Legislative Assembly

Thursday, 19 November 1987

THE SPEAKER (Mr Barnett) took the Chair at 10.45 am, and read prayers.

BERNIES HAMBURGER BAR: EXCISION

Prevention: Petition

DR ALEXANDER (Perth) [10.47 am]: I have a petition addressed to the Parliament in the following terms --

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned respectfully request that the proposed excision of any part of A 1720 -- Kings Park and more particularly, that portion known as Town Lot 65 and part Town Lot 64 known as Bernies be prevented, and that you will reject any Bill that would cause the aforementioned land to be excised from A 1720 -- Kings Park. We also pray that you will give this matter earnest consideration.
>
> And your petitioners, as in duty bound, will ever pray.

The petition bears 1 291 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No 84.)

BUS SERVICES

Additional Fares: Petition

MR MARLBOROUGH (Cockburn) [10.49 am]: I have a petition which reads as follows --

> To: The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned residents of Western Australia, wish to record our objection to the additional fare of 95c now charged to allow fare paying passengers to take their surfboard or boogieboard on to Transperth services.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 76 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

I believe that this part of the parliamentary proceedings is very important. Large numbers of people sign petitions. I am becoming more grieved by the fact that it is becoming increasingly more difficult to hear members deliver petitions from their constituents. I want the level of background conversation decreased during this time of the parliamentary proceedings and request members delivering petitions to deliver them in a louder voice.

(See petition No 85.)

The SPEAKER: Members, it is very hard to hear what is going on. I say again that these are very important stages of our proceedings and, if it is absolutely essential to have these meetings, it might be better, if they cannot be held with less volume, if they were held somewhere else.

ACTS AMENDMENT (CHILD CARE SERVICES) BILL

Second Reading

MR WILSON (Nollamara -- Minister for Housing) [10.54 am]: I move --

That the Bill be now read a second time.

One of the State Government's important roles is to provide for the licensing of child-care services. The review of welfare and community services clearly demonstrated that a comprehensive review of licensing practices was required. Since the election of Labor Governments, State and federally, in 1983, there have been enormous changes to the provision of children's services in Western Australia. It is appropriate to provide the House with some details of these developments, which I have previously described as a mini-revolution.

While the funding of child-care remains a Commonwealth Government responsibility, the State Government has entered into an agreement with the Commonwealth and is jointly funding the capital for a specific number of services. The processes for establishing new child-care services have changed to a planning approach in addition to the submission method of applying for funding. Between 1983 and December 1988, 38 new child-care centres will have been built through the Commonwealth-State agreement, with the State Government contributing half the capital funding, an amount of approximately $5 million. Four hundred and eighty two additional family day care places and nine occasional care centres will have been established, and eight child-care centres will have been built as a result of submissions with direct Commonwealth funding. We are also witnessing innovative approaches by community groups as they find ways of meeting child-care needs outside of formalised funding arrangements. Despite this growth, the demand for child-care continues to exceed supply. State Governments have the responsibility for licensing child-care services.

Children are our most valuable resource and the needs of children attending child-care services have to be adequately met and their rights protected. It is vital that licensing and regulatory requirements reflect the changes which have occurred in the community at large and in the child-care community. A child-care regulation review consultative committee was appointed to provide the Government with advice about the need for change. The committee comprised eight people who, together with staff from the Department for Community Services, had between them an enormous range of expertise and experience in the field of child-care services.

Members, at this point I would like to pay a tribute to the late Sister Mary Martin of the Catherine McAullay Centre, who was a member of the committee. Sister Martin passed away on 11 July 1987 after making a very significant contribution to the wellbeing of children and their families in Western Australia. There are many people today who have worked to bring this Bill before the House and I know that they will all remember with great affection the work of Sister Martin, who would thoroughly endorse this Bill.

The review concerned legislation and regulations governing the operation of child-care services, taking account of --

the provision of a standard of care which a child could normally expect in a caring home;

the need for flexibility to allow for innovation and adequate management initiative without compromising standards;

the need to be, as far as possible, self-regulatory;

the need for regulations to be concise and clear in their expectations, guidelines and rules for service provision;

the service expectations of consumers; and

the ability of the average family to pay for child-care.

Extensive consultation occurred, and in response to requests from child-care services providers, the period of consultation was extended.

The consultative committee recommended a blueprint for licensing child-care services in Western Australia, which not only responded to the concerns expressed about existing requirements but also created a fresh approach to the whole issue. Details of the amendments in the Bill are as follows: The existing provisions in the Child Welfare Act are to be repealed. Since child-care services are a community service the new provisions are to

be incorporated in the Community Services Act. A child-care service is defined as a service for the casual or day-to-day care of a pre-school age child or children but allows the age to be varied by regulation. This would allow after-school care to be regulated if that became necessary.

There are a number of important exclusions. Care by parents or relatives or care when parents or relatives are close by is excluded. Also excluded are baby-sitting in the child's own home, care provided without payment or reward and foster care. A relative is defined widely and in the case of Aboriginal children includes people who are regarded as relatives under customary law.

The maximum penalty for providing a child-care service without a licence or permit is to be raised to $2 000 for a first offence and $4 000 for a subsequent offence. Substantial penalties are necessary to protect children and to ensure that it is not financially worthwhile to operate without a licence or a permit.

Licences are to be for two years and will be granted if the director general is satisfied the applicant is a fit and proper person to hold a licence and is capable of providing a child-care service in accordance with the regulations. A permit may be granted for up to a year and is intended to allow for innovative or short-term child-care services to be provided. A licence or permit may be cancelled or suspended if the holder ceases to meet the statutory requirements or has persistently failed to comply with the regulations. A person who is refused a licence or permit or who has their licence or permit cancelled or suspended will be able to appeal to the Local Court.

The Minister will have power to exempt child-care services from certain regulations in specific instances. There will be power to enter and inspect premises approved for the conduct of a child-care service. A justice will be able to issue a warrant to allow other premises where it is suspected that an unlicensed service is being carried on to be searched. The new provisions will apply to all State Government departments and authorities which provide child-care services.

Finally, the regulation-making powers in the Community Services Act have been enlarged to allow for the regulations to be made.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Hassell.

ELECTORAL (PROCEDURES) AMENDMENT BILL

Second Reading

Debate resumed from 18 November.

MR THOMPSON (Kalamunda) [11.03 am]: One of the important functions that a member of Parliament performs is the process of education on the way in which our institution operates. I am delighted again today to see the public gallery filled with young people from schools; they have come here with their teachers and parents to learn something about the way Parliament operates. Among the groups in the gallery today are children from the Darlington Primary School which is in my electorate. They are a fine body of students accompanied by a fine body of parents and teachers. They are well represented.

As a result of the electoral Bills this present Government has introduced in Parliament, more and more people are being encouraged not to take an interest in or adopt a responsible approach towards the electoral system. I submit to the House that the business of electing people to Parliament, or determining who will govern, is a very responsible activity and in some respects this legislation makes it easier for people to duck those responsibilities. If we were really dinkum we should have a non-compulsory voting system. In fact, Australia and the USSR are the only countries which by law require people to vote; people are not compelled to vote in Britain but they are in Australia. Some of the measures contained in this legislation make it easier for people to dodge their responsibilities. In future, there will be less need for people to take an interest in the policies and aspirations of the parties and the individual candidates than has been the case in the past. That is a pity.

I am particularly concerned at election times to learn how little people in the community

know or seem to care about our democratic process. Towards the end of an election campaign, if it has been a high profile and volatile campaign, more people take an interest, but in the early days of the campaign that interest is not always present. Indeed, during the recent round of by-elections, into which political parties threw a lot of their resources, as I went around doorknocking I came across people who did not know an election was being held and, when they were acquainted with that fact, they did not care much about it. We should be trying to raise among the populace an awareness of their responsibility in electing members of Parliament.

When I spoke last night on this measure I referred briefly to the withdrawal from a commitment made by the Labor Party Government some time ago that it would ensure that the electoral boundaries would be drawn by the boundaries' commissioners. In the proposed amendments to the Act, the metropolitan area boundary will be drawn by someone other than the commissioners. It is nonsense to use the boundary defined in the metropolitan region scheme as the metropolitan area boundary for electoral purposes. If people take the trouble to follow that line, they will discover how ludicrous it is to adopt the metropolitan scheme boundary as the electoral boundary. The crazy situation will arise of one farmer on 100 or 200 acres of land in Wooroloo being within the metropolitan area, and his neighbour on a similar sized property being within the rural area.

Mr Stephens: That's nothing new.

Mr THOMPSON: It is nothing new but the anomalies will be far greater under these present proposals than has been the case in the past. If drawing the boundary of the metropolitan area had been left to the boundaries' commissioners, they would have taken a more logical approach.

The other thing that concerns me about adopting the boundary description in one Statute and applying it to the boundary under the electoral laws, is that by a simple majority in this House and Parliament it will be possible to amend the metropolitan area boundary.

Mr Troy: What do you see as more logical for a metropolitan boundary?

Mr THOMPSON: A more logical boundary would be one that includes the identifiable urban developments, such as the Kalamunda shire urban development. There are some fairly clear lines of delineation in most of those areas; the Shire of Kalamunda is bounded on the south and east by a water catchment area where there could never be urban development. Therefore, the logical place for that boundary is on the western side of the delineated water catchment area.

Mr Troy: What would you do with Mt Helena?

Mr THOMPSON: In my view the boundaries' commissioners would include the townships of Mundaring and Mt Helena, and then go down including Parkerville, going through to the back of the John Forrest National Park.

Mr Troy: You would not take into account growth factors in Chidlow, for example, which are no different from Mt Helena?

Mr THOMPSON: I suggest they are different. Areas beyond Mt Helena are getting out of the commuter range and going into communities whose people have lifestyles akin to the rural activity that goes on around those areas.

Mr Court: I suggest that the Minister for Transport has a genuine and real interest in this matter.

Mr THOMPSON: Yes, he does have a genuine interest in this matter because he is one of the casualties of this legislation.

Mr Troy: Not if I am running against you.

Mr THOMPSON: He is absolutely history, no matter what happens.

Mr Troy: That has been said before, and disproved very effectively.

Mr THOMPSON: The Minister for Transport believes us this time, because he knows it to be true.

Mr Bryce: Let me set the record straight: That boundary is fixed as at 1 January 1987 and a change to the other Statute does not affect that boundary. That is spelt out in the reform Bill.

Mr THOMPSON: That has put my mind at ease, because my reading of the situation was that the metropolitan scheme boundary could change and that that could impact on the electoral boundary. If the Minister for Parliamentary and Electoral Reform says that that is not the case, I accept that explanation. I return to the point that the metropolitan region scheme boundary is a nonsense, that is, to adopt that as a boundary.

Mr Bryce: I agree, there should be none -- there should be 57 equal electorates.

Mr THOMPSON: I have been telling the Minister that for ages and he has refused to do it.

Mr Bryce: Please move the motion.

Mr THOMPSON: The Minister for Parliamentary and Electoral Reform could not get the suggestion of one-vote-one-value through his party room because there would be too many casualties. The Minister has duped the member for Mundaring, sucked him in, and he is history along with a few others.

I see a problem for a significant number of people in the community. I refer particularly to the Seventh Day Adventist community, many of whom live in the Bickley Valley near where I live. The Seventh Day Adventists worship on Saturdays their Sabbath being from sundown on Friday to sundown on Saturday, but the electoral closing time adopted is 6.00 pm on Saturday.

Mr Bryce: There is no problem as they can apply on religious grounds to become general postal voters.

Mr THOMPSON: Many of them have said to me that they do not like there to be a differentiation in that way.

Mr Bryce: We have gone out of our way to look after those sorts of people, but if they are not prepared to accept that generous gesture they are extremely hard to please.

Mr THOMPSON: I can tell the Minister that they are concerned about this matter and that during the by-election I received many telephone calls about it.

Mr Troy: Were you able to ease their minds?

Mr THOMPSON: Yes. However, they would prefer to vote like everyone else, or between when the sun goes down and 8.00 pm.

Mr Bryce: If we had daylight saving and an election was held during the summer they still would not be able to vote in the allocated time, and then they would want us to change the clocks.

Mr THOMPSON: We do not have daylight saving. I do not wish to prolong this debate as there will be considerable debate during the Committee stage. I merely restate what I said at the beginning, that this House should be grateful for the work done by the member for Floreat, the member for Stirling and the Minister for Parliamentary and Electoral Reform, who has obviously lived with this Bill for some time.

I have no great respect for the political philosophies of Mr Graham Hawkes, but I recognise that he has done a tremendous amount of work in the preparation of this legislation, achieving, of course, things that are dear to the heart of the Labor Party. I have always found him to be quite approachable and helpful. He has stopped fainting over the fact that I, a Liberal, get in touch with him to seek guidance in relation to this matter.

As I said when speaking to the second reading of the main Bill, this is landmark legislation. It is the most significant change to our electoral laws since responsible Government was granted in 1890. The ramifications of these electoral Bills will reverberate around this State for a long time to come. I can only hope that my experience from the past is correct, that the party that precipitates boundary changes has always been the loser -- I hope that that is the case in this situation.

MR BRYCE (Ascot -- Minister for Parliamentary and Electoral Reform) [11.17 am]: I thank the member for Stirling for his contribution to this debate. I also thank the member for Kalamunda for his contribution. I do not congratulate the member for Floreat for his comments in relation to this debate and I will explain to the House precisely why.

I will respond to a couple of the points made today by the member for Kalamunda which were also made in certain other forums in recent times. The member for Kalamunda has

today become the conscience of the Labor Party. We on this side of the House find it fascinating and entertaining that now he is in Opposition and it does not matter we are hearing public pronouncements from him about the moral justification, suitability and desirability of one-vote-one-value as the basis of an electoral system. At the outset I must say to the member for Kalamunda --

Mr Thompson: Will you stop attacking me until I get my constituents out of the Chamber?

Mr BRYCE: I think that this is a wonderful opportunity for the member's constituents to hear the truth. The member for Kalamunda was joined today by a couple of his colleagues who would like to see the Labor Government as pure and unachieving in respect of electoral matters. They are experiencing some measure of pain because the Government has accepted gradualism as an approach to electoral reform. We had the most extraordinary situation of the member for Floreat and the member for Kalamunda proclaiming today to the Chamber their concern that because the Government's initial legislation will not pass the upper House in its original form and the Government has realised that and accepted a fall back position, which is a compromise position --

Mr Stephens: Tell the truth, you have accepted a better proposal.

Mr BRYCE: The member may well see it as a better proposal. I say at the outset that members opposite who share my enthusiasm for one-vote-one-value should please be here on time at the beginning of the next Parliament to move for a general proposition that will go through both Houses of Parliament to implement one-vote-one-value and they will have the enthusiastic support of all members of the Labor Party in doing that. I suspect that most members opposite who are likely to join the ranks of those people attracted to doing that will come from the Liberal Party and not from the National Party, which has made its position clear.

Mr Stephens: If you achieve what you are talking about, we will want to know what the deal is.

Mr BRYCE: The National Party has made its position perfectly clear -- it seeks to retain its connection and attachment to vote weighting, a principle established in the last century.

Mr Stephens: The Minister would know that there was a good reason for its role, particularly in a country as large as Australia.

Mr BRYCE: We can accept that the National Party wants to keep those connections and associations with the 19th century. We also accept the fact that the National Party will probably be the last component of this Parliament dragged into the twenty-first century. We accept that there will be members of the Liberal Party who will up and join the member for Kalamunda in sufficient numbers to see the principle of one-vote-one-value supported in both Houses of the Parliament by sufficient numbers to have it passed and implemented. I am quite confident that will happen in the next Parliament.

Several members interjected.

Mr BRYCE: Whether I will be here is something for members opposite to wait and see.

That I find fascinating from the member for Kalamunda, as do all members on this side of the House. He more than anyone has a vested interest. We wake up a touch cynical on the odd occasion and wonder why the member for Kalamunda has suddenly discovered this interest in one-vote-one-value. We wonder whether it has anything to do with the recent retirement of the member for Darling Range and the foreseeable combination of electors into a respectable quota in the hills district that the member for Kalamunda might be interested in representing. I will leave all members of the House to make their own judgments about that.

I believe it is appropriate and quite relevant for the sake of the debate for me to remind the member for Floreat of some rather unpalatable truths associated with the past, because it was the member for Floreat who stood in this Chamber yesterday and used some very extravagant language, deriding the Government's motives and describing the Bill in a most unfortunate fashion. I make it perfectly clear that we on this side of the House seek to make the democratic system of electing members of Parliament work for every conceivable person who lives in this community. We are not interested in the best-educated, most fortunately-placed silvertails in the community; we are interested in making sure that the system works for everybody. If democracy can work in New Guinea and in India -- the largest democracy

in the world -- if it can work in 30 or 40 other countries, it ought not to be beyond us to devise a system that will take into account the special needs of people who, because of their mixed racial backgrounds or their recent arrival in this country, have difficulties with the system. We understand that, and we have no qualms whatsoever in saying that a number of the measures contained in this Bill are designed to make the system work effectively for those people.

Mr Clarko: Can you name one country that has one-vote-one-value universally? Name just one.

Mr BRYCE: The United States of America.

Mr Clarko: That is rubbish. It has a Senate and Alaska has the same number of Senators as does California, and the population ratio would be 30:1. That is nonsense. No federation has one-vote-one-value.

Mr Thomas: But Western Australia is not a federation.

The SPEAKER: Order! Order!

Mr BRYCE: I suspect the member for Karrinyup seeks to deflect me from my purpose, which is to remind the member for Floreat that he has a very dark past to answer for.

Mr Clarko: You could not name one.

Mr BRYCE: I will accommodate the member for Karrinyup at any time.

Mr Clarko: You could not name an example of a country that has one-vote-one-value universally.

Mr Crane: There is the challenge -- name one.

Mr BRYCE: Does it matter very much to members opposite if the rest of the world or the majority of the world happens to be trailing behind the principles we seek to establish?

Mr Clarko: Why doesn't every country have it?

The SPEAKER: Order! Order! Might I just, in a nice and pleasant way, ask members to cooperate with me? When I call for order on occasions I can understand that members may not hear me the first time, but when I say it a few times members must come to order, not finish whatever they were saying. If I can have cooperation from all members on both sides of the House I am sure we will make a lot of progress.

Mr BRYCE: For the benefit of members in the Chamber, the simple reason I am ignoring the interjections from the member for Karrinyup is that I have joined him in debate on his tangential views for nearly 10 years and I do not intend to spend some of the next 36 minutes repeating for the fifteenth time the arguments that we have had on that subject. Apart from anything else, it be would highly disorderly because the issue that the member for Karrinyup seeks to inject into the centre of this debate is not the subject of the Bill before the Chair. It has been discussed by the member for Floreat and the member for Kalamunda outside the scope of the Bill and I seek to reply to them in one or two of the things I wish to say.

The member for Floreat described this piece of legislation as a blatant gerrymander and he went on to say a number of other rather extravagant things about the legislation and the Government's motives for bringing it here. I have indicated that really there is a basic difference between us: We seek to make the democratic system work effectively and well, no matter who people are, no matter what the colour of their skin, their racial origin, their cultural background, or their level of education. We believe that a genuine democracy will have a system that does not deprive people of their effective vote because of these sorts of factors.

There is no doubt that in his contribution to this debate the member for Floreat demonstrated to the House that if he were designing the democratic system to apply in this State he would happily inject into the system the sorts of obstacles that make it difficult for people to exercise that effective vote.

Mr Mensaros: That is not true, although you are arguing that it is. It is utter nonsense.

Mr BRYCE: Let me demonstrate the honourable member's record. That honourable member was a part of a Government in this State that deliberately introduced legislation in

this Parliament to make it very difficult for people to get onto the roll. It introduced a requirement that a justice of the peace, a policeman, or a Clerk of Courts was needed to witness a claim card for someone to go onto the roll.

Mr Clarko: It is very difficult to find a policeman!

Mr Peter Dowding: You did it deliberately to disfranchise people. Don't you try to justify it!

Mr Clarko: You can get a policeman anywhere.

The SPEAKER: Order! Order!

Mr BRYCE: I recall moving an amendment in this House to suggest that a minister of religion should be added to that list, and the member for Floreat disfranchised ministers of religion from being acceptable witnesses to those claim cards. That former Minister was part of a Cabinet that deliberately put those obstacles in the paths of certain Western Australians.

Mr Clarko: It is not an obstacle.

Mr Peter Dowding: Don't talk rubbish; it is indefensible.

Mr BRYCE: I will remind members that this is the former Minister for whom some of the johnnies-come-lately on the other side of the House last evening sought to establish some credibility. So I intend to continue the litany of inexcusable things he did when he was the Minister of the Crown in this area.

Let us forget the question of enrolments; let us go back to 1976. It is the most blatant abuse of the trust of the people when a member, as a Minister of the Crown, sits down and with a pen in his hand draws a line on a map to discriminate between people in respect of how they vote in the polling booth. In 1976 the member for Floreat was a Minister in the Court Government and that Cabinet brought to this House a set of proposals to rejig the boundaries between the metropolitan area and the country in this State in order to achieve very deliberate political ends. It is ironic that the member for Mundaring should have interjected and been picked on by the member for Kalamunda a few minutes ago because it was his predecessor once removed who was crucified by the 1976 hanky-panky redesigning of that line.

Let me be very specific: The member for Floreat was a member of a Cabinet that redefined the lines around the city and took the ballot boxes at Swan View and Wexcombe, which were the heart and soul of Labor votes in the Mundaring electorate -- very big Labor-voting boxes -- and by the sheer wiggle of a line put them into the metropolitan area, into the seat of either Helena or Swan. That had the direct effect of causing the defeat of the sitting member for Mundaring. It was a marginal seat and it was called political fine-tuning, in my opinion, in moral terms, thuggery of the worst order. It was carried on of course through Armadale and Rockingham. In 1981 the same former Minister was a member of the Cabinet that produced a document introduced into this place which was designed to produce a gerrymander built on the principle of malapportionment. That was the worst gerrymander since John Forrest left this Parliament and went into Federal politics.

I remind the member for Floreat that I have practically no respect for the work of John Forrest on the basis of what he did to the electoral system in this State. Let us never forget that he was the first Premier of this State and he led the first Cabinet. He drew up the system; he was the architect; he was there at the moment of birth; and after a decade at the helm, when he left to go into Federal Parliament, the electoral system in this State was the most disgraceful in the Empire. I would remind the member for Floreat of some of those figures. It goes right back to John Forrest, the principles he established and the methodology he used. John Forrest represented 300 people in the seat of Bunbury but by the time he left this place -- and incidentally he did not contest a single election; he was elected unopposed on each occasion -- he represented 500 people. Ten members of his Cabinet collectively did not represent as many people as the member for Coolgardie and the member for Kalgoorlie. In those electorates --

Mr Stephens: What year was that?

Mr BRYCE: I said by the time he left.

Mr Clarko: Why don't you go back further? Why don't you go back to Julius Caesar?

Mr BRYCE: I will show members where the member for Floreat went back to in order to get his philosophical justifications.

Mr Stephens: Have you taken into account the rapid explosion of population in the goldfields during that time?

Mr BRYCE: Let me explain it: John Forrest managed to find a seat for his brother, Alexander, and there were 42 people on the roll; 11 of them lived in the constituency --

Mr Clarko: Four times you have given us this speech. What about Bert Hawke in the 1950s?

Mr BRYCE: At the end of that decade there were 4 000 or 5 000 people on the rolls in those goldfields' seats. I concede there is a lot of logic associated with the interjection from the member for Stirling because those seats did grow rather quickly.

[Quorum formed.]

The SPEAKER: According my notes for the function I am to attend on Monday, Sir John Forrest left State politics in 1901 to become a Federal member.

Mr BRYCE: So our friend and originator of the old concept, John Forrest, even denied the logic of what he did himself. He argued that people in country areas were deserving of special consideration and vote-weighting but not if they lived in the goldfields --

Mr Clarko: You have made this speech four times. What is the purpose of making it again?

Mr BRYCE: I will tell the member: The member for Floreat indulged himself in the same tactics and methodology 80 years later -- if people live in the goldfields, they are not worthy of the same vote-weighting; the hobnailed boots of Labor will never tread in the Legislative Council and all that sort of tripe. It took 80 years, and the member for Floreat was a part of that Cabinet that came back into this House in 1981 with an extraordinary gerrymander that disgusted some of his colleagues to such an extent that one of north west members resigned in absolute outrage -- in fact he called it an outrageous gerrymander. It was built on the principles of how people vote. The Government of which the member for Floreat was a part brought boundaries to this place in 1981 that put more people in the remote seat of the Kimberleys than were in the seat of the Premier, the metropolitan seat of Nedlands. How can anybody begin to justify vote-weighting for people who are a long way removed from the capital and did precisely that sort of thing in the same breath?

All these years later in the twilight stages of his career, the member for Floreat stood up in this place and accused the Government of a blatant gerrymander with this series of Bills. Let me tell the member for Floreat and his enthusiastic colleague from Karrinyup that we brought to this Chamber the most politically neutral piece of legislation that this Parliament has ever seen.

Mr Clarko: It hasn't got one-vote-one-value. You are defending non-one-vote-one-value. Come and sit next to me.

Mr BRYCE: The member for Karrinyup does not understand. He has lost track of the proceedings of the House. We brought to this House the most politically neutral piece of legislation the Parliament has ever considered --

Mr Clarko: It is not one-vote-one-value.

Mr BRYCE: I will say it again because the member for Karrinyup is a bit thick and he is not having very much success today: We brought to this House a piece of legislation which was politically the most neutral piece of legislation ever considered. It has been substantially changed. It is no longer politically neutral, it is substantially weighted in favour of --

Mr Cash: You sold out. All those car stickers and so on became an embarrassment to you.

Mr BRYCE: It is wonderful that members of the Opposition seem to be suffering a touch of discomfort because we decided to settle for a compromise. I think they must feel a touch cheated. Maybe they feel the future will be a bit tough for them. The Government is fascinated that the Opposition is so concerned about our principles. We are very happy to accept gradualism. We will settle for that if we cannot have exactly what we want. On numerous occasions, this Parliament has denied us what we want and, if the ideologically committed members sitting opposite who support one-vote-one-value want to introduce a Bill for one-vote-one-value for both Houses of Parliament, we will support it.

Mr Mensaros: You talk about both Houses. The member for Karrinyup has already said that there is only one State in the United States that has one-vote-one-value in one House of its Legislature. Why do you talk about both Houses? You don't speak the truth.

Mr BRYCE: I am not interested in the rest of the world or in what other people do. For two elections in a row the people of Western Australia have endorsed our policies with a vote exceeding 50 per cent in both Houses of the Parliament. Those proposals are not a mirror image of what occurs in other parts of the world and that does not bother me in the least. I can understand that it really disturbs a very conservative mind. It should not disturb anybody who is seeking to implement the undertakings that were given to the people.

Mr Clarko: How can it be fundamental if it is used nowhere? How can the one-vote-one-value principle that you advocate be fundamental if it does not exist anywhere else? You don't even put it forward as a policy of yours at this moment.

Mr BRYCE: We did put it forward.

Mr Clarko: But not at this moment.

Mr Mensaros: The upper House would have prevented the proposal for one-vote-one-value for the lower House. At least two Liberal members would have voted for it. The problem was, your members would not have voted for it.

Mr BRYCE: The member for Floreat can take the next opportunity that affords itself to him to explain to me --

Mr Mensaros: I will not talk to you privately.

Mr BRYCE: I am not interested in talking to the member privately. I am interested only in the member's taking the opportunity in a public forum.

Mr Mensaros: I will talk to you in this Chamber, but not privately. I trust in everyone as long as they do not betray me.

Mr BRYCE: I will explain to the House why the member for Floreat feels so sore. He has a very dim, dark, black past. He is sore because that past has been paraded before the House today and if he is hurt, so be it.

The member for Floreat complained about the suppression of the individual by political parties. We have to agree to disagree on that fundamental question.

Mr Lightfoot: Not even a bit of a support from your front bench.

Mr BRYCE: I am not worried about the observations of the member for Murchison-Eyre. As far as the history and traditions of this place are concerned, he will be remembered as a oncer who found it extremely difficult to make an impression of any sort. The only time he did make an impression was when he blotted his copy book and attempted to betray his nation by writing his now-famous letter to Mr Shultz. If I were facing the same prospects as he is facing, I would hesitate before I stuck my neck out as often as he does.

The member for Floreat seems to be having some difficulty in accepting that, in the 1980s, political parties are a very important and respectable part of the political process and a very critical part of the future of democracy. I make no bones about that whatever. The Government believes that the moment when political parties should be recognised as a key part of that political process is long overdue. Many people in this community find it unbelievable that members like the member for Floreat and his friends in both Houses of Parliament have voted in a knee-jerk way against recording the names of political parties on ballot papers.

Mr Clarko: You want to make it easier for some of your thick supporters to vote.

Mr BRYCE: Yesterday I used the words "elitist ratbag" and was required to withdraw them. I again detect elitism sneaking into this debate. I am not surprised that some of the would-be silvertails in Karrinyup are represented by the member for Karrinyup.

Mr Clarko: When are you going to give the public access to your exclusive river bank?

Mr BRYCE: That is relevant! When Wilson Tuckey and I reach agreement on that matter, there will be progress.

Mr Clarko: You would not recognise a tradesman if you bumped into one.

The SPEAKER: Order! Members should be aware that we have a system of recording debates in this House and I draw their attention to it. The system is called Hansard. Someone sits in front of us and takes down in manual shorthand or on a machine every word that is spoken. Our Hansard reporters are particularly good at their jobs. Some of them write down in excess of 200 words a minute. However, I believe that three people talking at once, all from different parts of the Chamber and all yelling to be heard over the others must create an extremely difficult situation for the reporters and therefore an impossible situation in relation to the record of this Parliament.

Members know my point of view on interjections. I think they are very important. Although they are out of order, I think they add real flavour to the debate. If they go on in the manner in which they have been going on over the last 10 minutes, the situation will become extremely impossible. I think members should be aware of the fact that somebody has to take down these debates and, for them to make sense, the delivery of speeches has to be clear.

Mr BRYCE: Three basic points were outlined at the beginning of the second reading debate: We are seeking to improve the service to electors; seeking to align a whole number of features of the legislation with the Commonwealth's legislation in order to minimise confusion; and, in general terms in a number of ways, seeking to modernise the Statutes. We make no apologies for that. I reject the arguments of the member for Floreat when he demonstrates his normal paranoia about the Commonwealth. We are proud to be part of a Commonwealth and proud to work with the Commonwealth Government whether it is of our political persuasion or not. Most members of this Parliament are proud to be Australians, and Western Australians particularly. It is amazing that any endeavour on our part to align electoral procedures with the procedures that have been adopted over a long time by the Commonwealth in order to eliminate the problems associated with the confusion that occurs with the different systems, brings to the mind of the member for Floreat the prospect of our selling out and becoming subservient to the Commonwealth.

He is entitled to that rather rarified nineteenth century old view. It is part of the parochialism of the State; it is the greatest old bash in politics that has been known to man. If anyone wants to enjoy himself in almost any forum in this State perhaps the best avenue to do it is to decide to bash the feds and bash the east coast. I do not think it did the member for Floreat a great deal of good in his argument. We will never agree with it, we fundamentally disagree. I do not intend to chase all the rabbits up and down all the individual burrows with him in respect to his remarks. We have agreed to disagree in the past and we will fundamentally disagree during the course of the Committee stage.

There is no doubt that the thrust of this Bill, which is not focused on the distribution of representatives in the Parliament, but is focused on the procedures of electing members of Parliament, is in fact to improve the services to electors. It really is a great pity to hear some members of Parliament resort to a description of devious motives on the part of the Government to suggest that the reason that it is improving the services to Western Australians is in order to corner some particular sections of the community.

Most of the reforms contained in this Bill, which was nicknamed the "nuts and bolts Bill" a long time ago, have been introduced in other parts of Australia. I find it amazing that some conservatives in this place think they are trailblazing. All they are really doing is being brought roughly up to where the rest of the country was about 10 years ago. If that process is painful, I apologise to them. It gives me great pleasure to commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Thomas) in the Chair; Mr Bryce (Minister for Parliamentary and Electoral Reform) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 17 amended --

Mr MENSAROS: The provisions of clause 3 give me an opportunity to briefly respond to the Minister. I was looking forward to hearing some arguments from the Minister, but

instead of that all he tried to do was to denigrate me with a personal attack on me. The Minister, by connotation, led members to believe that I belittled and did not acknowledge in any way the importance of political parties. It does not do a political party any good for members of it to do that sort of thing. I have often said that because of the Westminster system the importance of political parties is greater than it is, for instance, in the presidential system in the United States and other countries which govern under that system.

Because of the fact that we still use single electorates in the Legislative Assembly the electorates, electing a single member, should not be party politicised and dominated. If the Minister is so right that the times of 1987 demand this, the whole of the United Kingdom is wrong according to him. Everyone in England, Wales and Scotland would be wrong, but the Minister for Parliamentary and Electoral Reform in Western Australia is right. There is no party designation on ballot papers for seats in the House of Commons. I do not think the Minister would be so stupid as to think that the United Kingdom does not have a democracy. As part of a democracy the United Kingdom does not compel people who are not interested in politics to vote. That was my argument.

The Minister said that I wanted to denigrate people who are not silver tailed. Shall I say that it is because of the difficulty of his perceiving what was said in my argument, or shall I say that he distorts the argument? One or the other is true.

I said that I would not be proud, as a member of a political party and neither am I proud, to rely on people who are not only not interested, but also do not want to be interested in politics. None of the world democracies rely on these people because they vote voluntarily. They do not have anyone with a dragnet trying to pull people in to vote. Why do that? The only logical conclusion that I can draw is that the Labor Party has the support of people who are not interested, less than interested and less intelligent. I am not saying that that is the case, but I am simply saying that the Labor Party's endeavour to be so keen to get the last half a vote can lead one to no other conclusion. Clause 3 makes this very clear.

Albeit that the vote is given to 18-year-olds, the clause provides that even though a person has not turned 18 he or she can enrol so that he or she will not miss out on voting at an election. He would only be prevented from doing that if his birthday was between the date of the closing of the roll and polling day. It is not necessary to instil this sort of enthusiasm in people about to turn 18. I would rather have educated people to vote for the ideas I had than to compel them to vote. That is the reason this clause enabled me to respond to the Minister who incorrectly interpreted what I said.

I also want to refer to what the Minister said to the member for Kalamunda and me. It seems to be the general argument of the Government, not only by this Minister, but also by other Ministers, that if something has been incorrectly done by a previous Government of a different colour it should be perpetuated. The other party, of a different colour -- according to this view -- can never change its mind. Of course, that is not the case. Everyone has the opportunity to change his mind.

Before the electoral reform Bill was introduced the Liberal Party brought down a policy which said the same as what the Labor Party announced for a long time until it became inconvenient, or another solution became more convenient -- that is what I meant by a gerrymander, which it is -- and it referred to the metropolitan and country areas. I said that I agreed that there should be a weighting of votes. The Labor Party's policy was -- it was the same as the Liberal Party's policy prior to the election and members should not worry about what happened in 1981 which I personally do not think was right. I said so, as a member of a small committee, but that has nothing to do with anyone else. The policy was to let the Electoral Commissioners determine the metropolitan boundary and the basis on which that should be done was specified in the policy. It could be expressed in one word: What is genuinely urban should be metropolitan and what is genuinely rural should be in the country. We gave a few examples of what should be considered and which have already been mentioned by the member for Kalamunda -- is it a commuting society, do the people work in the area, are the residential blocks smaller or are they larger, are they hobby farms, etc. Once the weighting had been determined that would have led the Electoral Commissioners to define the appropriate boundaries of the metropolitan area as being the urban boundaries and they could be changed from time to time when there was a redistribution.

That was Labor policy, as long as they kept to that principle. It became non-Labor policy

when given the idea by a third party, which suited them better. No-one could argue it did not suit them better because the fringe seats, with the exception of Mundaring, are non-Labor seats. The five fringe seats, from the north to the south east and surrounding metropolitan area, which have been country seats with about half the number of constituents, become metropolitan seats. Therefore the contingency of a block of non-Labor votes becomes represented by half as many members of Parliament.

The third party had no interest in this fringe area because last time they were represented by the predecessor of Ken Dunn, a Country Party man there. The agreements between the National-Country Parties and the Labor Party was that where the Country Party was not interested in the area like the remote statutory seats or the immediate metropolitan fringe area, the agreement was advantageous to the Labor Party. That is not an accusation; it is a fact of life and demonstrated in the provisions of this Bill.

This clause demonstrates that the aim of the whole Bill is to obtain in a compulsory way the last voter. That is not silver tailing, or a matter of ethnic people. The so-called ethnic people -- and I have always criticised this for not allowing them to assimilate but to emphasise a difference -- have much more political sense than the average Australian, as half of them came to this country for political reasons. We should not make a scapegoat out of those people and say we should help them. They do not need help because they know precisely how it is to live under a totalitarian regime. A lot of people cannot understand if somebody is really supportive of a democratic system --

Point of Order

Mr BRYCE: The member for Floreat and I have joined in argument and discussion about this sort of issue many times. Nothing that the member for Floreat has said in the last seven minutes, except for one reference to 17-year-olds, relates to the clause before this Chamber. The issue before the Chamber is not one-vote-one-value and does not concern the metropolitan area. I understand the member's desire to respond to the second reading debate but if we allow members to respond in this way it could well be Christmas 1989 before debate finishes.

The DEPUTY CHAIRMAN (Mr Thomas): I understand, but the member was about to return to the point.

Committee Resumed

Mr MENSAROS: I will discontinue as people who examine the records will judge whose argument prevails.

Clause put and passed.

Clause 4: Section 22 amended --

Mr MENSAROS: The Minister has not mentioned why there should be the deletion from the electoral roll of the sex and occupation of constituents. The electoral roll is being used by members to properly represent their constituents as it helps members if they know the occupation and sex of their constituents. In the case of a given name, if a single name, it does not always indicate the sex, especially if the name is not of Christian origin to enable the distinction to be made between male and female. The deletion would be a disservice to both the electorate and the member who wants to properly represent his electorate.

Despite the fact that the Minister was very proud to align himself with the Commonwealth and criticised me when I said this was succumbing, the Commonwealth has not introduced anything like this -- unless the Minister persuaded the Commonwealth to do so in the future. I do not understand who would benefit from the deletion of the description of occupation and sex from the roll. I am also surprised that the matter is so unimportant that it did not merit mention in the second reading in either place. I argue for the benefit of the electors -- and the claim has been made that this Bill is for their benefit -- and the benefit of members that the sex and occupation description should be restored.

I move an amendment --

Page 3, line 18 -- To insert after "given name" the following --

sex, occupation

Mr STEPHENS: Mr Deputy Chairman, I held back because I thought the Minister for Parliamentary and Electoral Reform may give an explanation why it was necessary to delete both sex and occupation from the roll. I have said I am fairly open-minded and prepared to be persuaded by argument. I am inclined to the view that the words should be retained, certainly the gender, due to the difficulties faced by members in addressing correspondence, especially when contacting constituents for the first time. I think the gender is absolutely essential. I can understand the objection to occupation in a mobile community, where people frequently change their occupations, more so than they did in the past. That may not have the same relevance now. I would like the Minister for Parliamentary and Electoral Reform to explain the reasons for deleting those two provisions.

Mr BRYCE: It is fairly well understood by most members that the data relating to occupations is about 50 per cent out of date at all times; it is very inaccurate. The principle was debated at great length in the Commonwealth Parliament when this step was taken a few years ago.

The question of principle was supported by the Democrats and the Government. The information is collected when people fill in a card to enrol. This information is confidential. We do not reveal dates of birth, although they are always recorded. It is a question of choice. I can understand a member of Parliament wanting to be in a privileged position to know. In local government they do not know; it is simply a name on an electoral roll as to who owns the property. I can understand the concern expressed about this matter by members on both sides of the House, because members enjoy the convenience. I am not sure that we should be legislating for the convenience of members. It is a question of data supplied by people.

