

Legislative Council

Wednesday, 28 November 1990

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

NOTICE OF MOTION – SELECT COMMITTEE ON STATE INVESTMENTS

Information Disclosure – Committee of Privilege Inquiry

Hon Sam Piantadosi gave notice that at the next sitting of the House he would move –

That a Committee of Privilege be established to inquire into and report on allegations contained in a letter to the President from Mr J. Hilton dated 23 November that information forwarded to the Select Committee on State Investments was disclosed to the media.

The committee to report by 21 December 1990.

STATEMENT – BY HON R.G. PIKE

Select Committee on State Investments – Matter of Privilege

HON R.G. PIKE (North Metropolitan) [2.38 pm]: I seek leave to make a statement to the House with regard to privilege.

Point of Order

Hon TOM STEPHENS: I seek your guidance, Mr President. I understand the member seeks leave to speak about a matter on the Notice Paper. Is that not a breach of Standing Orders?

The PRESIDENT: Firstly, this motion is not on the Notice Paper. I gave the call to Hon Robert Pike to allow him to make the request he wishes to make. Secondly, if I understand the situation correctly, when requesting leave to make a statement Hon Robert Pike did not mention the matter of which notice was given by Hon Sam Piantadosi. However, even if he had, that item is not on the Notice Paper. Therefore, there is no point of order.

Debate Resumed

Leave granted.

Hon R.G. PIKE: Last Thursday evening, 22 November, at approximately 9.00 pm I was telephoned by an adviser to the Select Committee on State Investments who informed me that he had seen the ABC television program "The 7.30 Report" wherein substantial mention was made of a matter being dealt with by the Select Committee on State Investments.

I immediately telephoned the Clerk of the House regarding this matter and said to him that I considered a possible breach of privilege had occurred. As a consequence of that brief discussion with the Clerk I arranged to view that transcript late that evening. As a consequence of that I discussed with the President the matter that a possible breach of privilege had occurred and at that time indicated to him that I intended to raise the matter as a matter of privilege in the House as soon it sat on Tuesday at 3.30 pm. It was my intention that the matter take precedence over everything else.

However, I decided that because the content of that which would have been reported to the House was confidential I would have been in breach of privilege myself had I discussed the information that was held by the Select Committee on State Investments without his approval. Therefore, I had no recourse other than to inform the President and the Clerk of the matter, which I did early on Monday morning when I asked the Clerk to make that matter the first item for discussion on the agenda of the Select Committee on State Investments which met at 8.30 am today. I also prepared a comprehensive letter dated Monday, 26 November 1990 and it was my intention to give that letter to the members of the committee at that meeting today. That was my plan.

However, by accident I was in another place yesterday when this matter was raised by the Deputy Premier and it was revealed that Mr Hilton had written a letter to the President and had sent copies to the Premier, Dr Carmen Lawrence and the Leader of the Opposition.

Mr Barry MacKinnon. I immediately came into this House and gave copies of the letter that I had intended to give to committee members on Wednesday morning to each of the members of the committee last night. The substance of the letter said that "The 7.30 Report" in no way differed from the evidence except that vital names had been omitted, from the information which had been made available to the Select Committee on State Investments in the form of evidence from Mr Hilton. That evidence had been provided in the first place – and it is now a matter of public record otherwise I would not be saying it – in evidence from Mr Hilton subpoenaed by the Select Committee.

The letter that Mr Hilton wrote to the President said that the McCusker task force, the Corporate Affairs Department and the Legislative Council Select Committee on State Investments had in their possession the notes made by Mr Hilton which subsequently became evidence and which contained the allegations referred to by Mr Taylor in another place last night – quoting, I understand, from the Hilton letter.

Mr Hilton is entitled to be aggrieved that the information he had given as his evidence appeared on the public record, albeit incomplete. However, in my view – and this is no reflection on Mr Hilton, he would not have known – he should not have sent that letter, given the confidentiality of its content, to anybody except the President of the Legislative Council. The sending of the letter to the Premier and the Leader of the Opposition could be judged to be inappropriate.

However, it is my view, that the Deputy Premier, Mr Taylor, in the light of what has happened and because of the confidentiality of the document, re the Hilton letter, has abused privilege by having made that information public yesterday using the forum of another place. Until that time the public had only limited information on the matter. For example, the McCusker task force and the Corporate Affairs Department was not, ought not and could not have been used by me, as chairman of the committee, or anybody else because it was a matter of privilege. However, after reading this morning's *The West Australian* it is now a matter of public record.

Given my immediate action in acting on this matter has not been recorded in this House – it is proper that it be given to the House immediately – I also inform the House that this matter was discussed at the meeting of the Select Committee on State Investments as its first item for discussion this morning. We had a number of witnesses appearing today, three in fact, and because our rules provide that witnesses should be heard when they attend the committee it was decided that the matter should be further discussed at the earliest possible time.

Hon J.M. Brown: Your rules.

Hon R.G. PIKE: We happen to observe courtesy and do not keep people waiting for hours to appear before the committee. A meeting will be held at the earliest possible time at which the committee will discuss this matter and at which a detailed interim report will be made. I hope, if the committee so determines, that this matter be then dealt with properly and in detail by this House. It needs to be dealt with expeditiously and as quickly as possible. Therefore, the House is entitled to hear this explanation.

Hon J.M. Berinson: Mr Pike, are you arguing against the Privilege Committee? It is not clear from what you are saying whether you are supporting or arguing against a Privilege Committee.

Hon R.G. PIKE: I support the proposition that there should be a Select Committee of Privilege; I have always argued that. As I said earlier the President and the Clerk would be aware that was the first track I determined to go down but I decided not to do that because I did not want to reveal to the House the identity of some of the players involved.

The committee, since it was its information that is alleged to have leaked, ought to be the first determining authority in the matter, not me. However, given the fact that notice has been given, it is incumbent on me to give this detailed explanation because the integrity, credibility and authority of the committee system in this place is at stake, and the matter needs to be pursued relentlessly and forthwith. However, there has been no opportunity to do this given the confidentiality of the matter which unfortunately in my view could be interpreted to have been breached by the Deputy Premier in another place.

MOTION – SELECT COMMITTEE ON PAROLE*Report Tabling – Extension of Time*

HON BARRY HOUSE (South West) [2.47 pm]: I am directed to report that the Select Committee on Parole requests that the date fixed for the presentation of the committee's report be extended from 30 November 1990 to 2 April 1991. I move –

That the report do lie upon the Table and be adopted and agreed to.

Question put and passed.

[See paper No 808.]

MOTION – SGIO AUTOCHECK*Documents Tabling*

HON P.G. PENDAL (South Metropolitan) [2.48 pm]: I move –

That the Leader of the House be required to table not later than two sitting days from the day on which this order is passed, the following documents relating to the operations of SGIO Autocheck –

- (1) its income from mechanical inspections;
- (2) its expenditure incurred in earning this income;
- (3) the number of inspections carried out in each of the years it has been in operation.

This motion, like others of the same kind moved in this House in the past 12 months, should not be necessary. However, they have become increasingly necessary because the Opposition is unable to secure answers to questions that are sought through the normal channels. On many occasions in this Parliament in the last five years we have heard successive Ministers and successive Labor Governments fall back on that hoary chestnut that information cannot be supplied on the ground that it would breach commercial confidentiality. I raise a matter in the course of the next few minutes to persuade members to vote for a motion which will bring about the tabling of documents in respect of the operations of an organisation called Autocheck, which is an arm of the State Government Insurance Commission trading as the State Government Insurance Office. In particular, I want to have tabled in this House documents which will reveal the income of this Government agency; that is, the income derived from mechanical inspections of motor vehicles. Secondly, I want to know the expenditure incurred in earning that income, and thirdly, the number of inspections carried out by that Government instrumentality in each of the years it has been in operation.

Some years ago the SGIC established in direct competition with the private sector an organisation called Autocheck to whom people could turn for advice on the mechanical reliability or otherwise of a vehicle they may be considering purchasing. On the face of it that sounds like a fine community service, except that it is a service for which a charge is made, and it is undertaken in direct competition with the private sector. Perhaps worst of all is that so far as we know, it is a service which not only operates in direct competition with the private sector, but it has a number of advantages which the private sector does not have. It has the greatest advantage of all of a Government organisation, and that is that it is able to run at a substantial loss and still continue in existence. It does not take much imagination to know that if one runs a business in the private sector at a substantial loss, and those losses accumulate over the years, one goes out of business.

Hon Mark Nevill: You just get more intercompany loans.

Hon P.G. PENDAL: Mr Nevill's solution is to get more loan funds.

Hon Mark Nevill: That is misquoting me.

Hon Tom Stephens: The common practice is to get an intercompany loan.

Hon P.G. PENDAL: I am sure that is a practice learnt from the activities of this Government.

Hon Tom Stephens: We are talking about the corporate sector.

Hon Mark Nevill: You never criticise the private sector, do you? That comment shows that.

Hon P.G. PENDAL: Some months ago the Premier told us that she was turning over a new leaf. She told us that the Government would not allow itself to be involved in business any more. Certainly the Government would not permit itself to become involved in business in direct competition with the private sector. I suggest that before the year is out the Premier will have failed that test because this organisation continues in business. For all we know it continues in business making substantial losses; but what we do know is that it continues in business without being accountable to the public which funds it or to the Parliament which ought to approve the spending of any of those funds.

On 24 November 1988, precisely two years ago, on page 5824 of *Hansard*, I asked a series of questions of the Leader of the House representing the then Treasurer. Among those questions I asked were these –

... what was the net operating financial result for the year ended 30 June 1988 to Autocheck?

That was part (2) of my question. Part (3) was this –

Do these results include all forms of advertising undertaken by Autocheck?

Part (4) of my question was –

How many vehicle inspection services were provided by Autocheck for the year ended 30 June 1988?

Hon Joe Berinson, replying on behalf of the Treasurer, told us the trading loss for that year. I ask members to underline that in their minds because his preparedness to answer the question in 1988 is not matched in 1990. The Leader of the House answered on that occasion to the effect that the trading loss to 30 June 1988 was approximately \$350 000. He replied in the affirmative to my question whether the results included all forms of advertising. On the question of the number of vehicle inspections, we received a part answer. He said this –

This business is in competition with other private companies and therefore the number of inspections provided during the year is commercially sensitive. However, the number of inspections are well in excess of 5 000, demonstrating a demand for this service.

At this point I ask members to note that, in the main, the series of four questions which I asked were answered satisfactorily. That is in relation to the performance to 30 June 1988.

I now ask members to turn their attention to the position two years down the track. We are well aware that the Leader of the House exhorts us all the time to ask questions if we want information. He asks us not to resort to the sorts of motions which I am moving today and which I and other members of the Opposition have moved before, because they are unnecessary. Instead, we are asked to ask parliamentary questions and the answers will be forthcoming.

On 4 July this year I took the Leader of the House at his word. I asked a series of questions not unlike those which I asked two years earlier in respect of the latest year's operations of Autocheck. On that date, in question 525 on notice, I asked a question in seven parts. Part (3) of the question referred to the number of staff currently employed at Autocheck. Why would that question be pertinent to the argument I am now mounting? Of course, if it is the case that a Government instrumentality can operate and break even, or even go out at a dollar ahead, and have its staff costs absorbed in some other part of the government sector, clearly that puts that Government organisation in a beneficial position over someone in the private sector who must pay those staff costs himself. That is the reason I asked the question regarding the number of staff employed by Autocheck. The question continued –

(4) What was the net operating financial result for the year ended 30 June 1989 for Autocheck?

(5) Do the results referred to in (3) include all expenditures to provide this services including all forms of advertising undertaken by Autocheck to promote the service?

In other words, I was asking a question not dissimilar – indeed it may have been precisely the

same – to that asked two years earlier. I can make a similar comment about part (6) of the question because I asked –

How many vehicle inspections were provided by Autocheck for the year ended 30 June 1989?

Finally, part (7) read –

What is the projected financial result for the year ended 30 June 1990 and the estimated number of inspections to be performed this year?

In other words, part (7) of the question clearly indicates that I was seeking the most up to date position of the trading activities of Autocheck. The exhortation to us to ask questions was followed by me but apparently not listened to by the Minister for Finance and Economic Development or by the State Government Insurance Office. The response I received on 4 July 1990, under (3)–(7), was simply –

SGIO Autocheck is a division of the SGIO and as such provides a service to the public in competition to private companies. To provide the information requested will place Autocheck and the SGIO at a commercial disadvantage to its competitors.

The burden of my remarks now is that we are not being given an accurate picture; indeed, we are not being told at all about the operating losses or surpluses – and I suspect they are losses – of a Government instrumentality whose activities we are entitled to learn about.

Hon Fred McKenzie: You are expecting that body to pass on confidential information to give a competitor an advantage. You could not get that information from a private firm.

Hon P.G. PENDAL: That information is available for public companies whose business it is to provide that sort of service.

Hon Fred McKenzie: All that detail?

Hon P.G. PENDAL: Of course; the State Government Insurance Office's Autocheck has access to that. In response to Hon Fred McKenzie, Autocheck should not be in competition with the private sector if it is not to compete on an even playing field.

Hon Fred McKenzie: It is competing on an even playing field.

Hon P.G. PENDAL: My first assertion is that the playing field is not even; that SGIO Autocheck, which in my view should not be in business at all, is able to avoid telling Parliament information that the Parliament is entitled to request. Secondly, how do we know whether an even playing field exists, as Hon Fred McKenzie suggests, if secrecy surrounds the very figures at the centre of the issue?

I hasten to add that I am not asking for the names and addresses of the clientele – no more than I would stand in this place and move a motion asking for the names and addresses of the policy holders of the SGIC; or no more than an Opposition member would rise and demand the names and addresses and bank accounts of all depositors at the R & I Bank of Western Australia.

Hon George Cash: Or even at the Teachers Credit Society.

Hon Fred McKenzie: Do you know how much income is earned?

Hon P.G. PENDAL: That is the point. It would be laughable if the Parliament were not to know the trading results of the SGIC.

Hon Fred McKenzie: You get that from the annual report.

Hon P.G. PENDAL: That is exactly my point. We would get that information from the annual report.

Hon Fred McKenzie: But not in finite detail.

Hon P.G. PENDAL: How can we get from the annual report the information I am complaining about concerning Autocheck? I thank Hon Fred McKenzie for his assistance on that point. I am about to reach the matter of the failure of the annual report of the SGIC to provide information on the matter before the House.

The annual report regarding Autocheck tells us nothing. Those members who have not seen the report, I invite to read it. It tells us no more than what I have told the House today – that it is an organisation set up to do certain things and it purports to do those things well.

However, we do not know that it does those things well. We have no way to judge what yardstick is used when it is stated that the body performs well. The kernel of the issue is that, firstly, it is the right of the private sector to be free of Government funded competitors; and I ask members to bear in mind the debates when the franchise of the SGIO was extended here several years ago. This is a Government funded competitor because in the only year when we know its trading results it had run at a loss of over one-third of \$1 million. That is the first issue at stake: The right of the private sector to be free of Government funded and propped up competitors.

Secondly, at the heart of the issue is the right to know whether the same Government funded competitors are receiving concessions. For example, we were careful, indeed meticulous, when passing the SGIC legislation a few years ago, to say that it would gain no commercial advantage over the private sector. I believe that we wrote into the legislation provisions for it to pay into the Treasury the taxes that otherwise would be payable by the private sector. If it is good enough that the State's insurance trading arm should be subject to the same constraints, why is it not also good enough for a smaller organisation such as Autocheck which is set up in direct competition with the private sector? For example, how do we know whether Autocheck makes any equivalent payments for taxation, payroll tax, income tax, or sales tax? How do we know it is not given other forms of Government concessions that are not available to the private sector which has to compete against it? I suggest that the only way we would know that is if those accounts of the State Government Insurance Commission were tabled in this place.

The third principle at stake, which is at the kernel of this whole question, is the right of Parliament to be informed. The answers to the questions in this House do not allow us to be informed. Nothing in the annual report of the SGIC or of Autocheck's addendum would allow this Parliament to be informed about whether it is propping up yet another unprofitable Government organisation at the expense of the private sector. Finally, at the heart of this issue is the basic and fundamental question of whether we should have Autocheck anyway. That makes out an excellent case for why the Leader of the House should be required to table not later than two sitting days from the day on which this order is passed, the information I have requested. I commend the motion to the House.

Debate adjourned, on motion by Hon Fred McKenzie.

BILLS (2) – THIRD READING

1. State Supply Commission Bill

Bill read a third time, on motion by Hon J.M. Berinson (Leader of the House), and returned to the Assembly with amendments.

2. Totalisator Agency Board Betting Amendment Bill

Bill read a third time, on motion by Hon Tom Stephens (Parliamentary Secretary), and returned to the Assembly with amendments.

BILLS (2) – REPORT

1. South West Development Authority Amendment Bill

2. Government Railways Amendment Bill

Reports of Committees adopted.

OFFICIAL CORRUPTION COMMISSION AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Hon P.G. Pendal, and read a first time.

Second Reading

HON P.G. PENDAL (South Metropolitan) [3.17 pm]: I move –

That the Bill be now read a second time.

Western Australians have reached the tragic point where confidence in the great institutions

has reached the point of collapse. Historically, Australians have always had a healthy cynicism for their public institutions and for those who are put in charge of them. However, that cynicism has always been tempered by a begrudging concession that in the main the community's leaders do not do all that bad a job. But Western Australia, possibly for the first time in its history, has now moved beyond that relatively healthy position and has reached a point today where the Government and those who control it are seen as a group of self-serving, inward-looking and besieged individuals who have abused both the system and the public trust that should underpin it. Everyone in public life, not only those who control Government, is now in danger of being overwhelmed by the public anger that says enough is enough. New directions and standards of behaviour are urgently needed. Put another way, a return to accepted standards of behaviour and ethics is urgently overdue.

Parliament is viewed as being tarred with the same brush. Out in the electorate there exists a frightening level of helplessness, hopelessness and anger the like of which I have never before experienced. Even that other great institution, the judiciary, which has for so long been regarded as beyond reproach, is being seen as part of the general malaise. It too is seen to be out of touch and irrelevant because it seems, at least from a distance, to be so often involved in handing down sentences that pamper the guilty without giving encouragement to the innocent.

This collapse of public confidence and trust has produced a series of events where the elected Government is seen to be standing still, inert, inactive and paralysed out of a fear that any decision it makes will further expose its dubious and even corrupt doings.

Hon J.M. Berinson: Whose perceptions precisely are you talking about?

Hon P.G. PENDAL: This in turn has led to a position where the Opposition has, more and more, been left to do the job in this Parliament that history and the Constitution normally reserves for Government. Two years ago, the position had so deteriorated that it was left to the Opposition to introduce a Bill to establish the State's first Official Corruption Commission. That action grew directly out of the uneasy feeling that the task of tracking down official corruption could no longer be left in the hands of the traditional sources. Two years later, another series of events has demonstrated that the elected Government – elected, that is, with 47 per cent of the vote – is no more in control now than it was in 1988. This paralysis in Government, at its very highest levels, is not however just a matter of inertia or inactivity.

Hon J.M. Berinson: Have you taken any notice of the legislative program?

Hon P.G. PENDAL: I have no doubt that the Leader of the House will make a measured response to this Bill in due course.

Hon J.M. Berinson: It would be nice to have a measured second reading speech.

Hon P.G. PENDAL: It is a paralysis borne out of a widely held belief that the Government can no longer be trusted. The recent series of events which confirms this is a sad reflection on a Government which began 1990 with promises of restoring faith and confidence in Government. In recent times, with the imminent departure of the Auditor General, we have witnessed the indignity of the Government being persuaded to consult with the Opposition parties on the question of appointing a new Auditor General.

Hon J.M. Berinson: You pressed for that and then you complain about our agreement to it. I am prepared to suggest that we withdraw that.

Hon P.G. PENDAL: That can hardly be seen as a vote of confidence in the way the Government, left to its own devices, might deal with the appointment.

Hon J.M. Berinson: That is a disgraceful comment.

Hon P.G. PENDAL: A second event in the series shows increasing evidence of society's belief that the Government can no longer be trusted.

Hon J.M. Berinson: No wonder you did not circulate your second reading speech.

Hon P.G. PENDAL: I remind the Leader of the House that Opposition members do not have at their disposal the sorts of unlimited resources that Government members have at their disposal. If the Leader of the House would make those facilities available to me I would be grateful.

The second event took place last week when the Ombudsman had the courage to report to this Parliament that the only way to put the public's mind at rest on a variety of issues was to appoint a Royal Commission. That recommendation grew directly out of an action taken by the Leader of the Opposition who was concerned over the apparent inaction in the matter. Again, it was seen as the Opposition having to do the Government's job for it.

A third event has now taken place which indicates an inactive and uncooperative Government. This was the decision taken by the commissioners of the Official Corruption Commission in asking to see the leaders of the Liberal Party and the National Party on the matter of more realistic powers to help the commission get to the bottom of corrupt acts in this State. The commission, acting with scrupulous fairness and impartiality, also conveyed to the Premier the nature of the amendments it is seeking. So far, of course, and despite all the resources at its disposal the Government has not seen fit to introduce the Bill required by the commissioners.

Hon J.M. Berinson: The commissioners have not required an amendment and they would not put anything in such terms. You are now trying to put words into the commissioners' mouths.

Hon P.G. PENDAL: Does the Leader of the House dispute that the commissioners have requested –

Hon J.M. Berinson: Did you say requested?

Hon P.G. PENDAL: What does the Leader of the House say I said?

Hon J.M. Berinson: I say that you said required? *Hansard* will confirm it.

Hon P.G. PENDAL: I am happy if I said required.

Hon J.M. Berinson: In other words you are happy to misrepresent the commissioners.

Hon P.G. PENDAL: No, I am not. However, I am happy to convey to the House the inactivity and inertia this Government has been guilty of in the years it has been in office.

Hon J.M. Berinson: You are a fraud.

Hon P.G. PENDAL: The Premier, whose announcement earlier this year for a new and higher standard of conduct, presumably would require the Leader of the House to withdraw that sort of offensive remark. I will not do that. I will leave it to the Premier to make a judgment about her fading Attorney General. Whether one haggles over the question of it being a request or otherwise, it is clear that even a request from the highest levels, such as the Official Corruption Commission, means nothing to the Leader of the House. We are coming to the end of a parliamentary session in which he has deliberately avoided introducing any legislation of the kind the commission has sought.

Today, the Opposition once again demonstrates the point that it has been left to deal with the tasks the Government so clearly is not prepared to undertake. Today, the Opposition introduces a set of amendments that aim to make the Official Corruption Commission a tiger with teeth. I emphasise at the outset that these amendments are not introduced merely for the sake of it. The Opposition expects them to be dealt with this session so that, by the time both Houses rise, they will be an operative part of our law. That such amendments, or even the parent Act, are needed at all is a sad reflection on the state of affairs in Western Australia.

In a perverse sort of way we have come a long way in a short time. It is only seven short years since the Labor Party offered the people of Western Australia and the nation the troika of reconstruction, reconciliation and recovery. The reconstruction has been an unmitigated disaster which, in effect, has helped create the very conditions that the Official Corruption Commission is fighting today. The Western Australian Development Corporation was the flagship and it was all about money – how to get it, how to manipulate it and how to use the political power that went with it. The reconciliation has been an unmitigated disaster as well. Instead of drawing people together the Labor Governments have deliberately set out on a task of dividing the community into two groups: Those who were with the Government and those who were against it. Ten years ago no-one in our society could have possibly imagined the imminence of a Government that would associate itself with phone tapping and the like. The recovery has been non-existent. A private sector has been left shattered by dodgy deals and a deep recession, and in the public arena unemployment and massive Government debt have destroyed the hope of many for recovery of any kind at all.

It is against that background of disillusionment on the one hand and the avoidance of the truth on the other that the Opposition now seeks changes to this most important of Acts. As members are aware, under section 11 of the Act the commissioners are prohibited from disclosing information received by the commission. At the time of writing, and even now on the face of it, that careful handling of sensitive information seems reasonable. However, it has had the effect of gagging the commission and, in turn, preventing the Parliament from learning the outcome of inquiries conducted by the commission.

