

Legislative Council

Thursday, 17 November 1988

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

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Minister for Budget Management), read a first time.

Second Reading

HON J.M. BERINSON (North Central Metropolitan - Minister for Budget Management) [2.33 pm]: I move -

That the Bill be now read a second time.

The Bill seeks appropriation of the sums required for the services of the current financial year as detailed in the Estimates. It also makes provision for the grant of supply to complete requirements for 1987-88. Included in the expenditure Estimates of \$4 044 million is an amount of \$494.645 million permanently appropriated under special Acts, leaving an amount of \$3 549.355 million which is to be appropriated in a manner shown in a schedule to the Bill. Supply of \$2 000 million has already been granted under the Supply Act 1988, hence, further supply of \$1 549.355 million has been provided for in the Bill. In addition to authorising the provision of funds for the current year, the Bill seeks ratification of the amounts spent during 1987-88 in excess of the Estimates for that year. Details of these excesses are given in the relevant schedule to the Bill.

I commend the Bill to the House.

Debate adjourned, on motion by Hon G.E. Masters (Leader of the Opposition).

ACTS AMENDMENT (RACING INDUSTRY) BILL

Third Reading

Bill read a third time, on motion by Hon Graham Edwards (Minister for Consumer Affairs), and returned to the Assembly with an amendment and a requested amendment.

COMMUNITY CORRECTIONS CENTRES BILL

Assembly's Amendments

Amendments made by the Assembly now considered.

Committee

The Chairman of Committees (Hon D.J. Wordsworth) in the Chair; Hon J.M. Berinson (Minister for Budget Management) in charge of the Bill.

The amendments made by the Assembly were as follows -

No 1.

Clause 8.

Page 4, lines 11 to 13 - To delete "may use, or order an officer to use, reasonable force to compel an offender to obey a direction given to that offender if the supervisor" and substitute the following -

or other officer may use reasonable force to compel an offender to obey a direction given to that offender if the supervisor or officer

No 2.

Clause 9.

Page 5, after line 3 - To insert the following subclause -

(3) A direction given by the supervisor of a community corrections centre to an officer -

- (a) to search any person in a community corrections centre; or
- (b) to use reasonable force to compel an offender to obey a direction given to that offender,

is not a reasonable direction for the purpose of subsection (1) (a).

No 3.

Clause 10.

Page 5, line 7 - To delete "his deputy or to an officer" and substitute the following -

any person

No 4.

Clause 10.

Page 5, lines 13 and 14 - To omit subclause (2).

No 5.

Clause 11.

Page 5, line 17 - To delete "at a community corrections centre" and substitute the following -

for the purposes of this Act

No 6.

Clause 17.

Page 8, lines 27 and 28 - To delete paragraph (b).

No 7.

Clause 17.

Page 8, after line 36 - To insert the following subclause -

(2) A supervisor or other officer may search and examine an offender, a visitor or any other person in a community corrections centre if the supervisor or officer believes that the search is necessary for the security or good order of the community corrections centre or the offenders in it.

No 8.

Clause 28.

Page 13, line 20 - To delete "at a centre" and substitute the following -
for the purposes of this Act

Hon J.M. BERINSON: I move -

That the amendments made by the Assembly be agreed to.

I take this opportunity to indicate the reasons for each of the amendments. The proposed amendment to clause 8 will remove the supervisor's power to be able to order the use of reasonable force by an officer but will retain the power by either a supervisor or an officer to use reasonable force if, in the supervisor's or officer's opinion on reasonable grounds, such force will prevent serious injury or death of another person or serious damage to property. In this respect - and this is relevant to other amendments as well - the Bill as originally drafted did not give sufficient recognition to the fact that these community corrections centres are civilian institutions and not prisons where the uniformed staff are subject to orders, and it is appropriate that they should be, in a way that would not be appropriate outside the prison.

The proposed amendment to clause 9 will remove the liability on an officer to be required by

a supervisor either to use reasonable force against an offender or to search an offender. In other words, if the supervisor orders that an offender either be searched or if the officer use reasonable force against the offender, the officer would not be breaching his duty if the officer did not obey that order.

The proposed amendment to clause 11 is to clarify that a volunteer may be appointed to assist in such duties as the transport of offenders or equipment. The duties would not, of course, be performed at a community corrections centre. It is intended that this amendment would also facilitate the provision of compensation for volunteers who may suffer any injury while performing duties for which they have been appointed for the purposes of the Act.

The proposed amendment to clause 17 is consistent with the proposed amendment to clause 8 of the Bill and removes the supervisor's power to order that an officer must search an offender and the officer's obligation to obey a direction to this effect. The amendment to clause 28 is proposed for similar reasons to the amendment proposed to clause 11. It is intended to clarify that if a volunteer is performing duties for which the volunteer has been appointed, the volunteer will still be compensable for any injury suffered in the performance of those voluntary duties.

Hon G.E. MASTERS: The Opposition supports the amendments, which it supported in another place. Some of those amendments are as a result of debate in the Legislative Council, and it is encouraging, when questions are raised and difficulties pointed out to the Minister that the Government is prepared to consider those arguments and to amend the legislation. Not all the amendments are as a result of debate in this Chamber but certainly two or three of them are.

Question put and passed; the Assembly's amendments agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

ACTS AMENDMENT (COMMUNITY CORRECTIONS CENTRES) BILL

Assembly's Amendments

Amendments made by the Assembly now considered.

Committee

The Chairman of Committees (Hon D.J. Wordsworth) in the Chair; Hon J.M. Berinson (Minister for Budget Management) in charge of the Bill.

The amendments made by the Assembly were as follows -

No 1.

Clause 5.

Page 3, after line 28 - To insert the following subclause -

(3a) Where a work release order is made in respect of a prisoner who is undergoing strict security life imprisonment the Attorney General shall cause the order, together with an explanatory note as to the circumstances, to be tabled in each House of Parliament within 15 sitting days of that House after the making of the order.

No 2.

Clause 5.

Page 4, line 16 - To delete "If" and substitute the following -

Except in the case of a prisoner who is undergoing strict security life imprisonment, if

No 3.

Clause 8.

Page 13, after line 32 - To insert the following -

(3) A warrant of commitment issued under subsection (2) (b) shall be -

- (a) in the prescribed form;
- (b) directed to all police officers; and
- (c) given effect to as if it were a warrant issued by a justice.

No 4.

Clause 9.

Page 14, lines 21 to 23 - To delete "in respect of which a warrant of commitment has been issued before the day of commencement of this Act, whether or not the warrant has been executed before that day" and substitute the following -

that consists of a fine or penalty imposed before the day of commencement of this Act

Hon J.M. BERINSON: I move -

That the amendments made by the Assembly be agreed to.

By way of explanation I refer firstly to the proposed amendment to clause 8. This was considered prudent by Parliamentary Counsel to remove any doubt that the warrant would have the necessary power to authorise police officers to apprehend an offender subject to the warrant. The amendment is consistent with clause 5 - proposed sections 50ZD(1) and 50ZD(3) - of this Bill and with the current legislative provisions in the Justices Act 1902 - for example, sections 60 and 61 - and the Offenders Probation and Parole Act 1963 - for example, section 44(3).

I proceed to the proposed amendment to clause 9. It was intended that a work and development order would issue to an offender on whom the court imposed a fine after the commencement of the Act. This intention is consistent with the power of the court - see proposed section 171AI(2) - to "veto" the conversion to a work and development order when imposing the fine. If fines that had been imposed prior to the commencement of the Act were included in the conversion, which is how the clause is currently drafted, this would have the effect of denying the courts their power to veto in relation to those fines.

Hon G.E. MASTERS: The Opposition indicates its support for the amendments contained in Legislative Assembly Message No 50. It is interesting to note that again, the first two amendments were as a result of moves by an Opposition member, Hon Andrew Mensaros. The Government saw fit to support these amendments and then moved two amendments of its own. To save time, I would suggest that we deal with this message in the same way as the previous message. I indicate the Opposition's support.

Question put and passed; the Assembly's amendments agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

OFFICIAL CORRUPTION COMMISSION BILL

Second Reading

Debate resumed from 18 October.

HON P.G. PENDAL (South Central Metropolitan) [2.52 pm]: I understood that we would not deal with this Bill now, but we should get some order back into the chaos. I have no option in this circumstance but to bring the second reading debate of the Official Corruption Commission Bill to a close.

It would be remiss of the Opposition not to acknowledge the fact that the Government has indicated its intention to support this Bill which was introduced by the Liberal Party in another place with the cooperation of the National Party and ultimately, of course, with the cooperation of the Labor Government in that House. Members would also be aware that the Bill as introduced into the Assembly is somewhat different from that which emerged from that place. I think that has been to the good. In the main this Bill has been improved by a variety of amendments; clearly they are amendments that I would recommend to all members

of this House. From that vantage point, one is entitled to assume that we will have no difficulty seeing the Bill passed through this House, given that it is something of a rarity that the three parties in the Parliament now agree on the need for some form of Official Corruption Commission.

Mr President, may I use this occasion to make a number of general observations about the subject under discussion. In the course of the second reading debate, I made the point that I think it is a sad reflection on the state of public life in this State in particular, and of course the nation in general, that we have reached the stage where we have found a need exists for a body to root out official corruption. I think most people have been prepared to accept in the past, certainly in a State like Western Australia, that corruption in official circles, if it existed in the past, has always been of a minor nature, in the first instance, and of a kind that has not been institutionalised at least at a higher level in the second place. Whether one likes this or not, the perception of that has altered. We have heard in this House over a long period a number of members, mainly by way of interjection, say to us that the perception is there largely because it suits the purpose of some people to create the perception. Of course, that argument was undone to some extent by the Premier who, in another context entirely, in recent weeks has talked about perceptions vis-a-vis reality. I think in that case he was talking about the public debate surrounding WA Inc. Even he acknowledged, as I guess the best philosophy classes would sometimes acknowledge, that if there is widespread perception of corruption then the difficulty is, in any case, whether that actually exists.

Mr President, if I may move on to make this comment: I make these remarks not just in relation to Western Australia because I can assure the House they are not meant to be party political. The extent to which public corruption exists in Australia today is a problem not only for incumbent Governments, and not only a problem for the politicians who are on the embarrassing end of accusations; it is also a real problem for the whole of Australian life that particularly young people can be forgiven for believing that corruption exists in all forms and in all levels in Australian public life today. I doubt very much whether there has ever previously been a five year period such as we are experiencing during which the community has been blitzed with the actions, either real or perceived, of people and during which the bone is pointed in terms of corruption.

Heaven only knows what impact that makes on a generation of young people growing up today. Therein lies the problem that faces not only Governments, but also Oppositions; not only the Labor Party, but also the Liberal and National Parties; and sadly not only those involved in politics, but also other leaders whose combined task it is to try to rebuild some public faith, confidence and trust in those in positions of power and authority.

