

Legislative Council

Wednesday, 18 March 1992

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 2.00 pm, and read prayers.

MEMBER OF PARLIAMENT - SWEARING-IN

Agricultural Region Election - Chance, Mr Kimberley Maurice

The President directed the Clerk to read the following letter from the Electoral Commissioner -

Hon C E Griffiths, MLC
President
Legislative Council
Parliament House
PERTH WA 6000

Dear Mr Griffiths

Vacancy in the Legislative Council for the Agricultural Region

I have today written to the Governor of Western Australia, His Excellency, the Hon Sir Francis Burt, AC, KCMG, QC, informing him that I have under section 156D(4) of the Electoral Act, 1907, recounted the votes on the ballot papers used in the counting of votes at the most recent election for the Agricultural Region.

His Excellency has also been informed by me by written notice, under section 156D(8) of the Electoral Act, 1907, that consequential upon the recount of the votes, I have declared the consenting candidate, Kimberley Maurice Chance, to be elected as a member of the Legislative Council to fill the vacancy caused by the resignation of James McMillan Brown.

Yours sincerely

L E SMITH
ELECTORAL COMMISSIONER

18 March, 1992

Mr Kimberley Maurice Chance took and subscribed the Oath of Allegiance and signed the Roll.

STATEMENT - BY THE PRESIDENT

Magistrate's Reported Comments

THE PRESIDENT (Hon Clive Griffiths): In the course of sentencing an offender, a magistrate is reported in today's *The West Australian* at page 14 as saying -

There are too many leaks . . . there are leaks from all sources - from Parliament, the centre of Government, right down to the lowest form of life . . . Maybe the lowest form of life is in Parliament . . . I don't know.

In response to the magistrate reported as having made those remarks, it is worthwhile quoting the eminent English jurist, Lord Denning, who said, in the course of a 1968 case dealing with criticism of the courts and individual judges -

It is the right of every man, in Parliament or out of it, in the press or over the broadcast, to make fair comment, even outspoken comment, on matters of public interest. Those who comment can deal faithfully with all that is done in a court of justice. They can say that we are mistaken, and our decisions erroneous, whether they are subject to appeal or not. All we would ask is that those who criticize us will remember that, from the nature of our office, we cannot reply to their criticisms. We cannot enter into public controversy. Still less into political controversy. We must rely on our conduct itself to be its own vindication . . .

If the magistrate is correctly reported, I suggest that he note Lord Denning's opinion and avoid making privileged statements offensive to the legislative arm of Government and

members of this House that invite retaliation resulting in further damage being done to the standing of members of Parliament and the reputations of judicial officers.

PETITION - PERMANENT BUILDING SOCIETY

Administrator's Appointment Inquiry

The following petition bearing the signatures of 42 persons was presented by Hon Max Evans -

To: The Honourable the President and members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We, the undersigned citizens of Western Australia on the matter of Permanent Building Society (in liquidation) ("PBS") request the Legislative Council to investigate the matters listed below and any other matter that it deems pertinent to its investigations:

1. Whether the appointment of Mr A Woodings as Administrator ("Administrator") of PBS on 30 August 1991 was consistent with:
 - (a) The findings of the Coopers and Lybrand Report on PBS dated on or about August 1991.
 - (b) Section 70A of the Building Societies Act ("BSA") in that PBS had an estimated net worth of at least \$4M at the time of the Administrators appointment.
 - (c) Any other evidence available to the Attorney General and the Registrar of Financial and Co-operative Institutions ("Registrar") at the time of making their decisions to appoint the Administrator.
 - (d) The closure of PBS doors immediately upon the appointment of the Administrator i.e. why wasn't a liquidator appointed?
2. Whether the findings of the Administrator in his reporting to the Registrar (including two published interim reports one unpublished report and the final report) were:
 - (a) Consistent with the original grounds for this Administrator's appointment.
 - (b) Amended in any way under the direction or influence of the Registrar, the Attorney General or any other party.

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

[See paper No 49.]

PETITION - PERMANENT BUILDING SOCIETY

Administrator's Appointment Inquiry

The following petition bearing the signatures of 40 persons was presented by Hon Max Evans requesting that the Legislative Council investigate the following matters and any other matter that it deems pertinent to its investigation -

1. Whether the actions taken by the Administrator during the course of his appointment were appropriate and in the interest of all parties involved in PBS in terms of:
 - (a) the costs incurred by the Administrator (originally estimated to exceed \$2.5m); and
 - (b) the change in the financial position of PBS from having a net worth to one of a net asset deficiency.
2. Whether the Attorney General acted within the spirit of the BSA Section 71 when giving consent to a certificate of the Registrar to wind up PBS in that:

- (a) the Administrator was appointed the Liquidator of PBS with no apparent regard to a possibility of a conflict of interest arising from such an appointment for which similar appointments under the Corporations Law ("CL") are not permitted for the same reason;
- (b) such appointment was made in the full knowledge that a creditor of PBS was to petition the court to appoint a Liquidator;
- (c) the certificate of the Registrar dated 17 December 1991 specifically excluded pertinent sections of the CL connected with liquidation so as to preclude the possibility of a conflict of interest arising from the appointment of the Liquidator although this action was in direct contravention of the procedures provided under CL for the winding up of companies.

[See paper No 50.]

PETITION - TERMINATING BUILDING SOCIETIES INQUIRY

The following petition bearing the signatures of 44 persons was presented by Hon Max Evans requesting that the Legislative Council investigate the following matters and any other matter that it deems pertinent to its investigation -

1. What actions, if any, were taken by the Registrar and the Liquidator to enhance the proceeds of the sale of the Management Contract for the Terminating Building Societies.
2. Were the actions of the Administrator in trying to force the resignations of the Directors of the Terminating Building Societies, prior to the completion of the sale of the Management Contracts, appropriate.
3. Whether the Administrator has acted appropriately in making payments pursuant to the genuine financial hardship guidelines.
4. What action the Government or the Registrar has taken to ensure that the factors which caused the demise of PBS have been addressed and whether the action is sufficient to address the problems raised by the PBS situation to ensure that it will not happen again and that confidence is restored in WA Financial Institutions.

[See paper No 51.]

MOTION - LAPSED BILLS

*Restoration to Notice Paper - Acts Amendment (Evidence of Children and Others) Bill;
Acts Amendment (Sexual Offences) Bill*

HON J.M. BERINSON (North Metropolitan - Leader of the House) [2.44 pm]: I move -

That the following Bills be restored to the Notice Paper and thereafter be proceeded with from the stage they had reached immediately prior to the prorogation of Parliament -

Acts Amendment (Evidence of Children and Others) Bill
Acts Amendment (Sexual Offences) Bill

Members will note that I have listed only two Bills left incomplete at the end of last session for reintroduction as soon as possible. They are currently with the Standing Committee on Legislation. Members may also recall that the Bills were introduced in the last week of our Budget session in 1991 for the specific purpose of allowing adequate public comment. I take the opportunity to again express some concern at the fact that on my understanding of the position the Legislation Committee is not in a position to report on these Bills despite the period of about three months since we last met, and despite the fact that the prorogation period was very short indeed, being restricted to about one week. I do not say this in any critical way because I am very conscious of the pressure on the Legislation Committee arising from the timetable set for it to report on the juvenile repeat offenders Acts. That has obviously taken a good deal of time, but the fact remains that a committee of this type must expect that sort of pressure from time to time. I am not in a position to suggest a remedy but,

having exchanged views briefly with the Leader of the Opposition, I think it could be fairly said that this is an issue we might address with a view to providing some framework that will allow Bills referred to the Legislation Committee to come back more quickly than will be the case with the Bills to which I have referred.

I stress again that I do not raise this as a matter of criticism. My point in drawing attention to it is that I believe the purpose of the Legislation Committee is twofold; that is, both to ensure the more thorough examination of Bills which require it and also to help expedite the process of adequate consultation and consideration. For the moment I do no more than ask members to accept the motion, but I invite all members, including members of the Legislation Committee, to give this matter some attention with a view to determining whether we can devise a better means of ensuring a steady flow of business back from the committee.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [2.49 pm]: This motion for the restoration of two Bills to the Notice Paper is the sort that has been raised on a number of occasions in this House and the Opposition has made it very clear that, although it has agreed to restoration of Bills to the Notice Paper in the past, it did not and does not intend that such agreement should be taken as a precedent. I again confirm the Opposition's position on this matter. On earlier occasions when I have spoken about the restoration of Bills to the Notice Paper one of the elements I have raised has been the need to consider the length of time since the second reading of the legislation the Government wishes to restore to the Notice Paper. A fairly limited period has elapsed since the Acts Amendment (Evidence of Children and Others) Bill 1991 and the Acts Amendment (Sexual Offences) Bill 1991 were introduced and referred to the Standing Committee on Legislation. Therefore, the Opposition does not raise any great objection to the length of time that has expired.

Another element that has been raised in the past when talking about the restoration of Bills has been any changes in Government or in Cabinet and, of course, any changes in the membership of this House. There has been only one change in this House since the introduction of the two Bills that the Leader of the House seeks to have restored to the Notice Paper. That change has been occasioned by the resignation of Hon Jim Brown and the election to this House of Hon Kim Chance. Hon Kim Chance will have to do some very quick reading to bring himself up to date with these Bills, but his election is the only change that has occurred, and we do not raise any objection on the ground of that change. When we talk about the restoration of Bills it is necessary to protect the rights of members of this House by ensuring that they have a fair opportunity of debating all matters that are brought forward in this House. That really underpins the matters that have been raised previously, and I advise the Government that the Opposition is prepared to agree to the restoration of these Bills.

I turn now to the point raised by the Leader of the House about the work done by the Legislation Committee. I remind members that the Notice Paper lists seven Bills which have been referred to the committee for its consideration. I acknowledge that the Leader of the House was not unduly critical of the work done by the committee. I am pleased that he was not critical because there is no question in my mind nor, I am sure, in the mind of any other member, that the Legislation Committee is at present the hardest working of all the committees that operate in this House.

Hon J.M. Berinson: I have said the same thing this week.

Hon GEORGE CASH: I am glad that the Leader of the House acknowledges that. I do not notice any member in this House putting up his or her hand and volunteering to join the Legislation Committee. I am not sure whether that is because members recognise that the committee's chairman, Hon Garry Kelly, works the members particularly hard. I believe it is fair to say that the work that has emanated from that committee has led to significant change which has been of benefit to the Parliament, and much of which has been readily accepted by both sides of the House.

Hon Mark Nevill: If the committee is expanded, I will volunteer.

Hon GEORGE CASH: I support strongly the work of the Legislation Committee and the change of direction that occurred in 1989 when the Legislative Council decided to expand its committee system in general.

That brings me to another point, one which I have raised with a number of my colleagues in

the Liberal Party. The time has come in the Legislative Council for us to look again at the structure and general form of the committees of this House. There may be a need for a revision of the existing committees. There is no question in my mind that there is a need for us to sit down and try to work out a better sitting arrangement whereby the committees of this House are provided with a time which normally is associated with the sittings of this House to enable them to get on with their important work. If the Legislative Council is to be seen as the House of Review, it needs to be provided with more time for it to carry out that review; and, more than that, the Parliament also has an obligation to provide parliamentary debating time for the various reports that come forward, not just from Standing Committees of this Parliament but also other reports generally that should be considered in greater depth than is currently the case.

Hon J.M. Berinson: Are you suggesting the possibility of allowing the committees to meet during House hours?

Hon GEORGE CASH: Yes, I am. The time has come for us to recognise, particularly with the Legislation Committee, that we cannot expect its members to work seven days a week for 16 hours a day and impose a burden on those members alone when much of that work could be done during some of the hours that are set aside as part of our parliamentary program; that is, hours that are currently taken up with the sittings of the House. There is a need for us to sit down and work constructively through that proposal. In 1989 the Legislative Council made a dramatic change in direction in establishing those new committees. They have been very successful to date, and by sitting down and looking at the structure and general form of those committees, and by having some revision of those committees, we may make them even more efficient and effective than they are at the moment. We support the restoration of these Bills.

HON PETER FOSS (East Metropolitan) [2.56 pm]: I am grateful that the Leader of the House has raised this matter because it is a valid matter for consideration by the House. The report of the Standing Committee on Legislation dated September 1991 dealt with this very point.

Hon Garry Kelly: That report has gone to the Standing Orders Committee.

Hon PETER FOSS: I realise that, and that matter needs to be dealt with ahead of the other business of the Standing Orders Committee, and perhaps even without the benefit of the consideration of the Standing Orders Committee, because it is an urgent matter. The Legislation Committee raised two matters. The committee stated at pages 6 to 8 of its report that -

In order to dispose of some of the bills at the end of last session and to deal with some of the major bills referred to it, the Committee met at almost every spare moment. This imposed a heavy burden on committee staff and on the members of the Committee so far as disposing of their other parliamentary and electorate business. In part this will be dealt with by the Committee by a more measured approach to the way in which it carries out its work. A careful selection of witnesses, the provision of relevant information from Departments at appropriate times, access to the Minister and to parliamentary counsel together with a permanent officer assisting the Committee will aid the despatch of business.

However it does appear to us that for a number of reasons a fairly substantial alteration should be made in the manner in which the Committee operates. The Committee recommends that the Standing Orders Committee consider a sessional order that will permit the Committee to operate in sub-committees containing co-opted members. The co-option will only be for a particular reference.

It is envisaged that these sub-committees would consist of three members at least one of whom would be a member of the Standing Committee. The sub-committee would hear the oral evidence that was decided to be gathered and would also draft the report for settling by the Committee.

We see the advantages of this being as follows:

- (i) it would enable more members to participate in the process of the Legislation Committee and in particular allow those members with a special interest in the legislation to participate;

- (ii) it would enable the Committee to dispose of its inquiries more expeditiously by spreading the tasks of the Committee over a number of sub-committees working in parallel - only the final report would have to be settled by the full Committee; and
- (iii) it is preferable to a permanent expansion of the size of the Committee because there would be insufficient members available who are not already on other committees and also allows for appropriate people to be co-opted to a particular reference while still maintaining the continuity of the chairmanship and membership of a permanent member of the standing committee who is familiar with the philosophy of that committee.

Accordingly, the Committee recommends that the Resolution of the House of December 21, 1989 establishing the Committee be changed as follows:

"(2)(a) The committee consists of 5 members but the House may appoint in addition to the number specified in this paragraph, additional members for the purpose of a particular inquiry by a subcommittee and any such additional member may sit and vote on that subcommittee as if the member were a permanent member of the committee.

(b) Any subcommittee formed pursuant to paragraph (a) above shall be chaired by one of the 5 members of the Legislation Committee."

It is clear that the Legislation Committee has managed to achieve significant involvement of the Parliament with the part of the legislation in which it should be involved. The various objects set out in this report regarding what the committee was set up to attain have in large measure been attained. That has been achieved somewhat at the cost of the time and effort of the committee members, and it has been restricted to the five members who sit on it.

As mentioned in the report, merely expanding the numbers on the committee would not only make it more unwieldy but also impose a liability on nine people instead of the current five. It seems to me that much of the legislation that we have could very well do with the benefit of the extra association of other members of the House. The real strength of the Chamber is the breadth of experience of its members. We do not want a House of members all of the same background, any more than we want a committee of members all of the same background. The strength of the House of Review is dependent upon the various backgrounds of its members. With different Bills we may need different backgrounds. We sought to achieve by our recommendations the opportunity of taking advantage of what we have learnt over the last two years. A certain amount of learning has been achieved by members of the committee over the last two years. We are getting better at it than we were when we started. However, we should allow other members to be drawn into the rewarding task. It is fair to say that it is one of the most rewarding committees on which I have served because I feel I am participating in legislative appraisals and that I am getting to the nub of the problem. The proposal enables other members to share in that process and particularly be chosen for the applicability of their own experience when contributing to it. Therefore, we would have both continuity and a spreading of involvement of members of the House, as well as a spreading of the knowledge of members of the House. If we do that we may reach the stage where we have a number of committees which regularly deal with legislation; we would get a faster return of the legislation and have better legislation.

Another problem we have is resources. We have a research officer but she is by no means devoted only to our committee. The amount of research work that has been placed upon her is extraordinary. We must recognise that hearing the evidence and forming an opinion is one thing but we must then put it together in a cogent fashion to report to the House. It is important that it be a cogent report because setting the legislative history, putting it on the record not only for the information of members but also for the information of the public, of the courts, and of the people who come later, is very important. Without properly written reports, the information we have gained is lost. Therefore the Government has a role to play in resourcing the committee. The Government should look to making the process more efficient - if it is keen to do so. That would be admirable. It should also look to a better form of resourcing committees. Secondly, it is becoming urgent that we deal with the amendment. I asked the Clerk today what was happening in that regard. Perhaps we should not leave it to be dealt with by the Standing Orders Committee in due course. Perhaps it is sufficiently urgent to bring it forward by special motion to debate it and to get on with dealing with it.

I should also mention why so many matters are on the Notice Paper. Members should notice that most of the matters were referred to the committee on the one day; that is, 5 December. Two were referred on 2 February. Only one goes back to 10 September - the Post-Secondary Educational Institutions (Titles and Degrees) Bill, on which we have completed our deliberations. We know what we want to say; it is only a matter of the report being completed, and that is a little difficult at the moment because of the time being taken by our consideration of the Act with which we are dealing. That is an area where resources would allow us to put on paper what we have learnt.

I agree with the remarks made by the Leader of the House. It is very timely that he has raised them, and I thank him for doing so. The House should take note of all comments during the debates. I hope that the House will support dealing more urgently with the two matters that I have raised - the further resources, and dealing with the Sessional Order to allow the Legislation Committee to work with subcommittees with co-opted members.

HON R.G. PIKE (North Metropolitan) [3.04 pm]: I associate myself with the comments of the Leader of the House, the Leader of the Opposition, and Hon Peter Foss. It has been brought to my mind very forcibly today in relation to the resources of the Standing Committee on Legislation and the Standing Committee on Constitutional Affairs, that we have quorum problems - that is, because we have one city member and two country members - and when the Parliament is not sitting it is difficult to strike a meeting date acceptable to all parties. Therefore, I enthusiastically support the proposition that we should move with significant despatch to allow at least half a day of our normal sitting times to be allocated to committee functions.

The House needs to be reminded that in the history of Government in this State - indeed in every other State, and in the Commonwealth - by and large with committees of the lower House of Parliament, where the Government of the day usually has the numbers - although Western Australia and South Australia are rapidly moving to be the exceptions to that - any determination made by their committees is usually in accordance with the wishes of the Executive of the Government of the day. Responsibility for wise and yet controversial decision making therefore falls very heavily on the shoulders of an upper House - where the Government may not have a majority that is frequently the case, and it is certainly the case in this State at this time - because the credibility factor that attaches itself to the determinations of the Legislative Council committee system is far more enhanced than is the case of a lower House investigation whichever party is in Government.

I must say, in the spirit of being a proper parliamentarian - and those who know me well know that I am forever saying this - that the tenacity and integrity with which upper House members deal with their committee system in their House at a time when they are also members of the Government will be the ultimate test of the integrity of the committee system itself. In other words, that purview and supervision provided properly by committees must likewise be imposed and provided when the upper House happens to contain a majority of the same political flavour as does the lower House. I am therefore mindful of the fact that the Constitutional Affairs and Statutes Revision Committee at present has 19 petitions before it. It looks like concluding consideration on six or seven, but there is a significant amount of work to be done on the remainder. Today, for example, Hon Max Evans presented three petitions which in themselves represent about eight weeks of solid work for the committee, meeting twice a week, to get even close to a report on the content of the petitions. In that case, we need to review staffing arrangements, and I have had discussions with the appropriate authorities. I am more in favour as far as is practicable of appointing staff from the community at large for the purpose of particular inquiries, rather than building up the staff numbers in the Legislative Council permanent staff, because in the end, if we believe wholeheartedly in the principle of less Government not more, and in private enterprise, we are better to go to the community for specialists for a particular purpose rather than try to appoint people on a permanent basis who may have expertise in one subject but not in another. That is rapidly becoming necessary, and the nature of the petitions presented by Hon Max Evans today illustrate the incredible amount of research necessary.

