Legislative Assembly

Tuesday, 22 November 1988

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

PETITION - WORKERS' COMPENSATION ACT

Chiropractors - Signing Off Work Certificates

MR BERTRAM (Balcatta) [2.18 pm]: I have a petition addressed in the following terms -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, request that in the interests of injured workers chiropractors be given the legal right to sign incapacity certificates for patients attending them under the provisions of the Workers' Compensation Act.
>
> Your petitioners humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 157 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

[See petition No 115.]

COMPANIES AND SECURITIES LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second Reading

MR PEARCE (Armadale - Leader of the House) [2.19 pm]: I move -

> That the Bill be now read a second time.

[Leave granted for the following text to be incorporated.]

Mr PEARCE: The Bill seeks to amend the Western Australian legislation which deals with the regulation of companies and securities and capital markets.

National Companies and Securities Commission (State Provisions) Act 1980: Under the Companies and Securities Legislation (Miscellaneous) Amendments Act 1985 of the Commonwealth, certain amendments were made to the National Companies and Securities Commission Act of the Commonwealth. Similar amendments are required to the National Companies and Securities Commission (State Provisions) Act. This Act acknowledges the role of the NCSC for the purposes of the law in Western Australia. Until all States have made such amendments, there remain doubts concerning the validity of the NCSC's capacity to delegate its hearing powers to one member. The amendments will enable the NCSC to hold meetings by telephone, closed circuit television, or any other method approved by the NCSC. They also permit it to delegate hearing powers to one member. Although involving a relatively modest and technical change to current arrangements, this amendment will significantly improve the capacity of the NCSC to investigate and conduct hearings on relevant matters. The NCSC has stressed the importance to its nationwide operations of the early enactment of this Bill in Western Australia and the Government has agreed to expedite its passage in spite of the pressures on the current legislative program.

Under the Companies and Securities Legislation Amendment (Futures Industry) Act 1986 of the Commonwealth, consequential amendments to cooperative companies and securities scheme legislation were made following the enactment of the Futures Industry Act of the Commonwealth. Those consequential amendments are being reflected in the State legislation. The amendments extend to futures trading and the secrecy and disclosure of interest provisions, presently applicable only in respect of securities.

The Companies (Administration) Act establishes the Office of the Commissioner for Corporate Affairs. It designates the role of the commissioner in administering both legislation under the cooperative companies and securities scheme and State legislation

outside the cooperative companies and securities scheme. The National Companies and Securities Commission (State Provisions) Act contains provisions dealing with secrecy, restrictions on dealing in securities and notification of dealings in securities. These provisions impose obligations on persons appointed to perform functions or powers of the NCSC pursuant to the cooperative companies and securities legislation. The Corporate Affairs Department thus administers two categories of legislation. However, the secrecy and other provisions currently apply only in respect of officers appointed to perform functions under the cooperative companies and securities legislation. The Bill extends the secrecy and other provisions to all staff. Operations of the department involve the possibility of any staff member acquiring access to information referred to in these provisions and, therefore, being in a position to misuse that information. The amendment is desirable to ensure that consistency applies in the treatment of officers of the department. Similar amendments have been made in other States. The Companies (Administration) Act also establishes the Companies Auditors and Liquidators Disciplinary Board. Currently, remuneration of the members of the board is by way of ex gratia payment as there is no mechanism for settling this remuneration. The amendments will permit the making of regulations prescribing fees for such members.

Companies (Application of Laws) Act 1981, Companies (Acquisition of Shares) (Application of Laws) Act 1981, Securities Industry (Application of Laws) Act 1981 and Futures Industry (Application of Laws) Act 1986: The main amendments to these four pieces of legislation allow for an expanded operation of the current penalty notice provisions. Under the penalty notice system, a notice is issued specifying a prescribed penalty and asserting the commission of a relevant offence. Payment of the penalty avoids court proceedings. If a person denies committing the offence, court proceedings follow in the usual manner. The system is designed to ensure that routine compliance occurs with numerous provisions of the legislation which are essential to its operation but are not matters of great substance. The current penalty notice provisions are restricted to offences where the monetary penalty does not exceed $1 000. The maximum penalty which can be imposed by way of penalty notice is one quarter of the maximum statutory penalty. The amendments expand the system to offences which are punishable by a term of imprisonment not exceeding six months, or a fine not exceeding $2 500. The maximum penalty which can be imposed under the expanded penalty notice system is one half of the maximum statutory penalty. The expanded penalty notice system will enable a greater range of offences to be dealt with more speedily and cheaply than by way of formal prosecution, and will in the long term enable more efficient use of the staff resources and reduce the pressure on the court system. Some increase in revenue may result from enforcement action under the legislation. In the longer term, the increased certainty that a penalty will be collected should reduce the frequency of less serious breaches of the legislation.

Companies and Securities (Interpretation of Miscellaneous Provisions) (Application of Laws) Act 1981: This amendment recognises the replacement of the Interpretation Act 1918 by the Interpretation Act 1984.

Legal Practitioners Act 1893: This amendment rectifies a cross referencing error in that Act.

Partnership Act 1895: This amendment rectifies a perceived inconsistency between the Companies (Western Australia) Code and the Partnership Act. The Companies Code prevents the formation of partnerships of more than 20, subject to exemptions in the case of professions which have been declared by the Ministerial Council. Currently, for example, legal practitioners and accountants are restricted to a maximum of 400 partners per partnership. Section 11 of the Partnership Act does not recognise this exemption. This amendment addresses the inconsistency.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Mensaros.

MINERAL SANDS (ALLIED ENEABBA) AGREEMENT AMENDMENT BILL

Second Reading

Debate resumed from 15 November.

MR COURT (Nedlands - Deputy Leader of the Opposition) [2.21 pm]: With this

legislation there are a number of agreement Bills that we will be debating today and tomorrow. This legislation relates to the mineral sands operations to the north of Perth that were previously covered under two agreements; they were, the Mineral Sands (Allied Eneabba) Agreement and the Mineral Sands (Western Titanium) Agreement. Both of those operations used to be under separate owners, but they are now under the one owner. This agreement transfers the outstanding obligations of the Mineral Sands (Western Titanium) Agreement to the one agreement, which will remain the Mineral Sands (Allied Eneabba) Agreement.

This legislation outlines the rehabilitation requirements for this company for both Crown and agricultural land. Also, the legislation contains a transport clause which changes the requirements of the charges to be negotiated as a part of the agreement; this still means that Westrail must be used for carting the materials, but the charges must be negotiated directly between the company and Westrail. Some clauses relate to the company being able to expand its lease area; under the current agreement it cannot add to its lease area. The legislation also relates to a secondary processing plant commitment which the company had under the old agreement, and, as I understand it, the new legislation includes a provision that the company has the option to, within a certain time, establish a rare earth plant.

I would appreciate it if the Minister could give further details in view of the controversy surrounding this type of project. Some of the queries that we would like to raise relate to the old Jennings lease which was a rather controversial operation in that area, mainly due to the fact that the rehabilitation of the lease was not up to standard when AMC took it over. When AMC took over the lease, as I understand it, it could not take over the liability to rehabilitate the lease because that obligation lay with the Jennings organisation. I would be interested to know whether the new agreement will include the Jennings organisation. Does this mean that the company with the primary responsibility for the rehabilitation of this land will be AMC, or will the responsibility still lie with Jennings? Does AMC carry out the rehabilitation and then get Jennings to reimburse it for the money it has spent on that program? It would be appreciated if the Minister could indicate when the Government anticipates that the rehabilitation of these areas will take place because, as the Minister knows, they can be seen for many miles. Also, could the Minister indicate when the rehabilitation program will be completed?

This legislation adds to the area of the mineral coal leases which previously have been separate. In this legislation they are brought in under the agreement Bill. Could the Minister indicate what he expects will occur with the coal leases? Is it expected that a coalmine will be opened up as a part of the lease; and, if so, what purpose would that coal be used for?

Mr Parker: Do you mean the CRA coal?

Mr COURT: No, as I understand it, the coal leases that are a part of the mineral leases held by the same company are now a part of this legislation. Previously, the agreement related purely to mineral sands, but now it includes the coal leases. Could the Minister indicate if that is correct, and what it is proposed to do? Also, is there any talk of the company developing the coalfield at Eneabba?

It has been explained to me that this legislation is part of a tidying up operation by bringing the two agreements together under the one agreement relating to the one company. The company wants to do some tidying up work in relation to the size of the lease and the redefining of the boundaries and putting the leases into larger blocks. I have been told that it is appropriate for this tidying up work to take place at this time. The mineral sands industry has been through some difficult times but it is now buoyant with a projection for a buoyant market to remain for at least the next three years. The companies are currently proceeding with capital investment to ensure that they are able to meet the demands to cash in on the current very high commodity prices in that area. It is important in this industry that the companies are continually improving their standards and their mining procedures.

These companies have a most difficult task in rehabilitating the areas which are the subject of the legislation; it is more difficult than some parts of the south west because of the soil and vegetation conditions. That is a challenge to the companies and they have certainly shown that they have been able to dramatically improve the rehabilitation techniques used in this area; but that is not to say that they cannot continually work to improve them. As far as the further processing goes, perhaps the Minister could bring the House up to date as to how the

synthetic rutile plant is proceeding because there was a smell problem annoying the people of Geraldton. Is that problem resolved? In addition, I ask the Minister about the rare earth plant.

With these comments and queries, the Opposition supports the Bill.

MR PARKER (Fremantle - Minister for Economic Development and Trade) [2.30 pm]: I thank the Opposition for its support of the Bill. Firstly, the rare earth plant details and obligations, as the Deputy Leader of the Opposition has correctly said, have been included in the legislation because of the amalgamation of the two agreements. I will briefly go over the history of this matter and explain the current situation.

Allied Eneabba Limited, one of the companies whose agreement area is being transferred in this proposal, had been working with Asahi Chemicals, a large Japanese company, which had developed a new process, using plasma technology, for rare earth processing. The only other two companies in the world that had a rare earth processing capacity outside the Communist Bloc were Rhone Poulenc, a French company, and W.R. Grace, a United States company. When Allied Eneabba was a separate company it wanted to develop this arrangement on a joint venture basis with Asahi Chemicals. The upside was that there would be some transfer of technology and new technology used which might be more effective than the old technology. The downside was that neither Asahi Chemicals nor Allied Eneabba, as it was then known, had the marketing experience in that area, and Rhone Poulenc and W.R. Grace effectively had the world market under their control. They were worried about entering into competition with them.

Allied Eneabba was subsequently taken over by AMC which was, in turn, owned by Renison Goldfields, and at that stage it told the Government that it wanted to re-examine how further processing should take place and to examine whether it should take place perhaps not with Asahi Chemicals, but with Rhone Poulenc. The Government attempted to persuade it to continue with the Allied Eneabba proposals for two reasons: Firstly, they had gone a long way down the track and were virtually ready to begin production at the time of the takeover; secondly, there had already been a major environmental review process which had approved the project going ahead at Narngulu, near Geraldton. The Government was of the opinion that it would simplify matters a great deal and, on that basis, it should proceed. The Government was proved correct in the second area; if the company tried to change the site to another area it would have had to go through an environmental process which could well and truly have stirred up a hornet's nest which, of course, is what has happened. The company opted to do that and it opted to go with Rhone Poulenc rather than Asahi. The reason for that was that Renison Goldfields did not want to get into the marketing side of the operation and it wanted to stay as a miner, but it was prepared to facilitate and move towards achieving secondary processing in line with what the State wanted, but with the other company. The Government said that if the Rhone Poulenc proposals went ahead, it would be sufficient to discharge its obligations under the agreement.

As the Deputy Leader of the Opposition said, the Rhone Poulenc proposals have run into considerable difficulty on the site which it chose against the Government's advice. Nevertheless, it chose that site because of its proximity to its gallium plant which in turn had to be in close proximity to the Alcoa Alumina Refinery at Pinjarra. The situation is that the second stage of its proposal, a stage which involves the disposal of large amounts of ammonium nitrate and small amounts of radioactive material, has met with the opposition of the Environmental Protection Authority because of the disposal of the ammonium nitrate rather than the radioactive material. I think the community in that area is more concerned about the radioactive material than it is about the ammonium nitrate, although it has expressed concern about both. As a result of that concern appeals were sent to the Minister for Environment and recently he dismissed them. That means that the EPA's refusal of stage two of the plant at Pinjarra stands.

Rhone Poulenc has indicated that if the Government does not vary the EPA's decision - the Government has not made any announcement on it, but I have given several undertakings in Pinjarra that the Government will not overturn the EPA's decisions on this matter - the company will have to reconsider whether it proceeds. The Government is saying in this agreement that the further processing obligation for Renison Goldfields should remain. It should be required to proceed with the processing plant, whether by seeking to persuade

Rhone Poulenc to engage in some processing activity on the site concerned, or on a different site, or to move back to Geraldton, or to move to the original Asahi Chemicals' proposal, which was the original proposal of Allied Eneabba, now a wholly owned subsidiary of Renison Goldfields.

The Government is seeking to protect the State's rights to further processing obligations to make sure that whatever happens to Rhone Poulenc's proposals at Pinjarra we do not lose the opportunity of further processing our monazite in Western Australia. It may mean a different site, a different company, or a different proposal. The Government wants the leverage in relation to Renison Goldfields to ensure that it is part of any solution which emerges from this problem.

In relation to the liability of the rehabilitation of the Jennings' leases I am advised that because of the changes to the agreements Associated Minerals Consolidated, which is a wholly owned subsidiary of Renison Goldfields and its various subsidiary companies, will be responsible for the rehabilitation of those leases. The decision regarding financial reimbursement is a matter between AMC and Jennings. As far as the State is concerned it will not be involved in that; it will deal with AMC which will be responsible to the Government for the rehabilitation process.

As far as the timing is concerned, under the terms of this agreement new proposals are required to be submitted by AMC and those proposals will incorporate within them proposals pertaining to the rehabilitation of the whole area including the Jennings' leases. It will then be up to the Government to determine whether it will approve those proposals and to negotiate with the company to ensure that rehabilitation is carried out as expeditiously and effectively as possible.

Reports have been made about the levels of rehabilitation in the mineral sands industry. It is true to say that those levels vary considerably from the very good, to the average and to the not so good. It is the Government's aim - the mineral sands industry understands it as well - that if the industry is to survive, grow and prosper it needs to demonstrate to the public at large that it is capable of and willing to rehabilitate large areas of land. I have had discussions with the mineral sands industry and AMC and they are willing to move as quickly as possible to rectify the mistakes of the past. In cases where problems have arisen not because of mistakes, but because of the necessary by-product of mining, they want to move as quickly as possible to full rehabilitation. That will be subject to the proposal mechanisms contained within the Bill and the agreement.

The Deputy Leader of the Opposition was correct when he said that the coal deposits within the mineral leases will be capable of being mined by the company and will form part of the agreement. I am not aware of any imminent proposal on these deposits to develop such a proposal. I may be wrong about that, but I have not been advised of any by AMC or RGC. I am aware, as is the Opposition, of proposals by CRA to develop coalmines in relation to tenements it holds which are not far from the tenements to which I have referred. However, under the agreement before the House the mining of coal will be regarded as a new project which will be subject to approval by the Government. That will take place under the provisions of clause 7 of the original agreement, which, in the context of this Bill, is amended by clause 4.

If RGC or AMC wanted to mine coal as opposed to mineral sands - given that they now have the rights to coal if there are any viable coal deposits within their lease areas - they would need to come to the Government with a new proposal for approval under what would be amended clause 7 of the agreement. I think that deals with all the issues that were raised by the Deputy Leader of the Opposition. Once again, I thank him for his support of the Bill and commend the Bill to the House.

Question put and passed.

Bill read a second time.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Parker (Minister for Economic Development and Trade), and transmitted to the Council.

MINERAL SANDS (COOLJARLOO) MINING AND PROCESSING AGREEMENT BILL

Second Reading

Debate resumed from 15 November.

MR COURT (Nedlands - Deputy Leader of the Opposition) [2.40 pm]: This agreement Bill and the one that we have just debated go into some detail as to what takes place with these different projects, but no agreement Bill for the Government's petrochemical project will come before the House. The Government is prepared to risk putting hundreds of millions of dollars into a petrochemical project, but it will not bring that project before the Parliament. I make that point because these agreement Bills set out quite clearly the responsibilities of the different parties. I would like to think that the Government would be prepared to bring the petrochemical project to Parliament and get it approved by the Parliament because we have seen $175 million of taxpayers' funds, which was supposed to go into that project, go straight down the gurgler. The Minister might want to comment in his reply as to why the Government will not bring before the Parliament an agreement Bill for that project.

The Cooljarloo project is an interesting one. The Liberal Party supports the overall concept of the project. In one hit the joint venturers will open a new mine and synthetic rutile and titanium dioxide pigment plants. It is unusual for the three stages to be part of one project. I would appreciate it if the Minister in reply could give us some idea when he anticipates those different stages will come into operation. The project involves the mining and wet concentration of ore at Cooljarloo, the processing into its component minerals at Muchea, and the establishment of a synthetic rutile plant at Muchea and a titanium dioxide pigment plant at Kwinana.

We all agree that for the State to get the maximum advantage from its minerals we must move into the value added processing field. It is great to see that the company is prepared to process the ore through its different stages. As I understand it, the partner with the Western Australian company - Kerr-McGee Chemical Corporation - found itself in a situation of needing a guaranteed increased supply of these products for its commitments worldwide. As I mentioned in the previous debate, the market for these commodities is extremely buoyant and they are currently attracting very high prices. It is anticipated that this situation will continue for at least the next three years. The pigment is used very much in the paint industry and, from what we are told, the demand around the world is such that some buyers are having to accept quotas because of the shortage of supply. So the timing is very good for a new project to get under way. The local company has been successful in attracting a large international operator in Kerr-McGee, which has an excellent reputation and which will provide a level of expertise that will ensure that the plants are constructed and operated according to the highest possible standards. I believe that the mine and certain processing at the Muchea site have been approved by the Environmental Protection Authority, but that the synthetic rutile plant and the pigment plant at Kwinana are still to go through that process.

Mr Parker: That is correct. The synthetic rutile plant is a fair way through its process, but the titanium dioxide pigment plant has only just started.

Mr Cowan: Hang on! Formal approval hasn't been given yet.

Mr Parker: No. In relation to the mine and the wet and dry processing it has been.

Mr Cowan: Are you sure of that?

Mr Parker: Yes. All the final Governmental approvals have not yet been given, but the EPA has given its final approval. The appeals have been determined and all the appellants have been notified. In relation to the synthetic rutile plant and the titanium dioxide pigment plant, no approvals, including EPA approvals, have been given yet.

Mr COURT: A controversial aspect of this project has been the siting of the second stage, the synthetic rutile operation, at Muchea. I would like to spend a few minutes of the House's time outlining our involvement in this exercise. The local progress association contacted a number of our members in relation to the proposed siting of the plant approximately one to one and a half kilometres from the Muchea townsite. The member for Moore and I met that group on site approximately six months ago, and walked through the site. After examining

the site we informed the company that we thought the site was too close to the Muchea township. Shortly afterwards, the Government announced that the company would resite the project further north along the Brand Highway. At the first meeting held with local residents they were very keen for the plant to be established at least five kilometres from the town of Muchea because they were worried about the noise, smell, and other possible fallout from the plant; it was a reasonable request. The company explained that it wanted the second stage operating in the metropolitan area because it did not want to build a separate company town at the minesite due to the problems that tend to be associated with company townsites. The company wanted this industry to use a work force coming basically from the metropolitan area, for example the Wanneroo or Midland areas.

Mr Parker: The railway was also a major problem because the company must get coal to the site and there is no rail at the minesite.

Mr COURT: The company could have chosen many other sites at which it could have used rail, and it gave no explanation about the railway side of this matter.

Mr Parker: Yes, but not at the minesite. The railway was a major factor in terms of having the wet and dry processing and the synthetic rutile plant at the minesite, as opposed to anywhere else.

Mr COURT: I understand that the sand will be transported from the minesite to Muchea by road trains on the Brand Highway and the site is adjacent to rail and gas supplies, and has reasonable access to the minesite. I can understand why the company did not want to set up a company town environment, and I appreciate also that many people living close to the site, apart from those in Wanneroo and Midland, will work in this type of project. However, it soon became obvious that the local residents were not happy with the second site chosen, even though it met the requirement of being further out of town. As the project would be located on a fairly wet site they were concerned about possible flooding of ground water in the area. Also, if a flood occurred and the evaporation ponds overflowed, the nearby environment could be affected by that water flowing into the brooks that eventually run into the Swan River. The Opposition has had briefings from the company indicating that all the environmental problems related to the site had been properly considered, and that the project was designed to include the safety measures which will ensure that those problems do not occur. However, the local residents have remained firmly opposed to the siting of the project at that location.

Mr Parker: Some of them.

Mr COURT: The Opposition has been briefed by the company, and has kept in contact with local residents who have been expressing their concern. The people making representations to the Opposition are very decent, level headed people who are genuinely concerned not only about this project, but also about whether a buildup of industry will take place in the area. There are many reasons why this project should be sited in the vicinity, but Opposition members are not experts with regard to the best location and matters involving water pollution.

Mr Parker: The President of the Muchea Progress Association, Vince Mackie, is strongly supportive of the project going ahead.

Mr COURT: Similar discussions took place with regard to the Barrack silicon project at Bunbury. The Government moved the project into the Picton area prior to the South West Province by-election, and the South West Development Authority in a very autocratic way decided which site would be used and indicated that the people could go jump if they did not like it. After the by-election it became obvious that a very vocal groups of residents living in the Eaton area had good arguments why the project should not be located in that area. It was eventually shifted to Kemerton at great expense to the taxpayers of this State; more than $10 million was paid out to relocate the project. At the time the Opposition said that before the Government chose a site and told the company it could go ahead, it should have overcome any major obstacles. If some homework had been done on the proposal to build at Picton, the obstacles would have been overcome.

With regard to the site at Muchea, the Opposition wants an assurance from the Minister that the officers of the Department of Resources Development - as opposed to the company - have done their homework and have considered all possible sites which meet the conditions

of the company to ensure that the project is viable. The Opposition wants this project to go ahead, but by the same token it wants to make sure that all possible options have been considered with regard to the site. The Minister may be able to assure the Opposition that this is the best possible site which meets all the requirements of the project and complies with the environmental standards of our community. I ask the Minister to explain at some length the process by which the department has ensured that all options have been considered and to confirm that this site meets the environmental standards one would expect of an industry to be constructed in a region which until now has been an agricultural region.

Mr Parker: After local representation a decision was made to move from the original site, and the plant will now be further from Muchea than the Westralian Sands rutile plant is from Capel. I will give the Opposition assurances when I speak.

Mr COURT: The concern about locating the plant close to Muchea related to visual pollution, noise and fallout. The concerns expressed about the new site relate to water pollution. It is in that area that the Opposition seeks assurances. I ask the Minister to explain the options that have been considered for the project and why this site was chosen.

I refer now to consultation with the local people. I realise that is difficult when putting together a project of this nature, but it is important that the local people be kept informed and that they know what is taking place. The Opposition has received representations from local people and country shires saying that the Government has not consulted with them on this project.

Mr Parker: That is not true.

Mr COURT: I can only take their word for it.

Mr Parker: I will give you chapter and verse about what consultation has taken place.

Mr COURT: I have not been a part of this consultation, but the message given to a number of members in no uncertain terms is that these people are extremely unhappy with the consultation process in this matter. We must remember that we are looking at three shires in this case, Dandaragan, Chittering and Kwinana, for the different stages. It was the intention of the Liberal Party to move an amendment in relation to this consultation process. Before I speak about that amendment, I point out to the Government that we have much difficulty with amendments being drafted due to the fact that the very capable person handling the matter for us does so in a part time capacity. When one looks at the time constraints that occur in this Parliament one sees it is very difficult for us to get amendments brought forward at short notice. I would like to think that even though there is a part time person involved, when there is a time restriction such as we have with the agreement in this Act, we have access to a drafting person from somewhere else. There must be someone in Government who could do this.

Mr Parker: I have no problem with that.

Mr COURT: I hope the Minister for Economic Development and Trade is aware of what he will have to go through next year when he has to find a person, whether at home or at work, who is not full time and who often has a number of large Bills to work on for the Opposition, which makes matters difficult. If the Minister believes that that is okay, I hope that he can work under similar circumstances.

Mr Parker: We will not have to worry either now or next year. I am more than happy to provide more drafting facilities in relation to my Bills. These agreement Acts, by and large, are not partisan issues and I have been very cooperative with the Opposition in the past five years in relation to them.

Mr COURT: The Government has introduced them on the last sitting day of the Parliament every time. SCM was one matter where the Minister for Economic Development and Trade told us a load of rubbish about a plant and we ended up with the impression that the Australind plant was to be shifted, that there would be a nice greenbelt there, and that the plant would go to Kemerton.

Mr Parker: Everything I said was true.

Mr COURT: The reality of the situation is that the plant has remained at Australind.

Mr Parker: That is not true.

Mr COURT: It has expanded.

Mr Parker: Only a small proportion stayed - the finishing plant.

Mr COURT: And the balance went to Kemerton.

I am not the only Opposition member who has difficulty getting advice about amendments. Under no circumstances am I criticising the person involved, because she does an extremely good job under the conditions in which she works to help the Opposition. I have been advised that it was our proposal to introduce an amendment requiring the Government to have closer consultation with local authorities in that area when working on this type of agreement and when EPA approvals are still to go through. That form of consultation, both during the process leading up to the agreement coming to the Parliament and once the agreement goes through and the plant is operating, is very important. It is important that consultation is such that local people are kept fully informed. I have been advised by the drafting people that we cannot introduce an amendment because we cannot amend the agreement, which is made between the parties outlined at the front of the Bill - the Premier, Yalgoo Minerals Pty Ltd, KMCC Western Australia Pty Ltd, TIO2 Corporation NL, and Kerr-McGee Chemical Corporation. The Government is presenting that agreement to Parliament, which this Bill ratifies, and technically we find ourselves in a position where we cannot move the amendment we wish to move and which would have required the Government to ensure that there was better consultation, not only with local authorities but also with local groups interested in the project.

As part of that, I can say to the Minister that local residents are concerned about what will be the procedures whereby local people are kept informed about the environmental monitoring that will take place if this project goes ahead. Local authorities, local progress associations and the public in general will know the results of the environmental monitoring that will take place. I will give an example. Recently, when travelling with the member representing Kwinana and looking at petrochemical projects, the environmental authorities in the United States explained to us how procedures have changed in recent years in relation to information that must be provided to environmental authorities surrounding, for example, a petrochemical plant where they must sink a number of bores so that the quality of water in the area and waste water that is treated and let out - including rain water that is collected - can be monitored and measured for contamination. Those results are made public, so nothing is hidden. In fact, the companies told us that they go to great lengths to ensure that people know exactly what is taking place around these projects.

In view of the fact there is difficulty amending the legislation because this Bill basically ratifies the agreement and we cannot amend the agreement because that must be done by the parties which prepared it, I make the point strongly that people have been concerned that local authorities and groups have not been consulted properly. I am aware that in recent weeks the company has taken it upon itself to organise a number of tours of the project and to answer questions. That was commendable and perhaps a little belated in this case. Perhaps they should have been doing that sort of work earlier, just as the Alcoas of this world found out the hard way that the best way to handle such a situation is to get the public involved actively and get them participating in the overall concept so that they know exactly what is occurring.

I can understand the concerns and frustrations of local people who live in a beautiful and primarily agricultural area and are concerned about possible effects of this project. Is it possible for the company to sell off parts of the land being rezoned under this legislation, or must it keep all of it for its own project? I believe that BP, for example, is selling part of its land at Kwinana for the petrochemical project. Would that be possible under this agreement? Are assurances built into this legislation that the company cannot sell off land that is zoned as a buffer zone for the project? In other words, the land comprising the buffer zone is clearly delineated, but are there assurances that that land must be used as part of the buffer zone?

Mr Parker: They could. It will have only rural zoning.

Mr COURT: I presume that the whole site is being rezoned.

Mr Parker: Only for the purposes of this plant. Clause 19 does not provide for an automatic rezoning to industrial; it provides for construction to take place notwithstanding the zoning,

so that means the companies cannot do something else on it; in other words, they cannot sell it off for a factory or something like that unless the shire agrees, in which case the Deputy Leader of the Opposition obviously would not have any objections.

Mr COURT: Right. My comments have concentrated on the Muchea part of the project, but the comments I made about consultation apply equally to the minesite and pigment project at Kwinana. In fact, in Kwinana it will be necessary for tight controls to be in place as we are witnessing a number of industries starting in relatively close proximity to each other. It is critical that the environmental standards be extremely high, and that the monitoring of the operations be done with great care.

This is a large project, and we should encourage the establishment of such projects in this State. The Opposition is concerned about the siting of the synthetic rutile stage at Muchea, and I look forward to the Minister's outlining to us two things: First, does the Government believe this is the best site for the project, and if so, why; or are there other options available within a few miles of this site? Secondly, what will be the procedures to ensure better consultation with the local people and the public in general so that they are kept fully informed as to the environmental monitoring of the site?

The SPEAKER: Before I give the call to the member for Mt Marshall, can I say that this is the second time in two weeks that a member has made reference to the provision of the private members' draftsman or draftswoman, and the possible inadequacies of that service. This service is my responsibility, and I say again, as I said last week, that if there is an inadequacy with the service, I suggest that members write to me, and explain what the inadequacy is, and I will endeavour to have it put right.

MR SCHELL (Mt Marshall) [3.12 pm]: The purpose of this Bill is to ratify an agreement dated 8 November 1988 between the State and the joint venturers, Yalgoo Minerals Pty Ltd and KMCC Western Australia Pty Ltd, which are wholly owned subsidiaries of TIO2 Corporation NL and Kerr-McGee Chemical Corporation of the USA, respectively. The agreement will facilitate the development of the world's first fully integrated mineral sands project involving the mining and wet concentration of ore at Cooljarloo, the processing into its component minerals at Muchea, and the manufacture of synthetic rutile and titanium dioxide pigments at Muchea and Kwinana, respectively.

The National Party considers that this is a tremendous and worthwhile project for the State of Western Australia, but we cannot support this Bill as long as the processing plant is to be at Muchea. The first reason is that the site at Muchea, in the Shire of Chittering, is an intensive farming area for fruit production, wine, honey and horticultural products, which has great potential for the State's future export markets. Western Australia is only scratching the surface in those areas of production, and it is important that the areas where these products can be grown successfully are kept for this purpose only. The site at Muchea provides all of the infrastructure for a plant such as this. It has plenty of water available; the gas pipeline is close by; the electricity grid provides an adequate supply of power; a rail service is available; there is an adequate supply of housing; there is a reasonable density of population; and it is adjacent to the metropolitan area. I believe the Government has copped out of its responsibilities in this regard. I have studied the report from the Environmental Protection Authority, and I consider that within reasonable margins, the plant at Muchea will be environmentally safe. However, if this plant is established at Muchea, it will result in this area developing as a major industrial area, adjacent to the metropolitan area, and I believe that in time we will see other major industries going into this area.

The mineral sands which will be refined at this site are to be mined in Cataby, about 100 kilometres further north. This area has much waste land; there is a lot of virgin country and areas of broad acre type farming. The infrastructure required for a synthetic rutile plant is not intact in the Cataby area. There is plenty of underground water in the artesian basin, but the Water Authority will not allow the joint venturers to tap this supply of water. The Government could very easily make this water accessible. Secondly, the gas pipeline runs close by this site, so there is no problem in that respect, but I have been informed that the electricity grid does not supply sufficient electricity to enable the plant to be established in this area. I believe the Government could assist the company by providing an adequate supply of electricity by upgrading the grid. The site is at a small distance from the railway line, and a rail spur would be required into the area. I believe the Government should make a

long term investment to enable the company to have rail contact with the major rail network in the State. This would not only assist the mineral sands plant; it would open up to farming the eastern part of the Shire of Dandaragan.

The National Party has for many years adhered strictly to a policy of decentralisation, and if this plant were to be established at Muchea it would have an impact on the rapid growth of the metropolitan area of Perth which has far outgrown the country areas of Western Australia. We have seen a decline in the population of areas outside Perth. It is time the Government developed a strong policy to develop regional centres throughout the State and to start building up centres of population, with the aim of having key areas of 50 000 people in several areas of the State. I know this project will not develop a population centre of that size in the Shire of Dandaragan, but it would aid decentralisation. The work force could live in the town of Dandaragan, and I have been told that it would not be unrealistic to put in a road from the mine site at Cataby across to the coast, to help build up the towns in that area. The work force could also be easily housed in this area. The towns of Dandaragan, Cervantes and Jurien are areas which are rapidly developing. The boat harbour at Jurien Bay has now been completed. There is a large coalfield in the area which will in time be developed. This area will in the future be an important industrial area for the State. It would be a great step towards the development of this area if the mining process through to the final refining were to take place in the Cataby area. I challenge the Government to not take this cop out attitude and to provide the infrastructure for this plant. I am led to believe, after talking with the mining company, Minproc, that this would be satisfactory.

