVIES: What is the purpose of reserve 20716 referred to in clause 5(1)(a)?

Hon JOHN HALDEN: I have no knowledge whatsoever of its purpose.

Hon PETER FOSS: I have looked at item 12 of the agreement and I see nothing in it which enables the Minister for Lands to vary the boundaries of the Port Kennedy area. It states that he may grant a licence to enter, grant a lease and issue Crown grants but it does not state that he can do it outside the Port Kennedy area. It seems that the Minister can operate only within the Port Kennedy area and if that is fixed, that is the end of the matter.

Hon John Halden: If it were outside the Port Kennedy area we would have to vary the agreement.

Hon PETER FOSS: That does not vary the Port Kennedy area which is defined not in the agreement but in the Bill. It is a finite area defined by reference to a plan. The powers of the Minister are limited to the Port Kennedy area and the whole agreement is directed to that area. How can the things the Parliamentary Secretary talked about, particularly with regard to the marina, occur? I do not think they can.

Hon JOHN HALDEN: The location of the marina on the sketch map provided can be changed marginally. It is not anyone's intention to move it at the moment from where it is supposed to be. However, it must remain within the blue area because otherwise a variation would be required.

Hon PETER FOSS: I understood the Parliamentary Secretary to say earlier that the blue line on that plan followed the protuberance shown on the plan; in other words, followed the outline of the marina. I subsequently asked whether the blue line followed the shoreline and I understood the Parliamentary Secretary to say that it followed the protuberance.

Hon John Halden: Yes, that is correct.

Hon PETER FOSS: If that is the case, I do not see how it can be shifted.

Hon JOHN HALDEN: I am quite happy to provide a map to the member. At the moment I am not in a position to give the information sought. My advice suggests that it is possible to move the marina marginally from the location shown on the sketch map, but it cannot be extended outside the blue area on the map.

Hon Derrick Tomlinson: What do you mean by "outside"? Do you mean seawards?

Hon JOHN HALDEN: Yes, there is no ability to go seawards or beyond the coast outside the blue line but the location of the marina as shown on the sketch map could be changed marginally, provided it were transferred within the blue area on the map.

Hon Peter Foss: It can get smaller but not bigger? You are saying that it may not be exactly the same shape but it must fit within the area?

Hon JOHN HALDEN: If the member were not opposed -

Hon Peter Foss: We are not opposed to it, we want an explanation.

Hon JOHN HALDEN: If the shape of the marina were changed for scientific reasons, for example to accommodate drift, that would be acceptable provided it remained within the blue area.

Hon DERRICK TOMLINSON: I want some clarification on the protuberance and shifting

the development area seawards. Hon Peter Foss has been pursuing the question of whether that protuberance embraces the marina and it has been said that the marina may be moved. I understand from the Parliamentary Secretary's gesticulations that he was referring to areas north and south along the coast. He made the point that there could be no extension seawards of the blue line on the map. I draw attention to the areas shown on the map on page 59 of the Bill: The area is called lot A, which is alongside the breakwater which protrudes into the marina area inside the sea wall but beyond the existing coastline, the freehold area lot 8, the freehold area lot 7 which protrudes beyond the existing coastline high or low watermark, and lot C - a leasehold area protruding into the marina area and beyond the existing coastline high or low watermark. Does the development area, as described by the Parliamentary Secretary, embrace this protuberance or is the blue line in fact a line which follows the high or low tide mark?

Hon JOHN HALDEN: The blue line would follow along the coast and would also follow the protuberance.

Hon Derrick Tomlinson: Across the mouth?

Hon JOHN HALDEN: Yes.

Hon DERRICK TOMLINSON: I want this to be quite clear because we have the Port Kennedy regional recreation centre memorandum prepared by the developers Fleuris Pty Ltd and dated May 1992, which contains a map in schedule 3 that is an enlargement of the map shown on page 59 of the Bill. That map and the enlargement of the total Port Kennedy area show a dotted line following the existing coastline. Am I to understand that that dotted line represents the existing line which the Parliamentary Secretary has referred to as the blue line on the map?

Hon JOHN HALDEN: Yes, it does follow the coastline, with the exception of where the marina will be, and it varies from year to year, depending upon the high-water mark, so it is not a constant position.

Hon REG DAVIES: The Parliamentary Secretary stated that he did not know what was the purpose of reserve No 20716. Why was that excepted from the sale?

Hon JOHN HALDEN: It is a coastal reserve which has been amalgamated with other Crown land to now make this area vacant Crown land.

Hon Reg Davies: Was that done on conservation grounds, or for another purpose?

Hon JOHN HALDEN: All of the lots were amalgamated. The map on page 59 of the Bill, for example, is a subdivisional plan, which means that the lots had to be amalgamated so that they could later be subdivided.

Hon PETER FOSS: Perhaps the Parliamentary Secretary could let us know later the history of this reserve and why it is to be set aside. One of the concerns that people have about this development is that it may affect the conservation value of the area. I realise that it does not say that it is for conservation purposes, but it must have been excepted from sale for some reason, and it may be that there was some historical reason for not dealing with that reserve. What was this reserve, where was it, and why is it now considered no longer sensible to keep that reservation?

Hon JOHN HALDEN: The land was originally sold.

Hon Peter Foss: When it was not a reserve?

Hon JOHN HALDEN: Yes.

Hon Peter Foss: When was that?

Hon JOHN HALDEN: I am not trying to be evasive. We will provide, before the Chamber next sits, a history of what has happened in regard to this portion of land in order to give a chronological perspective of the development of this land.

Progress

Progress reported and leave given to sit again, on motion by Hon John Halden (Parliamentary Secretary).

ADJOURNMENT OF THE HOUSE - SPECIAL

On motion by Hon J.M. Berinson (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 24 November 1992.

LOCAL GOVERNMENT AMENDMENT BILL (No 2)

Introduction and First Reading

Bill introduced, on motion by Hon Tom Stephens (Parliamentary Secretary), and read a first time.

Second Reading

HON TOM STEPHENS (Mining and Pastoral - Parliamentary Secretary) [5.49 pm]: I move -

That the Bill be now read a second time.

I am pleased to bring before the House the Local Government Amendment Bill (No 2) 1992, which will significantly increase the power of councils to impose differential rates. This power was requested by the Western Australian Municipal Association, and is required in order to allow councils further discretion to provide for more equitable rating for different land use sectors. At the same time, further accountability provisions are to be included to allow electors and ratepayers to have a greater say in the rates to be levied.

In 1984, the Local Government Act was amended to enable councils to adopt differential rates based on planning zones, with the approval of the Minister for Local Government. At the time, there was some concern about how councils would use these powers. However, over the past eight years, councils have demonstrated a most responsible and professional approach to apportioning the rate burden. Differential rating has also enabled many councils to shift from unimproved values to gross rental values, to overcome valuation anomalies in local areas, and to address particular equity issues. At present, some 30 councils use differential rating.

The 1984 amendment was introduced as a trial arrangement to allow selected councils to undertake pilot rating schemes, and, since then, more councils have taken up this rating option. At the time of the introduction of the Bill, the then Minister for Local Government indicated that further legislation would probably be required to expand these differential rating provisions and to reduce or remove the Minister's involvement. The amendments proposed in this Bill are intended to do precisely that.

The Bill makes provision for councils to impose differential rates based on land use. It has been found that land zonings are not always the most equitable method for setting differentials and there are areas in some local governments which are not covered by a district or town planning scheme. The Minister is to be removed from the approval process except where a rate is to be greater than four times the lowest rate. The WA Municipal Association has agreed to the need for an upper limit of this order. It is intended that these new powers be used by councils to adopt genuine land use differentials for bone fide land use groups. The Bill also makes provision for regulations to specify other types of differentials which are not land use but which may be necessary because of particular land valuation characteristics. It is not intended at this stage to make such regulations, but to assess in the first instance how the land use differentials operate in practice. Any fine tuning of the system using the regulation making power may occur at some later time. The Minister's role in approving differential minimum rates is also to be reduced. This follows the principle of decreasing the involvement of the Minister wherever this is possible.

In addition to providing councils with these new powers, the Bill incorporates several new accountability requirements which follow the principles proposed for the new Local Government Act. There shall be a 14 day period for electors and ratepayers to make submissions to the council on its proposed rates. A council's budget shall contain details of all rates and the objects of and reasons for each rate. These details shall be included in the rate book and in rate notices to ratepayers. Also the current objection and appeal rights for ratepayers are to be extended to cover land use and other differential groups.

Some concern has been expressed by councils that these accountability measures have been included in the Bill. I believe they are entirely in keeping with this Government's program

to reduce accountability to the State Government and correspondingly strengthen the accountability to electors. I can understand that some councils and administrators would prefer to minimise the accountability requirements. However, this would not be in the interests of electors and ratepayers and would not be consistent with modern local government practice throughout Australia.

I commend the Bill to the House.

Debate adjourned, on motion by Hon P.H. Lockyer.

PERTH MARKET AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Murray Montgomery, read a first time.

Second Reading

HON MURRAY MONTGOMERY (South West) [5.53 pm]: I move -

That the Bill be now read a second time.

The recent collapse of the United and Vegetable Growers Co-op Ltd has thrown the spotlight on the need to examine the adequacy of the arrangements of the operation of the Perth Market Authority. This Bill seeks to give all organisations - both those involved in the day to day operations and those involved in the decision making regarding the future of the market - a greater role in the decision making and direction of the Perth Market Authority.

A recent report, from which I will quote selectively, was commissioned on the growers' attitude towards the market. This has some fundamental points relating to the Bill. It indicated that the average reduction in use of the market by the whole sample of growers and likely users of the Canning Vale market was seven per cent. Specific groups, such as country growers, vegetable growers and large farmers, predicted even greater shortfalls in the use of the market if things remain as they are. It seems clear from this evidence that many growers are disadvantaged with the conditions as they are now at Canning Vale, and many say they are willing to withdraw from the market if things do not change. This is a clear message about what is happening at the market.

However, the negative user trend figure will change rapidly if the growers can be convinced that the problem raised by the study can be corrected to the growers' satisfaction. It is estimated by the growers that if the problems with the facilities and services provided at Canning Vale could be fixed, the use of the market would increase by six per cent. Metropolitan growers and vegetable growers, and those who prefer to operate through the Canning Vale market, projected largest use of the market. Unfortunately, the usage is declining and only 50 per cent of produce is going through the market at the moment, and a further reduction would cause great pain. The recent occurrence with United Fruit and Vegetable Growers Co-op Ltd indicates what producers are going through. Members should not hang me on the 50 per cent figure, but that is what I am told. Therefore, serious messages about the market are coming out of these operations. Clear cut evidence of improved market services is likely to encourage growers to remain, or importantly, to return to, selling at the Canning Vale facility. This is a critical time for this market. With the recent collapse of the cooperative, it is time for all of us to focus on this very important facility to the community. The report reads -

... a failure to meet the needs of fruit and vegetable growers could produce an overall swing of some 12 per cent in the selling behaviour of this group of growers.

That would change the trend from a decrease of seven per cent to an increase of approximately six per cent in usage. The report continues -

A drop of 6% in current sales volume would be likely to be an insufferable burden for many market businesses to bear. On the other hand, an increase of 6% or more over current sales volume should virtually ensure the long term viability of the central marketing system in this State.

The study suggests that small changes in the volume of produce passing through the market will greatly improve the viability of the market. The fact is that the United Fruit and

Vegetable Growers Co-op Ltd collapsed in a declining market, which is very serious. The report contains a heading, "The Needs of the Hypothetical Average Grower", from which section I shall quote selectively -

... the average grower ... is basically trying to find an agent (or buyer) who can be trusted to get them a fair price for the quality of produce they send for sale.