The committee system has proved itself, and it is remarkable to note that the work associated with petitions only was hitherto such that petitions were presented and filed away and no-one ever heard of them again. That is, they were a farce and a waste of everyone's time. I again draw attention to the necessity for staff appointments and facilities to be such that the committees do not find themselves depleted and not able properly to do the work.

HON REG DAVIES (North Metropolitan) [3.10 pm]: I will move an amendment to the motion. As members will appreciate, private members' Bills are not given precedence over Government Bills; that is understood.

Amendment to Motion

Hon REG DAVIES: I move -

To insert "Town Planning (Old Brewery) Bill 1991" at the end of the motion.

I have already made two second reading speeches on this Bill and it would just take up extra time if I were to reintroduce the Bill in this session. Factors pertaining to the Bill have not changed from when I gave the last two second readings and I hope members are aware of the contents of the Bill. I ask members to support the amendment.

Amendment put and passed.

Motion, as amended, put and passed.

**MOTION - CASINO (BURSWOOD ISLAND) AGREEMENT
(THIRD SUPPLEMENTARY AGREEMENT)**

Disallowance of Agreement

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.11 pm]: I move -

That the Casino (Burswood Island) Agreement (Third Supplementary Agreement), executed on 13 November 1991 and tabled in the Legislative Council on 14 November 1991 be, and is hereby, disallowed in accordance with the provisions of clause 5(3) of the Casino (Burswood Island) Agreement.

Members will be aware that on 14 November last year a document was tabled in this House which sought to vary the agreement with the Burswood Resort Casino that would have been the third supplementary agreement. The document is not large in content but it would cause very significant changes to the current ownership of the Burswood casino. Among the promises made by the Government in 1984 and 1985 when the Burswood casino legislation was being debated in this Parliament was that foreign ownership would not exceed 40 per cent of the total ownership. That was accepted by this House as being fair and reasonable, although a number of members made the point that 40 per cent foreign ownership was in excess of what would be desirable. Be that as it may the House accepted the legislation and agreed that foreign ownership should be limited to 40 per cent of the units that were being offered at that stage.

Later the Government varied that agreement by allowing a further 18 per cent increase in foreign ownership, taking foreign ownership to approximately 58 per cent. In fact, the Victoria Company, which is Asian owned, currently owns just under 58 per cent of the Burswood casino. The agreement that was tabled in this House and that I seek to have disallowed contains a proposition that would allow foreign investment or ownership in the casino to again be considerably increased. The Opposition does not agree with this proposal from the Government; it believes the opportunity exists for the Government and the Opposition to sit down and in a rational manner to discuss further the limits on foreign ownership of the Burswood Property Trust.

One of the purposes in moving this motion is to put the Government on notice that the Opposition is, firstly, not happy with the proposed agreement and, secondly, wants to sit down with the Government and work through the ramifications of additional foreign ownership of the Burswood casino. A number of arguments have been put forward, mainly by those involved in the legal profession, suggesting that different interpretations can be placed on the agreement. That indicates some uncertainty about what the Government intends and some uncertainty in law at what may occur if this agreement is not disallowed. I am sure that the Government understands what it intends but whether that is being communicated fully as the agreement is presently structured is questionable.

One other matter that is contained in the agreement I wish to have disallowed is the opportunity for two-up to be played on Anzac Day in Returned Service League club premises

within a 200 kilometre radius of the Burswood Resort Casino. While the Opposition is opposed to further foreign ownership of the Burswood casino, it strongly supports the proposition to allow two-up to be played on Anzac Day in RSL premises. It may be that we need to introduce a new regulation urgently solely to address that matter; if so, the Opposition urges the Government to so do because we do not want RSL clubs disadvantaged. The Opposition would clearly be disappointed if the proposition was put by the Government to the media that we are trying to disadvantage war veterans or members of RSL clubs because that is not our intention at all. It just so happens that the agreement has two major elements to it; the first is increased foreign ownership of the casino and the second is the opportunity of playing two-up on Anzac Day in RSL clubs. The Opposition supports the idea of two-up being played in those circumstances and is opposed to increased foreign ownership of the casino. There are those in the community who would argue that increased foreign ownership would enable greater tourism opportunities for this State, and the Opposition has heard and considered those arguments.

I make it clear to the Government that the third supplementary agreement in its present form is unacceptable to the Opposition and hence the move for its disallowance. In view of the legal uncertainty and some of the opinions that have been provided to the Opposition in respect of the current form of the agreement, the Opposition would be prepared to sit down with the Government and consider its position. Until such time as we are absolutely certain as to the intent of the Government and of the ramifications of the agreement we clearly must move for its disallowance.

Debate adjourned until a later stage of the sitting, on motion by Hon Mark Nevill.

[Continued on p 202.]

POLICE AMENDMENT BILL

Restoration to Notice Paper

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.20 pm]: I move -

That a message be sent to the Legislative Assembly requesting that consideration of the Police Amendment Bill 1991 be resumed.

The purpose of moving this motion is to invite the Legislative Council to send a message to the Legislative Assembly requesting that the Assembly consider the Police Amendment Bill 1991 at the stage that it reached in the previous session. Members will be aware that on Wednesday, 29 May 1991 Hon Peter Foss, on behalf of the Opposition, delivered the second reading speech of this Bill to the Legislative Council. One of the important provisions of the Bill is to allow current serving police officers in the Western Australia Police Force to resign from the Police Force for the purpose of contesting a State election and to rejoin the Police Force without any loss of entitlements if they are not successful in that election.

I introduced this matter in 1987 while I was a member of the Legislative Assembly. At that time the Government said it would support the move but nothing happened until Hon Peter Foss introduced the Bill in this House in 1991. On 18 September 1991, in his response to Hon Peter Foss' second reading speech the Minister for Police indicated that the Government was prepared to support the Bill. The Bill was read a third time in this House on 18 September 1991 and the appropriate message was sent to the Legislative Assembly. The Bill was considered in the Legislative Assembly in a second reading speech given by the member for Scarborough, Mr George Strickland, on 23 October 1991. The debate on that Bill was adjourned by Hon Geoff Gallop. It remained on the Legislative Assembly Notice Paper until the House was prorogued less than two weeks ago.

The Opposition considers this an important Bill which is worthy of consideration. In keeping with the general principles of restoring Bills to the Notice Paper, and considering a great time has not lapsed since the Bill was last dealt with in the Legislative Assembly, I ask members of the Council to agree to the motion which will enable a message to be sent to the Legislative Assembly for consideration of this Bill.

Question put and passed.

LAPSED BILLS*Restoration to Notice Paper - Assembly's Message*

Message from the Assembly received and read requesting that consideration of the following Bills be resumed at the stage they reached in the previous session.

1. Land Amendment (Transmission of Interests) Bill.
2. Retirement Villages Bill.
3. Royal Commission into Commercial Activities of Government Bill.

HON J.M. BERINSON (North Metropolitan - Leader of the House) [3.26 pm]: I move -

That the request contained in the message from the Legislative Assembly be agreed to.

This motion is the converse of the motion by the Leader of the Opposition to which the House has just agreed. Just as his motion sought to reinstate in the Assembly a Bill which originated in this House, so too the present motion is designed to reinstate in this Council three Bills which were initiated in the Legislative Assembly. The Land Amendment (Transmission of Interests) Bill was sent to the Standing Committee on Legislation, on which we are awaiting advice. The Retirement Villages Bill was in this House for some time at the end of the last session and, although I cannot be confident about its success, the discussions between interested parties would have served to overcome most of the difficulties or reservations that may have been expressed at that time. Certainly, this is an important Bill for the protection of residents of retirement villages. It clearly falls into the category of a Bill where no good purpose would be served by forcing procedures back to their starting point.

The Royal Commission into Commercial Activities of Government Bill seeks to amend some of the provisions applying to the current Royal Commission. It is a private member's Bill and its reinstatement was supported by the Government in the other place. I suggest that it would be appropriate for the Council to support this motion.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.28 pm]: Given the circumstances surrounding the Bills requested to be restored, the Opposition supports the motion.

Question put and passed.

COMMITTEES FOR THE SESSION*Assembly Personnel*

Message from the Assembly received and read notifying the personnel of sessional committees appointed by that House.

GUARDIANSHIP AND ADMINISTRATION AMENDMENT BILL*Introduction and First Reading*

Bill introduced, on motion by Hon J.M. Berinson (Attorney General), and read a first time.

Second Reading

HON J.M. BERINSON (North Metropolitan - Attorney General) [3.30 pm]: I move -

That the Bill be now read a second time.

This Bill seeks to amend the Guardianship and Administration Act 1990. The changes proposed do not alter the basic intent of the principal Act and are based solely upon practical considerations as to the way in which the board will operate. The proposed changes are based on the experience of guardianship boards in other States. The amendments provide for -

- the establishment of a new position of deputy chairperson;
- an increase in the pool of members to 10; and
- the board to be constituted by a single member in certain circumstances.

Under the principal Act, the chairperson of the board is required to be a judge of the Supreme

Court or a person of equivalent experience. Experience in other States indicates that there will be an ongoing daily need to deal with many routine applications which do not require the consideration of a Supreme Court judge. After consultation with the Chief Justice, it has been decided that a legally qualified person of the status of a registrar of the Supreme Court should be prescribed as deputy chairperson of the guardianship and administration board. A provision to that effect is in the Bill before the House. It is important to emphasise that a present or former senior judicial officer will continue to be chairperson and preside over important cases.

The principal Act currently provides for the appointment of deputy members of the board to provide a pool of not more than four persons to act as members during the illness or absence of any member of the board. Again, the experience in other States strongly suggests the need for a larger pool of members with a range of skills so that the composition of each board can be appropriate for the case to be considered. For example, in dealing with an application in respect of a person suffering from Alzheimer disease, the board could include a member with experience in that field. To provide this flexibility it is proposed to increase the maximum number of members to 10, thus avoiding the need for deputy members.

Before the proclamation of the legislation it is intended to call for expressions of interest from persons who have knowledge of or experience in working with people with intellectual disabilities. This could include psychiatrists, geriatricians, nurses and other health professionals, psychologists and social workers. Members could also include other persons, whether involved with community organisations or not, who have experience with people with disabilities of dementia, brain damage, mental illness and intellectual disability.

Again relying on interstate advice, it is clear that circumstances will arise where it will be either inconvenient, impossible, or wasteful of resources to convene a full board to deal with urgent applications or unscheduled routine cases. To overcome this potential problem it is proposed to amend the principal Act to indicate that the chairperson will be responsible for the arrangement of the business of the board, and this will include the requirement to specify for the purpose of any particular matter the member or members to perform the functions of the board for the purpose of that matter. This authority will include the possibility of a single member dealing with an application. This proposed amendment has two safeguards. Firstly, the Bill contains an express provision which precludes a single member from dealing with an application which involves sterilisation. A proposed new section will provide that in such circumstances the functions of the board may be performed only by a full board. Secondly, in any case determined by a single member, the Bill provides a simple procedure for such determinations to be reviewed by a full board.

The Bill includes some other minor amendments. For instance, the opportunity has been taken to alter references to "chairman" to read "chairperson". The principal Act also contains several references to "registrar of the board". As the proposed deputy chairperson will have the status of registrar of the Supreme Court, this could cause some confusion in titles. To resolve this, it is proposed that all references to "registrar of the board" should be amended to "executive officer" rather than "registrar". This title is consistent with officers of the same name performing similar functions in the Supreme Court, District Court, Family Court, Children's Court, and Magistrate's Court.

Finally, as a result of the change in title of "registrar" to "executive officer" and the creation of a position of deputy chairperson, it is proposed that the limited powers of the delegation referred to in section 14(1) be from the board to the executive officer, rather than to the position previously described as registrar.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Derrick Tomlinson.

MINES REGULATION AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Hon N.F. Moore, and read a first time.

Second Reading

HON N.F. MOORE (Mining and Pastoral) [3.33 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to amend the Mines Regulation Act 1946 to enable underground mines to introduce continuous operations without the need for seeking special exemptions which can be granted under the existing legislation. When the Mines Regulation Act was first debated in this Parliament in 1946 it included limits on working hours and prohibited Sunday work, with exemptions being possible for certain continuous process operations. The legislation then recognised that there were certain duties that would also have to be performed on a Sunday. Mining conditions at the time were greatly different from today; at that time horses were still used in some mines and the work was physically very demanding for all concerned. Today, continuous mining operations occur throughout Australia, and in Western Australia many new operations have been established in recent years with the current Government granting exemptions to allow continuous mining to occur. These operations simply would not have been viable had these exemptions not been granted.

The physical conditions have changed dramatically in underground mines. Ventilation systems are vastly improved, equipment is quieter and diesel powered machinery handles the bulk of the physical work. Underground mines now have a high level of capital equipment and it is most economical to have the equipment operating seven days a week.

The Premier has given an undertaking to the mining industry that her Government will introduce these changes to the law and the Minister for Mines has publicly expressed his support for the changes. The Government, however, appears paralysed in respect of actually introducing the changes because of internal political problems and, in particular, the activities of the hierarchy of the Australian Workers Union who were able to have a motion passed at last year's Australian Labor Party's State Conference giving them the final say in approving changes to this legislation. There is a growing desire among members of the mining work force to be able to negotiate more flexibility in their work conditions, including hours and days of work, which will be possible under these amendments.

The fiasco surrounding the changes to work practices at the Kambalda underground mines would be unnecessary if both the Government and the Australian Workers Union hierarchy showed some commonsense in this matter. It is most disturbing that internal Labor Party union politicking could cost Western Mining Corporation Ltd workers their jobs. It is time the Government and the Australian Workers Union hierarchy entered the real world of the recession we had to have and instead of flexing their industrial muscles in this climate, they should face the reality of 11 per cent unemployment in Western Australia. During the long running negotiations for changes in work practices, the Government has allowed political allegiances with the Australian Workers Union officials to interfere with making some commonsense decisions to enable job security for the work force at Kambalda.

The Government has taken sides on award negotiations when it should be concentrating only on changes to the mines regulations. This legislation makes it possible for changes in work practices - work practices which are agreed to by the great majority of the work force in the mining industry - to be implemented.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Fred McKenzie.

ADDRESS-IN-REPLY - THIRD DAY

Motion

Debate resumed from 17 March.

HON E.J. CHARLTON (Agricultural) [3.39 pm]: After receiving my pre-match advice I am now ready to roll. The speech delivered by Hon Bob Thomas when he moved the Address-in-Reply motion was very well researched and documented.

Hon Peter Foss: Were you here?

Hon J.M. Berinson: I thought it got better as he went along.

Hon E.J. CHARLTON: It is a shame he did not maintain the speed with which he commenced his speech throughout his delivery. Obviously he is only a sprinter and not a stayer because he seemed to take the wrong turn when he came to the first jump.

In all seriousness, I thought the member's comments regarding the future development required in Western Australia, and the problems and mistakes made in the past were very accurate. However, we differed in opinion about some of the options from this side of the House which he considered were not on. It is all a matter of conjecture. I want to make a couple of comments about Hon Bob Thomas' remarks on Australia's production. I want to refer to Australia's potential production from agriculture and mining in particular, and to a lesser extent, from the fishery industry in Western Australia. That industry is still very much regulated and managed from within, and as a consequence it is maximising production in line with the capacity of the fishery resource. The same cannot be said for agriculture and mining because, by a combination of factors, Australia now does not have the potential to produce the maximum from those industries. The reasons for that are economic and relate to the financial capacity of the people involved to do the job.

Historically, Australia has produced large tonnages of iron ore and a wide range of other minerals. However, we have seen the instability that has occurred in the mining industry as a consequence not of Government action, but of inaction and a whole host of barriers that have been placed in the mining industry's way. We have heard great news recently that the Government has instigated the Marandoo project, and this has been referred to by members on both sides of the House. However, the project is only one positive action which has been taken by the Government and it is outweighed by a whole host of activities which have depressed the capacity of the State to produce.

The wheat industry does not have the capacity now to produce the average of 15 million tonnes that have been produced in Australia recently, year after year, and which fluctuated as a consequence of seasonal conditions, because the rural people and the service industries involved have been knocked for six; they do not have the financial capacity to support what is required to produce 15 million tonnes. That level of production might be reached if Australia had substantially above average, or even average, seasonal conditions; however, it will not occur if it is left simply to the resources of the people involved in the industry, directly or indirectly. Those people have been belted so hard that they have now run out of both time and resources, and are unable to get their act together.

The news that the recession is over, as we were all told yesterday, amazes me. The recession will only be over when Australia's balance of payments is turned around and we export more than we import. One does not need to talk about anything else. Australia will be on the road to recovery when our exports are greater than our imports. Only then will we be able to deal with our \$150 billion foreign debt and start to reduce it. The figure will not be substantially reduced for a long time, regardless of who is in power, because it is increasing at a rate of about \$1 billion a month. We talk about the recession being over. However, we have seen a slow down in the economy only because the country does not have the capacity to import as it did before. It is about time everyone realised that the only time we will see a change is when exports are greater than imports. If one were to go out into the real world and tell everyone the truth they would agree that that is the bottom line, and that anything else is merely hype and politics.

Sitting suspended from 3.45 to 4.00 pm

Hon E.J. CHARLTON: I turn now to matters of more local significance. I want to comment on the appalling and deteriorating position of Aboriginal people in this State and this nation, and the detrimental effect that people like Mr Burdekin, head of the Human Rights Commission, are having on the progress of people who have had a very difficult time in the past in trying to come to terms with the lifestyle and standard of living which most people in this nation enjoy.

Early in February the Crime (Serious and Repeat Offenders) Sentencing Bill was passed by the Parliament. The Act was then sent to the Standing Committee on Legislation for review. Soon we will receive the committee's report. The committee has taken evidence from a number of people and perhaps we will debate that when the committee reports to the House. However, some members of the public seem to forget that the 20 000 people who marched on Parliament House during the Rally for Justice considered that something must be done, and as a result action was taken. Regardless of whether the action taken was appropriate or whether some problems will be associated with it, no-one should forget that not too many people in this State were prepared to leave things as they were. If people think that

consequences will flow from the new legislation, I can tell members that some consequences will flow if action is not taken.

We have tried to deal with some aspects of the law relating to penalties for juvenile offenders, but nothing of any significance has been done to deal with their rehabilitation. There is no point in dealing with rehabilitation if we do not do something about young people, both Aboriginal and those from the rest of the community, who do not go to school. I asked a question of the Minister for Education on the day Parliament opened, to which she replied that approximately 8 000 children a day do not attend school. The Minister acknowledged that that was a significant number, and she said it was hard to tell on a day to day basis how many children did not attend school. However, from my increased interest in and research on this subject I have found that a significant and growing number of Aboriginal children do not attend school. A good deal of talk about improvements and progress is taking place. We talk about changing laws to deal with crime, and we will get around to talking about how we will implement rehabilitation programs, but if we do not overcome the first problem, which is how these children are living and whether they have a family or someone who will give them some direction in life, the Government, the Opposition, and the community as a whole are wasting their time. There will not be just 40 hard core criminals, as the Government says there are currently; there will not be just a massive increase on top of that figure, as some other people suggest; but there will be thousands of these young people, because once a child misses school for three or four days a week and then a month at a time he is lost forever - he cannot catch up. Under our crazy education system students pass from one year to the next regardless of whether they can keep up, and the students who cannot keep up fall further behind. It then becomes a burden for them to attend school, and eventually they do not go to school and the situation becomes progressively worse.