The National Party opposes the Bill in its present form. We recommend to the Government that it guarantee the infrastructure for the development of this industry in the Cataby area. We ask the Government to look beyond the short sighted immediate need of the low cost of developing the plant in the Muchea area and to look to the long term benefits for the future development of this State by siting the plant in a more decentralised area, the Cataby area in the southern part of the Shire of Dandaragan.

MR LIGHTFOOT (Murchison-Eyre) [3.20 pm]: Like my colleague, the Deputy Leader of the Opposition and member for Nedlands, I support the Bill, but I too have reservations about it. Like the member for Mt Marshall, I am not sure the plant is being constructed in the right place. However, in the interests of the State and in the interests of expanding the burgeoning heavy sands industry, and ultimately in the interests of at least partially decentralising not only the mining industry but also industry in general, I support the Bill. The fears of the member for Mt Marshall will be answered by the Minister; I am sure he will provide some rebuttal. I have a vested interest in this matter, because I have a home in the Chittering Shire only a few kilometres from the proposed plant, yet I still support it. I support it on the basis of the facts known to me, as explained to me by one of the joint venture companies, that beyond all possibility there will be no pollution, either by way of underground or surface water or by way of airborne pollutants. There will be no more traffic on the roads, as there is an agreement whereby the Brand Highway will not be used to that point on that dangerous curve which partly circumvents the small township of Muchea; a new road is to be constructed somewhat east of that rather bad section of the Brand Highway for the almost exclusive use of the joint venture partners.

However it came to my knowledge through a hydrographer that special precautions will have to be taken in regard to ground water. Even though monitoring bores have been sunk to trace the movement of water and any pollutants which may get into the ground water, we might have some cautionary words for the Minister and the joint venture partners. The advice I was given is that a substantial part of our metropolitan water - 80 per cent or thereabouts - is derived from underground sources and from a particular aquifer which is beyond the legal reach of market gardeners and other private enterprise people. The monitoring bores are in place to ensure that the water table is not lowered to an alarming level; but I am informed that it is impossible to measure the encroachment of sea or saline water to replace the vacuum resulting from the heavy draw from this source to supply some 80 per cent of Perth's domestic water requirements.

Mr Parker: I do not think it is as high as that.

Mr LIGHTFOOT: It may be 78 per cent or 76 per cent, but it is near 80 per cent. I think the Minister for Water Resources has used the figure of 80 per cent. It is a significant figure and well over 50 per cent in any case. Perhaps the Minister would clarify that point later.

If these monitor bores are not sufficient, are in the wrong place, or are misread to some substantial degree, the metropolitan water consumption could be put at some risk. I am not saying that this one project could put it at risk, but if it is emulated on many occasions up and down the coast, as it could be, then the encroachment of saline water eastwards to replace that massive amount of water pumped out of the ground daily - millions of megalitres - could occur. Some more sophisticated method, perhaps with more bores closer to the coast to monitor that encroachment, should be initiated. That is about the only real apprehension I have, and that came to me from a hydrographer who was apprehensive that the monitoring system of bores, not only for this project but also for others, was not sufficient to tell whether the sea or saline water was encroaching.

Chittering Shire is a delightful piece of Western Australia. Its ratepayers and those who live there are justifiably proud of it. I do not think there is an alternative site which would be acceptable to the ratepayers of Chittering. If the plant is to go anywhere, it ought to go there. It was the second choice, approved by certain people who had considerable antipathy to locating the project on the original site. The second site was a negotiated one and I believe the project should go there.

Some of the resources include the present infrastructure with respect to roads, telecommunications, electricity, and the ample supply of water. Above all, the position obviates the necessity to build a mine town with all the inherent problems related to that. I do not refer only to the cost structure, but if the joint venture partners were encumbered with constructing a new town it could alter the feasibility of the project. I want to see the plant established there because I believe that residents of the homes in the area could be drawn upon for labour. It will be located near the expertise necessary for laboratory work, as well as existing hospitals and other infrastructure for domestic use, so that neither the joint venture partners nor the taxpayers will be burdened with providing them.

Some of the other sands and heavy minerals which will be mined include ilmenite, rutile and leucoxene. I know that zircon is there, although I do not know in what quantity, as is garnet, which is a harmless but very hard mineral used in the abrasives industry. I heard no talk of those minerals during the briefing. There are some other lighter rare earths which will probably be separated, as I understand it. I may have been told this, but I would like the Minister to inform the House whether chloride technology or some other technology will be used.

Mr Parker: Chloride technology; that will be at Kwinana.

Mr LIGHTFOOT: As this House should be aware, the chloride technology is a far safer method of the reduction of TIO2 than the previous method, and offers far less likelihood of any contamination of the environment.

I want to finish by giving some figures indicating how important is the production of titanium minerals, and I include ilmenite and rutile. Ilmenite forms a synthetic rutile, and has a fairly large iron content. Australia has reserves of ilmenite of some 15 million tonnes, which is about 12 per cent of the world's total. I use the Brazilian figures because I want to refer to them later. Brazil has reserves of one million tonnes, which is less than one per cent of the world's total. With respect to the reserves of rutile, the prime source of TIO2, Australia has 5.2 million tonnes of contained titanium - not the mineral rutile - which equals about 11 per cent of world reserves. Brazil, on the other hand, has 33.6 million tonnes of the world's reserves, or 71 per cent, with Australia having 5.2 million tonnes as opposed to Brazil's 53.6 million tonnes. We have lost a large amount of our iron ore potential because Brazil also has large reserves of iron ore. In fact I believe Brazil has passed us in terms of net tonnes exported, so Australia is probably the second largest exporter of iron ore as a result of the Brazilian reserves. I do not want to see our heavy sands industry go the same way. Clearly Brazil has the potential to bypass us considerably in that industry. If we do not establish industries of this nature here, when they are clearly feasible and economic, because of some small groups making noises to the detriment of the majority of Australians, we will suffer, as indeed we undoubtedly suffer, because of the relatively modest prices being paid for our iron ore as a result of intense competition from the Brazilians.

The world's production of titanium minerals to 1985 tells the same story. Australia produced 1.1 million tonnes up to 1985 of ilmenite-titanium concentrates; Brazil produced 49 000 tonnes. It is even more marked in the rutile figures: Australia produced 180 000 tonnes of

rutile and Brazil produced a mere 1 000 tonnes, notwithstanding that it had 30-odd million tonnes of reserves, or 70 per cent of the world's total. We are in a good position because of those figures, but they point clearly to the fact that Brazil has the potential to produce these titanium minerals. Why it has not done so is beyond me; I cannot offer an answer to that.

Mr Parker: Some of them are in remote areas. However the worrying fact is that the Brazilian Government has handed over to CBRD, which is now the largest exporter of iron ore in the world, the right to handle the mineral sands as well. From their point of view it may mean that company is more effective in the way in which it handles that mineral. That has only recently happened.

Mr LIGHTFOOT: Probably because some of the iron ore infrastructure, particularly port facilities, could also be used for heavy sands.

The production, which really bears no relation to reserves of either ilmenite or rutile, is equally as interesting. Australia produced 757 000 tonnes of titanium dioxide in 1984 and Brazil produced 29 000 tonnes. I would like to think that Australia will remain in that leading position and that we will not be overtaken. We could do this without damaging our environment, because it is important to us; it is important to every person in this House, although some place different priorities on it. I have a great interest in our environment and I do not want to see an area where I live and farm damaged at all. I would like to assure the people of Chittering Shire and those in surrounding shires that I have known some of the directors and executives of this Australian company for years. I find the undertaking they have given me to be acceptable - that is, it will not be environmentally damaging; there are plenty of safeguards put in place in respect of flooding in that area; and they intend to open up this relatively substantial part of the land for public use - remembering that it is industrial land now, although it is specified for that use. Some of that land will be landscaped; tens of thousands or even hundreds of thousands of trees will be planted there, if that is necessary. That will make a wonderful environment for recreational purposes such as polo, polocrosse, football or cricket and so on. I do not think that point should be forgotten because such recreational facilities are lacking in a shire on the edge of the metropolitan area, such as Chittering.

I find the project exciting. I trust that the legislation, notwithstanding our colleagues in the National Party not supporting it - and I sympathise with them - will be passed. I intend to support it and I wish the developers well in this project.

MR CRANE (Moore) [3.35 pm]: I would like to make some comment on the Bill before the House, which is an Act to ratify an agreement on behalf of the State with Yalgoo Minerals Pty Ltd. I find myself on the horns of a dilemma. I say that quite honestly and openly because as one who has been involved in the free enterprise philosophy throughout his life and who still finds himself supporting free enterprise and the development of our mineral resources, it is hard when a Bill such as this comes before the Parliament. On the one hand, the Bill is to develop those resources and comply with that free enterprise philosophy but, on the other hand, the legislation cuts across the desires and requirements of the people in whose backyard the development will take place. This has been a matter of concern to the people of the Chittering Shire for many months. Unfortunately in its initial stages it seems, although I may stand corrected on this, that insufficient information was fed to the people of Chittering and in particular to the people in the Muchea area in respect of what was going to happen to their environment as a result of the proposed development of this mineral sands plant.

I have spoken with representatives of the company which will do this development and I have pointed out to them - and I reiterate it here so that it may be recorded in *Hansard* - that I believe the public relations exercise was conspicuous by its absence. Sufficient information was not given to those people about what was proposed to be developed in their area. I have spoken to them at length about this proposal and I shared their concern. I have told them - and I will leave them in no doubt here because probably what I say will be taken down and later used in evidence against me - that I support the concept of this proposed mining of the sands at Cooljarloo and that I believe it should be developed further so that the sands will be far more profitable not only to the company concerned, but to the people of Western Australia as a result. We will be selling, as it were, the finished product rather than the raw material.

There are a great many benefits from taking it through to the final stages but where the problems arise, they are insurmountable. One problem is the fact that the development at Muchea is in an area which is totally unacceptable to an overwhelming majority of people in the Chittering Shire. I think that the Government may have known for some time, although it did not take cognisance of the fact that the development will take place in the backyard of people who live in that area. I can only describe it in these words because there is a certain amount of resentment from us all. We are only human; when people come into our own backyards to do things of which we are unaware and take for granted that we will give a stamp of approval for what they want to do in upsetting the environment to which we have become accustomed, then of course we become resentful. The people of Chittering and Muchea, and in fact the whole of that area, are no different from other people. They are human. Was it not Shylock who said, "If you prick us, do we not bleed?" Let me assure the House that those people are bleeding very badly. They are very hurt. They have a right to complain because while it can be argued - as it is sometimes in some areas - that they are opposed to development, this is not the case. They are not opposed to the development of the mineral sands, but they are opposed to the siting of the development in the Muchea area.

Mr Parker: You can say that about everybody. I have never yet met a person who is opposed to development - they are all opposed to siting it in some particular location.

Mr CRANE: A number of people have told me that there are areas in the Chittering Shire which would have been quite acceptable and useful for the development of this plant. Unfortunately, these areas have not been explored, nor was an opportunity given early enough for objections to be voiced before the company had got beyond the point of no return. This is the point of no return, Minister. The company, in going beyond that point, has been aided and abetted by this Government.

Mr Parker: That is not true. The company started consulting with the locals on this project in March 1987 and, until very recently, it had the full support and cooperation of the Chittering Shire - until about two weeks ago.

Mr CRANE: I would not say the company had the full support and cooperation of the Chittering Shire because that would mean it was unanimous, and that is not the case at all. The people of Chittering were not made sufficiently aware of what the problems may be, particularly in relation to the area which has now been chosen. The project possibly may have been less unacceptable to the people of Chittering if they could have been assured that other industries were not going to come into the area. That does not mean to say they would have accepted it entirely, because some would not, and it is only fair to say so. Unfortunately, the fear is that once this company establishes its mineral sands plant at Muchea there is a distinct possibility - one could almost say probability - that other industries will follow and the area will be turned into a semi industrial area. This is something the people do not want. Last week we found - although we were made aware of it, because we do have spies around; the Minister must not forget that some of us operated behind enemy lines, and we have ways and means of finding out such things - that, sure enough, this Bill was introduced into Parliament.

Mr Parker: It is not a question of having spies. A draft was given to the shire well before it was signed.

Mr CRANE: The draft may have gone to the shire, but it did not go to the people of Chittering Shire, and that is who I represent. Those people elected me to represent them. Although some people may not agree with what I am doing now, it is my responsibility to put their points of view before Parliament because they are unable to do so. They can jump up and down, and make all sorts of noises, but I am the only person who can make representations for them in this place, which is what I am doing now. I hope the Minister respects that.

Mr Parker: I do respect it.

Mr CRANE: I feel a certain sorrow, if that is the right word, for the company. It has some very good intentions and, over the last few weeks, has endeavoured to show that the dangers which many people felt were inherent in this development are not as real as may have been suggested in the first place. I know that the company has made a lot of changes to remove the fears of the people of the Chittering Shire, particularly in relation to the ponds where there is a real fear that any flooding would contaminate the creeks. I know the company has

gone to no end of trouble to meet those fears, and I commend it for that. Unfortunately, it is a little bit too late. The area is not considered to be acceptable by many people, despite the measures which the company has taken. The company has made allowance for a flood, which may come in 100 years, of about 90 inches of rain over three days, which is almost unthinkable.

Mr Parker: They would need Noah's ark, in those circumstances.

Mr CRANE: We would need to construct Noah's ark, but I am not too sure what the length of a cubit is, so perhaps I had better not be the person to design it.

Mr Court: You have already built your ark.

Mr CRANE: I am building something, but it is not an ark. It is reasonable to suppose that were such a flood to happen, and we had 90 inches of rain in three days, there would be no Muchea left anyway. However, there is concern about other industries coming into the area.

Mr Parker: This Bill does not provide for that. Clause 19, which they were complaining about, specifically does not provide for that, it only refers to this particular plant. If there were to be any other industries coming to the area, and there is no proposal to do that, it would require either - and this answers the points made by the Deputy Leader of your party as well - another Bill before Parliament, or a rezoning initiated by the shire; it cannot be done under the terms of this Bill.

Mr CRANE: Let us deal with the rezoning initiated by the shire. If the Minister will be honest with me, I will be honest with him, and we will look each other in the eye. What would a rezoning by the shire mean on a reading of clause 19? Clause 19 takes away the very responsibility that the shire has.

Mr Parker: Only with respect to this problem - that is not quite true, either, but putting that to one side - and this plant. It does not do it for general industry.

Mr CRANE: Is the Minister trying to tell me that if this Parliament passes this Bill, clause 19 would not provide the capability, the desire or the initiative to pass similar legislation if the occasion arose where it was necessary to do so?

Mr Parker: It certainly could do.

Mr CRANE: I believe Parliament would. Therefore, the people of Chittering have no assurance at all, and that is one of their greatest concerns.

A few months ago, I remind all members who sit on this side of the House - and those who ought to be sitting on this side of the House - they jumped up and down and got their knickers in a knot over a referendum question which would recognise local government, as they believed it was already being recognised, and the Minister and I both know that it is being recognised. One has only to ask anyone who has just received a rate notice whether he thinks there is such a thing as local government, and he will tell you, and in no uncertain terms, "There is, because I have just been rated by the so and so." We put up a very strong argument against that on this side of the House because we believed that inherent in those referendum questions was the underlying ability to bypass local government.

On the one hand, we stood up as defenders of democracy, the people and local government, and a few months later we forget about what we stood up for. I do not forget what I stood up for. I stood up against those referendum questions; I still stand against them. I also stand very strongly against clause 19 of this legislation. As I said before, I am not opposed to the development; I believe it is good for the State. However, I am sure we have got off on the wrong foot. There is time - although some will say there is not - to correct what has been done. What man has made, man can unmake. There is no doubt about that and so, if we have the will - the people of Chittering certainly have - we can find the way. The people of Chittering are human beings. We should remember what Abe Lincoln said about people: "God must have loved ordinary people because he made so many of them". The people of Chittering are ordinary people, such as the Minister and I, and they have a right for their wishes to be considered by a Parliament which they played a part in electing. They elected me to represent them. I may be seen as not doing a very good job if I lose this particular battle, but perhaps further down we may win the war. I am only one person, but, by hell, as long as I am elected to advance their interests, I will do it for them.

The Minister does not have to take any notice of me and I know that he will not, but he

cannot get away from the fact that he was told by the people through me that they do not like not so much what is being done but the way in which it is being done. I only wish to goodness that Parliament could be a little bit more considerate of the wishes of the people who elect it. It seems as though the people are important only once every three years. Some people have made a habit every three years of shaking their electors by the hand and telling them what good fellows they are in the hope that they will remember what good fellows we have been. When it is all over and they are elected to this place they ride roughshod over the desires of the people who elected them to Parliament. That is dishonest and unchristian. It is not what ought to be done. We have a responsibility to take a little bit of notice of these people because they are important. People are too good to be fooled and we are just making fools of the people of Chittering by riding roughshod over their shire council. Since the original decision to support the project, which was not a unanimous one by any means, the council has had a rethink about it and has opposed it.

Mr Parker: Only because it knew that whatever decision it took the Government was going to be able to take a decision.

Mr CRANE: That is an unfair insult to the council of the Chittering Shire.

Mr Parker: They have said to us that they would prefer that the decision was not in their hands.

Mr CRANE: I would hope that they were a little bigger than that - and I am sure that some of the councillors are bigger than that - because I would not want to represent in Parliament councillors who did not have the guts to do what was necessary at the time. I would not want to represent those sorts of people. I hope that is not the case. I cherish the thought that it was not. There is nothing wrong with making a mistake as long as one has the courage to turn around and do something about it afterwards, and the Chittering Shire has done that. It made a mistake; it recognised that it had made a mistake, and it has now swallowed humble pie and had the courage to rescind that motion and pass another one that does not support the rezoning for the development in that area.

I want it clearly understood that I am not speaking against the development, because we need it in Western Australia. However, an area west of Wannamal would be eminently suitable for the building of such a titanium or mineral sands plant. The gas pipeline passes not very far away from it; the railway is not very far from it; and water is available in the area. When I made the suggestion that the development should have been at Cooljarloo in the first instance - I still stand by what I said; that is where real decentralisation ought to be happening - it was said that the Water Authority would not allow the developers to use the water as there was not sufficient water. When we delved into it deeply, we found they were not allowed to use the water that was at great depth. We know - at least the Minister ought to know and I most certainly do know - that there is no shortage of water at Cataby if we go down into the deep aquifers. There are untapped oceans of water down there. Why could it not have been used? I believe that it is just as important and less harmful for us to have used that water at Cooljarloo than it would be to use the water adjacent to or a part of the Gnangara mound. We have been told and we accept that a lot of the water at the Gnangara mound is going to waste and that certain constraints will be placed on the company: If it uses too much water and the levels drop too much, it will be closed down.

Mr Parker: They are not being given access to the Gnangara mound. They are not being given access to the water for the Perth metropolitan area.

Mr CRANE: The Minister knows what area I am talking about.

Mr Parker: The important thing is not the name of it, but whether it is competing with the Perth metropolitan supplies, which it is not.

Mr CRANE: No more is the water deep down at Cataby competing with the Perth metropolitan supply, so the Minister should not come at that one with me. He should not let this grey hair fool him. I did not dye it to give me a more mature look. I have been around a long time, so the Minister should not try to put that one over on me. Let us stop playing tricks with each other and be honest with each other. It is not a bad idea sometimes to face each other across the Chamber in sincere honesty. That is what I am endeavouring to do today. I am putting the case for the people who are violently opposed to the location of the project. I say "violently" but fortunately there has been no violence yet. It is only because they are responsible, respectable citizens that they do not turn to violence as some people do.

But they feel let down and as though they have been deserted. I believe we have deserted them. The Liberal Party has deserted them by supporting the legislation, or at least clause 19 of it. But I assure the House that I will not desert them and I will vote to the last of my breath against clause 19 which takes away the prerogative of the local authority to have in its hands the destiny of the area under its control.

Mr Parker: To vote against clause 19, you have to vote against the legislation.

Mr CRANE: So be it, but if the Minister cared to take out clause 19, we may find another way. The people involved could find another area of land not too far from where they are at the moment. I would guarantee that I could find such land. I know that I am a bushman from way back, but it would not take me long to find an area of land which, while it might not be acceptable in some areas, would be much better for the project in others. It certainly would cost less because the company is going to an extraordinary amount of additional expense to make the ponds safe. No amount of expense would guarantee us that no additional industry will go into the area and develop what is a very acceptable rural area into a mini Kwinana. We do not want that up there.

Mr Parker: Does the member for Moore think Capel is like a mini Kwinana?

Mr CRANE: Not at the moment.

Mr Parker: What will be here is much less than what is currently at Capel.

Mr CRANE: I do not think so. This is much closer to the metropolitan area than is Capel and other industries will be attracted to the area once it is opened up and it is shown that the wishes of the shire can be overridden. This legislation adds insult to injury by taking the authority away from the local authority. One may as well take the word "authority" out of "local authority". The Minister for Local Government is sitting alongside the Minister for Economic Development and Trade, although I have it on good authority he will not be Minister for much longer. A local authority ought to be what the word implies, but this legislation shows that that is only a myth; it is not a local authority at all but only the local shire council, and its views will be taken notice of if they happen to suit those in authority, or in Government. That is not good enough for the people of Chittering, even though there are not many of them. I know from a political point of view that the Government does not have a great chance of winning that area, but by the same token that does not mean it should not show its concern for those people; they are just as important as those who live in Fremantle, or other areas of Western Australia. I have often fought for the people of Fremantle; I fought for the fishermen down there when they had problems even though they were not my constituents. I ask the Minister to recognise in this case the desire and wishes of the people I represent. I oppose strongly clause 19 of this legislation, and if that means I oppose the legislation as a whole then I oppose it.

MR COWAN (Merredin - Leader of the National Party) [4.02 pm]: As happens at this time of the year, in fact every three years, we seem to be faced with matters which come before the House hurriedly and which are debated and passed because there is a timetable with which the Parliament must comply. In this case it is a very simple matter of that occurring yet again. The company involved has access to a process which is exclusive to it at the moment and which it has to give some undertaking it will develop, or will commence a plant which can use that process by December, otherwise it loses its exclusive rights. It is a very simple case and as a result this agreement is now before the Parliament.

I think everybody agrees that this agreement has not been subjected to the public scrutiny to which these agreements should normally be subjected. As everybody has said, there is no doubt that Western Australia has to move from the quarrying mentality and must develop as much value added processing as it possibly can for its various minerals and resources. This project is no exception. In fact, in the history of Western Australia, the mineral sands industry has been one of the most successful areas where value added processing has, in fact, taken place. The difficulty here is that we are, yet again, faced with pressure in terms of making a decision. The company clearly wishes to go ahead and maintain its exclusive right to this process and the Government sees it as an area for development. In many respects, I guess that it is immaterial to the Government whether it involves 1500 acres in Muchea or 1500 acres in the Dandaragan Shire because it has the EPA report, although I note that the EPA has not delivered for public scrutiny its report on either the synthetic rutile plant or the titanium dioxide plant.

Mr Parker: No decision has been made, nor will it be.

Mr COWAN: I can remember when the Minister for Economic Development and Trade was in Opposition and how he jumped up and down when an agreement was presented to this place because there was no EPA report available for public scrutiny; yet here we have a case where he, now in Government, is seeking ratification by the Parliament of an agreement which does not yet have available for public scrutiny an EPA report. Very clearly we are rushing things. There is no doubt in my mind that had there been time, either the disquiet being expressed by the people in the Chittering Shire could have been satisfied or, alternatively, a site could have been found which was more compatible with the wishes of both the company and the Government or any other interested party. That might not have been a bad thing. It is clear to me that the preferred site would have been closer to the mining area but that, of course, required a degree of infrastructure or essential services which would have been supplied right from the foundation, whereas at Muchea I believe the essential services are very close and the cost to the company would not be great.

Perhaps it would have been more appropriate in this case for the Government to say that it would make the necessary infrastructure available. I see that as a far more appropriate policy than are some of the policies that this Government has practised in the past few months; for example, equity participation in a petrochemical plant. Why should we be spending $175 million of taxpayers' money when we are not prepared in this case to spend any funds at all for the provision of infrastructure? My understanding is that it would cost in the vicinity of $18 million to $20 million to establish power to a point in the Dandaragan Shire where the processing plant could be constructed. There would be a need for the provision of a railway service and for access to water. The Government could have examined all of these things to ascertain whether it should become involved in the development and provision of those services thereby making its contribution to the progress of this development. That would have been a far more admirable policy than taking equity participation in a petrochemical plant or, by contrast, doing what the Government did at Bunbury; that was, of course, bringing into this Parliament an agreement that a silica plant should be established at Picton and then, after the residents in that area objected, being prepared to commit a sum of between $8 million and $13 million in order to satisfy the residents of Bunbury and have that silica plant transferred to Kemerton. It seemed a very simple task at that stage to commit between $8 million and $13 million of taxpayers' funds to the relocation of the silicon plant. At the time it may have been more appropriate to commit funds to the provision of infrastructure at a site closer to the area of the mine, which would have been perhaps more appropriate, and much more easily able to meet some of the very stringent environmental requirements that will be imposed on this plant, and certainly which would satisfy it. The people in Chittering have been taken out of their shire. Those people are in a unique position in Western Australia. Few areas would go close to touching the Chittering Valley in rural and aesthetic beauty. It seems to me -

Mr Parker: This is not in the Chittering Valley.

Mr COWAN: No, but I am saying that the Chittering Valley has that -

Mr Parker interjected.

Mr COWAN: It is on the way.

Mr Parker: There are lots of places that are on the way.

Mr COWAN: I suppose Fremantle is on the way for the Minister. I did not think of that. The point is that the people of the Shire of Chittering are not disposed to having this plant located in their area because they have for some time been pursuing a unique lifestyle, which they now see as being threatened. That may or may not be the case, and we will not find out until far too late if it is a mistake because that will be for the future to determine. It is clear that the Government has, with the support of the Liberal Party, the numbers in this House and in the other place, and all the National Party can do is hope that the policy of the EPA and the goodwill of the company - and I am sure there will be plenty of that - will be sufficient to ensure that the reservations of the residents of the Chittering area, and particularly Muchea, about the location of the plant can be allayed over a period of time. I am greatly concerned that we find being brought before this Parliament quite periodically Bills such as this agreement, which require far greater public debate but which, because of the time constraints imposed, have debate on them stifled or curtailed.

Mr Parker: Remember the Argyle Bill!

Mr COWAN: I remember that distinctly. I can tell the Minister that the North West Shelf gas project legislation was a similar case; it was brought in towards the end of the session and at a time when we were debating a Bill relating to the extension of the liquor licensing laws. We were going to give people the right to buy more than two bottles of beer on a Sunday. That debate lasted for about 37 hours because everybody in this Parliament thought they were - pardon the pun - full bottle on the liquor law. Yet when the Bill dealing with the North West Shelf gas project was introduced, we had a debate that lasted for less than an hour.

Mr Thomas: Probably just as well.

Mr COWAN: I do not know that I heard too many loud "noes" coming from the Labor Party when it was in Opposition. The Labor Party supported that agreement.

Mr Parker: In terms of the agreement Act as opposed to the SECWA contracts, there is not much wrong with the North West Gas Development (Woodside) Agreement Act.

Mr COWAN: It seems to me that we see far too often this type of legislation being brought before the Parliament when there should be some environment provided for serious public debate; but because that has happened in the past and it has been the responsibility of various Governments of different political colours does not make it right now.

Mr Parker: I accept what you say, but if you were to look back over the last few years you would find that while a few Bills have fallen into that category, a lot of agreement Bills have come in during the ordinary part of the session. The problem is that when we are negotiating with people, we cannot say to them that if they do not agree by such and such a date, the agreement will not get through the Parliament at all, because it would be very difficult to make people come to terms with that.

Mr COWAN: My only response is that I would rather meet the challenge that difficulty presents than do it in the way the Government is now doing it.

Mr Parker: It is not entirely in our hands.

Mr COWAN: The point made by my colleagues, the member for Mt Marshall and the member for Moore, is very clear. There has been a time constraint placed upon this Parliament because the company has to get access to a project which it can develop before the end of this year, otherwise it will lose its exclusive rights to that processing development. As a consequence, we are seeing a Bill to ratify an agreement being brought to the Parliament during the past week, and being debated this week, with very little time to have the issue opened for public debate. I wonder whether that is the correct way to go. My view is that in the interests of further decentralisation in Western Australia, we as a Parliament should look at supporting the concept of providing the necessary infrastructure to allow the company to establish the processing plant closer to the main site, at Cataby. That would have been possible had the Government been prepared to commit itself to the provision of the various essential services - power, water, and transport facilities - and the project could have proceeded around developing the plant at Cataby. No-one could argue against that, and I do not think any member of the company would. The Government was not prepared to commit any funds to the provision of infrastructure at Cataby, therefore an alternative site had to be found at Muchea. There are objections to that alternative site. The people who are closely associated with the representation of that area have said, quite rightly, that they do not support this legislation. My opposition to the legislation is rather because of the way this Government operates. I do not like to see this Parliament being used as a rubber stamp, and even if we were to be fortunate enough to win Government next year, I still would not like to see this Parliament being used in such a way. This issue should have been laid open for public debate. The Parliament has hardly had the opportunity -

Mr Parker: The broader issue has been in the public arena for years.

Mr COWAN: No, it has not.

Mr Parker: The EPA reports, the public submissions, the meetings - you name it.

Mr COWAN: I do not think it can be said there has been full and fair public debate on this issue.

Mr Parker: That is an extraordinary statement to make.

Mr COWAN: It is quite clear to me that the real difficulty here has been the lack of commitment by the Government to do two things: First, to provide the necessary funding for infrastructure to allow the company to look at alternative sites; secondly, to provide time for a reasonable debate when the need for an alternative site arose. For that reason, this Bill does not merit the support of Parliament.

MR PARKER (Fremantle - Minister for Economic Development and Trade) [4.18 pm]: I would like to thank those members opposite who have contributed to the debate, and in particular the Deputy Leader of the Opposition and the member for Murchison-Eyre for their support of the Bill. I am not 100 per cent certain from the comments of the National Party members whether they are in support of the Bill. The member for Moore indicated that he was opposed to the legislation because of clause 19. I will deal with this issue and with a number of the aspects raised by members opposite. First, as the Leader of the National Party said, the timing of this project and the timing of the Government's involvement in it - and, therefore, the Parliament's involvement - is nothing to do with the right of the Government or the Parliament; it is to do with the commercial arrangements which have been entered into between the company, TIO2 Corporation, and ultimately its owner, Minproc, and Kerr-McGee Chemical Corporation. Kerr-McGee is a large international chemical company, and it is also very large in respect of a number of other aspects of its operations. It has a range of alternative investment opportunities available to it, including a range of opportunities available in the mineral sands industry.

The principals of Minproc, I think very courageously and enterprisingly, have secured the number one interest of the Kerr-McGee Chemical Corporation, being investing with them in this project here in Western Australia. Of course, however, the Kerr-McGee Chemical Corporation has made it clear that it is not prepared to wait around indefinitely while decisions are made, and that it needs to have some very clear understanding and commitments as to its ability to proceed prior to finally committing itself. It was clear that if Kerr-McGee was not able to get those sorts of commitments it would look at other projects elsewhere in the world. As the member for Murchison-Eyre pointed out, we by no means have a monopoly on the opportunities for the development of such projects to the exclusion of other parts of the world.

A very different scenario from the silicon project pertains as to the siting of the plant. I know that the Deputy Leader of the Opposition tried to equate this decision on siting with the silicon decision on siting. While it is true that in the case of the silicon proposal, although the company itself ruled out several sites - it said certain sites, such as Wundowie and Collie and two or three others, were not acceptable to it - the Government had a considerable role to play in determining the site which was chosen ultimately by Barrack House for its silicon project. In this case, however, the reverse applies. In this case it is very much the TIO2 Corporation which has determined where it wants the site to be. To answer one of the points made by the Deputy Leader of the Opposition, the company did in fact undertake a feasibility study in which it examined a number of sites for both the wet and dry processing and the synthetic rutile and titanium dioxide pigment plant. That included a site at Cataby; it included this site and other sites proximate to it; and it included going to Kwinana. It was the company which determined that a site in the Muchea area was the appropriate site and the one that made the project viable from its point of view. It is true to say that a very strong element in that decision was the lack of infrastructure at Cataby. It is also true to say that the Government could decide to spend large amounts of money in developing such infrastructure should it so desire; but the Government would do that only at taxpayers' expense or at company expense - either at taxpayers' expense by way of a direct subsidy, in which case the money would simply go in and not come out again, or at company expense, either by the company putting up the funds in the first instance or by the Government putting up the funds in the first instance but then charging a rate to the company over a period which would recoup those funds. Dealing with the last two - that is, the provision of infrastructure at Cataby - the Government is not averse to providing infrastructure in developing areas. Indeed, the Government has substantially provided infrastructure, for example, at the Kemerton site, as has been said. The reason for that is that the Kemerton site has been identified as one which will attract a great deal of industry and where there is very strong cooperation with the Harvey Shire Council about achieving what will be a major resource for the south west of the State - an acceptable, well located, well serviced site for industry.

