

Legislative Assembly

Wednesday, 29 November 1989

THE SPEAKER (Mr Barnett) took the Chair at 2.15 pm, and read prayers.

PETITION - GRAYLANDS HOSPITAL

Prison-Forensic Unit - Establishment, Opposition

MR HASSELL (Cottesloe) [2.18 pm]: I have a petition which reads as follows -

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

We, the undersigned respectfully sheweth:

That the community is extremely concerned about Government plans to establish at Graylands Hospital a prison/forensic unit for mentally disordered offenders and persons who have committed serious offences but have been found "not guilty" by reason of insanity, particularly because such unit will now be in the heart of a residential area and close to a public primary school and private college and therefore your petitioners humbly request that:

1. Plans to establish the prison/forensic unit be abandoned forthwith; and
2. Any future plan to open a prison/forensic unit within a populous suburb and next to schools and playgrounds be fully discussed with and justified to the community and all relevant authorities and interests before such future decision is made.

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

The petition bears 249 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

[See petition No 116.]

PETITION - EUTHANASIA

Right to Die - New Legislation

MR HASSELL (Cottesloe) [2.19 pm]: I have a petition which reads as follows -

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

We the undersigned request that because the criminal code Law in Western Australia is such that suffering people have no legal right to be allowed or helped to die, no matter what their degree of suffering nor the urgency of their plea for release by death, the Legislative Assembly, in Parliament assembled, should enact legislation that makes the right to be allowed or, if necessary, helped to die a legal option on the request of persons who are suffering more than they wish to bear: and that other persons participating in the fulfilment of such legal options shall not be subject to legal, professional or social action.

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

The petition bears 300 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

[See petition No 117.]

SELECT COMMITTEE ON PAROLE - RESOLUTIONS*Quorum of Two - Movement from Place to Place*

MR PEARCE (Armadale - Leader of the House) [2.22 pm]: On behalf of the Minister for Justice, I move -

- (1) That the Select Committee on Parole -
 - (a) may pass resolutions or take evidence with a quorum of two, and so much of the Standing Orders as is necessary are suspended accordingly, and
 - (b) may move from place to place.
- (2) That the Legislative Council be acquainted accordingly.

MR HASSELL (Cottesloe) [2.23 pm]: The Opposition supports the motion. The Select Committee technically is not entitled to travel from place to place even to the extent of making a visit to Fremantle Prison in connection with its duties. This resolution should be adopted.

Question put and passed.

STANDING COMMITTEE ON DELEGATED LEGISLATION - LEGISLATIVE ASSEMBLY MEMBERS*Leave Granting - Meetings Attendance*

MR DONOVAN (Morley) [2.24 pm]: I move -

That for the balance of the present session the House grants leave for the Legislative Assembly members of the Standing Committee on Delegated Legislation to attend meetings of the committee during the sittings of the House.

MR MENSAROS (Floreat) [2.25 pm]: The Opposition supports the motion.

Question put and passed.

PERTH-JOONDALUP RAILWAY BILL*Second Reading*

Debate resumed from 19 October.

MR KIERATH (Riverton) [2.26 pm]: The Opposition supports the Bill. However, I wish to place on record our concern regarding the studies which have been carried out. I refer firstly to the Travers Morgan Pty Ltd study on public transport for the northern suburbs. Figures from that study indicate that the northern suburbs buses bring something like 17 500 people into the city daily; the three rail lines bring only 14 000 people into the city daily. The northern suburbs buses account for 23 per cent of all public transport into the city, which seems a little out of proportion to the population of the area served. As traffic congestion is increasing, we need improved public transport, especially on new routes. The types of transport investigated were busway buses, buses on guided busways, light and heavy rail transit, automated rubber-tyred trains, and monorails. Monorails were rejected as suitable for only short distances or high density routes. The light rail option was rejected because it is less flexible than bus transport; light railcars have lower operating speeds and it was thought undesirable to introduce another form of public transport when buses and trains can be very effective.

Considering the routes involved, after comparing the West Coast Highway and Marmion Avenue, the areas east and west of the Mitchell Freeway, the freeway itself, Wanneroo Road and Alexander Drive, basically four criteria were decided on. They were: System compatibility, the catchment area, the environmental impact, and cost implications. The Mitchell Freeway was found to be the best location. The short list involved three forms of transport: Buses using an exclusive roadway on the Mitchell Freeway median strip; a guided busway; and an electric railway.

The report indicates that the public basically want services which are close to home and to

their destination; they want as few transfers as possible en route to the destination; they obviously want less overcrowding and lower fares. A survey was carried out following the study, which provided the people polled with certain options, and it was found that 36 per cent of people wanted a railway, 32 per cent busways, and 26 per cent a monorail or other new technology. The short-listed options were 41 per cent for railway, 34 per cent for bus expressway, 19 per cent for guided buses, and three per cent for no rapid transport, with two per cent giving no answer. Buses were generally supported because they resulted in faster journeys at a lower cost. Railways were supported because of greater comfort, less crowding and less pollution.

I turn to the impact of the various options. From the environmental point of view the impact was generally low; it was mainly visual, with buses having the most impact and guided busways the least. No appreciable effects were found from noise or air pollution and the electric railway was perceived to have an advantage in the form of pollution control. The estimated cost of the bus expressway was \$56 million to Warwick and \$79 million to Joondalup. The guided busway was estimated to cost \$61 million to Warwick and \$87 million to Joondalup. The estimated cost of the electric railway was \$92 million to Warwick and \$145 million to Joondalup.

Dr Alexander: It was a very poor study.

Mr KIERATH: I will come to that in a moment. The Government has received one study and, as is often the case, because it does not like the conclusion, it sets up another committee to come up with the conclusions it wanted in the first place.

Dr Alexander interjected.

Mr KIERATH: No, I do not. I believe in looking at the facts; we should at least look at the statistics with a little understanding. I will come to the examples raised by the member for Perth in a moment.

Dr Alexander: You are knocking the railway system.

Mr KIERATH: The costs cited include the freeway works, the rapid transit system infrastructure, the vehicles, and the bus fleet savings.

The economic benefits of buses, whether on an expressway or a guided busway - and the report justifies this - are greater than that of rail mainly because of the much higher capital costs of rail. If the opening date is before the year 2001, the net benefits of utilising buses will be even greater, but the construction of any system north of Warwick will not be justified before the year 2001. None of the options would break even but the net community expenditure would increase with the costs of servicing the debt, unless fares are substantially increased.

On summarising the bus versus rail situation, the report concludes that the advantages of buses are lower capital cost, more economic performance, and greater flexibility of services. Rail has potentially lower operating costs, improved operations of the suburban railway system as a whole, and a perceived advantage in comfort and pollution control. The recommendation of that report says that we should have a bus based rapid transport system, following the Mitchell Freeway, in particular the median part, for the northern suburbs. It then went on to say -

The studies into detailed engineering requirements should be done and if and when a guided busway could be shown to be better than an express way. The chosen system should allow for the possible later conversion to a fixed track system if necessary, even if unforeseen developments made such a system viable in the future. Construction could and should begin as soon as possible starting with the reconfiguration of the freeway between Thomas Street and Hutton Street and when the construction reaches the Warwick bus station the existing bus service patterns could be revised.

Those were basically the recommendations of the Travers Morgan study. The expert panel of three was brought in and put out a report entitled, the "Review of northern suburbs rapid transit options October 1988". This is rather intriguing because, as I said earlier, the first study did not make the recommendations that the Government wanted so it decided to set up another study group to investigate that report and prove it wrong. I will come to the make up

of the members of that committee a bit later on. This panel also looked at the facts and figures and said -

It is mainly low density residential buildings with good road access in its summation of the northern suburbs. Employment facilities in the Joondalup area will increase greatly. There is already a hospital and two colleges in the area.

The main demand for public transport is at peak times -

I think that point is important.

- with smaller inter suburban demands as well. The freeway is not an ideal public transport spine but it will have to be used because it is the only option available. Overseas, public transport has been integrated with overall developments so that transport business and shopping could all be mutually supportive. The city needs a line haul radial system with feeder services into the main trunks which can also provide inter suburban services.

It went on to say that the Travers Morgan report does not meet the requirements of a basic service throughout the day and a high performance service for commuting trips. That second criticism is the least justified of all. It also says that it does not cater for regional travel and that the disadvantage of a bus system is rolling stock utilisation, which they claim is less efficient. That can be disputed. One would think buses would be far more flexible. We believe without any doubt that a rapid transit system is necessary and we support the rapid transit system.

Mr Troy: That is a big turn around from your position of a few years ago.

Mr KIERATH: I do not think it is. We support a rapid transit system. We do not necessarily believe that rolling stock is the best option. However, it is a matter of not holding that up for the sake of the northern suburbs. We believe that the system is way overdue and should have been introduced a long time ago and we are supporting it for those reasons. Nevertheless, it is very important that one should take into account all the information so that an informed decision can be made, not necessarily a biased one.

Dr Alexander: That report did not take into account all the information.

Mr KIERATH: That is the member's opinion. I will come to that. I have been through that report.

Buses could be utilised far more efficiently. This expert panel claimed that another disadvantage of a bus system was that the service would be irregular. Bus service could be controlled by the operating authority. That in itself is not a reason for just dispatching an idea. The regularity of the bus service would be no different than with a train system. To take the matter further, at least with a busway, buses can move on and off, whereas trains must stay on the line unless there are exits for passing. It also said that a bus system would concentrate only on commuter demand. Is this not what this issue is all about - no more or less than any other form of public transport? It went on to say that services are complicated for all but regular users. I could find no rationale behind that statement whatsoever. "A rail system with feeder services would attract more passengers in peak and off peak hours". Again, there is no rationale for that. The panel goes on to suggest a link to Armadale to form an X configuration with the Fremantle and Armadale lines and then some radial bus lines could be connected to these. This so called expert panel review - and I use those words carefully - said that the defects of the Travers Morgan report were that it only catered for movement in and out of the central business district.

Mr Peter Dowding: What is your basic point in all this? I am not pulling your leg. We can't understand what you are talking about.

Mr KIERATH: I am going through the rationale behind those reports to show that the expert panel review the Government put up has basically made incorrect recommendations. I am reminding the Government of its recommendations and the explanation one by one.

Mr Peter Dowding: Can't you just highlight them?

Mr Pearce: Are you opposing this Bill?

Mr Clarko: He is not doing that at all.

Mr Peter Dowding: Are you saying you have a better idea on how it will all look?

Mr KIERATH: We want to put on record all the options.

Mr Peter Dowding: Your party has opposed railways systems for years.

Mr KIERATH: The Premier should have heard me say from the outset that we support the need for a rapid transit system to the northern suburbs. We believe that need has now become so great that whether or not we agree that railway is the best option, a rapid transit system is way overdue. I also went on to say that we do not believe the rationale or the information the Government used to make those decisions is correct. The Government set up a study - the Travers Morgan study - but did not like its recommendations because they did not fit the Government's scheme of things. Then the Government set up this other so called expert panel and I was discussing the statements of that panel. I will question the integrity of that panel at a later stage.

Mr Pearce: Why are you supporting the Bill if you are saying all the advice on the decisions is wrong?

Mr KIERATH: We believe in a rapid transit system. We believe that the need is overdue and on that basis we support the Bill although we do not think rail on rail is necessarily the best option.

Mr Peter Dowding: That is your problem, you can't make up your mind.

Mr KIERATH: But we believe that the rapid transit system is way overdue and needs to be there.

Mr Peter Dowding: In that case you are committing the State to a project that you think is wrong.

Mr KIERATH: I did not say that at all.

Mr Pearce: What did you say?

Mr Clarko: Why don't you stop interrupting him and let him get on?

Several members interjected.

The SPEAKER: Order! The member for Riverton.

Mr KIERATH: Other flaws in the Travers Morgan report pointed out by the expert panel are that it only caters for movement in and out of the central business district, that few park and ride facilities are available and that flexible service has come to mean irregular service. The logic of that comment is beyond me. The expert panel says that rail provides a distinct fixed and reliable service and that rail gives greater comfort and spaciousness. A well maintained rail system will provide a superb ride but other factors must be considered. Those factors, including maintenance, realignment and railhead grinding, are very costly. The ride quality on rubber tyres, for example, of a high standard service can be just as good as other services, but would require far less maintenance. Members should look at all the options available with an open mind; they should not look at them with a pair of blinkers on. When they read a recommendation which they do not like they should not ignore it by simply setting up another committee to come up with the recommendation they would like to read. Trains may appear to be more comfortable and roomier, but that is because they are designed for more standing room than that which is available on buses. I know that sitting is far more comfortable than standing, but a good bus system should have a seat for everyone who uses it. The noise emitted from buses is much less than it was a few years ago, although an aesthetic consideration was of far less importance to the travellers who were surveyed. They felt that frequency, waiting time and the number of transfers were the most important criteria in selecting a transport system. A rail system has a sense of permanence and that is one of the reasons the expert panel came up with these recommendations. One could say that a bus system is permanent because railway lines have been known to be pulled up.

The study came to the conclusion that the reason for the incorrect recommendation in the Travers Morgan Pty Ltd survey report was that its elaborate computer model was in conflict with experience of similar systems in a number of cities. Surely, if the Travers Morgan model was designed for Perth that is all that really matters - it does not matter whether it is relevant to London, Washington, Singapore or anywhere else.

Dr Alexander interjected.

Mr KIERATH: The member for Perth has made a very good point. The expert panel said that the model was incorrect and I will refer later to what was actually said by the panel. I wonder whether the comments of the panel came from an impartial or unbiased point of view or whether the situation is similar to that which was mentioned in this House the other day; that is, that with regard to an environmental matter the Environmental Protection Authority had already made up its mind before a study was implemented. I will refer to this matter later.

The expert panel said that transferring from bus to rail is a disincentive. What is the difference from transferring from a bus to a bus and from a bus to a train? With a rapid transit system and a proper feeder service it is irrelevant whether one is transferring from a bus to a bus or from a bus to a train.

Mr Pearce: How many doors are there on a bus and how many doors are there on a rail coach? What is the comparative loading time for a train and a bus?

Mr KIERATH: That is typical of the logic of this Minister. Buses can be designed to have wider doors and such buses are used around the world.

Mr Troy: People have to stand to be accommodated.

Mr KIERATH: I will show later that we could use a system of ramps and openings in the sides of buses which would provide as good accommodation as is available in railcars. I ask the Minister for Labour whether he read the report.

Mr Troy: Yes I did.

Mr KIERATH: Did the Minister read the submissions?

Mr Troy: Yes, I did.

Mr KIERATH: One of the submissions showed diagrams of buses and platforms and the width, and compared them with trains. I do not think the Minister read the submission.

Mr Pearce: I understand what has happened. I know who has got to the member.

Mr KIERATH: It has taken the Minister for Transport all this time to figure it out.

Mr Pearce: One of the persons who made a submission that was rejected for a range of reasons has seen the member who is now regurgitating that person's point of view. I saw that person in my office and I went through the proposition with him. What he is proposing was not superior to what we decided on.

Mr KIERATH: The Minister is saying that the people who made submissions to the Travers Morgan survey and the people who compiled the report did not know what they were talking about, but that the expert panel of review did. The three people who comprised the panel had, according to the Minister, far greater expertise than the consultants, engineers or the people involved. It would have to be a very good panel of three people and they would have to be world experts in the area.

Mr Clarko: How long were they in Perth to discuss this issue?

Mr KIERATH: A few days.

Mr Clarko: I believe it was five days and one member of the panel is known to be pro rail.

Several members interjected.

The SPEAKER: Order!

Mr KIERATH: I refer again to the reasons given by the expert panel of review regarding the incorrect conclusions drawn by the Travers Morgan survey. The expert panel said that a rail service had no advantage over a bus service. Travers Morgan did not say that; it said that overall, buses were better in that context. The Travers Morgan report did not knock rail, but it said that in this type of arrangement, with these types of suburbs and with these densities, bus or some other form of rubber on concrete service was preferable to rail, therefore, it was a false recommendation.

The expert panel of review said that the Travers Morgan survey of the estimates of bus speeds was incorrect. It said that the average speeds referred to were actually maximum

speeds and braking rates were emergency braking rates which would cause passenger injury. If that is not grasping at straws, I do not know what is. It also said that the Travers Morgan survey of line network in its operations appears to be unrealistic. Railcars can have two to three times the capacity of buses, operate at higher speeds, have better capacity utilisation and, therefore, be more efficient. If we look at efficiency in terms of kilowatt hours per passenger kilometres or kilowatt hours per square metre passenger space, rubber tyred transport would be more efficient than trains because they can be constructed in lighter material. Fuel cost is a minor consideration when we consider that fuel was 7.6 per cent of Transperth's operating costs in 1987.

Another of the recommendations was that trunk rail lines have a higher labour productivity and, therefore, rail/bus systems would have a lower operating cost than a purely bus system. I do not know how the panel worked that out.

The panel said that the Travers Morgan model gives an extensive area of coverage, but provides infrequent and complicated services. It said that the system would not utilise the experience gained in other cities. Also, it said there was a misconception that when people are weaned from cars, a door to door service must be provided. It said that in Atlanta the rail/bus system was so successful that the extension of all rail lanes led to a reduction in operating costs and a large number of buses were replaced by few trains. With better organisation of feeder buses fewer buses were needed. The panel said that in San Francisco numerous express bus services were in operation when taxpayers voted to spend money on a rapid transit rail system. San Francisco had only partial bus freeways and comparing its situation with our situation is invalid. The core of this system is the busways utilising the freeway. In Ottawa, rail was rejected in favour of busways in exclusive bus lanes. It comes down to the heart of what is happening. The panel selected examples to support its case rather than looking at other examples that may go against its case.

The panel cites Singapore as an example, which is hardly comparable with Western Australia. The island of Singapore has a population density of 4 267 people per square kilometre and in the area involved in the study in Perth the population density is about 278 people per square kilometre. That is a major difference and the two cases do not relate to each other. There are fewer private cars in Singapore than there are in Perth and Singaporeans are used to using public transport. The panel said that the Los Angeles region voted for a special tax to improve bus services and to provide a rapid transit rail system because some newer cities were building more railway systems. The technology expertise of Americans is unquestionable and some people deduce from that that a rail system is the mark of a technologically sophisticated country. Americans voted yes to spending taxes on railways because the United States Federal Government gives matching grants for capital investment in rapid train rail transit. Therefore, the city gets the benefit at the expense of the whole country and any large construction project has a beneficial economic effect on an area. They do not say that in the study. They quote an example to illustrate their point of view without giving all the facts - "We don't want to confuse the issue with facts." Also, in the United States bus lanes have reverted to ordinary traffic lanes because of court orders obtained by various groups, for example, some of the automotive groups, who are trying to have bus lanes banned.

Mr Pearce: Can you vouch for the accuracy of this information? You can't, can you? Someone told you this.

Mr KIERATH: These comments came from the Minister's panel of three that he set up as the high and mighty people who know everything about transport studies around the world. I will come to that in a moment. Whenever one listens to someone who puts forward an alternative point of view one wants to find out where they come from and whether they have a biased point of view before they start.

Mr Pearce: Are you saying the person telling you did not have a biased view of things?

Mr KIERATH: The Minister claimed somebody told me something.

Mr Pearce: You gave the game away.

Mr KIERATH: I have not covered that study yet. If the Minister had followed what I said he would know that I am going through his expert panel of review.

Mr Clarko: What he wants you to do is stand up, kowtow, and sit down.

Several members interjected.

Mr KIERATH: Do members opposite want me to show humility?

Mr Clarko: Are you a transport expert?

Mr Pearce: I have done more study than the member for Riverton and the member for Kingsley, although she is moderately informed on transport because she was on the community consultative committee and the member for Riverton should have had discussions with her before he launched into this stupid exposition.

Mr KIERATH: I am sure that she will have something to say shortly. The fewer interjections, the quicker I will get there.

Several members interjected.

The SPEAKER: Order! The Leader of the House and the member for Marmion may interject on the member for Riverton if they must, but they may not have cross Chamber conversations.

Mr KIERATH: That sort of action in applying a court order to prevent busways is affecting their decision. One cannot look at that decision alone but must look at all the facts. Another of their claims is that careful design is needed and newer railway systems are often more cost effective than old bus systems. That is a reflection on the planning mythology rather than on the mode of transport itself. Most rail construction is taking place in car orientated cities. Supporters of rail often start by talking about glamorous high speed intercity trains. This seems to be the role model everybody aspires for. These facilities occur in places like the United Kingdom where commuters often travel 60 to 80 miles daily just to get to work.

Mr Troy: Are you reading this?

Mr KIERATH: I am giving the Minister the sections bit by bit. I felt it important that I take everything the panel said and counter it in order to place it on the record. That is what I said from the word go.

Mr Troy: Then table it and we can all read it.

Mr KIERATH: I believe the report is available publicly. Did the Minister read the one I now hold up?

Mr Troy: I have read most of them.

Mr KIERATH: Did the Minister read the other one I now hold up?

Mr Troy: I cannot see it.

Mr KIERATH: It is the Government's expert panel of review.

Mr Troy: Then I have.

Mr KIERATH: It was by Associate Professor Peter Newman. Does that ring a bell with members?

Mr Clarko: He wears red shirts and has "ALP" on each sock.

Mr KIERATH: Was he one of the Friends of the Railway? The next member is David F Howard, director general of Tyne and Wear transport, Newcastle, England, and the other is Dr Vukic, Professor of Transport Engineering at the University of Pennsylvania. As my colleague, the member for Marmion has said, "Rail, rail and rail."

Mr Pearce: We do not mind your being opposed to the train. You have let the cat out of the bag. Before the last election your real spokesman on transport almost said you were opposed to the train. When I said that he fussed and fluttered he said he was in favour of trains and buses and then at the last minute came out in favour of the train. You were never in favour of the train.

Mr KIERATH: We believe the facts should be placed on the record and should have played a part in the informed decision making process. The Government should not have an arm's length, independent study from which it gets a result and then say, "We don't like that. We will make up our own committee and hand pick them so it comes up with the conclusions we want." That is what I am trying to expose here, the ridiculousness of that situation. I have said previously, and say again for the record, that we support a rapid transit system for the

northern suburbs as it is long overdue. We think when the Government makes its decision it should do so with an open mind and take all factors into account and not just the ones it chooses to take into account.

Mrs Watkins: Have you spoken to anybody in the northern suburbs?

Mr KIERATH: Yes, I have.

Mrs Watkins: If you speak to those people you will find that they want a railway.

Mr KIERATH: They want a rapid transit system, and if the member for Wanneroo asks questions she will find that out. Rather than taking what appears on the surface, she needs to find out the information. Members opposite have been given the information but they chose to overlook it.

Mr Pearce: You want rubber tyred bus things; that is what you are after.

Mr KIERATH: We think that is an option that should be considered sensibly and not just be dismissed out of hand because it does not agree with the Government's framework.

Mr Pearce: We considered buses and discarded them in favour of trains.

Several members interjected.

The SPEAKER: Order!

Mr KIERATH: The expert panel disagrees with the estimates of Travers Morgan Pty Ltd of buses and rail cars needed. This so-called expert panel virtually disagreed with everything the Travers Morgan study encompassed. The panel said that, given that a railcar is equivalent to two to three buses, the Travers Morgan study said a railway bus system will need 59 more bus equivalents than a purely bus system. The panel said that because of increased efficiency with feeder systems with rail-buses, that system should need 102 fewer buses. It said that because railways always attract more passengers than bus systems under equivalent conditions, the revenue from a railway bus system would be 10 per cent more.

That is an incredibly subjective statement. Why on earth members opposite say a railway system attracts more passengers than a bus system on the basis of the system is beyond me; it has to be on the facilities provided by the system such as frequency, compatibility, access and timetabling. The expert panel said savings on a rail-bus system would be even greater if a financing scheme included the land package for development close to the key interchange points. This surely applies equally to rail or bus. A bus freeway could well be as permanent as a railway line.

The panel said that directing the railway line through Innaloo could also save the \$19 million required to shift the freeway at Lake Monger. When one looks at the costings does one give more credence to a report prepared after many months of study using known transport data from Perth, or does one trust a five day visit from two overseas experts at least one of whom is a well known and strong rail rapid transit system supporter? As the member for Marmion said, "Rail, rail, rail, regardless of the cost". Included in the expert panel's costing -

Mr Pearce: I reckon you will be back tomorrow moving a motion in support of the trains.

Mr KIERATH: Do we have one man trains?

Mr Pearce: We will have one man trains. It has already been decided.

Mr KIERATH: We have them in operation?

Mr Pearce: No; we will when the electric trains come in.

Mr KIERATH: So the Minister has to cater for one man trains? Is he confident he will have one man trains? These are the things I am concerned about. There are ways and means of achieving certain figures and of hiding other figures.

Mr Pearce: This would be the most unlearned transport speech I have heard, and I have sat through some of Cyril Rushton's.

Mr KIERATH: That is interesting, because I have taken my arguments from those put forward by the expert panel. May I take it that the Minister's comments are a reflection on that panel?

Mr Pearce: No, they are a reflection on your comments on the panel.

Mr KIERATH: The Minister does not like the comments on the panel because they hurt.

Mr Pearce: They do not hurt at all; it is like being attacked by a sheep.

Mr KIERATH: In that case, the Minister should not be worried at all. Basically, this expert panel's conclusions were as follows -

1) Perth should be the administrative, commercial and cultural centre supported by strong regional centres. To facilitate this we need right-of-way trunk routes with transfer stations where bus lines intersect.

2) Rail should be selected because:

a) It provides the best quality and most efficient type of service.

We have already questioned that. That is an opinion disguised as a fact. The report goes on to give the second reason, which is -

b) Projected population justifies rail construction.

The Travers Morgan study also conceded this, but found that a bus based system was a better investment. That is one of the bases of what we have said here. All the Travers Morgan study said was that the bus system was a better investment than a rail system. It tried to look at the various performance indicators and compare them, and that was the conclusion of that study. This expert panel's conclusion went on -

c) A rail line is the logical extension and would complement the three lines now being electrified.

Even so, people from Armadale, Fremantle and Midland will still have to change trains in Perth to get to the northern suburbs. According to the rail advocates, people love transferring from one vehicle to another anyway. Unfortunately there is little logic in this suggestion.

Mr Pearce: Did you hear of any rail transfer stations in your area or mine?

Mr KIERATH: My area does not have a railway line, except a freight line at the back of Canning Vale.

Mr Pearce: In your general area. A bus-rail exchange station is being built at Cannington, another at Maddington, one at Kelmscott and another at Armadale. Don't you know what goes on in the south west corridor?

Mr KIERATH: Not long ago I went via the Australind to Bunbury.

Mr Pearce: Congratulations; it is a good service introduced by this Government.

Mr KIERATH: The Minister is right; it is a good service. It is comfortable, spacious, fast and convenient.

Mr Pearce: Better than the bus.

Mr KIERATH: This gets down to the thrust of what we are saying. The key part is not necessarily to have steel on steel. The same sorts of criteria could result if it were rubber on asphalt, for example, or a guided bus lane.

Mr Pearce: No, it could not.

Mr KIERATH: That is the point the Minister is missing. Steel on steel does not make the service anything special. It is the comfort, the facilities, the timetable, speed - all these things.

Mr Pearce: It is not having to cope with other traffic which makes it efficient.

Mr KIERATH: It has nothing to do with steel on steel. What is a railway line? On a railway line we have traffic going one way. If we have passing traffic, we must make certain arrangements, but we have exclusive use of the line. If the Minister had looked at the reports of some of the studies, he would have seen that they talk about an exclusive busway.

Mr Pearce: I know that.

Mr KIERATH: The same things can be achieved in that way. The only difference is whether we have steel on steel or rubber on asphalt.

Dr Alexander: What about the effect on the rest of the system?

Mr KIERATH: Does the member believe he will be able to get on a train at Armadale and go straight through to the northern suburbs? Has he ever tried to catch buses on the feeder routes? They interconnect. If the member had been listening to me he would have heard me say that.

Dr Alexander: It is a disincentive.

Mr KIERATH: Any transfer is a disincentive. It does not matter if the transfer is from train to train, from bus to train, from train to bus or from bus to bus; it is the transfer which is inconvenient, not the mode of transfer. That is the point we make.

The report went on to the fourth recommendation, which was that rail could stimulate regional development; rail alone. Why could a busway not do the same? An exclusive busway could do exactly the same. It can do anything a railway can do. Rail in itself is not a reason; it is an opinion. The report went on to say that bus feeder services could link local areas. It is not necessary to have a train to do that; it could still be done with an exclusive busway. This expert panel refers to the successful Ottawa feeder-line haul bus system. The report makes exclusive use of certain favourable examples without taking all the factors into account.

The sixth point made in the report was that lower operating costs would offset the higher capital costs in a relatively short time, and savings would accrue after that. Rail is cheaper to operate only above a certain level of patronage. Even the rail experts confirm that. The minimum number of passengers needed for rail to operate more cheaply than bus has been estimated at anywhere between 12 000 and 50 000 passengers an hour. It would clearly take Perth many years to reach that volume of patronage in the northern suburbs. Even the member for Perth will acknowledge that.

Dr Alexander: There are not that many, but there are a lot of people up there.

Mr KIERATH: The bus costs are related only to rigid buses, not to articulated buses or even larger ones, which in that situation would be clearly even more cost effective. There is far more flexibility with the bus system. A quick decision is needed on rail-bus versus bus-bus to maintain the momentum of electrification projects, according to the report. I do not think that in itself should be a reason. The report says that that decision is required to enable major planning decisions at Joondalup to be made. That will not affect regional development, or whether the transfer is from bus to bus or from bus to rail. The report goes on -

Except for the more detailed aspects, it can be done given merely the unequivocal assurance that there will be an RTS system in operation by a certain date.

That is the key statement. The report goes on to say that a quick decision is necessary to assist the developers in investment decisions. Any rapid transport system would do that. The Minister for Transport has left the Chamber. I was getting round to the opinions of other experts whom he maligned earlier. Some of these people I spoke to were qualified in their field of chartered engineering and they said that Travers Morgan did a model based on Perth. Experts from the US or European systems cannot be used as a base for decisions involving the expenditure of over \$100 million. Also, there does not need to be an immediate decision based on the type of rolling stock used, so long as the other aspects associated with the freeways and realigning roads are going ahead now. There is time to investigate the various options. This need not be done immediately. The report goes on -

It has also been stated that civil engineering work can't start until the character of transport is known. Widening of the freeway could go ahead, leaving the most uncertain parts until last.

3) The supporters of all forms of public transport must unite as there are many who would oppose spending more money on it, even though more than 50% of the population can't use a car - they are either too old, too young; too disabled; can't drive or don't have access to a car.

Travers Morgan said that an all-bus system would attract more people because of higher frequencies. That is the important thing; we are talking about convenience. Planners often forget that people choose other forms of transport because they are more convenient. That is the critical factor in providing public transport.

Dr Alexander: Travers Morgan has been known to be wrong.

Mr KIERATH: In every instance?

Dr Alexander: No.

Mr KIERATH: When I read the views of the expert panel, the member for Perth should forgive me for thinking that everything Travers Morgan said was wrong and everything the expert panel said was right. We have even had the situation where, without saying anything about the third person, two of those three members have already formed their opinions with their colours nailed to the mast; they wore them on their sleeves. The secret of this expert panel of review is that it did not want to consider all the options and come up with another report like the first one, which might have been against what the Government intended; it wanted to come up with a specific set of recommendations. The Travers Morgan study said that an all-bus system would attract more people because of the higher frequencies. Therefore there would be less need for transfers and lower building costs, which I think are important considerations and the key to a successful project. That is consistent with reports from the United States and the United Kingdom which compare rail and busway operations. One of the main factors cited in this project is that bus steps are a problem. It is necessary either to design lower slung buses or to provide ramps or platforms at bus stations. That formed the basis of one of the submissions, which indicates that it is a serious consideration. I do not believe, however, that it is a consideration which should result in a proposal simply being wiped and thrown out. If it is a consideration, platforms could be designed to accommodate it. Some of those submissions mentioned that factor.

The Travers Morgan study also referred to patronage figures. The Travers Morgan estimates were built on the analytical method while the expert panel's was built on wishful thinking. In today's ever changing world we must not only cater to people's needs as they arise - in this case, for public transport - but also we must help determine the shape of things to come. By this decision, and other decisions, we have the possibility of fostering public transport use for the benefit of all travellers in the northern suburbs, not just commuters. The decision as to which system will be implemented is vital, not the least because of the huge amount of taxpayers' money which will need to be spent. One would expect a responsible Government to obtain the best possible advice it can from acknowledged experts. The Government's own consultants, in the first study, advised against a narrow gauge electric railway option, which the Government now favours. One must ask why. It might be quite reasonable to ignore the advice of consultants on some occasions; I do not dispute that; it may be necessary at times. Had this Government a track record of picking winners, I would be more inclined to go along with it. I might be inclined to have more faith in the Government's decision-making process. Travers Morgan concluded that there would be a small operational cost saving with rail of about \$600 000 a year, but that there was a much higher capital cost of \$66 million more, with a possible pay back period of 110 years, making the busway a safer investment. Despite this, the Government appointed Murdoch Associate Professor of Environmental Science, Peter Newman, a former convener of Friends of the Railways, to head a three-man group to study the first study because the Government did not agree with its point of view. The spending of huge amounts of money requires the best, most well researched, most informed, most reliable and most relevant advice. I am concerned about the action taken in this case and I have attempted to outline my concerns to the Chamber.

In order not to confuse members opposite, the Liberal Party supports this legislation on the basis that a rapid transport system is needed and is overdue. I have no hesitation about saying that. However I do not believe that enough care and attention has been taken in respect of the detail which the Government used to select this option. With those concerns and reservations, the Opposition supports the Bill.

MRS WATKINS (Wanneroo) [3.16 pm]: It was not my intention to speak on this Bill but given the contribution just made by the member for Donkey Orchids, or Riverton, I think it is appropriate for me to say a few words. I have been a member for the northern suburbs for almost seven years and during that time transport has been an issue which has burned in the minds of the people living in the northern suburbs. For many years the northern suburbs have been neglected.

Mr Kierath: Rapid transport?

Mrs WATKINS: I am talking about the area of transport in general; I will get to rapid transport. The people in that area have been trying to get a train to service that area since

1901 - not for a few years, but since 1901. As the member for that area, along with other members on this side of the House, I have been working with the Government to ensure -

Mr Trenorden: Have you been the member since 1901?

Mrs WATKINS: No, I have not. I may look it, but I am not that old. We have been working for quite some time to ensure that we get an efficient and economic rapid transport system in that area. I am absolutely staggered by the comments of the member for Riverton. I assumed that he was a trendy, born again greenie. Is the member for Riverton a conservationist?