They want the buyer to "inform them about the current supply and demand situation", and the report refers to the current situation which makes the growers "feel quite vulnerable as their income is often unpredictable and their future can be uncertain". It continues -

In the circumstances, the average grower would be likely to feel a real need to reduce the degree of insecurity.

The growers would like to see the market maintained and if it provides security it is an advantage to them. It must entail a perceived advantage in selling at the market. The report continues -

On the results of this survey it seems that there are about 25% of growers who prefer to sell Direct and that most of those in the survey sell either to retailers or to export.

The members would be interested that 25 per cent of growers prefer to trade away from the market. That is a fairly sizeable chunk of business which perceives no advantage in selling through the Canning Vale market. The report continues -

It is clear that not only would the vast majority of growers prefer to sell through Canning Vale if all things were equal but that many of those surveyed felt that the markets offered considerable advantages for growers.

... a number of growers felt that in the longer run they were better off financially at Canning Vale especially if they had established a good working relationship with a market agent.

... Potentially the Canning Vale markets were seen as more likely to be a more "hassle free" place to sell fresh produce and that this is an important advantage for those growers who want to concentrate on what they do best ... grow fresh produce.

... Some growers felt that the PMA was mainly responsible for the high commission rates charged by agents because of the resultant high rental charges.

That is an important point. Although most growers said that they preferred to sell through Canning Vale, the main issues must be addressed at that market if the growers are to give wholehearted support to the central market system in this State. It is important that the confidence is put back into the industry.

The survey was conducted with a group of 400 Western Australian fruit and vegetable growers, and is indicative of their point of view. The report continues -

Growers predicted that, if things stay pretty much as they are, then the use of Canning Vale markets would decline (by about -5%) compared to their current usage rate.

We have seen the results of this trend in recent weeks. If fewer agents operated from the market, the costs would have to be shared among fewer agents. However, the growers predicted that if the problems highlighted in the study were fixed at the market the use of the market would increase by six per cent. The survey indicates that that is sufficient to make the system viable. After being offered a list of problem areas for consideration, the item which received a 56 per cent response was commission costs and charges. That lies at the heart of the problem.

I know that the Minister for Agriculture is aware of other concerns in the market. The first concerns excessive rent. Total rental costs have increased from \$29 million in the old market to an actual figure of \$58 million and a predicted figure of \$77 million. That applies to the rental paid by the market which uses the area; that is, the fruit agents. Obviously there is some concern about relocation costs and they are known to those interested in the argument. The realisation price of the old market was about \$17 million; the building of the new market cost about \$53 million. Trading hours are also under some question. The operators in the market have been surveyed several times. They have replied with positive inquiries about changes to the trading hours. However, the Perth Market Authority will not respond to that

demand. Obviously, the number of selling agents is fundamental to the running costs of the institution. I will refer in a minute to representation and how they see the future expansion of the markets.

The Bill provides that membership of the Perth Market Authority will be increased from seven to eight, all of whom will be appointed by the Minister. Some, however, will be appointed on the recommendation of the representative organisations. The chairman will be appointed from the private sector to ensure that the authority is directed through this decade with an emphasis on increasing its role in the sale and distribution of fruit and vegetables. The other members of the authority will include the following: One will be nominated jointly by the Vegetable Growers Association of Western Australia and the Market Gardeners Association of Western Australia. Growers of prescribed produce will be represented by a nominee from the Western Australian Fruit Growers Association. Two members of the authority will be nominated by the Chamber of Fruit and Vegetable Industries in Western Australia to represent agents. The Western Australian Fruit and Vegetable Buyers Association will nominate two members to represent buyers of prescribed produce. Those are the six people who will represent the heart of the Perth metropolitan markets. The Minister's office will also be represented on the authority. The term of these appointments to the authority will be to ensure that the authority members will be more accountable. The term will be reduced from three years to two years on implementation of the Act. The member representing the Minister, and the chairman, will be appointed for two years, and all others for three years. These split terms are intended to encourage the movement of new people through the authority.

In summary, everyone in this House will recognise that the metropolitan market authority is in crisis. The purpose of this Bill is to provide power to those people who work in these markets, such as the workers, the agents and the buyers. It is aimed at allowing them to take control of their own destinies. It will enable them to make decisions applicable to the cost of operating the markets and to the hours that they should operate and any other fundamental changes. The Bill is not a panacea for the authority's problems. However, it will allow those involved to be masters of their futures. I commend the Bill to the House.

Debate adjourned, on motion by Hon Margaret McAleer.

MEMBERS OF PARLIAMENT (FINANCIAL INTERESTS) BILL 1989

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

STATE FORESTS - REVOCATION OF No 68 AND PARTIAL REVOCATION OF Nos 20 AND 36 PROPOSAL

Assembly's Message

Message from the Assembly received and read requesting concurrence in the following resolution -

That the proposal for the revocation of State Forest No 68 and the partial revocation of State Forests Nos 20 and 36 laid on the Table of the Legislative Assembly on the third day of June 1992 by the command of His Excellency the Governor be carried out.

NATIONAL RAIL CORPORATION AGREEMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Tom Stephens (Parliamentary Secretary), read a first time.

Second Reading

HON TOM STEPHENS (Mining and Pastoral - Parliamentary Secretary) [6.09 pm]: I move -

That the Bill be now read a second time.

Point of Order

Hon R.G. PIKE: Mr Deputy President, could you inform the House as to the application of Standing Order 230 and the time at which it applied?

The DEPUTY PRESIDENT (Hon J.N. Caldwell): An amendment to Standing Order No 230 passed in the House on 21 October 1992 reads as follows -

That SO 230 is amended by inserting the following paragraph -

"(c) Resumption of debate under paragraph (a), or the day fixed under paragraph (b), for a Bill that -

(i) ratifies or gives effect to a bilateral or multilateral intergovernmental agreement to which the Government of the State is a party; or

(ii) by reason of its subject matter, introduces a uniform scheme or uniform laws throughout the Commonwealth,

shall be a date that is not less than 120 days from the day on which the Bill was read a first time, but in calculating that period, no account shall be had of any prorogation that intervenes where the Bill is restored in the succeeding session. "

My understanding from that Standing Orders is that the second reading speech may continue, but the Bill cannot be brought before the House for debate for 120 days.

Debate Resumed

Hon TOM STEPHENS: The effects of this Bill are to -

- (1) ratify an agreement between Western Australia, other States and the Commonwealth to provide the State with powers to establish a shareholding in the National Rail Corporation - hereafter referred to as the NRC;
- (2) allow the transfer of interstate rail freight assets from Western Australia to the NRC; and
- (3) specify State taxation, financial reporting and other arrangements necessary to ensure the smooth and equitable transfer of interstate rail freight services to the NRC.

I will first provide for honourable members the background to the establishment of the NRC agreement and then summarise its salient features. The need for the Bill will be apparent from this discussion. The NRC agreement represents one of the major tangible outcomes from the special Premiers' Conference process and is evidence of the cooperation and commitment to microeconomic reform which exists today among the States and the Commonwealth. This Government has long recognised the importance of Westrail as one of the State's major Government trading enterprises and has already undertaken a number of initiatives to place Westrail on a more competitive footing. These include the gradual deregulation of land freight transport, encouraging Westrail to concentrate on those tasks to which it is best suited, and the development of a new organisational structure better matched to the structure of Westrail's key markets. The success of these initiatives is demonstrated by Westrail's improved financial performance and the benefits it has provided to its customers through reduced rail freight charges. However, improving the performance of interstate rail services is not something that can be achieved by any one State alone. It requires a national effort involving the coordination and cooperation of all parties currently involved in the provision of such services.

At present, the provision of interstate rail freight services is weakened by fragmented management. Users of interstate rail freight services are required to deal with a minimum of two, and up to four, different rail systems. Divided management of trains and terminals precludes the level of service integration needed to provide rail customers with consistent reliability and the level of service they require. The national rail network is also characterised by high cost structures, which in turn are partly attributable to inadequate infrastructure, a mix of incompatible communications systems, congested terminals, and poorly integrated management information systems. Differing business and investment priorities, engineering standards and operating priorities of the present five rail systems also contribute to a less than satisfactory service.

As a result of these factors, a substantial overall financial loss is being incurred in interstate rail freight operations. Nationally, these losses totalled around \$389 million in 1989-90. At the same time, competition from road transport is very strong in all corridors. As a result rail's share of interstate freight traffic has been falling and, unless a dramatic improvement in rail operations can be achieved, further declines in competitiveness and increasing rail system deficits can be expected. Continuation of the existing fragmented system of interstate rail freight is therefore unacceptable and reform in this area has been given a high priority as part of the national agenda for microeconomic reform.

In an attempt to turn this situation around, a committee comprising representatives of the five Government owned railways, the Australian Council of Trade Unions, and major users of interstate rail freight services, was established in 1989 with the objective of creating a strongly viable commercial enterprise for interstate rail freight, able to produce net earnings sufficient to attract capital into the business in the long term. The committee recommended the establishment of a National Rail Freight Corporation, involving Federal and State equity participation in an independent corporate body and encompassing all of the railways' existing interstate freight business. The company's corporate goal will be to earn a rate of return sufficient to fund all investment from non-government sources without reliance on Government guarantees.

Recognising the substantial national benefits which could be achieved from reform of interstate rail freight services, the committee's recommendations were taken up and developed further by State and Commonwealth Transport Ministers through the Australian Transport Advisory Council. This resulted in a heads of Government agreement committing the States and the Commonwealth to establish a National Rail Corporation which was signed by the Premier, the Prime Minister and other heads of Government at the special Premiers' Conference in October 1990. A national task force was also established to progress the formation of the NRC.

While recognising the need to ensure this vital reform went ahead, we as a Government, were cognisant of our responsibility to protect the interests of the people of Western Australia. Accordingly, the Premier's consent to the heads of Government agreement in October 1990 was conditional upon a clause being inserted into the agreement that the State of Western Australia would not be financially disadvantaged by the establishment of the NRC. Establishment of the NRC will contribute powerfully to achieving microeconomic reform in the railway industry. Benefits will come from increases in the productivity of capital and labour resources employed in the industry, and from the development of a more effective interstate rail system delivering more reliable and faster interstate rail freight services. This in turn will lead to a more efficient and effective economy in which Australian industry can prosper.

While it was clear from the outset that formation of the NRC would result in substantial financial benefits to the Eastern States participants through reductions in the deficits of their rail systems, the financial benefits to Western Australia were less clear. Unlike its Eastern States counterparts, Westrail's interstate freight operations already make a positive contribution to its fixed and overhead costs. Under the terms of the initial proposals put forward by the NRC task force, by transferring Westrail's interstate freight business to the NRC it was estimated that Western Australia would be worse off by up to \$105 million in the first five years following commencement of NRC operations. It was made clear from the outset that this was unacceptable to Western Australia and that a more equitable arrangement was required. Considerable effort was then devoted by officials and the Minister for Transport to ensure that the detailed arrangements required for the final agreement were satisfactory to this State. As a result of this effort, the agreement signed by the Premier at the July 1991 special Premiers' Conference represents a far more attractive proposal than that originally offered, while still ensuring the ongoing process of microeconomic reform.

Point of Order

Hon DERRICK TOMLINSON: I draw the attention of the Deputy President to the state of the House.

The DEPUTY PRESIDENT: There is a quorum.

Debate Resumed

Hon TOM STEPHENS: I will now provide members with a summary of the most significant aspects of this agreement and the consequential need for this Bill. The NRC has been incorporated as a company under corporations law and is to be responsible for all interstate rail freight across Australia from Perth to Brisbane. It will be subject to the laws of the Commonwealth and the States on the same basis as any private company. It is expected that the NRC will commence rail freight operations in November 1992, beginning with marketing and terminal operations. I emphasise, however, that in relation to Western Australia the NRC will provide only interstate rail freight services. While the agreement provides for the NRC to operate intrastate services, this can only be done at the request of the relevant State and on only a commercial basis.