In the case of Cataby, one cannot say that providing infrastructure would do anything other than help this project. Indeed, in a site like Cataby, inevitably, because of its distance from anywhere else, it could be suggested that the level of infrastructure one would need to provide to give appropriate security as well as just the mere facilities to this project, would be so great that it would be substantially more than the amounts which the Leader of the National Party mentioned. If there were some prospect of that area becoming something more - of becoming a regional centre - one might be tempted to provide the infrastructure, even on a subsidy basis, in order to achieve some greater goal; but that is not the case with Cataby.

The proposal that the Government provide the infrastructure and recoup the cost from the company - which, for example, is what is happening with power at Kemerton - would in turn have levied such huge charges on this project that it would not be viable. It was the company which decided it would not be viable to locate the project at Cataby.

Mr Cowan: Did you offer it anything?

Mr PARKER: The company did not ask us for anything. We are talking about tens of millions of dollars. The company did not raise it with us.

Mr Cowan: How much of the $13 million are you going to get back from SCM?

Mr PARKER: First, it is by no means clear that it will be $13 million.

Mr Cowan: All right, how much of the anywhere between $8 million and $13 million will you get back?

Mr PARKER: I believe, from the prospects and processes people are considering at Kemerton, we will recoup many times more than that. I believe, as I said the other day at the opening of the SCM Chemicals Ltd project at Kemerton, that the Kemerton site and its establishment and the agreement for its development with the Shire of Harvey is one of the major economic and social decisions affecting the south west of the State in the last 20 or 30 years.

In relation to this project, as the Deputy Leader of the Opposition said, originally the company chose a site which was very close - about one or one and a half kilometres from the centre of the townsite of Muchea. It was as a result of the representations of some of the self same people who are now opposed to any site in the area that the company chose, in consultation with the shire and the various Government authorities, but on its initiative and after examining half a dozen sites in the area, a site about five kilometres from the town of Muchea. It is important to understand that all of these site selections have been at company initiative, not Government initiative; but, of course, we as the Government have a responsibility to scrutinise and ensure that any decisions the company makes are acceptable from an environmental and health point of view and so on. In this case, what we have before the House at the moment is an piece of enabling legislation. It is not a piece of legislation which is prescriptive or determinative, in that it does not of itself prescribe or determine precisely what is to happen at any of the sites - the Dandaragan site, the Chittering site or the Kwinana site. Rather, it is a piece of enabling legislation which specifically makes clear that in fact all the due processes of the law, particularly with respect to the environment, are to be observed before any permission is granted. As I indicated before, in the case of the mining operation and the wet and dry mill, all of the environmental processes, with the exception of the final approval notification by Government, have been gone through. There was a public environmental review process; there was an opportunity for public submissions to be made in that process; there was as a result of that a report published by the Environmental Protection Authority; there was as a result of that report an opportunity for appeals to the Minister; those appeals were determined and as a result the Minister has given notification that I can proceed with respect to the mine and the wet and dry process on those sites.

Some but not all of that process has been completed with respect to the synthetic rutile plant, and this Bill does not in any sense interfere with that. We have had a PER process; we have had public submissions. That matter is now being evaluated by the EPA. The EPA in turn has the right to go back - and I understand is going back - to the company with regard to some of the issues that have been raised during the public process, and at some stage in due course the EPA will bring down its determination with regard to the synthetic rutile plant. Similarly, the titanium dioxide pigment plant at Kwinana is at a somewhat earlier stage of development. At all stages in the process, whether it be at Dandaragan, Kwinana or Muchea,

the company particularly, because it has been its responsibility, and more recently, since it became involved, the Government, have had extensive consultation with particularly the Shire of Chittering and also the progress association up there. I said earlier that the company first approached the Shire of Chittering with regard to this project in March 1987. An extensive meeting took place on Tuesday, 17 March 1987 between the company and its environmental and planning consultants and its engineering consultants in which they went through with the shire all those issues in relation to the matter, including the process, the product usage, the shipping facility, the location, the transport operations, including rail transport, the mill operating procedures, the personnel of the mill, the housing, the project status, and so on.

All these matters were discussed, dust control and so on, with the shire as early as March 1987. Subsequent to that, I am advised, the company, on dozens of occasions had consultation either with affected residents or with the shire: In August and September 1987; in December 1987, not just with the shire but a presentation to the Muchea Progress and Recreation Sporting Association. I think Mr Mackie is the president of the organisation; he is a shire councillor as well, and is someone who is very strongly supportive of the project. I know that other people are not so supportive, like Mr Jones of whom we have heard in the media recently. I accept what the member for Moore says: Quite a large number of people in the region are not supportive of the project. But many people are supportive, and both groups have been heavily consulted.

Mr Crane: There are also four leafed clovers.

Mr PARKER: There may be. But in this case we are talking about a group of people who are divided. No-one can say adequate consultation has not taken place. Some people's view of consultation is that no consultation has taken place - I have experienced this in all walks of life including within my own organisation - unless one actually agrees with them.

Mr Court: I was in the Minister's electorate on Saturday and read graffiti which stated "Export Parker".

Mr PARKER: It read, "Export Parker, not uranium." I saw that. The member was obviously in George Street, East Fremantle.

Mr Deputy Speaker, the consultation was very extensive. Consultation took place later in December with the shire; in May this year meetings took place with the shire clerk, with other councillors of the shire, with the whole council in June, and meetings with the shire clerk again in July.

Mr Crane: The shire never told anybody.

Mr PARKER: I am sorry, but meetings took place with the progress association. I am not answerable for the shire. As the Government, our prime task is to consult with the shire. I say that with reference to some of the comments which have been represented by Mr Donaldson of the Country Shire Councils Association who suggested that the shire has been ignored. I have a lot of time for Mr Donaldson; he is a very capable man. Obviously he has been told that; but it is not true. In his capacity as president of the CSCA, he wishes to represent the views of one of his constituent members. I do not see how it can be said that the shire has not been consulted. I have read out the company's consultation with the shire. The Government of course became involved at a later stage because it was and is very much a company project and initiative; we are simply involved in developing an agreement.

Since June, my department has had no less than 11 contacts with the shire, including one meeting held in this place at which, because I was unable to be present, my colleague, the Minister for Mines was present, with the full shire council. On a number of occasions meetings have been held with the full shire council including at particularly important times when various processes in the environmental process took place - when the report came out, or when the appeal process commenced and so on. So we are talking about literally dozens of occasions between the time the project was first mooted and the current time when consultation with the shire and the progress association took place. As the member for Murchison-Eyre said, in earlier debate, a meeting took place recently which the company addressed and at which it gave all sorts of undertakings to the residents of the locality about the sorts of things it would do in terms of tree planting and a host of other things to satisfy the concerns of the residents.

I heard Mr Jones speaking on the Howard Sattler program yesterday, when Mr Sattler put to him that an environmental process and so on had been approved. Mr Jones said, "I don't care whether it's the healthiest thing in the world. I don't care what the health and pollution aspects are, I simply don't want heavy industry in my area." As I said this morning on the Diana Warnock program, that is a legitimate position for Mr Jones to adopt; I do not criticise him for that. But as a Government and as a nation, we have to make decisions on a broader basis. As long as we can satisfy the legitimate concerns of people in relation to pollution and the environment, I do not believe any reason exists why the desires of very small groups of people - simply because they are opposed in principle to something - should hold sway over the greater benefit of the State. That is always a difficult decision to make. We do not particularly enjoy making it but every single project has some group of people who for some reason or another oppose it - either because of location, ownership, how it is being built, or what it will produce in the end. No project does not have that characteristic. No matter where we put it, a project will still have that characteristic, although the people will be different and the concerns will be different. In the final analysis, we need to satisfy legitimate concerns and legitimate opposition which relate to health, pollution and amenity - not to simply refuse to support something because a group opposes it. That is not democracy; that is simply kowtowing to pressure groups.

In response to other queries raised by members opposite, first, in relation to ongoing involvement of local people in monitoring this project, that is a legitimate concern. The Deputy Leader of the Opposition raised that issue and asked whether there could be some ongoing involvement. Clearly, the answer is yes. One of the sections of the Environmental Protection Authority Act 1986 provides for environmental management programs. The EPA can and does require companies to submit programs on an ongoing basis - not just at the initial approval stage. They may be triennial or some periodicity of submission. The avenue is open to the EPA to involve the public in the review process. I am happy to ensure that will be done on this occasion. From my discussions with Minproc, I know the company is perfectly happy. It has nothing to hide and wants to build the best, safest and most advanced mineral sands processing facility in the world. It is happy to involve the public in monitoring what it is doing.

By way of interjection I dealt with a comment from the Leader of the National Party and from the Deputy Leader of the Opposition about the timing of agreement Acts coming to Parliament. If members look back over the five years during which I have held this portfolio, they would find that agreement Acts were coming into Parliament at all stages of the parliamentary year, not just during the last few weeks of it. Some agreement Acts have come in towards the end of a parliamentary session. Given that an agreement is just that, an agreement - we need to have some form of lever to reach the final aspects of the agreement. I will never forget the final signing of the variation to the North West Shelf project agreement which was brought in on a special sitting day on 3 July 1985. It took place at about 3 o'clock that morning, we had to get it to the printer and rush it through. One could ask why we did not defer it to a later parliamentary session. But the negotiations would have continued until that time. In the final analysis people need a deadline and need to be told that unless agreement is reached and the matter dealt with, the project will simply not happen. I would prefer that matters come in earlier, as many as possible do, but in the final analysis we are constrained by the process of reaching agreement.

As far as the company selling off part of the land is concerned, the company would need to have Government approval because the proposals provided for in this agreement need approval, and any variation needs to be approved. Such variation would include the disposal of any area of buffer zone. In addition, the situation is not as has been portrayed in the media - that clause 19 of the agreement simply rezones the land. That might be one of the matters concerning the member for Moore's constituents; it is a misunderstanding which I can clear up immediately. Clause 19 does not say, "Here is an area of rural land. The shire is refusing to rezone it, therefore we will rezone it and it is now an area of industrial land." If that were proposed by this agreement, I could understand the concern of the residents. Perhaps they think that is what is proposed. In fact, what is proposed is that no matter what the zoning is, for the purposes of this plant and this plant alone, the company can proceed with the plant, notwithstanding the zoning. Of course, the member for Moore is right in his assertion that Parliament can at any stage vary that zoning. Parliament could decide that all of us should wear red robes, but it does not do it.

The point is that what is envisaged, and what is proposed in the Bill, simply allows this particular plant to be built on that land without there needing to be any rezoning. I give a commitment that it is our desire and our preferred option to embark on this matter as closely as possible with the Shire of Chittering. Until very recently the Shire of Chittering was being very cooperative on these questions. Some of the shire councillors, perhaps not a majority, have said that they would far prefer to have this matter taken out of their hands. I endorse absolutely the comments of the member for Moore with regard to that, but I am sure that the member for Moore with his parliamentary experience would have come across something like that before. We would prefer to cooperate as closely as possible with the Chittering Shire and, for that matter, the residents of Muchea, to ensure that as much consultation as possible can take place. However, they need to understand that consultation is just that. It does not just mean lip service to them, but neither does it mean a veto right to them. Unfortunately, that is the view a lot of people hold about consultation.

I was pleased to hear the Deputy Leader of the Opposition concede that these agreement Acts need to have a provision like this in them to ensure that the agreements can proceed expeditiously. As I have said repeatedly, 31 such agreement Acts have been introduced to the Parliament since the early 1960s by Governments of all political persuasions - by the Brand and Court Governments of the conservative persuasion and by the Labor Government through the Tonkin, Burke and Dowding Governments. In that time all of us have introduced these Bills with this sort of provision within them. It has been well recognised that that is necessary.

We have this agreement within the silicon agreement, for example, but we are cooperating very closely with the Harvey Shire Council on all aspects of the silicon project. We are cooperating very closely with it on all aspects of the SCM project, the legislation for which also has this agreement in it. We are cooperating very closely with the Kwinana Town Council. We include such provisions so that investors and so forth can operate with the confidence that in the final analysis the Government represents the whole of the State and is accountable to the whole of the State. The State can decide what it wants to do with the Government. Every three years - from the next election on, every four years - it can make a decision about whether it accepts the stewardship or otherwise of the Government of the day. That is what the parliamentary and the democratic process is about. That is why in the final analysis the right of the Parliament to make these decisions on behalf of the whole State is accepted and has been accepted consistently over the years by all Governments in this State and by the Parliament.

The member for Mt Marshall dealt with the issue of infrastructure. I notice that the member for Murchison-Eyre has at least temporarily assumed the seat of the leader of his party. He too raised with the House the issue of water availability. My understanding of the water situation at Cataby is that it is not nearly so clear cut as either the member for Mt Marshall or the member for Moore would have it. No-one would deny that there is a water resource at Cataby, but the question of the volume, the level and the extractability of that water resource is far from clear. One of the issues that was in Minproc's mind was that it would have to prove up that water resource when there was already a proven and available water resource at Muchea.

To answer the question of the member for Murchison-Eyre specifically, I understand that the Water Authority has given absolute assurances to everybody, including the EPA, my department, the company and the locals, that the extraction of water by this project will not impact on the Perth underground water supply. I accept the point of the member for Murchison-Eyre that the Perth metropolitan water supply is of absolutely vital importance and must be protected. I am not a hydrographer, but apparently water is formed and exists in a variety of different aquifers or basins and the aquifer or basin to which this project will have access is a quite different one from that to which the Gnangara mound or any of the other underground water supplies have access. As I see it, there will not be any problem with the Perth water supply. Indeed, the Water Authority has made it clear that it will not allow the licence for water extraction to proceed unless it is satisfied of that. I understand that it is so satisfied.

As the member for Murchison-Eyre said, the mine will produce the normal range of mineral sands, that is, ilmenite, rutile, zircon, monazite, and so on. The process which will take place at Muchea will be the initial separation of those various different elements of the heavy

mineral sands into their various constituent elements, not processing down as the rare earth plant will do, for example, in relation to monazite, but simply processing into monazite, ilmenite, rutile and so on. From there, the ilmenite will go into the synthetic rutile plant, if it is approved, and be upgraded from the ilmenite. The difference between ilmenite and rutile is basically the level of contained titanium. The processing creates what is known as synthetic rutile; in other words, through chemical process the proportion of titanium in the ore is increased, thus creating so-called synthetic rutile. That will happen at Muchea. Then the synthetic rutile will be transported for export, as will be the other products. For example, monazite will be separated and bagged, then put into sea containers according to the radiation safety proposals that have operated successfully for many years at Capel, Eneabba and elsewhere, and transported to the port or, if we get a rare earth processing plant, to that plant, and the synthetic rutile will be transported to the port. Some of it will be exported and some of it will ultimately be put into the titanium dioxide pigment plant that it is proposed to build at Kwinana.

I think I have dealt with most of the matters raised by the member for Moore and the Leader of the National Party. There is nothing in the Bill and nothing in the agreement between the State and the company or the agreement between the company and its joint venturer which provides that any industries other than those enunciated in this Bill will come into this area. I cannot answer for what Parliaments in the future may do or for what the Chittering Shire Council may do, but either a Parliament of the future or the Chittering Shire Council could decide to rezone the area if it so desired. I am not asking it to; we have no desire for it to do so. It is not an area that we have targeted for a new Kemerton north of the city for further development. It is simply an area that was chosen by TIO2 Corporation on the basis of the best environmental advice that was available to it at the time. The EPA, at least insofar as it has reported to date in relation to the wet and dry processing operations, has confirmed that it is environmentally acceptable and that the sorts of concerns that have been raised are legitimate only in the sense that people have a right to raise them; they are not, however, sustainable concerns. Certainly clause 19 goes no further than that.

The other point I raise relates to the comments made by the Leader of the National Party. The Government has not put any pressure on the company to construct the plant or to get any approvals within any particular time frame. As the member for Murchison-Eyre says, other competing areas of the world are doing these things and if we are not reasonably quick off the mark some of those other areas of the world will take up opportunities that were otherwise available to us, so it is in all of our interests for these things to be dealt with expeditiously. But putting that to one side, there is absolutely no pressure whatsoever from the Government as to timetabling. The pressure is entirely a commercial pressure. The Government is responding to that commercial pressure and to the commercial desires on the part of the proponents to have this project dealt with as soon as possible. I believe that it deserves the support of the House. I commend the Bill to the House.

Question put and a division taken with the following result -

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Ayes (46)

Dr Alexander	Dr Gallop	Mr MacKinnon	Mr Thompson
Mrs Beggs	Mr Grayden	Mr Marlborough	Mr Troy
Mr Bertram	Mr Greig	Mr Maslen	Mr Fred Tubby
Mr Blaikie	Mr Grill	Mr Mensaros	Mr Reg Tubby
Mr Bradshaw	Mr Hassell	Mr Parker	Mr Watt
Mr Carr	Mrs Henderson	Mr Pearce	Mrs Watkins
Mr Cash	Mr Gordon Hill	Mr Read	Dr Watson
Mr Clarko	Mr Hodge	Mr Ripper	Mr Williams
Mr Court	Mr Tom Jones	Mr D.L. Smith	Mr Wilson
Mr Cunningham	Dr Lawrence	Mr P.J. Smith	Mrs Buchanan *(Teller)*
Mr Donovan	Mr Lewis	Mr Taylor	
Mr Evans	Mr Lightfoot	Mr Thomas	

Noes (6)

Mr Cowan	Mr Schell	Mr Wiese
Mr Crane	Mr Trenorden	Mr House *(Teller)*

Question thus passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Dr Alexander) in the Chair; Mr Parker (Minister for Economic Development and Trade) in charge of the Bill.

Clauses 1 to 4 put and passed.

Schedule -

Mr COURT: It was explained to me this afternoon by the parliamentary draftsperson that it is not possible for the Opposition to amend this schedule; the purpose of the Bill is to ratify the agreement and the schedule is the agreement reached between the different parties. I hope the Minister got the message from the second reading debate that much concern surrounds the siting of this middle stage at Muchea. The Liberal Party has supported the second reading of this legislation but, as I said during the second reading debate, it is with some reluctance that it has witnessed the Government's actions. The blame cannot be laid on the company; it is the Government's responsibility to ensure that the best possible site is chosen. I asked the Minister for some reassurance that an extensive process took place following which the site was chosen at Muchea. The Minister replied that basically the company has considered the different options. The Minister cannot pass the buck; at the end of the day the Government must give its approval. I ask the Minister to give the assurance that the Government will go to great lengths to ensure that a number of matters are considered.

First, I would like closer consultation with the local people. The Minister has read out the number of times that the Government and the company have met with the local shire. The comment was made by way of interjection that unfortunately the message was not getting out to the community. I am aware that the company now has a program under way whereby it is opening up everything to the community so that the community will be well informed about what is taking place. It is important that the Government go to great lengths and, if necessary, additional expense to ensure that when it is looking at the EPA approvals for the synthetic rutile plant - leaving aside at this stage the pigment plant at Kwinana - it is completely satisfied that all of the necessary EPA standards can be complied with when the plant is in operation. It is now the law in the United States that the public be given access to all that information. It was very pleasing to us when we were looking at the petrochemical plant to realise the lengths to which the companies now went to make the information available to the public and to help the public interpret that information.

Mr Parker: I gave that commitment to you in my response to the second reading debate.

Mr COURT: I am just reinforcing that it is absolutely critical - particularly if the EPA gives approval for the synthetic rutile plant - that an example be set. I believe that the partners in the project - Minproc and Kerr-McGee - want to set the highest possible standards for their plant. That is encouraging, and I do not have any doubts about their sincerity. I do have doubts about some other projects, where people are trying to skimp on the costs. However, the Government also has a policing role in this operation to ensure that the concerns of the people in the area are properly considered. I hope the Minister realises that the people in the area jealously guard their lifestyle and the fact that they are living in a rural environment. It is critical that the project does not intrude on their lifestyle, that the plant cannot be seen, heard, nor smelled, and that it does not cause pollution problems, so that the community will remain primarily a rural community. I know that the Minister has given these assurances, but it is critical that they be recorded in *Hansard* so that if we do run into problems in the future, we will know whether the Government has met the promises it has outlined to this Chamber.

Mr CRANE: I strongly support the Deputy Leader of the Opposition in his remarks. I feel very disappointed today because in the twilight of my political career, I have been beaten in the field. However, that is something that happens to all of us from time to time. I was not really beaten; I was deserted by my comrades. What is being proposed is like giving somebody a Claytons instead of a whiskey. The battle has been lost. The project will go ahead at that site. I too have a high regard for the attempts that the company is making and for the changes it has made over the last few weeks. However, I am concerned now that this

is just another example of the futility of the cause for right; sometimes it just does not add up. I think we all remember that many years ago when the British forces were pushed back into the sea, Churchill said, "We will fight them on the beaches; we will never surrender." It was "Lord Haw Haw", the Englishman who defected to the Nazi cause, who said, "England will fight to the last Frenchman." Well, members have just seen me fight to the last Frenchman. We have lost that fight, but by hell, it will not be forgotten in that area for a long time. It is a pity that we do not wake up to ourselves sometimes and realise not only our own responsibilities but also the wishes of those who come to us in their hour of need. I hope that the company and the Government will take heed of what the Deputy Leader of the Opposition has just said because they have a lot to answer for. I feel terribly disappointed. It is not easy to admit defeat on the eve of the end of one's time of service, but I am not too proud to admit that I did not die easily. I hope that in another place there may be some people who will recognise that a great wrong can be corrected, and I hope they will have the courage to do what is necessary to correct it.

Mr PARKER: I reiterate the comments I made in the second reading speech, namely that the environmental process and, more recently, the environmental practice of the EPA and the Government has been to involve people as much as possible in the process of review and of monitoring what happens in respect of plants of this type. The Deputy Leader of the Opposition was right earlier this afternoon when he said that companies such as Alcoa had learned the hard way that we have to deal with these issues up front and involve the people in them. I think that, contrary to the criticism that has been made, particularly by the member for Moore, this company has commenced on that track, and has tried right from the outset to achieve that level of consultation. Time will tell whether the residents will now be satisfied, or whether anything will satisfy them. So far as the Government and the environmental process is concerned, the opportunity for environmental management programs - which is now the practice of the EPA - means that there is a way in which the EPA can insist that the public in the area be involved in the monitoring and the review of information that comes forward. I accept absolutely that people have the right to know that, as does the work force involved in the plant. The Government gives the commitment that it will ensure, through the various mechanisms and processes available to it, that the public will be involved at all stages of the review and monitoring of the outcomes of the decisions that the EPA makes after the plant has been constructed. The Government has introduced that to a very large degree into the environmental process of the State, and my colleague, the Minister for Environment, can talk about that at greater length than can I. I reiterate that that is the intention. I do not believe that by passing this Bill and this schedule, the State is doing anything other than what is absolutely the right thing. There are some people who are dissatisfied with it, but that is unfortunately the nature of the society in which we live. All we can do is ensure that those people are not adversely affected as to their health and amenity, and I believe that has been done.

Schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr Parker (Minister for Economic Development and Trade), and transmitted to the Council.

CRIMINAL LAW AMENDMENT BILL

Second Reading

Debate resumed from 19 October.

MR MENSAROS (Floreat) [5.11 pm]: This is a fairly complex piece of legislation, much more so than it needs to be, and it had one of the longest gestation periods I can recall of any piece of legislation which has reached this House of Parliament in recent times. From that point of view I honestly cannot understand why it suddenly jumped the queue and was placed almost at the top of the Notice Paper with the obvious view that it should be passed during this session.

The Bill amends, and in most cases repeals, quite a number of provisions of the Criminal Code, and it also repeals some other provisions of different but related Statutes, or at least where the provisions are related to the laws to be repealed in the Criminal Code. Because of the complexity of the Bill I think it is a difficult piece of legislation which can be called a Committee Bill. Accordingly I will not spend a great deal of time on the second reading debate but rather will speak on several clauses in Committee where we have comments, objections, and in one case even an amendment.

As we see the Bill, it has been slightly amended in the Legislative Council - where, I understand, the Opposition's views were related to the Council but apparently it did not agree with most of them and it was only in a few cases that instead of repealing offences it retained them. Considering the implementation of the Murray report - which was commissioned some eight or nine years ago, as I have often said, by the previous Attorney General, Hon Ian Medcalf QC - and considering the fact that that report surfaced five or six years ago, it is a pretty poor show on the part of the Government that it took such a long time to introduce the Bill. Even after having taken such a long time I notice the Government itself was not sure of what it was doing. It came in with amendments, not only in the Legislative Council where the Attorney sits but even afterwards, on second thought, because I see a number of amendments in the name of the Minister for Agriculture on the Notice Paper. Surely that is not something that would earn commendation for the Government; after about five or six years of having the basic material of the Murray report, it can only decide at the last minute what additional amendments it would like to apply to the Bill.

Broadly speaking I think it could be safely stated without undue criticism that the Attorney ought to have been more selective in what he accepted from the Murray report recommendations and what he rejected. It is one thing to do away with what are called obsolete provisions - provisions which are not used - but it is quite another thing to give up principles. It cannot be emphasised often enough that sometimes it is not bad, in fact it is very salutary, to keep provisions on the Statute book even if they are not being implemented or have not been implemented for a long time. They should be there purely in order to announce that this is the ethical, moral, or other view of the community - in this case the entity being the State of Western Australia - as to what the majority of the people think. I am a firm believer in this principle because the fact that something is not being implemented or used does not necessarily make it wrong at all. I will mention an example which I have mentioned before; I hope that your ruling on tedious repetition, Mr Speaker, does not include debates of several years ago, as one of your deputies ruled.

The example I refer to is that in some countries in Central Europe adultery was a criminal offence even at the time I practised law there, during and after the war. Of course, it was never implemented. There were civil divorce cases in these countries, just as in any other country in the world, and during the proceedings of these civil divorce cases almost all - not every one but most of them - stated adultery as one of the reasons for the plaintiff's asking for a divorce. It was proved in the civil proceedings before duly constituted courts, yet nobody took it up as a criminal charge and people were not charged. So some people apparently had the same view as our Attorney General, and said that this provision ought to be repealed and taken off the Statute book; after all, it had never been used, it was not implemented, therefore what was the good of having it there? But the counter argument prevailed, and that argument is precisely what I am putting now: Because something is not being used it does not necessarily mean that it is obsolete. That is the first point. The second point is that it definitely does not mean that it is wrong - that by not using it, it becomes wrong. This was the argument: That the community of that particular State or country considered adultery to be something wrong, something forbidden and not to be done, and even if it did not prosecute, it should not be taken off the Statute books.

Mr Speaker, you will probably agree that amongst a number of historical documents very often it is the law books only which give us a proper assessment of what happened in history at a given time. That applies, of course, to Hammurabi's law, from the time of which nothing has remained, and that goes back 5 000 or 6 000 years. But from those laws, what the society was like could be magnificently discerned. When we come much further forward in modern times to Roman law and look at the Code of Justinian it is much better at expressing the then prevailing circumstances of the society than even the best historians are. No matter who the historians were - Julius Caesar or Tacitus or any number of known

classical Roman historians - by necessity they were all prejudiced, particularly those persons who also took on a very high military or Government job. My reasoning in connection with the many provisions of this Bill is that because provisions are not being used does not mean that they should automatically be repealed. There are all sorts of reasons why they should remain on the Statute books, perhaps for ethical reasons, or for reasons of Western Australian patriotism or acknowledgement that we are a sovereign State. For instance, the repeal of the criminal offence of treason would represent the Labor Government's giving up our sovereignty. The point has been made that provisions exist under Commonwealth legislation to punish anyone who commits the offence of treason. I can best illustrate that with a hypothetical case: Heaven forbid, suppose someone killed the Governor. We consider that he is a more important person and the offender should not be charged with murder; he should be charged with treason because the Governor represents the Monarch. The Governor has a more important position than Joe Blow.

Another consequence of the repeal of the offence of treason has been eloquently explained by Hon John Williams in the upper House who said that the repeal does away with the centuries old doctrine of indivisibility of the Crown. The indivisibility of the Crown started with King Arthur and was written down by King John in 1199. The eleventh century old principle is to be thrown out because the Attorney General considers that the respective provisions in the Criminal Code are not being used. I refer here again to the example where a person commits treason by killing the representative of the Monarch. That person should not be charged with murder - as would occur if this Bill is passed - but with treason.

We oppose a number of provisions in this Bill which I will briefly enumerate. I will elaborate further at the Committee stage. One very important provision for sentencing is lacking; the judges should set a sentence or period of incarceration as a last resort. Different reasons are given for a judge taking the last resort. No reason relates to the interests of the community, neither is interest of the victim spelt out. This is the basic difference between Liberal Party policy and Labor Party policy, and becomes obvious with each criminal law legislative action initiated by the Government in this Parliament. Our prime consideration in dealing with crime relates to the interests of the community, not the criminal himself. I am not saying that the criminal should not be considered but the first consideration should be the interests of the community. A strong argument is then made that the next consideration should be the victim of the crime, before the criminal. We have placed an amendment on the Notice Paper in this connection: When the reasons for resorting to incarceration as a last resort are given, among them should be the interest of the community, but the interest of the victim should also play a part.

Another provision relates to the bribery of members of Parliament and the threatening of witnesses before Parliament. Those acts are to be upgraded to criminal offences. The Opposition believes that the provisions are not sufficiently described and too many loopholes will exist if the legislation remains in this form. I am not attempting to amend everything which I dislike but I know that the Minister listens attentively and he may consider my proposition worthy of discussion with the Attorney General. The matters which I raised have nothing to do with politics or party lines. I am dealing in an objective manner with the provisions of this Bill. What happens if a member of Parliament is being bribed? The present proposition being put states that not only money will be regarded as a bribe but also any other consideration. We accept that. But what about a bribe being given not to a member of Parliament but to perhaps a political party. That could happen. A political party could be promised something of benefit which could be determined, according to these provisions, as a bribe. To my mind - perhaps the Minister can correct me - that would not constitute an offence. Perhaps we could invoke the Interpretation Act here, but the provisions should be explained because that Act places so much importance on parliamentary debate on legislation and the intention of the legislator, apart from the wording of the Statute.

Another set of provisions within the Bill, with which we do not agree, relates to the offence of hindering religious worship. The Attorney General has argued that some other section of the Criminal Code takes care of this area. But the other section of the Code referred to simply says that nobody should be prevented from exercising a lawful action. Surely we should differ between a servant of God, a Minister of religion, and the proverbial street sweeper. Those people will come within the same provision if we accept this Bill.

[Leave granted for speech to be continued.]

Debate thus adjourned.

WESPLY (DARDANUP) AGREEMENT AUTHORIZATION AMENDMENT BILL

Message - Appropriations

Message from the Lieutenant Governor received and read recommending appropriations for the purposes of the Bill.

LAND TAX ASSESSMENT AMENDMENT BILL

Assent

Message from the Lieutenant Governor received and read notifying assent to the Bill.

[Questions taken.]

Sitting suspended from 6.01 to 7.15 pm

CRIMINAL LAW AMENDMENT BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

MR MENSAROS (Floreat) [7.15 pm]: The Government wants to repeal a series of provisions, partly from the criminal law and partly from other Statutes, which contain the age old British tradition that non-corroborative evidence should not be the basis of any conviction. This is one of the provisions of the Bill which raises our strongest opposition. This unholy principle first found its way into the Western Australian Statute books when we amended the Criminal Code regarding sexual offences. This was a record for any country whose law was based on English law. I criticised it at that time, and that criticism has been proved right in the examples which have occurred since its introduction in connection with sexual offences where the acceptance of non corroborative evidence has led to a number of bizarre judgments. Amongst them was the so-called 30 second rape case. Recently a farmer was convicted of sexual assault he was alleged to have committed on his stepdaughter some 25 years ago, and there was no evidence but the stepdaughter's against the defendant. By a strange coincidence the property of the farmer was in dispute and the whole thing was used as a blackmail against him.

A number of provisions in this Bill want to get away from our legal system, which has existed in common law and has been reinforced in Statutes in various English speaking countries over the last 12 or 13 centuries. We are debasing ourselves to the level of the KGB when we accept uncorroborated evidence as the basis of a verdict. How anyone who is a religious man, as the Attorney General reputedly is, can give his name to this is beyond my comprehension. The Opposition most vehemently opposes doing away with this principle and trying to remove it from the provisions of the Criminal Code. This attempt goes back to the recent amendment to the Justices Act which was placed on the Notice Paper by the Minister for Agriculture. I wonder how he as a lawyer can lend his name to such a provision.