Mr Kierath: Yes.

Mrs WATKINS: Would the member not recognise that an electric rail system would be far better for the environment than buses?

Mr Kierath: No, not necessarily. You take only a narrow perspective, but you have to look at the whole gamut of things. If you go along that tack, you must look at rail and its energy uses, and all the other things associated with that which you are choosing to ignore.

Mrs WATKINS: The member is very interesting.

Mr Clarko: Are you saying you are closing down the Perth bus system?

Mrs WATKINS: That is a ridiculous statement, but coming from the member for Marmion I am not surprised. The member for Marmion has been a member for the northern suburbs for how long?

Mr Clarko: Longer than anyone else.

Mrs WATKINS: Nearly since 1901! One of the things that people in the northern suburbs do not apparently have at the moment is a matter of choice. If they have a car, they are very lucky.

Mr Clarko: Most of them do. It is probably one of the most motorised parts of the world.

Mrs WATKINS: I am very pleased that apparently all people in the electorate of the member for Marmion have cars, but they have no choice because all they have at the moment are buses. I am sure the member for Kingsley will speak on this because I know she has been involved in this area.

Mr Clarko: Don't you realise how motorised they are? The poorest people in your area have a motor car. Seventeen year olds have motor cars. A very high proportion of people have cars.

Mrs WATKINS: I am really pleased that the member for Marmion is taking such an interest in the young people of my area but as a person who is in touch -

Mr Clarko: I have probably taken an interest in the matter for longer than you have.

Mrs WATKINS: I know the member has, because he is a lot older than I am.

Mr Clarko: Yes, and because I have been in Western Australia a lot longer than you have.

Mrs WATKINS: I am sure the member has, but I chose Australia. Let us get back to the Bill: As I have been trying to suggest to the member for Marmion, I have been a strong supporter and advocate of a rapid transport system - preferably rail - for a number of years. The member for Riverton mentioned the Travers Morgan study and the other studies which have been done; did he mention the fact that a very large survey was taken of the people who live in the northern suburbs?

Mr Kierath: Yes I did. Weren't you listening? I actually cited the figures from that study.

Mrs WATKINS: If the member were a little more entertaining and a little more factual -

Mr Kierath: You were not listening.

Mrs WATKINS: I did listen to the member, but the difficulty is that the member is hard to listen to and comprehend. Some 88 per cent of people in the northern suburbs prefer the rail option. How can the member on the one hand say that he supports this while on the other hand he says, "We support it only because of . . ."?

Mr Kierath: No, they support a frequent, convenient, rapid transit system. If you ask them why they chose rail, they say because of the model which is always presented showing super

fast trains running to and from the city. They think that the service will be frequent, and when you ask, "What if we could have some other vehicle which could provide an equally fast, or even faster, service which is equally convenient?" they say, "No problems." You are talking about a model that you hold up -

Mrs WATKINS: The member for Riverton is absolutely amazing. Before the State election - remember that election; it was the one the Government won and the Opposition lost - all members opposite, without fail, supported a railway system. What is the problem and what is the reason for this change?

Mr Kierath: What about the sausage sizzle?

Mrs WATKINS: I do not like sausages but I cook particularly well, though it is immaterial to what we are talking about today. I ask the member for Riverton whether he has ever travelled on a bus?

Mr Kierath: Yes.

Mrs WATKINS: Has he travelled by train, or more particularly an electric train?

Mr Kierath: Yes. The trouble is that you do not listen.

Mrs WATKINS: Has the member finished? He is like a bloody parrot. Has the member ever spoken to disabled people and parents with prams about travelling by bus? It is damned near impossible to travel on a bus with a pram.

Mr Kierath: You did not listen to what I said about design. I said that the platforms could be accommodated without any steps whatsoever. I will see the member afterwards and show her what I am talking about.

Mrs WATKINS: I do not have the time to talk to the member because I think he is pretty ignorant. The people in the northern suburbs deserve a choice and they deserve a rapid transit railway system; this is a system they have been looking for for a long time.

Mr Trenorden: Why do they deserve it?

Mrs WATKINS: Does the member know how large the northern suburbs are or how fast they are growing?

Mr Trenorden: Yes. Do you know that there are other places in the State as well?

Mrs WATKINS: I know that. The member should come and examine the northern suburbs and see how quickly they are expanding. We are discussing a rapid transit system which will not only take people from the northern suburbs to other areas, but it will also attract people into the northern suburbs. I suggest that the member for Avon should go up there and have a good look. I support the Bill and the people in the northern suburbs; I support the Government and the previous Minister for Transport in having the intestinal fortitude to make sure this becomes a reality in the northern suburbs.

MRS EDWARDES (Kingsley) [3.21 pm]: I am pleased to have the opportunity to support the Bill and the establishment of a railway to the northern suburbs. On 8 November 1988 in this place, Hon George Cash stated quite clearly and emphatically that the Opposition supported a fast rail link to the northern suburbs.

Mr Pearce: Tell that to the member for Riverton.

Mrs EDWARDES: My colleague, the member for Riverton, was outlining the distinctions between two different reports and evaluating their findings. Obviously, when one is looking at these types of reports, there are various aspects involved such as the capital cost, economic benefits that ensue and the level of service provided. Also, the reports looked at public opinion which also needs to be taken into account. I support the member for Wanneroo in her comments about people's views in the northern suburbs because the concern about transport has top priority among these people. The bus and freeway links have caused the most complaint to be made to my office, therefore, this matter is very important.

The member for Wanneroo said the railway to Wanneroo had been discussed since 1901, and I have done some research - it was a couple of years ago - on the history of rail, bus, tram or whatever to Wanneroo. On Tuesday, 3 September 1901 a deputation introduced by Mr Jacoby, MLA, waited on Hon Walter Kingsmill, the Minister for Works. The deputation proposed a 30 mile rail link with a terminus at Lake Pinjar. This showed great foresight.

Mr Pearce: Lord Forrest would not build it, but we will.

Mrs EDWARDES: We will get to the Minister's comments shortly, but history will judge the Minister.

Mr Piesse estimated the cost at about £2 500 per mile at that time. On Tuesday, 8 October 1901 an inspection was suggested. On Saturday, 16 November 1901 Mr Alf Fry sent a memo to the Under Secretary for Lands regarding the area concerned. On Thursday, 21 November 1901 the Chief Inspector for Lands estimated that an inspection would take approximately two weeks, including the classification of the land. On Thursday, 5 December 1901 the Under Secretary for Public Works wrote to the Under Secretary for Lands in the following terms -

Papers noted and returned.

I add an aside in dealing with these documents, letters and papers is that we must be careful in what we write because somebody may read our letters some 70 or 80 years later and may repeat what we wrote. The quote continues -

Perhaps I had better place them before my Minister after yours has had an opportunity of considering the matter.

I doubt whether we should go to any expense in obtaining data until the Government have made up their minds whether this line is within the region of practical politics.

On Friday, 11 April 1902 Herbert Hocking of No 3, Jubilee Chambers wrote to the Commissioner of Crown Lands reminding him of efforts being made to secure railway facilities to the Wanneroo District. On Thursday, 15 May 1902 the Minister for Lands wrote to the under secretary in the following terms -

Is any action to be taken by the Public Works Dept. for Railway and Tramway? - When that is definitely decided upon we shall take action.

On Thursday, 19 June 1902 the Under Secretary for Lands wrote to the Under Secretary for Public Works conveying the Minister for Lands' reactions. On Wednesday, 2 July 1902 the Under Secretary for Lands replied to Mr Herbert Hocking informing him that the matter was being inquired into and regretted that he was unable to advise anything definite at the time. No reply had been received from the Public Works Department. On Thursday, 5 May 1904 the Surveyor General wrote to the Under Secretary for Public Works requesting a lithograph of recently macadamised road along the western shore of Pinjar Lake and the land cleared from the end of the formation to the Yanchep Caves. On Wednesday, 11 May 1904 Mr N.E. Jull, the Under Secretary for Public Works wrote to the Under Secretary for Lands about the clearing and grubbing of the Wanneroo main road with a lithograph showing the route.

On Monday, 11 May 1908 a meeting of residents in the Wanneroo district unanimously carried a resolution that was moved by Mr Spiers and seconded by Mr Edwards. This resolution resulted in the matter being referred to the Railway Advisory Board which made an adverse report in 1911. On Friday, 17 July 1908 the Premier, Mr Moore, wrote to Mr A.C. Gull, MLA, from Brownhill acknowledging receipt of resolutions of the meeting of residents of the Wanneroo district regarding the railway to Yanchep caves. The matter lay dormant during the First World War and was resurrected in 1920.

On Friday, 8 October 1920 Sir Henry Lefroy led a deputation to the Premier, Sir James Mitchell. Sir Henry Lefroy was supported by Mr Veryard, MLA, H. Hocking, Mr Tyler, Mr Duffy, Mr Flynn and others. It is interesting to go back over the history because a lot of roads have been named after these people.

On Tuesday, 19 October 1920 the secretary to the Premier's department requested a classification of the land from the Surveyor General and sought an opinion as to whether the land needed draining, whether a railway was warranted and whether drainage was an obstacle. The matter was then referred to the Works and Water Supplies Department for necessary attention.

On Monday, 9 May 1921 the Surveyor General wrote to the Under Secretary for Lands as follows -

It appeared that for some time to come and with some improvements to the main road the Wanneroo District could be served by motor tractors.

On Wednesday, 11 May 1921 the Under Secretary for Lands wrote to the Minister for Lands and said -

Above submitted for your information in reply. . . I regret these papers were mislaid. Sometimes these things obviously happen. The letter continues -

The Railway Advisory Board made an adverse report on the proposal in 1911. Would you like to see that report?

The Minister on 21 June 1922 wrote on the file, "Noted by the Minister - not further required." It was apparently filed away until January 1959 when the Town Planning Commissioner told the Wanneroo City Council's administration staff that the State Government had decided against a suggestion to have a suburban railway to Whitford beach. The rail link was suggested in the Stephenson report and since that time there have been various submissions. In 1979 a submission was forwarded to the then Minister for Transport, Hon Cyril Rushton, and on 20 May 1986 I led a deputation of several residents to the then Minister for Transport, Hon Gavan Troy. One of the people on the deputation with me to the then Minister for Transport's office was Mrs Alma Whitehouse who had organised a widely supported petition for the early establishment of a rail link.

In 1987 Travers Morgan Pty Ltd was commissioned to undertake a survey and the member for Riverton commented, at length, on it. I was fortunate to be one of the members on the committee representing the community of Wanneroo. Travers Morgan received extensive public comment and I am not sure from where the member for Wanneroo received her information because she said that 88 per cent of the population preferred a rail system. She did not identify from where she obtained that figure. The Travers Morgan summary actually stated that 41 per cent of the population preferred an electric rail system. The rest of the opinions were - 34 per cent preferred a bus expressway, 19 per cent preferred guided busways and three per cent said they did not want a rapid transit system. I would be interested to know from where the member for Wanneroo obtained her figure of 88 per cent. It may have been a survey she undertook in her electorate at the time this matter was being debated in the community. All these things go to show that for some time in the northern suburbs transport has been high on the list of priorities. On 8 November 1989 it was reported that we would possibly have a rail system by the end of this year and everyone in the northern suburbs applauded the proposal. I refer the Minister for Transport to page 4648 of *Hansard* on 8 November 1988 when he said -

I think we will be making announcements about this, including time programs, within three weeks. It is my belief that people will be travelling on a northern train next year.

On page 4649 of the same *Hansard* he said -

When I say I believe it is possible to have trains running on a northern line by the end of next year, I believe that is possible. Members opposite say it is impossible. History will judge which of us is right.

I refer the Minister for Transport to a further comment he made because, in 1995 if I am still in this place and I have no doubt that I will be - I will again refer to his comments. The Minister said -

There will be an underground railway in this city before 1995; I can tell members that.

I remind the Minister that sometimes comments like that can be a little rash and overstated at the time they are made. The reason he made that comment was because Hon George Cash who was the shadow Minister for Transport suggested to the Minister that perhaps a contra-flow bus lane should have been put in place because of the time delay in getting a rail system up and running.

As late as 6 June 1989 in the *Wanneroo Times* an article referred to a transport services public survey which was carried out in the local government areas of the City of Wanneroo and the City of Stirling. The survey was organised by the Northern Suburbs Social Development Council's transport subcommittee. It recognised that with the advent of a rapid transit system, east-west bus service links would be greatly improved. If it is done properly, no-one can doubt that. However, it will be some years away and a service is needed now for

those people who live in the northern suburbs. I know that members of Parliament who live in the northern suburbs do not, at the moment, travel on the freeway at peak periods. We leave this House at night and it takes only a short time to drive home. Peak periods occur for about an hour in the morning - it is incomprehensible that people have to queue on the freeway. It is not acceptable now and neither was it acceptable three years ago when I took a deputation to the then Minister for Transport. As we do not have the master plan before us to give us the timetabling of when we can expect the rail system to be operative in the suburbs, I would like the Minister to consider coming up with some solutions. It is absolutely imperative that something is done now.

The article in the *Wanneroo Times* on 6 June 1989 stated -

Those needing access to transport included the aged and disabled, mothers with young children and no second car, and single parents with young children.

They needed to extend their lives outside their homes and overcome the isolation from the community which many felt.

We must provide buses to service the east-west service links to allow people to travel from Kingsley and Woodvale to the Whitford shopping centre. A bus service was commenced only this year to transport people from Kingsley and Woodvale to Wanneroo Water World. It is very difficult to travel to the Wanneroo Hospital, the Kingsway sporting complex or the Warwick shopping centre by public transport because people have to take a bus to the Warwick transfer station and then take another bus from that station to their destination. It is not acceptable. The member for Wanneroo quite clearly identified that transport in the northern suburbs is the highest priority in the area. It is the top issue and we need an east-west link or a circular route to link all the facilities which people use in the northern suburbs.

I know that the member for Scarborough will identify some of the problems that residents in the City of Stirling have in regard to access to places like the Osborne Park Hospital. I talked to a department in the City of Stirling, I think called the welfare department, which provides taxis to get some people to the Osborne Park Hospital because there is no bus route enabling some people to get to that hospital. That is the sort of thing that this report is saying; it is also what we were saying in 1986. We will value rail transport when it gets out there, if it is done properly, and we will value an improved east-west link which will obviously come from this rail system, but it is unsatisfactory that we must wait another three or four years while the tracks are laid so that the Government can sit back and say, "It is going to be done." We need something to alleviate pressure on the freeway now, and perhaps a contra bus flow lane is the answer. I do not know whether the Minister for Transport has considered that and evaluated it but I know he talked last year about witches' hats "going brittle and clunk, clunk, clunk." How can I tell that to people in my electorate? They do not want to know about "clunk, clunk, clunk."

Mr Pearce: I think they would have got used to it.

Mrs EDWARDES: Not from me, Minister, maybe from some Government members. The east-west link, the circular route, is a serious matter. I leave it to the Government to make some decisions to alleviate the pressure on the freeway because it is serious and will not get better. The railway system will assist with that and other problems, but it is still three or four years away. It is interesting that 41 per cent of people prefer rail but 34 per cent - which is a close figure - want a bus expressway. Some people in my electorate have asked me to inform the House of the reasons they prefer a bus-based rapid transit system over rail transport. The reasons are as follows: The cost of the bus system is cheaper; the visual effect is more aesthetically pleasing with a bus system because there is no need for the overhead power lines required for electrified rail; time saving is greater on the overall bus journey; buses will be more dependable because they are not dependent on a constant power supply - even a fuel strike does not immediately withdraw bus services; feeder services to the railway system will not be as convenient as a bus service which reduces transfers and waiting time; access for emergency services is available; buses are more pollution free, especially if in the short term diesel trains are planned for use; buses are quieter and therefore less noise polluting than trains; and a busway would be quicker to construct.

They prefer a bus-based rapid transit system for the two prime reasons of efficiency and cost. Obviously, when members of my electorate reviewed the report - although I do not

believe they received a copy of the report issued by the expert panel - they were looking at the Travers Morgan report. They reached the conclusion that the initial capital cost and ongoing maintenance cost method was the cheapest alternative and that the buses would not only be able to be utilised to feed into the transit system but also would cut down on the number of transfers necessary. They go through the initial points I outlined in depth. Therefore, although a large number of people want a railway system, the Government cannot ignore the petition organised in 1986, or, I am sure, petitions before that time. There is a feeling for rail which cannot be ignored. I hope that factors such as the capital cost, economic benefit, level of service and public opinion are all taken into account when deciding on the establishment of this railway system. I look forward to being one of the first members to ride on that system when it commences services to the northern suburbs.

I ask the Minister to consider the issues I have raised relating to the circular route linking east and west, and all the other items which are absolutely essential to provide access to the northern suburbs to alleviate the congestion on the freeway during peak periods. That congestion is occurring for longer periods and it is no longer for an hour in the morning but has extended to up to two and a half hours some mornings. In the evening it does not appear to be quite as bad. It is essential for the Minister to consider this matter because I am sure that during the period the railway line is being constructed other solutions can be put in place to alleviate existing problems.

MR STRICKLAND (Scarborough) [3.48 pm]: I support the Bill. I hope the comments I now make will be remembered and given some consideration. I will not enter into the argument about whether there should be a rail system or bus system because the Government has made a decision in relation to that matter. It has made an assessment based on figures available to it and at the end of the day will be judged if that railway system is a failure.

On the other hand, I am prepared to accept there will be savings of the order of \$6 million a year in operating costs, which were outlined in the report I have read which came from the Director General of Transport. If that report is factual it means that over many years other savings may come on stream. This report mentions the fact that there will be 29 kilometres of dual track urban passenger railway from Perth to Burns Beach Road where there will be a terminus. It also says that the need for a rapid transit system has been well demonstrated because the growth pattern in the north western suburbs is to be from the current 300 000 people to 400 000 people by the year 2001. That is an estimated 30 per cent of the metropolitan area.

The analysis prepared in relation to this matter points out that 22 per cent of people are currently bussing from the northern suburbs as opposed to 30 per cent on a metropolitan basis. That, of course, provides what is called "a window of opportunity" in the report. This means that there is scope for additional public transport sharing combined with economies of scale by introducing this railway system at a time when there is electrification and upgrading of other links. That adds up to some commonsense.

I take up the point raised by the member for Kingsley, that many people consider a rapid transit system will be the panacea for the transport problems in the northern suburbs. My concern is that, if public transport usage increases from 22 per cent to 30 per cent, 70 per cent of people will still have to commute in some way or another. Most of those people will use a car on the freeway. If growth patterns continue that is terrific; the railway will take the public transport component. Let us assume that it will do that efficiently. There will still be pressure from people who want to use their cars on the freeway and that will not go away. One hopes it might go away, but I do not think it will. I was encouraged after reading that report to find that in order to accommodate this railway system between Loftus Street and Roberts Street a decision has been taken to widen the freeway to its ultimate width and place the railway system in the resulting freeway median strip.

Members will be aware that at the moment there is no median strip, but land has been resumed and is available on the sides. The proposal is to put in additional roadway, put the median strip in between, and allow the railway to remain in the median strip. That is a commonsense proposal, because over the years the freeway has been lengthened, and additional entry and exit points have been provided, but that often results in too much traffic flowing onto the freeway. The only way to cope is by widening the freeway as it gets closer to Perth so that all the traffic entering the freeway will have a lane in which to travel. It is no

good just widening the freeway; there is also a requirement for the traffic to get off. I believe that 70 per cent of the people will still choose to use their cars on the freeway, so that problem will remain and must be addressed.

Another concern I have is about the mode transfer from rail to bus. I hope we will be able to overcome the disincentive people will face in having to transfer from a train to a bus. A railway from the northern suburbs to Perth is great for those people who want to go into the city of Perth, but if they want to go also to West Perth, or elsewhere, they will have to use additional bus services from the city. I suspect that is the reason why so many people prefer to use their cars; they can go into the city, and when they have finished their business they then have the flexibility and versatility of being able to get into their cars and go elsewhere.

The report mentioned the benefits which would be conferred by having accessibility to the rail system, and made the point that there might be an opportunity to defray the costs by allowing private developers to get involved in some way in the provision of infrastructure. I would be interested to hear a comment from the Minister about whether private developers may be able to become involved in order to help reduce the cost.

Mr Pearce: That is still being discussed.

Mr STRICKLAND: The timing of the development is of concern to local people. There will need to be an additional bridge over Scarborough Beach Road, because that is the only way we can have a freeway on each side and a railway line up the centre. I do not know how the Government proposes to construct that bridge, but I hope the construction will not block Scarborough Beach Road.

I now put on another of my caps, and place on record some of the concerns of the City of Stirling. The Glendalough Station at Scarborough Beach Road will be the first station to affect the residents of the City of Stirling. I understand that the City of Stirling's planning department believes that is a very positive proposal, in that it may cause reassessment and lead to relocation of a whole host of used car type businesses in that location. I note with pleasure that the proposal that there be a deviation to Innaloo has been discarded. During my election campaign a fair amount of opposition was expressed by the local people who would have been affected by the deviation, because the trains would have come right past their back yards. I am sure that would have added to the cost because of the noise abatement measures that would have been necessary. I add my support to the elimination of that deviation.

The second issue concerns the Stirling Station, at Cedric Street. It has been suggested that parking will be provided on the south side of Cedric Street. There are good reasons not to do that, and to provide parking on the north side of Cedric Street. Members might be aware that there are parklands on either side of Cedric Street, which used to be the old rubbish tip site. The southern parkland can be referred to as the People's Park; the northern section is the area in which the City of Stirling is giving consideration to a civic development. That area of land could be used to provide car parking, which will complement the civic development. It makes a lot of sense to me that the car parking for the railway station should be provided on a shared basis, because a reasonable amount of land is already available in that area.

The biggest concern I have - and this may even be echoed by the member for Balcatta - is the listing of Wishart Street as a possible site for a railway station. In saying that, I am speaking as a local councillor who is well aware of the issues; and I take this opportunity to put them on record. This is probably a viable proposal from the railway viewpoint because some land is available for parking, there is a new commercial development, and the site is conducive to building a railway station. However, I am worried about the impact that could have on the local community in Gwelup. The only way people can get into and out of Gwelup is by means of North Beach Road, which runs from Erindale Road through to Karrinyup Road. That road lies between where most of the people live and the shopping centre and school, so people have to cross that road all the time to go to the shopping centre and school, and there is already a high level of traffic. The problem will be made worse by the proposed development for senior citizens and other residents, which is to be built by Jennings Construction Ltd. If we then add to that a railway station, we will introduce additional levels of traffic, which will not be conducive to people trying to cross that road.

I ask the Minister to consider that point. If a station is established there, we must plan for it now and the Minister must make a decision now. Hopefully there will be no station and we

will not need to worry about planning. One of the aspects of introducing the train is the necessity for it to reach the speed of 110 kilometres an hour. The station in question is very close to the Cedric Street Station, and not far from one to the north. If the stations are too close, by the time the train has reached the necessary speed it will be time to stop, so one is putting a negative into the system rather than a positive. One should also bear in mind the number of people who will be getting on and off the train. The Minister has indicated that at the Whitford Station trains will run into Perth every five minutes. Further out the train service will operate every 15 minutes. That means some sort of a turnaround. Could the Minister tell us how that will be managed? The report speaks of a benefit cost ratio of 1:7. This cost ratio was supposed to establish the economic justification for constructing the railway. What is meant by the economic cost ratio? To me it is only three words and a figure.

I am concerned at this stage about consultations with the City of Stirling, and presumably with the City of Wanneroo, which are at a very low level. I encourage the Minister to start getting people involved as soon as possible so that those studies can address the problem of access, egress and so on. My feeling is that the City of Stirling sees those two proposed stations in a positive light, and it is anxious to have the details as soon as possible to work in with the organising group. I ask the Minister to make an immediate decision on the Wishart Street Station.

MR CLARKO (Marmion) [4.03 pm]: I do not seek to criticise the Government's decision to improve transport in the northern suburbs; in fact I applaud it. However, it is not unreasonable for members of the Opposition to comment on potential problems, because people's circumstances, such as where they live, whether they own cars and so on, greatly affect their capacity to use the transport system provided. To a large extent this will be a fixed transport system.

I am proud to say that I am the longest serving member, State or Federal, for the northern suburbs. I say that not to pat myself on the back, but because I have been concerned during my 20 years, in both local government and Parliament with representing this area and with improving its transport. Anybody who has lived in this area and has not tried to do something about that problem would be a fool. Those who talked about constructing a railway in 1901 would have stopped as soon as they did a cost benefit analysis, if there was such a thing in those days.

Mr Pearce: If only they had had our Government around then!

Mr CLARKO: As the Minister would know, as an English teacher with a good knowledge of history, people started market gardening and keeping a few cows in Wanneroo. The early road was a limestone road, but it was falling apart when I entered the City of Stirling in 1969 and we were trying to upgrade the road. The Minister would know that the roads around Dog Swamp were not capable of handling the overflow from the swamp in winter. When I lived in Trigg, from time to time Wanneroo Road would be cut off and people could not get through. That was in the late 1950s or the early 1960s.

A similar situation applied in Gwelup, near where North Beach Road meets Karrinyup Road. That was the only way to get to the beach, and when it was flooded one had to walk through it or go back. That is about 30 years ago, but the roads have been tremendously improved since that time. North Beach Road was a disgrace when I first became a councillor. When I went doorknocking people would tell me how bad this road was. My colleague on the council, a very experienced councillor, said the trouble was that the road was too long. He said, "If we tried to do it up it would absorb all our allocations for years." I said we should do it up piece by piece. Fortunately Federal schemes were introduced which enabled that work to be completed. At that time the council was doing Wanneroo Road itself, but a huge amount of money was being spent on road machinery and so on, so it was decided to change from a day labour system to a contract basis. Wanneroo Road improved dramatically after that. The upgrading which took place in the early 1970s has resulted in a reasonable road, but gradually the pressures on that road have shifted. It is just as well they have, because otherwise the road would not take the volume of traffic today.

When I became a member of Parliament in 1974, with my friend and colleague, the former member for Whitford, Mick Nanovich, we pressured the Government into increasing the allocation of money at a faster rate to construct the northerly extensions to the Mitchell

Freeway because the Main Roads Department program was very different from what we as parliamentarians wanted in that area. We were successful - not entirely, but to a significant extent. Particular credit should go to the Wanneroo City Council which arranged a loan to complete the final extensions. Transport economics indicated that borrowing the money would cost less than the increase in the cost of road construction with the inflation at that time. I commend the City of Wanneroo on that decision. This Government entered into agreements to allow that to happen.

The ACTING SPEAKER: Order! The level of background conversation is far too high and it is difficult to hear the speaker on his feet. Secondly, while I find this history of road improvement in the member's area interesting, I would like to be convinced of its relevance to the Bill before the House.

Mr CLARKO: It is my intention to show that, Sir. Even when this rail is provided and completed, it will be essential to have these other major north-south arteries operative as well. I have talked about the Wanneroo Road development and the Mitchell Freeway development, in which I was keenly involved, as one would expect. There was also the provision for Marmion Avenue. With my councillor colleague, Neil Hawkins - later Mayor of the City of Stirling - I was able as a member of Parliament, abused by everyone, in those three examples to overcome the bureaucrats' timetable. I accelerated that timetable because it was essential to do so. I compliment the Minister for what he is doing today because I suspect he is doing something the bureaucrats would not be able to do as quickly as he is doing in regard to the provision of the Joondalup railway. The Minister should be commended for that. In respect of the transport links there, it is something like the filleted skeleton of a fish, with the spine of the fish running from Perth to Joondalup and the ribs of the fish being the east-west feeder links. That is where I see the problem; I think the north-south link will be done pretty easily. I hope the Minister can make some comment about that because from my knowledge of the area that will play an important part in whether the system succeeds or fails.

Mr Pearce: It is not a rail system; it is an integrated bus-rail system. That is the key to it. Although we have an Act of Parliament for the railway, in fact it is an integrated transport system. The train is only part of the whole system.

Mr CLARKO: Perhaps the Minister would want to call it a "bus-rail system".

Mr Pearce: Yes, that is what it is called. It is an integrated bus-rail transit system.

Mr CLARKO: The Minister, possibly because he is somewhat tired, was a little harsh on my colleague, the member for Riverton. I read his reports and I think it is quite logical to discuss them if the Perth-Joondalup railway is to be dealt with today. The two reports were written apparently by experts in both cases; the Minister discussed the matter with the people who put up the various views. There have been several reports which have each contained differences, but the Minister has made a decision to go ahead with the bus-rail system. I do not think it is unreasonable for him to put this forward; in fact I think it is probably a very good thing for it to go into the *Hansard* so that people can look at it, compare it and evaluate it. That is what the Minister has been doing over the past year. The Minister stood here a year ago and said there would be a railway system operating by October this year. I had a little joust with the Minister at the time, saying that I would compliment the Minister if he could do so. Throughout this year the Minister, the experts and outsiders have been weighing up the pros and cons of the various systems. Different systems are applied efficiently in different parts of the world. The member for Riverton referred to a certain system, which I suppose one would call "bus-bus"; I think they call it "guided buses". I believe the Minister saw that system in Canada. The bus comes down the side ribs and is able to drive over a fixed and reserved roadway. That is the argument the member for Riverton was putting.

Mr Pearce interjected.

Mr CLARKO: This other paper says the same thing. Is the Adelaide system called the "O-bahn"?

Mr Pearce: Yes.

Mr CLARKO: When I talk about spines I am referring to roads such as Karrinyup Road, Beach Road and Hepburn Avenue. These are the ribs which come into the north-south

central spine and I do not think the Government will have many problems with working that out. However, I see some problems in respect of movements from the eastern and western extremities of what I call the ribs. Both buses and private cars will be using these feeder roads and at peak time they will face incredible road congestion. If the Minister considers the side of the spine with which I have the most to do - the western side - how long would it take to travel from North Beach to the nearest station? How long would it take at 7.45 am or 8.00 am? That trip could take in the order of 20 minutes. I can drive from where I live in Trigg to Parliament at 9.00 am - which is not really the congested period - in about 16 minutes. Those people then have to get on the train and come by train into the city; importantly these people who are without a car must now get from the terminal in Perth to wherever they are going - the city, West Perth or East Perth and so on. If all of those times, particularly the time of the feeder rib and the time taken from the Perth terminus to wherever the people want to go around the city and its edges, are considered they will play a critical role in determining how many people will use that system. I am sure the Minister will be able to give us some figures on how many people are expected to use this system because I understand that if the term "peak passengers per hour" is used, rail is cheaper only with more than 12 000 PPP. Some people argue in the report on which the member for Riverton spoke that it will have to reach 50 000 PPP. According to this particular expert this new rail service will begin with only 3 000 PPP - in other words one-quarter of what it is argued will be the figure needed to break even with the other forms of transport. The Minister may care to give the House some figures in respect of the costs of the various schemes, particularly bus-bus versus bus-rail. One should also take into account the \$124 million capital cost, which is very significant. People earlier in the debate commented on how good the Labor Government is because it is providing a railway in 1990 while the Liberals are not. The Liberals were totally involved, having constructed roads like Wanneroo Road, and the Mitchell Freeway. I think the transport experts of the day would have agreed that it was proper for us to provide that freeway at the time we did. That absorbed all our spare cash. Now we have moved on quite a number of years, the freeway to a very large extent is completed. Obviously the Minister is now taking the next step.

I take it that the Minister compared these two systems - bus-bus and bus-rail - and took into account very carefully items such as the cost of the system, both capital and running, the speed and the time taken for trips by comparison, the comfort factor, the pollution factor and the parking factor. In respect of the views of the people of the northern suburbs, if one asks residents of the northern suburbs whether they would like a rail-system, without any equivocation most of them would say yes. However, if one then went on to say that the bus system would cost \$2 a trip while the train trip would cost \$10, one would find that quite a few people would then want to back out of it. One would not get quite the same situation if one said that people would pay \$2 on each system and the taxpayer would pick up the difference. Most people would say, "That is all right, I am not paying for it." Of course they are. The people from the country would be quite keen and would certainly make comments about the cost of the northern suburbs railway. They would not like the losses that occur on this rail system; I do not think it is unreasonable for there to be a loss on the rail system - there is a loss on the bus system - as long as it is controlled. If it is the best, using all the efficiency and economy we can, when it comes to servicing the community, I do not think it is bad to have a reasonable loss on a public transport system.

The system will run at a loss, but as long as that loss is controlled and as long as we are using the system efficiently and economically to service the community, it is not bad that we have reasonable losses in the public transport system. In Australia we cannot survive without that; however, if the losses are horrendous, that will be of concern to the community. That would be painful to a lot of people not using the system, and therefore would be unfair.

It is vital that there be generous parking at these railway stations. I ask the Minister to make a comment about parking provisions because I am led to believe - from studies I did some years ago - that Perth is the most motorised city in the world, exceeding even Los Angeles, which is often argued to be the world leader. The northern parts of the metropolitan area are at the forefront of that high density of automobile use. We would prefer to take our motor car and drive it to the bus station, park the car for the day and take the bus service on the feeder links, but unless it is very close to home and very quick its usage will be down. It is most likely that the kiss and ride system will not work in the northern suburbs. A large

percentage of husbands and wives both work in that area and the situation does not exist which is often portrayed in American programs; that is, that in which the wife drives the husband to work and gives her husband a kiss and takes the car to use to go shopping or to transport the baby during the day. That would not happen very much in the northern suburbs. I can imagine retired people doing this, but they are only a part of the whole scheme.

In addition, I will strongly argue that the Government should continue to upgrade the Mitchell Freeway. I was disappointed at comments attributed to the Deputy Premier that once the rail service is established, people will look out from the comfort of their train and see people in their cars in the traffic snarl and smile at their discomfort. I hope I have not attributed the statement wrongly to the Deputy Premier, and I hope the Government will work on upgrading the Mitchell Freeway by putting in additional lanes; there are significant parts of the freeway that need three lanes. Despite the future provision of the Joondalup rapid transit system, there will be many people who will continue to want to use the Mitchell Freeway. The Perth-ite will not get out of his motor car unless he is paid \$10 or \$20, and even then I doubt he will do so. Clearly, the use of the rapid transit system will be offset by people's love of the motor car. Another problem involves the size of the Perth metropolitan area and the gaps in the linking of the suburbs; this applies especially in the northern suburbs. Although the situation has been improved a little we need intrasuburban transport systems running between the west and east, as most systems in the past have run between the north and south.