It is only five years since Australians saw serious charges laid against a High Court judge. Who, in this State or anywhere in Australia, would have believed they would live to see the day when a judge of the High Court would even be accused - one has to be fair and say that in the end the judge was acquitted. It is an unfortunate part of the development of public life in Australia that the accusations were made of someone of that standing in the first place.

Hon Garry Kelly: Just because he is accused does not mean he is guilty.

Hon P.G. PENDAL: I just finished saying that, but I will repeat it for the benefit of the member who interjected. Notwithstanding that that judge was acquitted in the proper processes of the law it is nonetheless sad that a charge was laid in the first place. It does not stop there. We have only to look at what is happening throughout the land. A commissioner of police now faces allegations and maybe his fate will be the same as the High Court judge. He has every reasonable expectation of having any charges, if they are laid, dismissed. I guess that depends on the strength of the evidence before the tribunal at that time. Sadly, it does not even stop there. We have seen Ministers of the Crown - in one case a Premier and in some cases Federal Ministers - and a lord mayor of a major capital city accused of corrupt actions. If we move out of the area of politics and into other areas members will recall that in recent times a very eminent and highly respected medical researcher, Dr McBride, was the centre of similar charges. The charges against Dr McBride were no less serious in his environment than were the charges against the High Court judge or those charges which are now being levelled against some Cabinet Ministers.

The point I am making is that a whole generation of young people in this nation have been brought up in the reasonable knowledge that just about everyone in public life is corrupt;

public life embracing the broader professions, including that of the medical researcher to whom I have referred. If that is the case and the young people have drawn a conclusion that everyone has his hand in the till we have a big job ahead of us to help rebuild that faith on the part of young people. One could ask, "Why just young people? Haven't we also shaken the faith of the older members of our society regardless of whether they are 90 years of age or 45 years of age?" The answer would be, "Yes, we have." Equally, older people tend to be a little more cynical and they have established their value systems within their own lifestyles. They more or less know where they have to draw the line.

The concern I have about young people is that they are more vulnerable than older people and they are at a position in their lives where they are still trying to cling to the belief that people in public office are generally honest and, if there is to be an acceptance that they are honest, those young people will adjust their value systems accordingly. If that were to happen we would not have a problem today; but we may have a problem next year, in five years' time and even a generation down the track. There is no doubt that we cannot raise a generation of young people and expose them to actions, attitudes and values which they see across the board as being highly suspect and corrupt, without that exposure having a very serious effect on their own levels of respect for people in public office.

I am not sure how we can start to reverse those beliefs of the young people. Maybe it is the old story that every member in this Parliament and every person occupying some senior public position has to actually take it upon himself or herself to set an example in order to help restore the faith and the confidence of those young people in the whole system. I guess it even extends to the education system because people in that system also have responsibilities. It certainly extends to churches, notwithstanding the belief that the churches' influence is declining. I do not believe in the influence of religious groups at all. In fact, throughout history there has never been a period in which one could say that because the churches told the people to jump, they jumped. It is an absurd proposition. At best, throughout the ages the churches have been a benchmark and if the majority of people have not accepted their edicts, those edicts have, nonetheless, existed and have been valuable as a yardstick for the rest of the community. There is not any great pessimism to be found in the fact that churches are alleged to have less influence on these things nowadays than they once did.

It is still a fact that young people respond best to the example of older people. It often occurs to me when I hear criticism about, for example, the very young people who live in de facto relationships, that we are blaming the wrong people if we are blaming them. Those people pick up their value system from adults, probably from their parents. If they see that their parents take the whole show lightly and they live in that set of circumstances, one can hardly blame the young people for adopting their parents' values as their own.

That again is part of the process that has been under discussion in the course of this debate; if people engage in activities such as public corruption and allow that to become institutionalised enough, it will boil over and lead the new generation to believe that everyone is in it, there is nothing too wrong about it and that for the sake of survival they must be in it or they will miss out. I was disappointed at the level of debate on the Bill in this House from the Government side. No one would suggest that the fairly cursory attention given to it by the Leader of the House indicated anything other than a perfunctory interest in the Bill. However, if the Leader of the House could be criticised for taking only a perfunctory interest in the Bill, other members in the House must be criticised for taking no interest in it at all. It is a matter of sadness that only one member spoke from the Government side. If the Opposition parties in this House, both the Liberal Party and the National Party, were to treat the Government's legislation with that sort of disdain, although it would suit the Government of the day because it would allow it to get out of the Parliament quickly, questions would be asked in the public arena. The Government itself would ask questions of Opposition members of Parliament and suggestions would be made that those members were not taking their responsibilities seriously. Just as the Government has the right to present its legislative program to the Parliament and to expect the Opposition to debate it properly, so the Opposition has an equal entitlement; the Government has a responsibility to argue any Opposition Bills seriously.

Three Opposition Bills are listed on the Notice Paper of this House; I had the honour to introduce them on behalf of the Opposition and yet they have engendered the most cursory response from the Government. On an issue of this magnitude - where people believe there

is corruption in high places - I would at least have expected some better and higher level of debate from the Government side of the Chamber, particularly, and if only, because the Government in another place amended the Bill now before the House. Those amendments have probably strengthened the Bill. I wish to move later that the Committee stage be dealt with later in today's sitting. In a broad sense and without contravening Standing Orders, it is worthwhile recording that some of the amendments made by the Government in another place have strengthened the Bill.

In summary, what does the Opposition seek from the establishment of the Official Corruption Commission? The Opposition has consistently throughout the year sought the establishment of a clearing house, and the proposed commission pretends to be nothing more and certainly nothing less than that. It is intended to be a body of people who would not themselves be investigators; they would be assessors. These people would have impeccable reputations and would sit in judgment not of people but of the quality of information provided to them. In other words, if information were forthcoming which warranted their being called together, they would make an assessment of that evidence. They would judge whether it was strong enough to be channelled off to someone else. Therein lies an important part of what the Opposition is doing. It is not the intention that these people become detectives, and it is certainly not the intention that they become prosecutors. It certainly is the intention that they become the clearing house for allegations of corruption.

It is ironic that when I made my second reading speech some weeks ago I raised an issue which is today more relevant than it was then. It serves as an example of what I have in mind. It is now almost three months since I first raised allegations in the public arena about the misuse or disappearance of a collection of most important maps and documents owned by early explorers of this State. My informant told me that some of those maps and documents went back to the time of Eyre, who became famous in the 1870s for taking expeditions across this continent. It was discovered some time ago that many documents highly important to the history and heritage of this State had not only been stolen, but had also been taken out of Western Australia and sold either in the Eastern States or on the international market. The fact that this needed to be taken up by an Opposition member of Parliament is an indication of why this State needs an Official Corruption Commission. In the case to which I referred, the theft having been discovered, it was the responsibility of the relevant authorities - both the department and the Minister involved - to call in the police. I understand that the police were not called in until the allegations were made public by the Opposition. That is not news, but to this day those allegations have not been answered and the police report of the investigation instigated as a result of the Opposition's actions has not surfaced.

We are not discussing items with a value of \$10, \$15 or \$100; we are dealing with records of this State, the value of which my informant tells me may run into hundreds of thousands of dollars. That lack of accountability, or willingness to account, is what this Bill is about. If this legislation had been in force at the time the maps and documents went missing, at least I or my informant could have approached the Official Corruption Commission and said, "I have information that a corrupt act has been committed. It has not been investigated in the way that one would usually expect; therefore, I want the commissioners appointed under the Official Corruption Commission Act to investigate the matter." It is at that point that the commissioners are obliged to take seriously the allegations made by me or by anyone else - seriously enough to do a number of things. First, to assess the strength of the evidence presented.

Under clause 7 of the Bill, the commission would have - in the case I am talking about - the opportunity of receiving information and considering whether the matter should be referred to an existing Government agency. That underscores an important part of the Bill: The commissioners do not become detectives, but rather have the capacity to decide whether the allegations are of such strength that they should be referred to the Police Department or to another arm of Government, such as the Corporate Affairs Department, or the National Companies and Securities Commission; although I must admit these bodies were not in our minds when we formulated and introduced the Bill. The strength of the Bill is that it does not envisage the setting up of a new bureaucracy. It also does not envisage that the commission will conduct itself along the lines of the National Crimes Authority, which is, as I understand it, an army of highly paid people.

The Government moved a persuasive amendment in the other place, which was readily supported by the Liberal Party and the National Party. The amendment was that the allegations put to the commission can be put orally or in writing. I have some reservations about that, but there is strong ground for believing that oral complaints ought to be considered in the same way as written complaints. Mr President, you will be aware that the Bill contains a procedure whereby the commission monitors the progress of the investigation of the strength of the allegations. I might add that the commission has also the power to put the allegations in the rubbish bin; as indeed it should have. The commission has the power, if it decides to refer the matter to an outside agency, to monitor the progress of the matter and to have a report made to it. That makes a lot of sense, and the Minister for Agriculture in the other place made a persuasive suggestion that we put that provision into the Bill. We all know that it is one thing to make allegations; it is another to prove them. Australia is one of the few countries in the world that not only endorses the principle that information has to be tested in a court of law, and most often by a panel or group of people known as a jury, but also actually practises it. While it is possible for people to make false and malicious allegations - and they have been made often enough, and there probably is not a person here who has not been the subject of that sort of malicious suggestion - the Bill takes that eventuality into account. One of the strengths of the Bill is that any false or misleading information given by a person, in the knowledge that it is false and misleading, can be dealt with very severely.

I conclude at the point at which I began, because it bears repetition. There is a major task ahead of us in Australia today to rebuild the faith of young people, in particular, in the system. We have gone through a period in our history where allegations of misconduct and impropriety at the highest level have been made against people in public life. Some of those allegations have not been sustained by the facts, but sadly a lot of them have, and young people have every reason to believe that there are not any people of integrity in public institutions. That perception is a myth. I believe that the majority of members of Parliament, judges, clergymen, schoolteachers, and businessmen are people of good repute, and that it is still the case that the exceptions to that are only minor in number. Young people are being confronted with a constant diet of newspaper and other media headlines which suggest the contrary. This Bill will provide a safety net and will put obstacles in the path of people who want to engage in corrupt behaviour. So in this small way - and I do not suggest it is any more than that - we will eventually get to the point where people have their faith in the system restored, or at least built up a little beyond where it is at the moment.

I thank members for their support of the Bill.

Question put and passed.

Bill read a second time.

WORKERS' COMPENSATION AND ASSISTANCE AMENDMENT BILL

Committee

The Deputy Chairman of Committees (Hon P.H. Lockyer) in the Chair; Hon J.M. Berinson (Leader of the House) in charge of the Bill.