Finally there is the new provision of whole life imprisonment. We live in a situation where crime proliferates and everyone demands harsher punishment, but the punishment should be imposed in a different way. This is nothing but a gimmick, because for all practical purposes no-one will be restricted to strict security life imprisonment or whole life because the Royal prerogative can and will be used. It is nothing but an attempted gimmick by the Government.

Because these provisions have had a tremendously long gestation, they should have been subject to comments by the legal fraternity as well as the public before being introduced into the Parliament. Those comments may have shocked the Attorney General into a proper attitude. With these remarks I await the Committee stage where I shall expand on some of these matters more fully.

MR HASSELL (Cottesloe) [7.22 pm]: I want simply to support the remarks of my colleague, the member for Floreat and shadow Attorney General, in one respect relating to

this legislation; that is, the repeal of provisions of the criminal law of this State relating to treason and related offences. It is a very important issue, and I hope the Minister, who I do understand is only representing the Attorney General in this House, will take our remarks on this aspect very seriously and will convey them to the Attorney General, even to the point where he delays the legislation, albeit for a little while, to see if something can be done -

Mr Grill: Weren't these matters brought up in the upper House? I think this question was.

Mr HASSELL: It may have been brought up in the upper House, but I understand the legislation before us still provides the same provisions. Is that not correct?

Mr Grill: What I am getting at is that it has been debated in the upper House.

Mr Mensaros: Some of it has been deleted but the bulk of the relevant provisions stayed in the Bill.

Mr HASSELL: It may have been debated. In the upper House the situation is the opposite from here. In the upper House the Government has the Attorney and he is able to respond to points put to him by our side, but in this House we have the shadow Attorney, so the people who are authoritatively in command of these matters are not in the same House facing each other across the Chamber. All I want to do is very briefly emphasise the point that we as a State should never concede to the Commonwealth a general jurisdiction in relation to the criminal law because that is the greatest act of centralism we could possibly carry out.

Mr House: Or anything else.

Mr HASSELL: Or anything else. I would not trust the Commonwealth with the time of day, but we must deal with the issues specifically as they come up. If one reads the Commonwealth of Australia Constitution one will find there is absolutely no reference in that document to the Commonwealth's having a general criminal jurisdiction. Indeed, the Commonwealth has had to establish its authority in matters of criminal law as an implication of the other provisions of the Constitution over generations of High Court decisions, relating it in each case to the specific powers of the Commonwealth; but here we seem to be giving the Commonwealth a gratuitous boost to its ever predatory centralist ambitions by removing ourselves from a field which is essentially that of the States. Let me remind the Minister, who with his legal background understands these things full well, that in 1985 - only three years ago - we debated in this Parliament the Australia Acts (Request) Act. That was a piece of legislation introduced into the Parliaments of all the States of the Commonwealth and into the Commonwealth Parliament and approved by the British Parliament as a means of giving the Australian constitutional structure the status of being home grown and no longer dependent on its status as a schedule to an Act of the British Parliament. One of the key provisions of the Australia Acts (Request) Act was that the States gained a relationship to the monarch which hitherto had belonged only to the Commonwealth. Prior to the Australia Acts (Request) Act the States had to approach the monarch, through what I think was called the Commonwealth and Colonial Office or something of that nature, in London. In other words, our route to the Crown was to the Governor, then to the Colonial Office, and then to the Crown. The Commonwealth, of course, went through the Governor General direct to the Crown because the monarch was seen as the Queen of Australia and that was the proper status of the nation. The Australia Acts (Request) Act was of course a political compromise developed over quite a number of years of discussion involving Governments of all political persuasions. It said, "We are going to put the States in the position of having a direct relationship with the Crown." Therefore we as a State would be able to approach the Crown directly. For instance, if the present Government wanted to remove the present Governor - which I know it does not and nobody would want to; I am using it only as an example - instead of going to the Colonial Office in London the Government would go to the Queen and advise the Queen. In other words, the Ministers of the State of Western Australia are the Queen's Ministers, they are not the Queen's Ministers at one remove via the Colonial Office. They are the Queen's Ministers and they can advise the monarch in relation to those matters in which she still has, as monarch and head of State, jurisdiction over Western Australia.

Given those circumstances, it would be entirely appropriate that if some act of criminal activity took place which affected the office or status of the head of State or represented an attack on the State, it should be dealt with under the criminal law of this State and not under the criminal law of the Commonwealth. The member for Floreat raised this issue: What if

something were done to the Governor of this State? Would we have the defendant or the offender prosecuted under Commonwealth law? That is really quite offensive to the status of Western Australia as a sovereign State under the Crown and it seems to me to be a shame and not an intention that the Government would actively seek. Hon Joe Berinson, for all our substantial political differences with him, has on occasions been a pretty fair sort of fighter for Western Australia's interests. For example, on the matter of the centralisation of power over companies and securities he might not have done everything we asked him to do but he made the position clear that the Western Australian Government was not ceding power over the companies and securities law to Canberra; and on a couple of other issues he has also made our position clear. It is therefore anomalous to us that in this very important matter which does affect the long-term relationship of the State and the Commonwealth what the Government is doing is providing the High Court with another excuse to make a centralist decision. As the Minister well knows, the High Court hardly needs an excuse to make a centralist decision. It is the most centralist bunch in Australia, and that includes comparison with the Federal Government. It is a very centralist court, and it will become more centralist because Mr Hawke is about to appoint someone else to it. I would be prepared to bet my boots and my hat as well that we will have another centralist dobbed onto the High Court to make sure that the power in this country is transferred to Canberra.

I would be very disappointed if this Government contributed to that situation in any way. We very seriously and sincerely ask the Minister - even though this Bill has been dealt with in the upper House - to reconsider the matter with the Attorney General. Perhaps the Minister could adjourn the debate until a later stage tonight, to have a talk with Mr Berinson. I know that the Minister fully understands the issue we are raising. The Minister would have a degree of concern about this Bill. The urgency is not so desperate that we need to push the Bill through in the next 20 minutes, without further consideration of the issue. I support the member for Floreat in that aspect of his remarks on this important legislation.

MR HOUSE (Katanning-Roe) [7.31 pm]: I wish to contribute briefly to debate and to support the two learned gentlemen who have spoken before me; they both know a great deal more about the law than I do.

The two points I wish to raise will affect the people of this State should this Bill become law. The clauses in the Bill which deal with corruption and bribery are particularly pertinent at this time. After witnessing events in New South Wales in the last five to six years, and subsequently the evidence being given in the Fitzgerald inquiry in Queensland, no-one would deny that these laws need to be tightened up. People should be made aware that if they are in positions of trust and they abuse that trust they will feel the full weight of the law. Anyone in a position of trust who abuses that trust should receive a sentence and punishment in excess of that given to people not in a position of trust who commit a crime.

I wish to make mention of the clause relating to the reduction in the rate of imprisonment. Much debate has taken place in our society over the last few years about whether people should be incarcerated. One of the failings in our society is that we have not established a satisfactory means of dealing with offenders other than by incarcerating them in gaols. When reducing the term of imprisonment and perhaps sentencing people to work orders, or anything else, we need to be sure that those schemes work. This appears to be a failing within our society at the moment. No-one would go so far as to say that we ought to introduce laws such as those which exist in Islamic countries, although we cannot deny that those laws are effective. One wonders where we should draw the line. Perhaps the Minister could outline the sorts of things he sees as constructive alternative punishment for people who commit crimes for which they would normally be imprisoned.

Taking away a person's freedom by imprisonment is a substantial way to prevent crime, but in that context the main fault is the standard of life inside prisons. From what I have read, life inside prison is not very nice at all. Incarceration does not seem to lead to the reform of prisoners; in many cases, quite the contrary. We are all horrified when we read about stories such as where a young lad was imprisoned recently for not paying a parking fine; subsequently he was beaten up and will spend the rest of his life as a mental patient.

The main reason I wish to participate in this debate is because six to eight weeks ago I introduced a private member's Bill in this House to amend the Criminal Code. The Bill under debate does that. The Government refused to accept my private member's Bill -

which was acclaimed by many people in Western Australia as being a step in the right direction, being well thought out and supported by the community. At that time, the Minister stated that the Government was bringing in a Bill to make amendments to the Criminal Code and that the matters which I had raised would be dealt with in that legislation. I am sorry to say that the Bill under debate does not deal with those matters. Nothing on the Notice Paper suggests that the Government will attempt to come to terms with legislation similar to that which I have proposed. My Bill was to allow people to use more force in protecting their personal property.

Unfortunately, due to its title, I am not able to move amendments to this Bill to institute provisions into the law which I would like. I am very disappointed that the Government has not come forward with an equivalent to my suggestion, although I have been led to believe that it would. Could the Minister give some indication to the people of Western Australia of how long the Government will take to bring forward something which is equivalent to the private member's Bill which I introduced earlier this year?

MR GRILL (Esperance-Dundas - Minister for Agriculture) [7.36 pm]: I thank members for their comments in respect of this legislation. The lead speaker on behalf of the Opposition was the member for Floreat. In his opening comments he criticised the Government for what he thought was tardiness in respect of criminal law reform. His remarks were very ungenerous indeed, and a long way from the mark. The member suggested that this particular reform of the criminal law was six years in gestation.

The Murray report is being implemented progressively by this Government, and has been implemented progressively over the years. We have brought forward two Bills per year in respect of the Criminal Code. Given the record of the Opposition in respect of criminal law reform, which any objective lawyer can only say was appalling, it seems to me strange that the member for Floreat should be criticising this Government. The criticism does not become him, and it is a long way from the mark. The current Government, and the current Attorney General, whom I represent in this place, have possibly the best record for criminal law reform and law reform generally of any Government and any Attorney General at any time in the history of Western Australia. One has only to look at the Notice Paper before today, today and what will come on tomorrow, to appreciate the number of Bills that have passed through this House, that are coming from the other House and slated to go through this House, with respect to law reform. The law reform of this Government is unprecedented. The criticism made by the member for Floreat was highly political, opportunistic and completely unjustified. The previous Government had a tremendous backlog of law reform measures which were not implemented by way of any form of legislation. I do not want to be seen to be criticising: It is not normally my form to criticise the Opposition. The remarks made by the member for Floreat were entirely unfair, completely gratuitous, and simply not warranted.

The next point raised by the member for Floreat, after criticising the Government's supposed tardiness in respect of this legislation, was in relation to the removing of outdated sections from the law of the Western Australian Criminal Code. The member put forward what I thought was a quaint argument to the effect that the outdated provisions of the Criminal Code and other legislation should be left in place and on the Statutes for some sort of historic reason. He referred to the fact that when he was practising law in Europe, before he came to Australia, adultery had been left on the Statutes in the area where he lived and practised, and that the then provisions in relation to adultery made it a criminal offence. His example, in itself, is reason enough for the Government to be bringing the law up to date. To suggest in any shape or form that adultery in the twentieth century should be a criminal offence, punished by punitive penalties - that is, fines or sending to goal - is completely out of touch with twentieth century society. The quaint idea put forward by the member for Floreat indicates how thoroughly conservative he is and how out of touch he can be from time to time.

The member for Floreat also bemoaned the fact that treason was being taken out of the Statute books of the Western Australian Criminal Code. He put forward arguments, as did the member for Cottesloe, suggesting that for constitutional reasons and, I think, for idealistic reasons those provisions should be left in the Criminal Code. They did not put forward any practical arguments about why they should be left on the Statute books. The arguments were philosophic and/or idealistic. I do not necessarily accept the ideology, and the member for

Floreat's argument would have been strengthened if he had put forward some practical reason why treason should not be taken out of the Statutes. The fact is that the Attorney General of this State and the Government are removing treason from the Statutes on the recommendation of Mr Murray, QC, because no good reason can be given for leaving it in the Statutes.

The member for Floreat knows, as does the member for Cottesloe who studied constitutional law with me, that where there is inconsistency between State and Commonwealth legislation, given that they both have jurisdiction over an area, the Commonwealth law prevails. I am advised by Parliamentary Counsel and the Attorney General that in this case there is an inconsistency and a duplication. I cannot see any practical reason, apart from the philosophic reasons put forward, why treason should be left in our Criminal Code.

Given the request put forward by the member for Cottesloe and to prove that in all respects I am entirely reasonable, as most members would agree -

Mr Clarko: I am not sure that most of us would agree.

Mr GRILL: I think they would.

Several members interjected.

Mr GRILL: I was going to say I would hold over that matter, but as I am not wanting to enhance my reputation of reasonableness I will not make that concession.

The member for Floreat alluded to the fact that he thought the legislation was concerned a little more about the interests of the community than the interests of the victim. I am not sure what was his argument.

Mr Mensaros: I will come to it during the Committee stage when we are debating clause 7.

Mr GRILL: The member for Floreat also referred to the question of bribery of members of Parliament and said that he wanted that provision widened. We are widening it, but he wanted it widened further. He also referred to the question of hindering religious worship and he wanted the provision amended in a form which, I guess, he will enlarge on during the Committee stages.

The member for Floreat was critical of the provisions which remove the absolute necessity for certain evidence to be corroborated before it can be accepted to convict an accused. I remind the member that the removal of this absolute necessity does not necessarily mean that a judge or a court should not direct, from time to time, that a jury should not convict without corroboration. All the provision does is to make the law more flexible.

Mr Mensaros: It encourages the judge to do the opposite.

Mr GRILL: Not really. It gives wider discretion to a judge to direct, in a range of circumstances including the circumstance under consideration, that corroboration is, in fact, necessary.

Mr Mensaros: Can you give an example of when it is desirable to convict someone on uncorroborated evidence? It is not justice.

Mr GRILL: I would suggest to the member for Floreat that in certain cases it is justice. I agree with him that a judge, certainly a jury, would need to be very careful in drawing that conclusion. In the past a large degree of injustice has been perpetrated on society by the fact that crimes have been committed in private or in discrete areas where it would be impossible to obtain direct corroborative evidence. The jury and the judge could find, having listened to the witnesses and made an assessment of their evidence, to convict in those circumstances. In the past judges and juries have not been able to convict in those circumstances because of our Statutes. In those circumstances probably a large number of criminals have escaped conviction. Giving the judge a greater discretion in this area is not an injustice. In fact, it is probably allowing justice to happen on a greater number of occasions. The member for Floreat also indicated that he thought the whole of life imprisonment provisions were a gimmick. I disagree quite vehemently and I think most of the Western Australian population do. The only real alternative is capital punishment; I abhor capital punishment and the whole of my party abhors it.

Mr Clarko: The public all support it and the polls indicate that the majority favour capital punishment.

Mr GRILL: The majority might favour it according to the polls, but certainly a large minority are very much opposed to capital punishment. I feel it is unenlightened to want to turn the clock back.

Mr Mensaros: You are coming around to my argument. You say that capital punishment is wrong and therefore you do not support it. I used the same argument - if something is wrong it should not be supported.

Mr GRILL: It does not put any practical arguments as to why the provision should be left there. I was on the brink of saying that I would hold open the legislation to allow the Attorney General to look at that further. But I seek an assurance from the Opposition that its members will not filibuster on this matter all day tomorrow.

Mr Mensaros: I am happy to accept that I am a conservative; everybody knows that and I am proud of it. However, I do not accept that I am out of touch because you would be amazed at how many people are as conservative as I am.

Mr GRILL: I do not expect the member for Floreat to accept my assessment of him, nor do I think I would accept his assessment of me. I believe the member is deeply conservative and many of his comments have reflected that. I make no value judgment about his deep conservatism, but in many instances I believe he is out of touch.

I have already dealt with the comments of the member for Cottesloe. The member for Katanning-Roe once again raised the question of his private member's Bill and asked when I thought the Government would bring forward its legislation in this area. It will do so as soon as possible, probably in the next session of Parliament. However, the Attorney General is working through the Criminal Code in respect of recommendations of the Murray report just as quickly as he can. His record in this regard is very good indeed.

Mr House: Why not accept my private member's Bill?

Mr GRILL: Because it was not necessarily correct.

Mr House: What was wrong with it?

Mr GRILL: I am always prepared in this House to accept arguments put forward logically and reasonably, and I dealt with the member for Katanning-Roe's amendment on that day as reasonably as I possibly could. There is always a distinction in British law between a man's house and attacks upon his person and upon his house, and attacks upon his private property elsewhere. A number of judges in Britain on a number of occasions - and Western Australia has adopted British law - have said that a man's house is his castle, and in respect of that castle they have applied different and harsher penalties in terms of the laws of tort. They have applied different criteria, as the member for Floreat knows. In respect of laws of trespass generally they have been very strict in relation to a man's dwelling house. It is a colourful phrase to say that "A man's house is his castle", but it is generally accepted, and that is the genesis of the definition of a man protecting his private property at large and a man protecting his house, private property and family within his house, or castle. The Government has said it will consider the proposal put forward, and when that provision of the Criminal Code is reviewed the Government will look seriously at amending that part of the law. In that regard the Attorney General has been more sympathetic to the case put forward than I would have been. The member for Katanning-Roe is getting a fair go and it would be wrong to say otherwise. That matter will arise as will other sections of the Criminal Code in due course.

I thank members for their comments and their general support of the legislation.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Dr Gallop) in the Chair; Mr Grill (Minister for Agriculture) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 1 amended -

Mr MENSAROS: If a bribe is given to other than the person who does the favour, does it

constitute a criminal action? For instance, in the field of politics - and it is unfortunately prevalent today, bearing in mind the Queensland situation - if a Minister does a favour for XYZ company, and does not accept and is not offered anything, but instead asks for a donation to be made to perhaps a political party or some other fund, would a criminal offence be committed under the provisions of the existing Act?

Mr GRILL: The member is inquiring as to what the situation would be if the benefit were in favour of a third party. I envisage that a donation to a political party would be covered by the definition. The definition of "bribe" has been considerably enlarged under the Bill now before us, and under this provision, and if the member were to look at the passage, "or any favour or disfavour shown or to be shown, in relation to the performance or discharge of the functions of any office or employment, or the affairs or business of a principal", I think he would appreciate that it covers a wide range of situations. The words "favour or disfavour" really widen the definition of "bribe" very considerably, and if it is going to be a bribe of any sort it will need to be shown that there is some benefit to the person to whom the bribe is being offered, otherwise we will be making a mockery of the term "bribe". I suggest to the member that the enlargement of the definition that we have before us is about as far as we can go without completely mangling the English language.

Mr MENSAROS: I am sorry to say that does not answer my question. My question was very brief and succinct. I asked whether it was a criminal offence if the favour or disfavour - in other words the bribe, as it is defined - and I have no argument with the definition - is offered or given to someone other than the person who does the favour or disfavour. I gave the example of a foundation or fund, where I said, "I do not accept anything, I do not want any advantage or favour, and I do not want anyone to incur any disfavour, but I want this fund or political party to benefit out of it", in which case it is not for my own benefit but for someone else's benefit. That should be included because if it is not, there will be such a loophole in the law that it will not be worth even extending the definition. I agree that the definition has been extended, but that was not my question. I asked whether it would apply to my example. The answer to my question is given much earlier in the definition. The Minister's answer should have been that the definition of "bribe" in the Bill is "any property or benefit of any kind, whether pecuniary or otherwise, sought, offered, promised, agreed upon, given or obtained for the person being or to be bribed or any other person . . ." I ask the Minister whether the words "or any other person" include a political party or a foundation. The Interpretation Act as it now stands virtually tells the judges who interpret the law to look at the wishes of the legislature. There is no better way for the judges to look at the wishes of the legislature than to read the debate in *Hansard* when the legislation is being brought down, because it can be ascertained from the debate - even if the drafting of the legislation was not correct - what was the wish of the legislature. It is an entirely different question whether that is a good provision in the Interpretation Act, and I do not support it, for many reasons. It is incumbent upon the Minister - who represents the Attorney General in this Chamber - to say whether the expression "or any other person" includes a political party or any other entity. If that is the case, then at least the judicial authority would be able to say that that was the intention of the legislature, which I hope it is.

Mr GRILL: I understand now what is the question. My understanding is that the word "person" would include a political party. I think we had this argument in this Chamber not so long ago, and we went right through it then and looked at the Interpretation Act. We also received an opinion from the Crown Solicitor, which indicated that "person" would include a political party.

Clause put and passed.

Clause 5: Section 5 inserted -

Mr MENSAROS: My first point may appear to be a little pedantic, but when one compares the wording of the clause with the explanatory notes supplied by the Attorney General, it proves just how right is the Liberal Party's policy regarding the use of plain English. I do not think I will unduly delay the Chamber if I read proposed section 5, which states -

> The words "Summary conviction penalty" appearing after a provision of this Code mean that where a person is charged before a Court of Petty Sessions with an offence under that provision and the Court, having regard to the nature and particulars of the offence, and to such particulars of the circumstances relating to the charge and the

antecedents of the person charged as the Court may require from the prosecutor, considers that the charge can be adequately dealt with summarily, the charge may be dealt with summarily at the election of the person charged, and the person is liable on summary conviction to the penalty set out after the words "Summary conviction penalty".

That is a mouthful in one sentence. The explanatory note says, "Clause 5 provides that where a provision provides for a summary conviction penalty, a Court of Petty Sessions may deal with the charge summarily if the defendant consents and the court considers the charge may be adequately dealt with summarily." I ask why that could not have been used in the Statute as opposed to this enormously lengthy clause, which one must read several times before one can give meaning to it, and possibly has to inter-punctuate it to see which are side sentences between the one main sentence. This clause is a classic example of the bad use of English. The Minister has said that I am conservative. I am conservative in terms of principles and whether things are good or bad, but I am not as conservative as is the Minister when he is advocating drafting like this as opposed to the simple explanation which we have in the explanatory notes.

I ask the Minister what would happen if the offender elects to be dealt with summarily, and is then convicted, in which case, in about 99 per cent of cases, the conviction is a fine, which the offender is not able to pay. If there is no further provision, then of course the simplest way out for the criminal is to elect to be dealt with summarily and simply not pay the fine.

Mr GRILL: Firstly, I do not think there is anything complicated or convoluted about the drafting of clause 5. It seems perfectly understandable and straightforward to me and I do not know what the member for Floreat is complaining about.

The second and more substantial matter he raised was in relation to a situation where a defendant elects to be dealt with summarily, is dealt with summarily, is fined, and elects not to pay the fine. Firstly, he can be dealt with summarily only if the court agrees that he should be so dealt with. Clause 5 gives plenty of scope for the court to look at a whole range of matters before it makes that decision. Secondly, having made that decision, the court can then decide whether it imposes a fine or a penalty of imprisonment. It is entirely up to the court to make that decision. If the court makes a decision to fine rather than impose a penalty of imprisonment, I guess it is in a similar situation to that of a higher court which, under this piece of legislation, will be given greater ability to fine rather than imprison.

In respect of the question of payment of fines, the normal default provisions would apply, and I remind the member for Floreat that some new legislation passed through this place only a week or so ago in that respect.

Clause put and passed.

Clause 6 put and passed.

Clause 7: Section 19A inserted -

Mr MENSAROS: I move -

Page 4, after line 6 - To insert the following -

(a) the interest of the community;

(b) the interest of the victim;

This clause deals with incarceration or imprisonment as a sentence of last resort. It provides that the authorities should not impose imprisonment unless it is absolutely necessary, and in deliberating whether or not to impose a sentence of imprisonment they should take the following circumstances into consideration. Paragraph (a) refers to the seriousness of the offence - that is quite all right. Paragraph (b) refers to the circumstances of the commission of the offence - I suppose that is also all right. Paragraph (c) refers to the circumstances personal to the offender - that is, his personal relations with the offence. Paragraph (d) refers to any special circumstances of the case.

The Opposition thinks that reference to "any special circumstances" is not sufficient. It should be spelt out that the interest of the community and the interest of the victim should be taken into consideration. We have advocated this before; it is part and parcel of our policy that generally in criminal law things should happen in the interest of the community, not the

theoretical matters and not even firstly in the interest of the offender. That is the reason I have moved the amendment - it simply places at the head of the list of circumstances which the judge or jury has to consider the interest of the community firstly, and, secondly, the interest of the victim.

Mr GRILL: I cannot see any great objection to putting in the words "in the interest of the community", but I would like to get some advice on that before we embark on that course of action.

In respect of the interest of the victim, I am not sure what the member for Floreat is getting at and what circumstances he is talking about. Is he talking about sheer retribution -

Mr Mensaros: Not at all.

Mr GRILL: - or are there some other matters he is really concerned about? Perhaps the member can let me know and I can look further at that.

Mr MENSAROS: We are not thinking about retribution at all. What we are saying is that many crimes have a victim and that victim's interest is, to our minds, fairly important. For instance, let us take a case that had a fair amount of publicity about nine months or a year ago, when somebody on a second rape offence finally was freed, I think it was in South Australia. One of his victims - whom I think this person had assaulted twice - lived in Brisbane or somewhere else in Queensland and she was terribly frightened that this offender, having been freed, would make it his first job to go and see her. She did not know how to ask for protection and the police would not protect her. If this happened in Western Australia we would like the court to say, "Yes, there is a provision like this, there are these victims." This fellow had twice assaulted the same person. If nothing else, and if all the other circumstances were right, the interest of the victim in this case is that the prisoner should be imprisoned instead of being set free and perhaps assaulting the woman a third time. That is just one example.

Mr GRILL: I will put that to the Attorney General and get some advice on it. Perhaps we can consider that at a later date.

I have already indicated that I am prepared to consider the request put forward by the member for Floreat and the member for Cottesloe in respect of deleting provisions relating to treason, and I will get some advice on this clause and come back with an answer at the same time.

Further consideration of the clause postponed, on motion by Mr Grill (Minister for Agriculture).

Clause 8: Chapters VI, VII and XI and sections 713 and 730 repealed and section 584 amended -

Mr MENSAROS: This clause leads me back to the question asked in the second reading debate; that is, whether one should repeal provisions which, on the one hand, it is claimed, are not being used, but on the other hand virtually lead to giving up the sovereignty of this State because, first, the whole situation is being handed over to the Commonwealth. Secondly, the Commonwealth does not have equivalent legislation; it is different and does not contain the same provisions as the State legislation. The member for Cottesloe supported my argument by stating that it would be a very sad day if we voluntarily, without tangible benefit, deprived ourselves of our sovereignty and handed over the situation to the Commonwealth. If the Minister could outline the advantages in repealing the provisions, we would further consider the matter. We would weigh up the advantages and the disadvantages. We see no advantage in retaining part of the provisions.

Oddly enough, the Attorney General accepted part of our argument when he decided to retain provision for the crime of sedition. In the original legislation, Chapters VI, VII and XI plus some other sections are to be repealed. However, in the amended Bill Chapters VI and XI only are to be deleted. Chapter VII dealing with sedition is to be retained. As mentioned in the second reading debate, if the provision for treason is to be repealed, this represents a confession of non interest by the Government in the sovereignty of Western Australia. The same argument applies to piracy. It is stupid to say that because we do not have pirates in fancy dress - such as in a Gilbert and Sullivan opera - this means that modern piracy does not exist. We hear daily of people at sea on yachts being attacked by drug running bands, or

interfered with in some other way, and some people have been shot. Nothing is worse than modern day piracy which is terrorism; it is a terrible crime. Western Australia has not experienced piracy because this State is so remote, but that does not mean that piracy is not a serious offence which threatens the whole world. We cannot be sure that it will not happen in Western Australia - whether by hijacking a plane, or by some other action - and that people will not be endangered.

Offences such as piracy and treason - apart from giving up our sovereignty - are not covered either in the Commonwealth Statutes, to which the Minister refers, or in other chapters of the Criminal Code. The Minister referred to Chapter III which covers offences instituted later and deals with provisions to be applied if one was not in force when the offence was committed. That is something different and we cannot deal adequately with questions which relate to provisions which are to be deleted. The Minister said that he would discuss the matter with the Attorney General as well. I am happy to go through discussion in Committee so that the arguments can be recorded. The Opposition feels very strongly about the whole matter; its argument has not been contradicted.

Mr GRILL: I remain unconvinced by the arguments, but as I said before I will refer the matter to the Attorney General. Does the member for Floreat have other amendments?

Mr Mensaros: I have no amendments. But I will have comments, and I will have to vote against the clause which deals with uncorroborated evidence.

Progress

Progress reported and leave given to sit again, on motion by Mr Grill (Minister for Agriculture).

OFFICIAL CORRUPTION COMMISSION BILL

Returned

Bill returned from the Council with amendments.

LIQUOR LICENSING BILL

Council's Message

Message from the Council received and read notifying that in relation to the amendment made by the Legislative Council and disagreed to by the Legislative Assembly, namely clause 117, page 142, line 12 - To delete the words "or making their way to or from", the Legislative Council has substituted a new amendment.

RESIDENTIAL TENANCIES AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Taylor (Minister for Police and Emergency Services), read a first time.

Second Reading

MR TAYLOR (Kalgoorlie - Minister for Police and Emergency Services) [8.31 pm]: I move -

That the Bill be now read a second time.

[Leave granted for the following text to be incorporated.]

Mr TAYLOR: When the residential tenancies legislation was drafted it was decided that disputes under the Act would be dealt with by the Local Court. The Local Courts Act was amended in anticipation of this arrangement. It was intended that services would be provided at five metropolitan Local Courts and 30 other Local Courts throughout the State. During debate on the Residential Tenancies Act, the National Party objected to residential tenancy matters being dealt with in the Local Court while the Small Claims Tribunal was available to deal with such disputes. Amendments to the Bill were therefore made which provided for disputes under that legislation to be heard and determined by the Small Claims Tribunal.

It has now become apparent that there are significant difficulties in ensuring the Small Claims Tribunal can provide a Statewide service. All of the small claims referees and the registry of the Small Claims Tribunal are located in Perth. At present an insufficient number of disputes from regional areas are referred to the Small Claims Tribunal to justify an extension of the tribunal's activities into country centres. The tribunal is currently able to meet demands from regional centres by undertaking circuit work. Apart from the high cost of establishing the Small Claims Tribunal in regional centres, the Local Court system provides a Statewide service by which there can be speedy resolution of disputes. To create a regional Small Claims Tribunal service would be partially to duplicate existing services. In addition, the Small Claims Tribunal circuit system is too inflexible to deal with a speedy resolution of disputes under the Act. It would be technically possible to allow the Act to apply only to the metropolitan area to ensure that referees of the Small Claims Tribunal were able to deal with tenancy disputes. However, the Government does not believe that rights and responsibilities should apply to landlords and tenants in some parts of Western Australia, but not others. In addition, proclamation of the Residential Tenancies Act to apply only to the metropolitan area would result in rural tenants and landlords losing their rights under the Small Claims Tribunals Act because it would cease to have effect in these matters.

The amendments deal solely with the replacement of the Small Claims Tribunal, its referees and registrars, with the Small Disputes Division of the Local Court, its magistrates and clerks.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Cash.

EASTERN GOLDFIELDS TRANSPORT BOARD AMENDMENT BILL

Second Reading

Debate resumed from 10 November.

MR CASH (Mt Lawley) [8.32 pm]: The Bill now before the House generally attempts to achieve three or four separate things. The first is that it intends to limit the loss now incurred by the Town of Kalgoorlie and the Shire of Boulder to a specific amount each year. It also intends to constitute a board of between three and six persons to manage the operation of transport generally in the Kalgoorlie and Boulder region. It proposes to constitute an advisory council comprising between 12 and 15 people who are to represent the local authorities and other local community organisations and interest groups. In fact, that advisory council will be required to advise the board, although, as I will discuss later, the board will not be obligated to take notice of any recommendations made by the advisory council. Another feature of the Bill is that it proposes to enable the Minister to direct the board in respect of its functions. The final matter that the Bill deals with is to make the board an agent of the Crown.

Before dealing in depth with the Bill, I want to relate some of the history of the Kalgoorlie Electric Tramways Co Ltd which, in fact, was a company formed back in 1889 in London to raise capital to enable a tramway to be founded in the Kalgoorlie area. At that stage the Kalgoorlie and Boulder region had a population of 35 000 people and there was no permanent transport available between the twin cities of Kalgoorlie and Boulder. The Kalgoorlie Electric Tramways Co Ltd decided an opportunity existed to lay a track for trams to provide a transport service for the public. By way of interest, that company was run by the same people who were the directors of the original company that was put together to implement the Perth tramways system way back at the turn of the century. The tram line between Boulder and Kalgoorlie was proposed by the company, and once it raised the necessary £200 000 capital, it put together the management expertise and the technical advisers that it needed to make the company operate as it intended. It was proposed that the company would operate the tram service at 15 minute intervals throughout the day, which occurred in 1902. The day the first service commenced between Kalgoorlie and Boulder was obviously a very proud day for the people of the region.