The feeder links will be a critical part of this system, and if it takes a long time for people to traverse the feeder links, the optimum number of people will not be travelling on the rail system. The rapid transit system will serve the people of the northern suburbs of Perth for a long time into the future - it may be for 50 or 100 years or maybe longer before there is a need to dramatically change it. I am sure that the people of the northern suburbs are very supportive of the Government in doing everything it can to provide an efficient and cost-effective system. If the Government does that, it will receive high praise. No doubt there will be problems and complications and it is appropriate for the Opposition to make reference to some of the potential problems, but I say good luck to the Government. Although last year the Minister promised the system in one year's time, we hope it will be done with great speed and we will end up with an efficient and effective system.

MR HASSELL (Cottesloe) [4.28 pm]: I wish to make a few remarks in relation to this Bill.

[Leave granted for speech to be continued.]

Debate thus adjourned.

RIGHT TO FARM BILL

Second Reading

MR HOUSE (Stirling) [4.29 pm]: I move -

That the Bill be now read a second time.

Members will be aware that this Bill is intended to replace an earlier Bill which I introduced dealing with the same subject. There are two reasons for the introduction of this Bill: Firstly, it was pointed out to me that a minor error in the title of the original Bill, the Farm Practices and Agricultural Operations Bill, may have contravened Standing Orders; secondly, as the subject matter of the Bill is now under inquiry by a Select Committee I thought it might assist the Select Committee in attracting public submissions if the title of the Bill indicated precisely what it is about. It may not have been obvious to persons outside the Chamber that the previous Bill was legislation to establish the right to farm. With the new title, there is no possibility of any misunderstanding about the general concept embodied in the Bill. Apart from the title this Bill is identical to the previous Bill and the second reading speech is the same for this Bill.

This Bill seeks to establish the right to farm. Members will be aware that there is growing potential for disputes over land use. Particular problems can arise where people not earning their livelihood from farming live alongside farmers. The non-farm people may object to noise, smells, dust or other consequences of genuine farming practice. In many parts of North America many of these disputes end up in the courts and farmers are forced to spend

enormous amounts of money on legal fees merely to defend their livelihood. It is not a situation that should be allowed to develop in Western Australia. The alternative to resolving such disputes in the courts is to have ad hoc political intervention. That is even worse and it, again, is something that we should ensure does not develop in Western Australia.

This Bill seeks to establish the principle that a farmer who follows generally accepted practices and who acts within the land use regulations of the local government cannot be stopped from carrying on farming operations on the grounds of causing a nuisance. The Bill seeks to extend the protection of the right to farm even where there is a change in land use regulations, where the farm is sold to another farmer or, most importantly, where there is a change in the classification of land adjacent to the farm. Finally, the Bill places the onus of proof on the complainant to prove that the farm is being operated outside generally accepted practices. If this legislation is supported by the Parliament, it is likely that a code of farm practice will need to be drawn up. This would become the standard against which claims could be judged.

Mr Speaker, as this Bill is of such significance to the farming community, and as it would be in everybody's interest to have the issues involved to become the subject of wide public debate, I am pleased that the Parliament has seen fit to refer the principles of the Bill to a Select Committee.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Bridge (Minister for Agriculture).

CRIMINAL CODE AMENDMENT (RACIAL FAIRNESS) BILL

Second Reading

MR KIERATH (Riverton) [4.31 pm]: I move -

That the Bill be now read a second time.

This Bill provides for an amendment to the Criminal Code to allow the conviction of a person who knowingly incites others to commit an offence against a person on the grounds of race, or displays in a public place any material which is likely to incite racial hatred. Such an amendment to the Criminal Code will be one of the most significant contributions made to the ethnic communities in Western Australia. It follows moves in another State which seriously seek to address the problems associated with racial tension and is not in opposition to the legislation that the Government itself has advocated. In fact, this legislation is a positive contribution towards achieving a truly bipartisan approach to an important community issue.

The problem of racial tension and hatred, although not exclusive to Western Australia, cannot be ignored. It is evident that in recent times it has, for example, on occasions given rise to incidents which have endangered not only the individuals at which they have been directed but also the harmony of our entire society. These incidents include fire bombing of restaurants, which in themselves are alarming, and the fixing in public places of posters with the intent to incite racial hatred. These activities have led to violence, counter violence and eventually loss of life. These and similar actions will be punishable by law under the proposed legislation.

The Bill is not aimed at any trivial action of one person towards another. It does not in any way curb freedom of speech. On the contrary, it ensures the freedom of us all from harassment by a very small minority in our community, but a minority that, through its insidious campaign of hatred, has the potential to divide our community if it is allowed to continue.

The Bill contains amendments to the Criminal Code and these amendments will make it a specific offence for any person to incite any other person to commit any offence against a person based on that person's race or ethnic origin. It will also make specific offences of any acts of vandalism, be it damage to property, or the illegal painting, affixing or displaying of illegal material based on racial or ethnic grounds.

The provisions of the legislation will not restrict freedom of speech, rather they will inhibit the carrying out of, or the incitement to carry out, activities which are generally unlawful and

totally unacceptable. Prosecutions for offences under the new legislation will be undertaken by police in the normal course of law enforcement. Police could act either on a complaint from a member of the public or when they detected the commission of an offence. A particular target of the legislation would be the racial poster campaign in Perth which has been allowed to grow like weeds in a fertilised weed patch. Existing laws mean that those responsible for this obnoxious campaign face, if apprehended, only small fines for a littering offence. Under this legislation offenders found guilty would be liable to imprisonment of up to 18 months and fines of up to \$6 000.

The Bill also provides power for the courts to order compensation for damage or loss of property suffered through the commission of an offence. Provision has also been made for the courts, particularly through community services orders, to order offenders to repair or reinstate property damaged during the commission of an offence. I hope that the result of our efforts in presenting this legislation to the Parliament will be that Western Australia will have truly bipartisan laws which will protect all Western Australians regardless of race or ethnic origin. I urge all members of this House to put aside partisan politics and to support this initiative.

Debate adjourned, on motion by Mr Gordon Hill (Minister for Multicultural and Ethnic Affairs).

MOTION - PIG MEAT, CANADA

Federal Importation Decision, Reversal - Disease Risk, Local Industry Protection

MR HOUSE (Stirling) [4.35 pm]: I move -

That this House -

- (1) calls on the Commonwealth Government to reverse its decision to allow the importation of uncooked pig meat from Canada for the following reasons -
 - (a) that the risk of importing the disease transmittable gastroenteritis (TGE) with uncooked pig meat from Canada, where the disease is prevalent, is unacceptably high and places in jeopardy the livelihood of all those involved in the pig industry, as well as many in the associated transport, abattoir and feedstuff industries;
 - (b) that there are conflicting expert opinions on the extent of the risk of introducing TGE into Australian pig herds through the importation of uncooked pig meat from Canada;
 - (c) that pig producers were given assurances that the risk of importing the disease atrophic rhinitis into local pig herds was minimal, but that minimal risk was realised and the disease is now endemic in some parts of the country and is continuing to spread;
 - (d) that the Commonwealth Government has admitted it does know what would happen if the disease became established in Australian pig herds;
 - (e) that, because TGE does not exist in Australia, local pigs have no immunity to the disease and therefore where TGE gets into a herd the mortality rate amongst piglets could be as high as 90 per cent;
 - (f) that pig meat from Canada is subsidised at rates of up to \$45 a carcass and therefore the Commonwealth Government's decision breaches the free trade principles that the Government is supposed to be upholding;
 - (g) that the Commonwealth Government's decision to allow the importation of uncooked pig meat from Canada is a further step in the breakdown of the quarantine standards that have protected the quality of food produced in Australia;
 - (h) that the chemical Mecadox, which is banned in Australia, is still used in the production of pig meat in Canada; and
 - (i) that Government sources have acknowledged that imports of uncooked pig meat from Canada, under the Commonwealth Government's

decision, could be as high as 30 000 tonnes per year and the cost of monitoring all imported pig meat from Canada to ensure that it is not contaminated by the banned chemical, Mecadox, will be substantial;

- (2) supports the approaches by State Minister for Agriculture, Hon Ernie Bridge, to persuade his Federal counterpart, John Kerin, to force a reversal of the Commonwealth Government's decision, and
- (3) supports the efforts of the Western Australian Farmers Federation and, in particular, the Western Australian Pig Producers Association in trying to protect the local pig industry from unfair and unhealthy competition.

This motion is about whether we protect one of our agriculture industries; it is about whether the bureaucrats of this State will allow an industry, which has become established and which by its own volition and hard work has risen to prominence, to be put at risk by importing into this country a disease that could decimate the pig industry in Australia. This debate is also about whether Australia will uphold its so-called free trade position with Canada or whether it will look at what Canada is doing in relation to its trade with other countries.

The Federal Minister, John Kerin, said that as a result of the General Agreement on Tariffs and Trade we have a situation where Australia has to be seen to be allowing free trade between the two countries. That is not Canada's position with other countries involved in the GATT; it is not the position of almost every other country in the world with regard to trade. Almost every country in the world has some sort of trade protection for this industry. Later in my speech I will demonstrate to the Parliament exactly how that is happening in relation to the importation of pig meat into America. While that is important because the Canadians subsidise the pig meat carcass at the rate of \$45 per pig carcass, it is nowhere near as important as the fact that we may finish up with transmittable gastroenteritis in this country. It is possible that the disease will be introduced through uncooked pig meat. We seem to have embarked on a course in this country where instead of the authorities having a no risk policy with regard to the importation of disease they have accepted a low risk policy.

There is an important difference. I support the position that there should be a no-risk policy because we cannot afford to put those sorts of industries at risk. With a low risk policy we run the enormous risk of decimating a fine industry, and perhaps not only the pig industry, as there is every possibility that this course of action could force us to run the risk of importing diseases with fruit and a whole range of other produce that would decimate the fruit growing and vegetable growing industries.

It is interesting that the Federal Government is saying that we have to allow Canadian pork into this country because we have to be seen to be doing something with regard to the GATT. There is already an import imbalance between Canada and Australia which is quite large and which favours the Canadians. It is nonsense for the Minister to say that we must play our part by allowing Canadian pig meat into the country. The facts do not stand up; nor has he produced evidence that indicates the Canadians are prepared to reciprocate by allowing Australian products into Canada at any greater rate than in the past.

The last Canadian election was fought on the principle of free trade with America; that is, a free trade agreement. That is the policy Mr Mulrooney took to the people and on which he was elected; yet the Canadian Pork Council is now collecting a levy from producers to raise \$30 million in order to establish a fighting fund that will hopefully for them cushion the blow of United States' duties ranging from US8¢ a kilogram to US24¢ a kilogram on Canadian pig meat entering America. The Canadians had an election based on free trade but are still in a situation where Canadian pig meat is taxed before it reaches American consumers. Despite that we in Australia are prepared to stand by and let that same Canadian pig meat into Australia. Members should bear in mind that Canadian pig meat is subsidised to the tune of \$45 a carcass.

If there is an agricultural industry that can hold its head high it is the Australian pork producers. Ten years ago there was not a housewife in Australia who wanted to buy pork. It was an inferior quality product and did not sell well. As a result of the efforts of people such as John Newing and Duncan Chadbourne and a number of other people around Australia during the past decade the industry is now producing a product with controls over fat level production - because of better feeding ability and ability to manage their pig herds better - and a product that is being sold to the market at a rate equivalent to their ability to supply.

The pork industry was faced with a problem but did not go crying to the Government for help. It got off its backside and did something. It has funded those programs to increase consumption of pork and now produces a product it can be proud of. Yet we have the Commonwealth Government saying it will take a course that could perhaps decimate that industry by allowing imported pig meat to compete with the very section of the agricultural industry that can be most proud of its record. Further, this could introduce the risk to those pig producers of introducing transmissible gastroenteritis which could wipe them out.

We are consuming all the pig meat we are producing at an economic level. In other words, Australian pig producers cannot afford to accept a lesser price for their product. I doubt very much whether the importation of Canadian pig meat will make a great difference to the price to consumers, so it cannot be argued that consumers will benefit. Producers will not benefit, so who will benefit? No-one seems to be able to spell that out. It is unbelievable that this Federal Government could make a decision that will put this industry at risk, based on the evidence it has been given. That evidence indicates clearly that the lowest risk rate associated with importing transmissible gastroenteritis in this pork is in the region of 1:15 000. That is not an acceptable risk rate. It is unfortunate that the Government has seen fit to put the industry at risk on that sort of basis. In fact, it is fair to say that the Government has not yet put forward one point that could be supported for allowing pig meat into Australia. The evidence given to the Government regarding the chance of that disease being introduced is based on sound scientific facts.

The excuse used for importing this pig meat is that we have to break down tariff barriers. That holds no water at all because facts and figures indicate that the Canadians already have an imbalance in their favour. It is interesting that John Kerin, the Federal Minister for Primary Industry, in a letter to the Western Australian pig producer associations said that one of the reasons he made the decision was based on economic figures of the Australian Bureau of Agricultural Resource Economics, which announced publicly a month ago that the base for its figures for agricultural costs and income was 20 per cent out - it had made a mistake and admitted that publicly. If the Minister is using those figures - and this letter is dated 10 September - as the basis for making his decision I hope he has another look at it in the light of the fact that the bureau has made clear it has made a mistake.

Mr Gordon Hill: Now you have trotted out new figures, he might.

Mr HOUSE: It does not need my trotting out the figures. I take my hat off to the Minister for Agriculture in this Parliament, Ernie Bridge, who has done his best to help us with this problem and has done a commendable job. I take my hat off to him. He has made this clear to John Kerin, so the fault does not lie with this Parliament but with the Federal Parliament. I say publicly to Ernie Bridge on behalf of the pig producers in this State that we thank him for his work and efforts. I just hope he is successful with his representations.

I was searching a while ago for the amount of the imbalance in our trade figures with Canada. I now see that the Canadians export to Australia each year about \$150 million of goods more than Australia exports to Canada. That indicates clearly that we do not have any need to import Canadian pig meat into this country and have every reason to keep it out. In conclusion I will quote from a letter written by a pork producer in Esperance who wrote a long letter to Mr Kerin indicating his opposition to the importation of Canadian pig meat and setting out clearly some examples of why we should not allow that importation to occur. This man came to this country as a migrant and has battled and fought his way to the point that he can be proud of the position he holds as a pork producer in this country. However, his livelihood and the livelihood of the whole industry he has helped build up is at risk. He concludes his letter by saying this -

Mr Kerin for once, let us Australians have an industry here that doesn't need the help of other countries to make an end product. Let us produce more pork if we need it, create more jobs as Mr Hawke keeps saying. Let us be proud of an industry, for its a tough one. I hope you take this matter serious Mr Kerin for our future is in your hands.

That summary indicates quite clearly the feelings of many pork producers in this country. I hope that the Minister for Primary Industries will reverse his decision to allow the importation of Canadian pork meat into this country.

MR OMODEI (Warren) [4.51 pm]: I support the motion. The issue of the importation of Canadian cooked pig meat into Australia has been going on since the beginning of September. Members on this side of the House were first alerted to the problem when we attended the Watson's pig day held at Coogee. The pig day, which was attended by the Minister, is something worth going to see. Five or six hundred producers with their families come from all around the State to that function. A great deal of pride is taken in the WA pig industry, both by the Australian Pig Breeders Association and the WA Pig Producers Association. Mr Brad Thomason of Watson's alerted us to the risk of the disease transmissible gastroenteritis as a result of the importation of Canadian cooked pig meat. Subsequently the Minister was asked questions in the Parliament to which he replied that he was not aware of the problem. To his credit he has since come out very strongly in support of the Western Australian pig industry and the Australian pig industry in general.

I am critical of comments by members on the other side of the House and some Federal members. Our own South West Region member issued a Press release which appeared in the *Albany Advertiser*, referring to a Press release of 24 October, which reads -

Divisions have emerged in the State Government ranks over question of pig meat being imported from Canada.

While South West MLC Bob Thomas has defended the Commonwealth's decision to import the product, Agriculture Minister Ernie Bridge has despatched an urgent letter to the Federal Primary Industry Minister John Kerin expressing great concern over the matter.

Mr Blaikie: He did not know what he was talking about.

Mr OMODEI: The Press release goes on to say -

Even if it did not occur it would not be a great risk because of the geographical isolation of Australia's herds.

I am sure the Minister viewed that Press release with great concern, as did I and many pig producers. The problem was further compounded by Senator Peter Cook, who issued a Press release in the *Countryman* supporting the same course of action. He was comparing the ratio of pig meat to be allowed into the country, and said this -

A working group commissioned by the Australian Veterinary Association estimated that at the projected level of importation of pigmeat from Canada, there was a 1 in 3.3 million chance of introducing TGE into Australia on a worst case assumption.

Since then another organisation the Australian Association of Pig Veterinarians, has said it is a one in 15 000 chance, and that ratio has now been accepted. Mr Cook goes on to say -

Neither of the worst-case probability estimates put forward to date justify a continuing prohibition on the importation of pig meat.

Later he goes on to say that readers should be aware that the Australian Bureau of Agricultural and Resource Economics has examined the possible economic impact of Canadian pig meat being imported into Australia and has concluded the removal of pig meat would have no effect on the Australian pig industry.

That is a matter of great concern to me. Mr Cook appears from time to time to have problems as the Minister responsible or the Australian Quarantine Inspection Service. It is not the first time he has made conflicting statements about allowing the importation of materials which could cause concern to Australian industry, whether it be the agricultural industry, the horticultural industry, or in this case the Australian pig industry.

It is important to note that Mr Kerin's statement of 8 September 1989 revolves around the advice from the Australian Quarantine Service based on the one in 1.3 million ratio which has since been dismissed. At this stage, from what I can understand from the current Minister for Agriculture in Western Australia, we have still not received any replies. Members on this side of the House have supported the WA Pig Producers Association in its attempts to get a response from the Federal Minister for Primary Industries, but we have been unable to get one to date.

The disease is the main bone of contention, and once it is established, the death rate in young pigs is extreme. Figures from the United States in the early 1980s estimate losses equivalent

to \$1.75 per pig, at that time about 18 per cent of the average return over the total production costs. In France in 1977 it was estimated that \$US15 million was lost through this disease. As the member for Stirling mentioned earlier, Canada enjoys a beneficial balance of trade of \$A165 million over Australia, and I believe the Australian pork industry should take this matter up with the Federal Minister and bring it to his attention. At the moment there is a possibility that at least 12 000 tonnes of pork will be imported every year. When related to this nation's imports, that amounts to 16 per cent of Australian production. It would be very difficult for any industry to survive a 16 per cent erosion of its production. No compensation legislation is in place to protect the Australian industry. At this stage transmissible gastroenteritis is not listed as an exotic Australian disease. Even when frozen, transmissible gastroenteritis survives at a temperature of 18 degrees Centigrade for 18 months. The disease can be spread by cats, dogs, foxes and birds, and I am sure the conservation industry which receives so much attention nowadays would be very concerned about the possible effects of the disease being spread by those animals to other wildlife.

Canada tested for the disease through the Australian health laboratories in Geelong for five months before the results were released. The industry was then given three weeks to respond to those results. Other industries which are concerned to see quarantine requirements ignored include the apple industry, the strawberry industry and the deer industry. These have all been put under threat by the possibility of disease importation. The member for Stirling mentioned atrophic rhinitis, as well as transmissible gastroenteritis. To these the following can be added: Fireblight in apples, strawberry diseases and tissue worm from New Zealand in deer flesh. Now we have Aujeszky's disease in New Zealand pork. The New Zealand Government is considering allowing the importation of Canadian pork and under the closer economic relations agreement it is possible this pork will be reprocessed and exported into this State.

Amendment to Motion

Mr OMODEI: I seek to strengthen the motion moved by the deputy leader of the National Party by amending it as follows -

To add after paragraph (3) the following -

- (4) calls on the State Government to immediately seek an appointment between the Commonwealth Minister for Primary Industry, Hon J. Kerin, State Minister for Agriculture, Hon E.F. Bridge, Leader of the State Opposition, Mr B.J. MacKinnon and Leader of the National Party, Mr H.J. Cowan, with the intention of reversing the Commonwealth Government's decision to allow the importation of uncooked pig meat from Canada.

I support the motion, as proposed to be amended.

MR McNEE (Moore) [5.01 pm]: I second the amendment moved by the member for Warren. We support the motion moved by the National Party. If the Government is not prepared to accept this amendment, it is not dinkum about trying to resolve this vexed problem, which has been continuing for a long time and should have been resolved by the Commonwealth Government some time ago. I believe the State Minister for Agriculture needs some more support. I wrote to him on 6 October and I appreciate his reply as he said he agreed with the general thrust of the problem as I saw it and shared my concern. He agreed with my arguments. Obviously the Minister for Agriculture is aware of the problem. However I suppose once again the problem is the fact that his Government does not really have the time to consider these important problems, considering all the other problems it has to consider such as its inept financial management and its leadership. The Government would perhaps resolve its leadership problems if it appointed the Minister for Agriculture as Premier. The Minister could then move on and resolve the pig meat question. That would resolve a whole range of problems for the Government because it has been in a most embarrassing situation, which is exactly the sort of situation into which the Federal Government wants to place the pig producers of Australia.

Having had a lifetime of handling stock - and particularly in the summer months I examine my stock daily, or somebody else does - it is very rare that we find a burst pipe or a ball tap coming adrift or something like that. I suppose if I employed a suitable researcher he could probably press the appropriate button on a computer and prove to me conclusively that I am

wasting time, money and effort in doing that menial task or employing someone to do it. He could probably say to me that the risk was so much, but I could tell that researcher - and I certainly would tell the Federal Minister for Primary Industry, who likes to tell me that there is a one in 15 000 chance of contracting transmissible gastroenteritis - that I am not prepared to accept that risk on behalf of the pig producers of Western Australia. We have to let members of the Government know what is happening -

Several members interjected.

Mr McNEE: Members opposite are trying to tell me not to emphasise what I am saying. The Premier the other day was doing a much better shouting job than I am now. At least I believe in what I am doing and that is more than the Premier could say, if he were to be honest with himself. He does not believe in what he is doing, but I believe in what I am doing. I want to tell the Federal Minister for Primary Industry that I am not prepared to take that risk on behalf of the pig producers of this State. It is absolute nonsense to say that because a risk is of a certain degree one should take it. All the pests which are so prominent in Australian agriculture today were imported, things such as rabbits - consider the money spent on the control, not eradication, of rabbits - foxes, doublegees -

Mr Minson: The Australian Labor Party.

Mr McNEE: Yes. The Federal Government is prepared to import pork and to risk importing transmissible gastroenteritis into our pig industry. It is a ludicrous situation. That industry is worth \$51 million a year to Western Australia. That is a substantial amount of money, and a country which is almost bankrupt needs every export dollar it can earn. This country should be encouraging the pig producers, which it is not doing with the massively high interest rates which exist.

The member for Stirling mentioned that the Canadian pig producers are subsidised to the tune of \$45 per carcase. The Australian and Canadian Governments are saying that this must happen in the name of free trade. That might be fair enough if the Canadians were to practice free trade, but even if one could fulfil those requirements the Australian pig producers are operating under a further disadvantage. If they have borrowed money, they are paying 22 per cent for it while their Canadian counterparts are paying around 11 per cent.

The Commonwealth is prepared to allow importation of pig meat into this country with all of the problems that might cause. It is diabolical that the Government could even entertain that idea. I support the motion moved by the National Party and the amendment moved by the member for Warren. The Liberal Party offers the Minister for Agriculture its support in bringing this situation to a sensible conclusion.

MR BLAIKIE (Vasse) [5.09 pm]: I support the motion moved by the deputy leader of the National Party and the amendment moved by the member for Warren. The deputy leader of the National Party has set out the reasons why this House must understand that there is a crisis in the pig meat industry in Western Australia; he pointed to the very real risk of infection in the pig herds of Western Australia, and Australia wide. In addition to that, the deputy leader of the National Party requested that action be taken. The member for Warren agreed with those points, and, in addition, he sought an urgent top level deputation to Canberra to speak with Federal Minister Kerin - a delegation comprising the State Minister for Agriculture, the Leader of the National Party and the Leader of the Opposition. No more important deputation could go to Canberra to state the case for Western Australia and Western Australian pig producers. Those three people represent all political parties and all political views and would go to Canberra on common ground. That gives added weight to the motion.

A similar precedent was set some years ago in relation to the timber industry. At that stage the timber industry was to be denied Stateships taking the timber to Darwin, which would have resulted in a loss to Western Australia of \$10 million of trade. It was as a direct result of Commonwealth Government action that its trade benefit was to be denied to the State. The Parliament carried a similar motion and an all party delegation went to Canberra and the Commonwealth Government reversed its decision - that trade continues even until today. John Kerin needs to understand that this motion is not a simple party political ploy.

We are aware of the work that the Minister for Agriculture in this State has done, and there is every support for the motion put forward by the deputy leader of the National Party;

however, this matter will take on a further dimension if a unanimous decision is made in the Parliament that all political leaders go to Canberra to state the case on behalf of the Western Australian pig industry. The logical conclusion is that commonsense will prevail and this action will add to what the Minister has been attempting to do without success. A bipartisan approach will benefit the whole pig industry. The amendment should be supported.

MR BRIDGE (Kimberley - Minister for Agriculture) [5.12 pm]: I am happy to inform the House that the Government will support the motion and the amendment moved by the member for Warren. The amendment merely takes the motion a step further inasmuch as it offers a view that there should be a plan for the delegation to discuss the matter with the Federal Minister. I have no problem in taking on board that proposition. If it can be arranged, I will do so. I have always been of the view, as you will know, Mr Speaker, that when a bipartisan approach is possible with a matter of major concern, that is the most

but I hope the sincerity which should be displayed by each member in this Parliament regarding this problem will compel us to adopt a genuine bipartisan approach. I will be happy to assist in facilitating that approach.

Most points that have been raised by the industry in Western Australia express concern about the Commonwealth decision; these concerns have been ably advanced by speakers this afternoon. The deputy leader of the National Party, in supporting his motion, and its subsequent amendment, raised two main issues: The question of disease associated with the importation of uncooked Canadian pig meat, and the unfairness of the introduction of that trade to the domestic producer. The pig industry in Western Australia is very efficient and is able to adequately accommodate the domestic demands placed upon it. As a consequence of that, it seems unreasonable and unjustifiable for the Commonwealth to be allowing the importation of meat and for this to affect the domestic trade in Australia. Where we have an efficient industry operating it needs to be cared for - not necessarily protected, but cared for in the appropriate manner. I have written to Mr Kerin and requested that he seriously consider reversing the decision previously agreed upon. I have had a response and I inform the member for Warren - he indicated that he did not know that I had received a later response - that Mr Kerin merely said that a decision had been made to allow imports of Canadian pig meat, and the decision would not be changed. I took up the issue further with the Federal Minister. I indicate to the House that that is the situation at the moment. I was not prepared to leave the matter on the basis of Mr Kerin's initial response, and we must continue to pursue this matter. This is happening through my administration apart from anything which might emerge from the acceptance of this motion in Parliament.

It is true that in the course of questions without notice a few weeks ago I indicated that I was not aware of the concerns expressed at an industry function held by Watsons Foods. That was precisely the case and I spoke in terms of my recollection of the day's proceedings and accordingly advised the House. I have checked the situation, and that was the case. When I learned of the matter I investigated it within a day or two. I was in contact with the Western Australian Pig Producers Association and sought information on how best I could respond to their concerns. Subsequently, the appropriateness of my approach to Mr Kerin was defined by them. That has led to the situation we have now. We are continuing to argue the case, as the industry would expect us to. We are asking the Federal Government to reverse the decision to allow the importation of uncooked pig meat from Canada. The motion supports the matters canvassed by me as the State Minister for Agriculture on behalf of the industry. It highlights in great detail the specific areas of concern. These need to be canvassed in support of our request to the Federal Government to review its decision.

The last part of the motion supports the approaches taken by the State Government in respect of this motion. It also recognises the efforts of the Western Australian Farmers Federation and the Western Australian Pig Producers Association in protecting the industry. As a consequence of that the Government is happy to support this amendment to the motion and the motion and I give an undertaking to the House that I will examine the prospects of putting in place what is outlined in the amendment.

MR HOUSE (Stirling) [5.21 pm]: The National Party, having moved the original motion, is more than happy to accept the amendment moved by the member for Warren. All too often we do things in this place and walk away thinking we have achieved as much as we can. The member for Warren's amendment goes a step further than the National Party's effective way of overcoming a problem. It is not that we can always achieve the objective,

motion and allows us to present a positive motion to the Federal Government, and I am pleased to support the amendment.

I take this opportunity to thank the Liberal Party and the Government, particularly the Minister for Agriculture, for their support of the motion. I hope the Minister will not only accept the amendment as he indicated he would, but also put into practice what it seeks to achieve, because it is important we make a personal approach to Mr Kerin rather than present an argument in writing. The same deputation could speak to Mr Kerin about his position with regard to the live sheep trade - it could have a twofold purpose. I am pleased to support the amendment moved by the member for Warren.

Amendment put and passed.

Motion, as amended, put and passed.

As to Motion

The SPEAKER: Before moving to the next motion I want to point out a matter in respect of the motion we have just debated. I choose this time to make my comment because I did not want to interfere with the passage of the motion through the House. Members will note, if they look on page 5 of today's Notice Paper, that a substantial amount of argument is contained in paragraph (1) of the motion which was just debated. I draw the attention of members to this because it is a practice which is creeping in and which is a wrong practice. Argument is for debate and not for inclusion in questions or motions. I ask members to give that matter some consideration when framing their motions in the future.

MOTION - FREEDOM OF INFORMATION BILL 1989

Message Provision - Government Failure

MR HASSELL (Cottesloe) [5.25 pm]: It is a little unfortunate that I have to commence to debate such an important matter five minutes prior to question time, but I will get the formalities out of the way because I do have something very important to say about it. I move -

This House regrets the failure of the Government to recommend the provision of a Message to enable debate of the Freedom of Information Bill 1989 and expresses as its view its support for comprehensive freedom of information legislation as an important method of making Government in this State more open, honest and accountable.

We have been forced to bring this issue to the House in this way because when I introduced comprehensive legislation for freedom of information some weeks ago, the Government refused to recommend to the Governor the provision of a Message to enable the motion to be debated. That truly is an extraordinary situation given that the Australian Labor Party has, as its policy, the adoption of freedom of information legislation. It was the policy of the Labor Party prior to the 1983 election, at which it was elected, to introduce freedom of information legislation. The commitment to freedom of information legislation was repeated in 1985 and it was repeated again in the Australian Labor Party's WA Branch State Platform of 1986 as approved by the thirty second State Conference from 27 September to 1 October 1986. The policy contains an item about freedom of information and states, "consider the operation of the Commonwealth and the various States' freedom of information Acts and introduce State freedom of information legislation". A further conference was held at which that policy was confirmed without further debate. The Australian Labor Party is committed, as a matter of policy, to freedom of information legislation which, in its own words, should be comprehensive. Given the commitment of the Labor Party at three elections to freedom of information legislation one would have thought that the very least the Government could do would be to have the decency to recommend to the Governor the provision of a Message in order that there could be a debate on the complete Bill which I introduced. It is a very poor reflection on the Government that it has so reneged on its undertaking to the public and to the electorate.

Mr D.L. Smith: That is simply not true. We have promised it will be introduced in the next session of Parliament.

Mr MacKinnon: We have had promise after promise.

Mr HASSELL: As the Leader of the Opposition said, we have had promise after promise. We have had promises about legislation in this session but that legislation has not yet seen the light of day. The Government is continually putting off the issue which it is not prepared to confront. Even if the Government were to be serious in its latest version of its commitment to introduce freedom of information legislation it should be prepared to debate the legislation which we have put forward and the Government, if it had a commitment to the parliamentary processes and if it had a commitment to open debate, would have facilitated this debate and not run away from it.

Mr D.L. Smith: There is no question of our running away from it.

Mr HASSELL: My time is very short and the least the Minister could do is to let me have my say in the two minutes before question time.

Freedom of information legislation is not just a matter of ideology or the theoretical provision of statutory rights which may or may not be exercised. What I will present to the House after the dinner suspension is a very serious case of a person who lost a leg in a hospital in Western Australia and is now being refused access to his medical records to enable him to assess and take advice on the liability of the doctor and the hospital in respect of the loss of his leg. That is going on at the very time when this Government is insisting and forcing private hospitals and private doctors to provide to the Health Department the confidential medical records of patients. It is simply a scandalous situation on both fronts and it is very relevant to the freedom of information legislation.

[Leave granted for speech to be continued.]

Debate thus adjourned.

[Continued on p 5636.]

WHEAT MARKETING BILL

Returned

Bill returned from the Council without amendment.

BILLS (2) - RECEIPT AND FIRST READING

1. Supreme and Family Courts (Miscellaneous Amendments) Bill
2. Local Government Superannuation Amendment Bill

Bills received from the Council; and, on motions by Mr Pearce (Leader of the House), read a first time.

[Questions without notice taken.]

Sitting suspended from 6.00 to 7.30 pm

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Returned

Bill returned from the Council with a request.

Council's Request

The Council's request was as follows -

The Legislative Council requests that the Legislative Assembly will amend the Bill by dividing it into two or more Bills as the Legislative Assembly shall think fit.

MR PARKER (Fremantle - Treasurer) [7.32 pm]: I move -

1. The Legislative Assembly declines to comply with the request.

The Legislative Assembly informs the Legislative Council that all the provisions sought to be removed from the Appropriation Bill:

- (a) are included in the Bill in accordance with the existing constitutional provisions;
- (b) are essential if the State is to meet its existing commitments.

2. The Legislative Assembly notes that the proponents of the request have stressed the importance of ensuring that no future participation by the State in equity participation in any commercial venture should proceed without prior Parliamentary approval and prior and separate approval by the Parliament of related appropriations.
3. The Legislative Assembly further notes and conveys to the Legislative Council the unqualified undertaking by the Government that:
 - (a) no future equity participation by the State in any commercial venture will proceed without prior Parliamentary approval;
 - (b) appropriations for any such future activity will be sought in a separate Appropriations Bill so as to allow each such appropriation to be considered separately and on its own merits, and without reference to general budgetary requirements;
 - (c) legislative effect to these undertakings will be provided in a Bill to be presented in the next Session of the Parliament.

Mr Deputy Speaker, the motion I have moved indicates that the Government is not prepared to comply with the request of the Legislative Council. There has been an extensive debate on this matter and related matters over several weeks now, and certainly in the last few days of the sitting of this House. I do not propose to extensively canvass those matters.

The DEPUTY SPEAKER: Order! Before the Treasurer continues I will point out two things: Firstly, something is wrong with the clock again, the Treasurer has 19 minutes not nine minutes. Secondly, given the importance of this matter I would appreciate that conversations be kept to a minimum or carried on outside the House.