Mr Stephens: A Mrs Smith would not like to be addressed as "Dear Mr Smith". It is that sort of thing.

Mr BRYCE: The way the roll is compiled makes it impossible to avoid that problem. In a family with half a dozen people listed at an address, with a mum, a dad and four adult children on the electoral roll, one does not have a clue who is Mrs and who is Miss.

Mr Stephens: You haven't a clue who is male and who is female.

Mr BRYCE: I am not prepared to agree to the amendment. Based on representations made by members, I am prepared to have a look at this question. I have no doubt it can be dealt with by regulation, but it does not require an amendment to the Statute. I have had that confirmed. The last sentence of that clause in the Act says "or any other prescribed information," or words to that effect. It can be done by regulation.

Mr MENSAROS: The Minister's argument is not convincing. On the one hand he argues that confidentiality should be maintained, and he talks about a voluntary decision, which is a contradiction to the compulsory vote. I ask him if he or any of his predecessors have received any complaints in the last 40 years that people thought the confidentiality would be broken. I am only one of 57 members, but I have received many complaints, some polite, some less polite, when I have made a mistake. I have only made the mistake of addressing a Miss as a Mrs in 10 per cent of the cases. He can accuse me of being conservative, which I am, but I do not use Ms, because not only myself but 50 per cent of my constituents do not like it; they consider it vulgar.

Nevertheless, I know in 90 per cent of my constituents' cases whether the female is Mrs or Miss. I have kept a habitat ordered card system of my electorate for the last 20 years, and it is not difficult to pick out who is the wife and who is the daughter or sometimes the mother. With longstanding residents, if a daughter comes on to the roll I welcome her to the electorate.

I cannot see what is confidential about an occupation. Who would be ashamed about it? If there were an argument that divulging the occupation could do any harm to the constituent, there could be a provision to enable a person to ask that his sex or occupation should not be on the roll. If that were a special provision, not more than one out of a thousand would take advantage of it. That proves it is not necessary.

Another matter to which I have not moved an amendment, but which is equally bad, is the provision in clause 4 talking about the form of the roll. Having removed the sex and the occupation, if we adhere to this description, we remove the given names if someone has more than one: "Subject to section 51B, rolls may be in the prescribed form and shall set out

the surname, the Christian or given name, and the residence of each elector." That provides for "name" in the singular. One might say that the Interpretation Act should be invoked, but that would be a childish argument. Anyone reading that would say that only one name could be used. Where one has several first names, one might not indicate the gender of the person, but if two first names are used, the likelihood of not recognising the gender is reduced.

Mr Donovan: The primary task of the roll is simply to set out the identities of people who have a right to vote in a given electoral district. Why do we want more than that?

Mr MENSAROS: Perhaps the honourable member did not listen so I will repeat this argument. It is because I want more proper representation. Some members communicate with their electors. Take a Bill affecting the medical profession. Some members write to all the medical practitioners in their electorate asking their views about the Bill. The same applies to others in the electorate. That has been the case for a long time without any complaint, therefore the alteration is not justified.

To come back to the singular there, is it intentional? How is confidentiality affected, if someone has more than one name, by using second and third names? What is the argument for the singular here? If the argument is that the Interpretation Act allows one to use the plural as well, that would be a very poor legal argument. If someone has one first name only, that would not be contradictory to the definition if the given name in the Bill is in the plural.

Amendment put and negatived.

Clause put and passed.

Clauses 5 and 6 put and passed.

Clause 7: Section 25A amended --

Mr MENSAROS: This is a provision which improves the present situation, though not necessarily the practice. I cannot understand why the habitation rolls should only be given to each parliamentary party, which is yet another proof that the parties are more important than the individual members who represent the electorates. The habitation rolls should also be provided for members of Parliament, and they should be given these rolls in a print-out form instead of in the form of an electronic device, because that may not fit the member's computer, if he has one. I believe that is a basic service which the Electoral Department could offer to members of Parliament.

Clause put and passed.

Clauses 8 to 14 put and passed.

Clause 15: Section 56 amended --

Mr MENSAROS: I see that I am conducting the debate as a monologue because the Minister for Parliamentary and Electoral Reform does not think that this Bill is important enough to participate in the debate.

The section to which this clause refers contains a provision to report occupation, yet in a previous provision the Government saw it as necessary to take away "occupation" from the electoral roll. So why was the reference to occupation left?

Clause put and passed.

Clauses 16 to 18 put and passed.

Clause 19: Section 65 repealed and a section substituted --

Mr MENSAROS: I feel obliged to comment on this clause because as I said briefly during the second reading debate, this clause again provides proof of my accusation that the Government brought down this Bill -- contrary to what the Minister said a short while ago that it was a most objective and impartial Bill -- because it suited the Government. There is not one person within the political arena who would argue that reducing the time of an election campaign does not suit the incumbent Government; that is a political norm which everybody accepts. It is quite clear that this Government, being incumbent, hopes to remain so by virtue of the electoral reform Act, and it will remain in power because there is a gerrymander. There will be casualties, of course -- and there will be more in the National Party -- but this Government will remain in power because of the gerrymander with the statutory metropolitan boundaries and the abolition of the four statutory seats which is incorporated in the Electoral Act 1907, which we are amending.

A measure to reduce the time for election campaigns is a measure which only suits the Government of the day. If the Government's intention had been to bring down a neutral Bill, that reduction would not have been proposed, or it would have been proposed after discussions with the Opposition and after agreeing to a reduction in time which was not so drastic as it was done in this Bill in two instalments. In this instalment, only 14 days are taken away, but in the next instalment another seven days are taken away. For those reasons, I am opposed to this clause.

Mr BRYCE: I suppose one has to resist the tendency to grow tired of what is involved in the expression of view expressed by the member for Floreat; it is poppycock. Political parties have changed positions under the Westminster system of government from Government to Opposition benches very frequently in all States of Australia, and perhaps less frequently nationally, over the last 80 or 100 years. When we look at what applies in every other State of Australia, Western Australia is now in the middle of the pack as far as this provision is concerned.

I will demonstrate that it is nonsense to talk about advantage to the incumbent Government of the day. The minimum period is 33 days in the Commonwealth; 33 days in Victoria; 24 days in South Australia; and 14 days in Tasmania and the Northern Territory. In New South Wales, where there have been Liberal and Labor Governments alike in the last 20 years, the period is zero; they can have a three-day election campaign, if they wish, but for practical purposes they would not.

Currently in Western Australia the period is 49 days, unless we can do what we propose to do. No-one can seriously suggest that what the member for Floreat is advancing to the Chamber is anything but nonsense. I urge the Committee to support the clause in the Bill because it is a desirable step in the right direction. This clause does not advantage a particular political party. We all know that the political parties represented in this Chamber are going to spend varying amounts of time on both sides of the House in years to come.

Mr STEPHENS: I would like to indicate that the National Party has no opposition to this clause. We believe that reducing the period between the announcement of an election and that election is a good thing, certainly in the minds of the public. There may be an election in which there is an advantage for one party or the other, but that is problematical and I do not think we should look at the matter from that viewpoint, particularly in the light of the figures which the Minister has given to us in respect of the situation in other States.

Mr Bryce: I left out the figure for Queensland, where there is no requirement for a minimum time.

Mr STEPHENS: That is an example in itself because Queensland is a good example of a well-run State.

I would like to take the member for Floreat up on one point that he made when he said that in respect of this legislation and the reforms which have been put through in this session of Parliament, the National Party will have the most casualties. If that is the case, so be it, but I think it also indicates that the National Party has approached this matter from the point of view of what is best for the public and we have not been particularly narrow in looking at it from the interests of the National Party. Rather than that being a reflection on the National Party, I thank the member for Floreat for complimenting the party about our broad approach in looking at legislation in the interests of the people of Western Australia.

Clause put and passed.

Clauses 20 to 27 put and passed.

Clause 28: Section 90 amended --

Mr MENSAROS: I move an amendment --

> Page 17, lines 26 to 32 -- To delete proposed subsection (9).

Proposed subsection (9) says --

> Where an issuing officer issues a postal ballot paper to an elector under this section and the elector satisfies the issuing officer that the ballot paper has not been delivered to the elector or has been lost or destroyed the issuing officer shall issue a further ballot paper together with the necessary envelopes and declaration to the elector and shall advise the Electoral Commissioner of that fact.

I maintain this is an unnecessary dropping of a safety measure because anyone can go and state that a ballot paper has been lost. He does not even have to sign a statutory declaration which would be a very simple thing to do. The public servants are available in the Electoral Office and they are qualified ex officio to witness his statement that according to the best of his knowledge the ballot paper has been lost. Upon doing so he is immediately issued with another ballot paper. According to the wording of this provision the voter can repeat that process. If he is a malicious person he can do it several times. There is no restriction that a ballot paper should be issued only once if it is lost.

Mr Bryce: Do you realise the way the system works? If someone is going to be malicious the evidence will confront him at the Electoral Office. Each one of those ballot papers is in an envelope with his name on it, and he will have to answer publicly to a stack of ballot papers inside envelopes with identifying names on them. That is what happens in an electoral office when the postal votes come in.

Mr MENSAROS: I know that very well, but that is no argument for leaving the provision in the Bill. A voter can go to an electoral office which is manned by more than one person and can speak to one person first and to another person at another stage. The necessity to report to the Electoral Commissioner would not prevent him from doing so. This provision is mandatory because it says a ballot paper shall be issued. If someone claims he has lost the paper the Electoral Office has no choice but to issue a new one.

The Minister says that this will be picked up if the person is malicious. Why give him an opportunity or the temptation through the provisions of a Statute to make it easier to do that? That is my simple question, and I do not think the Minister's interjection has given a satisfactory answer.

Mr BRYCE: There are perfectly adequate safeguards in the system to prevent a distortion or a mishap in the election process. If somebody applies for a postal vote and then repeats that procedure in order to deceive the electoral process or the Electoral Commissioner, before those votes are counted they are put into envelopes with the name of every citizen who has applied for a postal vote in each constituency. They simply cannot effectively lodge more than one vote. If someone acted maliciously and sought to distort the result of an election he would be foiled by the system because the electoral officer, having counted the ordinary votes, turns to the postal votes and says, "Now we will count the the postal votes. We will use a fresh copy of the electoral roll and strike off the name of everybody who has lodged a postal vote." If someone has lodged maliciously or for any other reason more than one postal vote it will become apparent and those votes will not be counted.

Mr STEPHENS: The National Party cannot support this amendment. We believe the provisions are adequate. If we have any criticism it is that the penalty is insufficient. I feel any breaches will be readily identified. One of the principal deterrents to crime or wrongdoing is the certainty of being found out, and I think that situation would apply in this instance.

Amendment put and negatived.

Clause put and passed.

Clauses 29 to 32 put and passed.

Clause 33: Section 100 amended --

Mr MENSAROS: I want to ask a question because I genuinely do not understand this provision. The special polling place in Perth which has to be appointed for absentee voters is to become a general polling place for not only absentee votes. How can that special polling place for a general election be a general polling place? If there is a general election and a central polling place is set up where all the absentee votes are taken -- as I understand the provisions of the Statute, they can be taken at every polling place -- I suppose the special polling place is appointed in order to make it easier for people and that only deals with absentee votes. Perhaps they will be dealt with quickly and more efficiently.

I cannot see how the absentee voters' polling place is to become a general polling place not only for absentee votes when there are elections for all or several electorates. If the election is not in the Perth area, by necessity the polling place must be only for absentee votes.

Mr BRYCE: This recommendation was made to the Government by the Electoral Office. It

is one of added simplicity and convenience. In future if there is a by-election anywhere in the State the Electoral Commissioner will be able to decide to open an office in Perth to facilitate voting by those people who may be in the capital city on polling day. Experience has been that they usually queue up and it involves a lot of inconvenience which is not necessary. It is only a by-election; there are not 56 other seats for which one has to service absentee votes. There may be a couple of by-elections, but it is a very simple matter. If it were a normal election and an office was opened in Perth one would have to have 56 ballot boxes around the office and people could vote for anywhere in the State. One has to fill in a declaration for an absentee vote, and they are all sent to the returning officers across the State to find their way to the respective pile of votes to be counted. It is matter of convenience when there is a by-election. People do not need to fill in a declaration form for an absentee vote because there are generally only one or two places in the State where there is a polling place. As a matter of convenience they can walk across to a ballot box and pop it in.

Clause put and passed.

Clauses 34 to 37 put and passed.

Clause 38: Section 113A amended.

Mr MENSAROS: We oppose the optional figuring of a party name on the ballot paper in a single electorate district. We think that where one member is being elected he should be elected as an individual although he belongs to a party and supports a party. If one party is given the option of having its denomination printed on the ballot paper then naturally, in its own interest, all other participants in that election, if they represent a party, will have to do the same. That creates a situation where, in an individual election, political parties overshadow the individual who is to be elected.

We have already had an argument about this, and I do not want to go through it again. However, I emphasise that the principle cannot be so wrong as it is adhered to in, for instance, the United Kingdom where the parliamentary system in the House of Commons is the nearest to ours. In an election there, only the names of the candidates standing for election appear on the ballot paper, not the political party.

Mr BRYCE: Let me say, for the record, that Parliament ended up with an absolutely absurd situation after the last occasion this matter was debated. For the lower House was proposed a vertical ballot paper, with no party names and no ticket voting. In respect of the other House, we would have had horizontal ballot papers, with party names and the eligibility for ticket voting. The thrust of this clause is to do the commonsense thing and provide a ballot paper in respect of both Houses which looks exactly the same so that people can fill them in in precisely the same way. We do not think anybody should have a vested interest in trying to fool anyone, or maximise the number of informal votes. For that reason, if it is good enough for the goose, it is good enough for the gander, and we urge members of the Committee to support this proposition.

Mr STEPHENS: The National Party supports this clause. I restate our position by saying that I do not think the way the Bill finished up last time was absurd. It was a realistic appraisal of the problems that will be created under the new proportional representation in the upper House. Obviously, with proportional representation, there will be a lot more candidates' names on the ballot paper. That is the situation with respect to Senate voting. It was realistic to endeavour to simplify the procedure because of the multiplicity of candidates. The National Party was prepared to make a concession in respect of upper House voting and agreed to the ticket vote.

When it comes to the Assembly, which still comprises single-member constituencies, there is not a great number of names. Therefore, it is relatively simple for people to enumerate their preferences without unwittingly making a mistake. That is still our preferred option, and I want to emphasise that. However, we accept this amendment for the sake of regularity, bearing in mind that the record of voting in two Federal elections shows how the informal vote increased in the House of Representatives, which does not have ticket voting, but decreased in the Senate, which does have ticket voting. I think members of the public find it complicated and, because they understand one system, they just want to follow through. It is a reflection on the Australian people as a whole, and their lack of interest in the political procedures, that they continue to make that mistake. It is a sad reflection on our nation that so many people are so uninterested, that they just take the easy way out.

While I am on this subject I wish to agree with a comment made by the member for Floreat earlier in respect to the ethnic community. On all the occasions that I have been campaigning -- I think it is about six now -- I heartily agree that, generally speaking, people, particularly those from European backgrounds, are more interested in electoral procedures than the native-born Australian. I have always felt it is the adversities that those people have suffered under oppressive regimes in Europe that have made them more politically conscious. It behoves every member of Parliament to maintain a policy of encouraging people to take a greater interest in Parliament and parliamentary matters and thereby perhaps improve the performance of our democracy.

Mr BRYCE: I indicate to the two members opposite, who are participating clause by clause, that the Government did conduct some very valuable research into the attitudes of people. The result of that research showed that 79 per cent of people questioned expressed a clear-cut preference for a vertically arranged ballot paper, which included party names and the option for ticket voting. We could seek to impose upon people what we think is good for them, and sit in judgment on how they behave, and I know that sort of exercise has been done before. However, before the Government reached a decision about this clause, it went out into the marketplace and conducted research in country centres as well as the city. The results were clear-cut, if not overwhelming.

Clause put and passed.

Clauses 39 to 46 put and passed.

Clause 47: Section 119 amended --

Mr MENSAROS: My foreshadowed amendment concerns the provisions which give an absolute discretion to the Presiding Officer. So far, we have had some salutary provision on how these matters should be handled. The new provisions allow the returning officer to use his own discretion entirely as to which procedure should be accepted. We feel that is objectionable. This will happen by repealing subsections (2) and (3) of section 119. Consequently, I move an amendment --

Page 24, lines 25 and 26 -- To delete paragraphs (a) and (b).

Mr BRYCE: The Government is opposed to this initiative. I guess there is a good deal of sensitivity in many quarters about the actual use to which these questions have, in the past, been put and the relevance of them. I talked about simplicity and service to electors during the second reading debate. As far as the general issue of the role of these questions is concerned, I make no bones about it that they have been in the Act for a long time and they have been misused and abused in order to inhibit people from voting. We do not have to rake over old coals.

Mr Mensaros: They have been used to establish a dual identity.

Mr BRYCE: They have been absolutely abused. Members will recall how systematically that abuse was put together in the Kimberley elections in a move that was designed to prevent Mr Bridge from becoming the member for Kimberley.

Mr STEPHENS: The National Party does not support this amendment. It feels that section 119(1) provides adequate provision for protection. For that reason it is of the opinion that proposed subsections (2) and (3) are redundant.

Amendment put and negatived.

Clause put and passed.

Clauses 48 to 50 put and passed.

Clause 51: Section 125 amended --

Mr MENSAROS: Despite the fact that my comments will be of no avail, I wish to place on record my personal view that this provision does away with an important safeguard. If the proposal is to allow electoral results to be monitored, there should be less opportunity for cheating or misusing the system. The previous requirement that the ballot paper must be initialled by the issuing officer has been deleted. It was a safeguard. Members who have scrutineers at the election count would know that they check that the ballot papers have been initialled. If the number of ballot papers issued does not tally with the number received from

the boxes, there is normally a delay in order to find the missing ballot papers. The omission of that provision is an unnecessary relaxation of the safeguard of conducting an election.

Clause put and passed.

Clauses 52 to 55 put and passed.

Clause 56: Section 134 amended --

Mr MENSAROS: My argument regarding this clause is exactly the same as my previous argument. It yet again takes away another safeguard. Informal ballot papers have, to date, been marked "informal" at the count. The provision made it easier and safer for scrutineers to ascertain which are the invalid ballot papers.

Mr BRYCE: The Government has responded to a recommendation from the Electoral Department regarding this clause. It is not necessary to write the word "informal" on each ballot paper that is informal. We have all seen how they are counted. The formal votes for each of the candidates are stacked separately, and there is another stack for informal votes. It is not necessary to write the word "informal" on each informal ballot paper. It is a recommendation from the department and it is a streamlining procedure which has been incorporated in the Bill.

Clause put and passed.

Clauses 57 to 64 put and passed.

Clause 65: Section 146D repealed and a section substituted --

Mr MENSAROS: My question about this clause is not directed against the electoral provisions per se, but is directed against the drafting habit which is of late being used more widely in all sorts of Bills. The public should know the existing law -- in this case the people who are participating in organising elections or who are helping candidates -- and be able to read a Statute of Parliament clearly. Yet the Statutes have an increasing number of cross-references and go from one section to the other. It would be much easier not only with regard to this legislation, but also to all legislation, for the draftsman to repeat the provision at the appropriate place instead of referring to another section. If Ministers would take care to read legislation which is put in front of them and analyse it as they have done in Opposition, they would realise that it would be much easier to read the legislation if the cross-reference was actually stated instead of being referred to.

It is an unnecessary legal use. It could be argued -- I am sure that the Minister would argue -- that that was the situation when we were in Government. Therefore, from his argument the situation would never improve. It is a wrong habit and I will emphasise it again and again until it falls on understanding ears. The drafting of legislation should be made easier; and one of the Liberal Party's policies is to introduce the situation which has recently commenced in Victoria; that is, to draft legislation in plain English. That applies not only to legislation, but also to general communications with the public.

The general principle is that not to know the law is no excuse, and yet to know and comprehend the law is extremely difficult for the simple man and is not the task of the people who the Minister says, in a democracy, should be given a vote.

Clause put and passed.

Clauses 66 to 72 put and passed.

Clause 73: Section 191A inserted --

Mr MENSAROS: This really is a difficult clause to comprehend. It is not only superfluous, but also it is a slightly ridiculous provision. The clause introduces a new and quite unusual offence in connection with elections. The publishing and distribution, during an election, of anything that is likely to mislead the elector in his casting of a vote is a punishable offence. I do not know how courts of justice will deal with that. I also do not know how people who are laying charges will use this provision. I can predict that this clause will never be used or, alternatively, if it is used, it will make a mockery of any election campaign.

I cannot remember any election, whether Federal or State, where this provision, had it been in force at that time, could not have been applied to punish innumerable people. I do not think people will change their habit to the extent that in future elections we will not have any

publications or statements which cannot be interpreted by someone in the judiciary as being misleading or deceiving.

Sitting suspended from 1.00 to 2.15 pm

Mr MENSAROS: The second provision of this clause is not only equally, but even more condemnable because it states that the publishing or distributing of advertisements, etc, likely to induce an elector to mark his ballot paper otherwise than in accordance with the directions constitutes an offence. I draw the attention of the Committee to the fact that when I say some of the provisions of this Bill infringe upon the individual's liberty, this does it more than any other. Depending on people's political sides, the Government's condemnation or commendation of acts which would lead to committing this offence would very much differ, as the Federal Government's actions do for instance.

One has only to consider the latest elections in the French Pacific territories where the issue is obviously an ethnic one; the minority ethnic group realises that it can never win and, therefore, its only recourse is to advise its supporters to abstain from voting. They are able to do so without punishment because, despite all the derogatory statements about the French Government, it is democratic enough not to have compulsory voting, so the people can do as they like. Because voting is compulsory in Western Australia, if ever a group or party considered its only recourse in an election was to advise electors to abstain from voting, they could not do so without those electors incurring a penalty. Therefore, the only way would be to tell voters to cast an informal vote. I would have thought if somebody believed in democratic principles, it would be perfectly all right to tell people not to cast a valid vote because a certain group or party wanted to indicate that it did not regard the election as proper and, in protest, electors would abstain from voting. This provision makes it an offence for anyone to suggest that people cast a vote which is not according to the directions given on the ballot paper. It is a very poor provision, and it is a sign of democratic immaturity; it should be condemned.

Mr STEPHENS: First, I question whether the general intent of this clause goes far enough. If we are to have election campaigns it is absolutely essential that those campaigns be carried out honestly. There is legislation covering misleading advertising, and the same principle should be applied to advertising relating to elections.

I can give a couple of examples: One refers to the member for Cottesloe who, prior to the 1986 election, misquoted *Hansard*. I was not at the meeting, but I became aware of his statement when a constituent of mine who attended the meeting came to my office the following morning. Apparently the member for Cottesloe told the meeting that Hendy Cowan had said he would support a minority Labor Government, and part of a quote was taken from *Hansard*. The comment was made that if any members of the audience wanted to check that statement, they should read *Hansard*. Naturally most people at that meeting took the member at his word and did not bother to check the quote.

One constituent came into my office and said, "I want to speak about the National Party promise to support a minority Labor Government." I said, "You have been along to a meeting and listened to the member for Cottesloe." The answer was, "Yes." I said, "Here is a copy of *Hansard*; read the quotation." The person read the quotation -- and these were her words not mine -- and said, "Bill Hassell is a liar". There was deliberate misrepresentation.

On another occasion, on the eve of the election, my wife had a phone call from an irate elector who was ringing on behalf of herself and her neighbours. The caller said, "We have been discussing the elections, and we have had a Liberal person soliciting our vote. We've been told the National Party is giving preferences to the Labor Party. Is that true or false?" My wife answered, "There is no intention of directing preferences to the Labor Party." She told them to get a copy of the National Party how-to-vote card. The answer was, "Thanks; we were going to vote for the National Party but had the statement been correct you would not have had our vote."

Mr Crane: You gave the Labor Party preference in my electorate.

Mr STEPHENS: We have never directed preferences to the Labor Party.

Mr Crane: Your how-to-vote card said so.

Mr STEPHENS: No, it did not. The member should produce the card before making such a claim. There were instances of deliberate misleading, which should have been challenged. Elections should be on the basis of policies and performance, not untruth and half-truth, and I question whether this Bill goes far enough in an endeavour to clean up election campaigns.

Subclause (2) of the proposed new clause relates to electors' being induced to mark a ballot paper in an improper way; and the member for Floreat referred to this subclause. It is a matter of legal interpretation -- if one were to encourage a person to mark a ballot paper incorrectly one would be committing an offence; but once a ballot paper is obtained and put in the ballot box the law has been complied with. I have always maintained we do not have compulsory voting in Western Australia under threat of penalty. We do have compulsory attendance at a polling booth but once a person has the ballot paper he is at liberty to put it in the ballot box without marking it at all. My reading of this proposed new clause does not alter that interpretation. If a person does not mark the ballot paper at all, that person does not breach the Act, but if a person is encouraged to mark a ballot paper other than the way laid down an offence is committed If my interpretation is correct I can see no impediment to our democratic right to please ourselves.

Clause put and passed.

Clauses 74 to 76 put and passed.

Clause 77: Amendment of penalties in sections 45 and 156 --

Mr MENSAROS: I have no comments on this clause. However, I express my appreciation for the courtesy extended to members in the distribution of the Electoral Reform Act as amended. This attitude should be adopted by every department. Amendments to Acts occur frequently, and sometimes unnecessarily frequently, which makes it difficult for members to keep up to date. In today's technological world, I see no problem in amended copies of all Statutes being distributed in this way, and possibly even before proclamation.

Clause put and passed.

Clauses 78 to 80 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr Bryce (Minister for Parliamentary and Electoral Reform), and passed.

Points of Order

Mr BRYCE: Mr Deputy Speaker, I must have been dozing -- or dazing -- earlier when I moved that the Bill be read a third time, because I was expecting an Opposition member to speak to the question, after which I had intended making a few comments. I would like the opportunity to make those fairly brief comments if I could.

Mr STEPHENS: While Standing Orders are being checked, I take this opportunity to indicate that the National Party would not mind the Minister's being given an opportunity to make his comments as long as Opposition members could also comment.

Debate Resumed

[Leave granted for the question, "That the Bill be now read a third time" to be put again.]

MR BRYCE (Ascot -- Minister for Parliamentary and Electoral Reform) [2.35 pm]: I move --

That the Bill be now read a third time.

As we wind up this rather time-consuming process of dealing with the electoral reform Act and the Electoral (Procedures) Amendment Bill, which together comprise a fairly significant modernisation of the State's processes for electing members to this Parliament, we should consider what has taken place.

Prior to the 1986 legislation, Western Australia had the most serious form of malapportionment, with its extremes being reached in the Legislative Council, anywhere in Australia and probably anywhere in the world. As a result of the passing of this Bill, the situation now is that the vote-weighting or the malapportionment between districts, ranging from country to city, is now on a footing with Queensland. Despite the chiacking on both sides of the House, it is nonetheless most assuredly the Government's policy to strive towards and achieve one-vote-one-value for both of the Chambers of the Legislature in Western Australia. We will take every step possible to achieve this.

Earlier in debate I indicated that we were prepared to accept gradualism as our methodology. That has upset some members of the Liberal Party during the course of debate. Nevertheless, it has not constituted a denial of the principles that we stand for. We have accepted second best, and I most assuredly want that on the record. It is possible that in the months ahead the Federal Parliament will consider one of two proposals to put the issue of one-vote-one-value fairly and squarely before the people of Australia, either by way of direct legislation in the national Parliament or by way of a national referendum. As Minister for Parliamentary and Electoral Reform I most certainly will be recommending to my Cabinet colleagues that should a national referendum be held to resolve the issue --

Mr Hassell: Interference in our State sovereignty.

Mr BRYCE: The member for Cottesloe is predictably touchy. If this Parliament is not prepared or capable of putting its house in order I shall have no qualms whatever in recommending to my Cabinet colleagues that if such a referendum is held we support it, recognising that Western Australia could quite conceivably be the key State that will determine the outcome of the referendum. The people of Australia should be able to be handed a ballot paper so that they can determine their attitude on one-vote-one-value. Over the last two years this Parliament has demonstrated that it is not prepared to take the major steps necessary to face this issue, which has become a very important national issue and not simply an issue of concern to Western Australians alone.

The original reform Bill that came before the Parliament was, in fact, very much a politically neutral Bill. There were options which could have heavily loaded that Bill in favour of either side of politics, but the Bill in that original form was very neutral indeed in terms of its impact. As a result of the compromise resulting from negotiations between the Government and members opposite we have finished up with what the member for Floreat called a "bastardised Bill", but that in itself is still very heavily loaded, in a political sense, biased in favour of the conservative voting areas of Western Australia. That has been built in as a result of vote weighting.

So far as the second Bill is concerned, I have absolutely no doubt, as Minister for Parliamentary and Electoral Reform, that there will be some unforeseen fish hooks in the legislation. When it is given its first run on the occasion of the 1989 election there will be an amazing array of experts who will surface from the woodwork who did not concentrate on the legislation while it was under consideration in the Parliament. In saying this, I do not just mean members of Parliament but also some very poorly informed observers from outside the Parliament who will discover certain nips or fish hooks in the processes. Like the Companies Act, the Education Act and a few other Statutes for which this Parliament is responsible, because of the extraordinary breadth of implication of the Statute itself and the actual complexities, it is almost impossible for any Government or Parliament at any time to ensure that every conceivable event or alternative is taken account of. I have no doubt whatever that during the next Parliament there will be moves to further modernise and tune the Electoral Act, and maybe the Electoral Distribution Act.

Finally, I wish to thank a number of people who have done some rather extraordinary work on this matter over a very long period. A couple of members opposite had an implied dig at the drafting of this legislation. I jump to the defence of the Parliamentary Draftsman as the Parliamentary Draftsmen in this State do a first-class job.

Mr Hassell: They have often got rotten material to work with.

Mr BRYCE: There is a nark in every pack, and so far as the Opposition front bench is concerned, these days more often than not one can assume that the nark is the member for Cottesloe. We have become accustomed to that and treat remarks like the one just made with the contempt that they deserve.

Before that interruption I was directing the thanks of the House to the Parliamentary Draftsmen who have worked on the two very complex pieces of legislation, with numerous cross-references from beginning to end. It was no easy task, no matter how experienced they are.

It would be remiss of me if I did not mention Graham Hawkes and his efforts, as did the member for Kalamunda earlier during the debate. Some 15 years ago Graham Hawkes was part of a small group of people who joined together to examine some of the undemocratic feature of the Western Australian system of electing people to the Parliament. I know of no other person during my parliamentary career who has actually forsaken his own profession or occupation to concentrate on something in such a single-minded fashion.

Mr Blaikie: Even Arthur Tonkin?

Mr BRYCE: He concentrated on quite an array of subjects.

Mr Blaikie: But he was single-minded.

Mr BRYCE: Graham Hawkes has done a great job. He has been the principal driving force behind the effort to ensure that the Western Australian system of electing its representatives to the Parliament was modernised. There are members opposite who knew of Graham Hawkes and who thought of him as a backroom demon that no-one could put a human face to. The member for Floreat said he thought that it was a tremendous idea for the detailed explanatory notes to be provided during the course of this debate and that they were a precedent that should be taken up by other departments.

Mr Mensaros: I knew that he had brought the Statute up to date.

Mr BRYCE: I make the point that it was the suggestion of Graham Hawkes that this issue was so complicated and so easy to misrepresent the point of view of different people that information should be readily available. Nobody should have a vested interest in clouding the issue with ignorance or half-truths. As a result of his work we have endeavoured for the past two or three years to ensure that every conceivable piece of information and all of the resources of the department have been put at the disposal of people who wanted to make those enquiries. I thank him very much for his contribution.

MR MENSAROS (Floreat) [2.47 pm]: The Minister's statement was one of the most insincere I have ever heard. Recent history has borne out the fact that he wants to please his genuine supporters, those who still believe in principles and who are not subject to latter-day opportunism, as he was. He wants to say to them, "Yes, we have done this, but we still believe in one-vote-one-value -- we still believe in what we have said." That is the biggest untruth that one could imagine.

Recent history shows that when the so-called electoral reform Bill was handled in the Legislative Council, the Government prevented that from happening; it had the opportunity for the Bill to be amended and the clause relating to one-vote-one-value to be brought back. Then, if the Labor Party's discipline had been upheld, it would have been carried, to the embarrassment of the Labor Party, because it did not suit its purpose. Every expert -- Labor, Liberal, or whatever -- has told us that a one-vote-one-value system in the Lower House would suit the non-Labor parties and particularly the Liberal Party. I am not talking about representation or saying that I support one-vote-one-value, I am simply saying that that is the fact. The Labor Party knew that very well, and withdrew from its principles. However, it had one man of principle, who resigned. Despite the fact that we did not like him for certain other reasons, nobody can deny that, or say that he has not resigned because long-standing principles have been jettisoned.

As a matter of fact, we have received a copy of the Cabinet minute notes dealing with this question in Geraldton. We did not publicise that fact, because we are not characters of that type, but it was quite clear.

It is an utter untruth for the Minister to claim that "We are supporting the one-vote-one-value position", that is only said for the comfort of the few people left in the Labor Party who retain their principles and who have not become opportunistic. The one-vote-one-value clause would either have been carried, if bringing that clause back into the Bill had not been prevented in the upper House by fairly clever manipulation of Standing Orders, or Labor members would have come back with red faces because some of their supporters would have voted against it.

The Minister for Parliamentary and Electoral Reform did not have to say that he is a gradualist. I said during the second reading debate that that is done all the time. They had learned that from their union days -- they ask for twice as much as they want so as to get half of it, and they will continue to do so. Ultimately, they bastardised the electoral situation more than it is now.

Undoubtedly it is. I do not want to go over the argument again, but they are giving up the principle which they have so vocally advocated -- that somebody else should set the metropolitan boundaries -- so that they can gain three or four seats. That is throwing the principle away, and they are proud of it. They say, "We have made a compromise." Of course they have not -- they are opportunists to their veins and have been successful in getting a deal with support, not from the Liberals, which suits their purposes.

Mr Thomas interjected.

Mr MENSAROS: That is the whole point. Members opposite can laugh about it because they have the advantage. They can be quite satisfied because their masters have done a very good job from their point of view, and have succeeded. The Labor Party will try to maintain an electoral hegemony. That ultimately will reveal the real face of the Labor Party -- a one-party system and the demise of democracy.

Opposition members: Hear, hear!

MR STEPHENS (Stirling) [2.52 pm]: I want to make it quite clear that the National Party is very pleased with the final result of the legislation. It is not exactly what we wanted, but is very close to it and basically it represents the implementation of National Party policy. We make no apologies for that.

A system of parliamentary democracy is one which should enable legislation to come into this House, the varying interests and points of view to be put forward, and a compromise reached. Obviously the Labor Party was prepared to make the compromise by siding with those areas of National Party policy. I see nothing wrong or underhand about that. In other legislation no doubt the opposite has happened.

We are very pleased we now have reform legislation which will go a long way towards improving representation in this State but at the same time will protect the interests of those people who live outside the metropolitan area. Enshrined in the legislation is a provision that the upper House will have 17 members elected by the metropolitan area and 17 members elected by the rest of the State. Under broad principles that is consistent with the system of Senate representation that we have, and I have never heard anyone in Australia criticise that form of representation. They may have criticised one or two of the actions of the Senate but never have they criticised the fact that in the Senate, irrespective of the numbers of people voting in the various States, each State has the same number of representatives.

Another point we ought to bear in mind, which applies to the vote-weighting in the Legislative Assembly, is that it has always been one of the strengths of the Westminster system of Government that while the will of the majority has always held sway the interests of the minority have always been looked after. I feel this is one of the reasons Britain has been free from many of the protests, riots, and problems that other countries have suffered. If a country sits on a minority for too long, eventually it will explode; but the Westminster system has been quite capable of covering that.

Here, notwithstanding our vote-weighting for country people, the city still dominates. The legislation provides that there be 34 city seats in the Assembly and only 23 country seats. I cannot see that the principle of one-vote-one-value is realistic in a State the size of Western Australia, which has an area of one million square miles but in which the 30 or 40 square miles comprising the metropolitan area has complete and utter dominance.

Mr Thompson: You said it has not worked, but it has worked federally.

Mr STEPHENS: It does not work in the House of Representatives, because since we have had one-vote-one-value in the House of Representatives the Australian economy has gone over to a consumer economy, to the disadvantage of the whole of the Australian economy. The consumers are the ones who have been considered all along the line and it is the consumers in the capital cities who dominate the vote and therefore our country. That is one of the reasons there has been a trend away from manufacturing and economic stability in this country.

We have maintained a balance. Obviously the vast majority of people in this State live in the metropolitan area. They do not have the vast majority of representatives, but they do have a majority of representatives. I think it is a reasonable balance and one that acts in the best interests of the State. We are very happy to give our support to the legislation, which is a distinct improvement on the old legislation.

Question put and passed.

Bill read a third time and passed.

ACTS AMENDMENT (LAND ADMINISTRATION) BILL

Second Reading

Debate resumed from 22 October.

MR BLAIKIE (Vasse) [2.55 pm]: This Bill proposes to change a number of Acts of Parliament -- 17 in all. It will bring about changes of major significance to the operation of the Department of Lands Administration.

I say at the outset that the Opposition believes this is a very positive move to increase the performance of Government agencies and to allow Governments to have a far higher level of accountability. The Leader of the Opposition indicated some months ago the direction a Liberal Government would take and the performance it would be seeking from the relevant departments.

The Minister has said the basic thrust of the legislation is to improve the performance of both the department and its administration, and we support those endeavours.

Many changes are proposed, some of which were in fact put in train by previous Governments. I refer to a speech made by Hon Ian Laurance in this House last year, in which he said that over $250 000 had been spent by PA Management Consultants to prepare a report in the last two years of the term of the then Liberal Government, but that the report was not available until March 1983 when the Government changed. So there is a consistent need for successive Governments to ensure the better performance and accountability of Government.

While I have indicated that we very much support accountability, I wish to question some details of the amendments that the Government has proposed.

Historically, land and finance are the two principal areas that give any Government a position of great power within the community; finance because if a Government has that it can buy whatever it wants; and land because with that a Government is able to secure the support of people -- because it is in control of land it can do various things.

Many Aboriginal communities that I see these days ask me how it is that when Captain James Cook arrived in Australia in 1788 he got off the ship, bunged a flag in the ground, and said, "I claim this land in the name of the King." From that day onwards, the Aboriginal people tell me, the land that was theirs was no longer theirs.

Mr Wilson: That was in 1770.

Mr BLAIKIE: I am sorry, it was 1770. The Aborigines believe that the land that was theirs historically was claimed by the Crown. The course of their history was changed by that action.

The importance of land to any Government or monarchy has long been known. It was always held in the name of the King, and, with the colonisation of Australia, it was held in the name of the King's representative, the Governor. So the legislation we have before us today sets about a most historic move that in a number of areas will remove the name of the Governor from the legislation.

It has always been my view that there was a degree of protection for people while reference to the Governor remained in legislation because there was an inherent responsibility on the Government to act fairly and reasonably. The Governor could not act independently, but in concert with the Administration of the day. Where matters of land or Crown grants were involved, the department would make a recommendation which would be forwarded to the Minister who would either approve it or reject it. If it was rejected that was the end of the

line. If the Minister approved, it was taken to Cabinet, which is a meeting of the Ministers, and they would either approve or reject what was put forward. If approved it went to the Executive Council, and in that body the Governor would act on the matter.

It was a very long and tedious process, but inherent in that process were important safeguards for the people of the State. It has been argued, and I accept the argument, that there is a need for change; so many administrative matters really do not require the signature of the Governor on every article and document. Ian Laurance as a former Minister, and previous Ministers for Lands from this side of Parliament, have held the view that change was needed in a number of areas to assist in improving the management and running of the department. I do not have any real objection to those aspects.