In particular, the Bill seeks to add a new subsection to section 7 of the Official Corruption Commission Act. It is designed to give the commission a discretionary power, at any time during an investigation, to report to this Parliament on any matter that has been referred to it and in which it, in turn, has referred to an investigating agency. The Bill will provide also that no report under the provision to which I have referred will be able to reflect adversely on a person who is named or on a body to whom the allegation is referred without that person or body first having been given the right to be heard. A provision in the amending Bill will require the commission to confine itself to the reporting of facts only and not to express ethical or other judgments.

Finally, another seemingly cosmetic but in fact far reaching change to the Bill is to substitute the word "or" for the word "and" in section 7(1)(b). That will have the effect of allowing the Official Corruption Commission to report at its discretion to the forthcoming Royal Commission which was announced by the Premier, Dr Lawrence, a week or so ago, and will give the Official Corruption Commission the power to report to other such public officials as the Ombudsman. It is clear that without its having those powers the Official Corruption Commission cannot properly do the job that this Parliament gave to it two years ago.

I ask members, therefore, to treat this matter with the dispatch that it deserves. This matter must be on the Statute books prior to the Parliament's rising this year. It is a matter of the utmost public concern, and I commend the Bill to the House.

Debate adjourned, on motion by Hon Fred McKenzie.

MENTAL HEALTH AMENDMENT BILL

Receipt and First Reading

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

Second Reading

HON MARK NEVILL (Mining and Pastoral – Parliamentary Secretary) [3.33 pm]: I move –

That the Bill be now read a second time.

This Bill introduces a number of legislative reforms to the Mental Health Act 1962 to further protect and safeguard the rights and welfare of persons treated in psychiatric facilities established under that Act.

The amendments set out in the Bill fulfil the Government's commitment to implement, in full, recommendations contained in the "Report of an Inquiry into the Treatment of Psychiatric Patients at Graylands Hospital and Other Psychiatric Hospitals in Western Australia", April 1989, produced by Mr C.L. Zelestis, QC. An edited version – edited on the advice of the Crown Solicitor – of the Zelestis report was released to the public in August 1989.

As some time has passed since the Zelestis report was released I believe it would be of benefit to members if I recounted, in general terms, the circumstances which resulted in the Minister's appointing Mr Zelestis, QC to undertake the inquiry which culminated in his issuing of that report. Following an incident of alleged mistreatment of a patient by a nurse at Graylands Hospital in January 1989, further allegations of mistreatment of other psychiatric patients were reported in the media. It was further claimed that staff employed at psychiatric facilities administered by the Health Department of Western Australia were reluctant to report patient mistreatment to the administration. Due to the potential harm such allegations and claims could cause to the public confidence in the State's psychiatric

services, the Commissioner of Health issued an open invitation to all staff working in those facilities to make submissions or complaints concerning the general treatment of patients directly to him, on a strictly confidential basis. The responses received as a result of that open invitation reinforced the need for an independent inquiry to be held in order to placate community concerns and to ascertain what measures needed to be taken to rectify deficiencies in existing practices and procedures relating to patient management.

Mr Zelestis, QC was appointed to undertake that inquiry under a set of reasonably broad terms of reference centred on the allegations made in connection with patient mistreatment. Of the 14 recommendations contained in the Zelestis report, 12 have already been implemented. The remaining two are the subject of the amendments contained in this Bill. One of those recommendations is covered by clause 4 of the Bill, which provides for the insertion of five new sections in the Act to empower the Minister of the day, who has responsibility for the administration of the Act, to hold investigations into any matter or matters concerning any service established under the Act. Appropriate supporting powers are provided to ensure that such investigations can be conducted by the investigator to the fullest possible extent allowed under the law.

In the course of conducting his inquiry Mr Zelestis, QC found that he lacked statutory power to compel persons to attend for questioning or to provide information and to answer potentially incriminating questions. These and other powers of investigation are set out in new section 7A, and such provisions are normally made available to persons undertaking such statutory investigations. These powers of investigation are supported by offence provisions covered by new sections 7B, 7C and 7D. Similar powers of investigation into matters concerning public hospitals can be found in section 9 of the Hospitals Act 1927 and it is equally, if not more, important for such powers to be available in the case of psychiatric facilities established under the Mental Health Act 1962.

The remaining recommendation is dealt with by clause 5 of the Bill, which amends section 18 of the Act to enable boards of visitors to the four "approved hospitals" – Graylands, Heathcote, Lemnos and La Salle –

to delegate their powers of inquiry, examination and inspection to a person approved by the Minister; and

to refer matters to the Minister for investigation under new section 7.

Section 11 of the Act requires that a board of visitors be appointed for every approved hospital. These boards will be responsible directly to the Minister. Their statutory role will be to safeguard the rights and welfare, other than the medical treatment, of patients admitted to approved hospitals. Mr Zelestis, QC drew attention in his report to the importance of these boards in the protection of patients' rights, and stressed the need for the boards to be adequately resourced to ensure that they can meet their statutory responsibilities. The amendments to section 18 of the Act will improve the capacity of each board to fulfil its role.

The amendments contained in the Bill constitute additional protection mechanisms to ensure that legal ability exists for full and proper independent investigation of matters which impact on the care, welfare and treatment of patients under the Mental Health Act 1962. Accordingly I commend the Bill to the House.

Debate adjourned, on motion by Hon W.N. Stretch.

PAY-ROLL TAX AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Leader of the House), read a first time.

Second Reading

HON J.M. BERINSON (North Metropolitan – Leader of the House) [3.40 pm]: I move –

That the Bill be now read a second time.

The provisions of this Bill are complementary to those in the Pay-roll Tax Assessment Amendment Bill. The two Bills give effect to measures for payroll tax relief which were announced in the Budget speech.

The effect of both Bills is a reduction in payroll tax liabilities for most taxpayers as a consequence of a lift in the threshold levels at which the various payroll tax rates apply. More than 85 per cent of employers liable for payroll tax will benefit from the Government's initiative at an estimated cost of \$3 million in 1990-91 and \$7 million in a full year.

It is proposed to increase the exemption threshold from \$300 000 to \$320 000. The level at which the 3.95 per cent rate applies will increase from \$1.2 million to \$1.28 million. The level for the 4.95 per cent rate will increase from \$2 million to \$2 133 333 while the level at which the maximum rate of six per cent comes into effect will increase from \$2.5 million to \$2 666 667.

All these measures are intended to operate from 1 January 1991 and I commend the Bill to the House.

Debate adjourned, on motion by Hon Max Evans.

PAY-ROLL TAX ASSESSMENT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Leader of the House), read a first time.

Second Reading

HON J.M. BERINSON (North Metropolitan – Leader of the House) [3.43 pm]: I move –

That the Bill be now read a second time.

Together with the Pay-Roll Tax Amendment Bill, this Bill will implement measures announced in the Budget speech. Some employers who would otherwise have become liable for payroll tax in 1990-91 will be relieved from that liability as a result of an increase in the payroll exemption level from \$300 000 to \$320 000. The statutory weekly wage level at which point an employer is liable to register will increase from \$5 770 to \$6 154. A corresponding increase from the current \$1.2 million to \$1.28 million in the upper limit for an allowable deduction will reduce payroll tax liability for many employers. Indeed, more than 85 per cent of employers liable for payroll tax will benefit from the Government's initiatives. The new arrangements are to apply from 1 January 1991.

The proposal mentioned in the Budget speech for an amendment to exempt wages paid to apprentices and trainees employed under approved group training schemes will be included in a later Bill. There are technical difficulties with the drafting of this amendment which will require a little more time.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Max Evans.

IRON ORE (MOUNT NEWMAN) AGREEMENT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had passed the Bill without amendment.

JOINT SELECT COMMITTEE ON PAROLE

Assembly's Message

Message from the Assembly received and read notifying the Council that it has agreed to the following resolution –

- (1) That the date for the presentation of the report of the Select Committee on Parole be extended to 2 April 1991; and
- (2) that until 7 December 1990 this House grants leave for the Select Committee on Parole to sit during the sittings of the House.

Sitting suspended from 3.45 to 4.00 pm

WAGH FINANCIAL OBLIGATIONS BILL*Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Leader of the House), read a first time.

Second Reading

HON J.M. BERINSON (North Metropolitan – Leader of the House) [4.02 pm]: I move –

That the Bill be now read a second time.

Under the Treasurer's Advance Authorization Act, the Treasurer's Advance Account is structured on the basis of before-the-event authorisation and after-the-event appropriation. The Act authorises the purposes for which expenditures may be made by the Treasurer's Advance. These include payments chargeable against the General Loan and Capital Works Fund. The Act also requires that these expenditures be subsequently submitted to Parliament for appropriation.

This Bill seeks an after-the-event appropriation of the General Loan and Capital Works Fund for \$55 million from the Treasurer's Advance Account in 1989–90 to repay to the Australia and New Zealand Banking Group Ltd the interim financing that had been provided for Western Australian Government Holdings Ltd. In the normal course, after-the-event appropriation of the Consolidated Revenue Fund or the General Loan and Capital Works Fund, met from the Treasurer's Advance Account, is sought in the annual Appropriation Bill. However, consistent with undertakings given by the Government, a separate Bill has been introduced on this occasion which deals with the \$55 million interim financial facility that has been repaid.

The \$55 million bill acceptance facility with the ANZ Bank was backed by guarantee issued by the Treasurer and approved by the Governor under section 5 of the Northern Mining Corporation (Acquisition) Act. The credit facility had been negotiated on 30 June 1989 and there was a clear obligation to repay on or before 29 June 1990. In the event of the debt not being honoured, the Government would have been required by law to meet the guarantee. Moreover, failure of WAGH to meet its financial obligation would have placed the ANZ Bank in the invidious position of having to put this wholly State-owned company into default to ensure recourse to the Government guarantee. To put it bluntly, a default would have had a major adverse impact on the State's excellent credit rating and on its financial reputation. As the Under Treasurer put it in his minute of 9 November to the then Minister for Budget Management, "It is impossible to see how such an event of default would not have serious and longstanding consequences."

When the Budget was presented to Parliament in August 1989, the future of Petrochemical Industries Ltd – PIL – the holding company for the assets of the petrochemical project, was difficult to predict with any certainty. The subsequent granting of an order for the winding up of PIL led to WAGH making a number of unbudgeted termination payments which significantly reduced the funding which would otherwise have been available out of the 1989–90 appropriation of \$62.3 million. In addressing the possibility in December 1989 the then Minister for Budget management advised the Legislative Council that, "... any excess expenditure above the \$62.3 million would be charged against the Treasurer's Advance Account pending an after-the-event appropriation."

After careful consideration of all the factors the Treasurer decided that, to meet the repayment deadline, the Treasurer's Advance Account would be used to meet the credit line facility and the \$55 million would be a charge against the General Loan and Capital Works Fund. Future servicing of the \$55 million will be from the Consolidated Revenue Fund through the Special Acts Division of the Estimates. The authority for that debt servicing arises from the Loan Act 1989, which provided the medium for the funds to be raised to meet the payment. As required under the Treasurer's Advance Authorization Act, the expenditure, through this Bill, is now submitted to Parliament for ratification.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Max Evans.

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

Consideration of Report – In Committee

The Deputy Chairman of Committees (Hon D.J. Wordsworth) in the Chair.

Hon E.J. CHARLTON: I have pleasure in moving –

That the report of the Standing Committee on Estimates and Financial Operations be noted.

As the Chamber would be aware, the Estimates Committee comprised five members, but for the function of dealing with the Estimates of the State a further six members of this place were appointed. I was the chairman and the other members were Hon Max Evans, Hon Norman Moore, Hon Mark Nevill, Hon Bob Thomas, Hon John Halden, Hon Margaret McAleer, Hon Sam Piantadosi, Hon Reg Davies, Hon Barry House and Hon Tom Helm. We examined the allocation of funds for the operation of various areas of responsibility within Government.

This was the first time that this procedure was followed, and, as a consequence, it has been a learning experience for both the Ministers who were directly involved and for the members of the Estimates Committee. The committee was divided into three to deal with those various responsibilities and these were dealt with by Ministers in this place. In so doing, these Ministers also had to represent areas or responsibility of the Ministers in another place.

Attached to the report is an appendix for future consideration; this will remind members of the timetable provided for the allocation of Divisions. As well as examining the whole operations of Government, the Estimates Committee questioned both the Minister and the chief executive officers on matters regarding the implementation of Government policy and the capital allocation to the programs.

At the outset, I wish to comment on the shortfall in the allocation of funds by the Government to the Legislative Council. The committee had the opportunity to take evidence from the President, the Clerk and other members of staff directly involved in the operations of this Chamber. On page 2 of the report the committee has recommended as follows –

- (a) That the House notes the serious shortfall in the Legislative Council budget and the indications that it will fully extend its allocation by March 1991 if the shortfall is not addressed; and
- (b) the House recommends that the Government make a supplementary grant of \$227 200.00 for the 1990–91 Legislative Council Budget.

Paragraph 2.2 states –

The committee has considered the Estimates of Revenue and Expenditure for 1990-91 as Tabled on September 27 1990 and referred to the Committee and is satisfied that the proposed appropriations will meet expenditure under the various items subject to an increase in the allocation given to the Legislative Council.

The Committee therefore recommends –

That the Appropriation (Consolidated Revenue Fund) Bill 1990 be allowed to proceed subject to a positive response to recommendation 2.1(b).

The wording of that recommendation has caused some consternation among some members and various interpretations of it have been made. While the Bill's passage is not subject to a positive response by the Government to the request for \$227 200, all members of the Committee expect the Government to make up that shortfall. The reasons are simple. If this place is to operate with minimum efficiency as it is today, that shortfall has to be made up. If the Government decides not to make up that shortfall in total or in part, cut backs will have to take place. Not one member of this place would suggest that this Chamber is wasteful in the way it operates. On the contrary, it can be said that, of all the activities of government, Parliament is probably the hardest done by. The conditions under which the staff and members of both Chambers work, and Hansard's accommodation, is an indictment of the State, not only the Government. Over a long period we have seen an improvement in the conditions of workers across the board, in both the public and private sectors. No-one would decry those changes or question that they are necessary to carry on the business of the State

at the highest level. However, the conditions in Parliament House are deplorable. Visitors come to this place through the front entrance and look with pride at the more public areas of Parliament House. However, the working areas of this place leave a great deal to be desired. Obviously, whenever proposals have been mooted to improve the conditions of this place all Governments, for a long period, have responded to outcries from the media by doing nothing.

It would be unforgivable of the Government not to respond favourably to the recommendations of our committee. The Budget was presented to the Parliament on 27 September. July, August and almost all of September had passed before this Chamber was given the opportunity of considering the allocations that were made to all areas of Government, including this place. On top of that, in the year gone by the Government agreed to set up three new Standing Committees which have the prime responsibility to provide greater access to the people of Western Australia to put their views on the deliberations of this Parliament. The Joint Standing Committee on the Constitution has considered submissions from many people who have an interest in the Constitution. The Standing Committee on Legislation has been served by very hard working members who have deliberated on legislation which is then presented to this place in a form which allows for its smooth passage. That committee provides a real opportunity for the people of this State to have an input into important legislation. The setting up of the Standing Committee on Estimates and Financial Operations has allowed members to sit down in an informal way with Ministers and departmental heads to gather information and report to the Chamber accordingly.

The committee acknowledges the work done by the staff of the Legislative Council. It commended them on the presentation of the detail of expenditure and for the information on the workings of the Chamber. Not only is it of particular relevance to the remainder of this year's financial operations, but also it will be of great benefit in informing the Legislative Council and the Government of how the money will be allocated in the coming financial year.

As I said at the outset, there is some concern about the wording of that recommendation and how it will be dealt with. As Chairman of the Estimates Committee I emphasise that although we cannot force the Government to make up the shortfall, the committee expects the Government to respond positively to that recommendation. Obviously that decision will be made by the Government, but if it decides to allocate a lesser amount the obvious outcome will be that services in this place will be cut. There will be no other option. If any member on either side of the House thinks that would be in the best interests of this State, he obviously has a very different view from that of the Estimates Committee.

I refer to some of the general recommendations of the Estimates Committee, and particularly paragraph 2.3.1 on page 3 of the report relating to the Aboriginal Affairs Planning Authority. The recommendation states —

That the House recommends that the Government ensure that Federal Government funding allocations for specific purposes, as well as general allocations, be made in consultation with the State and be implemented by the AAPA.

I chaired a Select Committee inquiry into Aboriginal funding. Many people, both Aboriginal and non-Aboriginal, question the allocation of the \$1 billion, approximately, to Aboriginal bodies by the Federal Government, that comes into this State without any reference to the State Government. As a consequence neither the State Government, the Minister for Aboriginal Affairs, nor any other person in authority in this State is involved in how that money is expended. We urge the Minister and the State Government to place as much pressure as is humanly possible on the Federal Government to allocate its funds to Western Australia through the Aboriginal Affairs Planning Authority in order that the allocations to various Aboriginal bodies in this State can be appropriately considered.

We continually hear about the money being spent on Aboriginal health and education, and in our opinion money is wasted in those areas because the Federal Government does not make the funds available through the State channels already in place. Consequently, almost no control is exercised in the distribution of those funds and neither does any monitoring take place.

Paragraph 2.3.3 of the recommendations refers to the Country High School Hostels Authority and reads –

The House notes that there is a shortfall on allocation of funds to the Authority over and above the fees paid by students.

I was also a member of a Select Committee chaired by Hon Mark Nevill which inquired into this area a few years ago, and I estimate that the circumstances of these hostels are getting worse by the day as a result of the economic downturn. We constantly hear of children from country areas who will be forced to leave boarding facilities, both in the city and in the country, because their parents cannot afford to pay the fees. It is time that the taxpayers of Western Australia accepted responsibility for the education of these children by making up the shortfall between the cost of keeping a child at home and the fees for boarding that child away from home. I encourage members to support this concept in any way they can. The Prime Minister continually talks about the need for the population of Australia to become smarter, and if we want to provide all children with a basic education, those who are part of a family living outside the metropolitan area which is producing export dollars for this nation – whether in a service organisation or in a country area – should not be denied the opportunity to go to school for economic reasons. The cost of keeping a child at a country high school hostel is \$4 200 a year, and the difference between that amount and the cost of keeping a child at home should be allowed for as part of the total education budget.

Hon Derrick Tomlinson: Is that the total cost and not just the fees? Every parent knows that there are add-on costs.

Hon E.J. CHARLTON: It is the cost of boarding a child at a hostel. Of course, all parents must pay the add-on costs whether their children go to school in the city or in the country, and we are not asking for country children to be given advantages that their city cousins do not have. I am talking purely about the additional cost of boarding children who have no alternative but to live away from home if they want a high school education.

Hon Derrick Tomlinson: I draw your attention to the review conducted by the Commonwealth Government in 1981 and the report which showed that, in addition to fees and the normal costs borne by parents, country parents with kids living away from home had other costs which for some were the final straw that prevented the children from continuing their schooling.

Hon E.J. CHARLTON: The costs of travelling to sporting events, of buying extra clothing and dealing with a whole range of other matters has been well documented, and I thank Hon Derrick Tomlinson for his comments.

The bottom line is that at the time of our inquiry the Country High School Hostels Authority had a shortfall between the amount received from parents' fees and the cost of running the hostels. That must be overcome. Following that Select Committee inquiry I received a letter from the Minister saying that the shortfall would be met in this current year, and an inquiry would be conducted to determine how to address the problem in future. No mention was made about the Government's meeting the difference between the cost of keeping the child at home and the cost of boarding facilities. I said it cost \$4 200 to keep a child at a country boarding hostel, but that is only one child; with two children the cost would be \$8 400, and so it goes on. It is absolutely impossible for anyone on a wage structure to maintain children in these circumstances.

Hon Derrick Tomlinson: Especially on farm incomes at \$12 000.

Hon E.J. CHARLTON: Farm labour is probably being put off anyway, and they will take whatever income they can get.

I turn to paragraph 2.3.7 on page 3. I shall not read the whole thing, but I want to comment on education and health. The point is made that the Government should make appropriate public consultation a priority before making any administrative decisions concerning health and education. Those are two vital issues against which any Government, regardless of the economics of the time, should not and must not be allowed to take financial action.

If in this nation we cannot achieve an even approach to health and education across the State, we fail – we fail dismally. I remind members that we have experience of country hospitals where that action was taken without consultation by the Government. In the case of

education, the cutbacks are horrendous. They are having a very detrimental effect on the people I referred to before who are involved on the boarding side of country schools; the people who are responsible for educating children, particularly in country areas.

These two things should not suffer as a consequence of our economic times. While money should not be wasted, allocations must be refined. The important point is that basic education and health needs should not be forsaken. In country areas wings of hospitals have been closed and various services have been taken away. I had a phone call yesterday to say that the air-conditioning had to be turned off in Mullewa Hospital because of the cost of electricity. We should not be addressing those areas to save money. We should be looking at the industrial side of hospital operation; the waste which takes place as a result of work practices which have been implemented.

I have had first hand experience of a case where there was no doctor, although the regulations stated that two trained staff had to be there at the one time. That was a place where substantial savings could have been made. The Minister gave me a commitment at that time that some of those concerns would be addressed. Rather than close down the hospital altogether, we should look at the staffing and student arrangements which are forced upon some of these hospitals and compare the operations of Royal Perth Hospital with the Cunderdin District Hospital.

The report states —

that the House note that the Committee proposes to take action to consider and debate changes to policy and funding in the areas of health and education;

that the House requests that in future consideration of Annual Estimates the Committee be provided with a complete break down of the estimates for all hospitals; and

that the House recommends that the Government permit greater flexibility in TEE scores for admission to the Faculty of Medicine at UWA with particular emphasis to attracting persons prepared to serve in country areas.

In Western Australia, there is a TEE mark with a cut off point for those eligible to go into medicine. One point below that mark and one cannot go into medicine, yet there are hospitals or areas which do not have a doctor. A practical example concerns the dux of Albany High School, who had a mark one or two points below the cut off point, so he was not accepted, although his ambition in life had always been to be a doctor and serve Western Australia. The university should have the opportunity to accept him. We know it is the responsibility of the university, but we hope the Government will encourage the university to rethink that position and leave a small number of places open to give an opportunity for those who may not have the necessary marks to be able to go into the faculty of medicine.

Hon Fred McKenzie: We had a report the other day saying we had too many doctors.

Hon E.J. CHARLTON: Yes, too many doctors in metropolitan Western Australia, but they will not go out into the country. Why not? They will not go for the same reasons many other people will not go — because they do not have the facilities or the services, such as education, and even health opportunities, as they have in the city.

Hon Fred McKenzie: It is no good training more.

Hon E.J. CHARLTON: The point I am making is, these people should be given an opportunity to have training if they are prepared to live in the country. Why train another 30, 40 or 50 who do not want to go out into the country? There are too many in the metropolitan area.

Hon Derrick Tomlinson: Perhaps we should keep places open for country students.

Hon E.J. CHARLTON: That is right. In part 3 on page 4 the report says —

This being the first year in which this Committee has operated it is understandable that it has been a rapid learning process for all those involved. Generally the process operated well however a number of problems have been noted by members of the Committee and the Committee proposes to review the process in detail at a later stage.

We have not attempted to report to the House on the number of changes we would like to see

made, or the manner in which they should take place, but the committee intends to have an ongoing look at its operations in respect of examining the Estimates and the financial operations of the State, and to make some recommendations on those at a later stage. I continue the quote –

In doing so the Committee will take into account all the matters raised and will give opportunity for all Members to contribute their views.

Three issues that the Committee have considered are the way in which questions were answered during the subcommittee hearings, the times and timetable of hearings and the need to consider the General Loan and Capital Works budget at the same time as considering these Estimates.

It was the opinion of all who participated in the committee that in all areas outside policy the chief executive officers or other nominated individuals must be given the opportunity to answer questions direct. It is ridiculous to go into the committee system we have, which I think has been widely accepted in principle, and find a situation arise where a chief executive officer or a person from the department is asked a question about whether something is a good thing or not. However, they certainly could be asked about the allocation and actual expenditure of funds. I could give many examples but I do not need to. If chief executive officers were given an opportunity to answer questions relating to the allocation and expenditure of funds, it would give members a greater appreciation of how the money is expended and how the departments operate.

The Estimates Committees wasted a considerable amount of time when a chief executive officer or other person from a department was consulted by a Minister, as he had to relate the answer to the Minister, the Minister had to grasp the answer to the question and then relate it to the committee. Many members' inquiries were answered by the chief executive officers and that was greatly appreciated. If at any time a Minister considered that a chief executive officer was going outside the area of his responsibility, we would not only accept but would also expect the Minister to say, "I will answer that question because it is to do with the operations of Government."