Mr PARKER: I will explain and enunciate the Government's rationale for the proposals we are putting forward in the message to the Legislative Council. The Legislative Council's approach, by this message, is nothing less than a request for this House to give the Legislative Council greater powers over some of the items within the Appropriation Bill. It goes to the very heart of the powers which each of the Houses has in respect of legislation. Those powers, as has been debated in this House before, are spelt out in section 46 of the Constitution Acts Amendment Act. I have no intention of taking precipitate action at the request of the Council to vary the existing constitutional position. I have said elsewhere that the Government has indicated its preparedness to examine how the Appropriation Bills appropriating various amounts are presented to the Legislative Council. If this motion is passed the Government, and this House, will be indicating to the Legislative Council and the public at large its intention in the future to adopt a new and different practice from that which has prevailed for the last 68 years since the 1921 amendments to the Constitution Acts Amendment Act were made. The Leader of the National Party has quite frequently referred to those 1921 amendments.

In previous debates it has been clearly indicated that the practice of this Parliament and of this House are very much in line with the practices of the House of Commons in Westminster, and with those in many other States. The Leader of the National Party has indicated that others have suggested that that is not an appropriate practice. It is certainly the case that some Parliaments, including the Commonwealth Parliament - for quite different reasons - have chosen to vary from this practice which has been requested of us by the Legislative Council with respect to this Bill and which we are proposing to vary with respect to future legislation.

There are a range of matters in the Constitution which members on both sides of the House would like to see varied. The Council is asking this House to unilaterally vary the Constitution of this State by agreeing to the mechanism which it has suggested for the purpose of this Budget. The Government is not prepared to do that and the motion makes it clear that we are not prepared to do that. However, we have indicated a willingness to accept the suggestion that has been made about how the matter should be dealt with in the future. That was made here by the Leader of the National Party. I am not privy to the debate in the Council, but I understand the suggestion was repeated there. However, the suggestion was made for this parliamentary session. We have indicated that we are not prepared to do that, but we are prepared to make a commitment, for the next parliamentary session, to legislation

enabling it and entrenching any item that might arise in respect of the Budget. Alternatively, if the State was going to enter into an arrangement that involved the appropriation of funds by way of some other special legislation which might not necessarily coincide with the timing of the Budget process, we would seek the Parliament's endorsement of such legislation.

There is no doubt that the amounts concerned are properly included in the Appropriation (Consolidated Revenue Fund) Bill which passed this House last night and is now before the Legislative Council. Equally, I have no doubt that the payments which were made from the Treasurer's Advance Account last year in respect of Rothwells and WA Government Holdings Ltd were legal. I believe they were made within the law and within the legal authorities of the various parties concerned.

Despite the Opposition's claims of illegality, it has not put forward a comprehensive or consistent case with substantive detail; it has used the shotgun approach of putting part of a case here and part of a case there. For example, the Leader of the Opposition, in the last few days, charged that the Government used the Treasurer's Advance Account illegally. The Government has not used it illegally. Our advice is that there is absolutely no illegality involved in the way the Government has used the Treasurer's Advance Account.

Mr Hassell: Why is the Premier not here? Why has he left you to carry the can?

Mr PARKER: The Premier is at a function. I am the Treasurer and this is a Budget Bill. I deal with the Budget Bills as they arise in this House.

The mechanisms laid down in relation to this matter were quite clearly enunciated by the member for Cottesloe when he provided a base for looking at constitutional issues. He made some comments on 23 November and, in general terms, I agree with those comments. He outlined the basis upon which moneys are paid in and out of the various funds of the Government. The fourth rule that he outlined was that, to meet unexpected, unanticipated, unusual or extraordinary items, the Government has the Treasurer's Advance Account. I want to elaborate on some of the comments made by the member for Cottesloe because, under the Constitution Act and the Financial Administration and Audit Act -

Mr Hassell: What are you reading?

Mr PARKER: The member made some comments and I have a synopsis of those comments.

Mr Clarko: From your script writer.

Mr PARKER: The member for Cottesloe made comments on 23 November and I am reading from those comments.

It is not quite as simple and clear cut as the member for Cottesloe indicated because there are three funds of the State. They include the Consolidated Revenue Fund, the General Loan and Capital Works Fund and the trust fund. In broad terms, the State operates one bank account which covers all three funds and the Treasurer's Advance Account. In the Financial Administration and Audit Act, that account is referred to as the public bank account.

As has been indicated, section 64 of the Constitution states -

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

The Leader of the National Party referred to the powers of the two Houses under section 46 of the Constitution Acts Amendment Act which includes matters associated with the appropriation of the Consolidated Revenue Fund. Section 46 is designed in major part to delimit the powers of the two Houses of Parliament and, in particular, to delimit the power of the Legislative Council in respect of money Bills. It limits the nature of the Bills which may originate in the Legislative Council and it provides -

The Legislative Council may not amend Loan Bills, or Bills imposing taxation, or Bills appropriating revenues or moneys for the ordinary annual services of the Government.

That is where the issue raised by the Leader of the National Party came up. The section contains also a number of other provisions including anti-tacking provisions which means

that we cannot tack legislative measures not to do with the finances of the State onto the Budget of the State in order to get them through in a Budget Bill. That clearly means that Budget Bills are expected to proceed through the Legislative Council untrammelled.

I have previously told the House that our clear advice from the Solicitor General is that the amounts that have been queried and which were sought to be removed by the Opposition during the Committee stage of the Bill are quite clearly constitutionally within the power of the House to place in the legislation. That is clear and unequivocal.

Mr Hassell: Will you produce that advice?

Mr PARKER: That advice is quite clear. The second point that the Leader of the National Party raised is the political question about whether, given that that may be the constitutional position at the moment, there is a political desire on the part of members of this Parliament in general to change from that constitutionally valid procedure. The Legislative Council is asking us, as a result of that, to change a Budget which has been lawfully and constitutionally presented to this Parliament in accordance with existing procedures in the Constitution as it stands at the moment and in accordance with what has happened for all of the last 68 years that that section has been in the Constitution.

We propose by way of the message to be passed by this Chamber and forwarded to the other place not to do that in accordance with established practice, but we are prepared to vary the legislation; in other words, we are prepared to take up the point made by the Leader of the National Party with respect to the political agenda which he laid squarely before the House as to whether the matters should be varied given the attitude of members of the Parliament and the Government.

Mr House: I wish you would speak for yourself rather than for the National Party. I do not put your case and I do not want you to try to put ours.

Mr PARKER: I am simply saying it was an issue raised by the National Party, and I am providing the Government's response to that. With regard to point 1, namely, the desire of the National Party to split these Bills, that is not a response the Government will accede to because the Budget is validly before the Parliament and the Constitution provides that the Government can and should do what it has done. The Government intends to proceed along those lines.

With regard to point 2, namely, that a political decision should be made to change, the Government is prepared to contemplate that and will in future do as the message outlines. I assume that point is on the agenda of the National Party judging from the comments made in this House and elsewhere, but perhaps I am wrong about that. For the purposes of this current debate - and no doubt I will have the opportunity to respond - I do not wish to add much more. As far as I am concerned those fundamentally are the issues before the Chamber. In further enumeration of point 3(i), it dovetails neatly with the White Paper which the Premier brought down in September this year, and is a confirmation to this House that the White Paper will be observed. It goes further in relation to further equity participation by the State.

The third point is an undertaking by the Government that it will propose to the Parliament and to this House at its next session that legislation which will make the necessary provisions to put into effect the commitments it has made so that they are ready in time for consideration by the House of the 1990 Budget. Also, that this should apply to any other decisions Government might make to appropriate money for purposes such as those outlined which might come before the House in a manner other than in the Budget process. It might be - as was suggested in relation to this matter - that when the Government makes an executive decision it will seek parliamentary approval before anything is implemented. That would be covered by any legislation introduced and, although it does not satisfy the request of the Legislative Council - and that is why the first sentence of my motion declines the request of the Legislative Council - it deals with the fundamental issue that has been raised in a very positive and cooperative way, and certainly takes us a lot further down the track suggested by the members of the Opposition than most Westminster system Parliaments have.

MR COWAN (Merredin - Leader of the National Party) [7.54 pm]: I have to confess that the National Party considers the response from the Government to the message from the

Legislative Council with rather mixed feelings. It is very clear that, although the Government is prepared to comply with the request regarding the Appropriation Bills in the future, it is not prepared to do so in the current financial year. Of course, that is a matter of great concern to the National Party. If the Government thinks that is a reasonable action for the future, why is it not reasonable this year? There is no doubt that the Government has agreed to the principles the National Party has suggested; that is, by adopting this practice it is clear that in future the Government will never again exercise the type of free hand it has in the last 12 to 18 months. It would not be able to take equity in the private sector in exchange for debt, nor commit taxpayers' funds for the purpose of that equity participation without the prior approval of Parliament. The only way it could become so involved is in the manner in which Governments of different colours in times past could take equity; that is, through some form of statutory authority or Government instrumentality, such as the State Government Insurance Commission or State Energy Commission.

Before I express the concerns of the National Party, I acknowledge that at least the Government has gone part of the way. It is prepared to consider the future and in many respects that is not a bad thing. Far too many people tend to look at the past and, because they spend so much time looking backwards, they do not know where they are going. If that were the case, this State would be deprived of any future direction.

All that aside, we are still dealing with the Budget for this year. The message not only deals with the future, which in my view has been quite adequately covered, but also it relates to this Budget. Insufficient effort has been made by the Government to indicate that changes will be made to the way in which the Government will operate this year. I said last night that it is very important to take away from the Consolidated Revenue Fund appropriations the Miscellaneous Services items dealing with what is commonly known as WA Inc, so that those items can be debated on their merit. We should not have this cloud hanging over the Parliament, but if these items were included in the Budget passed by the Parliament, it could be seen as an indication that the Parliament approves of the actions of the Government. As much as we may criticise the Government, ultimately the only way we can indicate our disapproval of the appropriation of funds for these items is by blocking Supply, for the simple reason that the Government denied this House the opportunity of withdrawing those items. The only recourse left to this House was to seek a message from the other place inviting the Government to take action on a much broader front. That action has been taken and the response of the Government in relation to the future is acceptable. However, we must deal with the present which in this case is referred to in point 1. Clearly, for the words "The Legislative Assembly declines to comply with the request" one can read "The Government declines to comply with the request". The motion, in part, states -

The Legislative Assembly informs the Legislative Council that all the provisions sought to be removed from the Appropriation Bill:

- (a) are included in the Bill in accordance with the existing constitutional provisions;
- (b) are essential if the State is to meet its existing commitments.

In many respects there is some truth in that. The Solicitor General has said - if the words of the Treasurer are correct; and I have no reason to doubt them - that the definition in section 46(6) of the Constitution says that all ordinary annual services of Government can be included in the Appropriation Bill; and that definition is so broad that one can include almost anything. We do not have to accept that, but we acknowledge that is an opinion given by the Solicitor General. We also acknowledge paragraph (b) of part 1; I do not know about the essentiality of it, but I can certainly say that if the State is to meet its existing commitments, the Government has no choice but to decline to comply with the request, because the money for WA Government Holdings Ltd, Rothwells, the Swan Building Society and the Teachers Credit Society has already been committed, and in some circumstances the bulk of it has already been spent.

We acknowledge that if a business were to incur a debt, that debt must be honoured, and so too must the debts of the Government; but that does not mean to say that we like it, nor that members on this side of the House can accept that this is what we should do. We in this House are the only people who can deal with a money Bill; we should say to the Legislative Council that we acknowledge and accept that one of the fundamental requirements in our

message is the accountability provided by forcing any future Government to bring before the Parliament a separate appropriation for any moneys which have been the subject of a guarantee or an indemnity for an investment in a development project - or in any other project, for that matter - before that commitment is given. That is very important, but it leaves this Budget in the position where we still have included in the Consolidated Revenue Fund appropriations for those special items which could never be regarded as the ordinary annual services of the Government. That still precludes us from taking action which we feel could be justified - and which, to some people, is warranted - in that we should say to the Government, "This payment was never approved by the Parliament. It was never approved by the people. You have acted outside your jurisdiction; therefore, you should have that particular item denied." That would immediately cause some conflict in relation to the ability of the Government to seek parliamentary sanction for the approval of those debts to which the Government is already committed. I have said already that we have a commitment to honour those debts. We could not afford to have the Government establish a reputation of not being prepared to pay its bills. That would be raking it too far.

Mr Pearce: Governments have been dismissed for not paying their bills.

Mr COWAN: A lot of people would argue that this Government deserves to be dismissed, not for that reason but because of the arrogance with which it decided that it could use the constitutional provisions of this State to issue guarantees and indemnities, by saying, "You do not have to worry about this. We have a Consolidated Revenue Fund, from which we can draw at any time we wish." The Government was prepared to take enormous risks with taxpayers' funds in trying to remove a debt by transferring that debt into equity in a project; and there is some argument that the Government should be dismissed for that.

If that argument could be mounted as an isolated case, quite frankly, we would find it much more comfortable to take that action. However, as I have said right throughout this debate, that argument cannot be isolated; it has to be taken in conjunction with the grant of Supply - the passage of the Consolidated Revenue Fund appropriations for what could clearly be defined as the ordinary annual services of Government. The nub of the question is that we have already asked the people of Western Australia to meet a cost which they have had to fund because of the Government's incompetence; do we add to that the additional impost of saying to them that because we do not agree with that funding, and because we cannot treat it in isolation, they have to suffer the pain of the withdrawal of essential services, just to make our point? The critical issue is, are we debating WA Inc investments on their merits, or otherwise, or are we debating the question of whether we should have another election because some of us want to accede to the ranks of power? Some people have said that this is an opportunity for us to seek power, because everyone knows that this Government is on the nose; and should there be a nice, clean, easy, walk-up election, where people just go to the ballot boxes, cast their vote, and then go home and sit in front of the television and watch the result, that would be comfortable, and we would do the Government like a dinner.

However, that is not the case. There is also the added situation where we have to deal not only with that issue, but also with 100 years of tradition which has never been questioned in this State. I believe people would agree that there has always been a majority exercised by parties of a different colour in the Legislative Council whenever the Labor Government has come to power in this State, but the blocking of Supply has never previously been considered as an option. In this case, the question of blocking Supply has been raised for political purposes; and, quite frankly, we have to look at principle rather than at what is politically expedient. As far as I am concerned, the principle is that while members opposite have to pay dearly for their mistakes, the question is, do we make the people of Western Australia pay equally dearly? Everybody in this House knows that the Government would not go to the people comfortably. The Government would make the people of Western Australia suffer every minute.

Mr Parker: We would not be making them suffer. The Legislative Council would be making them suffer.

Mr COWAN: If the Legislative Council makes the decision that some people want it to make then the people of Western Australia will suffer. Let us not start shooting home who is to blame. Let us now ask the question whether we should let those people suffer or whether we should accept that we can achieve some milestone in this debate. I am satisfied such a

milestone is being reached and that we will never get a repeat of the incompetence that has been practised by the Government over the last 18 months. The Government will not be able, if it adheres to parts 2 and 3 of this message, to go to nefarious business meetings and say, "You do not have to worry about funds; we will sink the funds in because we have a bottomless pit known as the Consolidated Revenue Fund and we can supply the funds." There is no question that this Parliament has achieved a milestone because this message will eliminate for all time the capacity of any Government to invest monies without the approval of Parliament, unless it does it through statutory authorities such as the State Energy Commission or the State Government Insurance Commission. In the future the Parliament may be able to examine that sort of situation and make sure that we close the loophole, but at this time we cannot deal with that.

The Government has said in part 1 that it accepts what the Opposition says, but it is not prepared to accept it until the next Budget.

Mr Pearce: That is now. If the rules can be changed they should be changed through legislation and not retrospectively. We have not acted unconstitutionally.

Mr COWAN: I have not much time left so I will ignore the interjection even though I would dearly love to answer it. It is clear that we are not dealing with the present in this response to the Legislative Council.

Amendment to Motion

Mr COWAN: I feel that we must seek to amend part 1 of this message. I move -

To delete all words in paragraph 1 after "Assembly" where firstly occurring, and substitute the words "complies with this request".

That will make it very clear that all the things the Government is seeking to do in parts 2 and 3 will be put into place this year - the year it is most important - not next year. In that way we can separate these WA Inc appropriation items and debate them on their merits. The National Party recognises that the Government has committed the money and we cannot have bad debts floating around. The National Party wants to debate these items on their merits. We do not want the whole issue to be shrouded with the threat of blocking Supply which could make people suffer when essential services are withdrawn or denied.

MR MacKINNON (Jandakot - Leader of the Opposition) [8.14 pm]: The Liberal Party will support this amendment. That is an indication of the Liberal Party's point of view on this issue. The Liberal Party is not so committed to part 3 of the Bill.

The SPEAKER: Order! I know that in some other debates I have been a little lax in respect of amendments. I have done that for a reason because I think it facilitated the business of the House. For the same reason it will facilitate business tonight if we deal with each of these things as they come up. The House is only talking to the deletion.

Mr MacKINNON: I will concentrate on part 1. The Opposition will not support that clause which states -

Matters that are included in the Bill in accordance with the existing constitutional provisions.

It is interesting that the Treasurer has indicated he has an opinion from the Solicitor General just as the Attorney General, in another place this evening, indicated the same but refuses to provide that opinion to the Parliament.

This is an historic debate. Very rarely in Western Australia's parliamentary history has a matter of such a serious nature come before the Parliament. Does it not say something about a Premier who in this morning's newspaper was described as having a thirst for publicity, who is satisfying that thirst tonight on television while the Parliament is debating one of the most important matters that has come before the Parliament in its 100 year history? It is little wonder that many Government members have been critical of him. It is little wonder that several Ministers have been talking to the Press and making scathing criticism of their leader. Why will the Treasurer not table the Solicitor General's opinion?

Mr Parker: I have not said that I would not table it.

Mr MacKINNON: Will the Treasurer table it?

Mr Taylor: Would you support it?

Mr MacKINNON: The Minister for Police and Emergency Services has a credibility gap bigger than the Grand Canyon and he should go back to sleep. The Attorney General said in another place tonight that he would not provide the Solicitor General's opinion because it was a legal opinion and was confidential. The Treasurer has now said that he will give it consideration. The Opposition knows what both of those men's word is worth, both of them having told the Parliament a deliberate untruth. They have deliberately deceived the Parliament. One of those men says that the Parliament cannot have the Solicitor General's opinion because it is a confidential legal opinion. The other says that he will give it consideration. Why can the Parliament not have it?

Mr Hassell: The debate is on now.

Mr MacKINNON: Exactly.

Mr Hassell: How is the House to make a decision without the benefit of the advice from a man who is as independent as a judge.

Mr MacKINNON: So much for a Government committed to accountability; so much for a Government which says that it will give all the information; so much for a Government that really cares about conventions that the Premier was talking about last night - the tradition of the Westminster system that we ascribe to so dearly. Why should the Opposition accept the word of the Treasurer and the Government in this motion when they say these items are included in the Bill in accordance with the existing constitutional provisions. I still have the words "First Boston valuation" ringing in my ears. The First Boston valuation was tabled in this Parliament and the Treasurer told us to accept the word of First Boston. In the words of the Treasurer "Accept this, it is from First Boston: This confirms that the finance can be arrived at and obtained on a non-recourse basis." Do members remember those words? They ring loudly in my ears. The fact is that the First Boston report said that there was no way that the finance for the petrochemical project could be obtained without a Government guarantee. I do not agree with the Leader of the National Party. I am not as charitable as he is; he is known for his charity. He said that he takes the Treasurer's word at face value. Two years ago I had the greatest respect for the Premier and now I hold him in utter contempt and disrespect, and so do the people of Western Australia. He tells this Parliament deliberate falsities.

Mr Parker: That is not true.

Mr MacKINNON: He has told us these falsities over and over, and he expects us to accept this part of the motion. There is no way this Opposition will take the word of this man again. I might consider the Solicitor General's opinion if the Treasurer had the gumption to table it, but he is not even prepared to do that. If he did table it, would he adjourn Parliament and seek a separate opinion about the matter? Of course he would not. So much for the humbug of the Treasurer.

Mr Parker: There is a strong precedent against tabling legal advice like that.

Mr MacKINNON: He is saying that there is a strong precedent against telling pork pies in this Parliament and he knows it. That particular motion says in part 2 that it is essential that the State meet its existing commitments. If we enforce that part of this motion we are flying in the face of everything we have been arguing about for the last week or so in relation to this Bill.

Mr Hassell: We have been arguing for the last two years.

Mr MacKINNON: As my colleague has just corrected me, we have been debating the issue for the last two years. In this instance we have been arguing about the impropriety of those existing commitments and the Government has not tabled any documents - not one skerrick of evidence - to support the payment made. The Treasurer said tonight that the Government has advice that the payments made were correct. From whom was the advice? When was it obtained and why have we not seen it? There is no way that the Opposition will support the retention of those words in part 1. The Leader of the National Party has quite properly indicated that the only option available to this Parliament is to comply with the request made by the Legislative Council. It is interesting that last night the Treasurer - talk about flitting from pillar to post - said that the Council did not have the power to try to amend the Budget.

He did not use that argument tonight. As a student of the parliamentary system, the Treasurer would know that our Constitution enshrines in the very section that he talked about, section 46 of the Constitution Acts Amendment Act, the proper right and role of the Legislative Council within that Constitution to take the action that has led to this request being made. There is no doubt about that. The Treasurer can table an opinion if he likes. I could get him one. It would confirm that the Legislative Council has the power to seek this request.

Dr Gallop: Not to insist on a request; there is a difference.

Mr MacKINNON: I did not say the power to insist. The member knows, as a person of supposedly some intelligence, that it does have the power to request that amendment. This House has the power to reject such a request as well. The Government will no doubt use its numbers to reject the amendment. The Legislative Council has been built into our Constitution as a proper check and balance of the system. This Parliament is a proper check and balance on the brutal, arrogant, conceited and contemptuous use of executive power by this Government in recent times. Consequently, there is no way this Opposition will support the motion in total, particularly the part we are currently debating. We will talk about other parts later when we return to the substance of the motion. We will not comply with that or support the words therein and we will support the move by the Leader of the National Party to delete all words after "Assembly", with a view to substituting the words, "complies with the request properly made in every respect by the Legislative Council."

MR HASSELL (Cottesloe) [8.27 pm]: Why is the Government using the Solicitor General as a Government officer?

Mr Parker: He is not a Government officer.

Mr HASSELL: If the Solicitor General is not a Government officer - technically he is not because he has the independence of a judge and a special Act to protect that independence - the Opposition is as entitled to his opinions as is the Government.

Mr Parker: I just told the Leader of the Opposition that I was not prepared to table the document because of precedent but that I would provide a copy of the opinion to him.

Mr HASSELL: The House is as entitled to have that opinion tabled as it is to a report from the Ombudsman.

Mr Parker: You don't want it.

Mr HASSELL: I do want it, but I would like it in time to read it for the debate because the opinion is relevant. When are we going to receive it?

Mr Parker: You haven't said you want it. You haven't said you are going to accept my proposition.

Mr HASSELL: I ask the Treasurer some questions about this opinion. Firstly, does the opinion relate specifically and directly to both the Rothwells payments and to the PICL payments?

Mr Parker: The opinions to which I was referring are the opinions which I sought from the Solicitor General following the claims made by the Leader of the National Party that under section 46 of the Constitution these items might not validly be included in the Budget.

Mr HASSELL: When was that opinion obtained?

Mr Parker: It was sought following that claim which as I recall was in September some time. I cannot give the exact date the opinion was obtained, but it was in the last few weeks.

Mr HASSELL: Why is it not here? We are debating the issue now. If the Treasurer gave me the opinion now, I could not read it before the debate.

Mr Parker: I have told you that I am prepared to make it available to the Leader of the Opposition.

Mr HASSELL: I could not read it before the debate began.

Mr Parker: That is your problem. You can have it; I have told the Leader of the Opposition he can have it. I am prepared to make it available to him when he seeks it in the terms I am offering. I will provide it to you as a member of this House, but I will not table it. That is a clearly established practice and precedent.

Mr HASSELL: I do not think that practice applies to the Solicitor General's opinion as distinct from Crown Law opinion. He is not a public servant providing advice only to the Government. The Solicitor General owes his duty to Parliament, not to the Government, and the quicker that is realised by a number of parties the better off we will be. The Solicitor General's opinion is being flashed around by the Government every day of the week as though he were an officer of the Government. He is an officer of the Parliament. His opinion is not solely for the Government and I do not believe that the Solicitor General himself should allow the Government to use his opinions in that way. He should insist, on these contentious issues, that his opinion be made available to the Opposition as well as to the Government. In tracing these two payments - because they go to the nub of the matter - these words must be deleted. If they are not deleted we are approving payments that have no foundation in law as far as we are concerned and certainly no political foundation. Looking again at the facts, in October 1987 the share market crash occurred on a Tuesday and within a couple of days Rothwells was in trouble. Mr Connell came dashing back from Sydney to try to sort out the mess, and Mr Bond came back to help, because Rothwells' cheques were bouncing. Rothwells had a liquidity crisis. On that weekend in October 1987, following the share market crash, a rescue package for Rothwells was put together. The Government gave a letter direct to the National Australia Bank which was purported to be an indemnity. Does the Treasurer say that that indemnity was legally enforceable against the State?

Mr Parker: That is our advice obtained from legal officers at the time. They were both Crown Law officers and an independent counsel whose advice was sought.

Mr HASSELL: Is the Treasurer saying that the Government could enter into a guarantee for \$150 million and bind the State without the authority of Parliament?

Mr Parker: We were advised about the arrangement entered into, both as to the issue of whether it was fundamentally binding and whether it was binding post the repayment of loans to the National Australia Bank; that advice was sought from the sources I have outlined.

Mr HASSELL: Which sources?

Mr Parker: Independent counsel.

Mr HASSELL: Who were the independent counsel?

Mr Parker: I cannot remember their names.

Mr HASSELL: I challenge the Treasurer to produce credible evidence that the document entered into in October 1987 was legally enforceable against the State, because if that document was legally enforceable the Constitution means absolutely nothing; and I do not believe the Constitution means nothing. The State Government knew that that was simply a letter of comfort; it was a letter from the Premier to meet certain obligations if he could get the approval of Parliament. The National Australia Bank knew that as well. I challenge the Treasurer to produce any credible evidence that that guarantee was legally enforceable - as distinct from morally enforceable, and as distinct from the obligation undertaken by Mr Burke, as the Premier of the day, to do certain things and to seek certain approvals. The document was never legally enforceable when it was given. I repeat that if it was legally enforceable, our Constitution means nothing, because the very basis of our Constitution - as the Premier quoted in his speech tonight - is that the State cannot be obligated as to finances without the approval of Parliament. Why did the Government not come to Parliament and seek approval for that guarantee at the time? All we had was a six hour debate on Tuesday, 27 October 1987 - the night the Treasurer made many incredible statements.

Mr Court: That was the debate during which it was stated that if we did not support these things we were not statesmen.

Mr HASSELL: That is right. On that day the Government should have introduced a Bill to make that guarantee lawful, but the Government did not do that. The Government has paid out in respect of the guarantee - it has not paid under the guarantee. It has paid money to the liquidators not to the National Australia Bank. Can the Treasurer tell the House how the payments made under the guarantee - which was never legally enforceable, and to a person who was not a party to the guarantee - are lawful or within the constitutional system of this State? It cannot be so. The Treasurer cannot produce a legal opinion in support of that. I notice his reluctance to produce the Solicitor General's opinion; I take a dim view of that not

only from the point of view of Government, because the Government owes this House that opinion in advance of the debate, but also because the Solicitor General owes that opinion to the House. The Solicitor General should consider his special position under a special Act of this Parliament and his obligations to the Parliament, as distinct from the Government, because he is not a Government officer; he is an officer of the Parliament, like the Ombudsman and the Auditor General.

I turn now to the petrochemical payments. What are the petrochemical payments? In June 1988, the Government made agreements with Bond Corporation to provide interim finance so that the petrochemical project could be commenced immediately. The purpose of that was purely political. The Government wanted to have buildings commenced on the site before the election so that it could talk about jobs being created and put together advertisements during the election. That was the reason for the interim finance agreement. Does the Treasurer say that that agreement was legally enforceable without the approval of Parliament? The truth is that those payments do not become lawful until we have endorsed these payments in the Budget.

Mr Kierath: The Government could be put to the test by allowing the removal of these amounts from the Budget and standing by those payments alone.

Mr HASSELL: Yes, indeed, but the truth is that those payments for interim finance were themselves not enforceable at the time. That is how I understand that situation. How can we have a Government that is going to pay out \$68 million for interim finance? That is a vast sum. The Government is saying it can commit this State to spending \$68 million on a petrochemical plant without the approval of Parliament. Is that correct, Treasurer?

Mr Pearce: We have been over and over this.

Mr HASSELL: I am a simple person and I want to understand.

Mr Pearce: We have noticed that.

Mr HASSELL: The Government has not explained the situation except in its usual tricky way.

I am analysing those payments one by one because again I simply do not believe the proposition that the Solicitor General or anyone else has said that this Government or any Government could pay out \$68 million towards building a petrochemical project without Parliament's approval either in advance or in retrospect. We are being asked to make a retrospective approval. The Government is saying that it has a legal obligation to pay. Of course, the Government also undertook to take up the raising of finance to build the project; and to underwrite the losses of the project for 10 years. They were the three elements of the package with Bond Corporation.

The Treasurer is trying to persuade this House that those arrangements were enforceable without the approval of Parliament. The Government said that to Bond Corporation in respect of the guarantee to underwrite the project and in respect of the guarantees that may be given to support finance - the guarantees which the Treasurer talked about in his famous letter of 17 October to Peter Beckwith, as follows -

I refer to our telephone conversation on the weekend concerning the Treasurer's guarantee to WAGH to back up the funding for P.I.C.L. in the "credit enhancement".

The Government was enhancing credit on a valueless project to make it worth \$400 million so it could pay \$175 million of taxpayers' money to Laurie Connell and Dallas Dempster; that is, a total of \$400 million with Bond Corporation.

Let us get this very clear and keep it simple. The Government is trying to persuade the Parliament that the three items - the interim finance, the underwriting of the losses, and the underwriting of the borrowings to build the project - were legally enforceable. The Government purported to make those arrangements under the authority of the Northern Mining Corporation (Acquisition) Act which related to the Government's acquiring the Northern Mining Corporation which subsequently became WA Government Holdings Ltd. However, the lawyers for Bond Corporation questioned whether those arrangements were enforceable. The Government obtained two opinions from the Solicitor General which were tabled in this House on 29 August saying that some things were enforceable. Why did it get two opinions? After it had been given one, the lawyers for Bond Corporation were still

doubtful. After the two opinions had been given, two other people doubted the lawfulness of the arrangements. The first person to doubt it was Sir Francis Burt, the now Governor designate and, at the time, the head of the Burt commission. He wrote in his report that he raised questions -

Mr Parker: He did not. He said that people who had appeared before him had doubted it. He did not express any view on it. The only view he expressed was that the Government had acted appropriately on the advice available to it. You are misleading the House.

Mr HASSELL: I stand by my view that the Burt commission questioned the validity of the arrangements made by the Government in 1988. Apart from the Burt commission, another group of people questioned the validity of those arrangements. Who was that group? It was the international bankers whom the Government was asking to lend money to build the project. The Treasurer knows that, in January, when he was absolutely desperate to put in place the finance for the petrochemical project, the international bankers were saying that their legal advice was that those arrangements were not enforceable.

Mr Court: What did they do? They brought a special Bill into Parliament.

Mr HASSELL: No, before they brought in a special Bill, they entered into a whole new set of arrangements.

The election was on 4 February and the preceding weekend was the Australia Day weekend. On the Friday before that weekend or thereabouts, all of those documents reinforcing the arrangements made by Mr Dowding with Mr Bond were signed. Mr Dowding put those documents on the Table of this House on 29 August. Those arrangements were entered into because of legal doubts about the validity of the arrangements under which these payments have been made.

The Government then had the special sitting of Parliament at which it put up the Petrochemical Industries Authority Bill which was to lock it all into place legally. However, that Bill was thrown out by this Parliament and the Government knew it could not go on because it did not have lawful authority. The Government is now trying to kid us that it did have lawful authority for those payments. The truth is that it did not. Whether it had some kind of technical authority I do not know; it certainly had no authority after the sitting of the Parliament in May when the Parliament threw out the Petrochemical Industries Authority Bill.

The fact is that those payments should never have been made. I say with great insistence that the Ministers are personally liable. They have quite deliberately, through a plan and strategy spreading back over two years, bypassed the lawful process that requires the approval of Parliament. The Government can introduce all of the opinions it likes. The fact is that our Constitution is founded on the basis of an obligation not to spend taxpayers' money without approval from Parliament. Only with that approval can the Parliament pay out these amounts and it did not gain that approval on this occasion.

MR THOMPSON (Darling Range) [8.46 pm]: I do not in any way shape or form support the proposition that Supply should be denied this Government in the Legislative Council. I think this Government should have been defeated at the last election. If the election were held on any issue at all, it was held on the issue of WA Inc and all the things associated with it. The people of this State made a choice to stay with the Labor Government. I think they were wrong, frankly. I think there should have been a change of Government.

Mr Hassell: Don't you think they were misled?

Mr THOMPSON: They may have been misled, but they made their judgment with all the information that the Opposition could give them. Indeed, a fortnight before the last State election, I pleaded with the strategy group in the Opposition, the shadow Cabinet and others, to embark upon a different strategy. I said that the Opposition had convinced the community that Labor was crook, but we had to prove that to the community that we were a better alternative. I am convinced in my mind that the people went to the poll knowing that this Government was on the nose but they still returned a Labor Government.

Next year we will celebrate a hundred years of responsible Government. Never once in those 100 years has a Labor Government had a majority in the Legislative Council. Through all those 100 years, it has been possible for Labor Governments to be thrown out of office. I

will not accept that this is the only occasion. I can remember Sir Charles Court recommending to the then Opposition in 1972 that Supply should be stopped. But Supply was not stopped. We got ourselves into this very destabilising situation. The Government is the Government whether we on this side of the House like it or not. It should be given the opportunity to serve out its term without a sword hanging over it from the Council every day of its life.

I am not convinced that the great majority of people in Western Australia are not screaming out as some people on this side of the House are screaming out that there should be a fresh election. If an election were forced by Supply being stopped in the Council, I believe the conservative parties would be done like a dinner because the election would be fought on entirely different issues.

Mr Hassell: Why don't we let the people decide?

Mr THOMPSON: I will tell the member for Cottesloe why we should not. All Governments are unpopular from time to time and it would have been possible to force them to the people by denying them Supply in the upper House. On those occasions, they would have lost Government because they were unpopular. If they were forced to the people every time they were unpopular, we would have a terribly unstable situation in this State. One of the great advantages that Australia has is political stability. All that reports in newspapers day after day and week after week about stopping Supply in the Council do is create uncertainty in the minds of people in our community and in other parts of the nation.