Hon Bob Thomas: They do not get the building blocks early in their education.

Hon E.J. CHARLTON: The member should not get off the track. The fact is that these children are not going to school. I refer to Aboriginal and non-Aboriginal children who live in suburbia and in our country towns. I do not refer to Aboriginal children who live in communities in central or northern Australia and other associated districts; that is a different issue, although it is similar in many ways. The Aboriginal people to whom I refer do not have a strong historical culture; they are people born into modern mainstream society, and have operated the same as everyone else in Western Australia. The misinformation provided to the unknowing public is that Aboriginal people are the same across the nation and are very different from mainstream society; that is totally misleading.

Hon B.L. Jones: I agree with you. They have different problems.

Hon E.J. CHARLTON: Although they need extra assistance and a range of programs to help them, if we do not get these young people to attend school, or some alternative arrangement, they will be doomed.

Hon B.L. Jones: You are right.

Hon E.J. CHARLTON: More and more young people are not attending school. I could provide example after example of children in suburbia and country towns who have been caught for stealing or other criminal activities, and when these children are apprehended they do not feel bad about it because it has become part and parcel of their lifestyle. Members need to realise that these children would rather be apprehended by the police and face the courts and the ramifications for stealing than to be told, "You must go to school." They are afraid of that. These young people have missed out and in many cases they do not have a supportive home life. Also, we must not forget that some Aboriginal families in this nation are doing very well; they have been able to cope and as caring parents have encouraged their children to attend school. However, the successful Aboriginal families face the absolute pressure on them to fall over; that is, for them not to cope as a result of the handout mentality and the do-gooder syndrome.

Currently, 78 different Federal Government funded programs operate for Aboriginal people. Those programs vary from those directed at people in central and remote parts of the country, to those directed at people who have never been on the other side of the Darling Range.

Hon B.L. Jones: Are you saying we should not put in place schemes which try to correct those problems?

Hon E.J. CHARLTON: The schemes which have been put in place have been abysmal failures! The other day the Prime Minister said that \$150 million would be added to the \$1.2 billion or \$1.3 billion spent every year on 78 Aboriginal programs; the extra money would be directed at the recommendations of the Aboriginal deaths in custody inquiry.

Hon B.L. Jones: I will tell you about the programs in my speech.

Hon E.J. CHARLTON: Hon Beryl Jones has attempted before to tell me the good things which emerged from these programs. As I have said before, I acknowledge and support the good programs. I have gone further and said that I would like to see preferential treatment for Aboriginal families attempting to do the right thing. Therefore, instead of making those people with a job pay full rent, they should be subsidised. These people are rising against the odds in an endeavour to do things for themselves and for their families. I would not penalise them for being successful; I would reward them in their attempt to improve themselves and inspire other people.

Hon Bob Thomas interjected.

Hon E.J. CHARLTON: Members opposite are obsessed with feeling good about isolated incidents of success in the Federal programs. However, I refer to the 8 000 children who are not going to school. What do we do about them? If members opposite do not realise that we must start dealing with that situation, all the fairy tale and goody goody notions that they hang their hats on will not be worth two bob. If something is not done, next year 10 000 students will be missing school and 15 000 in the following year. It will be like the foreign debt - it will grow every day and every week.

Several members interjected.

The PRESIDENT: Order!

Hon E.J. CHARLTON: I am distressed and disgusted at what has taken place. We have thrown an increasing amount of money - over \$1 billion a year - into this problem on top of the social assistance programs to which the rest of the community has access. Although we have small success stories around the nation, we have the massive devastation of a group of people. We seem to be obsessed with people who are receiving publicity. People like Mr Burdekin are honing in on the racial problems of this nation. The Australian Broadcasting Corporation is broadcasting television programs highlighting examples of racist activity. Although we all think it is disgraceful, we also know and acknowledge that some police officers deal in the same way with members of the non-Aboriginal community. We do not have balanced reporting. The police treat non-Aboriginal people in a way that would be called racist if it was applied to an Aborigine. Nobody takes notice of that fact. It is regarded as part and parcel of the scheme of things.

This is like the 200 year old guilt complex which motivates many of the do-gooders. However, 200 years ago our cotton tailed superiors were treating their fellow new Australians in the very same way that they treated the Aboriginal people: They lashed them; they tied them up; and they abused them. They did the same despicable acts to Aborigines and non-Aborigines, but that is not accepted as part and parcel of Australian history. We are obsessed now with the Aboriginal situation to the point that instead of helping them - as the do-gooders think they are doing - a greater burden is being placed on them.

The State Government's Aboriginal Affairs Planning Authority has a budget of only \$7 million. Over the last three years I have been saying in this place that if the Federal Government does not allocate funds to Western Australia, to be spent by Western Australians and to be accountable to Western Australians, the situation will not improve. If the money were directed that way facilities could be provided for housing, health and education. We must be accountable every year and determine where the money was spent and how much help it provided to Aboriginal people. Meanwhile, the publicity officers and the do-gooders from Canberra galavant around the nation spending the huge budget of the Federal Department of Aboriginal Affairs. I would like to see every State in Australia receive its share of the finance which Canberra provides. The Federal Government can put restrictions on the funds, but at the end of the day it will be spent by both Aboriginal and unemployed Western Australians generally, in the various localities, and they will be accountable. Today that is not happening; the situation is a total disaster. People from Canberra who are not answerable in this State are running around with a list of programs. In Geraldton a few

weeks ago I spent some time during a lunchbreak at one of the Aboriginal and Torres Strait Islander Commission meetings speaking to people who were prepared to talk to me about the problems with which they are associated. Aboriginal people are more divided than are the rest of the community about the \$1.3 billion to be spent on the various programs with which the commission is involved. It is about time the decision makers understood that the Aboriginal community is becoming more diversified, more political and more parochial than ever. Large cheques come out of Canberra week after week for a range of areas and the Aboriginal groups throughout Western Australian are fighting each other in an attempt to get their hands on the loot. The money is not going to benefit the Aboriginal community as a whole, but a hard core group which wants to have control over it.

Hon B.L. Jones: Just like everybody else in Australia.

Hon E.J. CHARLTON: Yes, just like everybody else in Australia. What is that doing for Aboriginal people?

Hon Peter Foss: About \$1.3 billion has been spent on 35 000 Aboriginal people for housing alone. That money would be enough to provide every couple with \$74 000 for each house. One wonders where the money went.

Hon E.J. CHARLTON: Examples exist around the State where one group is working against another to receive the funding. In the meantime, the people who are not directly involved in some of those organisations miss out.

Hon Peter Foss: A lot of money goes to the bureaucracy.

Hon E.J. CHARLTON: Of course. If all members of Parliament are genuine about supporting the Aboriginal people, they will join together and say to the Federal Government that its programs are a disaster and that they are causing division and hatred among those people. I have spoken in a number of public places recently about the money being wasted and the people who are grandstanding for their own ends. As a result, I have received phone calls from Aboriginal people. On almost every occasion they have not been prepared to give me their names, but I know full well they are Aboriginal people because of the manner in which they make their comments and by the tone of their voices. They have told me to keep fighting to bring honesty and integrity into Aboriginal funding because they are not getting a chance to benefit from the billions of dollars being spent. One gentleman from Geraldton told me that if he were to support me publicly he would probably have his house burnt down and lose his job.

Hon P.G. Pandal: Is he an Aboriginal?

Hon E.J. CHARLTON: Absolutely. He said that his opinion reflects those of the majority of Aboriginal people and that they were petrified about demonstrating to the powers that be that they are not helping Aboriginal people. He said the Aboriginal people were being crucified under Government programs.

The Aboriginal Legal Service in Western Australia is Government funded and has offices in Albany, Broome, Carnarvon, Derby, Esperance, Geraldton, Halls Creek, Kalgoorlie, Kununurra, Laverton, Narrogin, Port Hedland and Roebourne. What is the ALS in the eyes of the public? It is a Federally funded organisation which caters for the legal needs of Aboriginal people only. Most people would say Aboriginal people need the ALS because they have no other chance of receiving legal representation. That is what the people of Western Australia are led to believe. The National Party has been campaigning for a long time to convince Governments of Australia that the ALS has no place in this society; it should be abolished. It is another prime example of corruption and misuse of taxpayers' funds in the name of looking after Aboriginal people.

Hon T.G. Butler: Corruption by whom?

Hon E.J. CHARLTON: By the people involved with it. The Legal Aid Commission should be used; it should comprise people who will cater not only for Aboriginal people who need assistance with legal representation, but also for any member of society who needs assistance. Why should we continue to dream up separate organisations to represent Aboriginal people?

Hon Fred McKenzie: Because they are severely disadvantaged.

Hon E.J. CHARLTON: But if we keep on with these programs, in the next 10 years they will be more disadvantaged. History shows that over the past few years the ability of Aboriginal people to improve their lives has diminished.

Hon Fred McKenzie: More notice is being taken of those injustices.

Hon E.J. CHARLTON: Like most other people in this State, Hon Fred McKenzie has been fed with that idea. It is about time he looked around and sorted out for himself the dismal failure of the Government's programs.

Hon Fred McKenzie: More is being done for Aboriginal people than ever before.

Hon Peter Foss: Why are they worse off?

Hon T.G. Butler: They could never afford you.

Hon Sam Piantadosi: Why don't you provide names instead of generalising?

The PRESIDENT: Order!

Hon E.J. CHARLTON: Government programs have created problems for these people. Members opposite who feel warm and comfortable about believing that their programs are excellent need to be reminded that thousands of Aboriginal people are unemployed, unhealthy, unhoused, unclean and uneducated. It makes people feel good to give a house to Aboriginal people who cannot look after themselves. The house becomes a wreck; the kids do not go to school, they get involved in crime and finish up in gaol. Members of the Aboriginal Legal Service then become involved and feel warm because they believe they have done a good job for them. The end result is a total disaster.

Hon Fred McKenzie: If Aboriginal people had those things, they would not need the Aboriginal Legal Service.

Hon E.J. CHARLTON: If there was no Aboriginal Legal Service, successful Aboriginal people could teach Aborigines how to look after themselves, how to keep themselves and their children clean and how to get their kids to go to school every day because the law says that they should go to school every day. However, 8 000 of them stay at home and we employ 215 psychologists to talk a lot of bulldust and woolly waffle to the parents and the children to make them feel good. If they told Aboriginal people that the children have to go to school and they need to be clean and fed properly and they should not spend their giveaway money at the local deli or the local pub, their time would be much better spent. That is how I would look after Aboriginal people. I would put some of the billions of dollars being spent on Aboriginal people into providing employment opportunities for them and into supporting Aborigines who have succeeded in life to help other Aborigines who have not been able to succeed. These people have no future. They will not be able to participate in all of these smooth, colourful programs that the Minister for Employment and Training trots in here with because they did not go to school. They will not be able to participate in any of those benefits because they have had no education. It is time the do-gooders and the warm feelers of this place and outside this place found the answers to the problem and thought about doing something positive for Aboriginal people and the rest of the community who are in the same boat but who do not receive the publicity that Aborigines receive because we accept that they can fail and get into trouble and be put in gaol.

Hon Fred McKenzie: I am a do-gooder; I want those things done. However, it is all rhetoric.

Hon E.J. CHARLTON: Absolutely, and the rhetoric will continue while Federal Governments continue to allocate \$1.3 billion a year and provide 78 different programs and make a lot of white people feel good even though upwards of 8 000 kids a day do not go to school. The disaster will continue until we come to grips with the fact that it has all been a dismal failure.

Hon T.G. Butler: What would you do with the white kids who do not go to school?

Hon E.J. CHARLTON: I would make them go to school.

Hon B.L. Jones: How?

Hon E.J. CHARLTON: How? I would make them go to school in the same way as kids were made to go to school 20, 30 and 40 years ago.

Hon Mark Nevill: Did you ever miss going to school?

Hon E.J. CHARLTON: Only occasionally.

Hon Mark Nevill: It shows.

Hon E.J. CHARLTON: The fact is that, in years gone by, because the law said children had to go to school, someone knocked on our doors and told us that our kids must go to school. Now, do-gooders with all sorts of qualifications sit down with parents and the children and watch the clock until it is time for them to knock off and go home and the bloody kids still do not go to school. The next time somebody knocks on that door, it will be a policeman, not because the kid has not been to school, but because he has been pinching or destroying something. Who is responsible for that? Nobody, because when these kids go to the Children's Court, they are released and are put back on the streets and encouraged to do what they want. They move from petty crime to pinching a Commodore and killing someone. Then all of the do-gooders come out of the woodwork and say that we cannot enact these terrible, tough, new penalties because they will have such a detrimental effect on our kids, and they totally ignore the reasons for it. We should not talk only about the 200 repeat offenders. We should return to the basic reasons for these kids doing what they do.

The Aboriginal Legal Service should be disbanded. I would like another member to take up this matter with me and see whether we can get some answers to questions. I received a letter from a Mr Duncan Armstrong, a barrister and solicitor in Geraldton. I met with him and two other legal people, Mr George Giudice and a Mr Robert Glynn, on Monday of this week. They represent three legal firms in Geraldton. The letter states in part -

As you may know the Northern Region Law Society of which we are members has lobbied for some years to establish a Legal Aid Office in Geraldton along the lines of the regional office of the Legal Aid Commission in Bunbury.

Bunbury has a Legal Aid Commission funded by the Federal Government and run by the State and it draws in private practitioners to deal with people who qualify for legal aid. Nothing like that exists in Geraldton or in other places. However, Geraldton has an Aboriginal Legal Service. The letter continues -

Coupled with this has been a campaign to abolish the Aboriginal Legal Service as being a discriminatory legal aid service.

That campaign has included an attempt to obtain information about what constitutes an ALS office and its operator. A list of the correspondence written over recent times has been enclosed including a letter from G. Gray formerly of the Aboriginal Legal Service, Geraldton and Messrs Glynn and Gray to Hon Mr G. Hand dated 24 October 1989; a letter from Hon Gerry Hand to Messrs Glynn and Gray dated 8 December 1989; a letter from Messrs George Giudice Law Chambers to Hon Robert Tickner dated 8 August 1991; a letter from Hon Robert Tickner to Messrs George Giudice Law Chambers dated 9 October 1991; a letter for Messrs Altorfer and Stow to Hon Robert Tickner dated 12 November 1991; a letter from Messrs Altorfer and Stow to Hon Robert Tickner dated 14 November 1991; a letter from Hon Robert Tickner to Messrs Altorfer and Stow dated 21 January 1991; a letter from Messrs Altorfer and Stow to the Aboriginal Legal Service of WA dated 10 February 1992; a letter from Messrs Altorfer and Stow to Hon Robert Tickner dated 10 February 1992; a letter from the Aboriginal Legal Service to Messrs Altorfer and Stow dated 11 February 1992; and a letter from Messrs Altorfer and Stow to the Aboriginal Legal Service dated 9 March 1992. Therefore, from 1989 until this month correspondence has been going backwards and forwards between these people and the Federal Government. The letter concludes -

We are particularly concerned that:-

- (a) The present Solicitor for Aboriginal Legal Service in Geraldton Mr T J Malone conducts a substantial private practice from Aboriginal Legal Service premises in Geraldton. The Aboriginal Legal Service premises are tax payer funded and we have no idea of the arrangements, if any, which exist between Mr T J Malone and the Aboriginal Legal Service to share the cost of running that office - hence the correspondence to the relevant Minister and Aboriginal Legal Service in Perth.
- (b) Mr T J Malone has on occasions acted for persons of Aboriginal descent on assignment from the Legal Aid Commission whilst on a salary to represent them as part of his employment. We do not know of the arrangement, if any,

Mr Malone has with the Legal Aid Commission or the Aboriginal Legal Service to permit this. We do not know what the cost has been to the Legal Aid Commission in the issue of assignments to Mr Malone to represent Aboriginals.

- (c) We and others have raised what we consider serious questions in the enclosed correspondence demanding answers and we have been unable to obtain answers.

I repeat that this correspondence refers to questions that have been asked for the past three years to which no answers have been given. Surely as taxpayers and in their professional capacity they are entitled to receive some answers to the questions. The letter continues -

We welcome the opportunity to discuss this matter with you on the 16th March, 1992.

That was discussed on 16 March. I will not quote all the letters but I seek leave of the House to have the 11 letters incorporated in *Hansard*.

[The material in appendix A was incorporated by leave of the House.]

[See pp 215-223.]

Hon E.J. CHARLTON: It is a serious issue and I thank the House for enabling me to incorporate the material in *Hansard*. All the letters are of significance. They seek information on the role of the ALS in Geraldton, the role of Mr Malone as the legal representative employed in that office, and his dealings with Aboriginal people in that position and dealings with non-Aboriginal people in private practice. On 28 January 1992 the following fax was sent by Mr Malone to Mr Duncan Armstrong of the Northern Regional Law Society in connection with a meeting scheduled of the group on that day -

Meeting - 28th January 1992 - 4.30 pm.

Can not attend meeting. Am in the middle of a very interesting comic book.

That message was sent by the ALS officer in Geraldton and that town has a significant law and order problem that is getting worse. The man in charge of the ALS office sent that message to his colleagues at the Northern Region Law Society. Who is this guy and what are his priorities?

This all gets back to the Federal Government's involvement in Western Australian Aboriginal affairs. People are also asking how much officers in ALS offices in other towns are being paid, how much of their time is spent on private work, and how that is regulated and reflected in the payment structure. People are also asking about their associated activities in dealing with Aboriginal people.

I have been told of several instances involving Aboriginal people who have been apprehended. It should be remembered that the general opinion, which the statistics substantiate, is that a significantly high proportion of people in detention are Aboriginal. I have been told that the police often apprehend Aboriginal people at the time they are committing a crime and the Aboriginal people admit to the offence. However, as soon as the ALS representative comes on the scene and they appear in court they plead not guilty. Therefore, instead of their case being dealt with immediately, following which rehabilitation programs could be implemented to enable them to take their rightful place in society, the ALS officers tell them to plead not guilty before the court. A legal battle then takes place before a final determination is made. The Aboriginal Legal Service is playing games by getting these people to plead not guilty in circumstances in which everyone knows they are guilty. I am not talking about all Aborigines who are apprehended but about those young people who are caught committing a crime and who admit immediately to that offence. I have always thought that the most likely reason for directing them to change their plea is that legal representatives of the ALS want to get them off the charge. I now find out that the situation is quite different.

For example, I am aware of a girl in Geraldton who was charged with attempted breaking and entering. An ALS officer in Geraldton - not Mr Malone but one of his staff - entered a plea of not guilty to the charge. The girl was detained in custody because no bail was arranged. Although it was not a serious crime she remained in custody for between six and eight months without trial. After being remanded a second time she changed her plea to

guilty, and during that whole time she had been represented by the ALS. That organisation is using Aboriginal people for its own financial benefit. Aboriginal people are being victimised and used in the name of assistance from the wonderful ALS. This legal outfit across the nation is funded by the taxpayer, and some jerks are running these shows in the name of providing assistance to the Aboriginal people. The unknowing and the uneducated and those unfamiliar with the system think that the ALS is wonderful. However, people such as me say that we should disband the ALS and use the Legal Aid Commission, which has a broad spectrum of legal experience and whose officers are very willing and want to represent the Aboriginal people, particularly when they see the injustices taking place in the system.

Hon B.L. Jones: I agree it is a great injustice but did you draw that to anyone's attention at the time?

Hon E.J. CHARLTON: I only found out on Monday. I am drawing it to the member's attention now.

Hon B.L. Jones: I hope you will take it further.