The timetable under which the Estimates Committee system operated this year must be examined. It was agreed at the end of the committee's deliberations, and it is noted in item 3.2 on page 5 of the report, that changes are required in certain areas. For instance, we may want to spend more time on some areas of a Minister's responsibility and perhaps not even touch on some other areas, whereas this year we attempted to cover the whole area of responsibility of each Minister as best we could. At a later stage the committee will be recommending to the Government that changes be made in this approach. An appendix to the report contains the timetable under which we operated this year.

As Chairman of Estimates Committee B, I received the full cooperation of all members who were part of the committee. The Chairmen of Committees A and C and I had the great cooperation of recording staff, both Hansard staff and the people who operated the tape recorders. We also received great cooperation from the Ministers and, in particular, the chief executive officers. I thank also all those members on the Estimates Committees, as well as the many staff involved in helping the new system run smoothly. Sometimes members did not have the opportunity to participate in areas of interest to them because of the time factor. All three committees sat at once, and that is something we will have to reconsider.

The new Estimates Committee system enabled us to note the operations of the Government under its various funding allocations, and we have made our responses to it. While we would rather have seen larger allocations made in some areas, at the expense of some others, that is simply a matter of our opinions. The full text of the deliberations of each Estimates Committee is contained in *Hansard*; however, the completed *Hansard* will not be available to members and other interested people in the community until the new year.

This was the first year of operation of the Estimates Committees, and I believe that this House should accept the system in principle and continue with it. Certainly no member has said to me directly that we should not continue with this method of dealing with the Estimates. Some changes must be made to the system but, as with other things, it is better to make changes after the first attempt than to say, "We do not like it; let us go back to the old way."

It is important that the Government respond to the shortfall in the allocation to the Legislative Council. I know that times are very tough and that every dollar the Legislative Council gets is a dollar someone else will not get. However, if the Government wants to sit down with me or anybody else and say, "You want \$227 000. Where will we get it from?", I, along with many other members on this side of the House, will offer to suggest to the Leader of the House where we could save \$227 000 in order to allocate it to the Legislative Council.

Hon J.M. Berinson: You might live to regret that.

Hon E.J. CHARLTON: I will not, and I have said that about education and health as well. It is not a matter of allocating more funds but of allocating them more wisely. The establishment of the new facilities in Hay Street just brings home the situation under which this place operates. I know it is extremely difficult for the Government, when making changes to expenditure allocations even in the very good times, let alone now, to get the support of the public; it is just impossible. A year or so ago we attempted to have alterations made to Parliament House, and every member acted responsibly in that regard.

I implore the Leader of the House to respond to the request of the Estimates Committee for a further allocation to the Legislative Council of \$227 000, for two reasons. Firstly, the very fine detail of the expenditure of that money is available. Secondly, the research that has been done and the details that have been provided will allow the Government next year to have absolute scrutiny of how the money was expended in the various areas of responsibility of this place.

Hon J.M. BERINSON: I support the motion and although I will not be able to agree in detail with everything Hon Eric Charlton said I will be agreeing with a great deal of it.

Firstly, I will be doing my best to speak briefly, and that is with a view to encouraging the Committee to proceed to a vote on this motion. We have been saying all year, and we said all through the Estimates Committee process, that we are all on a learning curve, and I will say it just once more. What we must currently get to grips with is how we deal with the results of the Estimates Committee process, how we proceed on the basis of the inquiries that have been made, and where that fits into the more traditional procedures for the consideration of the Budget. I believe that from the outset we have all agreed that we should not duplicate the new Estimates Committee process with the traditional proceedings of the Committee of the Whole; and without in any way reflecting on the length of Hon Eric Charlton's introduction of this motion or wishing to preclude others from speaking, I suggest that we need to be careful as well that we do not replace the Committee of the Whole proceedings with a very lengthy debate on this.

It will be apparent that by establishing the Estimates Committee and then going on from that point to establish what effectively are three subcommittees, we had not only three times the normal time allocated to the Committee of the Whole, which is normally a week, but also the equivalent of three weeks of one Committee's consideration; but, more than that, we had the cooperation of the chairmen and all members in having much longer hours than normally apply. I think Mr Evans' committee sat for at least 12 hours on one day; that was far beyond the normal time. It is fair to say that the House had vastly greater opportunities this year to get to grips in detail with the Committee stage of the Budget process through being allowed more time. We must make maximum use of that by not duplicating the matters dealt with by the committees by going through the Committee of the Whole process as would normal occur.

Having said that, I support the comment by Hon Eric Charlton that the new committee process, especially on its first run, justified itself. Nothing occurred to indicate that we should move away from it. On the contrary, we should be looking to improve the process we implemented this year on the basis of the experience we accumulated. Hon Eric Charlton could say that from the point of view of the committee chairmen; I can say the same as a Minister and reflect the views of the other two Ministers in this House. Also, the opportunity to bring in much larger numbers of departmental offices, especially on matters which did not relate directly to our own portfolios, provided good experience for all officers involved including the chief executive officers. The exercise was useful in helping them to understand that the work they do, and certainly the control of the Budget, is subject to close scrutiny and will, in future years, be subject to closer scrutiny.

From all points of view, we have every reason to proceed along the lines introduced this year and to adapt to the circumstances which arise as we proceed. It goes without saying that the written report of the committees is necessary. However, it would be impossible to list all the matters of interest to the committees or even a majority of those which caused major debate and concern. Again, that is not a problem because the consideration of the Estimates Committee's work cannot rest on its eventual report which we are about to note, but which must go to the *Hansard*, which records the range of matters with which we dealt. In that process, avid readers of *Hansard*, of whom I suspect there are not very many, will find that even over the three days of our first experience a modification of the approach was taken. I moved from a position where I felt I should respond to almost all questions, to one where I felt quite comfortable inviting departmental officers to respond.

Hon Graham Edwards: I had exactly the same experience.

Hon J.M. BERINSON: By the time we reach the second round, we and the departmental officers will be tuned into that process, which may help to expedite matters.

I refer to a note on the last page under paragraph 3.2 which states –

That in future consideration of the annual Estimates, it determines the timetable for hearings.

I do not think I was being accused of censoring the committees or limiting their capacity to consider whatever they liked at whatever length they liked. It is worth putting on record that I prepared a timetable and a division of various departments and portfolios among the three Ministers. However, that was to provide a guide only to the committees and it would have been open to them to juggle that whichever way they wished.

Hon Max Evans: We accept that.

Hon J.M. BERINSON: I make that point because a bald reading might suggest that there were some restrictions on the committee.

Hon E.J. Charlton: In other words, the committee may like to consult with you and the Ministers.

Hon J.M. BERINSON: I will of course be sending to each of the relevant Ministers the comments in this report relating to their portfolios. In the same way, *Hansard* copies have been distributed and considered by them. I understand that questions left for further response have now been completed, although in my case I have to confess they have only just left my office.

Hon Max Evans: Hon Graham Edwards is first class. You are a long way behind.

Hon J.M. BERINSON: Hon Graham Edwards is acknowledged generally to be a much better Minister than I and I am prepared not only to accept that but also to assert it. Nonetheless, we have reached the stage where all of us have responded.

Out of personal interest I refer to the matter under paragraph 3.7 suggesting that the House recommend that the Government apply greater flexibility with the use of TEE scores for admission to the faculty of medicine at the University of WA. Hon Eric Charlton conceded that it is not a matter within the Government's control, but I must say that TEE scores are necessarily arbitrary if that is what is relied on alone. At the same time, the search for other appropriate selection processes has not been all that successful. However, possibilities exist and we have had one interesting reflection of that this year with the selection of law students at Murdoch University for its first intake. If I understand the position correctly, the UWA selects students for the law faculty on the basis of a first year non-law result, which is the equivalent to a TEE, whereas Murdoch has put aside a proportion of its places for the selection of students according to a mixed basket of criteria.

I refer finally to the question of funds for the Legislative Council. Heavy emphasis was placed on our vote and facilities, given the range of matters that must be discussed. Nonetheless, it was natural, given these new arrangements and the ability to look at those issues, that members should have paid special attention to them. Firstly, in response to the pressing views expressed in the report about the need for another \$227 000 for the Legislative Council, the Budget vote this year provides 40 per cent in round figures above the original allocation last year.

Even acknowledging that the last budget was overrun, it provides a 25 per cent increase above the total of last year's expenditure, including the above budget allocation.

Hon Barry House: Many other factors had to be taken into account in this year's budget, such as the Leader of the Opposition's office, which was not included in previous years.

Hon J.M. BERINSON: I do not want to say that the figures I have given are conclusive in themselves, but they must be considered in the context of the very area on which Mr Charlton put emphasis; that is, that education and health are generally restricted to a five or six per cent increase.

{Questions without notice taken.}

Hon J.M. BERINSON: Having said I would be brief I have already taken 15 minutes. If I am to set a good example I must conclude quickly. I am happy to do that especially as I am now coming to the question of the Legislative Council's vote. To summarise what I said previously, the vote for the Legislative Council this year is 40 per cent above the allocation last year and 25 per cent above last year's expenditure. That is to be compared with a general increase of about five per cent across the board which has been brought about by the special need for restraint this year. In the course of preparing the Budget great pressure was put on all levels of Government and on departments to bring themselves within the available resources. Accepting, as I do, the particular place of the Parliament in the system, the least we as members of the Legislative Council must do is exercise the same sort of restraint and discipline that others are asked to do in their spending. In fact, we have not been asked to do that and that is very clear from the huge increase in the Budget allocation. I had hoped at one stage to receive the plaudits of members opposite for the increase that has been achieved, because even the amount which is now complained about –

Hon Max Evans: The Legislative Assembly received a 16 per cent increase. Who gets the plaudits for that?

Hon J.M. BERINSON: The Legislative Assembly came from a far lower base.

Hon Max Evans: It came from the same base. Each Chamber spent \$1 million last year.

Hon J.M. BERINSON: But the Legislative Assembly has twice as many members as we have to service. Let us not go into that. All I am saying is that the increase here is very substantial and it was not obtained without some effort; and although I say it myself, the effort I am referring to was mine. I was reasonably satisfied at the end of the day that our needs would be satisfactorily met, on the basis of lengthy discussions with the Clerk, and after consideration of the matters which he was pressing.

In that context, before I change tack and get on to a point of view which is probably more acceptable to members, a mistaken impression is given by the comment that the Council will run out of funds by March. The Clerk is the accountable officer and has the task of tailoring expenditure to available funds; and while in his department, as in all others, absolutely unavoidable increases are normally accommodated, nonetheless it is the role of the accountable officer to tailor the income and expenditure so that they meet. The impression which is given by the statement that the Council's funds may – and I emphasise the word "may" – run out in March does not necessarily reflect the reality.

Hon E.J. Charlton: Perhaps if you prorogue the Parliament earlier and we come back later it will be sufficient.

Hon N.F. Moore: We could actually stop sitting. That would save a lot of money!

Hon J.M. BERINSON: That is the last thing the Government would want to do.

There is no doubt that the Council was expected to approach its expenditure requirements with restraint and with an acknowledgement of the position that all other departments have to face. Nonetheless, it has been drawn to my attention that at least three factors which have since emerged were not apparent at the time the Budget allocation was finalised. They do not amount to \$220 000 but they do amount to something over \$100 000. I believe that matter will require further consideration. There was apparently, as a result of a changed scale of charges by the Government Printer, an increase in anticipated expenditure of the order of \$40 000 or \$45 000. There was also a need, in keeping with established standards, to provide two cars for staff, which had not been budgeted for. That was of the order of

\$40 000. An amount of \$30 000 or \$40 000 was also involved in the additional travel submissions by the President arising from his new position as an executive chairman of the Commonwealth Parliamentary Association. In respect of the latter, it is my view that that ought to be approached as a CPA question rather than as a House question, but I do not think it will worry anyone here if funds for travel are made available together with other CPA funds rather than from here. It may trouble at least one member of this Chamber if funds to that extent are not provided and if some more modest sum is provided, but either way I acknowledge that the question has to be considered. Those are the three specific matters I have, and they are the matters which commend themselves to me as a reasonable basis for a further approach.

Where the other \$120 000 comes from I do not know.

Hon N.F. Moore: Haven't you heard about the office space?

Hon J.M. BERINSON: I am aware of the office space.

Hon N.F. Moore: Do you not think that is a legitimate argument?

Hon J.M. BERINSON: That was taken into account in the course of considering the additional sum. The member will find that, even if that is treated as a one-off expenditure, a very substantial increase over recurrent expenditure is provided in the existing figure. There is no point our arguing that. I must say that the new space was taken into consideration in arriving at this Budget and I was certainly under the impression that it could be accommodated within the vote.

However, I acknowledge a responsibility not only to put to the Government the views of the committee but also some responsibility as the Leader of the House to see that questions which are of sufficient significance are considered. It goes without saying that there is no question of my pre-empting any Government decision. Every week now, in spite of the fact that we still have not passed the original Budget, there are pressing requests from all areas to increase expenditure. Some of those requests have been unavoidable, as is the case with the locust plague, which has now eaten up in excess of \$3 million. That is what I had in mind when I said that Mr Charlton might yet learn to regret his offer to find the savings to meet the additional expenditure, because I am sure that as much as he would support the justification of additional expenditure here, he would support also that \$3 million.

Hon E.J. Charlton: If you had not spent \$3 million on the locusts you would now be spending \$10 million here because I am sure the people of Perth would not put up with what is going on in the country right now.

Hon J.M. BERINSON: It is accepted that the response has been appropriate to the need. The only reason I mention the locusts is to indicate that it will not be a question of looking for a \$200 000 saving but for a saving of \$3.2 million, and that is for starters.

I do not want to go beyond that in the comments on this report. The motion to note the report is appropriate, and I would be interested to hear further comments, which will also be taken into account, with the report itself, by all Ministers.

Hon MAX EVANS: I am very pleased we have had the Standing Committee on Estimates and Financial Operations in the form we have this year. In 1986 when I first came to this place I was rather naive about the workings of Parliament and I thought we would have a debate in this place where I could enjoy myself going through the expenditure item by item.

Hon Garry Kelly: Enjoy yourself?

Hon MAX EVANS: It is a lot of fun playing with figures. However, I was shocked in 1986 when we went through the Estimates in about five minutes – and I found that that was not a record. I was told that the Appropriations Bill usually went through in four or five minutes in this place. I took the matter up with several other members, especially Hon Sandy Lewis, the former member for Lower Central Province, who had come from the other place and backed my view that we should have a better and longer debate on the Estimates in this Chamber. However, at the end of 1987 we became involved with the debate on the Residential Tenancies Bill, which went on for about three days with about 86 amendments to 89 clauses, and there was no time then to discuss the Estimates in detail, as we sat right up until Christmas Eve. At the end of 1988 we were leading up to an election and a great deal of legislation had to be passed so it was inappropriate to extend the debate on the Estimates in that year.

Last year, however, we did have a debate on the Estimates, and I thanked the Leader of the House at the time for the seriousness with which he took the debate. He had two Treasury officials in the Chamber and three outside in order to do justice to the debate, and I think we had a better debate in here than had been held in another place in many years. That Chamber relies on the Ministers with Treasury back up papers, and sometimes the appropriate Minister for each portfolio is not even there. However, the Leader of the House did an excellent job in this Chamber last year with the Treasury officials, and that set the basis for the worthwhile exercise we have carried out this year of setting up a Standing Committee on Estimates and Financial Operations. I think the format, whereby we had three subcommittees sitting over one week, was very acceptable. More time will be needed next year, but that can be discussed later. For my own part, having had the shock in 1986 of not debating the Budget at all, I believe we are now doing the job properly.

Last year the Leader of the House invited the Treasury official to sit with him, which was not the case in another place, and this year the chief executive officers sat in on the deliberations, which was a very good move. This year the Leader of the House also had Treasury officials available throughout the deliberations on his portfolios. After the first day, when the Leader of the House handled the finance portfolios for Ministers in another place, those officials did not have much to say, but it was still worthwhile for them to be here. All of the Treasury officials probably learnt something as they went along. On one day they could not find something, so I am certain they learnt quite a lot.

It was suggested that we should have the financial statements and the annual reports of the various departments during the Estimates Committee deliberations. The other day I made a list of about 12 annual reports which were tabled in this place over two days, nearly two weeks ago. Each of those annual reports had been signed by the Auditor General prior to the date of our Estimates Committee deliberations, so we could have had those annual reports. We did not want the nice glossy brochures, but we would have liked photocopied or typed copies approved by the Auditor General for reference during the committee sittings. The Auditor General had signed some of those reports on 4 October, 29 September, and so on — three weeks before they were tabled in this place. One annual report tabled in this place yesterday — 27 November — was signed on 5 October, so many annual reports are not reaching this place within 21 days. There should not be any such problem next year in getting the audited or unaudited annual reports of many of these departments by the time we have the Estimates Committee debate. They will enable us to have a far more meaningful debate. We have the Estimates with the Budget figures but we have very little detail. Some departments have eight or nine subprograms, and some have only three or four. They show details of the FTEs, an amount of money and a lot of verbose comment. With the annual reports we would have a big breakdown of expenditure for the year, ranging from 30 to 40 lines for some departments to two or three pages for others. That would make for a better debate and would contribute towards the better administration of the State now and in the future, regardless of which party is in Government. It is in everybody's interests to make the chief executive officers more aware of the interest members of Parliament have in what they are doing.

We considered this year that we would look at how Treasury officials compile the Budget and how they set the parameters of the Budget. I believe that well before next year — perhaps it will even be the next thing the committee does — we will find out how Treasury officials set the parameters of the budgets for the various departments, with their first ambit claims, their second ambit claims, and how the budgets are cut back. That would be a good exercise for everybody in this place as it would help us understand the procedure that is used. It would also enable us to understand the compilation of the Treasurer's Annual Statements. I might add that on the first day of deliberations by Estimates Committee A we had the Under Treasurer here and we were looking at the Treasurer's Annual Statements, which do not arrive here until about the end of November. I can accept the reasons for that, but it is wrong. The Estimates Committee should be looking at the financial position of the State at the time it is considering the Estimates, because that leads up to how much money we are expending.

Hon Eric Charlton also mentioned the General Loan and Capital Works Fund, and time must be set aside for that, too. We could have extended the debate into a full debate over the next few days so that all members could go through their favourite items of capital works

expenditure. Members on this side of the Chamber do not intend to do that, as we accept the way it has been done to date; but next year we should have more time to debate it properly, because \$1.35 billion is being spent on capital works and that Budget should be examined to see what members believe is good for the running of the State.

Finally, the statutory authorities that receive grants from the Government – Transperth, Westrail, the State Energy Commission, the Water Authority and the State Housing Commission – should be investigated at the same time. We should also investigate other statutory authorities that provide a revenue to the State – such as the R & I Bank, from dividends, the SGIC, from dividends – and cost absorbing bodies such as the Government Employees Superannuation Board, which takes large amounts of money to fund the superannuation of Government employees. Only about two or three years ago the Auditor General reported that SECWA had not done all of its budgets until up to 18 months before the year's end; in other words, they were not current budgets. We should see that these authorities are doing what is required under the Financial Administration and Audit Act – that they are considering proper budgets and that we can see what the true position is.

I have spoken to a few chief executive officers of departments since the Estimates Committee deliberations, and I know they found it an honour and a privilege to come to Parliament House. This is the first time it has been done. They were able to come face to face with members of Parliament to discuss the Budget. The Minister for Police and the Leader of the House allowed far more participation from the chief executive officers than did the Ministers at other Estimates Committees, and that added to the debate. Those officers felt they were part of the decision-making process and it is a great pity that approach was not extended in the same way in another place, where only the Minister spoke to members of the Committee.

The timetable drawn up by the staff of the Leader of the House for the Estimates Committees was a very good starting point. At least he allocated an amount of time to be spent on each portfolio of each Minister. That did not occur during the Estimates Committee deliberations in another place, and they ran out of time or had too much time, which created problems. Ours was a good format and will form a good basis for the future.

As to the Auditor General and annual reports being tabled in adequate time, at last a list came in here today. It was about a month overdue, but at least now we can follow the tabling of annual reports in this place. We are finding that some of them are well overdue and we must have much tighter control of them to ensure they comply with the 21 day period stipulated in the Financial Administration and Audit Act. Otherwise they are ignoring the Act and the Parliament does not get the information it should and must have because those are the requirements of the Act.

Hon N.F. MOORE: At the outset I must say that I was very disappointed to hear the remarks of the Leader of the House in respect of the funding of the Legislative Council. He talked about an increase of some magnitude in this year's Budget compared to previous years, but I suggest it is coming from a very low base. In fact, the Parliament has been starved for money ever since I have been here and it has never been able to fulfil its proper function, particularly in respect of a committee system in the past, and it will not be able to do so in the future either.

A substantial change is taking place in the committee system. We are now attempting to put into practice the system agreed to by Government. It will not work – and I suspect the Government Ministers would like that to happen – unless sufficient funds are available.

The Standing Committee on Government Agencies of which I am the chairman has not had the services of an advisory officer since April 1989, and we are now reaching the end of 1990. That is a disgraceful situation. For the first seven years of its existence the Standing Committee had the services of excellent staff which enabled the committee to produce in-depth and worthwhile reports. Since April 1989 the committee has not had the services of an officer of the calibre of the two initial officers appointed, and that has reflected on the way a committee can operate.

To be told by the Leader of the House that we should tighten our belts indicates to me that the only way the committee could do that would be to close down altogether.

I refer to an article in the magazine *The Parliamentarian* of July 1990 by Hon M.F. Willis

MLC of New South Wales in which he talks about the New South Wales parliamentary committee system. The article relating to the New South Wales Parliament reads –

By 1989, the five Assembly Members of the Public Accounts Committee had a staff of six and a budget of \$467,708. The seven MPs and two MLCs on the Regulation Review Committee had five support staff and a \$258,000 budget, while the seven MPs and three MLCs of the Staysafe Committee had three staff members and a budget of \$220,000.

And further on –

Consequently in the implementation of its policy, the new coalition government moved quickly to establish in June 1988 two standing committees of the Legislative Council, the Standing Committee on Social Issues and the Standing Committee on State Development.

The new government's commitment to these new standing committees is demonstrated by the fact that each committee has nine Members, a staff of four and a budget of close to \$300,000. Both committees have been very active.

No doubt they have. The whole of the Legislative Council in this State receives \$1.4 million. That is an absolute indictment of the way this Chamber has been starved of funds for years. I do not blame only the current Government. If we want this Chamber to have a meaningful role, funds must be provided. The New South Wales Parliament has bitten the bullet; the funds allocated to it are of the magnitude required to allow committees to operate properly.

Hon Tom Stephens: Is anything contained in the article regarding what has been spent on the Queensland upper House?

Hon N.F. MOORE: What an absurd question; it is typical of the member.

Hon Tom Stephens: I thought I would get you to smile.

Hon N.F. MOORE: If legislation to consider the positions of Parliamentary Secretaries were brought to this House again, I would have second thoughts about it.

When one considers the Budget papers one can see what has been spent on the Legislative Council – and I am not aware of the amount spent on our committees although I suggest it is around \$100 000. However the figure is considerably less than one new committee in the New South Wales Parliament. We should consider also other allocations of the same size as the allocation to the Legislative Council. The telephone and telex charges for the Central Government Building are \$1.239 million; that is, about the same amount as it takes to run the Legislative Council under the present allocation. The Aboriginal Cultural Material Committee costs \$1.083 million to run; the Goldfields–Esperance Development Authority was allocated \$561 000, and it did not exist. The Government has allocated \$4.8 million to run the zoo – some people would say that funding is better spent in that area than here, but I would argue about that; the West Australian Film Council received \$1.04 million; Stateships \$11.843 million; and \$2.175 million was spent on the Electoral Commission to elect us to this place, and we spend less money on running this place when we arrive than it costs to get us elected.

We can find many areas in the Budget allocations where money is spent by Government on organisations and issues of considerably less importance than the Legislative Council and the potential committee system that we are desperately trying to set up. Therefore, I was very disappointed indeed to hear the comments of the Leader of the House in respect of the additional funds sought by the Estimates Committee. Clearly, it was a unanimous decision of the Estimates Committees that the Government be requested to provide an additional \$227 000 for the Legislative Council. It would be extraordinary, and perhaps it would get the message home, if the Legislative Council closed down in March next year and when the Government trotted out the Supply Bill it found the Legislative Council unavailable to pass that legislation. Perhaps that would bring home to the people of Western Australia that a problem of some significance exists.