The fortunes of the company were obviously related to the mining industry as the population came and went from the Kalgoorlie region during the next 45 years. In general terms the company performed an excellent public service in the provision of transport to that region

until 1947 when it was decided that the Eastern Goldfield Transport Board should be founded, and that this board should take over the assets of the original company and provide the transport service in that region. Around that time buses were brought into service between Boulder and Kalgoorlie. I note with interest that the last tram to run between these towns ran on 10 March 1952. Once again there is a parallel with the Perth service as I remember as a young student at the Mt Lawley Primary School in 1958-59 the last of the trams running along Beaufort Street into the city. The company that organised and managed the Kalgoorlie Electric Tramways Co Ltd and the company that founded the tramway system in Perth had a very interesting history in respect of transport operations in Western Australia.

The principle of this Bill is to limit the losses which are currently being incurred by the town of Kalgoorlie and the Shire of Boulder. It is important to recognise the present situation in which the Government picks up 50 per cent of the annual deficit of the Eastern Goldfields Transport Board, and the Shire of Boulder and the Town of Kalgoorlie pick up the remaining 50 per cent; that is, they contribute 25 per cent respectively to the total deficit. Recently the deficits of the board have been fairly substantial. In 1984-85 the deficit amounted to $47 800; in 1985-86 the deficit was $132 100; in 1986-87 it was $335 300; and in 1987-88 the deficit was $298 600. Most members would accept that it would be unfair, given the current financing arrangements of the transport system generally in Western Australia, not to recognise that the Shire of Boulder and the Town of Kalgoorlie are entitled to question whether they should continue to fund the board's deficit at its present rate. I do not know of any other local authority in Western Australia which contributes anything like the amount contributed by those two local authorities towards the provision of a local transport system. I am reminded by one of my colleagues that the Bunbury transit service, which provides a public transport service in Bunbury, will cost the Government in the order of $800 000 this year and the Bunbury City Council will not make a contribution to that service. I can think of only one local authority in the metropolitan area which makes a contribution to a bus service. I refer to the City of Wanneroo which makes a substantial payment in respect of the Wanneroo-Two Rocks bus service. The council contributes about $25 000 per annum to ensure that the service is maintained.

Mr Pearce: The City of Perth pays for the City Clipper service.

Mr CASH: I am now advised that the City of Perth pays for the City Clipper service and that is a reasonable proposition. It is a service which the City of Perth has decided it wants to provide to people who work and shop in the city area. It certainly is supported by the Opposition and it is a service which has a reasonably good clientele.

The Shire of Boulder and the Town of Kalgoorlie are of the opinion that they have contributed a significant amount of money over the years to the Eastern Goldfields Transport Board and that the time has come to limit their losses. This Bill intends that the contribution of both local authorities towards the losses of the board will be limited to $40 000 per annum or to 17.5 per cent of the board's deficit, whichever is the lesser amount and that the figure must be indexed to the Perth all groups consumer price index.

Some people may argue that all we are doing is incurring a greater financial contribution on behalf of the Government and that, in good housekeeping terms, we should assiduously try to avoid any greater imposition on the Government, especially in light of its involvement in the recent crashes of financial institutions in Perth. I accept that point of view, but it is also fair that the question of contribution in respect of the Eastern Goldfields Transport Board be considered in an equitable way compared with other systems which operate in Western Australia. When one gives consideration in terms of equity it must be recognised that the Government has a responsibility to meet the costs of the board. It certainly has influence over the running of the board and it is not unreasonable for both the Shire of Boulder and the Town of Kalgoorlie to want to limit their financial contributions. In that regard the Opposition has no objection to the part of the Bill which covers financial arrangements, but any involvement by the Government in the transport system generally appears to lead to a somewhat inefficient use of capital resources and I refer, in particular, to Westrail, the Western Australian Coastal Shipping Commission, Transperth and other Government agencies which provide transport services throughout Western Australia.

Since the Act was amended in 1984 the Government has had a greater say in the operation of the Eastern Goldfields Transport Board and there is no question that since that date the

board's deficit has increased. The reason for the increased deficit can be attributed to the Government's involvement in the board.

One area of the Bill which concerns the Opposition is the proposed composition of the board. It would pay all members to be aware of some of the history related to the involvement of local people in the management and operations of that board. If we go back to 1946-47, section 22 of the Eastern Goldfields Transport Board Act stated -

(1)The members of the Board shall be elected as to -

(a) two of the number, one by the ratepayers of each local authority; and

(b) four of their number, two by the council of each local authority, each of whom shall be a member of the Council of the local authority that elected him.

The situation which prevailed at that time was that there were six members on the board, four of whom were councillors - two each from the Town of Kalgoorlie and the then Town of Boulder - and the other two were ratepayer representatives, one from each council. A significant contribution was made by the local people.

In 1984 the Act was amended to change the composition of the board, but there was still a significant contribution from the local people. Clause 6(1) of the 1984 amending Bill reads as follows -

The Board shall consist of 6 members of whom -

(a) one shall be a person appointed by the Minister to be Chairman of the Board;

(b) one shall be an elector of the Town of Kalgoorlie elected by the electors of that Town;

(c) one shall be an elector of the Shire of Boulder elected by the electors of that Shire;

(d) one shall be a member of the municipal council of the Town of Kalgoorlie appointed by that council;

(e) one shall be a member of the municipal council of the Shire of Boulder appointed by that council; and

(f) one shall be a full time employee of the Board elected by the fulltime employees of the Board.

In general terms there is a significant representation from the local authorities. The chairman of the board was, under the 1984 amending Bill, to be appointed by the Minister and that person did not have to be a member of either local authority. The 1984 amending Bill provided for what can only be described as worker participation; that is, the election of a full-time employee of the board to the board of directors. That provision has changed significantly in the Bill before the House and a number of residents from the Kalgoorlie and Boulder areas have approached me about it. Under this Bill it is proposed that the board shall consist of not more than six, and not less than three, persons appointed by the Minister, being persons who in his opinion have special knowledge and experience in the provision of services that the board is authorised to operate under the Act.

It is an amazing situation for a Bill to be presented to this House stating that the minimum membership of the board shall be three persons and the maximum membership shall be six persons. Should the membership comprise six persons it would represent a 100 per cent increase over the permitted minimum membership of three persons. I do not agree that the Bill should be so vague - will there be three, four, five or six members appointed to the board?

Mr Pearce: It is to give flexibility to the appointment of the board. The whole purpose is to make it a management board so it is run by people who have the expertise instead of its being run by representatives who have been appointed by both councils.

Mr CASH: The Minister might say that it has been agreed to by the councils, but that does not mean to say that they are happy with the situation. Certainly, it is recognised that there will be a greater Government financial commitment to the deficits of the board. With greater

Government intervention the deficits will blow out in the future as we have seen happen in the last few years. The point I make is that it seems very vague and wishy-washy to have provision for a minimum of three and a maximum of six members of the board. The Minister is not sure how many people he will appoint. All he can say is that the provision gives him some sort of flexibility and that he hopes he can appoint people with some expertise in the running of a bus service.

Mr Pearce: I am proposing to appoint three initially, with the possibility of adding on other people if that seems a useful thing to do.

Mr CASH: I can hear what the Minister says, but that does not satisfy the people of the Kalgoorlie-Boulder region who believe there should be representation from at least the Town of Kalgoorlie and the Shire of Boulder. During the Committee stage of the Bill I will move to insist that at least one of the board members be a councillor of the Town of Kalgoorlie and another a councillor of the Shire of Boulder. The traditions of the past need to be protected. The councillors who are entrusted with the management of millions of dollars worth of ratepayers' funds are capable people, as they have certainly proved over the years. The people who are currently members of both local authorities could offer a great deal to the community and to the board if they were appointed to the board.

A number of people in the Kalgoorlie-Boulder community believe that under the present wording of the Bill the Minister could almost set up the twin cities and appoint people from the metropolitan area to run the show from Perth with very little regard to or knowledge of the real requirements of the Kalgoorlie-Boulder region. While the Minister may say that is not the intention of the Government, there is no question that that can be done under the present wording of the Bill. I want to ensure that there are at least two councillors, two ratepayers' representatives, on that board, one from the Town of Kalgoorlie and one from the Shire of Boulder. I do not believe that the Government could have any objection to that. I almost thought that the Minister was going to say when he was commenting on the performance of councillors who were appointed to the board in the past that they were a ratbag, motley bunch. I was going to challenge him by saying that, first, I did not agree with that sort of statement -

Mr Pearce: I didn't say it.

Mr CASH: I know the Minister did not say it.

Mr Pearce: Don't make out I did. You called them a ratbag, motley bunch, not I.

Mr CASH: I said that those were the words the Minister was about to use when he started to describe them.

Mr Pearce: There is no reason for that assumption. You are thinking of them as a ratbag bunch.

Mr CASH: In debate on this Act in past years, some people have referred to some board members in those terms. I think that is most unjust and unnecessary. I do not support that view at all. I believe those people who have contributed to the board over many years have done so in good faith and to the best of their ability. Generally, that has been reflected in the organisation and management of the board. The Eastern Goldfields Transport Board made a profit for a number of years. Only since the 1984 amendments to the Act has it gone backwards fairly quickly. There are good reasons for that, but perhaps there is no need for us to go into them at this stage.

In 1984 at least four members were required to form a quorum. That is not the intention of this Bill. The quorum requirements under the Bill before the House are that at least 50 per cent of those appointed be available and in attendance at a meeting. Unless the board is strengthened by representatives of the respective local authorities, that is a very dangerous situation. Alleged experts, alleged professional advisers could be appointed to the board without being residents of the area or having a working knowledge of the Kalgoorlie-Boulder region. They could operate from their ivory towers in the City of Perth and direct the operations of the board in the Kalgoorlie-Boulder region. I do not think that is on.

Mr Pearce: I gave the councils a guarantee that I would consult them about appointments to the board. Did they tell you that?

Mr CASH: I am sure the Minister has given lots of guarantees in his lifetime. I have heard

him give guarantees in this House. Some of them are broken within minutes, some in hours, but most within a week or so. I do not care what guarantees the Minister has given the local authorities, I happen to be speaking on behalf of concerned people in the Kalgoorlie-Boulder region. Irrespective of the verbal guarantees the Minister has given, I am relating to the written word as stated in the Bill. Quite clearly the Minister is under no obligation to consult. He may say that he intends to consult, but in legal terms he is not required to consult. A few years ago when the member for Cottesloe was the Leader of the Opposition and a Bill was before the House that required the Premier to consult with the Leader of the Opposition before a particular appointment was made I was sitting next to the Leader of the Opposition, although that was not my permanent seat at that time. The then Premier, Mr Burke, walked across and said to the Leader of the Opposition, "The Bill requires me to consult with you and I have" and walked away. That is the sort of consultation that this Government talks about. We do not have even that written requirement in the Bill, as weak as it might be. I hope the Minister does consult the local authorities. They will be able to tender him very positive advice on potential appointments to the board. However, that will not stop me moving the amendment that I propose to ensure that representation on the board comes from both the Boulder and the Kalgoorlie local authorities.

It is proposed that the advisory council comprise between 12 and 15 people. Again, we have some vagueness from the Minister who said in the second reading speech that it will be made up of between 12 and 15 people. At least written into the Bill is a requirement that the Shire of Boulder and the Town of Kalgoorlie have some representation on the advisory council. One fifth of the members of the advisory council will be appointed on the nomination of the Town of Kalgoorlie and the Shire of Boulder. The Bill states -

(1) The Minister may establish an Eastern Goldfields Transport Advisory Council consisting of not more than 15, and not less than five, persons.

(2) In appointing members to the Advisory Council, the Minister shall ensure that not less than one-fifth of the members are appointed on the nomination of the municipal council of the Town of Kalgoorlie and one-fifth on the nomination of the municipal council of the Shire of Boulder, and that the number of appointed nominees of each of those councils is equal.

(3) The Minister shall appoint one of the members of the Advisory Council to be chairman of the Council, and another to be deputy chairman.

I understand that the advisory council, which will also be made up from representatives of various local and general community groups, will be required to tender advice to the board on the needs of the district. Obviously it will also tender some advice on the way the board should be operating. Under the provisions of the Bill the board is under no obligation to accept any advice or recommendations from the council. In some respects, the council is a sop to the local people, and the Minister has planted his stooges on the board. It is an opportunity for the Minister to tell local people that they are included in a way, even though, having attended all those meetings and passed fine resolutions based on their views on the way things should be conducted, the board is under no obligation to take note of what they say. The Minister even has discretion as to whether or not he appoints the council. The wording in the Bill is not "the Minister shall" but, "the Minister may".

Mr Pearce: I will be establishing one.

Mr CASH: That indicates that the Minister will exercise the discretion available to him.

I refer to the position of the chairman of the board; the Government intends that the chairman's position shall be a full-time paid position. I ask the Minister when responding to explain the change in circumstances that requires a full-time chairman to be appointed. I ask the Minister also to tell the House how much that person will be paid for the services rendered to the board. I have heard all sorts of indications, some as high as $60 000.

Mr Pearce: They are wrong.

Mr CASH: Is it more or less?

Mr Pearce: It is less.

Mr CASH: How much less?

Mr Pearce: Substantially less.

Mr CASH: Will the Minister tell the House the exact figure, or does he prefer to carry on playing games?

Mr Pearce: You are the one playing games. The figure will be around $40 000.

Mr CASH: That full-time salary of $40 000 is somewhat less than the $60 000 suggested to me by Kalgoorlie and Boulder people. Of course, there could be extras on top of that salary. I am not knocking the payment of a salary to an executive chairman, but I understand the current chairman is paid a fee of approximately $6 000 a year. I am surprised that the present part-time position will become a full-time position, and I ask the Minister to indicate whether the present incumbent will become the full-time chairman.

Mr Pearce: Yes, he will.

Mr CASH: That takes the guessing out of the game.

Mr Pearce: There is no guessing. I explained to the board, to the councils and the workers that those were the circumstances. No-one is guessing, except you.

Mr CASH: A number of people have come to me and suggested all manner of salaries that could be paid to the executive chairman. At least we have cleared up the situation and are aware that it will be approximately $40 000 a year. As the Deputy Leader of the Opposition pointed out, that could become a $60 000 a year package. As far as guessing is concerned, very few people in the Kalgoorlie and Boulder areas were aware that the present incumbent would be the proposed full-time chairman. At least that is now in the open and any people in doubt will put that doubt aside. I am at a loss to understand the need for a full-time chairman, and certainly that view is shared by some residents in the Boulder and Kalgoorlie area.

I ask the Minister to set out very clearly in his response where he sees the board going. Suggestions have been made that the board would take possession of a number of second-hand Transperth buses to be used for the Kalgoorlie and Boulder area. That caused some dissension in the general community. I would like to know whether the Minister or the board have a plan for improving the present rolling stock and what their plans are for the future. The bottom line is that the Opposition accepts that the Town of Kalgoorlie and the Shire of Boulder are entitled to limit their losses in respect of the operations of the board, but it is certainly not happy that the Government continues to spend taxpayers' money filling in deficits. However, we recognise the rights and equity situation in respect of residents in the goldfields region.

With regard to the composition of the board, the Opposition does not accept the Minister's current proposal; it is vague and wishy-washy, and allows him to slot in his stooges without question. I will move an amendment to require the appointment of at least one councillor each from the Town of Kalgoorlie and the Shire of Boulder. The proposed advisory council will be very much at the Minister's discretion, and he will decide whether or not he forms it. Members of the council should also clearly understand that under the provisions of the Bill at the moment the board will be under no obligation to take note of any recommendations they make. I look forward to a number of my questions being answered during the Committee stage.

MR SCHELL (Mt Marshall) [9.08 pm]: The National Party supports this Bill and supports the Government's move to streamline the public transport service in Kalgoorlie. The National Party accepts the Liberal Party's amendment allowing for local government representation on the board. It is good to see the Government supporting public transport in country towns, and there should be more of it. Public transport in country towns, especially the small towns, is a major problem. I know it is a very difficult problem to overcome, and it has been aggravated recently by the drink driving rules and the introduction of random breath testing. Social life in small country towns in some areas has come to a grinding halt, and some of the liquor outlets are feeling the pinch. These centres play a major part in the social life of small country towns, but as there is no public transport to take patrons home after functions, many people no longer use the services to the extent they did in the past. I do not know the answer, but perhaps the Minister will have some suggestions. Obviously, this problem has been put to him many times in recent months and I am interested to hear his comments. I would like something to be done to help people in small communities. People

who attend a function in the city or in one of the large towns have no problem catching a bus or taxi home afterwards. That is hard to do in places such as Wyalkatchem, Mukinbudin or Bencubbin. Unless people have a private transport arrangement they have no means of getting home, so they sleep in their car until the next day if they feel they are over .08. That has stopped many people from patronising these centres. It is depressing to go into some towns where once one saw many people enjoying themselves with bands playing in clubs and so on, to now see three or four people sitting in a bar with one person behind it where previously there were two or three people behind the bar. This has certainly been to the great detriment of the social life in these towns and I would like to hear what the Minister has to say about this matter.

MR LIGHTFOOT (Murchison-Eyre) [9.12 pm]: I must support this Bill, but it is a pity that it does not take into consideration the transport facilities offered to people in the metropolitan area. For instance, the Minister announced in this place recently that there would be an extension of the railway to the northern suburbs. I wonder whether the northern shires will be paying anything towards that facility and, if not, I wonder whether the Perth City Council and abutting shires will be paying anything toward the underground railway.

The Minister spoke a little hastily, perhaps, when he made that promise. I wonder whether the Bunbury Shire contributed to the transport scheme, or whether the City of Stirling contributed to Transperth which has a large network of buses. I wonder, also, whether Bayswater City Council, Swan Shire Council or the outlying areas of Kalamunda and Wanneroo - which surely cause a massive loss on the running of buses through their areas, not to mention the train service - have contributed to the scheme. What about the proposed electrification of the Perth to Fremantle line? Will that be paid for by the Fremantle City Council? I ask the Minister why he discriminates against the people in Kalgoorlie-Boulder? The National Party rightly picked up a speaker on this side of the House the other night when he spoke of a Liberal rather than a coalition Government. I would like to think we speak of the goldfields as a coalition.

Mr Pearce: I understand that they will be a coalition soon, too.

Mr LIGHTFOOT: Yes. We do not know whether it will be called Kalgoorlie-Boulder or Hannans, which used to be the name of Kalgoorlie, or an associated name. My colleague and friend has suggested that Lightfoot would be an appropriate name for that area and I feel comfortable with that and do not disagree with it. A lot of wealth comes from the goldfields and I do not see why, if we must have subsidised bus services in the metropolitan area for which people pay not a single penny - and where, in fact they can get free buses - people in the goldfields have to pay less than the loss but an amount of $40 000 for their transport service.

Mr Pearce: The free buses are paid for by Perth City Council.

Mr LIGHTFOOT: They are paid for by loading up the parking facilities. The Minister for Transport will slug the people in Kalgoorlie-Boulder and I do not understand why there is that discrimination. If the Minister is to say that they either pay the subsidy or do without the buses then I say subsidise them, but it is most unfair when the Minister had an opportunity to equalise things. I support the Bill with some reluctance. I cannot understand that discrimination against people in the bush. Billions of dollars will be spent on electrification, underground railways, and the northern extension, and a lot of the money which will allow the Government to do that comes from the goldfields. This is a great opportunity for the Government to do some public relations work by saying that Kalgoorlie-Boulder has loss-making bus routes but that the State will pick up those losses as it does for the people in the metropolitan area whose support it desperately needs to stay in Government. I support the Bill but will be speaking on several clauses in the Committee stage.

MR PEARCE (Armadale - Minister for Transport) [9.15 pm]: I thank members for their support of the Bill which was given a little grudgingly, particularly in the case of the member for Murchison-Eyre. I thank the National Party for its usual sensible support of the Bill and the member for Mt Lawley, who has a real capacity for not differentiating in speeches as to whether he is supporting or opposing legislation. He has a natural Opposition mentality and will have that in Opposition for many years to come where he will be able to put his talents to their proper use. I am disappointed at the attitude of the member for Mt Lawley, because I would have thought that the Liberal Party was in favour of trying to get operations like the

Eastern Goldfields Transport Board onto a sound and businesslike footing, which is what is proposed in this Bill. I will give a brief history lesson on the eastern goldfields, not going back to the 1900s, but for the past four or five years. The history of the Eastern Goldfields Transport Board has been one of rapidly increased deficits and increasing dissatisfaction with the level of service that has been provided. It is no secret in Kalgoorlie - and anybody who has anything to do with the board knows this, and the member for Murchison-Eyre could have told the member for Mt Lawley - that a lot of the trouble with the Eastern Goldfields Transport Board is its internal divisions. The reason the board has been so racked by internal divisions is the way its members were appointed. For the benefit of members I tell them that the Chairman was appointed by the Minister, two members were appointed by each local council, two members were elected by ratepayers at large and one member is a representative of the work force. That combination has not brought together a group of people with any experience of efficiently and effectively running a bus service. At the same time, it has meant that many internal divisions or, if you like, the local government problems which have plagued the twin cities of Kalgoorlie and Boulder have flowed through to the board itself. There has been an unhappy scene on the board. When I had to face up to what to do with the Eastern Goldfields Transport Association Board the first question to be addressed was not who paid but how to get an efficient and effective operation in place.

Mr Lightfoot: Privatise it.

Mr PEARCE: That is one way to go. The truth of the matter is that is what we did in Bunbury. That is the difference between the eastern goldfields and Bunbury, which was set up as a private operation with a subsidy, because in public transport a service has to be provided, that service runs at a loss, so a subsidy has to be provided.

Mr Lightfoot: The Minister for Transport is philosophically opposed to that, I take it?

Mr PEARCE: If so, we would not have done that in Bunbury. I was part of the Cabinet that helped set up the Bunbury city transit operation. It is responsible to me as Minister for Transport, but I do not think privatising the Eastern Goldfields Transport Board would be in accordance with the wishes of local people. The history of the board is as the member for Mt Lawley outlined, and there is a certain structure and set of expectations there. We were not proposing to turn that into a Bunbury City Transit sort of body; that is, scrap the operation and put it out to private transport. It is interesting that the member for Murchison-Eyre mentioned that. After all the to-ing and fro-ing in Kalgoorlie about that matter it would be interesting to put the point of view put by the member for Murchison-Eyre that it be privatised because I have no doubt that that would happen under a Liberal Government. What the member for Mt Lawley is hinting the Opposition would do is remove the local government contribution so it pays nothing and load up the board with local government representatives, which has been the problem all along. However, members opposite will not do any of those things; they will scrap the whole show and put it to private tender. They should see if they can get a private operator to do that because philosophically that is what they want to do.

Mr Lightfoot: There would be losses and I would expect that because the metropolitan area is subsidised the Kalgoorlie area could be topped up using public funds.

Mr PEARCE: I think that the Kalgoorlie-Boulder people would be interested to know the alternative proposed by the member for Murchison-Eyre is to privatise that operation.

Mr Cash: The Minister for Transport has just admitted that he has done that in Bunbury, so he should not start knocking the idea.

Mr PEARCE: Is that what the member for Mt Lawley would do, privatise the Eastern Goldfields Transport Board?

Mr Cash: I did not say that at all.

Mr PEARCE: The member for Murchison-Eyre just said that.

Mr Cash: The member for Murchison-Eyre also would have a situation where Kalgoorlie and Boulder would not have to pay anything. That is his preferred option. I said we are prepared to accept that they should at least be entitled to limit their losses.

Mr PEARCE: Suppose we were to change places now. Tell us what the Liberal Party would do if it were in Government.

Mr Cash: Not now, but in February we will be changing places.

Mr PEARCE: When we change places in February, according to the member for Mt Lawley, what would the Opposition do with the Eastern Goldfields Transport Board?

Mr Cash: Having regard to the fact that this legislation will be in operation, I will ensure that there is local representation on the board, and that the service is run efficiently and effectively.

Mr PEARCE: So the Opposition will not privatise it?

Mr Cash: There may be no need to even look at that.

Mr PEARCE: Is the Opposition prepared to give an unequivocal guarantee to the House tonight that it will not privatise the Eastern Goldfields Transport Board?

Mr Cash: I do not have to give you any guarantees. All I have to say is that the people can be sure an efficient and effective bus service will be available in Boulder and Kalgoorlie. So long as that is provided at the least possible cost to the taxpayers, I think the people in that region will be relatively happy.

Mr PEARCE: That is good, because that is precisely what we are setting out to achieve with this Bill, but the member has suddenly dropped one of the things that he was talking about a moment ago, because he was saying how important it was to have local representation on the board from the council.

Mr Cash: We will ensure it is there.

Mr PEARCE: The Opposition will ensure it is there in terms of our Bill, but if the Opposition were to privatise it, how many council representatives would there be on the board?

Mr Cash: We did not talk about privatisation; you raised that.

Mr PEARCE: There would not be any. We would have what the member calls an efficient and effective bus service, but there would not be any council representatives on the board, in the same way as there are not in Bunbury, because Bunbury City Transit operates on that different basis. The history of the provision of transport in Kalgoorlie is different from that in Bunbury. There basically has not been a transport service in Bunbury, and what little there has been, has been provided by private people. So we have developed a model for Bunbury which suits Bunbury. In terms of moulding the model that suits the Eastern Goldfields Transport Board, we have taken as a starting point the current legislation, and we have moved to put an absolute cap on the contribution to be made by local government. We have set in train some moves which are designed to provide a proper and efficient management so that the people will get a bus service which is effective and cost efficient in terms of the exposure of not only local government, but also the Government. We have sought to do this in two ways. First, we have sought to ensure that there is a management board which comprises people who know how to run a bus service, or who have an involvement in business, and whose job it is to make it efficient and effective - not people who are representatives of local councils or people elected by local people. That representative function has been transferred to the advisory committee, and we have been able to make the advisory committee much larger so that it can represent many more interest groups in the Kalgoorlie-Boulder area than does the current board. The current board is neither fish nor fowl. It does not have the expertise to properly run the bus service. That is not to cast aspersions on any of the individuals who comprise that board; it is just a fact of life, which they are happy to admit, because one of the groups that has subscribed to this Bill is the members of the current board. I will talk in a moment about the consultative process which I went through. We have to get a proper management into that service, and we can do that by having the kind of board of directors that one would expect of a bus company. Secondly, we are seeking to upgrade the management of the service. That is why we are putting in the chairman to be the person who runs the show. That is exactly the model that is used in Transperth, where the Chairman of Transperth is in fact effectively the managing director of the operation.

I made it quite clear when I went through the consultative process that the current chairman, Mr McKenzie, will be invited to undertake that job, and because the member for Mt Lawley has said that is a mystery in Kalgoorlie, let me inform him that Mr McKenzie is currently

doing the job, and that we have started to set up the new management structure in advance of this legislation. There is nothing illegal about that because the way we have done it fits in with the old legislation. We have put him back on the ground in a full time capacity, and have had him in that position since 1 November. I think a few people in Kalgoorlie will have noticed that. The member for Mt Lawley's informants do not seem to be very well informed.

Mr Cash: He has not been paid a full time wage.

Mr PEARCE: My understanding is that he has been paid a full time wage since 1 November, which is the operative date that we set ourselves to get this thing in train, although the old board is currently still meeting. That will of course change when the legislation is passed. Mr McKenzie is a goldfields person, and he was one of the people who advised us most strongly about how to make the operation effective and efficient. I would have thought that this drive for efficiency and effectiveness, and proper business practice, in what is effectively a combined Government-local government business, would be supported by the Opposition.

The proposal for the new structure of the Eastern Goldfields Transport Board was largely worked out between Mr McKenzie, the chairman of the board, and me, and was discussed with officials of the Department of Transport, when we worked out a structure that we felt to be reasonable. I flew to Kalgoorlie, and I met in succession with the Kalgoorlie Town Council, the Boulder Shire Council, the Eastern Goldfields Transport Board, and the work force of the board. I put this proposal to each of the four meetings, and discussed it fully with each. At the end of the meeting, each of them voted to support this proposal, with a couple of modifications. One of the modifications deals with that 17.5 per cent because they made the point - which I readily accepted - that if the total deficit comes out at less than $160 000, they should actually be entitled to pay less than their $40 000 contribution each; they should have to pay less because if we are able to get the business running so smoothly, then the deficit reductions should be shared by those councils. I accepted that, but as a result of those meetings the Kalgoorlie Town Council, the Boulder Shire Council, the Eastern Goldfields Transport Board and the work force accepted the proposal to not have their representatives on the board because they understand as well as we did that what is necessary is to have business people on that board to run the show in a businesslike way so that we would not have to curtail the services because the deficit was blowing out. Efficiency is what is being sought by the people up there, and none of the councils hung out for its representatives to be on the board because they saw, as we did from this distance, that the old system had not worked and had led to the kind of rivalry and division which was causing problems for the efficient operation of the service. So I think it is a little quixotic or political point scoring for the member for Mt Lawley to seek to be the friend of the local councils in this matter by endeavouring to re-insert their representatives onto the board, and to thus defeat the principles which drive the Government in this matter, because the councils have already expressed their support by their decision to agree with the Government's approach.

Mr Cash: It was not unanimous.

Mr PEARCE: That is untrue. The vote at the Kalgoorlie Town Council and at the Boulder Shire Council was unanimous. I was present at the meeting when both votes were taken. The vote at the Eastern Goldfields Transport Board was also unanimous in that there were five members of the board; four voted in favour of the proposal, and one member abstained. I was not present when the vote was taken of the work force - I was in the next room, waiting for the outcome of the meeting - but I was informed that the vote was unanimous. So there was not a single dissentient vote from the bodies with whom this proposal was discussed. If we are going to talk about doing what the local people want, I feel it is an insult to those people to try to overturn the decisions which have been reached after consultation with them.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Mr Thomas) in the Chair; Mr Pearce (Minister for Transport) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 5 amended -

Mr LIGHTFOOT: In view of the Minister's statement that the proposed new constitution of the board should reflect a more businesslike manner, why is it necessary for section 5(2) to apply to the proposed board? I understand there are certain responsibilities under the Companies Code with respect to directors of companies. They are stringent, and I take them very seriously as a company director, but those applications do not apply to the board because of the status, the immunity and privileges that go with a Crown appointment. I would like to see those responsibilities have the full impact of the Companies Code; the board members should have the status of directors of a company and not be immune from those other aspects of prying and reporting and responsibilities which come with directorships.

Mr PEARCE: That is an interesting statement. We have set up companies like, for instance, the WA Development Corporation and Exim Corporation, and we have tried to set up Government agencies to work under the Companies Code. They have been the subject of lengthy and acrimonious comment by members opposite. The Eastern Goldfields Transport Board will not be a company. Although there are sanctions and rules which apply to directors of companies, equally there are sanctions and rules which apply to people in charge of Government operations.

Mr Lightfoot: Not as severe.

Mr PEARCE: It depends what the member means by less severe. For example, when members of the Opposition, including the member on his feet, were trying desperately to put Mr Len Brush in gaol, they were not seeking to catch him under the Companies Code, they were seeking to put him away - which turned out to be unsuccessful - for official corruption.

Mr Lightfoot: That is unfair, and it casts serious doubt on the judicial system and on the Police Force. That is not really fair of you.

Mr PEARCE: I note the member's feeling that is unfair, but it looked like that from this side of the House. If a person is a company director, one cannot go for official corruption. Huge sums of Government money are involved. The board itself is subject to direction from the Minister, and that circumscribes not only its power but also its responsibilities. This board will be in the same position as Transperth. The board will have the responsibilities, status, immunity and privileges of the Crown, and it will have the same sort of responsibilities which are supervised by the Financial Administration and Audit Act. What the member is asking for would be appropriate if the board were a company, but it is not a company.

Clause put and passed.

Clause 6: Sections 6 to 17 repealed and sections 6, 7, 8 and 9 substituted -

Mr CASH: This clause deals with the appointment of the board. The Opposition is not happy with the proposed composition of the board. We believe there is a need for local representation, and that representation should be by way of at least one member from the Town of Kalgoorlie and one member from the Shire of Boulder. I indicate the sort of changes that the Minister has made from time to time in the direction he intends to take. It probably emphasises why I have little regard for what he says in this place, having seen him change his direction on so many different occasions. In an undated letter to the Town Clerk of Kalgoorlie and to the Shire Clerk of Boulder, the Minister generally outlined the agreements at the meeting he described earlier; that is, the meeting with both councils on 29 August. In one of the points he says -

> It is my intention that the Chairman of the existing board -

I am sorry, that is not the point I intended to raise.

Mr Pearce: That says the chairman of the existing board will be made the chairman of the new board.

Several members interjected.

Mr CASH: Just a minute.

Several members interjected.

Mr CASH: What it says -

Several members interjected.

The DEPUTY CHAIRMAN (Mr Thomas): Order!