However, while the Bill removes a number of requirements that need to be referred to the Governor it extends the Minister's authority and enables him to delegate certain authority to help the administration of the department. I sound a note of caution because while on one hand we are improving the administrative side, on the other hand we are diminishing to a degree the role and scrutiny of Parliament.

I have commented in this House before on land matters, and it is an important view: Crown estate land is really not the province of the Government of the day. It is land which is held in trust for the people of Western Australia. It is the heritage of the State, and members of Parliament have a responsibility to ensure that that land is fairly, equitably, and reasonably looked after and disposed of. The disposal of Crown land is not the absolute province and sole determination of the Government of the day. That is an important principle, and it is a matter I intend to pursue further by proposing amendments in the Committee stage.

I remind the House and the Minister that legislation exists to determine precisely what can happen in relation to forests, national parks, and Class "A" reserves. In all those areas there are statutory requirements for the approval of Parliament if any change is to take place to that land or its use is to be varied in any way. It is a very important requirement which ensures that the Administration of the day acts in accordance with the wishes of the people.

I refer to two small examples. The South West Development Authority announced two years ago that it would promote and establish an airstrip in my electorate on an area known as Rosa Brook Road, but the site it chose happened to be a State forest. Members would know that the approval of Parliament would be required in order for the project to proceed. Such was the outcry by people in the community that the South West Development Authority did not proceed any further. The people rejected the site. It was a proper opportunity for people to express their point of view because if the authority had wished to carry the matter further the Minister would have had to seek the excision of that land from the State forest to establish the airstrip. It did not proceed because the land had a protective covenant, which was a requirement to refer the matter to both Houses of Parliament, and I believe that was quite proper and appropriate.

Mr Wilson: This Bill does not change that.

Mr BLAIKIE: I want to ensure that we strengthen the scrutiny of the Parliament, and that can be encompassed within this general debate.

The Government currently has before it the Bailey report. No final determination has been made on the report which seeks to ensure that the approval of Parliament is obtained before any mining can take place in national parks and nature reserves. That is the general direction of that report, and it is part of the scrutiny that more and more people in the community are indicating they want. They are concerned at the absolute powers of the Administration of the day. While not stopping the Government from getting on with its job, they want to ensure there is a further degree of scrutiny. As far as I know neither side of the Parliament has determined its attitude to the Bailey report. I am not indicating my views because I have not discussed it with my colleagues, but that report is an indication of how people are reacting and the fact that they want further scrutiny.

This House previously has passed legislation dealing with conservation and land management where matters of management require public scrutiny; for instance, where the land is to be designated or used for other purposes it requires public scrutiny. That extends to the point that any changes must be advertised in a local newspaper for not less than two or three weeks in a four-week period. Notices must be put on the property where the changes

are to take place. Those changes relate to the management of land or a change in the vesting or who gets or does not get land. That is the direction this Parliament has taken previously.

I refer now to matters of some concern to me. They relate to the policy this Government has followed in relation to certain Crown lands where it has ignored decisions of the Parliament inasmuch as Parliament has rejected the Government's policy and direction but the Government has found a way to proceed and achieve what it wanted.

On these matters I refer to Aboriginal affairs. Members will recall the debates that took place in this and another place over a fairly extensive period about the question of Aboriginal land rights. Members will also recall that at the end of the day the legislation to bring about land rights based on Aboriginality of people was, in fact, defeated by the Parliament. Yet, the Government is now proceeding to ensure that Aboriginal people are given extensive land and reserves by other means. This, to me, is an important principle. I refer to a point I raised earlier: Crown land is simply not a plaything for the Government of the day. They are lands in trust, and are part of the heritage of all Western Australians, and it is not the Government's province to shelve off Crown land as it sees fit. The Parliament made a decision and said that no land would be granted on the basis of a racial connotation.

I refer to a document dated March 1986 which was released by Hon Ernie Bridge at the time he was honorary Minister assisting the Minister for Aboriginal Affairs. In the foreword the Minister said --

> The Western Australian Government has recently advised the Commonwealth Government of some of the initiatives which it intends to introduce during its second term of Government in the area of Aboriginal land tenure. *Aboriginal Land* forms the basis of these initiatives.
>
> The Commonwealth has agreed that the initiatives will go a long way towards achieving security for Western Australian Aborigines in matters of land.
>
> This briefing paper is designed to explain some of these Western Australian Government initiatives. They do not involve changing the present law and so they can be started immediately.

I go back again to the point I made earlier and which I intend to make again during the Committee stage. The Government put forward legislation to the Parliament to provide land for Aboriginal people and it was rejected. However, the Government has found a way to move around that to achieve the purpose of providing land which was rejected by the Parliament. I appeal to the Minister that the land cannot be handled in the way that it has been simply because of the Government's whim or wish.

Mr Wilson: Governments, since foundation of the colony, will have done this, including the Governments of which you have been a part.

Mr BLAIKIE: While all Governments have done that since the foundation of the colony, I advise the Minister that the rules will change quite dramatically in relation to how Governments do or do not handle Crown land in the future. Whether that takes place tomorrow or the next day, I do not know, but I assure the Minister that it will change. People in this State will not allow the Administration to do what it wants to without referring the subject to them.

Mr Wilson: Spoken like a real member of the Opposition.

Mr BLAIKIE: For the Minister's edification I had those firm views when I was in Government also.

I refer again to the document which outlines what the Government is now doing. It states --

> The Western Australian Government will grant long-term leases with a minimum of 99 years over Aboriginal reserves to Aboriginal communities. In conjunction with the granting of such leases, and in consultation with Aboriginal groups, an examination of the appropriateness of currently existing reserve boundaries will be undertaken, not with the aim of decreasing or increasing the size of the reserves, but to ensure that boundaries comply as far as possible with Aboriginal responsibilities for the land in question.

The Aboriginal Lands Trust, in consultation with regional and local Aboriginal bodies, will determine which communities are to hold the various leases.

I want to make the position clear that the Government has found a loophole in the current Land Act to enable it to carry out its Aboriginal land rights policy which was rejected by the Parliament.

Mr Wilson: That is one way of putting it.

Mr BLAIKIE: How would the Minister put it?

Mr Wilson: You could say that the Government has a policy which it has implemented within the context of the existing law, as previous Governments have done.

Mr BLAIKIE: The Minister can put it his way.

Mr Lewis: The Parliament refused the policy the Government wanted to pursue and, notwithstanding that, you still want to do it.

Mr Wilson: That is not unusual.

Mr Lewis: Is it proper if the Parliament says you should not proceed that way?

Mr Wilson: Previous Governments have pursued their policies when the Parliament has had a different view.

Mr BLAIKIE: It comes down to the point of an important principle. Notwithstanding that, the fact is that the Parliament rejected the Government's land rights legislation, and after that rejection a subsequent election was held which the Government won, and at that time the Government did not proceed any further with its intention in regard to land rights for Aboriginal people. For the Minister to say that it has simply found another way --

Mr Wilson: I did not say that, you said it.

Mr BLAIKIE: What was the Minister's terminology?

Mr Wilson: I said that the Government had a policy and had implemented that policy within the context of the existing law.

Mr BLAIKIE: In relation to 99-year leases, the Government is acting contrary to what the Parliament decreed. Crown land is simply not a plaything of the Government of the day. It is the responsibility of all people and of the Parliament to have regard for it.

Mr Wilson: You should have said that to Sir Charles Court.

Mr BLAIKIE: I have said a few things to Sir Charles Court, and I praised him on a number of occasions.

I wish to make a few comments in relation to land and Aboriginal people because I do not want this part of the debate to be construed in the wrong way. I am not opposed to Crown land being made available to Aboriginal people or to any Australian people based on need. However, I reject the suggestion that land should be made available simply on a racial basis. The Minister would be very much aware that some weeks ago he was good enough to meet a deputation which I introduced from Dunsborough. The Dunsborough Lions Club was seeking to have 10 acres in the best part of Dunsborough set aside for a home for the aged. I supported the objectives of the Lions Club's project because it is important for the community. I understand that the Minister also was quite supportive of the concept. However, there are a few things which need to be ironed out before the project gets off the ground.

If an Aboriginal community, say at Halls Creek or Turkey Creek, demonstrated a need for land for elderly people in the same way that the Lions Club has made this request, and met the same requirements, then I would support it on the same basis. A need has been demonstrated and a group of people are prepared to accept a general community responsibility. That is how land should be made available. It is quite wrong to have this very sensitive argument about land for Aboriginal people, and the Government has increased racial arguments and tensions with the implementation of its 99-year lease programme. Although the Government may be meeting some of its policy requirements, it has done a great disservice to the wider community. That land is not for the Government to dispose of at whim, it is a responsibility of the Parliament. If the Government proposes to make land

available for Aboriginal people or any other people in the community, those requests should be brought to the Parliament for its determination. I estimate that 99.9 per cent of all requests made to the Parliament would be approved. These matters should be resolved in that way. It is not for the Government to give out land leases; I regard this as similar to the first land bought from the American Indians, but we are using land instead of beads. In this State land is used in the same way that beads were used many years ago. It is the responsibility of the Parliament, and the Government should be condemned for its actions.

The Bill also contains provision for the statutory removal of reference to the Surveyor General, and for him to be replaced by an authorised person. It is a very important point in our history when the Surveyor General is phased out of existence by legislation. Referring to the speech made by Ian Laurance some time ago, it was agreed at that stage to phase out reference to the Surveyor General, although there are many misgivings about getting rid of a person or title that has such close ties to the history of this State. Ian Laurance said by interjection that one of the dangers of hanging on to a title is that one retains the history but also retains a lot of the undesirable things about it. That was a pertinent point.

Members of the surveying fraternity have expressed a number of concerns to the Opposition in this area. Their principal concern relates to ensuring that a licensed surveyor, for example, is the authorised person in a number of areas in this legislation. The member for East Melville, who is a licensed surveyor, will be taking up the debate on this area so I will not traverse the ground he will cover in his comments.

The Minister's second reading speech states that Orders in Council will no longer be made. It also states --

> The requirements for gazettals are numerous, and I am sure it will be recognised that they significantly add to the time it takes to follow the very specific and detailed procedures laid down in the Act;

Further in the speech the Minister said --

> Although it is recognised that for the purposes of legal evidence some gazettals need to continue, the decision of when to publish in the *Government Gazette* -- or in any other medium -- should essentially be an administrative one which should originate from governmental and departmental policy rather than from statutory direction.

Although the procedures will be speeded up by the removal of the Governor's involvement in so many areas, it is important that information be published about the department's actions. The Minister said that the decision about whether to publish information will be at the discretion of either the department or the Government. That is the wrong way to go. Information must be published about what is being transferred, etc. within this legislation.

The Bill proposes changes to the Public Works Act. I have already asked the Minister questions on this section particularly relating to the retrospective validation of actions by other Ministers and non-Public Service officers. On 17 November in question 2463 I asked the Minister --

> With the introduction of the Acts Amendment (Land Administration) Bill 1987 in this Parliament, would he provide examples of the Government's seeking to retrospectively validate acts by non-Public Works Ministers or staff since 1 January 1970?

The Minister replied that the validation clause sprang from legal advice that, in the absence of a power in the Public Works Act to delegate responsibilities, the validity of actions taken as a result of authorities given by succeeding Ministers for Works over a long period of time should be placed beyond doubt. The Minister gave an example: He said that it has been the practice, with the Minister's consent, for the Main Roads Department and the Department of Land Administration to issue notice of intention to resume a road and for the Minister for Lands, through Executive Council, to attend to the resumption notice. He said the clause would ensure the great number of such actions over the years had been validly performed.

Although the Minister has referred to the actions of Ministers within that legislation and specifically referred to people who were non-public works officers, part of his second reading speech stated --

> As may be seen in clause 39 of the Bill, there is a necessity to ensure that actions carried out with the consent of the Minister for Works and Services since 1 January 1970 have been validly performed by non-public works Ministers or staff.

I refer to the phrase "non-public works staff". I ask the Minister to explain further who these non-governmental staff are.

Mr Wilson: It says non-public works staff.

Mr BLAIKIE: Unless my reading is wrong, I believe it referred to non-governmental staff. I will take issue with the Minister in due course and will have an opportunity to look at that question before the Committee stage.

I reiterate the point I have made on a number of occasions: Crown land is land in trust on behalf of the citizens of the State, and Government members of the day must understand their responsibility to ensure that there is a heritage to pass to future generations. I support any moves to increase the efficiency of the departments and their administration, but inherent in that is the need to ensure that departments can be scrutinised far more; certainly not less. This Bill provides greater safeguards for people, and those safeguards are very important, particularly in matters of Crown land.

My final comment relates to the annual report of the Department of Lands and Surveys. It says that the department had four primary objectives: To administer Crown-owned land as a base for present and future land activities; to provide a certainty of title to the land; to provide a land information base; and to provide efficient, cost-effective and responsive services to clients. Those objectives are objectives which the Opposition strongly supports and we are prepared to give the Bill a second reading.

MR LEWIS (East Melville) [3.32 pm]: This piece of legislation is very close to my heart, bearing in mind that my professional background is in surveying and things to do with land generally. As members know, before entering this place I had about 30 years' experience in things to do with land. I began my career in the Lands Department, trained as a cartographer and went into the private sector where I became registered and practised as a licensed surveyor. So I have some understanding of what this piece of legislation is endeavouring to do.

While I accept that the Department of Land Administration is anachronistic in the extreme, when I was there 20 years ago we thought its functions and procedures were probably 30 or 40 years out of date. That was accepted then, and I think it is accepted today. It is also accepted that previous Ministers, particularly the previous member for Gascoyne when he was Minister for Lands, put in place various arrangements to try to bring the department up to date and to revise and modernise its methods and procedures.

The Government of the day went out of office and the Labor Party Government assumed its responsibilities. I am pleased to say that it has gone down that same trail. After nearly five years in Government the Minister at the table -- not particularly him but all his predecessors -- have now gone down that trail trying to bring up to scratch, as it were, the operations of the Department of Lands and Surveys, as it was then known. They have tackled the Land Act, the Transfer of Land Act and various other pieces of legislation which have been around for so long.

This highlights the entrenched bureaucracy or specialist knowledge certain persons in the department have and to which they have clung for many years. They have not been forward-thinking and they have not changed their methods with the dynamics of society. I compliment the Minister for finally bringing to this House legislation which will help to modernise and bring up to date all things to do with the management of Government land.

I am a little disappointed that the Bill, as presented, is a little half baked. The Minister said in his second reading speech that he would like to have brought forward new legislation to do with the registration of licensed surveyors, and a rewrite of the Land Act. I think that is right and proper. What we have today is an Acts amendment Bill which amends I do not know how many Acts; there must be a dozen or so. Two or three of those relate to rewrites; two or three should be repealed and their provisions incorporated in a new Land Act. Be that as it may, I know the Government has that in hand, but it is disappointing that the whole thing could not have been done with one cognate debate.

The Minister referred in his second reading speech specifically to five general areas of amendment, such as the selective removal of reference to the Governor and replacing it with reference to a Minister of the Crown. I have no problems with that; that is a move in the right direction as far as administration and efficiency go.

I have a lot of difficulty with the removal of the statutory office of the Surveyor General. I can accept the necessity for the position of Surveyor General hitherto, and as first envisaged in 1829, when Captain Stirling came to this country and landed on the beach. The people had nowhere to go, and the Surveyor General was ranked third in the hierarchy of the Government of the day. It was realised that that position was fairly basic, bearing in mind the responsibilities of delineating and regulating land which had been granted and allowing people to identify their parcels of land so that they could develop them and grow their crops. With the passing of time, many of the Surveyor General's functions have been lost. The need for him has also been lost to some degree. Notwithstanding that, many provisions in the Act require a professional understanding of all things to do with the delineation of land and the cadastre as it exists.

There is no provision in this Bill for a professionally qualified person to be in a position to assume those responsibilities. There are many responsibilities to do with the delineation and setting aside of land, with the guaranteeing of title and the like. Unfortunately the responsibility has been removed with that of the Surveyor General and the amending Bill leaves the Statutes silent as to who is to take on that responsibility other than an authorised land officer, who could be anyone rather than a professionally qualified individual.

The third function of this Bill is to remove selectively the requirement of the Government to notify in the *Government Gazette* all things to do with the acquisition, creation or granting of town and country lands, leases and the like. I have a great problem accepting that, bearing in mind the need for the public to know what the Government is doing with this asset.

The fourth area deals with the powers of delegation particularly with the Public Works Act, where the power of delegation to resume can be delegated to other Ministers. I have a problem in that area because it is like management where, in a company, there can be only one person in control of one particular area.

If we delegate resumption across the broad spectrum of the Ministry, we will have a situation where there is not one responsible Minister really looking after this area or seeing what is going on and who is resuming what. I found during my experiences on the Metropolitan Region Planning Authority, as it was then, that from time to time some departments wanted to do one thing and other departments wanted to do something else, and if the State Planning Commission had not been in place, things would have happened that never should have happened. The point I am making is that it is important that resumption remain under the direct responsibility of one Minister. I do not care whether it is the Minister for Works and Services or the Minister for Lands -- and it probably should be the Minister for Lands -- but any Minister should not have the ability to do his or her own thing without having the checks and balances imposed by the one responsible department.

I refer now to the process of alienation of Crown land, which worries me a little. One should go back to the fundamental reason why the system has developed in its present form, where there is the need to authorise the undertaking of the particular survey; the Governor-in-Executive-Council must approve of a Crown grant; and the Surveyor General must authorise the particular instrument that allows that to be created. These processes obviously slow down the system, but the system is deliberately slowed down, as all Government processes are slowed down. It is sometimes good to be super-efficient and do things quickly, but we should learn from our forefathers that it is not always good to do things quickly because we can get ourselves into trouble. There is an old saying that we should hasten slowly in all things to do with government.

The old process of vacant Crown land being granted and coming under the operations of the Transfer of Land Act was in place for a specific purpose. I accept that we should remove the Governor General's involvement but I cannot accept that we should remove from the delineation of Crown land and the granting of that land the public proclamation that the land is available for selection, sale or leasehold. I have heard the Labor Party say many times that it promotes freedom of information and open government and that people should know what is going on, yet here we have a direct contradiction of that fundamental tenet which has been

espoused by the Labor Government. The Government wants to have the ability to be able to dispose of and do all manner of things with land which belongs to the people of Western Australia, without public scrutiny and without notifying the public of what it is doing with the land. I cannot accept the need to remove the statutory requirement for gazettal. I would like the Minister to explain why it is necessary to remove the notice of gazettal of the Government's intentions to buy and sell land. This land does not belong to the Government; it belongs to the people; and the Government has only a stewardship over the land to do what is best for the people.

I do not want the Government to think that I am pointing fingers or shooting bullets, but there have been many criticisms over time about Governments and Ministers. I do not say that about members in this Parliament or about the present Administration of the State of Western Australia. I am concerned because this Bill removes the expose of the Government's intentions to sell its property and puts in place a system in which a Minister -- who may be corrupt and by a nudge and a wink -- can sell land to a preferred person or to someone who wants to pay that Minister back in some other way. I would ask the Government to consider this danger in the legislation and to think twice about the removal of the requirement to gazette its intentions in regard to the disposal of land.

We listened the other day to the member for Perth talking about town planning schemes and how important the planning process was and that people knew the protracted processes involved in rezoning land, where it can take six or nine months to rezone a parcel of land which is owned by someone else. It can take that length of time to notify people -- and rightly so -- of the new use for that land. I draw an analogy with that situation because here we are concerned with an asset which is owned by the people of Western Australia, yet the Government can go out and sell that land willy-nilly, without any formal gazettal of its intentions. The Government talks about how important it is to have planning and zoning, yet it wants to deal with land covertly. I do not believe that process is proper or can be accepted by the people of Western Australia because it is fundamentally open to corruption.

Land is described as real property; it is tangible. Some people say that only Aboriginal people have an affinity with land, but I believe everyone has an affinity with land. Surveyors go out into the bush and mark out boundaries and put pegs in the ground; and the first thing that happens is that fences, hedges, or walls go up because human beings are fundamentally like animals: They like to delineate their own territory and they feel safe when they are within their own comfort zone. That is the basic reason why we need to delineate land, and it is important for a professional officer of the Crown to oversee and regulate and have the ability to ensure that surveys are properly conducted and that land is properly delineated and that the cadastral system of Western Australia is maintained in its present form. Members may not know that Western Australia is one of the leaders in the world in its cadastral system and in its delineation of land.

It is the system of delineation of land that is fundamentally important and we should not in any way diminish it. I have great reservations that by removal of the Surveyor General from the Statutes of Western Australia, we will start to tear down that system because the Government has not, in amending this legislation, put in place a person with the professional knowledge, understanding, training and many years of experience necessary to be able to regulate, adjudicate, delineate and direct licensed surveyors who are registered under the Act as to what they should do with the delineation of land. One might ask: Why is it so important?

Mr Thomas: John Forrest was a surveyor.

Mr LEWIS: Exactly, and I am very proud to be the second surveyor elected to this place.

Mr Thomas: The Deputy Premier had something to say about the lines John Forrest drew up on maps.

Mr LEWIS: I have only 11 minutes left so I do not have time to argue this matter with the member.

I believe this legislation is technically flawed because the Act that it is intended to amend determines that the Surveyor General will carry out surveys and do certain things. The Surveyor General will certify and do certain things to the delineation of land but he is removed statutorily from the various Acts by virtue of the Transfer of Land Act, Licensed

Surveyors Act and the Land Act. These Acts contain sections and regulations that prescribe that only a licensed surveyor can carry out these functions. This legislation is flawed technically because it removes the Surveyor General and puts in his place an authorised officer, but there is no requirement for that officer to be a licensed and registered surveyor.

Mr Wilson: Is there any requirement in the Act for the Surveyor General to be a licensed surveyor?

Mr LEWIS: Most definitely, by virtue of complete sets of legislation which specify that the Surveyor General is required to do certain things, which he is required to do by prescription of other Acts. These things can be done only by a licensed surveyor.

Mr Wilson: Have all Surveyors General been licensed surveyors?

Mr LEWIS: All of them have been licensed surveyors, to my knowledge, since Septimus Roe. That is as was prescribed under the Act. Prior to 1909 they operated, as I understand it, a colonial system but in 1909 the Licensed Surveyors Act enacted by this Parliament determined that all surveyors dealing with the delineation of land had to be registered.

Mr Wilson: I asked whether all Surveyors General had been licensed surveyors.

Mr LEWIS: I believe that is the case but if it is not I would like the Minister to show me the exception.

Mr Thomas: Sounds like a restrictive work practice.

Mr LEWIS: It is not. If the member understood the delineation of land, he would understand that licensed surveyors are not registered to look after the land surveyor; they are registered to look after the public.

Mr Thomas: There used to be a provision in the forests Act to the effect that the Conservator of Forests had to be a qualified forester.

Mr LEWIS: What is a qualified forester? Unfortunately I cannot argue with the member because I need to complete my speech.

This legislation is fundamentally flawed because it removes the Surveyor General and puts in his place an authorised land officer, who does not have to be registered. However, that authorised land officer is required to do things that only a licensed surveyor can do.

Mr Thomas: Should the head of the Health Department be a doctor?

Mr LEWIS: Yes, most definitely.

Mr Thomas: But that person is a manager, not a medical officer.

Mr LEWIS: I suggest that Doctor Robertson, the Executive Director of the Health Department, needs to be a registered medical practitioner. The Minister will tell the member that under the Transfer of Land Act, one of the Acts that this Bill is amending, the Commissioner of Titles and the Deputy Commissioner of Titles must be legal practitioners who have at least five years' experience. So, on the one hand there is a statutory requirement that a person must be a legal practitioner and on the other hand the authorised land officer does not need to be a person who is professionally qualified in the delineation of land. I state again: Depending on how the Minister approaches this, the amendments the Opposition has brought forward will try to make this Bill workable. In the delineation, granting and sale of property -- that is, land -- there are two professions which have principally been involved; namely, the legal profession and the surveying profession. They have progressed parallel down the years. The need for a person -- the Registrar or the Commissioner of Titles -- to be qualified has been recognised. A person needs to be fully versed in and understand the legal technicalities involved in the transfer of land and all the matters associated with it. I would like the Minister to accept the need for the Statute to recognise that there should be a competently and professionally qualified person dealing with the delineation, identification and adjudication of boundary disputes in relation to land. Hitherto it was the Surveyor General; I accept that the office as it was is of yesterday, but a lot of his functions are still required to be done.

Mr Wilson: Did you say a competently qualified --

Mr LEWIS: Yes, a person who can adjudicate delineation disputes, not legal disputes. Surveying is a precise science. The Act prescribes that what a surveyor says is fact and

should be taken into account in a court of law. In any argument to do with the delineation or setting out of land, it is the surveyor who has the final say. The Government has removed from the Statute anyone who could competently certify that very thing. I suggest that the Minister amend his legislation and make it compulsory that in dealings with the delineation of land, and the certification of survey, that officer should be required to be a properly registered surveyor. I said previously that cartography and surveying are very broad today and there are very many specialist areas. I agree that the Surveyor General, who once was at the head of all those activities, cannot today be a specialist in all those fields; but for goodness' sake, the Government must have an officer who is a specialist looking after this area. I have no problem with having a director of mapping who may not be a surveyor; he may be qualified in a cartographic sense.

Mr Thomas: He might be qualified in administration.

Mr LEWIS: I have no problem with management. However, "management" means competent, professional advice. As well as needing to be professional and qualified, these people need also to have the authority to certify and do other things under a management umbrella. I am not suggesting that the Surveyor General should be the head of the department. I am asking the Minister to recognise that a competent and professionally qualified surveyor should look after the provisions of the Statutes. This Bill does not do that. The Minister has been told that by the Association of Consulting Surveyors and by the Institute of Surveyors and he has not listened. We will pursue amendments to this Bill until the Minister realises that the Bill is technically flawed.

Mr Thomas: You will have a long night, then.

Mr LEWIS: Be that as it may. Someone has to explain these matters to the Government to get it to understand that what it is trying to do is wrong.

(The member's time expired.)

MR WIESE (Narrogin) [4.03 pm]: I followed with great interest the contributions made by the previous two speakers. Their contributions reinforced some of my thoughts on this Bill. There is a need to look closely at what is proposed in the Bill and to think about it very seriously before we approve some of the major changes that the Bill intends to make.

I believe that land ownership is a major part of our society. Most of us own a quarter-acre block. Provision of land for shops and factories has played a major role in the development of our major towns and cities. Provision of land for farming has played a huge part in the development of our agricultural industry. Land is also provided for reserves and recreation, purposes which are becoming increasingly more important. The preservation and reinstating of our environment is closely related to land tenure and land use. Members should understand that the title to and vesting of land is extremely important for all people in this State.

The disposal of Crown land is a very important issue. The use of Crown land and access to it is becoming an increasingly sensitive issue for the people of Western Australia and therefore for this Parliament.

We will certainly be raising questions about some of the clauses during the Committee stage of the Bill. I believe the first clauses that have a major impact are clauses 34 and 35. Clause 34 transfers powers from the Surveyor General to an authorised land officer and clause 35 transfers powers from the Surveyor General to the Registrar of Titles.

The member for East Melville pointed out very clearly the value of skilled personnel. The authorised land officer referred to in this Bill is an employee of the department. Powers are being transferred from the Surveyor General to an authorised land officer. The Bill removes powers from that skilled person and puts them in the hands of a departmental employee. There is no requirement in the Bill for the land officer to be a qualified surveyor or for him to have any knowledge of surveying. I believe that it is necessary to include in the Bill the fact that an authorised land officer must have surveying skills.

Clause 36 transfers powers from the Surveyor General to the Registrar of Titles. I guess they have to be transferred somewhere because the Bill does away with the position of Surveyor General. Clause 36 deals with approval of the Governor for the Registrar of Titles to make regulations to provide direction and guidance for licensed surveyors. Once again, the power

is removed from a man who has a practical knowledge and skill and put into the hands of someone for whom there is no requirement to be qualified. I fail to understand how an unqualified surveyor can be empowered to provide direction and guidance for licensed surveyors.

Clause 43 again removes the powers referred to in section 18 of the parent Act from the Surveyor General and places them in the hands of the Registrar of Titles. As was stated by the member for East Melville, the Association of Consulting Surveyors, a professional body, raised objections to this clause and suggested that a licensed surveyor should perform those very important functions. I am inclined to agree. I believe that the Registrar of Titles should be a licensed surveyor and that requirement should be written into the legislation.

As pointed out by the Association of Consulting Surveyors, section 18 of the principal Act is the heart of our system of guaranteeing titles based on surveys done by qualified surveyors and on plans prepared by competent persons. It is therefore very important because all sections of the community are affected by that section. It is important that they retain their faith in the competence and integrity of surveyors and the people drawing the plans for the land that they own or propose to purchase.

Clause 54 deals with the disposal of Crown land. This is a very sensitive area. People within the community should be able to see that the disposal of Crown land is carried out in a manner which is unquestionably correct. One method of ensuring that objective is the requirement which I believe is to be implemented, that people likely to be affected are made aware of the fact that the Crown and the Minister are intending to dispose of land by making it available for purchase.

This Act will remove many of the sections which require gazetting and advertising of the future sale of Crown land. That is a backward step. It is crucial that the public are notified by advertising in the *Government Gazette* and notices in local newspapers. This is one of the means by which the public may be assured that the Minister and the Crown are dealing with Crown land in a fair and proper way. The same applies to clause 63 which deals with forfeited land. There was a requirement previously that this had to be advertised for reselection in the *Government Gazette*, and that has now been removed. How does the Minister intend to ensure that people know that land is available for sale?

Mr Wilson: Do you believe that all people likely to be affected by these actions will necessarily know what is in the *Government Gazette*?

Mr WIESE: No. That is why I say it should also be advertised in newspapers circulating within the local area. If the requirement to advertise in the *Government Gazette* and local newspapers is removed, how will the public know that Crown land is available for sale?

Mr Lewis: They don't want to do it, that is the problem.

Mr WIESE: They do, and in the further section which I will get to we are given an inkling of how it should be done.

The DEPUTY SPEAKER I remind the member that in the second reading stage of the Bill he should confine his remarks to the Bill in general, not deal with it clause by clause. There is an opportunity to do that in the Committee stage. It is quite wrong for me to preside over this Parliament, and allow any member to go through the Bill and refer specifically to clauses, as has been happening. I thought the member may have been mentioning the clauses only in passing, but that does not appear to be the case. I ask the member to confine his remarks to the Bill as a whole and to the things which he does not like about it, and when we get to the Committee stage he can speak about every paragraph and every clause in it, if he so desires.

Point of Order

Mr LEWIS: I accept that I am rather a new member, but I do not believe that you, Sir, as the Deputy Speaker have the ability to direct any member of this Parliament how he shall address his speech, whether it be during the second reading stage, or at some other stage. It may be that the member may not wish to debate in Bill in Committee, and to that extent he has the right to make his remarks however he sees fit.

Mr Hodge: He does not. Do not argue with the Deputy Speaker. You are wrong.

Mr LEWIS: I am raising a point of order, and I am not asking the Minister to interject.

Mr Hodge: I am offering this advice as a more experienced member, and you are wrong.

The DEPUTY SPEAKER: The member does not have a point of order. I did not stand up here just to hear my own voice. I would not have said what I did had I not been sure of what I was telling the member. I take exception to the way the member referred that matter to the Chair, with due deference to this office, without having taken the time himself to read Standing Orders, which state --

> Debate should be on general principles of the Bill. It is not in order to discuss clauses: 28/8/24, p. 551; 11/11/30, p. 1670; 30/10/68, p. 2343.

Debate must be confined to the subject matter of the Bill.

Debate Resumed

Mr WIESE: I will endeavour to remain within the guidelines you have pointed out to me which are laid down within the Standing Orders of the House. In passing, I would comment that I was following the example which I have observed in the House from time to time.

Mr Wilson: I think you were misled by other members.

Mr WIESE: I have been misled by other members, and I will endeavour to reform my ways in the future. I will try to deal with generalities. As I said at the commencement of my remarks, I will certainly be touching on some of these points in more detail when we get to the Committee stage of debate. I was dealing with the point of the disposal of Crown land and the fact that no longer will it be necessary to advertise in local newspapers and the *Government Gazette*. If we are not to advertise in a newspaper or the *Government Gazette*, how are we to make the general public of the State aware that land is available for selection? I have been given only an inkling of how this will be done in the Bill. One of the clauses enables the Minister, by writing to a person or persons, to make them aware of the fact that this land is available and, presumably, they can then reply to the Minister that they wish to take up that piece of land. That is not a satisfactory way of disposing of any Crown land. I would like the Minister to assure me that this is not the way that Crown lands, which I believe belong to all the people of Western Australia, will be disposed of. It is important that all persons -- not just a selected group of people -- are notified in writing by the Minister that land is available and they may take it up if they wish.

I support the proposal to allow small pieces of land which are unsuitable for retention as small lots to be vested with an adjoining location. I hope that the Minister and the department will use this power to clean up some of the small lots that abound around the countryside which degenerate into rubbish dumps, harbours for vermin, fire hazards and a nuisance to the landholders which they adjoin. I have expressed an opinion previously on the removal of the Surveyor General from the system. I emphasise my strong feelings that this is a backward step and these officers to be appointed should be skilled surveying personnel.

MR LIGHTFOOT (Murchison-Eyre) [4.21 pm]: This Bill amends 18 Acts, and I find it extremely difficult to go through it section by section, so I shall follow your direction, Mr Deputy Speaker, and speak in a very generalised way on those aspects which I find interesting and of importance with respect to my electorate.

I share the member for Narrogin's sorrow at the passing of the historic office of the Surveyor General. Everyone here must have a sense of history, obviously in varying degrees. I feel somewhat saddened that departments like the Surveyor General's, like so many of our buildings, meet their demise for one reason or another just for the sake of change. We have seen with this Administration the change of the Metropolitan Transport Trust to Transperth, the State Housing Commission to Homeswest, and more recently State Batteries to Westmill. Now we see the demise of the Surveyor General's office, one of the earliest, if not the earliest office set up constitutionally in Western Australia. That is very sad indeed.

Turning to something closer to home, in my area there has been an increasing alienation of Aboriginal people from the general mainstream of Western Australians. That is a very sad and backward move. It seems that we are to have -- some will argue that we always have had -- two different sections of the community. It has been my opinion for some time, having lived and worked, employed and grown up with Aboriginal people all my life, that the classification "Australians" really includes all people, including Aborigines. I do not

know that creating separate sections of land in perpetuity, as this Bill assists in doing, is a forward step. I happen to know of two communities in Leonora, where I have some interest. The two communities are quite distinct. One is called the Kutunatu community, and is classified as a traditional Aboriginal community, by which I mean a community which is going back to its traditional ways of Aboriginal life as much as it can; that is, the language, the folklore, the camping in the open, and the rejecting in some instances of the trappings of our civilisation. Paradoxically, that community is headed by a man of European extraction, Peter Muir. He has been initiated into the rites of that Aboriginal extended family. I hesitate to use the word "tribe", because there really was not a tribe of people in the African sense with respect to Aboriginal people. He has had his nose pierced and a few other operations which the Aborigines are wont to conduct from time to time, and he has taken an Aboriginal woman as his wife. I find nothing wrong with that. It is a paradox that we have a white man leading these people back to the cave in a metaphoric sense.

On the other hand we have another group of people called the Leonora Aboriginal Movement Body, who are largely self administering. They are largely of Aboriginal extraction, as the definition of "Aboriginal" goes. They are very progressive in the sense that they see that education and advancement through education and assimilation are the answer to the acceptance of them by the wider community. I have mentioned these people on other occasions in this place and I particularly think of Matron Sadie Canning.

Mr Clarko: A great lady.

Mr LIGHTFOOT: A great lady, as the member for Karrinyup said. I say unashamedly that I have a great affection for her, and a great affection for her children as well; indeed, for her whole family. She was brought up at the Mt Margaret Mission. The Leonora Aboriginal Movement Body is fortunately diametrically opposed to the pursuits of the Kutunatu people. It is sad that a Bill of this nature will perpetuate the differences not only between Australians of European and Asian extraction, but also Aboriginal people themselves. In that respect I find very little in it that I can support because of the conflict and the separateness -- one might say apartheid in reverse -- in which this Bill seems to assist. Those two communities have some antipathy towards each other as a result of their different lifestyles and pursuits. The Leonora Aboriginal Movement Body is progressive. It is finding its way in our community. It has its children at tertiary institutions. That is the group which will eventually lead the Aboriginal people because they have chosen to assimilate. I am saddened to think of the Kutunatu people, led as they are by a white man -- probably with all the best intentions; I am not here to denigrate him in the sense of his intelligence; he is a very intelligent man and, to a large degree, he is a dedicated man, but he seems to have his lifestyle supplemented by money paid to him, directly and indirectly, from the Aboriginal Lands Trust and from the Aboriginal people he purports to represent through the Kutunatu incorporated body.

Mr Bridge: I visited that group yesterday on the outskirts of Laverton, and the community members, quite apart from Peter, indicated to me very strongly their determined desire to establish a foundation within that area. You really need to be a little careful in placing too much emphasis on the influence of one person, because it is a fairly resourceful community.

Mr LIGHTFOOT: I will answer the interjection so that the Minister's comments are recorded in *Hansard*. I do not disagree with what the Minister says. I have been to that community on several occasions. However, I am yet to be convinced. Mr Muir is an intelligent, self-educated man, and I believe he has a measure of dedication. However, I think it is sad that a small ethnic group of people such as the Aborigines of Leonora have been quite decisively split because of differing philosophies. It seems a paradox that that split was largely caused by a man of European extraction who leads these people at the Eight Mile, where the Kutunatu people have set up a camp.

The camp is set up around a dam which was installed by the Main Roads Department when it sealed the road from Leonora to Leinster because it needed water for tamping and consolidating the road surface. It is an ideal place to camp, too far out of Leonora for people to walk in -- so to a large extent it solved the grog problem -- but close enough for a vehicle to get children to school and back to the camp. I still think that it was a backward step as some of the people are living in traditional mia-mias, as the Minister for Aboriginal Affairs would have seen, and others in quite attractive tents supplied by the Commonwealth Government.

However, there is animosity between the Kutunatu people and the Leonora Aboriginal Movement. I think it is sad that a group of people who should be working together and assimilating with other people in Leonora is in that situation. I have always believed that the course for all Australians is, broadly, in the one direction. However, there is this little splinter group going back to what it says is the traditional way. Which traditional way are they going back to? Will they make the widows wear clay hats? Will they kill twin babies? Will they go back to taking in the bad things of Aboriginal folklore?

The Minister knows as well as I do, even if he is not able to say it today, that there is no turning back and that the direction has to be forward. People can go forward better as a group than as a splinter group. I find it sad that there are people in Leonora who need and want assistance, who have leadership and direction but who face a situation where the Aboriginal community is split. I would like to assist these people because if they continue going in different directions it will be harder and harder to pull them back together.

Mr Bridge: We have to face the reality that while the member may have an abundance of justification for saying that assimilation is the key to the answer for the future direction of a nation and its population, we have nonetheless to recognise that there are groups of people in our society who hold different views and who put up strong arguments in support of those views. I am not taking sides, or forming an opinion that one group or the other is right, but we have in Leonora a conflict based on philosophically different points of view.

Mr LIGHTFOOT: It is certainly not an ethnic difference, because the people are from the same area, source and background.

Mr Bridge: It requires us to work through and support them in seeking their goals in various areas.

Mr LIGHTFOOT: I say with all the sincerity that I can muster that I would be delighted to assist in the advancement of both of those groups of people and not just the people with whom I have a greater affinity and compatible philosophical point of view. I see, as the Minister has said, that the broad future for the Leonora people, and the other people -- the only future -- is one of assimilation. I do not think that this Bill addresses or strengthens that purpose.

