

# Legislative Council

Thursday, 17 September 1992

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

## SELECT COMMITTEE ON DIEBACK IN NATIONAL PARKS AND CONSERVATION RESERVES

### *Final Report Tabling - Extension of Time*

HON W.N. STRETCH (South West) [2.34 pm]: I am directed to report that the Select Committee on Dieback in National Parks and Conservation Reserves requests that the date fixed for the presentation of the committee's final report be extended from 17 September to 22 September 1992. I move -

That the report do lie upon the Table and be printed.

Question put and passed.

[See paper No 405.]

## MOTION - RAIL TRANSIT SYSTEM FREMANTLE-ROCKINGHAM- MANDURAH CONSTRUCTION

### *Government Commitment Support*

Debate resumed from 16 September.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [2.35 pm]: Yesterday at 3.30 pm, when debate on this motion concluded for the day, I was speaking of the Liberal Party's support for a rail transit system to be constructed, firstly from Fremantle to Rockingham and later from Rockingham to Mandurah. I note that the motion in its present form appears to be a Government motion which is congratulatory of the Government's action, and in the limited time I had to speak to the motion yesterday I said that I believed transport in Western Australia and the future transport corridors, as they apply to rail in particular, should be considered in a bipartisan way. I also mentioned that the Liberal Party was very supportive of the proposal that is generally outlined in the motion.

The PRESIDENT: Order! Far too much audible conversation is occurring and it must cease. The member addressing the Chair is having enough difficulty being heard as it is, without six or seven different conversations going on at the same time. If members want to have a meeting I suggest they go outside.

Hon GEORGE CASH: There is no need for me to spend much time discussing this matter this afternoon because the Opposition and the Government support the general proposal to extend the rail system to both Rockingham and Mandurah. However, if we are to take a bipartisan approach to these important transport issues and not turn them into nothing more than cheap political stunts, and if this proposal is to enjoy the support of the House, the motion will require some minor amendments. I propose to move an amendment to the motion seeking to delete certain words which I believe clearly make the motion political. By deleting them we will have a bipartisan motion which the House can support, so that the electors and residents of those areas south of Fremantle down to Mandurah will recognise that the Liberal Party, the National Party and the Labor Party all support the general proposal for the extension of the rail transit system into their areas.

### *Amendment to Motion*

Hon GEORGE CASH: I move -

Line 1 - To delete "congratulates and" and "Government in its".

Line 8 - To delete "Government's".

The motion would then read -

That this House supports the commitment to construct a rail transit system from Fremantle to Rockingham by 1996 and to Mandurah by 2001, and further notes that -

- (i) The construction of a rail transit system to Rockingham and eventually to Mandurah is essential to meet the mobility of the growing population in the south west area.
- (ii) Rail transit is considered the most environmentally appropriate technology for the area, consistent with the commitment to ecologically sustainable development.
- (iii) The rail transit system will assist in the development of the area by providing the focus for further residential, commercial and recreational development along the route.

I am sure that the Government will see no difficulty in supporting the motion in the amended form I propose. The amendment removes the politicisation of the motion, and a bipartisan approach will enable the residents of the southern metropolitan corridor to rest easy knowing that the three parties in this House - along with the Independent, Hon Reg Davies, I expect - support that rail transit system.

Debate adjourned, on motion by Hon Cheryl Davenport.

### MOTION - SWAN BREWERY PRECINCT ORDER No 1

#### *Disallowance*

**HON P.G. PENDAL** (South Metropolitan) [2.43 pm]: Mr President, I seek your guidance because we have an integral motion which follows this one on the Notice Paper. Can I move both motions and speak to them in a cognate debate?

The PRESIDENT: I suggest that the motions are two distinct matters. The member should deal with them separately.

Hon P.G. PENDAL: I move -

That the Swan Brewery Precinct Order No 1, 1992 published in the *Government Gazette* on 11 August 1992 and tabled in the Legislative Council on 3 September 1992 be, and is hereby, disallowed.

It is interesting to see the games being played by the Government, but the Opposition is ready to meet any eventuality. I begin with a quote which is relevant to this matter: Instead of striking a deal with Multiplex Constructions Pty Ltd for an unwanted and unnecessary brewery development, the Government should put a genuine effort into solving some of the State's more pressing needs. These are the paraphrased words of a former prominent member of the Australian Labor Party, Dr Ian Alexander, the member for Perth. At the weekend, when he was talking about pressing matters, he said to *The West Australian* -

Instead of striking deals with Multiplex for an unwanted and unnecessary brewery development the government should put a genuine effort into solving the city's impending housing crisis.

I echo those sentiments in this debate. A huge number of Western Australians believe that the Government has lost its way in that it has made a huge commitment of public resources not for the benefit of the people the Labor Party pretends to represent, but to enter into a deal that can only be described as a windfall for Multiplex. Carmen Lawrence's Government, as we have seen during the last 24 hours, is fond of giving away taxpayers' reserves in underhand deals. In this instance we are confronted by a deal regarding the old Swan Brewery in which the Government is handing, by my estimation, a \$46 million gift to Multiplex. This is at the very time that the Heritage of Western Australia Act is being abused beyond everything that Parliament believed would happen two years ago when passing the measure.

I shall make reference in my remarks to a document that is the property of this Parliament. This was first produced in 1987, and will show that the heritage order issued by the Minister for Heritage, Mr McGinty - that great friend of the worker, and that great friend of corporate Perth - is actually contrary to the intentions of the Parliament.

When the development tender for the nearby Kings Park Restaurant was advertised overseas, a tender with a \$120 000 a year return to the Government was received. Six restaurants are

being handed on a platter to Multiplex for 65 years, and that constitutes a loss of revenue to the State, following the corporatisation of the brewery project, of \$46 million.

Hon J.M. Berinson: Just as well you have not offered your services to the Valuer General; he would have thrown you out the door.

Hon P.G. PENDAL: The Attorney General has confirmed to everyone that he is an economic illiterate. He had the brainlessness to say in this Parliament on, I think, 6 June that the man to whose opinion he has just referred - the Valuer General - said that the old Swan Brewery site had a negative value.

Hon John Halden: It has.

Hon P.G. PENDAL: I said at the time that that proved we needed not only a new Valuer General, but also a new Attorney General. If he is dopey enough to believe that that site has a negative value, he is in more trouble than I thought.

Hon J.M. Berinson: I would believe him before I believe you.

Hon P.G. PENDAL: The Attorney General should not start telling this House the nonsense about the great expertise of the Valuer General.

Hon D.J. Wordsworth: I thought Midland Junction had a negative value.

Hon P.G. PENDAL: Exactly. The Government thought the Petrochemical Industries Co Ltd letter signed by David Parker had a negative value. That has cost the State approximately \$400 million. The Government thought the little piece of paper to which Hon Joe Berinson was party, with Laurie Connell, would never be called on. He stood in this House and told us, week in, week out, month in, month out, that it would not be called on. We know about that. I suggest that people who are guilty of actions like those in which the Attorney General was involved - at the very least through economic illiteracy, and maybe more - should remain silent during this debate.

Hon John Halden: Are you going to sit down?

Hon P.G. PENDAL: Inquiries are needed to see whether any links exist between the Multiplex contract for the brewery deal and any cost overruns on Government and Multiplex city construction sites. Inquiries are also needed to see whether there are any links between the plans of Multiplex for the old Canterbury Court site which it owns and the brewery deal. Explanations to the Parliament are necessary why ordinary private citizens, who do not have friends in high places, must go through a full rigmarole to obtain tatty things like liquor licences when Multiplex can get them without even asking the Liquor Licensing Division.

As I have said 100 times in this House, my complaint is not with Multiplex or John Roberts; he is a good businessman and knows a good deal when he sees one. He also knows a bunch of dopes when he sees them. He saw this lot coming just as did Laurie Connell and Dallas Dempster and the other pack with which the Labor Party has hung around in recent years. One cannot therefore blame John Roberts for being involved in any deals. He could see a fool coming and has done a deal with the Government which will have it on the rebound for years to come.

We witnessed a sham, a half-baked pretence to have other companies tender for the redevelopment of the old Swan Brewery site. However, the reality is that the Government did no more than go through the motions. The deal was all stitched up. The Premier, that great paragon of virtue, has been in this right up to her neck. She has approved everything that the Minister for Heritage has done in his negotiations with Multiplex. In the course of this debate I will point out that the proper longstanding system of tendering, in the case of Kings Park, was taken worldwide. Members might overlook the fact that the Kings Park Restaurant redevelopment scheme was advertised not only nationally within Australia, but also in Singapore, to my knowledge, and possibly in other financial capitals around the world. The successful tenderer in that case, by dint of what this Parliament decided, received a 21 year lease with an option of another 21 year lease. However, on the old Swan Brewery site Multiplex, surprise surprise, was given a 65 year lease - a lifetime lease - virtually freehold and for a pittance. It was given permission to build not only six restaurants, about which I will speak shortly, but also offices and other space. This motion is about an order signed by Mr McGinty which will have the Heritage Council of Western Australia set aside, in the first order, I think, four Acts of Parliament.

Hon John Halden: It is five Acts.

Hon P.G. PENDAL: It is worse than I thought. I will up the ante with the help of Hon John Halden; it is five.

Hon Doug Wenn: You need all the help you can get.

Hon P.G. PENDAL: From what I can understand, the order will set aside the following written laws: The Local Government Act, the Town Planning and Development Act, the Metropolitan Region Town Planning Scheme Act and the Heritage of Western Australia Act. That comes to four by my calculations. Hon John Halden may have been referring to the metropolitan region scheme, which is not a Statute. Nonetheless, its provisions, which grow out of a Statute, have been set aside. Not only has the Heritage Council been turned into a super Parliament, but also those actions will be an abuse and a corruption of what Parliament intended for it when its legislation was passed two years ago. The evidence for that statement comes from the detailed explanatory notes tabled in this House in 1987 and, I believe, 1989 when they accompanied the introduction of the heritage Statute. I have no hesitation in saying that the State Government has broken the law by its use of this order. Parliament never intended that a heritage order should set aside other written laws in these circumstances. I refer to page 18 of those explanatory notes on which are the Government's words on how the section of the Act which would set aside other written laws should work. It reads -

The Minister has the power, subject to stringent public safeguards, to modify other laws (including Town Planning Schemes, Building By-Laws etc) for heritage conservation purposes.

I ask members to take particular note of the following words -

For example, the Minister could waive fire safety regulations so that a wooden stair would not have to be replaced with a steel and concrete structure provided that other fire safety measures were installed.

That is what Parliament intended. In other words, the power to set aside other written laws was given to the Heritage Council of Western Australia so that a heritage building was not ruined. I ask members to look at this Chamber. No-one would dispute that it is a beautiful place and on all accounts it would be classified as a heritage building. However, it may be that the laws of 1992 would, for example, require that a steel staircase be installed at the back of the building for safety purposes because in 1902 when the building was built they did not see things in those terms. This section was incorporated in the Heritage of Western Australia Act to give the Minister of 1992 the power to say that although the fire safety laws require that we install a steel staircase at the back of the building, if that provision were observed it would ruin the building's heritage value.

The Act this Parliament passed gave the Minister and the Heritage Council the capacity to set aside the fire laws so that we did not end up destroying the very thing we set out to protect. That is a quantum leap from the way in which the Government has misused and, I suggest, broken the provisions of the heritage Act by doing what it has done to set aside all laws so that in the case of the old Swan Brewery site the Heritage Council will become a super approval agency - something like a super Parliament.

When the Bill passed through this House, the Government, which now seeks to break the law, had in mind another circumstance. It thought it would be a good thing to allow the Minister of the day to set aside written laws, and I will again read an excerpt from the Government's explanatory notes as follows -

At the most extreme, the provision could be used to allow the development potential of a site in the Central Business District to be transferred elsewhere so that the building on that site in the CBD could be preserved without undue financial hardship to the owner.

I was briefed on this legislation and I have a better memory than have members on the Government side of the House. What the Government had in mind was this scenario: Take, for example, London Court, which was built in the 1930s and by everyone's estimation is a very charming and important part of central Perth's heritage. Of course, it is only two storeys and the chance to build on that site a building of up to 40 or 50 storeys would add

enormously to the value of the land. This provision was also intended to allow the Minister and the Heritage Council to say to the owners of, for example, London Court, "We will put a heritage order on your premises and, thereby, we will block your capacity for a big profit. However, because we recognise that that is unfair we will allow a transfer of development rights from that site to somewhere else where the right does not necessarily exist, but we will make it exist so in the end equity prevails." That is what that provision meant. I will read it again now that I have painted that background -

At the most extreme, the provision could be used to allow the development potential of a site in the Central Business District to be transferred elsewhere so that the building on that site in the CBD could be preserved without undue financial hardship to the owner.

That is what the Government had in mind and to prove it I have it in writing. The Government is responsible for writing these notes, not I, and the notes state further on in respect of section 35 -

This Section empowers the Minister to modify any written law to facilitate conservation of a particular place.