Mr CASH: As soon as the Minister stops carrying on, I shall continue. This letter indicates very clearly his change of direction. He might say today that he will appoint someone, but tomorrow it might be someone else. We will probably see another young lady adviser appointed as executive chairman. The Minister changes like the wind. The Minister claims -

> The board of management will be established comprising three or four members with expertise in bus operations to report to the Minister.

Mr Pearce: That is right.

Mr CASH: If we turn to the Bill, we find that the Board shall consist of not more than six - this is the first time we have found there will be six members - and not less than three persons appointed by the Minister. In fact the Minister is again having two bob each way. There is an opportunity under this Bill to ensure representation from both the Town of Kalgoorlie and the Shire of Boulder, and the House should support that situation. For the Minister to suggest that the representation in past years has not been by people with any business knowledge or business sense is to put down the people who have worked hard on that board over many years.

I mention Mr C.P. "Digger" Daws. He was a member of this board for 25 years.

Mr Pearce: Didn't he cause a lot of trouble in the last couple of years on that board?

Several members interjected.

Mr CASH: I wanted the Minister -

The DEPUTY CHAIRMAN: Order! The member for Mt Lawley will address the Chair.

Mr CASH: I wanted the Minister to be able to get that off his chest. He has been waiting all night to have a go at Digger Daws. I note that the member for Kalgoorlie has now entered the Chamber; as soon as I mentioned the name Digger Daws he came running from his office.

Mr Taylor: I heard you make a statement that he was going to be chairman -

Mr CASH: Is the Minister having a go at Digger Daws? The Minister had better remember, 81 years of age as Digger is, he will give the Minister a hiding any day with one arm tied around his back.

The DEPUTY CHAIRMAN: Interesting as that is, the member for Mt Lawley will address the Chair.

Mr CASH: The Minister should not ever kid himself about that. He is a great person, a great representative of the Shire of Boulder, and he was a member of the Eastern Goldfields Transport Board for more than 25 years. He is a very highly respected man in the district.

Mr Taylor: He speaks well of me.

Mr CASH: I must be honest with the Minister. Every time I have been in Digger Daws' company he has not spoken very highly of the Minister, but that is probably because I was not speaking very highly of him at the time and he was probably being courteous and agreeing with me.

One of the other members was his son, Doug Daws, who was a member of this board for more than five years, and he is currently a councillor, formerly a Deputy Mayor of the Town of Kalgoorlie. I suggest in the future he will be a mayor of the amalgamated Shire of Boulder and Town of Kalgoorlie. That is something I look forward to in future years.

I have made my point in respect of the composition of the board and, as I mentioned during the second reading debate on this Bill, it is my intention to move an amendment to clause 6. I move -

> Page 3, after the word "Act" in line 9 - To insert the following -
>
> > and of whom one shall be a member of the municipal council of the Town of Kalgoorlie, chosen by the Minister from a panel of three names to be submitted by the Town of Kalgoorlie, and

one shall be a member of the municipal council of the Shire of Boulder chosen by the Minister from a panel of three names to be submitted by the Shire of Boulder.

This will provide an opportunity to see that there is representation from those local authorities. It is quite wrong to assume that because one is a member of a local authority one does not therefore have the expertise to run a bus company, as the Minister has suggested.

Mr Taylor: He did not suggest that at all.

Mr CASH: How would the Minister for Police and Emergency Services know, when the only time he came into this Chamber was when I mentioned the name of Digger Daws? He bolted in here because he thought there was going to be some trouble, so he should not talk absolute rubbish.

Mr PEARCE: The Government does not propose to accept this amendment for the reason I have given; that is, that we are moving to establish this board on a businesslike basis. That is not anything I have not discussed with the local councils involved, and they are prepared to accept the approach we have taken. The member, in falling into what must be one of the greater gaffes he has made in recent times, tried to quote the wrong part of the letter which unfortunately pulled the rug out from under the previous point he had tried to make in claiming there was some mystery as to who would be the Chairman of the Eastern Goldfields Transport Board. He wanted to say that somehow I had twisted and turned by changing the number of members on the board from the three to four that were mentioned in the discussions with the Town of Kalgoorlie and the Shire of Boulder and mentioned in the letter that I subsequently wrote to those local authorities to confirm that decision, to the three to six mentioned in the legislation. That is not a change of direction, it is just a move towards a greater level of flexibility. It does allow two things to occur - and this is also the explanation, in case the member for Mt Lawley wants to ask afterwards, as to why it is not mandatory to appoint an advisory council for the board.

This is what is proposed. We want to see how the whole system operates. It is proposed in the initial stages to appoint a board of three members only - that is the minimum number - and thus leave three potential spaces for further appointment. It is also proposed to appoint a council of between 12 and 15 members, depending on consultations with local people as to what is the most appropriate mix. That just gives a bit of flexibility at that end. Then we will see how things go. If it works well with the three member board and the advisory council of 12 to 15 members we will let it continue to work on that basis. If the advisory council proves to be not all that effective at giving advice, and local government does feel excluded for the money it has paid, there will still be the capacity to put local government representatives into the three places that are left under the legislation. So we are building into the legislation a flexibility which would, in time, enable representatives of the councils - or what might by then be a single council - back onto the board in a representative position if the other aims of the board appointment work out, and at that point we may wish not to continue with the advisory council.

I will not say these things will happen because my view is that a small board and a large advisory council will be a workable structure for the Eastern Goldfields Transport Board and we probably will not do anything different. However, we are building into the legislation the flexibility, in consultation with local councils and local people, to make such changes as are necessary without having to delay the whole process by coming back to the Parliament.

Mr CASH: I do not accept the Minister's comments, which again demonstrate his fit of pique - his fit of rage - when someone attempts to change any Bill that he presents to this Chamber. It is clear that the Minister wants to rely on the grey suited, fly-in-fly-out brigade to run the Eastern Goldfields Transport Board.

Mr Pearce: It is a bit rough to say that about Mr McKenzie, the chairman.

Mr CASH: I regard Mr McKenzie as a very competent person, someone who is held in high esteem in the goldfields region, and I wish him well as the new executive chairman. What concerns me is that he will not have the benefit of the advice of local council representatives - people who tonight the Minister has denigrated, much to the obvious disbelief of members of the Opposition. Under the present structure the Minister can organise to have transport advisers fly in and out of the goldfields region, sit in Kalgoorlie,

have their meetings, and decide what they want to do - or perhaps it is the other way around; perhaps the Minister intends all the meetings to be held down here in Perth. What the Minister is doing, in effect, is disfranchising the local people from having a constructive and concrete say in the running of this board, and he is doing this very clearly for party political reasons. It may be that the Minister has the stooges to run it and knows whom he will slot into the positions, but the local people in Kalgoorlie and Boulder believe that they have something to contribute and that they could find competent representatives who are currently members of those two local authorities to sit on that board. The Minister is simply demonstrating his stubbornness in not agreeing to the amendment.

Amendment put and a division taken with the following result -

	Ayes (21)		
Mr Blaikie	Mr Grayden	Mr Schell	Mr Watt
Mr Cash	Mr Greig	Mr Stephens	Mr Wiese
Mr Clarko	Mr Hassell	Mr Thompson	Mr Masten *(Teller)*
Mr Court	Mr House	Mr Trenorden	
Mr Cowan	Mr Lightfoot	Mr Fred Tubby	
Mr Crane	Mr Mensaros	Mr Reg Tubby	
	Noes (23)		
Mrs Beggs	Dr Gallop	Mr Parker	Mr Taylor
Mr Bertram	Mr Grill	Mr Pearce	Mrs Watkins
Mr Carr	Mrs Henderson	Mr Read	Dr Watson
Mr Cunningham	Mr Gordon Hill	Mr Ripper	Mr Wilson
Mr Donovan	Mr Hodge	Mr D.L. Smith	Mrs Buchanan *(Teller)*
Mr Evans	Dr Lawrence	Mr P.J. Smith	

Pairs

Ayes	Noes
Mr Bradshaw	Mr Peter Dowding
Mr Lewis	Mr Bridge
Mr MacKinnon	Mr Troy
Mr Williams	Dr Alexander

Amendment thus negatived.

Clause put and passed.

Clause 7: Part IIA inserted -

Mr LIGHTFOOT: Clause 7 deals with the chairman. I understand that one of the great characters of the goldfields, Mr Digger Daws, about whom the member for Mt Lawley spoke, was the Chairman of the Eastern Goldfields Transport Board for some time. It is true to say that Mr Digger Daws has a voracious appetite for socialists and it was in this context that he struck fear into the hearts of some of the Labor members -

The DEPUTY CHAIRMAN (Mr Thomas): Order! There is too much chatter going on in the Chamber. I cannot hear the member for Murchison-Eyre.

Mr LIGHTFOOT: I appreciate your assistance, Mr Deputy Chairman. I am not privy to what went on when Mr Daws was chairman but I know he could use a string of expletives that would make a bullock driver look like a Sunday school teacher, such are some of the legends surrounding Mr Digger Daws. However that was not the reason I rose to speak on this clause. In spite of the Minister's assurances, which he gave on several occasions, that the chairman shall be full time and that it shall be run in a businesslike manner, proposed section 7(2) specifically says that the chairman "may" be appointed on terms that require him to devote his full time to the performance of the duties of his office. That completely emasculates the position of full time chairman. It gives the Minister the discretionary power - and I am not saying the Minister should not have some; I believe he should have some - as to whether the chairman is part time, serves an hour a week, attends on meetings only and could work four hours a week and collect his $40 000 a year, tootle off and, as the

member for Mt Lawley said, be sent up to Perth in the Government's Kingair at great expense and pick up his $800 a week. If the Government is fair dinkum, it would have no hesitation in substituting after "chairman" the word "shall" for "may".

Mr PEARCE: I understand the point the member makes but the difficulty with the Eastern Goldfields Transport Board - and I suppose it will always be the case with a transport operation in a relatively small city like Kalgoorlie-Boulder - is that it will be marginal at best and will depend in a lot of ways on the personalities available from the pool of local talent there to run the operation. We have drawn the legislation in a way which is reasonably flexible. My first preference, and one I discussed with the two councils, was not in fact rewriting the Act to accommodate the new position; it was repealing the Act and setting up the new arrangements just purely administratively by a letter of agreement between the Government and the two councils.

For a range of reasons I am advised that this would cause problems with the transfer of the assets, which is why we have come back to the legislation. I would have thought that the member for Murchison-Eyre, more than other members, would appreciate the value of flexibility in drafting legislation when one is trying to deal with what is fundamentally a business operation. Business concerns and directors are able to change directions very quickly if that is required in order to make their operations efficient and effective, but in Government areas that is not so simple because they are constrained by the specific terms of the Act. Not only does the Government intend to appoint the current chairman of the board on a full time basis, it has already done so on an acting basis pending the passage of the legislation. We have no intention of changing that arrangement. However, if the combination of personalities on the board or whatever in three, four or 10 years' time makes it reasonable to go back to having a part time chairman and appointing somebody else to be the full time manager, that is a course of action we ought not take away from the subsequent Ministers or Governments. It ought not be necessary to come back to Parliament to get that relatively minor change made.

Mr Lightfoot: How many hours would he be expected to put in a week?

Mr PEARCE: I would expect Mr McKenzie to put in a reasonable amount of time in each week. My guess is that it will probably require between 20 and 30 hours of his time each week, maybe more, but Mr McKenzie has been putting in a very substantial amount of his time almost on a voluntary basis as it is. However, Mr McKenzie is in my view, and I hope in that of the member for Murchison-Eyre, of exceptional talent. We are not going to get somebody of Mr McKenzie's skill and flair to put in absolute full time -

Mr Lightfoot interjected.

Mr PEARCE: That is the case too, but the member would accept that a salary level of around $40 000 is not high for the kind of person we are looking at to run an operation of this kind.

Mr Lightfoot: If he could put in the hours.

Mr PEARCE: Mr McKenzie will put in the hours.

Mr Lightfoot: In proposed section 7(4) there is a reference to "his", implying the deputy chairman. Are you assuming that the deputy chairman will always be masculine?

Mr PEARCE: The member may not be aware, but under the Interpretation Act -

Mr Lightfoot: His means hers?

Mr PEARCE: In fact that is the way things have to be drafted. It was a matter of some criticism years ago when I introduced the second Equal Opportunity Act when I was roundly condemned by the Women's Electoral Lobby for that form of drawing up of the Bill. However, that is the requirement under the Interpretation Act.

Mr Lightfoot interjected.

Mr PEARCE: However, it is certainly not necessarily intended that the deputy chairman should be a male or a female, for that matter. We will choose the best person for the job, irrespective of sex.

Clause put and passed.

Clauses 8 to 16 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr Pearce (Minister for Transport), and transmitted to the Council.

ROAD TRAFFIC AMENDMENT BILL (No 2)

Second Reading

Debate resumed from 17 November.

MR CASH (Mt Lawley) [9.59 pm]: This Bill aims to amend the Road Traffic Act in a number of ways. The first and most important proposal is that it intends to vary the form of the current driver's licence from that of the current paper driver's licence to that of a plastic credit card-style driver's licence. The Bill seeks to extend the maximum period a person can hold a current driver's licence from three years to five years. It also provides that an optional photograph can be included on the driver's licence. Members will recall that some time ago in this House when considerable debate took place on the Australia Card, the Opposition advanced many arguments on the general direction that the Federal Government appeared to be taking in respect of compiling statistics generally on the population. That Government wanted to amend certain legislation so that the information and other statistical data could be swapped between Government departments. We argued at length that we were facing a situation where no longer would people have the privacy that they had enjoyed in the past, and that they would become eunuchs of the Government. The Government would be able to determine where people had been in recent times and, because of that exchange of information, be able to determine in some respects where some people were going. At that stage, the suggestion was that photographs would be placed on drivers' licences, and some quarters of the community opposed that move. I am pleased to say that the proposal before the House tonight is very much an optional situation; that is, if a driver wants his photograph on the new style driver's licence he can have it on; if he does not there is no compulsion whatsoever.

The Opposition is pleased to support the amendments before the House. We believe that allowing people to have their photographs on drivers' licences will have a number of beneficial functions. It will certainly help in the case of identification when someone is involved in a traffic accident. Obviously the provision will allow easier identification of those in our community who do not appear to be the age they claim. I am referring to the young members of our community who make a habit of entering licensed places and purchasing alcohol against the wishes of publicans who can be charged for supplying that alcohol to under-age persons. Optional photographs on drivers' licences will give publicans the opportunity to better identify people of whose age they are unsure.

Photographs on credit style cards are not new. Many years ago, when I was a student at WAIT, I remember one of the first things I was required to do when joining the library was to pay the equivalent of $2.00 and have my photograph taken so that an identification number could be allocated which would allow my entrance to the facility. Some financial institutions in Perth provide that identification facility to depositors but, in general terms, it is always an optional situation. In the case of WAIT, the situation was compulsory because if a person was not prepared to have his photograph taken and produce the card he was not able to use the library in those days.

I note that the Minister intends that the five year drivers' licence period should be at a fee of $60. While that is somewhat cheaper than the current fee - $45 for three years and $15 for one year -

Mr Taylor: I think it is $17 for one year.

Mr CASH: I am sorry. I want to make the point that in Queensland, where similar drivers' licences with photographs are available - I am not sure if they are compulsory - the fee is $26 for five years or $5.20 for one year. In the Northern Territory drivers' licences currently cost $15 for three years. So Western Australia is far more expensive when it comes to

paying for a driver's licence. I note that in only two places in Australia are compulsory photographs required, namely Queensland and the Northern Territory - although the Labor Government in South Australia currently is considering the provision of photographs on drivers' licences.

Mr Taylor: New South Wales has decided to make them compulsory too.

Mr CASH: I thought that State was still considering it.

Mr Taylor: I think Nick Greiner has decided to go ahead because he rang me and asked what we were doing over here.

Mr CASH: I was about to suggest that South Australia has the matter under consideration. The Minister has advised me that the Liberal Premier, Nick Greiner, has telephoned him to find out what we are doing in Western Australia. I must say that, while I have no objection to a Liberal Premier ringing the Minister, I am surprised that he did not ring me or one of my Liberal colleagues.

Mr Carr: He could not rely on the information.

Mr CASH: I will ring Nick Greiner tomorrow to inform him that we Liberals of Western Australia, while we question the actions of some of our Liberal colleagues in Queensland, wish to extend the hand of friendship to our Liberal colleagues in New South Wales.

In general terms, the Opposition is pleased to support this proposal. Surveys which have been conducted around Perth show that the public are prepared to support this provision; it is not a compulsory situation. The only matter I wish to raise during the Committee stage, to which the Minister might care to give some consideration, relates to facilities being made available to ensure that the photographs are able to be taken throughout Western Australia to ensure that no people will be disadvantaged - that is, country areas versus metropolitan areas. I note provision is made for a transitional period which will allow people who have current drivers' licences with a period to go before expiry to trade them in, one might say, on a photographic driver's licence. I commend the Government for not charging any more for the photographic driver's licence, and for allowing people to have the option. Had there been an additional fee, that in itself might have psychologically deterred people from exercising the option. The mere fact that the new photographic driver's licence costs the same as one without a photograph may cause people to decide that this represents better value for money. I support the Bill.

MR SCHELL (Mt Marshall) [10.08 pm]: The National Party supports the Bill. We agree that the provisions contained in the Bill are sensible. I have become quite used to plastic cards, and I am surprised that the Government has taken so long to shift over to plastic drivers' licences. The new style licence will ensure easier identification; the non compulsory aspect is a good move. I am very pleased to hear of the cooperation between the Premier of New South Wales and the Minister in Western Australia.

Mr Taylor: A helping hand to those in need.

Mr House: Is that why you rang him.

Mr Taylor: He rang me.

Mr SCHELL: The National Party supports the Bill.

MR TAYLOR (Kalgoorlie - Minister for Police and Emergency Services) [10.10 pm]: I thank both Opposition members for their indication of their parties' support of the legislation. It is important legislation. Western Australia has been behind other States in this area. Certainly those members who have had their driver's licence sent through the washing machine on one or two occasions will realise how useless the paper licences really are. Those members who have a three year licence in their wallets will know that at the end of a year or two there are so many folds in them that they become illegible.

Mr House: You have to get it out of your pocket so often these days that it does deteriorate.

Mr TAYLOR: That is correct. The proposed small plasticised licence which will be the size of a credit card will be welcomed by the public. As it will be optional for a person to have his photograph affixed to his licence I suggest an overwhelming majority of Western Australians will elect to have their photograph on their licences. The biggest problem the Police Department will face early next year will be the number of people who will not only

take up the option of renewing their licence with their photograph affixed to it, but also will take up the option provided in this legislation to take their existing licence to the department and have it replaced with a plasticised licence with their photograph affixed to it. I expect people to do that and the licensing section of the Police Department will find it difficult to cope with the demands which I expect will be put on it.

The member for Mt Lawley raised the question of people in remote areas of Western Australia. It is something I addressed with the department when looking at the question of plastic licences. The intention is to introduce plasticised licences in remote areas along the same lines as that currently used in relation to passport photographs. People are given the option to have their passport photographs taken in the town closest to them. People in remote areas could have their photograph taken in the town closest to them and, perhaps through the local police station, have it sent together with a declaration to head office stating that it is a photograph of the person referred to on the driver's licence. The documentation would be processed by head office and returned to the person concerned. The department is well aware of the problems of isolation and it will ensure that those people are not in any way adversely affected by the operation of this system.

The proposed system offers substantial benefits in terms of cost to the community. The current cost of a licence is $17 per annum. Under the proposed system it is proposed that the cost of renewal of a licence for one year will increase from $17 to $20. However, the people who take up the five year option will be charged $60 for their licence and that is a substantial reduction on the current option offered for a three year renewal at a cost of $45.

In addition, pensioners who currently receive a free licence will continue to receive it. Those pensioners who are offered a renewal at a cost of $6 or $8 - I do not remember the exact cost - will not have to pay any more for their licence under this proposal. Those pensioners who decide on the option of a five year licence will pay $30 - half the cost of a normal renewal. It offers a substantial deduction of 25 per cent on the normal fee they would pay for their licence. It is a benefit to pensioners and I hope that many of them will take up this opportunity.

Mr Watt: You will have to make sure that a pensioner's licence does not go beyond his testing period.

Mr TAYLOR: That has been taken care of in this legislation. If a pensioner is required to take a test in two or three years it will be taken into consideration.

Mr Watt: How will you provide for demerit points?

Mr TAYLOR: A provision is contained in the legislation for the department to advise people accordingly about their demerit points. People who have special conditions placed on their licence will, as it is proposed, receive a paper licence stating the conditions imposed on the licence. The demerit points will not show up on the actual licence. They do not show up on the licence at the present time unless another licence is issued.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Dr Gallop) in the Chair; Mr Taylor (Minister for Police and Emergency Services) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Section 44 amended -

Mr CASH: This clause deals with conditions or limitations that may be endorsed on a driver's licence. In general terms, a condition or limitation will be noted on the licence. The member for Albany, by way of interjection, sought information similar to the information I am seeking; that is, how the Minister intends to deal with demerit points and other conditions or limitations that may be endorsed on a licence given the fact that the legislation states that they must be noted on the licence. I ask the Minister how he intends to implement this clause and to further advise the Chamber on the paper licences which it is proposed will be issued.

Mr TAYLOR: Under the present legislation if special conditions apply - for example, the

driver may have to wear suitable visual aids, in other words, wear glasses when driving, or he may have to have special hand controls fitted to the vehicle - they are noted on the licence. With plastic licences it will not be possible to note those conditions or limitations, particularly if they are altered. For example, a doctor may draw the department's attention to a patient's condition, or the court may alter the conditions. In such cases, the department will notify the person concerned and serve him with a notice setting out the conditions or limitations imposed. The plastic licence could then be altered to the effect it is subject to certain conditions.

Mr Cash: Even if someone produces a clean plastic licence, it does not mean that there is not some specific condition attached to it.

Mr TAYLOR: For example, if a person has to drive a car with special hand controls special conditions or limitations will be imposed on his licence and a notation to that effect will be shown on the licence. If he was in a position where he had to hand that licence to the police they would ask what the conditions or limitations were and then check them.

Clause put and passed.

Clause 8: Section 46 amended -

Mr CASH: This clause states that a driver's licence may be issued to have effect for a period that is prescribed, being a period commencing on the day of issue. Am I correct in my assumption that the word "prescribed" means that it will be prescribed by regulation?

Mr Taylor: Yes.

Mr CASH: Is there any need for the Government to introduce any regulations to cause certain things to come into effect? If there is, I am interested to know whether the regulations will be tabled within the next few days; that is, prior to the rising of the House. It was certainly my fervent hope that the legislation would go through both Houses of Parliament and come into operation very early in the new year. I do not think there will be enough clear sitting days to allow any regulations to come into effect.

Mr TAYLOR: There will be a need for some regulations, but clause 4 of the Bill will remove some of the necessity to prescribe things by regulation. However, I am sure that some matters will still have to come forward by regulation. My understanding of the way the parliamentary system works is that those regulations can still be drafted even though the Parliament is not sitting.

Mr Carr: And gazetted.

Mr Cash: We can gazette them and have them tabled in Parliament at the next opportunity.

Mr Thompson: There is a weakness in that because regulations can be in effect for months without any parliamentary scrutiny. They should be brought in now.

Mr TAYLOR: We would bring them in now if we had them. I do not know how far down the track the police are in drafting the regulations. It is our intention to have the legislation up and operating by 1 February next year.

Clause put and passed.

Clauses 9 to 11 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr Taylor (Minister for Police and Emergency Services), and transmitted to the Council.

ELECTORAL AMENDMENT BILL (No 2)

Second Reading

Debate resumed from 17 November.

MR MENSAROS (Floreat) [10.23 pm]: This Bill can be described in no other way than as

a desperate action by a desperate Government. It aims to create a circle with a radius of 100 metres from the entrance to a polling place, called the "polling area". Within this area a person shall not collect, canvass for, solicit or invite signatures or comments for the purpose of any petition, opinion poll or survey, or display or distribute any information for such a purpose.

There is no doubt that at the last Balga by-election the idea of the Liberal candidate to have a petition near the polling booths was a very popular idea. There is no doubt either, as has been perceived by the Government, that it could have very much influenced the election result. That can be seen from the fact that although the seat was vacated by the former Premier, who allegedly was one of the most popular men, the swing was almost twice as much as the swing in another seat for which a by-election was held on the same day. There is no doubt in my mind that this is the main, the only, example, despite the fact that the Minister refers to the 1986 State general election. I have no knowledge of any such exercise occurring in a general election which would have influenced the Government to bring down this desperate measure. In fact, I query whether there was any other such incident.

In his brief second reading speech, the Minister says that the reason for introducing the measure stems from the fact that the canvassing which took place inconvenienced the public, contributed to a sense of harassment of electors and was contrary to the spirit of section 192A of the Electoral Act and that the purpose of the legislation is to relieve the public of these pressures. Let us consider these arguments one by one.

I was at several polling places during the Balga by-election which, as I said, provides the only serious example of such canvassing. I did not see any inconvenience to anybody. It might have been inconvenient to the Labor Party, but not to the public. People quietly filed past the members of different parties handing out how-to-vote cards and found a table at the side. They did not have to go there, but most of them went out of nothing other than curiosity, not because of harassment or any compulsion. When they saw what was on the table and realised that it was a petition calling for the establishment of another police station in Balga they gladly signed the petition, whether they voted Labor, Liberal, Democrat or whatever.

The Minister's second argument is that the canvassing contributed to a sense of harassment. I do not know what harassment we are talking about. The Government gladly accepts that voting is compulsory. Some people argue that voting is not compulsory. However, it is compulsory to go to the polling booth and cast a vote, even in an informal manner. If that is not harassment, why is a table with a petition on it harassment of the people? I would like the Minister to explain what harassment there is in that. I would gladly agree with him if he were to say that compulsory voting is harassment. After all, of all the countries in the world only Australia with 16 million people and Belgium with half that number still have compulsory voting. All the others, including New Zealand, which had compulsory voting for a long time, consider that democracy is better served if the people make up their minds individually. In the recent American election of the highest office holder in the United States - as far as power goes, one could say in the world - it was not compulsory to vote. In some areas barely more than 50 per cent of the people turned out to vote, yet there were no complaints because it was accepted that that is the way democracy works. If the Government were to say that compulsion is harassment, I would be the first to agree. In their minds compulsion is not harassment, but people sitting at a table collecting petitions are harassment. When the Minister stated in utter desperation in his second reading speech that these practices are outside the spirit of section 192A of the Electoral Act, I felt compelled to refer to that section which states -

> During the hours of polling at any election -
>
> (a) no candidate shall use or permit to be used; and
>
> (b) no other person shall use
>
> any loud speaker, public address system or amplifier whether fixed or mobile, broadcasting van sound system, radio apparatus or any other apparatus or device for the broadcasting or dissemination of any matter intended or likely to affect the result of the election; and
>
> (c) no person shall make any public demonstration having reference to the election.

In other words, people can demonstrate on any matter which does not relate to the election. I am at a loss to understand the relationship between not being allowed to use loud speakers or some other harassingly noisy sound equipment and a person sitting quietly at a table collecting petitions. If the reasons stated in the second reading speech are the only reasons that this legislation was introduced, that belies my estimation of the Minister, whom I always considered to be one of the cleverest chaps on the Government side of the House. Obviously, there is no reason for introducing this measure, other than the desperate fear of the Government of being defeated at the next election. It is clutching at every straw to prevent that happening. How absurd to prevent people expressing their democratic right in a petition to the very Parliament whose members they are in the process of electing. It is absurd and undemocratic, yet according to the Minister, collecting such petitions is an harassment and an inconvenience to the people. Why then does this Parliament accept petitions and why are people allowed to harass others on every other day, except election day? In fact, I do not think it can be proved that collecting petitions either inconveniences or harasses people. Where is the recently much advertised open Government? Where is the democracy, if these rights are to be denied? I go back to the sudden fear affecting this Government. Even some of the countries behind the Iron Curtain allow some expression of opinion, including the definitions in this clause of opinion polls, petitions or surveys. Therefore, by passing this legislation this State will debase itself to a lower standard than that which exists in Communist countries. Even the drafting of the Bill is very poor; it was obviously done in haste in an attempt to prevent petitions being held. The operative words of the clause are "for the purpose of any petition, opinion poll or survey". It also includes the display or distribution of any information for such a purpose.

When the last referendum was held, people in the northern parts of my electorate, which includes Herdsman Lake and the very nice suburb of Floreat Waters, who were concerned about the dislocation of the Stephenson Highway, had displays at three or four polling booths near Herdsman Lake. I have mentioned this matter on other occasions, but received no response from the Government because it involved only people and this Government does not care about the people very much. The concerned residents did not have a petition sheet, nor were they carrying out an opinion poll or a survey. They merely had a display of maps showing the proposed route of the Stephenson Highway when the plan was first instituted many years ago, and also showing the proposed amendment to that plan and the effect it would have. The display in that case was providing information not included in the three definitions in the Bill. Therefore, it was perfectly legal and people politely passed by it and were not harassed.

If this legislation is passed - I understand our future coalition colleagues have a different view of it because they do consider it harassing or inconvenient, and it is their democratic right to express themselves in that way - people will be able to take part in some one-upmanship with the Government, and I shall do my best to become involved. I shall organise displays everywhere which are not for the purpose of opinion polls, surveys or petitions. That will result in arguments at the polling booths because the returning officers will be trained by the Government to ban any sort of display. The returning officers will not have a precise knowledge of the law, I will distribute copies of the law to everyone at large, and this will create arguments with every returning officer. The booths will not be properly attended and that will create a large upheaval as a result of the stupidity of this legislation. It is an entirely unnecessary exercise and the Bill should never have been introduced. I close my speech as I began it by saying that this is a most desperate action by a most desperate Government. The Opposition opposes the Bill.

MR STEPHENS (Stirling) [10.38 pm]: I indicate the National Party's point of view on this legislation. From the outset, I indicate that I do not agree with the views expressed by the member for Floreat; this is not desperate legislation. The member made great play of democracy, and I think each and every one of us is a democrat at heart. Perhaps democracy is at risk if it is necessary to rely on a how-to-vote card in order for people to cast their votes correctly. It is a reflection upon the people in Australia, or the people in any democracy, that so many people take so little interest in the political scene that they require a how-to-vote card in order to cast their vote correctly.

Reference was also made to compulsory voting: I know this phrase is commonly used, but I cannot accept that compulsory voting is in force in Western Australia or Australia. It is

compulsory for people to attend a polling booth on election days, but it is not possible for voting to be compulsory for as long as a secret ballot is in operation. A person is handed his ballot paper, takes it to the polling booth, and if he wishes he may then put a blank ballot paper into the box. There is no such thing as compulsory voting.

Mr Mensaros: Would you make it voluntary?

Mr STEPHENS: No, I would not. I am old enough to have experienced the situation during the time of voluntary voting in Western Australia. I have been involved in the political scene since 1936, although I was very young at the time, during the time of voluntary voting. The campaign organisers had their rolls spread around the walls of their committee room. There were scrutineers taking the roll numbers of people who had attended the polling both and transferring them to the rolls on the walls of the committee room. The helpers would say, "I think Bill Smith is one of ours," and they would send a car to take him to the polling booth. That is not much different from the present system under which one is compelled to attend, anyway. Under that system, if a party has the numbers and enough supporters theoretically it can influence the poll. I believe compulsory attendance at a polling booth is a preferable system.

One can argue in relation to harassment that people standing around a polling booth within the prescribed area are, in fact, harassing people by issuing them a how-to-vote card. I know that I am whistling into the wind a bit, but I think we should go further and say that on polling days our streets will be free, that people have to attend the polling booth but that nobody will be allowed to stand on the street handing out how-to-vote cards. Most members of this House would remember the days of SP betting. People used to stand on the pavement taking bets and their offence would be one of obstructing traffic. If it was an offence to obstruct traffic in the old pre-TAB days, then I suggest that it is also an offence to stand on the street handing out how-to-vote cards because that is also obstructing traffic.

A tremendous amount of time and effort is wasted on polling days by people standing around polling booths and handing out how-to-vote cards. If that system were dispensed with people who required such a card would go out of their way to get one either by cutting it out of the newspaper - because they are always well advertised, and no doubt political parties would post them to all electors - or getting one from somewhere else. In certain instances, particularly when a tremendous number of candidates were listed, such as in an upper House or Senate election, they would make sure that they took that card to the polling booth to ensure they cast their vote according to their wishes.

Under the legislation before us there is nothing to stop people interested in petitions or different issues from continuing to pursue their interests, but outside a radius of 100 metres. All we would be doing is ensuring that the area close to a polling booth was kept relatively free of people, which is desirable. I hope we have a referendum to alter the State's Constitution at the next election so that when casual vacancies occur in the upper House the leaders of the respective parties will have the right to allocate that position. If there is a referendum and all these other issues are also allowed it could make matters very confusing for the public, even informed members of the public, but for an apathetic public it would be even worse.