I was warned by the recommendation of the Estimates Committee which says that the Appropriation (Consolidated Revenue Fund) Bill be allowed to proceed subject to a positive response to recommendation 2(1)(b) which is that the Government make a supplementary grant of \$227 200 for the 1990–91 Legislative Council budget. We have been arguing about

this matter for a long time. I have a motion on the Notice Paper which has not been debated; that is, item 40, in which I refer to an article in the newspaper where the Deputy Premier, Mr Taylor, talked about the Legislative Council either having to remove its power to veto Appropriation Bills or take it upon itself not to block or defer money Bills; in other words, change the rules that apply to this House. If we do that, the Government will consider increasing funding for the upper House. That matter has not been debated but perhaps it is still in the mind of the Deputy Premier, the person who writes the cheques for the Government these days. I hope that is not his attitude. Maybe he does not understand what is going on in this place. Maybe he does not want to understand, but someone should tell him that we are trying very hard in this place to set up a system of committees which will enable this Chamber to fulfil its rightful role as an organisation that scrutinises and reviews the activities of the Executive and provides a level of accountability that has not existed in the past. We cannot address those areas if we do not have the necessary resources. I quoted a simple example of the New South Wales Parliament where funds are made available to a committee system. That is an example of what is necessary if we are to travel down the same path.

I wish to commend Hon Eric Charlton and the other members of the Estimates Committee on the work they did. Bearing in mind this is the first time we have undertaken such a procedure, it was carried out very well. Lessons are there to be learnt and I think they have been learnt; we will implement new ideas in the future. We should consider a new Standing Order in respect of answering questions during committee sessions. This point has been mentioned before. It should be possible to direct questions to the public servants accompanying the Minister and for them to decide whether a matter is Government policy and whether they will answer questions. The Standing Orders at the present time are slightly ambiguous and need clarification.

Finally, I hope that the media will realise that these committee meetings are of some importance, and that the questions and answers given are important to the people of Western Australia. They were in a sense ignored and as we will not debate the relevant issues publicly in this Chamber the public may have missed some matters of importance to them. I hope the media will take on board that this is a new system and they should turn up and report it.

Hon REG DAVIES: I hope that the Government finds the scrutiny of the Budget Estimates by the Standing Committee on Estimates and Financial Operations beneficial to it. As one of the original members of the Standing Committee my involvement was principally with Estimates Committee C. The most important aspect that flowed from the deliberations of the committee was that it puts Government departments on notice that they are under scrutiny. That is very important. Under the chairmanship of Hon Sam Piantadosi, Estimates Committee C experienced initial problems which should be highlighted, although the problems were certainly outshone by the good points. One of the major problems was the unsuitable accommodation provided for the committees. The committee recommended that, in future years, we should be looking at rotating the committees among the various venues and using the Council Chamber. The small committee rooms were unsuitable, particularly if the public wished to be involved as well as other members of the Legislative Council.

The Leader of the House mentioned the matter of whether the committees should give the agenda to the Leader of the House or whether the Leader of the House should make up the agenda for each of the committees. That issue has been taken on board. Each committee needs its own agenda to allow time for breaks and to be able to consider specific areas in detail. At least another week is needed to consider the Estimates. Extra time is also needed in the lead-up to the committee deliberations in order to allow members to study the Budget papers and formulate questions. This would enable the committee proceedings to be sped up.

I was happy to be involved in the recommendation to the House that it note the serious shortfall in the Legislative Council's budget and that the Appropriation Bill be allowed to proceed subject to a positive response to recommendation 2.1(b); namely, that the House recommend that the Government make a supplementary grant of \$227 200 for the remainder of the 1990-91 Budget. It would be detrimental to the democratic process in this State if the Council's operations were allowed to wind down through a shortfall of funds. We should not allow that, although some people would very much like to see the end of the Legislative Council in Western Australia. I am not one of those. It is imperative that this additional

funding be allocated. I understand the \$227 200 is the bare minimum on which the Legislative Council can operate for the remainder of the financial year. I am sure much more money would be required to enable it to operate at peak efficiency. I understand that amount will see it through and ensure the continued operation not only of the Council but also of the various committees.

The operation of the three Estimates Committees has been a historic occasion. Perhaps down the track we should look at a Joint Standing Committee of both Houses to streamline the process. This would not take up as much time of the departmental staff and the members of Parliament.

Another area of concern is the answering of questions during the committee proceedings. I know that Ministers like to be responsible for the departments and to answer questions accordingly, but it was time consuming when a question was asked of a Minister, the Minister whispered to his adviser who in turn whispered to the Minister, followed by the Minister reporting the answer to the committee.

It would be much easier for the adviser to answer a member's question directly where no conflict between the Minister and the officer is involved.

Overall, we have a lot to learn about this system. I hope it was beneficial and will prove to be beneficial to members and Parliament in the future. At this stage we must support the process and learn from the mistakes of this year. I thank Hon Sam Piantadosi for his chairmanship of Estimates Committee C which made the three or four days a pleasant experience.

Hon SAM PLANTADOSI: I will concentrate my comments firstly on the shortfall faced by the Legislative Council which must be met to ensure its operations for 1991. One of my concerns throughout the debate was the threat made concerning the \$227 200. I appreciate the change of attitude that eventuated following the initial approach taken by some of the members.

As I have stated on other occasions, commonsense will prevail in the end and people will be able to work towards redressing the problem. I would be somewhat reluctant to consider an issue while a gun was at my temple. That is not the way to approach the matter.

Hon E.J. Charlton interjected.

Hon SAM PLANTADOSI: Obviously, a few got away and Hon Eric Charlton is one of them. We were successful through consensus and I hope commonsense will prevail.

Hon Murray Montgomery: Do you agree that the \$227 200 is reasonable?

Hon SAM PLANTADOSI: Hon Murray Montgomery was too interested in Hon Eric Charlton's comments to listen to what I had to say. I said that the issue needs to be addressed and I am sure that commonsense will prevail.

Hon Murray Montgomery: I hope the Leader of the House is listening.

Hon SAM PLANTADOSI: I am sure he is listening. I have spoken to him about the matter.

Hon J.M. Berinson: I am sure Hon Sam Piantadosi knows as well as all of us what is an ambit bid.

Hon SAM PLANTADOSI: As I said, I think commonsense will prevail. The confrontationist attitude should be put aside.

Hon N.F. Moore interjected.

Hon SAM PLANTADOSI: I was somewhat tempted to interject during Hon N.F. Moore's speech but I kept quiet. I would like him to extend the same courtesy to me. He has had his opportunity; I am having mine.

The CHAIRMAN: Order! I will ensure Hon Sam Piantadosi has his opportunity without interruption.

Hon SAM PLANTADOSI: Commonsense will prevail among certain members. It is always disappointing, to say the least, when members do not change their attitude and show their short-sightedness. The Estimates Committee system this year, as members have stated, has been a learning process for us all.

After a few teething problems, we learnt a considerable amount and from the advice we

received from a number of people as well as from the many consultations among ourselves, some progress was made.

Sitting suspended from 6.00 to 7.30 pm

Hon SAM PIANTADOSI: The few problems we encountered initially resulted from our finding our way with the rules and guidelines. Estimates Committee C decided, after consultation, to adopt certain regulations. I think they served us well for the period that the committee met. We have made certain recommendations that we feel would serve the committees better in the future and we hope those recommendations will be adopted.

There has been criticism about the reluctance of Ministers to allow CEOs to answer questions. This did hold up the committee in the early stages, but it was as a result of everybody finding their way. As Hon Reg Davies said, we received total cooperation. One of the best sessions was that held with the Commissioner of Police which lasted for almost two hours. It was a testing time for everybody concerned including Ministers, CEOs and members of the committee. However, I think things worked out well in the end.

I was a little surprised to hear some of the comments from members of other committees. We set our agenda and finished before time. We had to reshuffle our agenda a little on the second day and we had one slip up whereby we could have given a little extra time to a certain matter. Hon Barry House made the committee aware of it. By and large, we had enough time for all of the questions to be asked. Even using the procedure of Ministers asking the CEOs for answers, in one of our sessions 45 questions were asked by members of the committee.

There are flaws in the system. However, we were testing the ground and many questions have been answered for us. I think we are that much better placed now to be able to determine before the next Budget a formal procedure to ensure that the system is streamlined. Some committees failed at making assessments as they went along. We could have provided a more detailed report on that. However, when the three committees came together as the full committee, we found that many of the problems that were encountered by the three committees were common problems, and that was beneficial.

I thank members of the committee, Hon Tom Helm, Hon Reg Davies and Hon Barry House for their cooperation. I especially thank Hon Reg Davies who filled in as chairman on a few occasions.

Hon P.G. PENDAL: I congratulate those people responsible for the committee system being introduced on a suck it and see basis. In the main, it has been an outstanding success. I congratulate the chairmen. I sat in on two of the three committee meetings and both Hon Eric Charlton and Hon Sam Piantadosi handled their roles well, difficult at times as they were. I also congratulate the staff.

The committee system should remain. However, the main committee should not break into three subcommittees. I have expressed the view privately – it is not necessarily shared by everyone – that we are a small Parliament and being a small Parliament gives us certain advantages over large Parliaments. One of those advantages is that we normally handle Bills in the Committee of the Whole. I think that having three subcommittees breaks up the flow of information among members. We can only ever be in one place at the one time. I found myself in a situation where I wanted to be in one committee while I needed to be in another. The chairmen and members of those committees were generous enough to hold up a witness in order for us to be in the second place at a later time.

Hon Fred McKenzie: The only difficulty with that is that they would have to spread over three weeks.

Hon P.G. PENDAL: Yes, I agree, but I do not think that is a disadvantage. Parliament is here to allow parliamentarians to sit, to parley, to ponder and to debate. I can never see any point in people wanting to get out of Parliament early or to have short sessions. The danger is when Parliament spends all its time making laws, because more laws mean more regulations and control. That is a good reason for not spending time in Parliament itself.

Hon Kay Hallahan: Do you want us to sit here and not make laws?

Hon P.G. PENDAL: That has historically been the purpose of Parliament. Parliament does not exist just to make laws.

Hon Kay Hallahan: When you are being critical about the number of Acts and Bills –

Hon P.G. PENDAL: I do not want to listen to the Minister whingeing. I am here to make some positive suggestions and the Minister should go back to ruining the heritage of this State.

Hon Kay Hallahan: You are pathetic.

The CHAIRMAN: Order!

Hon P.G. PENDAL: Before I was so rudely interrupted –

Hon Reg Davies: The debate was good until she started.

Hon Kay Hallahan: That is in your opinion.

The CHAIRMAN: Order! I do not think anyone has been rudely interrupted. If members want to take part in an exchange, they should not do so in this Chamber. Everything has been quite cordial until now and all members have had an opportunity to speak. I suggest that the honourable member does not take note of the provocative answers from members opposite and I suggest that members opposite do not persist with provocative questions.

Hon P.G. PENDAL: There are advantages in this being a small Parliament. Hon Fred McKenzie is correct in saying that under my system we would spend more time in Parliament, not necessarily legislating and loading people down with more regulations and controls, but rather in understanding the processes of Government financing. I think that would be a good thing.

Hon Mark Nevill: We could use the time we spend in this place more effectively. City members get home every night but country members do not.

Hon P.G. PENDAL: I understand that point of view and I am sure many members on this side of the House agree, because the Opposition has more members in that position than does the Government. At the moment we are not arguing that point, although it is a real problem. We are debating whether the committee system tried this year was adequate. I do not think it was because of the break in continuity between the three subcommittees. I suggest that if these matters were debated by the Committee of the Whole House by natural attrition 20 members would leave the Chamber, for example, during the examination of an abattoirs board because not everyone would be interested in that body.

Hon John Halden: Did you put up this argument in your party room?

Hon P.G. PENDAL: I do not think it is the slightest business of the member what happened in the Liberal Party room.

Hon John Halden: It is inconsistent.

Hon P.G. PENDAL: In the Liberal Party members are allowed to express opinions which are contrary to those of the other members, and that is the view I am taking.

It would be better if all the Estimates Committee hearings took place in the Chamber. That would be an advantage. I found the accommodation for the subcommittees was bad for examinations. Perhaps people could say that it is merely a mechanical problem – a functional matter that will be fixed up. However, there is no prospect that the situation will be remedied probably during the time I am a member of Parliament. There is not the slightest hope on the horizon that Parliament House will be extended and that proper committee rooms will be provided. There are rooms in this place, of course, that could be put to better use and I have raised this matter many times within the Library Committee. The surroundings during an examination are important. Members should think about this question: Why did the designers of Parliament House make it a grand place and a grand Chamber, as is the case with parliamentary Chambers the world over, with chambers of the Supreme Court and so on? A human element is built into this tradition that says it should not only be an imposing place but also it needs to bring out in people a feeling that they are doing some special work for society. That is one of the reasons society demands the sort of surroundings in which we work. We could meet tonight in the Midland Workshops and we could just as well make laws.

Hon Tom Stephens: Probably better.

Hon P.G. PENDAL: The member may be right. However, the atmosphere in the Chamber is

intentional, and that was lost in the fairly grotty places across the road. That is the least important of the arguments I am trying to maintain. The system has been outstanding.

Finally, it is a shame that we do not permit public servants to answer more of the questions on technical matters. It is not a political matter. Governments of all persuasions appear not to want their Ministers to be exposed to the extent that we think they do not know the answers to technical questions. I do not think there is any shame on Ministers who do not know the answers to technical questions because they are not expected to. Their role is not to be technicians. In the committees I attended the Ministers showed a marked reluctance to allow public servants to answer questions, and only when Ministers were completely stonkered did they make concessions and allow the public servants to answer. It should be understood that the Government does not own the Public Service and yet we have allowed our position over the years to be eroded to the extent that that appears to be the case. With those remarks, I support the committee system.

Hon GEORGE CASH: I support the motion before the Chamber and in doing so I recognise the significant changes made to the style and direction of proceedings in the Legislative Council in the past two years. I refer in particular to the three new Standing Committees – the Standing Committee on Legislation, the Standing Committee on Constitutional Affairs and Statutes Revision and the Standing Committee on Estimates and Financial Operations – which were established last year with the support of all three parties in this place. A significant change has been made and the work of the Standing Committee on Legislation has increased enormously. I have said in this place before that we are indebted to the members of the Standing Committee on Legislation who work so hard in hearing the evidence of interested people on legislation under consideration by the Parliament and providing recommendations to the House.

Members will be aware that last year when the Loan Bill and the Consolidated Revenue Fund and Capital Works Program Bills were considered the Legislative Council adopted the style that has been used in the other place for some years. I thought the change in direction last year was a positive step. It was perhaps one step on the way to the establishment of the Standing Committee on Estimates and Financial Operations and proper consideration of Budget matters by this Chamber. It has been suggested that it might be better to restructure the Estimates Committee so that fewer subcommittees sit for longer periods. The question of accommodation has also been raised. I have no difficulty with those two aspects.

In due course the Estimates Committee will take account of the matters raised today and, indeed, members of that committee will no doubt contribute to this debate. I believe we have taken a significant step in consideration of the Government's Budget Bills in the Legislative Council, and I am very pleased with the way matters have turned out this year.

We could refine the system and make it much better and more successful, but on balance there is no question that this year the manner in which the Estimates Committee considered the budgets was very successful. In respect of Estimates Committee C, where I spent most of my time, I place on record my appreciation and support for the manner in which the chairman of that committee, Hon Sam Piantadosi, handled the chairmanship and the general management of that committee. Hon Sam Piantadosi was very firm – and I emphasise the words "very firm" – and fair. If a member wanted to ask a question, he was given an indication of where he stood in the list of members asking questions, and Hon Sam Piantadosi as chairman allowed a supplementary question, or a number of supplementary questions, as long as they dealt specifically with the question under review at the time.

Hon Reg Davies: No more than three supplementaries.

Hon GEORGE CASH: No more three, was it? He was very firm. Comments have been made about the timing and general timetable schedules. They are matters which the Estimates Committee can further refine and improve over time.

Another matter which has been raised by most speakers is the answers given by the Minister or the chief executive officer. There is no question in my mind, and it was during the Estimates Committees' examination of the Budget, that the chief executive officers are specialists in their own areas, and we should not be afraid, as a Parliament, to invite their comments on those matters which are under their control. To try to shield the chief executive officer and have the Minister attempt to answer what could be at times very

technical questions in which the Minister is not expected to have great expertise really defeats the whole operation. In the years to come I am sure there will be a greater opportunity to question the professional public servants rather than have the Minister answer those technical questions.

One point about which I register concern is the fact that the present structure does not allow members an opportunity to question the financial affairs and general management and administration of certain statutory authorities. For instance, under the present system we are not able to direct questions in respect of the Fremantle Port Authority or other port authorities in Western Australia, yet under the Transport portfolio we are able to ask questions in respect of Stateships. Marine and Harbours is another portfolio connected with transport about which we can ask questions, but there are others about which we cannot. For instance main roads is an area we cannot question. There is a need, firstly, for the Estimates Committee, and later Parliament, to consider amending our procedures to enable greater examination of those statutory authorities.

In regard to the recording of the committee deliberations, Estimates Committee A was fortunate enough to have the services of the parliamentary Hansard unit. Committees B and C relied on the Commonwealth Reporting Services. We were obviously pleased to have the services of the Commonwealth Reporting Services; however, it is a verbatim reporting service. A considerable amount of information was recorded which would not normally be recorded under our present Hansard system. I qualify what I am saying: The names of various members seemed to be used on numerous occasions. Using the verbatim system, every word said is recorded, whereas our own Hansard unit is able to manage the system somewhat more efficiently. If we are to use our own internal Hansard unit, clearly we have to be prepared to work out a system of timetables to take into consideration the workload of our Hansard reporters. Again consideration would have to be given to the committee system now operated in the Legislative Assembly. Nothing would be served if there were a clash between the Legislative Council and the Legislative Assembly in regard to the timing of their respective committee deliberations.

The most important matter raised in the document before us is the question of the shortfall of \$227 200 in respect of the Legislative Council budget. Speaking at this time, I have had the opportunity of hearing the Leader of the House make his response in respect of the Legislative Council budget. I am disappointed at the way in which he dealt with this shortfall. It seemed to me that the Leader of the House was prepared to recognise that a shortfall in the order of \$100 000 could perhaps be sustained, but amounts in excess of that would require very special consideration. I did not get the feeling that the Leader of the House was inclined to make recommendations in respect of the additional funds required. If the Government believes it will starve the Legislative Council into submission – that is, cut back its funds so that it is not able to operate as a proper House of Review –

Hon Kay Hallahan: The funds have been expanded.

Hon GEORGE CASH: I shall deal with that in a moment, but I want to make the point very clearly: If it is the Government's intention to starve the Legislative Council of its funds, starve it into submission so that it cannot fulfil its proper role as a House of Review, there is no question in my mind that a conflict will arise between the Opposition and the Government in respect of the funding operations of this House. This Parliament is not like any other Government department which the Government may believe it controls. Parliament happens to be the principal House of the people, and as a Parliament it is entitled to the first call on the taxpayer's dollar to support its operations. There is no doubt about that situation. It is not fair or reasonable to relegate Parliament to the back alleys of the Government administrative wing hoping that if it is not paid the lights will be turned off and the people will all go home and get out of the Government's hair. I signal that not as a threat, but as a very clear indication that if the Legislative Council is not funded in a proper manner, I can see conflict developing on the floor of this Chamber, and that will not necessarily be in the interests of the Parliament.

I confirm what was suggested earlier by Hon Norman Moore: That Order of the Day No 40, which is a motion moved by Hon Norman Moore on 3 July this year, indicates to me the sort of intimidation which the Government believes it can apply to this House to bring the Legislative Council to heel, or at least to a position where it is not a thorn in the side of the Government. If the Government thinks it will threaten this Chamber, we are in for a very

torrid 1991. In due course the money Bills that come before this House will be clearly the Bills that are targeted to make that point.

Once again I thank Hon Eric Charlton who was Chairman of the Standing Committee on Estimates and Financial Relations. He did a very good job along with Hon Sam Piantadosi who was deputy chairman. I congratulate all members who participated in the committee deliberations. The Legislative Council has changed its direction in the past two years in a positive way. The only matter that now needs to be solved is that of refining the system which we have unanimously agreed is the right system for this Chamber. We will be attempting to improve it as the years pass.

Another matter that needs to be resolved is the need for this Chamber to have sufficient funds so it can get on with its job. This matter will not disappear. We cannot continue to spend money in the moderate way we have to date. The budget submitted by the officers in the Legislative Council indicate that we will run out of money in March. March will be upon us and no money will be available if we do not take any action now. If that is the case there will be interesting times in the Legislative Council as we seek to address that very important problem.

Hon R.G. PIKE: I associate myself with the compliments made by Hon Phillip Pandal and Hon George Cash about Hon Eric Charlton and Hon Sam Piantadosi. The establishment of the Standing Committee on Estimates and Financial Relations and the other two Standing Committees were moved by me on 21 December last year, and indicate a milestone in the history of the Legislative Council. I intend to deal directly with that matter. Reference to Hon Eric Charlton has reminded me of King Charles I. We are tonight, albeit in our normal courteous manner, faced with the proposition that the Leader of this House, Hon Joe Berinson, is sincerely misguided and misinformed about the Budget. He seems to believe that the Budget figures he spoke about earlier tonight are correct. I hope when the member reads this debate he will find in his normal objective fashion that what he says to be the case is not the case. I hope we do not get to the situation of having to say to the Government that in the event the Council does not receive the extra allocation which it has requested it may have to use its undoubted powers. I say that because it refers to Charles I.

Tonight we are really discussing the dominance of the Executive over the Parliament; the Parliament ought to be the master of the Executive and not its servant. We have the Budget figures and within the provisions of the Constitution Act only the Assembly and the Government of the day can make a request for funds. It is up to us to accept or reject that request. We do not have any power to make such a request. Therefore, in a convoluted way, the perception encouraged by Executives of both Labor and Liberal Governments over many years has tended to entrench the power and authority of the Executive to such an extent that Ministers often say, when a Bill is being debated, that the Opposition cannot oppose the legislation because the Government has recommended it! That is evidence of a lack of understanding of the function of the Parliament. The Parliament is the master and not the servant of the Executive.

With that in mind the Legislative Council is facing serious problems. I have rather quickly compiled a list of figures relating to the Budget. I have done this with the background of having been a licensed dealer of securities and a finance broker and banker – therefore, at the outset members must perhaps look at the figures with great suspicion. I ask members to pay attention to these figures; although they are simplified they are correct. Last year the Legislative Council spent \$1.039 million; members should keep that figure in mind. The Budget for this year was \$1.4 million. That is an increase of \$361 000. The inflation rate for last year was eight per cent. Eight per cent of the amount that was spent last year is \$83 120. Therefore, if I subtract the \$83 120 – because it is fictitious, that is, it has already been spent – from the \$361 000 which is the actual cash increase from page 32 of the Consolidated Revenue Fund Estimates of Review and Expenditure, the amount of cash that is available to the Legislative Council this year is \$277 880.

Keeping that amount in mind we must now consider the amount of money that has been spent so far as well as consider the actual cash expenditure that has to be budgeted for. Without considering other matters we find that we start off in deficit. The figures include – bearing in mind our extra cash this year is \$277 880 – the cost of setting up the new secretarial computers for the Standing Committees at 1110 Hay Street, which was \$100 000.

The amount spent on furniture and fittings amounted to \$52 000, which has been paid for. The money spent on partitions, cabling and phones amounted to \$45 000, which has also been paid for. Therefore, \$197 000 has already been paid.

The other amounts that have been paid out or committed are as follows: Fringe benefits tax, \$6 800; expenses, \$1 500; maintenance, \$700; and the new cars, \$43 550. That is an actual cash payment of \$52 550. Added to that an amount of \$45 000 was paid to the State Printing Division. All up that amounts to \$294 550 spent and committed. The cash that had to be spent in the Legislative Council to start with was \$277 880 and as I speak now the Council has a deficit of \$16 670.

As far as I have been able to determine in the short time that I have examined this – and this list is by no means complete – additional expenditure is required as follows: The President's travel; extra office equipment which was not bought for the committees but for maintenance and replacement; regalia; photos; extra printing; and the conference for the Joint Standing Committee on Delegated Legislation, which adds up to \$58 000. Therefore, the Council has a total deficit of \$74 670.