Furthermore, before the NRC can provide intrastate rail services in a State, the State Government concerned needs to legislate to refer powers to the Commonwealth to allow the Commonwealth to hold shares in a company engaged in intrastate freight. While the legislation introduced in the other States in relation to the NRC provided for this referral of powers to the Commonwealth, the Bill in this State does not include such a provision. This reflects the fact that the Government has no intention of asking the NRC to operate intrastate services in Western Australia.

The States and the Commonwealth will be ordinary shareholders in the NRC, with Western Australia's initial shareholding being five per cent, but having voting rights as a shareholder of 15 per cent during the initial five year establishment period. Shareholdings at the end of the establishment period will be determined on the basis of cash equity contributions and the value of assets provided to the NRC through transfer of ownership or long term lease. The agreement also provides for South Australia and Queensland, which have initially chosen not to take up equity in the NRC, to become shareholders during the establishment period. Should this occur, this would also affect the percentage shareholdings at the end of the establishment period.

The proportionate shareholdings in the NRC will also be affected by the Commonwealth's decision, as part of the Prime Minister's One Nation statement, to provide funding of \$454 million over the next two years for upgrading of the interstate rail network to complement the NRC's investment program. It has been agreed, in principle, that recognition will be given to the Commonwealth's equity in the NRC for expenditure on assets that become part of the NRC network. The mechanism to achieve this is to be determined by the shareholders.

One of the benefits to Western Australia from being a shareholder in the NRC is that it will enable the State to exercise some influence over the strategic direction of the NRC. For example, the NRC's corporate plan, which includes details of the national rail network, the company's business plan and investment strategy, must be approved by a vote of shareholders. Western Australia will therefore have the opportunity to use its 15 per cent voting rights to protect the State's interests.

Western Australia is also entitled to one director on the NRC's nine member board. Mr Stuart Morgan, a company director and current Chairman of the State Energy Commission of Western Australia, has been appointed as the State's founding director. Directors will be required to act according to the provisions of the Corporations Law in the interests of all shareholders. The NRC's board of directors will be responsible for all industrial matters affecting the NRC. The agreement envisages that an enterprise award, reflecting efficient work and manning practices, will be negotiated between the NRC and rail unions.

The NRC will employ only those people required for its operations. The Commonwealth and the States will retain responsibility for any redundancies in their rail systems arising from the formation of the NRC. The exact number of Westrail staff affected has yet to be determined, but is not expected to be large, especially by comparison with the number of redundancies that will be required in the other rail systems. I would also stress that there will be no forced redundancies in Westrail and staff changes will be handled by redeployment, retraining or voluntary severance.

In return for equity in the NRC, Western Australia has a number of obligations under the agreement. The first of these obligations is to enact legislation as soon as possible to

facilitate the operation of the NRC in Western Australia. As a party to the agreement, Western Australia also has an obligation, before the end of the first three years of the NRC's operations, to provide the NRC with access to any assets it requires to operate interstate rail services. Such access can be provided by transfer of ownership, long term lease or other appropriate arrangements. In the case of transfer of ownership or long term lease, the State will receive payment for the assets by way of the issue of additional shares in the company. Prior to the transfer of assets, Westrail will enter into contracts with the NRC for the provision of interstate rail services. Decisions have not yet been made on the manner in which assets will be provided to the NRC. These decisions will be the subject of further detailed negotiations between the State and the NRC which can only be considered in detail once the agreement is in place.

Under the terms of the agreement Western Australia will be required to contribute \$8 million in cash equity to the NRC over the period 1993-94 to 1996-97. The first of these payments will be \$1 million in 1993-94. These contributions represent a substantial reduction on the amount proposed in earlier discussions and compare with amounts of \$76 million for New South Wales, \$35 million for Victoria and \$296 million for the Commonwealth.

Most importantly, the agreement also provides that, during the five year establishment period, the NRC will provide Westrail with compensation payments to offset any financial deterioration which can be attributed to the transfer of its interstate business to the NRC. This clause is unique to Western Australia and was inserted into the agreement after protracted negotiations to protect this State's interests.

The primary purpose of this Bill is, therefore, to obtain Parliament's approval of the agreement and to give effect to the agreement. The Bill also contains provisions for financial accountability with regard to the State's shareholding in the NRC, provides a means by which the transfer of assets to the NRC can be expedited and ensures that the State does not forgo any State taxation revenue from assets transferred in this manner. Any NRC shares issued to the State in return for cash equity contributions or for assets transferred to the NRC will be held by the Minister responsible for the Western Australian Government Railways Commission, which at the present time is the Minister for Transport. Financial reporting on the State's shareholding in the NRC will be recorded in the Annual Report of the Western Australian Government Railways Commission in accordance with section 62 of the Financial Administration and Audit Act 1985.

Assets transferred to the NRC under a transfer order, as specified in the Act, will not be liable for payment of State tax, which would normally be payable if the assets had been transferred by some other instrument. The Act therefore requires the Minister to ensure that, before making a transfer order, arrangements are made for payment to the State of the amount of State tax forgone.

A new clause that the Government has included in the Bill requires that rail freight assets consisting of rail track, rolling stock, locomotives and terminal land cannot be disposed of or transferred to the NRC without the approval of both Houses of Parliament. Furthermore, under the Bill, the Minister for Transport will table various documents and agreements before Parliament for information. These include agreements with rail unions on matters related to the relocation, redeployment or voluntary redundancy of Westrail staff affected by the advent of the NRC and the findings of a review of any adverse impacts on country towns of changes to Westrail's work force arising from the advent of the NRC, and proposed means of ameliorating such impacts.

As I have already stated, the benefits from the creation of the NRC will be substantial, both in national terms and for Western Australia itself. The NRC will be investing in the order of \$1.5 billion in rail infrastructure over the next decade and this will have attendant economic benefits. Investment decisions will be undertaken on a strictly commercial basis and will be aimed at eliminating the inefficiencies that currently exist due to differing equipment, standards and practices.

Major gains from the NRC will be in reduced transit times and more reliable services which should lead to a general increase in the volume of Australia's internal trade. This will be significant to Western Australia, particularly as it should further improve the attractiveness of the landbridging proposal for goods shipped to Fremantle to be transferred to the Eastern States by rail.

It is expected to take the NRC three years to break even, and five years to be financially self-supporting. In the longer term the NRC will be expected to provide a return to shareholders through dividend payments and an increase in the value of shareholders' equity in the company. Overall, the efficiencies and investment program associated with NRC are estimated to result in a boost to the national economy of \$1.2 billion annually, benefits of which Western Australia will obtain a share.

In summary, this Bill will enable Western Australian to participate in one of the most significant developments in Australia's transport system this century. The benefits which will be received, together with the protection afforded Western Australia under the agreement, provide strong support for this major microeconomic reform initiative.

I therefore commend this Bill to the House.

Debate adjourned, on motion by Hon George Cash (Leader of the Opposition).

ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Metropolitan - Leader of the House) [6.27 pm]: I move -
That the House do now adjourn.

Adjournment Debate - Tabling of Corrective Services Papers by Leader of the Opposition

HON J.M. BERINSON: We had another series of games today by the Leader of the Opposition, this time in respect of Corrective Services papers. We have become used to his gimmicks, especially in recent times. I have to say that the line which he adopted today is, if such a thing is possible, even worse than his recent efforts. What we have had from the Leader of the Opposition has been a disgraceful and even indecent display of gross irresponsibility. Mr Cash's effort to table the papers in question showed a total disregard for the individual rights of individuals, in this case public servants. It also showed a complete disregard for the requirements of natural justice. Natural justice requires that, at the very least, persons who could be the subject of damaging allegations should have a right to respond before the reviewing authority's report is finalised. That is the general proposition, but how much more important is that when it is known, as in this case, that a strong response has in fact been made. Fairness and natural justice are made impossible by a process which publicises one part of a story only. That, however, is precisely what would happen if we permitted the ad hoc tabling of incomplete material. If the Leader of the Opposition is incapable of recognising that, one might think it would certainly be recognised by that great civil libertarian and prolific lecturer on all that is right and proper, Hon Peter Foss. On the contrary, Mr Foss led the charge in one respect by attempting to make use of one of the Standing Orders to positively require that the papers in question be tabled.

In my answer to the question by Hon Doug Wenn earlier, I dealt seriously with an issue which was very serious indeed. It is not exaggerating to say that it could cause irreparable but above all unfair and unjust harm to the effected individuals. Even in the course of my answer to Mr Wenn, I anticipated that other procedural manoeuvres might be attempted to revive the issue of the tabling of the papers again.

Hon George Cash: You are running for cover.

Hon J.M. BERINSON: Sure enough, those manoeuvres emerged in the form of the attempt by the Leader of the Opposition -

Hon George Cash: You are running for cover again.

The DEPUTY PRESIDENT: Order! I advise the Leader of the Opposition that he is at liberty to have 10 minutes in the adjournment debate. I ask all members, for that reason alone, to cease their interjections. Everyone has the opportunity to speak in this debate.

Hon J.M. BERINSON: Sure enough, those manoeuvres emerged again when the Leader of the Opposition attempted to obtain leave for the tabling of papers, one at a time. As on the earlier occasion, he did everything possible to obscure the nature of the individual documents; every detail which might indicate just what were the particular documents in question had to be dragged out of him like rotten teeth.

Hon George Cash: I showed you the documents, Mr Berinson.

Hon J.M. BERINSON: Yes, he showed them to me. I volunteer to confirm that he showed them to me. He is not telling me anything new. He showed them to me for two minutes; there were over 100 pages of documents and the bells were ringing. He cannot rely on that.

The renewed effort by the Leader of the Opposition in producing those papers one at a time was no doubt for "dramatic effect". I have to say it was not dramatic at all; it was simply as puerile as it was disgraceful.

Hon George Cash: You know the documents implicate you.

Hon J.M. BERINSON: I know nothing of the sort, and neither does Mr Cash.

Hon George Cash: Yes, you do.

Hon J.M. BERINSON: I know nothing of the sort, and neither does Mr Cash, because it is not true.

The DEPUTY PRESIDENT: Order! I previously advised members of the House that we are in the adjournment debate. If they do not like what the speaker is saying, they will have an opportunity to make their own contributions. I ask members to hold their fire until they get that opportunity.

Hon J.M. BERINSON: In the end, it all depends on the public perception; that is, whether they accept the predictable, cheap and untrue jibes that have become typical of the Opposition - even now in anticipation I can hear "cover up!" - and whether the public perception will stop at that superficial point or whether the external observers will recognise the serious, unfair and unjust attack on individuals which the Leader of the Opposition's approach embodies.

I anticipate yet another manoeuvre. It has been very obvious to me since the issue first arose that, during the adjournment, if the Leader of the Opposition cannot persuade himself to act more honourably than he has so far, he can readily refer to the papers and his accomplice, the civil libertarian, Mr Foss, can require the tabling of the documents. If that happens, it will happen. That has been obvious to me from the first moment and it would have been possible if we were concerned only with the cheap politics of the situation to accept the inevitable and roll along with it and say, "Yes, we give leave for the tabling of the documents." That has been known all day. There would not be a member in this House who has to be told by Mr Foss what are the Standing Orders. The opposition to these moves by the Government is because there is a real principle at stake here. If members opposite insist on trampling on that principle, it will be to their great discredit and to the discredit of the House.