Clause 1: Short title -

Hon G.E. MASTERS: As a result of fairly in-depth questioning during the second reading stage of the Bill and the Leader of the House's detailed replies, many of the queries I had have been resolved. The situation has further been improved by the fact that one of the Government's departmental officers discussed the matter with me today - that is, Mr Neesham - and he has further enlightened me. As it happens, when I was dealing with this sort of legislation he was also my departmental officer. When I asked a couple of questions and was a bit incensed with one or two things he reminded me that in fact they were in the legislation that I prepared five or six years ago.

Hon J.M. Berinson: I am sure you found that more persuasive than anything I could have said.

Hon G.E. MASTERS: So the Leader of the House can understand my caution in dealing with this legislation now. I want to put on record my thanks to him for making the officer

available, and for the detailed way in which he responded during the second reading debate. I think it was necessary to delay the Committee stage until today just to clarify one or two matters. I will speak to one or two clauses just to put some points on record, but I sure the Leader of the House will be able to answer them adequately.

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Section 5 amended -

Hon G.E. MASTERS: The definition of noise induced hearing loss in this clause means a noise induced loss or diminution of a worker's hearing that is permanent and is due to the nature of any employment. I think Hon Tom Butler made some comment on this during the second reading debate but I want to have a full understanding of it. When it refers to the nature of the damage to hearing from any employment I assume that means a worker can claim compensation for a loss of hearing not necessarily as a result of working in a noisy, or prescribed, workplace but rather, provided the worker can demonstrate and persuade the board - or the commission - the damage was as a result of working in a certain workplace, any worker is entitled to compensation, not just those who work in prescribed workplaces.

Hon J.M. BERINSON: The answer to that is yes.

Hon G.E. MASTERS: I thank the Leader of the House for his answer. I made reference to my next point during the second reading debate and the Minister responded, but he will recall in a moment why it is necessary to raise the matter again.

The clause refers to a "worker". There are at least two definitions of the term "worker"; one is contained in the Workers' Compensation Act and the other, a little different, is contained in the Industrial Relations Act. The Leader of the House indicated last evening that he was not certain of the difference or if there was a difference. Obviously he knows now that there is a difference, but my understanding is this: The term "worker" in this legislation is defined in the Workers' Compensation Act and that Act is broader in its interpretation and includes more people than does the Industrial Relations Act. By that I mean it can include and embrace people who are subcontractors under certain conditions, whereas the Industrial Relations Act cannot. So when we were talking in the second reading debate of the impact this legislation will have on the subcontractor system and the contract system, it is important to have this matter clearly understood. Certain industries, especially the home building or what is commonly called the cottage building industry, are almost entirely supported by subcontractors and people who may probably be called "subsubcontractors", in Hon Tom Butler's words.

Does this legislation use the term "worker" as defined in the Workers' Compensation Act; and if so, how does it affect subcontractors?

Hon J.M. BERINSON: The definition of worker for the purposes of this Bill is in fact that of the parent Workers' Compensation Act. As to the position of principal and private contractor, that is set out in section 175. In the situation referred to by the honourable member in the cottage building industry, each case would need to be addressed in accordance with the definition; however, a true subcontractor would not himself be a worker for the purposes of the statutory definition.

Clause put and passed.

Clause 5 put and passed.

Clause 6: Sections 24A and 24B inserted -

Hon G.E. MASTERS: I refer briefly to proposed section 24A(1), although we have already talked about it. It begins -

Subject to Schedule 7 and this section, a worker suffering from noise induced hearing loss shall be entitled to compensation . . .

That partly answers the question I asked earlier. From the answer given then, does that mean anyone who can prove he has suffered a loss of hearing as a result of working in any workplace is entitled to compensation, provided he can substantiate his claim; that is, not just a prescribed workplace but any workplace?

Further, I want to make clear my understanding of the situation where a person suffers a loss of hearing. As I understand the legislation, no-one can claim for loss of hearing until they have suffered at least a 10 per cent loss. When that 10 per cent plus is achieved the person can, as a result of the test, claim compensation. If it is 11 per cent hearing loss that person is entitled to claim the one per cent plus the 10 per cent to make a total of 11 per cent. But a person must reach the 10 per cent plus stage before making a claim. From then on the worker can make subsequent claims but each claim must be as a result of a further five per cent loss of hearing. So it goes on, through to retirement or until a total loss of hearing. If a person does not claim anything during his or her working life, at retirement age - which I understand is 65 years under this legislation - that person can make a total claim. In other words, if a person has worked all his life in a prescribed workplace and upon retirement is tested and is found to have suffered a 40 per cent hearing loss, and it can be proved it was as a result of that person's work, that person is entitled on retirement to full compensation of, say, 40 per cent. Is that correct?

Hon J.M. BERINSON: I think the first part of Mr Masters' comment related to matters discussed previously, and that seems to be clearly understood. It is also correct as he has put it: The Bill provides for a 10 per cent threshold above the first test level; that is the point at which entitlement arises, and there are further increments at five per cent intervals.

Clause put and passed.

Clauses 7 to 11 put and passed.

Clause 12: Schedule 7 Inserted -

Hon G.E. MASTERS: This area is probably the most important part of the legislation. The initial stages of the clause deal with audiometric testing and describes the prescribed workplace. The Minister kindly indicated yesterday in response to my second reading question that prescribed workplace does not mean all workplaces of a particular industrial nature; in other words, all panel beating shops or all engineering shops will not necessarily be prescribed workplaces. Each workplace will be assessed on its merits, as I understand the answer yesterday. Is there any way that a person is able to object to having his workplace designated a prescribed workplace?

Sitting suspended from 3.45 to 4.00 pm

[Questions taken.]

Hon G.E. MASTERS: I have already discussed this with the Minister's departmental officer and we have come to the understanding that workplaces carrying out the same type and style of work may not always necessarily both be prescribed. In other words it does not apply across the industry. If, for example, there were two workplaces, both of whose work force produced the same goods, but one of those workplaces had modern equipment and the other had antiquated equipment, one workplace would not be prescribed while the other would be prescribed. In such a case I understand that in the prescribed workplace the workers would be required to undertake audiometric testing and the employer would pay. What would happen in the non prescribed workplace - for lack of a better description - if the people there said, "Well, the fellows next door have audiometric testing at the boss's expense; we would like to undergo an audiometric test"? Would that mean the employer in that workplace would have to foot the bill or would that cost be borne by the workers?

Hon J.M. BERINSON: Because of the effect of clause 2(4) of the schedule a test in those circumstances would be at the workers' expense.

Hon G.E. MASTERS: I would imagine that an employer owning and operating a prescribed workplace would be more likely to pay a higher workers' compensation premium than an employer in a non prescribed workplace. I only ask this because I am sure this exercise has been carried out by the people who wrote this legislation. Further, if it were the case, it is likely to be an encouragement to people in the prescribed workplace to take better care. If that is the case, at the end of the day a person with a prescribed workplace may have taken all precautions but may have cut his workers' compensation premium. It is then possible that if he went to the Department of Occupational Health, Safety and Welfare and said, "Will you come and reinspect my property and deprecise it?", this is the process which would occur. I know that is mixing up a couple of things, but one thing leads to the other.

Hon J.M. BERINSON: I will answer the last part of that question first. It has always been open to request a re-evaluation of premises in the circumstances to which Mr Masters referred. He also asked whether the premiums for prescribed workplaces would have a higher rate than those for non prescribed workplaces. The position is that premium rates will be affected by exposure to noise claims and, all things being equal, prescribed workplace premiums would, therefore, be higher to reflect this liability.

Hon G.E. MASTERS: My last point concerns the security of the results of an audiometric test. As I understand it, when workers undergo an audiometric test the records are kept secure by the Workers' Compensation and Rehabilitation Commission, and would not be available to the employer in normal circumstances.

The question I raised during the second reading debate is this: There are workplaces where it may be extremely dangerous for people to work without good hearing. My understanding from the Minister's adviser, bearing in mind that I am simply putting this on the record in case it is needed for future debate, is that if an employer considered it necessary for a worker to have good hearing, he could apply to the commission, saying that it would be dangerous for people with poor hearing to be employed in his workplace, and ask for access to an employee's record. If the employer is able to convince the commission that the request is reasonable and, indeed, that the person's safety is at stake, I understand he then may gain access to those records. Assuming that to be the case, is an employer then able to say to an applicant, "I am sorry, I have looked at your hearing tests, I do not think you are suitable and, therefore, I will not employ you"? If that is the case, is the employer subject to any action?

Hon J.M. Berinson: Do you mean not suitable on the grounds of safety?

Hon G.E. MASTERS: Yes.

Hon J.M. BERINSON: The position is as the Leader of the Opposition has anticipated it to be. Where the question is one of safety the records would be available. The emphasis on safety also covers the second part of his question. As a general principle, where circumstances would make it unsafe for a person to engage in certain activity, that would be an acceptable reason for not employing him in that capacity.

Hon G.E. MASTERS: What would be the position of an employer who had perhaps employed someone for 12 months, and had reason to believe his hearing was not good and that he had had a near escape for that reason? Suppose the employer asks to see the records and, on looking at them, finds the person's hearing is not good and it would be dangerous for him to continue his employment in the workplace? Is the employer then able to say, "I am sorry, I did not realise your hearing was poor and I am going to have to stand you down." What would be the legal position?

That could happen, particularly in the early stages of this legislation, bearing in mind that people have worked in workplaces with no requirement for audiometric testing. With this new proposal we may find people who have worked in the workplace for a long time are now to be found out - I do not mean that in a nasty way - in that they will be found to have bad hearing. If that is the case, what is the position? Does the employer continue to employ such a person? Does he attempt to shift the person to other work? If there is no other work, what does the employer do? At the end of the day that employee may die or be injured as a result of poor hearing.

Hon J.M. BERINSON: A similar or identical question was raised during the second reading debate. I then had to indicate to Mr Masters that this question cannot really be handled under this Act, but goes to questions involving the Industrial Relations Act. I cannot take my response any further at this stage than I did during the second reading debate.

Hon G.E. MASTERS: I accept that the Minister is unable to give a direct answer for the reasons he has given. Nevertheless, I put it to him and the Government that this is a likely occurrence. When the new testing arrangements are in place it may well be that many people may be involved in the way I have described. Although the industrial arbitration system will come into operation this issue will cause some headaches for employers. Will employers be liable, under this legislation or any other legislation, to pay compensation in these circumstances? I am not saying this legislation is bad, because I think it is good. I am trying to ferret out some of the difficulties. I will not pursue the question any further. I understand the Minister cannot answer it, but I suggest that he draw the attention of the responsible

Minister to the matter so that he may anticipate the difficulties that could arise as a result.

Clause put and passed.

Clause 14 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [4.58 pm]: I move -

That the Bill be now read a third time.