The Government is not conserving whatever heritage value exists at the old Swan Brewery. It is mucking it up. I have said on many occasions that if we went to Rome and sized up St Peter's Basilica and decided to add a couple of storeys to it and to install a swimming pool in the central nave we could no longer claim we were dealing with a heritage building. That is what is happening at the old Swan Brewery site. The existing building is being modified, dollied up and extended to the point where it will never resemble the original buildings. If that is the case, this Act has been turned into a mockery.

I have said on at least 100 occasions in this House that the only building on that site that was heritage listed by the National Trust prior to the pressure cooker listing of these buildings since this Act - a purely political Act on the part of the Government - was promulgated was the old stables. The buildings on the eastern side of Mounts Bay Road were never heritage listed. Members may ask why. It was because the National Trust refused to list them. Why did it refuse to list them? It was because the National Trust's experts did not regard them as buildings which warranted heritage protection. What did this Government do? It did what it has done so often; that is, it reversed its principles and it saved the wrong building. It wants to save the buildings on the eastern part, albeit in a dollied up, modified way. What did it do with the stables on the Kings Park side? We know there was a very mysterious fire and it reminded one of the fellow who saved only his insurance policy from a fire. It did look remarkably like that. The only building which caught alight on the site was the stables. It is absolutely amazing, and, when the stables caught fire, the Government was not content with that and, at the behest of Mr Pearce, moved in the bulldozers. The site that had a true heritage listing was cleared, yet the site that the National Trust refused to classify was retained.

I have said publicly that I believe the people on the Heritage Council by and large should be removed. A number of the people on the Heritage Council were conscientious, but they knew the numbers were against them. Most of them were pawns in the hands of the Minister for Heritage. He said, "Jump", and they said, "How high?" He said, "Classify the buildings" - God knows why - "in order to save the Government's reputation", and they said, "We will classify them." Not only did they do that, but also they spent somewhere between - and the real figure eludes us all - \$14.5 million and \$21 million. At a time when people in this State were starving or homeless and on the streets, this socialist Government spent \$21 million on a building that no-one wanted to save. Where is the morality in that? Yet we will see a situation where that wrongdoing is perpetuated. The evidence comes out of the mouth of the Minister for Heritage, who tabled that document in 1987, and again in 1990 when the legislation was reintroduced into this House.

The 1.7 million ordinary people in Western Australia have to physically apply for inconvenient little bits of paper like liquor licences and probably have to get a lawyer -

#### *Point of Order*

Hon JOHN HALDEN: That does not have any relevance to this motion.

Hon P.G. PENDAL: I will deal with it when we deal with the next motion.

The DEPUTY PRESIDENT (Hon Garry Kelly): There is no point of order.

*Debate Resumed*

Hon P.G. PENDAL: I ask members to focus for a moment on the real nature of the order, which is designed to protect the built heritage value of buildings throughout Western Australia. I refer members to a privately owned building in this town, and I do not intend to identify it because the owners have asked me not to.

Hon John Halden: That would be the first time in a long time that you have kept a confidence!

Hon P.G. PENDAL: The private owners of that building want to change the current roof cladding of that heritage building because it is leaking. When one thinks about it, that is not an unreasonable thing to want to do. However, the Government said through its Heritage Council that those people cannot use the cladding that they intended to use but must take the roof back to what would have been there originally. In other words, the Heritage Council stood on its digs and said, "If you want to modify a heritage building, you have got to modify it in such a way that you do not destroy its heritage value." In the main, those people had no quarrel with that, but it is interesting that the Government is applying that yardstick to a private building when it is not applying that to its own building, because anyone who has seen the plans for the old Swan Brewery will be left in no doubt that the plans represent a radical departure from the heritage values, such as they may be, of the old Swan Brewery. I presume that all members have seen the plans. The plans require, for example, extensive modifications to the building, particularly to the southern end, which will have an extension put on it that will make the building nothing like what it was when it was built. How can one yardstick be applied to a private owner of a heritage building in the central business district when the Government can change the rules when it comes to a building on the outskirts of the same central business district which it is trying to restore?

I turn now to a matter that I raised in my opening remarks about the differences in the Government's approach to the Kings Park restaurant development and to the old Swan Brewery development, because a lot of questions have been left unanswered. I can understand why John Roberts is laughing behind his hands - and, as I said at the outset, my criticism is not with him - because members opposite keep handing things to people on a platter. He must be laughing all the way to the bank.

Hon D.J. Wordsworth: Or to the real estate agent. I understand it has already been on-sold.

Hon P.G. PENDAL: That may be the case. The actions of the Government in this matter are extraordinary. In case members are in any doubt about the relative merits of the Kings Park restaurant site and the old Swan Brewery site, I will remind them. The old Swan Brewery site would have to be superior to the Kings Park restaurant site by a country mile. It is adjacent to the river, and has 180 degree panoramic views, from Nedlands to the right, South Perth to the front, the hills to the rear, and the city to the left. Not even the views from the Kings Park restaurant could hold a candle to that view. Compare the *modus operandi* that applied in both cases.

The construction of the restaurant in Kings Park was advertised internationally and it went out to tender. Neither of those things happened in the case of the brewery. Notwithstanding that, a huge number of people in the Perth metropolitan area saw other good reasons why the building should be demolished. Unsolicited, I received a letter this week from Captain Geoffrey Monks, OBE, the Moderator of the Uniting Church Synod of Western Australia. This expresses some of the community reactions, because I will spare members by not going into the arguments put by surgeons, the Royal Automobile Club of WA (Inc) and all sorts of other people who ask why we are wasting \$14 million on that site when it would cover the cost of cleaning up probably 15 to 20 genuine heritage buildings around Western Australia. The Uniting Church Synod wrote -

You may already be aware that the Uniting Church has grave misgivings about the proposed redevelopment of the Old Swan Brewery. Back in October 1989 the WA Synod issued a statement which called for recognition of the spiritual and cultural significance of the site to Aboriginal people. Our view has not changed. The site has assumed great symbolic significance in the struggle of Aboriginal people in Western Australia for recognition and affirmation of their culture.

Not everyone agrees with that, but no one doubts that those people are entitled to their views. The letter also stated -

At a time when the community is attempting to develop a process of reconciliation between Aboriginal and non-Aboriginal Australians and when we, as a community, are doing some serious self-reflection following the inquiry into Aboriginal Deaths in Custody, it appears incongruous that the Government is choosing to push ahead with this development. We are concerned that the cause of reconciliation in this State will be severely set back if these plans go ahead.

It concludes -

Therefore, I write urging that you do not support the introduction of a proposed Order under Section 38 of the Heritage Act which would effectively give sole controlling authority of the Brewery land to the Heritage Council of Western Australia. We believe that this irregular setting aside of existing Acts bypasses normal democratic processes and further adds to the divisiveness this issue has created. The usual due processes and procedures should be followed.

This proposed Order seems to be a sad reflection of a very disturbing trend to push through the Brewery development at any cost.

I must say that in the last sentence the Uniting Church has got it in one. I was drawing a parallel between the way in which the Kings Park restaurant project was advertised internationally and tenders were called, and the brewery site was subject to a little behind the scenes, mate to mate deal. Once that deal was done, some cosmetics were slapped on the whole thing and a few building companies in the city were asked to express an interest. A few companies were foolish enough to think that the Government was serious and they did something about it. However, by then the deal had been stitched up. The reason Mr Roberts laughs all the way to the bank - and we have no assurance that this project is still in his hands - is that the bloke on the top of the hill in Kings Park is probably paying in the order of \$120 000 a year. That figure was given to me yesterday by one of the unsuccessful tenderers for the Kings Park restaurant project. The unsuccessful tenderer offered an annual return of \$120 000 for allowing him to build and operate the restaurant in Kings Park. On the brewery site, which is infinitely superior to the Kings Park site, there will be not one, two, three, four or five restaurants, but six restaurants for which licences will be granted.

Hon D.J. Wordsworth: Seven.

Hon P.G. PENDAL: Hon D.J. Wordsworth has found another restaurant. I am grateful to him because I know he has taken an interest in this matter. I will be interested to learn more after the debate, but my figures are based on six restaurants.

Hon J.M. Berinson: The whole calculation is fraudulent and you know it.

Hon P.G. PENDAL: The only fraudulent people in this matter are on the Government side.

Hon J.M. Berinson: You do not believe this yourself.

Hon P.G. PENDAL: An offer of \$120 000 a year was made for the restaurant on the hill, and on a site below that the Government has given away six restaurants that could each return \$120 000 a year to the Government. For the first eight years the developers of the brewery site will pay no rent. That is why Mr Roberts is laughing all the way to his bank. On the basis of the rent offered for the Kings Park restaurant, the Government could obtain six times \$120 000 a year from the restaurants to be constructed on the brewery site. That equals \$720 000; multiply that figure by the eight rent free years offered to Mr Roberts, and it can be seen that the Government is giving away \$6 million for the restaurants alone. That can again be multiplied by 65 years, which is how I arrived at the figure mentioned earlier of approximately \$48 million. That is all because the Government did not bother to put this out to tender. It deliberately chose not to go to tender. Not only that, but the poor devil in Kings Park has only a 21 year lease with an option for another 21 years. Not so Mr Roberts; he is a much luckier fellow because he will be given a lease of not 21, 25, 30, 40 or 50 years - which will certainly see Hon Joe Berinson out - but 65 years. Why not just give him the title? That length of lease represents giving the land away at bargain basement prices. I have received calls from many people and one persistent caller has made an allegation which I raise now so that it is on the record and can be answered. That person has alleged that this is a quid pro

quo deal between Multiplex and the Government. Multiplex is involved in the Central Park development with the Government through the Superannuation Board, and cost overruns have occurred which the Government cannot afford to pay. Therefore, it is looking at something it can flick pass to Mr Roberts, who is sitting on the side knowing what a bunch of amateurs he is dealing with, albeit fraudulent amateurs, under the guise of this Government. That is one of the questions I now ask the Government: Is there any connection, as this person has alleged, between the cost overruns that the Government is not prepared to pay on one of the central city sites and the fact that the Government has handballed the brewery site virtually cost free to Multiplex?

Another scenario has been put by a different source. All of these things arise because people cannot understand how this could happen, and so they speculate on whether it is fair. That other scenario involves the Canterbury Court site. I understand that a few years ago Mr Burke suggested swapping part of the Canterbury Court site, which the Government owned, for Mr Goldberg's brewery site in a \$5 million deal. However, in the meantime the Canterbury Court site was purchased in 1989 for \$6.5 million by Multiplex; that is, by Mr John Roberts. I am told that the idea was to allow Mr Roberts to build a multistorey building on that site.

#### *Debate on Motion - Time Extension*

The PRESIDENT: Order! One hour having elapsed since the time set down for this sitting, leave of the House is required for the debate to continue.

HON J.M. BERINSON (North Metropolitan - Leader of the House) [3.32 pm]: I move -

That the time for debate of motions at this day's sitting be extended to the extent necessary to allow consideration of motions 3 and 4 to be completed.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.33 pm]: I seek the advice of the House. Mr President, when you put the question I heard a member on this side of the House refuse leave. Is the House now moving on to a new motion, which would require the consideration of the House, leave having been refused, or have I misunderstood the situation?

The PRESIDENT: Under Standing Order No 164 a motion to continue is permissible at the time I put the question. That is what the Leader of the House is doing. The House will now decide how it wants to proceed.

#### *Division*

Question put and a division taken with the following result -

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Ayes (13)		
Hon J.M. Berinson	Hon Kay Hallahan	Hon Tom Stephens
Hon Kim Chance	Hon Tom Helm	Hon Doug Wenn
Hon Cheryl Davenport	Hon B.L. Jones	Hon Fred McKenzie
Hon Graham Edwards	Hon Garry Kelly	(Teller)
Hon John Halden	Hon Sam Piantadosi	
Noes (13)		
Hon J.N. Caldwell	Hon Murray Montgomery	Hon Derrick Tomlinson
Hon George Cash	Hon N.F. Moore	Hon D.J. Wordsworth
Hon Max Evans	Hon Muriel Patterson	Hon W.N. Stretch
Hon Peter Foss	Hon P.G. Pandal	(Teller)
Hon P.H. Lockyer	Hon R.G. Pike	

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#### *Pairs*

Mr Thomas	Hon Margaret McAleer
Hon T.G. Butler	Hon Barry House
Hon Mark Nevill	Hon E.J. Charlton

The PRESIDENT: The vote being equal, I cast my vote with the Noes.

Question thus negatived.

Debate thus adjourned.

## RESERVES BILL

### *Third Reading*

Bill read a third time, on motion by Hon Kay Hallahan (Minister for Education), and transmitted to the Assembly.

## APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

### *Consideration of Tabled Paper*

Debate resumed from 15 September.

**HON MURIEL PATTERSON** (South West) [3.37 pm]: Dr Francoise Jollant, an historian, one remarked that before we look into the future we must first look back. I believe that is as true in today's affairs of the State as it is for individuals. As recently as 30 years ago it was still possible to call Australia the lucky country. Professor Donald Horne's book launched that famous catch phrase of the 1960s when he showed that only northern Americans and Canadians enjoyed higher national incomes than Australians. Meanwhile, Australia still had the highest rate of home ownership in the world. There were still more savings accounts than people in this country and envious outsiders still viewed Australia as an egalitarian, democratic society where the very rich and the very poor were rare. As Australia entered the last decade of the twentieth century, reaping a bitter harvest of bankruptcies and with chronic unemployment on the way, it was urged by the Prime Minister to become the clever country. This was official confirmation that Australia's luck had finally run out. All the evidence pointed to that conclusion. By the early 1990s a population of 17 million shouldered a foreign debt half as large again as that owed by India's 850 million inhabitants.