It is not true that the great majority of people want a fresh election. That was amply demonstrated by the march which took place the other day; there were as many people marching on the question of the decriminalisation of homosexuality and other issues as there were marching in favour of the stopping of Supply. Very few people in this place are as close to their electorate as I am, and as I move around the community, I do not hear people saying that the Legislative Council should stop Supply. That call is not being made by people and I think some people - I deliberately use the words "some people" - in the Liberal Party want a rerun. The Liberal Party had a dash in February and was beaten, and it wants a second shot. It is not fair and equitable for Governments to be made to run that gauntlet. Looking back over the 100 years of responsible Government in this State, that has been a problem for Labor Governments. There have been hints from time to time, but never has it been so pronounced as in 1972 when that recommendation was made, and it has not been as pronounced in the past as it is at present.

If the people of this State had anything in their minds when they voted in February it was that the Labor Party had made a blue with regard to Rothwells; however, they elected a Labor Government. It is destabilising and unsettling for the community to hear day after day that the Government will be forced to an election and people will be forced to vote. If an election were brought about by the natural processes, I have no doubt that Government members would soon be sitting on the Opposition benches. However, if the election were forced by stopping Supply in the Legislative Council, the issues would be extremely difficult and for a period massive disruption would occur in the community. The first people denied their salaries would be members of Parliament, and school teachers, nurses, policemen and public servants would be denied their salaries also. What would happen in that sort of climate? This Parliament would be called into disrepute if that situation were to occur.

I appeal to fair minded people in the Parliament, and especially in the conservative parties: Stop this bloody nonsense of threatening to stop Supply because it is only disrupting the community.

MR PARKER (Fremantle - Treasurer) [8.53 pm]: I take this opportunity in the debate to indicate that the Government does not accept and will vote to reject the amendment to part 1 of the motion moved by the Leader of the National Party. I make it quite clear that the Government has relied in the formulation of this part on the advice it received from the Solicitor General. I disagree with the comments made by the member for Cottesloe concerning the role of the Solicitor General. It is true that the Solicitor General has a role which is different from that of a Crown Law officer; but it is not true that the Solicitor General is an officer who must report to this Parliament. On the contrary, he has a designated statutory function and, just as a judge has a role separate from a Government officer, it does not mean he is responsible to this House except insofar as his termination is

concerned. Of course, certain procedures are laid down with regard to that aspect. In terms of his accountability on the day to day basis and the advice he gives, he is not accountable to this House. It has been suggested by the Liberal Party, and for this purpose only, that my credibility on this issue is in doubt with regard to whether the Solicitor General has given that advice. I will not depart from the precedent of not tabling such opinions from the Solicitor General, but purely for the purpose of establishing the credibility of what I have said with regard to the advice of the Solicitor General as to the constitutional validity question raised by the Leader of the National Party, and since I have been requested by the member for Cottesloe to provide that - he is the only person in the Liberal Party who has made that request - I will provide him with a copy of the advice from the Solicitor General.

Mr MacKinnon: Why not table it?

Mr PARKER: Because I have indicated that there is strong precedent against tabling opinions of this type, and I do not intend to breach that. For the reason only that it is important for the House to know that my comments on this matter are true, and because this issue raised by the Leader of the National Party led me to ask the Attorney General to seek this advice, I am prepared to give a copy of that advice also to the Leader of the National Party.

The Government rejects absolutely the suggestion that an amendment should be made to this part. There is no doubt at all - and members will recognise that there is no doubt at all - that the Government and Assembly have the power and authority with respect to these matters currently in the Appropriation Bill. I do not propose to go over those grounds again. I simply say that the Government will reject this proposition and insist that its Budget, as currently before the Parliament and as it was before this House early this morning, progresses in the manner proposed. The Government has indicated its proposals for the future with regard to parts 2 and 3 of the motion.

It is interesting to note the final paragraph of the Solicitor General's opinion, which contemplates that some political scrutiny may be needed to change the way in which the Parliament deals with these matters in the future. He has indicated there may be grounds for that and that other Parliaments have adopted such practices and such grounds for doing that. Of course, the Solicitor General did not presume to suggest to the Parliament the way in which it might change the procedure but he indicated a review of that procedure might be appropriate and it was within Parliament's power to contemplate. The Government is doing precisely that by way of the suggestions made and undertakings given, particularly in part 3 of the motion.

The next point is to deal with the issue so frequently raised by members opposite about prior approval as opposed to retrospective approval of actions of Government. I quote in that regard points made by the former Governor, Professor Gordon Reid, in a book he wrote in 1966 many years before he became Governor of Western Australia. In his book *The Politics of Financial Control: The Role of the House of Commons* he stated -

It is becoming increasingly evident that under new conditions of government, parliamentary control of expenditure resides in the political sanctions that may be applied, retrospectively, through public debate and select committee and enquiry. 'Control' via a prior parliamentary sanction of all expenditure proposals is a thing of the past . . .

That was said at page 152.

Mr Hassell: Was that said about the House of Lords?

Mr PARKER: I think it was about the House of Commons. He then went on to say -

Nowadays, methods are needed that will ensure that the political and social implications of the Executive's expenditure policies will be disclosed and debated publicly (albeit retrospectively) by means which will not obscure major facts in a maze of minor detail.

In other words, the former Governor, in his capacity as a Professor of Political Science at the time, was making the point that the way in which Governments are held accountable, the way in which it is thought that Governments will be controlled to make sure that their actions are prudent and appropriate, is not that they have to come to the Parliament to get prior

sanction for absolutely everything that they do; rather, the fact that they know that their actions will be retrospectively debated and brought into the public arena will constrain them as to the way in which they act.

The view of the Solicitor General is that in respect of the Constitution as it stands at the moment, there is absolutely nothing wrong with the way in which the Government proposed to act - and continues to propose to act; and, indeed, that it is contemplated by the Constitution. His view also is that if the Parliament were to so decide, it could in the future make political changes. That is precisely what is contemplated by our proposition in respect of part 3 of the motion, which will be debated shortly. I make it absolutely clear that the Government will not accept the amendment moved by the Leader of the National Party.

MR WIESE (Wagin) [9.01 pm]: I rise to support my leader. The Treasurer made a few comments during his opening remarks, and again during the remarks he has just concluded, with which I wish to take issue. The first is his paraphrasing from the Solicitor General's opinion that there needs to be a change in the way that Parliament will deal with these matters in the future. I would have thought that is exactly what we are now proposing to do. We are setting up the mechanism, and we are starting the process whereby Parliament will on any future occasion deal with this type of extraordinary expenditure. I would have thought that, the Government having said that the principle is correct - which is basically what it has done in its motion - it would have fallen over itself to go the whole hog and to accept that principle right now, and apply it to this Budget. Unfortunately, it seems that the Government is not willing to go down that path, for reasons which it has failed to explain to the House tonight.

The Treasurer said in his opening remarks that the message from the Legislative Council was a power grab by the Legislative Council to try to force its will upon the Government in respect of the Budget. I reject that absolutely. The Legislative Council is a legitimate part of our parliamentary process, and is simply exercising its constitutional right and responsibility. In case anyone should have any doubt about that, it is pertinent to read to the House clause 46(4) of the Constitution Acts Amendment Act, which deals with the powers of the Legislative Council. It says -

The Legislative Council may at any stage return to the Legislative Assembly any Bill which the Legislative Council may not amend, requesting by message the omission or amendment of any item or provision therein . . .

That is exactly what I believe the Legislative Council is doing in the message that it has presented to this House tonight. It has nothing to do with a power grab, nor with the Legislative Council's seeking to throw out this Government's Budget. The Legislative Council is using the powers that were given to it when the Constitution was drafted. The Treasurer and the Government need to accept that the Legislative Council is absolutely entitled to exercise its rightful powers. The Government should take note of the opinions expressed by the Legislative Council in its message. The Legislative Council is asking the Legislative Assembly to look at the Appropriation Bill which has been passed in this House, and transmitted to the Council, with a view to amending the attached Bill by dividing it into two or more Bills as the Legislative Assembly shall think fit. That is a perfectly responsible act to be taken by the Assembly. It would be a very responsible course to be taken by this Government if it wanted to prove to the people of Western Australia that it was genuinely trying to adopt some form of accountability, and that it was trying to live up to the standards which it purported to have set in the Premier's White Paper, which was tabled in this House in September of this year. However, it appears that the Government is not prepared to go down that path. That is very disappointing.

The next matter I wish to raise is that by moving its motion, the Government has accepted the validity of everything that we in the National Party have been trying to put before it. The Government accepts that in the future, any equity participation by the State in a commercial venture will be brought before this Parliament for approval prior to that participation. The Government accepts that any appropriation of funds to back up any of those future activities will be brought before this Parliament for approval before those funds are committed. In view of the Government's having gone down that path, I find it extremely difficult to understand why the Government is not prepared to go the whole hog and do what we are trying to do with the amendment that we have put before the House. We are endeavouring to ensure that this Appropriation Bill is dealt with in two sections.

Firstly, the Budget should deal with the major section which applies to the ordinary, annual services of Government. That is very important. Nobody in this House has any major problems with the fact that the Government has the right to bring down a Budget which deals with all the expenditure associated with the ordinary annual services of Government. We are asking the Government to handle this sum as a separate appropriation. However, we are also asking the Government to take those other four items which are buried in the Appropriation Bill and bring them before the Parliament as a separate appropriation to be debated on its merits. That is a very legitimate and sensible course for us to take and for the Government to accept. If the Government accepts it - and it has accepted it in view of its motion which we are seeking to amend - whichever party is in power will have to adopt that procedure in the future. This is a great move forward for this Parliament and a great thing for the people of Western Australia if we can achieve it.

Having accepted that principle, why not use that procedure for the amounts of money we are talking about tonight? What we are trying to persuade the Government to do is take note of the message from the Legislative Council and accept the National Party's amendment which is before the Parliament tonight.

House to Divide

Mr PEARCE: I move -

That the House do now divide.

Question put and a division taken with the following result -

Ayes (28)			
Dr Alexander	Dr Gallop	Mr Leahy	Mr P.J. Smith
Mrs Beggs	Mr Graham	Mr Marlborough	Mr Taylor
Mr Bridge	Mr Grill	Mr Parker	Mr Thomas
Mr Carr	Mrs Henderson	Mr Pearce	Mrs Watkins
Mr Catania	Mr Gordon Hill	Mr Read	Dr Watson
Mr Cunningham	Mr Kobelke	Mr Ripper	Mr Wilson
Mr Donovan	Dr Lawrence	Mr D.L. Smith	Mrs Buchanan (<i>Teller</i>)

Noes (24)			
Mr Bradshaw	Mr Hassell	Mr Mensaros	Mr Thompson
Mr Clarko	Mr House	Mr Minson	Mr Trenorden
Mr Court	Mr Kierath	Mr Nicholls	Dr Turnbull
Mr Cowan	Mr Lewis	Mr Omodei	Mr Watt
Mrs Edwardes	Mr MacKinnon	Mr Shave	Mr Wiese
Mr Grayden	Mr McNee	Mr Strickland	Mr Blaikie (<i>Teller</i>)

Pairs	
Ayes	Noes
Mr Peter Dowding	Mr Fred Tubby
Mr Troy	Mr Ainsworth

Question thus passed.

Amendment to Motion Resumed

Amendment put and a division taken with the following result -

Ayes (24)			
Mr Bradshaw	Mr Hassell	Mr Mensaros	Mr Thompson
Mr Clarko	Mr House	Mr Minson	Mr Trenorden
Mr Court	Mr Kierath	Mr Nicholls	Dr Turnbull
Mr Cowan	Mr Lewis	Mr Omodei	Mr Watt
Mrs Edwardes	Mr MacKinnon	Mr Shave	Mr Wiese
Mr Grayden	Mr McNee	Mr Strickland	Mr Blaikie (<i>Teller</i>)

Noes (28)

Dr Alexander	Dr Gallop	Mr Leahy	Mr P.J. Smith
Mrs Beggs	Mr Graham	Mr Marlborough	Mr Taylor
Mr Bridge	Mr Grill	Mr Parker	Mr Thomas
Mr Carr	Mrs Henderson	Mr Pearce	Mrs Watkins
Mr Catania	Mr Gordon Hill	Mr Read	Dr Watson
Mr Cunningham	Mr Kobelke	Mr Ripper	Mr Wilson
Mr Donovan	Dr Lawrence	Mr D.L. Smith	Mrs Buchanan (Teller)

Pairs

Ayes	Noes
Mr Fred Tubby	Mr Peter Dowding
Mr Ainsworth	Mr Troy

Amendment thus negated.

Debate (on motion) Resumed

MR MacKINNON (Jandakot - Leader of the Opposition) [9.21 pm]: We are now back on the Deputy Premier's substantive motion, which the Opposition will oppose in its entirety. It is undoubtedly an attempt to shut the door well and truly after the horse has bolted. The stable is empty and the horse is out of sight. We are left with the job of cleaning up whatever the horse has left behind.

As Opposition members indicated earlier today, we believe this Government has forfeited its right to govern. Had this Government any commitment whatsoever to convention - the words so often used by the Premier last night - by now the Premier and his gang of four would have resigned. That is an interesting play on words - the former Premier, Brian Burke, said he wanted to have a four-on-the-floor style Government, and those four Ministers should well and truly be on the floor and out of this Parliament. What the Deputy Premier is asking the Parliament tonight is similar to what an embezzler in business might say to shareholders - "Mr Shareholder, I have lost all your money gambling. I now own up to the fact I have done so, but I do not want you to impose any penalty on me. There will be no inquiry into how much money I have actually lost, and I will not give you any idea of how much money I have lost, but I promise never to do it again." That is what the Government is asking this House to do.

If one examines the motion in its totality, one will see why the Opposition wants to oppose it. We have already heard comments relating to part 1, and I will not repeat those. My colleague, the member for Cottesloe, will comment later on the opinion provided by the Deputy Premier. Suffice to say, however, the sincerity of the Government in dealing with this matter was revealed when the House received the opinion half way through the debate in which we are asked to address that fundamental issue. That is very telling about the Government. The second part of the motion is a non-event. It is not worth commenting on to any great extent.

However, the third part of the motion relates to what it commits the Government to in the future. I will just repeat the comments of the Leader of the National Party: Why, if this commitment is good enough for the future, is it not good enough for now? Why is it not good enough for now, when we are debating these unprecedented payments in the context of the Budget? Why is it not good enough for now that we separate those matters out of the Budget? The answer in all probability is that the Government has some real difficulty in doing so. The Government has some real fear that doing so would place it at great risk in respect of those payments. As I said, this part of the motion is akin to shutting the door after the horse has well and truly bolted. We cannot even take the Government's word at face value; I have learnt over the past seven years not to trust this Government in any way.

Even when legislation is introduced into this Parliament with a second reading speech, such as we had on the Petrochemical Industry Authority Bill, the Government would not tell us the truth about the real reason for that legislation. The Government did not tell us then, and the only time the truth came out was when the Government, through WA Government Holdings Ltd, lodged a petition in the Supreme Court. We then found out the real reason. One cannot trust this Government even with the second reading speech because, as we know

now, under the Interpretation Act legislation must be read in conjunction with the speech as an indication of the Government's intention in respect of that legislation. That is how dinkum this Government was. That is how far we can trust the Government's word.

Even if we took the Government's word at face value, let us go through the motion and look at what the Government is giving a commitment on tonight. The Government is giving this House a commitment to absolutely nothing at all. Part 1 is -

... the unqualified undertaking by the Government that:

- (i) no future equity participation by the State is any commercial venture will proceed without prior parliamentary approval;

The Leader of the National Party pointed out the very first rock upon which that item founders. That is, in all probability it does not apply to statutory bodies of Government, such as the State Government Insurance Commission. What are we debating here tonight? One item we have been debating over the last couple of days concerns the commitments involved in the equity participation in the Petrochemical Industries Ltd project. Where did the \$175 million come from for that? It came from the State Government Insurance Commission. What commitment is the Deputy Premier giving us tonight? He is giving us an empty, worthless, waste of time commitment because nothing in that item says that anything will change in the future. If the Government gets into difficulties, why could it not do exactly the same as it did this time? That \$175 million was paid by the State Government Insurance Commission without parliamentary approval. What does the Government's commitment tonight give us? Absolutely nothing. In this statement the Deputy Premier is saying that the Government will continue to undertake equity investments just as it did through the State Government Insurance Commission in the petrochemical project or in the Rothwells rescue. What will happen with the type of payments I referred to yesterday in connection with Paragon Resources NL shares? Will that be exempted by this commitment? The answer is of course that it will not; Parliament will not be asked if the State Government Insurance Commission wants to participate in a share price support scheme for Paragon Resources NL. Clearly the commitment in part 1 is absolutely worthless in terms of what we are talking about here. If we look at the fact that the WADC has not been abolished and would not be covered by this legislation, could a more devastating comment be made about this motion than that it does not even apply to the WADC? The second part of the motion states that -

Appropriations for any such future activity -

In other words, the equity development -

- will be sought in a separate Appropriations Bill so as to allow each such appropriation to be considered separately on its own merits, and without reference to general budgetary requirements.

Again, it is a meaningless statement. Part 3(b) states that the step will be taken in providing that Bill in the next session of Parliament. Why should we take this Government's word? How many times before have we heard - as my colleague the member for Cottesloe said today - the Government say that it will introduce freedom of information legislation next year? It did so five years ago and we are still waiting to see the Bill. What is the Government going to do? Will we see it next year? I have just shown my colleague, the member for Marmion, a copy of a letter regarding caravan legislation from people who were given a commitment regarding the caravan industry and these people are not satisfied that the commitment has been met.

What is the Government asking us to do with this motion? It is asking us to write a blank cheque. The Government comprises politicians par excellence in terms of deceit. This Government is known to ask people to trust it, but I have adequately covered this point in my previous comments on this motion; we should not trust the Government, and the Treasurer in particular. It was said during the debate that the Opposition's attitude expressed today to the Budget was a desperate attempt to grab power, but let us examine some of the words used by the Treasurer and by the Leader of the National Party in that context. They used words like "tradition" and "propriety", they used words like "checks" and "balances" and words like "paying dearly". The traditions of the Westminster system is that there is an Executive arm of Government and a system of checks and balances through the Parliament. It is through a bicameral Parliament, with two Houses, by which we hope to stop one House or the other

indulging in excesses of power. The tradition is that the checks and balances have been conducted by the Senate or the Legislative Council because it acts in a more independent fashion than the Legislative Assembly. The Liberal Party is strongly committed to strengthening and endorsing the review powers of the Legislative Council. Another tradition that was in place until this Government came into power was that if a Minister deliberately misled the Parliament, a resignation would follow, or alternatively a censure of the Minister by the Executive would follow. We have seen a lack of will by all members of the Government on this point, and by every member who signed the letter of support last night. That letter displays a desperate need for the Government to shore up its defences.

Mr Court: It was a no confidence motion.

Mr MacKINNON: Indeed, it was a classic show of no confidence in that Government members needed to sign such a letter. Every Minister was trotted into the Premier's office and was told to please explain their comments.

Returning to the motion, the propriety involves some commitment to the traditions of the conduct of Ministers within this Parliament. When that commitment is not forthcoming, there must be intervention by the Parliament to ensure that the proper checks and balances are in place. We are asked by the Government to agree that all of the deceit, the untruths and all of the losses and mistakes should be swept under the carpet. The Government comes into this Parliament with a motion which is meaningless. We are asked to accept that and accept the comments made by the Government without an apology. We are asked to accept the commitment to the future and to forget about the past. What does that say about this institution? It says that we are asked to endorse totally and without reservation the actions which bring disrepute not only upon the Executive, but also on the Parliament. I for one, and the party I am proud to lead, will not be prepared to sit idly by and allow the Parliament to be abused in such a way. We believe very dearly in the system of which we are a part and in the fact that proper checks and balances should be in place. These powers do not exist for empty reasons; they are there to be used in the circumstances which we now face; that is, we are now faced with a Government that has broken all of the conventions, all of the traditions and all of the proprieties and it is our responsibility to bring it to account.

It has been described as a desperate grab for power, but we are prepared to face the people now, or any time this year or next year or the year after. We cannot allow the Government to come before this Parliament and deliberately mislead the people of Western Australia right up to this day and expect the people of this State to accept that without any reprimand at all. The motion moved by the Treasurer amounts to nothing more than a very weak slap over the wrist with a damp tram ticket. We have discussed whether the Council has the power to make a request of the Assembly. Of course it has - and properly so. It was given that power as part of the checks and balance process. Is there any doubt regarding what the Government is attempting to do with these payments? Yes; why else would the Government have sought the opinions to clarify the position? Should the Parliament seek an opinion itself? Yes, and the Opposition is in the process of doing so. Is there information other than that presented that the Government should provide to the Parliament to enable a proper judgment to be made on this matter? Again, the answer is yes. A legal opinion should be sought on the payment of the \$22 million. Where is the legal opinion to support that payment? The Government knows the concerns we have expressed about this, yet it has produced no opinion to justify or support the payment.

Mr Pearce: It has been given to you.

Mr MacKINNON: That did not relate to that payment. The Government has an opinion on the question raised by the Leader of the National Party, but it has nothing in relation to the \$22 million. The full details of the nature of the payment made and the formal authorisation on the matter that needs to be met through the Financial Administration and Audit Act has not been presented to this Parliament.

We are being asked yet again by this Government, as we have been asked so often over the past six to seven years, to trust it and to take it at its word. It has even said, "We give you an unqualified undertaking." I do not accept any word from this Government until I can see it included in legislation presented to this Parliament, explained by the Government and backed up by documentation. We have not received that. What we have received tonight is a worthless commitment that does not even address the central issue of what we are debating, but our colleagues in another place will be debating it in the very near future. That is how

empty is this attempt by the Government; it is an empty attempt that deserves censure by this Parliament and the motion should be rejected.

House to Divide

Mr PEARCE: I move -

That the House do now divide.

Question put and a division taken with the following result -

Ayes (28)			
Dr Alexander	Dr Gallop	Mr Leahy	Mr P.J. Smith
Mrs Beggs	Mr Graham	Mr Marlborough	Mr Taylor
Mr Bridge	Mr Grill	Mr Parker	Mr Thomas
Mr Carr	Mrs Henderson	Mr Pearce	Mrs Watkins
Mr Catania	Mr Gordon Hill	Mr Read	Dr Watson
Mr Cunningham	Mr Kobelke	Mr Ripper	Mr Wilson
Mr Donovan	Dr Lawrence	Mr D.L. Smith	Mrs Buchanan (Teller)

Noes (24)			
Mr Bradshaw	Mr Hassell	Mr Mensaros	Mr Thompson
Mr Clarko	Mr House	Mr Minson	Mr Trenorden
Mr Court	Mr Kierath	Mr Nicholls	Dr Turnbull
Mr Cowan	Mr Lewis	Mr Omodei	Mr Watt
Mrs Edwardes	Mr MacKinnon	Mr Shave	Mr Wiese
Mr Grayden	Mr McNee	Mr Strickland	Mr Blaikie (Teller)

Pairs	
Ayes	Noes
Mr Peter Dowding	Mr Fred Tubby
Mr Troy	Mr Ainsworth

Question thus passed.

Motion Resumed

Question put and a division taken with the following result -

Ayes (28)			
Dr Alexander	Dr Gallop	Mr Leahy	Mr P.J. Smith
Mrs Beggs	Mr Graham	Mr Marlborough	Mr Taylor
Mr Bridge	Mr Grill	Mr Parker	Mr Thomas
Mr Carr	Mrs Henderson	Mr Pearce	Mrs Watkins
Mr Catania	Mr Gordon Hill	Mr Read	Dr Watson
Mr Cunningham	Mr Kobelke	Mr Ripper	Mr Wilson
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Mr Cowan	Mr Lewis	Mr Omodei	Mr Watt
Mrs Edwardes	Mr MacKinnon	Mr Shave	Mr Wiese
Mr Grayden	Mr McNee	Mr Strickland	Mr Blaikie (Teller)

Pairs	
Ayes	Noes
Mr Peter Dowding	Mr Fred Tubby
Mr Troy	Mr Ainsworth

Question thus passed.

MR PARKER (Fremantle - Treasurer) [9.48 pm]: I move -

That the Legislative Council be acquainted accordingly.

MR HASSELL (Cottesloe) [9.49 pm]: It is absolutely disgraceful to be conveying this message to the Legislative Council. This message is an abnegation of the responsibility of this House to recognise that the Budget is not being treated properly. The truth is, and the reality is, that the Treasurer misled the House again yesterday.

Point of Order

MR PEARCE: Mr Speaker, I seek your guidance with respect to the ambit of debate on a proposition that the Legislative Council be acquainted accordingly. I thought the ambit would bear on the matter of whether a resolution, addressed to the Legislative Council and passed by this House, should be conveyed to the Legislative Council. I would have thought any argument which ran outside the merits of that particular proposition was not in order.

The SPEAKER: It is my view that this motion is quite restrictive. While there is a time limit of 20 minutes per person in the debate it should only address whether the message be transmitted to the Legislative Council.

Debate Resumed

MR HASSELL: I am suggesting that the message should not be transmitted because the Treasurer has made available a copy of an opinion which shows that last night he misled the House in relation to this very matter. Last night the Treasurer said that the Government had an opinion - I think he said opinions - that the payments now in dispute could be included in the ordinary annual services of the Government. I agree that this opinion the Treasurer has given to us at this late stage deals with the question of whether the payments can be included in the ordinary annual services and therefore included in the Budget. This is what the opinion deals with.

Mr Parker: That they can be included.

MR HASSELL: The Treasurer also said last night that all his advice suggested that the payments were lawful and constitutionally proper. The opinion of the Solicitor General says no such thing.

Mr Parker: You asked for separate opinions and you told me that they were. They are opinions to Government. They are different questions. An opinion is provided in respect of the constitutional point raised by the Leader of the National Party whether it is validly before the Parliament. The other opinion provides exactly what I said to the Parliament about the legal validity of something going on in context of court cases in which the Government is involved. They are quite separate matters. I also indicated that the Solicitor General's opinion was purely in respect of the comments made by the Leader of the National Party.

MR HASSELL: The statement of the Solicitor General relates to the narrow issue of whether these payments - which are now sought to be approved - can be included in the Budget. As a lawyer I am only too well aware that there can be differing legal opinions on these matters. I am not going to enter into a debate on narrow legal issues. I do not think that that will serve a good purpose because ultimately Parliament is the master of its own destiny. I do not entirely agree with the opinion of the Solicitor General, but that does not matter. The Solicitor General's opinion was dished up to us on the basis that it would show that everything the Government did was in order. It does not show that at all. The Solicitor General's opinion does not establish what the Treasurer said. It does not establish that the payments for Rothwells or PICL were made lawfully. I have been arguing this point in the House for two weeks and tonight I challenged the Treasurer to produce evidence that the promises and the payments made to Rothwells and PICL were made lawfully. The Treasurer dished up to us this opinion and it does not establish any of those things. When one comes to that part of the opinion which deals with Rothwells, the Solicitor General does not deal with it at all. He says on page 8 -

The Rothwells Limited item arose, I am instructed, from Government action aimed at financially supporting Rothwells, a merchant banking company in the State which was in financial difficulty. An indemnity was granted to support an advance by

another bank. The advance was repaid but Rothwells Ltd went into provisional liquidation and there was dispute whether the repayment was a preference payment.

The Solicitor General has not examined the fundamental point that we have been making for two weeks in this House.

Mr Parker: Not in this opinion.

Mr HASSELL: Indeed, it does not examine that question. The real issue is that the Rothwells' guarantee was not legally binding and enforceable. The undertakings given by the Government in relation to PICL were not legally binding and enforceable. Even if they were enforceable on some technical grounds and that could be demonstrated - which I believe could not be - they were not justifiable on any constitutional grounds.

The SPEAKER: Order! I am sure you will go on to tell us why the message should not be transmitted.

Mr HASSELL: I am trying to do that.

The SPEAKER: I am having difficulty in relating what you are saying to why it should or should not.

Mr HASSELL: The Government is attempting to send a message to the Legislative Council saying that it cannot properly and effectively question payments in the Budget by requesting an amendment to the Budget that is an alteration in its presentation. It is interesting that the Solicitor General's opinion refers to the power of the Legislative Council to question a payment made. It says on page 9 -

The constitutional check on the Government's judgment of the public interest under this practice is provided by the Legislative Assembly which is free to reject the item and by the Legislative Council exercising its power of request under section 46(4) of the Constitution.

The Solicitor General has given an opinion upholding the very practice that we are now seeking to have exercised by this amendment. I have said before that we are debating a fundamental issue tonight. It relates to the power of Parliament to control the Executive. It relates to the power of the Legislative Council to exercise its lawful authority to require what the Government does is in accordance with the law. Mr Speaker -

The SPEAKER: I am just passing a message. I do not want to interfere with your speech.

Mr HASSELL: I thought you were looking at me, Mr Speaker.

The SPEAKER: I was looking at a person directly behind you.

Mr HASSELL: I am not able to speak and read the paper at the same time.

The SPEAKER: Other people are obviously able to listen to the member for Cottesloe and read the newspaper at the same time.

Mr Pearce: There is an alternative explanation to that.

Mr HASSELL: Yes, there is. I am sure that the Leader of the House would not want to promote that alternative explanation. This message conveys a message to the upper House which challenges its authority and Parliament's authority in relation to the control of the Executive and the control of expenditure. One of the clauses of this message, clearly, is meaningless. The Government wants to buy off the Opposition by making a meaningless promise, an unqualified undertaking that no future equity participation by the State in any commercial venture will proceed without prior parliamentary approval. What is that intended to mean? Is the Treasurer seriously saying to the Legislative Council with this message that the State Government Insurance Commission will not engage in equity participation in a commercial venture without prior approval of Parliament; will not buy shares or will not buy an interest in land? Is the Treasurer trying to convey a message to the Legislative Council that the R & I Bank will not participate in equity ventures?

Mr Pearce: This is why we find it hard to listen to these debates. You waffle on irrespective of what the question is before the Chair.

Mr HASSELL: The question before the Chair is very clearly a message to the Legislative Council which contains a meaningless proposition.

Mr Pearce: You are not addressing that; it is the same old waffley speech we have heard before. No wonder members want to read the paper.

Mr HASSELL: The Government is trying to buy off the Legislative Council as it has tried to buy off the Opposition in this House by saying, "If Parliament will forgive all we have done, however improper, by passing this Budget just as we have dished it up, we will fix it up in the future." The Government's promise is not only meaningless to the Opposition here but will be meaningless to the Legislative Council as well. What is the Government seriously saying in this promise? No future equity participation by the State in any commercial venture will proceed without prior parliamentary approval. Is the Government saying that the SGIC is not part of the State, that the R & I Bank is not part of the State, that WA Government Holdings Ltd is not part of the State, that the State Government Superannuation Board or the South West Development Authority are not part of the State? Or is he saying that all of those bodies which just make up a representative list, are included? The motion really says nothing. Of the very transactions which are in dispute before this House now, not one of them that I can recall was made directly by this State, except the guarantees given to WA Government Holdings Ltd and to PIL. The guarantees given by letter were the only direct transactions. All the others were done through instrumentalities such as the State Government Insurance Commission and WA Government Holdings Ltd. They were done by the very instrumentalities which are not included in part 3(i) of the message. This message is a very foolish message and it should not be transmitted.

The SPEAKER: It is about time the member said something like that.

Mr HASSELL: I am sure members will understand that it should not be transmitted because if it is, it makes a mockery of the parliamentary process. Without testing the Speaker's indulgence any further I will conclude by saying that I hope that the Legislative Council will reject this message and force this Government, through the proper constitutional process which the Legislative Council is pursuing, to amend the Budget to separate these various items so that they can be considered, as the Leader of the National Party suggested, on their own merits. We can then have a clear expression by Parliament as to whether they should be adopted. This will cause problems for the Government because of events, not in 1989, not in 1988 but going back to 1987 and through to 1989, and the failure of the Government to seek authority from Parliament to enter into binding commitments over a long period when it should have known, and I believe had advice to the effect, that those various commitments were not founded in law or in constitutional practice or in political propriety or in convention. Regardless of what legal opinions are produced, no-one can convince me that the Constitution of this State ever intended to allow a Government to commit \$150 million of the taxpayers' money without prior approval of Parliament to a guarantee of a rotten little finance house, as Rothwells turned out to be. The whole thrust of the Constitution is against such an action. The Constitution is intended to protect the taxpayer from such adventures by foolish Governments on the basis that if taxpayers are to meet those liabilities, the Parliament should approve the expenditure. This is the first time, more than two years later, that Parliament has been asked to approve it even though during all that time, the Government knew that it had made these foolish commitments and that it had done so without the authority of Parliament. This message should not be conveyed, and if it is, it should be firmly rejected by the Legislative Council.

House to Divide

Mr PEARCE: I move -

That the House do now divide.

Question put and a division taken with the following result -

Ayes (28)

Dr Alexander	Dr Gallop	Mr Leahy	Mr P.J. Smith
Mrs Beggs	Mr Graham	Mr Marlborough	Mr Taylor
Mr Bridge	Mr Grill	Mr Parker	Mr Thomas
Mr Carr	Mrs Henderson	Mr Pearce	Mrs Watkins
Mr Catania	Mr Gordon Hill	Mr Read	Dr Watson
Mr Cunningham	Mr Kobelke	Mr Ripper	Mr Wilson
Mr Donovan	Dr Lawrence	Mr D.L. Smith	Mrs Buchanan (Teller)

Noes (24)

Mr Bradshaw	Mr Hassell	Mr Mensaros	Mr Thompson
Mr Clarko	Mr House	Mr Minson	Mr Trenorden
Mr Court	Mr Kierath	Mr Nicholls	Dr Turnbull
Mr Cowan	Mr Lewis	Mr Omodei	Mr Watt
Mrs Edwardes	Mr MacKinnon	Mr Shave	Mr Wiese
Mr Grayden	Mr McNee	Mr Strickland	Mr Blaikie (<i>Teller</i>)

Pairs

Ayes	Noes
Mr Peter Dowding	Mr Fred Tubby
Mr Troy	Mr Ainsworth

Question thus passed.