HON G.E. MASTERS (West - Leader of the Opposition) [4.59 pm]: We often talk about the public's understanding of this sort of legislation. Although most of this legislation is written in a good form, time and time again industrial legislation seems to be couched in terms that are incomprehensible to the average person, almost to the stage where legal expertise is needed to interpret it. I will not do more than draw the Minister's attention to page 5, proposed section 24B(5) of the Bill and ask him to look at the way that provision is written. I challenge anyone without expert advice to understand what that means. Whoever draws up this sort of legislation should couch it in simple terms rather than get to the stage where a lawyer is needed to interpret it. That is a passing comment which I hope gets back to the people concerned with this legislation for their consideration in the future.

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [5.00 pm]: I will refer the matter raised by Hon Gordon Masters to the responsible Minister. As to the meaning of that section I am advised that where a worker makes an election for a lump sum entitlement this section deems the hearing loss a personal injury by accident to bring it under schedule 2 and allows for a lump sum to be paid. It further determines that entitlement should be appropriate to the date of the test carried out in accordance with schedule 7.

Question put and passed.

Bill read a third time and passed.

MEDICAL AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Graham Edwards (Minister for Consumer Affairs), read a first time.

Second Reading

HON GRAHAM EDWARDS (North Metropolitan - Minister for Consumer Affairs) [5.02 pm]: I move -

That the Bill be now read a second time.

The Bill provides for an amendment to the amendment made to the Medical Act in 1985. The amendment to the Act was proclaimed on 1 January 1988 with the exception of section 9(d), which deals with the registration of medical practitioners who are bodies corporate. At the time of proclamation a number of problems relating to professional indemnity insurance were raised by the Australian Medical Association, the Medical Defence Association and the Medical Board. The Government therefore considered it appropriate not to proclaim section 9(d) until the problems were resolved.

Over the last 12 months, extensive consultation has occurred between the Government and representatives of the medical profession. The result of this consultative process is that section 9(d) requires amendment. Principally, the amendments clarify the inconsistencies and ambiguities in the current legislation. Firstly, the Act already has provisions which cover the liability of members of the bodies corporate. Therefore, the requirement that body corporate practitioners be covered by professional indemnity insurance will be deleted. The amendment acknowledges the restraints the Medical Defence Association has in providing

such insurance. It also removes an inconsistency whereby it is a statutory requirement for practitioners in bodies corporate to have indemnity insurance, when individual medical practitioners are not required to do so. The Government does not believe it is fair to discriminate between the two types of practitioner. Currently, no legislation in Australia requires medical practitioners in bodies corporate to have professional indemnity insurance. This amendment reflects the policy adopted in other States.

The second amendment clarifies the wording in section 11(5). It now provides that all members of bodies corporate are jointly and severally liable. Overall, the medical profession's involvement in the consultation process has facilitated an optimal resolution of the problems which were initially raised in 1987. Concomitantly the Government has addressed the interests of the community in general and has successfully achieved a balance for both practitioner and patient. In addition, the introduction of these amendments will now make it possible for medical practitioners to incorporate in Western Australia.

I commend the Bill to the House.

Debate adjourned, on motion by Hon John Williams.

RESIDENTIAL TENANCIES AMENDMENT BILL

Committee

The Deputy Chairman of Committees (Hon John Williams) in the Chair; Hon Graham Edwards (Minister for Consumer Affairs) in charge of the Bill.

Clause 1: Short title -

Hon E.J. CHARLTON: I advise the Committee that the National Party is opposed to Local Courts dealing with disputes arising from residential tenancy agreements. The National Party is of the opinion that the Small Claims Tribunal would be in a better position to deal with the problems that arise from tenancy agreements. During the second reading debate the National Party outlined its reasons in this regard and I will not canvass them in detail. The cost of having disputes heard by the Small Claims Tribunal would be much less than if they were dealt with in the Local Court. It would be a much more simple procedure. The Small Claims Tribunal would not be restricted in its activities when dealing with disputes that arise out of tenancy agreements. The National Party is of the opinion that the size of the tribunal could be increased to allow it to deal with complaints from people in the country, particularly farmers, small business and charitable organisations.

During the second reading debate the Minister said that the problem with the National Party's suggestion was that, because of a lack of facilities available to it, the Small Claims Tribunal could not operate in country areas and, therefore, the people in the country would be restricted when dealing with complaints concerning residential tenancies. The Minister is taking a narrow view and provision should be made for the Small Claims Tribunal to deal with complaints from country people. Initially, the Government said that an amending Bill would be introduced to deal with this problem. Of course, that has not happened. This Bill consists of 16 clauses which are consequential to the two clauses dealing with the proposed change for disputes to be heard in the Local Court. Rather than make those points repeatedly when debating the clauses I have chosen to draw the Committee's attention to the fact that the National Party is opposed to the Bill for the reasons I have outlined.

In summary, we consider it was to the advantage of all concerned that the Small Claims Tribunal be used. Although it may not be ideally structured to deal with these problems across the State, the National Party considers that that aspect should be addressed and an operation should be set up which would be able to deal with these matters in an appropriate way rather than their going through the court system. The National Party is aware of the costs involved and the representation required when handling disputes in the court system. We are disappointed that the Government has changed direction; the National Party moved amendments which were passed and the Government has since moved away from that position. The National Party is opposed to the changes incorporated in this Bill and, therefore, will act accordingly.

Hon GRAHAM EDWARDS: I thank the member for his comments. I can only reiterate that it is simply not possible for the Bill to be implemented in the way previously agreed. The

Government has examined the situation and it would simply be too costly and cumbersome. The Government's view is that it can take only one course of action, and I ask the Committee not to support the proposition put forward by the National Party.

Hon N.F. MOORE: I remind members of the position that the Liberal Party took during the second reading debate; the Opposition does not like the original Act at all and would have preferred it not to have been introduced. Had the Government insisted during the debate on the original Act that its proposal with regard to the Local Court remain, the original legislation would not have been passed. The National Party would have joined the Liberal Party in another place, and the two parties would have combined in this Chamber to defeat the Bill. The Government has manoeuvred itself around and has now introduced a Bill which provides that disputes will be heard in a Local Court rather than by the Small Claims Tribunal. Because the Liberal Party originally argued that the Local Court is the most appropriate body to hear these disputes, for the logistical reasons the Government has now put forward, it will agree with this Bill. I repeat what I said in the second reading debate: This legislation will never see the light of day. The Act has been brought back for amendment almost a year after the original debate took place. By the time this Bill is passed and the new structure is put in place, an election will have taken place, the Government will have been defeated, and the present Opposition will fix up the residential tenancies legislation.

Hon J.M. Berinson: What do you call fixing up?

Hon N.F. MOORE: I refer the Leader of the House to the 47 pages of debate in *Hansard*. The necessary changes will take place as soon as the electors decide they have had enough. The Government is deliberately waiting until after the next election, hoping to be re-elected before enacting this Bill, because it knows that as soon as the provisions are implemented, every landlord in Western Australia will be up in arms and the Government's electoral prospects will suffer dramatically. The Opposition will support the Bill; it does not believe that the people of Western Australia will be burdened by the parent Act because it will not be implemented.

Clause put and a division taken with the following result -

Ayes (22)			
Hon J.M. Berinson	Hon John Halden	Hon G.E. Masters	Hon Tom Stephens
Hon J.M. Brown	Hon Kay Hallahan	Hon Margaret McAleer	Hon John Williams
Hon T.G. Butler	Hon Robert Hetherington	Hon N.F. Moore	Hon D.J. Wordsworth
Hon D.K. Dans	Hon Garry Kelly	Hon Neil Oliver	Hon Fred McKenzie
Hon Graham Edwards	Hon A.A. Lewis	Hon P.G. Pandal	(Teller)
Hon Max Evans	Hon P.H. Lockyer	Hon S.M. Piantadosi	
Noes (3)			
Hon J.N. Caldwell	Hon H.W. Gayfer		
Hon E.J. Charlton	(Teller)		
Pairs			
Ayes		Noes	
Hon Tom Helm		Hon C.J. Bell	
Hon Doug Wenn		Hon Barry House	
Hon Mark Nevill		Hon W.N. Stretch	
Hon B.L. Jones		Hon Tom McNeil	

Clause thus passed.

Clauses 2 to 19 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

CHILD SUPPORT (ADOPTION) BILL

Returned

Bill returned from the Assembly without amendment.

OFFICIAL CORRUPTION COMMISSION BILL

Committee

The Deputy Chairman of Committees (Hon John Williams) in the Chair; Hon P.G. Pendal in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement -

Hon P.G. PENDAL: The Opposition does not intend to proceed with its proposed amendment.

Clause put and passed.

Clause 3: Interpretation -

Hon J.M. BERINSON: I move -

Page 2, line 9 - To insert after "Code" the following -
and also includes a member of Parliament

It emerged in the course of drafting that the amendment carried in the Legislative Assembly had the effect of excluding members of Parliament from the provisions of this Bill. It was intended on all sides that they should be included. This amendment will ensure that the Bill has that effect.

Hon P.G. PENDAL: The Opposition has always intended that members of Parliament would be included within that definition. My understanding was that the Minister handling the Bill in the other place had indicated that the advice of the Crown Solicitor was that the situation already covered members of Parliament.

Hon J.M. Berinson: The amendment carried in the Legislative Assembly excluded them, and that was done in error.

Hon P.G. PENDAL: Our definition was thought to have included the reference in the Criminal Code to any other person holding office under or employed by the State of Western Australia, whether for remuneration or not. We accept the point made by the Leader of the House, and if this will put the matter beyond dispute, the Opposition will support it.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 4 to 6 put and passed.

Clause 7: Functions of Commission -

Hon J.M. BERINSON: I move -

Page 4, line 13 - To insert after "under" the following -
section 60 or 61 or

This amendment is consequential upon the previous amendment. Section 60 of the Criminal Code deals with a member of Parliament receiving bribes. Section 61 deals with bribery of members of Parliament. The inclusion of these sections specifically is part of the exercise to make it perfectly clear that members of Parliament are covered by this Bill.

Hon P.G. PENDAL: I understand the point made by the Leader of the House, but I want to make sure we know what we are doing. It is spelt out in my copy of the Criminal Code that section 60 deals with a member of Parliament receiving bribes, and section 61 deals with people who offer them bribes; but that is not part of chapter 13.

Hon J.M. Berinson: No; it says "or". Those are cumulative.

Hon P.G. PENDAL: I do not have "or" in my copy of the Criminal Code. I now understand the point.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 8 to 11 put and passed.

Clause 12: Rules of Parliament -

Hon P.G. PENDAL: I move -

Page 6, line 12 - To delete "44" and substitute the following -

42

This amendment corrects a typographical error. It clearly should not refer to section 42 of the Interpretation Act but rather to section 44.

The DEPUTY CHAIRMAN (Hon John Williams): The amendment is incorrect. It should read, "Page 6, line 14", and amend it so that it will now read "section 42" rather than "section 44".