It is against that stark backdrop that Western Australia, comprising a third of the nation's land mass and resources, must take the lead, redefining its identity to become the innovative country. Western Australians have a God given talent for innovation and practical designs. Australians still identify with their pioneering past, a time not so long ago when necessity became the mother of invention, often with little more than fencing wire and soldering iron. I was recently in Canberra and visited the medical section of the Australian War Memorial. I was amazed at the ingenuity of some of Australia's soldiers during the war who had made surgical instruments out of fencing wire and soldering iron. I thought that was a great tribute to our men.

It baffles me that the Government and bankers persist in redefining Australia's wealth as being whatever raw materials an enterprising few can dig up and harvest for overseas. This observation was supported by the ALP President, Barry Jones, in an article in *The West Australian* on 3 August titled "Jones sees future for 'intelligence'". The article stated in part -

Addressing more than 200 people at WA's technology park in Bentley last week, Mr Jones said we should make the transition into the next century as an intelligent, rather than a clever, country. "You probably remember that in the 1990 Labor Party policy speech Bob Hawke, as he then was, pledged that we had to transform Australia from being the lucky country to becoming the clever country," he said.

"And I took him to mean that no Australian idea would live in poverty by 1993."

Mr Jones said to achieve "intelligence" by the 21st century, properly thought-through policies would need to recognise who we were, where we were globally and what we had come from.

"Historically Australia was, and remains a resource-based economy," he explained. "And you wouldn't have found too many people in WA - the state of excitement - who disagreed with that.

"But it has its limitations."

It seems obvious to everyone by now that one of our major assets are our men and women who have never left the country and whose inventive geniuses are still second to none.

Mr Clinton Girando, a respected patent attorney, brought to my attention statistics that show Australia has the highest rate of practical inventors per head of population anywhere in the world. Interestingly, rigidly structured societies such as Japan are curiously disadvantaged. Their expertise is in perfecting a process of technology, but not initiating a project or an invention. We know that good design and sound workmanship are established traditions in rural Australia. There can be no other explanation for the continuing success of events such as the recent Dowerin and Newdegate Field Days which year after year attract ever increasing numbers. I see today's inventor/craftsmen as being as much a part of this tradition as the 18 year old Victor McKay who built the first ever combine harvester in a slab and bark shed on his father's farm using scrap timber and iron. This example of bush engineering revolutionised agriculture the world over. That can be seen wherever we turn: Ernest Owen's submachine gun and Ralph Sarich's orbital motor are examples. Not one of these Australian innovations requires further comment except to say that each one bears the name of a visionary maverick who challenged established ways to imagine and then to create newer, stronger, better, faster products and processes, often giving birth to completely new industries, all of which have been better for Australian investment capital and sustainable job opportunities. As our rivals overseas have proved again and again by their relentless conquest of world markets, Japan and other countries with enlightened self-interest are major players in overseas scholarship programs in research and development. They are tapping into the best universities throughout the world.

It is high time we took an honest look at ourselves, rich in resources but still abysmally poor in application. Thankfully there is no shortage of talent in serious Western Australian inventors who are developing new areas of enterprise on computer screens or fabricating new machines in backyard sheds and garages. Recently I visited a small group of inventors in Albany. I was quite amazed to see the initiative that some of these men had used. They really have invented some remarkable works. We should remind ourselves that no industry or form of employment ever springs into existence fully developed. After all, the automotive revolution which has completely transformed the world started with Henry Ford's basement workshop where he turned his dreams into reality. I guess it was done after a hard day's work as a fitter and turner at the local gas company. With this example of inventiveness, tenacity and success in mind, it is misplaced, short term cleverness whenever Governments concentrate their resources and interest in only the big names of science and industry such as the Commonwealth Scientific and Industrial Research Organisation and large universities.

*Sitting suspended from 3.45 to 4.00 pm*

**[Questions without notice taken.]**

Hon MURIEL PATTERSON: The simple and direct way to unleash Western Australia's creative powers while attracting overseas research and development funding for our workshops and laboratories would be to amend our tax structure to enable it to become an accelerator, or to return to the significant risk tax we once had whereby companies were encouraged to invest in the film and television industries for concessions of 150 or 200 per cent. That is unlike our present system of research grants, which can become a hindrance.

I turn now to the associated question of re-energising the Western Australian economy by creating work. I have already suggested how modifying taxes would assist innovation and design and a similar shift in the fiscal hinge would ensure that we gain more leverage from every tax dollar. That would go a long way towards addressing the factors that underlie our chronic unemployment situation. I was particularly struck by John Gilmour's recent article in *The Bulletin*, in which he examined the question of employer-employee incentives and asked what measures would encourage firms to take on extra workers at the present time. Mr Gilmour is neither an economist nor a departmental adviser in Canberra - he is a small business proprietor of The Bootery and his observations are based on practical experience and not academic theories. *The Bulletin* of 28 July 1992 read -

He is worried about the trend of businesses. He thinks the recession will last five years. He is browned off by taxes. His business is worth more dead than alive and he is of an age when killing it off and investing the money in bad shares looks like an attractive option. Further, like most small businesspersons, he is not just paranoid about government but can really prove it is persecuting him.

He goes on to make this suggestion -

Suppose The Bootery had 12 permanent employees and it increased the number to 13 with the recruitment of a staff member at a wage of \$400 a week. As a reward, the government would provide a bonus equivalent to the current employment dole of \$140 a week and would also provide a further credit - equivalent to the pay-as-you-earn (PAYE) taxation deduction of another \$140 a week.

**Benefit:** This would mean that by spending \$400 a week, The Bootery would receive a cash benefit of \$280 a week. The Bootery would also gain the taxation deduction associated with the new employee's total wage. Since the old firm's tax rate is 39%, that would provide a tax saving of \$156.

Adding up the figures, \$140 plus \$140 plus \$156, the total benefit is \$436. Yes, on these figures The Bootery would get \$436 a week for creating a job at \$400 a week. Thus might wage overheads such as superannuation, holiday pay and the like be covered. The Bootery might even make a profit out of reducing the number of unemployed.

Consider the cost to government. Since government already is paying the dole to the worker and it is not getting any PAYE payments for him, the first \$280 of benefits paid to The Bootery would not impose any additional burden on the Treasury. In the words of Canberra, that benefit would be revenue-neutral. The Bootery's extra \$400 tax deduction, of course, would cost government revenue that \$156.

The government's dilemma, then, becomes the question of whether the creation of one extra job would justify \$156 a week of lost taxation revenue.

He says later -

It is government that has introduced a special leave loading that gives workers a pay rise when they leave the job to go on holiday. It is government that has imposed a direct disincentive on job creation by levying a tax on payroll. It is government that has introduced a superannuation levy whose costs exceed its benefits. It is government that imposes tax on business inputs such as fuel or printing. It is government that has priced young workers out of the market. It is government which has made dismissing workers so expensive that only the rich or foolhardy would recruit in the first place.

The social arithmetic of unemployment clearly points to the urgent need to encourage employers to engage more workers rather than continue to squander time and resources on any more billion dollar job creation schemes. This may create jobs but on past performance they cannot sustain productive work. This point was taken up by *The West Australian* on 20 August in its leader, which read in part -

The Government plans to spend \$1.2 billion over two years to provide jobs and training for more than 400,000 people, but even on its own estimates, unemployment will come down only one percentage point - to 10 per cent - by the middle of next year.

People do not want training schemes, they want jobs in order to use the skills they have already gained. The leader continues -

For a fraction of that cost it could have ensured that any improvement in the labour market was sustained by giving some incentives to the private sector where the new and permanent jobs will be created. That is a glaring oversight in a Budget which looked for short-term political solutions and ignored the long-term problems. . . .

And further on -

With the cost of employing people rising all the time, most recently through the superannuation guarantee charge, it is little wonder that employers are saying that even in a recovery they will try to get more out of the existing staff rather than take on new people.

Recently I was contacted by a constituent who has a 16 year old son working as a shed hand for a shearing contractor. The contractor is paying the compulsory three per cent superannuation levy. At the end of the year the lad received a bill for \$146 because the administration costs outweighed the income. I questioned that because I thought it could not

be right. However, at the end of that week the *Southwest Times* ran an article under the heading "Woman gets 'super' shock". It reads -

Jasmine Gibbs worked hard for about three months to earn a negative balance on her superannuation scheme.

As a permanent part-time employee in a dental surgery, the Gelorup woman's employer paid three per cent of her wage into a superannuation scheme on her behalf.

The total amount paid was \$19.40.

Imagine her surprise when she left her job and was presented with a negative balance of \$112.27 in her fund.

The explanatory note said: "Unfortunately the contributions paid into the fund have been less than the fund's expenses and therefore there is no benefit payable to you."

During the time she was working, Mrs Gibbs unknowingly accumulated \$120 in expenses.

She paid \$8.66 towards a life insurance policy and \$1.61 in contributions tax.

She also recorded minus \$1.40 in interest.

Like most employers, the dental surgery was legally bound to pay a superannuation contribution for Mrs Gibbs.

"I think it is totally ridiculous," she said.

"It's not the employers' fault - they are made to pay it."

... Mrs Gibbs believes the system would work better if people had their own superannuation funds.

Her husband Ian thinks people should have control of their own money and be able to invest it.

Mr Gibbs said his wife's experience highlighted a "ludicrous situation".

He believes it is likely that neither employees nor employers will benefit from the system.

I am sure many members would agree with that. I heard of a similar case which occurred at Kalgoorlie where the employer went to the fund and demanded that the money be returned. This reflects a serious problem with our superannuation policy. Some will argue that to shift responsibility for employment to the individual employers via financial incentives cannot be done. Of course it can be, especially when something similar is already being considered in New South Wales, where proposed tax reforms might soon include exemptions and incentives for foreign companies to establish regional headquarters in that State.

An article in *The Weekend Australian* of 8 August, under the heading "Fahey flags tax cuts for foreigners", states -

The reforms would include a series of tax exemptions for foreign companies seeking to establish regional headquarters in Australia and overseas banking units - divisions of a foreign bank involved only with transactions with parties overseas, he said ...

The exemptions, which would only be offered to these two types of foreign institutions, would include the removal of stamp duty on share transactions and other activities and the removal of financial institutions duty.

The tax relief would reflect the Government's commitment to attract foreign investment before a meeting to be held in Sydney in October.

It seems obvious to me that if Parliament can change the rules to help overseas business there is no reason to prevent our helping our own people in Australia. I must emphasise that the very people the Government says it is helping are the people who are being penalised, because they are losing their jobs.

Allow me to share several examples of Western Australian bureaucratic timidity and obstruction. I refer here to a Mr Ron Scott, an auctioneer by profession, who has for two years been trying to persuade the Albany division of the Western Australian Water Authority to sell its surplus vehicles locally. However, the Water Authority persists in offering

metropolitan buyers the five to seven cars which it replaces in Albany every year. The Water Authority argues that Mr Scott's proposal is not viable to the authority under current conditions. This is a classic Public Service brush-off which ignores the fact that the Water Authority already auctions some of its used vehicles outside the metropolitan area at Kununurra and Northam. So where is the logic in excluding Albany from the list of regional centres, particularly when motor dealers in Albany tender for the supply of the cars? I believe that auctioning these vehicles in the regions in which they have been used will give opportunities to country people who are otherwise denied them when vehicles are sold in the metropolitan area. The Water Authority would not be one cent out of pocket if its surplus vehicles were offered for sale in Albany, because the auctioneers' commission rates are low and the demand for well maintained transport is high. Indeed, the Water Authority would save the cost of fuel for the vehicles incurred by the 400 kilometre drive to Perth, plus wages and incidentals, and the return journey for the driver. The costs for five vehicles would not leave change from \$1 000, at the absolute minimum. If this is an example of the Water Authority's viability under current conditions I insist that someone with real authority revise the conditions without delay. I should add that the police hold auctions in Albany.

The second example of bureaucratic detachment from reality was sent to me by Mr Phil Crabb, a local farmer. He has worked hard and long all his life, and even in these days of mechanised farming rural workers run a higher risk of being physically worn out or injured than do their urban cousins who put in regular eight hour shifts in factories or shops. Phil Crabb's problem, and that of hundreds of other people, is now that he has turned 60 years of age he would like to apply for a Seniors' Card. However, he cannot acquire one because he must make a statutory declaration stating that he is a permanent resident of Western Australia and not in full time employment - that means that he works less than 20 hours a week. He works on his farm and, although he works fewer hours than he used to in the past, the animals do not wear watches. He is a real farmer and whenever his stock need attention he attends to them day or night. This bureaucratic requirement should take into account that farming is more a way of life than a way to live. Farmers are not shift workers and do not have time cards at the paddock gate. The Western Australian Seniors' Card guidelines were obviously drafted with only city dwellers in mind. Although I do not criticise the persons responsible, it is easy to overlook that Australia is not one nation regardless of what Mr Keating thinks. It is two nations - city and country. Similarities in speech and clothing often disguise the differences. I urge the Government to undertake a review of the Seniors' Card requirements, and to take into consideration our country people.