Those are the facts which I ascertained in a very short time. We should now examine the total: The actual cash amount available after allowing for inflation is \$277 880; the actual amount expended is \$294 550, leaving a deficit of \$16 670; and other list of items which is by no means complete totalling \$58 000. This means that we are \$74 000 behind before we start.

Hon Fred McKenzie: That is not much when compared to the \$110 000 paid for that accountant.

Hon R.G. PIKE: That is another matter which should be dealt with in another place at another time. The bottom line is that these are the actual budget figures of expenditure. When that is compared to the fact that the Government has already allocated \$6 million for Mr McCusker's inquiry and \$4 million was spent, it seems incredible to me that we are now talking about extra pieces of paper and who will be licking the postage stamps.

All of that aside, the figures speak for themselves and no doubt they will be made available for the Leader of the House to examine.

Hon W.N. STRETCH: In a debate such as this it is difficult not to go over ground already covered, but points must be made to impress on members both the positive and the negative aspects of the new Estimates Committee system. Many comments have been made about the venues, and certainly the rooms over the road at 1 Harvest Terrace were quite unsatisfactory; not only was there a lack of space, but difficulties were experienced getting to a microphone to be recorded. Perhaps these are the sorts of teething problems with any new system which can be overcome.

Hon Phil Pendal said that the system might operate better if the committees were held one at a time in this Chamber, even though that might prolong the process. I found difficulty in leaving one committee and attempting to join another. Members often wanted to cover several Divisions and they had to leave one committee and try to join another at the changeover time. That was not practical; one found that the committee joined was often already under way and it was difficult to know whether the point one wanted to raise had already been covered. It was a little difficult to discover what had happened at the new committee and it was impossible to be in two, or sometimes three, places at once. This matter needs to be looked at.

The format of having the opportunity to discuss matters at length with the heads of the departments was valuable. It saved time and gave an in-depth understanding of what was happening in the departments. A matter that has worried me for some time is that of receiving answers to questions in writing. This applies not only to questions asked during the Estimates Committee but also to questions asked in the Chamber. It is common for members to be told that the Minister does not know the answer so it will be provided in writing. That is unsatisfactory for the member concerned and for the wider interests of the general community. Members often ask questions which are raised by constituents, and although it is possible to send the answer to the constituent involved, it is more appropriate that the answer be incorporated in *Hansard* at some stage. I can envisage a time in the future when answers provided to questions will have to be read into *Hansard* by the Minister, or by

the questioner, so that they are available for the general public to read. That suggestion could be examined perhaps by the Standing Orders Committee.

I was disappointed with the response given by the Leader of the House on the question of the funding of the Legislative Council. I do not know whether the abolition of the upper House is still on the ALP platform.

Hon Mark Nevill: No, it is not.

Hon Reg Davies: Only temporarily!

Hon W.N. STRETCH: I am glad to hear that; it was on the last ALP platform statement I read. This attempt to cut the powers of this House through a strangulation of funds is not honourable or acceptable.

Hon Mark Nevill: It has never been better funded.

Hon W.N. STRETCH: It has never had a more important role. The Legislative Council has never been called upon to keep such a close eye on the actions of a Government in Western Australian history. Many more things have slipped under the guard of the people of Western Australia under the regime of this Government than ever before.

Hon Mark Nevill: You are not doing your job properly.

Hon Barry House: Members opposite will have a chance to show us how it is done in a few years' time.

Hon Tom Stephens: In the year 2010.

Hon W.N. STRETCH: The Council needs funding if it is to fill the role for which the people of Western Australia have appointed it. I was also disappointed that the Leader of the House chose to say that everybody had to cut back, so we in this House had to cut back. This probably shows how far away the Government has moved from an understanding of general business management. The Parliament is elected to lead the people and to provide and disseminate information to the population through the parliamentary system, and if the funding is cut off at the head of the organisation the information will not get through to the people. In an economic climate of severe stringency such as we are facing now, that is not a realistic way to serve the people who put us here.

This has never been a spendthrift House; it has been managed under extreme difficulties in an exceptional manner by the staff, and they work in extraordinarily difficult circumstances in some cases. If members have spent some time in the library, which is alongside Hansard, on the top floor, they will know that it is difficult to hear oneself think on that floor during peak hour traffic. The Liberal Party room is on that floor and on occasions one has to cease a conference or a deputation of people because of the noise; this is downright embarrassing. How must it be for those who work permanently in that part of the building? Hansard works in that noise level at all times and the whole question of conditions and funding must be examined. Certainly there is no money to rebuild, reface or reorganise that part of the building, but there is also no funding for soundproofing curtains or double-glazing, although the latter is much more expensive. No funds are available to improve the conditions for the staff in this building. We members can get by, but it is no good saying that money is not available because the Government has lost money on many of its investments. The Government is saying that we must tighten our belts; however, this cannot be done while still retaining maximum performance from the staff.

Hon P.G. Pental: Look at the brewery if you need an example of somewhere from where the money could be found.

Hon W.N. STRETCH: Indeed; if we could only obtain the money provided for leasing scaffolding, it could go a long way to improving the conditions for Hansard, the library and the Liberal Party room. I do not know the reasons for the Government taking this penny-pinching approach.

Hon J.M. Berinson: How can you call a 40 per cent increase a penny-pinching approach? I do not know how you can talk in that way.

Hon P.G. Pental: Dowding spent \$250 000 refurbishing his office.

Hon W.N. STRETCH: The Leader of the House should look at what the Government has spent on its own offices and then look at the condition of the offices of the staff.

Hon Tom Stephens: If the Opposition made an economic use of words in this Chamber, it would cut down the workload of Hansard.

Hon W.N. STRETCH: If that member would keep quiet, we could operate with a better economy of words.

This House is here to stay. It should operate properly as it has a major role to play; its role these days is possibly the most important role it has had in the history of Western Australia. It is penny-pinching in the extreme to follow the path outlined by the Leader of the House. When one looks at the amount of money requested in the context of general expenditure, the House must be given the opportunity to do its work properly.

Hon MAX EVANS: I refer to the financing and running of this Chamber, and I would like to know what the Leader of the House has to say on the figures that were put before us. We should, if possible, make an analysis of the accounts of the Legislative Assembly. Members of the Legislative Council agreed on the modus operandi of the new Estimates Committees. We were told that the Clerk had been given approval to spend up to \$180 000 to equip new offices and to get the committees up and running. He was not to know that he would not get his original application for funds. I am certain that in hindsight if we knew that we had to cut back we would have tried to cut the expenditure on premises, which as it has turned out will not be staffed or used properly. We could have saved that money up front and stuck with what we had and used the money for human resources, research and all the things that are needed. It is a pity that we jumped in without realising the funds would be limited. The Leader of the House mentioned the two cars which were purchased at a cost of \$65 000. Additional expenses will be incurred with running costs and fringe benefit tax, so their cost will run into \$80 000 plus. The sum of \$240 000 is a large one when it is considered that we do not receive any extra value in the running of this place. We have all that extra space, and I am not certain how we will be able to run it because we do not have the staff.

Hon J.M. Berinson: Additional staff have been appointed.

Hon MAX EVANS: Yes, but the Standing Committee on Government Agencies has been understaffed for quite some time.

Hon Barry House: There is an increase of five.

Hon MAX EVANS: There is an anomaly. The cost of running both the Legislative Assembly and the Legislative Council was \$1 million. The Legislative Council had a overrun of \$100 000 and the Legislative Assembly running costs went up by 60 per cent. The running costs of the Legislative Council have increased by \$500 000 over and above last year's budget. The Legislative Assembly's budget increased \$100 000, above the Council's budget. As far as we know no extra services are offered. We do know that we asked for extra services. I know the Assembly has more members and I will have something to say about that in a minute. The Legislative Council took on the commitment of creating three extra Standing Committees. As Hon Bill Stretch mentioned, the accommodation at 1 Harvest Terrace is lousy. The rooms will be changed, and it has been mooted that next year the Leader of the House and I will not have this Chamber for Estimates Committee A; we will go across the road and Hon Sam Piantadosi's Committee C will sit here.

Hon P.G. Pental: We will have Mr Berinson's office down the Terrace.

Hon MAX EVANS: The conditions and facilities across the road are inadequate. The Leader of the House may not have been privileged to attend meetings there, so we will have to invite him before a committee and let him see what it is like.

Hon J.M. Berinson: I have regularly attended the Legislation Committee – and a very effective body it is too.

Hon MAX EVANS: At the best the Legislative Council has received \$500 000 more than its budget of last year, or \$400 000 more than actual expenditure. The Legislative Assembly received \$600 000 more. The statistics from the Program Statements for 1990-91 show that the Council had 16 full time equivalent employees last year; the average salary was \$33 000 a head. This year if we have extra staff the average salary will be \$35 000 a head. The Legislative Assembly's figures are amazing and there should be an investigation. It may be that the figures are wrong, but I can only go on the Program Statements. Last year the Legislative Assembly had 19 FTEs at \$678 000, that is an average of \$36 000 a person

against the Legislative Council's average salary of \$33 000. This year the Legislative Assembly's estimate of FTEs is 21 based on a salaries total of \$1 035 000, which is an average of \$50 000 a person against the Council's average of \$35 000.

Hon J.M. Berinson: How many additional staff?

Hon MAX EVANS: Two additional FTEs. It may be that the figures are wrong, but we are told that this is the bible. It has been scrutinised by Treasury and nobody gets away with a dollar without Treasury looking at it. Maybe Treasury did not look at it; maybe it is fudging the figures. Does the Leader of the House remember about fudging the figures?

Hon J.M. Berinson: No.

Hon MAX EVANS: Maybe Treasury has been doing that, because something is basically wrong. When we looked at the total gross expenditure dissected by standing groups the Leader of the House told us that the Legislative Assembly had more members, and more services, and therefore it must cost more. I said, "By crikey, he must be right." That killed my case and my argument. However the item headed Contingencies in the Legislative Council Division has an allocation of \$633 000; the figure for the Legislative Assembly is \$568 000. This Chamber's contingency allocation is more than the other place. That destroys Hon Joe Berinson's story that the other place should have higher costs because it is servicing more people. All the Assembly is doing is paying its staff nearly 50 per cent more than our staff is paid – or its figures are wrong. That is up to the Leader of the House to prove, not me. Last year our expenditure was \$460 000 against the Legislative Assembly's \$372 000, so the Legislative Council spends more on contingencies. This is correct because we have more Standing and Select Committees running than the other place. I much prefer the word "outgoings" to "contingencies". They are not contingencies; they are a fact of life. The big difference is the salary structure. Somebody must look at what the other place is doing with that money. Is it getting value for money or is it simply paying more to its staff? The Legislative Council does not have a good deal.

The position of the Legislative Council is similar to that of the Department of Corrective Services. The Minister has a new prison so his costs have gone up by about 24 per cent. The department is doing something that it was not doing before, and the Legislative Council is doing something it was not doing before. We have extra committees and we are doing the job better than before. Naturally there must be a fair increase to reflect that. The Government cannot work to its five or 10 per cent factor.

Hon J.M. Berinson: We have not attempted to.

Hon MAX EVANS: Hon Joe Berinson can work out that figure, but when he looks at the Department of Corrective Services' figure of 24 per cent he must remember that he is running a whole new prison, irrespective of capital costs. The Legislative Council has the capital cost of two cars in its Consolidated Revenue Fund Budget as well as a lot of other things; that is basically wrong. Why does it have two cars? Because two staff down the passage in the other place had two cars, and we had to match them. That expenditure of \$65 000 was not accounted for in the Budget. The Opposition wanted to go back and have a look at this, but we did not have time because the President had to go to a special function. I believe in justice and fairness in the proper running of this House. There is a helluva difference between this place and the other place. The other place is either overstaffed, its staff are overpaid, or its figures are very rubbery. This place has not been properly financed and the Leader of the House should set new leadership standards and rectify the matter.

Hon REG DAVIES: I have two points which should not go without mention. One concerns the recommendations of Estimates Committee C concerning the confusion experienced during discussions in that subcommittee about using the Standing Orders of the Chamber or the Standing Orders of the Committee. This is something which should be sorted out before the Estimates Committee meets next year.

Another concern I have is that there is a need for questions on notice taken during the process of the subcommittee system to be answered reasonably quickly. I understand that some members are still waiting for answers to questions taken on notice. There may have been some confusion because in some instances the answers have been sent to the chairman of the subcommittee as opposed to the member who actually asked the question. I would like to read some of the answers because some important questions were asked.

Also, there is a need for annual reports to be made available to members for their perusal before the debate on the Estimates. If an audited annual report is not available an unaudited annual report would suffice. I have raised these points because I feel they are important and if they are resolved now it will result in the more successful operation of future Estimates Committees.

Question put and passed.

Report

Resolution reported and the report adopted.

WESTERN AUSTRALIAN (SHARK BAY) HERITAGE PROTECTION AUTHORITY BILL

Second Reading

Debate resumed from 13 September.

HON KAY HALLAHAN (East Metropolitan – Minister for Heritage) [8.35 pm]: The Government does not support the Bill before the House. Clause 4 of the Bill states that the objects of this Bill are to –

- (a) Supervise the implementation of the document known as The Region Plan for Shark Bay published by the Western Australian Government in 1988;
- (b) co-operate with appropriate departments and agencies to achieve the implementation of The Region Plan.

I have in my hand a copy of "The Region Plan for Shark Bay" which was adopted in June 1988 and it is a significant plan for that area. The problem with the Shark Bay plan is that it does not have legal status. Like a lot of good planning documents which precede statutory status, this is not a statutory plan in the same way as a town planning scheme is a statutory plan. There is no legal mechanism to give the Shark Bay region plan formal status.

The Government, through the Minister for the Environment, has agreed that the complementary legislation which will accompany the Federal-State agreement on a World Heritage listing nomination would give the Shark Bay region plan a statutory affect. For the information of members there would be two Shark Bay Acts – one Commonwealth and one State – and they would identify the plan as the basis for all future land use and management decisions.

In the Government's view it would have been a more credible situation had the Opposition parties attempted to undermine the argument in favour of World Heritage listing by introducing legislation into the Parliament that would have given statutory force to this Shark Bay region plan. It would have at least given the impression that the Opposition knew what it was doing.

The Bill has only one reference to the Shark Bay region plan, and that is in clause 4 which I referred to earlier. No reference is made to the plan in the functions of the proposed Western Australian (Shark Bay) Heritage Protection Authority which is outlined in clause 12 of the Bill. The Bill does not include a mechanism to ensure its objectives can be achieved. The mechanism for implementing the Shark Bay region plan is the critical issue of this debate and I outline to members the reason the Government thinks there is a need to do something about it. The Government is surprised that the Opposition has turned its mind to this issue in this way.

Hon George Cash: So far this is not one of your better arguments.

Hon KAY HALLAHAN: That is the member's opinion. The responsibility for management lies with a number of agencies and I will outline them to the House. The National Parks and Conservation Authority and the Department of Conservation and Land Management will be responsible for Peron-Hamelin in terms of the marine nature reserve and Shark Bay marine park; the Pastoral Board and the Department of Agriculture will be responsible for pastoral land; the Fisheries Department will be responsible for fishing activities; the Shires of Shark Bay and Carnarvon will be involved; the Department of Resources Development will be responsible for the salt leases; the Department of Mines will be responsible for gypsum

mining; the Environmental Protection Authority will be responsible for environmental matters generally; and, the Department of Planning and Urban Development will be responsible for land use planning and, in particular, for matters affecting the developments at Denham. All these agencies are following the plan because they have the authority of the Government to do that, but in effect they are not legally bound to do so.

It is clear that if one wanted to do something in isolation, as the Opposition appears to want to do, then the way to ensure compliance with the Shark Bay region plan would not be to set up this proposed Western Australian (Shark Bay) Heritage Protection Authority, which will not have the ability to do anything, but to amend the Town Planning and Development Act to in effect give the Shark Bay region plan the same legal status as a town planning scheme.

I am sure members will not be surprised to hear that the Government is moving along those lines and has under consideration a change to the planning legislation. The new planning legislation will deal with this, and will come before this House in 1991. We recognise the need for this document to be given greater power, but in a way that will do something, and not by way of the superficial attempt that is before the House tonight. The notion to establish a Shark Bay management authority was widely canvassed during the preparation of the Shark Bay region plan, and that notion was abandoned in favour of amending the existing legislation, including the Conservation and Land Management Act, to provide for the marine parks and to change planning legislation. These changes will give the plan the statutory effect which at present it lacks.

The other concept which is identified in this plan – which again is not pursued in Hon Phil Pandal's Bill – is the establishment of a Shark Bay regional trust or management fund to place a small surcharge on visitors' activities in order to fund orderly development and proper management. One would have expected the member to look at that and to see that as having some substance to be put before the House.

In the debate about World Heritage listing for Shark Bay – and we know that Hon Phil Pandal wants to capitalise on what is a political and controversial issue for the area – two key issues arose and were resolved, but neither of them was addressed in this Bill. One of those matters was representation at local level. An undertaking was given by the Government that a majority of local representation would be on the Shark Bay management committee. Members will be appalled to hear that the Bill before the House makes no reference to local involvement in the proposed membership of six on the authority. There is no specific requirement for local involvement. Clause 6 provides that the authority shall consist of six members, comprising the chairman and five members, appointed by the Governor on the nomination of the Minister. Hon Phil Pandal purports to look after the local government situation, yet he makes no provision for that in the Bill that he has specifically brought before this House on this issue.

Hon George Cash: That does not preclude local people.

Hon KAY HALLAHAN: It does not make it obligatory to have them.

Hon P.G. Pandal: You are wrong, as you usually are. Have a look at clause 12.

Hon KAY HALLAHAN: I am rarely wrong, and I am rarely seen to be anything other than much better informed than the member. I suppose the member is referring to the words in clause 12(2), which state that the authority shall, in carrying out its functions, encourage wherever possible participation by voluntary organisations and local authorities. Is that what the member is referring to?

Hon P.G. Pandal: Yes.

Hon KAY HALLAHAN: There is no obligation to involve local people on the management committee. That is a pathetic attempt.

Hon P.G. Pandal: Move an amendment and we will support it.

Hon KAY HALLAHAN: This Bill should be circulated to those residents of the Shark Bay region who have been so concerned. I suppose the member has gone up there and made promises. We will let the people know how members opposite carry out their promises.

Hon N.F. Moore: Tell us about Mr Pearce's promises.

Hon KAY HALLAHAN: Mr Pearce has been negotiating with the local community in a

very constructive way, and the quality of the concern and consideration given by Hon Bob Pearce cannot be compared with the feeble politicking of the Opposition when it has its special meetings at Shark Bay. Believe it or not, I have friends in the pastoral industry who tell me about an avalanche of Liberals descending on the area to do their worst for the people of that region.

Hon Garry Kelly: Is the collective noun for a bunch of Liberals an avalanche?

Hon P.G. Pandal: Come the next election, you will know the meaning of the word avalanche, I assure you!

Hon KAY HALLAHAN: The second concern of the people of Shark Bay which the Opposition has either refused to address or has not recognised is that there will be another layer of bureaucratic control in the management of the area. This Bill is a fairly innocuous, pathetic and ineffective Bill, but it will set up another layer of bureaucracy to advise, liaise, consult, scrutinise and to do very little else, but it will effectively slow up anybody who is trying to do anything in the Shark Bay region. It is a good thing for Oppositions which do not know what they are doing to come up with Bills like this in the House. I do not have much regard for Hon Phil Pandal's legislation generally, and I draw a comparison with another –

Hon N.F. Moore interjected.

Hon KAY HALLAHAN: It is clear that not only does he not have the expertise on which to draw – although he could access that if he went about it in the right way – he does not have anyone around him who is intelligent about it either. The worrying thing about the Opposition is that it cannot attract anybody with a genuine concern to give it good advice. That is a problem for an Opposition in that situation.

Hon N.F. Moore: One of these days you will be here and you will know all about it.

Hon W.N. Stretch: We will be interested to see the land tenure Bill.

Hon KAY HALLAHAN: Members will be pleased to hear that the land tenure Bill is gaining widespread support.

The PRESIDENT: Order! The House does not want to know anything about the land tenure Bill.

Hon KAY HALLAHAN: Mr President, I hope you mean at this point.

The PRESIDENT: That is precisely what I mean.

Hon KAY HALLAHAN: The Commonwealth Government is committed to nominating Shark Bay for inclusion on the World Heritage list. A firm commitment was made prior to the last Federal election, and it has been reiterated since then by the Federal Minister for the Environment, Hon Ros Kelly.

Hon George Cash: Is that supported by the Government in Western Australia?

Hon KAY HALLAHAN: Of course it is. I have said there will be complementary State and Federal legislation. That means we support it.

Hon George Cash: What about Bob Pearce's promises? He made numerous promises to the people of Shark Bay.

Hon KAY HALLAHAN: They will be carried out. Bob Pearce has done a very good job at liaising and trying to –

Hon P.G. Pandal: He is a joke.

Hon KAY HALLAHAN: That is in the member's eyes. Has the member asked people how he is regarded – as a comic, a clown!

The PRESIDENT: Order! The Minister should direct her comments to the Chair.

Hon KAY HALLAHAN: This Bill is feeble, and I do not like to be unkind about people's efforts –

Hon Reg Davies: Then don't.

Hon KAY HALLAHAN: It is true as well as unkind, but it is true that it is a feeble Bill and it will not stop the Commonwealth's moving to World Heritage list Shark Bay. That is what

members need to understand. I do not believe that is what members opposite are attempting to do because this Bill is not serious. It is absolutely superficial politicking. If the Bill is a serious attempt, it is even more worrying, because it cannot do what it sets out to achieve. Through negotiation with the Commonwealth, the Western Australian Government has obtained an agreement that there will be complementary legislation, Federal and State, to deal with Shark Bay and World Heritage nomination. I will advise members now what is proposed in that legislation.

There will be a Ministerial Council and a management committee with a majority of local representation; I make that point very strongly. The Shark Bay regional plan will be given statutory force – that is what it needs, that is what I have said is lacking at present, and that is what will happen – and all day to day management will be by existing State agencies with their particular expertise bringing together their abilities to assess that area in a way which is much more coordinated and which follows this plan in the best interests of that region. One thing we can all agree about is that it is a very special region.

Because of the level of cooperation between the State and Federal Governments, the Federal Government is contributing to the funding for Shark Bay management and has provided \$1.5 million in the 1990–91 Budget.

Hon Murray Montgomery: How much – \$55 million?

Hon KAY HALLAHAN: What is this grandiosity? Hon Murray Montgomery should not fall into the stupidity of his coalition partners.

Hon W.N. Stretch: He asked how much.

Hon KAY HALLAHAN: I told him how much, and he put up another bid, which is a very silly thing to do. The amount is \$1.5 million, and \$500 000 of that has gone towards the purchase of Peron Station for a national park. That is a part of the plan too, and that is coming into being. No doubt everyone – members from this side because they are very sensible, and members on the other side because they have some sense – will support that development.

The Bill before us is a time waster. It is not a genuine attempt at anything except to appear to be doing something. It is reminiscent of the Heritage Enhancement and Preservation Bill put forward by the same member.

Hon P.G. Pendal: And we flushed you out good and proper.

Hon KAY HALLAHAN: Hon Phillip Pendal may say he does not have significant support or the ability to do it himself. I accept the latter and probably the former, but it results in empty, superficial legislation. For somebody who likes to be very verbose with the media and who is competent at that on some occasions –

Hon Garry Kelly: Do you mean running off at the mouth?

Hon KAY HALLAHAN: That could be another way of putting it. The sad thing is that this Bill will not be seen as a genuine attempt to do anything substantial for the Shark Bay region. On that note, and because I think that sadly is the case, I ask members to vote against this Bill.

HON N.F. MOORE (Mining and Pastoral) [8.53 pm]: Is it not extraordinary that the Minister who has just resumed her seat should accuse us of politicking over Shark Bay? The greatest political stunt in recent history in Western Australia was the decision of the Federal Labor Party to seek World Heritage listing for Shark Bay as part of its pre-election platform at the last election. The only reason for that, and the Minister knows this as well as I do, was to try to curry favour with greenies, who the Labor Party decided at the time were the key to its re-election. It turned out to be the right assessment, but the Labor Party has sold the people of Shark Bay down the drain to gain the votes of the greenies and the people who do not understand in the western suburbs of Sydney. That is what the Labor Party did, yet the Minister accuses us of politicking.