Hon E.J. CHARLTON: I will, and I have been trying to do positive things about Aboriginal people ever since I have been in this place. That is just one example. A number of other examples have been given to me. I am not talking about hearsay evidence; I was shown the actual court hearing dates and when those people were first apprehended and went into court and when they were finally dealt with. In this case there was an immediate response of not guilty, the person was left for a considerable time, and there was then a change of plea to guilty. The gaols are full of Aboriginal people, and all we hear is that we have to get them out, the police are charging them unjustly, and the courts and society are dealing with them unjustly. Yet, according to this evidence, the people who are most to blame are the white people who are cashing in on the Aboriginal handout syndrome. They are the people who should be in court. They are the people who should be seeking legal representation and paying for it themselves. Right around this State we have legal people who are prepared to be duty solicitors to assist in a range of representation to these people. There are a number of instances where Aboriginal people have told me and various solicitors that they want to be represented by someone other than a lawyer from the Aboriginal Legal Service because they want a fair trial and a fair go. I was also told on Monday that one Aboriginal person - I will not be too specific because an appeal is pending - said, when he was approached by another solicitor, "That bastard put me in this place because he would not take the time to represent me."

Hon George Cash: Was he referring to an Aboriginal Legal Service officer?

Hon E.J. CHARLTON: Yes. He was referring to the fact that he is now behind bars because he was represented by someone who did not care about him. All the letters that are incorporated in *Hansard* ask straightforward questions about Mr Malone and his employment with the ALS: "Is he being given a salary to do a job? Is he required to represent all Aboriginal people? Is he also carrying out private practice? At the end of the day, what is his responsibility to private practice?" The responses to the questions in those letters are: "It is under review. We will let you know. You will have to refer to the Executive Officer of the Aboriginal Legal Service of WA, Post Office Box 8194, Stirling Street, Perth. You will have to ask Rob Riley about his role." The last letter states, "Perhaps you had better ask Mr Malone" - as if he will tell me! This matter stirs up a hornet's nest, and members should not think this is just one isolated example. A lot of people are doing very well in creating racist attitudes. The reason that so many people are racist is that they see a group of people being given a heap of financial assistance that is getting them nowhere, and at the end of the day the whole situation is worse. They see that happening over and over again.

I conclude on this point: It was brought to my attention in one town that a Homeswest house that was rented by an Aboriginal family had not been occupied for about six weeks and that a number of dogs were locked up in that house and were being fed through a window by someone else. When I became aware of that situation, the representative of Homeswest and the shire clerk of that shire inspected the house, and found that the dogs had indeed been locked up in that house for about six weeks. When the shire clerk said, "What are we going to do about it?", the Homeswest man said, "We cannot do anything because the law is that you cannot interfere with someone who is currently renting a house"; so he got into his car and went back to Merredin, and the shire clerk went home. I have taken up this matter with the Minister for Housing, Mr McGinty, because that is a prime example of the worst -

Hon Tom Helm: It is not true that they cannot do anything. What about the Health Act?

Hon E.J. CHARLTON: They would not do anything. When I asked, "I know you probably cannot give me an answer, but is the rent on that dwelling up to date?", the lady who runs the Homeswest office said, "I cannot tell you." I suppose it does not matter. The fact is that this is a prime example. I know that the kids from that home do not attend school most of the time. They walk the streets. Where are all the people who are employed and who share in that \$1.3 billion when it comes to dealing with those kids and giving them a chance?

Hon Fred McKenzie: I cannot understand the actions of the shire clerk because surely they have got a health inspector who can take action if what you are saying is true.

Hon E.J. CHARLTON: Absolutely. I could stand here and give members 100 examples, as I am sure could other members who have had anything to do with the Aboriginal situation, of where people are living like this and nothing is being done about it because it is all too hard. If anyone attempts to do anything about it, the family immediately goes off and complains to someone in authority, and everyone wants to run for cover. A hotel proprietor in Geraldton told me the other day when I was there - and I hear this time and time again - that some Aboriginal people had sat on the beach all day and got drunk, but no-one would touch them because they did not want to get into trouble for putting those people into custody because of the problems that are associated with that, yet that night they broke into the hotel and stole some liquor. He said that could have been prevented that day had someone told those Aboriginal people that they were not allowed to drink in a public place. If we sat on the beach with a bottle under our arm, we would be breaking the law, but no-one will do anything about Aboriginal people doing that.

Hon Tom Helm: It is the fault of the police.

Hon E.J. CHARLTON: Yes, and why will the police not do anything? The member should ask his Minister. Do not tell me. The police are not doing anything because they are being harassed for their involvement and are being blamed for so many of the things that take place; and then we get a small number of policemen who take the law into their own hands and give the whole Police Force a bad name, and that is grabbed by people from programs like "Four Corners" who forget about all the other reasons that people are in that situation in the first place. This is not a pleasant matter. I am not pleased to bring this issue to the House but until people - apart from the few of us who bleat about it from time to time - wake up and take control of Federal Government funds the problem will remain. I do not know how we can take control. Perhaps we need to gather together all the Premiers and all the State Ministers for Aboriginal Affairs in order to talk sense to that fool of a Federal Minister for Aboriginal Affairs. He is a joke, or I should say he is a disaster.

[Questions without notice taken.]

Hon E.J. CHARLTON: Many people in society face the same broad spectrum of problems which face Aboriginal people, including the maintenance of their positions in mainstream society. Many people do not have families from whom they can receive direction. How does any young person in this day and age have a chance in life if he or she does not receive direction from a family? People can say that it is possible for all kinds of reasons; however, the bottom line is that if young people do not receive support and direction from others their chances of participating in and taking advantage of all the good things that the Government is making available are limited.

How will the Leader of the House, as Attorney General and Minister for Corrective Services, tackle the associated problems, including those problems in prisons and the problem of people being detained without trial? I urge other Legislative Council Ministers to take up this matter with their colleagues in the other place. I also hope that the Minister for Police will start trying to do something other than simply defending the police. He should establish positive responses for dealing with these problems.

In recent days I have heard the calls by the Government to increase the population in the central metropolitan area. That means multistorey accommodation will need to be provided in the inner city area. That is another recipe for disaster. The Government is wrong in thinking that economic benefits will accrue because it will not have to build more roads, supply power and provide other associated services to people living in far flung areas of the metropolitan area. That is false economy and is doomed to failure. One need only look

around the world at other cities where high rise condominiums in the middle of cities are commonplace. It may be all right for some people to live in those areas, they may be able to cope; however, the great majority of those areas will become slums in 50 years' time. The associated problems about which I have been talking for the last half hour will be magnified. I implore the Government not to take that path but to redirect the savings that it thinks it will make from this move and encourage value adding and downstream processing. Hon Bob Thomas referred to this the other day in his Address-in-Reply speech. No matter what some members may think, in the next 20 years the Australian economy will still be based on agriculture and mining; there will be nothing else. We should be involved in and encouraging secondary industry. Members can write this down if they do not believe me, and if they are still in this place in 20 years' time they will see that I was right, that the economy is still based on agriculture and mining.

Hon Mark Nevill: Manufacturing exports have overtaken agricultural exports, but that is partly due to the drought.

Hon E.J. CHARLTON: That is good. I am not opposed to that. All I am saying is that the economy will be based on two main industries. The value adding to which Hon Bob Thomas referred can significantly increase if only a small percentage of our products, which we usually export, were processed in this State. At the moment Australia grows the food to export so people from other nations can eat it. Australia also exports minerals and technology to places where the people are eating Australian food and wearing Australian clothing. Australia provides raw materials so other countries can manufacture the products which Australia imports. That is what messes up the balance of payments and causes Australia to borrow more money. That is one of the reasons Australia has a \$150 billion national debt. If we want to do something positive we should try to turn that around. That will not be done by increasing the population in the Perth inner city area. It will be done by getting out where the action is and encouraging the population to adopt downstream processing.

Hon Bob Thomas: It is ironic that we are the world's most urbanised country, yet we are almost entirely dependent on our rural areas to provide our export income.

Hon E.J. CHARLTON: Many people are able to cope, be educated and access adequate health and housing facilities, even though they are facing difficult economic times. However, many are not travelling too well because of the burdens which have been placed on them by the State and Federal Governments. Also many people at the bottom rung are being afforded assistance. Out of the million people who cannot find a job there are many well educated and successfully trained people in addition to the people I have referred to. They will never get a job if we do not tackle the cause of the problem.

HON GARRY KELLY (South Metropolitan) [5.31 pm]: I support the Address-in-Reply motion and place on record my thanks to the Governor for opening Parliament last Thursday. The Governor certainly has had a lot of practice in opening Parliament and I have mentioned this in my contribution to previous Address-in-Reply debates.

It is not very often that the Notice Paper assists a member in his opening remarks in this debate, but the first item on today's Notice Paper is a motion for the restoration of certain Bills. The need for such a motion exemplifies how inefficient are the practices of this Parliament. If Parliament were not prorogued every year we would not have to restore Bills to the Notice Paper. Under similar constitutional provisions the Federal Parliament operates with one opening of Parliament after each election, in its case once every three years. However, in Western Australia we must have an official opening each year, which is ridiculous. It does provide the opportunity for members to speak on any subject during the Address-in-Reply debate, but surely with some wit we could devise an amendment to the Standing Orders to provide for a free ranging debate without going through the procedure of an official opening each year; it really does devalue the currency. About 300 people, including members of Parliament, attended last Thursday's opening and I cannot see how there can be any sense of occasion if Parliament is officially opened each year. If we had one official opening after each election the official opening of Parliament would have a sense of occasion and the Governor could present the Government's program for the ensuing four years. We talk about restructuring and improving work practices to make them more efficient, yet we indulge in an inefficient, time consuming practice each year. It is a case of parliamentarians saying to the work force, "Do as we say and not as we do."

I will refer to several issues concerning my electorate, some of which are parochial, including the Fremantle eastern bypass which is the subject of an amendment to the metropolitan region scheme to delete it, the proposed increase in storage capacity for the tanks at North Fremantle owned by Caltex Oil (Aust) Pty Ltd, the relocation of the Fisheries Department from Adelaide Terrace and the lack of facilities for head injured young people.

The Fremantle eastern bypass should not be deleted from the metropolitan region scheme. The reservation was gazetted in April 1973 and since then the properties have been acquired by the Government and to a lesser extent by various Government agencies and the Fremantle City Council. At present 47 per cent of the properties are in public ownership of one kind or another - direct Crown ownership or ownership by the Department of Planning and Urban Development, the Main Roads Department or the Fremantle City Council. Although 119 properties are involved, 56 are publicly owned. I seek leave to have incorporated in *Hansard* a schedule listing all the properties in the reserve owned by the Government or the Fremantle City Council.

[The material in appendix B was incorporated by leave of the House.]

[See pp 224-225.]

Hon GARRY KELLY: The properties listed on the schedule are already held in public ownership and trading of the land surrounding the reserve has been taking place for 20 years in full knowledge of this reservation. It would be foolhardy in the extreme to delete the reservation and it would be a leap in the dark to sell off the land without giving consideration to a viable alternative to the eastern bypass. If something which has been on the books for such a long time is deleted it is incumbent to have an alternative. More research is required before an alternative road network to meet the needs of Fremantle and surrounding localities well into the next century can be devised. This research cannot be done in five minutes. If we go through the amendment process, delete the reservation and sell off the land only to find, some time down the track, that there is no effective alternative to the eastern bypass, Fremantle will be in a bind.

Several community groups are for and against the deletion of the eastern bypass. One thing I have learnt since I have been a member of Parliament is that taking a stand on a road issue is very much a swings and roundabouts proposition. One might please some groups, but one cannot please them all. Road closures and changes to the layout of roads might be suitable to certain groups, but will disadvantage other groups. After all, the traffic that is unable to use one road will eventually use another road.

Hon Max Evans: Do you mean that a politician has to sum up which group will give him the most votes?

Hon GARRY KELLY: I am convinced that there are no votes in road issues.

Some of the groups against the deletion of the reservation include the City of Cockburn, the Fremantle Port Authority, which I will come back to later, the Fremantle Chamber of Commerce, a community group known as Concerned Ordinary Residents, the South Ward Community Association, Arnott Mills and Ware - I realise that it is in the process of winding down its business - the Western Australia Road Transport Association and, surprisingly, the Fremantle Society. The Fremantle Society has a long history of making comments about and proposing strategies for the preservation of the character of Fremantle and it has come out strongly against the deletion of the reservation. The City of Melville and the Town of Kwinana had, at the time this document was prepared, recommendations before their councils not to support the deletion of the reservation.

To balance the ledger I will name a number of organisations which support the deletion of the reservation. They include a group known as Citizens Advocating Responsible Transportation, the White Gum Valley Primary School Parents and Citizens' Association and a number of private individuals. One sees a balance there. A number of community groups want the reservation deleted. An almost equal number of people say they do not want it deleted.

Hon George Cash: Where do you stand on the matter?

Hon GARRY KELLY: The Leader of the Opposition must not have heard me. My opening statement was that I do not think the reservation should be deleted.

Hon George Cash: Do you think that is a minor or a major amendment to the scheme?

Hon GARRY KELLY: It must be a minor amendment, because according to my research the metropolitan region scheme was amended in 1973 and the eastern bypass reservation was put in place as a minor amendment to the scheme. Presumably, if it was put into the scheme as a minor amendment and one wants to take it out, it is a minor amendment, although that may not necessarily follow.

Hon George Cash: The deletion is a major amendment to the scheme.

Hon GARRY KELLY: Was it a major amendment in 1973?

Several members interjected.

The DEPUTY PRESIDENT (Hon D.J. Wordsworth): Order!

Hon GARRY KELLY: Hon George Cash and Hon Kay Hallahan can have their debate outside. I do not think the decision on whether the reservation is deleted should hinge on whether it is a major or a minor amendment; it should be deleted or retained on its merits.

Hon George Cash: Do you believe it should be retained?

Hon GARRY KELLY: Yes.

Hon Mark Nevill: He is a politician who does not have two bob each way.

Hon GARRY KELLY: Because two bob is not legal tender any more! A document produced by the Fremantle City Council contains a recommendation to the south west metropolitan transport regional study which is all but released but is not quite public yet. One of the officers of the Fremantle City Council is reported as saying that a need for a road along the alignment of the Fremantle eastern bypass and the Roe Highway west of the Kwinana Freeway should be evaluated in 1997 in the context of the travel demand management scenario, taking account of the likely effects of the integrated transport and land use strategy developed for the region.

Hon Derrick Tomlinson: What is the source of that document?

Hon GARRY KELLY: That is a recommendation put to the Fremantle City Council. This is a public document. The council will be meeting early next month to finalise its submission to the amendment seeking to delete the reserve.

Hon Derrick Tomlinson: Are you saying they support your approach?

Hon GARRY KELLY: I cannot say that because the council has not yet made a decision, but I will be very surprised if it does not come out with something along the lines of the other authorities. They are not necessarily saying it should not be deleted, but the general tenor in the region is that the reserve should not be deleted until we know what the other options are.

Hon Derrick Tomlinson: Are you predicting that they will support your position?

Hon GARRY KELLY: Yes, I make that prediction. The Fremantle Port Authority made the following points to me in correspondence I received today. First, that the vast majority of traffic using the main roads in the Fremantle area is not port related and conditions at critical intersections will have an adverse impact not only on the port itself but also on the City of Fremantle's commuting traffic, road transport operations, surrounding residential areas, tourist and recreational traffic. It makes the point that as passenger cars comprise the major load on these roads the ability of the existing road network to cope will be determined by future growth in car numbers.

A report called the Fremantle traffic calming and port access study suggests alternative approaches to the need for a bypass. The aim of the alternative integrated approach to land use and transport issues is to reduce the growth of traffic volume, which is mainly passenger cars. It states that that objective is central to this approach. This is saying that if one is to reduce the need for roads one has to reduce the number of cars on those roads, which will mean provision of additional jobs in regional centres, relocation of high traffic generating industries, improved availability of public transport, which the Government is doing, and improved pedestrian and cycling environments. A big increase has occurred in the use of cycles as a means of commuting. The Environmental Protection Authority is saying that these things are commendable and offer many possible benefits to the community if they can be achieved, and that it must be recognised that the impact they will have on traffic will not

be known for some years. The Fremantle Port Authority is saying that it would be unwise, therefore, to delete the Fremantle eastern bypass reserve from the scheme before knowing whether the long term traffic volume is indeed slowing.

If we are to have an informed community debate on this subject we must know what will be put in place before we delete what is already in place. The studies which have been conducted so far have provided an opportunity for public comment, but the community has not had proposals before it as to what will take the place of the bypass reservation. It seems to me that if we are to rely on traffic calming and reduction of traffic density to manage traffic flows in the foreseeable future we must somehow get heavy vehicles away from the centre of Fremantle. People on Hampton Road, as I understand it, are pretty much in favour of the bypass because they are presently suffering quite a lot of pressure from heavy vehicular traffic.

Hon Derrick Tomlinson: How do you solve the problem of traffic going to South Fremantle?

Hon GARRY KELLY: If the bypass is deleted completely the density of both heavy and ordinary vehicular traffic will of necessity increase. Traffic calming would not be effective in that case. I have a certain abhorrence for road humps, dips, etc. In the Riley Road fiasco in Riverton, humps were put in and then removed.

Hon Cheryl Davenport: I agree.

Hon GARRY KELLY: After much angst and gnashing of teeth those things were ripped out. We cannot have effective traffic calming unless a main trunk route diverts most through traffic away from the inner area so that the lighter traffic can move through and traffic calming measures can be put in place. When the amendment was gazetted initially submissions closed on 13 March but were later extended to 13 April. I urge concerned residents and groups in the region, not only in Fremantle where people are concerned about this amendment but also elsewhere, to make clear whether they are for or against the reservation and to get their submissions in by the closing date of 13 April.

Another issue which is causing some problems in the Fremantle area, although it is not in my region but just inside the North Metropolitan Region, is the proposal by Caltex Oil (Aust) Pty Ltd to substantially increase the storage capacity for refined petroleum products at its North Fremantle terminal. Oil has been stored in that area for a long time, partly for historical reasons, because that was the only port we had for a long time, until the outer harbour was developed at Kwinana. Depending on various readings of the figures, the storage capacity will increase by either nine per cent or 600 per cent.

Hon Max Evans: That is a big variation.

Hon GARRY KELLY: Yes, it is. I think the nine per cent figure relates to the increase in fuel storage capacity in the Fremantle region generally, and I am not sure where the boundaries are; and the 600 per cent figure relates to the increased storage capacity in North Fremantle. Caltex wants to increase its storage capacity so that it can bring in refined petroleum products in order to compete with and not have to rely solely on the Kwinana refinery. It will mean there will be a bit of price competition for the supply of motor spirit, which is a great idea if we can get that sort of competition.

Hon Max Evans: Is this because Caltex has to buy all of its petroleum from BP?

Hon GARRY KELLY: Most oil companies do, and it is a good idea to encourage competition. However, there is a downside to everything, because by importing the refined product we are adding to our balance of payments problem.

Hon Max Evans: Do they import it from overseas or from the Sydney refinery?

Hon GARRY KELLY: I think they are trying to bring most of it from overseas, or at least a fair proportion of it, but I am not absolutely sure.

The tankers would come in through the inner harbour and discharge their cargo direct to those tanks. After considering the argument my view is that if there were no alternative to Caltex bringing in its tankers, we would have to put up with it. However, there is an alternative; namely, to use Fremantle Port Authority land at Kwinana. Amgas Pty Ltd is bringing in imported motor spirit over the bulk cargo jetty at present.

I have stayed out of this argument to a certain extent because I am very concerned at what I

call the yuppie brigade in Fremantle, or that group of people who seem to think that Fremantle's salvation will revolve around a cappuccino economy. I think that is a load of rubbish.

Hon Max Evans: Cappuccino and cakes, they say.