Hon P.G. PENDAL: I just want to be sure of what we are doing, for my own benefit. The way the Bill is currently misprinted, we are dealing with section 44 of the Interpretation Act. It is the intention of the amendment to correct a typographical error so that it refers to section 42 of the Interpretation Act.

Hon Garry Kelly: That is what he said before.

Hon P.G. PENDAL: Is it? Well, it is on the record now.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 13 and 14 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [5.32 pm]: I move -

That the House do now adjourn.

Brazier, Mrs - Newspaper Report of Speech

HON P.G. PENDAL (South Central Metropolitan) [5.33 pm]: I want to put on record a matter that might otherwise have been the subject of a personal explanation arising out of an exchange in the House yesterday between me and the Minister for Community Services. There was an implication in something that was said by the Minister for Community Services that I want to clarify very quickly and firmly so that it is a permanent part of the record of this House.

During the course of both questions and debate on the Family Affairs Commission Bill I think it was implied by the Minister for Community Services that I was in some way party to a speech made recently at a public seminar finding its way into the *Sunday Times*. At some point in that debate, when I expressed a lack of knowledge of the matter, the Minister made a comment to the effect that "the member would have bumps on his tongue for saying that". I want, therefore, to put the record straight.

It is perfectly correct that I attended a seminar organised by Mr Hyde's Australian Institute of Public Policy. To my knowledge, as of now, I did not hear Mrs Brazier's speech, and to my knowledge I was not even present when it was delivered. I have not had the opportunity to do so but I believe if it were checked the record would show that she was one of the afternoon speakers at that seminar. Certainly I was present for the opening by Mr Hyde and for a paper presented by Dr Don Edgar, the Director of the federal Institute of Family Studies; I was present for a paper presented by one of the researchers of the institute - a male; and I was present for part of a speech delivered by Mr Jim Crawley, the Director of the

Marriage Guidance Council of WA Inc. I could be wrong but I do not recall that Mrs Brazier's speech was part of the morning's proceedings. In any event, I was not booked in at that seminar for the afternoon session, nor even for lunch, and I can distinctly recall having to leave at 11.50 am in order to fulfil another engagement.

I go through that in some laborious detail to make the point that certainly Mrs Brazier's name is vaguely familiar as being one of the speakers, I think for the afternoon, and any connection between that incident and the story appearing in the *Sunday Times* certainly had nothing to do with me. Indeed, when I read it in the *Sunday Times* there was no connection at all in my mind between that report and the seminar. It was at that point that the Minister implied that I had somehow seen to it that that speech found its way into the *Sunday Times*. That is not the case and I categorically deny anything of the kind.

I have asked for the tabling of that speech. It has now been tabled and I will make my own judgment as to whether that speech was accurately or otherwise reported in the *Sunday Times*. In most respects that has nothing whatsoever to do with the House anyway, but it is important from my point of view that that matter be cleared up. If that speech found its way into the *Sunday Times* it did so in ways that had nothing to do with me.

I certainly took the opportunity last Sunday morning to issue on behalf of the Opposition a statement commenting on the contents of the *Sunday Times* report, and that is a practice that I - and, indeed, the Minister and other members of this House - follow from time to time. If it is subsequently found that the original newspaper report was wrong, that is something we are all victim to from time to time. I am not saying it was wrong. The Minister does say it was wrong and I have to accept her word at this point, but I certainly make no apology for issuing a statement based on what was in a newspaper report. If one had to fish around and ensure the accuracy of newspaper reports before one issued a statement, one would never issue a statement. It reminds me of a remark made many times in this place by the President of this House to the effect that if one had to ensure that everything said in this Chamber was absolutely accurate before it was said, probably nothing would ever be said in this Chamber. I guess that would be to the relief of many people.

However, I make that point as a categorical denial of any implication or suggestion of the kind made by the Minister.

Education, Physical - Liberal Party Policy

HON N.F. MOORE (Lower North) [5.39 pm]: Before the House adjourns I want to explain a matter on which the Minister for Education appears to be misinformed about one aspect of the Liberal Party's education policy. The Minister said in another place earlier this week, following the release of the Liberal Party's physical education policy during Physical Education and Sport Week last week, that our policy is in line with the Government's policy on physical education. She said that our policy was a good one because it was the same as the Government's. However, the Minister misunderstood one very vital difference between the two policies and I want the House to realise this because it is significant in the overall thrust the Liberal Party has in mind for physical education when it becomes the Government after the next election.

The fundamental and most important aspect of our physical education policy is the appointment of physical education specialist teachers to all primary schools. The Minister in another place said that the Government was doing that. That is not correct. At the present time, primary schools in Western Australia may choose to have either a physical education, an arts and craft, or a music specialist. Information provided to me suggests that more and more schools are choosing the music or art and craft specialist, and less and less are choosing the physical education specialist. The suggestion has been made that something like only 25 physical education specialists work in the primary school service at the present time. Our policy is that every school will have a physical education specialist; there will be no choice. That is the significant and fundamental difference from the current position of the Government. Our policy is quite different from the one the Government has in mind and is, in my view, quite superior to what the Government is now doing.

Woodvale High School - Moore, Hon N.F., Comments

HON JOHN HALDEN (North Metropolitan) [5.41 pm]: I rise to address some comments made in the *Wanneroo Times*, attributed to the shadow Minister for Education, Hon Norman

Moore, concerning Woodvale High School. My understanding is that over the past few months Mr Moore has been travelling around the northern suburbs making a series of claims, one of which he made in this House about the number of teachers to be appointed in the next financial year. Of course, he was wrong. Mr Moore has also been travelling around alleging that the Government is spending no more money on this year's education vote than it did at the time of the previous election. Again, he is wrong.

Hon N.F. Moore: I am not wrong. Look at the capital works vote.

Hon JOHN HALDEN: The situation is wrong. Apparently Mr Moore then went and looked at Woodvale High School, together with the Liberal candidate.

Hon N.F. Moore: He has given you a pain in the neck.

Hon JOHN HALDEN: Mr Moore went along to Woodvale High School -

Hon N.F. Moore: At their invitation.

The DEPUTY PRESIDENT (Hon P.H. Lockyer): Order!

Hon JOHN HALDEN: - and made a statement about the fact that the Government has brought forward by one year the construction of stage 4 of the high school. He criticised the planning of the Education Department, and failed to check the facts again - which of course is the line of Hon Norman Moore. He has never checked his facts; he repeatedly comes before this House and the community without checking the facts.

Hon N.F. Moore: I will tell you the

Hon JOHN HALDEN: I will tell the member the facts.

The DEPUTY PRESIDENT: Order! Both members should listen to me. The member on his feet will direct his comments to me and receive the protection of the Chair. He will be heard in silence.

Hon JOHN HALDEN: Stage 4 of the construction of Woodvale High School has been brought ahead by a year because of the work of myself and the ALP candidate for Kingsley, Mark Nolan; and the very perceptive action of the Minister, and the Ministry of Education.

Hon N.F. Moore: Nobody has heard of him.

Hon JOHN HALDEN: The polls do not tell us that.

Hon N.F. Moore: They haven't heard of you either.

Hon JOHN HALDEN: Stage 4 will go ahead; the article says that stage 4 will not be opened until 1990. In fact, stage 4 will be opened in the middle of next year.

Hon N.F. Moore: I was told that.

Hon JOHN HALDEN: Well, Mr Moore should get his facts straight.

Hon N.F. Moore: You tell the principal of the school he is wrong.

Hon JOHN HALDEN: It is not right. Before making unwarranted statements which cause concern in the community, the member should check the facts. I took one minute today to find out from the Education Department that, for a fact, the building of the school is included, the architectural work is completed, and with any luck it will be open in the middle of next year. That statement by the Opposition spokesman for education leads to concern. People are concerned that 10 transportable classrooms will be supplied. Transportables are not a phenomenon of this Government; they are a phenomenon of the expansion of urban areas.

Hon N.F. Moore: They have become a rash.

Hon JOHN HALDEN: The reality is that they were put in place under conservative Governments and they are there under this Government. The Government is addressing those needs in rapidly expanding areas far more appropriately than the conservatives ever did. One needs to think about 1983. What were the issues that brought the Liberal Government down? One of those issues was its appalling record in the education area.

Hon N.F. Moore: You are trying to win votes. You have done your dash.

The DEPUTY PRESIDENT: Order! We will have a little order while the member on his feet makes his concluding statement.

Hon JOHN HALDEN: Hon Norman Moore is not the worst Liberal spokesman on education; that esteemed honour must go to Terry Metherill. We hope that Hon Norman Moore continues to travel around the northern suburbs because the more he does that, the more people will realise the credibility and competence of Carmen Lawrence; people will realise that this carping individual who cannot count, cannot add up, obviously left teaching for those reasons.

Hon N.F. Moore: What a pathetic statement.

Hon JOHN HALDEN: The community is well aware that Hon Norman Moore gets things wrong repeatedly. One would hope that he is only wrong because of his intellect; it is not deliberate. One does not know, one can only hope. For the public record, Hon Norman Moore is again wrong. Woodvale Senior High School, stage 4, will be opened in mid 1989.

Hon N.F. Moore: You should check with the principal.

Hon T.G. Butler: Check with the Education Department.

The DEPUTY PRESIDENT: Order!

Hon JOHN HALDEN: That is as a result of the efforts of the Labor Government, its members, and its candidate.

Hon N.F. Moore: Why are you shifting out?

Hon JOHN HALDEN: I can count. I am doing very well.

Hon N.F. Moore: You came last, that is why you had to shift.

Hon T.G. Butler: Again, you have the facts wrong.

The DEPUTY PRESIDENT: Order! I will give Hon Tom Butler some advice: If he shouts across the Chamber when I call order that will not help the debate. Let us help the member on his feet to finish. He has five minutes to go.

Hon JOHN HALDEN: Hon Norman Moore does not like to hear the facts. He should tell the community the facts.

Hon T.G. Butler interjected.

The DEPUTY PRESIDENT: Order! Hon Tom Butler is not listening. He should come to order so that Hon John Halden can make his point. His interjections are not assisting the debate at all. I ask the member to desist.

Hon T.G. Butler: I am not the only one doing it.

The DEPUTY PRESIDENT: Order! I could take that as a reflection on the Chair, and deal with it accordingly. Let us hear Hon John Halden's closing remarks.

Hon JOHN HALDEN: In conclusion, I repeat, Hon Norman Moore has it all wrong; this has caused the public some concern. I hope he does that out of ignorance and not out of political manoeuvring. If he continues he will receive the same sort of backlash as will be received in the electorates of Kingsley and Wanneroo. It is an atrocious situation.

I congratulate the Minister for Education for the efforts made to provide appropriate schools in the northern suburbs. Transportable classrooms are a fact of life and always will be in rapidly expanding areas. We await the Liberal Party's policy on education, and then we will respond. The cost of Hon Norman Moore's promises so far will be well outside a realistic budget.