Motion Resumed

Question (that the Legislative Council be acquainted accordingly) put and a division taken with the following result -

Ayes (28)

Dr Alexander	Dr Gallop	Mr Leahy	Mr P.J. Smith
Mrs Beggs	Mr Graham	Mr Marlborough	Mr Taylor
Mr Bridge	Mr Grill	Mr Parker	Mr Thomas
Mr Carr	Mrs Henderson	Mr Pearce	Mrs Watkins
Mr Catania	Mr Gordon Hill	Mr Read	Dr Watson
Mr Cunningham	Mr Kobelke	Mr Ripper	Mr Wilson
Mr Donovan	Dr Lawrence	Mr D.L. Smith	Mrs Buchanan (<i>Teller</i>)

Noes (24)

Mr Bradshaw	Mr Hassell	Mr Mensaros	Mr Thompson
Mr Clarko	Mr House	Mr Minson	Mr Trenorden
Mr Court	Mr Kierath	Mr Nicholls	Dr Turnbull
Mr Cowan	Mr Lewis	Mr Omodei	Mr Watt
Mrs Edwardes	Mr MacKinnon	Mr Shave	Mr Wiese
Mr Grayden	Mr McNee	Mr Strickland	Mr Blaikie (<i>Teller</i>)

Pairs

Ayes	Noes
Mr Peter Dowding	Mr Fred Tubby
Mr Troy	Mr Ainsworth

Question thus passed.

MOTION - FREEDOM OF INFORMATION BILL*Message Provision - Government Failure*

Debate resumed from an earlier stage of the sitting.

MR HASSELL (Cottesloe) [10.15 pm]: Before the dinner suspension I was indicating that the question of freedom of information legislation is not simply an academic question of people's rights but a very real and practical question related to the rights of individuals in respect of their most basic privacy entitlements. The case I refer to as an example of this issue concerns a man -

The **SPEAKER**: Order! The level of background conversation is far too high.

Mr HASSELL: The case refers to a man admitted to a Government hospital in the country who alleges that he was negligently treated by the Government hospital, and he was then transferred to the Royal Perth Hospital where he lost a leg. He has taken the matter up with a

solicitor and he has sought from the Royal Perth Hospital the documents relating to his treatment. I am sure the member for Wagin will be interested in this because the man concerned hails from his electorate.

On 1 November this man who, for the sake of privacy, I shall call Mr X, wrote a letter to the Medical Superintendent of the Royal Perth Hospital and said this -

On 24 July 1986 and 23rd October 1989 my solicitor wrote to you requesting to inspect and obtain copies of my hospital notes and offering to pay your reasonable expenses.

On 5th August, 1986 and since then you declined to do so, advising that the requests were against your hospital policy.

As a former Western Australian taxpayer and present voter I protest your hospital's and the W.A. Government's failure to provide me with a copy of my personal medical records according to a reasonable request.

I support the Freedom of Information Bill 1989 introduced into Western Australian Parliament on 29th August, 1989 for a law which will prevent this arbitrary action by you.

Kindly advise me why the Western Australian Government is unnecessarily and purposely holding back on its promise to Freedom of Information legislation, as reported in the West Australian of 12 January 1985 and why the Government's undertaking to the people of Western Australia to introduce such legislation has been dishonoured.

Yours faithfully,

It is signed by Mr X. Mr X wrote to me as shadow Attorney General a few weeks ago and said this -

Please find attached letter forwarded to Medical Superintendent, Royal Perth Hospital, Box X2213 GPO, Perth.

I appeal to you to assist me in having a reasonable request fulfilled.

My solicitor has tried unsuccessfully to have the reports released and unless these reports are available we cannot proceed with our investigations.

Yours sincerely

I wrote to the Minister for Health on 13 November and said -

Dear Minister

I have been contacted by Mr X of Pingelly regarding the difficulty he is experiencing in obtaining his personal file from Royal Perth Hospital.

I would appreciate it if you would advise me as to why Mr X is refused access to his own file. I would also appreciate advice as to whether such refusal to access a personal file is Government policy and whether his file will be made available to Mr X.

By the way, I have not yet received a reply from the Minister for Health, but as the letter was sent on 13 November, that is not an unusually long time to wait. However, what is important is that when Mr X went into hospital, in accordance with the requirements of this Government a form, which required considerable detail, was filled out. This form was entitled, "Health Department of WA". I assume this form was filled out in relation to Mr X because it is required to be filled out in relation to all patients admitted to all hospitals, public and private, in Western Australia. That form is then sent to the Health Department by its demand. That bundle of papers and correspondence - which as members can see is quite thick - relates to my dealings with a private hospital and with a number of private individuals who contacted me about breaches of privacy in relation to medical records.

This inpatient summary form demanded by the Health Department requires the patient's surname, forenames, residential address, postcode, patient classification - whether public, private, Motor Vehicle Insurance Trust, uninsured private, WCA, other - sex classification, date of birth, age in years, country or State of birth, marital status, occupation, race - divided

into non-Aboriginal and Aboriginal - religion, full name and so on, including details of private health insurance and person or party responsible for payment. The latter is understandable information for a hospital to get. It also requires details about the principal condition treated, underlying cause, other conditions present, and doctor mainly responsible for inpatient care. If the principal condition resulted from an accident, poisoning or violence, it requires details about the external cause, place of occurrence and operation procedure performed, principal or other. The hospital which has complained to me - apart from the private individuals - sent me a form showing that the Health Department, as a consequence of the hospital not filling out all these details, sent back the form with a big stamp of several inches in dimension which says there is a query and a problem; it then asks a specific question about the patient and demands a reply. Any hospital which does not fill in that form gets into trouble with the Health Department. I have all the papers here and I will go through them tomorrow when we have the debate on the Loan Bill because I did not have a chance to raise it in the Budget debate on the Health Department because a debate was not held on that Division.

While the Health Department is demanding all that information, and getting it from hospitals, about individual patients, it will not provide a patient who asks for his or her own papers with those papers. Is that not both ludicrous and scandalous? Here we have the case of Mr X who has been battling since 1986 to get papers relating to his own case so that he can determine whether he has a right of claim in negligence against a hospital and/or a doctor. I will read to the House the letter sent by the solicitors of Mr X to the medical administrator of surgical services at Royal Perth Hospital on 23 November in respect of Mr X. I have substituted single letters for the names of the people involved. The letter reads as follows -

I have your letter of 17 November 1989 and note you continue to deny my client photocopies of his Inpatient Case Notes for his admission to Royal Perth Hospital on 17 December 1983 when his leg was amputated as a result of alleged negligent treatment by Dr A at Narrogin Hospital earlier that day.

I am instructed that Mr X does not wish another medical practitioner to look his Royal Perth Hospital notes for the reasons that:-

- a) he does not wish an unauthorised medical practitioner to have access to his Royal Perth Hospital notes;
- b) requiring him to consent to a medical practitioner acceptable to you and the defendant perusing his Royal Perth Hospital notes forces him to grant access to his confidential medical notes against his wishes;

What they are doing is saying that he can look at his own notes only if he shows them at the same time to the person who is the potential recipient of a writ for negligently causing him to lose a leg. That is how serious it is. It is a very serious matter. This is one of the practical, down-to-earth, non-ideological reasons we need freedom of information legislation. The letter continues -

- c) there are no reasons for not granting him access to copies of his Royal Perth Hospital notes;
- d) Mr X does not wish to divulge to an independent medical practitioner the means by which he intends to use the Royal Perth Hospital notes to prove his case against the defendant in the proceedings;
- e) Mr X's solicitor-client privilege is destroyed by requiring him to divulge his instructions to a third party independent medical practitioner merely for the purposes of inspecting notes which any solicitor can interpret or have interpreted within the copy of the legal professional privilege.

The Attorney General has advised Mr X the administration of Royal Perth Hospital comes under the jurisdiction of the Minister for Health; if it is your hospital's intention to continue to deny Mr X copies of his own Royal Perth Hospital notes, kindly direct all further correspondence to the Minister for Health. It is noted that the Minister for Health is responsible for the management of Narrogin Hospital where the alleged negligent delay took place resulting in amputation of Mr X's leg.

Yours faithfully,

Without labouring the point, the simple answer given by this public hospital to repeated requests for notes about a patient, for the patient himself is revealed, in a letter dated 17 November 1989 which reads in part as follows -

It is not this hospital's policy to provide photocopies of inpatients notes to legal practitioners.

Not only will it not provide the notes to the patient's solicitor; it will not provide the notes to the patient himself. The legal practitioner of course, if duly authorised to act on behalf of the patient, is as entitled to the notes as the patient. That is a statement of bureaucratic arrogance of the most severe kind. It is a kind of bureaucratic arrogance which should long have passed us by. But, it has not. We have introduced legislation to provide for freedom of information so these sorts of things cannot happen and public authorities will be responsible to the public they serve and so that departments are responsible for the information they hold about the public. That is some measure of the unveiling of the secrecy that pervades Government operations with this legislation. It is not only a matter of disappointment, it is also a matter of shame on this Parliament that the Government was not even prepared to debate the Bill. It is a matter of shame that the Government was not prepared to provide a Message so that we could have considered the Bill and the Government would have been put on the spot to see what it agreed with and what it did not agree with. The Government has said that it will propose freedom of information legislation in the future, but the Government promised freedom of information legislation in 1983, 1985 and 1986, and these are only the promises I have seen in writing.

Mr D.L. Smith: We have done more than promise the legislation, we have said it will be introduced in the next session.

Mr HASSELL: But there is legislation in this session that is competently and professionally drafted and presented for the due consideration of Parliament. When Brian Burke first came into this place as Premier he kept saying that all wisdom did not reside on his side of the House. We have since discovered that not much wisdom at all resides on that side of the House, and we have certainly discovered that there is a commensurate unwillingness on the Government's part to concede that somebody can do something better than it can, or even to concede that somebody else can do it at all. When confronted with legislation that has been carefully thought out, drafted and prepared, the Government's response has been to resort to the subterfuge of refusing even to debate it. We are forced to bring in a motion when we should be debating a Bill. I have given the House a clear, uncontested, practical example of applications of the freedom of information legislation that would uphold the rights of ordinary citizens who have been drastically blighted by alleged negligence and mistakes perhaps of doctors and perhaps of hospitals. I have no desire to take up the cases, and it is not for me to do so. In the case to which I refer of Mr X, he is pursuing the matter through the courts through legal means. I am sure nobody would deny him that right. I am sure the Minister for Justice would.

Mr D.L. Smith: You cannot say that I would deny anyone the right to pursue matters by legal means.

Mr HASSELL: The Minister for Justice would not deny anyone the right to legal assistance, especially if he was acting on his behalf. The Minister has an obligation to tell the House tonight how the rights of this individual are to be protected in this case and to tell the House what he will do about this denial of rights. The Minister should explain, in the absence of comprehensive freedom of information legislation, how he can guarantee the most basic rights of this most unfortunate man.

MR D.L. SMITH (Mitchell - Minister for Justice) [10.35 pm]: I do not wish to delay the House on this matter because it has been raised on another occasion when it was made clear that the Government intended to introduce legislation next year. I assure the member for Cottesloe that the case he cites will be considered in the drafting of that legislation as will the Bill he brought before the House. It is simply a matter that the Government believes that it is the Government and it wants the legislation to conform to the policy requirements of the Government. The Government is not in a position at this time to assess whether the Bill presently before the House fully covers all situations that the Government would wish to cover. We want to do that assessment before the next session of Parliament when we will introduce our own legislation. The Government opposes the motion.

MR MacKINNON (Jandakot - Leader of the Opposition) [10.36 pm]: As I have indicated previously, the Government's commitment to freedom of information legislation is zero. The Premier answered questions in this Parliament on behalf of the Attorney General some time ago indicating that the Government was looking into the matter. An investigative report appeared in the "Scoop" magazine this year in which the Premier indicated that he had no real commitment to this legislation. In fact, it was his view that it was too costly and not really worth its cost in benefits provided. We have been debating tonight this Government's commitment to accountability; it is less committed to providing information necessary for the public of Western Australia to make informed decisions on the matter. Professor O'Brien commented in the *Daily News* that an informed public is an effective tool in a democracy in that it keeps the Government on its toes - it keeps the Opposition on its toes also for that matter. The only problem with freedom of information legislation is that it is a little difficult for Governments to live with because it requires a little work; it requires the Government to be accountable for its actions. That is why we are clearly committed to this legislation and to citizens' initiated referendums.

The Government's answer to this debate was a pathetic one minute response from the Minister for Justice. That is what this Government thinks about the freedom of information legislation. It does not give the Bill a Message and it gives the matter one minute of its time in debate. The Government is treating the Parliament of Western Australia in the manner in which it treats its backbenchers - if they were here - that is, like mushrooms; it keeps the public in the dark and feeds them a whole heap of members know what. That is what this Government thinks about the public. This lame excuse for a Minister has had more than two months to examine the Bill, yet he says that the Government has not had time to examine its full ramifications.

Mr Pearce: You have enough supporters behind you to constitute a meeting under your 54B legislation.

Mr MacKINNON: I will pay a compliment to the Leader of the House lest he keep interjecting. If it were not for the Leader of the House the Government would tumble into a heap. He is all that is holding it together. But what beats me is why he continues to support a Premier who does not pay him the same respect in return. It is my opinion that this Government with all its vast resources could have given a more intelligent response to this Bill than the inane comments just made by the Minister for Justice.

I did not come to this House tonight prepared to make a speech on this motion until I heard the pathetic response from the Minister. I feel I am able to contribute more than he did. He has a large number of staff available to him and he should have been able to contribute more time than the one minute he contributed to the debate. What did the member for Cottesloe do with only one staff member available to assist him in his office at Cottesloe? He prepared historic legislation for this State. The Freedom of Information Bill is something which the Minister and his party were once committed to. One must ask the important question, why are they not committed to it now? What do they have to hide?

Mr D.L. Smith: Nothing.

Mr MacKINNON: If they have nothing to hide, why did they not recommend to the Governor the provision of a Message to enable the Bill to be debated and give some commitment to the principle of it. There has been no commitment on the part of this Government and the Minister stands condemned, firstly for his pathetic attempt to imitate a Minister and secondly for making the worst contribution I have heard in this Parliament in response to a motion or a Bill in the 13 years I have been in this place.

Question put and a division taken with the following result -

Ayes (20)

Mr Clarko	Mr Kierath	Mr Minson	Mr Trenorden
Mr Court	Mr Lewis	Mr Omodei	Dr Turnbull
Mr Cowan	Mr MacKinnon	Mr Shave	Mr Watt
Mr Hassell	Mr McNee	Mr Strickland	Mr Wiese
Mr House	Mr Mensaros	Mr Thompson	Mrs Edwardes (Teller)

Noes (24)

Mrs Beggs	Mr Graham	Mr Leahy	Mr Taylor
Mr Carr	Mr Grill	Mr Marlborough	Mr Thomas
Mr Catania	Mrs Henderson	Mr Pearce	Mr Troy
Mr Cunningham	Mr Gordon Hill	Mr Read	Dr Watson
Mr Donovan	Mr Kobelke	Mr D.L. Smith	Mr Wilson
Dr Gallop	Dr Lawrence	Mr P.J. Smith	Mrs Buchanan (<i>Teller</i>)

Pairs

Ayes	Noes
Mr Fred Tubby	Mr Peter Dowding
Mr Blaikie	Mr Parker
Mr Nicholls	Mrs Watkins
Mr Bradshaw	Dr Alexander

Question thus negated.

MOTION - EDUCATION

High Schools - Unsatisfactory Staff Allocations

MR THOMPSON (Darling Range) [10.45 pm]: I move -

That this House -

- (1) recognises that high schools in Western Australia, in the period 1986-88, have had a reduction in real terms in their staffing allocation despite "Better Schools" and "Unit Curriculum Implementation" groups acknowledging schools required an increase in staffing;
- (2) recognises that as a result of the under-staffing most, if not all, schools are unable to offer as wide a choice of subjects as is necessary to satisfy the aim of the unit curriculum program and that at some schools upper school subjects such as physical science, economics, geology, home economics and physical education are not able to be offered; and
- (3) calls on the Government to urgently supplement secondary school staffing in order that schools may make the appropriate adjustments to their program for next year.

This matter was drawn to my attention recently by staff at one of three senior high schools which service the high school students who live in my electorate. Not all three high schools are physically located in my electorate; two of them are and the other one is near enough, having in its catchment people whom I represent. One member of the staff of one of those schools drew my attention to what he saw as being a very unsatisfactory situation. It caused me to discuss the matter with people at each of the schools in my electorate. Since I gave notice of this motion I have had the opportunity to discuss the matter privately with the Minister for Education and she drew my attention to some statistical matter that may slightly alter the basis on which this motion is moved.

I am informed by the Minister that the system for assessing the staffing requirements had a change somewhere between the period of 1986 and 1988. I am sure that when the Minister speaks to this motion she will rely fairly heavily on the fact that that change is partially, if not entirely, responsible for there appearing to be a net reduction in the level of teachers in secondary schools. I accept that may be the case. However, the situation that prevails in the senior high schools in my electorate, and I suggest in other electorates throughout the State, is a very unsatisfactory one. It is exemplified in a memo, a copy of which I have, written by a senior master at one of the schools in my electorate to the principal of that school. I will not quote from the whole of the document because it consists of three pages and is handwritten, but I will draw attention to certain parts of it. In one part of the memo the senior master draws attention to what he sees as a mismatch caused by the years 8 and 9 vertical timetabling. He said -

In Semester 1, 1990 about 30 students will undertake Maths Development 2.4. Roughly half of these will be super bright ex-primary students and the balance will be fairly dull Year 9 students who did not do the unit in Year 8.

In my view, such a match (mismatch) will work detrimentally to both groups.

If this school is genuinely serious about extending talented students, about providing extension and enrichment and about protecting the dignity and work of less able students then such a timetable organisation . . . is not the way to go.

The problem of staffing is being experienced by teachers who are at the coalface - not the administration of the school but the senior masters who have to put these timetables into effect. They are finding that groups of students are coming together in such a way that there is incompatibility within the group. One can imagine the difficulty of a teacher trying to ensure a rewarding learning experience for all those students.

Another fact that disturbs me is that in some of the high schools - and it would appear most - a number of very important subjects are not offered to students; for instance, at one of the high schools in my electorate physical science is not offered to upper school students. I am told that at another school maths II and maths III are not offered to students. I would have thought that at a time when Australia is trying to lift its productivity and when we are endeavouring to lift the skill level in the community that subjects such as those to which I have referred are absolutely essential. Indeed, it is an absolute disgrace that those subjects cannot be offered in our senior high schools.

It is time the Government recognised the problem. I have approached the principals of a couple of these schools who have indicated that the staffing at their school is in accordance with the formula laid down by the administration. The principals say to me that there is no problem, but the teachers in the system - people such as the senior master whose memo I referred to a moment ago, and other teachers who have to handle the situation in the classroom - are having extreme difficulty. It is time the Government recognised this problem exists in the system and provided more resources to ensure that a full range of options is made available.

The Better Schools report and the unit curriculum initiative were designed to lift the standard of education available in the high schools while at the same time offering a wide range of choice for students. The aims of those two initiatives are worthy ones, but how stupid it is to require the schools to provide the courses and to improve the standard of education while at the same time not providing them with the level of staffing to achieve that. Education is the second most important service provided by the Government, health being the first. The Government needs to reorganise its priorities and to provide the resources necessary to ensure education standards increase. I know from discussions with teachers that they support the Government's initiatives in the Better Schools area and I cannot find anyone who argues against the unit curriculum principles.

It seems to me to be a hollow action on the part of the Government when it calls for these improvements while at the same time not providing the necessary staffing to ensure these goals can be achieved. I know that the Minister will rely in her argument on the changing statistical methods used in determining staffing levels. Nothing I anticipate she will say is likely to change the situation. The problem is real. As I said earlier, the people who have to deal with this situation - the teachers and senior masters - are experiencing those problems.

The education system is beginning to fail our students when super bright students are not being extended in subject areas because the teachers are required to teach at a lower level to ensure that they do not leave behind the other group included in the class who they are required to teach and who do not have the level of intelligence or the skill and ability to match it with the super bright people. There needs to be a dramatic increase in the amount of funds available to education to ensure that the worthwhile initiatives that have been put in place can be met.

The chairperson of one of the school councils in my electorate contacted me soon after she heard I was to take this action and told me that parents who are involved in the council at her school and a number of other parents are concerned about what is occurring at the school. It is starting to become a matter of concern to parents and I expect that, as we go further down the track when the students of those schools go home and advise their parents they are unable to do the subjects they would like to do simply because they have not been offered, the Government will come in for a bit of criticism, and justifiably so.

I understand that the Government wants to keep this debate to a short time span so, not

wanting to take up all the 30 minutes allocated - because I am aware the shadow Minister wishes to say a word or two, and I hope the Minister will be able to respond - I will curtail my contribution at this point.

MRS EDWARDES (Kingsley) [10.59 pm]: I second the motion. Members may recall that I raised the problems associated with unit curriculum last Thursday or in the early hours of Friday morning when debating the Estimates. One of the matters I raised at that time was reported in the newspaper the following morning and related to the fact that students in a school nearby my electorate were able to do surf skiing rather than maths. I received an incredible number of calls from students after that report was published who obviously attended other schools and would like to do surf skiing instead of maths. I received several other calls from people who had not read the newspaper report. This shows that there are concerns in the community about unit curriculum.

One of the calls I received was from a father whose son attends a school in my electorate. While this is the first complaint about unit curriculum that I have received in respect of this school, the issue was that the son was in year 9 and choosing his options for year 10. He wants to do TEE physics, and one of the prerequisites for that is the science unit number 6.4. He has been told that he cannot do this science unit next year, even though he wants to do physics for his TEE. The reason is probably that he is one over the required number for that class and no position is available for him to do that science unit. His father is absolutely ropeable because his son will not be able to do physics. The only answer he can get from the principal is, "Go to another school." That is not acceptable, because the father has five children, one of whom is already doing the TEE, one is obviously in year 9 going on to year 10 and three others are following. They all want to go to the same school and it is not acceptable for that student to have to go to another school to do the unit which is a prerequisite for doing physics for his TEE. The father contacted an officer in the ministry who was very polite and sympathetic. The father was probably quite rightly very angry, but he had nothing but kind words for the person at the other end of the phone at the ministry. However, the officer at the ministry was only able to listen because the timetabling of the unit curriculum is left with the school. The district office would not enter into the debate. The only person from whom any satisfaction can be obtained is the principal, and while the principal says he can do nothing, no more students can be fitted into that class for next year. I do not know how many others will be denied a place; there may be sufficient students to establish another class. That science unit number 6.4 has another prerequisite which has another unit number which escapes me, but the other unit is a prerequisite to unit number 6.4. Normally the first prerequisite is done in the first term and the 6.4 unit is done in the second term. This school is timetabling these units together. The staff member at the head office said he could do nothing about it. He said it was strange and unusual, and it did not often happen, but it did at this time.

That is one of the anomalies which occur. We hear that unit curriculum is working well, but it is not in those basic core units. If units such as food for toddlers or surf skiing were not offered, I would not worry, but when a core unit such as science or maths is not available that does concern me because our children are missing out on these basic core units. I do not know how widespread this problem is, but if the small number of schools in my electorate and if the complaints I am receiving are anything to go on the problem must be fairly widespread. The ministry should not rest until these problems are ironed out.

It is great to know there will be a further allocation of resources. We are told that by June of next year everything will be all sorted out and computed. However, *Hansard* records that the Minister said that would happen by June of this year, which has already gone. I wonder in which June this will happen.

It is the Government's policy to implement unit curriculum. If the Government does not want to be criticised, it will have to look at the individual cases and do something about these anomalies. If a school cannot allow a child to do a science unit which is a prerequisite for TEE physics, where does that leave him? If this physics unit is something the child requires for engineering when he undertakes further tertiary studies, will that student be prohibited from doing the course he wishes to undertake? It is not sufficient to say that he must go to another school. The ministry should be able to sort out these problems, as it does in other areas. Why can it not sort out these problems in the area of unit curriculum? When the father of the student who wants to do maths instead of surf skiing brought his problem

forward, why was someone not in a position to say to the principal, "Surely there is something we can do here. How can we help this student to do maths?" If only one or two examples occur at each school, the problem will not be a great one. We must make sure that the basic options are provided for the students who need them as prerequisites.

MR STRICKLAND (Scarborough) [11.08 pm]: This is a complex problem which will vary from school to school. It is very difficult to comment on any school in particular. The problem with small upper schools being able to offer a wide range of courses has existed for some time, and I ask the Minister to consider introducing some flexibility into appointing staff to those schools. I had the experience of teaching at Lockridge Senior High School, where the total population had been of the order of 600 for many years. With a small upper school population of students, only a small number of teachers is available, so it becomes difficult to offer a full range of classes. One has to timetable classes sometimes with only two or three students.

Mr Thompson: This is happening to a large extent in metropolitan high schools.

Mr STRICKLAND: I can understand its happening at other schools, but basically, if it is considered important to allow courses such as maths II and III, particularly with a small base population, the only way to do it is to load up other classes or restrict choices. I believe that schools in that position should be subject to some ministerial discretion and flexibility in the formula, which may assist to allow the school to continue to offer a good range of options to students. In lower school the formula is based on 1.5 teachers to every 32 students. The problem arises in course selection where the number pans out to be very close to a multiple of 32 because that means that in the component areas such as maths, social studies, English and science - where they run class sizes up to 32 - there is not too much flexibility. One might find one gets 20 students opting for one unit and then one has to say, "Hang on, we must have a class of 30 or 31 in order to make the system work." The teachers then have to encourage extra students to make up the numbers. There is also a problem if 40 students want to do a unit because then the teachers have to talk a few out of that. There must be some sort of mechanism to balance the classes. One cannot, for example, teach two different units at the same time; it is "mission impossible". Although the two units might come under the one subject, such as maths, they are entirely different in their activities and so on.

I understand the problems of teachers in the classrooms. To a large extent the challenge lies with the school in developing its timetable. I know an assistance package offered via a computer is on the way. The school I was last at had a very positive experience when senior people were involved and met regularly every week in order to come to grips with understanding how timetables work. No doubt computers will assist there. There are situations where matters of flexibility in staffing should be put before the Minister and discretion used to allow schools to get over problems they will face, although not necessarily every year. When one year has a load right up near the multiple of 32 in lower school, if the school is small in number in upper school, clearly there will be problems. I will be interested to hear some comments from the Minister.

MR TRENORDEN (Avon) [11.12 pm]: I rise on behalf of the National Party to support the three points put forward by the member for Darling Range. For the sake of brevity I will comment only on paragraphs (2) and (3).

The National Party is greatly concerned about the question of the unit curriculum which decreases the availability of educational options to students in country areas. Bright students at junior high schools and in the larger regional high schools do not have the opportunity to be educated in key areas. Some of the areas of concern are physical science, economics, geography and one which should be there but is not, languages. There are definitely students in country areas who go through years 8, 9 and 10 to a senior high school without the education to go on to higher study, even though they might have the ability. Some might have enough ability to catch up, but that is not the point. They have been disadvantaged within the system. This argument has always existed; however if one looks at the Kamien report into the lack of doctors in country areas, one discovers that something like 60 or 70 per cent of country students who go on to be doctors are happy to return to the country. However so few doctors come from the country areas, that few return there; that is because so few country students have the educational background to get through the years of study required to be a doctor. It has been part of the platform of the National Party for a number of

years that regional high schools, at least, should be able to meet the full curriculum. The National Party does not mean that literally in respect of minor items but in respect of the key items. Those areas are important if a student is to progress down a chosen course. Even if there are only six or seven students in the class, these areas must still be provided for in the regional high schools. It would not be a huge expense on the system to make sure regional high schools could do that. Parents would have the opportunity to decide whether they boarded their children in school hostels in order to provide them with a better curriculum range for their needs.

I do not make that point lightly, and I do not think the Minister for Education takes it lightly. However I know from personal experience within my own electorate that what I am saying is true. The Minister is a country girl so she would understand that not all families in the country are able to send their children to Perth. In fact many cannot. It must be conceded that wages for jobs in country towns are not high and there are few opportunities for dual incomes for families, compared to the metropolitan area. Many parents suffer great anguish about their inability to provide the full range of educational possibilities for their children. In the metropolitan area, if the school of one's choice does not offer the curriculum one wants, one can get on a bus or push-bike and go to the next school because the chances are that if one looks around, one's needs will be met. That is not possible in the country and it causes serious concern.

I have had weeping parents in my electorate office on several occasions and I feel deeply for people who have a burning feeling inside them that their children do have the ability but the parents themselves do not have the dollars to provide the opportunities they feel their children deserve. The National Party is delighted to support this motion on that basis. We would also ask that the system at least meet the full curriculum in regional high schools.

DR LAWRENCE (Glendalough - Minister for Education) [11.17 pm]: Obviously I will not support this motion, not because I am not sympathetic to some of the sentiments expressed opposite but because I am opposed to the matters of fact which were raised, and I am opposed also to the call on the Government in terms which suggest there has been a diminution of staffing sufficient to meet the reasonable aspirations of schools and the community.

I will answer first a number of those matters of fact that the members referred to. Firstly in the original motion it was claimed that the secondary staffing formula had declined. It has not, neither has the allocation per student. I will not dwell on this for very long except to put it on the record. The formula, as has been correctly observed, consists of two parts for our high schools: 1.5 teachers per form class, which is 32 for lower school and 25 for upper school; additionally there are allocations for administrative positions, guidance and library staff, youth education officers, special programs and so on. That is the minimum allocation, and schools will have in addition to that staffing to assist with some of the programs described in the case of at least one school as forming an alternative to mathematics. As I said to the member before, I find that very disturbing and have initiated an investigation. There was a significant change in the formula last year to add to the basic allocation to make it 1.55 teachers per form class, so in the life of the current Government we have increased the formula. That was partly in recognition of the difficulties being faced in schools particularly by teachers in preparation, so it largely went to additional duties other than teaching time.

It is important for members to recognise that even given the formula of 1.55 teachers in our secondary schools, and the additional staff that I have mentioned, there have always been above formula staff allocations and the sort of flexibility mentioned by the member for Scarborough. I frequently receive letters, and I know the Chief Executive Officer does, as do others involved in staffing, making precisely the requests that have been touched upon here - in other words, calling for some flexibility for a school which has unhelpful allocations of students, either a little too small or a little too large, and where schools are not able to mount a very important program in the school's curriculum. For that reason most of the time we run some 300 teachers above formula in the Government school system. From time to time that is tightened or loosened depending on budgetary constraints, but overall in the time the student population has been decreasing - although our participation rates have been increasing - because we have lost the baby boomers, teaching numbers have increased. Although our population is increasing in Western Australia at a rate above other States, we have had a slight dip in the secondary school population. In general, while the student

population has been decreasing - for instance from 1986-87 it decreased by 1 300, and in 1987-88 by 616 - overall there was a slight gain in the number of teachers during that time in terms of formula. So we have been shedding students while increasing staffing. Therefore it is very hard to argue that in general terms Government schools are diminished.

It is important in this debate that I mention that I am sometimes disturbed by the implication that Government schools are somehow the only schools that we have in the State. There are a great many independent, non-Government schools which do an excellent job but which face many of the same problems that Government schools do. Even the elite schools which have a substantial Government subsidy, and parents who are able and willing to pay high fees, have staff size and staffing allocation problems. Indeed the range of subject choices are not superior to those in Government schools. In some cases the choices of parents who pay these substantial fees and the choices that the students have to make are far more severe than we would contemplate at Government schools. I ask members opposite to take a tour of non-Government schools and to talk honestly to the parents and staff about the nature of the curriculum, especially at those schools which have adopted unit curriculum. Members could also speak to them about the trade-offs those schools have to make - even though in some cases they have substantially higher levels of funding per student than is available in Government schools.

So in general terms I reject the proposition that we have had a declining number of teachers to students; in fact an examination of the statistics provided in the "Education Bulletin" reveals a steady decline over the last 20 years in teacher:student ratios. In the time referred to in the motion there has been a decline - not a substantial one but nonetheless a decline. In secondary schools, excluding senior colleges and distance education, that has gone from 13 to 12.8. Given the number of students in the State that figure is not without significance.

The second point suggests that under-staffing is partly a function of unit curriculum, requiring a larger array of subjects to be offered in high schools. I have always rejected, and I will continue to reject, the proposition that unit curriculum is designed to offer a wide range of subjects from which students could choose. It has offered a wide range of units of varying levels of difficulty and various focus, so that in mathematics there are elementary units through to advanced ones; in social science there are units that focus on ecology and human society, and perhaps others which are more traditional subjects within the confines of an area such as history. The reason for that is not so that students will have a whole range of choices but that they will have an opportunity of exploring the same processes, concepts and learning through a different range of areas.

The curriculum in lower secondary unit curriculum is divided into seven subject areas. As Minister, I have insisted on increasing amounts of mathematics and English. I have had representations from science teachers, and I hope that next year we will have a major conference on science to consider some of the problems, particularly in a small minority of schools where insufficient science units are being done. In comparison with the old Achievement Certificate, the range of choice for students is no less - indeed it may be somewhat greater. I do not see that as a particularly important goal; the important thing is to ensure that students' interests are pursued reasonably, but that they have a very strong core curriculum which enables them to fit in to a level of difficulty that suits their abilities.

For me one of the most important outcomes is vertical movement; that is an area where we still have some way to go because of the problem mentioned by the member for Kalamunda - having students of two levels of capacity in the same class. Part of that is due to timetabling - and I do not want to throw the responsibility back onto schools - but some schools did have difficulties in the first year of operation. All schools will now have their computer programs in place and will have used the bureau services, so they will be in a better position to maximise their capacity to ensure students can participate in those units. We should not lose sight of the equivalence between some areas, so that students may not be doing as much strict science - the old physics and chemistry - as was once the case. They may instead be doing electronics or technology where the same skills are required but with a slightly different bias.

A survey of year 9 students during 1988 showed that 33 per cent of students were now studying five or more units in the area of science and technology. That is an increase over what they would have been doing under the Achievement Certificate where four terms would not have been worked. In some cases this has expanded students' exposure. The pathways

available enable students to select a level of difficulty which is suitable for them. There will be mismatches from time to time and I am as disturbed as members opposite when that occurs. Very often it is not a question of having more staff, but of having a more effective timetable.

It is also important to note that the high achievers are getting through to the more difficult stages more quickly. Again, a survey of year 9 students in 1988 revealed that 45 per cent of the high achievers were studying units five or six and not taking the soft options which in the past was perhaps possible. To reinforce that, unit curriculum was not intended to ignore the basics in pursuit of choice. Student selection profiles, which are being systematically collected, show that this is being achieved.

To touch briefly on the upper secondary question, it is important to emphasise that no secondary school, Government or non-Government, offers the full range of courses which are either accredited by or registered with the Secondary Education Authority. Those courses have significantly expanded over the last 10 years. We are in some danger of having too great a range of courses available, the implication being that every school should offer those courses. That is quite silly. The school will make a choice about what it wishes to teach, particularly at the upper school level. It will do that largely on the basis of what it regards as essential core curriculum; so even in a small school, maths II and III will be offered because of the need for children to do that for TEE and university entrance. Beyond the core areas, schools will make choices depending on student demand. Obviously all demands will not be met. I remember that I had to do maths B by correspondence. That sort of thing still goes on. Distance education is an alternative; it is not an inferior one for students do not have access to the necessary number of peers to support them in forming a class.