Mr Wilson: This Bill does not address that issue.

Mr LIGHTFOOT: But it does mention the Lands Act, the Mining Act and several other Acts that have a bearing on this matter and that is why I am speaking, at the Deputy Speaker's direction, on a broad basis. Also, it is a pet subject of mine.

I pass quickly now to excisions from pastoral lease land. I have two distinct points of view here. The first is that if there is a group of people who find succour and shelter and benefit from a relatively small area of land -- and I mean relatively small in respect to the overall pastoral leases -- then on the surface one could not find any objection to that. I do not think that applications for excision should be confined to the Aboriginal people, but one has sympathy for their claim that they have a prior right to some land -- it could be argued that they have a right to all that land.

I do not believe that they have the right to all of that land in any circumstances. However, it could be argued, as my colleague from the other side has just suggested, that some progress has been made. I have never thought otherwise. I have always thought that there is a substantial amount of land here and that we should be able to satisfy the aspirations of all people who want land in this million square miles, but they should not be satisfied on the basis of race and that is where I differ from my colleague who said that.

That does not mean that anyone who wants land should be denied their application for it provided the lessee of the pastoral company agrees. Remembering that a Bill was presented earlier this year in this place to give a perpetual title on station leasehold country and that if that Bill is re-presented it may go through in some form, I have no doubt that there will be no change to the perpetual leasehold matters in relation to that land. Once that happens it will become increasingly difficult for any excision to be made because of the value increase in that pastoral lease.

The areas of land most likely to be claimed by people making applications are generally the most attractive ones aesthetically on the pastoral leases. By necessity they entail

watercourses, namma holes and lakes around which, of course, there are trees. They are the attractive part of most stations, which rely on them from an economic point of view. However, they can quite often, in terms of economics, be the worst part, or the most undesirable part for the station to quit or have excised from it. It would assist the pastoral lessee, the Aboriginal people, or the other people who want excisions from those stations. I would be delighted to bring those matters to the attention of the Lands Trust and the Department of Lands Administration.

Mr Bridge: The way the member can do that is to assist the Government to negotiate successfully with the PGA, other interested groups and the Aboriginal groups in this State in an attempt to arrive at and set guidelines that facilitate that process. If we are able to do that the concerns that the member has listed, or those areas of likely excision to be considered, will be taken on board as part of the guidelines.

Mr LIGHTFOOT: As the Minister for Aboriginal Affairs probably knows, I belong to the PGA, have done so for some years, and know that there is fairly disparate thought on that subject. I believe that most pastoralists have a wider and better understanding of Aboriginal people than do a similar group who have been brought up in the urban area. The notion of pastoralists having antipathy towards or being anti-Aboriginal is a bit of a bogey. I do not think that is the case at all.

Mr Bridge: I am not saying that.

Mr LIGHTFOOT: I am putting that on record here today; I did not suggest the Minister for Aboriginal Affairs said that.

Mr Bridge: I am seeking -- and enthusiastically, at that -- this very set of guidelines. To date I have had what I consider to be a reasonably good response.

Mr LIGHTFOOT: I think one of the greatest tragedies I have ever witnessed in my life has been the metamorphosis of Aboriginal people who are my age now, who grew up with me on stations, who were fine, handsome, good-looking people with a purpose and a sense of humour, and who are now urbanised and would not be recognised from what they were. That metamorphosis of fine physical specimens is the single greatest tragedy I have seen -- I was too young, thank the Lord, to witness the wars. They degenerated, mainly because they left the stations for one reason or another -- partly economical -- into what they are today. I do not recognise some of them. I could probably trip over them and I would not recognise them, such is their degeneracy. So if there is something I can do to get them back to the environment in which they flourished and were happy, I would be pleased to assist in that, but it must be by mutual agreement between the pastoral lessee and the Aboriginal people; it should not be one-sided. I could not support any Bill which came into this House which contained a provision for compulsory acquisition or resumption of land to the detriment of the economic well-being of the pastoral lessee.

With that small contribution to this otherwise very diverse Bill, I thank the House for its indulgence.

MR WILSON (Nollamara -- Minister for Lands) [4.42 pm]: I thank the members of the Opposition and the member for Narrogin for their obvious interest in the Bill and, generally speaking, for their not unmitigated but almost overall support for the thrust of the amendments.

In summary, Mr Speaker, taking up the points made by the Deputy Speaker, some members evinced their especial enthusiasm and interests in their comments, and I do not deny them that right. Some made very specific comments about specific parts of the Bill, and I really think they can best be dealt with in the Committee stage. For instance, the member for Vasse took up a matter which he has taken up consistently on other occasions with respect to what he considers to be the need for issues affecting the disposal or release of Crown land, and the way in which it is dealt with by the Administration of the day, to be finally answerable to the Parliament. I know that is an argument that is often used, and more often used by people when they are in Opposition than when they are in Government. I do not want to appear absolutely cynical in making that point about the comments of the member for Vasse in that regard. At the same time, I would accept that he obviously is a man of some principle as well and I would not want to raise doubts about his motives altogether. However, I would also say that in making those comments I do have to question the motives to some degree,

because equally the argument can and should be put, and perhaps is more often put, that in a system of parliamentary democracy the people do decide. The people decide every three years at an election that they want a certain Government to be elected and they want that Government to formulate policies and get on with the administration of the government of the State. I think the member for Vasse is ignoring that aspect of the system of political democracy under which we operate and I am sure that if he were sitting on this side of the House he would be putting much more emphasis on that aspect of our political democracy instead of saying that rather than the Government's being elected by a majority of the people as the majority in the Parliament, and getting on with the administration of the government of the State, we should be all the time coming to Parliament with every item of administrative concern. If he had any experience as a Minister responsible for the administration of a department he would see more clearly the ultimate impracticality of what he is proposing. That is not to say that he will not continue to hold those views and put them at some length when we reach the Committee stage; but perhaps he should consider the other side of the argument which I think is at least as valid as that which he has put.

Mr Blaikie: I probably cannot remind the Minister but maybe I will remind some of his colleagues that in due course when the Government changes there is no doubt some of his colleagues will be reminding us in Government of the speeches I have made on this very issue. That will be in the not too distant future.

Mr WILSON: All things are possible, but I am dealing now with reality, and with what is.

The member for East Melville made comments which reflected his own background in the surveying profession and industry, which background is undeniable. In view of that background he can speak from personal and professional experience about those matters and it is an aspect of his comments that I would not wish to deny. However, I do take issue with some of the points that he made. It would be appropriate in the second reading stage of the debate to address one of the major issues raised by him; that is, the issue about which he has now given notice of his intention to move amendments with respect to the more restrictive definition of the term used in the Act; namely, "authorised land officer". I take up his suggestion to have those amendments reflect the restriction on that definition that authorised land officers should necessarily be licensed surveyors. In dealing with this issue it would be useful to examine the background and intention of this legislative amendment contained in the Bill in the context of the previous history and the objectives which the new department is expected to achieve following the Government's functional review of land administration; because the term which he is concerned about, and the implications of the use of that term in the clauses where it appears, relate to a function which is now performed in the cadastral examination branch of the Office of Titles.

That branch is headed by a licensed surveyor, and he advises the Director of Land Titles on the statutory functions performed by the branch. Therefore I can advise members that the functions which are concerning the member for East Melville and which also have been communicated to him and me as being of concern to the professional bodies, will be performed by authorised land officers under the supervision of a licensed surveyor. I had hoped that that assurance would be sufficient to alleviate the sorts of concerns the member was raising and which I know the professional bodies have, but at the same time preserve the flexibility in administration which these amendments are seeking. One of the major objectives of the legislation is to provide increased flexibility in the operational activities of the department. The cadastral examination branch where these duties are performed is the newest of the five branches comprising the Office of Titles.

Mr Lewis: That is not true. I was a survey examiner 25 years ago. The examination branch has been in place since Surveyor General Cann put it in place in 1948.

Mr WILSON: I do not think the member heard clearly what I said. The cadastral examination branch where these duties are being performed is the newest of five branches comprising the Office of Titles under the rearrangement of the department.

Mr Lewis: Prior to 1948 the function was carried out by the then Titles Office.

Mr WILSON: I am talking about what is happening now and not what happened prior to 1948.

Mr Lewis: There is nothing new in the survey examination branch.

Mr WILSON: I am not saying that. I am saying it is a new thing in terms of the arrangement within the department.

Mr Lewis: I do not believe that is right.

Mr WILSON: It is a change that has taken place as a result of the reorganisation of the department, whether the member believes it to be so or not.

There has been a concern about the application of what has been described as business risk to the working practices in the branch, and that has arisen because business risk is being successfully applied in most other parts of the office to achieve savings in resources. It is interesting to recall that the functional review working party recognised there were defects in the process and considered a number of options with respect to survey examination. One option was to abolish the process entirely, and for a time this was seriously considered by the committee. Ultimately it was decided as an alternative to introduce full cost recovery from users of the system, and in the short term it was believed this was an alternative which would enable the recovery of the cost of the process.

Mr Lewis: I know that has nothing to do with the Bill, but how are you going to recover the cost of survey examination?

Mr WILSON: Through the processes which are being put in place and which will require a cost recovery system under the new regulatory system that is being proposed.

Mr Lewis: Are you going to back-charge the surveyors depositing their plans? How will that happen?

Mr WILSON: There will be a system of fees to allow that to happen, and that is a matter where there has been considerable consultation with the profession, and it is ongoing. I know one of the points the member made during the second reading debate was that it was a great pity we had taken so long to bring about these changes. I am saying many of the changes have occurred and part of the process of change is to implement legislative change. I can assure the member that if we had tried to do it any quicker there would have been many complaints from people in the profession that we were not consulting them sufficiently. We have taken great pains to consult the profession and the industry, and we are continuing to do so. In the development of regulations we are taking longer because we are seeking to accommodate the concern of the profession.

One of the difficulties, as the member will understand, is that on some of these issues there is quite a divergence of opinion within the industry and the profession. Officers who have been involved in the process have been quite painstaking in their efforts to consult and get agreement across the board. We will never get total agreement; I do not think it is possible, but I mentioned these facts to show that while it may have been desirable to move more quickly, in practical terms that would have had its own dangers. As I said in my second reading speech, we are proposing a two-stage process. This is the first stage, and we are seeking to deal with matters of efficiency with a view to moving in the second stage after more consultation to a much more comprehensive review of the Act. Of course in the next session we hope to introduce a new Licensed Surveyors Act after we have consulted the profession on the draft when it is completed. It would have been nice and better to do it all at once, but it was not practical.

To return to the question of authorised land officers, the management of the Office of Titles, as is the case with other sections of the department, has an obligation to introduce much-needed reforms into its area of operations and increased flexibility in the legislation will facilitate this objective. Any move towards further restricting the type of officer who can perform work independently will limit the ability of the department to make changes which will give the flexibility necessary if savings are to be achieved. For that reason amending the legislation to require specific functions to be conducted by licensed surveyors will be a limitation on the flexibility given by the amendments in the Bill.

Mr Lewis: No, it will not.

Mr WILSON: The sort of request that has come through the member for East Melville in this regard --

Mr Lewis: And the profession.

Mr WILSON: Sure, I have said that before.

Mr Lewis: The people out there who are doing the surveys and lodging the surveys.

Mr WILSON: Yes, I make no bones about that. I have admitted that before. That sort of request to limit the functions of authorised land officers by restricting them to being functions performed by a licensed surveyor goes beyond the present legislative requirements. It would, if approved, impose a limitation that does not presently exist. Under the existing legislation there is no requirement that the officers who conduct these activities shall be licensed surveyors. There is a perfectly good argument to support the view, as I have said to the member for East Melville privately, that cartographers could undertake these activities as well as surveyors.

Mr Lewis: That is wrong. The Act prescribes that the inspector of plans and surveys be a licensed surveyor. The Surveyor-General by virtue of his responsibilities is required to be a licensed surveyor. Cartographers create maps and surveyors delineate surveys on plans and there is a difference between a map and a plan. I am a cartographer and I am a surveyor and I understand it.

Mr WILSON: The member's opinion differs from the advice that has been provided by the department.

A number of major concessions in respect of the objectives of the functional review legislation and this legislation have already been made. I reached an agreement with the profession that the manager of the cadastral examination branch must be a licensed surveyor.

Mr Lewis: He had to be because he must be an inspector of plans and surveys. That is prescribed under the Act.

Mr WILSON: In any case, agreement has been reached that that will be the case. Options were certainly considered and that is the reason the discussion was held with the profession and the decision was made and conveyed to the profession. It certainly was a decision that was made and conceded at a cost. It is somewhat of a limiting factor to personnel in the Office of Titles. It removes the career path from nearly all the survey examiners of the branch who would normally expect to aspire to the position of manager of a branch.

Mr Lewis: They have never had that.

Mr WILSON: We are talking about a new structure that is designed to promote efficiency and cost saving. The member cannot have it both ways. The Opposition is always saying that the objective of the Government should be to achieve greater efficiency and cost savings in the administration of government. The Government has to look consciously and intentionally at ways and means of achieving that objective. It is one thing to talk about it; it is another thing to put in place measures to achieve that end.

The crux of the measures contained in this Bill with respect to this aspect is solely directed to that purpose. There is no underlying subversive intent by the Government to achieve anything that will undermine professional standards or undo, as the member for East Melville said, the very good standards that have been achieved and are operating in Western Australia within that profession.

The Government has to intentionally look at ways of introducing new efficiencies and of ensuring that services are delivered in the most cost-effective way. If the Government has to do those things because it has moved to reduce staff numbers in that department as part of this review, it has to look at these things and make changes. While the Government should not make changes by compromising standards or levels of service, it does have to make changes and we have to address these issues.

Mr Lewis: You have not addressed what I have said.

Mr WILSON: I refer to the concessions that were made in the consultative process. The functional review committee suggested the removal of the practices of surveyors from the licensed surveyors board which is not involved in the day-to-day activities of survey and plan preparation, and concessions have been made in this respect. The board will retain a number of core regulations not envisaged by that review process. The Government has gone against the review recommendations because it recognises that in moving towards greater self-regulation and its objective of the profession and the industry becoming masters of their own destiny, this is a desirable path to pursue.

Negotiations are continuing with respect to the formulation of a process whereby the board will have a major role in the regulation of the industry. The flexibility being sought by this legislation mirrors to the same extent the procedures applied by successful firms of private surveyors. In the conduct of surveys and the preparation of plans, almost all surveyors use non-qualified staff and ultimately they take responsibility for the work they do. That is what is proposed under this legislation for the new structure.

Mr Lewis: No it isn't. You have not identified that only one officer is required, by Statute, to be a licensed surveyor. You have not accepted that.

Mr WILSON: I have given a strong assurance to the profession, which I now give to the Parliament, that the key officer in that process will be a licensed surveyor, just as the key officer in any private surveying company has to be a licensed surveyor because he is the person who takes the ultimate responsibility for the processes that are undertaken. We are not deviating from that process in the way in which the department is organising its work and authorising survey plans and examination of plans. I assure members that will be retained.

The job description for the person holding that office includes a requirement that he will be a licensed surveyor. To that extent, within the ambit of acquiring efficient, skilled, and professional management, we can depend on the fact that the management of the newly-structured department, working in close cooperation with each other, will be responsible and will ensure that all decisions requiring professional expertise will receive their attention. This process will allow for businesslike operations and for flexibility of management which I believe is the way in which Government departments should be required to operate at the end of this century and going into the next century. I believe the Opposition also wants this and the measures should be supported.

Mr Lewis: You have not understood the argument put to you. You are either not listening or are so set in your mind or you do not understand what you are talking about.

Mr WILSON: When people have a counterpoint they are always likely to think in that way. That is the position I intend to assume.

The members for East Melville and Narrogin also expressed concern about the removal of the requirement to publish all notices in the *Government Gazette*. In response to those expressions of concern, the approach we have adopted in resolving these amendments stems mainly from a need to reduce costs and delays and to improve the department's services to the community. I am sure that every member will appreciate that each gazettal costs time and money, and it is a matter of good management to examine the department's procedures in the search for greater cost effectiveness. As a result of extensive review it was decided that there are a number of areas in the Land Act in which, for the purpose of providing legal evidence, gazettal should continue and no change would be made. On the other hand, it could be very effectively argued that matters such as advertising the sale of land and other processes affected by the relevant sections in the Act, were procedural matters which should be controlled by the Minister by policy rather than by Statute. Greater public awareness is generated by advertising in local newspapers and other similar media than through costly and time-consuming gazettals. It is intended to develop a departmental policy which will establish that in these areas, as a result of the amendments to the Act, the future practice will be to advertise the matters concerned in local newspapers.

Mr Blaikie: That could be carried out now anyhow.

Mr WILSON: It could be but it is intended to establish it as a matter of departmental policy. I said earlier that the process of gazettal is a very formal way of advertising an intention when one considers the relatively small number of people with access to the *Government Gazette* and the relatively small number of people who become aware of the contents of the *Government Gazette*. The alternative I have suggested should be established as a matter of policy will be a much more effective way of notifying people who are likely to be concerned about land releases and the like of the Government's intentions.

Mr Blaikie: Would you agree that there is a certain infallibility about a gazettal notice?

Mr WILSON: I have already said that those parts of the Act which it has been determined are important for the purpose of providing legal evidence will continue to be required to be gazetted. Obviously they are matters in which people need to establish in courts and the like that certain actions have been advertised and have been intended to occur. In all other cases

a policy of the department, which is to ensure that all such decisions and intentions are advertised in the local media, will be much more effective in ensuring that people who need to know about these things will become aware of them.

Mr Lewis: You have not said that there is a requirement to do that in the Bill.

Mr WILSON: I have said it will be a matter of establishing a policy.

Mr Lewis: It should be statutory.

Mr WILSON: I could take up the member for East Melville's argument which he sought to use against me -- some people become intractable about certain points. The point I have been seeking to make about these amendments, reflecting the restructuring of the department and the attempt by the Government to bring about greater cost effectiveness and efficiency, is the intention to give to the administration of the department a greater degree of flexibility in that administration.

Mr Lewis: So they can do what they like without telling anyone.

Mr WILSON: Not if it is a matter of established policy and if they are responsible to the Minister for implementing that policy.

Mr Lewis: You will let them dispose of people's land without telling anyone, like the Midland abattoirs and other places. That is what you are about -- secrecy. The Labor Government professes open government and here you are at every opportunity closing it up.

Mr WILSON: I am talking about the establishment of a policy which will ensure greater access of information to the people.

Mr Lewis: We want it in a Statute so you people cannot do what you like when you like.

Mr WILSON: The member for East Melville can say that is the Government's motive if he likes and nobody will convince him to the contrary, but this is a recommendation of the review committee whose major intent was to introduce greater cost effectiveness and efficiencies in the administration of the department. On the one hand the member seeks to ignore the importance of the Government moving to do that and, on the other hand, he is always calling on the Government to achieve greater efficiencies and cost effectiveness. The member cannot say that in general terms he is in favour of that without ever addressing the specifics and mechanics of bringing it into effect.

Mr Lewis: Propriety out of the window for convenience.

Mr WILSON: Although the member can use that as a debating point, I simply tell him that it is not the intention of these measures. The intention is solely to look for greater efficiencies and to overcome the very costly and time-consuming gazettal process where more effective means can be used through a much less costly procedure.

Mr Blaikie: How do you explain the covert action in granting 99-year leases to Aboriginal people without any reference to or regard for the Parliament?

Mr WILSON: I do not know that no reference has been made to anybody and the member should take up that matter with the Minister for Aboriginal Affairs. I am not in a position to answer that query and in a sense the current legislation does not deal with it. The Government is proposing amendments to the current legislation which it believes in this first stage of amending the Land Act deal with matters which are largely related to greater efficiencies of administration in the exercise of its responsibilities.

Mr Blaikie: It gives a greater opportunity for the Government to become involved in granting 99-year leases to Aboriginal people.

Mr WILSON: So the member thinks that the department has given us that advice for that reason.

Mr Blaikie: I think that the department was led by the nose. Aboriginal land has absolutely nothing to do with the department -- it is the Government's policy, so don't confuse the two.

Mr WILSON: I do not, I say that these amendments have been introduced because of recommendations made by the committee, which largely comprised departmental officers. The member can continue to say what he has been saying, but the fact is that there is no truth at all in ascribing the sorts of motives that he has been ascribing to this measure. Therefore, I

cannot guarantee to satisfy him and cannot say any more than I have said; but that in fact is the case.

Mr Blaikie: Answer the question.

Mr WILSON: Nobody can answer a question that seeks to satisfy a member's understanding of a matter, an understanding that in this case the member pursues irrespective of any argument that I address to it.

Mr Lewis: Have you adopted all the recommendations of the Functional Review Committee?

Mr WILSON: No.

Mr Lewis: Then why is this one so special?

Mr WILSON: Because on examining it further in conjunction with officers of the department it was decided that it was an area where substantial, time-consuming, and costly procedures could be saved.

Mr Lewis: That is rubbish. Instead of telling the public what you are doing, because of expedience and economies you do not want to tell them, so you do your deals without anyone knowing it.

Mr WILSON: I am saying that we will do it by another more effective means.

Mr Lewis: How?

Mr WILSON: By advertising in the newspapers.

Mr Lewis: Put it in the Statute, if you are dinkum.

Mr WILSON: This debate could go on and on, and I have sought to address that question.

Mr Lewis: Not very well.

Mr WILSON: The member does not look very well either. Obviously he will not be satisfied by any argument that I put forward because he is obstinate, and only sees things his own way. That is not something for which I blame him as he is entitled to do that, but he is wrong. The other issues to be breached in further debate are best left to the Committee stage of the Bill. In spite of what has been said by some members opposite in relation to the Bill, I again thank the Opposition for what seems to be their rather peculiar support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mrs Henderson) in the Chair; Mr Wilson (Minister for Lands) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 1 amended --

Mr LEWIS: I refer to the ability of an authorised land officer to carry out the required duties of a licensed surveyor. If one looks at Act No 20 of 1841, referred to as the "Land Boundaries Act", one finds a subsection in section 1 which states in relation to the Surveyor General, in effect --

> . . . whereas it is expedient that all such descriptions should, with as little delay as possible, be collected or carried into effect, by the erection of visible landmarks upon the several lands under the direction of the Surveyor-General of this Colony: Be it therefore enacted by His Excellency the Governor . . .

That meant that the Surveyor General was responsible for setting out and delineating land in 1841. If one turns to the current Statute and the Licensed Surveyors Act, the Transfer of Land Act and the Land Act, one sees that there are prescribed therein requirements and an ability to prosecute people who carry out surveys, purport to be surveyors, or place survey marks and the like if they have not been registered or authorised. I make the point that in that situation an authorised land officer is required to carry out certain duties. If he is not a licensed land surveyor under existing Statutes he is not technically allowed to do that.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by Mr Wilson (Minister for Lands).

(Continued on p 6244.)

[Questions taken.]

Sitting suspended from 6.00 to 7.15 pm

ACTS AMENDMENT (PUBLIC SERVICE) BILL

Second Reading

MR PETER DOWDING (Maylands -- Minister assisting the Minister for Public Sector Management) [7.18 pm]: On behalf of the Premier, I move --

That the Bill be now read a second time.

This is a most important piece of legislation for the men and women of the Western Australian Public Service.

Mr Court: You would not think so, bringing it in now when we have a week left of this session of Parliament.

Mr PETER DOWDING: The Deputy Leader of the Opposition is a whinger.

Mr Court: You said that it is a most important piece of legislation.

Mr PETER DOWDING: The Deputy Leader of the Opposition is a grizzling little whinger and he is interfering with my second reading speech.

Mr Bryce: Our predecessors brought an agreement to this Parliament to establish a diamond mine only five days before it had to go through.

Mr PETER DOWDING: The Deputy Leader of the Opposition is a whingeing little man who has never had experience in Government and he will not in the next four or five years, but in due course someone will give him a suck of the sauce bottle.

As I said, this is a most important piece of legislation for the men and women of the Western Australian Public Service. It is the first time during the term of this Government that it has sought to substantially amend the Public Service Act. Its view is that public sector management practice needs to be supported by a contemporary and practical legislative framework. From this base the Government asks three things of its employees: Excellence in performance, loyalty to the Government of the day, and creativity in management and administration. The Bill seeks to reinforce these concepts and to transmit a clear and unambiguous set of legislative statements about the required approach to the task of managing the employees and resources of the Western Australian public sector.

The Government considers that this amending legislation will support other measures introduced during its term in office, including the important impact on Government reporting and accounting practices set out in the Financial Administration and Audit Act and significant modifications to the industrial relations base for Government operations.

This second reading speech also presents an opportunity for the Government to express its high regard for the professional and diligent service provided to it and to the general community by the public employees of Western Australia. Their efforts to develop a sustainable and cost-conscious approach to public administration in Western Australia has underpinned the Government's programme of administrative and functional reform.

The Government is anxious to emphasise that change in the public sector must go hand-in-hand with an enhanced approach to human resource management. It is this theme which this legislation seeks to promote and articulate through the introduction of the Senior Executive Service and other measures which seek to place greater responsibility for timely and efficient management practice in the hands of senior officers in Government agencies. The Bill will be a vehicle to address longstanding concerns about the need to introduce performance appraisal for all employees, to upgrade human resource management skills, to bring renewed attention to the need to upgrade, train and develop senior executives and to ensure that the process of review and organisational change is increasingly driven by managers rather than imposed from external sources.

The Government believes that the Bill presents an opportunity to build on a considerable record of achievement, change and productivity improvement now occurring across the Western Australian public sector. I am confident that a great deal of Western Australian public sector management practice compares favourably with international standards and provides this community with a record of performance in the public sector of which all can be proud.

Background: In June 1986 the Government released a white paper entitled "Managing Change in the Public Sector". This document was a statement of the Government's views concerning the issues facing public sector management and employment, as we move towards the 1990s. It also served to outline the parameters within which a future change was expected to occur. The paper outlined concepts which would assist in improving the efficiency of current public sector activities. Issues raised included the adoption of a whole-of-Government approach, a Senior Executive Service, improved human management practices, measures to improve the efficiency and performance of staff, and deployment of staff to meet changing demands.

Since the release of the paper a great deal of work has been undertaken to improve the efficiency of the public sector and to define ways of making further improvements. Work has continued on the implementation of a personnel information management system for the public sector; corporate planning has been introduced to a greater number of public sector agencies; development has continued on performance management systems and human resource planning, and training of employees, and exchange of information between chief executive officers and their organisations has been encouraged.

Arising from the "Managing Change in the Public Sector" paper, an implementation committee was established to pursue issues promoting efficiency in the public sector. This committee was assisted by a number of working parties which examined the whole-of-Government approach, human resource management issues, resource allocation issues, and change and review issues. The committee and working parties comprised representatives of the central agencies, such as the Public Service Board, Department of the Premier and Cabinet, Treasury, representatives of service delivery departments and, where appropriate, representatives of the union movement. In addition, extensive staff consultation has taken place on proposed initiatives and in particular the proposed Senior Executive Service through chief executive officers' conferences, seminars on the Senior Executive Service and consultations with unions directly affected by the proposed initiatives.

Whilst work is continuing to further increase the efficiency of the Public Service, the work to date has resulted in a number of initiatives proposed to be put into effect through this Bill -- the Acts Amendment (Public Service) Bill, 1987. The Bill's provisions can be categorised under four main areas --

(i) The replacement of the Public Service Board with a Public Service Commissioner;

(ii) the adoption of a whole-of-Government approach by the implementation of a Senior Executive Service throughout the public sector;

(iii) the introduction of provisions relating to efficiency and performance of all officers employed subject to the Bill; and

(iv) administrative amendments to the Public Service Act to refine the operation of the Act which was first introduced in 1979.

The Bill provides for the replacement of the current three-member Public Service Board with a single Public Service Commissioner. The Government endorses this change as recommended by the current Public Service Board members in view of the changes which are taking place in public administration since the Public Service Board was first introduced in 1971.

The board's involvement in accommodation matters has been transferred to the Office of Government Accommodation and its responsibility for industrial award matters has been transferred to the Office of Industrial Relations. This has allowed the board to concentrate on management issues in the Public Service and has reduced the need for a board consisting of three members to direct its operations.

In addition, the board has been delegating its functions to permanent heads of departments since the early 1970s. This process is continuing, with the latest delegation being the advertising and filling of vacancies for levels 2 to 6. As a result the board is becoming less involved in the day-to-day operations of departments, and permanent heads are more accountable for their activities. Again, this has reduced the need for a three-member board to oversee administration of the Public Service Act.

Whilst the board has retained responsibility as an employer of officers under the Public Service Act, these changes have allowed it to concentrate on initiatives to improve management and efficiency in the Public Service. Also it is increasingly moving into the area of setting standards for practices in the Public Service and reviewing departments' compliance with those standards. In pursuing initiatives to improve management and efficiency -- such as corporate planning, a personnel information management system, training and development of officers, a Senior Executive Service and improved human resource management practices -- the individual commissioners have taken functional responsibility for initiatives to ensure their effective implementation. This separate functional responsibility is different from the traditional role of the board which as an entity was responsible for overseeing and controlling the Public Service.

Accordingly, the change to a single Public Service Commissioner will maintain an entity responsible to the Government and Parliament for the efficient management of the Public Service whilst allowing the assignment of individual functional responsibility for specific initiatives. The transition from board to commission involves no change to or diminution of the basic tasks of merit protection and the promotion of Government efficiency presently required of the Public Service Board.

The Bill provides for the current Chairman of the Public Service Board to become the Public Service Commissioner and to maintain his existing rights and privileges. The deputy chairman of the board will be appointed chief executive officer of a department responsible for the day-to-day administration of the Senior Executive Service operating pursuant to a delegation of powers issued by the Public Service Commissioner. Provision has been made for the position of assistant commissioner should it be required. There is provision for the appointment of an acting commissioner. Also the term of appointment for the commissioner has been specified as not exceeding seven years, thereby allowing a shorter period if the appointee is close to retiring age.

This move to a single Public Service Commissioner rather than a multiple-member Public Service Board is consistent with the practice adopted in other States such as Tasmania, South Australia, and recently Queensland and the Northern Territory. Also there have been changes along similar lines in the Australian Public Service.

The second major feature of the Bill is the adoption of the whole-of-Government approach and implementation of a Senior Executive Service for senior management in the public sector. The implementation of the Senior Executive Service will promote information sharing between a wider range of public sector organisations and increase the responsiveness of public sector organisations to the community they serve. It will also allow greater coordination and assist in prioritising Government policies for implementation. Resources will be able to be deployed quickly to meet changing demands and priorities.

From the officers' point of view, the Senior Executive Service will further enhance the concept of promotion on merit. It will permit greater development opportunities and allow officers to undertake new challenges in a wider number of public sector organisations. The Senior Executive Service will apply to all officers who have a salary above level 8, currently $57 258 per annum, including permanent heads and senior officers who are currently employed in existing Public Service departments. In addition persons employed in other public sector organisations listed in the schedule to the Bill and who receive a salary in excess of $57 258 per annum will be included.

The Bill provides for all members of the Senior Executive Service to be employed by the Public Service Commissioner and consequentially the employment provisions in the Acts outlined in schedule 2 are proposed for amendment to reflect this intent and make them consistent with this Bill. The list of organisations to be included within the Senior Executive Service is comprehensive, but not exhaustive. Organisations which have been excluded include ones principally funded by the Commonwealth, such as universities, organisations

which are operating in a competitive commercial environment, like the Rural and Industries Bank, and organisations which are funded by industry, as in the case of the Honey Pool of WA. In addition officers having a direct responsibility to Parliament, such as the Auditor General and the Parliamentary Commissioner for Administrative Investigations and his staff, have been excluded.

The Bill also provides for the Governor, on the recommendation of the commissioner, after consultation with the organisation or department concerned, to exclude from the Senior Executive Service persons or officers who have a salary which would normally qualify them for membership. As it is intended that the Senior Executive Service will apply to senior management, exclusions would apply, for example, to doctors and psychiatrists who have specialised functions and discrete professional needs aside from management considerations.

The Bill also provides for the Governor to include, in a similar manner to that referred to above, other persons and officers. Once the Senior Executive Service is operational and functioning efficiently, consideration may be given to including persons and officers currently classified at level 8 with a current salary from $50 570 per annum to $57 258. This Bill seeks to standardise terms and provisions relating to permanent heads by introducing the concept of chief executive officers for the Senior Executive Service in departments and organisations.

The general functions and responsibilities of chief executive officers and senior officers are outlined in the Bill. Appointments of chief executive officers and senior officers will be made by the Governor on the recommendation of the commissioner and will be to a specified office. Such appointments will be for a term not exceeding five years, and while eligible for reappointment, the opportunity will be available for the person to seek a new challenge or be deployed to another area requiring that person's particular skills.

[Quorum formed.]

The concept of a career service is recognised in that appointment as a permanent officer is possible. There is also recognition of the increasing interchange of personnel at this level between the private and Public Service in that conditions can be negotiated between the appointee and the commissioner in order to attract the best person for the position. The Bill empowers the Governor to transfer a chief executive officer or senior officer on the recommendation of the commissioner. The commissioner is required to consult with the responsible authority or chief executive officer of the relevant department or organisation. This provision will assist in the efficient deployment of staff to meet changing community needs while ensuring that the requirements of individual organisations are taken into account.

Provisions have been included whereby the Governor, on the recommendation of the commissioner, may deal with inefficiency of chief executive officers and senior officers who participate on the board of management of the relevant organisation. The provisions specify possible penalties, the procedure to be followed by the commissioner, and matters which may be considered. These provisions are included separately as poor performance is seen primarily as a management issue, not a disciplinary matter. While sanctions are specified, these are envisaged as a last resort and will be supplemented by management systems in order to assist in detecting poor performance early and instituting corrective action to overcome the shortcoming.

Further provisions are included whereby the commissioner, after consultation with the relevant organisation or its chief executive officer, may direct an officer to act in a chief executive officer's or a senior officer's office. Other officers of the Senior Executive Service are provided for in separate provisions of the Bill. These provisions introduce a new concept, as in the first instance officers are appointed by the commissioner to the Senior Executive Service generally and not to a specified office or post. Once an officer is appointed to the Senior Executive Service, the commissioner can appoint the officer to a specified office or post for a period not exceeding five years, or deploy the officer to carry out a specified task not associated with a specific office or post.

The appointment to the Senior Executive Service can be made either as a permanent officer, thereby recognising the career service, or on conditions negotiated between the appointee and the commissioner where the person is recruited from outside the Public Service. A person appointed subject to negotiated conditions shall be appointed for a term not exceeding five years but is eligible for reappointment.

The Bill includes specific reference to the commissioner's power to determine classification levels and remuneration for those levels and offices within the Senior Executive Service. However, the commissioner is prohibited from dealing with remuneration, which is within the jurisdiction of the Salaries and Allowances Tribunal. The selection of officers for the Senior Executive Service will be on merit, and specific provision is included defining merit and providing the commissioner with power to issue administrative instructions regulating procedures subject to such consultation as is necessary.

The deployment of officers to meet changing community needs and Government priorities is provided for in the Bill through the commissioner's power to transfer Senior Executive Service officers to other functions or offices. However, prior to effecting such transfer the commissioner is required to consult the chief executive officers of the departments or organisations and the officer. Appropriate transitional provisions have been incorporated to ensure that those officers provided for in the Bill will become members of the Senior Executive Service on the appropriate proclamation date.

The third major feature of the Bill is the inclusion of a separate provision relating to inefficiency which will apply to all officers, including officers of the Senior Executive Service except for chief executive officers and the senior officers referred to previously. This provision is similar to that referred to previously except that the commissioner is empowered to take action rather than the Governor. The provision is included separately as it is seen as a management issue and the use of these provisions would be a last resort. Implementation of performance management systems to detect and correct poor performance in the Public Service has already commenced. All officers will have a right of appeal to the Industrial Relations Commission if disputes arise over issues of performance management.

The fourth area of change concerns largely technical amendments to refine and correct problems in the operation of the Public Service Act which was first enacted in 1979. The terms "permanent officer" and "temporary officer" are more clearly defined. The power of delegation vested in the Public Service Commissioner has been altered so that chief executive officers can sub-delegate the commissioner's delegated powers. This will be important in the operation of regional centres where access to the chief executive officer is not readily available. In addition the delegation provisions incorporate reference to the Interpretation Act 1984.

The Public Service Act 1978 introduced contract appointments to the Public Service for the first time. This Bill provides for these provisions to be revised to reflect the original intent and to correct any misunderstanding which may possibly arise as to the status of a particular contract. It places beyond doubt that persons engaged from the private sector for a fixed term have no guarantee of continuing employment. Since 1981 the Public Service Board has been appointing permanent officers to offices for fixed terms. The practice is widespread in senior positions. The Crown Solicitor has now expressed doubt as to the validity of this action and the Bill corrects the apparent effect. Specific provision is included whereby the commissioner is employed to make such appointments and a transitional provision is included to validate all past actions. Such term appointments do not affect the officers' status as permanent officers.

The Bill provides for amendment to the provisions included in part IV -- Discipline of the Public Service Act to reflect the inclusion of a Senior Executive Service and to increase monetary penalties to reflect the increase in the Consumer Price Index since the penalties were last adjusted in 1979.

The Bill provides that 13 weeks be inserted in lieu of the three months currently specified for long service leave. Whilst there is no change in basic entitlement 13 weeks is more consistent with the wording found in other provisions and will assist in ease of recording for day-to-day administration. The Civil Service Association of Western Australia Incorporation has indicated agreement to the proposal. Doubt has been raised as to the validity of recognising prior service with an employer outside the Public Service for long service leave purposes. Accordingly provision is made in the Bill to validate all actions taken since the Public Service Act was introduced in 1979 and to provide for future occurrences.

Provision is included in the Bill whereby arrangements can be made with the Commonwealth for reciprocal arrangements for the provision of work or services. These provisions were not included in the Public Service Act when it was proclaimed in 1978, but rather were included

in regulations. The Public Service Board has since been advised that this regulation is ultra vires. Accordingly in addition to reinstating the provision an appropriate provision is proposed to validate past actions.

The Bill replaces the previous section relating to regulation-making power. This provision empowers the Governor, on the recommendation of the commissioner, to make regulations for the purposes of giving effect to the Act. This power includes the power to amend the schedule which is necessary to take into account the abolition of, creation of new and the alteration to title, of public sector organisations which may occur subsequently. In addition to the foregoing provisions the Bill proposes the removal of gender-specific terminology and the correction of minor grammatical errors.

Item 33 of the schedule proposes amendment to the Aboriginal Affairs Planning Authority Act to correct deficiencies in the provisions and to reflect the current practice whereby the staff of the authority are employed in a Public Service department under and subject to the Public Service Act.

Finally, I wish to place on record my appreciation to the Chairman of the Public Service Board, Mr Frank Campbell, his deputy, Mr Marwood Kingsmill and their officers for their work in the development and consultative process necessary to bring the Bill to this stage. This Bill contains important initiatives intended to improve the efficiency and effectiveness of management in the wider Public Service as outlined in the Bill. I commend it to the House.

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

ACTS AMENDMENT (LAND ADMINISTRATION) BILL

In Committee

Resumed from an earlier stage of the sitting. The Deputy Chairman of Committees (Dr Lawrence) in the Chair; Mr Wilson (Minister for Lands) in charge of the Bill.

Clause 4: Section 1 amended --

Progress was reported after the clause had been partly considered.

Mr LEWIS: Before progress was reported I was attempting to explain that, technically, an authorised land officer cannot competently carry out the requirement of the legislation. I draw the attention of the Chamber to the Boundaries of Land Act 1841, section 1, which states --

> . . . with the advice and consent of the Legislative Council thereof, that it shall be lawful for the Government, as soon as conveniently may be after the passing of this Act, to direct the Surveyor-General to ascertain and mark by landmarks the proper boundaries of every grant heretofore made or hereafter to be made by Her Majesty, or her predecessors . . .