This is the second great land grab of recent times. The first was the land rights Bill this Government trotted in here a couple of years ago; the second is this grab for land at Shark Bay; and I know I cannot talk about the third one but it is the Minister's pastoral Bill that is due to come to this Parliament. More and more land in this State is being tied up by people whose motivation is suspect so that it cannot be used for proper purposes.

Hon Mark Nevill: Surely the pastoralists do not think that way?

Hon N.F. MOORE: Hon Mark Nevill should read the pastoral Bill the Minister will trot in here, which I cannot talk about now.

Hon Garry Kelly: Don't do it, then.

Hon N.F. MOORE: I am not.

Hon Kay Hallahan: It is an excellent Bill.

Hon N.F. MOORE: When the issue of World Heritage listing for Shark Bay first came up the people in the district were very concerned. Initially the Government, and quite rightly, was developing a region plan for the area because certain special parts of Shark Bay are worthy of special protection. The concept of a regional plan was very much accepted by the people of Shark Bay and the surrounding area, but they were concerned about some aspects of that; for instance, which parts would be national parks, which parts would be conservation reserves, which parts would be totally wilderness areas, and so on. They were also concerned for the future of the industries which provide their income, such as fishing, pastoral activities, the wool industry, mining and so on. At the end of the day, to give them their due, officers of the Department of Conservation and Land Management were able to come up with a region plan with which most people in the area were able to agree. It was a compromise but most people found it acceptable.

Then came the bogey of World Heritage listing, so we had the spectacle of the then Minister for Planning, Hon Bob Pearce, and his entourage – including Dr Keith Suter – trotting up to Shark Bay to a very large public meeting to put forward the proposition about World Heritage listing. Mr Pearce told the meeting that if the people of Shark Bay did not want World Heritage listing he would fight their case for them and the State Government would fight the Commonwealth if it sought to bring in World Heritage listing.

Hon Garry Kelly: Is it true that Senator Fred Chaney has endorsed the current listing?

Hon N.F. MOORE: I am not talking about Senator Chaney; I am talking about Mr Pearce, this Government's Minister. If Senator Chaney is a greenie that is his business. Mr Pearce told that meeting, which I attended, that if the people did not want the listing and voted against it he would oppose it as well and so would the State Government. A vote was held at that meeting and the result was something like 300 against World Heritage listing and about three for it. In spite of the pleas of Dr Suter, who sounded to me like a refugee from Moscow, I might add, the vote was overwhelming – 300 to three against World Heritage listing.

Hon Tom Stephens interjected.

Hon N.F. MOORE: Dr Keith Suter, environmentalist-cum-whatever else he is. He left Moscow because it is becoming too right wing.

Hon Kay Hallahan: This is unbelievable.

The PRESIDENT: Order!

Hon N.F. MOORE: That vote was duly taken and Mr Pearce took it on board, came back to Perth and started talking about World Heritage listing again.

Hon Tom Stephens: I am going to get a copy of that for Keith Suter.

Hon N.F. MOORE: I hope Hon Tom Stephens will. I wish the man were here; I would tell him to his face, as I did at the time.

Hon Tom Stephens: I will make sure those comments are circulated widely.

Hon N.F. MOORE: I hope the member will.

Hon Tom Stephens: You are absolutely amazing. Every now and again you astound me.

The PRESIDENT: Order!

Hon N.F. MOORE: The Minister's adviser at that meeting was a most extraordinary person. Anybody who understands politics will know where that man was coming from –

Hon Mark Nevill: Yes, Moscow!

Hon N.F. MOORE: – and the fact that he was advising Mr Pearce on that occasion was quite

beyond me. Mr Pearce told everyone he was a moderate person with an open mind and wanted to hear the views of the people of Shark Bay. He trotted along with his adviser, who spoke at the meeting in the most extraordinary language. I could not believe I was hearing somebody in a Western Australian country town promoting the views he was promoting, and he was the Minister's adviser. It crossed my mind at the time that if the Minister was being advised by a person such as that, and by others with a similar view about conservation, he would have a great deal of difficulty agreeing with the people of Shark Bay even though he was saying he was there to hear their views.

There was a subsequent meeting, which I also attended, and the same result occurred. I think one person supported the listing at that meeting. The people of Shark Bay and the surrounding areas overwhelmingly and almost unanimously opposed World Heritage listing. They told Mr Pearce that and he told them that he accepted they had made a decision and he would seek to prevent World Heritage listing from taking place. That is what I thought would happen until the Federal election came and the Labor Party made an election promise to the greenies of the western suburbs of Sydney. At that time Mr Pearce was in a quandary because he could not come out and oppose Senator Richardson, who was the Federal Minister for the Environment at the time, and say he did not believe that the Federal party should be making those proposals. Mr Pearce started making funny noises about joint legislation and joint arrangements in which the Federal and State Governments could come together to discuss Shark Bay. He said that it did not make any difference to Shark Bay but that it would be all right to have joint legislation which dealt with how Shark Bay should be controlled. He thought that World Heritage listing would be discussed but it probably would not make any difference in the long run.

After the Federal Government had been re-elected with the support of the greenies – its strategy was right except that it took no notice of the people of Shark Bay – Mr Pearce started saying different things. I was driving in my car one afternoon listening to Bob Pearce speaking on the "Drivetime" program. He was being accused by some greenies of not doing the right thing in a number of areas and he said to the presenter on that program, "Why aren't the greenies thanking me for organising World Heritage listing for Shark Bay?" He was under attack by the greenies for not doing enough and he came out in his own defence and wanted to know why they were not supporting him when he had organised World Heritage listing for Shark Bay. They are virtually the identical words that Bob Pearce used, because I rang the Australian Broadcasting Corporation when I arrived at my office and asked it to send me a copy of the transcript of what Bob Pearce had said. He said that he had organised the World Heritage listing for Shark Bay. That is what he told the people in Perth. However, he does not say that to the people of Shark Bay. The Minister says to the people of Shark Bay that he will listen to their views, take into account their decisions and argue their case. However, the moment he leaves Shark Bay he says to the people of Perth that he has organised the World Heritage listing for Shark Bay.

Hon Mark Nevill: You are ignoring the reality that the Federal Government can act unilaterally.

Hon N.F. MOORE: I do not care what the Federal Government can do. We will argue about that in time. I am talking about the gross, unadulterated hypocrisy of Bob Pearce who says one thing in Shark Bay – because that is where he goes for his holidays and wants people to like him – and says exactly the opposite to people in Perth when he thinks the people of Shark Bay are not listening. That is gross hypocrisy in my view. Mr Pearce says when he is in Shark Bay that the Federal Government is preventing the State Government from doing what it wants to do and that it is all the Federal Government's fault. However, when he is in Perth talking to the greenies he claims credit for having acquired World Heritage listing.

Why do we need World Heritage listing for Shark Bay? World Heritage listing in Australia has been totally discredited. In other parts of the world it is something worth attaining. It is a way of protecting areas which have a reputation worldwide; that is, areas that should be protected because they have meaning to the people of the world. That is the reason for World Heritage lists.

Many countries in the world have areas that are listed on the World Heritage list. However, in Australia the Federal Government has used World Heritage listing as a vehicle to gain power. It is used as a mechanism to gain power in an area that is traditionally a State

responsibility. Shark Bay is only one pawn in the game the Federal Government is playing. On the Notice Paper is a Bill, the Corporations (WA) Bill, which would give away enormous State powers to the Commonwealth. We have witnessed the centralist thrust by the Federal Government in recent years and that Bill is part of that thrust. The Bill before us is a mechanism for the Federal Government to continue to gain control over areas of the States which are traditionally and constitutionally the responsibility of the States.

Hon Mark Nevill: Our Bill will ensure local control.

Hon N.F. MOORE: The Government's Bill will ensure that the Commonwealth will take over control of Shark Bay. The member knows that and I know that.

Hon Mark Nevill: You have not read the Bill.

Hon N.F. MOORE: Once Shark Bay is added to the World Heritage list it will come under the responsibility of the Commonwealth and the Commonwealth will then be able to make decisions about Shark Bay whenever it likes. It will treat Shark Bay in the same way it treats every other area in which it is seeking to gain control. The Government's Corporations Bill is the thick end of the wedge of Commonwealth control of corporate power. That is what will happen with conservation and land matters in Western Australia should the Commonwealth have its way. The Commonwealth has used its constitutional powers to grab whatever it can get its hands on.

Hon Kay Hallahan: You are silly, nearly as silly as Mr Pental, but not quite.

Hon N.F. MOORE: I take exception to that adjective because I am not silly. I am representing a view about a matter that is causing considerable concern to many Australians; that is, the changing power structure in this country. I do not mind people changing the way in which power is used and the way in which authority is used provided the people agree to it. It should be something that people have the opportunity to sit down and discuss, as they did with the Constitutional Conventions held on several occasions in Australia's recent history to try to work out a better way of administering this country. However, the Federal Government is hell-bent on taking over the responsibility of areas for which the States have responsibility. I regret to say that it has been successful in doing that. If the Minister had any interest in maintaining the integrity of the States she would not call me silly; she would rush out and do some reading on the subject instead of allowing her mind to be filled with the nonsense that is trotted out by her party. Perhaps the Minister should do the right thing and admit that she, like Bob Hawke, is a centralist and that her ultimate objective in politics is to get rid of the States' powers. Why does the Minister not do that?

Hon Kay Hallahan: Why don't you stop being silly and get on with the speech.

Hon N.F. MOORE: Why does she not do that instead of trotting out this rhetoric that she believes in federalism but then going along with her Federal colleagues who are hell-bent on taking away every bit of power and authority the States have.

Hon Kay Hallahan: Mr Pental is not giving power to any local areas.

The PRESIDENT: Order! The Minister knows that she must stand if she is making a speech.

Hon N.F. MOORE: That interjection was incredible. The Minister has accused Hon Phil Pental of not giving the local people any say in the way that assistance is given. The Bill allows the local people to be involved, but it does not specify that. What the Minister did and what the Minister for the Environment did was to go to Shark Bay and ask the people what they wanted. As soon as the people of Shark Bay told the Government what they wanted the Government completely ignored them.

The people of Shark Bay held a meeting last week which I could not attend and once again the people told the Government to get lost. It was not a meeting at which an avalanche of Liberals attended; it was attended by an avalanche of the people of Shark Bay and Carnarvon who are desperately opposed to this measure because they are concerned about their jobs. They are concerned about the future for their children and about the fishing, mining and pastoral industries. These industries provide wealth to this country and are industries that the Labor Party is hell-bent on destroying.

People who live in the Shark Bay and Carnarvon areas face the hardship of living in

isolation, but because the Labor Party wants to win the votes of the greenies in Sydney and Melbourne it sells the interests of the people of Shark Bay and Carnarvon straight down the gurgler. This Government is not quite as bad as its Federal counterpart because it is closer to the action. It knows that the electorate of Northern Rivers is a marginal seat. However, the performance of the Labor Party's local member in recent times has been such that if he comes fourth at the next election he will be doing very well.

Hon Tom Stephens: He is a good member. He works very hard in his electorate.

Hon N.F. MOORE: He is an absolute disgrace because he did not turn up to the meeting. I am told that he was at the Totalisator Agency Board in Carnarvon at the time.

Hon Kay Hallahan: I thought you said you were not there.

Hon N.F. MOORE: I was in Kununurra.

Point of Order

Hon TOM STEPHENS: That comment is a reflection on a member of the other House and I ask that the member's scurrilous accusation be withdrawn.

The PRESIDENT: There is no point of order. That comment was not a reflection on the reputation of a member in the other House. What is a reflection is the constant interjections by the member who raised the point of order. I suggest that there would be less reason to call a point of order if members allowed the member addressing the Chair to do so without their constantly interjecting on him.

Debate Resumed

Hon N.F. MOORE: It was not a reflection on the member for Northern Rivers; it was a fact.

Hon Tom Stephens: He had a whole series of commitments in Carnarvon and you know it.

The PRESIDENT: Order! I will not ask Hon Tom Stephens again; he must stop interjecting.

Hon N.F. MOORE: The member for Northern Rivers did not turn up to the meeting held by the people of Shark Bay. He should have attended. The member for Northern Rivers' attitude to this matter and to other matters, such as the banana industry, is such that he will be lucky to come fourth in the contest for the seat of Northern Rivers at the next election. That is one of the reasons Mr Pearce and the State Government are trying to appear less green than the Federal Government. In that way they are trying to convince the people in the north that it was not their fault that Shark Bay was listed on the World Heritage list; however, the proof of the pudding is in the eating. The Minister for the Environment went to Shark Bay and told the people that he would do what they wanted him to do, then he came to Perth and told the people here that he was organising World Heritage listing for Shark Bay. It is as simple and as straight forward as that. He said one thing to the people of Shark Bay and another to the people of Perth.

Hon Kay Hallahan: That is not true.

Hon N.F. MOORE: It is a fact, and once I get back to my office I will send the Minister a copy of the transcript of Bob Pearce speaking on the "Drivetime" program with Kevin Hume about two months ago. The Minister can then tell me that I am wrong. At the time, I put out a Press release in which I quoted Bob Pearce. It was a direct take from the transcript I obtained from the ABC.

Hon P.G. Pental: The people opposite know all about tapes.

Hon Kay Hallahan: I thought it was Hon Phillip Pental's people who knew about tapes.

Hon N.F. MOORE: It is a wonder the Premier's media monitoring unit did not send Bob Pearce a note to watch what he says. The people of Shark Bay know what he is up to, and they told him last week in no uncertain terms that they will not risk their future livelihood and that of their children because of some power grab by a politicking Federal Government. For the Minister to accuse the Opposition of politicking on this Bill is absurd in the extreme. It is an attempt by Hon Phillip Pental, and I congratulate him, to find a mechanism to take control of Shark Bay at a State level and make it unnecessary for the Federal Government to be involved at all. It seems to me that we should be trying to provide some statutory base for the Shark Bay region plan through an authority such as Hon Phillip Pental is suggesting, or by some other means. I do not mean the whole of the Shark Bay region, because that reaches

almost to Carnarvon. If Bob Pearce had his way it would come down to Perth from the other direction. It is a huge area, but not all of it needs protection.

Hon Mark Nevill: Not all of it is protected.

Hon N.F. MOORE: The Shark Bay region plan will become part of the World Heritage listing. I acknowledge that for the time being it is the thick end of the wedge. The Federal Government will not grab little bits and leave it at that; it will go for what it can get now and get the rest later.

Hon P.G. Pendal: It will be the south west forests next.

Hon N.F. MOORE: Could the Minister tell us what is next after Shark Bay? The greenies have on their agenda the Kimberley. Hon Tom Stephens has been trying to give that away for as long as he has been around.

Hon Kay Hallahan: That is very silly.

Hon Tom Stephens: Do you mean the communists?

Hon N.F. MOORE: I mean the Aborigines.

Hon Tom Stephens: What will Hon Norman Moore do when there are no more reds?

Hon N.F. MOORE: The greenies have the wildflower areas of Western Australia on their agenda for World Heritage listing. I drive around Western Australia a fair bit and the wildflower areas cover a lot of territory. Undoubtedly when one listens to the comments about national parks, the greenies have some fairly interesting concepts. I find it extraordinary that it is necessary to protect Shark Bay through World Heritage listing, yet the Federal Government thinks – at least for the time being – that Western Australia can protect its own national parks without World Heritage listing.

Hon P.G. Pendal: Good point.

Hon N.F. MOORE: Why do we need World Heritage listing for Shark Bay when we are capable, according to the Federal Government, of looking after our own national parks and nature reserves? The Federal Government may take up the cause of the green movement and say that the Hamersley Range is under threat by the Lawrence Government and it could make that into a World Heritage listing as well; then we will find out where Bob Pearce stands on that one. I support the mining of Hamersley Range National Park by Hamersley Iron Ltd.

Hon P.G. Pendal's Bill is an attempt from our side of the House to provide a way in which the Western Australian Parliament and its Government can control, and continue to control, the way in which the Shark Bay area is to be used and protected. It is an attempt to say that there is no need for World Heritage listing for Shark Bay. Nobody has convinced me that we need World Heritage listing.

Hon Mark Nevill: It is not the State's decision; it is the Federal Government's.

Hon N.F. MOORE: I do not care. If members were to man the barricades, they might even go away. When the last Federal election was on Bob Pearce could not oppose the Federal Labor Party otherwise he would have looked stupid, so he had two bob each way. He knew the Government could not come around and say it was trying to maintain some State involvement. Bob Pearce by his own words has said, "Why won't they acknowledge that I have organised World Heritage listing for Shark Bay?" I rest my case on the Minister's own words.

HON P.G. PENDAL (South Metropolitan) [9.16 pm]: I thank Hon Norman Moore and other members of the Opposition, including the National Party, for their support.

Hon Tom Stephens: It will be the kiss of death after that speech.

Hon P.G. PENDAL: I express at the outset my disappointment at the negativity of the Government. The Government a year or two ago made something of a growth industry out of Press releases it produced about the alleged negativity on the part of the Opposition parties on a range of issues. However, it seems that each time the Opposition brings into this Parliament a Bill designed to create better conditions for the people of this State, this Government finds reasons to be negative.

Hon Kay Hallahan: To win a few votes!

Hon P.G. PENDAL: History is its own judge, and it was not too long ago in this House that I introduced a Bill to create a family affairs commission in Western Australia.

Hon Kay Hallahan: Yes, true; it was a re-occurring superficial theme.

Hon P.G. PENDAL: Six weeks ago the Premier, Dr Carmen Lawrence, announced the formation of exactly the same sort of structure and she took the Opposition's so-called superficial idea, used the name, replicated the structure and invited Mrs Ruth Reid to be its president. This was not notwithstanding the fact that 12 months previously Hon Kay Hallahan, the Minister in this House, said that the idea found no favour with the Government.

Hon Kay Hallahan: That is right because we were establishing the Office of the Family.

Hon P.G. PENDAL: A year ago in this House the Opposition introduced a Bill to protect heritage places in this State and the Government opposed it.

Hon Kay Hallahan: Rightly so.

Hon P.G. PENDAL: At least it had the effect of embarrassing the Government to place on the Notice Paper a heritage Bill which we eventually had the chance to deal with. The same Minister came into the House two years ago when we were dealing with the new Children's Court Bill and said that we could not move our amendments because they were no good. We insisted upon the amendments. I noticed during the recent Budget Estimates examination that the Minister conceded, as did her departmental officer, that there were no such consequences as she foreshadowed two years ago by the passage of those amendments.

What is the Minister's history in all of this? It is that of a member of a Government in its dying days. This Minister leads the pack in this House which says that we must not do certain things because they are not acceptable to society. However, 12 months later, after many of those innovations, the Government has been found to embrace those very things. Clearly, the Minister does not understand the Bill before the House. This Bill if passed would turn into a statutory document that 1988 Shark Bay region plan which the Minister waved around.

Hon Kay Hallahan: This Bill does not do that.

Hon P.G. PENDAL: Yes it does. If the Minister feels that it does not, she is at liberty to move amendments to ensure that it does.

Hon Kay Hallahan: We will bring in Bills to do it.

Hon P.G. PENDAL: This is the "gonna" Government. It is always gonna do something. It is always gonna tell the truth; it is always gonna stop wasting people's money. Its history in the last three years is one of going from bad to worse. The Minister did no more than she did on other occasions when the Opposition introduced legislation; she relied on the politics of personal abuse. She did it to me and she did it to Hon Norman Moore today.

Hon Tom Stephens: You are the last one to talk. You will always be in the gutter and you cannot get yourself out of it. Don't you talk about others.

The PRESIDENT: Order!

Hon P.G. PENDAL: I understand her embarrassment about having to defend the indefensible, and that includes the behaviour and statements of Hon Bob Pearce. I do not intend to traverse that ground again, because Hon Norman Moore has adequately pointed out the somersaults that Mr Pearce has done throughout the entirety of this debate. One need go no further than the Press statement of 1 September this year in which Mr Pearce clearly indicated the pressure of public opinion coming out of Shark Bay. He was disposed to put out a statement in which he said -

The Western Australian Government is writing its own proposals for World Heritage listing for Shark Bay.

At that stage, Mr Pearce was in a very defensive mode. He was very keen to separate himself from Mrs Kelly, the Federal Minister for the Environment. They did not look all that happy a couple today sitting on the grand stage at the World Conservation Union conference being held in the Burswood Convention Centre. The statement continued -

Mr Pearce said the proposition by the Commonwealth was unacceptable -

That is the proposition prior to its being revised and, I agree with Mr Moore, revised still in an unacceptable fashion – this is the version prior to the current one. It continued –

– because:

it sought to give the Commonwealth the main say over administration of the proposed World Heritage area;

That is precisely what the new deal does. It seeks to "give the Commonwealth the main say over administration of the proposed World Heritage area".

Hon Mark Nevill: Whose Bill are you talking about?

Hon P.G. PENDAL: I am talking about the new arrangements that Mr Pearce has entered into with Mrs Kelly and which will shortly be the subject of legislation in this House and in the Commonwealth Parliament.

Hon Mark Nevill: You have read a different Bill from me.

Hon P.G. PENDAL: What Hon Norman Moore said is correct; it will give the Commonwealth the "main say over administration", the very thing that Mr Pearce was frightened of. The clauses in the Commonwealth legislation, the World Heritage (conservation properties) legislation will ensure that Mr Nevill and his colleagues will end up being in charge of absolutely nothing. I suggest that Mr Leahy will wake up to that when it is too late for him.

I am sorry that the Minister has relied on ridicule and abuse as her only weapons. The Bill was canvassed with local people, including local government people, pastoralists, conservationists, and tourism officials all of whom saw it as the ideal way of protecting the undoubted conservation venues of Shark Bay as well as protecting the legitimate commercial interests of the pastoralists and fishermen in the area. I think that is a good reason for the Parliament to pass this Bill. I will be seeking in the Committee stage some simple and straightforward deletions from the Bill so that it does not face any technical difficulties once it arrives in the other place. I appeal to the Minister and to members opposite –

Hon Tom Stephens: It won't face any technical difficulties down there.

Hon P.G. PENDAL: I am sure it will not. However, we will give the Government the opportunity of being seen to defeat a positive, innovative Bill at a time when it is parading before delegates of the world at an international convention at Burswood Island. It is an opportunity for members of this House to show that all of the legitimate interests at Shark Bay can be protected, and protected from within Western Australia and in concert with local authorities.

This is a Bill worth supporting and I commend it to the House.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon J.M. Brown) in the Chair; Hon P.G. Pental in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Terms and conditions of membership –

Hon P.G. PENDAL: I move –

Page 2, lines 23 to 25 – To delete subclause (2).

Should there be any likelihood that the passage of subclause (2) would result in the Bill requiring an appropriation, which I do not concede it does, the Opposition seeks the removal of the subclause.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 8 to 14 put and passed.

Clause 15: Staff –

Hon P.G. PENDAL: This clause could similarly pose a problem once the Bill is transmitted to another place. Again, I do not concede that it does, but in order to avoid this possibility it is my intention to vote against the clause.

Clause put and negatived.

Clauses 16 to 19 put and passed.

Title put and passed.

Bill reported, with amendments.

LOCAL GOVERNMENT AMENDMENT BILL (No 2)

Receipt and First Reading

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

Second Reading

HON TOM STEPHENS (Mining and Pastoral – Parliamentary Secretary) [9.35 pm]: I move –

That the Bill be now read a second time.

The Bill replaces the Local Government Amendment Bill which was withdrawn from Parliament on 25 October 1990. It alters the swimming pool provisions from that Bill and includes urgent amendments to postal voting procedures at local elections. The Bill, however, retains unchanged proposals relating to –

- the holding of specified area rates in reserve funds;
- the functions and powers of the Local Government Auditors Board; and
- the recognition of the Western Australian Municipal Association.

Members will recall that it was previously proposed that councils be required to conduct annual inspections of swimming pools and surrounding gates and fences to ensure their compliance with safety standards. This was in line with the report of an inter-Government working party into preschool child drownings and was an important element in a package of related measures aimed at improving swimming pool safety. However, the proposal for annual inspections drew some opposition from various quarters and, having taken those views into account, the Government decided to change the Bill to require biennial inspections. With summer approaching the Government considers it essential that inspection legislation be enacted quickly so that councils which are in a position to do so can begin their programs of inspections. Thus the present proposal in this Bill will require councils to inspect all pools by 1 July 1992 and periodically thereafter so there is no more than two years between each inspection. Councils will have the power to impose on each owner or occupier of land on which there is a pool, a charge equivalent to the estimated average cost of inspections planned for a given financial year. An upper limit for such charges will be prescribed in regulations.