I add two additional points. Firstly, I remind the House that the Royal Commission has taken a strong stance against behaviour such as this by stating that "the use of confidential material for purely party political purposes is to be condemned". Mr Cash has shown already that he has a very selective view and acceptance of Royal Commission findings. It has been clear until now that he will stop at nothing for cheap political mileage. In spite of his record, I express the hope that he will draw the line here because he is reaching a point beyond which no-one could decently go. Secondly, it is particularly disgraceful that Mr Cash has acted in this way when he is fully aware that I am committed and fully intend to table the final report from the investigation as soon as it is completed. Not only that, but also I have clearly stated to the House, and this can be confirmed by the executive director of the department, the Public Service Commissioner, or anyone the House may wish to approach, that I have asked the Public Service Commissioner to do everything possible to expedite the completion of this report in order to ensure that it is tabled during this session.

HON PETER FOSS (East Metropolitan) [6.37 pm]: It is rather interesting to hear in one speech the statement by Mr Berinson that one of the reasons he refused the tabling of these documents was that he had no idea what they were and, in the same speech, to hear him say that it is disgraceful for the Opposition to require them to be tabled. If Mr Berinson does not know what they are, how can he say it would be a disgrace to table them? The fact is that Mr Berinson knows darn well what the documents are.

Point of Order

Hon J.M. BERINSON: I have been misrepresented. I know some of the papers; I do not know the others. In fact, I indicated that by interjection. The point I have made is that I recognised the general nature of them.

The DEPUTY PRESIDENT: Order! There is no point of order. If the Leader of the House claims to have been misrepresented, he can make a personal statement at a later stage.

Debate Resumed

Hon PETER FOSS: We heard in the statement by Mr Berinson that if he really knew what the documents were about and if they were appropriately identified, he would be able to agree to have them tabled.

Hon J.M. Berinson: That is untrue. You look at the *Hansard*. I said I would be able to decide if they could be tabled.

Hon PETER FOSS: Yes. Very good, Mr Berinson. How can you say, Mr Berinson, that the one that I wish to have tabled is improper, because you say you do not even know what it was.

The DEPUTY PRESIDENT: Order! I suggest that Hon Peter Foss direct his comments to the Chair.

Hon PETER FOSS: I have no idea how the Leader of the House can say it was improper for me to call upon the document to be tabled when he said he was incapable of making a decision because he was unable to identify it. He does not even know what it was.

Hon J.M. Berinson: Yes, I do. I said I saw them for two minutes.

Hon PETER FOSS: Well, he does know what it is all about, then.

Hon J.M. Berinson: No, I do not. Don't act the fool.

Hon PETER FOSS: Keep it up, Mr Berinson.

The DEPUTY PRESIDENT: Order! The Leader of the House will come to order. Hon Peter Foss will direct his remarks to the Chair.

Hon PETER FOSS: Over a period of some 10 years, we have been used to dragging every piece of information about what is happening out of this Government. It is nothing new that once again this Government is dragging its heels. I believe that, if it had not been for Mr Cash learning of this matter and questioning Mr Berinson, it is very unlikely that there would be any action whatsoever on this matter. However, it has dragged on forever. I am pleased to hear that Hon Joe Berinson has directed that this matter be completed in time for it to be tabled in this House because it is only by bringing pressure on in the way that the Leader of the Opposition has done that we ever get anything out of this Government.

Hon J.M. Berinson: The review started before his first question, and you know it.

Hon PETER FOSS: Mr Berinson talks about the eagerness he has to provide the information to this House, but he forgets that only a short time ago he was condemned by this House for misleading it because of the way in which he answered certain questions. We know the way that questions are answered in this House and that the only information we can get out of Mr Berinson is to ask a question so precisely it is almost impossible for him to evade answering it. In some instances, even when one does ask a question precisely about his role, he gives a wrong answer. He will mislead the House if he thinks no-one will find out -

Hon J.M. Berinson: Your leader has undeniably misled the House three times in two weeks.

Hon PETER FOSS: If Mr Berinson is able to decide that sort of thing it is a remarkable change of heart, because he could not tell he was misleading the House when he said that he had only a minor role in Cabinet; but he had to admit to the Royal Commission that he was the Minister who introduced the deal to Cabinet.

Hon J.M. Berinson: I was not admitting anything. I was giving an account in accordance with the questions I was asked.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order! I advise members that they are sailing fairly close to the wind when they are accusing members of misleading the House because that is only one short step away from saying the member is deliberately misleading the House, which would involve a matter of privilege. I caution members in the use of their language.

Hon PETER FOSS: I am referring to the actual order by this House which found that the Minister had misled this House. I am clearly referring to that and supporting the finding of this House that he misled it when he said -

Hon J.M. Berinson: If I call you an old fraud, will you ask for it to be withdrawn?

Hon PETER FOSS: Very good! Mr Berinson knows that this House quite rightly found against him that he misled it.

Hon Tom Stephens: You used your numbers.

Hon PETER FOSS: Mr Berinson has still not explained to this House how he reconciles those two statements. All he has ever told the House is that he told the Royal Commission, as well as this House, that he had a minor role. However, he also told the Royal Commission that he was the Minister who introduced the deal to Cabinet.

Hon J.M. Berinson: Are you defending Mr Cash's conduct?

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon PETER FOSS: I am referring to Mr Berinson's protestations as to how serious he is about bringing information before this House and how keen he is to see that fairness prevails. People would be more believing if he faced up to the order of this House which said that he misled it. He has never faced up to that resolution. He continues to defy the order of this House and he has never given an adequate explanation of how his role was like that of any other Cabinet Minister when he introduced the deal to Cabinet. When Mr Berinson actually tells us how he reconciles those two statements we will be prepared to give him some credence. Until such time as he actually addresses that point I do not see why we should give him any credence on anything he says. It has been shown quite plainly in that particular incident that he misled the House and he has not even tried to justify it.

HON P.G. PENDAL (South Metropolitan) [6.44 pm]: We have had another Academy Award winning performance in double standards from the Attorney General tonight. He has taken Hon George Cash to task on two counts. Firstly, he said that Mr Cash was guilty of coming into this House and giving only one side of an argument and, secondly, of dealing with a matter which touched on some very sensitive information.

Hon George Cash: It implicates Mr Berinson.

Hon J.M. Berinson: Rubbish!

Hon P.G. PENDAL: It is a great pity that Mr Berinson did not apply the same moralistic yardstick one week ago when one of his colleagues brought a petition into this place which offended on both counts -

Several members interjected.

Hon P.G. PENDAL: I am calling Mr Berinson someone who is capable of knowing right from wrong.

The DEPUTY PRESIDENT: Order! Will Hon Phillip Pendal take the advice I gave to Hon Peter Foss and address his remarks to the Chair?

Hon P.G. PENDAL: Yes, I will Mr Deputy President. Mr Berinson bemoans the fact that Mr Cash has used a device to bring to the attention of the House only one side of the story. Secondly, Mr Cash was accused of sullyng the reputation of innocent people. The petition which was introduced into this House a week ago -

Point of Order

Hon TOM STEPHENS: The member knows that that issue is a matter before a Committee of Privilege and it should not be dragged into this debate now.

Hon P.G. Pendal: I have not mentioned the actual petition.

The DEPUTY PRESIDENT: Order!

Hon TOM STEPHENS: The member knows damned well it is.

The DEPUTY PRESIDENT: Order! Although the matter has been referred to a Privileges Committee, it is not an Order of the Day.

Debate Resumed

HON MARK NEVILL (Mining and Pastoral - Parliamentary Secretary) [6.46 pm]: I take this opportunity to express my disgust at the personal attacks on the Attorney General today.

I thought the Opposition speakers would have tried to defend the inappropriate action of Hon George Cash in trying to table documents today.

Several members interjected.

Hon MARK NEVILL: To deny a person natural justice when an inquiry is going on and a report is being prepared -

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon MARK NEVILL: The matter is being investigated by the Public Service Commissioner and a report will be tabled in this Parliament this session.

Members opposite did not attempt to defend the grubby actions of the Leader of the Opposition. All we heard was the same old slander of the Attorney General and that is completely unacceptable. If members opposite want to attack Hon Joe Berinson at every opportunity they have, they can do that, but it is becoming monotonous. If members opposite want to win any points in a debate like this, they must defend the Leader of the Opposition and none of them has attempted to do that. It is a disgrace.

HON R.G. PIKE (North Metropolitan) [6.48 pm]: That is the reason I am rising in this place.

Hon J.M. Berinson: If he has to rely on you -

Hon R.G. PIKE: The Leader of the House is already in with his smart alec comments with his hip hip hoorays in the background, before he even knows what I am going to say. It is typical of this man who, in fact, presents two faces to the community of Western Australia - a face we see in here from time to time and a face we see outside this place, and that is not the case with Hon George Cash. I will finish very quickly by making the following point, which will speak for itself: There was a meeting at Hon Joe Berinson's residence in Mt Lawley -

Hon J.M. Berinson: You are good! Does that prove the Leader of the Opposition's behaviour is honourable?

Hon R.G. PIKE: The Leader of the House should hear me out. We will hear what the Royal Commissioners said and we will not be misled by the Leader of the House's smart alec interjections and distorted logic.

Hon Tom Stephens: You are as bad as Mr Foss.

Hon R.G. PIKE: Mr Deputy President, I am happy to go on if you can shut up the hip hip hoorays. The Royal Commissioners said they were satisfied that the meeting did take place at Mr Berinson's home. Mr Berinson said he could not recall such a meeting. The evidence which was given by Messrs Edwards and Lloyd in regard to the State Government Insurance Commission matter is that they did in fact attend. We will let those facts sit there.

Hon J.M. Berinson: What was the conclusion of the Royal Commissioners? Let us hear that.

The DEPUTY PRESIDENT: Order!

Hon R.G. PIKE: The Leader of the House knows the rules. The Deputy President is trying to do his job and we are having loud mouth interjections occurring all the time from the opposite side, and when members on this side try to answer them they are called to order.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order! I suggest that Hon Bob Pike is going dangerously close to reflecting on the Chair.

Hon R.G. PIKE: You, Mr Deputy President, must have misheard me.

Hon Graham Edwards: We did not mishear you at all.

Hon R.G. PIKE: I want to make the point again, lest it be misunderstood. Two of the Labor Party apparatchiki used by this Labor Government for its dirty work, Messrs Edwards and Lloyd, testified on oath that they attended a meeting at Berinson's home in Mt Lawley.

Point of Order

Hon MARK NEVILL: The honourable member should refer to the Attorney General by his correct title.

The DEPUTY PRESIDENT: In general terms that is true, but Hon Bob Pike is quoting from a document.

Debate Resumed

Hon R.G. PIKE: The honourable Attorney General, the leader in this place, presenting his volte-face said that he could not recall the meeting. That is what they call royal commissionitis.

Hon J.M. Berinson: What did the Royal Commission conclude?

Hon R.G. PIKE: Hark at this from the man who has the most incredible recollection of detail, something upon which he prides himself!

Hon J.M. Berinson: When have you heard me pride myself on it?

The DEPUTY PRESIDENT: Order! The Leader of the House will come to order.

Hon R.G. PIKE: His hip hip hoorays on the back bench always pride themselves on their leader's capacity for recollection of times, dates and intricate detail, but at the Royal Commission he could not recall or remember. The Royal Commissioners found -

Hon J.M. Berinson: What did they find?

Hon R.G. PIKE: They found, on the evidence of Lloyd and Edwards, that the meeting did take place.

Hon J.M. Berinson: What did they conclude even after that?

Hon R.G. PIKE: That speaks for itself.

Question put and passed.