Hon N.F. Moore: You said that we have no policy so how do you know how much it will cost?

Hon JOHN HALDEN: We wait with anticipation for the Liberal Party education policy. We hope that Hon Norman Moore can finally add up and get it right for the first time.

Tourism - "Indian Pacific" Service

HON E.J. CHARLTON (Central) [5.48 pm]: I rise to address an important issue which affects the whole of Western Australia from a tourism point of view. I bring to the attention of the House a very deficient situation in relation to the railway system and the *Indian Pacific* service. This passenger system not only carries Australians from one State to another on this continent but also carries international visitors. It is a marvellous train and a unique

service with somewhat of an international flavour inasmuch as it is well known and promoted throughout the world. Yet one never sees any evidence of its history or any promotional material relating to the railway system here. No material is available about its destinations or any of the areas along the line, or the history of the line and how the line was built.

Hon D.K. Dans interjected.

Hon E.J. CHARLTON: I suggest to Mr Dans that he put in for a job on the *Indian Pacific*, because the thousands of passengers who travel on that train every year are absolutely eager for information. It is an unbelievable situation that a train like that, with the history of its line and service, and the way it has changed over the years to the point where it is now, should have no information available to the passengers. I travelled on it a few weeks ago, and there were people on it from the United States of America -

Hon D.K. Dans: Ken O'Malley was from the United States.

Hon E.J. CHARLTON: I am interested in Hon Des Dans' knowledge of history.

Hon Fred McKenzie: He is old enough to remember, that is the reason for it.

Hon D.K. Dans: Not quite.

The DEPUTY PRESIDENT: Order!

Hon E.J. CHARLTON: This is extremely serious. I have not brought this matter up before because I wanted to talk to a number of people about their opinions on the issue. I am very surprised that the matter has not been brought to the attention of the Minister, and that action has not been taken before.

I would like to make a couple of suggestions. Firstly, one would have thought that there could be some printed material available in the lounge car, giving the history of the train, where it is going and the anticipated times it will arrive at certain places along the way. We know that the trains do not always run to the minute because the passenger train does not have right of way, the freight trains do. The passenger train has to pull off intermittently for freight trains to go through.

Hon Fred McKenzie: It never used to be like that.

Hon E.J. CHARLTON: No, but that is what happens now. There is nothing wrong with that, even though it takes an extra day to do the journey than it would if the passenger train had priority. People do not mind, they can stop off and have a look at areas across the Nullarbor. A resume could also be available of the historic features of not only the train but also how the line was laid, the people who worked on it and how long it took. I am sure that would be of great interest to the people from overseas to whom I referred earlier.

Another thing which would be extremely valuable is a video of such material, which must be available in the nation. The video could be put on at regular intervals by the officers in charge of the train, or by people simply pushing a button on the television. There is now a choice of three films which anybody who is interested in such things will have seen 20 or 30 times. That is the only thing available to watch on the train because, obviously, there is no television. People would have the opportunity to see and hear about some of the interesting features along the way, the pastoral country along the line, some of the people working on the line and the history of the Aboriginal people who have lived there for thousands of years. There is also the Avon Valley and the goldfields, which are unique in the world. A lot of people who travel on that train do so not simply to get from Sydney to Perth but to experience crossing the Nullarbor, yet there is not one piece of information about the train or the area on this train.

I bring this matter to the attention of the Minister for Tourism and the Minister for Transport because, between them, they could initiate activity which would be very valuable. It is probably the simplest thing to do, and it would cost very little. Another suggestion is to have a map in the lounge car with a little light which lights up to show where the train is on its journey.

Hon D.K. Dans interjected.

Hon Kay Hallahan: I think they are excellent ideas.

Hon N.F. Moore: You could have a video for children too.

Hon E.J. CHARLTON: There could be a video for children, as Hon Norman Moore said.

The DEPUTY PRESIDENT: Order! Would the honourable member address his comments to the Chair.

Hon E.J. CHARLTON: This is serious. I cannot understand, Mr Deputy President, why some people treat this as humorous, because it is meant to be a very serious suggestion. I bring these points forward and I will put them in writing to the appropriate people.

Question put and passed.

House adjourned at 5.55 pm

QUESTION ON NOTICE

HOUSING - STATE HOUSING COMMISSION

Land Sale - Smith Property Holdings Pty Ltd

526. Hon NEIL OLIVER to the Minister for Community Services representing the Minister for Housing:

I refer to the sale of State Housing Commission land to Smith Property Holdings Pty Ltd for the sum of \$559 000.

- (1) What was the purpose of the sale?
- (2) What were the zoning of the properties -
 - (a) Lot 864 Dewey Street, Shelley;
 - (b) Lot 865 Dewey Street, Shelley;
 - (c) Lot 499 Terrigal Way, Armadale;
 - (d) Lot 139 West Road, Bassendean;
 - (e) Lot 12 Geraldinep Street, Bassendean; and
 - (f) Lot 827 Mosaic Street, Shelley?
- (3) What individual purchases apply to the above lots?
- (4) What method of sale was used in order to obtain market value?

Hon KAY HALLAHAN replied:

As the answer to the question is detailed and will require some research, I will respond to the member in writing.

QUESTIONS WITHOUT NOTICE

ARIADNE AUSTRALIA LTD - QUEENSLAND GOVERNMENT

Special Investigation - Rothwells Ltd

346. Hon G.E. MASTERS to the Attorney General:

- (1) Is he aware that the Queensland Government has launched a special investigation into the affairs of Ariadne Australia Ltd following apparent irregularities in the company's operations which emerged after last year's stock market crash?
- (2) If so, is he aware that the Queensland Attorney General, Mr Clauson, has asked that at the Attorneys General Ministerial Council meeting to be held on 2 December - of which council the Attorney is a member - the council approve of a similar investigation into the failed financier Rothwells Ltd?
- (3) Will the Attorney support that move?
- (4) To back up that question I direct the attention of the Attorney to today's copy of *The Australian* which states in the financial section -

The Queensland Attorney General, Mr Clauson, will also seek next month a similar investigation into the failed financier Rothwells Ltd.

The article continues -

The latest investigation into the company, which was formerly chaired by Bruce Judge, was sanctioned by the Ministerial Council by majority vote of State and federal attorneys-general.

Has he seen that article? I am most interested to hear the Attorney's reply.

Hon J.M. BERINSON replied:

- (1)-(4)

I am aware of the decision to proceed with the special investigation into

Adriadne Australia Ltd that follows consideration of that company's position in a number of ways over a number of months. I also noted the report in *The Australian* to which the Leader of the Opposition referred. I have no doubt that the question of Rothwells Ltd will be raised at the December meeting of the Ministerial Council, and it is clearly appropriate that that should be done. By that stage the position may well be clearer than it is now in respect of the facts and issues requiring further attention. At the moment the position remains, as I have put to the House in the last few days, that pending some result from current inquiries by the provisional liquidators and the report of the auditors together with any interim finding by the National Companies and Securities Commission, we are still very ill prepared to decide on the need for, and the form of, any further action that might be appropriate. It could well be the case that by the time of the ministerial meeting those issues will be clarified and we will be able to address ourselves to the question in a more substantive way.

ROTHWELLS LTD - QUEENSLAND GOVERNMENT
Attorneys General Ministerial Council Meeting - Inquiries Support

347. Hon G.E. MASTERS to the Attorney General:

My question relates to the Attorney's response to my first question. If at the meeting on 2 December the Queensland Government and the Queensland Attorney General are not satisfied with the results of the inquiries that have been carried out, and the Queensland Government, represented by the Queensland Attorney General, considers that the Rothwells bank is worthy of a full and complete investigation, will the Attorney support the Queensland Government even though he might be satisfied as far as this State is concerned.

Hon J.M. BERINSON replied:

The Leader of the Opposition based that question on two separate hypotheses and I do not think it is practical to proceed in that way. We do not have to wait long for the Ministerial Council to meet and it will be better to know what we are talking about rather than attempting to consider what might follow from all possibilities.

ROTHWELLS LTD - QUEENSLAND ATTORNEY GENERAL
Inquiries - State Blockage

348. Hon G.E. MASTERS to the Attorney General:

Is he saying that, in the event of the Queensland Attorney General attempting to persuade the Attorneys General of the various States that a full and complete investigation should take place, his Government would attempt to block a full and proper inquiry regardless of the situation that exists with his Government in Western Australia?

Hon J.M. BERINSON replied:

I am not saying that at all! This is really a rerun of the previous question because all that has happened is that the Leader of the Opposition has replaced the word "if" with the words "in the event of". Therefore, nothing has changed and we are left with conjecture.

Hon G.E. Masters: You are saying that you are going to oppose the Queensland Government.

Hon J.M. BERINSON: I am specifically not saying that!

Hon G.E. Masters: You are not saying that you will support it either.

Hon J.M. BERINSON: I am saying that if, and when, any member of the Ministerial Council has anything to say on this issue, it will, of course, be considered by us on its merits. If any other member of the Ministerial Council has sufficient material to provide a basis for a decision, we will have sufficient material to provide us with a basis for a decision. What I have now said perhaps 10 or 12

times in the course of the last few days is that the material is not yet before us. When it is we will certainly give whatever consideration is required to the need for, and the precise form of, any further action to be taken.

MINISTERS OF THE CROWN - ATTORNEY GENERAL

National Companies and Securities Commission - Special Investigation Initiation

349. Hon G.E. MASTERS to the Attorney General:

Is it possible for the Queensland Attorney General or any other Attorney General from any State in Australia to initiate a special NCSC inquiry or investigation, or does it need the majority support of the Attorneys General of the States of Australia?

Hon J.M. BERINSON replied:

A special investigation can be initiated in a number of ways. These include being initiated by a single Attorney General and by the Ministerial Council as such. In other words, both avenues are available to initiate that course of action.

MINISTERS OF THE CROWN - ATTORNEY GENERAL, QUEENSLAND

National Companies and Securities Commission - Special Investigation, State Response

350. Hon G.E. MASTERS to the Attorney General:

If the Queensland Attorney General initiates a full investigation by the NCSC under the circumstances described by the Attorney General in this House, will the Western Australian Government respond to all requests for information?

Hon J.M. BERINSON replied:

I really have to put it to you, Mr President, that there must be a limit to the hypothetical questions advanced.

The PRESIDENT: The Leader of the Opposition knows that he cannot ask hypothetical questions. I have let him go about four times this afternoon. Does he have any appropriate questions without notice?

TEACHERS CREDIT SOCIETY - ASSETS AND LIABILITIES

R & I Bank - Purchase

351. Hon G.E. MASTERS to the Minister for Budget Management:

I direct this question to the Minister for Budget Management, who does respond to hypothetical questions when it suits him. I take your point, Mr President, but this question is not hypothetical.