I would like to see matters kept open in other areas irrespective of whether we go to a citizens' initiated referendum, and I have no objection to that. However, I hope that referendum day is separate from polling day as I believe polling day should be kept free for polling and the odd referendum which may be needed to alter the Constitution. Looking at all the pros and cons of the issue, I believe the public of Western Australia would be best served by our supporting this legislation, so the National Party is happy to do that.

MR GREIG (Darling Range) [10.45 pm]: I support the comments made by my colleague, the member for Floreat. I will do so briefly and by way of example. I am concerned about the impact of this legislation. It seems strange that in the exercise of democracy, of which an election is the ultimate test, we seek by way of this legislation to prevent one of those great tenets of democracy; that is, the possibility of the people coming to a polling booth participating in some other petition to the Parliament which the person is about to proceed to elect.

I fail to see where there has been a case proven of undue harassment - and I am using the words of the Minister's second reading speech - or an unnecessary pressure on people on the

way to record their vote. That seems to me to be an exercise in intrusion and an unnecessary constraint in the conduct of elections in this State. Quite clearly, if there were unruly circumstances, as the legislation now stands the presiding officer has clear power to bring that under control. My experience in the past, gained working as a scrutineer at polling booths, has been of ready cooperation received by scrutineers from presiding officers. It has always been the case that, in circumstances where people have become a little over zealous in promoting the interests of their candidate and party, the presiding officer has had the power to say that if they did not calm down he was prepared to extend the boundaries and declare a larger area as the polling place. That capacity has always existed to prevent any undue harassment or unnecessary pressure being applied to voters.

I will give the Minister for Parliamentary and Electoral Reform some examples of where this legislation would cause significant difficulties in its policing. The Minister may or may not be aware of a booth I have had recent experience with at the Federal referendum held on 3 September this year; that is, the Midland Town Hall booth. I do not know whether the Minister is aware of the physical constraints of that booth, but anybody who travels out the Great Eastern Highway or the Great Northern Highway would be aware that the Midland Town Hall is situated on a triangular island at the junction of those two highways. It has been an historic booth for both Federal and State elections. In the normal course the entrance to that polling place has been the main door and party members handing out how-to-vote cards have located themselves on the footpath outside, which is not all that wide. Immediately off the footpath - there is no nature strip - the Great Eastern Highway runs to the hills. If one was in a position to draw a 100 metre circle around that booth it would extend not only across Great Eastern Highway and Great Northern Highway into the Centrepoint Shopping Centre where there might be people quite legitimately in the process of collecting signatures, cake stalls, or whatever, but also would create the potential for a circumstance to arise that was not capable of being policed. It would also create the circumstance of some person seeking to pursue a mischievous complaint and suggest there had been an infringement of the Act.

There will be many other cases where that circumstance will prevail, particularly where the booths tend to be a little more removed from commercial areas. In places like Fremantle and Perth, booths will be situated like those in the Midland town hall. That in itself could lead to greater problems; problems which would result in difficulty maintaining control and order. We have not had any evidence of that in the Minister's second reading speech other than a wild allegation that people have been harassed. I pick up the point made by the member for Floreat: The only example we have had of anything like this was in the Balga by-election, where a table was set up and people could come to that table if they wished. If a person wanted to sign a petition at that table, no-one was harassing him to do so, but there was an invitation for him to do so. That was a perfectly legitimate example of democracy at work.

Booths may be set up with multiple entrances in a wide area. I can think of a number of schools where I have been involved as a polling day worker where people could enter the general precincts of the polling booths at four or five places before coming to the six metre line. In those circumstances we may well be extending the line to 150 metres beyond the polling place itself. We may face a situation where the presiding officer is not able to police the thing at all.

I take on board some of the comments by the member for Stirling. He was going in a completely different direction, seeking to suggest that it would be far better in the process of our elections if how-to-vote cards were not handed out on polling day at the polling booth itself. By logical extension one could probably ask the Electoral Commission to post the registered how-to-vote cards to the electors, along with encouragement to them to come along and vote. As a consequence there would be a total change of emphasis from the history of polling days as we have known them in our country. I fail to see how, in the exercise of the democracy we have come to know in the election of our representative Houses of Parliament, we can constrain this legitimate exercise. I would have thought, on polling day or any other day, we should cherish the processes of citizens of this nation being allowed to canvass a particular point of view or a particular issue with a degree of freedom, provided they were not creating a public nuisance or disturbance.

Mr Stephens: In Canada they believe they have democracy, and on polling day they don't have people standing there handing out cards.

Mr GREIG: I thank the member for Stirling for that interjection. What I was saying was that in the history of this country we have developed a particular style of election atmosphere, and for my part I believe that the involvement of the citizens of our nation, either as voters or as people involved in supporting their candidates or parties, is part of the character and atmosphere with which we have grown up. It is similar to what happens in Britain, where voting is voluntary, and people happily stick a photograph of the candidate they wish to support in the front windows of their houses. In America people are phoned up to call them out on polling day. I am not suggesting those things are necessarily good or bad, but they are different. As we proceed to deal with this further constraint upon the liberties of our citizens, we need to ask if the Government is fair dinkum. Does a problem really exist which warrants this type of legislation when there is the capacity, in the event of harassment or undue pressure, for the polling officer to enforce due order around the polling booth under the Act as it now stands?

I commend to the House the comments of the member for Floreat. I stand with him in opposition to the legislation, and I ask the Government to consider seriously whether it should proceed with this legislation. I see nothing in the second reading speech to indicate why this sort of action should be undertaken.

MR COURT (Nedlands - Deputy Leader of the Opposition) [10.57 pm]: It is an absolute joke that the Government is making this amendment to our electoral system. Of all the important and serious things that are happening in our State right now, the Government, in its dying days, is desperately trying to cling on to power in one way or another by bringing to Parliament what I would call a pathetic amendment to the legislation. It is trying to stop people from preparing petitions around polling booths. Requirements already spell out how close people can go to a polling booth on polling day. It is strange that the Government, which has said it wants to be more accountable to the people - it has put out its gimmicky accountability package - wants to make it more difficult for people to petition this Parliament. Why is the Government wasting its time bringing in this legislation?

I can only think of those recent by-elections in Balga and Ascot. In those by-elections in two safe Labor seats, the Labor Party was embarrassed by the fact that the Liberal Party put up such a strong campaign with such limited funds, and on polling day itself -

Mr Greig: Perhaps they gave some of their funds to charity.

Mr COURT: Reg Davies ran a fantastic campaign in Balga; not a big budget campaign but a people campaign. On polling day I went to the polling booth near the residence of the former Premier. It was a bit like going to the Dalkeith school in my electorate. The Liberal Party outnumbered the Labor Party people about four to one at that polling booth, and it was the same around all the polling booths.

Mr Pearce: We still won the booths.

Mr COURT: With the swing in that Balga campaign the Minister would be pretty worried about what is going to happen in the general election. Yes, they did have petitions, but I observed the way in which they were carried out. It did not interfere at all with the polling, it was well away from the entrance to the polling booth, and it was within the requirements set out by the electoral laws. It is really a little fiddling exercise for the Minister to come in with this amendment to make it more difficult for people to prepare petitions. On an election day when people come out to vote it is a pretty good time to get them interested in putting pen to paper on an issue that might be of great concern, either on a Statewide basis or in that particular electorate. I put it to the House that there is no problem and that the amendment in this legislation is totally unnecessary. If the Government is resorting to this sort of petty fiddling exercise, trying to get a bit of political advantage leading up to the next election, members opposite might as well pack up now and get ready, those who are left, to sit on the Opposition benches.

MR PEARCE (Armadale - Minister for Parliamentary and Electoral Reform) [11.03 pm]: Has the Deputy Leader of the Opposition not given the game away? The argument that was put by the member for Floreat, speaking before him, was that there is nothing wrong with collecting petitions while an election is being held because this gives people an opportunity to petition the Parliament which they might not otherwise have. That seems a bit strange because at the start of our proceedings every day several members rise in their places and

present petitions. They do not seem to feel the need to wait for a polling day in order to put together those petitions. The citizens of our democracy can petition the Parliament at any time, and that is in fact what happens. Large groups, like the 104 000 citizens who signed a petition against the closure of the Fremantle railway line, did not require to wait for polling day in order to put together that petition; and the little groups of six or eight people signing petitions opposing World Heritage listing for Shark Bay have not had to wait for polling day in order to put together their petitions. One would think that the argument the member for Floreat advanced - that is, that people should have every opportunity to put together petitions - is not one that we could object to too much. But the Deputy Leader of the Opposition says it is a last, desperate throw of the Government to cling to power. How can he relate that to the collection of petitions if it is just a question of the exercise of people's democracy? The Deputy Leader of the Opposition is giving the game away - he is saying that by organising a petition at a polling booth one can help influence the vote. That is exactly what he is saying, otherwise he would not be talking about a Government trying to cling to power.

Mr Court: What absolute nonsense. It is nothing to do with it.

Mr PEARCE: Well, why is the Deputy Leader of the Opposition talking in terms of the Government trying to cling to power?

Mr Court: With the Balga and Ascot campaigns you thought the swing was so great against you because of the effect of that petition.

Mr PEARCE: And the Deputy Leader of the Opposition does not think that?

Mr Court: That is absolute nonsense.

Mr PEARCE: In that case I accept the Deputy Leader of the Opposition's advice that it has no effect on the vote; therefore it is not the effort of a desperate Government to cling to power. But the bottom line of it is that clearly there is a capacity to misuse petitions.

Mr Court: That is what you think. You are concerned about it so you say, "We had better get rid of that avenue just in case that is what contributed to the swing."

Mr PEARCE: Let me take the Deputy Leader of the Opposition at face value, which is a bit hard to do under the circumstances. This is what will happen. The petitions the Opposition have organised on various occasions for various by-elections have not been designed with any effort to influence anyone's vote. All they have been designed to do is something which the Liberal Party is not capable of doing at other times of the year; that is, petition the Parliament. They are not designed to influence anyone's vote but just to get together a convenient collection of people to petition the Parliament. I find difficulty in accepting that is the truth. I think what is being done with regard to these petitions is that an effort is being made in a subtle way to influence the voters as they go into the booth. That is quite clearly contrary to the spirit of the Act and in fact it may be contrary to the letter of the Act. That is the point I made by way of interjection when giving my second reading speech.

There are two ways of resolving this matter: The first is to put the matter before the Parliament for resolution prior to the election; the second is to take Court of Disputed Returns action after the election. Of those two ways of resolving the matter with regard to the letter of the current law it is better to take the line of action we have taken; that is, to ask the Parliament to resolve the matter before the election. But the second aspect of this is deserving of attention. It might be all right in the eyes of the Deputy Leader of the Opposition or the current member for Darling Range - though being usurped in that category through the unfortunate incapacity to win a preselection; let me tell him that elections are a whole lot harder to win than preselections - for all these things to be done where these petitions have been run in a quiet way without any harassment; but the fact is that these petitions are designed to influence the vote as people come into the polling booth.

Mr Court: Why didn't you raise this matter before? Why haven't you raised it until now?

Mr PEARCE: We have raised it now, before the election, for the Parliament to resolve. The net result of that will be that if the Parliament were to decide that petitions of this kind were allowable, every party and every individual who ran for the Parliament would have their own petition designed to influence the vote, each the other way.

Mr Cash: Rubbish. That is not the case.

Mr PEARCE: That is why the Labor Party has said there is nothing to worry about with petitions. If the rule is for petitions, then everyone can have petitions; but who wants a position where, when one turns up to the polling booth, not only is one harassed by people with how-to-vote cards, as the member for Stirling quite rightly said, but also one is grabbed by several people wanting one to sign their petitions in order to have a greater show of influencing one's vote. Members opposite might say, "These petitions are only for more police stations in Balga." That is disingenuous at the best of times, but what happens when the petitions become a case of, "Sign the petition here and stop the Liberal Party cutting the heads off little babies", or any other matter which some ingenious petition maker might put together in order to seek to influence the vote? Members opposite might think they have done it in a subtle way up until now, but there is no requirement for subtlety with petitions of this kind if they are to be allowed. The view of the Government is that those petitions are currently against the spirit and probably against the letter of the current law.

Mr Thompson: Did the Electoral Commissioner recommend this?

Mr Court: He did not.

Mr Stephens: I think we are competent to make our own judgment. Do we have to rely on the Electoral Commissioner? Of course we don't. We are independent people with the right to make our own judgment. What a stupid interjection.

Mr PEARCE: It is a stupid interjection but I would like to face it just the same because it does raise an important point with regard to this matter. The Government was concerned about the possible misuse of election day petitions in a way in which they might seek to influence the vote, so the process that was followed was this: I am the Minister for Parliamentary and Electoral Reform, there was a Cabinet discussion on that issue, and I was asked to discuss the matter with the Electoral Commissioner, which I did. In my time as Minister for Parliamentary and Electoral Reform I have never issued a direction to the Electoral Commissioner, nor will I; and I did not issue any direction in this case. I discussed the matter with the Electoral Commissioner, indicated the Government's concern, and asked the commissioner if he would give consideration to the point we have made and, if he thought fit, put up a Cabinet minute for me to bring to the Cabinet to get a Bill before the Parliament. That is the process that was followed.

I did not want to speak to the Electoral Commissioner about this matter, but under the circumstances I raised the concern with him, as members of all parties raise concerns, and the net result of that - not from my direction - was a minute to the Cabinet to get this change to the legislation. I think I put the commissioner's view before; that is, it is definitely contrary to the spirit of the current legislation and may be contrary to the letter of the current legislation. It is a matter that is better resolved before an election than through the Court of Disputed Returns after the election. Nevertheless, having said that, I think the member for Stirling made an accurate point: It is up to the Parliament to decide the electoral laws, not the Electoral Commissioner.

Mr Thompson: No, this piece of legislation originated at the headquarters of the Labor Party.

Mr PEARCE: That is not the truth at all. I have just explained the process by which it came up. I have made it clear it came initially from a Cabinet discussion, but it is also the truth that if any member is worried about some matters of the electoral process he or she will approach the Electoral Commissioner direct and put the concerns to him. That is why we have set up the commissioner in the way we have - so that he will be independent, as far as possible, of the political process in terms of deliberate direction. The process we follow is the one I have outlined to the House.

If I can return to the point I was making before that digression, if every party were to follow the route of having its own petition and drafted the petitions in the terms it thought most likely to influence a vote on election day, we would do two things. First, we would have the potential to reduce the electoral process on polling day to chaos - the member for Stirling is quite accurate about that - and people who may not have felt harassed at the Balga by-election certainly would feel harassed under those circumstances; the situation could become quite ugly. Secondly, as the member for Stirling pointed out, it would have the effect of diminishing the whole process of seeking particularly referendums of a kind where public opinion is sought in conjunction with the electoral process, or side by side with it. That is

not the way to campaign. There is a whole range of ways in which people campaign, but the laws are drawn very carefully at present effectively to prevent people campaigning at the last minute in a way designed to influence the vote as people go in to vote. I think any political party which has confidence in its programs, leaders or candidates will not have to resort to dubious tricks on the steps of the polling booth in order to win a vote.

I could turn this around on the Deputy Leader of the Opposition by saying that it is not in fact the last fling of a desperate Government to retain power but is in fact the efforts of an Opposition desperate to gain power by protecting the possibility of using rorts on polling day. That might be a harsh and hard way of putting it, but there is the potential for that to happen.

Mr Thompson: Why has it taken you this long to do something about it? You people in the 1983 Federal election, just prior to the State election, harassed people at polling booths around this State with material promoting the candidates in the election to be held a fortnight later. You have been almost six years in Government and have indulged in that activity; however, when the Liberal Party, I think quite legitimately, seeks people to sign a petition, you suddenly decide that it is time to call it quits.

Mr PEARCE: The member for Darling Range-to-be - the electorate being as kind to him as the preselection panel was - seems to think, as does the Deputy Leader of the Opposition, that if petitions were to be allowed, they would be matters confined to the advantage of the Liberal Party. That is not the truth of it. The absolute truth is that if petitions are to be used as a way of influencing votes, everyone will have petitions. Everyone will then pick petitions on the basis of improving their position to the maximum, so the Liberal Party may think it can draw up a better petition than the Labor Party, the National Party or the One Australia Movement, but my guess is that it cannot. It will become the contest of the outrageous petition. All we are seeking is to have a level playing field with regard to this - the same rule for everyone clearly spelt out, not somebody dicing or flirting with the current legislation and not a whole rash of cases before the Court of Disputed Returns after the election because people allege that a close result was influenced by these petitions, but a clear understanding of what the rules are so that everyone is on the same footing. The fact that the Liberal Party sees itself as being disadvantaged by being on the same footing as other parties is more a reflection of its lack of confidence in its leadership, its policies, its candidates than anything else.

Question put and passed.

Bill read a second time.

Third Reading

Leave granted to proceed forthwith to the third reading.

MR PEARCE (Armadale - Minister for Parliamentary and Electoral Reform) [11.15 pm]: I move -

That the Bill be now read a third time.

Question put and a division taken with the following result -

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Ayes (29)

Mrs Beggs	Dr Gallop	Mr Pearce	Mrs Watkins
Mr Bertram	Mr Grill	Mr Read	Dr Watson
Mr Burkett	Mrs Henderson	Mr Ripper	Mr Wiese
Mr Carr	Mr Gordon Hill	Mr Schell	Mr Wilson
Mr Cowan	Mr Hodge	Mr D.L. Smith	Mrs Buchanan *(Teller)*
Mr Cunningham	Mr House	Mr P.J. Smith	
Mr Donovan	Dr Lawrence	Mr Stephens	
Mr Evans	Mr Parker	Mr Taylor	

Noes (13)

Mr Blaikie	Mr Grayden	Mr Thompson	Mr Maslen *(Teller)*
Mr Cash	Mr Greig	Mr Fred Tubby	
Mr Court	Mr Lightfoot	Mr Reg Tubby	
Mr Crane	Mr Mensaros	Mr Watt	

Pairs

Ayes	Noes
Mr Tom Jones	Mr Bradshaw
Mr Marlborough	Mr Lewis
Mr Bridge	Mr MacKinnon
Mr Peter Dowding	Mr Hassell
Dr Alexander	Mr Clarko

Question thus passed.

Bill read a third time and transmitted to the Council.

SOIL AND LAND CONSERVATION AMENDMENT BILL

Council's Amendment

Amendment made by the Council now considered.

Committee

The Chairman of Committees (Mr Burkett) in the Chair; Mr Grill (Minister for Agriculture) in charge of the Bill.

The amendment made by the Council was as follows -

> Clause 14, page 9, lines 22 to 39 - To delete those lines and substitute the following lines -
>
> **Duty of outgoing owner or occupier to notify Commissioner and potential successor in ownership or occupation**
>
> 34B. While a memorial of a soil conservation notice remains registered under section 34A, each owner and each occupier of the land to which the soil conservation notice relates shall -
>
> (a) before agreeing with another person in writing that the other person will succeed him in the ownership or occupation or both, as the case requires, of that land notify in writing the other person of the content of the soil conservation notice and of the fact that the soil conservation notice will be binding on the other person if the other person succeeds him in that ownership or occupation or both; and
>
> (b) within a period of 14 days after the day on which he ceases to be such an owner or occupier, notify in writing the Commissioner of that cessation and of the name and address of each person who succeeds him in the ownership or occupation or both, as the case requires, of that land.
>
> Penalty: $2 000.

Mr GRILL: I move -

> That the amendment made by the Council be agreed to.

The Government is prepared to accept the amendment contained in this message. I do not think it needs any further explanation.

Mr HOUSE: I am pleased the Government is accepting this amendment but I have a problem with the way it will work in practice. I wish to raise a question with the Minister. A transfer of land document contains a list of things, such as water rates and shire rates, which are apportioned at settlement. This legislation should provide for the inclusion of a list of this type because a situation could arise where a number of people would not be aware that they have to comply with this legislation. Would the Minister consider at least circularising the changes to make sure that the amendments, with which I agree, are put into practice in a practical way?

Mr GRILL: I am not sure how we will put the current amendments into practical effect. I can give an undertaking that we will endeavour to notify as many people as we can, but I do

not know what that is worth apart from the fact that it is my word and that the department will be instructed. We will do the best we can.

Mr House: A number of people may not be aware of the conditions. We could have a problem. People need to be notified by the commissioner. Maybe a need exists for a public listing of people.

Mr GRILL: I will instruct the department to look at this to find the most practical way. I take the point.

Mr BLAIKIE: The amendment is important. The Minister has indicated he will accept it. My interpretation of the amendment is that a property will have a registration attached; as long as the registration is in place it will require works to be undertaken. The outgoing occupier has the duty to notify the commissioner, or any future owner or occupier, about the soil conservation notice.

The amendment by the Legislative Council is not only important but also eminently workable because the Registrar of Titles will ensure the endorsement of the title to the effect that a soil conservation notice has been placed on the property. What will take place is clear. While a soil conservation notice exists it is incumbent upon any future owner of the property to take note of it. Sale of a property does not divest that responsibility from a proprietor. This has occurred in areas of the south west in relation to pesticides irrespective of ownership of the land. An indication is given that pesticides have been used and the Minister's office records the affected properties irrespective of who owns or occupies the land. At the end of the day, if an order in relation to soil conservation is made, until that order is satisfied - whoever the owner or occupier may be - the order will remain in force. This is a very suitable provision. I do not have the same difficulty as the Minister with the implementation of the provision; maybe I have read the Bill further than he has.

Question put and passed; the Council's amendment agreed to.

Report

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

ACTS AMENDMENT (STOCK DISEASES) BILL

Second Reading

Debate resumed from 19 October.

MR MASLEN (Gascoyne) [11.27 pm]: I support the Bill. Until a couple of years ago, I would have spoken very strongly in favour of the amendment instead of being a little cautious as I am at this moment. The reason for my caution is that the initial idea of the Bill appeared necessary to protect Australia's export of beef, to make sure that our herds of cattle would be healthy, and that people would be able to consume the meat without any ill effects. However, in the last couple of years I have had the opportunity to move around pastoral regions outside my district. I have travelled to the Pilbara and inland to the south Kimberley where I have noticed a distinct lack of management in many places. That has led to my issuing a word of caution to the Government, and to future Governments, regarding the administration of this amendment and the current Act.

Bad management of cattle properties has created the need both for the amendment, and for the Act in the first place. Compensation has been paid to various pastoral properties to eradicate brucellosis and TB from cattle herds. Management rorts have occurred in many cases in pastoral areas. I am somewhat ashamed to be a member of that fraternity, but unfortunately bad operators exist in every profession. In this way the need for this Bill has been highlighted. The Bill will not eradicate TB and brucellosis from the herds but it will provide the next best thing. People at the De Grey Station in Port Hedland said that this could not be done, but with some imaginative management - moving the cattle off the rivers where third rate pastoralists had allowed them to run, and a program of shifting stock and cleaning up areas with helicopters trapping cattle - that station was cleared within three years. I cannot say the same about properties in the near vicinity of that property because every year cowboys, with the use of choppers and wagons, take what they can and leave the remaining cattle in the bush until the next time they are in the area. The cattle which get away soon learn to recognise the sound of helicopters and they hide in thickets making it

impossible for them to be seen from a helicopter. It will be very difficult to eradicate the disease in the long term.

I support the Bill, but I want to issue a word of caution: The eradication of cattle in contact with tuberculosis and brucellosis, but not necessarily affected by those diseases, has the potential to lead to carnage on a grand scale. We have all seen the television programs on the destruction of wild horses and donkeys and have witnessed the public uproar resulting from those programs. I am not worried about the moral side of this question, but as a bushman I detest the idea of waste from destroying cattle because they have not been managed properly.

I think that only about two per cent of cattle in the tuberculosis and brucellosis areas are actually affected by the diseases. This Bill will allow the potential to destroy tens of thousands of head of beef - protein which could be utilised for the welfare of Australians.

I hope that this Government and future Governments will take note of my comments when administering this Act.

MR COWAN (Merredin - Leader of the National Party) [11.33 pm]: The National Party supports this Bill which does two things: It amends the Cattle Industry Compensation Act in three areas which have been mentioned by the member for Gascoyne. The Bill allows the chief inspector to order the destruction of cattle which have not been tested for tuberculosis and brucellosis, but which have been in contact with cattle which are known to be affected by the diseases. The Bill also provides for the chief inspector to destroy animals where there has been non compliance by an owner in regard to a destruction order. The Bill allows the inspector to proceed with the destruction order at his own cost and to deduct the cost of destruction of cattle from any compensation which is made payable to the owner.

The legislation intends to make it an offence to move or trade in cattle which are the subject of a destruction order regardless of whether they have been tested and found to be infected. The Bill raises the question about the position of red tag cattle which come off quarantine areas. I would like some indication from the Minister how the sales outlet for cattle coming from quarantine areas is likely to be affected by this Bill in relation to the additional powers proposed to be given to the chief inspector.

The Bill contains a small amendment to the Stock Diseases (Regulations) Act which deletes any reference in that Act to the assistant chief inspector. This amendment is timely because that position no longer exists and, therefore, the amendment is necessary.

I noted the comments made by the member for Gascoyne, and in many respects he is quite right in relation to the management of pastoral areas. There is no doubt that the amending clauses to the Cattle Industry Compensation Act are designed for the pastoral area to overcome the problems that are unique to it. In many respects the problems can be traced to the management of cattle in the areas and the requirements that pastoralists have to undertake to meet the conditions which are unique to the areas concerned, particularly to the Kimberley.

The National Party supports the legislation but it would be very disturbed if, as a consequence of these amendments being proclaimed, there is a wholesale issue of destruction orders for cattle in the Kimberley.

MR BLAIKIE (Vasse) [11.37 pm]: I have read the Minister's second reading speech and the debate which took place in the Legislative Council on a number of occasions. I want to pose a question to the Minister which he may be prepared to answer by way of interjection. In his second reading speech he indicated this legislation was only to assist in the national brucellosis and tuberculosis campaign - BTEC - in the Kimberley. My reading of the legislation indicates the legislation will not be limited to the Kimberley, but will apply to any area of the State and for any disease the chief inspector may determine a danger at any time. If the Minister can indicate whether I am wrong I will not pursue the matter further, but if I am right the Government's proposal is open to further scrutiny.

It is important to ensure that BTEC is carried out in the Kimberley and that we recognise the difficulties in the area regarding terrain and the different methods of stock management adopted by pastoralists. In a general sense, I see merit in what the Government proposes. The member for Gascoyne summed up the difficulty of implementing this in a fair and reasonable way. Notwithstanding that, in view of the value of the beef industry to Australia

it is important that the industry be able to show that it has tuberculosis and brucellosis free livestock available for human consumption. Western Australia has an obligation to ensure that its livestock meets the conditions laid down by consumers in different parts of the world.

The general intention outlined in the Minister's second reading speech made very good housekeeping sense, but I come back to the concern I have, which I picked up only a couple of minutes ago. It had been my recommendation to support the Bill, but if the legislation extends that authority for officers of the department simply to go onto a farm with a declared product and slaughter at will at any time, I would be unwilling to support it. I refer members to clause 14B of the Bill which sets out the chief inspector's power to order the destruction of infected cattle.

If this provision is to apply only to the Kimberley areas, as was indicated in the Minister's second reading speech, the legislation makes good sense. If the legislation has a far wider application, the Minister may need to come back to the Parliament at some later stage for the Parliament to make a determination of what may or may not need to be done in relation to yet another disease that requires this sort of treatment. In saying this, I am very mindful of a property owner who some three years ago was thought to have cattle on his property which had been infected by Johne's disease. There were two remedies. One was to put the property into quarantine for a period of five to seven years. During the period considerable testing of the property and the cattle on it would take place. If any cattle were found to be affected, the five to seven year period would be extended. The second option was for the cattle to be slaughtered immediately. The authorities believed that the cattle had Johne's disease. The property owner, in good faith, proceeded with option number two. It was a very unsatisfactory option, as among the cattle slaughtered was a substantial number of stud stock. Some 47 cattle in total were slaughtered. The early assessment by officers of the department was wrong and Johne's disease was not detected.

Mr Thompson: Did he sue the department?

Mr BLAIKIE: He is a very responsible farmer. He did not sue the department because he made the decision to have the cattle slaughtered. I suggest to the Minister that if an officer decided to say that a disease of this nature had broken out and orders were made for slaughters to take place, the property owner would not have any opportunity of redress or appeal. If half the cattle are slaughtered, it is too late. If a mistake is made, the property owner suffers the burden further down the track. We all know how difficult it is for any individual to take action against the State, if the State, no matter how wrong it is, believes it was right from day one.

The Minister has probably had the opportunity to look at the legislation. My concern may well be unfounded, but if it is not, there needs to be some way by which the legislation can be restricted specifically to the Kimberley region. I do not believe legislation of this nature ought to be able to be applied to a range of exotic diseases and pests in other areas of the State unless the Parliament has good reasons for that application.

MR GRILL (Esperance-Dundas - Minister for Agriculture) [11.46 pm]: I thank members for their general support of the Bill. The member for Gascoyne referred to bad management on some of the stations. Of course, he is quite correct in respect of a number of them. I would even go a bit further. On some stations there has been a complete dereliction of duty in respect of control of cattle. These stations are now the problem areas which will have to be shot out. That is unfortunate; no-one wants to do it. As the member for Gascoyne said, there will be carnage. If the media want to make a big fuss about it, they will undoubtedly do so and it will not look very nice, but it has to be done. There is no other cost effective means of doing it. Some of these areas are absolutely inaccessible and if it is considered necessary for the State to have to go in and bear the cost of mustering all the cattle, it would add up to an exorbitant sum. The only effective way of doing it is to shoot the cattle. We have to accept it and in due course we will have to take some flak from the media, the animal libbers and such like. That is unfortunate.

The member for Merredin queried the situation in respect of red tag cattle. The legislation will not affect the authorised sale of cattle which have been properly tagged.

The member for Vasse raised a problem which I was not able to answer directly across the Chamber. I am not sure that I can give him a full answer now. The amendments would

seem to have general effect, but if we look through the Cattle Industry Compensation Act, we find that tuberculosis and brucellosis are not mentioned.

Mr Blaikie: They become the specified diseases.

Mr GRILL: I think they are the specified diseases under section 11, to which regulations can be made under section 13. I suspect that regulations have been made in respect of these diseases and in respect of specific areas.

Mr Blaikie: I think it is an area that needs to be looked into and, if necessary, the regulations should be amended.

Mr GRILL: I am happy to do that if a problem exists of the nature the member for Vasse has indicated. I think the member is happy for it to be handled on that basis. My second reading speech, prepared by officers of the department, indicates that it is all right, but I am happy to ask those officers to go through it again and if there are any problems I will drop the member for Vasse a line. I would not like legislation to get through in this fashion if it has the general application to which the member referred. I suspect that the amendments will operate in the way I have suggested. I thank members for their support.

Question put and passed.

Bill read a second time.

Committee and Report

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

Third Reading

Bill read a third time, on motion by Mr Grill (Minister for Agriculture), and passed.

VETERINARY SURGEONS AMENDMENT BILL

Second Reading

Debate resumed from 18 October.

MR BLAIKIE (Vasse) [11.53 pm]: The Opposition has considered this Bill which is mainly of an administrative nature. The Bill extends the legislative authority to allow the Murdoch veterinary school to continue operating, and also deals with a series of other incidental matters, which the Opposition supports.

MR WIESE (Narrogin) [11.54 pm]: The National Party also supports the Bill in its entirety and has no problems with it. We commend the Government on introducing this legislation.

MR GRILL (Esperance-Dundas - Minister for Agriculture) [11.55 pm]: I am absolutely amazed. This moment will be stamped indelibly on my memory. It is a great moment for this House to see the member for Narrogin and the member for Vasse deal so promptly and efficiently with a Bill. I commend the Bill to the House and I commend the members on their brevity.

Question put and passed.

Bill read a second time.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Grill (Minister for Agriculture), and passed.

House adjourned at 11.56 pm

QUESTIONS ON NOTICE

EQUAL OPPORTUNITY - OFFICE
Employees - Salaried

1864. Mr LIGHTFOOT to the Minister representing the Attorney General:

(1) How many salaried staff are employed by the Office of Equal Opportunity?

(2) Of the total, how many are -

(a) females;

(b) Aboriginal;

(c) Asians;

(d) European; and

(e) other races?

(3) How many are over the age of -

(a) 65 years;

(b) 60 years; and

(c) 50 years?

(4) How many staff employees are -

(a) under 21 years of age; and

(b) under 18 years of age?

(5) What amount of money is spent on meals and entertainment?

Mr GRILL replied:

(1) There are 22 salaried staff occupying 19.4 full time equivalent positions at the Equal Opportunity Commission.