While, ideally, we would want to say if there are only four people in a school wishing to do Japanese we should provide a Japanese teacher, in reality it would be a luxury to do that and would be at considerable expense to the taxpayers. For every 30 extra teachers we employ - and they do not go far with 900-odd schools across the system - \$1 million is paid by the taxpayers. So it is important to recognise that not all schools can or do offer all the Secondary Education Authority courses. Neither has there been a diminution in some of the areas mentioned - physical science, economics and so on. In some cases, for example, if we take home economics, there are equivalent but slightly different focused subjects. In the past there was no child studies program; it used to be incorporated in home economics, but now it is a separate subject. By adding those two subjects together, more students are doing them. The same applies to physical science; it was a subject which was not offered a number of years ago, so we have an addition to the straight physics in upper schools. We have gradually increased the number of subjects available to students and we have to put them together in order to get a fair picture of what is available in our schools.

General computing, applied computing and computing are new subjects in the system and offer attractions to schools and teachers which may be the subject of disappointment if they cannot be offered in a particular school. I am aware that members opposite were succinct in their observations so I must draw my remarks to a close. However, I thought I should go through those points.

In relation to country students, there will always be a difficulty in small schools, whether they are in metropolitan or country areas, of providing the full range. However, the trade-off in country schools is that, typically, the teacher:pupil ratio is far better than in large metropolitan schools. What they lose in a greater availability of a wide range of subjects, they gain in very intensive work from the teachers in their schools.

In summary, there has been no reduction; the teacher:pupil ratio has been steadily falling. We always have flexibility in formula allocation. Unit curriculum was never intended as a mechanism for increasing choice. In any case, we have improved the resources available to schools in those terms. No school, Government or non-Government, can offer the full range of subjects, and that was not a goal. If this Government were to urgently supplement secondary school staff at this time of the year and change the formula, even if that were considered viable, they would assassinate me because they have already finished their timetables. I oppose the motion.

Question put and negatived.

MOTION - REGIONAL PLANNING

Long Term - Deterioration Concern

MR LEWIS (Applecross) [11.34 pm]: I move -

That this House expresses its concern as to the debilitated state and the current lack of long term regional planning in Western Australia and the Perth metropolitan region in particular.

It also recognises and notes that the many environmental conflicts with proposed urban development are fundamentally because the existing Metropolitan Region Planning Scheme is obsolete and now deficient of any identification or strategy of planning intent for future land use both in the immediate and long term situation.

Furthermore it calls on the Minister for Planning to urgently review the current disposition and run down state of regional planning and the dearth of competent professional planning administration in Western Australia.

It does not give me much pleasure to have to say the things that I think need to be said even though I feel convinced that planning policy has run down considerably in recent years under the current Administration. This is indicated by the publication of local governments' complaints on the state of planning, from professional associations which have written to the Minister for Planning and the Premier about conflicts in environment policy, and by the Government's going to the extreme of publishing an expose in *The West Australian* newspaper for \$9 000 to try to lift its game a little bit. It is interesting that, since the notice of motion has been on the Notice Paper, the Department of Planning and Urban Development, as it is now known, has been reorganised and certain people were dismissed and other arrangements made.

Mrs Beggs: Who has been dismissed?

Mr LEWIS: The Minister knows that Mr McKenzie was dismissed. Let us not argue about that again.

Mrs Beggs: He was not dismissed.

Mr LEWIS: Of course he was. The Minister should go and ask him.

Since this motion has been on the Notice Paper, it has acted as a catalyst to the Government.

Mrs Beggs: What a load of rubbish!

Mr LEWIS: That is the same response as many of the others since this notice of motion has been on the Notice Paper.

Mr Pearce: Government by Notice Paper!

Mr LEWIS: Yes, because the Government knows it is going bad. The fact is that the Government has reacted to this notice of motion and in that sense it has achieved something, if not a little belatedly.

I believe that the future of urban development, industrial development, conservation of areas of prime significance and the environment are in jeopardy. They are all prejudiced at the moment principally because the planning process has been allowed to run down. Western Australians led Australia in their ability to plan the environment and development in the State. But we seem to have slipped to the bottom of the ladder. We are a crisis waiting to happen because unfortunately our planning process and our metropolitan regional planning scheme are obsolete. Unfortunately, our planning system has broken down and is impacting on urban development, lot production and on the environment.

It is necessary, in amplifying those comments, to go back a little to consider what was done by Stephenson and Hepburn. The Perth metropolitan region is recognised worldwide and certainly Australia-wide as a well planned city. That did not happen by accident. It happened because we had wise Governments and wise men who put in place a plan for the future of this city. They did not produce plans for a city two or three years down the track. They provided plans for a city 30 years into the future and that plan has been closely adhered to for the benefit of all Western Australians.

For the last seven or eight years, the metropolitan region scheme has been allowed to run

down. Urban development has broken through the metropolitan boundaries and is bursting into the green areas, as they are currently zoned. Why is every major development in this State in conflict with the environment? If plans had been drawn up 10 or 15 years ahead of need, future conflicts with the environment would have been resolved and housing could have been provided without too much of an effect on the environment. At the moment, no regional plan is in place. No-one knows where urban development will go next. It is a matter of pinning the tail on the donkey. Engineers at the Water Board do not know where to put their mains because no-one is able to tell them about proposals for future urban and industrial development or communication lines. No-one knows what will happen. We have no planning policy in place. Because we have no planning policy, developments such as Leda, Hepburn Heights, Helena Vale, Thompsons Lake and Canning Vale have stalled. Those people who are concerned about conservation and the environment have not been given the opportunity to publicly debate where urban or industrial development should go. If we had a plan ahead of time the conflicts could be worked out ahead of time and we would not have the conflicts we have at the moment. This has been flagged by action in the courts - there has been an injunction on the State Planning Commission and the Minister regarding her ability to determine the difference between a major and minor amendment. Unless this Government resolves this planning impasse land prices will soar and will, in 12 months' time, be as high as they are in Sydney.

Mrs Beggs: You said that 12 months ago.

Mr LEWIS: And land prices doubled within four or five months in this State and the Minister sat on her hands and did nothing about it. She argued that there was no problem in the community. Land prices will be the same as they are in Sydney if this Government does not stop sitting on its hands.

The injunction in the Supreme Court is prohibiting developments in the State Planning Commission and if it is successful and the court rules that the Minister does not have the ability to determine a minor or major amendment there will be conflicts in every area of the planning process and there will be other injunctions on the Minister and the whole planning process in Western Australia will break down. Unless something happens very soon and firm action is taken by the Government it will be faced with that problem. I am the last person to suggest it should happen - that is, prices getting out of control.

For a long time I have said - the housing industry and the urban development industry are saying it now - that if it were not for the interest rate problem making it difficult for people to be able to afford to buy homes in Australia, and particularly in Western Australia, we would have a serious and continuing land shortage. All I am suggesting is that the Government take urgent action or there will be severe problems further down the track.

One must ask why there has been a dearth of foresight in the area of planning by the Government. Unfortunately - I said this the other night - when the Labor Party came into Government it had a chip on its shoulder and said that the staff in the then Planning Department were members of the Liberal Party, were Liberal sympathisers and were doing deals for entrepreneurs. Nothing was further from the truth. An expert bunch of highly professional and apolitical planners, administered by a competent administration, were employed at the department.

I acknowledge that planners cannot be right all the time and that planning, by its very nature, will at certain times result in conflict with people who want or do not want certain things done. Overall, the system which existed over many years was reasonably successful. However, the Government, for the sake of change, had to change it and it made things so hard that most of the competent planners from the Planning Department resigned. Imports came from the Eastern States and they were people who were affiliated with the Labor Party. They came to the department not knowing the ethos of Western Australians - they like space and they like to move freely. These people came from South Australia, New South Wales and Victoria and they have imposed and are imposing their planning philosophies on Western Australians. They failed when the document "Planning for the Future of the Perth Metropolitan Region" was produced. That review was commenced in May 1985 and four and a half years down the track we are no further progressed.

Officially, there is no plan and the Government has not given any indication of the direction urban development will take in the future. There is no graphical delineation of what will

occur. It is fundamental to life that any successful person in business, any successful politician or anyone who is successful in anything he does should have a game plan. These people put in place a plan to achieve their aims and that is necessary in everything one does. Unfortunately, in one of the most important functions of Western Australia there is no land use plan in place. The plan that did serve Western Australia very well is out of date. There is no plan in place to tell the people of Western Australia where they will live in five or 10 years' time; there is nothing in place to tell local authorities where the next urban subdivision will be; there is nothing in place that will tell developers where they should buy real estate and plan for future urban development. What we have is planning by adhocery. Government agencies like LandCorp and Homeswest are buying huge tracts of rural land currently zoned "rural" under the region scheme and they are sitting on it knowing that in a short time and by putting pressure on the Government it will have the land rezoned. There is nothing to say it will not be rezoned.

Mr Kierath: And via swamps.

Mr LEWIS: That is right and there is nothing in place outlining the future direction Western Australia will take in regard to urban development and where people will live in the future. A grave problem exists in the community and it is time the Government recognised it. The most important thing of all which should be emphasised is that if we want the State to progress we must have a game plan and people must know where they are going.

Mr Kierath: The Minister told a conservation group that they only look as far as the next election.

Mr LEWIS: That is right. We have to be innovative and think of cities of the future, not necessarily in the metropolitan area. The Perth metropolitan region is sitting on a massive ground water resource and it needs a billion dollars to update the sewerage program in order that the density of housing can be raised within the metropolitan area. It does not mean that we will go for massive density increases. That cannot be done unless money is paid up-front for the infrastructure of sewerage and water schemes and the necessary headworks which are required for urban development to proceed. This Government has sat on its tail and ignored the fundamentals. As a result Western Australia is faced with a massive problem and no urban land is delineated. The Government is planning by knee jerk reaction from the day to day pressures of people appealing against decisions which have been made by the State Planning Commission. In many cases the Government buys parcels of land to have it rezoned. That is not the way to go. We must put in place a creditable and far reaching plan which shows a little bit of lateral thinking and which reflects where the people in Western Australia want to live.

The most important thing is that the Government has to sort out the environmental conflicts before it knee jerks and calls major amendments minor amendments in order to get around the impasse with which it is faced and which has been four and a half years in the making. I asked a question on notice about how the Government will progress the region scheme. The reply was "by sections 33 and 33(a) of the metropolitan region scheme Act". It means there will be major amendments to the metropolitan region scheme and most major amendments take 18 months to two years to progress through the planning system.

No land is delineated for urban or industrial land use, we do not know where we are going and it will be another two years before we have a clue because we must still go through the planning process. I do not want to be unkind but I want to draw to the attention of Parliament the debilitated state of the planning process in Western Australia. The Government must do something about it now. Planning problems cannot be solved overnight. It takes many years before a satisfactory result can be achieved. A major problem exists and a huge crisis is waiting to happen because the environmental conflicts and a number of injunctions will put an embargo on future development. The Government will be in the biggest trouble of all time. I commend this motion to the Parliament.

MR CLARKO (Marmion) [11.51 pm]: The antonym of planning is chaos. One of the more intelligent members on the Government bench has indicated that an organisation called Kaos is featured in the television program "Get Smart". The type of chaos to which I refer is different, but there has been a great deal of it in the planning area in the seven years this Government has been in office. I do not want to retread all the gross examples of mismanagement in this area. Everybody knows about the incredible case, almost bordering

on corruption, of the Chinese restaurant development. The Liberal Government of the day offered land to the Labor Party on which to construct an office and subsequently an attempt was made to set up a Chinese restaurant in that building, probably to provide the Labor Party with some funds to run that office. When the process started the Labor Party, which was in Opposition at the time, believed it had control of the City of Stirling. By the time the development came to fruition the Labor Party was in Government in State Parliament and many of its friends had fallen away from the City of Stirling. Therefore, the matter was dealt with somewhat differently. It was a disgraceful affair and the then Minister for Planning, now the Leader of the House, does not mind admitting that he deliberately held up the district planning scheme No 2 of the City of Stirling to force it to agree to the operation of the Chinese restaurant. It is the most incredible and improper action the Government could contemplate taking, apart from its stunts with Rothwells and the petrochemical project. That Chinese restaurant is one example of chaos and bad planning.

The Observation City development is yet another example. An article in *The West Australian* of Wednesday 29 November under the headline "Bond hotel's price lowered" states that the asking price of Bond Corporation's Observation City Hotel has been lowered from \$130 million to \$105 million. In the photograph accompanying the article one sees the ugly sight of the other two towers and the other developments that go with it. It is interesting to note that Bond Corporation and the Government were very friendly at the time and approval was given for all sorts of things in that development, including the incredible entry road to the Observation City Hotel which flouts all road safety rules. It is a blight on one of the best beaches in metropolitan Perth.

The Government played ducks and drakes with regard to the Spindrift project, and the Minister for Planning at the time said that no high-rise development above three storeys would be allowed on the beach front. However, suddenly it was agreed that the Spindrift development should be built with more than three storeys, and it also was allowed lower than standard setback allowances. I have told the story many times about Brian Burke floating a balloon on the beach in front of his rent-a-crowd before the 1983 election. A balloon was run up to the planned height of the Observation City development and he promised those present, including the Scarborough Progress Association, that no high-rise development would be allowed under a Labor Government. Within a few years he changed his mind on that development, but boasted that it would provide employment in Western Australia. That is another example of the gap between statements made in Opposition and actions taken when in Government.

The Swan Brewery is another example of chaos. It is opposed by almost every group in the community, and the Government is in a bunker situation trying to fend off the critics of the development of the Swan Brewery.

Mrs Beggs: What is your position?

Mr CLARKO: On the very first day the Government announced that it would develop the site, I spoke to my leader at six o'clock in the morning. I asked what his position was, and he asked what my position was as shadow Minister for Planning. I said the building should be demolished to make way for a passive park on the edge of the beautiful banks of the river. He agreed with me, and that has been the policy of the Opposition from that day. The Liberal Party is clear on that aspect. I do not have time to ask the Minister whether her policy has changed or whether other people have made it for her.

Mrs Beggs: I do not have the knock it down mentality of the member for Marmion.

Mr CLARKO: The Minister thinks that there something wrong with demolishing a scrubby, disgraceful looking building and replacing it with a beautiful parkland. I hope the environmentalists hear of her attitude to parklands development. Somebody else probably gave the Minister that idea and said it was an attractive industrial building. It is a wreck which has been extended on many occasions, and it does not even match the original plan drawn in the early days.

Mrs Beggs: Have you looked at it inside?

Mr CLARKO: I have been inside the building, but not recently. Another example of gross mismanagement in planning involved the member for Perth. He used the word "corruption" in connection with councillors of the City of Perth. The matter has been raised on several

occasions, but the allegation of corruption by the member for Perth was given a great deal of support by the Government and the Minister of the day. The Mant report and the study of pecuniary interest matters in relation to the City of Perth were further examples of an attempt to take power from a local authority and give it to the State Government. It cost a lot of money for Mr Mant to come to Perth and prepare that report, but nothing came of it. It was a great waste of public money. The allegations made by the member for Perth were never proved, and a report was produced on how planning should shift from the City of Perth to the Minister and the State Planning Commission. Nothing has happened and taxpayers' money has been wasted.

The Minister for Planning made allegations about corruption in the planning area at the City of Wanneroo. Those allegations were never proved. Various mayors of that municipality were approached by the gentleman making the allegations, which allegations were brought to the Government. The police were called in and they immediately dismissed the allegations. That is the record of this Government with regard to planning.

This Government has been in conflict with the City of Perth, the most prestigious local authority in Western Australia. It has also been in conflict with the City of Stirling, the most populous and one of the biggest local authorities in Western Australia. It then moved to the City of Wanneroo and was in conflict with that local authority. That is the record of this Government; it fights each of those councils and never establishes any bona fides for its arguments.

Mr Kierath: They are masters of mud slinging.

Mr CLARKO: That is right. Those are the three biggest councils in Western Australia and they are at war over this Government's incompetent planning policies. This Government is so incompetent that in its first three years in Government it had three Ministers for Planning who were all failures. That is what has happened with these three councils which cover the biggest part of Perth. Look at this Government's policy of taking planning powers away from individual planning authorities to St George's Terrace. The St George's Terrace system is in a state of collapse. The State Planning Commission has collapsed.

The Minister thought she was clever. Certain people have told us that Mr McKenzie was directed not to attend the metropolitan planning council and that Peter Willmott had been directed not to attend, also. The Minister denied that. We then found out she had asked these people not to attend - the Minister for Planning had asked the Chairman of the State Planning Commission not to attend the metropolitan planning council. If that is not a synonym - and if one looks that up in the member for Perth's dictionary one will find it has the same meaning as another word - for "direction" I do not know what is. He has his own special dictionary. The Minister thought she was being clever when she said that she did not direct them, but the Minister wrote to the Chairman of the State Planning Commission, the principal person in the metropolitan planning council and asked him not to attend.

Mr Kierath: "Or don't come in Monday."

Mr CLARKO: She did that as well. Mr McKenzie's term in office did not expire until after the 1989 State election. What did the Government do? Half way through last year, many months ahead of his expiry time, it gave him a new contract. It thought that was clever, "We might lose the election, so we will try this smart trick." It backfired on the taxpayers because the Government fell out with Mr McKenzie and decided to dump him unceremoniously. That is its record of no planning - chaos! There is a vital and urgent need to restructure the planning processes in Western Australia, both specifically and generally. I have given many examples why this should be done specifically in the Perth metropolitan area. The planning system of metropolitan Perth is in total disarray. It needs reorganisation.

The Government has indicated by its actions it is not satisfied with its own system, yet it boots Mr McKenzie out and creates a department for which people quickly realised the acronym was DUD - Department of Urban Development. It decided that would not do and added the word "Planning" changing the acronym to DUPD - the people of Western Australia "duped" by this farcical situation.

Several members interjected.

Mr CLARKO: The Minister will have an opportunity to speak, but I suspect she knows nothing about planning. It would be valuable for the community to know why Mr McKenzie

was given the shove. What did he do wrong? Will the Government tell us this - this honest Government of accountability? A couple of years ago the Minister for Planning announced that there would be a new planning Act and in January 1987 that Act was produced and distributed to people in local government. Here it is a couple of years later and it has never seen the light of day. In the past month or so a new Department of Planning and Urban Development has been established. It is headed by Mr David Hatt who I assume is a competent administrator, although I take it he knows nothing whatever about planning.

I am quite happy to say he has a record as a good administrator, but there is no evidence he knows anything whatever about planning. The Minister has created this twin situation without legislative backup and she has emasculated the State Planning Commission by introducing legislation to set up this little thing alongside it. That is an appropriate thing to do, but the right way to do it would be to introduce new legislation in the past month or two saying, "Here is our new arrangement." The Government probably should have told us before the February election that it was unhappy with the structure of planning and this was the way it was to go. It did not do that and is fiddling around with this now.

I take it that some time in future legislation will be introduced endorsing this new arrangement. It does not take much to produce legislation to set up a framework because that has happened previously. The Government set up a framework and said that within a year or two it would back it up with some teeth. Obviously it found that it did not work and it is changing that and dismantling the State Planning Commission. The planners in the State Planning Commission are in a state of turmoil and dissatisfaction about these arrangements.

Mrs Beggs: That is not true.

Mr CLARKO: If the Minister believes that is not true I ask her how can there be harmony and high morale in an organisation where the chairman has just been given the shunt and Peter Willmott has been told not to attend MCP meetings? The Minister should ask them because she wrote the letter. Before those letter were written members of the metropolitan planning council gave up attending MPC meetings because they found they were merely a rubber stamp for the State Planning Commission. That is why they are refusing to go.

If members refer to the report titled, "Planning for the Future of the Perth Metropolitan Region" I believe they will see that it is a dangerous document in many ways and particularly regarding urban containment. That is its great weakness. It is all right for Professor Neutze to come from the Eastern States and say we should be put together in shoe-boxes and packed together like sardines. Apart from having the former Minister for Planning, now Leader of the House, say to me this plan has been adopted in principle, how are the public of Perth and the professionals in the field of planning and development in Perth to know what is the Government's policy in relation to this matter? The Minister said to me - and I do not know whether this was printed in the paper - "We have adopted this in principle." Is this Government going to put people in shoe-boxes, or not? How about a comment from the Government on this document about which bits it will adopt and which bits it will not adopt? This policy of brutally imposing greater density on the people of Perth against their wishes is something I find intolerable. This report has the cheek to say that people will not like it, and it will be imposed on them by legislation. Those are not precise words, but that is the meaning of what was said. I bet the Minister has never read this document. Would she like me to read out the words for her? This plan of the Government's to change the density of population in the urban part of this great State against the wishes of the people and deliberately forcing it on them is reprehensible.

It is interesting to look at the Town of Claremont which has commented on this matter. This letter is dated 2 March 1988 and is addressed to its member of Parliament, Mr Hassell. They say -

- * That the review should not be seen as a contrivance to further reduce local government autonomy.
- * The hypothesis that higher residential density will lead to population increase is not supported by empirical research on population studies.
- * Cost of infrastructure in the fringe of urban areas should be weighed against the social cost of high density living.
- * Residents must be given the opportunity to comment on any proposal to amend densities and due consideration should be given to those densities.

- * Any decision to increase population density in the inner suburbs should not be uniformly applied, but should recognise:
- * That some local authorities have already taken responsible planning decisions to increase population density,
- * The rights of local authorities to maintain single residential characteristics in their District.

That letter sets out precisely some of the weaknesses of that planning report. The Government has, over its term in office, been involved in tremendous confrontations with councils and individuals about its approach to planning. Its planning structure is in total disarray. The Government has fallen out with its cronies, whom it put into positions in the planning process. We can be sure that, when the Government creates the new planning process, new cronies will be appointed. This report is yet another example of where there is chaos, and where the community needs to know exactly what will be done.

MRS BEGGS (Whitford - Minister for Housing) [12.11 am]: Over the past few weeks I have become very used to being the last act in this Parliament. It seems as though every debate I have been involved in has been the last debate of the evening. I was just about to say it has almost been the same debate, because the comments of the member for Marmion and the member for Applecross were just a regurgitation of what they said during the Budget debate.

Mr Clarko: The letter from the Town of Claremont has never been raised in this House at any stage, so the Minister is not being truthful.

Mrs BEGGS: Both members used the same sorts of innuendo and vindictive comments as they always do. Their contributions to the debate were lacking in that at no time did they mention alternative policies for planning - except, of course, when the member for Marmion was the shadow Minister for Planning. His great plan to solve the problems of regional planning and forward planning for the State was to establish a satellite city, and a rapid rail system to Northam.

Mr Clarko: It was north and south of coastal metropolitan Perth. I said that in the future Northam could possibly be part of it. Your colleagues took that up and made it the central piece. It is not; it is the hair on the last bit of the tail. In 100 years it will be true.

Mrs BEGGS: I am still of the opinion that the Opposition is out of touch with the planning issue. During the last two weeks, I have been in contact with almost every section of the industry which is involved with or affected by the planning process. The most common comment I have heard is the absolute disgust felt for some of the ill informed comments made by the member for Applecross and the member for Marmion.

Mr Clarko: You are the "sardine approach" people.

Mrs BEGGS: It is okay for the member to sit back and laugh, and not take into account the sorts of concerns that the industry has expressed about his ill-informed comments. That is a real indication of just how out of touch he is.

Mr Clarko: Will you reduce the size of the beautiful house that you have? Will you take away your back yard?

Mrs BEGGS: No, but the whole purpose of having a medium density policy is to give people the choice.

Mr Clarko: Seven hundred square metres for you, and 300 for the others?

The SPEAKER: Order! Had the Minister interjected at the same sort of rate as the member for Marmion now is, I would think it perfectly appropriate for him to reciprocate. However, that has not been the case, and if it were the case that the Minister had interjected three times, then that is the rate at which the member ought to interject.

Mrs BEGGS: His time is up, and I will continue; he has interjected about 103 times. During the debate last week, when we were discussing the Budget item on planning, I said it was absolutely incumbent on not only members of the Opposition but the community as a whole to recognise the enormous changes that have taken place in Western Australia over the last decade. Because the growth in Western Australia has been quite dramatic, planning has to

be dynamic, flexible and responsive to that continuous growth. At the same time, it is absolutely essential that the people who are given the responsibility to plan for the future urban and regional development of our State have the capacity and the resources to ensure that that is done in a sensible and sensitive way. One of the things which has made that very difficult for the people who have been charged with that responsibility - including successive Ministers, and the people involved in the process, not only at the Department of Planning and Urban Development, but also many local authorities in Western Australia - is the massive political grandstanding that has taken place on a whole range of planning issues throughout metropolitan Perth and regional areas. Some of the members who sit in this House have actually been party to that. The member for Marmion has publicly supported a group of people who have determined that there should not be urban development on a piece of land at Hepburn Heights.

Mr Lewis: Your own people asked you to resign.

Mrs BEGGS: I do not think it was my own people. It has always been the plan to develop that particular piece of land; as the member for Marmion knows. It was going to be used for a tertiary institution.

Mr Clarko: A post secondary institution. It was never to be used for housing.

Mrs BEGGS: I found as a Minister that there was a great deal of concern in the northern suburbs about the lack of group or aged housing. Some of the people who contacted me actually came from the member for Marmion's area. The people who belonged to the senior citizens clubs had either lived with their family, or had been renting premises in the locality, and they were not keen to move out of the area.

Mr Clarko: It is a lovely piece of public land which should be preserved as such.

Mrs BEGGS: It is very similar to the pieces of bushland that were developed for housing in the member's electorate - about which he never took a stand - under June Craig, who was the Minister at the time.

Several Opposition members interjected.

The SPEAKER: Order!

Mrs BEGGS: That issue is an example of the sort of hypocrisy that this Opposition has developed over a long period of time about the planning process. Many of the environmental conflicts which seem to be of great concern to the member for Applecross are actually being blown out of proportion by some of the irresponsible members of the Opposition. Those conflicts are not the result of the metropolitan land release strategy not being finalised.

Mr Lewis: Whose fault is it? Is it our fault?

Mrs BEGGS: I am not saying it is totally the fault of the Opposition.

Mr Lewis: How can it be any fault of ours? You are the Minister.

Mrs BEGGS: Many of the problems have stemmed from the massive political interference by the Opposition in key land use proposals.

Mr Kierath: How long have you been in Government?

Mrs BEGGS: In areas where consultation and planning with relevant groups has taken place orderly development has proceeded but has been frustrated by some of the political grandstanding. The member for Riverton is a real example of it. He cannot deny that he resigned from the Kwinana Town Council over the Leda development, which was actually supported by the local authority. The Kwinana Town Council supported that development and, what is more, because it had been planned long term, the majority of that area was in an urban deferred zone. We heard from both members who spoke tonight that we should plan for the long term. The Leda development was put in an urban deferred zone long before we came into Government.

Mr Lewis: I know that.

Mr Kierath: When was it put into that zone?

Mrs BEGGS: I think it was 1981 or 1982.

The SPEAKER: Order! I am absolutely certain that the Minister heard most of the speeches from the Opposition not in total silence but in relative silence, and the level of interjections is

quite unacceptable at the moment. It is very late at night. If members have something that really needs to be said they should say it. If it does not really need to be said they should keep it for a little longer and I am sure that fairly soon we can all go home.

Mrs BEGGS: The whole planning process is about achieving a balance and I find it absolutely amazing that members of the Opposition should be carping on about how there is no interaction between all of those arms of Government, and suggesting there is no concern at all about the environmental conflict. When this Opposition was in Government there was absolutely no consideration for the environmental concerns that were being expressed by the community. In my experience the interaction between the old State Planning Commission and now the new Department of Planning and Urban Development and the Environmental Protection Authority, the Department of Conservation and Land Management, the Water Authority and the Health Department is absolutely excellent. It provides all of the necessary safeguards in environmentally sensitive areas which are under development and there are some very good examples of that.

Mr Lewis: They believe the planning process has been hijacked by the EPA.

Mrs BEGGS: Some people may find that the diligence of the EPA slows down the process, but we cannot eat our cake and have it too. On one hand the member for Applecross and his colleagues are worrying about the environmental concerns of the community, but on the other hand they are not willing to accept -

Mr Lewis: You have to plan ahead.

Mrs BEGGS: We are planning ahead, and even if there are some changes to the long term planning the protection of the environmental concerns is well and truly covered by that interaction. I do not want anyone to think that the Government does not recognise the legitimate concerns or rights of the community to have access to that democratic process which is a part of the whole planning process.

Mr Lewis: You have cut off their right to have a say with your minor amendment.

Mrs BEGGS: That is not true, because regardless of whether it is a minor or a major amendment the same advertising period and period of public comment still exists.

Some of the points that have been raised in this debate tonight were covered when I responded last week on the Budget, but I must reiterate that in my opinion there is no dearth of professional planning in Western Australia. Planning is not a static process; it must be responsive to the changing needs of the community.

Mr Clarko: Do you plan to bring in a new Bill shortly?

Mrs BEGGS: Yes. Many quantitative and qualitative changes have taken place in the task of Government planning over the past three to five years and some of those changes have been due to the rapid growth of Western Australia, both economically and in pure population terms. However, the Government, unlike the Opposition, is not afraid of that change. We are very prepared to adapt to it and to plan for the future, as evidenced by the fact that we found it necessary to restructure the State Planning Commission to create the Department of Planning and Urban Development. The new legislation to meet the planning changes of the next decade is proposed for the next session of Parliament. When I became the Minister for Planning I did the normal round of consultations with all the groups which have an interest in this area and I pointed out to them that I had no intention of rushing a piece of legislation to the Parliament until the proper consultations had taken place. The Local Government Association, the Urban Development Institute of Australia and the building industry have said that in their opinion that is the right way to proceed. In the next several months, before the next session of Parliament, I intend to have that consultation. I have set up a legislative review committee to examine that Act. As a matter of fact I have given some assistance from my own department to the Local Government Association to help it prepare its submission so that it will have a real input into the review of that Act, and of course I am absolutely determined that I will take on board all the matters that are raised with me by those bodies to ensure that the planning legislation that does come before the Parliament is the appropriate legislation to serve the needs of Western Australia into the future.

I absolutely reject the assertions that are made in this ludicrous motion. Members of the Opposition continue to denigrate the efforts of a great team of people in the department. I

have great faith in the ability of the staff at the Department of Planning and Urban Development, and as some positions have not yet been filled they are being advertised widely and I am very confident we will have the best people there to ensure that when the new legislation is enacted -

Mr Clarko: Whenever it comes.

Mrs BEGGS: Good things come to those who wait, and while the member for Marmion may have a view that any old thing will do, I am certainly not going to bring legislation into this House without having the proper consultation which I think is necessary to ensure that the new planning Act actually reflects the wishes and aspirations of those people who will be affected by it.

Question put and a division taken with the following result -

Ayes (20)			
Mr Clarko	Mr House	Mr Mensaros	Mr Trenorden
Mr Court	Mr Kierath	Mr Minson	Dr Turnbull
Mr Cowan	Mr Lewis	Mr Omodei	Mr Watt
Mr Grayden	Mr MacKinnon	Mr Shave	Mr Wiese
Mr Hassell	Mr McNee	Mr Strickland	Mrs Edwardes (Teller)

Noes (26)			
Mrs Beggs	Mr Graham	Mr Marlborough	Mr Thomas
Mr Bridge	Mr Grill	Mr Pearce	Mr Troy
Mr Carr	Mrs Henderson	Mr Read	Dr Watson
Mr Catania	Mr Gordon Hill	Mr Ripper	Mr Wilson
Mr Cunningham	Mr Kobelke	Mr D.L. Smith	Mrs Buchanan (Teller)
Mr Donovan	Dr Lawrence	Mr P.J. Smith	
Dr Gallop	Mr Leahy	Mr Taylor	

Pairs	
Ayes	Noes
Mr Fred Tubby	Mr Peter Dowding
Mr Blaikie	Mr Parker
Mr Nicholls	Mrs Watkins
Mr Bradshaw	Dr Alexander

Question thus negatived.

House adjourned at 12.34 am (Thursday)

QUESTIONS ON NOTICE

CONSUMER AFFAIRS DEPARTMENT - LEGAL FIRMS

Unsatisfactory Service - Consumer Claims Advice

1771. Mr COWAN to the Minister for Consumer Affairs:

- (1) Does the Minister's department provide any advice or other assistance to people who claim they have been overcharged by or have received an unsatisfactory standard of service from a legal firm?
- (2) Is the Minister satisfied that the existing form of redress a consumer has against a legal firm is sufficient to enable a consumer to exercise his or her rights in the event that the standard of service is poor or the costs are excessive?

Mrs HENDERSON replied:

- (1) The Ministry for Consumer Affairs would normally advise such people to complain to the Barristers Board or have the solicitors' Bill of Costs taxed by the Registrar of the Supreme Court.
- (2) I have no information to indicate that it is not. Consumers could take the matter to the Small Claims Tribunal.

TRADING HOURS - REVIEW

Final Report Date

1790. Mr MacKINNON to the Minister for Consumer Affairs:

When will the final report and decision on the review of trading hours be made available for the public and the Parliament?

Mrs HENDERSON replied:

A decision has not yet been made. It is expected that it will be made and announced within the next three weeks.

HOUSING - HOME BUYERS ASSISTANCE FUND

Grant Qualification Criteria - Application Statistics

1799. Mr LEWIS to the Minister for Consumer Affairs:

- (1) What is the existing criteria to qualify for a grant of assistance under the home buyers assistance fund as established by section 131 of the Real Estate and Business Agents Act 1978?
- (2) How many applications for assistance have been formally made in each of the financial years -
 - (a) 1986-87;
 - (b) 1987-88;
 - (c) 1988-89;
 - (d) 1989-90 year to date?
- (3) How many applications have been approved in the years listed in (2)?

Mrs HENDERSON replied:

- (1) (a) Low income families: Metropolitan area \$330 per week plus \$15 per week for each dependent child.
 - (b) First home purchase not exceeding \$40 000.
 - (c) Purchase through an agency or real estate agent.
 - (d) Involve a loan from a bank or building society.
- Higher income and value criteria apply in various country areas.

- (2) Statistics are kept only for approved applications. See (3).
- (3) (a) 99;
(b) 25;
(c) eight;
(d) Nil.