Hon GARRY KELLY: It has diversified! Fremantle's economic future is bound up in its remaining a working port; it will not get any long term economic benefit from relying solely on tourism. Tourism is the cream on the cake, or the froth on the spider, but it will be a working port. A related issue is the future of Victoria Quay. Various proposals have been floating around for some years about selling off Victoria Quay for residential development. That is also a load of rubbish.

Hon P.G. Pental: It would loosen your grip on the seat, that is the rub.

Hon T.G. Butler: You should be ashamed of yourself, Mr Pental. That is your electorate. You are disgusting.

Hon GARRY KELLY: What I am saying is that if Victoria Quay were subdivided and developed for residential purposes, any capacity to enhance the port operations would be severely constrained, so I do not think we should move in that way at all.

Going back across the harbour to North Fremantle, if the tanks are not put there and logic, wisdom and commonsense prevail and they are encouraged to go down to Kwinana, it is my considered view that the land which is freed up should not be used for residential purposes but for port related industry. It is quite clear that the land is an industrial precinct and is there for the benefit and enhancement of the port and its operations.

Hon Max Evans: Do you think the people who lived at Victoria Quay would be like those people who live near airports, and would want to stop the ships coming in?

Hon GARRY KELLY: I have made my views known to the relevant Minister. Members may be aware that the Fremantle City Council has rejected the application from Caltex to build the tanks. There is a dispute about jurisdiction. One school of thought is that the Fremantle City Council has jurisdiction over the Fremantle Port Authority land, but the Fremantle Port Authority says just as vehemently that it does not. I am not sure whether an appeal has been lodged; I think if it has not one will be lodged very soon.

I turn now to the relocation of the head office of the Fisheries Department. As members know, the Fisheries Department, again through what I think was an accident of history, is situated in Adelaide Terrace. I believe that the premises are owned by Homeswest and that at least preliminary overtures have been made to have the premises vacated and the department find alternative accommodation. I have heard on the grapevine - and I do not know how true it is - that there is pressure for the department to remain in central Perth. That would be a mistake. The department has been in Perth for historical reasons, but if it must move it should move to where the activities of the fishing industry are located. The biggest concentration of the State's fishing fleet is in Fremantle, and I am not just being parochial because I am a member for that area.

Hon Mark Nevill: Logically, if the Department of Mines is located in Perth the Fisheries Department should be located in Kalgoorlie.

Hon GARRY KELLY: Perhaps Hon Mark Nevill should have said that yesterday and not today. If the department is to be relocated I believe it should go to Fremantle, where it can service a large part of the State's fishing fleet, which is based there.

Hon N.F. Moore: Why don't you decentralise it in Geraldton? The country needs a bit of action.

Hon GARRY KELLY: That could be done, but the biggest proportion of the State's fishing fleet is based in Fremantle. Besides, although I do not want to be parochial, I am not the member for the Geraldton area. Logically it will be hard enough to convince the bureaucrats to move the department from Adelaide Terrace to Fremantle, let alone to Geraldton. In January I made a statement to the Press when I got a whiff of this and I alerted the local council that the move was on. I understand that the Fremantle City Council has already offered to help the department to find suitable alternative accommodation in Fremantle when the need arises.

Sitting suspended from 6.00 to 7.30 pm

Hon GARRY KELLY: The last item to consider in my contribution to the Address-in-Reply is the lack of care facilities for young head injured people. Members may recall that I am a refugee from ward 1 at Shenton Park. Some 10 years ago I suffered a severe head injury. I escaped that injury relatively unscathed. It is funny how issues arise in an electorate office. This issue has not been raised for some time and then suddenly I had two telephone calls on it in one week.

The first call related to a single parent with an 18 year old daughter who had suffered a stroke at the age of 13 years. Other complications developed and although the child survived the stroke her development has been retarded in many ways. Physically she is all right, but emotionally and socially her development has suffered. This makes life difficult for the parent, particularly as the parent does not have a partner to help cope with the problem. That parent definitely needs some form of respite care in order to help decide where and how her daughter can be best cared for.

The second matter drawn to my attention is perhaps even more tragic. Since the phone call at my electorate office I have spoken to the mother again and asked for her permission to relate her tragic problem to the House, and thereby to the public. Mrs Marlene Groothedde is about to launch a one woman campaign to draw attention to the plight of these people. Her son, James, is 29 years old, and two years ago he tripped while walking along, or crossing, a railway line and was hit by a passing train. He lost both legs and was severely head injured and left in a coma. He was so bad that when Marlene, a nurse, and the rest of her family saw James just after the accident they were of a mind to have the life support system turned off. He was very badly traumatised. James survived and came out of the coma. Through diligent hard work by his mother he regained most of his intellectual capability. He can walk with the aid of artificial limbs, and he can use a wheelchair. He was well educated and he can again speak the five languages that, I presume, he could speak before the accident.

Hon Peter Foss: And he was head injured?

Hon GARRY KELLY: He was injured on the right hand side of the head so the left side of his body is affected. His left arm needs extra attention for that reason. He can walk with artificial limbs and he can manipulate a wheelchair. However, James has short term memory problems and sometimes his behaviour is regarded as inappropriate for most available institutions. Therefore, James cannot be kept in a regular domestic environment. He spent 18 months in ward 1 at Shenton Park, which is for the treatment of the most acute stages of an aneurism, head injury, stroke or whatever. I was in that ward for four weeks, yet James spent 18 months there because there was nowhere else to put him.

He was transferred to the Home of Peace in Inglewood three or four weeks ago, but it has since been discovered that that facility is not suitable either. At least until a week or so ago James' behaviour was such that he was not fitting into that environment, and Shenton Park has agreed to take him back pending a reassessment of his situation. His mother feels that she should look after her son. The only alternative to the treatment she gave him was to let him go without the stimulation therapy, both physically and intellectually, she provided. The alternative was to allow him to vegetate. In her more depressed and reflective moments perhaps she thinks that the latter was the better option, but I tend to think that that is not the case. However, at present there is nowhere for someone in James' condition to be adequately cared for.

Some interesting statistics are available on this subject. There are 40 cases of head injury, stroke or aneurism a week in Western Australia, and ward 1 at Shenton Park has 27 beds. Obviously, some of these patients are being cared for elsewhere and not as they would be at Shenton Park. Ward 1 is the first port of call for the worst cases, yet no in between care facility is available in this State. These injuries mainly involve young people because they are involved in activities such as driving cars and participating in sport in which injuries occur. However, no adequate care facility is available. The only facility which comes close to being appropriate is an aged nursing home or a C class hospital. It does not take much thought to realise that such an environment is unsuitable for someone who is recuperating from severe head injuries. Such people need stimulation and paramedical services as part of their rehabilitation. Ward 1 at Shenton Park does wonderful things, but it is designed for short term care. Long term residential care is needed for these people to restore at least a modicum of independence.

People can be in coma from head injuries for extended periods. Doctors and nurses with whom I spoke during my recuperation told me that people could be in coma for periods up to 10 years and there have been recorded cases of people waking up suddenly and being switched on again, so to speak. However, James is in a nursing home and when a bed becomes available at Shenton Park he will be transferred back to Shenton Park. What happens then? The Government purchased the Oats Street Centre at Victoria Park and redesigned and remodelled it to provide separate housing with a separate street address for head injured people to learn to look after themselves and become more independent. I inspected the Oates Street facility last Friday. However, that is very restricted and I am informed it does not cater for people in James Groothedde's condition.

I had my accident in 1980 and the Head Injured Society was established around that time. It received Government funding through the Lotteries Commission and Government grants and appointed an administrator. It began as a self-help group of members of the families and friends of head injured people. It provides facilities for the day care of head injured patients. However, it does not provide residential facilities because it does not have the resources. Even at that time, officers of the society suggested that there were no facilities to care for young head injured patients, and the number of those patients was increasing. The facilities in this State and throughout Australia are not adequate to care for these people. Until they are provided, these people will be in limbo. Marlene Groothedde has to work and support herself and, although she feels that she has to and wants to look after her son, she cannot be expected to cope. No parents, be they single or not, should be expected to provide the sort of ongoing care that these patients need. We have to find the resources to establish the facilities needed to look after these young people, because although their brains are damaged and they suffer from the side effects of those injuries, usually their hearts are very strong, they are fairly fit and they will live for a long time. The facilities have to be provided to enable them to have the maximum quality of life that their condition allows them to enjoy. I will be drawing this issue to the attention of the Minister for Health. I am sure he is aware of the problem, but it is one of those problems that will not go away. In the intervening period since the Head Injured Society was formed 12 years ago, no purpose built facilities to care for these young people have been established. I drew that inadequacy to the House's attention in my maiden speech in 1982. I hope that my doing so again will help the Government and the community to realise that there is a problem and that it must be addressed.

In conclusion, I reiterate some of the points that I made at the beginning of my speech. First of all, if we did not prorogue this Parliament every year, we would not have to restore Bills to the Notice Paper and reappoint committees of this House. We would do it once at the beginning of each four year session and we should amend the Standing Orders so that members can have a free ranging debate once a year.

Hon John Halden: It sounds infinitely sensible to me.

Hon GARRY KELLY: It is logical, anyway. Hon George Cash said in his comments on the motion by the Leader of the House to restore Bills that the Opposition's agreement to the restoration of those Bills should not be taken as a precedent. Whether it should be or not, we should not have that debate. It is a waste of the time of the House. The Notice Paper should continue and we should be able to decide which Bills we wish to keep on the Notice Paper.

Hon D.J. Wordsworth: Who prorogued the House? The Labor Party. Don't moan to us about it.

Hon GARRY KELLY: Mr Wordsworth should get on the same wavelength. A constitutional provision requires us in theory to have an annual session of Parliament. The Commonwealth Constitution has almost exactly the same provision. By either creative interpretation -

Hon D.J. Wordsworth: I remember seeing a notice on the notice board about the prorogation of the House.

Hon GARRY KELLY: That might be a criticism of the timing of the prorogation, but the way the State Constitution is interpreted, we must have an annual session and the Parliament must be prorogued and reopened once every year. As I said, the Commonwealth has almost the same provision in its Constitution, but for some reason, that Parliament manages to get

away with an opening by the Governor General once every three years; however, we do it once every year. Members opposite might quibble about when the Executive prorogues the Parliament, but according to the interpretation of the Constitution by the present Solicitor General and preceding Solicitors General, Parliament is an annual event.

The other issue to which I referred related to the Fremantle eastern bypass. It should not be deleted. We will cut off our options if we delete it now. We should first find out what the alternatives will be so that we know what will take its place. Then we can delete it if the community finds the alternative acceptable.

The increased storage capacity for Caltex should be installed at Kwinana. However, I place the caveat on that relocation that it should not be seen as a sop to the yuppies and cappuccino set. The land that is freed up should be developed for port related industries. The Fisheries Department should be relocated in Fremantle. I have referred also to the need for support for the long term care and maintenance of a reasonable quality of life for young head injured people. With those comments I support the motion.

HON N.F. MOORE (Mining and Pastoral) [7.50 pm]: I support the Address-in-Reply motion and commence my remarks by indicating to the House that I have a degree of sympathy for Hon Garry Kelly's comments about the prorogation of Parliament. He will know that on three occasions I have put forward a Bill in this House to alleviate the effects of prorogation on the activities of the House and on two occasions I have had the support of the Government. I did mention in my second reading speeches for those Bills that we should look at the Federal system and determine whether we should go down the path of having a Parliament which lasted for four years with only one official opening. It would solve the problems which the annual prorogation of Parliament causes. The current Government has been much more creative in its use of prorogation than previous Governments and has used it for blatantly political reasons on the odd occasion to prevent Opposition members from carrying out activities which are the legitimate function of the House. Be that as it may, we should look at the interpretation of the State Constitution to determine whether we can develop a system which is much more efficient than the one we have now.

Hon Garry Kelly: If we do not prorogue we do not have to worry about it.

Hon N.F. MOORE: Someone may complain about it and if the Parliament is operating unconstitutionally there will be a series of additional problems.

I welcome Hon Kim Chance to this House. If he has extreme views they will be rubbed off in due course and he will have a more moderate attitude toward issues by the time he leaves this place than he may have now. I hope he enjoys his time in this place, albeit it may be for only 12 months.

I refer to the speech made on opening day by Hon Bob Thomas. When I first came to this House I was told there was a tradition in this place that on opening day the member moving the Address-in-Reply motion should make a speech about relatively noncontroversial matters, in a party political sense. There is no objection to addressing matters of controversy, but when a political element is introduced one tends to create a situation where those members on the other side of the House feel tempted to respond by way of interjection. When I came to this place the view was put to me that the speech should not provoke the Opposition or other members in the House in order to maintain some decorum during the opening ceremony. Hon Bob Thomas' remarks were somewhat provocative and did nothing to enhance the dignity of the opening ceremony. In future, members who have the privilege of moving the Address-in-Reply motion must bear in mind that while it is an occasion to make a substantial speech they should not try to score cheap political points because that is not what it is all about.

Mr President, I refer to a seminar which I was very fortunate to attend in Zambia in your company. You attended in your position as Chairman of the Commonwealth Parliamentary Association's Executive Committee. The Commonwealth Parliamentary Association organised a seminar in Lusaka and invited a number of members of Parliament to attend to provide assistance to the new Zambian Parliament.

Hon T.G. Butler: You didn't tell me you were going.

Hon N.F. MOORE: I am sorry that Hon Tom Butler did not share the visit with me. The reason he did not attend is this: There was a vacancy on the panel for a member of an

Opposition party who was a backbencher and the President was forced to find, within a few days, a replacement for a member from Canada who was unable to attend. He thought I was the person who could fill the spot on the seminar panel. I was very pleased to attend because I had not visited Africa previously and I was not familiar with African politics. It provided me with a great opportunity to look at what was going on in another country, in this case Zambia.

Zambia gained its independence in 1964 and was ruled continually by President Kaunda until 1991. During that time he was able to institute a one party Government. The United National Independence Party was the Government from 1964 to 1991. The winds of change began to blow in Africa in 1980 and the early 1990s because of the deterioration of its economy and because a demand was building in the community for a democratically elected Parliament. In November 1991 an election was held for a new Parliament and Opposition parties were entitled to put forward nominations for the election. The party in opposition to UNIP was the Movement for Multi-party Democracy which was led by Frederick Chiluba, a trade union leader. However, his party consists of a wide range of people from the political spectrum - from right wing lawyers to left wing trade union leaders. They came together to get rid of a dictator and replace a non-democratic party with a democracy. As it turned out the MMD was very successful in the election, winning 120 of the 150 seats. The previous ruling party was reduced to a small rump called the Opposition.

As there had been a single party Parliament for many years there was difficulty in the minds of the members about how a multi-party Parliament should work. It requested the Commonwealth Parliamentary Association to sponsor a seminar of members of Parliament to explain how a normal democratic Parliament operates under the Westminster system. When we were briefed about the level of debate we were told to anticipate that many of the members who were in their first term of office would know absolutely nothing about the parliamentary system or the Westminster system and that we would have to talk in bubs language. As soon as the seminar began that notion was quickly dispelled and the level of debate and the contribution by those members was extraordinary. Some of the debates in this House would be in bubs language in comparison with the understanding and intelligence of the Zambian members of Parliament. The seminar ran over two days and between 130 and 150 members were in attendance for the duration of the seminar, from 9.00 am to 5.00 pm on both days. The program was exhausting, but it was worthwhile and it demonstrates the way in which the Commonwealth Parliamentary Association can provide positive, meaningful assistance to those Parliaments which are perhaps not as fortunate as our Parliament and other Parliaments which have a long tradition behind them.

However, old habits die hard and the Government party, the MMD, dislike the Opposition so much that they are anxious to get rid of it. The great irony of it is that the MMD would be very happy if it were a single party Parliament. The antagonism which has been bred over many years of dictatorship is still evident and there was the occasional newspaper article in Lusaka about revelations of serious wrongdoings by the previous President and his Government. They are not the sort of wrongdoings with which we are familiar; they involved torture, murder and things of that nature. It has led to a bitter relationship between the two parties. It was very difficult for me as a representative of an Opposition to try to convince the Government of Zambia that the Opposition had a role to play. It would like the Opposition members despatched to somewhere else. They believe that having an Opposition is a waste of time. I found it interesting to argue that there was a role for an Opposition in a Parliament. Be that as it may, I received loud applause from Opposition members, but the Government was noticeable by its quiet response.

The new Government of Zambia should be commended on what it has done so far. I carried out some research into its history and learned that in the 25 years or thereabouts since it gained independence its economy has been progressively deteriorating to the point at which the country is in serious debt and its industries are in very poor shape. The new Government is aware of that, and it is very good to see that it is taking the sort of steps we should consider in this country to attract overseas investment. As members will be aware, one of the great problems of attracting overseas investment in African countries is confiscation of property and the inability of companies investing in those countries to take profits and dividends out of the country. That will be one of the long term problems facing Zimbabwe which has a system whereby people cannot take money out of the country.

Zambia introduced the Investment Act 1991 which lists the conditions under which investment will be permitted in Zambia. Section 32(1) of the Act states that an investor who qualifies for incentives under section 31 shall be entitled to exemption from customs duty and sales tax, exemption from tax on dividends for a period of seven years, exemption from the payment of tax on income for companies for a period of three years, exemption from the payment of selective employment tax for a period of seven years, retention of 70 per cent of its gross foreign currency earnings for the first years and so on. It further states under section 41 that a foreign company will be permitted to take dividends, funds and profits out of the country if it so desires. That type of Act needs to be paraded around the world to countries such as ours which are wealthy compared to Zambia, where the people are incredibly poor, and there is a desperate need for foreign investment to give the country some chance of survival. The Government is made up of a broad spectrum of political views and it has introduced this Bill which is designed to attract foreign investment. I wish it success.

I was delighted to meet the Minister for Legal Affairs, Roger Chongwe, a former student of the University of Western Australia. He was a student at the same time that I was and completed his law degree at UWA. He is now basically the Attorney General of Zambia and a very fine fellow who is anxious to change the way the country has been operating for many years. The Government is full of people like him. The Minister for Commerce, Trade and Industry, Mr Penza, is a very young, dynamic business person who is anxious to get investment into Zambia. I wish the Government well. It has an enormous task ahead of it but it is on the right track. I hope that the Government is able to maintain the Parliament it has established and that some time down the track it will accept the legitimacy of Opposition parties, even though it may not like the members personally.

On the way to Zambia we stopped at Zimbabwe for a day and the school books referred to by Hon Cheryl Davenport the other night were mentioned. When this matter was first raised I asked the Minister for Education in this House what was happening because concern had been expressed in Western Australia at the time that the books were not being collected and shipped to Zimbabwe. I am told that it has been a very successful program, and it crossed my mind that if Hon Cheryl Davenport and her colleagues wanted to conduct that program again, there is a willing market in Zambia which is probably much more willing than that in Zimbabwe. Of course, the education system in Zimbabwe is nothing to write home about. We visited one school with 50 students in a room measuring 10 feet by 10 feet, and the salaries of the teachers and all the school resources were paid by the farmer on whose farm the people resided. There is a desperate need for education resources in African countries. English is the main language which means that any books from our schools are quite appropriate in their education system.

Hon B.L. Jones: Perhaps you should start a school book collection program.

Hon N.F. MOORE: It has crossed my mind but I intend to talk to Hon Cheryl Davenport first because she may have a system in place. In fact, it might be expanded to other States. The Zambian people are in far greater need of these books than are the Zimbabwe people. It was a very enjoyable week or so but very worrying from the point of view of the conditions in which some people must live. It is good to see a Government prepared to make hard decisions and introduce investment incentives that we should consider to attract foreign investment to this country.