The Bill will also increase to \$5 000 the penalty for failure to meet necessary safety standards. This will act as a further deterrent against people not properly fencing their pools. It has also been suggested that the legislation should be clear in indicating that it is not intended to cover farm dams not used as swimming pools. This would require an amendment to the definition of the term "swimming pool". The term is currently defined in section 245A(1) of the Local Government Act 1960 which states that a –

"swimming pool" means a place or premises provided for the purpose of swimming, wading or like activities which the public are not entitled to use.

It is unlikely that a dam can be said to be a place "provided for the purpose of swimming". More likely it is a place provided for the purpose of storing water for stock which may be used for the purpose of swimming. However, Crown Law advice on this matter also suggests a number of problems in proceeding to further define the term so as to exclude farm dams.

In summary these are related, firstly, to the difficulty of defining what is meant by a farm. Does it, for example, include a hobby farm? If so, might this lead to the owners of large blocks on the outskirts of towns arguing they are farms and should be similarly excluded from inspections? Secondly, there is concern that by specifically excluding only farm dams it may be implied that dams used for other purposes, for example mining, are intended to be covered by the legislation. Therefore, it was decided not to proceed in this way, but rather to indicate within this speech that the legislation will not cover farm dams.

I turn now to proposed changes to local government postal voting procedures. Members would be aware of the controversy surrounding the municipal elections held in May this year. Numerous charges were laid against candidates and their assistants for alleged abuses of postal voting procedures. Many of these are still being heard by the courts. As a result of these unfortunate events, a working group was convened at the Minister's request to conduct an urgent review of postal voting procedures with a view to identifying deficiencies and correcting them in readiness for the 1991 May elections. The working group was chaired by the Local Government Department and included the chief electoral officers of the State and Commonwealth Electoral Commissions and local government representatives. The review was recently completed and proposed a number of changes aimed at –

- improving the security and integrity of the postal voting system;
- clarifying the role of candidates and their assistants in the voting process;
- ensuring that electors were better informed about their voting rights; and
- increasing voter participation.

The group's principal recommendations have been adopted by the Government and incorporated in this Bill. They include –

- a requirement for electors to be given a copy of prescribed voting instructions so that they are aware of their voting rights;
- amendments preventing anyone who is expressly authorised to act on behalf of a candidate in connection with the election witnessing a postal voting application or postal vote certificate. This amendment is in line with legislation in the Eastern States where candidates are already excluded from acting as witnesses;
- amendments which have the effect of allowing authorised witnesses to assist electors with their postal votes, if requested. This is in line with State electoral laws;
- an amendment creating an offence for candidates and their authorised assistants to handle completed voting papers. There will also be a duty for any person handling completed postal voting papers to deliver them promptly to the returning officer;
- it had been the original proposal of the Government to introduce an amendment to create a new offence for candidates or their agents who persuade or induce an elector to apply for a postal vote. However, members should note that section 154C has been further amended and paragraph (a) will now read, "applies undue influence or pressure on an elector to apply for a postal vote". It will no longer be an offence for a candidate or his or her assistant simply to distribute application forms;
- an amendment to clarify and expand existing offences so that candidates and their agents are prevented from playing any part whatsoever in the postal voting process after an application is made; and
- an amendment to strengthen the penalty for inducing a person to make a false statement on an application or certificate. Candidates will face one year's imprisonment or a fine of \$1 000 and automatic disqualification if convicted of this offence.

The Government is confident that collectively these changes will go a long way to improving the security and integrity of postal voting and thereby restore public confidence in the local government electoral system.

I would like to conclude by addressing briefly the amendments which have been carried over unchanged from the previous Bill. The first of these is intended to allow councils to retain in a reserve fund revenue raised from specified area rates beyond the year in which the rate is raised. It has been found that councils with canal developments in their areas, who wish to

levy an additional rate on canal properties over successive years to pay for future canal maintenance, have been effectively prevented from doing so because of a requirement that the money be spent in the year it is raised. The amendment will overcome this problem.

In other amendments it is proposed to overhaul the powers and functions of the Local Government Auditors Board. This follows a 1988 review of the auditing system and subsequent agreement between the then Minister for Local Government and local governments on the need to improve the operations of the board. The key areas of amendment with respect to this include –

- (a) the widening of the functions of the board to provide advisory services to registered auditors and local governments;
- (b) the addition of a regulation making power for registration fees; and,
- (c) appeals against the cancellation of registration to be made to a Local Court rather than to the Minister.

Finally, it is proposed to formally recognise in the Act the Western Australian Municipal Association which is the peak association representing local government interests. I commend the Bill to the House.

Debate adjourned, on motion by Hon W.N. Stretch.

MINES REGULATION AMENDMENT BILL

Second Reading

Debate resumed from 27 November.

HON E.J. CHARLTON (Agricultural) [9.43 pm]: This legislation is similar to that introduced last year. With the passage of time, particularly in view of some of the accidents which have taken place in the mining industry, the safety aspects must be emphasised. The comments made yesterday by Hon Norman Moore are fully supported by the National Party. Many aspects of the changes put forward in this Bill and the accompanying Bill, the Occupational Health, Safety and Welfare Amendment Bill, are complementary.

One area which concerns us deals with changes in clause 27, which refers to people who will be involved in the health, safety and welfare operations of the Act. We are concerned about courses of training in occupational health and safety being incorporated in the Bill. Hon Mark Nevill, in introducing the Bill, pointed out that occupational health and safety people should be responsible for the training. I would be interested to hear during the Committee stage if he thinks we should proceed along those lines. Both the Chamber of Mines and AMEC would prefer not to see those provisions incorporated; they would prefer the State Mining Engineer to be involved. All the other aspects are not only acceptable but also they need to be implemented. The industry, the people who will be dealing with it on a day to day basis, support the Bill and want these changes implemented.

It should be recognised that the industry is continually monitoring the situation. This is critical not only for the mine workers, but also the mine owners. The management and the administration of the mining industry do not want to have accidents on their hands, particularly some of the tragic ones which have taken place recently. Technology is continually being introduced, and it is continually changing. New machinery is introduced, and changes are made to the operations of the mines. The industry is very progressive, and it is no secret that it makes a great contribution to the nation's economy. We cannot allow an opportunity like this to go by without identifying the significance of the economic contribution made by the mining industry.

At one time we thought of the mining industry as being in the outback, but that is not so any more. Mining covers almost all of the State. It could cover a lot more if it went into more of the national parks than the Government has agreed to.

Hon Barry House: Over one third of the State's mining industry is in the south west.

Hon E.J. CHARLTON: As Hon Barry House indicates, the mining industry tends to follow the coastline. The member for Collie often reminds us about the many mines in her electorate.

Many changes have taken place in the mining industry and the intent of the Bill is to ensure that the safety aspects of mining are addressed in an up to date fashion. Our only area of concern is the implementation of training courses. The State Mining Engineer is the person who should be involved in and responsible for such courses.

The Opposition supports the Bill.

HON MARK NEVILL (Mining and Pastoral – Parliamentary Secretary) [9.50 pm]: I thank members for their support of the Bill. Hon Norman Moore raised issues which require a response. He asked whether the Mines Regulation Amendment Bill introduced this session is identical to the 1989 Bill. It is exactly the same Bill. He also queried why the legislation was introduced in the Legislative Council and not in the other place, where the Minister for Mines resides. The only reason I can suggest is that this promotes an even workload between the two Houses. After its passage through this place, the Bill will move to the lower House before it becomes law.

Hon E.J. Charlton: Was it introduced here because of your wider knowledge of the industry?

Hon MARK NEVILL: I would hope that is the case but I am not sure whether that is so.

Hon Norman Moore also asked how the Bill was created and what compromises were made in bringing it to the House.

Hon N.F. Moore: Since the last time.

Hon MARK NEVILL: The Bill has caused many problems, although they do not relate to the content but to the philosophy behind it; that is, whether the Mines Inspectorate should be incorporated into the Department of Occupational Health, Safety and Welfare or whether it should remain a separate entity. The Bill will ensure that the Mines Inspectorate remains a separate entity. In that sense, the mining industry and the Chamber of Mines and Energy of WA are winners. That should not be forgotten. The majority of members of the union movement believe that the Mines Inspectorate should be incorporated in the Department of Occupational Health, Safety and Welfare. I opposed that move, and I assume that the Opposition welcomes the Bill in its present form.

One sticking point over the past few months has been that the union support for the legislation was dependent on a further inquiry being undertaken into safety in the mining industry. Argument has taken place regarding who should be represented on the inquiry body. That argument has continued, and that represents the main reason for the creation of the Bill. An inquiry, chaired by the State Mining Engineer, Jim Torlach, into the underground gold mining industry was carried out over a short time this year. It was a very useful inquiry but it has not satisfied the Trades and Labor Council's request for an independent inquiry. The Bill has been agreed to by the union movement and that is a tremendous breakthrough because we can now get on with the job of establishing health and safety committees and nominating safety representatives.

Many of the more responsible mining companies have already set up such committees and elected health and safety representatives. Those committees are working very well. Some mining companies which really need this type of legislation have not taken any action; this Bill will ensure that those companies will put in place health and safety committees in the work place. Many people, including Hon Norman Moore, have reservations about this health and safety legislation and believe it gives workers on the job more rights in the area of worker participation. They feel that there is a capacity to misuse the legislation in that health and safety issues will be used for industrial purposes. I do not believe that will be the case in the mining industry.

Adequate provisions exist within the present Mines Regulation Act. Any person in a dangerous work area has the right to convey to the works inspector or the mines inspector a complaint about a danger in the workplace which has not been attended to by management. Action can be taken through the local shop steward; that is, the local union. The Bill sets down a series of procedures whereby any problems can be resolved, initially locally at the level of the health and safety committee, if an issue cannot be resolved by a supervisor or a foreman on the site. Should the health and safety committee fail to achieve a settlement, the district mines inspector can be called in to adjudicate. If that process is not successful, a person can go further up the scale and call on the State Mining Engineer to adjudicate. Few disputes would be major, but if one arose it could be taken to the Industrial Relations

Commission if it related to an industrial matter. If the issue involved a safety matter as well, the commission would request a report from the Mines Inspectorate; therefore, the capacity to misuse the powers in this Bill probably exists, but if someone has that objective that can be addressed under the present Act rather than under this amending legislation.

Hon Eric Charlton raised a few concerns. I will pick up his invitation to address clause 27 at the Committee stage because it does not involve the general thrust of the Bill. The mining industry has not opposed the formation of health and safety committees and the appointment of safety representatives. The industry has generally welcomed these initiatives, particularly in the eastern goldfields. Alcoa of Australia Ltd has put them into place. When these committees are operating effectively we will see a further decline in fatalities, serious accidents and minor accidents. That will be good for everyone; the State will benefit from increased productivity; the people in the work force will benefit from less accident trauma; and the families of people working in the industry will not have to face up to the trauma of mining accidents. Having worked underground in the mining industry for six years I realise how terrifying the accident rate can be at times. Accidents are not evenly spread; they tend to occur in clusters. I worked at the Silver Lake shaft at Kambalda for six years; it had six separate fatalities in 18 months. There were 180 men going down the shaft each day and each wondered whether his number would come up next. The worst type of accidents are those where people are crippled for life, which means that they and their families must live with those injuries for the rest of their lives.

It is in everyone's interest to get the accident rate down. This legislation will go a long way towards achieving that aim. The Mines Inspectorate is separate from the Department of Occupational Health, Safety and Welfare, but it will still come under the Occupational Health and Safety Commission, which is the umbrella body of DOHSA and the Mines Inspectorate. With those few comments I thank members for supporting the Bill.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon Doug Wenn) in the Chair; Hon Mark Nevill (Parliamentary Secretary) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Principal Act –

Hon D.J. WORDSWORTH: I wish to raise the matter of the responsibility of the importer of machinery who may be sued under the legislation for introducing faulty machinery or material which is not suitable for the task for which it is used. I am not an expert on the mining industry, but much of the machinery would be imported under specification of the person designing it, and it would be difficult to sheet home too much blame on the importer.

Hon MARK NEVILL: The general duty of care is owed by the employer to ensure the workplace is safe; by employees not to endanger their fellow employees and to carry out work safely as instructed; and by suppliers and importers to ensure that machinery which is provided is safe or has sufficient instructions to operate the equipment safely. Some of that machinery may have to be modified for Australian conditions, and the Act puts the onus on the people who supply that machinery to ensure that they do not put it on the market without ensuring it is not a hazard.

Hon D.J. WORDSWORTH: I understand that, but that can be a rather unreasonable request. Importers are not engineers or safety officers; they are agents who have connections with the person who is specifying the equipment required in the mine. To suddenly land upon them an onus such as this will make it particularly difficult for them.

Hon MARK NEVILL: Section 33 of the principal Act includes a duty on the person who designs, manufacturers, imports or supplies the plant; that may well be an onerous duty, but the machinery would either be inspected by the machinery inspection branch of DOHSA or the mining inspectorate.

Hon D.J. Wordsworth: Why is that responsibility placed on the importer?

Hon MARK NEVILL: Basically, it is a second tier of safety so that anyone who imports

machinery must be satisfied that it is in safe working condition, because some problems may not be picked up by the inspectors.

Hon D.J. WORDSWORTH: We are adding requirements that in theory might make conditions a little more safe but which will make the setting up of mining operations more difficult. I presume a machinery importer will require a hefty insurance policy to cover the possibility that he might be sued for damages, but the importer is a long way from having a direct input into the safety of the operator.

Clause put and passed.

Clauses 4 to 26 put and passed.

Clause 27: Division 2B and 2C inserted –

Hon N.F. MOORE: I move –

Page 20, lines 5 to 7 – To delete all the words after the word "accredited" in line 4 and substitute the words "by the State Mining Engineer".

Recently a decision was made by the Trades and Labor Council and the Confederation of Western Australian Industry to establish a training council to conduct courses in occupational health and safety issues. The Occupational Health, Safety and Welfare Commission requires that these courses be the only courses appropriate to section 14(1)(h) of the Occupational Health, Safety and Welfare Act, which requires the commission to have involvement in the establishing and accrediting of training courses. The mining industry is concerned that the courses to be offered by the training council are not particularly relevant to the mining industry. The industry is also concerned that some of the courses, which are essentially provided by the Trades and Labor Council, are biased and that some of the issues that are part of the course are unrelated to safety matters. The Chamber of Mines and Energy of WA and the Australian Workers Union have jointly established a safety training course in Kalgoorlie for the gold and nickel industries. This was launched recently by the member for Eyre, Mr Grill. The mining industry and the Australian Workers Union have cooperated to establish a course to assist in the training of unionists and employees in safety matters. For this reason the course is relevant to the mining industry, particularly the gold and nickel mining industries. I understand other courses will be added to cover other mining industries. The Department of Mines is supportive of this course because it is aware that its contents are relevant to the mining industry. However, there is concern that the courses being offered by the Trades and Labor Council and the Confederation of Industry are not strictly relevant to the demands of the mining industry.

I am also advised that the course established in the goldfields will not be acceptable to the Occupational Health, Safety and Welfare Commission under section 14(1)(h) of the Act. If this Bill is passed tonight I am told that that course will not be able to be offered and that the alternative course to be offered will be set down by the joint arrangement by the Confederation of WA Industry and the TLC. That may or may not be correct, but that is the advice I have received along with the suggestion that it is important to ensure that the training courses provided in occupational health and safety are relevant to the mining industry and are not run by the TLC and the confederation, neither of which are directly involved in the mining industry.

It is therefore sensible, bearing in mind the purpose of this Bill, that the accrediting authority should be the State Mining Engineer rather than the Occupational Health, Safety and Welfare Commission. The purpose of the Bill is to retain the responsibility and the pre-eminent role of the State Mining Engineer, rather than the Occupational Health, Safety and Welfare Commission, in matters concerned with the mining industry. It is logical that he should also be involved in the accreditation of the courses provided for employee training in these areas. Those words should, therefore, be deleted and the additional words substituted.

Hon MARK NEVILL: The Government strongly opposes this amendment. If the member proceeds with it, he should leave the last words of the paragraph "provided by section 23X(b)" in the clause because it addresses the issue of when a person is permitted to take time off. That will be permitted in a regulation as agreed to by the employer or determined under section 23X(b). The provision should remain in order to obtain the effect Hon Norman Moore wishes it to obtain.

The amendment should be opposed, firstly, because we should be looking at a more uniform approach to training in the mining industry throughout Australia. At present different regulations exist in different States; for example, different bell systems apply in shafts throughout the States. The more uniform are regulations, the easier and safer will be conditions for mining workers who commute frequently between States.

The other point is that courses being developed should be nationally accredited. The joint AWU and the Chamber of Mines and Energy course Hon Norman Moore referred to in Kalgoorlie is an excellent course. It involves a good cross-section of the mining industry and not merely the workers or the management. I cannot see that the Bill precludes those courses from being applicable to the industry. Hon Norman Moore is providing the choice that those courses should be formulated and accredited by one person – namely, the State Mining Engineer – or by the Occupational Health, Safety and Welfare Commission. The commission is a tripartite body on which there are representatives of employers, unions and the Government. It is the umbrella body under which the inspectorate ultimately operates. We will have a better system of accreditation if it is operated in that way – the commission will be involved, not one person.

The simple fact of the matter is that if these clauses are not agreed to by all parties the proposed system will not work; it requires the agreement of all parties if it is to work satisfactorily. Under the proposal envisaged by the Bill the State Mining Engineer will have an input into the legislation and he will have the opportunity to comment on it and, if necessary, to endorse it.

I said earlier that it is important that the accreditation of courses be agreed to by the Chamber of Mines and Energy, the Association of Mining and Exploration Companies, the unions and the companies involved. If that agreement cannot be reached the system will break down.

Earlier this evening I spoke with the State Mining Engineer and he is of the view that the commission should determine the content of the courses in consultation with him. The Chamber of Mines and Energy, together with people who have an interest in this area, should formulate the courses.

I reiterate that the Government is strongly opposed to these amendments. An inquiry was undertaken by the State Mining Engineer into the safety aspects of the underground goldmining industry and he said that if safety in that area was to be improved we had to have a collective approach. This Bill provides for that collective approach. The amendments work against that philosophy. With the collective approach contained in this Bill and which, I understand, has been agreed to we can, with training and elimination of unsafe practices, have a safer and more productive industry.

Hon E.J. CHARLTON: I listened with interest to the comments of Hon Mark Nevill. The problem we have with so many pieces of legislation is that in theory it is acceptable to have a tripartite body as the decision maker. It appears that on many occasions this process is misused, although I am not saying that will apply to this legislation. However, there have been cases in which various groups have taken advantage of changes to legislation.

I ask Hon Mark Nevill to explain what is wrong with the State Mining Engineer's being named in the legislation. Obviously, he would not agree to the course unless he had the support of the people referred to by Hon Mark Nevill. The obvious conclusion is that the State Mining Engineer will not dream up a course if he has not consulted with and received the support of the other people concerned. One may argue that if he is going to let those people do what they want he may as well not take part in the decision making process. He should be the person responsible and interested parties should have to convince him of the proper action to take. The State Mining Engineer, with his qualifications, should have the responsibility of consulting with those people and he should be involved in the decision-making.

Hon MARK NEVILL: The problem is that Hon Eric Charlton is asking one person to formulate and accredit courses that will operate throughout the State. At the moment there are ad hoc courses; Alcoa is running an excellent course. I attended a course in Kalgoorlie recently which was opened by Hon Julian Grill and it was a course which borrowed heavily from the Alcoa course. This amendment is asking for one person to formulate and accredit courses. The responsibility for that should go one step further, that is, to the Occupational

Health, Safety and Welfare Commission, because it is a tripartite body on which there are Government, union and industry representatives.

A joint training council operates at the moment and it involves those industries represented by the Confederation of Western Australian Industry. I understand the Chamber of Mines and Energy would have a strong input into the confederation's viewpoint. Unions are also represented on that body. I am of the opinion that the Confederation of Western Australian Industry would not look after the chamber's interest. It is preferable that a tripartite body, instead of the State Mining Engineer, formulate and accredit the courses. If the State Mining Engineer were to undertake that responsibility he would be placed in a difficult position.

I explained earlier that there is very strong opposition from many quarters to the Mines Inspectorate remaining under the control of the Department of Occupational Health, Safety and Welfare. This amendment will encourage the suspicions which already exist and it could even jeopardise the union's support for the Bill. It is important that this Bill be agreed to by all bodies concerned.

I do not believe this amendment is one that the Chamber of Mines and Energy would hold out for. My understanding was that it had expressed reservations but had agreed to it; obviously that was either not the case or it has changed its mind. It is my strong view that this amendment has the capacity to jeopardise support for this Bill. It has taken a lot of work to get the Bill this far. We should reject the amendment, see how the system works, and if the member's worst fears are realised it can be –

Hon N.F. Moore: Will you come back and amend it?

Hon MARK NEVILL: I think pressure will be brought to bear to make changes, but I do not believe that will be necessary, once things settle down. These courses will have to be relevant, and the content of any course that is accredited by the commission will have to be suitable. The commission will not accredit only Trades and Labor Council courses; it will also look at a range of courses that are put forward by particular companies or the Department of Mines. The TLC will not be the only body to have its courses accredited. The composition of the commission will ensure that does not happen. The amendment will place the legislation as a whole in jeopardy, and I strongly urge members not to support it.

Hon N.F. MOORE: In his earlier comments, the Parliamentary Secretary pointed out a flaw in my amendment, and I acknowledge that there is a flaw. My amendment seeks to delete all words after the word "accredited" in line 4 and to substitute other words. I now do not wish to delete all words after "accredited" but simply to delete the words "under section 14(1)(h) of the Occupational Health, Safety and Welfare Act 1984", and to leave in the words "as is provided for by section 23X(b)". I seek leave to alter my amendment accordingly.

Leave granted.

Hon N.F. MOORE: The Parliamentary Secretary gave a good reason why we should support the amendment when he referred to the centralised decision making of the commission; namely, that a tripartite organisation will make decisions about training courses for all industries. He also acknowledged that the Trades and Labor Council and the Confederation of Western Australian Industry are the two prime organisations involved in this area, and that a training council has been established which has decided that the course currently being offered by the TLC in respect of occupational health and safety matters will be approved under section 14(1)(h) of the Occupational Health, Safety and Welfare Act.

That causes the Chamber of Mines and other organisations some concern because the course does not relate strictly to occupational health and safety matters. I am told it is a good training course on how to be a good union stirrer. A person who goes on that course learns a lot about the union movement and about matters other than safety and training. Because the decisions for all industry will be made by a central commission, that commission will not have the capacity to develop courses which are specific to every industry. The reason the mining industry is still being left out of the total control of the Occupational Health, Safety and Welfare Act is that it is agreed that the mining industry has different requirements. The mining industry was deliberately left out of the Act when it was first passed for the very reason that the circumstances in that industry are different from the circumstances in other industries.

The Act also acknowledges that the State Mining Engineer and the Mines Inspectorate have

the expertise and capacity to make decisions about safety in the mining industry; and the Bill before the House continues to acknowledge the prime role of the State Mining Engineer in trying to ensure safety in mines. It is logical therefore that that person should also be responsible for the accrediting of courses, and he should decide, in consultation with the industry, which courses are appropriate. I quoted the example of a course which has been set up in Kalgoorlie for the gold and nickel industries; it is a joint venture between the Chamber of Mines and Energy and the Australian Workers Union, and was launched by Hon Julian Grill. That course is an example of a cooperative approach by employers and employees in a particular industry to develop a training course in safety matters which is relevant and appropriate to that industry.

I put it to the Parliamentary Secretary that if the Occupational Health, Safety and Welfare Commission starts to make decisions about the accreditation of courses in the mining industry, we will find that the decision making of that commission will not be as detailed or as knowledgeable as that of the State Mining Engineer.

I continue to argue that we should delete those words in the Bill which refer to the Occupational Health, Safety and Welfare Commission's being the organisation responsible for accrediting courses, and substitute them with a reference to the State Mining Engineer.

Hon MARK NEVILL: I cannot understand the logic of how a commission which has at least 12 members can be more centralised than a State Mining Engineer, who is one person making a decision.