Last night I was visited in my office by several gentlemen who are rabbit farmers. They have joined with another farmer and formed a company and have an abattoir in Fremantle which processes domestic and wild rabbits and goats. The company is building an export industry in the United Kingdom, Europe, Asia and Africa. Finding markets has not been their problem, but it would appear that the Government is pushing to decommercialise the feral industry. At taxpayers' expense the Agriculture Protection Board rounded up 1 500 goats at Leonora and paid shooters to destroy them in the yard. They were then required to remove the animals and bury them. The company pleaded with the APB for the right to muster and slaughter the animals for the export market at the company's expense. The conservation movement and the APB refused to discuss the issue. The owners of the company told me that the 1 500 goats a week is the required number of stock for the abattoirs.

The rabbit industry is one of potential growth and has flourished in the past. In 1949 the export of feral rabbits was the third largest export industry in Australia. It equalled the lamb and mutton market when 50 million rabbits were sent overseas for export. After the myxomatosis process in 1950 only two million were exported. Since then the industry has declined. However, lately rabbit farming has seen a resurgence.

Hon P.G. Pental: There are a few feral rabbits in this place I would like to send overseas.

Hon MURIEL PATTERSON: We need export industries. A meeting was held recently in Carnarvon between the Agriculture Protection Board, conservationists and pastoralists. It concerned a plan to eradicate all the rabbits in the Kalbarri National Park. The meeting was confidential; no commercial companies were invited to attend. Why? It could not have been because they did not want the destruction of the animals - they are being killed. Nor could it have been from an insufficient number of professional shooters, because they are available.

Nor could it have been as a result of a quota system, because the authorities want all the rabbits eradicated. There were no legitimate or rational reasons for their exclusion. The Government's claim that it is working to provide more jobs is hypocrisy. That is an example of a company which developed an industry, found the markets and had the equipment to expand. No further costs would have been involved. Nothing more was required so that it could handle the extra rabbits or goats other than labour, which would only have meant more jobs.

Hon Sam Piantadosi: More jobs can be provided by the removal of the Potato Marketing Authority.

Hon MURIEL PATTERSON: We can discuss that another day. I am talking about rabbits. Why does the Government not encourage growth by private enterprise in this industry?

I refer now to the problem of a constituent and the Portable Construction Industry Association. I was interested to find that this industry has a higher turnover of staff than any other industry sector in Australia. All the people employed in that industry must pay a percentage to cover their long service leave. If and when an employee leaves a company - it has the biggest turnover of staff of all industries - long service leave payments cannot be withdrawn by either the employer or the employee. As a result of the economic tragedy in this country the industry organisation involved is pressing small business to join it. It has hit one struggling small business for four or five years' retrospective fees. The business manager of the company said that there was no way it could pay those fees because the added cost would put the company out of business. The official said that it was negotiable and that he had the power to state terms retrospectively and if the businessman did not pay he would be charged for everything and put out of business.

Hon Sam Piantadosi: Which union was that?

Hon MURIEL PATTERSON: The portable construction industry. The business went from a battling but sustainable five-man company to one of one man and a young person. That is another of the job opportunities lost through Government regulation - not that the official working in the guise as a protector of the worker loses his job. The annual balance sheet of the construction industry of Western Australia shows that \$5.4 million was received and its administration costs are \$1.8 million.

It is very important that we show acknowledgment and real concern for our citizens, not by handing out money in the form of pensions or allowances, but by allowing productive employment where people regain their self-esteem, enjoy the camaraderie of fellow workers, the healthy discipline of work each day and, above all, that exhilarating feeling of knowing they have personally achieved a task. I remind the House that Governments should not dominate or decimate enterprise. It is the privilege and responsibility of all Governments to set the climate for industry.

I refer now to a problem of a different kind involving a vast number of people. On 8 September over 100 people in Albany attended a public meeting which was addressed by an officer of the Ministry of Education. He attempted to explain that they would receive a better school bus service for their children at a cost of 50¢ a trip. That was misleading because a return fare will cost \$1 a day or \$200 a year for each child. The majority of parents expressed a great deal of anger and concern about safety for children who live beyond walking distance from their new school should the children be forced to walk. All that is available on which the children can ride their bikes to school are single carriageway roads, which often have broken bitumen edges and carry speed limits of 80 kilometres an hour. The children have no cycleway or pathway.

The hardship and cost involved could be best summed up by the example of a single parent from the Lower King area whose sole income is the supporting parent benefit. She has four children and could not possibly afford to pay \$800 a year for bus fares. Even if the Government were to help her with a subsidy, I remind members that there are families here in business at this very time who are living below the Government's accepted poverty line. That bus fare would be an enormous impost to them. It was exceedingly insensitive of the Government to implement that policy during a recession in a town with one of the highest unemployment rates in the State. An article in *The West Australian* on Saturday, 12 September under the heading of "Taxpayers get bill for rail line" reads -

Taxpayers would be slugged \$10 for every \$1 rail fare collected because Transperth's operating costs had soared 90 per cent with the building of the northern suburbs railway, the Chamber of Commerce and Industry said yesterday.

In its detailed State Budget response, the chamber said the rein on taxes and charges was responsible but it attacked increased debt levels.

The northern suburbs railway will extend into the marginal Labor seats of Whitford, held by Transport Minister Pam Beggs, and Wanneroo, held by Jackie Watkins.

Chamber executive director Lyndon Rowe said the line was not needed yet and the decision to go ahead was political, not economic.

He said railways in general were popular.

"And it just happens to flow through some marginal seats as well, which doesn't do any harm," Mr Rowe said.

"There is an argument about subsidising transport in terms of cars and pollution but \$10 for \$1 is over the top."

Mrs Beggs said she did not think the figures were wildly incorrect.

She said it was not a political move but a forward-looking decision which was supported locally.

The chamber analysis said fares would cover 22 per cent of the operating costs of bus services and just 9 per cent of rail service costs in 1992-93.

"For every \$1 fare collected by Transperth, \$10.24 is contributed by taxpayers to the cost of running the rail service and \$2.38 to the costs of the bus service alone," the chamber said.

"Given the capital commitment inherent in operating the rail network, it is likely that this will saddle the taxpayer with a massive subsidy burden for the foreseeable future.

It is ironic that Transperth can provide free travel in the central business district of Perth to people who, in most cases, could pay their fares while it imposes a charge on families on whom the cost will be a great burden. Members are aware that educating children is compulsory and they should be aware also that the Ministry knew that this cost burden would place great hardship on families and that there would be strong resistance. However, this policy has been announced in a cowardly manner because the Government did not make a general public announcement Statewide but is knocking off one country town at a time. Mr Nicholas warned that if the bus service was not accepted, no transport might be provided at all for students from the urban fringes. To me that comes mighty close to blackmail. On behalf of a very worried group of parents and citizens, I sincerely urge the Minister to reconsider that proposed policy.

I turn now to a matter of importance which directly or indirectly affects most of us in the lower great southern, the Civil Aviation Authority's proposed safety tax on airports. The Albany Shire Council entered the aerodrome local ownership plan in 1985-86 and agreed to maintain the airport. The Federal Government arbitrarily changed its mind and wound up the plan and grudgingly offered Albany Shire Council a once only grant of \$360 for its upkeep. As an incentive for airport owners to withdraw from the aerodrome local owners plan, Canberra promised it would reduce the AVgas excise which is allocated to the Department of Transport for the aerodrome local owners plan. Canberra now intends to renege on its promise and the excise will now disappear into the bottomless pit of consolidated revenue instead of going to the airport owners as previously agreed. That leaves the Albany Shire with a bleak prospect of trying to find \$500 000 to maintain the airport's navigational system at an acceptable level of safety with no possible hope of recouping the cost from increased traffic or alternative revenues.

The airport manager told me recently that that was because of Albany's southern position on the Western Australian coast and the fact that there are between 10 and 12 days a year when planes cannot land in Albany because of low cloud. Therefore, it is imperative that we have this safety measure. It is plain that this is a matter for Canberra and Albany to settle between them. However, it is equally plain to me that the State Government has an obligation to

support local authorities when they become embroiled in such an unequal and unwarranted dispute with big Government.

As is my practice, I would like to finish on a more positive note and draw attention to the fact that Albany will again host pilots and trade exhibitors from across Australia and overseas at its second Rainbow Coast air show. The first was judged among the largest and best anywhere in the Commonwealth and I have just been told that next year's biennial air show will attract twice the number of entrants.

Hon Derrick Tomlinson: I hope the Air Force does not drop a plane on it.

Hon MURIEL PATTERSON: We will keep the New Zealanders out of the cockpit this time.

Albany, the events capital of Western Australia as it will soon be known, will also be welcoming competitors from Wangaratta, Victoria, at the end of the great Australian air race. That is very exciting. It is the first time that I have ever looked forward to seeing an air race, especially one that is coming to my home town. Meanwhile, back on the ground, there is more international excitement with the focus on Albany during the Genevieve 500 road race, featuring, among others, Mr Paul Terry's 1904 Darracq, Genevieve. Plans are also well advanced for the first Rainbow Coast expo foreshadowing new industries, processes and ideas which are already shaping the world or confronting the twenty-first century. Members can imagine the unlimited potential for Western Australia once the rest of this State regains the leadership, the vision, the enthusiasm and the momentum of the pioneering decades when innovation, quality, personal initiative, workmanship and good design built this lucky country. I support the motion.

Debate adjourned, on motion by Hon Kim Chance.

## COAL INDUSTRY TRIBUNAL OF WESTERN AUSTRALIA BILL

### *Second Reading*

Debate resumed from 2 September.

**HON N.F. MOORE** (Mining and Pastoral) [4.56 pm]: This Bill will govern the operations of industrial relations in the coalfields of Western Australia. Current legislation was first enacted in 1948 and was part of the Mining Act of 1904. In 1978, when the Mining Act was completely rewritten, the legislation relating to the Coal Industry Tribunal was transferred to a separate Act which has been rewritten and is the subject of this Bill. I was pleased to read in the second reading speech that one of the motivating forces behind the current legislation was the recommendation in the fourteenth report of the Standing Committee on Government Agencies. Like many of our reports, it did not receive a great deal of publicity. I expect that, on this occasion, there will be considerable media comment about the fact that a recommendation of that report has now been brought into legislation and therefore we can all see the true worth of the committee!

In the fourteenth report, the Standing Committee on Government Agencies carried out a major inquiry into the statutory authorities associated with the coal industry. It was found that seven Government agencies were operating in that industry. It seemed to the committee at the time that the bureaucratic structure in one industry was ludicrous. I might add that it found recently a similar arrangement in the meat industry, which makes me wonder how industries operate in this country when a multiplicity of Government agencies are often providing an enormous amount of stultifying red tape making it difficult for industry to operate.

The Standing Committee on Government Agencies undertook an inquiry into the way in which the coal industry operated, including the relationship of the seven agencies with the industry. One of the recommendations of the committee related to the Coal Industry Tribunal. At page 28 of the 14th report of the Standing Committee on Government Agencies on the Western Australian Coal Industry Tribunal it states at point 4.48 -

All the evidence before the Committee indicates that the Western Australian Coal Industry Tribunal has been an effective mechanism for dealing with industrial disputations in the coal industry and one which has won the support and respect of both management and unions. The Committee is satisfied that a Coal Industry Tribunal separate from the Western Australian Industrial Relations Commission is

justified and that a five member tribunal with representation from both management and unions is preferable to the single member format of the Eastern States Coal Industry Tribunal.

Members should remember that a recommendation of the report was that the Western Australian Coal Industry Tribunal should be retained in its existing format. The committee made a number of recommendations about the way in which the tribunal should be modified. It is those modifications, plus others the Government has determined since, which are the subject of this legislation.

The fundamental issue about which the Government initially made a determination was whether to continue with a separate tribunal for the coalmining industry as opposed to all other industries which come under the jurisdiction of the State Industrial Relations Commission. It is interesting that only two tribunals are not incorporated into the Statewide commission; that is, the Coal Industry Tribunal and the Salaries and Allowances Tribunal. Most members would be more familiar with the latter. Interestingly, in respect of industrial relations in this State, members of Parliament, judges and others come under the Salaries and Allowances Tribunal and coal workers come under the Coal Industry Tribunal as the only employees - if we can call ourselves employees - who do not come under the jurisdiction of the State commission.