Mr President, although nothing that you do amazes me, the response to you in the two countries we visited, not just as Chairman of the Commonwealth Parliamentary Association Executive Committee, but also as a person was quite incredible. The esteem in which you are held surprised me because you spend a lot of time in this place, and it is difficult for you to travel around the world. However, the people know you exceptionally well and you are highly regarded. As an Australian, it was gratifying for me to see a person such as you held in such high regard in African countries. I commend you on the work you are doing for the CPA. It is quite extraordinary and it is a pity that more Western Australians do not know about it. I hope that you will start telling the newspapers what you are doing in this regard because you are entitled to the credit that would accrue to you.

I turn to more basic matters connected with the Ashburton by-election to be held on 4 April. It has been brought about by the unfortunate retirement of Pam Buchanan who, members will know was sacked from the Labor Party Cabinet, resigned from the Labor Party, and has sat

as an Independent for the last year. I understand she is very ill and that has necessitated her retirement. Therefore, a by-election will be held in the seat of Ashburton. I advise members who are not aware, that the seat of Ashburton covers the areas surrounding the towns of Onslow, Pannawonica, Roebourne, Wickham, and Karratha. It is essentially what used to be the western part of the Pilbara. In the old days the seat of Pilbara included Port Hedland and the inland mining towns. Ever since the announcement of the by-election I have been overwhelmed by the extraordinary extent of the Government's capacity to pork barrel. I have heard about the events in the south west during the by-election and about other by-elections but, because I am closer to this by-election, I have watched the daily parade of Ministers, candidates and other people trotting out promises that everything people could possibly want will be delivered now. In the past nine years, since this Government has been in office, it has not provided all the things people have asked for but within three days of the announcement of a by-election these things have turned up. Suddenly the money is available to provide the things for which people have been asking for many years. For example, the Labor Party knows, as the Liberal Party knows, that one of the most basic and serious issues in the Ashburton electorate is the provision of health services. There is real concern about the lack of doctors, and people know that if they get sick in Karratha they must go to Port Hedland for treatment. Having been treated, they know they will be sent back home before they have had time to recover. There is also concern that people in Karratha who get very sick and who must see a specialist Perth, will be put on a bus to make a 16 hour trip to Perth.

Hon Kay Hallahan: There is no need for that.

Hon N.F. MOORE: They do it.

Hon Kay Hallahan: They can travel to Perth by plane.

Hon N.F. MOORE: I raised the problems with the patients' assisted travel scheme in this House on a couple of occasions and moved a motion deploring the way in which it was operating. I read letters from people complaining about the system. The real complaint at that time was a decision by the Government to get as many people as it could travelling by bus and to stop them from travelling by plane. The member for Northern Rivers, Kevin Leahy, said that had to be done because people were rorting the system by saying that they were sick and had to see a specialist in Perth before hopping on an aeroplane to fly to Perth to do their shopping. That was the sort of comment made by members of the Labor Party when giving reasons for changing the patients' assisted travel scheme.

Several members interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: Of course I am exaggerating, but that was the thrust of the argument. Of the \$7 million allocated to the PAT scheme in the year under debate only \$5 million was spent. The reason for spending less than allocated was that fewer people were flying to Perth. That was another argument people up there put forward. All the polling done nowadays in the Ashburton electorate, where people are sick of the phone ringing and somebody asking a long string of questions, has let the Labor Party know, as we know, that health is a fundamental issue in the campaign. What happened? The Government announced that two locums would arrive to work at the Karratha Hospital for the next six weeks. The Karratha Hospital cannot get enough doctors, yet immediately we are to have a by-election two locums are sent there. However, they are only staying for the duration of the campaign; as soon as the by-election is out of the way they will go somewhere else. That is extraordinary! The doctors have even said that they are only staying for six weeks. That is the second most blatant case of pork barrelling that I have ever seen, and I will outline the other one in a moment.

Hon Mark Nevill: I think there is only one locum and the other is a private doctor.

Several members interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: That is the worst case of pork-barrelling one could ever see except for the Roebourne swimming pool. Prior to each of the past three elections a suggestion, if not a promise, has been made by Labor that the people of Roebourne would get a swimming pool.

Hon Mark Nevill: It has been opposed by the Roebourne Shire every time.

Hon N.F. MOORE: So what? Members opposite have been in Government for nine years, as I will continue to remind them when they start telling us they have now worked out what people want. After nine years the Government still does not know what people want in the Pilbara and is still waiting for the Pilbara 21 study to be released. For nine years the people opposite have been in office and prior to every election have said to the people of Roebourne, "We will give you a swimming pool," but it never turned up until they got a by-election. Every district should have a by-election once in its lifetime because that is when people get the things they really want. There is no point in saying that the Shire of Roebourne is the problem; it had nothing to do with it.

Several members interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: If the Government can now find the money to build a pool which the Shire of Roebourne has not said it will manage and which the Government may have to pay to be managed, why could that not have been done nine years ago?

Hon Kay Hallahan: Are you opposed to it?

Hon N.F. MOORE: I think having a pool in Roebourne would be a wonderful thing. Every town should have a swimming pool.

Several members interjected.

The PRESIDENT: Order! I am terribly interested in what is being said but am having difficulty hearing because of the number of interjections. I ask honourable members who are interjecting to let others listen to the member on his feet because he is entitled to tell us whatever he wishes to.

Hon Kay Hallahan: He likes our contribution.

The PRESIDENT: We will listen to the Minister's remarks later. In the meantime I wish to hear Hon Norman Moore's remarks.

Hon N.F. MOORE: As a young child in the little town of Bullfinch up near Southern Cross I recall that we got a swimming pool when I was aged 12 years. That was when I learnt to swim. I believe swimming pools in little country towns away from the coast are an absolute necessity and Roebourne is entitled to one as is every other town. However, what I am absolutely irritated about is the way in which this Government has decided to give Roebourne its pool on the eve of a by-election. The problem for the Government is that the people of Onslow then said, "What about us?" The people of Dampier then said the same thing. What about them? Has the Government forgotten them, or is it trying to pick up votes in Roebourne? I am told that the money has been saved and the people could actually build a pool in Dampier but the shire will not run it for them.

Hon Mark Nevill: They have the ocean.

Hon N.F. MOORE: Has Hon Mark Nevill been in the ocean up there? He should try to swim there at some time and not sit in this place telling us about swimming in the ocean up there.

Hon Kay Hallahan: What is the trouble with swimming in the ocean there?

Hon N.F. MOORE: I suspect that if the Minister has not been to the area she go there in the next couple of weeks. I suggest that while there she go to the Dampier foreshore and have a swim in the ocean and see how much she enjoys it. The Dampier people have said, as have the Onslow people, "Why not us?" That question remains unanswered.

Hon Mark Nevill: It is the first time the shire has agreed to put money into a pool.

Hon N.F. MOORE: I wonder why. Perhaps it is because the shire president is the Labor candidate. Could that be the reason? I could not imagine that the shire president would use his position and ratepayers' money to try to promote himself at a State by-election. The shire president would not do that, would he, Mr President?

Hon P.G. Pendal: I think it is the company he keeps.

Hon Mark Nevill: He is an honourable man.

Hon N.F. MOORE: I know him to be an honourable man. That is why I do not believe that

he Shire of Roebourne will cough up the money to run the pool if the Government builds it. I raised the matter of the Pilbara 21 study in this House some time ago. The Government has engaged people to write a report on the Pilbara. The group is jointly chaired by Larry Graham, the member for Pilbara, and Pam Buchanan, the previous member for Ashburton, who I guess is no longer co-chairing that committee. The group was set up about a year ago to utilise the resources of Government and the brains of the local Pilbara people to write the Labor Party's policy for the next election. The draft report will be released on 24 March during the by-election. Surprise, surprise! We now have the draft Pilbara 21 report being released in the run up to the by-election. Interestingly, an advertisement placed in today's *Karratha Guardian* by the Labor Party says that the Pilbara 21 study to be released later this month is expected to make recommendations on ways to make significant energy price reductions. Here we have in the Labor Party candidate's advertisement for the by-election a comment about the Pilbara 21 study and what it is likely to recommend.

Hon Tom Helm: How dare he!

Hon N.F. MOORE: That is outrageous as that is not being funded by the Labor Party but by taxpayers of this State. We have a situation where the Labor Party is using Government resources again, through the Pilbara 21 study, to write a party political policy for the election which is appearing in its advertisements already.

Hon Kay Hallahan: Are you saying that the shire president would have no idea of what is to be proposed?

The PRESIDENT: Order!

Hon N.F. MOORE: For the benefit of the Minister, who is obviously deaf, the article says that the Pilbara 21 study to be released later this month is expected to make recommendations on ways to make significant energy price reductions.

Hon Kay Hallahan: He is conjecturing. He is an informed person - the shire president - and should conjecture pretty accurately.

Several members interjected.

The PRESIDENT: Order! I keep having to remind members that I am the easiest going Presiding Officer in this Parliament. It upsets me when people take advantage of my good nature. I do not wish to preclude members from listening to the balance of Hon Norman Moore's remarks, so I ask them to cease interjecting and listen to what he has to say. The beauty of our system is that if other members do not agree with him they are able to stand later and tell him that. However, they should not do that while he is still speaking.

Hon N.F. MOORE: Thank you, Mr President. My point is that we again have the Government using taxpayers' money to write a report on the Pilbara to use for election purposes.

Coincidentally, the draft report is to be released slap bang in the middle of the Ashburton by-election and is to be launched by the Premier. The Premier actually sent me an invitation to attend the launch, which I may do because there may be some good things in it. There are some very good people on the Pilbara 21 study group. Those people do not agree with the Government but their brains are being used to write a policy document for the Labor Party that will be released during a by-election. We already have the Labor candidate for Ashburton using as part of his advertising campaign what he expects to be in that report.

Several Government members interjected.

The PRESIDENT: Order! If Hon Mark Nevill and Hon Tom Butler do not want to listen to this, they do not have to, and I will assist them if they continue to interject.

Hon N.F. MOORE: The Premier has been backwards and forwards to the Pilbara as though she has just discovered a really wonderful place that she cannot keep away from. She has been there about three times in the last two weeks. I cannot recall her having been there much prior to the Marandoo decision being made.

Hon Doug Wenn interjected.

The PRESIDENT: Order! It is very early in this session, and Hon Doug Wenn knows, because he is a Deputy Chairman of Committees and sits in this Chair at times, that for him

to continue to interject when I say not to interject, and, more particularly, when he is not sitting in his own place, is totally and absolutely out of order, and I suggest that he cease.

Hon N.F. MOORE: On the Premier's recent visit to the Pilbara she visited Onslow. She did not tell anybody that she was going to Onslow, and she saw no-one except for the local Aboriginal group. A number of people in Onslow would like to see the Premier, and for her to turn up without telling them that she was coming was a snub to those people and they were very angry about that. A notice appeared on the local town notice board calling for a public meeting to express the disquiet of the people of Onslow at the unwillingness of the Premier to tell anybody that she was coming to Onslow, and at the fact that she saw only the local Aboriginal group. That public meeting was held yesterday. I am not sure what was the result of that meeting because I was here and could not attend. It is interesting that the Premier - who sought to make a hero of herself among those people who support development in our community by overriding the Minister for Aboriginal Affairs on the Marandoo issue - is now heading off to Onslow where the Karijini people reside in order to try to square off with the Aboriginal people for what she did to them in respect of Marandoo. The people of Onslow know that. They are sick of cynical politics. We have here a cynical Premier going to Onslow, to a little town that does not see a Premier very often, seeing a group of Aborigines, and flying out again. The people know she only went there to square off over Marandoo. It is as simple and blatant as that. The people are very cheesed off about that sort of attitude, and when the rest of the Ministers turn up at Onslow, I suspect they will get short shrift. They will be told that if the only time the people get to see Ministers is when there is a by-election, they are not prepared to waste their time talking to them.

The Labor Party is also having lunches in the Pilbara. The other day the Minister for Multicultural and Ethnic Affairs had a lunch in Karratha, and she rang all the people in the multicultural society and said, "We are having this lunch. Bring along five people." She did not realise that the president of the biggest multicultural group in Karratha-Dampier is a member of the Labor Party, and he was told to bring any five ethnic women whom he could find to make up the numbers for the lunch, which he did. I might add that there was a very small turnout, but it was a free lunch. Someone once said that there is no such thing as a free lunch, but there is during a by-election, and I suspect there will be lots of them. I am also told that a Minister of this Government got on to the people in her department in the Karratha region and told them they had to organise functions for her to attend and that those people were not very happy about that.

Hon Doug Wenn: You are not sure; you were just told.

Hon N.F. MOORE: I know for a fact but I am not prepared to say who it was because the way this Government operates is such that I suggest that person's future would not be all that bright. If I ever get the opportunity to be in Government, something will be done about that sort of behaviour. I might add that yesterday the Liberal Party held a lunch in Karratha. We charged people \$16 a head to attend. We were told that there were twice as many women at that lunch as there were at the multicultural lunch put on as a freebie by the Government. People are prepared to pay to hear our members but they will not go to a free lunch organised by the Government.

It is interesting that two days before the by-election was announced, the people of Karratha received in the mail a summary of the WA Advantage package, with a covering letter from the Premier. What fascinating timing! It got there just in time to beat the issue of the writs and the necessity for that to be authorised and to be paid for by the Labor Party. In fact, it was paid for by the taxpayers.

Hon Kay Hallahan: WA Advantage is a Government document.

Hon P.G. Pandal: Whose franking machine was used this time?

Hon Kay Hallahan: It is a Government document put out by the leader of the Government.

The DEPUTY PRESIDENT: Order! The cross-Chamber interjections are very interesting but we are listening to Hon Norman Moore, not to Hon Phil Pandal and the Minister for Education.

Hon N.F. MOORE: When I became aware that this publication had been sent out to the people of Karratha, some days later I was at a Pilbara Regional Development Advisory Committee meeting and I said to someone from Port Hedland, "Have you received your copy of the WA Advantage document?" She said she did not get it.

Hon Tom Helm: I sent it to them.

Hon N.F. MOORE: What actually happened was that the people of Karratha got a copy but no-one else did. One had to be in the Ashburton electorate to get a copy of this Government handout which was espousing the "virtues" of this package that the Government calls WA Advantage. Again that is a blatant use of taxpayers' money to promote the Labor Party cause in a by-election.

I was interested to read in today's *Karratha Guardian* an advertisement placed in the paper by Mr Riebeling, the Labor candidate, headed "Fred Riebeling - Making jobs a priority". I am glad about that because jobs should be a priority, but I remind members opposite that we now have 11 per cent unemployment in Western Australia. Thirty five per cent of our young people are out of work. The Labor Party has had nine years to create that level of unemployment. Imagine what it could achieve if it had 12 years! In nine years the Labor Government has just about reduced to nil the prospect of our young people getting a job. One in three young people cannot get a job. The article continues -

Fred Riebeling shares the Premier's determination to cut through red tape and get development projects like Marandoo up and running.

Hon Kay Hallahan: Hear, hear!

Hon N.F. MOORE: It has taken the Government 18 months of delay to get in train the biggest development project in Western Australia at the present time, and in the end the Premier, in a very clever political stunt, had to come in over the top of all those Ministers who could not make a decision, like the Minister for State Development, Mr Taylor, and the Minister for Aboriginal Affairs, Dr Watson. The Premier came in like a knight in shining armour and said, "We will legislate to fix this up." So the Government legislated in a most extraordinary way by simply disapplying the Aboriginal Heritage Act to a piece of land. Why does the Government not just disapply the Aboriginal Heritage Act full stop, and give the rest of the country a chance to progress? But no, for blatant political purposes and to make the Premier look as though she is pro-development, the Government came in with that legislation to get the Marandoo project up and running.

However, the people of Ashburton do not believe the sort of tripe contained in that advertisement. They know darned well, because their jobs are dependent on it as most of them work for Hamersley Iron Pty Ltd, that that project was delayed repeatedly by the indecision and the ideological views of people like the Minister for State Development, Ian Taylor, and the Minister for Aboriginal Affairs. Ian Taylor is the greatest - I will think of a word to describe him in a minute; the one I was going to use is not appropriate. Mr Taylor goes to the business community and the mining community and says, "I am pro-development. I will look after you and help you." However, as soon as he gets to his departments he says, "Hold that up. The Left will not let me do that. We must look after the Left's views; that is where I come from." So he will not do anything. He is a fraud.

A Government member interjected.

Hon N.F. MOORE: What absolute nonsense! People turn up to our functions because we invite them. The Labor Party candidate in Ashburton talks about jobs. I hope he does that until the election finishes.

Hon B.L. Jones: You are talking about pork barrelling. How many jobs did your Government promise up there?

Hon N.F. MOORE: It promised 30 000 over 18 years, or something like that.

Hon B.L. Jones: Is that not pork barrelling?

Hon P.G. Pandal: No, it is called vision - something you would not understand.

Hon N.F. MOORE: The Liberal Party has put forward a proposal for the development of the Pilbara which will see a massive increase in the number of jobs, not just in the Pilbara but in Western Australia. The Pilbara has the same number of people now, in 1992, as it had in 1982 when we left Government. There has been not one additional member of the population in the Pilbara over that 10 year period. Why? Because no new jobs have been created. Everything that has happened in the Pilbara was created by the Liberal Party; the gas, oil and iron ore industries and all those major companies in the Pilbara came about

because of the policies of the previous Liberal Government, and nothing members opposite can say or do will change that. In the 10 years since the Labor Party has been in Government there has not been an increase of one person in the population of the Pilbara. At the same time, the number of people in the 15 to 19 year age bracket in the Pilbara is lower than in any other region in the State, because young people are moving out as they cannot find jobs. They are coming to Perth and they cannot find jobs here either, because 35 per cent of young people here do not have a job. Anybody who suggests our record in the Pilbara is not good is simply burying his head in the sand. People know that when we become the Government again we will turn things around again. We will get rid of this absurdity which allowed Marandoo to be held up for 18 months, quite deliberately and provocatively, by a Government which is ideologically bound up in its own views and cannot get things off the ground. Members opposite know very well what they are about, and they are trying now, in a by-election environment, to give the impression they have some interest in development. We know they have no such interest because their past record shows it.

We are also told in Mr Riebeling's advertisement today that the Pilbara will get a big boost in tourism. I want all members to be aware of this advertisement so that they can see the absolute nonsense and tripe that has been trotted out. It says -

The Lawrence Government has recognised the need to open up the Pilbara's unique tourism attractions -

Terrific! After nine years! The advertisement continues -

- by giving priority to sealing key roads - including the Karratha-Harding Dam road.

That road is about 25 kilometres long and is the only road mentioned in the Government's policy to open up and seal tourist roads. Dozens of roads need opening up before that one. What about the roads through the Hamersley Gorge, where we really want to have people visit? This Labor Government has put not one inch of bitumen into the Hamersley Gorge since it came to office. It has done nothing about that, nor about linking Tom Price -

Several members interjected.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order! I remind members that interjections are out of order; however, if members are going to interject they should put the emphasis on quality rather than quantity.

Hon N.F. MOORE: Thank you, Mr Deputy President.

Hon T.G. Butler: That is more than you do in your speech.

Hon N.F. MOORE: Some people are irritating if only because of the lack of quality of their interjections. I do not mind a smart comment, because that is what we are all about, but someone like Hon Tom Butler, who just goes on and on like a broken record, is tedious when we have a time limit set by members opposite. If we did not have a time limit I could stay here all night and I would happily answer every interjection.

This Government talks about tourism in the Pilbara and says that it will build one little road. Tourism in the Pilbara centres on the Hamersley Range - not the Karijini Range but the Hamersley Range - where the most magnificent gorges in the world are located. To get there one must go on the worst roads in creation. Tourist buses are bypassing the Hamersley Range because of the state of the roads, yet we have another pork barrelling exercise about building the Harding Dam road because this happens to be in the Ashburton electorate and not in the Pilbara. I think it is a good idea, and the sooner it is done the better, because the Harding Dam could be a great tourism attraction. The problem is that it does not have much water in it - it is almost empty. Water supply is another problem up there which the Government has done nothing to solve. Hon Tom Butler should have a cup of tea in Karratha some time.