House adjourned at 6.52 pm

QUESTIONS ON NOTICE

TRANSPERTH - BUS DRIVERS *Sunday Work, Penalty Rates; Sick Leave Rates*

721. Hon MAX EVANS to the Minister for Police representing the Minister for Transport:

- (1) Are Transperth bus drivers who are rostered on a Sunday and who take sick leave paid penalty rates?
- (2) How many times are penalty rates paid compared to the normal rate?
- (3) What is the gross amount of wages paid for Sunday work?
- (4) Does the replacement driver also get paid full penalty rates?
- (5) Is this practice common amongst bus drivers?
- (6) How many instances of this practice took place in 1991-92?
- (7) Is there any limit to the number of holidays which bus drivers can take as penalty rate sick leave?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) Yes, provided that the individual bus driver has not exhausted his or her sick leave entitlement.
- (2) Every bus driver who works on a Sunday is paid at the penalty rate and currently there are 166 shifts rostered each Sunday.
- (3) On average, bus drivers' wages costs amount to \$31 298 gross per Sunday.
- (4) Yes.
- (5) The practice of claiming sick leave on Sundays is not excessive.
- (6) 124.
- (7) Under the current industrial award, bus drivers are entitled to 76 hours of sick leave per annum. The only restriction on the number of public holidays for which an individual bus operator can claim sick leave payment is that imposed by the actual balance of his or her entitlement which is available at the time a claim is made.

WESTRAIL - TRAIN DRIVERS *Sunday Work, Penalty Rates; Sick Leave Rates*

722. Hon MAX EVANS to the Minister for Police representing the Minister for Transport:

- (1) Are Westrail train drivers who are rostered on a Sunday and who take sick leave paid penalty rates?
- (2) How many times are penalty rates paid compared to the normal rate?
- (3) What is the gross amount of wages paid for Sunday work?
- (4) Does the replacement driver also get paid full penalty rates?
- (5) Is this practice common amongst train drivers?
- (6) How many instances of this practice took place in 1991-92?
- (7) Is there any limit to the number of holidays which train drivers can take as penalty rate sick leave?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) No.

(2)-(7)

Not applicable.

HOSPITALS - ALBANY REGIONAL
Annual Report, Tabling Delay Reason

728. Hon MAX EVANS to the Minister for Education representing the Minister for Health:

Why was the annual report of the Albany Regional Hospital to 30 June 1991, signed by the Auditor General on 29 November 1992 not tabled in the Legislative Council within 21 days?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

The annual report of the Albany Regional Hospital to 30 June 1991 was included in the annual report of the Great Southern Health Regional Departmental Hospitals. While the opinion of the Auditor General for Albany Regional Hospital was signed on Friday, 29 November 1991 it was not received by the Great Southern Health Region until the following week and not incorporated into the annual report in time for the annual report to be tabled by 5 December 1991, which was the last sitting date for the Legislative Council for 1991. However, in accordance with the requirement of section 69 of the Financial Administration and Audit Act the annual report of the Great Southern Health Regional Departmental Hospitals was tabled in the Legislative Council on 6 February 1992, being the first available sitting date following the expiration of the 21 day period from the issuing of the Auditor General's opinion.

REDUNDANCY PACKAGES - GOVERNMENT DEPARTMENTS

736. Hon MAX EVANS to the Minister for Education representing the Minister for Health:

With respect to the various departments under the control of the Minister's portfolios -

- (1) How many staff were made redundant under the voluntary severance scheme in 1991-92?
- (2) How much was the department's total payout for -
 - (a) redundancy pay;
 - (b) leave payments; and
 - (c) superannuation?
- (3) How many of these vacancies had been filled by 30 June 1992?
- (4) How many of these vacancies have been filled since 1 July 1992 to date?
- (5) How many of these vacancies is it expected will be filled within the next 12 months?
- (6) How many staff, paid under the voluntary severance scheme, are now employed or paid as consultants directly or indirectly as an employee of a professional or business firm?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

See the Premier's response to question 732.

REDUNDANCY PACKAGES - GOVERNMENT DEPARTMENTS

737. Hon MAX EVANS to the Minister for Education representing the Minister for Lands:

With respect to the various departments under the control of the Minister's portfolios -

- (1) How many staff were made redundant under the voluntary severance scheme in 1991-92?
- (2) How much was the department's total payout for -
 - (a) redundancy pay;
 - (b) leave payments; and
 - (c) superannuation?
- (3) How many of these vacancies had been filled by 30 June 1992?
- (4) How many of these vacancies have been filled since 1 July 1992 to date?
- (5) How many of these vacancies is it expected will be filled within the next 12 months?
- (6) How many staff, paid under the voluntary severance scheme, are now employed or paid as consultants directly or indirectly as an employee of a professional or business firm?

Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

See the Premier's response to question 732.

TOTALISATOR AGENCY BOARD - AGENCY FRANCHISES
Leases Renewal

791. Hon REG DAVIES to the Minister for Police representing the Minister for Racing and Gaming:

Is the Totalisator Agency Board going to renew the existing franchise leases on the freestanding TABs (not Pubtab) due to expire in 1994?

Hon GRAHAM EDWARDS replied:

The Minister for Racing and Gaming has provided the following response -

There are no agency franchises expiring in 1994. A majority of the agency franchises expire in 1995 and several others in later years. It is unknown if the franchises will be renewed. The board is currently considering this matter.

PILBARA DEVELOPMENT COMMISSION - HEAD OFFICE LOCATION
Chief Executive Officer, Office Location

795. Hon N.F. MOORE to Hon Tom Stephens representing the Minister for State Development:

Further to question on notice No 637, of Tuesday, September 15, will the Minister advise -

- (1) Which of the two offices will be the "Head Office" of the Pilbara Development Commission?
- (2) At which office will the Chief Executive Officer of the commission be located?
- (3) What is the reason for locating the Chief Executive Officer at the office referred to in part (2) above?

Hon TOM STEPHENS replied:

The Minister for State Development has provided the following reply -

- (1) It is proposed that there will be three offices within the Pilbara; one in Karratha, one in Port Hedland and one in Newman.

(2)-(3)

It is envisaged that the Chief Executive Officer will be based in Port Hedland but will spend considerable time throughout the Pilbara region.

ONSLow SALT PROJECT - GO AHEAD FOR AGREEMENT

798. Hon N.F. MOORE to Hon Tom Stephens representing the Minister for State Development:

- (1) Has the go ahead been given for the Onslow salt project, and if so, when was the agreement signed?
- (2) Will the agreement be the subject of legislation, and if so, when will it be introduced into the Parliament?
- (3) When is it anticipated that work on the project will commence?

Hon TOM STEPHENS replied:

The Minister for State Development has provided the following reply -

- (1) The go ahead for the agreement has been given by Cabinet and it is expected to be signed by the end of October.
- (2) Yes. It is expected to be introduced to Parliament in November 1992.
- (3) The agreement requires submission of proposals by 31 December 1993. On this schedule, site work on the approved project would commence in 1994. However, an earlier start may be possible and would be encouraged by the Government.

GOLDCORP - FUTURE PROPOSALS

814. Hon N.F. MOORE to the Parliamentary Secretary, Hon Tom Stephens representing the Minister for State Development:

What are the Government's proposals for the future of Goldcorp?

Hon TOM STEPHENS replied:

The Minister for State Development has provided the following reply -

It is assumed the member is referring to Gold Corporation, of which Goldcorp Australia is a subsidiary. The Government intends that the corporation should continue to carry out its functions of -

- (1) providing high quality processing services to the Australian precious metals industry;
- (2) adding value to Australian precious metals before export; and
- (3) generating consumer interest in and demand for Australian precious metals.

As in the past, strategies for maximising the value of the Government's investment in the organisation are reviewed from time to time.

PORT KENNEDY PROJECT - MINISTER'S VISIT TO SINGAPORE *Government Financial Interest*

819. Hon P.G. PENDAL to the Parliamentary Secretary, Hon Tom Stephens representing the Minister for State Development:

- (1) Did the Minister recently visit Singapore in connection with funding for the Port Kennedy project?
- (2) What role is the Minister playing in the financial negotiations over Port Kennedy?
- (3) Is LandCorp a partner in the Port Kennedy development?
- (4) Is the member for Rockingham being considered to chair the Port Kennedy Management Board?
- (5) What remuneration will be paid to the chairman of this board?
- (6) Does the Western Australian Government, or any of its agencies, have a financial interest in the Port Kennedy project?

- (7) Has the Western Australian Government provided any assurances to the developers or financiers of the Port Kennedy project in regard to financial issues and the development of stage 2?
- (8) Where in the Port Kennedy Development Authority Bill does it state that at least 75 per cent of stage 2 will be set aside for conservation?
- (9) Will the other 25 per cent be rezoned for urban development?
- (10) If so, will LandCorp be the developer?
- (11) Does the Government intend to convert any part of Port Kennedy to freehold other than the 25 hectare grant to Fleuris?
- (12) If so, how much and where?

Hon TOM STEPHENS replied:

The Minister for State Development has provided the following reply -

- (1) No. I visited Singapore at the invitation of Curtin University. While I was there the joint venture partners invited me to meet with Singaporean investors.
- (2) None.
- (3) No.
- (4) No individuals are being considered for membership of the Port Kennedy management board at this time.
- (5) A standard Public Service Commission meeting fee will be paid.
- (6) When the project proceeds, as a result of the environmental commitments made by the proponents, the EPA will receive \$40 000 for a baseline survey of the marine environment - commitment 15 - and \$30 000 towards the development of an environmental management strategy for Wambro Sound - commitment 16.
- (7) No assurances have been given other than that included in clause 18 of the agreement.
- (8) Clause 26 of the agreement refers to the environmental approval conditions as though those conditions were "expressly set out in the Agreement". Condition 17(1) of those conditions states that no less than 75 per cent of the stage 11 shall be set aside for conservation purposes. Condition 18(4) requires an undertaking that not less than 75 per cent of stage 11 will be set aside for conservation purposes.
- (9) Not as a result of the agreement and there are no such proposals.
- (10) Not applicable.
- (11) There are no such plans or proposals.
- (12) Not applicable.

RACE COURSE DEVELOPMENT FUND - RACE CLUBS NORTH OF 26th PARALLEL FUNDING APPLICATIONS

835. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Racing and Gaming:

- (1) How many race clubs north of the 26th parallel have applied for funds from the race course development fund in the last 12 months?
- (2) Who are those clubs?
- (3) What funds have been allocated to these clubs from the race course development fund?
- (4) Which clubs were the recipient of funds?

Hon GRAHAM EDWARDS replied:

The Minister for Racing and Gaming has provided the following response -

- (1) Two.
- (2) Broome Turf Club and Newman Turf Club.
- (3)-(4) None.

EXMOUTH - RESORT SITES INQUIRY, EXPRESSIONS OF INTEREST

836. Hon P.H. LOCKYER to the Parliamentary Secretary, Hon Tom Stephens representing the Minister for State Development:

- (1) Have expressions of interest been called to examine possible resort sites in the Exmouth region?
- (2) What is the proposed cost of such an examination?
- (3) How will such a report be funded?
- (4) When will a decision be made to announce the successful recipient of the study contract?

Hon TOM STEPHENS replied:

The Minister for State Development has provided the following reply -

- (1) Yes.
- (2) Up to \$125 000.
- (3) From Commonwealth and State Government funding.
- (4) December 1992.

WESTERN AUSTRALIAN TOURISM COMMISSION - REGIONAL CENTRES CLOSURE

Consultations and Research; Staff Transfers

848. Hon MURIEL PATTERSON to the Minister for Police representing the Minister for Tourism:

With reference to the removal of tourism staff from regional centres -

- (1) Why are such important decisions taken without any consultation?
- (2) Was any research carried out on the value/benefit of the service before it was decided to remove the regional tourism office?
- (3) Were the views of any of the service users sought before taking such a decision?
- (4) Was the Minister aware of the Premier's and Deputy Premier's support for the issues arising out of the "Save our Towns" conference and report and their previous commitment to try and freeze staff transfers from country areas?
- (5) In making the decision was the Minister aware that the transfer of staff not only causes a loss of service, but also has a negative impact on the community's economy?

Hon GRAHAM EDWARDS replied:

The Minister for Tourism has provided the following response -

- (1) An extensive consultation process was entered into prior to the decision being reached.
- (2) The commission undertook an administrative review of the previous regional structure and identified an opportunity for more effective resource utilisation.