The Government has decided for reasons best known to itself that it will continue with the same industrial tribunal for the coal industry. As I have pointed out previously, the Standing Committee on Government Agencies came to the same conclusion. It is with mixed feelings that I support that proposition simply because over the years the Coal Industry Tribunal has created working conditions, in the Collie coalfields in particular, which some people describe as outrageous. Some of the conditions of work and the perks and benefits and other aspects related to the way in which its work force operates are significantly better than those achieved by workers in other industries. One often hears anecdotal evidence about the conditions under which the coalminers in Collie operate. This was brought about by this industry having its own tribunal, which tends to be parochial and may ignore the broader sections of the economy in making its determinations. There are those who argue that this tribunal should be incorporated in the Statewide tribunal so that its decisions better reflect the conditions of the State and Australian economies rather than its simply determining at a parochial level what ought to be paid to employees at Collie.

I am also of the view that industrial relations operate better at the local level than on a centralised basis. As a general philosophical position, I would prefer to see industrial relations conducted in the workplace between employers and employees, if necessary on a one to one basis. I am a great supporter of the propositions put forward by the Liberal Party for industrial relations reforms. On the other hand, we have here an industrial tribunal separate from the rest of the country which has provided conditions for workers which bear little resemblance to what is provided elsewhere.

The circumstances surrounding the provision of a new power station at Collie brought into fairly stark relief the problems relating to the workplace conditions at Collie. It was necessary for the Government to put a fair bit of heat on the Collie unions in order to reduce the cost of producing coal so that a competitive coal fired power station could be built at Collie. I commend the Government for putting on that pressure, but I still think it has not gone far enough and that many more reforms must be undertaken in the Collie coalfield to achieve the level of productivity necessary to make coal competitive. If one becomes involved in a debate about whether coal or gas should fire the next power station one finds it comes down to the cost of producing coal as against the cost of producing gas. At present it is cheaper to have a gas fired power station rather than a coal fired one. That is my view, and it is not based on a lot of knowledge of the subject.

If the Collie coalfields are to continue being productive and used in the production of electricity the new tribunal must take into account the broader economic circumstances of the State when it makes its determinations on working conditions for people in the coal industry in Collie. It is vital that we attain levels of productivity that allow a coal fired power station to be competitive. We all know that the price of electricity in Western Australia is far too high and that Western Australia is not competitive with the Eastern States' producers in that area. That is not all our fault. Circumstances such as the size of the market and grid, and things of that nature, are involved.

The bottom line is that we could be more productive and have cheaper power if we ensured that the price of coal was kept to an absolute minimum. The Government has decided to retain the tribunal and modify it by making a number of amendments to the way in which it operates. It will be retained in its present form and consist of five part time members; that is, a chairman, two employee representatives and two employer representatives. The Government will appoint the chairman and employer representatives, and the employee representatives will come from unions on an ad hoc basis depending on the industrial dispute happening at the time. The tribunal will have jurisdiction to inquire into industrial matters or impending or probable disputes related to industrial matters likely to affect the coalmining industry.

The Bill also provides for the establishment of a local board of reference which will be able to deal with localised disputes. The local board of reference will consist of a chairperson appointed by the Minister for Mines whom he considers to have expertise or qualifications relevant to the coalmining industry; a person nominated by the unions involved in the dispute; and a person nominated by the employer involved in the dispute. That board will be able to meet and involve the people whose union and company are negotiating or having a problem with some particular aspect and endeavour to achieve a swift resolution to a problem before it becomes an industrial dispute.

The Bill provides for the tribunal to appoint a local board of investigation, which shall comprise a chairperson and other persons as determined by the tribunal from time to time. The local board of investigation will look at matters of interest and concern to employers and employees in respect of industrial relations matters and will provide an ongoing means of research into issues in order to avoid disputation before it raises its ugly head.

The Bill proposes to change the power of the tribunal to deal with demarcation disputes so that the tribunal, constituted by the chairman alone, will deal with demarcation disputes. This is a change from the parent Act in which employers and employees are also involved in deliberations about demarcation disputes. It is deemed to be more appropriate for the chairman alone to make decisions about demarcation and for the unions who are involved in the disputation to be not involved in deliberations about a demarcation dispute. That makes a lot of sense to me.

The Bill provides that appeals from the tribunal shall be made to the Full Bench of the Western Australian Industrial Relations Commission. That is another change from the parent Act. There is also provision for a report to Parliament on the operation and effectiveness of the legislation after five years. I commend the Government for introducing these review clauses, but I would prefer ultimately to ensure that these reviews were done by Parliament rather than by the Minister, and I will continue to argue, particularly in respect of statutory authorities, that that review be done by the Standing Committee on Government Agencies as a matter of course.

I am told that the unions and employers generally support the legislation. Therefore, the Opposition is not opposed to it. In the fullness of time, as Sir Humphrey would say, I suspect that the whole question of industrial relations will be reconsidered by an incoming coalition Government. Our views about industrial relations differ from those of the current Government. The whole industrial relations system will be looked at in the context of the Opposition's industrial relations policy. I suspect that the Coal Industry Tribunal will probably survive under those conditions but that people will be allowed to be party to its determinations or to make their own arrangements as they believe necessary.

This legislation is timely because we have a situation where the production of coal is vital to the future provision of electricity in Western Australia. The restructuring of the tribunal will enable it to be more effective and efficient, and will ensure that industrial relations in the coalfields result, firstly, in minimum disputation, and, secondly, in the provision of conditions of work which are realistic and which the community can support. It would be unfortunate if in the future the tribunal were to continue to go down the path that it has in the past of providing what are often unrealistic working conditions and wages and salaries which are not comparable with those in similar industries in the State.

The Opposition supports the Bill, but when it is in Government in the future it will review the whole of industrial relations in Western Australia, and will include in that review the Coal Industry Tribunal.

**HON JOHN HALDEN** (South Metropolitan - Parliamentary Secretary) [5.14 pm]: I thank the Opposition for its support. I will comment briefly on some of the matters raised by Hon Norman Moore. It is true that the Coal Industry Tribunal has existed for some time. It has had a significant impact on the coal industry in Collie. The member did not comment on, and should have commented on, the fact that the coalmining industry has an excellent safety record, much of which can be attributed to this tribunal. Also, workers in this industry have rarely gone on strike. That also can be attributed to the tribunal and to the fact that the tribunal is located in Collie, which means that there is easy access to it.

Hon N.F. Moore: There are some who would argue that they have given in on a regular basis; therefore, there has been no need to go on strike.

Hon JOHN HALDEN: That is an interesting point, and we will have to agree to differ on that.

The member said that working conditions are far higher in the coal industry than in many other relevant industries. I have been to Collie on a number of occasions, seen the conditions of the workers and spoken to them about their rates of pay and compared them with those in other mining industries. I must say that coalminers are the poor relations of many other miners. However, they have been the leader in health and safety issues in the mining industry. Again, that is not something that we should condemn in any way.

Hon Norman Moore raised the issue of productivity. Productivity in the coalmining industry these days is very much related to technology. Were Collie to have the technology of many of the larger coalmines throughout the world - for example, in longwall mining - productivity would increase significantly. The difficulty is with the markets that Collie supplies and the fact that the technology is expensive. Before companies are prepared to go that far they must be assured of the demand for their coal and the long term contracts that would encourage them to make that sort of investment.

I thank the Opposition for its support for this important Bill, and commend the Bill to the House.

Question put and passed.

Bill read a second time.

#### *Committee and Report*

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

#### *Third Reading*

Bill read a third time, on motion by Hon John Halden (Parliamentary Secretary), and passed.

### **PRIVACY OF GRIEF BILL**

#### *Introduction and First Reading*

Bill introduced, on motion by Hon Peter Foss, and read a first time.

#### *Second Reading*

**HON PETER FOSS** (East Metropolitan) [5.20 pm]: I move -

That the Bill be now read a second time.

Competing Interests: I am not a great believer in privacy legislation because I believe that statutory interference in this area all too often leads to a poor resolution of the conflict between the public and private rights involved and also to contention between members of the community. However, there is an area where I believe that the behaviour of the media is such that there is little conflict between the public and private interest. This is in the area of grief. Daily on television we see scenes of mass and individual violence. All too often these depictions seem to dwell on the dramatic effect of pain and suffering of individuals rather than on the political or social impact of the event.

The suffering of large numbers of people in the one event can often properly be a matter of concern for the community. At times, but far more rarely, the suffering of an individual in an isolated case may also be of public interest. The best justification for such depiction is where

it motivates sympathy for the individual where that individual desires that sympathy. Too frequently, however, human misery is depicted in news reports not because there is any salutary public message, nor because there is any public benefit to be gained by the publication, nor out of sympathy with the individual, but purely because it is exciting and dramatic and therefore attracts the morbid curiosity of the masses and causes them to consume the news product. It is published because it has the same attracting power as that which drew the Roman crowds to the arena to watch gladiatorial contests and to see Christians being thrown to the lions.

There is a gruesome streak in most of us which against our best judgment attracts us to watch blood, death and misery - live on film. I think the moral value of such footage is on a par with snuff movies and the Roman arena crowds. We like to think that we have advanced in civilisation since those decadent days, but I sometimes wonder. I have been revolted by this tendency over the years. I oppose it for two reasons: The first is merely a personal belief that it is the constant exposure to violent news footage interspersed with equally violent drama programs which inures us, especially our young people, to violence. We have ceased to be able to distinguish between real and imaginary violence and our emotional reactions have been dulled by constant exposure. The second reason is not based on belief but on first-hand knowledge. The publication of these pictures can cause a greater intensity of grief to already grieving and hurt people affected by the horror of these events. The first of these two issues is a censorship issue and I leave it for the time being. The second is a blatant misuse of the power of the media and the interest of the public in order to breach the privacy of an individual to satisfy the public thirst for entertainment of a base kind.

Death is, or should be, a private moment. We abandoned public executions years ago because of the recognition that even condemned criminals were entitled to some privacy and dignity in death. We seem to deny this to innocent victims of violence these days. Whether it be death or the suffering of pain, the victims of this trauma should be entitled to their privacy - not to be an object of public display, even if it is a sympathetic display. Death and agony are intimate moments. Similarly, the grief of relatives is something they are entitled to keep private. They may, for their own reasons, want to air their grief publicly - many people do. But for those who wish to suffer their grief in private it is a gross intrusion to photograph them and even more gross to display it over the mass media for the gratification and the idle curiosity of the public.

The personal element: I will attempt to set out my personal knowledge of the second reason without identifying the people involved. I am maintaining this anonymity so that I am not guilty of the same solecism as the television stations involved.

A person was recently killed in violent and criminal circumstances. However, death was not immediate. The victim lived on for a while. A member of his family was not aware that the victim had lived on for a while until that night when watching the television report of the incident. The relative saw from the television footage that the victim lived for a period. It was distressing enough to see the physical signs of the incident - blood and personal effects - but to see the victim fatally injured but moving was immeasurably distressing. A large number of television station crews followed the relative to a house where the relative had gone for comfort and waited to film the relative. The relative did not want his or her distress shown on television, but could not leave the house while the television crew waited around. So the relative asked the crew not to film the relative, to which the television reporter agreed and gave an assurance that there would be no filming. Notwithstanding this request and the agreement, the television crew of that reporter filmed the relative, and the pictures of that relative in great distress were shown on television that night.

The first of these actions may be characterised as unthinking but the second is outrageous. I know that it is argued that it is often needed to raise the indignation of the masses against particular acts of violence, but this does not require or justify inflicting further pain on the relatives of the victims. Surely it can be done with the bare facts without the use of intrusive video footage. I have referred mainly to television because it has been mainly television that has crossed the bounds of decency and consideration in this matter. However, the principle applies equally to the print media.

What is worse with television is that, with the tendency to keep "file footage", there is every chance that a relative, or even the victim, may be suddenly presented with the film again

when a similar incident causes the television stations to repeat it. Watching the news can become a traumatic event. I am assured in this case that this is exactly what happened and that regular use has been made of both of these clips - much to the distress of the relative. As I said, this is not a hypothetical story - it is an actual happening. I have had the permission of the relative to use this story as an illustration and to say that the principle of the Bill is supported by that person.

What is more, since raising this Bill publicly I have heard further examples that illustrate that this is not an isolated case. There are many people out there who hesitate to watch the news just in case, once again, they are presented with the death of someone close to them.

The provisions of the Bill: As the title indicates, the Bill is directed at protecting the victims and relatives of victims from the further grief imposed on them by intrusion in their agony and their grief. It is to recognise that death and agony are matters which they are *prima facie* entitled to keep private.

Most of clause 2 I will deal with at the place where the definition is used, but I will mention the definition of "traumatic event". It is not confined to accidents, it also extends to natural occurrences. These may be external to the victim or they may be internal - such as disease. The limiting factor in all of these is that it must happen suddenly or unexpectedly. There is also a severity qualification in that it must cause death, severe bodily injury or life threatening illness.

Clause 3 contains the main offence. It has been confined to publications in Western Australia about people in Western Australia who suffer an event in Western Australia. I believe that, in the main:-

- (a) publication outside Western Australia regarding people in Western Australia will not invade their privacy; and
- (b) publication inside Western Australia regarding people outside Western Australia will not invade their privacy unless they are known inside Western Australia.

The publication which is prohibited is that in a newspaper or on television. The legislation in this clause does not go so far as to prohibit the taking of the pictures, even though that also may be offensive. That is dealt with later and has a different basis of prohibition.