Hon P.G. Pandal: He does not drink tea - he told us that yesterday.

Hon N.F. MOORE: The solution Mr Riebeling has put forward for the Harding Dam is to put barramundi in it so that people can go fishing. What we actually need in it is clean water so that people in Karratha can have a decent drink of water.

Hon Tom Helm: You should go and have a look at it.

Hon N.F. MOORE: I have - I have been there dozens of times.

Hon Mark Nevill: He has flown over it hundreds of times.

Hon N.F. MOORE: Hon Mark Nevill of all people should keep his mouth shut on those sorts of issues, because he knows only too well that one cannot be everywhere in the Mining and Pastoral Region.

In respect of jobs - and I missed this when I was talking about the job creation issue raised by Mr Riebeling - it is interesting that the very same newspaper in which his advertisement appears contains an article headed "Thirty laid off at Telfer".

Hon Tom Helm interjected.

The DEPUTY PRESIDENT: Order! Hon Tom Helm will have a chance to make his comments later in the Address-in-Reply debate. I suggest we listen to Hon Norman Moore in relative silence. The member should remember my admonition that if he is going to make interjections he should put the emphasis on quality rather than quantity.

Hon N.F. MOORE: This article does not relate to Ashburton but to the Pilbara, which is just alongside. However, the economy of the Pilbara cannot be separated from that of Ashburton. On the same page that the Government is talking about jobs being its priority this article states -

Newcrest Mining Ltd gave 32 of its Telfer Gold Mine award employees on-the-spot redundancies last Monday morning.

They virtually said, "Don't come back. We don't have anything for you to do." That is the sort of thing that is happening up there. In Ashburton the other day a nickel mine was closed down and another big group of people lost their jobs. Again, the Premier turned up in Ashburton talking about Stateships operating in the Pilbara. I do not know whether that is a good idea. We are told now, in a by-election environment, that another study will be undertaken into Stateships visiting the Pilbara. I guess as soon as the by-election is out of the way that project will not be considered viable - like everything Stateships does. So, another heap of taxpayers' money will go down the drain. Again, using Stateships and the people who run that organisation, the Labor Party put people up in that area to undertake a study to bring in Stateships to make freight cheaper for the area. That is pork-barrelling because the Government knows that Stateships loses taxpayers' money. Stateships is not vaguely competitive even if it were on the same cost structure. If it were decided that Stateships was to operate at a break-even level or should try to make a profit as the road transport industry must do, it would not be in the race. The people know that and so does the Government, yet it approaches a by-election in the same way.

At the same time, the Premier said that it was unreasonable for the people in the Pilbara to pay upwards of 13 per cent more than the people in Perth pay for an average basket of goods. I remember someone saying that before. Almost 10 years ago Pam Buchanan said that in her maiden speech; she incorporated in *Hansard* a chart showing the relative cost of food in the northern towns compared to Perth. On an index of 100 per cent for Perth, in 1980 the index for Karratha was 113 per cent. The Premier is upset about the same state of affairs now. Karratha is still 13 per cent above Perth, and the Premier thinks that is unreasonable. In her maiden speech Pam Buchanan said that the Labor Party will bring down the cost of living in the north. Currently the situation is the same as in 1980. Just as in the case of the population figures, nothing has happened in the Pilbara. The Government has done nothing for the Pilbara and the people up there know it. The only reason the Pilbara continues to operate is the activities of the private sector. From the beginning, the whole Ashburton campaign has been a pork-barrelling exercise by a desperate Government trying to hang on to a seat that it will probably lose. I must say "probably" because traditionally it is a Labor seat. Apart from the period when Brian Sodeman held the Pilbara seat for nine years, it has been a Labor seat since its inception. It will take a major effort for the Liberal Party to win that seat, even though it will only take an eight per cent swing for it to win. In the Ashburton electorate the people think that it is time to get rid of the Labor Government; it is time for a change. The people think that it is time someone else had a go because the Government has had long enough. The Government has had nine years.

I have cited statistics about what the Government has done in the Pilbara, and they are not too flash; but the people know. Even though most of them have been cocooned from the

recession because they work for good companies and are paid good salaries, they know that on the fringe of society where once their children would be guaranteed a job they cannot now get those jobs. These days the companies are not taking on apprentices and the young people cannot get jobs. If they cannot get a job with the company there is nowhere else to go. That is the reason people are moving out of the Pilbara, and families are breaking up. Even the people who have not been so adversely affected by the recession we had to have are beginning to realise its effects on the broader community. The broader community is beginning to contain affected people whom they know, such as their relatives, friends and children. These are the people who say to us, and no doubt to the Labor Party, that the Government has had long enough. The Pilbara is the richest part of probably the richest country in the world, yet we are experiencing a recession and stagnant growth. Our population should be expanding but it also is stagnant. The people are saying that it is time for a change; it is time to give someone else a go.

Moving from the Ashburton by-election, it is extraordinary that the Labor Party still uses the Australian flag as its logo in its political advertising. The other day I heard on the radio the Prime Minister talking about this thing that flies in the sky and which does not bear much of a relationship with modern day Australia. It has an appendage in the corner which represents some other country. The Prime Minister was disparaging in his remarks about the Australian flag. I am prepared to listen to people arguing about another flag, even though I like the one we have. If someone comes up with a better flag I will be happy to consider it. I am not hypocritical about our flag; I think it is attractive, and it represents our ancestry. It also represents what we are now. However, as a broad minded person, I am prepared to look at any alternatives. I have seen some alternatives that I like but I would rather the red, blue and white than the green and gold. I get very cross about the absolutely blatant hypocrisy of the Labor Party which continues to use the Australian flag in its advertising. Not only that; the Labor Party uses only the top half of the flag which, as members can see, contains all of the Union Jack and a little of the Southern Cross tucked into the right-hand side. The logo leaves out the Commonwealth star which is underneath the Union Jack. Therefore, the way in which the logo is drawn up emphasises the Union Jack which becomes half of the Australian flag, when in reality it takes up about one-quarter of the Australian flag. The Prime Minister has told us - and his colleagues agree - that we should get rid of the flag, the abomination that ties us to our colonial past and which bears no relationship to our future. Yet, the Labor Party uses the flag blatantly, cynically and hypocritically in its advertisements for the elections.

Hon T.G. Butler: It is the Australian flag; what else would we use?

The DEPUTY PRESIDENT: Order!

Hon N.F. MOORE: I construed the Prime Minister's comments to suggest that he found no joy in the current Australian flag. I have heard Labor Party people talk about the flag, and the republicans on the other side of the House put forward propositions about the flag and where we should go. If those people do not like the flag and if they do not want a change, why do they continue to use it in advertisements? They use it because they know that the majority of Australians support the Australian flag. Members opposite want to create an impression that somehow they empathise with people who support the flag as it stands; that is, the Labor Party tries, like everything else it does, to have two bob each way. The Labor Party panders to the republicans and the people who want a new flag, while at the same time it does not have the guts to tell the people who support the current flag that it will get rid of it from its advertising because it does not support it any longer. Where does the Labor Party stand?

Several members interjected.

The DEPUTY PRESIDENT: Order! Can we leave the red herrings to one side?

Hon N.F. MOORE: The Ashburton by-election is very interesting. It is disgraceful that the Government can come to a region such as the Ashburton with a bag of goodies. Like Father Christmas, the Government offers the good things that people want and says that it will look after the people. The Government says that it is a pity it could not come up earlier. The bottom line is that the Government has done nothing in the area for nine years. The people can see straight through the Government's pork-barrelling. The people see that for what it is. The more the Government does that, the fewer votes it will win.

I support the Address-in-Reply motion. I also support a change in membership at the Ashburton by-election on 4 April.

Debate adjourned until a later stage of the sitting, on motion by Hon Tom Helm.

MOTION - CASINO (BURSWOOD ISLAND) AGREEMENT (THIRD SUPPLEMENTARY AGREEMENT)

Disallowance of Agreement

Debate resumed from an earlier stage of the sitting.

HON MARK NEVILL (Mining and Pastoral - Parliamentary Secretary) [8.50 pm]: The parent agreement set foreign ownership at 40 per cent of the total units. A later agreement increased that to 58 per cent. A third agreement is now before the House to allow unit trusts to invest in the Burswood Property Trust. The problem with the existing legislation is that it does not allow foreign owned companies to hold above 50 per cent of units in the Burswood Property Trust. In this case Bankers Trust Australia Ltd is a wholly owned subsidiary of Bankers Trust America, although it is registered in Australia. Bankers Trust manages funds for Australian unit holders and the majority of those unit holders, in many cases 100 per cent, and in all cases above 95 per cent, are Australian. We should be considering those beneficially interested in the units of those trusts rather than the technical details of who actually owns them. The simple fact is that if those trusts are allowed to invest in the Burswood Property Trust, 95 per cent of the beneficiaries will be Australian unit holders or investors. The fact that BT is 100 per cent foreign owned is irrelevant. It is quite possible that a situation could arise, for example, with, say, a Westpac Unit Trust - which is Australian owned and therefore allowed to invest in the Burswood Property Trust - that the level of foreign ownership within a Westpac trust might be far greater than was the case with BT.

The Opposition initially supported the agreement in principle when it was tabled on 14 November 1991. At that stage the Opposition was happy with about 80 per cent of beneficial owners being Australian investors. The need for a high percentage of the actual value of money invested by those investors was then raised, and the Opposition indicated that it would like to see 80 per cent of the value of the investment being Australian owned before it would agree to these overseas managed trusts being allowed to participate in the Burswood Property Trust. The Government was not in a position to amend the agreement because it had already been tabled and therefore the agreement could not be withdrawn or amended. The Government is quite happy to include the 80 per cent value clause in a fourth agreement, but that cannot be done before Anzac Day as 12 sitting days are required before it can become operative. There does not seem to be any objection to the second part of this agreement which would allow two-up to be played on Anzac Day at Return Services League clubs within a 200 kilometre radius of Perth. However, 12 sitting days are required before the 80 per cent value clause, the subject of a fourth agreement, can be operative and the Government is not in a position to put that amendment before the House to satisfy the Opposition's request.

The Minister for Racing and Gaming has given the assurance, which I will repeat, that she will not amend the trust deed until the fourth amendment is passed through this House. That amendment will ensure that 80 per cent of the value of any foreign owned trust that invests in Burswood Property Trust will be owned by 80 per cent Australian unit holders. The Leader of the Opposition, Hon George Cash, has said the Opposition is happy to discuss the matter with the Government. I have figures which demonstrate the overseas shareholding of units in some of these trusts. Of the nine BT-type trusts, six have 100 per cent Australian ownership and the other three have greater than 95 per cent Australian ownership. Allowing these overseas controlled trusts to invest in Burswood Property Trust would not significantly affect the foreign ownership of these trusts. The Government is not in a position to change this amendment at this stage as there is not enough time to bring that fourth amendment forward before Anzac Day. However, if the Opposition accepts the goodwill of the Minister in saying that she will bring in that fourth amendment and that she will not alter the trust deed until after that fourth amendment is passed by this House, the requirement of the Opposition will be met. I trust the Opposition will find that proposition acceptable.

Debate adjourned, on motion by Hon P.G. Pendal.

ADDRESS-IN-REPLY - THIRD DAY

Motion

Debate resumed from an earlier stage of the sitting.

HON TOM HELM (Mining and Pastoral) [9.00 pm]: I support the statement by the Governor and congratulate him on putting such a statement together -

Hon E.J. Charlton: He didn't!

Hon TOM HELM: - and delivering it to this place.

Hon E.J. Charlton: You cannot blame him for that.

Hon TOM HELM: I am praising him for it. It was a very good statement as an indication of how the Lawrence Labor Government will proceed during the next 12 months. I also record my appreciation for the work of Hon Pam Buchanan who recently retired from the Parliament. She has done a great deal for the people of the Pilbara. My friendship and involvement with Pam goes back to the time when she was the electorate officer for Hon Peter Dowding, a former Premier of this State. When I moved to Karratha in 1981 Pam and I struck up a friendship straight away. I knew of Pam's background in Paraburdoo and other towns in the Pilbara, and that she was a tireless worker in Wickham where she lived and Roebourne where she worked. She gained a great deal of respect in the area and it was a natural progression for her to become the member for Pilbara and then the member for Ashburton. It is a great shame that she has retired due to illness, and I hope she has a speedy recovery. Her contribution to the Ashburton electorate is well recognised and understood. She is a great loss to the parliamentary system because she followed the Labor Party traditions through and through.

Hon P.G. Pental: It is a pity that the Labor Party did not recognise it.

Hon TOM HELM: As we have been advised by the previous speaker, a by-election is to take place in Ashburton. Therefore, it is only fair to comment at some length about the by-election and about some of the things proposed for the people of this electorate when they make their choice regarding who will be the better candidate. The Leader of the Opposition told us that the by-election was a cynical exercise - I think this was repeated by Hon Norman Moore - in that Hon Pam Buchanan's retirement was related to the passing of the Marandoo project Act. It was claimed that these issues were tied together for political purposes.

Hon N.F. Moore: I did not say that.

Hon TOM HELM: If that is the case, I withdraw my comment. Hon Norman Moore knows a little more, although not much more, than the Leader of the Opposition about the area.

Hon N.F. Moore: I wanted you to get it right.

Hon TOM HELM: Anyone with half a brain would know that Hon Pam Buchanan resigned on 3 March, and gave a warning in the previous week that this was to happen. Therefore, this was public knowledge. The Marandoo proposal was being discussed in the Press before Christmas, when it was known that the development had problems with the infrastructure corridor because of the amendments to the Aboriginal Heritage Act introduced by the Liberal Government in 1978. It was claimed that the proper clearances for this project were given in 1977; however, the survey was out of kilter with the current situation. The Marandoo project would not have proceeded as quickly as it did without the legislation passed in the last session. Therefore, the two events were not linked. The timing of the legislation and the member's resignation are miles apart.

The difficulties arose with the project as a result of amendments introduced by the Court Government. Although Hamersley Iron professed that no important sites were in the area of the project, we are led to believe that in excess of 320 places of significance have been defined in the area by anthropologists and the Museum. Also, Hamersley Iron Pty Ltd delayed the project voluntarily to allow the collectors and Karijini people to discover 10 000 artifacts. These are of interest not only to Aboriginal people but also Australian people as a whole; a nation which does not know its history will suffer from its history.

The Leader of the Opposition is wrong on all counts: The timing was out because many developments took place with the Marandoo project before Hon Pam Buchanan, officially or

unofficially, announced her resignation; and many sites were found on the Marandoo project and on the western and eastern infrastructure corridor. The comments of the Leader of the Opposition were a cheap jibe that did the Liberal Party and himself no good; they were incorrect.

In discussing the Ashburton by-election the scurrilous suggestions that port barrelling has, or will, take place must be dealt with. I now give the Liberal Party members a history lesson: Firstly, the matters of the swimming pool in the town of Roebourne and the locums at the hospital have not just appeared out of thin air. They were current issues prior to the by-election being called. When I was a shire councillor on the Roebourne Shire Council in 1985 a petition came from the town of Roebourne for a swimming pool to be built. Therefore, the member is nearly right in that regard; a push took place for a swimming pool. However, Hon Pam Buchanan said in her maiden speech in the Parliament that a swimming pool would be provided to that town. Funding was provided in 1985, when I was a shire councillor, within the Education portfolio. However, the shire was reluctant to take the responsibility for the swimming pool because, as members would know, the swimming pool at Karratha is losing bucketfuls of money, as is the pool at Kalgoorlie, I believe.

Hon Doug Wenn: Even in the south, Comrade Helm.

Hon TOM HELM: I doubt whether a public swimming pool anywhere in the world makes money. Therefore, the shire was reluctant to acquire the ongoing costs of running a swimming pool in Roebourne even though pressure was exerted from the town for that pool. Hon Norman Moore said, "Good on them." The shire was reluctant to take on the responsibility and I agree with Hon Norman Moore. The faces in the shire may have changed, but it could not be said that the Shire of Roebourne was necessarily a Labor Party supporter; it contains a good mix of Liberal and Labor Party supporters, and some swinging voters. The structure has not changed. However, the election of Fred Riebeling as president of the shire has resulted in his convincing the shire that it could support a swimming pool in the town of Roebourne. That has happened. The local school has taken the responsibility for the pool to be placed within the school grounds. Some responsibility will be met by the local P&C, but the shire will take responsibility for some of the recurrent costs. These matters have come together at this time.

Even if Fred Riebeling were not the Labor Party's candidate for the seat of Ashburton, he would have done it anyway. He has been a shire councillor for some time and he has a record of community service. He has been an active member of the community including being involved in the activities in which his children are involved, for a long time. It is part of his progression of involvement that he should now use all of his efforts to ensure that a pool is built in the town of Roebourne.

Hon N.F. Moore: Why are they now calling him Porky Riebeling?

Hon TOM HELM: I do not know. Has he put on weight?

Hon N.F. Moore: Ever since he announced the construction of this pool he has had the nickname Porky Riebeling.

Hon TOM HELM: He is not called that in the circles in which I move. However, I am glad to say that the statement I have just made has not been denied, because that is exactly what happened.

Three weeks ago I went with the Minister for Sport and Recreation to Roebourne to talk to the people who were agitating for a pool to be constructed in that town. The Minister had had the proposal for a pool in Roebourne before him for some time and a budget allocation had been made. It was only a matter of our going to see the people of Roebourne to find out how they proposed to make a go of the pool when the project was discussed.

I now refer to the other piece of pork-barrelling to which Hon Norman Moore referred; that is, the introduction of the two doctors to Karratha. He knows that, in the 1980s, we had problems getting doctors to come to Karratha. It was an ongoing problem even when the Liberal Government was in office. The shire council has now taken some responsibility for this matter and encouraged doctors to come to Karratha or even to the Pilbara because it is a Pilbara problem, not only a one town problem. Although we are told by our Federal colleagues that there is an oversupply of doctors in this nation, we cannot get doctors to come to the north west and when we do get them there they do not want to stay.

Hon E.J. Charlton: You cannot get them to go over the Darling Range!

Hon TOM HELM: Nonetheless, the only time we will be successful is when the shire takes some responsibility for encouraging doctors to go to country towns. I am aware of a country town that cannot get a doctor even by offering a basic rate of \$300 000 a year for a five days a week 9.00 am to 5.00 pm job. Many doctors still think that the Pilbara is a wild west frontier that is no fit place in which to bring up children or be a doctor. They can get the same amount of money or a little less in the metropolitan area. However, a doctor has taken on the practice and another doctor will be appointed as soon as he arrives. That doctor has not been offered only six months because that is all the money available with which to pay him; a doctors' practice is a private enterprise business. Doctors come to the north west under north west doctors' agreements. They are subject to industrial agreements as is everybody else. I do not know what is provided in the Liberals' Fightback WA package; nevertheless doctors are subject to agreements, but they can come and go as they choose. If we can get doctors to come to the north west and stay for a while, we will be able to prove to them that the north west is the place for them to stay. Ashburton is not a bad place for them to stay either, because I lived there for six years and I believe I improved while I was there.

Hon P.G. Pental: Do you reckon you will convince these blokes in six weeks to stay there?

Hon TOM HELM: I do not know. We have a problem trying to keep public servants there for more than six hours, particularly in the summer. We have trouble keeping anybody who lives south of the twenty-sixth parallel there for any length of time. I do not understand why that is, but I think they have a mind set before they arrive. It is like the whingeing pom in Australia; he always knew he would not like it here.