MOSQUITOES - HEALTH DEPARTMENT
South West Shire Councils - Control Funding Requests

1803. Mr BRADSHAW to the Minister for Health:

- (1) Has the Minister or his department had requests from shire councils in the south west for funds to assist with mosquito control?
- (2) Is any money to be allocated to these shires this financial year?
- (3) If yes, how much and to which shire councils?
- (4) If no, why not?

Mr WILSON replied:

- (1)-(2) Yes.
- (3) \$100 000 has been budgeted for allocation to the following local authorities for expenditure on approved earthworks for mosquito control purposes -
 - City of Bunbury
 - Town of Mandurah
 - Shire of Harvey
 - Shire of Murray
- (4) Not applicable.

HEALTH - PRINCESS MARGARET HOSPITAL FOR CHILDREN
Name Change Consideration

1814. Mr HASSELL to the Minister for Health:

- (1) Is there any proposal under consideration to change the name of Princess Margaret Hospital for Children to another name and, if so, why?
- (2) If the name change is under consideration -
 - (a) what is the name under consideration;
 - (b) when will the decision be made?

Mr WILSON replied.

- (1) No, the name of the Princess Margaret Hospital for Children is not being changed and no proposal for such a change is under consideration. However, on the hospital site are several independent but closely associated bodies which work together for different aspects of a common aim. The hospital management has been examining the possible formation of a children's hospital medical centre, to strengthen the links between the hospital and other child health organisations on campus or nearby. These are -

the University Department of Paediatrics
the Children's Hospital Child Care Centre
the Child Accident Prevention Foundation of WA (Inc); and
the Western Australian Research Institute for Child Health

I am advised that these organisations have enthusiastically agreed to become part of an informal "umbrella" group to be known as the Children's Hospital Medical Centre, Perth.

- (2) Not applicable.

SOUTH WEST DEVELOPMENT AUTHORITY - REGIONAL OFFICE
Busselton, Margaret River and Augusta Areas - Service Proposal

1816. Mr BLAIKIE to the Minister for South-West:

- (1) When does the Government propose to open the South West Development Authority regional office to serve the Busselton, Margaret River and Augusta areas?
- (2) If it does not, when did the Government change this policy?

Mr D.L. SMITH replied:

- (1) The Vasse subregion is currently being serviced by Vanessa Lewis of the South West Development Authority from its Bunbury office. Ms Lewis is a resident of the Vasse area. No decision has been made as to siting of an SWDA regional office to service the Vasse region. The matter is currently under investigation by the SWDA but it is unlikely that a Vasse office will be established in the medium term future.
- (2) See (1).

AIRPORTS - REGIONAL AIRPORT FACILITY, SOUTH WEST
Site Determination - Progress

1818. Mr BLAIKIE to the Minister for South-West:

- (1) Has the Government made any progress towards determining the site for a regional airport facility in the south west and, if so, would the Minister provide details?
- (2) What action has the Government taken to secure the necessary land so that this facility can be established?

Mr D.L. SMITH replied:

- (1) The south west aerodrome steering committee in August 1989 reported on the future aerodrome needs of the south west region of Western Australia. It concluded that on the evidence available the future needs of the south west would be best served by the establishment of a network of aerodromes within the region rather than by a single large aerodrome. The committee further stated that the level of aerodrome development within the network should be appropriate to the financial resources and reasonable future needs of the region and should utilise existing aerodrome infrastructure wherever possible. The recommendations of the report are currently being assessed by the appropriate Government agencies.
- (2) Refer to (1).

DAMS - WATER AUTHORITY OF WESTERN AUSTRALIA
Rights in Water and Irrigation Act 1914 - Design and Supervision Requirement

1828. Mr OMODEI to the Minister for Water Resources:

- (1) Referring to the Minister's answer to question 1630 of 1989, does section 13(1) of the Rights in Water and Irrigation Act 1914 allow the Water Authority of Western Australia to impose the requirement for dams to be designed and supervised by an engineer acceptable to WAWA?
- (2) If the answer to (1) is no, under which section, Statute and/or regulation is WAWA currently imposing the requirement for dams to be designed and supervised by an engineer acceptable to WAWA?
- (3) Further to (1), does section 13(1) of the Rights in Water and Irrigation Act 1914 allow WAWA to impose the requirement for storage of 20 per cent greater than the irrigation requirements including evaporation with the 20 per cent extra being made available for release downstream should WAWA deem necessary?
- (4) If the answer to (3) is yes, does WAWA have the power to impose the cost burden for this extra 20 per cent on the farmer?

- (5) What right of appeal does the farmer have against excessive costs caused by the unnecessary restrictions and conditions imposed by WAWA implementing section 13(1) of the Rights in Water and Irrigation Act 1914 as regards referable dams?
- (6) Does the Water Authority Act and the Rights in Water and Irrigation Act take precedence over the Land Act and the Environmental Protection Act?

Mr BRIDGE replied:

- (1) Section 13 provides for the licensing for the control of the use of surface waters and provides a mechanism for authorising the interference with the watercourses, which would otherwise be prohibited under section 17.
- (2) Not applicable.
- (3) Yes, this condition is imposed in areas where water availability is limited and is designed to ensure that existing users are not disadvantaged, or that the environment is not significantly affected by lack of water.
- (4) Yes, this condition is imposed to ensure that other users of the streams are not disadvantaged by any individual action.
- (5) Farmers have 30 days to appeal against any condition on a licence issued under section 13.
- (6) No.

LAMBS - WESTERN AUSTRALIAN MEAT MARKETING CORPORATION
Bookings - Waiting Numbers

1833. Mr McNEE to the Minister for Agriculture:

- (1) Are there large numbers of lambs waiting to be booked into the Western Australia Meat Marketing Corporation?
- (2) Is any preference given to those producers who book directly through the Corporation, as opposed to those who book through a stock agent?
- (3) Is the producer's price of lamb depressed when the producer is unable to get bookings and is forced to sell privately, by the imposition of a charge at the point of slaughter?

Mr BRIDGE replied:

- (1)-(2) No.
- (3) The only time a producer may be unable to book lambs with the corporation is at the peak of the season when prices are usually at their lowest. At such times producers can hold lambs for later delivery to the corporation, or they can sell them privately. Under these market conditions, prices for private sales can show marked fluctuations from sale to sale and week to week.

HEALTH - HOSPITAL, BUNBURY
Building Consideration - Silver Thomas Hanley Report Recommendation

1837. Mr BRADSHAW to the Minister for Health:

- (1) Is the Minister or the Health Department considering building a new hospital at Bunbury?
- (2) Has the Minister or the department decided which recommendation of the Silver Thomas Hanley report will be implemented and when?

Mr WILSON replied:

- (1) The construction of a new hospital is one of the options being considered during the planning process which is currently under way.
- (2) The Silver Thomas Hanley report has been adopted as the basis for redevelopment of the Bunbury Regional Hospital and an implementation plan is now being prepared.

HEALTH - SOUTH WEST
Hospitals and Health Services Survey

1838. Mr BRADSHAW to the Minister for Health:

- (1) Is a survey taking place with regard to south west hospitals and/or health services in the south west?
- (2) If so, what are the terms of reference?
- (3) Who is conducting the survey?
- (4) When will the survey finish?

Mr WILSON replied:

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

SOUTH WEST DEVELOPMENT AUTHORITY - LAND
Current Ownership

1844. Mr MENSAROS to the Minister for South-West:

- (1) How much land is currently owned by the South West Development Authority?
- (2) What is the location of such land?
- (3) When and for what purpose was this land purchased?
- (4) What was the purchase price of this land?

Mr D.L. SMITH replied:

- (1) 353.6 hectares.
- (2) 88.14 hectares, Glen Iris; 265.46 hectares, Picton.
- (3) Glen Iris land purchased from 1985 and is ongoing. Land is to be used for flood mitigation and Bunbury Port development. Picton land purchase in 1987-88 to be used for long-term industrial development.
- (4) The total purchase price paid to date for Glen Iris land is \$2 689 124, and \$1 255 200 for the Picton land.

HEALTH - PARABURDOO DENTAL CLINIC
Closure Intention

1847. Mr HASSELL to the Minister for Health:

- (1) Is it the intention of the Minister to close down the Paraburdoo Dental Clinic?
- (2) If so, on what recommendation was the decision made?
- (3) Who will be responsible for the dental care of the people of Paraburdoo if the clinic closes?
- (4) Has any private dental practice been approached to operate a dental practice in Paraburdoo?

Mr WILSON replied:

- (1) No.
- (2)-(3) Not applicable.
- (4) No. However, a private dental practitioner has approached the Health Department with a proposal to provide dental services to the town of Paraburdoo from the Paraburdoo Dental Clinic. This proposal is to be discussed with Hamersley Iron, the local member of Parliament, members of the local community, the private dentist and Government Dental Services prior to a decision being made.

STATE ENERGY COMMISSION - ENVIRONMENTALLY CLEAN ENERGY
Research - Annual Income Proportion

1850. Mr COURT to the Minister for Fuel and Energy:

What proportion of the yearly income of the State Energy Commission of Western Australia goes into research for environmentally cleaner energy?

Mr CARR replied:

Research undertaken by SECWA to achieve environmentally cleaner energy is directed in two areas. Firstly, SECWA actively monitors and evaluates new technology which has the capability of improving the efficiency of its existing generating plant with a concurrent reduction in environmental effects. Foremost among the new technologies being monitored by SECWA are pressurised fluidised bed combustion and coal gasification. As this work is carried out as part of SECWA's normal planning process it is not possible to provide the exact cost.

The other area in which SECWA is directing research effort is that of alternative energy sources and specifically renewable energy. SECWA's 1989-90 expenditure in this area is as follows -

- (1) Direct funding to the renewable energy advisory committee of \$250 000.
- (2) Direct funding to the Murdoch University's energy research institute of \$150 000.
- (3) Operation of SECWA's renewable energy branch budgeted at \$450 000.

HOUSING - KEYSTART HOME LOAN SCHEME
Total Contingent Liability

1857. Mr LEWIS to the Minister for Housing:

What is the total contingent liability associated with all guarantees or other sureties issued in support or associated with the Keystart home loan scheme under section 12 of the Housing Act 1980?

Mrs BEGGS replied:

None. The member is referred to part 'A' of response to question 1592.

HOUSING - KEYSTART HOME LOAN SCHEME
Cessation Reason - Recommencement

1858. Mr LEWIS to the Minister for Housing:

- (1) What is the reason for the cessation of the Keystart home loan scheme as at 22 November 1989?
- (2) Is the scheme expected to recommence in the ensuing year?
- (3) If yes to (2), when?

Mrs BEGGS replied:

- (1) The Keystart home loan scheme has not ceased. Of the \$200 million approved by Cabinet for 1989-90 the amount of \$154 063 000 has been lent. The remaining funds are or will be committed to customers with letters of eligibility and those customers with interviews still pending.

(2)-(3)

It is expected that new applications will be invited for a further allocation of funds early next financial year in line with the Government's commitment to the raising of \$750 million over four years.

HOUSING - KEYSTART HOME LOANS SCHEME

Applications

1859. Mr LEWIS to the Minister for Housing:

- (1) Concerning the Keystart home loan scheme, how many applications have been formally submitted for loans to 22 November 1989?
- (2) How many applications in (1) have been approved to date?
- (3) How many loans have been granted and/or drawn down to date?
- (4) What is the total amount of moneys lent or committed applicable to (3)?

Mrs BEGGS replied:

- (1) Applications formally submitted to Town and Country WA Building Society for loans to 22 November 1989, 3 042.
- (2) Applications formally approved, 2 153; plus letters of eligibility, 265; and interviews with Town and Country still pending, 289.
- (3) Loan settlements completed, 1 804; and in progress, 349.
- (4) Total amount of moneys lent \$154 063 000. The remaining funds are or will be committed to customers with letters of eligibility, and those customers with interviews still pending.

JUSTICES OF THE PEACE - CENTRAL LAW COURTS

Bench Sitting

1868. Mr MENSAROS to the Minister representing the Attorney General:

- (1) Are there any justices of the peace sitting at the bench at the Central Law Courts?
- (2) If so, how many and for how many days of the week?
- (3) Are there any special matters - such as uncontested traffic offences - allocated to such justices?

Mr D.L. SMITH replied:

- (1) Yes.
- (2) The Royal Association of Justices has a roster of 29 justices, two of whom generally preside in the Perth Court of Petty Sessions on three days each week.
- (3) Justices deal only with uncontested traffic and parking offences.

APPEALS - DISTRICT COURT

Magistrates Court Referrals

1869. Mr MENSAROS to the Minister representing the Attorney General:

- (1) How many appeals have been referred from the Magistrates Court to the District Court during the financial year ended -
 - (a) 30 June 1987;
 - (b) 30 June 1988;
 - (c) 30 June 1989?
- (2) How many of these appeals have been upheld in each of the three years?

Mr D.L. SMITH replied:

- (1)
 - (a) 41.
 - (b) 41.
 - (c) 57.
- (2)
 - 1986-87 - 20
 - 1987-88 - 20
 - 1988-89 - 20.

CORPORATE AFFAIRS DEPARTMENT - STATE ENERGY COMMISSION
Western Collieries Ltd, Coal Repayment - Serious Loss Exposure,
Ministerial Implications, Witnesses' Revised Statements

1873. Mr COURT to the Premier:

- (1) Has the Premier been informed by the Corporate Affairs Department that revised statements to investigating police officers by two independent witnesses could implicate Government Ministers in placing the State Energy Commission of Western Australia in a position where it was exposed to serious financial loss as a result of the \$15 million repayment of coal from SECWA to Western Collieries Ltd?
- (2) If yes, what action is being taken in this matter by the Government?

Mr PETER DOWDING replied:

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

HOUSING - KEYSTART HOME LOAN SCHEME
Funding Stoppage - Recommencement

1876. Mr COWAN to the Minister for Housing:

- (1) Have the funds provided under the Keystart program now run out?
- (2) If yes, will the program be continuing and on what basis?
- (3) Were the funds provided under the Keystart program obtained from the Consolidated Revenue Fund?
- (4) If no to (3), from what source were these funds obtained and on what basis?

Mrs BEGGS replied:

- (1) No, of the \$200 million approved by Cabinet for 1989-90, \$154 063 000 has been lent. The remaining funds are or will be committed to customers with letters of eligibility and those customers with interviews still pending.
- (2) The Government has given a commitment to the raising of \$750 million over four years to the Keystart home loan scheme. In line with this commitment a further allocation of funds will be made in the next financial year.
- (3) No.
- (4) Funds for Keystart are provided off Budget through National Mortgage Market Corporation Ltd of Victoria, and are a mix of funding instruments of various maturities. An interest bearing loan was also obtained from Homeswest at the commencement of the scheme while arrangements were being made for other funding instruments.

BUTCHER SHOPS - TRADING HOURS
Change Proposals - Decision, Pre 30 November

1880. Mr BRADSHAW to the Minister for Consumer Affairs:

Adverting to question 1678 of 1989 concerning trading hours for butchers shops -

- (a) will a decision be made before 30 November 1989;
- (b) if not, what will be the result?

Mrs HENDERSON replied:

- (a) Cabinet is current considering the report of the review of retail trading hours which includes recommendations on the sale of fresh meat after 1.00 pm on Saturdays.
- (b) An order has been issued extending the current restrictions on the sale of fresh meat from 30 November to 15 December.

QUESTIONS WITHOUT NOTICE

OMBUDSMAN - TRAFFIC ACCIDENT
Commissioner of Police - Priority Treatment

365. Mr MacKINNON to the Premier:

- (1) Given the very damaging effect on public confidence in the Police Force as a result of continuing publicity surrounding the accident involving the Ombudsman, will the Minister ask the Commissioner of Police to treat the accident report involving the Ombudsman as a matter of priority?
- (2) If not, why not?

Mr PETER DOWDING replied:

(1)-(2)

I would like to reflect for a second on what the Leader of the Opposition is doing.

Mr MacKinnon: I am asking you to ask the commissioner to treat it as a matter of priority in the interests of public confidence in the Police Force.

Mr PETER DOWDING: I assume that the Commissioner of Police will treat it as a matter of priority.

Mr MacKinnon: That is not the case; you are assuming wrongly.

Mr PETER DOWDING: I ask the Leader of the Opposition to let me finish my answer. Having asked his question, why does he not let me give the answer? We can assume that the Commissioner of Police will recognise, particularly through the Superintendent of Traffic which is where I imagine this matter would lie, that this matter needs to be examined quickly, properly and carefully.

Mr MacKinnon: He has said it will be dealt with as its turn comes up.

Mr PETER DOWDING: Is the Leader of the Opposition feeling a bit nervous today? Has he been reading his mail this morning? Did he receive a letter from Mr Jones recently telling him that if he did not shape up, he should ship out? The Leader of the Opposition knows it is true, and I know it is true. Let us leave it at that.

Mr MacKinnon: Clutching at straws again.

Mr PETER DOWDING: The Ombudsman obviously recognises the difficult position it places him in because he has made a report to this place. I am happy to convey to the Minister for Police and Emergency Services a suggestion that the Commissioner of Police should ensure the matter is dealt with quickly so that there is no undue and unfair speculation. However, whether it involves a prominent person or a non-prominent person, they should be treated equally. If the Opposition has any evidence to suggest they are not being treated equally, it should raise it. Until then, I assume propriety would demand that they be dealt with as though they were any other citizen in the community.

HOUSING - HOMESWEST
Redevelopment Proposal, Redcliffe Areas - Progress

366. Mr RIPPER to the Minister for Housing:

- (1) What progress has been made in the proposed redevelopment of Homeswest areas of Redcliffe, first announced in 1988?
- (2) What is the projected total investment by the State Government through Homeswest in this redevelopment?
- (3) Over what period will the redevelopment occur?
- (4) How many households will be housed or rehoused in the redeveloped areas?
- (5) What has been the response of tenants and other local residents to the redevelopment?

Mrs BEGGS replied:

I thank the member for Belmont for his question. He has been very supportive of the redevelopment proposals in the Redcliffe area, and I trust that support will continue. In response to his questions -

- (1) During the latter part of 1988 Homeswest developed a concept plan for 100 hectares of Redcliffe bounded by Tonkin Highway, Epsom Avenue, Stanton Road and Klem Avenue. The area included more than 700 houses with approximately 60 per cent of those houses belonging to Homeswest.

The concept plan was considered by the Belmont City Council early this year, but it rightly had some concerns due to related traffic and aircraft noise, and only the western third of the concept plan was adopted by the council. The council has initiated zoning amendments in this area to allow more consolidated urban development. Negotiations have now proceeded with the Water Authority with regard to design and funding of the sewer system which will service the redevelopment area. These works are expected to commence early in 1990, and new dwelling construction is programmed to commence in June.

To facilitate this major redevelopment exercise Homeswest has just completed the construction of 57 units in Keymer and Leake Streets, Belmont. This development will provide accommodation for people relocated from the redevelopment area and offers a range of different housing types from aged persons' units to detached houses on smaller lots. It is a good example of how land use can be optimised by consolidated urban development. This concept is not supported by Opposition members.

- (2) It is estimated that \$3.5 million will be spent on civil works, including sewerage, new roads, underground power, etc. New dwelling construction is estimated to cost a further \$20 million.
- (3) The redevelopment process is driven by the preparedness of those tenants to relocate. The response from tenants has been very positive and, depending upon continued community support and funding, the redevelopment period is expected to be between five and seven years.
- (4) The area which has received approval from council to date - bearing in mind that it is only one-third of the area in the concept plan - allows for a total of 470 households. At present that area contains only 245 households.

Members opposite may consider this sardine housing, but I am very impressed by the support and cooperation we have received from the Belmont City Council. I know that from time to time local authorities are criticised and I too am guilty of that when I think it is justified. However, I must give credit where it is due, and the Belmont City Council has been very supportive of this program. That means the local people involved in that redevelopment are getting sound and accurate advice, which makes the whole process much easier to go through. As a result the costs of the redevelopment are somewhat reduced.

Homeswest's presence is currently 60 per cent of more than 700 dwellings in the area. It is the Government's intention to maintain current numbers but to reduce that presence to below 30 per cent.

- (5) In this whole process extensive tenant consultation has taken place and the vast majority of tenants and local residents are in favour of the proposed redevelopment. Homeswest has kept the local community informed of progress, and has provided an office in a house within the redevelopment area to ensure that members of the community have the opportunity to express their opinions on the redevelopment plans and progress. It is an excellent example of how cooperation between Government, local authorities and the community can ensure that we are able to provide for the future housing needs of Western Australia.

HAZARDOUS MATERIALS - TRANSPORT
Fitzgerald Street, Northam - Locals' Concern

367. Mr TRENORDEN to the Minister for Transport:

- (1) Is the Minister aware of the high level of concern of the people of Northam about the high volumes of dangerous goods that are being transported through the main street, Fitzgerald Street?
- (2) Is the Minister aware of any delays that are likely to the construction of a town bypass caused by the actions of State agencies such as the Department of Planning and Urban Development and the Environmental Protection Authority?
- (3) When can we expect construction of the bypass to commence?

Mr PEARCE replied:

(1)-(3)

My understanding of the position is that discussions have been going on for some time about alternative routes through Northam. Those discussions are going through the normal processes. No decision has been made to construct a bypass, nor is there any fixed schedule about it of which I am aware. Anything that must be done - for example, the rerouting of that road - will have to be done potentially with the approval of the Department of Planning and Urban Development and the Environmental Protection Authority. I am not sure what the member is asking me.

Mr Trenorden: Rumours are going around that there will be a delay caused by the Department of Planning and Urban Development and the Environmental Protection Authority.

Mr PEARCE: It is a bit rough to ask me about rumours that are going around in Northam. It is difficult enough for me to keep on top of the rumours that are going around here!

Mr MacKinnon: They are on the front page of *The West Australian* every day.

Mr PEARCE: It is a bit of a worry when I read on the front page of *The West Australian* rumours that I have never heard around here. If the member is asking me what is the current state of progress on the Northam bypass, I will find out shortly and let him know.

TOYS - CHRISTMAS

Dangerous Toys - Government Action

368. Mr DONOVAN to the Minister for Consumer Affairs:

With the approach of Christmas, it is possible that there could be an influx into Western Australia of cheap, poorly made and potentially dangerous toys. As a member with an extremely large constituency of families with young children, I ask whether the Minister has any knowledge of any dangerous toys coming into Western Australia; and whether the Government has taken any action to prevent this happening?

Mrs HENDERSON replied:

I thank the member for the question, and reassure him that during the approach to Christmas officers from the Ministry of Consumer Affairs are particularly vigilant in looking at Perth toy shops, and other toy shops throughout the State, to ensure that the toys on sale comply with the required safety standards. This year is no exception. Officers of the Ministry have visited all the major toy stores in Perth, and have examined toys to ensure that they are not dangerous, and particularly to make sure that the toys are labelled in such a way that there is a clear indication of the age of child for which they are suitable.

In addition, the fair trading van of the Ministry of Consumer Affairs will be in the Hay Street Mall, and in all the major shopping centres around the Perth

metropolitan area, and officers will be talking to parents about toy safety. They will also distribute a brochure - which I draw to the member's attention - which gives information for all parents about what to look for when selecting toys, and how to determine whether a toy is safe. I am pleased to say that no toys have been found to be unsafe sufficient to be banned. It is important for parents to know what to look for in toys, according to the age of the child, and to watch out for areas which are sharp and jagged, any small parts of the toy which could be dislodged and swallowed, and those sorts of things, all of which are clearly set out in this brochure.

OZONE LAYER - CANCER FOUNDATION CAMPAIGN

Government Assistance

369. Mr THOMPSON to the Minister for Health:

I acknowledge the work done by the Government in relation to the Quit campaign and the Drinksafe campaign, but I want to raise a matter that affects everyone in the community. I refer to the thinning of the ozone layer, and ask the Minister -

- (1) With the onset of summer, is it the intention of the Government to assist the Cancer Foundation to supplement its "Slip, Slop, Slap" campaign?
- (2) If the Government has no intention of supplementing that campaign, does it have any intention to promote safety activity in respect of protection from the ultra violet rays of the sun?

Mr WILSON replied:

(1)-(2)

I understand that the Cancer Foundation will be launching its annual skin cancer prevention campaign in the near future, probably next week. To follow up on that, the Health Department, in conjunction with the Cancer Foundation, will be launching a "Sun Smart" campaign in mid-summer, focusing on preventive measures for children, adolescents and young adults. As a matter of interest I have also asked the department to discuss with the Bureau of Meteorology the prospect of including in the daily weather forecasts predictions about the levels of ultraviolet radiation for days during the summer, as a means of warning people to take special precautions to protect themselves and their children from that sort of exposure, which is the most dangerous exposure for generating skin cancer.

HOUSING - KEYSTART HOME LOANS SCHEME

Cessation Reasons

370. Mr LEWIS to the Minister for Housing:

What are the reasons for the Minister's surprise announcement to end the Keystart home loan scheme, only two days after the Premier had lauded and self-congratulated his Government on the success of Keystart at a housing industry breakfast -

Mr Peter Dowding: You know that is not true.

The DEPUTY SPEAKER: Order! Let us hear the question.

Mr LEWIS: - especially as the scheme has continually been promoted as being at no cost to Government?

Mrs BEGGS replied:

The member for Applecross is absolutely amazing. We have here a member who absolutely decried this scheme, and said it was some sort of political gimmick, yet in his question he implied that the Keystart scheme has ended. He knows that is not true because I have actually answered some questions on notice about this matter - to which I imagine he has already received the responses - where I have pointed out quite clearly to him that the scheme has

not ended. The scheme in fact has been so successful for the people in the community who are unable to meet the requirements of the normal lending institutions to procure their first, or maybe even second home, that the \$200 million which was allocated as the first round of funding to the scheme has already been expended.

Mr Lewis: Is that Government money?

Mrs BEGGS: Does the member not want me to answer the question? There is no Government funding; I answered that question on notice today. The \$200 million has been expended because the scheme was an outstanding success. I cannot answer for the Premier, but I understand that when he was questioned on this matter he told the housing industry people who were represented at that breakfast that Keystart was a scheme that we absolutely supported, and it would continue; just as we gave a commitment that we would raise off-Budget funding of \$750 million over a four year period, and that is exactly the commitment that we are sticking to. Members of this Government, unlike members opposite, do not wax and wane about these sorts of things. We make decisions, and stick to them. We are absolutely committed to ensuring the affordability of home ownership for people in Western Australia. The next moneys will be allocated in the next financial year.

PREMIER - MINISTER'S CRITICISM

Newspaper Report Referral - Deputy Premier, Responsibility

371. Mr COURT to the Deputy Premier :

Is the Deputy Premier the Minister referred to in today's *The West Australian* as being critical of the Premier, Mr Dowding?

Mr PARKER replied:

Let me make my position quite clear. About two years ago, I, together with my colleagues on this side of the House, decided that the best thing that could happen for our party and for the State was for Peter Dowding to become the Premier of the State after Brian Burke left. We made that decision because of the qualities that he had, which would enable him to run the State very well, and which would enable the Labor Party to beat the Opposition.

I am pleased to say that the collective wisdom which was shown by my colleagues and me in making that choice in 1987 was absolutely justified because, firstly, the Premier has self-evidently run the State very well; secondly, he has beaten the Opposition at every turn. He beats them in the Parliament, he beats them in the media, and he beat them in the election. He beats them so hard that the only leadership challenge about which there is any likelihood in this Chamber is that on the other side of the House, because Liberal Party members know their current leader cannot hold a candle to our leader, the Premier of Western Australia. The answer to the question is no.

COAL - TRANSPORT, COLLIE MINES-COCKBURN CEMENT

Road Transport Licence Refusal

372. Dr TURNBULL to the Minister for Transport:

- (1) Is the Minister for Transport aware that a road transport licence has been refused for the transport of coal from the Collie coal mines to Cockburn Cement Ltd this summer?
- (2) Is he also aware that because of this situation it is proposed that for approximately six weeks 400 tonnes of coal a day will be loaded from road transport to rail in the railway yards in central Collie while the current rail coal loading facilities are being overhauled?
- (3) Is he further aware that the people of Collie are very concerned that, because of this refusal to allow road transport and the consequent necessity to load coal in the centre of Collie, coal dust will be spread all over the town of Collie?

- (4) Will the Minister investigate the situation and ask the Department of Transport to permit this quantity of coal to be transported by road from the Collie coal mines to Cockburn Cement during the summer period?

Mr PEARCE replied:

(1)-(4)

I am not sure whether that was a question or a grievance.

Mr Cowan: At least it was not a ministerial statement which we sometimes hear during question time, especially from some of your backbench members.

Mr PEARCE: That is fair enough.

The DEPUTY SPEAKER: Order! Let us hear the reply. We heard the question in silence.

Mr PEARCE: I ask the member to put the question on notice.

LAND - HEPBURN HEIGHTS BUSHLAND ISSUE

City of Wanneroo Council. Contrary View - Government Intimidation

373. Mr CLARKO to the Premier:

- (1) Did the Premier write to the City of Wanneroo council on 4 July 1989 stating that, if the council decided on a view contrary to that of the Government on the issue of the Hepburn Heights bushland, that council may be required to purchase the land from the Government?
- (2) If yes, why did the Premier seek to intimidate the council in making its decision on this matter?

Mr PETER DOWDING replied:

(1)-(2)

The Government has not sought to intimidate the council and neither have I, and in the course of correspondence - of which I have a great deal, as the member no doubt would be aware - I do not know whether a letter was written along those lines but I will have the question checked out.

However, I will say something about Liberal Party members' support for those people who wish to prevent the development of Hepburn Heights. They have shown themselves collectively and individually in their period in Opposition to be incapable of making decisions. Just as they were unable to make a decision about Keystart, just as they were unable to make a decision about Supply, just as they could not announce their view on Supply until after the National Party had indicated its view, they hide in the shadows, skulking around, waiting until they are in a position of all talk and no responsibility, then out they pop. Just as the member for Riverton talks about the airline pilots' dispute and abandons his industrial relations precepts, and the spokesman on Education hops in and gives solace to the teachers in their pay demands, so members opposite have been prepared to organise a group of people opposed to the development of land at Hepburn Heights. Members opposite would not even admit that the Save Our State campaign was their strategy. That only emerged from a hidden letter from Mr Peter Jones and, as I have indicated tonight, there is another hidden letter floating around from Mr Jones, of which I know some members opposite are aware.

However, in relation to Hepburn Heights, if Liberal Party members believe in addressing the issue of land shortages in our community, if they believe that the planning processes are appropriate to ensure that there are adequate amounts of public open space in our community - and heaven knows they were in charge of the planning process for long enough without making any changes to it - if they are interested in ensuring that at least the ordinary people of this community have access to housing and to a decent lifestyle, they will look very closely at those areas in which they are giving political support to people who want to interfere in those processes.

If the people want to prevent development at Hepburn Heights, under a Labor Government they have every right to demonstrate their views. They would not have had that right under a Liberal Government - members opposite made that clear. The Liberal Party must question whether they are supporting these individual groups simply for political purposes. The crying need in our community is for access to cheap, good quality land within reasonable reach of the urban business district. The Liberal Party's solution to that is to say, "The Government must supply it", and at the same time its members hop on every single local bandwagon in order to try to prevent its occurring. The Liberal Party in Opposition has at least some responsibilities; one of those responsibilities is to try to exercise some sort of policy in Opposition rather than just ad hoc, vote winning exercises wherever they can get a local grievance.

CRIME - GERALDTON

Racial Problems, Law and Order Deterioration - Government Action

374. Mr MINSON to the Minister for Mid-West:

- (1) In view of the rapidly deteriorating racial and law and order situation in Geraldton and the surrounding suburbs, as reported on page 3 of today's *Daily News*, has the Minister any plans to control and remedy the situation?
- (2) If so, what are those plans?

Mr CARR replied:

(1)-(2)

First, while I certainly acknowledge that there is in Geraldton at the moment a problem relating to offences being committed, I would not go so far as the *Daily News* has done tonight or so far as to say that it is a rapidly deteriorating situation. It is nevertheless a matter of considerable concern. It is of particular concern that both the *Daily News* article and the member's question have expressed the problem in racial terms.

Mr Minson: That is how it is shaping up.

Mr CARR: The member should let me answer the question. There is no doubt that a significant number of the offences are being committed by Aboriginal people. It is, however, true that the police have indicated that a relatively small number of Aboriginal people are committing very large numbers of offences. The unfortunate part of it is that we have a situation where all Aboriginal people in the whole of the region are being branded as if they were criminals, and good, decent, law abiding Aboriginal people are frowned upon in the street merely because they are Aboriginal people. So the first thing that is important is that we put the situation in context. We are talking about a number of offenders who, in some cases, happen to be Aboriginal people.

I have had a number of discussions with regard to that problem, and a number of actions have been taken by the Government. There has been an unprecedented increase in police manpower in Geraldton during the time of this Government, from about 40 to about 60, and further manpower increases are under discussion by the Commissioner of Police at this time.

Mr Blaikie: And still you need more.

Mr CARR: And more are being provided. The time factor is unfortunate; I would like to spend a few minutes answering this question because important points are involved. It is true that more police would help the problem but it is wrong to suggest that extra police is the answer to the problem.

An Opposition member: You should get Marj Tubby to sort them out.

Mr CARR: Marj Tubby played a significant role at a previous election in giving the issue of law and order in Geraldton a profile that is perhaps not unrelated to the problems of the present.

Regarding the question of what can be done to resolve the problem, I have made it clear to the community in Geraldton that I would be pleased to be

involved in any initiative that anybody sees as being likely to assist. But it is very wrong for the member opposite to say to me, "What are you doing to fix it up?" It is really a problem that relates to everybody in the community, and people in the wider community -

Mr Minson: Answer the question.

Mr CARR: - including members of Parliament from both sides.

Mr Peter Dowding: The member for Greenough is stirring things up.

Mr Minson: I am not stirring things up. The Premier should give an example of that.

The DEPUTY SPEAKER: Order!

Several members interjected.

Mr Minson: The Premier can't give an example.

The DEPUTY SPEAKER: Order! Let us complete this answer.

Mr CARR: There is a responsibility for all parties involved to do as much as can be done constructively and to not overemphasise the position. It is very easy for the *Daily News* or for individual members to give the issue a profile beyond that which it warrants; in doing so, it becomes a self-fulfilling prophecy.

I had discussions this afternoon with the Minister for Aboriginal Affairs regarding action by the police and Aboriginal community relations committee in Geraldton. That committee is playing a responsible role. We have had discussions tonight about whether it would be possible to send people from Perth who might be able to exert an influence in the area, and to see whether discussions might be helpful.

I turn the question back to the member, and to anybody else: We should not just be saying, "What are you doing about the problem?" We all need to be considering what influence we can exert in our respective spheres of influence to address the problem in a positive way.