Hon N.F. Moore interjected.

Hon MARK NEVILL: I am sure the Mines Inspectorate and the State Mining Engineer would be encouraged to contribute their ideas on the content of a course and to agree to or endorse whatever course is put forward. I am sure they also would be consulted in that process.

Hon Norman Moore talked about a number of Trades and Labor Council courses. I understand that there is only one accredited TLC course, which is a health and safety course. I cannot see any reason under this Bill why a number of other courses will not be developed and accredited. I do not see that the TLC should have a mortgage over this. Its course should compete with any other accredited course and I see nothing to stop that. However, only one course is being offered at the moment. I am not familiar with the content of that course, nor with the content of the course which was launched in Kalgoorlie the other day, but I know that there will be a learning curve and the content of that course will certainly change with experience. We are in a developmental stage with these courses and they will improve with time.

Nothing in this Bill that I can see stops groups or even companies developing courses which can be accredited, and I have heard very positive comments about the course being run by Alcoa of Australia Ltd. Alcoa has spent about \$200 000 developing the course, which is a seven day live-in course attended by a good cross-section of people in the company, and it is of great benefit to Alcoa. Some of these courses will have to be tailored to the particular needs of different companies: for instance, courses that involve radiation exposure and radiation safety will not be of much interest to the iron ore companies in the Pilbara. These courses will have to be tailored and I cannot see that they are precluded under this Bill, but it is important that some of the basic courses be formulated, put together and accredited by the commission, which is a broad body, in consultation with the industry, the Mines Inspectorate, the Department of Occupational Health, Safety and Welfare, the State Mining Engineer and whoever else can contribute in a useful way. By using the ability and resources of those people we will get useful courses. The problem seems to be that only one is available at the moment, and that problem will dissipate as other courses become accredited.

Amendment, as altered, put and passed.

Hon N.F. MOORE: I move –

Page 21, lines 10 and 11 – To delete all words after the word "accredited" and substitute the following –

by the State Mining Engineer

Hon MARK NEVILL: I oppose this amendment, as I did the other. This amendment,

together with the previous one, has probably ensured that this Bill will go nowhere. The Bill as formulated struck a very delicate balance and this amendment upsets that balance, as did the previous one. Very good relations have been developing between the Mines Inspectorate and the Department of Occupational Health, Safety and Welfare and the amendment has really jeopardised the union support for this Bill. That support is absolutely essential if this Bill is to work and if the Mines Inspectorate is to be kept as a separate body in the Department of Occupational Health, Safety and Welfare. The damage is probably done, but I strongly urge members to oppose the amendment.

Hon N.F. MOORE: The second amendment is consequential upon the first, and the Committee made a very wise decision a moment ago to support my first amendment. I urge members to make a similar wise decision in respect of this amendment.

Amendment (deletion of words) put and a division called for.

Bells rung and the Committee divided.

The DEPUTY CHAIRMAN (Hon Doug Wenn): Before the tellers tell I cast my vote with the Noes.

Division resulted as follows –

Ayes (14)		
Hon J.N. Caldwell	Hon Barry House	Hon R.G. Pike
Hon George Cash	Hon Murray Montgomery	Hon Derrick Tomlinson
Hon E.J. Charlton	Hon N.F. Moore	Hon D.J. Wordsworth
Hon Reg Davies	Hon Muriel Patterson	Hon W.N. Stretch
Hon Max Evans	Hon P.G. Pandal	(Teller)
Noes (13)		
Hon J.M. Berinson	Hon B.L. Jones	Hon Bob Thomas
Hon J.M. Brown	Hon Garry Kelly	Hon Doug Wenn
Hon Cheryl Davenport	Hon Mark Nevill	Hon Fred McKenzie
Hon Kay Hallahan	Hon Sam Piantadosi	(Teller)
Hon Tom Helm	Hon Tom Stephens	
Pairs		
Hon P.H. Lockyer		Hon John Halden
Hon Margaret McAleer		Hon Graham Edwards
Hon Peter Foss		Hon T.G. Butler

Amendment (deletion of words) thus passed.

Amendment (substitution of words) put and passed.

Clause, as amended, put and passed.

Clauses 28 to 49 put and passed.

Title put and passed.

Bill reported, with amendments.

ADJOURNMENT OF THE HOUSE – ORDINARY

HON J.M. BERINSON (North Metropolitan – Leader of the House) [10.51 pm]: I move –
That the House do now adjourn.

*Adjournment Debate – Thatcher, Mrs Margaret – Resignation – British Tory Party
Commendation*

HON GARRY KELLY (South Metropolitan) [10.52 pm]: I cannot let the House adjourn without taking this opportunity to congratulate the British Tory Party on its "Major" achievement in finally getting rid of Maggie Thatcher.

Adjournment Debate – Hilton, Mr John – Evidence Letter Distribution – Matter of Privilege

HON R.G. PIKE (North Metropolitan) [10.53 pm]: The House should not adjourn until I draw to its attention a letter written by Mr John M. Hilton to the President of the Legislative Council. The letter contains a "cc" reference at the bottom to the Premier, Dr Carmen Lawrence, and to the Leader of the Opposition.

I said today by leave of the House something which may not have been correct. I said that it was my view that the Deputy Premier, Mr Taylor, had made certain information known. I quote from the third paragraph of Mr Hilton's letter –

There are only two possible sources of this information, the Corporate Affairs Department/Rothwells Task Force and the Select Committee on State Investments. Both bodies obtained under compulsion of law copies of notes that are prepared for my own private use and which were quoted in the news item.

It is my view that probably up to 100 people, as a rough estimate, have had access to this evidence for a considerable time. The point with which I deal is quite important, given the matters that have already been raised in the House today. The fact that Mr Hilton's evidence was in the possession of the Corporate Affairs Department and the Rothwells task force is a matter of privilege and should not have been made public except through the proper means of a report to authorised bodies as constituted.

I am informed that yesterday evening this document was not a tabled document, and I notice that it contains a stamp from the Ministry of Premier and State Administration.

I am further informed, as members would be aware as I mentioned it earlier today, that Mr Bob Willoughby, who is the number one adviser to the Premier, was yesterday distributing this letter to the media in this place as though it was confetti.

Hon Mark Nevill: It was like toffee apples before.

Hon R.G. PIKE: The member has a very good memory. Whatever phrase I use, I get the facts right.

This is a serious matter and I emphasise the fact that the Premier and the Leader of the Opposition both had copies of this letter, which contained privileged information, and this is a matter of significant import for this House and its rules. If it happens that the distribution of this letter by Mr Willoughby, either under the direction or without the full knowledge of the Premier, did take place, it is possible – I would not say certain – that Mr Willoughby is in serious breach of privilege. In either case it is a matter of whether he did so with the knowledge of the Premier – whether he did it is not in doubt. If he did it without the knowledge of the Premier it is serious; if he did it with the knowledge of the Premier, it is very serious.

Hon Garry Kelly: What you are doing is ridiculous!

Hon R.G. PIKE: I am trying to be fair and proper.

Hon Garry Kelly: You do not know the meaning of the words.

Hon Tom Helm: You are covering your tracks.

Hon R.G. PIKE: In the circumstances whereby the senior public relations officer of the Premier is tearing around hurriedly in his enthusiasm distributing this letter to the media, thinking how important it is, when in fact on the surface it is, it appears that is a serious breach of privilege. I close on that point because the matter appeared in the media yesterday and the State should be aware of the fact that this evidence was in the hands of the Corporate Affairs Department and the Rothwells task force.

HON J.M. BERINSON (North Metropolitan – Leader of the House) [10.58 pm]: Mr Pike said that he was trying to be fair and proper, but I suggest that the only thing he succeeded in being was incomprehensible.

Hon R.G. Pike: I am sorry; I cannot hear you.

Hon J.M. BERINSON: The member will find it in the *Hansard*.

Mr Pike jumped from one assumption to another, ending in his own satisfaction – and I

assure him to his satisfaction only – with an accusation of some improper conduct by a member of the Premier's staff. There was nothing in Mr Pike's speech to justify that allegation.

Question put and passed.

House adjourned at 10.59 pm

QUESTIONS ON NOTICE
PUBLIC HOLIDAYS – EASTERN STATES
Date Comparison

1077. Hon P.H. LOCKYER to the Leader of the House representing the Minister for Productivity and Labour Relations:

- (1) How many public holidays in Western Australia do not coincide with the Eastern States?
- (2) How many public holidays in the Eastern States do not coincide with Western Australia?
- (3) What are those dates?

Hon J.M. BERINSON replied:

The answer to this question has been supplied by the Minister for Productivity and Labour Relations –

The second schedule of the Public and Bank Holidays Act 1972 specifies 10 public holidays throughout Western Australia for each year.

- (1) There are three public holidays in Western Australia which do not coincide with the Eastern States. They are –

Labour Day	– Monday, 4 March 1991
Foundation Day	– Monday, 3 June 1991
Queen's Birthday	– Monday, 30 September 1991

In 1991, because 26 January is a Saturday, all States will celebrate Australia Day on Monday, 28 January 1991. However, in other years where 26 January is not a Saturday or Sunday, both New South Wales and Queensland will hold the holiday on 26 January. Victoria, South Australia, Tasmania and Western Australia will have the following Monday as a holiday.

(2)–(3)

The main public holidays in the Eastern States which do not coincide with WA are –

Labour Day:

Victoria	– 11 March 1990
South Australia	– 14 October 1990
New South Wales	– 7 October 1990
Queensland	– 6 May 1990

It should be noted that Tasmania's Labour Day holiday is held on Monday, 4 March 1990, the same day as Western Australia.

Easter Saturday: Saturday, 30 March 1990.

Easter Saturday is not a public holiday in Western Australia.

Queen's Birthday: Monday, 10 June 1990.

Other public holidays which do not coincide with those in Western Australia are holidays of significance to each State. These are –

Victoria:

Easter Tuesday (Bank holiday)	– Tuesday, 2 April 1991
Melbourne Show Day (Metro area only)	– Thursday, 26 September 1991
Melbourne Cup Day	– Tuesday, 5 November 1991

South Australia:

Adelaide Cup Day	– Monday, 20 May 1991
Proclamation Day	– Monday, 30 December 1991

New South Wales:

Bank holiday – Monday, 5 August 1991

Queensland:

Brisbane Show Day – Wednesday, 14 August 1991

Tasmania:

Hobart Regatta Day – Tuesday, 12 February 1991

Easter Tuesday – Tuesday, 2 April 1991

(Bank holiday)

Launceston Show Day – Thursday, 10 October 1991

Hobart Show Day – Thursday, 24 October 1991

Recreation Day – Monday, 4 November 1991

INDUSTRY TRAINING COUNCIL – MINUTES

Public Scrutiny

1129. Hon PETER FOSS to the Leader of the House representing the Minister for Productivity and Labour Relations:

- (1) Are the minutes of the Industry Training Council available for public scrutiny?
- (2) If not, why not?
- (3) Could you make available the minutes for the meetings of July, August, September and October 1990?

Hon J.M. BERINSON replied:

The answer to this question has been supplied by the Minister for Productivity and Labour Relations –

- (1) No.
- (2) The Industrial Training Advisory Council, as a matter of general practice, has not made available its minutes for general public information.
- (3) If the member is prepared to indicate his interest in a particular issue, I will request the council make available extracts of the minutes on the specific issue.

YOUTH – ACCOMMODATION AGENCIES

"Supported Accommodation Assistance Programme Evaluation of the Youth Aspect" Report

1166. Hon GEORGE CASH to the Minister for Planning representing the Minister for Community Services:

- (1) Is the Minister aware of the recently released report "Supported Accommodation Assistance Programme Evaluation of the Youth Aspect"?
- (2) Does the Minister support the recommendation contained in the report?
- (3) If not, which recommendations are not supported?
- (4) Will the Minister ensure opportunities for adequate consultation in respect of the content of the report and the recommendations with representatives of youth accommodation agencies?

Hon KAY HALLAHAN replied:

The Minister for Community Services has provided the following reply –

- (1) Yes.
- (2) The Minister will not finalise his deliberations on the recommendations until the further public submission period is over.
- (3) Not applicable.
- (4) Yes.

TRUSLOVE, MR HARLEY – GALLOP, MR DICK
Government Waterfront Agency Employment Direction

1177. Hon E.J. CHARLTON to the Minister for Police representing the Minister for Transport:

- (1) Has the Government given a political direction to Stateships or any other State Government agency on the waterfront to employ Mr Harley Truslove and Mr Dick Gallop?
- (2) If the answer is yes –
 - (a) why;
 - (b) what are the particular skills or qualifications that they bring to their jobs; and
 - (c) for what specific purposes are they employed?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response –
 I have no knowledge of such a request.

PASTORAL LEASES – ABORIGINAL GROUP
General Purpose Lease Request. Mulga Queen Area

1186. Hon N.F. MOORE to the Minister for Lands:

- (1) Is it correct that an Aboriginal group is seeking a general purpose lease in the Mulga Queen area north of Laverton?
- (2) If so –
 - (a) has the lease been approved; and
 - (b) what was the reason for granting the lease?
- (3) If not, will the Minister ensure that the views of the pastoralist involved and the mining company which has the tenements in the area, are consulted on the matter?

Hon KAY HALLAHAN replied:

- (1) The Department of Land Administration is aware that the Nurra Kurramunos Aboriginal Corporation is seeking to acquire a special lease for the "Use and Benefit of Aboriginal Inhabitants" over the area presently the subject of "common" reserve 9881.
- (2)
 - (a) No.
 - (b) Not applicable.
- (3) Normal procedures for consideration of such land requests involve extensive consultation with affected parties including landowners, local government and Department of Mines.

ROADS – CORAL BAY ROAD
Opening Day

1194. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

- (1) Is it correct that the new Coral Bay road will be opened on Tuesday, 11 December 1990?
- (2) What was the total cost of the sealing of the road?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response –

- (1) This matter is under consideration and an announcement will be made shortly.
- (2) The estimated final cost of constructing and sealing the road is \$2.16 million.

INDUSTRIAL DISPUTES – FREMANTLE PORT
Vessel Owners – Berth Hire and Tonnage Charges

1209. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) Are the owners or agents of vessels which berth at the Fremantle Port during an industrial dispute required to pay berth hire and tonnage dues during the period of the dispute?
- (2) What is the criteria for not applying Fremantle Port Authority charges during an industrial dispute when a vessel is unable to be worked?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response –

- (1) Whether the owners or agents of vessels which berth at Fremantle during an industrial dispute are required to pay berth hire and tonnage dues during the period of the dispute depends entirely on the circumstances surrounding the stoppage.
- (2) The Fremantle Port Authority generally follows the guidelines established by the Association of Australia Port and Marine Authorities in determining whether any rebate of charges should apply during an industrial dispute.

LOTTERIES COMMISSION – LOTTERIES AGENTS AGREEMENTS MEETING

1210. Hon GEORGE CASH to the Minister for Police representing the Minister for Racing and Gaming:

- (1) Has the Lotteries Commission met to discuss the proposed Lotteries Agents Agreements?
- (2) If so, when did this meeting take place?

Hon GRAHAM EDWARDS replied:

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

(1)–(2)

The commissioners, at a meeting in mid-1989, gave preliminary consideration to a revised agreement for Lotteries Commission agents. The agreement is still being finalised for the commissioners' consideration.

MARINAS – EXMOUTH MARINA
Horse Block Arrangements

1222. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

- (1) Now that the Exmouth Marina is not proceeding this financial year what arrangements are in place for people who are involved in horse blocks in the proposed development area?
- (2) Will they still be offered alternative blocks?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response –

- (1) The rural lots are being completed.
- (2) It is expected that the existing "horse block" lessees will be offered the new blocks as agreed.

QUESTIONS WITHOUT NOTICE

FEDERAL CORPORATIONS BILL – LEGISLATION RUSH

Flaws – State Legislation

875. Hon GEORGE CASH to the Attorney General:

- (1) Is he aware of the claim in a substantial article in the business section of *The West Australian* today that the Federal Corporations Bill was rushed and its drafting is flawed in some areas?
- (2) Did the State Government carefully scrutinise the provisions of the Federal Bill prior to the introduction of complementary legislation into this House?
- (3) Is the State Bill likely to be flawed?

Hon J.M. BERINSON replied:

(1)–(3)

The answer to the first part of the question is no, I am not aware of the article in the *The Australian's* business section, and, therefore, I have some difficulty in responding precisely to what was referred to.

Hon George Cash: I will send you a copy.

Hon J.M. BERINSON: What is not clear to me from Hon George Cash's question, and I ask him to elaborate, is whether the article indicated that the rush in the drafting has left flaws in the Commonwealth corporations legislation, with its many amendments, or in the uniform State legislation which we have introduced into this Parliament.

Hon George Cash: My reading of the article indicated that both possibilities are likely.

Hon J.M. BERINSON: I can only say that I would not be surprised if that were right. Indeed, I made it clear in introducing our Bill that the speed with which the Commonwealth progressed was of some concern. However, there is nothing to be substantially concerned about with the State legislation. A couple of amendments have been circulated, but these are relatively minor. However, the Commonwealth legislation is based on a Corporations Act which was introduced about a year ago and has been subject to substantial scrutiny. When it comes together with the amending Bill, which is currently in the Commonwealth Parliament –

Hon George Cash: It is in the Senate.

Hon J.M. BERINSON: – it is designed to accommodate both the decisions in the High Court challenging the original Act and the heads of agreement which have been entered into with the States. As I understand it, a number of substantial changes are the result of submissions which have been put to the Commonwealth by the business and professional communities on the basis of their views on the original Act. I do not have the precise figures with me, but I am not exaggerating if I relay a comment made to me that the Commonwealth amending Bill has in excess of 2 000 amendments to the original Commonwealth Act. One must be concerned that a Bill with so many amendments passed through the House of Representatives in about two hours.

Hon Derrick Tomlinson: One hour.

Hon J.M. BERINSON: That is of twice the concern! The Commonwealth has embarked on a path which involves a great deal of haste. I am sure that a great many resources have been devoted to the effort to bring the Bill into good form, and I have not received anything from my department to suggest that the Bill has any serious inadequacies; that is not conclusive of the matter as it has not been our role to address the Bill in that way.

At a risk of oversimplifying the position, the Bill introduced last week is really a matter of "take it or leave it". It is not our Bill; it is the

Commonwealth's Bill. We are in a position in which every State has agreed that it would be against the public interest to fragment the position which has been uniform over at least the last seven or eight years.

I do not want to anticipate the debate, but I hope that we can resume handling the Corporations (Western Australia) Bill tonight. During that debate I will be making the point that peak representative organisations, which have previously joined forces with the State Government very strenuously to support improvements in the National Companies and Securities Commission corporate scheme rather than the ASC scheme, have indicated that they also share the view that we should proceed as we are now. Among those organisations are the Confederation of Western Australian Industry, the Chamber of Commerce and Industry and the Stock Exchange.

CORPORATIONS (WESTERN AUSTRALIA) BILL – ATTORNEYS GENERAL DISCUSSIONS

876. Hon MAX EVANS to the Attorney General:

- (1) Has he or his department had discussions with Attorneys General in other States?
- (2) Are any of them proposing to look at amending the legislation, or are all the States happy with the legislation introduced into this Chamber last week?

Hon J.M. BERINSON replied:

(1)–(2)

The legislation which I introduced last week, and which I hope to debate tonight, is not the legislation subject to the huge number of amendments.

Hon Max Evans: I realise that. I believe that all other States will be introducing similar legislation.

Hon J.M. BERINSON: All States have examined the legislation but at the end of the day it will be adopted on the basis that it is the Commonwealth's legislation. We have not been invited, as was the case previously, to be involved and we have done little more than comment on it. Those comments have been made over 18 months, and the drafting of our Bill was the subject of intensive work, mainly conducted in Victoria. The main work that was required in Western Australia was for specific provisions which go to the individual States. The Corporate Affairs Department is satisfied that, with the exception of the couple of minor amendments which have been circulated, our Bill is in good form.

CORPORATIONS (WESTERN AUSTRALIA) BILL – STATES' LEGISLATION *Timetable*

877. Hon MAX EVANS to the Attorney General:

Will every State be able to pass this corporations legislation before 31 December?

Hon J.M. BERINSON replied:

It was one of the important factors leading to the decision in this State that we have been given to understand that all States will, in fact, be in a position to pass similar legislation this side of 1 January and that they intend to do so.

WILLOUGHBY, MR BOB – HILTON, MR JOHN
Letter Distribution – Question Out of Order

878. Hon R.G. PIKE to the Attorney General:

I am reliably informed that yesterday Mr Bob Willoughby, the number one aide to Premier Carmen Lawrence, was distributing to the Press, like a boy distributing toffee apples, the actual letter of Mr John Hilton. Is it a fact that Mr Bob Willoughby's distribution to the Press Gallery yesterday of Mr John Hilton's letter, wherein he identifies the Corporate Affairs Department and the Rothwells task force as being recipients of his evidence, can also be regarded as a possible serious breach of privilege?

The PRESIDENT: Order! That question is out of order.

ROYAL COMMISSION -- IMPLEMENTATION POSITION

879. Hon E.J. CHARLTON to the Leader of the House:

Would the Leader of the House advise what stage the Government has reached in implementing the Premier's decision to appoint a Royal Commission?

Hon J.M. BERINSON replied:

As I understand the position, work is proceeding on the major outstanding issues, which are the terms of reference and the selection of a Royal Commissioner.

SENIORS' CARD -- OTHER STATES' CARDS

Reciprocal Travel Concessions

880. Hon BOB THOMAS to the Minister for The Aged:

- (1) What progress has been made in other States to introduce a Seniors' Card similar to Western Australia's Seniors' Card?
- (2) Will there be a reciprocal travel concession between States?

Hon GRAHAM EDWARDS replied:

(1)-(2)

I thank the member for prior notice of this question. Several States have now followed the lead of Western Australia in introducing a Seniors' Card, although no other State provides as comprehensive a range of discounts as the Western Australian Seniors' Card. South Australia and Victoria have introduced a card and Queensland has recently announced plans for one. The Bureau for the Aged has already begun the process of negotiating reciprocal travel concessions with other States which will have their cards in place late this year or early next year. I will keep the House informed of developments in these negotiations.

CORPORATIONS (WESTERN AUSTRALIA) BILL -- BUSINESS AND PROFESSIONAL COMMUNITY CONSULTATIONS

881. Hon GEORGE CASH to the Attorney General:

What process of consultation occurred with the business and professional community in Western Australia on the Corporations (Western Australia) Bill introduced by him last week in this House?

Hon J.M. BERINSON replied:

Our inquiries have been through the good offices of Mr Laurie Shervington. He has been the convener of a widely representative group which has been active for the best part of a year or two. It was that group I referred to earlier when I indicated there had been substantial cooperation between the business and professional communities on the one hand, and the State Government on the other hand, in our earlier stand on this issue. Again, it has been a matter where the pressure of time has prevented an individual approach by me, as I would otherwise have done. I am very confident that Mr Shervington's report on the position of the bodies he has been able to consult over these past few days would certainly accurately represent their position.

SWAN BREWERY SITE -- IMPASSE

Unions -- Formal Meetings

882. Hon P.G. PENDAL to the Minister for Heritage:

- (1) Have the Minister and her colleague, the Minister for Productivity and Labour Relations, met with unions in order to attempt a resolution of the impasse that has developed at the old Swan Brewery site?
- (2) If so, with what result?

Hon KAY HALLAHAN replied:

(1)-(2)

There have not been formal meetings with the unions involved, but there have been informal discussions. The formal meetings are yet to be convened.

SWAN BREWERY SITE – IMPASSE

Cost Per Day

883. Hon P.G. PENDAL to the Minister for Heritage:

Would the Minister indicate the cost per day or per month to the State of Western Australia as a result of the impasse?

Hon KAY HALLAHAN replied:

If the member would like to put that question on notice the information will be sought.

**AUSTRALIAN SECURITIES COMMISSION – STAFFING AND
MANAGEMENT IMPROVEMENT**

884. Hon MAX EVANS to the Attorney General:

Originally the Attorney General said he understood that the staffing of the Australian Securities Commission would number 150. The other day he said in a speech that the number of staff would be 200. Will there be an improvement in staffing and management of the office?

Hon J.M. BERINSON replied:

Yes, the original figure stays in my head because it is an odd figure of 149. The ASC is now talking of an establishment of 190 in this State.