- (3) For some time the possibility of such a restructure has been well known throughout the industry with many different views being received in the time leading to the decision.
- (4) Yes, but this decision was taken in the overall interests of tourism in Western Australia.
- (5) Service will be still available to regional areas. When offices are closed, service will be provided from Perth. This decision was taken on a Statewide basis in the best interests of regional tourism and tourism in general.

EDUCATION, MINISTRY OF - UNIFORM TESTING PROPOSAL

865. Hon N.F. MOORE to the Minister for Education:

- (1) Is it correct that the Minister has caved in to Teacher Union pressure and abandoned her proposed uniform testing procedures?
- (2) If not, what is the current status of the testing procedures?

Hon KAY HALLAHAN replied:

- (1) No.
- (2) Sample testing has been conducted as planned across years 3, 7 and 10. Data are now being analysed and the reports will be produced on schedule. Negotiations are continuing between the Ministry of Education and the SSTU to ensure that the process is fully in place by mid-1993 for the reporting at the end of 1993.

LAND - FITZROY CROSSING

Light Industrial and Residential Blocks, Development and Sales

866. Hon N.F. MOORE to the Minister for Education representing the Minister for Lands:

- (1) How many -
 - (a) light industrial; and
 - (b) residential blocks
 have been developed in Fitzroy Crossing since January 1989?
- (2) How many of these blocks have been sold?
- (3) What price was paid for each block sold?
- (4) What is the current upset price for the blocks still available for sale?
- (5) Is it proposed to reduce the price of these blocks, and if so, by how much and when?
- (6) Will the Government give consideration to making rural blocks available in the vicinity of Fitzroy Crossing, and if not, why not?

Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

- (1) (a) 6
(b) 26
- (2) One residential lot has been sold.
- (3) \$33 400.
- (4) The light industrial lots range in price from \$46 600 to \$53 200 for the service premium, and \$14 000 to \$26 000 for purchase if converted to freehold within three years. Single residential lots range in price from \$33 400 to \$36 700. Duplex and group housing lots range in price from \$37 200 to \$69 100.
- (5) Yes, the prices of the light industrial lots have been reduced for re-release and the review of residential prices is currently under consideration.

- (6) Consideration is currently being given to the servicing and release of rural residential lots. However, there is significant opposition from the EPA, DPUD and MRD due principally to potential for periodic flooding.

QUESTIONS ON NOTICE - Nos 497-500, 502-508

Answers Date

882. Hon GEORGE CASH to the Minister for Education representing the Minister for Lands:

When may I expect to receive substantive answers to questions on notice Nos 497-500 and 502-508 in respect of which the Minister advised on Tuesday, September 15 1992 that written responses would be provided?

Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

Written responses to each question will be provided to the member by Wednesday, 11 November 1992. Due to the complex nature of the questions much time and effort has been expended in compiling the information required which has been solicited from departments other than DOLA.

HOSPITALS - DERBY REGIONAL

Stage 4 Redevelopment

884. Hon P.H. LOCKYER to the Minister for Education representing the Minister for Health:

- (1) Will the Government proceed with the fourth stage of the Derby Regional Hospital?
- (2) If so, when?
- (3) If not, why not?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

(1)-(2)

The Health Department has prepared a design plan for the stage 4 redevelopment of Derby Regional Hospital for consideration in the normal process as part of the 1993-94 capital works program.

(3) Not applicable.

LAND - FITZROY CROSSING

Light Industrial and Residential Blocks, Price Reduction Request

885. Hon P.H. LOCKYER to the Minister for Education representing the Minister for Lands:

- (1) Has the Minister been approached by the Fitzroy Crossing Progress Association with a request to reduce the price of both industrial and housing blocks in Fitzroy Crossing?
- (2) If so, has a commitment been made to reduce these land prices?
- (3) What are the reviewed land prices?

Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

(1) Yes.

(2) Yes. The prices for the light industrial lots about to be released in Fitzroy Crossing have been reduced and consideration is currently being given to a review of residential prices.

(3)	Lot	Service Premium	Purchase price (valid 3 years)	Annual Rental
	190	\$53 200	\$26 000	\$2 080
	191	\$40 600	\$14 000	\$1 120
	192	\$40 600	\$14 000	\$1 120
	193	\$40 600	\$14 000	\$1 120
	194	\$40 600	\$14 000	\$1 120
	281	\$46 000	\$20 000	\$1 600

PORTS AND HARBOURS - UNLOADING CONTAINERS FROM A STATE SHIP COST

Fremantle; Dampier; Port Hedland; Broome; Wyndham; Darwin

889. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

What is the cost to unload a container from a State ship at -

- (a) Fremantle;
- (b) Dampier;
- (c) Port Hedland;
- (d) Broome;
- (e) Wyndham; and
- (f) Darwin?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

Costs vary according to the quality of containers and precise circumstances; for example, weekday/weekends etc, but recent averages indicate -

- (a) \$301
- (b) \$317
- (c) Only breakbulk cargoes in recent shipments
- (d) \$625
- (e) \$574
- (f) \$442

WHARF LABOURERS - BROOME AND WYNDHAM ARRANGEMENTS

Labour for Berthing, Unloading, and Sailing Preparation of State Ships

890. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

- (1) What are the present arrangements with regard to wharf labour in Broome and Wyndham?
- (2) How many persons are required for the berthing, unloading and preparation for sailing of State ships?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) The Department of Marine and Harbours employs a multiskilled, integrated work force at each port which undertakes stevedoring tasks in conjunction with other port tasks. Stevedoring companies hire labour from the department to meet their requirements, with casual employees being engaged as required to meet any labour requirement shortage.
- (2) The number of persons involved may vary to meet operational requirements. When basic container handling tasks are involved, a total of nine persons are involved at Broome and 12 persons at Wyndham.

ROAD TRAINS - COOLGARDIE-PERTH HIGHWAY UPGRADING PLANS
Usage Permission

891. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

- (1) What plans are in place to upgrade the Coolgardie-Perth highway to cope with the decision to allow road trains to use this road?
- (2) Will the Government reconsider the decision to allow road trains to use the road until upgrading is complete?
- (3) If not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

(1)-(3)

Certain road trains already are permitted to use the Coolgardie to Northam section of the Great Eastern Highway. The number of road trains is expected to increase after April 1993, but the number of semi-trailers should decrease. Main Roads is about to carry out major repairs to the Northam-Coolgardie section following the extremely wet winter of 1992. This work will be complete in April 1993. A longer term strategy for the upgrading of this section of the Great Eastern Highway is being completed at present by Main Roads. The funding of this will depend on the various priorities for national highway (Federal) funding in future years.

WHARF LABOURERS - DAMPIER
Labour for Unloading Containers from a State Ship

892. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

- (1) When a State ship calls at Dampier to discharge container cargo, how many wharf labourers are allocated the duty of unloading the cargo?
- (2) If there is only one container to unload, how many wharf labourers are allocated and what are their minimum hours?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

In Dampier, Stateships uses a private company Dampier Stevedoring (Mermaid Marine Group) to discharge containers. The number of wharf labourers allocated to the task is negotiated by the company. The task also includes the functions of the mooring gang. Advice from Dampier Stevedoring indicates -

(1) 12.

(2) Eight. The minimum is one hour if the work occurs between 8.00 am and 3.00 pm Mondays to Fridays inclusive.

NORTH WEST DISTRICT PLANNING COMMITTEE - MINUTES OF MEETING
MAY 28 1992

893. Hon GEORGE CASH to the Minister for Education representing the Minister for Planning:

With reference to the answer given on 15 September 1992 to question on notice 542, I ask -

- (1) Has the minister received the minutes of meeting of the North West District Planning Committee held on 28 May 1992?
- (2) If yes, will the Minister advise if the Minutes of that meeting indicate that Councillor Vallelonga attended the meeting as the City of Stirling's deputy representative for Councillor John Bombak?

- (3) Do the minutes indicate that at that meeting Councillor Waters of the City of Wanneroo was elected chairman of the committee?

Hon KAY HALLAHAN replied:

The Minister for Planning has provided the following reply -

- (1) The function of the six district planning committees is to provide assistance and advice to the State Planning Commission and minutes are referred only to the commission as required by section 25 of the Metropolitan Region Town Planning Scheme Act. Minutes of the subject meeting have been made available to me since the reappointment of Councillor Vallelonga as chairperson to the north west district planning committee.
- (2) No.
- (3) Yes, but the committee apparently overlooked the fact that Councillor Vallelonga's appointment as that committee's member on the Metropolitan Planning Council was still valid (section 26 of the State Planning Commission Act) and therefore, according to the committee's constitution, should have chaired the meeting.

**NORTH WEST DISTRICT PLANNING COMMITTEE - CRITERIA FOR
ELECTING REPRESENTATIVES**

894. Hon GEORGE CASH to the Minister for Education representing the Minister for Planning:

- (1) Will the Minister advise if the criteria used for electing representatives to the North West District Planning Committee are that the delegate is the Chairman of either the City of Wanneroo or the City of Stirling Town Planning Committee?
- (2) If not, will the Minister indicate what criteria are used?

Hon KAY HALLAHAN replied:

The Minister for Planning has provided the following reply -

- (1)-(2) The Metropolitan Region Town Planning Scheme Act requires that each local government authority in the metropolitan region, except the City of Perth for which separate provision is made, appoint one person from among its mayors, councillors or members to the district planning committee of which it forms part. The appointment lies exclusively within the discretion of the local authority.

**MARTIN, MR - COUNSEL ASSISTING THE ROYAL COMMISSION, TERMS
OF CONTRACT**

912. Hon MARK NEVILL to the Attorney General representing the Premier:

- (1) What were the terms upon which Mr Martin was engaged as counsel assisting the Royal Commission into Commercial Activities of Government and Other Matters?
- (2) How much has Mr Martin been paid?
- (3) What further payments are due to him?
- (4) Did anyone ask for the terms of his contract to be confidential and if so who made the request?
- (5) Did any person in Government approve this confidentiality or secrecy of the contract with Mr Martin?
- (6) If so, what are their names?

- (7) Were any persons within government informed or given information concerning the nature of the agreement with Mr Martin?
- (8) If so, what are their names?
- (9) Did any of the three commissioners approve the confidentiality agreements?
- (10) If so, who?
- (11) If not, who did and who executed each agreement?
- (12) Is it correct that the fees agreement for Mr Martin was not in his own name but in the name of his private company?
- (13) (i) Was the name of that company Martin Pty Ltd?
(ii) If not, what was the name of the company?
- (14) As barristers cannot normally funnel their professional fees to or through a company, how was it countenanced in the case of Mr Martin?
- (15) What are the tax minimisation or avoidance advantages of such a contract?
- (16) What is the Governments justification for paying Mr Martin in this fashion?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

(1)-(3)

The information requested in these paragraphs is not provided as the terms on which all counsel assisting the Royal Commission were retained were agreed to be confidential.

(4)

The confidentiality was mutually agreed between Mr Martin and the Solicitor General. The Solicitor General cannot recall whether he first raised the matter or Mr Martin. Confidentiality is a normal term with retainers of this nature. For the State the Solicitor General was concerned to ensure confidentiality with respect to all counsel assisting so that -

- (a) the terms on which each was retained did not become a point of friction as between counsel assisting, or with other members of the staff of the commission, or with the members of the Royal Commission;
- (b) the rates agreed with one counsel assisting could not be used by another as a basis for negotiating more favourable rates for himself.

(5)-(6)

No. The Solicitor General was given the responsibility of engaging counsel assisting.

(7)-(8)

No. The Solicitor General did advise the Premier in general terms as to the appointment of counsel assisting but did not provide details of the terms on which each was retained.

(9)-(10)

No.