That Act states that the Surveyor General will do those things. On that basis, I draw the attention of the Committee to the Licensed Surveyors Act, section 23 of which states --

> Any person not being a licensed surveyor, who --
>
> (a) falsely pretends . . .
>
> (b) takes or uses the name of title of a licensed surveyor . . .
>
> (c) practise, charges, or receives a fee for work done as a licensed surveyor; or
>
> (d) certifies as to the accuracy of any survey or plan purporting to be a survey plan of any authorised survey,
>
> shall be guilty of an offence . . .

I also draw the Committee's attention to the Land Act, regulation 4, which requires that all surveys shall be performed under the direction of the Surveyor General or other officer duly authorised by him and may be carried out by surveyors licensed under the Licensed Surveyors Act.

I say, therefore, that the only people competent and by Statute allowed to carry out and certify surveys are people licensed under the Act, so the Statute states that the Surveyor General shall do those things, but the amending Bill says that an authorised land officer shall do those things. I suggest, therefore, that the legislation is flawed because the person required to do those jobs has to be a licensed land surveyor. There are other examples and, if need be, I will pain this committee by pointing out the other anomalies. It might be more appropriate, however, to give the Minister an opportunity to explain how that can be.

Mr WILSON: I would only be reiterating comments that I have already made if I respond to that request. In spite of what the member says, in essence no change has been made to the operations of the department as they have previously been pursued. All the actions he has quoted will continue to be performed within a branch headed by a licensed surveyor. That branch will carry out the same procedures as have always been followed within the department. The member insists that the duties to which he referred were previously carried out under the responsibility of the Surveyor General. What is proposed in the Bill is that they will continue to be carried out within a branch responsible to the head of the cadastral examinations branch, who will be a licensed surveyor. The procedure has not been changed. It is the same as it was previously. The actions of the department will remain very much the same as they were under the existing Act.

We are tilting at windmills. The member is seeking to draw this rather extreme distinction. We are really changing a structure within the department and within that changed structure we have the cadastral examination branch headed by a licensed surveyor who will be responsible for these duties and will carry ultimate responsibility for the work done. To that extent, the procedures are exactly the same as they were previously.

Mr LEWIS: The distinction is that the present legislation refers to the Surveyor General. That person has responsibility to delineate and certify plans, and do other things which only a licensed surveyor is permitted by Statute to do.

Mr Wilson: Is the member suggesting that all the officers formerly working under the authority of the Surveyor General were licensed surveyors?

Mr LEWIS: In my experience it was a convention, for as long as I can remember, that all authorised surveys done in private practice or by the Crown were certified as being under the strict guidance and supervision of a licensed surveyor. Whether that licensed surveyor put the peg in or not, does not really matter.

Mr Wilson: In most cases he probably did.

Mr LEWIS: He probably did. Of course, he cannot have his theodolite in one place, and someone putting a mark in somewhere else. I accept that. I also accept that an articled pupil or cadet surveyor quite often went out and did the surveys under the supervision of a surveyor. That is accepted norm, bearing in mind that the licensed surveyor took responsibility for the certification of the surveying tasks which he performed.

Mr Wilson: We are not proposing to change that.

Mr LEWIS: I am glad the Minister said that.

Mr Wilson: That is what I have been saying all along.

Mr LEWIS: Unfortunately, the Minister cannot see the subtlety. We have a town planning expert up at the back who is yawning and commenting.

Dr Alexander: I am only yawning because of your speech.

Mr LEWIS: If the member for Perth knew a little about it, I might listen to him.

Dr Alexander: The same applies to you.

Mr LEWIS: What I am getting at is that, if an Act prescribes that a Surveyor General shall have responsibilities, those responsibilities can only be effective if he is a person recognised under the Licensed Surveyors Act. The Minister has an amending Bill which has the effect of allowing an authorised land officer to carry out these duties. To my mind, that is saying that the authorised land officer must be registered under the Act. That is the most simple way I can put it.

This legislation is technically flawed, and not only in this instance; I can find five or six instances where the duties of the Surveyor General, which are now going to be handled by an authorised land officer, require a certificate of registration as a licensed surveyor. We are saying that the land officer should be a registered surveyor under the Act.

Clause put and passed.

Clauses 5 to 12 put and passed.

Clause 13: Section 7 amended --

Mr LEWIS: Clause 13 is another example of where this legislation is technically flawed. It is not technically flawed because a licensed land officer is not a licensed surveyor but because part (c), line 23, states "by the permanent head of that Department". I would refer members to the parent legislation, the Alignment of Streets Act 1844, which says --

> . . . the Surveyor-General shall report the same and lay before the Governor in Executive Council a map or plan of such town in duplicate, having the streets and lines of communication delineated accordingly thereon, both of which plans shall be signed by the Governor in Executive Council, and one shall be retained in the Survey Office --

That has now been amended to the department, to which I have no objection. To continue --

> -- or some other convenient place and the other shall be delivered to the Chairman or Acting Chairman of the Town Trust, either of which plans so signed by the Governor or any copy thereof duly certified by the Surveyor-General, . . .

So there is a plan that is "duly certified by the Surveyor-General". The amending legislation proposes that the plan or copy thereof will be duly certified by the permanent head of that department. I direct the Committee's attention again to section 23(1)(d) of the Licensed Surveyors Act.

This legislation is technically flawed. I could go on and on giving many more examples of technical flaws in this amending Bill. I would like the Minister to take on board my comments and perhaps withdraw this legislation, think about it, and bring it back to this Committee without these anomalies at law, so that the people the Government wants to do these jobs are not breaking the law.

Mr WILSON: The terminology of section 7 of the Act, and the proposed amendment in the Bill of this section which refers to plans so signed by the Government being certified by, in this case, the permanent head of the department, refers to what constitutes an administrative task. The member should give this some thought; he has asked me to accept his views without question.

Mr Lewis: I have been in practice for 25 years.

Mr WILSON: That does not mean the member is perfect. Other people have been involved along with him, and have been advising me too.

Mr Lewis: The Institute of Surveyors and consulting surveyors have told the Minister, but he will not listen.

Mr WILSON: The Institute of Surveyors has readily acknowledged that the Surveyor General did not need to be a licensed surveyor; in fact, the last Acting Surveyor General was not a licensed surveyor.

Mr Lewis: In the Minister's Government.

Mr WILSON: The member takes on board those considerations equally. However, the remarkable persistence of the member is no doubt a virtue, and I will agree in this instance, while not agreeing to withdraw this part of the Bill, to have this reference to certification further examined. Should I find between now and when the matter comes before the other place any technical difficulty such as the member claims, I will undertake in that event to give further consideration to the change the member suggests. I am not prepared at this stage to take the member's word for it.

All the best advice I have indicates that this is a purely administrative function and that, in that event, it is appropriate to substitute, in this case, the permanent head of the Land Administration Department for the Surveyor General. I will give that undertaking and ensure that the work is done in the meantime.

Mr LEWIS: I thank the Minister for at least conceding a little that maybe what I have been saying for some time has some veracity.

Mr Wilson: I am not conceding about this particular case.

Mr LEWIS: I could go on; this is not the only case.

Mr Wilson: I know the member could go on.

Mr LEWIS: Madam Chair, is it the responsibility of this Committee to pass legislation that is in direct contravention of other Acts of Parliament?

Mr Thomas: That is on your say so.

Mr LEWIS: It may be.

Mr Lightfoot: We had to depend on the Minister's say so.

Mr LEWIS: I have a little knowledge about this subject, for goodness' sake.

Mr Thomas: A little knowledge is a dangerous thing.

Mr Blaikie: He has a lot of knowledge.

The DEPUTY CHAIRMAN: Order!

Mr LEWIS: Madam Chair, I am trying to suggest to this Committee that --

Mr Thomas: I can hold the end of a tape measure.

Mr Lightfoot: Is that a little knowledge?

Mr LEWIS: The member for Welshpool would have to join the BLF -- or does he still have a ticket?

Mr Thomas: I have, actually; and I can hold the end of a tape measure.

Mr LEWIS: The member can join me on the weekends for an odd job.

Mr Lightfoot: I am not a member of the Australian Workers Union, members may be pleased to hear. I have given away my ticket; although I used to be a member. As long as the licensed surveyors are not members of the BLF, we will be all right.

Mr LEWIS They wanted us to be.

Mr Wilson: I have given the member for East Melville an undertaking.

Mr LEWIS: I accept that. I am not trying to put the Government or the Minister down. I am trying to explain to the Committee that the Surveyor General has very wide-ranging responsibilities, under a bevy of legislation, going back to the first Act in 1841, which we are amending tonight. His responsibilities are right and proper because the delineation of land is important for the public to understand. The public need to know that their titles are guaranteed, and they are entitled to know their parcels of land have not been delineated and surveyed erroneously; if they are, the Crown will guarantee the titles. There are important and longstanding reasons why persons performing surveys under these various Acts should be competent and professional.

This amending legislation replaces the statutory position of Surveyor General -- which has been in existence since 1829 -- with a person referred to as an authorised land officer. With due respect, Madam Chair, it could be you.

The DEPUTY CHAIRMAN: I would probably do a very good job.

Mr LEWIS: It could be anyone because there is no qualification for an authorised land officer.

Mr Wilson: That is a sad reflection on the management of the department.

Mr LEWIS: That is the effect of the Bill presented before this Committee this evening. There is nothing within this legislation which provides that that person shall be qualified, either professionally, technically, or by experience.

Mr Wilson: You are saying the administration would allow that to happen?

Mr Wiese: There is nothing to stop it from happening.

Mr Thomas: You cannot write a law to say that you are only going to appoint good people. No doubt you could find a licensed surveyor who is an incompetent person.

Mr Blaikie: The way the Public Service has been prostituted by your Government, anyone could get promoted, and you know it.

The DEPUTY CHAIRMAN (Dr Lawrence): Order!

Mr LEWIS: The fact is that the Transfer of Land Act requires the Commissioner of Titles and his deputy to be recognised by law as legal practitioners with five years' experience in various jurisdictions. Why not scrub that requirement and say that anyone can be the Commissioner of Titles for management reasons? The Transfer of Land Act recognises the competence which is required of a person in order to administer that position. I am trying to impress on the Minister that there are good and sound reasons why the person who is going to take the place of the Surveyor General should also be professionally competent. That is not provided for in the Government's amending Bill. The member for Welshpool has said that it all gets back to management and that people can be delegated under that person. Well, we can get back to management anywhere, and I have no objection to that because no doubt the person who is administering the Department of Land Administration at present is a competent manager and does not have to be a licensed surveyor.

Mr Thomas: John Elliott is probably not much good at brewing beer.

Mr LEWIS: If the member for Welshpool listened to me, he would know that what I am trying to say is that there is good and proper reason why a person needs to be competent in positions contained within Statutes so that they can do their job.

Dr Gallop: Is this the principle of a closed shop?

Mr LEWIS: This has absolutely nothing to do with the welfare of a licensed surveyor; it has to do with the welfare and the propriety of the administration of our land system in Western Australia for the public's good. A flippant comment like that from a person who I thought should know better does him no service whatsoever.

The Minister has not explained to this Chamber why it is necessary to desecrate that position to remove from the Statutes the need for that professional experience and competence and allow anyone to do that job. I would like the Minister to agree with me that those jobs and positions that are referred to require competence, technical understanding, a lot of experience, and a broad understanding of land tenure, delineation and the cadastre in Western Australia. What the Minister is saying through the Chair is that anyone can do that job, and I will not accept that. The survey profession will not accept that; the surveyors within the Minister's department will not accept that; and neither will the public of Western Australia.

Mr BLAIKIE: I wish to make some very brief remarks to support the remarks made by the member for East Melville. Members in this Chamber are fortunate that we have people who are competent in specific fields, and the member for East Melville has a wealth of experience and a very important background in the preparation of titles and ensuring that surveying work is properly carried out. The member for East Melville has made a series of very cogent points to demonstrate to members -- and he has certainly convinced me -- that there are some technical flaws in the legislation currently before the Chamber. The member has asked why it is necessary to remove the professional competence requirement which has been in the Act since 1829. That question has not been answered. Another point raised by the member, which is more important, is the continued assurance of the protection of the community in relation to the land titles system. The Government is proposing that any authorised person will replace the Surveyor General, but there is a far greater need to ensure that that person has professional competence, not necessarily in an administrative sense but in a technical sense; and that in itself adds a further dimension of protection to the community.

I want to acknowledge my appreciation of the Minister for saying that he has undertaken to review this section of the Bill, and that if flaws are found in the legislation, being prepared to ensure that satisfactory amendments are made in the passage of this Bill to the other Chamber. There will be a series of other matters which the member for East Melville will raise with the Minister.

We can argue about this all night, and we may continue to debate this for some time, but we on this side of the Chamber are obviously not going to win the vote. However, the Minister has given that undertaking, which is a step in the right direction towards ensuring that when the legislation comes out of this Chamber in due course, it will guarantee the protection of

the people of Western Australia. It is important to have good legislation, but it should be paramount to provide adequate protection for the people who need to use this Bill.

Clause put and passed.

Clauses 14 to 33 put and passed.

Clause 34: Section 151 amended --

Mr LEWIS: There will obviously be areas within other sections of this Bill that will be technically flawed, and I do not want to bore the Chamber by talking about those; I take on board that the Minister has accepted that this could be the case and he is prepared to look at that.

Proposed clause 34 is another example of where the legislation is technically flawed, and I quote clause 151 --

> . . . and be deemed to have been the true boundaries of such parcel of land whether such boundaries upon admeasurement are or are not found to be of the same dimensions or to include the same area as the boundaries or description of such parcel given in the Crown grant but it shall be lawful for the Surveyor General to alter the survey boundaries marked upon the ground. . .

I think that is the pertinent point: "It shall be lawful for the Surveyor General to alter the survey boundaries marked upon the ground." Under the amending legislation it will be lawful for the authorised land officer to alter the survey boundaries marked upon the ground. I draw the attention of the Committee to the Licensed Surveyors (Transfer of Land Act 1893) Regulations. Part I, General, states in part --

> 1B. Every survey, re-survey or subdivision made or used for the purpose of any application or dealing in the Office of Land Titles must be made by a licensed surveyor lawfully entitled to practice under the Transfer of Land Act 1893 . . .

The Minister has said that nowhere does it say that the Surveyor General must be a licensed surveyor. I can accept that in the Statutes it does not say that in so many words, but by a very simple reading of that legislation it is perfectly obvious that the Surveyor General must be a licensed surveyor. That is the case, notwithstanding that because of the previous Administration's lack of knowledge of land law it had in that position a person other than a licensed surveyor. Obviously that Administration was wrong, but two wrongs do not make a right. If that legislation states that a person must be licensed under the Act in order to do that job, I cannot understand why the Government is so entrenched in the idea that it has to remove from the Statute book the recognition of technical and professional competence of the person who is prescribed to administer these various Acts and responsibilities.

Mr Hodge: You made this same argument for several hours this afternoon. You are still harping on it.

Mr LEWIS: If one cannot get the message across, one must keep at it. I could keep going. This is not the only one, as I understand. The Government's amending Bill is technically flawed.

Mr Hodge: That won't change anything, it just bores everyone.

Mr LEWIS: I will tell the Minister what it will change. It will not pass the Council, that is what will happen.

Mr Wilson: How do you know?

Mr Thomas: How do you know? It is an independent House of Review.

Mr Hodge: Your domination of the Council has finished. You have not caught up with the times.

Mr LEWIS: I am not denigrating the Government or the Minister, but I am trying to indicate to the Committee that it is incompetent and irresponsible for this Chamber to pass legislation that contradicts other Statutes and, indeed, places the person who carries out those functions in the position of breaking the law.

Mr WIESE: Without wishing to bore the Chamber or to speak for too long, I also wish to add my voice in debate on this clause because I did mention it in the second reading debate.

I make the point once again that we are also worried as to the effects of some of the amendments in the clause, especially the effect of removing the position of Surveyor General and replacing it with the position of authorised land officer. That authorised land officer will be merely an officer of the department and there is no necessity or requirement for him to have qualifications. I accept what the Minister has said; namely, that certainly there will be times when the functions of the Surveyor General are able to be performed by a person who does not have the qualifications of a licensed surveyor. But there will be other times when that job will not possibly be able to be done by a person other than a licensed surveyor, as the member for East Melville pointed out previously. I do not believe that a mere officer of the department could or should be able to go out and lawfully move survey boundaries marked upon the ground, alter the trenches or the survey marks, or move the survey posts and pegs. That cannot possibly be allowed to be done by anyone other than a licensed surveyor. I believe the clause should contain a requirement that that authorised land officer be a qualified licensed surveyor.

Mr CRANE: It was not my intention to speak on this clause but, as one of the few who have had the patience to keep the numbers in the Chamber even though they have not been here all the time, I believe that commonsense should prevail. The member for East Melville has very adequately pointed out the deficiencies in the legislation, adequately supported by the member for Narrogin, and the time must come when we have to admit we are wrong. It is quite obvious, for the reasons which have been given, that we would be derelict in our responsibility if we were to allow this clause to pass through this Chamber unchallenged. It is obviously wrong, for the reasons that have been given. It is not a case of "We had a win over someone else"; it is a case of intelligent people showing their intelligence. Is it not about time we did? Some of us in this place have been very patient indeed, while others have neglected their responsibilities and sat outside the Chamber in their offices. As one who has been patient, I will not sit here any longer and see this place prostituted in the way it has been prostituted during consideration of this Bill. Commonsense must prevail. The Minister previously gave an undertaking that he would have a look at a certain matter; that was a good undertaking and I accepted it. But I would be very disappointed indeed if any parliamentarian from either side of this Chamber allowed such legislation to pass through this place. Good God, what are we here for? We are here to be responsible, and tonight we are being damned stupid. I would hope that the other place would not consider it for one moment.

This matter transcends party politics and it reeks of a need for plain commonsense. Let us have some, and let the Minister give us an undertaking, because of the arguments put forward -- and they are very strong and sound arguments. We are not trying to be difficult; we are trying to be responsible. The Government at the present time, I hate to say, is showing a high degree of irresponsibility in not listening to what we are saying. I for one will not allow this clause to go through unchallenged.

Mr BLAIKIE: As has been indicated, the Minister undertook to look at a previous clause, yet this clause falls into a similar category. The Opposition has a responsibility in this matter. We can divide all night if necessary, but we will not win the process of division because that is currently the nature of this Chamber. However, the Opposition appeals to the Minister to continue the undertaking he gave in relation to the other clause, based on the argument from the member for East Melville, whose practical experience is important in the context of this legislation.

Mr WILSON: Perhaps I am a bit more patient than the member for Moore, and I resent some of his comments. Nobody is trying to prostitute the Parliament, and I take exception to those comments. In fact I have been listening to what members have said and I resent any implication that I have not been listening.

Mr Hodge: He means you have not agreed to do what he wants.

Mr Crane: If you want just a political appointee who can do anything you want him to do, why do you need professionals?

Mr WILSON: First of all, I reiterate something I said previously which I think has been ignored by representatives of the Opposition. The Opposition is seeking to make out that, in the changes proposed in the Bill, we are radically departing from practices that are currently in operation. Some members seem even to infer that references in the existing Act to the

Surveyor General imply that the Surveyor General himself is actually undertaking certain actions, or a lot of actions, that he never did. Some members seem to imply that there have not been authorised land officers acting under the responsibility of the Surveyor General in performing those functions up to now. Even the member for East Melville indicated that this has always been the case. It is also true that there is nowhere in the legislation a stipulation that the Surveyor General should be a licensed surveyor. I know the member for East Melville argued that, because of certain stipulations in certain Acts, that is implied.

Mr Lewis: It has to be.

Mr WILSON: No, the member is reading back from one Act into this legislation an inference which is not contained in any existing Act. I am not convinced by the method the member has used to argue that case; however, as he has raised a doubt on that issue, which is contrary to the very strong advice I have received, I will have further examined his claim that there is a technical requirement for the Surveyor General to be a licensed surveyor and that that can be inferred from certain Acts. I will undertake to do this because I think it is important for it to be examined in the same way that I undertook to have the other instance further examined. I accept the member has raised a reasonable doubt by his argument, but I cannot accept the argument. Should I be convinced in the time between now and when this legislation comes before the other place that there is a technical requirement under the existing Act for the person exercising that responsibility to be a licensed surveyor, I will see that an appropriate amendment is introduced. In all good conscience on my part, I am not convinced at this stage by the member's argument alone and I will seek further advice in that regard.

Clause put and passed.

Clause 35: Section 153A amended --

Mr LEWIS: I really do not want to go through all these clauses --

Mr Thomas: Nor do we want you to.

Mr LEWIS: I accept that but does the member think it is right that members on this side of the Chamber, knowing full well that the legislation is technically flawed, should allow it to pass? We would not be doing our job properly if that were the case.

Mr Hodge: It is only your opinion that is technically flawed.

Mr LEWIS: Look, I am entitled to an opinion just as much as the Minister is.

Mr Hodge: You are putting it forward as fact; it is not fact.

Mr LEWIS: I think the Minister will find that what I have said tonight is fact because I have a bit of knowledge about this subject.

Mr Hodge: A little bit of knowledge is a dangerous thing.

The DEPUTY CHAIRMAN (Dr Lawrence): Order! Members should return to the debate.

Mr LEWIS: I refer to section 153A of the Transfer of Land Act, which reads as follows --

> If any certificate of title issued before or after the passing of the *Transfer of Land Act Amendment Act, 1902*, a piece of Crown land not included in the grant from the Crown is, in consequence of an error in the survey, --

That is the pertinent point to note -- "an error in the survey". The section continues as follows --

> -- included in the certificate of title, the Governor may, on the recommendation of the Surveyor General, order that such piece of land shall be deemed to have been included in the grant.

Only one person can determine an error in survey, and that is a licensed surveyor. An authorised land officer could not unless he was a licensed surveyor. Bearing in mind that I have more information to come, I ask the Minister to consider withdrawing the legislation, taking it back and bringing it forward in a form that is competent to be dealt with by this Committee.

Mr WILSON: I think that is a completely unreasonable demand. I have indicated that on a case-by-case basis I will have the claims made by the Opposition re-examined, but we have

to understand that they are only claims and arguments put up largely by the member for East Melville. I am not prepared, solely on that basis, to withdraw the legislation as a whole. I do not think it is a reasonable request. I have indicated that I will undertake to ensure that any case where the authorised land officer is being substituted for the Surveyor General, or another officer is being substituted for the Surveyor General, where that is technically in error -- as the member has claimed -- will be subjected to further examination to ensure that it is not subject to technical error. That can readily be done by departmental officers and officers of the Crown Law Department. I undertake to examine all cases where substitutions have been made for the Surveyor General to doubly ensure that there is no element of technical error or no breach of technical requirements. However, I am not prepared to withdraw the Bill simply because the member for East Melville has demanded it.

Mr LEWIS: An amendment that I will move later requires the authorised land officer to be registered under the Licensed Surveyors Act. The simple thing is for the Minister to accept that amendment.

Mr Wilson: That is not even required under the current Act. I would therefore have to give that matter consideration before I agree with it.

Mr LEWIS: All the legislation in operation refers to the Surveyor General. I accept what the Minister is saying. I am disappointed however that we have had to attempt to fix up what can only be described as a mess of legislation.

Mr Wilson: I do not accept that.

Mr LEWIS: Already the Minister has conceded three times --

Mr Wilson: I have conceded nothing. I have said I will have the matter examined.

Mr LEWIS: If the amendment to have the authorised land officer registered under the Licensed Surveyors Act were accepted, the problem would be sorted out.

Mr Wilson: I said that I am not convinced that what is proposed in the amendment is more than was required under the current legislation. I will ascertain that.

Mr LEWIS: Why is the Minister so entrenched in his ideas to not recognise the need for professional competence in that position? I believe it should be the responsibility of the Minister to explain why the Government will not recognise a longstanding convention that authorised surveyors need to be professionally qualified and registered under the Act.

Mr WILSON: The point at issue is not an officer's competence to perform the tasks which he has been charged to perform. The point at issue is the authority under which they act. That is my view and the view of all the advice I have received. The member for East Melville is asking me to ignore that advice and to accept his advice. I am not prepared to do that at this stage. I accept that he has worked in the industry for a lifetime, but that does not mean that there are not other views which should be considered.

I accept the point made a number of times that, in the substitutions proposed in the Bill, there may have been some oversight with respect to the technical requirements required to be fulfilled by people required to act in a professional capacity. That is a reasonable concern and I will have it thoroughly examined. Should that examination indicate that there is substance in the argument, I assure the Committee that appropriate amendments to the legislation will be made.

Mr WIESE: In speaking to this clause and the next clause, the member for East Melville and the Minister have been referring to authorised land officers. These clauses refer to the Registrar of Titles and the transfer of power to him from the Surveyor General. Will the Minister consider whether there is a requirement for the Registrar of Titles to be a licensed surveyor?

Clause put and passed.

Clause 36: Section 181 amended --

Mr LEWIS: The Opposition has chosen not to divide the Chamber on these clauses, although it could to emphasise a point. I take note of the Minister's comment that he is more than happy to further look at the clauses with which the Opposition has some difficulty. However, it is appropriate that I identify the areas in which the Opposition believes there are deficiencies.

It is pertinent to look at clause 36 which amends section 181 of the Act. The intention of this clause is to insert a new subsection (2) which states that the registrar, with the approval of the Governor, make regulations providing direction and guidance for licensed surveyors performing surveys authorised or required within the meaning of the definition of "authorised survey" in section 3 of the Licensed Surveyors Act. I suggest that the registrar is not competent to make those directions and regulations; it requires a person who is competent and professionally qualified to do that.

Bearing in mind that the Minister has said that he will have a further look at this clause, I suggest that a simple amendment should be made wherein the registrar, on a recommendation from the Land Surveyors Licensing Board, "may", with the approval of the Governor, make regulations providing direction and guidance for licensed surveyors. An amendment along those lines will allow for the body which is most competent, to write regulations for the guidance of surveyors and the preservation of our survey system and to make subsequent amendments thereto.

The registrar is technically not a competent person to do that. Matters concerning the delineation of land, including the methods and emerging technology, are not legal matters, they are scientific matters that are founded in the profession of land surveying.

I ask the Minister whether he would consider the amendment I have outlined. It is probably in line with the proposed new Licensed Surveyors Act which is currently being drafted. The responsible body for the guidance of surveyors and the drafting of regulations to do with their competence and how they carry out their functions should be founded within the Land Surveyors Licensing Board, either as presently constituted or as constituted in the future.

Mr WILSON: It was initially intended that the proposed new subsection would complement a repeal of the power of the Licensed Surveyors Board to make regulations under section 21(1)(m) of the Licensed Surveyors Act. Because full agreement has not been reached with the survey profession about the nature of the regulations that may continue to be made by the board, we decided to leave that section as it stands for the time being. Consultation on the Licensed Surveyors Act and the land titles legislation -- Bills for which are currently being drafted -- will resolve the regulation-making powers in the respective areas of interest of the Licensed Surveyors Board and the Registrar of Titles.

Generally speaking it is thought that the regulations that would come within the ambit of the titles would deal with the examination of standards. The regulations that would be in the purview of the board would deal with the professional behaviour standards of the profession. In that sense, the profession is moving towards self-regulation of those sorts of standards. That is still in the process of consultation and negotiation.

In view of that process I am a little reluctant to accede to the amendment suggested by the member for East Melville. It is something that must be worked through and the practices and implications of those respective areas of responsibility need to be more thoroughly scrutinised. That sort of amendment would, to a large degree, preempt the process we are engaged in, and it would be my preference to continue with the current consultation to resolve those matters. It was my understanding that that was well understood and accepted by the profession.

Mr LEWIS: Is the Minister saying that it is his intent that the surveyors board, to be constituted under a subsequent Statute, will be formulating regulations, which will be accepted by the registrar?

Mr Wilson: What I am saying is that each will be responsible for those respective areas of regulation. That is the basis of our negotiation.

Mr LEWIS: I can understand that under the mines Act, Land Act and the Transfer of Land Act there are various regulations prescribed for the guidance of surveyors. Sitting above those regulations are regulations for the guidance of surveyors under the surveyors Act.

The Government is putting in place a clause which states that the registrar shall prescribe regulations regarding the marking and delineation of land, etc. Those things are of a technical and professional nature and they should rightfully be prescribed or recommended by a board, bearing in mind that the board will be a representative body of both the public and private sector.

I have difficulty understanding the reason that the Minister cannot accept an amendment such as the one I have outlined as one that is reasonable, will not run across any boundaries and will only be of benefit. It must be understood that people such as licensed surveyors working under the Licensed Surveyors Act do not like someone who knows nothing about their job telling them what to do. Practising licensed surveyors require academic qualifications and they serve articles for 18 months to two years, depending on their circumstances. It takes a surveyor five or six years to be recognised at law as competent to delineate land and it takes him another five years to become professionally competent in his job. No-one can deny that. The last thing they want is a Registrar of Titles -- a person who may have started as a clerk on the front counter of the Office of Titles, who may know the Transfer of Land Act and the Land Act backwards, be a good administrator and manager but who knows nothing about the professional side of licensed surveyors -- directing land surveyors on how they should do their job.

I am trying to be constructive and to present the views that have been put to me. I met with the surveyors last week and spoke to them again on the telephone yesterday, and my professional competence and experience are also a guide; I know that professional surveyors do not want to be directed by the Registrar of Titles. I accept that the registrar is the competent person to administer the Transfer of Land Act; I am asking that he only put in place regulations on recommendation from the Land Surveyors Licensing Board.

Mr WILSON: I ask the member, who takes the ultimate responsibility for the correctness of the title?

Mr Lewis: The Surveyor General did but you have removed him.

Mr WILSON: My advice is that the Registrar of Titles guarantees the title. If he takes that ultimate responsibility then surely he rightfully has a say about the setting of standards that pertain to that responsibility. Of course, as I have said previously, the Director of Land Titles is advised on these matters by the manager of the cadastral examination branch of the Office of Titles, who is a licensed surveyor.

Mr Lewis: He is the inspector of lands and surveys and has to be a licensed surveyor, the Statute states that.

Mr WILSON: The member for East Melville is emphasising my point. That person advises the Director of Land Titles.

Mr Lewis: I am talking about regulations.

Mr WILSON: As I said, the Registrar of Titles has the ultimate responsibility for ensuring the correctness of title.

Mr Lewis: I am not saying the registrar should be removed but that regulations should be made after consultation with the Licensed Surveyors Board.

Mr WILSON: The member is saying only on the recommendation of the board, he has not suggested that it should make an input. His suggested amendment is that action should only be taken on the board's recommendation and that without that recommendation nothing should be done. His suggested amendment used the words "on a recommendation of the Licensed Surveyors Board". The full import of those words is that the registrar can only act on a recommendation of the board.

Mr Lewis: The registrar would obviously have input. I am suggesting that the registrar should have cognisance of regulations and these first of all should emanate from the board. You may be playing with words.

Mr WILSON: I am trying to elicit whether the member's comments relate to the words he used when speaking of a likely amendment.

Mr Lewis: They came off the top of my head, I was not trying to formulate an amendment. I was suggesting that the Minister should formulate one.

Mr WILSON: I will not formulate amendments on the spot because that is a certain way of getting into trouble. The problems that have occurred to me as a result of the member for East Melville's recommendation prove that. The member appeared to suggest previously that he would move an amendment.

Mr Lewis: No, I had no intention of moving an amendment.

Mr WILSON: If the member is saying that he would favour some measure whereby the registrar had reference to the board with respect to formulating regulations, that could be considered. I certainly would not recommend that the registrar would be bound only to recommendations from the board; that would be overly restrictive and I am not prepared to consider it. If we can formulate an appropriate amendment which picks up the spirit of the member's suggestion and which does not cut across the sorts of negotiations going on with the profession, I am happy to give an undertaking that the Government will introduce some change in the upper House.

Clause put and passed.

Clause 37 put and passed.

Clause 38: Sections 5A and 5B inserted --

Mr BLAIKIE: I want to speak to clauses 38 and 39. I can do them both together. It will not stop the proceedings, but it may hurry them up.

The DEPUTY CHAIRMAN (Mrs Henderson): We will not put the two clauses at the same time, but if you want to use the same opportunity, that is fine.

Mr BLAIKIE: Clause 38 relates to the Public Works Act. It amends the principal Act by inserting after section 5 a section which allows for delegation by the Minister. It allows the Minister to delegate any of his powers to any Minister of the Crown. My understanding of this is that it allows other Ministers to be involved in any Acts of purchasing, leasing, or dealing with properties of the Crown. I ask the Minister if my understanding is correct.

The concern I have is that while extending this to a series of other Ministers, we may well be looking at taking a tiger by the tail. The powers under the Public Works Act, particularly in relation to acquisition, are certainly very widespread and powerful. Members will find the Public Works Act contains 45 pages of conditions relating to how land can be taken, what may be taken, and what may not be taken. The powers of acquisition and dealing in land are very wide. If these powers are to be given to any other Minister of the Crown, a host of other Ministers will become involved in being able to use the sections of the Act that I have indicated.

The concern I have, and I think the Parliament ought to have it, is the level of scrutiny of the Parliament on subsequent Ministers in the administration of their sections of the Act.

Mr Wilson: How would it be any different? How do you mean, scrutiny of Parliament? What scrutiny does Parliament have as it stands?

Mr BLAIKIE: As far as I am concerned, the one Minister has the power of acquisition within the Public Works Act, and that is not generally extended to other Ministers. At least the Parliament has the knowledge that the powers of acquisition go through that one Minister. The clause proposes a series of Ministers will have that same authority. I want the Minister to indicate why it is essential -- obviously the Government considers it essential because it is in the legislation -- that all other Ministers should have these very extensive powers of acquisition and dealing in land.

I would be rather concerned if certain Ministers had those powers. Why would the Minister for Consumer Affairs need that sort of authority? Why would the Minister for Tourism? The Western Australian Tourism Commission, being what it is, might start selling land ad infinitum. I want the Minister to understand very clearly that if we on this side of the Chamber appear sensitive to the dealings of Government, over the last couple of weeks our sensitivity has been aroused when the Government has guaranteed $150 million to a bank, a Government agency has bought a substantial part of the central city area, and the same Government agency has bought a substantial shareholding. Where does this stop?

Mr Lightfoot: Half a billion dollars was spent on those two items in the last week.

Mr BLAIKIE: What is proposed here is to extend the very acquisitive powers that the Minister has to other Ministers as may seem appropriate. The member for Floreat administered the Public Works Act, and he would know what responsibility he had on behalf of the taxpayers administering that section of the Act. If the Minister for Education wanted a particular area of land, he could fill out the appropriate form, send it to his ministerial colleague, and provided everything was detailed, he would then proceed.

What is proposed is that each department would do its own thing. That may be more desirable administratively, but who will have that additional scrutiny and security? Government members must understand that we are very sensitive about how the present Government is spending taxpayers' money without referring to the Parliament, and we are very sensitive to this section of the Act.

Referring to retrospective validation of acts which have been performed by various Ministers of the Crown or persons employed by the Government for the period beginning January 1970, I have already asked the Minister if this in any way applies to the sale of land -- to the sale of the Midland abattoirs saleyards. The Minister has indicated that it does not apply to that area. I would like the Minister to indicate publicly why it is necessary to have retrospective validation. I would also like a public statement from the Minister to indicate the areas to which it does not apply -- areas over which the Opposition has been acutely sensitive. Examples are the Midland abattoirs, the Anchorage development, and a host of others. We want an assurance that this section does not validate any of those actions over which this Chamber has seen extensive debates and which have caused this side of the Chamber considerable concern.

Mr WILSON: The new provisions referred to by the member for Vasse are comparable to those in the Mining Act and the Conservation and Land Management Act. They enable a general or specific delegation of powers in the Public Works Act to any other Minister of the Crown. This will overcome the present anomalous situation where officers responsible to Ministers other than the Minister for Works and Services are administering parts of the Public Works Act. It will also enable departments and agencies having powers of resumption in their controlling Acts and having appropriate land acquisition branches to have, through their Ministers, delegated responsibility for land resumption activities.

I emphasise that that is an almost self-limiting factor that will only apply to Ministers with departments heavily involved in the process and who have appropriate back-ups for that process. We are thinking of the State Energy Commission, the Main Roads Department, and the Water Authority. As I have said previously, the Act which governs the activities of the authority for which the member is responsible must reflect powers of resumption under the Public Works Act. There are not many Acts that do that, so it is not the all-embracing ambit that the member seems to fear and it does reflect provisions that are already contained in the Mining Act and the Conservation and Land Management Act.

Mr Blaikie: Under what section of the CALM Act is that contained?

Mr WILSON: I do not have the particular reference, but I can provide it subsequently. In that Act it is apparently a general delegation power to start, but we can check on that for the member. Hopefully, that will calm some of his fears. I reiterate the assurance that I gave the member about a question that he asked previously, that in fact this validation is one that has been recommended by the law officers of the Crown Law Department because, I am advised, going back as far as the 1930s actions were taken that were not properly authorised.

As I understand it, the reference to 1 January 1970 involved a notional date suggested by the parliamentary draftsman and Crown Law Department advisers as a date that would catch any likely instructions that would not have been validated under the existing provisions of the Act. For instance, I have before me a memo addressed to the Under Secretary for Lands from the Under Secretary for Works and dated 12 July 1956 which is an example of an administrative instruction which would not be validated under existing provisions of the Act.

There could be a whole host of such things, but they do not encompass the particular ones to which the member has referred and there is no intention to do that. I am advised that, in many cases, they would be totally irrelevant to most if not all of the matters instanced in the question. In general, I am happy to give categorically the assurances sought by the honourable member.

Mr BLAIKIE: I thank the Minister for his response, but it has not satisfied me. One of the very important principles that I have learned in relation to legislation is that, if a power cannot be explained as being necessary, one should not just put it into legislation because it might need to be used in due course. The important principle that the Minister will find is that if a power is not needed today, a reason will be found for using it tomorrow once an Act providing that power comes into force.

In relation to the whole question of delegation by the Minister, in clause 38 the Government is seeking the power of delegation for Ministers of the Crown. I have gone through the Conservation and Land Management Act and at page 17, under the delegation section 133, it states that the delegation of authority from the Minister can be handed to someone else in the department, but it does not give the Minister for Conservation and Land Management the power to hand his authority to other Ministers. There is a wide difference between what the Minister has indicated to the Committee and what is proposed in the legislation.

If, as the Minister has said, it is intended that Ministers in the Main Roads Department and two or three other agencies necessarily involved in land resumption are to be the Ministers concerned, then let the Government spell out specifically who are those Ministers and then the Parliament can decide whether to give that power to those Ministers. What is proposed here is a delegation of authority of the Public Works Department particularly related to land resumption. The clause about which I am talking has wide and powerful functions that are to be handed to any other Minister of the Crown.

A satisfactory argument has not been advanced in relation to this matter. If it is not necessary for other Ministers to have this power today, you can bet your sweet nelly that the day that the legislation is proclaimed those Ministers will all have 1 001 reasons why they ought to have it, and heaven help the country. The Committee should vote against this clause because the Minister has not explained why it is necessary.

Mr MENSAROS: I find myself in the unusual situation of speaking on a subject that I have not studied thoroughly. However, I found the Minister's comments rather odd; that is, that the power of resumption will be given to respective Government instrumentalities that participate most in resumptions. That is a bad principle. If anything, whenever we have dealt with this question it has been the field where I have always suggested centralisation despite the fact that basically and generally speaking I am against centralisation. However, as the saying goes, "Every rule is strengthened by exemption." The reason for this is very simple, and is that the interests of the public would demand that there should be a fairly uniform policy and implementation of resumption rules throughout. Even within the Public Works Department it was almost inevitable that with different officers dealing with different sorts of opinions, expert advice or different valuations having been obtained, that the whole administration was not uniform.