As well as prohibiting publishing pictures of the victim there is a further limitation on the applicability of the section in that the victim must be -

- (a) dead,
- (b) dying,
- (c) mortally injured or sick, or
- (d) grievously injured and in evident pain.

There may be some difficulties in ascertaining the exact state of the victim at the time the photos are taken but the onus is on the publisher to find out that state before publishing. It is a matter of fact to be determined whether (a), (b) or (c) apply, but (d) permits of some immediate objective observation. The term "grievous" is intended to have the same meaning as it does in the Criminal Code with regard to bodily harm.

The Bill, as well as prohibiting publication of pictures of the victim, also prohibits publication of pictures of blood - a popular subject of television news - as well as clothing and personal effects of the victim. "Personal effects" is a term that has been interpreted by the courts - usually in probate cases or under the Bills of Sale Act. What is intended by this is to cover things which are sufficiently personal in use that they suggest the identity of the person, especially to persons acquainted with the victim.

Clause 4 is similar to clause 3 except that it deals with traumatic events outside the State. The chances of publication of a traumatic event occurring outside the State invading the privacy of someone within the State are far less than for a traumatic event within the State. For this reason, instead of the onus being on the publisher to satisfy himself that he will not be invading privacy, there must first be some reason for him to be put on alert. In practical terms, the greatest obstacle to a prosecution under this clause is that the prosecution must

show that there are reasonable grounds to believe that there are certain defined connections with Western Australia. These connections are to do with the residence here of the victim or of his relatives, either normally or at the time of the event. This, combined with the defences in clause 6, make prosecutions under this clause somewhat difficult although not impossible. The term "relative" is defined and depends in part on whether the victim is an adult. Relatives who have no connection with the State are not protected. I do not think that Western Australia has a legitimate interest in protecting persons outside the State from publications within the State.

The third main offence is contained in clause 5. This protects the relatives from being depicted, irrespective of where the traumatic event occurred. The protection is not as great as that for the victim under clause 3 because the relative must request that the picture not be published. Furthermore, the picture must be one that depicts grief or suffering. Once again, the definition of "relative" requires that person to have a connection with Western Australia. Because this clause also applies to the victim, there is the possibility of some overlap between the earlier offences. However, it requires grief or distress, not mere passive participation. Apart from that, it is generally wider in its impact than clauses 3 and 4, even though it requires more action on behalf of the person affected.

Clause 5 will apply to pictures made before the coming into operation of the Act where a request is made after the coming into operation of the Act. Clause 6 provides a number of defences; these are true defences and not exceptions. Under subclause (1) the prior written consent of the victim or a close relative will allow the accused to avoid being convicted. However, it is entirely on the publisher to get that consent and show that it falls within the Bill. It is not for the State to negate it. The person from whom the consent must be obtained is narrowly defined. It can be the victim or a close relative. A relative is defined and means a person normally or actually within Western Australia and within the categories set out. However, a close relative is the closest person to the victim according to the precedence set in the Bill. There may be multiple persons qualified; for instance, a number of parents, grandparents or siblings.

If, in fact, the person is a close relative, that is sufficient irrespective of whether the person believed them to be a close relative. If the person is not a close relative and the person reasonably believed them to be a close relative, that is also excused.

Subclause (2) deals with the lone and unconscious victim. It is arguable that even then such a person is entitled to his or her privacy, but it is probably fair to say that if the person is unlikely to be distressed by the publication, there is not such an interest to be protected. The test is cumulative because the accused must also show that there are no relatives as defined.

Subclause (3) sets out what it is sufficient to prove in order to establish a reasonable belief. This is not the only way of showing reasonable belief - assuming that the State has satisfied the evidentiary burden under clause 4 - but if it is shown, it is conclusive that the belief was reasonable.

Clause 7 is to prevent constant pestering of victims or relatives for their consent. This pestering could be almost as bad as the publication of the photographs. A "no" should be enough. Clause 8 recognises that where more than one person is involved in a traumatic event, it would be nearly impossible to get all appropriate consents for personal articles. The multiplicity also reduces some of the impact of personal effects as an instrument of grief.

Clause 9 recognises the greater public interest in mass disturbances, and also the inherent lesser privacy of death and grief in such circumstances. Clause 10 recognises that although the prosecutions need not be brought by an official prosecutor, they should not be brought by an officious bystander. Someone who has a legitimate interest should consent to the prosecution. It may be that some relatives would not be minded to complain and others would; it is sufficient if any do. By consenting they do not become the prosecutor.

Clause 11 is intended to place the prosecutions where I believe they should lie. It follows a little the concept in the law of defamation - that the publisher and the editor are liable. Furthermore, it is not possible to obtain a record of conviction against any other person unless a person such as is in paragraphs (a) and (b) has been found guilty. It does not require both the publisher and editor to be found guilty - just one of them. It does not require that a conviction should be recorded - just that they be found guilty. Another person who has

knowingly been concerned can be prosecuted either before or after or at the same time - it may even be in the same proceedings - but a conviction may not be recorded unless there has been a finding of guilt against some other person as is mentioned in (a) or (b).

Ultimately, it must be the publishers and editors who set the standards of behaviour. Journalists themselves are not really in a position to cause a revolution in attitude. It is not intended that they should escape any liability, but it is certainly intended that they should not face any penalty unless those truly responsible are also on trial. This does not apply to prosecutions under clause 6, because that is very much an offence of the person actually on the ground; it does not relate to the publishing.

Clause 12 is intended to put the publisher and editor on warning to make proper inquiries from the staff and others they use to see that the law is obeyed. Clause 13 requires summary prosecutions but allows an extended time to bring the proceedings. Generally, the penalties are quite large. This is because the motivation for the offence is the commercial benefit to be derived. I would like to see a sufficient financial disincentive for the companies and a personal penalty for the executive staff.

I urge the House to support the Bill.

Debate adjourned, on motion by Hon Fred McKenzie.

## CRIMINAL LAW AMENDMENT BILL (No 2)

### Committee

The Chairman of Committees (Hon Garry Kelly) in the Chair; Hon J.M. Berinson (Attorney General) in charge of the Bill.

#### Clause 1: Short title -

Hon PETER FOSS: This Bill was considered by the Standing Committee on Legislation, and I refer members to the report, tabled paper No 371. The report indicates that the committee met with Parliamentary Counsel, Mr Greg Calcutt, and Mr Graeme Scott, Crown Counsel. Unfortunately, I missed that meeting outlined in the report. The committee's recommendations are as follows -

3. The Committee has concluded that the changes to the definitions embodied in Clause 3 of the Bill do not criminalise behaviour which is not now criminal under the Criminal Code.
4. The transmission of a disease which "*interferes with the health and comfort of a person*" is only unlawful if the means by which the disease is transmitted is unlawful. For example, going to work with the 'flu is not caught by the amendments - going to work with the 'flu is not unlawful.

That is relevant only as far as the changes made by this Bill relate to section 306 of the Criminal Code where the question of unlawfulness arises. The word "unlawful" has had a chequered history in law. For instance, any form of sexual intercourse other than within marriage was considered to be unlawful sexual intercourse.

Hon Reg Davies: So it should be!

Hon PETER FOSS: Therefore, adultery and fornication were considered to be unlawful, and obviously that sort of unlawfulness meant that such activities were subject to disability in contract law. A contract for fornication and adultery would be void because of the contractor's unlawful act. I have heard an argument that conspiracy to commit fornication may be an unlawful conspiracy under the Act. In this context, certainly as the amendments would apply, unlawful means pursuant to some written law, and not merely unlawful in terms of not sanctioned by the law in the way that sexual intercourse and adultery may be regarded to be unlawful. If a disease were transmitted during fornication, and fornication were considered to be unlawful, the effect on section 306 of these amendments may be that the passing of the disease falls within it. Provided it was intended to have that intercourse there is sufficient intention for liability under the Criminal Code, having regard to chapter V.

However, I believe that is the incorrect basis of interpretation; the proper way to look at the term "unlawful" in this case is "unlawful" in being forbidden by law. The other point that

emerges from this is that occasions may arise where it may already be a problem under the Act because of the term "unlawful". The suggestion was that going to work was not unlawful. I suppose there may be examples where sending one's child to school would be unlawful. An example given to me was the possibility of a school regulation requiring that one's child could not go to school when that child had a disease. If a child were sent to school contrary to that legislation, would one be sending the child to school unlawfully? One could extend the hypothesis further by asking what if a child were sent to school doing something else which was totally unconnected with having a disease. For example, a child might be sent to school with a weapon which might also be forbidden. If the child also had a cold would that be unlawful? I do not think that is intended to be caught by the Bill. Prosecutors would no doubt recognise that that is not an appropriate case for prosecution. This Bill is intended to provide for situations where a person knows he has a disease and attempts to communicate it to another person. That can be done under a number of circumstances; the main one is set out in the amendments to section 294, which is the critical amendment to the Act.

The other point raised by the Standing Committee is that it is arguable, in any event, that the Bill simply recognises and puts beyond doubt what is the law. It seems within contemplation that one cannot be charged under the Criminal Code with the offences referred to in the amendments to sections 294 and 306 if one has and communicates a serious disease. There is no limitation to exclude the disease and there is no reason that one should not be able to be charged with respect to any means at one's disposal to cause harm. As the committee pointed out, it is not a bad idea in these times when communication of AIDS is an issue.

The CHAIRMAN: Order! I have given the member a fair amount of latitude, but this is not a second reading debate.

Hon PETER FOSS: I am dealing with the report of the Standing Committee on legislation.

The CHAIRMAN: I know that.

Hon PETER FOSS: I do not know how else I can deal with the report, other than -

The CHAIRMAN: We are in fairly uncharted waters, but the member's speech is a bit long.

Hon PETER FOSS: I would like to cover what the committee has said because it is something with which this Committee is dealing.

The CHAIRMAN: It is a brilliant report.

Hon PETER FOSS: As the Standing Committee has pointed out, not always is disease communicated by a capsule of blood, a needle or a phial of infected blood. It may be by a more intimate means than that. In that case it may be worthwhile taking the doubt out of the law and making it quite clear where people's responsibilities lie. Overall, the question of whether the extent of the proposed amendment is correct and whether it will broaden the law beyond what is intended and referred to in the second reading speech has been reported to be fairly satisfactory. That will be the case if the Attorney General moves an amendment, which I understand he will do shortly. His amendment will deal with the one small problem which would arise if one intended to cause somebody to be infected by a serious disease and failed to do that, but infected the person with a minor disease. The report indicates to this Committee that it is satisfactory to proceed with the legislation on the basis that it appears that it will carry out what is indicated in the short title it should carry out.

**Clause put and passed.**

**Clause 2 put and passed.**

**Clause 3: Section 1 amended -**

Hon J.M. BERINSON: I move -

Page 3, lines 4 and 5 - To delete the lines and substitute the following lines -

3. (1) Section 1(1) of the Code is amended by inserting before the definition of the term "ship" the following definitions -

" The term "serious disease" means a disease of such a nature as to -

(a) endanger, or be likely to endanger, life; or

(b) cause, or be likely to cause, permanent injury to health; "

(2) After section 1(3) of the Code the following subsection is inserted -

Page 3, lines 9 and 10 - To delete "infecting a person with" and substitute "causing a person to have".

Page 3, lines 14 and 15 - To delete "infect a person with" and substitute "cause a person to have".

Page 3, lines 19 to 22 - To delete the lines and substitute "reference to causing a person to have a serious disease;".

Page 3, lines 27 to 30 - To delete the lines and substitute "cause a person to have a serious disease."

The amendments which I have circulated constitute a package and, with the Chamber's indulgence, I refer briefly to the substantive clauses to which they would apply. It is very difficult to discuss the point of a definition of a proposed section otherwise. The provisions of the Bill relating to the transmission of diseases have been examined again since the initial draft, and the need to adjust proposed section 294(8) - clause 5 - has been identified. Under the provision as drafted an offence is committed if a person A with intent to give person B a disease that is life-threatening or can cause permanent injury, does an act that gives B any disease or is likely to give B any disease. So, if A, intending to give B AIDS, spits on B and B does not contract, and is not likely to contract AIDS from that conduct but does contract, or is likely to contract a common cold, A would still commit the offence. This was not intended except in relation to conditions - such as HIV infection - which inevitably lead to more serious diseases.

The amendment to proposed section 294(8) has been prepared and appears later in the Supplementary Notice Paper. This is intended to limit the operation of the provision to cases where an act is done that is likely to result in a person's having a "serious disease". This term is defined in order to make proposed sections 294(8) and 1(4) easier to read. The provision would still apply if A, with intent to give B a serious disease, does an act that gives B HIV or is likely to give B HIV. This is because HIV, though not itself a serious disease as defined, is "likely to result" in B having AIDS. There is no need for proposed section 294(8) to deal with a case in which the act actually transmits a serious disease because section 294(1) would apply in that case.

The amendments also propose to replace references to "infection with a disease" with references to "having a disease". It is felt that "infect" might be construed in too narrow a way - involving perhaps the identification of a particular incident or time by or at which a disease was contracted. This could cause problems in the case of progressive diseases such as HIV/AIDS.