What are the remaining assets and liabilities of the Teachers Credit Society, which the R & I Bank will be purchasing for \$107.6 million?

Hon J.M. BERINSON replied:

I do not have that detail. As I indicated previously, the R & I Bank does not come within my ministerial authority and there has been no reason for me to be made aware of that sort of information.

TEACHERS CREDIT SOCIETY - MINISTER FOR BUDGET MANAGEMENT

Statement

352. Hon G.E. MASTERS to the Minister for Budget Management:

- (1) Why did the Minister make the statement concerning the Teachers Credit Society to the Parliament when it did not come under his portfolio?
- (2) Was it a cover up to keep it out of debate in the other place and the means of avoiding more questioning?

Hon J.M. BERINSON replied:

(1)-(2)

The answer to the second part of the question is no. My role in this issue and in the announcement yesterday related to the need to ensure that funds were

available to provide a complete payout in this financial year. Having been satisfied on that score, I issued the statement which indicated the ways in which that payment would be funded.

TEACHERS CREDIT SOCIETY - BALANCE SHEET

353. Hon MAX EVANS to the Minister for Budget Management:

As taxpayers' money is involved in the closing down of the Teachers Credit Society, would it be possible to get a copy of the balance sheet of Teachers' Financial Society prior to transferring the assets to the R & I Bank?

Hon J.M. BERINSON replied:

I do not have such a balance sheet. I am unable to respond to that question as a result. However, if the honourable member wishes to place that question on notice, I will make sure that it is attended to.

QUESTIONS - ON NOTICE

Answers - 433 Not Received

354. Hon MAX EVANS to the Minister for Budget Management:

With respect to placing questions on notice, some two months ago I placed on notice a very simple question which would have taken five minutes to answer. Can the Minister for Budget Management tell me when I can expect a reply to question 433 with regard to the amount of payroll tax it is estimated will be paid by Commonwealth statutory authorities in 1988-89? I would have thought it was in the Budget and the Minister could have picked it up like that.

Hon J.M. BERINSON replied:

Hon Bill Stretch drew my attention either Tuesday of this week or yesterday to the fact that question 432 was also of long standing and had not been answered. I raised with the Treasurer's office the position in respect of both 432 and 433. Both members are correct. These are quite simple questions which had somehow fallen out of the system. In fact, I had expected the replies to both to have been on the paper today, but they still have not arrived. There is absolutely no doubt that they will be here on Tuesday.

STATE FINANCE - BUDGET

Charges - Nil Increase

355. Hon E.J. CHARLTON to the Minister for Budget Management:

Can the Minister inform members why the Government will not be required to increase any charges as a consequence of its decision with respect to developments with Teachers Credit Society?

Hon J.M. BERINSON replied:

I indicated the sources of the funds in my statement yesterday. There are four of them: The first is the unallocated balance of interest earnings from previous years; the second element will be derived from anticipated underspending in capital works due to backlogs in that work and late completions; the third contribution will come from a growth in revenue which is now apparent but was not calculated at the time the Budget was originally drawn; and, to the extent necessary, the balance will be drawn from interest earnings accruing this year. It is only in respect of the fourth item that the allocation will involve any different procedure from that which applies in the ordinary course of events. The usual position is that interest earnings accrued in one year are applied to the Budget of the following year. To the extent that there is a draw on this year's accruing interest, that will reduce the amount available next year.

In summary, the position is precisely as I have previously indicated: The funds are available to us in this financial year; it is in the interests of taxpayers that this commitment should be lined off and finalised once and for all at this stage so that no further interest or other charges should arise; that will be done

without any modification of the basic Budget position which provides for no increase in tax rates and a nil increase, which is to say a decrease, in real terms in all major charges.

STATE FINANCE - BUDGET
Expenditure Intentions

356. Hon E.J. CHARLTON to the Minister for Budget Management:

While I accept that the Government must have the money to outlay the sums required in connection with Teachers Credit Society, surely it must have to use money that would have been used for some other purpose. For what other purpose is that money not going to be addressed?

Hon J.M. BERINSON replied:

That question is a little extraordinary, but let me say that there are no other purposes to which this money will not be applied. The intention from start to finish in terms of this year's expenditure is outlined in the Budget. I do not think anybody anywhere has suggested that it has been a miserly Budget. This Budget starts our progress towards 1 000 extra policemen. It is a Budget which continues our record rate of public housing construction. This is the Budget that provides record amounts for school building programs and a substantial increase in teachers and which carries the education section of the Budget to over \$1 billion for the first time.

Hon G.E. Masters: This was not a hypothetical question, I hope.

Hon J.M. BERINSON: In other words, this is a Budget which in those areas - in the social areas, in particular, dealt with by Hon Kay Hallahan - has addressed in a most progressive way the needs of the community. We do not proceed in our Budget provisions on the basis that any time we can find a dollar we have to find something to spend it on. That is not the way we proceed.

Hon H.W. Gayfer: You could have fooled me.

Hon J.M. BERINSON: The way we proceed with the Budget is by deciding on the services which ought to be available to the community and then doing our best to find the funds. That cannot always be done and as a result submissions are reduced from the level they are first based on.

Hon G.E. Masters: You realise there is no time limit on question time, don't you?

Hon J.M. BERINSON: I can understand the Leader of the Opposition wanting me to cut short this answer, because he is obviously discomforted by the truth. He very often is. Nevertheless, the position that I have put is the position as it is. I hope that that is an explanation in sufficient length even for Hon Eric Charlton's purposes.

STATE FINANCE - BUDGET
Surplus Finance - Procedure

357. Hon E.J. CHARLTON to the Minister for Budget Management:

Hypothetical as it may be -

The PRESIDENT: If it is hypothetical, you cannot ask it.

Hon E.J. CHARLTON: That is right. But the Minister for Budget Management did not answer my question.

I was asking whether, regardless of all the noble things the Minister has just mentioned, and all the noble things that the Government has budgeted for and spent money on, what would have happened to that surplus. In other words, because of the Government's extremely good accounting and efficiency it has this money; had it not had to spend that money on the things it did not officially bargain for, what would have happened to it?

Hon J.M. BERINSON replied:

The obvious answer to that is, and no doubt this will be greeted gleefully, that

it would have been carried forward to next year. The next question will be, "Does that mean, therefore, that since money cannot be carried forward taxes and charges will increase on that account alone in the following year?" The answer to that is no. The question of taxes and charges will be considered next year, as it is considered every year, in the light of community requirements, the economy and the capacity to meet those things

STATE FINANCE - CAPITAL EXPENDITURE

"Underspending Of"

358. Hon MAX EVANS to the Minister for Budget Management:

Will he expand on the words "underspending of capital expenditure" and say what is the nature of the money?

Hon J.M. BERINSON replied:

That arises in two ways: First, because planning procedures often fall behind the original estimates so that work simply cannot get under way as early in the year as anticipated. When the issue was first considered in this context it is important to realise that first consideration was given quite early in the year, about April or May. Secondly, and this is particularly relevant these days, as a result of the very great pressure on the construction industry it is not always possible to have works proceed as fast as might occur in other circumstances. It does not take much, as Hon Max Evans would realise, current building costs being what they are, for costs this year to fall behind projections by quite significant sums.

STATE FINANCE - CAPITAL EXPENDITURE

Funds - Spending Delays

359. Hon MAX EVANS to the Minister for Budget Management:

I thought the Minister for Budget Management said the Government had saved money on a project. Does he not think it is dangerous to spend money on capital buildings and then have to find it later - it is a delay in spending, not an underspending?

Hon J.M. BERINSON replied:

The position is as I have put it. If funds are available and they provide an opportunity to limit growth and, in fact, to cut off any increase in the State's liability in a commitment such as that applying to the Teachers Credit Society, then that is a reasonable application of the funds as and when they are available.

STATE FINANCE - CAPITAL EXPENDITURE

Delays - Business Practice

360. Hon MAX EVANS to the Minister for Budget Management:

The Minister for Budget Management says that there are delays in capital expenditure, but he still has to find the money. Does the Minister think it is a proven business practice not to worry today and find the money tomorrow?

Hon J.M. BERINSON replied:

What is being done simply opens the way to some flexibility. Once one is committed to a building program one has to pay for the whole program. If there is underspending this year that expenditure will be carried forward into next year. A couple of things could follow from that. One is that the level of capital expenditure might have to be reviewed next year, but that is done every year, in any event. It may be that along the track, if some capital works are considered to be less urgent than others, they can be deliberately put into the following year. That, however, has not been done at this stage. There has been no decision that I am aware of to deliberately reduce the program in any way.

We are dealing here with large sums of money and large programs. On the

one hand that leaves one with heavy liabilities to face up to from time to time, but on the other hands provides one with a certain degree of flexibility that would not be the case if one was dealing with a tiny pot of money or a very short list of works or services, so there is flexibility in the system and we face up to that situation as and when the need arises.

STATE FINANCE - CAPITAL EXPENDITURE

Underspending - Deferred Works

361. Hon MAX EVANS to the Minister for Budget Management:

Would the Minister reconfirm that as money will be brought forward next year there could be a deferring of some capital works next year because the money has not been expended this year on capital works? Is that what he is saying?

Hon J.M. BERINSON replied:

That is only one of a number of possibilities.

STATE FINANCE - CAPITAL EXPENDITURE

Underspending - Breakdown Estimates

362. Hon MAX EVANS to the Minister for Budget Management:

As the Minister for Budget Management has a good grip on this whole subject, could he give us a breakdown; I will give him the first amount, involving interest earned in the past five years and carried forward, which is \$10 million. How much does he expect to come from that underspending of capital - how much money is in the breakdown as unexpended capital, \$20 million, \$30 million, \$40 million? If he cannot answer now, I would be happy to have the answer in writing.

Hon J.M. BERINSON replied:

I will be happy to obtain closer estimates for each of the four groups for Hon Max Evans and inform him in writing.

STATEMENTS - MINISTERIAL

By the Leader of the House - Poor Quality Copy

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

In future when he makes a statement could the copies be in a readable form as a lot of the words were missing from my copy? It was a poor quality copy of the ministerial statement that was given to the House yesterday.

Hon J.M. BERINSON replied:

I did not distribute a copy of my statement to Hon Max Evans. In accordance with normal practice, I provided a copy to the Leader of the Opposition and to Mr Charlton for the National Party. The copy I provided to the Leader of the Opposition, as always, was perfectly legible. If the copy made for transmission to Hon Max Evans was less legible than the copy I provided, perhaps he should be addressing his question to the Leader of the Opposition.

STATE FINANCE - BUDGET

Teachers Credit Society - Payments

364. Hon MAX EVANS to the Minister for Budget Management:

Last Thursday the Minister for Budget Management gave a detailed answer to several questions as to why he was not bringing into account the \$76 million owing at Teachers Credit Society. At that stage there was \$119 million reported of which \$18 million had been paid - \$25 million out of this Budget, leaving \$67 million. There was a long explanation as to why that would not be paid this year.