I can imagine, if I was sitting on the Government side, the position of the SEC or the Water Authority and their respective Ministers, particularly the Minister for Works, who is in a weakened position because his power is not what it used to be. His Ministry was originally one of the strongest. I remember when I was appointed to that Ministry I was not very happy because I preferred the economic portfolios. I think it was Jack Tonkin who came up to me and told me that I had achieved the most. He considered the time he had spent as Minister for Works to be the top of everything. At that time the Ministry dealt with the whole country water supply, civil engineering, harbours, rivers and property. That has all been stripped and what remains is a small agency Building Management Authority. Even when the Ministry had stronger power, the danger was that resumption was not implemented throughout the State uniformly. If resumption is being hived off to various instrumentalities, in due course it will be so divergent that people will not know what is happening, and what they can expect from resumption.

The second thing I wish to ask the Minister is, to what extent the huge study which the Legislative Council has conducted on resumption, and their various recommendations, is being taken into consideration? The Minister will correct me if I am wrong -- and I am quite happy if he does -- but I understand that the proposition in this legislation to decentralise the administration of resumption goes directly against the recommendations of that committee.

Mr WILSON: Regarding the comments made by the member for Floreat, as has been mentioned in the second reading debate, this is the first stage of the revision of the Land Act. We are trying to get to grips with matters of efficiency at this stage. The legal officers in the Crown Law Department picked up on this need for validation of these authorities to ensure that, in the event of any of these issues being taken to court, there would be retrospective validation of decisions and actions that have already been taken. With respect to the point he made about the recommendations of the committee on land resumption, that has been taken up with the Department of Land Administration and it is intended that the full impact of

those recommendations be taken up during the second stage of the review of this Act. We expect legislation for that to come to Parliament at this time next year.

Mr Mensaros: In other words, what you are saying is that this provision of delegation applies retrospectively only to actions already taken. Is that so?

Mr WILSON: That is certainly right, and in the interim period until the second stage of the review of this legislation is implemented at this time next year.

The point was made that this was too far-reaching. I do not accept the other political point-scoring comments that the member for Vasse made about all sorts of departments taking on these measures. I do not want to go into that. It is totally irrelevant. However, the member made the point with respect to the need for further consideration to be given to limiting the provision to any other Minister having under his control, an Act containing resumption provisions under the Public Works Act. As I understand his concern, because this needs to be only an interim provision, it would certainly circumscribe those actions to the sort of departments I referred to previously, and not embrace all other departments. We are prepared to consider, when we have had a chance to look at it thoroughly, an amendment to that provision which would restrict the provision to those Ministers who already have under their control Acts containing resumption provisions under the Public Works Act.

Mr BLAIKIE: I thank the Minister for the comments he has made and the undertaking he has given to look at the area of delegation and see just how many Ministers need to be involved in it. We see this area as being of some importance. We have been considering this Bill in the Committee stage for almost two hours, and in all of the clauses which have been raised with the Minister he has given an undertaking that they will be reviewed between this Chamber and the Legislative Council. I thank the Minister for his cooperation, but I believe we should not proceed any further.

Mr Wilson: I am not in sympathy with that suggestion. It is a waste of time.

Mr BLAIKIE: I was going to suggest that rather than proceed further at this stage the Minister should recast the Bill and give us an opportunity to consider it then. The member for East Melville raised six or seven points, and an undertaking has been given that they will be considered, which we appreciate. There is another point being taken here. There will probably be another four or five before we have finished this section of the Bill. There are matters of technicality which will need to be explained.

Mr Wilson: There may or may not be. I am not prepared to predict that that will be the case.

Mr BLAIKIE: We have been pretty cooperative to date.

Mr Wilson: So have I been, and I am prepared to continue to be cooperative if we proceed with the Committee stage.

Mr BLAIKIE: Very well. My second proposition to the Minister is to ask him if he would be prepared to report progress and let the Committee meet again, or shall we just slog away?

Mr Wilson: We will continue to slog away.

Clause put and passed.

Clauses 39 to 41 put and passed.

Clause 42: Section 4 amended.

Mr LEWIS: Clause 42 relates specifically to the Land Surveyors Act whereby the Surveyor General is removed from the Surveyors Licensing Board. That is the Government's prerogative, and I accept it. I have said before I have no problem about removing the title of Surveyor General. I have a problem with tradition and history. I think even the Minister accepted, in his second reading speech, that the title has a long tradition and is now going to be removed from the Statutes. I notice the constitution of the board, as prescribed by the Act, requires six people by a straight-out deletion of the Surveyor General. Is it intended with the reconstitution of the Act currently being drafted that the vacancy will remain, or will the board be expanded? The Land Surveyors Licensing Board has been reduced from six members to five.

Mr WILSON: It is the intention that the position vacated by the Surveyor General -- and which may appear to be redundant -- will be replaced; depending on negotiations it may well be decided there will be an additional position.

Clause put and passed.

Clause 43: Section 18 amended --

Mr LEWIS: This clause relates to the need for an authorised survey to be approved by the Registrar of Titles before it is lodged; hitherto it was approved by the Surveyor General. I have made the point strongly before that I thought it right and proper that the ability to approve authorised surveys should be put in the hands only of a person who has a responsible survey practice and who has the ability to approve such a survey. I believe the person appointed, rather than the registrar, should be an authorised officer who shall be a licensed surveyor or, indeed, even the Inspector of Plans and Surveys whom the Governor has appointed under the Transfer of Land Act. In the Regulations for Guidance of Surveyors under that Act, the person appointed by the Governor is indeed the Inspector of Plans and Surveys. To my mind, he is the person properly qualified to hold that responsibility. I ask the Minister to consider amending the clause to delete the Registrar of Titles and substitute Inspector of Plans and Surveys.

Mr WILSON: The position is very much as previously described. In line with the principle I mentioned earlier, the amendment reflects the change in primary authority to approve plans stemming from the registrar's responsibility. The key position of Inspector of Plans and Surveys is also the manager of the cadastral branch and is the person who advises the registrar. That is a procedure of the management of the department which is in place and will continue to operate.

Mr LEWIS: The situation that upsets the surveying profession is when it sees a person giving approvals who is not qualified to do so.

Mr Hodge: How many times have you made that point?

Mr Wilson: The member for East Melville has not listened to what I have said.

Mr LEWIS: I have listened.

Mr Wilson: You nodded your head.

Mr LEWIS: I have listened, and I have tried to be patient. The Government's drafting is sloppy because it is putting into section 18 of the Land Surveyors Act 1909 someone called the Registrar of Titles; if one goes to clause 3, the Registrar of Titles does not appear. I accept that maybe at law it could be accepted that the Registrar of Titles is as prescribed in the Transfer of Land Act; but I am suggesting the drafting is sloppy and is another manifestation of a bad job.

Mr Wilson: That is the member's opinion.

Mr LEWIS: It is a mess.

Mr Wilson: That is your opinion.

Mr LEWIS: We have been in Committee for two and a half hours and we have reached clause 43. What we are doing is the Minister's job; we are fixing up this messy legislation presented by the Government.

Mr Hodge: You haven't fixed it up much so far.

Mr LEWIS: The people upstairs will sort you out. I like to think the Minister is smart enough to save his future embarrassment by making sure this Bill is fixed up before it gets there. Members may laugh, but I will have the last laugh.

Mr Wilson: The member may have superior knowledge to the Parliamentary Counsel.

Mr LEWIS: I am pointing out the inadequacies of the draft.

Mr Wilson: You are referring to the inadequacies of the Parliamentary Counsel who has drafted the Bill.

Mr LEWIS: It is not a very good job.

Mr Wilson: So the Parliamentary Counsel has not done a good job.

Mr LEWIS: Maybe the people who instructed him have not -- or the Minister, I do not know.

Mr MacKinnon: Who is responsible for the legislation that comes to this Parliament?

Mr Wilson: The Parliamentary Counsel is responsible for making the checks; in any case, what the Leader of the Opposition is saying is only a reflection of what the member for East Melville is saying -- and the Leader of the Opposition has only the member for East Melville's word for it.

Mr LEWIS: Are you getting upset now?

Mr MacKinnon: The Minister is responsible.

Mr Wilson: I am not getting upset --

Mr LEWIS: You are getting upset.

Mr Wilson: I get upset at the inane interjections of the Leader of the Opposition.

Mr MacKinnon: You are responsible. Step aside and let the Parliamentary Draftsman sit there.

Mr LEWIS: I am trying to be constructive, not destructive. I am echoing the concerns of the industry which this legislation is supposed to regulate and guide.

Mr Wilson: They are not saying that there is a mistake in the drafting of the Bill, which is what you are saying.

Mr LEWIS: I thought it was appropriate to suggest to the Minister, in passing, that the Registrar of Titles is not prescribed in the Licensed Surveyors Act. Is not that fact, or am I wrong?

Mr Wilson: We will check to see whether you are wrong in terms of your comments about the registrar general being mentioned in this Act.

Mr LEWIS: Is the Registrar of Titles prescribed in section 3 of the Licensed Surveyors Act?

Mr Wilson: That is not the point at issue, which is whether you are correct in your conclusion about the drafting of this section of the Bill.

Mr LEWIS: I am trying to help the Minister.

Mr Wilson: I do not need your help.

Mr LEWIS: It seems the Minister does; he has been struggling for three hours.

Mr Wilson: You are the one who is struggling; you have been making most of the comments.

The CHAIRMAN: Order! I wonder if we might come back to the Bill and direct the comments through the Chair. I have been fairly tolerant and I have let the debate run for about 10 minutes, but I would like members to get back to a proper Committee procedure.

Mr LEWIS: I apologise if I have not been addressing my comments though the Chair. I believe it is proper that the approval should be not by the Registrar of Titles but by the Inspector of Plans and Surveys, who is a competent surveyor who has to be registered by the Land Surveyors Licensing Board, and who is competent to examine and approve authorised surveys.

Clause put and passed.

Clauses 44 to 46 put and passed.

Clause 47: Section 3 amended --

Mr LEWIS: Section 3 of the Standard Survey Marks Act 1924 refers to deciding the network and the strengthening and improving of standard survey marks, for which this Bill will place the responsibility on an authorised land officer. As I have previously pointed out, in various Acts and regulations the only person who is allowed by law to effect, approve, and delineate land surveys is a licensed surveyor registered under the Licensed Surveyors Act, yet in this Bill we have an authorised land officer -- whoever he or she may be, and who does not have to be professionally qualified or competent in the practice of land surveying -- telling, deciding and overseeing the survey network.

I put it to the Minister that the authorised land officer in this case should be a land surveyor registered under the Licensed Surveyors Act, and I would ask the Minister to take my comments on board and to review the decision which has been made.

Mr Wilson: I have already undertaken to do that.

Clause put and passed.

Clauses 48 to 51 put and passed.

Clause 52: Section 3 amended --

Mr LEWIS: I move an amendment --

Page 16, line 8 -- To insert after "officer" the following --

and who shall be a surveyor licensed and registered under the Licensed Surveyors Act 1909.

This amendment is necessary to ensure that an authorised land officer is competent to carry out the duties that he is required to carry out relating to the various Acts which we are amending. These Acts refer to that person's competence as a registered land surveyor. I believe my amendment is a simple way of getting out of a problem from the Government's point of view. I cannot see any downside to the Government's accepting this very simple amendment.

Mr WILSON: I have given some undertakings in respect of the general issue at stake, but at this stage I am not prepared to accede to the amendment.

Amendment put and a division taken with the following result --

Ayes (17)

Mr Blaikie	Mr Grayden	Mr Maslen	Mr Wiese
Mr Bradshaw	Mr Hassell	Mr Mensaros	Mr Watt (Teller)
Mr Court	Mr Lewis	Mr Stephens	
Mr Cowan	Mr Lightfoot	Mr Thompson	
Mr Crane	Mr MacKinnon	Mr Trenorden	

Noes (23)

Dr Alexander	Mr Peter Dowding	Dr Lawrence	Mr Troy
Mrs Beggs	Dr Gallop	Mr Marlborough	Mrs Watkins
Mr Bertram	Mr Grill	Mr Read	Dr Watson
Mr Bridge	Mrs Henderson	Mr D.L. Smith	Mr Wilson
Mr Bryce	Mr Gordon Hill	Mr P.J. Smith	Mrs Buchanan *(Teller)*
Mr Donovan	Mr Hodge	Mr Thomas	

Pairs

Ayes	Noes
Mr Clarko	Mr Brian Burke
Mr Williams	Mr Carr
Mr Cash	Mr Parker
Mr Rushton	Mr Pearce
Mr Tubby	Mr Taylor

Amendment thus negatived.

Clause put and passed.

Clause 53 put and passed.

Clause 54: Section 7 amended --

Mr BLAIKIE: This is one of the principal clauses of the Bill. Section 7 of the Land Act 1933 as amended reads in part --

Crown Lands may be disposed of under the provisions of this Act.

7. (1) The Governor is authorized, in the name and on behalf of Her Majesty, to dispose of the Crown lands within the State, in accordance with the provisions of this Act.

By clause 54 of the Bill before the Chamber the Government proposes to repeal that subsection and substitute the following --

(1) Crown lands within the State may, in the name and on behalf of Her Majesty, be disposed of under this Act.

Where the word "Governor" appears in section 7 of the Act, the word "Minister" will be substituted. This is a matter of historical importance. The Governor's role in the disposal of Crown lands has always been a historic one in the State. Where the Governor has been involved there has been a very long and fairly tedious process of getting orders to the Governor for his signature to enable the disposal of land to take place. As I said during the second reading debate there has been a perception that in dealing with lands through this tedious process the Governor has given the people a degree of security. The Minister will have that authority from now on.

Because the Minister will have that authority, I propose to move amendments to another clause of the Bill. I understand the need to speed up the process of administration, and the importance of having a properly functioning organisation such as the Department of Lands Administration. While the Opposition does not wish to hold back proper and satisfactory administration it intends to increase the level of scrutiny of actions by the Government.

Mr WIESE: This is the first clause in the Bill, although many more follow, in which the authority of the Governor is removed, and in the majority of cases the words "Governor" is replaced by the word "Minister". I am disturbed by that change as it relates to a number of the clauses. On some occasions it is quite in order for the executive power of the Governor to be removed and placed in the hands of the Minister, but there are many occasions on which that power should remain with the Governor.

In most cases, by removing the word "Governor" from the clauses we are creating a situation whereby all the power to make and authorise these decisions remains within the department and the departmental processes by handing the power to the Minister of the day. Under the present legislation, when the Governor made a decision there was a process of review, and at least the matter got out of the department and into the Cabinet and the Executive Council for approval by the Governor. That will change when the power is removed from the Governor. The decision-making process will not be moved out of the department at all; it will remain completely within the department and no person outside the department will be aware of what is being done by ministerial decision alone.

For that reason I wish to sound our protest against those clauses in the Bill where the power of the Governor is proposed to be removed and placed wholly and solely in the hands of the Minister.

Clause put and passed.

Clause 55: Section 8 amended --

Mr LEWIS: The thrust of clause 55 is to place solely in the hands of the Minister the ability to acquire and exchange land on his own valuation, and to do those sorts of things. I do not want to imply in any way that any impropriety has occurred, but this legislation opens the door for corruption by any Government and any Minister in the future.

The Government is saying that everyone in the world is honest, but that is not a fact of life. The Government is putting in place the ability of the Minister for Lands to deal in land without any public scrutiny or advice from a board. The provision which requires the Land Board to adjudicate on the value of a parcel of land that may be purchased or exchanged is being removed from the Statutes by this legislation. That will be left to the Minister's sole discretion. The Minister does not even have to seek a valuation, if he does not require it. Is that prudent? Is that not leaving --

Dr Gallop: He is questioning the very foundations of reasonable Government.

Mr LEWIS: In the private sector, board decisions are required to purchase and deal in land. No single director has the ability to do that. The Government is playing with the assets of the people of the State and vesting them in one person. The Minister may be the most honest person in the world, but he can still make an error or be badly advised. There are no checks and balances in the legislation. I do not see any reason to do away with the Land Board.

Mr Bridge: Each member who occupies a seat in Parliament is accountable to the public under the Act, and that is precisely where the Minister sits.

Mr LEWIS: That is a fallacious argument.

Mr Troy: Why?

Mr LEWIS: Because it is false.

Mr Troy: How is it false?

Mr LEWIS: I do not want to go into that.

This clause is probably the worst proposed amendment to the Act. It is laying open a mandate for the future for people to corrupt and be corrupted. I am not reflecting on anyone in the Government, but we know that not all people are honest. There have been Ministers of the Crown who are less than honest; for example, a former New South Wales Minister is in gaol at present because he was corrupt.

Mr D.L. Smith: It just goes to show that some Governments are prepared to treat their citizens on an equal basis regardless of their status or background.

Mr LEWIS: What nonsense! The Government is opening the door for someone to do what he likes -- the nudge and the wink; "Sell me that parcel of land that might be valued at $400 000 or $500 000 for $200 000 because that is what I think it is worth; and pick up a gladstone bag on the corner the next night." That is what this is opening the door to. It is not the Government's land.

Mr D.L. Smith: Richard, you are one of those people who sees corruption everywhere.

Mr LEWIS: The member for Mitchell should not talk about honesty. He should have a red face because he is one of the most dishonest people I have ever met.

Several members interjected.

Withdrawal of Remark

The CHAIRMAN: I regard the remark of the member for East Melville as unparliamentary, and I request that he withdraw it.

Mr LEWIS: I withdraw the remark.

Committee Resumed

Mr LEWIS: In all sincerity, this legislation is opening the door to future corruption because there will be no check on what a future Minister can be permitted to do. I sincerely believe that there need to be checks and balances in Government. No-one knows everything; everyone is wrong sometimes. Why repeal section 4, which deals with the Land Board? The board was put into place to advise. What is the down side of that? I hope the Minister will answer these questions because they are important.

Mr WIESE: We have to look very closely at what is being done by this clause, which opens up a pandora's box in respect of how the Government applies taxpayers' money to purchase land for any purpose that it deems to be advisable.

I have already sounded a warning about the problems involved with the removal of the mention of the Governor from the section. That argument applies to this clause because the Governor is replaced by the Minister. This clause allows the Minister to acquire land from any person, with his consent, which the Minister deems advisable to acquire for any purpose. I do not think any clause could be much wider than that. This clause is a wide-open clause which gives, in this case, the Minister -- and it is the Minister only; not the Government -- the ability to exercise that power.

It is necessary to sound a warning about this clause and to treat it very seriously. This clause amends section 8(2) of the principal Act, which deals with land that may be acquired by purchase or by the exchange of any Crown land of equal value or deemed by the Governor to be of approximately equal value subject, where applicable -- and there are absolutely no guidelines in place dealing with decisions on valuations in this clause -- to the payment in cash of the difference between values. One could be talking about land worth millions of dollars and yet the Minister by this legislation will be given wide open approval without reference to anybody outside his own department; the Minister may exercise these powers at will. The worst aspect of this clause is that it deletes subsection 4 of the principal Act.

Section 8(4) of the Act requires consultation to determine the value of land. It states --

> In the case of a purchase, the value of the property to be acquired shall be determined by the Board constituted under Part VIII, and in the case of an exchange, the Board

shall determine the value of the property to be acquired in exchange, and shall advise whether the Crown land proposed to be granted in exchange is of equal value thereto:

Provided that where the estimated value of the land purchased or exchanged does not exceed $800 it shall not be necessary to refer the matter to the Board.

We are putting the whole power of determination back with the Minister. That section of the Act is of major importance, and its deletion is a major flaw in the clause. The Minister should reconsider this aspect of the clause and allow subsection (4) of the Act to remain as it is. It is not good enough that the Minister should be able to make a land purchase or exchange -- we are dealing with Crown land and Government money -- without reference to anybody else.

Mr WILSON: Whatever members have said about the possibility of corruption by Ministers, in my experience any Minister who gave himself that power without reference to any other body would be the most foolish person in the world. These amendments are in line with the principle of devolving the Governor's powers to the Minister in matters of everyday administration for the sole purpose of reducing costs and delays.

Mr Lewis: Why remove the board?

Mr WILSON: Let me finish. The member has his share of talking.

The intention is, as is the practice now, that future acquisitions and exchanges of land will be based on the advice of the Valuer General and then resolved on terms and conditions determined by the Minister. The Valuer General is represented on the existing board, and his advice is sought. This is a quibble which does not take into account practicalities in the present operation of things. All this talk about corruption is absolute nonsense. The principle that is being adopted is adopted as a whole in the course of the Bill. We are seeking to cut through the administrative delays and costs which affect the operations of any department. We are saying that instead of going to the extent of establishing a board, getting it together, and advertising that it is meeting --

Mr Lewis: There is a board in place now.

Mr WILSON: Of course there is, but that does not mean we have to go through all the procedures associated with setting up that board for meetings. We are adopting a much more efficient and simple process in which we are putting the valuation in the hands of the Government officer responsible for valuations, the Valuer General. I just cannot believe that anybody -- I am sure anyone who has had any ministerial responsibility will say --

Mr Lewis: Have you heard of Rex Jackson?

Mr WILSON: I would not know him from a bar of soap. How is he relevant to this situation?

Mr Lewis: He was a corrupt Minister of the Crown, and a Labor Minister at that.

Mr WILSON: All right. So what?

Mr Lewis: You are saying all Ministers are honourable people and will ever be so.

Mr WILSON: I am saying the principle is established already and will continue; in respect of these issues, the valuation will be sought from the Valuer General.

Mr Lewis: Where does it say that?

Mr WILSON: I am saying it is a practice now and it will continue to be the practice. The member can make all sorts of claims and accusations --

Mr Lewis: I did not make any accusations at all.

Mr WILSON: The member has been making accusations all night.

Mr Lewis: No accusations have been made.

Mr WILSON: Yes, they have.

Mr Lewis: What accusations did I make?

Mr WILSON: I heard several. The member has a short memory. He was making accusations about all sorts of people.

Mr Lewis: That was my opinion of him.

Mr WILSON: This is an issue which I think can easily be answered by saying the current practice will continue to be the practice; valuations will be sought from the Valuer General, and that will be the basis on which those valuations are established. All the concerns that have been expressed in that regard are completely unfounded.

Mr BLAIKIE: The Minister's explanation is quite unsatisfactory. The Government is proposing to remove the Governor --

Mr Wilson: You said you had no objection to that.

Mr BLAIKIE: If the Government is going to improve the administrative function of the Act, it also has to improve the scrutiny of the Minister. We have said that time and again, and we have said we will not stand in the way of progress and improved administrative practices. However, we will insist on improved scrutiny. We have been consistent with that right from the start.

Two principles are involved in this clause. Firstly, the Government is proposing to remove the Governor and the method by which he may acquire land by purchase and exchange. The present procedure is that an officer of the Minister's department would say to the Minister, "There is an area of land we would like to get our hands on; Bill Bloggs has given us his consent." The Minister would have to go to Cabinet for approval, and it would then go to Executive Council; and provided the Governor was prepared to sign an order, the proposal would proceed. However, this would depend on the board constituted in section 8 of the Act agreeing to determine a value. So there is a check, a safeguard, and a balance.

The Minister is proposing to substitute the Minister for the Governor, and the Minister will make the sole determination. There will be no board to make a determination of actual value.

Mr Wilson: The Minister makes that determination as it is.

Mr BLAIKIE: Without reference to a board?

Mr Wilson: The Minister makes the determination. You are dealing with the first part of the clause and talking about going to Cabinet and all sorts of things. That does not apply at all.

Mr BLAIKIE: Under clause 8?

Mr Wilson: Where is the Cabinet mentioned?

Mr BLAIKIE: How does the Governor decide these matters?

Mr Wilson: It does not go through Cabinet.

Mr BLAIKIE: But the Governor needs to sign an order in due course.

Mr Wilson: It goes to Executive Council, not to Cabinet.

Mr BLAIKIE: It still has the check and balance of going through Executive Council for the Governor to sign.

Mr Wilson: Come on. You have already admitted that that check and balance is pretty much a notional thing.

Mr BLAIKIE: I come back to my argument that there is a need for scrutiny. There will be no checks and balances. There will be no Executive Council, and the Minister will make the determination.

Mr Wilson: You have already accepted that practice.

Mr BLAIKIE: Provided there is sufficient scrutiny. The board will make the determination of the value.

Mr Wilson: On the advice of the Valuer General.

Mr BLAIKIE: Is the Minister telling us that he will determine the value?

Mr Wilson: On the advice of the Valuer General.

Mr BLAIKIE: Where does it say that?

Mr Wilson: That is the practice.

Mr BLAIKIE: Where is the statutory requirement for the Minister to seek the advice of the Valuer General? There is none.

Mr Wilson: Are you suggesting that I won't do it?

Mr BLAIKIE: I am saying that I am concerned about other Ministers who might follow the member for Nollamara. We have to protect the State from what those people might do. The legislative requirement to provide scrutiny of this provision is not in the Bill, and we will not support the clause.

Mr WIESE: I have not made any accusations. I raised a point that I believed was important. I hope I did not hear the Minister correctly when he said that he determines the value in consultation with the Valuer General. If that is the case, it is a complete contradiction to what the present Act requires. It requires that, in the case of a purchase, the value of a property will be determined by the board, and in the case of an exchange, the board shall determine the value of the property to be exchanged. Will the Minister clarify this matter for me?

It is no good the Minister telling us of the procedure adopted now, because that is irrelevant to the procedure that might be adopted in the future. At present the Minister has to go to the board for a determination, but that board will not be there in the future. He will be able to make the determination on his own.

Mr WILSON: Of course reference is made to the board under the current Act. I said that the current position is that the board on which the Valuer General is represented takes the advice of the Valuer General. The Minister is not required to accept the recommendation of the board. The position has not changed in that respect. The same sort of advice being given to the Minister now will continue to be given to the Minister as a result of this clause. It will be advice from the Valuer General.

Clause put and a division taken with the following result --

Ayes (23)

Dr Alexander	Mr Peter Dowding	Dr Lawrence	Mr Troy
Mrs Beggs	Dr Gallop	Mr Marlborough	Mrs Watkins
Mr Bertram	Mr Grill	Mr Read	Dr Watson
Mr Bridge	Mrs Henderson	Mr D.L. Smith	Mr Wilson
Mr Bryce	Mr Gordon Hill	Mr P.J. Smith	Mrs Buchanan *(Teller)*
Mr Donovan	Mr Hodge	Mr Thomas	

Noes (17)

Mr Blaikie	Mr Grayden	Mr Maslen	Mr Wiese
Mr Bradshaw	Mr Hassell	Mr Mensaros	Mr Watt *(Teller)*
Mr Court	Mr Lewis	Mr Stephens	
Mr Cowan	Mr Lightfoot	Mr Thompson	
Mr Crane	Mr MacKinnon	Mr Trenorden	

Pairs

Ayes	Noes
Mr Brian Burke	Mr Clarko
Mr Carr	Mr Williams
Mr Parker	Mr Cash
Mr Pearce	Mr Rushton
Mr Taylor	Mr Tubby

Clause thus passed.

Clauses 56 to 60 put and passed.

Clause 61: Section 18 amended --

Mr LEWIS: I have already said in this debate that under various Statutes only a licensed surveyor can certify a survey. Section 23 of the Licensed Surveyors Act states that categorically. This clause seeks to delete the words "Surveyor General" and insert the words "an authorised land officer". I make the point again that the only person authorised to amend boundaries is a licensed surveyor and technically this clause is flawed and I ask the Minister to reconsider the points I have made.

Mr WILSON: I am prepared to do that, but I point out to the member that section 3 of the existing Act refers to the certification by the Surveyor General or other officer on his behalf.

Mr Lewis: I accept that. I did not miss it.

Mr WILSON: The member did not draw it to my attention either. I am drawing his attention to it on the basis that he failed to draw my attention to it.

Mr Lewis: What about subclause (4)?

Mr WILSON: The general undertaking I have given will include that.

Clause put and passed.

Clause 62 put and passed.

Clause 63: Section 24 amended --

Mr WIESE: This is the first clause in the Bill which deals with the question of the sale of various types of land and in this case it deals with the sale of forfeited land. Section 24 of the Act deals with the procedures which were to take place for the sale of land if it was not required by the Government for any other purpose. Under the Act the requirement is that the land for sale shall be made available for selection by notice in the *Government Gazette*. This clause removes the requirement for any notice to be given.

A couple of issues need to be canvassed: First, if we are not going to advertise the sale of land in the *Government Gazette* -- and I accept the comments made by the Minister during the debate -- how will we advertise that there is land for sale? It is not good enough to remove the requirement of the notice to be given in the *Government Gazette*. I accept the weakness of advertising in the *Government Gazette* because it does not have the desired coverage.

The requirement to advertise in the *Government Gazette* should be replaced with the requirement to advertise in a newspaper or newspapers circulating in the area. There should be a requirement in this clause instructing the Minister -- the Minister will be the person who deals with it -- to advertise that the land is available. That is absolutely critical. He should also be instructed to advertise how the land can be purchased.

It is very important, when talking about the disposal of Government land, that the general public, the taxpayers of Western Australia, be able to see that everything has been carried out above board and in a right and proper manner. Every potential purchaser of that land must be given the opportunity to go ahead and make a purchase. This clause removes that requirement and it needs to be rectified.

Mr BLAIKIE: The matters raised by the member for Narrogin make a lot of good sense. While the Government is proposing to delete the statutory requirement for advertising in the *Government Gazette*, it fails to include a statutory requirement as to how the land that is forfeited will be sold. The Minister, in his second reading speech, said that it will be either governmental or departmental policy to determine the method to be best adopted at the time. I can understand that the Government or the department will use the best method, but I raise the question of the propriety of adopting this course. I support the member for Narrogin and agree with him that there should be some legislative form built into the Act covering the advertising of land. I do not mind whether the Government or the department decides on the form of advertising.

I refer members to section 55 of the Conservation and Land Management Act which simply relates to the management plan. We are not talking about the sale of land or assets on an area of land, we are talking about how an area of land can be managed. Section 57 of the management plan states that the plan shall be publicly notified by publication in the *Government Gazette*, two issues of a daily newspaper circulating throughout the State, two issues of a newspaper circulating in the area in which the land is situated, and on any such signs as a controlling body for that land may direct to be placed on or near the boundaries of the road. That is public participation at its best.

The Opposition has a valid argument that there should be a statutory requirement for the department or the Government to make the best determination at the time and that public advertising of an approved form be carried out.

Mr WILSON: I have commented on this previously. I appreciate that the comments of the member for Narrogin were made with sincerity. What he has said is, of course, what is intended to be done. The previous practice of using the *Government Gazette*, which has been the formalised practice for many years, has not been a good means of indicating the Government's intent to a large number of people. In fact, it has normally meant that the information goes to a narrow circle of people in the know who happen to have access to the *Government Gazette*. Of course, the Opposition has not complained about that in the past. The comments of the member for Narrogin reflect the intent behind this proposal, and I am prepared to accept an amendment from him along the lines of deleting the words "by notice in the *Government Gazette*" and substituting the words "by notice in a local newspaper".

Mr LEWIS: I do not get up to emphasise the same point because it is commonsense and the Minister is wise to accept it. It would probably be appropriate for the Minister to accede to the request now and undertake to amend the clause when it goes to the other place.

Mr Wilson: I will do that.

Mr WIESE: I thank the Minister for his commitment that this amendment will be allowed to go through. It needs to be drafted properly, and I appreciate the opportunity for it to be included when the Bill goes to the other place.

Clause put and passed.

Clause 64: Section 32 amended --

Mr BLAIKIE: The Government proposes several amendments to this section of the Act. Basically it will substitute the word "Minister" for the word "Governor".

I have been concerned about the Government's ability to carry out certain functions in relation to Crown land that I believe are quite wrong and against the spirit of legislation previously passed in this Parliament. I refer to the Government's making available to Aboriginal people 99-year land leases. I am not opposed to Aboriginal people being able to receive grants of land based on substantiation of needs, whatever they may be. However, it is not the province of the Government at its whim to deal with Crown land in such a fashion. The Government should simply make recommendations to the Parliament with regard to land areas and the Parliament should make the final determination.

On a number of occasions in this Chamber, the member for Greenough has raised an issue involving the Barrel Well Reserve, an area of land between Northampton and Kalbarri. I went to that reserve because there was a dispute involving some of the local residents. I am pleased the Minister for Aboriginal Affairs has resumed his seat because he well knows the story surrounding that reserve. A number of people in the area were concerned about illegal squatting by Aboriginal people at the reserve. This concern was raised with the Government of the day, and the previous Minister for Lands and Surveys, Ken McIver, was involved; the Government was requested to take action to evict these people from the reserve. For two years no action was taken, the people continued to squat, and they were causing concern to surrounding landowners and the local shire.

Mr Bridge: That is not true and you know it. I do not get upset very often and you know that. The comment was made to me tonight that you seemed to be angry. If you were consistent with the facts we would never have an argument. There was no argument in terms of illegal squatting, the argument against that land being made available to that group was that it was said it could never be turned into a viable operation and, as such, the Government should not support a group of people seeking to establish an operation which had no capacity to be viable. It is not a question of illegal camping. Just be honest. I have had meetings with the Northampton Shire, and it has not talked about illegal squatting but has argued the non-viability of that operation.

Mr BLAIKIE: For the benefit of this Committee, as the Minister for Aboriginal Affairs knows, I am also a very honest person and the question raised with me originally occurred some two years ago --

Mr Bridge: I have had meetings with the people involved.

Mr BLAIKIE: I have also had meetings and been to the site. The concern raised was that Aboriginal people were on the land illegally. I am giving the Minister the facts as presented to me. What changed after I met those people two years ago is another story. The people on

Barrel Well Reserve were causing concern to surrounding landowners -- they had sheep and dogs, and access was causing concern. There were also problems with lice-infected sheep moving to the surrounding crops. The situation was generally undesirable. Subsequently the Minister for Aboriginal Affairs and other Ministers met to discuss the matter. It was also said that Barrel Well Reserve, an area of approximately 500 to 600 acres, would be too small to be a viable unit. It was suggested that the Government should buy land, either through the Aboriginal Lands Trust or one of the agencies, of sufficient size to satisfy the needs of that group rather than isolating them on that small area that was of no use to them.

The request went further, and asked that an area of land of some value to the people be acquired for their purposes. That was said to me. Does the Minister deny it? Notwithstanding the attitude of the local community, a decision was made and the Barrel Well Reserve has now been leased to the Aboriginal people. That was the wrong decision. The member for Greenough and the Parliament could have had an opportunity to make a determination in decisions of this nature.

Mr Bridge: The member was involved in that. I invited him to accompany me to Barrel Well. We had a meeting with the group and I invited the member to accompany me to a meeting with the Northampton Shire.

Mr BLAIKIE: Which he did.

Mr Bridge: He participated in the discussion. A neighbouring farmer came to the Northampton Shire meeting and voiced very strong support for the group to be given that land. That was said very clearly at the meeting. He said the only condition he would like to see was an assurance given about a secure fence being erected.

Mr BLAIKIE: So that stock would not stray.

Mr Bridge: We have given those assurances in the management plan.

Mr BLAIKIE: I want to go back to other areas of the State where the Government has given 99-year leases. During the second reading debate I said that when Aboriginal land rights legislation was introduced to the Parliament it was defeated and the will of the people prevailed, yet the Government has persisted through a loophole in the existing legislation with providing leases on 99-year terms.

Mr Bridge: It is not fair to say that that is a continuation of the land rights debate. We have all of us said publicly that the land rights issue has been abandoned as far as we are concerned as a Government. The 99-year leasing package is a different programme altogether. Your party could have introduced this scheme in the days when it was in Government.

Mr BLAIKIE: It could have, but it did not. I will not quote this verbatim again, but during the second reading debate I quoted from a document issued by the Minister in March 1986, where he described how Aboriginal land formed the basis of initiatives of the Government. He said the briefing paper was designed to explain some of these Western Australian Government initiatives. They do not involve changing the present law so they can be started immediately. The Minister went on to say how 99-year leases over Aboriginal reserves and communities could be achieved. I have no objection to land being made available to people in the State. What I do object to is the Government of the day using land, as the Minister is doing now, as an appeasement to people when the land is not its to give away.

Mr Bridge: Be fair about it. You are the spokesperson on Aboriginal affairs from the Opposition, so be honest about it.

Mr BLAIKIE: I have been extremely honest about it. The Minister cannot find any occasion when I have ever been less than honest.

Mr Bridge: What is wrong with land under reserve status going across to Aboriginal people under a 99-year lease? If you want to be honest about Aboriginal interests, what is wrong with that?

Mr BLAIKIE: I will tell the Minister what my view is, which I did during the second reading debate.

Mr Bridge: Say it now. What is wrong with that? Most of the land is reserve status. What is wrong with that going to Aboriginal people under 99-year leases?

Mr BLAIKIE: If the Minister will give me a couple of seconds I will explain it, as I said before. Crown land is held in trust for all people of the State. It is not for any particular group of people, and it is not land for the Government to have the sole determination on. If there is a requirement for Aboriginal people, or any other group of people for that matter, to have land on a 99-year lease, it is the decision of the Parliament, not of the Government. It is the people's land; it is Crown land we are talking about.

I intend to move the following amendment --

Page 20, lines 13 to 16 -- To delete the lines and substitute the following --

64. Section 32 of the principal Act is amended --

(a) by deleting "Governor" wherever it occurs and substituting in each case the following --

"Minister"; and

(b) by inserting after subsection (1) the following subsection --

(1a) Notice of the granting of a lease or leases under subsection (1), setting out the rent and the terms and conditions of such lease or leases, shall be published in the *Gazette* and section 42 of the *Interpretation Act 1984* applies as if the lease or leases were regulations within the meaning of the Act.

This amendment will ensure that any leases granted by the Government will be subject to the Interpretation Act. The Government can still grant leases as it does, but there will be a requirement that those leases lie on the Table of the Chamber, and be subject to disallowance by either House of Parliament. It is my very firm view that that is the appropriate way for Crown land to be dealt with.

I have no objection to the Government going out with a policy of what it wants to do. But the time will come when the Government will change. Irrespective of which side is on the Government benches, there needs to be a proper scrutiny of that land. The Government can continue with its determination of what it wants to do with the land, but the Parliament will have an opportunity for scrutiny and making a final decision on whether the land is being used appropriately. That is a very salient point, and I seek the endorsement of members for what I believe is an important scrutiny.

Mr WILSON: From what the member for Vasse said in relation to this amendment, he is not arguing on the Bill's proposal to substitute the Minister for the Government. He seems to accept that once the Governor has created the reserve, its administration and subsequent use is a matter for the Minister. But the amendment does call for gazettal, and as he has admitted, this has never been required under this section of the Act previously. It is difficult to see what the amendment will achieve.

The objective of enabling the disallowance of a lease seems quite impractical, because to some extent at least it seems to represent the possibility of a contractual situation in such leases, and it is possible that, provided there are no disruptions to the eventual use of the reserve for this purpose, the lessee would normally have gained entry to and use of the area. He may have made improvements or begun operations by the time the tabling process is in the Parliament. One wonders about the implications of what is proposed in the amendment. There is even the potential for a situation in which this possibility of subsequent disallowance might well work as a disincentive for potential lessees. I do not think that the member has carefully thought through this matter, or really understands the implications of his proposal. It is a fact that there are relatively few such leases, and I think that last year 10 were entered into. Such leases are not entered into without there being a thorough canvassing of opinion of all interested parties in relation to the reserve purpose.

I suppose that we can accept that the member has been struck by lightning on the way to Damascus and in his new found fervour has become a new-born greenie who can see on the horizon changes in policy and a time when everybody will be changing their mind and saying that they will have to take a new track. I do not know that this is even the policy of his party, but the member seems to have this great vision and that is what has moved him to move these amendments. However, he has ignored some of the impracticalities contained in his proposal, so we cannot accept it.

Mr WIESE: I support the foreshadowed amendment. The Minister seems to seek to bring into doubt the requirement to publish in the gazette. I point out that there is already a requirement in clause 32, the one it is sought to amend, that if the piece of reserve -- whatever type of reserve it might be -- is to be leased, or if the term of the lease is to exceed a year, then the notice of application or applications must be called for by notice in the *Government Gazette*.