(11) The Solicitor General retained each of the counsel assisting.

(12)-(16)

The agreement for the retention of Mr Martin provided for the payment of fees to B.R. Martin Pty Ltd. This is a company incorporated in South Australia, the objects of which are limited to the provision of legal services. The company is constituted according to the provisions of South Australian law which authorise the practice of law in this form. The company holds a practising certificate under the Legal Practitioners Act (SA).

**OLD SWAN BREWERY REDEVELOPMENT - THEATRE AND MUSEUM
COMPLEX PROPOSAL, LEASE PLANS**

914. Hon P.G. PENDAL to the Minister for Education representing the Minister for Planning:

- (1) Are there any plans for the Government to lease the proposed theatre and museum to be established in the redeveloped brewery complex?
- (2) If so, what is envisaged in such a plan?

Hon KAY HALLAHAN replied:

The Minister for Planning has provided the following reply -

(1)-(2)

The Old Swan Brewery site, Perth lots 1034 and 1035, is Crown land co-jointly leased to Multiplex Pty Ltd and Bluegate Nominees. I am unaware of any sublease proposals.

EDUCATION, MINISTRY OF - MINISTERIAL LIAISON UNIT

917. Hon P.H. LOCKYER to the Minister for Education:

- (1) What is the purpose of the Ministerial Liaison Unit?
- (2) What number of staff operate this unit?
- (3) Is it a fact that the staff that operate this unit are seconded from other sections of the Education Department, leaving shortages in the department they were working in?
- (4) Is this unit funded separately from the budget of the Education Department?

Hon KAY HALLAHAN replied:

- (1) The ministerial liaison unit was established by the Ministry of Education to assist the ministry to coordinate the preparation of policy papers, Cabinet minutes, replies to parliamentary questions, ministerial briefings and other ministerial correspondence on behalf of the Chief Executive Officer.
- (2) Two.
- (3) No. The temporary transfer of staff is necessary at times when officers who occupy the positions on a substantive basis are on leave, or pending the filling of positions on a permanent basis. This is normal practice throughout the ministry.
- (4) The unit is funded within the ministry's budget.

SCHOOLS - WAGGRAKINE PRIMARY

Upgrade Funding From Administration Upgrade Program

929. Hon MARGARET McALEER to the Minister for Education:

I refer to the Minister's answers to my earlier questions on notice 404 and 408 concerning upgraded facilities for the Waggrakine Primary School and ask:

Can the Minister inform me whether any funding will be made available through the administration upgrade program for the Waggrakine Primary School in the current Budget?

Hon KAY HALLAHAN replied:

An announcement on those schools where administration and staff facilities will be upgraded during 1992-93 will be made early next month.

SCHOOLS - GRANTS 1993, PERCENTAGE INCREASE

934. Hon MURRAY MONTGOMERY to the Minister for Education:

Can the Minister advise the percentage increase in the school grants for 1993?

Hon KAY HALLAHAN replied:

The increase in the school grant for 1993 includes the following -

- 1.1 per cent increase for indexation of non-salary items.
- Two per cent increase for salary items.
- 2.9 per cent increase for growth.

This does not include further devolution for 1993 which will see a further 11.5 per cent increase in funds devolved to schools.

EDUCATION, MINISTRY OF - MT MAGNET SPORTING FACILITIES
Outstanding Maintenance Contribution

941. Hon P.H. LOCKYER to the Minister for Education:

- (1) Is it correct that the Ministry of Education is in arrears with the Mt Magnet Shire Council with regards to a 50 per cent contribution to the maintenance of the Mt Magnet sporting facilities?
- (2) If so, how long has the account been outstanding?
- (3) What is the amount outstanding?
- (4) When will it be paid?

Hon KAY HALLAHAN replied:

- (1) Yes.
- (2) Since 7 July 1992.
- (3) \$5 516.59.
- (4) When the supporting documentation requested is provided by the Mt Magnet Shire in accordance with the provisions of the Financial Administration and Audit Act - which is the legislation governing all disbursements of Government funds.

WATER AUTHORITY OF WESTERN AUSTRALIA - DOMESTIC CONNECTION FEE, DENHAM

943. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Water Resources:

- (1) What is the cost of a connection fee for a new domestic connection in Denham?
- (2) Is this charge the same in all parts of Western Australia?
- (3) If no, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following response -

- (1) Charges for a single residential connection are -

Building application fee	\$45
Standpipe fee	<u>\$42</u>
Total	\$87

- (2) Yes.
- (3) Not applicable.

QUESTIONS WITHOUT NOTICE

SMITH, SERGEANT DESMOND - ASSAULT CHARGE
Stressful Job and Transfer Request Advice

613. Hon GEORGE CASH to the Minister for Police:

I refer to an article published in today's *The West Australian* containing a photograph of Sergeant Desmond Smith, who was sentenced as a result of an assault charge involving a person aged 17 years. The assault was said to have occurred inside the Fremantle Police Station some time ago.

- (1) Is it true that Sergeant Desmond Smith advised his superiors some weeks prior to this incident that the stress of the job was such that he was asking for a transfer?
- (2) Also, is it true he was advised in general terms that although the stressful nature of his job was acknowledged, inadequate manpower was available to enable him to transfer to a different position?

Hon GRAHAM EDWARDS replied:

(1)-(2)

I will take that question on notice. Similar claims to those outlined by the Leader of the Opposition have been made to my office today, and I have not been able to check them out. However, I will advise the member accordingly. Policing by its very nature is a stressful job made more stressful by the difficult circumstances in which police have to work. That stress is a matter of great concern.

POLICE - STRESSFUL WORK *Transfer Policy*

614. Hon GEORGE CASH to the Minister for Police:

Supplementary to my previous question, in view of the Minister's answer, I ask -

- (1) Can he advise whether, in situations in which police officers indicate that they are under tremendous stress, and the nature of their job is causing them to suffer ill-health, it is the usual policy of the department to take such claims seriously?
- (2) Also, are attempts made in such circumstances to transfer such officers to a less stressful position within the Police Force?

Hon GRAHAM EDWARDS replied:

(1)-(2)

The member's outline is my understanding of the general nature of the policy in such situations.

FINE ARTS REVIEW COMMITTEE - REPORT

615. Hon PETER FOSS to the Minister for The Arts:

- (1) What is the current status of the review by the fine arts review committee?
- (2) Has a report been produced?
- (3) If so, what are the general recommendations of that review and when can we expect it to be published?

Hon KAY HALLAHAN replied:

(1)-(3)

I understand that the report is near finalisation, although it has not yet come to me. Therefore, I am not in a position to say when it will be available, except to say that its arrival is imminent.

SWAN BREWERY SITE - POLICE ACTIVITY, OVERKILL INQUIRY

616. Hon P.G. PENDAL to the Minister for Police:

I advise the Minister that for the last two days a number of police and two paddy wagons have been on the site of the old Swan Brewery in order to guard against the activities of a single protester. Will the Minister investigate the level of police activity on that site and report back to the House regarding whether overkill has been evident in this situation?

Hon GRAHAM EDWARDS replied:

I will certainly have that matter investigated. However, once again, I am not aware of too many situations in which a single protester has been at the old Swan Brewery. All situations of which I am aware have involved a number of

protesters. It seems from a couple of letters I have read that from time to time these protesters have materialised very quickly; therefore, I can well envisage a situation in which protesters could well and truly outnumber the police. I will check the matter.

TREASURER'S ANNUAL STATEMENTS - TABLING BEFORE END OF SESSION

617. Hon MAX EVANS to the Leader of the House:

Previous notice of this question has been given, and I refer to a question I have raised in each of the last three years: Can he assure the House that the Treasurer's Annual Statements will be tabled before the end of this session?

Hon J.M. BERINSON replied:

I thank the member for advance notice of the question. I was unable to deal with it in the ordinary way; that is, through the Treasurer's office. However, I took the opportunity to check with Treasury directly, and I am advised that the tabling of this material is clearly expected before the end of the session; in fact, the presentation is expected in the first resumption week following the forthcoming break.

Hon Max Evans: Is the Treasurer aware that it is unlikely the Estimates will be passed until the Opposition has seen the State's balance sheet?

Hon J.M. Berinson: Not unless Hon Max Evans has advised the Treasurer.

GOVERNMENT EMPLOYEES HOUSING AUTHORITY - HOUSING FOR PRINCIPALS AND SENIOR STAFF *Allocation Policy Responsibility*

618. Hon BARRY HOUSE to the Minister for Education:

Who determines policy for the allocation of Government Employees Housing Authority homes in country areas for school staff? Is it GEHA or the Ministry of Education?

Hon KAY HALLAHAN replied:

I understand that the practice has been to allocate housing to various Government agencies and, from that, a certain allocation has gone to the Ministry of Education. The member asked a question the other day on this matter. I thought then - and still think - he was alluding to a trial being conducted at Kalgoorlie, Karratha and some other places where Government agencies are putting together what could be called a pooling of available housing resources to fulfil the needs of Government officers in those centres. I am told that that has worked extremely well in gaining maximum use of that housing. It has also provided satisfaction to those on the ground making decisions about the allocations. The question asked by the member on another day referred to some dissatisfaction, I thought, on the part of senior people in the ministry, who, in the past, have been allocated housing which recognised that senior status. The member may need to give particulars of the problem which has been drawn to his attention and whether it is from those areas in which the experiment is taking place.

Hon BARRY HOUSE: The concerns are not from Kalgoorlie or Karratha, but from the south west.

Hon KAY HALLAHAN: I suggest that the member either write to me about the matter or we have a discussion. I do not recall having the same dissatisfaction brought to my attention before, although it is possible.

Hon Barry House: My question concerns general policy.

The DEPUTY PRESIDENT: Order! We cannot have a conversation in question time.

Hon KAY HALLAHAN: I leave it to the member to make me aware of the problem which has arisen.

Hon Barry House: Can the Minister be a little more specific. Who determines policy; is it GEHA or the Ministry of Education?

Hon KAY HALLAHAN: There has been a policy in place, but I understand that it has not necessarily served every centre well, or indeed Government officers in particular centres. Some flexibility exists at present, given the success of the situation at Kalgoorlie and Karratha. However, I have not had direct feedback on that.

Hon Barry House: Is it a ministry policy or GEHA policy?

Hon KAY HALLAHAN: It is a mix across Government departments. In the past GEHA has made allocations to the ministry. Ministry of Education policy has then applied to that allocation. However, I understand that the new model has been so successful that it may be implemented much more widely, although I do not want to flag that prematurely.

BROPHO, FRANK - MEDICAL REPORTS TABLING

619. Hon BOB THOMAS to the Minister for Police:

Is the Minister able to table the medical reports relating to the Frank Bropho incident?

Hon GRAHAM EDWARDS replied:

I thank the member for some notice of the question. Members will recall that Frank Bropho was the subject of a number of newspaper articles recently. After having been taken to the Perth lockup he made allegations that his ankle had been broken by police and that he had received no medical attention. I approached the Crown Solicitor's office to seek advice about whether I should table the medical report. The reply from the Crown Solicitor reads -

I refer to your memorandum of 16th October in which you indicate that you are contemplating tabling in Parliament the reports obtained from the two doctors who initially saw Mr. Bropho.

I note that whilst the first newspaper article was clearly inaccurate, the second did contain significant corrections as to the fact that Mr. Bropho received medical attention within an hour of his arrival at the lockup.

Given that Mr. Bropho's accusations might now turn against the first doctor who saw him, I would counsel against tabling either of the medical reports. At the very least, I would suggest that the agreement to such a course should first be obtained from the doctors.

I will do as recommended by the Crown Solicitor and approach both of the doctors involved to seek their agreement. I seek leave to table the letter.

Leave granted. [See paper No 593.]