Hon PETER FOSS: This is a very good amendment. It probably goes a step further than I thought it would because it picks up an omission as well as an accidental inclusion. It excludes the common cold which is obviously not something that we are looking to encompass, but by the definition it also picks up HIV which is not a serious disease; it is AIDS that is the serious disease.

This definition has been carefully drafted so that we do not have to wait for a person to get that disease before the offence is committed. Otherwise there may be a problem of causation between the two. This is an excellent amendment and should be supported.

**Amendments put and passed.**

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

**Clause 4: Section 259A amended -**

Hon J.M. BERINSON: I move -

Page 4, lines 7 and 8 - To delete "infecting any person with" and substitute "causing a person to have".

**Amendment put and passed.**

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

**Clause 5: Section 294 amended -**

Hon J.M. BERINSON: I move -

Page 4, lines 14 to 16 - To delete the lines and substitute the following -

(8) does any act that is likely to result in a person having a serious disease;

This is also within the general explanation which I have given previously.

Hon PETER FOSS: The real protection as far as this offence is concerned is that an element of the offence to be proved is that the person had intent to do those things. This overcomes the problems that were raised about people accidentally finding themselves within the terms of the Criminal Code.

**Amendment put and passed.**

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

**Clause 6: Section 306 amended -**

Hon PETER FOSS: This is the clause with which I was dealing when we debated the title and relates to the word "unlawful". Section 306 of the Criminal Code does not have a specific reference to intent although it is subject to the provisions of the code relating to offences under chapter V. Therefore, to that extent, one can show that things were not intended. However, many of these acts are intended even though the outcome was not intended. Under those circumstances, we may find that one has a criminal responsibility but the situation is sufficiently clear for us not to be over concerned in this instance with the examples that I gave, especially if one reads the term "unlawful intent".

**Clause put and passed.**

**Clauses 7 and 8 put and passed.**

**Clause 9: Section 20 amended -**

Hon J.M. BERINSON: I move -

Page 7, lines 9 and 10 - To delete "has the same meaning as it has" and substitute -  
and "pre-release period" have the same meanings as they have

The proposed amendment to section 20 of the Criminal Code by the addition of subsections (4) and (5) effectively provides that a State sentence which is directed to take effect cumulatively upon a Federal sentence for which a non-parole period has been fixed shall take effect at the end of that non-parole period. Section 19AD of the Crimes Act 1914 requires a court imposing a Federal sentence that does not exceed, in the aggregate, three years, to impose what is called a "recognisance release order" in respect of the sentence and that it must not fix a non-parole period. The Bill should, in addition to referring to a non-parole period, also refer to a "pre-release period" which is the period of imprisonment to be served by a Federal prisoner before being released upon recognisance. I refer members to section 16(1) of the Crimes Act. Clause 9 is amended accordingly.

**Amendment put and passed.**

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

**Clauses 10 to 16 put and passed.**

**Schedules 1 to 4 put and passed.**

**Title put and passed.**

**Bill reported, with amendments.**

*House adjourned at 5.56 pm*

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## QUESTIONS ON NOTICE

### CAMP QUARANUP - MANAGEMENT CHANGE

#### *Camp Warders Seminar Announcement*

574. Hon MURRAY MONTGOMERY to the Minister for Sport and Recreation:

- (1) Is the Minister aware that the chief executive officer and director of recreation announced at the camp warders seminar on Monday, 24 August that Camp Quaranup management would be transferred to a private operator on or about 1 December 1992?
- (2) Can the Minister confirm that the staff at Camp Quaranup have been advised to apply for redeployment and have also been advised of the redundancy option available to them?
- (3) Can the Minister explain the significant difference between the above and the answer he gave to this House on Tuesday, 25 August in response to questions without notice 320, 321 and 323?

Hon GRAHAM EDWARDS replied:

- (1) Yes.
- (2) The staff of the camp have been provided with information they have requested on their options for the future, such as redeployment and redundancy.
- (3) There is no significant difference in the answers provided in this House. The ministry has been very consistent in its handling of the negotiations in regard to Quaranup and in the management of the staff.

### EXMOUTH - MARINA DEVELOPMENT

#### *No Government Funding Statement*

611. Hon P.H. LOCKYER to Hon Tom Stephens representing the Minister for State Development:

- (1) Is it correct that at a recent meeting held with the Exmouth Shire Council the Minister stated that, "No Government funds will be spent on a marina in Exmouth"?
- (2) If yes, is the Minister aware that two former Premiers, Burke and Dowding, promised the people of Exmouth a marina?
- (3) What steps are now being taken to provide a marine facility to the town of Exmouth?

Hon TOM STEPHENS replied:

The Minister for State Development has provided the following reply -

An examination of the possibility of a commercially viable port facility is presently being undertaken with private enterprise. An arrangement with Leighton Contractors has been proposed for a 12 month period where the requirements of all interested parties are assessed and a commercial proposal developed for a private investor. The facility will aim to accommodate the needs of the oil and gas, fishing and charter boats and other industries in addition to providing for the requirements of the local community.

The Government's initial participation will be to supply all information held by the relevant departments for the design and building of the facility in addition to providing a combined effort in approaching the interested parties. The Government's future role in any development will be determined by the conclusions reached from the investigation.

**COMMUNITY SPORTING AND RECREATION FACILITIES FUND - PORT  
HEDLAND GRANT**  
*Distribution*

615. Hon MAX EVANS to the Minister for Sport and Recreation:

- (1) Can the Minister advise if any distribution has yet been made to Port Hedland in respect of the \$2 million budgeted for in an earlier Budget?
- (2) If so, how much?
- (3) Is money still available and, if so, how much?

Hon GRAHAM EDWARDS replied:

- (1) No.
- (2) Not applicable.
- (3) Yes, \$500 000.

**PERRY LAKES - LIGHTS DECISION**  
*Budget Allocation*

619. Hon MAX EVANS to the Minister for Sport and Recreation:

- (1) Has a decision been made in respect of lights at Perry Lakes?
- (2) Is there an amount in the budget this year and, if so, how much?
- (3) What will be the source of the funds?

Hon GRAHAM EDWARDS replied:

- (1) No.
- (2) Savings from the \$750 000 provided for the establishment of a soccer administrative headquarters may be made available for this purpose.
- (3) General Loan and Capital Works Fund - advances to sundry bodies.

**ABALONE - ZONE AREA CHANGES**

642. Hon GEORGE CASH to Hon Mark Nevill representing the Minister for Fisheries:

- (1) Is it intended to divide the zones to abalone areas into different sectors?
- (2) If so, what are the reasons for the proposed change?
- (3) How many licensed abalone divers are entitled to fish in the zone 2 abalone area?
- (4) Have discussions been held with all of the licensed abalone divers in the zone 2 abalone area and are all in agreement with the proposed changes?
- (5) If not, why not?
- (6) What closures have occurred in the zone 2 abalone area in the past two years?
- (7) What are the current areas closed to abalone fishing?
- (8) Is it intended that pearl farming should be established in the zone 2 area?

Hon MARK NEVILL replied:

The Minister for Fisheries has provided the following reply -

- (1) It is not intended to change the sectors in zones 1 or 3. However the management of zone 2 has not been finalised for next year. Dividing the fishery into sectors is one option being considered for management of the zone.
- (2) The majority of licence holders are concerned about the status of the stock.
- (3) Eight.
- (4) Yes, discussions have been held. However, it appears that not all the divers are in agreement.

- (5) It is not clear why some divers are opposing the range of management options that have been canvassed.
- (6) The area of Flinders Bay in Augusta was closed for part of this period and was extended last season to cover waters between Black Point to North Point.
- (7) Augusta area between Black Point and North Point.
- (8) Pearl farming is technically possible using Western Australian abalone. At present no applications for abalone pearl farming have been received for zone 2.

#### LONGMORE REMAND - SECURITY FENCE ADDITIONS

##### *Cricket Pitches Construction*

643. Hon GEORGE CASH to the Minister for Education representing the Minister for Community Development:

- (1) Have there been recent additions to the existing security fence at the Longmore security centre and, if so, will the Minister advise of the nature and cost of these additions?
- (2) Have two practice cricket pitches been recently constructed at the Longmore detention centre and, if so, can the Minister advise when they were constructed and the cost, and how often these cricket pitches are used?
- (3) In view of the construction of the Murdoch detention centre facility, is it intended to continue to expend funds on upgrading the Longmore detention centre?
- (4) What funds have been expended in the past 12 months in regard to the replacement or provision of facilities at the Longmore detention centre?

Hon KAY HALLAHAN replied:

The Minister for Community Development has provided the following reply -

- (1) The existing security fence around the playing field at Longmore has recently been upgraded by the fixing of cowling to the top of the fence. The cowling makes it virtually impossible for the fence to be scaled and therefore ensures that the playing field can be considered a maximum security area. The cost of the improvements to the fence was \$130 000.
- (2) The two practice cricket pitches on the Longmore playing field are not recent additions but were damaged when the improvements to the security fence were being undertaken. They are to be repaired as part of the fencing contract. It is intended that the cricket pitches and other parts of the playing field be used on almost a daily basis by detainees now that the security of the playing field has been upgraded.
- (3) The Rangeview Juvenile Remand Centre at Murdoch will replace Longmore Remand Centre and not the Longmore Training Complex, which is a separate facility and accommodates young people who have been sentenced to periods of detention. The Longmore Training Complex is in need of replacement but this will take a minimum of three years, making it necessary to continue expending funds to keep it operational.
- (4) Funds expended in the past 12 months in respect of the replacement of facilities at longmore detention centre are as follows -

\$

(a)	Upgrading of security fence	130 000
(b)	Replacement of locks	40 000
(c)	Workshop improvements	15 000
(d)	Upgrading of playing field	10 000

**POLICE - MUNICIPAL RANGERS UNDERTAKING POLICE DUTIES**  
*Local Government Approaches*

652. Hon GEORGE CASH to the Minister for Police:

- (1) Has the Minister been approached by any local authorities requesting that municipal rangers be empowered to undertake certain duties currently carried out by police officers?
- (2) If so, what is the policy of the Government on this matter?

Hon GRAHAM EDWARDS replied:

- (1) No.
- (2) Not applicable.

**SPEED LIMITS - 40 KMH, RESIDENTIAL AREAS**

653. Hon GEORGE CASH to the Minister for Police:

With reference to the recent Government announcement supporting the principle of introducing a 40 kmh speed limit in residential areas -

- (1) What criteria will need to be met before local street speed limits are reduced from 60 kmh to 40 kmh?
- (2) What traffic management program will be required to be introduced by local authorities before a 40 kmh local road speed limit will be agreed to?
- (3) Will local authority rangers or other municipal officers be empowered to enforce the speed limits on local roads and, if so, will revenue from speeding fines be paid to the local authority or to the Government?

Hon GRAHAM EDWARDS replied:

- (1)-(2) The application of 40 kmh speed limit in an area will be considered following a request by the local government authority. It will be necessary for the local government authority to satisfy the Main Roads Department that the community in the area is in favour of the restriction and that sufficient traffic calming measures are being put in place so that a conscientious driver would perceive the need to travel at a speed significantly less than 60 kmh.
- (3) No. It is expected that the traffic calming devices which will be installed as a requirement of 40 kmh restricted streets will be sufficient and the need for enforcement will be minimal.

**STREET LIGHTING - OPERATING DURING DAYLIGHT HOURS**

669. Hon P.G. PENDAL to the Leader of the House representing the Minister for Fuel and Energy:

Having received a report that in the South Perth area, currently, street lights remain operative in the mornings for approximately 20 minutes after daylight, I ask -

- (1) Is such a time difference widespread in the metropolitan area?
- (2) If so, why do street lights remain on for so long?
- (3) Will the Minister undertake to give consideration to the amount of energy wasted in such circumstances?

Hon J.M. BERINSON replied:

The Minister for Fuel and Energy has provided the following reply -

- (1)-(3) Street lighting in South Perth is controlled by time clocks. These clocks are adjusted periodically throughout the year as the length of daylight varies. Prior to the adjustment time the lights may remain operative for a short period after sunrise. In some metropolitan areas photoelectric cells control the lights and these vary automatically with daylight hours. For safety reasons all night street lighting generally

extends for some minutes after sunrise. This is to ensure sufficient light is available for motorists and pedestrians, taking into account changes in weather conditions.

**FISHING - MARRON AND TROUT LICENCES**  
*Fees and Conditions*

682. Hon GEORGE CASH to Hon Mark Nevill representing the Minister for Fisheries:

- (1) What are the respective licence fees for recreation and commercial fishing of marron and trout?
- (2) What are the conditions that apply to the issue of such licences?

Hon MARK NEVILL replied:

The Minister for Fisheries has provided the following reply -

- (1) A south west freshwater angling licence is currently required for the capture of trout for recreational purposes. The cost of this licence is \$10. The licence fee for a recreational fishing licence for marron is \$15. Commercial fishing of wild stock is not permitted.
- (2) A copy of the recreational fishing guide has been sent to the member.