If it is good enough to call for notice in the *Government Gazette* to allow people an opportunity to lease land, I do not believe that it is an onerous requirement that the results of the leasing, the terms under which the lease is given, or the rent paid are eventually published in the *Government Gazette* - there is no major problem with that. I think that the Minister commented on that.

Mr Wilson: I spoke about what I regard as the impracticality of it.

Mr WIESE: I am glad that the Minister accepts the suggestion that there is no major argument against publishing in the *Government Gazette* the terms under which the lease is granted. The other amendment of major importantance relates to the requirement that the terms, conditions, rent and all things pertinent to leasing a reserve should be subject to section 42 of the Interpretation Act. That allows the Parliament an opportunity to scrutinise the leasing of what is, in effect, Government land -- it is not even Crown land, but reserve land. It is not unreasonable that the Parliament be given an opportunity to scrutinise the terms and conditions under which a piece of reserve land is leased.

Mr Wilson: And possibly disallowed.

Mr WIESE: Yes, that has to be looked at. That is probably part of the scrutinising process if the Minister is aware that the terms, conditions, or whatever in a particular lease related to reserve land that are being drawn up are to be subjected to scrutiny and possibly to disallowance by the Parliament if it believes that those terms and conditions are not right and fair to all people.

Mr Wilson: How could a Minister predict the basis on which Parliament might pass it?

Mr WIESE: The Minister seems to be doing a fairly good job of predicting how Parliaments will act.

Point of Order

Mr LEWIS: I am being abused and berated by the member for Rockingham and ask you, Mr Chairman, to ask him to desist from doing that and to return from whence he came.

The CHAIRMAN: I ask the member for Narrogin to continue his address and ask that other members not involved in the debate take no part in it.

Committee Resumed

The CHAIRMAN: When the member for Narrogin has finished his remarks in relation to this matter I will put the whole of the clause. The amendment as moved seeks to delete the whole of the clause, so I will put the whole clause when speakers have completed their remarks and it will be up to the mover of the clause to do what he wishes because his amendment seeks to delete the whole of the clause and insert a new clause

Mr Blaikie: So I will need to vote against it?

The CHAIRMAN: The member will need to vote against the whole of the clause, but it will not be necessary to put "that the words be deleted".

Mr WIESE: I was in the process of rounding off my remarks relating to terms and conditions of a lease document for reserve land, which are to be tabled and be subjected to the requirements of section 42 of the Interpretation Act. I believe that the Minister, and the department, will be careful to ascertain that all the terms and conditions are as reasonable and as fair as everyone would expect and hope that they would be.

Mr Wilson: That would not prevent it from being a big deterrent.

Mr WIESE: I will get on to that, because having tabled that lease document and subjected it to the Interpretation Act, that then puts into the hands of the Parliament what I believe is a power that the Parliament should be exercising; that is, overseeing how reserve lands, which are basically the property of the people of Western Australia, are being dealt with and made

available for lease. It would establish an excellent overseeing role for the Parliament in regard to the leasing of, in this case, public reserve land.

Mr BLAIKIE: I was disappointed by the Minister's comments on this proposed amendment. I think that all members of this Chamber realise that what the Parliament continues to do is reduce its effectiveness as the amount of legislation put through this place continues to increase the power of the Executive and the Administration.

Mr Wilson: It is not increasing the power other than that already existing.

Mr BLAIKIE: Well, the power has been changed from the Governor to the Minister, and in my view that simple change will allow the Minister to have greater licence than was previously available to the Government. I am concerned about the reduction of the Parliament's authority.

I thank the member for Narrogin for his support of the amendment. The member raised a number of important points. The Minister asked the member, by way of interjection, that if this amendment was passed, what would happen if leases were disallowed. It is obvious that if leases were disallowed by the Parliament, they were not good leases, and if they were amended by the Parliament, they were obviously leases which should have been amended.

Mr Wilson: Not necessarily.

Mr BLAIKIE: What would be the reason?

Mr Wilson: You do not have to ask me that; you are a politician.

Mr BLAIKIE: What would be your reasons?

Mr Wilson: They are more likely to be your reasons than mine. My point is that they could be disallowed for purely political reasons, not necessarily good reasons.

Mr BLAIKIE: The Minister has really caught himself out with his own argument because the Minister is now saying that his concern is that these leases could be disallowed for political reasons; so does that now mean that the Government is leasing land for political purposes and intends to get away with it?

Mr Wilson: Not at all.

Mr BLAIKIE: Then why did the Minister make such an inane comment as to say that they could be disallowed on political grounds?

Mr Wilson: Do you mean to say you are devoid of all political motivation in making decisions? You are in Opposition.

Mr BLAIKIE: No, I am not saying that, and I do not believe the Minister, or any members on his side of the Chamber, are saying that either.

That brings me back to the point which I raised in the first place, which is that Crown land is not simply to be used at the whim of the ruling political party of the day, and if the Minister is going to make decisions, then he should make sure he makes them for the benefit of the people, and those decisions should be subject to the scrutiny of the Parliament.

Mr Wilson: You are prepared to say that to us now that we are in Government, but you were never prepared to say it to your members when you were in Government. What sort of consistency is that?

Mr BLAIKIE: We will see plenty of consistency.

Mr Wilson: We have not seen it yet because you did not adopt that position when you were in Government.

Mr BLAIKIE: This amendment does give the Parliament the opportunity to scrutinise the decisions. I believe it removes political cronyism in dealing with land.

Mr Wilson: That must have been exercised by your members when in Government, was it?

Mr BLAIKIE: That does not make it right if it happened, and it does not make it right if it happens under this Government. This amendment at least gives the Parliament the opportunity to scrutinise decisions. I ask members to vote against this clause, which will give me the opportunity of substituting other words which will improve the total legislation.

Clause put and a division taken with the following result --

Ayes (23)

Dr Alexander	Mr Peter Dowding	Dr Lawrence	Mr Troy
Mrs Beggs	Dr Gallop	Mr Marlborough	Mrs Watkins
Mr Bertram	Mr Grill	Mr Read	Dr Watson
Mr Bridge	Mrs Henderson	Mr D.L. Smith	Mr Wilson
Mr Bryce	Mr Gordon Hill	Mr P.J. Smith	Mrs Buchanan *(Teller)*
Mr Donovan	Mr Hodge	Mr Thomas	

Noes (16)

Mr Blaikie	Mr Grayden	Mr MacKinnon	Mr Thompson
Mr Bradshaw	Mr Hassell	Mr Maslen	Mr Trenorden
Mr Court	Mr Lewis	Mr Mensaros	Mr Wiese
Mr Crane	Mr Lightfoot	Mr Stephens	Mr Watt *(Teller)*

Pairs

Ayes	Noes
Mr Brian Burke	Mr Clarko
Mr Carr	Mr Williams
Mr Parker	Mr Cash
Mr Pearce	Mr Rushton
Mr Taylor	Mr Tubby

Clause thus passed.

Clause 65: Section 33 amended --

Mr BLAIKIE: The Government proposes to delete subsection (1) of section 33 of the Land Act, which relates to the vesting or leasing of reserves, and this section as it currently applies means that an order shall be made which is an Order in Council, and every order in relation to the vesting or leasing of reserves shall be published in the *Gazette*, and the decision will take effect on publication in the *Gazette* and describe the land affected by the order and other matters.

There are two parts of this section which relate to the publication in the *Gazette*. In the proposed clause, there is no provision for the publication of the fact that areas are to be leased or otherwise. I also propose an amendment to this clause to require publication in the *Government Gazette*. It is important that this section be subjected to scrutiny by the Parliament, and therefore I propose to move an amendment for the provisions of the Interpretation Act to apply. That means that vesting orders for reserves and so on will lie on the Table of the Chamber and be subject to the scrutiny of the Parliament.

I return to my first point: The Government's proposed amendments to section 33 of the principal Act do not include provisions for advertising. Whether the *Government Gazette* or newspapers are the appropriate forum for advertising, I do not know; I do not have the experience within the department to know that. However, I believe there should be some form of public advertising and provision for that should appear in the legislation. Whether that advertising should be in the *Government Gazette*, which I propose, or in newspapers would be a matter for determination. I ask the Minister to take on board that first part of my amendment, and also to comment on the second part of the amendment that I intend to move in due course.

Mr Wilson: Do you want me to make comment on both of them even though you have not moved the second part?

Mr BLAIKIE: What about the *Government Gazette*?

Mr WILSON: I can put the member's mind at rest with respect to the first matter he raised. We are referring there to orders to be made by the Minister under subsection 33(2) and they will, under the provisions of the Interpretation Act, require gazettal in any event. The Interpretation Act requires that they be gazetted by virtue of that Act.

Mr Blaikie: Under the original section on page 19 an order means an Order in Council. I take it that the Interpretation Act would apply there, but I do not see how it can under the new provisions.

Mr WILSON: I assure the member that it is covered under the Interpretation Act as an order and it is required to be gazetted in any event. That would mean the paragraph the member is proposing would be unnecessary -- it is redundant. Clause 52(b) of the Bill draws attention to the nature of these orders.

The subsequent two amendments in lines 27 and 29 seem to be an attempt to adjust the clause to enable the insertion of a subclause which proposes a new subsection deeming vesting orders to be regulations and so on, as the member proposed in his previous amendment. I suppose, as the member said, that the objective of the amendment is to ensure that Parliament again retains a position as a trustee of the Crown of State and that the use of Crown lands can come under parliamentary scrutiny. There is probably a strong argument to say that, where the Governor has created a reserve for a particular purpose and a vesting order requires the vestee -- or, if there is power to lease, the lessee -- to use the reserve land only for that purpose, the procedure under the amendment really will not achieve very much at all other than disruption and greater costs, because it will not affect that vesting. It will affect only that purpose of the vesting. Parliamentary consideration and parliamentary disallowance will not be able to affect the nature of the vesting. The designated purpose will remain the designated purpose; no action that comes before the Parliament can change that. Does the member for Vasse understand that? It is hard to say what his amendment will actually achieve, other than frustration.

Mr Wiese: Would it be fair to say that the amendment is directed not so much at the vesting but at the leasing involved in the parent Act?

Mr WILSON: I do not think the member can say that, because both are covered. In any event I will say this again about the practicalities of what is being proposed: Since February this year when statistics were first kept, just under 500 vestings have been made, averaging 55 a month, and the time and cost involved in keeping a register of vesting orders, when compared to the number of disallowances that we might expect and that the member has said are likely to be very few, make the proposal rather questionable.

The department processes the creation of reserves and their vestment on the basis of obtaining clearances from planning authorities as to the location and land use, and from any other authority that has an interest in the proposal. Thus the potential for misuse really is pretty much eliminated in that overall process. Nevertheless, the claim is that reserves -- and the member for Vasse really has focused on Aboriginal reserves -- are created, and vested, and leased against the wishes of the planning authorities. The member quoted Barrel Wells as an example of that.

The objective of the amendment clearly seems to be to create power to reverse decisions made as a matter of Government policy and implemented in these cases. I understand the arguments the member for Vasse has used, but it seems to me that once a Government is elected by a majority of the people and develops and implements policies, that Government stands or falls by the policies it adopts and implements. The real process at work in a political democracy is that if it is implementing policy that is not the will of the majority, the Government is defeated and goes out of office. I cannot see what is wrong with that. That is the basis on which these matters have always operated under successive Governments and we are only saying that that is the way we think it should continue.

The member can argue that whatever the level of trusteeship of the Crown of State that may be said to exist, the Land Act is designed to set aside, alienate, or use lands for whatever the Government of the day may decide is proper and desirable. If there is disagreement with that the people have the right to exercise their disapproval of that action through the electoral process. That is a power delegated by the Parliament through the Act and although powers are reserved for Parliament in such things as "A"-class reserves, as the member has often mentioned, that is at a considerable cost and delay, especially when it is related to increases in the size of "A"-class reserves; but, that aside, that has been agreed to as being a desirable and necessary process. We are saying that where one goes to that extent and that power is reserved, it needs to be a major issue. I think it follows that when we are dealing with vestings -- and the number mentioned was 500 since February -- the level of disruption compared with the likelihood of issues arising calling for Parliament's intervention really makes the amendment unjustifiable. We have to go back to the fact that Governments, regardless of their political colour, should expect to be able to implement their policies in

such everyday matters. If that proves to be unpopular and not to the liking of the electorate, the electorate can make its decision in due course.

I cannot support the amendment.

Mr WIESE: I support the amendments before the Chamber. I take the point raised by the Minister. If we are handling something in the order of 500 vesting orders each year, the Minister has a valid point. I have not yet been in this Chamber for 12 months, so I am probably not in a position to comment on this matter, but how many regulations would be tabled in Parliament in one year and how many of those would be debated, disallowed or whatever by the Parliament? I have not seen one in the time I have been here. I have been told that it is a rare occurrence.

Mr Wilson: There are so many that people cannot keep track of them. That adds to my argument.

Mr WIESE: Nevertheless, the information is there. I have taken half a dozen, at least, which relate to areas of interest to me. That is what the whole system is about, and that is why the regulations are put on the Table. That is why we are seeking to have these vestings dealt with in this way. There is even a provision in this clause for the sale of land. We ask that they be placed upon the Table for the scrutiny of Parliament. I do not believe that is an unreasonable requirement.

Mr BLAIKIE: I thank the member for Narrogin for his support. In spite of the frustration that officers of the Minister's department may have in being required to have laid on the Table of the Parliament the orders of vestings that are made, they already have a register.

If, in any one 12-month period, there are 1 000 orders, I would imagine that Parliament would probably have three or four sets of orders. The alternative is that the Government could simply go on its merry way, making its own decisions and every three years being judged on those decisions. Generally the public do not understand the current situation or the decisions the Government has made, and so there is no real scrutiny.

Mr Wilson: How many of these regulations do you look at?

Mr BLAIKIE: Quite a few. I must admit that even having seen quite a few regulations I find them difficult to understand, but I take the trouble to go through and look at them. We all know how important subordinate legislation is. We all know how often departments cannot do things within their legislation but can within their subordinate legislation, which allows them to do other things as well. This is a question of important principle and although the Minister said that it was as though I were coming down from Damascus, in due course, if the Parliament refuses the proposals now before the Chamber, it will come to pass, and Parliament will scrutinise them, whether this year, next year or in five years' time. That is the nature of the demand the community will make on this Government or successive Governments to ensure its own protection. I assure the Minister that this is one area in which reforms will take place.

I move an amendment --

Page 23, after line 29 - To insert the following lines --

(f) by inserting after subsection (6) the following subsection --

(7) Section 42 of the *Interpretation Act 1984* applies to an order made under this section as if that order were regulations within the meaning of that Act.

Amendment put and a division taken with the following result --

---

Ayes (16)

Mr Blaikie	Mr Grayden	Mr MacKinnon	Mr Thompson
Mr Bradshaw	Mr Hassell	Mr Maslen	Mr Trenorden
Mr Court	Mr Lewis	Mr Mensaros	Mr Wiese
Mr Crane	Mr Lightfoot	Mr Stephens	Mr Watt (Teller)

Noes (22)

Dr Alexander	Mr Donovan	Mr Marlborough	Mrs Watkins
Mrs Beggs	Mr Peter Dowding	Mr Read	Dr Watson
Mr Bertram	Dr Gallop	Mr D.L. Smith	Mr Wilson
Mr Bridge	Mr Grill	Mr P.J. Smith	Mrs Buchanan *(Teller)*
Mr Bryce	Mr Gordon Hill	Mr Thomas	
Mr Burkett	Mr Hodge	Mr Troy	

Pairs

Ayes	Noes
Mr Clarko	Mr Brian Burke
Mr Williams	Mr Carr
Mr Cash	Mr Parker
Mr Rushton	Mr Pearce
Mr Tubby	Mr Taylor

Amendment thus negatived.

Clause put and passed.

Clauses 66 and 67 put and passed.

Clause 68: Section 38 amended --

Mr LEWIS: Most of this has been gone over before, but it refers to what we see as the need for the Government to notify its intention of the sale of town and suburban land at auction. This clause removes the need for the intention to hold an auction to be notified in the *Government Gazette*. I can accept what the Minister said previously in relation to a similar clause dealing with leasehold land, or something of that nature, that he accepted there was a requirement for the sale to be notified publicly and perhaps by way of the Press. I would have no objection to that. There needs to be some formal notification of a Government's actions. The Government is there to govern, and if it considers the *Government Gazette* is not the appropriate way to go I ask the Minister to consider inserting an amendment that the details be published in the Press when this Bill reaches the Council.

Mr WILSON: I am happy to give that indication.

Clause put and passed.

Clause 69: Section 39 repealed.

Mr LEWIS: This clause is even worse than the last because it repeals section 39 of the Act which requires the promulgation of an auction to sell land to be not only gazetted but also published in a newspaper. Passage of this clause would leave a void in the requirement on the Government or the Minister to notify anyone as to the intention to hold a forthcoming auction. I think that is improper. People should be aware and there should be a formal requirement that the Crown promulgate, not necessarily in the *Government Gazette*, but certainly by way of the newspapers, its intention to hold an auction. I ask the Minister to look at this matter and amend it accordingly.

Mr WILSON: It has always been the intention with the introduction of these measures to establish a departmental policy which would in some cases support the use of the *Government Gazette* as well as other means of publicising the sale of land. In line with the other commitments I have given I am pleased to assure the member that we will review this clause in the light of the comments he has made.

Clause put and passed.

Clauses 70 to 73 put and passed.

Clause 74: Section 45B amended --

Mr WIESE: I raise the point again about the requirement for advertising. This clause disturbs me. I have taken into account everything the Minister has said, and I appreciate his giving the commitment to accept the requirement for gazetting and advertising of blocks. In this case we are talking about selling town and suburban land by advertisement whereas previously we dealt with sale by auction.

This clause worries me because it does not require notice to be published in the *Government Gazette*, or following from what the Minister has said about his being happy to publicise these matters in a newspaper circulating in a particular area, and I accept his guarantees that notices will be published in a newspaper. This clause gives the Minister power to notify persons in writing and invite applications for the purchase in fee simple of any suburban or town land specified in the written invitation.

The Minister in disposing of town and suburban land will not advertise in the *Government Gazette* or a newspaper but simply notify people in writing that there are blocks for sale. He will invite applications to purchase that land. That is not acceptable. The Act should remain as it is with an inclusion that the notice be published in the *Government Gazette* and a newspaper circulating in the area. The Minister has indicated he will accept that sort of proposal. Under this clause an invitation to purchase a block or blocks could be sent to one person of the Minister's or the department's choosing, and nobody else would be aware that the block was up for sale. This really would put the Minister in an unenviable position if he were to exercise those powers. This should not be allowed and this amendment to the Act should not proceed.

Mr WILSON: The section already enables the Minister to approve applications for purchase of town and suburban land. As members indicated, the amendment deletes the need for gazettal. I give the same undertakings in relation to the appropriate newspaper advertisements.

Mr WIESE: The Minister has missed the point. There is no requirement in the clause for advertising at all but it allows invitations to be made in writing. I understand the clause to mean that nobody else in the community will be aware of a block being available for sale other than those who receive a written invitation.

Mr WILSON: I believe the reference to notification in writing refers to existing lists of names of people who have notified an interest. I consider it to be appropriate for those people to be contacted having made that interest known. In spite of that I give the same undertaking in respect of this clause as the others and will look to amendments to ensure that advertisements appear in the local newspaper.

Clause put and passed.

Clauses 75 to 78 put and passed.

New clause 79 --

Mr WILSON: I move an amendment --

Page 29, after line 9 -- To insert the new clause following --

Section 57 amended

79. Section 57 of the principal Act is amended by deleting "1951." and substituting the following --

"1988.".

This amendment relates to section 57 of the Land Act which was originally inserted in the Act in 1950 enabling conditional purchase leases under sections 47 and 49 to gain a five per cent rebate against the six-monthly rental instalments due under the leases should they wish to make a cash settlement. The rebate could not be applied to leases commencing on 1 January 1950 or later and so the section has since become redundant. As a result of the new land task force's investigations into ways in which help might be given to new land farmers who have been caught in the costs and prices squeeze, it has been agreed that the same provision should again be made available. I appreciate that it could be argued that, even if the payout figure were lowered by using this provision, it would still be difficult for any farmer in financial difficulties to make up a lump-sum settlement. That may well be the case, but the view is taken that there is a greater prospect of farmers negotiating large long-term borrowings if their exposure to other debts is eliminated.

We believe that the facility should be immediately offered and the most appropriate way to do that is to adopt the amendment to this Bill.

There are about 790 CP leases owing a total of about $5.5 million interest-free to which the rebate could apply. Of those leases less than 300 have been granted in the last 10 years, but it is not practical to limit the rebate to only those lessees that might be described as new land farmers. In parallel with the 1950 amendment, the rebate will not be available to lessees entering into leases on or after 1 January 1988. With this amendment, we are adopting a recommendation of the new land task force which has the strong support of the Western Australian Farmers Federation and of the Minister for Agriculture who made this request of me. I trust that members will approve of this amendment.

Mr WIESE: I appreciate the Minister's amendment as will all people affected by it.

New clause put and passed.

Clauses 79 to 84 put and passed.

Clause 85: Section 97 amended --

Mr LEWIS: Section 97(6) refers to the Surveyor General certifying amendments to errors that have previously been made in lease boundaries. As I have said before, I believe that is the function of a licensed surveyor, but the person who will carry out that task under this legislation will be an authorised land officer. I hope the Minister will be able to remedy the situation.

Mr WILSON: I take on board the member's request. If the member looks at the sections affected by the substitution of authorised land officer for Surveyor General he will see that some tasks may be carried out by a licensed surveyor or his supervising officer and others will be simply administrative in nature. Although at this stage there has been no firm resolution on the nature or numbers of officers to be appointed, more than one will be appointed, but they will be limited to a sensible coverage of needs and tailored to the nature of the task in question. It has been my intention to respect all of the concerns raised concerning professional expertise of officers where that is a requirement, but I have assured the member that I will take on board his concerns and where substitutions are being made we will seek to ensure that there are no technical failures.

Clause put and passed.

Clauses 86 to 107 put and passed.

Clause 108: Section 173 repealed and substituted --

Mr LEWIS: The amendment I will move is consequential to the amendment to clause 52. It requires the authorised officer to have a licensed registered land surveyor's qualification. I move an amendment --

> Page 41, line 7 -- To insert after "officer" the following --
>
> > who shall be a surveyor licensed and registered under the Licensed Surveyors Act of 1909.

Mr WILSON: The repeal of sections 173 and 174 of the Act will eliminate the office of Surveyor General and the statutory requirements of that office to oversee the land under the control of the Minister. Clause 108 will enable the appointment of an officer of the department to be an authorised land officer. It is proposed that that officer should be the director of mapping and surveying. I know the member would have no objection to the officer filling that role being the authorised land officer referred to in the many consequential amendments throughout the Bill.

I have heard the point the member has made a number of times and on each occasion I have given him the assurance which he has accepted and I do so again on this occasion.

Amendment put and negatived.

Clause put and passed.

Clause 109: Section 174 repealed --

Mr LEWIS: Section 174 of the Act requires that all surveys carried out in conformity with the Land Act shall be done under the direction of the Surveyor General. By repealing this section a void is created as to who will be statutorily responsible for authorised surveys, who will be the responsible person to regulate the regulations, and who will be the authorised

officer to deal with the regulations that are employed by virtue of the guidance of the surveyors regulations. In other words, the guidance of surveyors regulations requires licensed surveyors to report irregularities in surveys to the Surveyor General. If that entity is removed from the Act who will accept that responsibility? Should that person be registered under the Licensed Surveyors Act?

Mr WILSON: The proposal is similar to the previous clause. It is the intention that the authorised land officer whose appointment will be published in the *Government Gazette* is intended to be the director of mapping and surveying.

Mr Lewis: There is a void in the Statute.

Mr WILSON: The void will be filled by publishing the name of the nominated officer in the *Government Gazette*. It is the intention that the officer who will be appointed will be the director of mapping and surveying.

Mr LEWIS: The Licensed Surveyors Act requires surveyors to report regularly to the Surveyor General, as the head of the department. Who will the surveyors report to once this Bill becomes an Act?

Mr WILSON: I am told that there is no statutory void because sections 17, 47, 51, and 56 contain provisions covering the disposal of real property. Apart from that coverage of any void, the provision I described in regard to section 173 actually covers the overall provision. The same undertaking I have given applies to this that I have given in respect of other matters where the member has raised doubts about the powers that are at stake with respect to technical matters.

Clause put and passed.

Clause 110: Section 175 amended --

Mr LEWIS: This clause also refers to the responsibilities of the Surveyor General. As he is required to be a professionally qualified person I ask the Minister to also look at this clause with respect to the position being filled by an authorised land officer. The Minister is nodding his head and I thank him for agreeing with me.

Clause put and passed.

Clauses 111 to 126 put and passed.

Clause 127: Section 29 amended --

Mr WIESE: I appreciate the way in which the Minister has handled the Bill during the Committee stage, especially the way he has accepted many of the recommendations I have made. This clause refers to a committee set up under section 29 of the Aboriginal Heritage Act, the Aboriginal Cultural Materials Committee, of which the Surveyor General was an ex officio member. As the office of Surveyor General will no longer exist this ex officio position will be filled by allowing the Minister to nominate an authorised land officer. It is an excellent way of handling the situation. I presume the Minister will take great care in selecting the most appropriate person from within the ranks of the officers of the department to fill this position. I query whether the Minister should take similar action in cases where an authorised land officer may be required to perform a function which requires the training and skills of a licensed surveyor. The Minister could select an officer with the skills required and that may be a way of solving many of the problems raised tonight by members on this side of the Chamber.

Clause put and passed.

Clause 128 put and passed.

Clause 129: Section 12 amended --

Mr LEWIS: This is similar to the other provisions whereby an authorised land officer is taking the place of the Surveyor General who hitherto was required to sign as a licensed surveyor. I ask the Minister to consider this clause to see what can be done to sort out the technicalities involved.

Mr Wilson: I shall do so.

Clause put and passed.

Clauses 130 and 131 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr Wilson (Minister for Lands), and transmitted to the Council.

BILLS (4): ASSENT

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

1. Iron Ore (Hamersley Range) Agreement Amendment Bill (No 2).
2. Iron Ore (Channar Joint Venture) Agreement Bill.
3. Government Employees' Housing Amendment Bill.
4. Taxi-car Control Amendment Bill.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Council's Message

Message from the Council received and read notifying that it had appointed Hon Robert Hetherington, Hon H. W. Gayfer, Hon Margaret McAleer, and Hon Tom Helm as members of the Delegated Legislation Committee and, in accordance with the rules adopted by both House of Parliament, inviting the Legislative Assembly to appoint a like number of members to the Committee.

BILLS (5): RETURNED

1. Road Traffic Amendment Bill (No 2).

   Bill returned from the Council with amendments.
2. Acts Amendment (Financial provisions of regulatory bodies) Bill.
3. Betting Control Amendment Bill (No 2).
4. Health Amendment Bill.
5. Factories and Shops Amendment Bill.

   Bills returned from the Council without amendment.

House adjourned at 12.28 am (Friday)

QUESTIONS ON NOTICE

DEPARTMENT OF THE PREMIER AND CABINET
Budget Allocation: Services and Contracts

2191. Mr MacKINNON, to the Premier:

Will he provide a detailed breakdown of expenditure under item 4 in Division 4 of the Consolidated Revenue Fund Estimates of Revenue and Expenditure in respect of --

(a) 1986-87;

(b) 1987-88?

Mr BRIAN BURKE replied:

A complete breakdown of expenditure under each of the items will be available when the Estimates are debated in Committee, and every effort will be made to provide the member with any information he is seeking.

PUBLIC SERVICE BOARD
Budget Allocation: Services and Contracts

2192. Mr MacKINNON, to the Minister for Public Sector Management:

Will he provide a detailed breakdown of expenditure under item 4 in Division 9 of the Consolidated Revenue Fund Estimates of Revenue and Expenditure in respect of --

(a) 1986-87; and

(b) 1987-88?

Mr BRIAN BURKE replied:

See reply to question 2191.

ROTHWELLS LTD
Shareholders: Superannuation Board

2345. Mr COURT, to the Treasurer:

(1) Has the State Superannuation Board been a shareholder in Rothwells Ltd over the past year?

(2) If yes, what is the maximum shareholding it has held?

Mr BRIAN BURKE replied:

(1)-(2)

Yes. Government Employees' Superannuation Board investments in Rothwells Ltd have ranged from 15 000 shares to a maximum of 2 420 580 in December 1986. The Government Employees' Superannuation Board currently holds 1 440 400 shares in Rothwells, which represents three per cent of the board's share portfolio investments and 0.2 per cent of total investments.

DEPARTMENT OF THE PREMIER AND CABINET
Sundowner: Bunbury

2408. Mr MacKINNON, to the Premier:

(1) What were the running costs to the State Government of a free sundowner held at the Bussell Hotel, Bunbury, on 20 October 1987?

(2) How many invitations were issued through the Department of the Premier and Cabinet?

Mr BRIAN BURKE replied:

(1) Nil. The costs will be met by the Australian Labor Party.

(2) Invitations were not issued through the Department of the Premier and

Cabinet.

GOVERNMENT ADVERTISING
"South Western Times": Members of Parliament

2409. Mr MacKINNON, to the Premier:

(1) What was the cost of an advertisement placed by the State Government in the *South Western Times* grand final supplement of 24 September 1987 headed "Your Winning Team" and containing photographs of Hon Douglas Wenn, MLC, Mr David Smith, MLA, and Mr Phillip Smith, MLA?

(2) Who paid for the advertisements?

Mr BRIAN BURKE replied:

(1)-(2)

The advertisement was not placed or paid for by the State Government.

ROAD FUNDING
Commonwealth Contributions

2456. Mr RUSHTON, to the Minister for Transport:

(1) Is it intended by the Commonwealth Government to maintain the present amount of allocation of road funds to the States after the expiry of the Australian bicentennial road development programme in 1988?

(2) What percentage of Commonwealth road funds has Western Australia received for the years --

(a) 1985-86;

(b) 1986-87;

(c) and is expected to receive in 1987-88?

(3) What were the prescribed rates and licence fees collected for --

(a) motor spirit;

(b) diesel fuel,

under business franchise (petroleum products) licensing for the years --

(i) 1982-83;

(ii) 1985-86;

(iii) 1986-87;

(iv) and estimated for 1987-88?

(4) What amount of licence fees collected in those years were allocated to roads?

Mr TROY replied:

The answer was tabled.

(See paper No 505.)

MOTOR VEHICLE PARKING
Perth Railway Station

2459. Mr RUSHTON, to the Minister for Transport:

(1) Will he please explain how the Government's decision to build the car park in central Perth over the Perth railway station is consistent with the development and encouragement of public transport in Perth?

(2) (a) What have been the final financial arrangements for building the car park over the railway land at Perth station;

(b) what payment has been or is to be made to Westrail for loss of --

(i) land;

(ii) airspace?

(3) Is it a fact the Government intends to sell or develop the public land contained between Beaufort, James, and Stirling Streets, and the railway in Perth?

(4) (a) What is the present position regarding the development;

(b) what compensation will Westrail receive for the loss of land?

Mr TROY replied:

(1) The development of the city station centre is being undertaken by the Perth City Council as a component part of the Forrest Place redevelopment project. The city station centre includes provision for shopper parking for 450 cars. The development also provides for improved passenger access to and from the station, and entry to the new north-south pedestrian routes through the city. There is no data available on the patronage which would otherwise be attracted to public transport were the parking not provided in the city centre. However, it is believed that a high proportion of the trips would be to urban shopping centres rather than the city were the parking facilities not to be provided.

(2) (a) Not available from Westrail; Perth City Council subject;

(b) (i) Land loss because of the project was negligible. Cost of rafting over the land was the significant factor. $1.65 million is provided for agreed alterations to Westrail signalling;

(ii) $1 000 000 net present value, payable by one up-front payment and fourteen equal annual instalments; total $2 049 920.

(3) Yes.

(4) (a) WA Development Corporation is handling the project entirely;

(b) current market valuation.

SUPERDROME

Swimming Lanes: Allocation

2481. Mr HASSELL, to the Minister representing the Minister for Sport and Recreation:

(1) Is the Minister aware of substantial dissatisfaction arising from a decision of the board of the Superdrome to allocate all swimming lanes at prime training times to only two professional coaches?

(2) If he is aware of this, what reconsideration has been directed by the Minister?

(3) Is the Minister aware that one of the chosen coaches will bring one or more foreign swimmers here who will, because of the decision made, have better access to the Superdrome facilities than local swimmers with even outstanding prospects who train with the excluded coaches?

(4) Why did the Superdrome board reject a consensus recommendation of a committee representing Western Australian swimming, formed at the request of the Government, made after consultation with coaches that three lanes each be allocated to two resident coaches and the remaining two be allocated by rotation amongst the other professional coaches?

(5) Is it not a fact that the effect of the decision made will be unfair and discriminatory against --

(a) some professional coaches;

(b) some high performance swimmers?

(6) If no to (5), what does he say is the position and the effect of the decision?

(7) Is the Minister aware that because of the discriminatory nature of the decision, the opening event next Saturday is being boycotted by a number of coaches and their swimmers?

(8) Will the Minister order an immediate review of the decision for the benefit of all concerned and to produce the best result possible for Western Australian swimming champions?

Mr WILSON replied:

(1) The Minister is aware of minimal dissatisfaction from a small group within the swimming fraternity.

(2) I am in receipt of a letter from the Coaches Association, in which certain issues are raised. These issues are still under consideration.

(3) The foreign swimmer to whom the member refers is Bernd Hoffmeister, who is here by informal invitation of a member of the swimming fraternity. A measure of the international standing of Gerry Stachiewich is that a leading international swimmer has been attracted to the Superdrome because of the experience of this residential coach. The visit by Bernd Hoffmeister in fact complements a visit made by swimmers from the WA Institute of Sport to West Germany last year. It is an aspect of the WAIS charter to foster such international experiences for our swimmers.

(4) The decision taken by the board was made after extensive consultation with the Western Australian Swimming Association, the Western Australian Institute of Sport, the National Executive of Coaching, and several Western Australian coaches. The policy adopted and implemented by the board took into account the needs of swimmers, coaches, and the Superdrome.

The Superdrome Board of Management has previously called on a number of areas of expertise before formulating its policy. The policy adopted is similar to that adopted in Brisbane and Adelaide. The Adelaide Aquatic Centre in fact is in the process of advertising for one centre coach only. The proposal put forward initially by WASA could not meet the financial criteria set for the Superdrome. The board of management submitted its revised policy, which was subsequently adopted, to WASA for comment on 2 February 1987. The WASA responded on 11 February 1987 that it had considered the board's draft policy and had endorsed it. The WASA board includes a representative of the Coaches Association. All members of the Coaches Association were sent a copy of the policy at the time it was formulated, and at no time were any objections received to the policy.

(5)-(8)

The Minister prefers not to deal with unsubstantiated rumours or threats that are based on self-interest and are not reflective of overall interests this event has generated to swimmers within this State. The Minister's position is that he is prepared to respond to any reasonable and responsible group that has a part to play in the development and betterment of swimming in WA.

It is unfortunate that the member has aligned himself with a group that is seen by many involved in swimming in WA not to possess those interests. Some of the disquiet that has arisen has been narrowed in focus and comes from a particular group who were unsuccessful in the tendering system. The Minister will in the future, as in the past, be prepared to meet with any group that has the interests of sport, including swimming, as their primary objective.

(See paper No 506.)

WA DEVELOPMENT CORPORATION
Bernies Hamburger Bar: Redevelopment

2488. Mr HASSELL, to the Treasurer:

(1) On what date was the Western Australian Development Corporation first asked to consider the future of the Bernies site?

(2) When did the Western Australian Development Corporation first propose to increase the size of the site by incorporating part of Kings Park in it?

(3) With how many parties has the Western Australian Development Corporation negotiated in relation to the future of the site?

(4) Have negotiations been concluded, albeit conditionally, and if so when?

Mr BRIAN BURKE replied:

(1) 30 November 1984.

(2) Bernies has always formed part of Kings Park.

(3) The WADC has not negotiated with any party, but it has been approached by parties wishing to express an interest if the site becomes available.

(4) Not applicable.

TRAFFIC ACCIDENTS
Alcohol-related

2496. Mr LIGHTFOOT, to the Minister for Police and Emergency Services:

(1) Is he concerned about the apparent increase in alcohol-related vehicular accidents?

(2) Does he believe that the introduction of the 0.05 blood alcohol limit will curb the accidents?

(3) Does he intend to introduce legislation to lower the limit referred to in (2) from 0.08 to 0.05?

Mr GORDON HILL replied:

(1) Yes.

(2) The matter of the introduction of 0.05 per cent blood alcohol limit was recently discussed by the Traffic Board and rejected, and that view is endorsed by the Police Force.

(3) No.

STATE FINANCE: DEBT SERVICING
Expenditure

2497. Mr HOUSE, to the Treasurer:

How many cents in each dollar raised by this State are spent in debt servicing?

Mr BRIAN BURKE replied:

Expressed as a percentage of total Consolidated Revenue Fund outlays, 1986-87 net debt service costs represented 7.6 per cent.

ANIMALS: VETERINARY PREPARATIONS
Registrar: Work Backlog

2500. Mr HOUSE, to the Minister for Agriculture:

(1) Can he say whether the registrar for veterinary preparations, Mr Robertson, has a large backlog of work?

(2) If yes, what delay in days is there from the date of application for registration to date of approval or rejection?

(3) If the delay is considerable, what steps are being taken to overcome the problem?

Mr GRILL replied:

(1) Yes. However, it is anticipated that with the additional assistance now being provided the backlog will be overcome shortly.

(2) Delay in processing applications for registration is related to day-to-day priorities which arise in the work of the registrar. Priority is given to new applications and those where it is judged applicants may be financially disadvantaged. Registration delays can range up to months.

(3) Using overtime, one extra full-time clerk has been provided since 16 November for one month to assist in clearing the backlog. The position will be reviewed at the end of this month.

PARLIAMENTARY COMMISSIONER FOR ADMINISTRATIVE INVESTIGATIONS
Government Instrumentalities: Jurisdiction

2510. Mr MacKINNON, to the Premier:

(1) Is he aware of the fact that in the report of the Parliamentary Commissioner for Administrative Investigations to the Parliament for the year ending 30 June 1987, the Commissioner recommended the Government should clarify the position as to whether the following authorities should come within the jurisdiction of the Parliamentary Commissioner --

(a) the Western Australian Tourism Commission;

(b) the Director of Equal Opportunity in Public Employment;

(c) the Commissioner for Equal Opportunity?

(2) If so, when is it expected that the Government will make up its mind as to whether or not these jurisdictions will come under the ambit of the Parliamentary Commissioner?

Mr BRIAN BURKE replied:

(1) Yes.

(2) Consideration will be given to their inclusion within the Parliamentary Commissioner's jurisdiction in due course.

WA EVENTS FOUNDATION
Government Payments

2514. Mr MacKINNON, to the Treasurer:

(1) What payments has the State Government made to the Western Australia Events Foundation, now known as Events Corporation, during the year ending 30 June 1987?

(2) In each case, what were the reasons for these payments?

Mr BRIAN BURKE replied:

(1)-(2)

An amount of $349 197, including 1985-86 arrears of $132 447, was paid to the Western Australian Development Corporation for the reimbursement of expenses involved in managing EventsCorp.

MULTICULTURAL AND ETHNIC AFFAIRS
Immigration Policies: Submission

2520. Mr COWAN, to the Minister for Multicultural and Ethnic Affairs:

(1) Will the State Government make a submission to the Commonwealth Government's committee to advise on Australia's immigration policies?

(2) If yes, will the submission be made public?

Mr GORDON HILL replied:

(1) Yes.