Point of Order

Hon FRED MCKENZIE : Standing Order No 155 says that a matter is not to be

debated and it seems to me that this line of questioning is impinging on that Standing Order.

The PRESIDENT: I do not think it is yet, but what Hon Max Evans appears to be doing is taking about four times longer than he ought to get to the point of what he is asking. He is making some points in order to alert the Minister for Budget Management to the question he is about to ask.

Questions without Notice Resumed

Hon MAX EVANS: Could the Minister for Budget Management explain why he gave the answer he gave last Thursday that there would be no money paid to Teachers Credit Society yet this Wednesday we are told it will be paid from this year's Budget? Did he know last Thursday that the R & I Bank would take out the Government?

Hon P.G. Pental: Good question.

Hon J.M. BERINSON replied:

It is a terrible question because it does not accurately repeat the question asked last week. I was asked last week why the Budget did not make provision for the balance of the liability. Will Mr Evans agree that is the question? Mr Evans agrees, so Mr Pental is off the track again.

Hon P.G. Pental: We want to know about the \$81 million.

Hon J.M. BERINSON: The reason provision was not made in the Budget for these additional funds was -

Hon P.G. Pental: Was that you mucked it up!

Hon J.M. BERINSON: - that at the time of the drawing up of the Budget, around May, or at the latest June, we did not know what the commitment would be. Those calculations had not even been made. Secondly, even had they been available, which they were not, we would not have been in a position that early in the year to know whether we could find the cost of this commitment in this year. Last May we obviously could not anticipate the increase in revenue which occurred between July and November when what we had before us was the actual projections by the relevant departments. That was the short and simple answer last Thursday, and it remains the answer today.

STATE FINANCE - TEACHERS CREDIT SOCIETY

Debts - Funding

365. Hon MAX EVANS to the Minister for Budget Management:

Did he know last Thursday that he would be making a statement this Wednesday that the Government would be finding the funds to pay the Teachers Credit Society debts?

Hon J.M. BERINSON replied:

I have naturally been aware for some little time - I mean that literally, because it is not a long time - that efforts were being made in discussions between the R & I Bank and Treasury to see whether the State's commitment could be finalised this year. I cannot remember on what particular day the conclusion was reached that that could or could not be done.

CAPITAL WORKS BILL - TEACHERS CREDIT SOCIETY

Funds - Budget

366. Hon D.J. WORDSWORTH to the Minister for Budget Management:

We have before us a capital works Bill. Could he tell us if this money he is referring to which is to go to the Teachers Credit Society is covered in that capital works Bill?

Hon J.M. BERINSON replied:

Unless something has slipped my attention, we do not have a capital works

Bill before us. Nevertheless, we will have one, and that is good enough. Yes. The works to which I am referring are those which are either committed in the capital works budget as new works this year or committed in that budget as carried forward commitments against works commenced in previous years.

CAPITAL WORKS BILL - AMENDMENT

Capital Works - Other Processes

367. Hon D.J. WORDSWORTH to the Minister for Budget Management:

Can we expect an amendment to that Bill when it comes to this House so that it reflects what is for capital works and what is for other processes?

Hon J.M. BERINSON replied:

No, because the position as I have outlined it is that the Capital Works Program remains intact. At this stage all that is being relied on in terms of the Teachers Credit Society commitment is underspendings on that program effectively arising from delays at one or other point of the process. Having made that point, it would not be at all unusual for those underspendings to arise this year since it is an almost invariable feature of past Budgets that that also happens. It is also the case that problems can arise in the course of planning which possibly delay us.

Hon G.E. Masters: There certainly will be this year.

Hon J.M. BERINSON: No, the Leader of the Opposition is quite wrong, and nothing that I have said indicates that he is right. We are not dealing here with a pool of two or three hundred million dollars from which \$85 million has to be found for the purpose of this present commitment. We are dealing with a State's economy which is very large and vigorous and which has led this year to a Budget of about \$4.5 billion when the CRF and Capital Works Programs are combined. It is very possible in the ordinary course of events, given the difficulty of precise calculations either in revenue or in expenditure, that a variation of one or two per cent should arise on a figure as large as that covering a program as extensive as that involved in our CRF and Capital Works Program.

Hon G.E. Masters: You say that every time you get caught out; you keep saying that, if something comes up, we will absorb it.

Hon J.M. BERINSON: We are not saying that at all.

Several members interjected.

The PRESIDENT: Order! This question time is becoming a fiasco on the part of the questionee and the questioner. Our Standing Orders are quite simple. Questions are to be brief and so are the answers. When asking the question, the member seeks information and does not give it. When answering the question, the Minister gives information, he does not ask questions. I suggest both sides of the House should see whether we cannot get question time back to some semblance of reasonable order.

STATE FINANCE - CAPITAL WORKS

Deferment - Rothwells Ltd

368. Hon D.J. WORDSWORTH to the Minister for Budget Management:

The Minister explained the largeness of the capital works. Are there things he can slow down or cancel in order to pay for what Rothwells has cost?

Hon J.M. BERINSON replied:

This is another of those foolish questions.

Hon G.E. Masters: It is not a foolish question.

Hon J.M. BERINSON: The factual position involved in the Teachers Credit Society situation is that the cost of meeting that commitment in full is known, and our ability to meet it this year is known. One cannot go on from there to say that

the same procedure would apply in every and any other case. The first thing to be done in the Rothwells situation is to determine the size of the commitment. If it is too large to be met in any one year it will be met over a period. Whichever way it is met, it will be done in a way which will have an absolute minimum impact on average families and on the average Western Australian. It is perfectly within our capacity to handle, and that is what will be done in the light of the resources available at the time.

STATE FINANCE - CAPITAL WORKS PROGRAMS

Outstanding Sundry Debtors

369. Hon D.J. WORDSWORTH to the Minister for Budget Management:

Have such changes taken place in the past between Capital Works Programs and the outstanding sundry debtors, as one might almost call this matter of the Teachers Credit Society?

Hon J.M. BERINSON replied:

I do not know, but I do not see any significance in that issue. The honourable member should realise that this year, in contrast to previous situations where loan funds have been used from time to time to supplement recurrent expenditure, current expenditure is being used to some extent to supplement loan funds.

CAPITAL WORKS BILL - FEDERAL GOVERNMENT

Approval

370. Hon D.J. WORDSWORTH to the Minister for Budget Management:

Does the capital works Bill not require the concurrence of the Federal Government, particularly as regards the raising of funds overseas and the like?

Hon J.M. BERINSON replied:

The Capital Works Program does not require the approval of the Commonwealth Government. What does require the approval of the Commonwealth Government - and in effect that is the Loans Council - is the amount of loan funds raised in any one year. Should the State wish to supplement those loan funds for capital works purposes with recurrent revenues, that is a matter completely at the discretion of the State.

STATE FINANCE - CAPITAL WORKS PROGRAM

Teachers Credit Society - Federal Notification

371. Hon D.J. WORDSWORTH to the Minister for Budget Management:

May we assume that the money being used out of capital works to cover the Teachers Credit Society is not money which was notified to the Federal Government as a capital works item?

Hon J.M. Berinson: We do not notify them of our Capital Works Program.

Hon D.J. WORDSWORTH: They go off every year to a Premiers' meeting -

Hon J.M. Berinson: That is to get approval for total loan funds. That is a completely different question from a Capital Works Program.

Hon D.J. WORDSWORTH: Is that amount in the total loan funds to be used for the Teachers Credit Society?

Hon J.M. BERINSON replied:

That is not really a question that can be answered sensibly because it proceeds on the assumption that all capital loan works this year are being funded out of the loan funds. I have already indicated that that is not the case.

R & I BANK - TEACHERS CREDIT SOCIETY

Assets and Liabilities - Shortfall Responsibility

372. Hon G.E. MASTERS to the Minister for Budget Management:

This question directly relates to the statement made in this House by the

Minister for Budget Management on the purchase by the R & I Bank of the remaining assets and liabilities of the Teachers Credit Society for a purchase price of \$107.6 million. Who will bear the cost of any shortfall in the event that the stated value of these assets and liabilities should prove over optimistic? It is no good the Minister saying that this is a hypothetical question. Any prudent businessman, as he would know, would have to take that factor into account.

Hon J.M. BERINSON replied:

It is not expected that there will be a shortfall. I emphasise again that the final figure on this transaction was arrived at only after long and very intensive analysis by both the R & I Bank and Treasury.

Hon G.E. Masters: What if there is?

Hon J.M. BERINSON: Nonetheless, since the R & I Bank has taken over both the assets and liabilities it would be the R & I Bank which would carry any loss which unexpectedly emerged.

STATE FINANCE - TEACHERS CREDIT SOCIETY
Funds Not Needed - Budget Tax Reduction

373. Hon E.J. CHARLTON to the Minister for Budget Management:

- (1) If, as the Minister for Budget Management stated in answer to a question, that \$100 million approximately we are talking about in relation to the Teachers Credit Society had not needed to be found, could he say specifically whether taxes in the Budget would have been reduced?
- (2) If that situation were taken in reverse, would taxes have to be increased?

Hon J.M. BERINSON replied:

(1)-(2)

The answer to both questions is no.

COMMUNITY SERVICES - BRIDGETOWN-GREENBUSHES DAY CARE ASSOCIATION
Problems - Discussions

374. Hon W.N. STRETCH to the Minister for Community Services:

- (1) Has the Minister talked with the Bridgetown-Greenbushes Day Care Association?
- (2) Will her department be in a position to assist it with its problems?

Hon KAY HALLAHAN replied:

(1)-(2)

I have had approaches from organisations for the provision of child care and early childhood services generally. I am planning to go to Bridgetown in the near future, where I hope to meet with the people involved with those services in order to have some discussions about their needs and what support can be provided.

COMMUNITY SERVICES - NARROGIN WOMEN'S REFUGE ASSOCIATION
Funding - Discussions

375. Hon W.N. STRETCH to the Minister for Community Services:

I thank the Minister for that reply.

- (1) Has the Minister had similar talks with the Narrogin Women's Refuge Association?
- (2) Has her department funded that refuge in the past?
- (3) Is there any reduction for funding this year or does the Minister anticipate it will continue in the future?

Hon KAY HALLAHAN replied:

(1)-(3)

The Narrogin Women's Refuge is funded under what is called the supported accommodation and assistance program, which is jointly funded by Federal and State Governments, and I do not believe there has been any decrease in its funding. Rather I think it has been the reverse; there has probably been an increase. At present, funding for the next financial period is being considered. If the member is having queries raised with him, that probably relates to the fact that consideration is currently taking place. I cannot give the member the outcome of that. Recommendations will be made to me; I will consider them; they will then go to the Federal Minister who will also consider them, and at that point we will know the outcome of that process.