PUBLIC LIBRARIES - NEW STOCK FUNDING

620. Hon P.G. PENDAL to the Minister for The Arts:

- (1) Has the Minister been responsible for media statements in recent months expressing a commitment to restore public library resources to previous levels?
- (2) Is the Minister aware that the allocation made this year will, at best, enable a new stock input of seven per cent of total stock for the year?
- (3) Is the Minister aware that funding must be increased to a level which will allow a 15 per cent new stock input to the Statewide collection?
- (4) In that case, what action will the Minister take to remedy the reduction of stock?

Hon KAY HALLAHAN replied:

(1)-(4)

I would need to have the figures checked against the assertions made by the member.

Hon P.G. Pental: They were made by the City of Canning.

Hon KAY HALLAHAN: I do not mind which city made the assertions.

The DEPUTY PRESIDENT: Order!

Hon KAY HALLAHAN: I do not want to call Hon Phillip Pental frivolous, but it would seem that he is. I request that he put the question on notice.

CENSORSHIP - ATTORNEYS GENERAL MEETING, PERTH
Minister for the Arts Attendance

621. Hon GEORGE CASH to the Minister for The Arts:

- (1) At the meeting of the Attorneys General held in June 1992 did the Minister attend the session dealing with censorship?
- (2) At that meeting did she agree to the guideline under "Refusal Classifications" - publications which may not be sold or displayed: "Exploitative novellas which include gratuitous descriptions of sexual activities involving children, but this guideline will not apply to works of genuine literary merit"?
- (3) Did she also agree to the following guideline under the same category: "Exploitative novellas which contain relished or detailed descriptions of gratuitous acts of cruelty, or detailed or unjustifiable descriptions of sexual violence against non-consenting persons. This guideline will not apply to works of genuine non-literary merit."?

Hon KAY HALLAHAN replied:

Subject to checking my diary, I would say that I was at that meeting of censorship Ministers held in Perth in the middle of the year. The language that the honourable member refers to is quite different, out of the ordinary, and does not come readily to mind. I will check on the proceedings of that meeting and advise the member accordingly.

**COMMUNITY SPORTING AND RECREATION FACILITIES FUND -
KATANNING AND DISTRICTS POOL ASSOCIATION LETTER**

622. Hon J.N. CALDWELL to the Minister for Sport and Recreation:

Has the Minister received a letter from the Katanning and Districts Pool Association? If so, has any decision been made in response to the letter?

Hon GRAHAM EDWARDS replied:

I thank the honourable member for giving notice of this question. I understand that the group to which the honourable member refers is seeking assistance for a sports related project in Katanning. That funding application was not successful.

Since the initial community sporting and recreational facilities fund grants were announced I have been approached by the Shire of Katanning - Bob Wiese, the honourable member's colleague in the other place organised a meeting - which requested assistance for a major project. I am very sympathetic to the group to which Hon John Caldwell refers, despite the fact that it is not tied up with Australs Football Club. The honourable member will see the irony in that. I feel more committed at this stage to meet the priority that has been put forward by the shire. I thank the honourable member for his representation on behalf of this association. I will give the matter further consideration and respond as quickly as I can.

TEACHERS - PERMANENT STATUS, GRANTING OF

623. Hon BARRY HOUSE to the Minister for Education:

Can permanent status be granted to a teacher who, for many years, has demonstrated excellent ability in the classroom and general competence while teaching on a temporary, but a semi-continuous, basis in the same school? If not, why not?

Hon KAY HALLAHAN replied:

Members will be aware that there has been a view by Government and other people that the pool of temporary teachers in Western Australia is larger than is required, given our external system and geographical spread. With that in mind, the Government has given an undertaking to reduce by roughly half - 1 500 teachers - those who are retained on temporary status and to make them permanent within three years. We have recently announced that 500 temporary teachers will be made permanent in 1993. A working party has been established between the ministry and the State School Teachers Union of WA which has drawn up the criteria for those initial 500 temporary teachers becoming permanent teachers in 1993. I do not have the detailed criteria with me. If the honourable member puts his question on notice, I will check the decisions that are now being made about temporary teachers receiving permanent status in 1993.

TEACHERS - PERMANENT STATUS, GRANTING OF

624. Mr HOUSE to the Minister for Education:

The Minister would appreciate that in a country town a teacher who has worked in a school on a semi-continuous basis for many years cannot readily get employment at another school. Therefore, a permanent teacher who wants to transfer to that town could take the only position available to a temporary teacher who would end up in a catch 22 situation. Can the Minister recommend any way a competent teacher in a country town can obtain permanency?

Hon KAY HALLAHAN replied:

The best way that the honourable member can assist his constituent would be to put the question on notice. I will then have the people in the personnel section of the Ministry view the circumstances and indicate what might be possible for that person.

TEACHER TRAINING - MOVE AWAY FROM ACADEMIC BASIS TO PRACTICAL BASIS

625. Hon PETER FOSS to the Minister for Education:

Is the Minister aware of the Federal Government's suggestion that teacher training should move away from an academic basis towards an on the job training basis? If so, what is the State Government's attitude to that proposal?

Hon KAY HALLAHAN replied:

My understanding is that there is a practical component associated with teacher training. I do not know whether the honourable member is referring to a particular report.

Hon Peter Foss: Mr Dawkins has said that there should be greater emphasis on practical training and less on academic.

Hon KAY HALLAHAN: The State Government would need to review the proposal before it could give a response.

**CORRECTIVE SERVICES, DEPARTMENT OF - LEAVE GRANTING FOR
TABLING OF REPORT, REFUSAL REASON**

626. Hon DOUG WENN to the Leader of the House:

At 2.30 this afternoon the Leader of the Opposition attempted to table some

papers relating to the Department of Corrective Services. Would the Leader of the House give reasons for his refusal to allow those papers to be tabled?

Hon J.M. BERINSON replied:

Yes. It is important that I do so. I remind the House that I did not initially refuse leave for the tabling of the papers. I invited the Leader of the Opposition to let me see those papers to allow me to arrive at an informed decision in respect of a response to his request. The Leader of the Opposition at that time declined and insisted on boring on with his request for leave. He has shown me the papers since.

I sighted them briefly. At a rough guess the papers contained about 100 pages, or perhaps more, and I looked at them for a minute or two. I am, therefore, not in a position to comment in any detail on their content. Even my brief view of the papers has not convinced me that leave should have been granted at the time nor that it should be granted if the question arises again. I indicate to those honourable members of the House who are not as familiar with the matter as I and the Leader of the Opposition, we are dealing with the concerns of the building services division of the Department of Corrective Services. As I have reported on several occasions that has caused a review to be initiated. The important thing to stress for current purposes is that no report is yet available as a result of that review process. There is preliminary advice.

Hon George Cash: You are hoping it will never become available.

Hon J.M. BERINSON: Not at all.

Hon George Cash: Yes you are, and you know it.

Hon J.M. BERINSON: That is not true.

Hon George Cash: It implicates Hon Joe Berinson.

Hon J.M. BERINSON: I will resist the temptation.

The DEPUTY PRESIDENT: A question has been asked. I suggest we hear the answer in silence. If honourable members want to take issue with the answer, another question can be asked.

Hon J.M. BERINSON: The interjection having been made, let me remind the House again that I have undertaken to table the report when it is available. I think it was only yesterday or the day before that I also advised the House that in discussions with the Public Service Commissioner I stressed to him the need to make every possible effort to have that report available while the Parliament was still in session.

However, getting back to the point I was making earlier, I say again that there is no report. What there is at this stage is preliminary advice and preliminary material and all of that will, of course, assist the report which is yet to be prepared. In particular, my quick scanning of the bulky papers of the Leader of the Opposition gave me no indication that it included any material at all which has been received by the Public Service Commissioner from affected officers in response to his invitation for comment. It goes without saying that a report cannot be finalised without that very basic right having been respected. That leads me to emphasise to the House again how undesirable and, indeed, improper it would be to have preliminary, leaked material presented which did not reflect in any way the very strong submissions to the contrary which the Public Service Commissioner informs me he has received.

I have also advised the House previously that the Executive Director of the Department of Corrective Services has consulted not only the Public Service Commissioner in this matter, but also the Crown Solicitor. I am advised that the Public Service Commissioner has separately consulted the Crown Solicitor as well. It is the view of the Crown Solicitor that it would be "entirely undesirable" - I use these words in quotation as representing his

direct words to me - to release the sort of preliminary and incomplete material which the Leader of the Opposition appears to have. As the Crown Solicitor has pointed out, there could well be accusations which are unfounded and untested within the material itself. The current position is that the Public Service Commission's work is proceeding, but has not been completed. Until it does reach the point where a report, and not simply draft material towards a report, is available it would be unjust and improper to release it.

I make one other point: The Leader of the Opposition asked for leave to table that material, and I think that was very undesirable. Leave was refused so the papers are not tabled yet. We are all well aware, however, that there is more than one procedure to lead to the tabling of papers. I urge the Leader of the Opposition to act responsibly in this matter and not to seek to pursue those alternative procedures. The reason for that is surely apparent from what I have already said; that is, the inherent injustice of publicising preliminary material which is totally unbalanced by the response available from affected officers.

Mr Deputy President (Hon Garry Kelly), I regret the length of this reply, but the issue is very important. It calls for more responsibility than has been shown, especially in recent times, on some matters and I hope that that responsibility will properly be exercised in this case.

I conclude by taking this opportunity to modify an answer which I gave to the House earlier this week when I indicated that someone who for shorthand purposes we could call an "external reviewer" was being appointed by the Public Service Commissioner to bring this matter to a head. I will meet with the Public Service Commissioner tomorrow, subject to his availability, because today I am told that my description of the role of "external reviewer" may not have properly reflected the commissioner's intention. It appears that the commissioner is, in fact, appointing a very senior former officer for purposes of externally reviewing the material, but that is with a view to providing expert and technical advice to the commissioner rather than for the purpose of that external reviewer actually producing the final report himself.

ESTIMATES COMMITTEE - EVIDENCE AT HEARINGS

Public Service Commissioner, Breach of Criminal Code Consideration

627. Hon GEORGE CASH to the Attorney General:

Some notice of my question has been given.

- (1) Following the evidence tendered at the Estimates Committee hearings during October 1992, will the Attorney General instruct the Public Service Commissioner to proceed, implement and enforce sections 42(1), 44 and 49 of the Public Service Act, 1978 against those chief executive officers and other senior officers who have not complied with section 44 of the Public Service Act in relation to the relevant Statute law of Western Australia, specifically the Financial Administration and Audit Act, the Supply Commission Act and the Criminal Code of Western Australia, sections 177, 173 and 136?
- (2) Will the Attorney General assure the Parliament that he has satisfied himself that the Public Service Commissioner has not breached the Criminal Code of Western Australia, specifically sections 177, 173 and 135, with regard to his compliance with the Statute law of Western Australia with specific reference to section 14(1) and (2) of the Public Service Act?

Hon J.M. BERINSON replied:

I acknowledge some advance notice of this question, although, even with that notice, the question remains largely incomprehensible. With reference to the particular queries -

- (1) (a) I am not aware of any authority which would allow me to instruct the Public Service Commissioner as suggested;

- (b) I am not aware of any circumstances which will justify the exercise of that authority, even if I had it;
 - (c) the member must be well aware that the review initiated by the Department of Corrective Services in consultation with the Public Service Commissioner is directed to all aspects of the building services division of the department and that these go well beyond the matters raised at the Estimates Committee. There is no other matter of which I am aware to which the question could remotely relate.
- (2) I have had no reason to consider any breach of the Criminal Code by the Public Service Commissioner. There is still no reason, and certainly none has been provided by this question from the Leader of the Opposition. That Mr Cash should even have asked this part of the question, let alone in the absence of any attempt at justification, is most unfortunate and a disgraceful slur not only on the Public Service Commissioner himself, but on other senior public servants.
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