(2)-(4) The Equal Opportunity Commission has been included in the equal employment opportunity management plan for the Ministry of the Premier and Cabinet, and is an equal opportunity employer. To provide such a breakdown as requested might well be considered offensive.

(5) During the 1987-88 financial year, expenditure on entertainment, including meals, was $4 009.95.

WA DEVELOPMENT CORPORATION - CABLE BEACH RESORT, BROOME
Interest

1882. Mr CASH to the Premier:

(1) Does the WADC have an interest in the Cable Beach Resort, Broome?

(2) If so -

(a) what is the interest;

(b) when was it acquired; and

(c) at what cost?

Mr PETER DOWDING replied:

(1) Yes, WADC does have an interest in the Cable Beach Resort, Broome.

(2) (a),(c) The member is referred to the WADC 1988 annual report which was tabled in Parliament. The details/answers relating to questions (2)(a) and (c) are recorded therein.

(b) The heads of agreement were signed on 27 April 1988.

WESTERN COLLIERIES LTD - STATE ENERGY COMMISSION
$15 Million Cheque - Debit, Endorsement

1885. Mr MENSAROS to the Minister for Economic Development and Trade:

(1) Is it a fact that the $15 million cheque drawn by SECWA in favour of Western Collieries has been debited via the ANZ Bank on SECWA's R & I account without having been paid to the beneficiary?

(2) Is it a fact that the cheque has not been endorsed by anyone?

Mr PARKER replied:

(1)-(2)

The resolution of issues surrounding the coal advance-purchase arrangements between SECWA and Western Collieries Ltd have now been finalised as set out in Press releases attached issued by Western Collieries Ltd, and me on 18 November 1988.

[See paper No 613.]

WESTERN COLLIERIES LTD - LLOYD, MR A.J.
Account, Cheque Deposit - Spedley Securities Ltd

1886. Mr MENSAROS to the Minister for Economic Development and Trade:

Is it a fact that Mr A.J. Lloyd opened an account for Western Collieries with Spedley Securities Ltd on his own without any cosignatories, in which account he deposited SECWA's $15 million cheque?

Mr PARKER replied:

Refer to answer to question 1885. Any further queries would be more appropriately directed to Western Collieries Ltd.

WESTERN COLLIERIES LTD - STATE ENERGY COMMISSION
Advance Coal Payment - Tabling of Documents

1887. Mr MENSAROS to the Minister for Economic Development and Trade:

Has SECWA tabled all relevant documents in connection with the Western Collieries $15 million prepurchase saga with the Western Australian Corporate Affairs Department or the National Companies and Securities Commission?

Mr PARKER replied:

Refer to answer to question 1885.

WESTERN COLLIERIES LTD - STATE ENERGY COMMISSION
Advance Coal Payment - Discount

1888. Mr MENSAROS to the Minister for Economic Development and Trade:

(1) How much discount was SECWA offered by Western Collieries for the prepurchase of coal?

(2) When will deliveries have to be started for the prepurchased coal?

(3) Has SECWA borrowed the money to pay the prepurchase price of $15 million?

(4) On what interest rate did SECWA borrow that money?

(5) Had it not borrowed the $15 million or only borrowed part of it, how much interest would SECWA earn on the non borrowed part of the $15 million?

Mr PARKER replied:

Refer to answer to question 1885.

SUPERANNUATION - GOVERNMENT EMPLOYEES SUPERANNUATION BOARD
Annual Report - Finalisation and Tabling

1916. Mr HASSELL to the Premier:

(1) What is the progress in finalisation and tabling of the annual report of the Government Employees' Superannuation Board?

(2) Is the current delay occasioned by the questions and issues raised by the Auditor General?

(3) What issues are outstanding in relation to the annual accounts of the Government Employees' Superannuation Fund and the State Superannuation Fund?

(4) When will the annual report of the Government Employees' Superannuation Board be tabled?

Mr PETER DOWDING replied:

(1) The board's report will be tabled in the near future.

(2) There is, and has been, no delay.

(3) None.

(4) See (1).

TRANSPORT - TRUCKS, INTERSTATE
Axle Loading Standards - State Changes

1919. Mr SCHELL to the Minister for Transport:

With reference to question without notice 341 of 1988, what changes does the State Government intend to make to axle loading standards for interstate trucks to provide the uniformity across Australia laid down by an agreement reached by all the relevant State Ministers?

Mr PEARCE replied:

The information requested by the member was published in the *Government Gazette* on 11 November 1988, page 4445.

STATE GOVERNMENT INSURANCE COMMISSION - LIFE INSURANCE ACT 1973, FEDERAL
Sections 54-56 - Federal Insurance Commission Powers

1920. Mr MENSAROS to the Treasurer:

(1) Has the Commonwealth Insurance Commission the power provided for in sections 54, 54A, 54B, 55 and 56 of the Commonwealth's Life Insurance Act 1973 over the SGIC/SGIO?

(2) If not, is there an equivalent State authority exercising similar powers over the SGIC/SGIO in the interest of fair competition?

Mr PETER DOWDING replied:

(1) No.

(2) Yes.

STATE GOVERNMENT INSURANCE COMMISSION - LIFE INSURANCE ACT 1973, FEDERAL
Sections 37, 39 - Provisions Application

1921. Mr MENSAROS to the Treasurer:

(1) Do the provisions of division 3, particularly sections 37 and 39, of the Commonwealth's Life Insurance Act 1973 apply to the SGIC/SGIO?

(2) If not, are similar provisions applied by the State in order to have fair competition?

Mr PETER DOWDING replied:

(1) No.

(2) Yes.

STATE GOVERNMENT INSURANCE COMMISSION - LIFE INSURANCE ACT 1973, FEDERAL
Sections 41, 42 - Provisions Application

1922. Mr MENSAROS to the Treasurer:

(1) Is the SGIC/SGIO subject to section 41 and section 42 provisions of the Commonwealth's Insurance Act 1973?

(2) If not, are there similar State provisions applying to the SGIO/SGIC?

Mr PETER DOWDING replied:

(1) No.

(2) Yes.

STATE GOVERNMENT INSURANCE COMMISSION - LIFE INSURANCE ACT 1973, FEDERAL
Section 40 - Provisions Application

1923. Mr MENSAROS to the Treasurer:

(1) Is the SGIC or SGIO subject to the requirements of section 40 of the Commonwealth's Insurance Act 1973?

(2) If not, does the SGIC/SGIO have to keep accounts in a manner which is not laxer than the provisions as required by section 40 of the above legislation?

Mr PETER DOWDING replied:

(1) No.

(2) Yes. The SGIO does. Furthermore the SGIO and the SGIC must comply with the Financial Administration and Audit Act 1985.

STATE GOVERNMENT INSURANCE COMMISSION - LIFE INSURANCE ACT 1973, FEDERAL
Section 30 - Provisions Application

1924. Mr MENSAROS to the Treasurer:

(1) Do the rules described in section 30 of the Commonwealth's Insurance Act 1973 apply to the SGIO?

(2) If not, are equivalent rules provided by the State so that the State company competes on an equal footing with private companies?

Mr PETER DOWDING replied:

(1) No.

(2) Yes.

STATE GOVERNMENT INSURANCE COMMISSION - LIFE INSURANCE ACT 1973, FEDERAL
Part V - Provisions Application

1925. Mr MENSAROS to the Treasurer:

(1) Is the SGIC or SGIO subject to part V of the Commonwealth's Insurance Act 1973 re investigations?

(2) If not, has the State equivalent provisions for the SGIC/SGIO for the cases described in the above legislation?

Mr PETER DOWDING replied:

(1) No.

(2) Under section 48 of the State Government Insurance Commission Act 1986

the Public Accounts and Expenditure Review Committee of the Legislative Assembly oversees the conduct and management of the affairs of the commission and the corporation to determine and report on whether they receive any improper or unfair advantage or preference over their competitors in the insurance industry.

STATE GOVERNMENT INSURANCE COMMISSION - LIFE INSURANCE ACT 1973, FEDERAL
Section 23 - Business Authority

1926. Mr MENSAROS to the Treasurer:

(1) Does the State Government Insurance Commission or, as it trades, the State Government Insurance Office, have to have an authority according to section 23 of the Commonwealth's Insurance Act 1973 to carry out insurance business?

(2) If not, does the State Government make sure that the same conditions prevail with the SGIC or SGIO as requested by the above Act before granting authority?

Mr PETER DOWDING replied:

(1) No.

(2) The passing of legislation to enable the SGIO to undertake insurance was in itself a granting of authority for those authorities to carry out insurance business.

STATE GOVERNMENT INSURANCE COMMISSION - LIFE INSURANCE ACT 1973, FEDERAL
Regulations Application

1931. Mr MENSAROS to the Treasurer:

Further to my question 1459 of 1988 - and to make it more clear: Is the State Government Insurance Commission, on its own or trading as SGIO, subject to regulations made under the Commonwealth's Insurance Act 1973 or Life Insurance Act 1973, particularly as far as they provide for a proportion of own capital - indebtedness - and investment under whichever name?

Mr PETER DOWDING replied:

The SGIO is required, under section 33(6) of the State Government Insurance Commission Act 1986, to comply with all requirements imposed on insurers carrying on business in the State or under Acts of the Commonwealth relating to insurance. The SGIC is not required to comply.

STATE GOVERNMENT INSURANCE COMMISSION - LIFE INSURANCE ACT 1973, FEDERAL
Sections 48, 52 - Provisions Application

1932. Mr MENSAROS to the Treasurer:

(1) Does the SGIC/SGIO have to comply with reports, etc and the provisions for accounts and balance sheets to be signed and lodged with the commission as provided for in sections 48 and 52 of the Commonwealth's Life Insurance Act 1973?

(2) If not, are equivalent State provisions in place in the interest of fair competition?

Mr PETER DOWDING replied:

(1) No.

(2) Yes.

ACTS AMENDMENT (COMMUNITY CORRECTIONS CENTRES) BILL - CLAUSE 14
"Other Exceptional Circumstances"

1933. Mr MENSAROS to the Minister representing the Minister for Corrective Services:

What are the "other exceptional circumstances" as provided for in clause 14 of the Acts Amendment (Community Corrections Centres) Bill?

Mr GRILL replied:

It is assumed that the member is referring to the Community Corrections Centres Bill. Such circumstances will be determined on the merits of each case at the discretion of the chief executive officer; for example, a short term employment transfer. It is not possible or practical to detail in the legislation every contingency which may arise.

COMMUNITY CORRECTIONS CENTRES BILL - WORK AND DEVELOPMENT ORDER
Fine Defaulters - Residence

1934. Mr MENSAROS to the Minister representing the Minister for Corrective Services:

What is the intended practice based on the work and development order provisions of the Community Corrections Centres Bill, viz -

(a) to have fine defaulters serving a work and development order to live in an institution during the whole duration of the order; or

(b) for fine defaulters to live at home during the duration of the order?

Mr GRILL replied:

Fine defaulters will live at home during the duration of the order and attend the Community Corrections Centre for 14 hours for each week - or part thereof - of default.

COMMUNITY CORRECTIONS CENTRES BILL - WORK AND DEVELOPMENT ORDER
Fine Defaulters - Work

1935. Mr MENSAROS to the Minister representing the Minister for Corrective Services:

(1) Will the Minister specify what kind of work is envisaged to be perfomed by fine defaulters under the work and development order provided for in the Community Corrections Centres Bill?

(2) What is exactly understood to be "community voluntary or charitable work" and would he give concrete examples?

Mr GRILL replied:

(1) Any work approved by the chief executive officer as defined in clause 3 and provided for in clause 15 of the Bill.

(2) Work similar to that currently undertaken by persons on community service orders, including work for the elderly and disabled, and church, charitable and community groups.

HOUSING - HOMESWEST
North Fremantle Land - Submissions Assessment

1941. Mr HASSELL to the Minister for Housing:

(1) What is the progress of assessment of submissions for the redevelopment of Homeswest land in North Fremantle?

(2) When will an announcement be made?

(3) Will she kindly act to arrange a briefing for Homeswest tenants and me at the affected home units where many long term tenants are gravely concerned about their own futures?

Mrs BEGGS replied:

(1) All submissions have now been considered by Homeswest.

(2) Three firms will be contacted soon inviting them to conduct a feasibility study of the possible development options.

(3) Homeswest has already put in train a series of consultative meetings with all directly affected parties. I will arrange for Homeswest to brief the member.

TRANSPORT - BUSES
Students - Transperth Concession Cards, Maximum Fare

1944. Mr CASH to the Minister for Transport:

(1) What is the maximum fare that students holding Transperth concession cards and travelling to school on public transport in Western Australia would pay between home and school?

(2) Does a surcharge apply to students holding Transperth concession cards travelling to school on public transport for the journey Two Rocks-Yanchep to Perth?

Mr PEARCE replied:

(1)-(2)

The maximum fare that students holding Transperth concession cards travelling to school on public transport in Western Australia would pay between home and school is 45c, except on travel from Two Rocks-Yanchep to Perth where the maximum is 95c.

EDUCATION - CRECHES
Bunbury Institute - Funds

1953. Mr BRADSHAW to the Minister for Education:

(1) Will funds be available next year to run the creche at the Bunbury Institute?

(2) If not, why not?

Dr LAWRENCE replied:

(1) There is no creche at the Bunbury Institute. There is a child care centre at the South West College of TAFE which is utilised by children of students and staff of the Bunbury Institute. The child care centre does not attract a Commonwealth subsidy, and the WA college has contributed funds to cover the running costs over the last year.

(2) A submission has been made for Commonwealth funds for 1989. If the submission is not successful, I understand the college is likely to continue the present arrangement.

ROADS - MAIN ROADS DEPARTMENT
Bussell Highway-Buffer Zone, Sewerage Disposal Plant - Construction Proposal

1954. Mr BRADSHAW to the Minister for Transport:

(1) Is there a proposal by the Main Roads Department to build a road from Bussell Highway to the buffer zone of the Water Authority's sewerage disposal plant south of Glen Padden for SCM Chemicals Ltd to transport waste for storage?

(2) If so, who will pay for the road?

(3) What is the estimated cost of the road?

Mr PEARCE replied:

(1)-(3)

There is no proposal by the Main Roads Department for any work in this area. However, consulting engineers employed by SCM Chemicals Ltd have sought technical information from the department on the load carrying capacity of a

bridge on Harewoods Road and the layout of the intersection of Harewoods Road and Bussell Highway. Harewoods Road is under the control of the Shire of Capel, and Bussell Highway is a Main Roads Department responsibility. I have no information about the estimated cost of any proposed road improvement works. Under normal circumstances any work would be at the developers' cost.

QUESTIONS WITHOUT NOTICE

R & I BANK - WESTERN COLLIERIES LTD
Short Term Finance Request - October 1988

368. Mr MacKINNON to the Minister for Agriculture:

Did the Minister approach the R & I Bank in October with a request that the bank provide short term finance to Western Collieries?

Mr GRILL replied:

The answer is definitely no.

ROTHWELLS LTD - SHIRE OF KALAMUNDA
Deposits, Bill of Exchange - Petrochemical Industries Co Ltd

369. Mr HASSELL to the Minister for Economic Development and Trade:

(1) Is he aware that the deposits of the Shire of Kalamunda with Rothwells Ltd are secured by a bill of exchange drawn on the National Bank and endorsed by Petrochemical Industries Company Ltd with the result that as Rothwells cannot meet the bill it will be payable to the shire by PICL?

(2) Is the Minister aware of any other bills endorsed by PICL and, if so, what is the total of them?

(3) Does the Minister acknowledge that all such bills endorsed in that way by PICL and payable by that company constitute a further injection of taxpayers' money to the Rothwells disaster?

Mr PARKER replied:

(1) No.

(2) Not applicable.

(3) Not applicable. In the interest of trying to be informative to the House I advise it, as I have advised it before - if I have not, I make it clear now - that there are no obligations from Petrochemical Industries Company Ltd to any bill holders arising out of the settlement of the purchase of PICL for two reasons. First, it is clearly understood -

Mr Hassell: Doesn't the endorsed bill have to be paid?

Mr PARKER: That is not the case and that is the point I am about to make. First, it is understood - I did not know about the Shire of Kalamunda, but there are other claimants who claim they have bills endorsed by PICL - there are some people who claim they have a bill of exchange endorsed by PICL but, in fact, it appears that is not the case and no such endorsements were made by PICL.

Mr Hassell: My informant has stated they were endorsed.

Mr PARKER: I am not saying there was nothing there. All I am saying is there is no obligation by PICL to the bill holders. The second point is that as part of the settlement of the arrangements of the Government entering into PICL and, indeed, as part of the settlement of the arrangements of Bond Corporation Holdings Ltd entering into PICL, we both sought and obtained warrants from both the former owners and from the interests registered on the share register associated with the former owners about any such obligations that may arise. We both made it absolutely clear and we both have firm and unequivocal legal undertakings from Mr Connell and Mr Dempster and from interests

associated with them that other than any liabilities we knowingly assumed at the time of taking over PICL there are no other liabilities and that they - as individuals as well as through companies which used to be shareholders in PICL - are responsible for any such obligations or liabilities that might arise.

It is not true to say under any circumstance that there shall be a situation in which the taxpayers or Bond Corporation, as shareholders in PICL, will be called on to contribute additional funds to meet any of these bills.

SUPERANNUATION - BOARD
Investment - Newspaper Article

370. Mrs BUCHANAN to the Treasurer:

Is he aware of an article in tonight's *Daily News* referring to a State Superannuation Board investment and would he care to comment?

Mr PETER DOWDING replied:

I am aware of an article in tonight's *Daily News* and the question gives me an opportunity to correct something which might give rise to some query. I refer to a question asked in this House last week - it was directed to me - about the Queensland Government and the Council of Attorneys General making a decision, some 12 months after its collapse, to investigate the results of the failed Ariadne Australia Ltd. In the course of the answer I made reference to the Leader of the Opposition not wanting answers and not wanting to deal with this matter in a sensible way and that he wanted a witch-hunt. I prefaced that statement by saying "Yes". The way in which *Hansard* has recorded that question - I understand from an officer that was the way in which it was heard - suggests that my answer, "Yes", was in response to an interjection by the Leader of the Opposition. In fact, it was in response to a comment made by the Deputy Premier or by a member from this side of the House about the Leader of the Opposition wanting a witch-hunt. It was taken by the Liberal Party, which referred it to a journalist, that the answer was confirmation that there was some investment by the Government into Ariadne.

Mr Hassell: What a tangled web!

Mr PETER DOWDING: What a silly interjection. The Government has no money invested in Ariadne and it does not invest in it. As members in this House should know from debates we have had, the State Superannuation Board and other instrumentalities have had a variety of investments over the years in a variety of companies. I understand that the State Superannuation Board had an investment in Ariadne in the last financial year which was included in the $31 million loss identified as a result of the 1987 share market crash. That loss was reported to Parliament. It was fully debated and the loss was identified in the 1987-88 financial report tabled last year. These events took place before I became Premier.

The point is it makes the situation clear. What was an innocent comment on my part has been picked up by the Liberal Party and pumped up into some sort of scandal, picked up by somebody and given its own little event. The truth is that the loss which the board sustained from the share market crash was reported. It was taken account of in the board's one per cent real return and 7.7 per cent gross return for the latest financial year. It was a performance which, I remind the Opposition which delights in running down Western Australia and Western Australian instrumentalities, put the State Superannuation Board among the leading group, internationally, in investments. That issue has been widely debated. There has been no cost to the taxpayer as a result of that investment or as a result of any of the losses sustained by the board in the 1987 October share market crash.

Quite frankly, I think these matters have weighed so heavily on the minds of the Opposition that they should be honest enough when dealing with people not sitting in this House to confirm with those people that it was not instantly revealed by an admission from the Premier after strong cross-examination

from the Opposition, but was revealed last year. It is a matter of concern that the Opposition misused *Hansard* on that occasion, in exactly the same way that it misused *Hansard* in relation to the member for Geraldton. The truth is that it is a shallow political stunt and it highlights how bereft the Liberal Party is of anything except a desire to get in and mix some mud in the hope that some will stick, however unjustifiably it was thrown.

ENVIRONMENT - DAWESVILLE CUT
Liberal Party Policy - Government Policy

371. Mr READ to the Minister for Environment:

In view of the Liberal Party's most recent policy position on the Dawesville channel proposal, can the Minister provide the Parliament with a clear indication of the Government's policy regarding the Dawesville channel?

Mr HODGE replied:

I have great pleasure in clarifying the Government's position in respect of the Dawesville Cut. The Government's position has never altered; that is, if the feasibility studies and the environmental approvals were appropriate and recommended that this Cut go ahead, this Government would support it. This contrasts markedly with the position of the Liberal Party, which has had so many positions on this subject that it is hard even to tabulate them. The latest position of the Liberal Party is not to support the Cut, but to plan more studies and investigation. I will briefly trace the history of this matter.

In August 1985 when the then Premier, Brian Burke, announced stage 2 of the ERMP, the then Leader of the Opposition, Mr Hassell, announced in the *Coastal Districts Times* of 15 August that the estuary problems were not a political problem. He said it was evident that both parties were on the same side in this issue; and that the Liberals promised full support for the Dawesville Cut if the feasibility studies proved favourable. On 3 January 1986 the then Leader of the Opposition, Mr Hassell, condemned the Labor Party's "false promises" and said that the Liberals would start work by the end of the year if they won Government. On 16 January 1986 the then Leader of the Opposition, Mr Hassell, said that Mandurah was suffering from too many reports and not enough action. The Liberal Party at the moment is advocating no action, but more investigation and reports. On 30 January 1986 Mr Hassell gave a clear and unequivocal commitment that the Cut would commence within a year of the Liberal Government's taking office. On 31 May 1988 the present Leader of the Opposition, Mr MacKinnon, when asked what his attitude was to the Cut, is quoted in *Hansard* as repeating four times that the Liberal Party has always been supportive of it. On 22 June 1988 the member for Albany, the shadow Minister for Environment, asked me 15 parliamentary questions about the Dawesville Cut. He did not even know its correct name; he referred to it as the Dawesville dam and asked whether the Government would proceed with the dam. On 22 June the member for Albany asked when the report on the ERMP would be released; he did not know that it had been released a month before he asked the question.

I do not know what is the current position of the Leader of the Opposition - whether he supports the former Leader of the Opposition, Mr Hassell, who is committed to the Cut, or supports the member for Albany, the shadow Minister, who is opposed to the Cut. What is the local Liberal Party candidate saying on the matter? He is saying nothing; he is being very wise since he does not know whether to back the line of the member for Cottesloe or the member for Albany. Of course, the Leader of the Opposition, Mr MacKinnon, was recorded a few months ago as supporting it. It appears now that the Opposition is not.

I assure the public of Western Australia that when all the environmental studies are completed in the very near future, if the EPA gives the green light after all the procedures are finished, the Government will proceed without any equivocation to clean up the terrible mess in the Peel Harvey Inlet.

WESTERN COLLIERIES LTD - CRAWFORD, MR DAVID
Advance Coal Payment - Negotiation Dates

372. Mr MacKINNON to the Deputy Premier:

(1) On what dates between 10 and 21 October did David Crawford, the Managing Director of Western Collieries, negotiate "a proposal for advance purchase of coal" - the $15 million - with SECWA, as advised by the Minister to the Parliament on 10 November?

(2) With whom were these negotiations carried out?

Mr PARKER replied:

(1)-(2)

The Leader of the Opposition gave me some notice of this question, as a result of which I had the opportunity of doing two things: First, read the *Hansard* to which he referred in his question and secondly, refer to the State Energy Commission to confirm the understanding I previously had about discussions which had taken place with Mr Crawford. Before getting to the detail of the discussions, a simple answer to this question would be that it is based on a false premise. It is yet another example, similar to the one referred to by the Premier in answer to an earlier question, of the Opposition, in this case the Leader of the Opposition, being quite deliberately dishonest with the way in which it uses *Hansard*. The Leader of the Opposition stands in public and gives his version of what his contract would be with the community if he were elected to be Premier of this State; this man of honesty and integrity who does not want to play with words, obfuscate, and do those sorts of things. He suggests that if he were Premier he would be in a very different position from that he portrays the Government as being in. The reality is that even while he is in Opposition he is deceitful and dishonest, and misuses the forms of Parliament.

Following receipt of this question earlier today, and I acknowledge the courtesy of the Leader of the Opposition in providing it, I went through the *Hansard* to check whether I claimed, as the Leader of the Opposition states in his question, Mr Crawford did negotiate "a proposal for advance purchase of coal - the $15 million - as advised by the Minister to the Parliament on 10 November". I looked through the whole debate and the questions and there is no statement whatsoever in *Hansard* to that effect. The only time I used the words "a proposal for advance purchase of coal" was when I stated that in a letter dated 10 October which Mr Crawford wrote, "in which letter he put forward on behalf of Western Collieries a proposal for advance purchase of coal". That is the only occasion on which I used that phrase. I went on to say that he wanted to do that on -

> . . . coal within the existing contract - and to pay for that coal in advance on terms and conditions which were favourable to the SEC. Subsequent to the receipt of that letter, that same gentleman who wrote the letter, Mr Crawford, had discussions with the SEC - this is in contradistinction to the comments by the Leader of the Opposition.

I also said that the SEC knew the board of Western Collieries was aware of and interested in it. I made the distinction in the parliamentary debate between the letter that was written by Mr Crawford, which related to $25 million worth of coal in advance, and the final agreement reached for $15 million for coal in advance. However, if members took the question posed by the Leader of the Opposition at face value, they would have thought I claimed in the Parliament that the $15 million had been negotiated by Mr Crawford on behalf of Western Collieries. I have never said or suggested that. That shows just how dishonest the Leader of the Opposition is. Even when he does not have a position of power or authority or any way in which he can influence the undertakings of the State, he is still dishonest. Imagine what would happen if he were on this side of the House.

As to the allusions which were made by the Leader of the Opposition both during that debate and in this question, I have once again confirmed with officers of the State Energy Commission that following receipt of that letter, as I told the House last week and the week before, discussions were held concerning the basis upon which such an advance payment would be made between Mr Crawford, the Managing Director of Western Collieries, on behalf of that company, and officers of the State Energy Commission. I do not propose to detail the arrangements between SEC officers and the officers of contracting companies, but I am stating -

Mr MacKinnon: On what date? Was it after the cheque was paid?

Mr PARKER: No, not after the cheque was paid. I state to this House unequivocally that officers of the SEC and Mr Crawford met after receipt of his letter, and before 21 October, in order to discuss the issue of advance payment for purchase of coal. If the Leader of the Opposition has a different view, he should put it forward. I was pleased during that debate to have had the opportunity of going back and reading *Hansard*, because it shows that the Opposition said that this money had disappeared; the Government had lost the money. It was even suggested - I think by the Deputy Leader of the Opposition - that the money had been stolen from the taxpayers of this State. That money is in the hands of the SEC, and the SEC has made a very substantial profit on the transaction.

WESTERN AUSTRALIA - POPULATION GROWTH
Attractive Living Place - Other States Migration

373. Mr BURKETT to the Premier:

Can the Premier confirm that people living in other States of Australia are finding Western Australia an increasingly attractive place in which to live and work?

Mr PETER DOWDING replied:

I want to say unequivocally that there are obviously times when an Opposition ought to put a Government under pressure and ask questions, and all the rest of it, but what is extraordinary is that the Opposition has tried to carry - as I have stood in this House and said repeatedly - the issue of domestic politics outside the State and has tried to cast a view that somehow or other things are not going well in this State under a Labor Government. The truth is that Western Australia is seen as the most attractive State in which to live and raise a family. The figures released yesterday by the Australian Bureau of Statistics show that Western Australia's population growth in 1987-88 out-paced all other States and was almost double the national average. That used to be the excuse that Joh Bjelke-Petersen used for the high level of unemployment in Queensland.

Mr Parker: O'Connor used that also.

Mr PETER DOWDING: The Deputy Premier tells me that used to be the excuse used by the Liberal Party when it was in power to account for its desperately pathetic unemployment figures. The Leader of the Opposition will remember that he was a Minister in that Government - that unsuccessful Government - and that he was involved in some very important portfolio responsibilities, including industrial development, and the place was a shambles.

Over the past year, 34 451 people have migrated to Western Australia from other States, an increase of 6.3 per cent on last year. That contrasts starkly with 1982-83, when instead of a net gain of 8 389 people, which was our net gain, the net gain of the Opposition was only 1 510 people.

Mr Clarko: Give the figures for the nine years, instead of just the one year that suits you. It was the worst year for 50 years.

Mr PETER DOWDING: 1982-83 was a really bad year. The Liberal Party had been in power for nine years, and had driven the country and this State into economic, industrial and population stagnation.

It is not just the climate of Western Australia which is encouraging people to come here; it is the cheaper housing, quality of lifestyle, and a brighter future for the children growing up in Western Australia. I want to ensure that the population boom will not put undue pressure on our existing community services, particularly in outlying and newer suburbs. In established suburbs, the community services and infrastructure - roads, water and sewerage services, shopping centres, schools, parks, sport and recreation facilities, and public buildings - are readily available. However, newer suburbs are sometimes developed, in this period of growth, without the full range of services and infrastructure being put in place. As a result of the pressure of the population growth, I recently called for a report on ways of ensuring that people moving into these newer areas have the best possible range of services and facilities. I expect to receive that report within the next couple of weeks. The truth is that Western Australia is alive and well, and is buoyant, thanks to the vision of this Labor Government. We are a Government committed to governing for all Western Australians.

HEALTH - PHARMACEUTICAL BENEFITS SCHEME
Drugs De-listed - Restoration Prospects

374. Mr TRENORDEN to the Minister for Health:

Further to a motion on the pharmaceutical benefits scheme, passed in this House with the support of all parties, and subsequent to a question without notice in which the Minister said that 34 of the 53 drugs that had been removed from the prescription list had been restored, I ask -

(1) Can the Minister advise whether there is any prospect of any or all of the remaining 19 items being restored?

(2) Has any progress been made on speeding up the processing of payments to chemists through the computer transmission system?

(3) Is the Minister still taking action to alleviate the serious problems being faced by some chemists in country areas as a result of the Federal Government's actions?

(4) If yes, what is that action?

Mr WILSON replied:

(1)-(4)

The chances of any more of those drugs being de-listed further to the de-listing of the 34 of the 53 that were originally listed under the Commonwealth's pharmaceutical benefits scheme is still a matter of representation to the Commonwealth, and that is being further pursued. However, that is ultimately a question which is in the hands of the Federal Minister for Health, and it is something about which he will make his own decisions. I am not at this stage hopeful of any advances on that 34, but further representations are being made in respect of those additional drugs. Representations have been made to the Commonwealth following discussions with the Pharmacy Guild of Western Australia, and on behalf of the Pharmacy Guild, and in the spirit of the motion passed by this Chamber, we are still waiting for a response from the Commonwealth, other than an interim response, in respect of its attitude on this matter.

FISHING - WHALING
Member for Albany - Reintroduction Announcements

375. Mr THOMAS to the Minister for Environment:

In view of recent announcements by the member for Albany regarding the reintroduction of whaling in Western Australia, can the Minister advise the Parliament what the Government's policy is on this issue?

Mr HODGE replied:

I was shocked when I tuned into the ABC news last Thursday night and saw

the member for Albany being interviewed, and advocating a return to whaling in Western Australia. I thought it must have been one of those flashbacks, one of those blasts from the past where people flashback an old film, but it was in fact the member for Albany saying he was going to launch his new policy on the environment the next day, and saying that he did not see anything wrong with the reintroduction of whaling.

Mr MacKinnon: That is not what he said at all.

Mr Peter Dowding: Their Department of Corrections' policy is to hang people and their environment policy is to kill whales.

Mr HODGE: To make sure that I did not misquote the member for Albany I went to the trouble of actually getting the exact words from the program. The member for Albany said - and I quote -

> . . . but I would support whaling like any other proposition, so long as the yield could be sustained and the species was not endangered in any way.

The member for Albany was then asked if cruelty was an issue when talking about whaling. He said, and again I quote directly -

> Well, you could argue that about killing sheep or cattle or chopping chooks' heads off or anything at all. I really don't think that if you're going to farm nature's resources, if you did that you certainly wouldn't be a meat eater.

Those are exactly the words he used on the Channel 2 program. He has been backpedalling ever since, saying he was misquoted and did not really mean it, but in fact he said it quite clearly on the Channel 2 news for all to hear. What is the Opposition's policy? Again we have this great confusion, with one person saying one thing and the Leader of the Opposition saying something else. Is the Opposition in favour of whaling or is it not?

Several members interjected.

The SPEAKER: Order!

Mr MacKinnon: I would be out doorknocking if I were you.

Mr HODGE: Moby Dick would do well to do a bit of doorknocking in Albany - he might need it. That policy has gone over like a lead balloon with the conservationists in this State, along with all the others the Opposition releases.