**QUESTIONS WITHOUT NOTICE**

**POLICE - REGIONALISATION OF TRAFFIC PATROLS, RURAL AREAS**  
*Current Status*

457. Hon GEORGE CASH to the Minister for Police:

I refer to an earlier statement to this House in which the Minister advised that the traffic department of the Western Australia Police Force was to begin to regionalise its operations throughout Western Australia.

- (1) Has this regionalisation been successful?
- (2) Will the Minister outline to the House the current status of that plan?

Hon GRAHAM EDWARDS replied:

- (1)-(2) The success of the regionalisation program will not be known for some time. Given that it is a regionalisation program that will be phased in over a three to four year period, the police are moving to it slowly and as finance and manpower allow. To give this House an up to date summary of what has occurred in this State will take some time. For instance, a group of traffic officers are currently moving around the State holding discussions with various local authorities. These officers are considering the problems which local authorities perceive in their understanding of regionalisation. I know that these officers have just returned from the north of the State where they held discussions at Mt Magnet and Meekatharra, and last week and this week discussions have been and are being held in the south of the State. In order to give the House an up to date summary on this program I will seek the necessary information from the Commissioner of Police and provide it to the House.

**POLICE - REGIONALISATION OF TRAFFIC PATROLS, RURAL AREAS**  
*Traffic Officers - General Duties Officers*

458. Hon GEORGE CASH to the Minister for Police:

Will the Minister advise in the case of the transfer of traffic officers from various towns around Western Australia to regional centres whether general duties officers are sent to those towns to replace the traffic officers?

Hon GRAHAM EDWARDS replied:

The Commissioner of Police has clearly stated that in most cases where a traffic officer is transferred from a town he will be replaced by a general

duties officer. There will be a couple of exceptions, but generally that is the commissioner's stated intention. Over a period of time we will end up with a greater number of police officers in the country rather than fewer.

**POLICE - REGIONALISATION OF TRAFFIC PATROLS, RURAL AREAS**  
*Traffic Officers - General Duties Officers*

459. Hon GEORGE CASH to the Minister for Police:

- (1) Will the Minister advise the criterion on which the police officers will judge whether a general duties officer will replace a traffic officer?
- (2) I noticed that the Minister referred to a possible exception in a number of cases. Will he expand on that part of his answer?

Hon GRAHAM EDWARDS replied:

- (1)-(2) My understanding is that the intention is to replace the traffic officer with a general duties officer, but that is subject to a determination by the manpower review board. It will be dependent on the general criterion that is used. I reinforce my comment that the general intention stated by the commissioner is for a traffic officer taken out of a town and transferred to a regional centre to be replaced by a general duties officer.

**UNIVERSITY OF NOTRE DAME AUSTRALIA - LAND ENDOWMENT**  
*Cabinet Meeting 4 December 1989 - Minister's Attendance*

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

Does the Minister recall attending a Cabinet meeting on 4 December 1989 at which a minute relating to the provision of a Government guarantee to the University of Notre Dame Australia was discussed and a decision made to approve the printing and introduction of legislation for the establishment of the University of Notre Dame Australia?

Hon KAY HALLAHAN replied:

It has always been a clear decision of mine that Cabinet discussions are confidential and I intend to hold to that.

**UNIVERSITY OF NOTRE DAME AUSTRALIA - LAND ENDOWMENT**  
*Government Guarantee Discussions - Minister's Awareness*

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

Will the Minister tell the House when she first became aware of discussions and considerations by the Government for a guarantee being made available to the University of Notre Dame Australia?

Hon KAY HALLAHAN replied:

As we are talking about matters of some considerable time ago, it would be very difficult for me to do that.

**PARALYMPIANS - WELCOME HOME EVENT**

462. Hon DOUG WENN to the Minister for Sport and Recreation:

Given the fact that there was a welcome home parade for Western Australian Olympian representatives and that our large contingency of Western Australian Paralympians have performed so well at Barcelona, is a similar event planned to honour their outstanding achievements?

Hon GRAHAM EDWARDS replied:

I thank the member for his question; it is one in which every member in this House and the community will have some interest. I have had discussions with the Lord Mayor of the City of Perth and we have decided that a special welcome home event will be planned for our Paralympians. The date has not been finalised because the majority of Paralympians will not be returning until later this month. The performance of some of these athletes is worthy of praise. I refer to the outstanding performances of Priya Cooper, who broke

three world records and won three gold medals and two silver medals, and Louise Sauvage, who broke two world records and won three gold medals and one silver medal. As a matter of interest the gold medal tally for Western Australian athletes was impressive. For example, of the Australian total, Western Australia won seven out of 10 gold medals for swimming and five out of the 13 gold medals for track and field events. Given their performance, I am sure the people of Western Australia will welcome the opportunity to say to the athletes, "Well done", and they will be given that opportunity. It is a great achievement by these athletes.

**UNIVERSITY OF NOTRE DAME AUSTRALIA - LAND ENDOWMENT**  
*Cabinet Meeting 4 December 1989 - Minister's Attendance; Government Guarantee Discussions*

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

- (1) Will the Minister consult her records and advise the House on Tuesday next whether she attended the Cabinet meeting on 4 December 1989?
- (2) Will she advise when she first became aware of discussions with respect to the provision of a guarantee to the University of Notre Dame Australia?

Hon KAY HALLAHAN replied:

- (1)-(2) I will have a look at what the member is asking for. It would be easy enough to ascertain whether I was present at a meeting on a certain day. Whether that was the first time I heard anything about a particular matter, or whether it was discussed at that meeting, is another thing. I may not be able to satisfy the member's request by next Tuesday, but I will see what I can do

**UNIVERSITY OF NOTRE DAME AUSTRALIA - LAND ENDOWMENT**  
*Meeting - Details*

464. Hon PETER FOSS to the Attorney General:

Has the Attorney General consulted his diary to determine the various details of the meeting that took place with the representatives of the UNDA?

Hon J.M. BERINSON replied:

Yes. I had to work backwards by referring to the report delivered yesterday in order to find the date that I wished to check on. The meeting to which I was referring was held on 4 July 1989.

**UNIVERSITY OF NOTRE DAME AUSTRALIA - LAND ENDOWMENT**  
*Meeting - Other Details*

465. Hon PETER FOSS to the Attorney General:

Was the Attorney General able to determine by further reference to his records the other details I asked for, such as who else from the Government was present, who from University of Notre Dame Australia was present, what was discussed, and who called the meeting?

Hon J.M. BERINSON replied:

No. I would have to rely on the material in the report for that detail.

**DRUGS - ILLEGAL DRUGS TRAFFICKED THROUGH DOMESTIC MAIL  
SYSTEM ALLEGATIONS**

466. Hon GEORGE CASH to the Minister for Police:

- (1) Is the Minister aware of allegations that illegal drugs are being trafficked through the domestic mail system and, if so, can he advise on the action taken by police to identify the various parties involved in such illegal acts?
- (2) Is the Western Australian Police Force able to use the sniffer dogs under the control of the Customs Department to assist in identifying illegal substances being trafficked through the domestic mail system?

Hon GRAHAM EDWARDS replied:

- (1)-(2) An informal arrangement has existed for some time and operates between the Police Force's drug squad, the Customs Department's drug detection dog unit and the security section of Australia Post. At present the Customs Department's dog unit regularly attends the central mail exchange in Stirling Street, Perth and coverage is given to domestic mail. This arrangement exists primarily between the Customs Department's dog unit and the postal security section.

Where drugs are detected in mail articles they are checked and removed to a secure area where they are held by postal security. A designated officer from the drug squad is contacted regularly, usually once a week, and attends the postal security office at Stirling Street, Perth. The articles are then examined and the drugs seized and signed for by the drug squad officer. An assessment is then made on the basis of the information at hand as to whether an inquiry should be instigated into either the sender, the recipient or both. The drug squad conducts such inquiries.

The drugs are processed by the normal procedure outlined in police routine orders. There have been several instances where offenders, both senders and recipients, have been subject to charges. If inquiries are unable to be made the drugs are handled for destruction by a method prescribed in police routine orders.

GOVERNMENT DEPARTMENTS AND AGENCIES - GOODS AND SERVICES  
PRODUCED IN WESTERN AUSTRALIA  
*Suppliers Identification; General Description and Value*

467. Hon GEORGE CASH to the Minister for Education representing the Minister for Services:

Some notice has been given of this question. Will the Minister identify those suppliers who provided Government departments, agencies and authorised instrumentalities with goods or services manufactured or produced in Western Australia for the months of June and July 1992 and, further, give a general description and value of those goods and services? There may be a typographical error in this question.

Hon KAY HALLAHAN replied:

I am interested if there is a typographical error in the question because it has enormous parameters. The Minister who provided the information indicates that it is impractical to respond to the question in its present form and says that to attempt to provide even a general description of the type and value of goods and services purchased by all agencies and then identify the subset of Western Australian manufactured or produced goods and services would require a massive survey and application of resources which could not be justified.

If the Leader of the Opposition wishes to pursue any particular issue he should request specific detail. To illustrate the scope of the question, the Minister indicates that the State Government, through all its agencies, spends in the order of \$1.6 billion a year on procurement of goods and services. Such purchases run the gamut from electric railway rolling stock to paper clips. On a 250 day working year basis, almost \$6.5 million a day is expended on goods and services procurements collectively by all agencies. The months of June and July 1992 covered a total of 21 plus 23 days respectively, or 44 working days. Therefore, during those two months State Government agencies collectively spent over \$280 million on goods and services. That indicates the extent of the question as phrased.

**SCHOOLS - FIVE YEAR OLDS**

*Voluntary Full Time Preprimary Program - Proceeding According to Schedule*

468. Hon FRED McKENZIE to the Minister for Education:

Is the Government's decision to phase in a full time preprimary program proceeding according to schedule?

Hon KAY HALLAHAN replied:

I am happy to advise the House that the program is proceeding well. The facilities required have been identified and planning is moving ahead rapidly, including an exercise to employ the 400 staff necessary for this program. I was pleased that the Bill which was moved in the other place was defeated last night so that it was no impediment to this program. Extraordinarily, that Bill was phrased in such a way that it would not have affected the Government's proposed preschool program for five year olds in public schools because the Opposition in its wisdom had chosen a definition which imposed not on Government schools, which would have been left unaffected, but on preschool centres. The Bill as it appeared was meaningless, so we saw the inglorious situation of its trying to deprive parents of a full time program for five year olds and not having the ability to do that. However, we are fortunate that the Opposition was rescued from itself and the Bill was defeated. I hope Opposition members will let all their constituents know that they voted to deprive parents of this full time program for preschool children in Western Australia.

**UNIVERSITY OF NOTRE DAME AUSTRALIA - LAND ENDOWMENT**

*Meeting - Date Source*

469. Hon PETER FOSS to the Attorney General:

I did not fully understand the Attorney General's answer related to the date of a meeting. Was that date obtained from the report or his diary?

Hon J.M. BERINSON replied:

I was trying to convey that rather than having to go through my diaries for a couple of years day by day I went to the report and noted that the meeting to which Mr Foss referred was shown as being held on 4 July. I then looked at my diary and, sure enough, it was on 4 July.

Hon George Cash: It shows the report is correct in that instance.

Hon J.M. BERINSON: I wish it were as correct in some of the conclusions drawn in the majority report. Unfortunately those conclusions had nothing in common with the accuracy of the data. I take advantage of Mr Foss' further question to return to his last question. I think my answer, in saying I would have to rely on the report for the detail he was referring to, was in respect of the question of the people who were present. That is what I was concentrating on. When I sat down I had the impression he had also asked about the subject matter. In respect of that I should say that I have no record of anything in the nature of an agenda but my diary note indicates that the purpose of the meeting that I had noted was - and I think the terminology was to the effect - "Briefing on Notre Dame."

**UNIVERSITY OF NOTRE DAME AUSTRALIA - LAND ENDOWMENT**

*Meeting - Earlier Meeting Possibility*

470. Hon PETER FOSS to the Attorney General:

When the Attorney General answered the question yesterday he indicated that he thought it was an earlier date than the one he has now given to the House. Is it possible that there was in fact an earlier meeting at a date other than the date which he has now found in his diary?

Hon J.M. BERINSON replied:

I do not recall indicating that the meeting was earlier than that. I think the phrase I used was something like "very early on in the piece".

Hon Peter Foss: You said 1988. I do not have the *Hansard* here.

Hon J.M. BERINSON: My memory is that I really did not recall yesterday whether it was 1988 or 1989. I think Hon Peter Foss might be confusing it with a later reference that I made, after I had had the opportunity to have a very quick look at a copy of the committee's report. The committee referred to a ministerial working party or some such thing, I do not recall; but in any event I was not at any such meeting - by which I mean a meeting with the group of seven or eight Notre Dame representatives - except on this 4 July.

UNIVERSITY OF NOTRE DAME AUSTRALIA - LAND ENDOWMENT  
*Meeting - Officer to Record Meetings Practice*

471. Hon PETER FOSS to the Attorney General:

Is it the Attorney General's practice to have an officer or himself make a note of what has occurred at a meeting and to record that in some fashion; and in this case did he do so?

Hon J.M. BERINSON replied:

Unfortunately not. I have learnt to my cost in other areas that that would have been a very good practice to have adopted.

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