(2) Not yet decided.

LIQUOR LICENCES
Mariner Hotel: Car Park

2523. Mr TUBBY, to the Minister for Racing and Gaming:

(1) Is the car parking area of the Mariner Hotel in Geraldton licensed for the consumption of liquor?

(2) If yes, why has this hotel been granted this special privilege?

Mrs BEGGS replied:

(1) The car park of the Mariner Hotel forms part of the licensed premises.

(2) It is not a special privilege. Many hotels have the whole of the land on which the premises are situated included as part of the licensed premises.

SUPERDROME
Advertising: Cost

2525. Mr HASSELL, to the Minister representing the Minister for Sport and Recreation:

(1) What was the total cost of the advertising insert in the *Western Mail Magazine* for the Superdrome?

(2) What other advertising has been placed or is planned, and at what total cost regarding the Superdrome?

Mr WILSON replied:

(1) A combined advertising budget was put in place for Sports Week, which included the official opening of the Superdrome.

The *Western Mail* component cost $24 000.

(2) This is a one-off promotion.

GOLDCORP
Tailings Dumps: Leases

2526. Mr HASSELL, to the Minister for Economic Development:

(1) In relation to the transaction between GoldCorp and Anglo American Pacific Ltd, is it correct that Anglo American has no current leases over or in relation to the tailings dumps?

(2) Is it correct that the Government already owns the gold in the tailings dumps?

(3) What payment is to be made in the transaction by GoldCorp?

(4) What consideration is being received by the Government in relation to the transaction?

Mr PARKER replied:

(1) Anglo American has held title to the dumps by virtue of licences to treat tailings granted under the Mining Act, 1904. Such licences are renewable on an annual basis and Anglo American has applied for a further renewal of the licences.

(2) Yes, but licences granted under the Mining Act, 1904 authorise the licensee to retain all gold recovered from treatment of the tailings.

(3) Not known. Negotiations are continuing.

(4) Nil.

TRANSPORT: RAILWAYS
Electrification: Contracts

2529. Mr HASSELL, to the Minister for Transport:

(1) What are the major contracts to be put out to tender for the electrification of the suburban rail system?

(2) It is understood that rolling stock contracts have been announced. When

will contracts for switch gear, signals, and communication catenary be put out for tender?

(3) When will other associated contracts be put out for tender?

Mr TROY replied:

The Perth urban rail electrification project has not been finally approved, and thus no contracts have been awarded. However, subject to the final approval, the following is a tender timetable --

(1) Major contracts to be put out to tender for the electrification of the suburban rail system are --

Power systems	December 1987
Catenary system	March 1988
Signals installation	January 1988
Communications system	May 1988

(2) Rolling stock contracts have not been announced.

(3) The planned issue of other associated tenders will occur throughout the duration of the project.

EDUCATION: PRIMARY SCHOOL
Coolbinia: Accommodation Problems

2553. Mr CASH, to the Minister for Education:

(1) Is he aware that due to pressure of increased enrolments, Coolbinia Primary School is now suffering from an accommodation shortage?

(2) Is he further aware that projected demographic patterns indicate that enrolments will continue to increase into the foreseeable future?

(3) Is he also aware that the proposed integration programme which will involve the Sir David Brand School and the Coolbinia Primary School, may be jeopardised if adequate accommodation is not provided for the students?

Mr PEARCE replied:

(1) There is no accommodation shortage. Sufficient classrooms have been provided to cater for the enrolment.

(2) There may be further slight increases in the student enrolment over the next few years.

(3) Additional temporary classrooms will be provided as required to ensure the continuation of the integration programme, and therefore the proposed programme is not in jeopardy.

WA DEVELOPMENT CORPORATION
Treasury Funds: Interest

2557. Mr COURT, to the Treasurer:

During the fiscal year 1986-87, did the Western Australian Development Corporation have access to any Treasury or public funds for a period during which it paid no interest to the Treasury but was able to earn interest for itself?

Mr BRIAN BURKE replied:

No.

MR TERRY BURKE
WA Business Migration Investment Trust

2562. Mr COURT, to the Treasurer:

What association does the former member for Perth, Mr Terry Burke, have with the Western Australia Business Migration Investment Trust, or the State's business migration programme?

Mr BRIAN BURKE replied:

Mr Terry Burke has no formal connection with the Western Australian Business Migration Investment Trust.

As the State member for Perth for nearly 20 years, Mr Burke took an active interest in migration, investment, and business matters affecting his constituents and the State generally. In his capacity as Chairman of the Sister City and Overseas Relations Committee, he continues to support business and investment opportunities of benefit to Western Australia -- including business migration.

FUNDSCORP
Profits

2569. Mr COURT, to the Treasurer:

What was the amount of Treasury and public instrumentality funds used by FundsCorp during the 1986-87 financial year to generate the recorded profit of $2million?

Mr BRIAN BURKE replied:

The average daily balance of Treasury funds, including public instrumentality funds under Treasury's control, amounted to around $350 million. However, FundsCorp does have access to other funds.

WA DEVELOPMENT CORPORATION
Old Brewery Development: Advice

2573. Mr COURT, to the Treasurer:

Is the Western Australian Development Corporation still advising the Minister for Planning and the Minister for Works and Services on the commercial and project management aspects and redevelopment of the old brewery site in Mounts Bay Road?

Mr BRIAN BURKE replied:

Yes.

FUNDSCORP
Cash Surpluses: Returns

2576. Mr COURT, to the Treasurer:

Is it correct as indicated within the annual report of the Western Australian Development Corporation that FundsCorp has been able to obtain financial returns in excess of those which could have been obtained by the State Treasury from investment of State cash surpluses?

Mr BRIAN BURKE replied:

The member has misinterpreted the annual report.

WA OPERA COMPANY
Funding

2580. Mr HASSELL, to the Minister for The Arts:

(1) Is he aware of the poor deal the Western Australian Opera Company has received from the Performing Arts Board of the Australian Council?

(2) What action does he propose to take in relation to this matter?

Mr PARKER replied:

(1) Assistance provided for 1988 by the Australia Council to the WA Opera Company has been consistent with past practices of the council.

(2) It is appropriate that this matter be dealth with between the WA Opera Company and the Australia Council.

It is understood that the company has made direct representation to the council on this matter recently in writing and during a visit to Western Australia of the general manager of the council.

ROAD: BROOKTON HIGHWAY
Alignment

2581. Mr RUSHTON, to the Minister for Planning:

(1) Has a final decision been made in relation to the Brookton Highway alignment adjacent to the orchard of Messrs Arena, Rossi, and Ghilarducci orchard at Karragullen?

(2) If yes, will he please let me have a map showing the final road alignment?

(3) Have planning procedures still to take place before the road alignment is final and legal?

(4) If yes to (3), is an amendment to the regional scheme to be tabled in Parliament?

Mr PEARCE replied:

(1) Amendment No 682/33A was published in the *Government Gazette* on 4 September and in the public notices column of *The West Australian* on 5 September 1987.

(2) A copy of the notice of amendment and amending plan has been forwarded to the member's electorate office today by the State Planning Commission.

(3) Yes.

(4) No, as the proposed amendment is not a substantial amendment.

PLANNING DEVELOPMENT
Westeck

2583. Mr RUSHTON, to the Minister for Planning:

(1) Has a development named Westeck been proposed and/or approved on the Murray River near the Lane-Poole Reserve?

(2) Will he please table a copy of the development plan?

(3) If no to (1), what is the present position and progress of this development?

(4) Has the Shire of Murray approved the Westeck proposal?

Mr PEARCE replied:

(1) Westeck management has had preliminary discussions with the Murray Shire Council for the development of a holiday village at Dwellingup.

(2) A copy of the development plan is not available, but it could be sought from the company.

(3) See (1).

(4) No.

PLANNING DEVELOPMENT
Westeck

2584. Mr RUSHTON, to the Minister for Conservation and Land Management:

(1) Has consideration been given by his department to the development on the Murray River west of Lane-Poole Reserve called Westeck?

(2) Has the project been approved or opposed by his department?

(3) What opportunity will he give to the public to comment upon this proposal?

Mr HODGE replied:

(1) No.

(2)-(3)

Not applicable.

EDUCATION: PRIMARY SCHOOLS
Covered Assembly Areas: Criteria

2585. Mr RUSHTON, to the Minister for Education:

(1) Is the provision of a covered assembly area for primary schools based on a political or needs basis?

(2) If he claims the priority is based on need, will he please justify the allocation of a covered area in this year's programme for the Wattleup Primary School, which already has a covered assembly area, ahead of the Byford Primary School which does not have a covered assembly area and has a greater number of children attending?

Mr PEARCE replied:

(1)-(2)

Covered assembly areas were originally provided only to cluster-type schools which have little in the way of verandahs. As they are a very useful area for schools, a gradual programme of provision to other schools has been made. One of the main criteria -- apart from enrolment, climatic factors, and future buildings proposed -- is that of the availability of alternatives in the school. In this respect, Wattleup, with very limited verandah space, has priority. In addition, the cost at Wattleup is being supplemented by outside funds.

WILDLIFE
Duck Shooting: Licences

2588. Mr TRENORDEN, to the Minister for Conservation and Land Management:

(1) Were the local government bodies of the State asked for an opinion before the decision was made to remove the issuing of duck licences to Conservation and Land Management officers?

(2) Where will country people be able to obtain licences?

(3) Is it the Government's intention to reduce the activity of country duck shooters by making the licences much harder to obtain?

Mr HODGE replied:

(1) Four shires had previously been authorised to issue duck shooters' licences. CALM has recently reviewed its future licensing operations and has decided that licensing should only be undertaken through its offices. The four shires involved have recently been advised of the change.

(2) From Department of Conservation and Land Management offices.

(3) No.

AGRICULTURE: FERTILISERS
Superphosphate: Price

2590. Mr CASH, to the Minister for Agriculture:

(1) In view of the Federal Government's recent announcements respecting the closure of Christmas Island, does he share the concern of many farmers in Western Australia that the Federal Government's handling of the Christmas Island closure will cause a significant increase in the price of superphosphate next season?

(2) If no, will he set out the reasons to sustain this view?

Mr GRILL replied:

(1) I am advised by the manufacturers that the closure of Christmas Island as a source of rock phosphate is likely to have a negligible effect on the price of superphosphate.

(2) (a) There is no shortage, or foreseeable shortage, of rock phosphate on world markets;

(b) Christmas Island supplies only a very small proportion of total world trade in rock phosphate;

(c) freight from alternative destinations is cheaper;

(d) alternative sources may be of lower quality than Christmas Island rock resulting in higher production costs;

(e) the factors in (a) to (d) are expected to balance out, resulting in a negligible effect on local superphosphate prices from the closure of Christmas Island production per se.

ENVIRONMENTAL REVIEW AND MANAGEMENT PROGRAMME
Hedges Gold

2592. Mr BRADSHAW, to the Minister for Environment:

(1) Will he allow an extension of time for comment on the Hedges Gold ERMP?

(2) If so, what extra time will he allow?

Mr HODGE replied:

(1)-(2)

The Environmental Protection Authority sets the time for public comment on environmental review and management programmes.

HOUSING
Exmouth: Book Value

2603. Mr LEWIS, to the Minister for Housing:

(1) How many Homeswest three or four-bedroom detached homes are there in Exmouth?

(2) What is the book value in the aggregate of the homes referred to in (1) above?

Mr WILSON replied:

(1) There are 148 homes occupied by civilian employees of the Communications Base, and two occupied by Homeswest clients.

(2) $2.543 million.

HOUSING
Exmouth: Valuations

2604. Mr LEWIS, to the Minister for Housing:

(1) Has Homeswest or any other Government agency effected valuations on Homeswest homes at Exmouth within the last 18 months?

(2) If yes, how many properties have been officially valued?

(3) What is the mean or average value of the residential properties appraised?

Mr WILSON replied:

(1) Yes.

(2) One, by the Valuer General on behalf of Homeswest.

(3) $40 000.

HOUSING
North West: Average Price

2605. Mr LEWIS, to the Minister for Housing:

What is the average or mean price in the aggregate of land and building to provide at this time a new three-bedroom detached house in the following towns --

(a) Karratha;

(b) South Hedland;

(c) Carnarvon;

(d) Exmouth?

Mr WILSON replied:

The current estimated cost of Homeswest construction of a three-bedroom house and land is --

(a) $88 500;

(b) $86 500;

(c) $79 000;

(d) $104 500.

It should be noted that housing constructed in Exmouth is required to meet terrain category once cyclone conditions prevail.

FUEL TAXES
Concern

2606. Mr CASH, to the Minister for Transport:

(1) Is he aware at the recent Country Shire Councils Association of Western Australia (Inc) annual conference the question of fuel taxes was raised on numerous occasions? Most questions related to statements that fuel taxes are far too high and that insufficient of the revenue from this source is being expended on roads?

(2) Can he offer any constructive comment to the Country Shire Councils Association of Western Australia (Inc) in respect of State fuel taxes being reduced and/or a greater proportion of State fuel tax revenue being expended on country roads?

Mr TROY replied:

(1) As far as I am aware, the debate at the conference centred mainly on the Commonwealth fuel excise, and the resolution was passed to that effect. However, I recognise that fuel taxes in general are always a contentious issue, particularly in the country.

(2) All revenue raised by the State fuel levy is directed to transport expenditures, and the Government is not in a position to reduce funding in these areas. That part of fuel levy collections directed to Transperth effectively reduces the funds required to maintain the road system, since without public transport substantial additional road expenditure would be required. While slightly more than half of fuel levy revenue is raised in the metropolitan area, the geater part of road funds is expended in the country.

PROSTITUTION
Control: Report

2607. Mr CASH, to the Minister for Police and Emergency Services:

(1) Has he received a report from the Commissioner of Police which strongly recommends changes to the system of containment and control of prostitution in this State?

(2) If yes, will he advise of the recommendations made by the commissioner?

(3) Does he support the recommendations?

(4) If not, will he advise which recommendations he does not support and the reasons why?

Mr GORDON HILL replied:

(1)-(4)

The Commissioner of Police has provided a report to me which strongly recommends changes to the system of containment and control. However, the matter is yet to be considered by Cabinet. I am not prepared to disclose the detail of that report.

PROSTITUTION
Victorian Legislation

2608. Mr CASH, to the Minister for Police and Emergency Services:

(1) Is he aware of the Victorian Prostitution Regulation Act 1986?

(2) Does he consider that the management of prostitution in Victoria since the introduction of the Prostitution Regulation Act 1986 has been a success?

Mr GORDON HILL replied:

(1) Yes.

(2) It is difficult to determine the degree of success or otherwise of the Act, and I am only in a position to receive the advice of the relevant Victorian Ministers and the police officers who have carefully examined the matter.

PROSTITUTION
Victorian Legislation

2609. Mr CASH, to the Minister for Police and Emergency Services:

(1) Does he consider that the management of prostitution in Victoria since the proclamation of the Prostitution Regulation Act 1986 has --

(a) combated the intrusion of criminal elements involved in prostitution;

(b) reduced drug abuse by prostitutes;

(c) significantly altered the situation with respect to the exploitation of women?

(2) If yes, will he provide evidence to support this contention?

Mr GORDON HILL replied:

See answer to question 2608.

PROSTITUTION
Containment Policy

2610. Mr CASH, to the Minister for Police and Emergency Services:

Has the Commissioner of Police advised him that the existing containment policy has been successfully applied towards the prevention of corruption and prevention of intrusion by criminal elements in the area of prostitution in Western Australia?

Mr GORDON HILL replied:

Yes.

STATESHIPS
North West Services

2611. Mr CASH, to the Minister for Transport:

(1) In view of the introduction of the vessel *Ocean Freeway* which provides a roll-on roll-off service to north west ports, does Stateships intend to reduce

its activity and voyages to north west ports?

(2) If not, why not?

Mr TROY replied:

(1) No.

(2) The *Ocean Freeway* operates only to the materials offloading facility of the Woodside project at Dampier. This particular system can only service ro-ro cargo and is unsuited to bulk commodities, etc. Furthermore it does not contribute in any way to the development of exports from the north west.

FIRE SERVICES
Funding Reform

2612. Mr CASH, to the Minister for Police and Emergency Services:

(1) Has he received a copy of a submission by the Insurance Council of Australia Limited (Western Australian Region) on its recommendations in respect of fire services funding reform in Western Australia

(2) If yes, does he concur with the recommendations of the Insurance Council of Australia Limited?

(3) If not, why not?

Mr GORDON HILL replied:

(1) Yes.

(2)-(3)
The matter is under consideration as part of a review of the WAFBB.

MINERAL: GYPSUM
Road Transport

2613. Mr CASH, to the Minister for Transport:

(1) Further to his answer to question 2115 on Wednesday, 14 October 1987, will he approve the transport of gypsum by road from the Yelbeni quarry to metropolitan markets?

(2) If not, why not?

Mr TROY replied:

(1) No.

(2) Existing transport policy requires that gypsum be transported by rail. However, a review of the policy relating to the transport of minor bulk traffics -- which includes gypsum -- is to be undertaken in the near future.

POLICE OFFICERS
Pay Structures: Alteration

2615. Mr CASH, to the Minister for Police and Emergency Services:

(1) Does he intend to change the pay structures of police officers to encourage police to remain in certain areas of expertise?

(2) If yes, will he advise the proposed changes?

Mr GORDON HILL replied:

(1)-(2)
This could be one of the by-products that may well eventuate within the development of the new human resource programme incorporating merit-based promotion.

MOTOR VEHICLE LICENCES
Windscreen Stickers

2617. Mr CASH, to the Minister for Police and Emergency Services:

(1) Is he aware that the new windscreen licence stickers being issued by the

Western Australia Police do not have printed on them the make of the car, its licence plate number, or expiry date?

(2) As the new windscreen licence stickers once had a six-digit computer number printed on them, does he believe there is a likelihood of fleet managers and others with multiple stickers attaching them to the wrong vehicles?

(3) Does he consider that having additional information on the windscreen licence stickers, as was the case with earlier stickers, was a safer way of ensuring the correct sticker was placed on the correct motor vehicle?

(4) Does he intend to implement any changes to the existing windscreen licence stickers, and if so will he advise details of the proposed changes?

Mr GORDON HILL replied:

(1) Yes.

(2) No.

(3) No. The six-digit reference number incorporated on the vehicle registration windscreen label is endorsed on the registration papers issued to the owner. This facilitates ready identification of the vehicle to which the label is to be affixed.

(4) No. The Commissioner of Police advises me that it is not necessary.

HEALTH: DRUGS
Operation NOAH

2618. Mr CASH, to the Minister for Police and Emergency Services:

(1) Was Operation NOAH held on 28 October 1987 a success?

(2) How many calls were received by police from people with information on drug dealers and drug traffickers?

(3) How many calls were received by police during Operation NOAH held in November 1985?

Mr GORDON HILL replied:

(1) Yes, however a greater public response was anticipated.

(2) 52 per cent of the persons nominated in calls were suspected of offences relating to drug dealing and trafficking.

(3) 928 for Western Australia.

HEALTH: DRUGS
Hot Line

2619. Mr CASH, to the Minister for Police and Emergency Services:

(1) Has the recently installed drug hot line been a success?

(2) What is the average number of calls on a weekly basis from people telephoning the hot line with information on drug dealers and drug traffickers?

(3) In which week was the highest number of calls, and how many calls were involved?

(4) In which week was the lowest number of calls, and how many calls were involved?

Mr GORDON HILL replied:

(1) Yes.

(2) The average number of calls relating to drug dealers is not available.

(3) (a) First week of operation;

(b) 85 calls.

(4) (a) First week of August 1987;

(b) one call.

DR MICHAEL LISLE-WILLIAMS
Consultancy

2620. Mr CASH, to the Minister for Police and Emergency Services:

(1) Is Dr Michael Lisle-Williams of Exchequer Consultants carrying out a consultancy on behalf of the Government?

(2) If yes, will he advise the terms of reference of this consultancy?

(3) When is the consultant required to report to the Government on its findings?

Mr GORDON HILL replied:

(1) Yes.

(2) The consultants are conducting a full review of the WAFBB, including organisational structure, efficiency, funding arrangements, and other matters.

(3) When the report is completed in the near future.

STATESHIPS
Charters

2621. Mr CASH, to the Minister for Transport:

(1) How many ships is Stateships contracted to charter on a bare boat basis?

(2) When did each charter commence, and when is each charter due to expire?

(3) What is the charter hire for each of the vessels for the period of the contract and also for 1986-87?

(4) What rate of exchange was used in the contract to charter these vessels?

(5) Has Stateships taken foreign exchange cover in respect of these contracts?

Mr TROY replied:

(1) Three.

(2) MV *Irene Greenwood* commenced 19 December 1983 for ten years; MV *Koolinda* commenced 20 August 1981 for ten years; MV *Pilbara* commenced 23 September 1981 for 10 years.

(3)-(5) It is not the policy of this Government to publicise commercial information which could assist competitors of our business agencies.

EDUCATION: SCHOOLS
Terms: 1988

2622. Mr BERTRAM, to the Minister for Education:

In 1988 on what dates will school terms for staff and students respectively commence and finish for --

(a) State schools;

(b) independent schools?

Mr PEARCE replied:

(a) STATE SCHOOLS

Term 1:	Staff	February 2 (Tue) - March 31 (Thu)
	Students	February 4 (Thu) - March 31 (Thu)
Term 2:		April 11 (Mon) - June 24 (Fri)
Term 3:	Staff	July 11 (Mon) - September 23 (Fri)
	Students	July 13 (Wed) - September 23 (Fri)
Term 4:		October 10 (Mon) - December 16 (Fri)

(b) INDEPENDENT SCHOOLS

Catholic Education Commission Schools --

Term 1:	Staff	February 2 (Tue) - March 31 (Thu)
	Students	February 4 (Thu) - March 31 (Thu)
Term 2:	Staff	April 11 (Mon) - June 24 (Fri)
	Students	April 12 (Tue) - June 24 (Fri)
Term 3:	Staff	July 11 (Mon) - September 23 (Fri)
	Students	July 13 (Wed) - September 23 (Fri)
Term 4:	Staff	October 10 (Mon) - December 9 (Fri)
	Students	October 11 (Tue) - December 8 (Thu)

Independent Schools (*) --

Term 1:	Staff	February 1 (Mon) - March 30 (Wed)
	Students	February 3 (Wed) - March 30 Wed)
Term 2:	Staff	April 12 (Tue) - June 22 (Wed)
	Students	April 13 (Wed) - June 22 (Wed)
Term 3:	Staff	July 12 (Tue) - September 22 (Thu)
	Students	July 13 (Wed) - September 22 (Thu)
Term 4:	Staff	October 10 (Mon) - December 9 (Thu)
	Students	October 11 (Tue) - December 2 (Fri).

(*) Term dates for independent schools vary from school to school. The term dates listed above are for Christ Church Grammar School, but are considered to be representative of those for most independent schools.

POLICE: LIQUOR AND GAMING SQUAD
Review

2623. Mr CASH, to the Minister for Police and Emergency Services:

(1) Has the review of the liquor and gaming squad been completed?

(2) If yes, will he provide details of any changes to occur as a result of the review?

(3) If no to (1), when will the review be completed?

Mr GORDON HILL replied:

(1) No.

(2) Not applicable.

(3) It is not anticipated that any recommendations affecting policy or staffing levels will be made before the Gaming Commission Act is proclaimed.

PRISONERS
Offences Committed in Custody

2624. Mr CASH, to the Minister representing the Minister for Corrective Services:

(1) Can the Minister advise the number of offences committed by prisoners while in custody in prison during the following periods --

(a) 1 July 1983-30 June 1984;

(b) 1 July 1984-30 June 1985;

(c) 1 July 1985-30 June 1986;

(d) 1 July 1986-30 June 1987?

(2) What was the nature of the majority of the offences?

Mr PETER DOWDING replied:

(1)-(2)

The member is referred to tables 29 and 31 of the annual report of the Department of Corrective Services, which was tabled in Parliament on 29 October 1987.

MOTOR VEHICLE LICENSING SECTION
Criminal Records

2625. Mr CASH, to the Minister for Police and Emergency Services:

(1) Is it intended that public servants in the motor vehicle licensing section be

given access to computer terminals which will enable them to access the criminal records of convicted persons?

(2) If yes, will he advise of any guidelines which have been set down for the use of this information?

Mr GORDON HILL replied:

(1) No.

(2) Not applicable.

QUESTIONS WITHOUT NOTICE

Privilege: Statement by Speaker

THE SPEAKER (Mr Barnett): I refer members to certain questions without notice which were asked by the member for Murchison-Eyre on Tuesday of this week. It has been suggested that those questions were based on information concerning proceedings before the Family Court. The release of this information might well have been unlawful. Whether or not this is the case is not for me to decide or even comment upon.

The point that does concern me, however, is whether the privilege of freedom of speech in this House might be being used to circumvent an explicit order of a court or a written law of this country. While there may be no established rule or precedent in this matter, it is nevertheless one which this House would have to treat very seriously. Obviously it makes mockery of observing a "sub judice" convention if the House tolerates or encourages speeches or questions aimed at subverting an order or rule given in an appropriate court. Likewise, this Parliament should not permit its privileges to be used to circumvent the written law of the Commonwealth aimed at protecting the personal privacy of citizens.

Freedom of speech in Parliament should be recognised as the most cherished privilege members have. I do not wish to appear to be restricting it, but members must realise that in abusing it they run the most serious risk of encouraging a demand for curtailing or removing that privilege.

STATE GOVERNMENT INSURANCE OFFICE

Cabinet Meeting: Purpose

425. Mr MacKINNON, to the Minister for Economic Development:

(1) As the Treasurer has consistently indicated that Cabinet approval was not necessary for the purchase by the SGIC of the real estate and shares from the Bell Group, what was the purpose of the specially convened Cabinet meeting on the evening of 12 November as reported in today's *The West Australian*?

(2) Is it correct that the two asset purchases were conditional, one upon the other?

Mr PARKER replied:

(1) The Treasurer has consistently said that in the case of the share purchase by the SGIC, the SGIC was of the view that it was a matter of some sensitivity and that before it proceeded with the opportunity with which it had been presented, it wanted to know the views of the Government. That was stated in the initial Press release, and the Treasurer has stated that consistently since.

Mr MacKinnon: About the shares, yes, but not about the real estate purchase.

Mr PARKER: The real estate purchase was not discussed by Cabinet.

Mr MacKinnon: The Cabinet meeting was not discussed at all until in today's paper.

Mr PARKER: Cabinet did not discuss the property purchase.

Mr MacKinnon: Do you mean you sat there all Thursday night and did not discuss --

Mr Bryce: What we discuss in Cabinet is our business.

Mr PARKER: The Leader of the Opposition is obviously interested only in the question and not in the answer. The position is as the Treasurer and I have stated, and I will state it again. The SGIC formed a view -- understandably -- that the purchase by a Government agency of two and a half per cent of the shares in BHP was a matter of some concern and sensitivity, and it wanted to know the views of the Government before it proceeded. As a result, the SGIC sought those views and they were canvassed on the occasions that have been referred to.

(2) There was no connection whatsoever, in the conditional sense, between the purchase of the property and the purchase of the shares; no conditions were imposed and no conditions were sought. There were no conditions attached to the purchase so that the purchase of one meant the purchase of the other, or vice versa.

I make it patently clear for the Leader of the Opposition that it was not suggested that the property would not be sold without the shares, or that the shares would not be sold without the property; and to put it in words of one syllable, the two were unrelated in any conditional sense. The only relationship which existed was as the Treasurer and I have said, and as the board has said. An opportunity was presented of one purchase while the other purchase was being discussed, but there was absolutely no condition either way.

POLICE PRACTICES
Draft Code

426. Dr GALLOP, to the Minister for Police and Emergency Services:

Is the Minister aware of a statement in today's *The Australian* attributed to the Federal Minister for Aboriginal Affairs in which he was claimed to have stated that, inter alia, a draft code of police practices was decided upon at a September meeting of Police and Corrective Services Ministers and that there had been virtually no activity by the States in relation to those practices?

Mr GORDON HILL replied:

I welcome this opportunity to place my views on the record and to correct the Federal Minister for Aboriginal Affairs. There was not any discussion about a code of practice at the meeting in September of the Police and Corrective Services Ministers. There were no recommendations arising from that meeting. All that took place was that the Ministers had a discussion about the practices and procedures which are adopted in the various States, and a paper was distributed which summarised those practices and procedures.

It is false for the Federal Minister for Aboriginal Affairs to claim that recommendations were made arising from that meeting and that there has been some inactivity on the part of the States. In addition to that, many of the matters in the summary of practices and procedures which was distributed following that meeting have been addressed in this State, and I believe that this State has gone further than that particular summary of practices and procedures. It is incorrect for the Federal Minister for Aboriginal Affairs to comment in the way in which he has, and I do not believe it is appropriate for the Federal Minister to comment in that way. I note that today the Federal Minister has been joined by the Minister for Justice, Senator Tate. I share their concerns about the handling of the issues by the police in Kalgoorlie, and there are certain matters that I am seeking further clarification on from the Commissioner for Police.

While I share those concerns, it is not appropriate for those Federal Ministers, or any other Minister or politician, to address those matters publicly because they are under investigation by the police; and in addition to that there is to be a Coroner's inquiry. It is not appropriate to pre-empt either the police inquiry or the inquiry by the Coroner following that police inquiry. I urge Federal Ministers, as I do other Ministers Australia-wide, to refrain from making emotional comments, which can inflame the situation and which could be misconstrued, and can only do harm to the inquiries presently being conducted.

STATE GOVERNMENT INSURANCE OFFICE
Conflicting Statements

427. Mr HASSELL, to the Deputy Premier representing the Premier:

(1) How does the Government reconcile the conflicting statements which have recently appeared in relation to the Bell Group and State Government Insurance Commission transactions? A statement appeared today, which was, I think, attributed to the Minister for Economic Development, concerning the transactions in which it was disclosed for the first time that there was at least one special Cabinet meeting -- some reports suggest there were two -- last week concerning the transactions. I know the Minister said there was no discussion of the property transaction, but I suggest that it is stretching credibility to suggest that a major transaction like that should be discussed in complete isolation.

(2) How is that reconciled with two reports that appeared earlier which suggested that the Premier had no part in the property transactions and that his approval was merely a formality, and that he did not even know the properties involved?

(3) Is it seriously suggested by the Government that at the special Cabinet meeting the Cabinet did not become aware of the details of both transactions?

(4) Is it not a fact that there has been a deliberate process to mislead the public through the statements, to suppress the facts of two major transactions and the full extent of the Government's involvement in them?

Mr BRYCE replied:

(1)-(4)

The member for Cottesloe has been around long enough to know --

Mr MacKinnon: Did they invite you to the Cabinet meeting?

Mr BRYCE: I am probably about five times as fit as the Leader of the Opposition these days. Fancy yourself?

The member for Cottesloe has been around long enough to know he has no privilege and no right whatsoever to details of Cabinet discussions, why Cabinet meetings are called, and what is discussed at them. The member for Cottesloe will not get the satisfaction from me or from any of my colleagues of a detailed analysis of what went on at any Cabinet meeting --

Mr Hassell: But you have a conflict in public about it.

Mr BRYCE: If I may be so parochial, the conflict seems to exist in the mind of the member for Cottesloe. We have seen the member for Cottesloe for some three or four years in Opposition, nearly five, deal rather deviously with the truth, including particularly quotations. If the member for Cottesloe thinks he can bowl up deliberate, direct quotations attributable to the Premier while he is away for 24 hours, and have one of us place qualifications or caveats or interpretations on what the Premier said about agendas of meetings which the member is not entitled to know about, he is barking up the wrong tree. I suggest that the member puts his notice of motion on the Notice Paper for next Tuesday and have a crack. The

Premier will be back next Tuesday.

MOUNTS BAY SAILING CLUB
Electricity Charges

428. Mrs HENDERSON, to the Minister for Conservation and Land Management:

(1) Is it correct, as reported in the newspaper recently, that the electricity for the Mounts Bay Sailing Club has been paid for by the Government?

(2) If yes, what is the reason for this?

(3) What were the annual payments which were made for each of the last five years?

Mr HODGE replied:

(1)-(3)

The Department of Conservation and Land Management, when reviewing leases of properties managed by the former National Parks Authority, discovered that State Energy Commission charges in respect of the Mounts Bay Sailing Club were not being apportioned. In this regard I should explain that the Department of Conservation and Land Management receives a single bill, which is now apportioned according to sub-meter readings made at the department's policy directorate headquarters in Hackett Drive, Crawley; the Royal Perth Yacht Club; the Pelican Point Sea Scouts; and now the Mounts Bay Sailing Club.

As the Mounts Bay Sailing Club's sub-meter is located inside its premises, the department was not aware that SEC charges had not been paid by the club; nor did it receive any advice from the club to that affect. The Department of Conservation and Land Management is very concerned at the discovery of this matter and is obtaining relevant National Parks Authority files from Government archives to attempt to ascertain whether an accurate assessment of the amount owed to the Government can be determined. Members may be aware from publicity in last Saturday's *The West Australian* that the Department of Conservation and Land Management has had the Mounts Bay Sailing Club's restricted use of its site in Matilda Bay reviewed by the Valuer General, who has advised that the rental should now be increased to an annual sum of $11 200. The rental was previously $550 per annum.

The figure of $550 should be borne in mind when one considers that the Mounts Bay Sailing Club's electricity for the past 11 months, the period for which it has been paying the bill, has amounted to $5 578. Additionally, the club has been charging the Education Department of this State an amount of $4 500 for storage of some Education Department property and limited access to the facilities by some student groups. The club therefore has been receiving some $10 000 per year through the non-payment of SEC charges and revenue from charges to the Education Department while paying a fee to the Government of $550. The Government has now redressed this imbalance by increasing the rental to a fair figure of $11 200 per annum and ensuring the club pays its own SEC charges.

MINISTER FOR EDUCATION
Meeting: Deaf People

429. Mr MacKINNON, to the Minister for Education:

Why is it that the Minister for Education has refused my request for an appointment with representatives of people interested in total communication on behalf of deaf people when their real concern is to ensure the quality of the education of their children?

Mr PEARCE replied:

The simple answer to that question is because the Leader of the Opposition is a very late player in this game. I have consistently met with a group that

represents Deaf Ed, and I guess some of that group's members are in the gallery at the present time and have just had passed around to members a circular in regard to their views on the education of deaf children. It is a very sad situation, which I have tried very hard to resolve over the last two or three years. Every five or six months I receive a deputation from that group, and we basically go over the same ground. In fact I received a deputation from that group and had a lengthy discussion with it about five or six weeks before I received the Leader of the Opposition's request to lead a deputation on precisely the same issue.

I do not mind meeting with the group. In fact I probably meet with interested groups in education as much as any Minister for Education ever has, but one gets to a point where there is no purpose in going over and over the same ground. The letter the Leader of the Opposition wrote to me meant that the ground that was sought to be discussed in this matter was precisely the ground that I discussed with them on the deputation of five or six weeks before.

Mr MacKinnon: How many times have I asked for an audience with you since you became a Minister?

Mr PEARCE: Have I ever knocked you back, except on this occasion?

Mr MacKinnon: I don't ask for these appointments lightly.

Mr PEARCE: I did not say that.

I have met with the two groups on many occasions over a number of weeks to discuss the issues that the Leader of the Opposition sought to discuss in his deputation. I agree it is a sad story, because in essence it comes down to two views amongst people who have hearing-impaired children about the way in which their children's education should go.

Mr MacKinnon: The people with the children would have a better idea than you.

Mr PEARCE: Maybe they would.

There are two views about the way education for hearing-impaired children should go. One view is that the forms of communication that ought to be emphasised are forms that will enable hearing-impaired children to communicate with all people, whether hearing impaired or not. Great emphasis is placed on that form by the Education Department. The strength of that approach is that it does not seal off hearing-impaired children from normal children if they have a capacity to communicate with other people.

Total communication basically means teaching in sign language. Although that is a good method of communication for the profoundly deaf, it has the real disadvantage of locking those people into communication only with other people who can communicate by sign language -- and there are not many of them. Nevertheless, the Education Department has a deaf education section which provides for children whose parents wish to use a total communication system or for whom the total communication system may be more appropriate.

As has been pointed out in the circular, officers have been appointed to do developmental work on strategies, and provision is made in the school at Mosman Park for children who are impaired in that way. The Education Department seeks to provide for both approaches.

The group present in the Chamber today is of the view that its section of deaf education should be larger and one or more of its people should be promoted to senior positions. The situation is that I have worked with both sides of the argument to try to obtain a resolution as to how deaf education or the education of hearing-impaired children might be conducted without the acrimony that exists at present. I am sorry that apparently I have been unsuccessful in resolving the matter in that way. I do not claim to be an

expert in the field of the education of the hearing impaired. However, I count some of the people here today as my personal friends.

I have acted on this matter with the strong advice of the Education Department and the Director General of Education, who was in charge of the special education section of the Education Department for many years. I believe the approach we are taking in the department is fundamentally right. That is not to say that we are seeking to lock out opportunities for children or parents to obtain an education through the total education system. We believe, from the choice of the parents and the way in which the expert advice in this area comes to us, that the balance that we have now is correct.

Mr MacKinnon: The people affected do not think so.

Mr PEARCE: Most of them do, some do not.

VISITORS

Welcome

THE SPEAKER (Mr Barnett): I welcome the people in the public gallery to Parliament today. Under normal circumstances, our rules prohibit members of the public standing. However, I appreciate that that might cause difficulty for people to see and hear what is going on. I therefore request them to stand if they wish.

RETAIL TRADING HOURS

Proposals

430. Dr GALLOP, to the Minister for Labour, Productivity and Employment:

(1) Has the Government any new proposals for retail trading hours in Western Australia?

(2) If so, how does the Minister intend to inform the public of them?

Mr PETER DOWDING replied:

(1)-(2)

A proposal was placed on the Notice Paper and handed to the Opposition parties which could be discussed in the context of a Bill before the House. In order that the public should have as much opportunity to inquire about aspects of the current proposal, I have asked the Department of Occupational Health, Safety and Welfare to appoint an officer tomorrow and for the next week or so to answer queries on a hot line. I do not have the number of that hot line, but as of tomorrow that hot line will enable people to obtain details of the proposal.

I am particularly gratified with the support that has been received to date from a range of organisations representing the retail industry. The industry has extremely diverse interests. What has been most gratifying over the last two days since the discussions were held and the concept was formulated has been the great deal of support from what was an irreconcilable position taken by many of the representative organisations.

I hope that the media will give some assistance tomorrow and over the weekend to further inform the public on the nature of the proposal.

JANDAKOT AIRPORT

Formation Circuit Training

431. Mr SCHELL, to the Minister for Transport:

(1) Has the Minister been asked to make representations to the Federal Government about the closure of Jandakot Airport to formation circuit training?

(2) Is he aware of any alternative arrangements for the continuation of that type of flight training?

Mr TROY replied:

(1)-(2)

Yes. Perhaps I should briefly give some background detail on this issue. Formation circuit flying is when two or three aircraft take off, do a circuit, and land again as a team. The Commonwealth Government is the owner and operator of Jandakot Airport; this State has no responsibility for it.

I have received representations along with a number of people including the Leader of the Opposition and State and Federal members of Parliament on this matter, and I have pursued the likely implications for transport generally and in particular the availability of pilot training. The decision to ban formation flying in controlled airspace at Jandakot was taken recently by the Federal Department of Transport and Communications because of its concern for safety and its particular concern about the circuits being over Leeming, an area with increasing residential development.

I have been advised that pilots can still practise formation flying at the Jandakot training area, which is three to four minutes' flying time south of the airport and just outside the controlled airspace area. In addition, the Federal Government is studying the prospect of permitting some formation flying within controlled airspace, but has not yet developed specific guidelines. I have been given an undertaking that is being pursued.

I have also been informed that the Federal Minister will be writing to the authors of these letters. They can expect him to comment along the lines that I have just outlined.