Hon E.J. Charlton: You would not stay there; you wanted to come down here too.

Hon TOM HELM: Hon Eric Charlton must be joking. I had to come down here because I had no choice. When I was elected to the electorate of North Province, the house that I lived in belonged to Hamersley Iron. Because I had become a member of Parliament, Hamersley Iron was a bit reluctant to supply a house for me. At that time, I could not afford a house in Karratha because, in 1986, during which time Hon Norman Moore tells us nothing was happening in the Pilbara, about 3 000 people were working on the Burrup constructing the gas facility.

Hon P.G. Pental: That was nothing to do with you.

Hon TOM HELM: I know. There are many stories I could tell about the Burrup, but one cannot say that the construction took place when the Liberals were in power, because it did not. Stages one and two were constructed when the Labor Government was in office. Those construction phases were very successful because of the industrial relations policies that were in place at that time. That is a record of which we can be proud. However, no houses were available at that time in Karratha at a price that I could afford and I left Karratha and lived in Port Hedland because I could afford to buy a house there. However, members can be assured that I did not leave the north for long and I did not leave because I wanted to; I left because I could not live in Karratha any longer. That is a reflection of what has happened in the Ashburton electorate since this Government has been in office.

Hon Peter Foss interjected.

Hon TOM HELM: A solicitor from Perth must not have much between the ears if he says that nothing much happened in the Pilbara. The pipeline from Dampier to Bunbury must have been put there by gremlins or leprechauns. Record percentages of iron ore that have been shipped out of the region with a reduced labour force must also have been shipped out by leprechauns.

Hon Peter Foss interjected.

Hon TOM HELM: I could not support a right wing, fascist organisation like Robe River Iron Associates. There is no evidence to suggest that Robe River has added one little bit to the productivity records of the iron ore industry. If the member can prove that to me, I will apologise.

Hon Peter Foss: You know that there has been a 400 per cent increase in productivity.

Hon TOM HELM: The member should think about what I am saying: Robe River has not

added to or improved upon the iron ore productivity record of the Pilbara. Before he rises to speak in this debate I advise him that BHP recently produced a document in which it said that the record of employees of BHP could not compare with the productivity record of Hamersley Iron or Robe River. When BHP was challenged, it apologised for making the statement because there was no way that that could be proved. Do members know why there is no way? Anybody in the Pilbara will tell them. Robe River produces scree iron ore; that is, the dirt that lies on the ground. It does no digging underground and there is no overburden.

Hon E.J. Charlton: Is it a different set-up from what it was?

Hon TOM HELM: Has Hon Eric Charlton been there?

Hon E.J. Charlton: Yes.

Hon TOM HELM: Then he will know how different it is. Robe River has done nothing different from the time the operation first started. It has always mined scree.

Hon Peter Foss: The productivity is four times as much per employee as it was previously.

Hon TOM HELM: That may have nothing to do with the employees but may be a result of the machinery used.

Hon E.J. Charlton: Not even you believe that!

Hon TOM HELM: It is true.

Hon Fred McKenzie: There is a difference between open cut mining and underground mining and it is the same argument.

Hon TOM HELM: If for the sake of this debate we assume that Hon Peter Foss is right in saying that productivity has increased by 400 per cent per employee, the same increase in productivity may have occurred at the mining operations of Hamersley Iron Pty Ltd and Broken Hill Proprietary Co Ltd.

Hon Peter Foss: That is because of the lead given by Robe River.

Hon TOM HELM: Hon Peter Foss is having two bob each way. If Robe River gave the lead, why has Hamersley Iron not gone down the same track and why is it negotiating? If Robe River gave the lead why has BHP not gone down the same track and why does it still have the same work force?

Hon Peter Foss: Are you saying that they have all recorded the same increase?

Hon TOM HELM: Yes.

Hon Peter Foss: I would like to see the figures. If you show me your figures I will show you mine.

The DEPUTY PRESIDENT (Hon Garry Kelly): The exchange between Hon Peter Foss and Hon Tom Helm is very entertaining, but Hon Tom Helm has the floor and we should listen to his contribution to the Address-in-Reply.

Hon TOM HELM: It was a useful exchange and I apologise to Hon Peter Foss -

The DEPUTY PRESIDENT: Hon Tom Helm should address his remarks to me and I promise not to interject.

Hon TOM HELM: I would not do otherwise, Mr Deputy President, but *Hansard* should record, and the people of Pannawonica and Wickham will be pleased to learn, that Hon Peter Foss as a member of the Liberal Party is defending the record of Robe River. That will go down well in those two communities.

Hon N.F. Moore: Surprisingly, it does.

Hon TOM HELM: I should also point out for the benefit of some people in the seat of Ashburton who may feel miffed, that Hon Norman Moore omitted to include the town of Point Samson when he listed the towns in the Ashburton electorate.

Hon N.F. Moore: That is quite right and I apologise to the people of Point Samson.

Hon TOM HELM: I am sure it was just an oversight. It should also be made clear -

Hon Peter Foss: Tell us about the subdivision with all the lovely blue asbestos.

Hon TOM HELM: Perhaps Hon Peter Foss has been there.

Hon N.F. Moore: I was there at the weekend.

Hon TOM HELM: If the people of Telfer think they will be able to vote in the by-election at Ashburton they should be told that they will not have an opportunity because they are in the electorate of the Pilbara.

Hon P.G. Pental: That has never stopped the Labor Party in the past.

Hon TOM HELM: The member representing the area apparently is not aware of the changes made to the patients' assisted travel scheme whereby people who would need to travel more than 16 hours by road from their residences to a medical appointment in Perth are entitled to travel by plane. Therefore, anyone living in Karratha who needs to travel to Perth for a medical appointment can travel by plane. Certainly it would not be possible to travel by road - whether by bus, horse and cart, train or whatever - from Karratha to Perth in less than 16 hours without breaking the road traffic laws.

Hon N.F. Moore: I listed all the reasons why people in the Pilbara were cheesed off about the health system. One of the major problems is the PAT scheme and if you ignore my comments you will do so at your own political peril.

Hon TOM HELM: We will discuss that matter another time. The Opposition may think it is a good idea to confuse people with misinformation but Hon Norman Moore said that people were cheesed off because they must travel by bus from Karratha to Perth for medical appointments and that they were encouraged to do so. However, that is not the case. No one will force people to travel by air and, of course, some people may prefer to travel by bus. However, they will have the choice of travelling by air if they so wish.

I have covered some of the comments made by Hon Norman Moore, and I now put the record straight to let the people of Ashburton know where they stand on the question of voting for the Liberal Party candidate or for Fred Riebeling who has lived in the area for 10 years and is now Shire President. People should be aware - and this was mentioned by Hon Norman Moore - that the Lawrence Labor Government's WA Advantage package was distributed to all the people in Ashburton. Hon Norman Moore said that he had spoken to people in Port Hedland who had not received a copy. I think I know to whom he spoke, but nonetheless I have distributed many copies of the document to people in Port Hedland and other areas. Members of the Labor Party can be quite proud of this document.

Hon N.F. Moore: Have you distributed it to the people in Western Australia using your own funds?

Hon TOM HELM: I would send out this document because I am quite proud of it.

Hon P.G. Pental: You did not get your franking machine mixed up with somebody else's?

Hon TOM HELM: I do not know about Hon Phillip Pental, but I do not have a franking machine.

Hon N.F. Moore: Does the Government give you a car?

The DEPUTY PRESIDENT: Order! I suggest we get back to the Address-in-Reply.

Hon TOM HELM: I have a leased car.

Hon N.F. Moore: No, I mean the other one.

The DEPUTY PRESIDENT: Order! Hon Tom Helm should address his remarks to me and members should cease their disorderly interjections.

Hon E.J. Charlton: We want to know whether you have a car.

Hon TOM HELM: I do not have a Government car but I have a leased car in the same way that other members of Parliament in the Pilbara have one.

Hon N.F. Moore: Do you get one to use in Perth?

The DEPUTY PRESIDENT: Order!

Hon TOM HELM: I do have a car as chairman of the Delegated Legislation Committee and the previous chairman also had the use of a car. I thought the chairman of that committee was an important person who deserved a car. Perhaps other chairmen are not that important.

I do not know, and it is not my fault. I did not ask for the car; it was given to me. I am sorry if that upsets members opposite. If members in this House are jealous and they want me to approach the Premier on their behalf I will do so.

Hon E.J. Charlton: What about a fair deal for your comrades?

Hon TOM HELM: All my comrades should get a fair deal. I have always fought for and believed in a fair deal for everyone. I advise members in this place who are unhappy with the fact that I have a car because I am chairman of the Delegated Legislation Committee - and it has been going on for a few years since before I was chairman - and who have raised the matter in this debate, that the time to do so is any time outside the Chamber because then it can be sorted out.

Hon Fred McKenzie: You should also have a driver and you do not have one.

Hon TOM HELM: I do not have a driver; I drive myself. I can understand members opposite talking about a car because it will stop us wondering why the Liberal Party's Fightback package has not been distributed.

Hon Peter Foss: Better a Fightback than a kickback.

Hon TOM HELM: I do not know whether it is better than a kickback, a look back or a kick in the guts pack.

Hon N.F. Moore: A pamphlet of the summarised version was sent out.

Hon TOM HELM: I hope for the sake of the Liberal Party that the pamphlet omitted some of the things I will bring to the attention of the House. A matter of importance to the people of Ashburton is that the introduction of Hewson's goods and services tax will guarantee not only a 13 per cent increase in the cost of food and clothing in the north west -

Hon Peter Foss: Is that not a problem up there?

Hon TOM HELM: The problem is that we have to pay freight costs of 13 per cent which will increase by 15 per cent under Hewson's GST.

Hon Peter Foss: No, they will not, because the price of fuel will go down by 27¢ a litre.

Several members interjected.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order!

Hon TOM HELM: Costs will increase for most people in this State by a few per cent. It has been accepted by Mr Reith that the CPI will increase by about four per cent, so we will see a 15 per cent increase in the cost of freighting goods from Perth to the north west.

Hon E.J. Charlton: That is absolutely and totally wrong, and you should know that.

Hon Peter Foss: You know that is wrong.

The DEPUTY PRESIDENT: Order! Hon Peter Foss and Hon Eric Charlton will have time to make their contributions when they speak.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon TOM HELM: Even being kind, the increase in freight costs to the north west will be at least seven per cent. The reason this package has not been distributed in the Ashburton area is that it will mean increased costs. Mr Reith, the shadow Federal Treasurer, has said that the CPI will increase by four per cent.

Hon Peter Foss: It will go down by 30 per cent.

Hon TOM HELM: We are talking about why WA Advantage is being distributed in Ashburton and the "Lookback" document is not being distributed in the same way. As a result of the changes outlined in this document there will be an increase of four per cent in the CPI. In the words of the pseudo Liberal, Eric Charlton, costs will go up by seven per cent as a result of the GST.

Hon Peter Foss: Will the price of fuel go down?

Hon TOM HELM: Surely there is more than one component in freighting goods from one place to another. Members opposite must tell me at some time what is the difference

between the GST, the VAT in the United Kingdom and the goods and services tax in New Zealand, and what has been their effect on those economies. If any member can demonstrate to me that a goods and services tax introduced anywhere in the world stayed at the rate at which it was introduced and did not increase the CPI and maintain that increase, did not have a major impact on inflation, or that it was introduced somewhere in the world and did some good, I will be pleased to listen to him. The next aspect of the "Lookback" package tells us how the Liberal Party will sell Stateships when it comes to power.

Hon Peter Foss: Deal with the fuel cost honestly and the fact that it will be reduced by 27¢ a litre.

Hon E.J. Charlton: And how the Labor Party uses the CPI to increase the price of petrol and never puts anything back into roads.

Hon TOM HELM: The "Lookback" package talks about a maritime resource industry being developed on the existing fishing, ship building, naval and offshore oil and gas industries and says that a detailed study is being prepared to ensure this opportunity is not missed. It then says that Stateships will be sold and that private enterprise will be responsible for all goods going from Perth to the north west including the Pilbara, the seat of Ashburton, and the port of Dampier. Stateships does visit Dampier because it can carry goods as cheaply as anybody else. Some of the larger things such as containers can be transported by ship much more cheaply than by road. That is why I call this the "Lookback" package because everybody knows that road freight damages the environment and the roads and costs a fortune. However, the Liberal Party says one of the first things it will do is sell Stateships.

Hon George Cash: What did I tell the member yesterday? He should not misrepresent the situation. I said we would ensure an equivalent or better service was provided to the north west.

Hon TOM HELM: How? That is the first question.

Hon George Cash: If Hon Tom Helm had listened to what I said he would have heard me say that we have already been approached by certain shipping companies which have assured us that they can provide that service. If there is a need for a subsidy, we will provide it. I regret that the Fightback document does not have pictures in it so that Hon Tom Helm could better understand it.

Hon TOM HELM: It does not contain explanations, or say that.

Hon George Cash: Hon Tom Helm does not understand the document.

Hon TOM HELM: Hon George Cash will have a tough time pointing out to me where the explanations are contained in this document.

Hon George Cash: Sit down and then come to my office and I will explain about Fightback to you.

Hon TOM HELM: I am sure a debate took place when the North West Shelf gas operation commenced as to whether gas could be supplied competitively and that it was said that if it could not be a way would be found to fix things up. That is why we now pay for gas that we are not using. That is why we can trust the Liberal Party to get rid of Stateships so that taxpayers can provide a subsidy to private enterprise to provide the service that Stateships was already providing. We have already been there and done that. That is why I call this document "Lookback". We know that subsidies are provided to private enterprise and public enterprise. However those are just words. This document means that taxpayers will pay, irrespective of whether they do so through the shopping basket or taxes. They will pay because everyone knows that services to the Pilbara and the north west are provided as just that - a service. The "Lookback" package says that the roads to the north west are adequate to carry freight.

Hon N.F. Moore: It does not say that.

Hon TOM HELM: It does say that.

Hon N.F. Moore: It is obviously a typographical error if it says that, I can assure Hon Tom Helm.

Hon TOM HELM: The Opposition wants to sell Stateships because it says the roads are

adequate to carry freight to the area. If the roads are inadequate, why would the Opposition sell Stateships?

Hon Peter Foss: Because private enterprise can run that service a lot more efficiently than the State; we all know that.

Hon TOM HELM: That was the story in relation to the North West Shelf. What else will be done for the north west under this package? Small business incentives will provide for a new gas fired power station. However, the package does not say whether that power station will be provided by private enterprise.

Hon Peter Foss: It will be.

Hon TOM HELM: I am glad. The document does not say that, but one can assume that if it is a Liberal Party package it will involve private enterprise. Let us build a power station that will be wonderful for employment. We will see construction teams up there and when the power station is finished and fired up and shoving out electricity, who will use it?

Hon Peter Foss: While this Government is there the area will have nothing but when we are in Government it will have something.

Hon TOM HELM: It does not say that. It says we are not pork-barrelling here.

Hon N.F. Moore: Pork barrelling is spending money to promote one's own party. We are talking about private enterprise money to develop industry in the north.

Hon TOM HELM: It does not say that. It states at page 5 that -

The Liberals will tackle the infrastructure backlog with a renewed emphasis on building for the future. Some of the major projects which will be pursued include:

- a specialised container port in the Kwinana area;
- a new power station and electricity grid for the Pilbara -

Hon Peter Foss: Do you think that is what pork barrelling is?

Hon TOM HELM: I do. I think it is making promises that the Liberal Party cannot keep or will have to fund with somebody else's money.

Hon N.F. Moore: You are wrong.

Hon TOM HELM: The member can explain that when it is his turn. I turn now to page 9 of Fightback WA and to the heading "The Pilbara Plan". It is worth including this in *Hansard* because this is the background to the document that the Liberal Party will go to the nation with. The Fightback WA document states that -

Western Australia's two major industrial centres - Kwinana and Kemerton - will be expanded to three with the further development of the Pilbara.

Its rich resources and energy base make it an ideal centre for value-added processing and new employment growth.

The Liberals will take the Pilbara into this new era of downstream processing in the 1990s, just as they opened it up with the iron-ore mining industry in the 1960s.

The Pilbara Plan includes: construction of a combined cycle gas fired power station; establishment of an electricity and gas grid; and a sealed road link with Kalgoorlie.

That is it - just four paragraphs about a plan for the main revenue generating place in this State: The Pilbara!

Hon N.F. Moore: You will have to hold your breath because the Pilbara plan will come out as a major document before the election.

Hon TOM HELM: The member would not say this is a Mickey Mouse document, would he? I think it is, but it should not be.

Hon N.F. Moore: It is your summary of what we have in mind.

Hon TOM HELM: That is really good. The people of Ashburton will be pleased to know that the Liberal Party has Ashburton on its mind.

The Fightback WA document refers also to mining in national parks and to clearances of

Aboriginal sites so that mining can take place and we can produce more iron ore. That is very interesting, but some members of this House will know that the amount of iron ore being produced in the Pilbara is at record levels and that the iron ore companies are talking about reducing their levels of production because there are no sales of iron ore. If we go down the Liberal Party path - that is, if we allow mining as long as the national park that is being mined is rehabilitated -

Hon N.F. Moore: You want to be able to mine the Hamersley Range National Park.

Hon TOM HELM: I am not saying the Liberal Party is wrong.

Hon N.F. Moore: I thought you were being a bit critical.

Hon TOM HELM: Not at all. I am just making sure that people know that the born again greenies in the Liberal Party -

Hon N.F. Moore: Would you like to come and do an advertisement for us?

Hon TOM HELM: Of course I could. I am just saying that what the Liberal Party will do for the people of Ashburton is ensure that land in national parks that is mined is rehabilitated and that there are clearances of Aboriginal sites. This document is very airy fairy on mining but one can assume that the whole of the Shire of Ashburton will be covered by anthropologists and people who are recognised in the field to make sure that -

Hon Peter Foss: You might need to look at it 25 times to get it right.

Hon TOM HELM: Yes. It will be necessary to go through the whole of the Pilbara and the north west, or the whole of the State, and check every bit of ground to make sure that we get it right. We must have got it right because we found the sites that the Aboriginal people said were there, so it must have been right in the end despite what members opposite are saying.

Hon N.F. Moore: The Karijini are not too happy about it.

Hon TOM HELM: I am not happy about it and neither should members opposite be happy about it. The fact is that the Liberal Party will go over every inch of this State to ensure that wherever the mining companies want to go they can, because any sites of significance will have been cleared. I do not know whether it will do the clearances under the present Act or under the Act as it is proposed to be amended, but the Liberal Party is saying that every area to which a mining company goes will be cleared. That is impractical. It is not possible to clear such a vast State as ours to ensure that there are no significant sites. On the other side of the coin, Marandoo has been recognised at least since 1977 as being an enormous deposit of some significance, but it was not in the best interests of Hamersley Iron to exploit that deposit at that time, and no-one knew until the last minute, because of commercial confidentiality, that the deposit was to be exploited. We are saying that what goes on now in the Liberal Party will continue. The Liberal Party will go through the same exercise and ensure that all of the sites that are there or are seen to be there are either moved, mined, or gone around, or whatever the case may be. There is nothing new in this document, and it is no different from what the Government is doing anyway.

Hon N.F. Moore: Most people are looking back to the time when we were in Government when something actually happened in the Pilbara.

Hon TOM HELM: Another topic that is dealt with in the document at page 20 is headed "Exploration and Research - The Key to Future Growth". It states that the Liberal Party will update the State's geological map suite with the progressive inclusion of aeromagnetic and geochemical data on all map sheets. I wonder whether the Liberal Party has heard of a group called Wallis, which is the section of the Department of Mines, that already has in place such a program.

Hon Kay Hallahan: It is a brilliant scheme.

Hon TOM HELM: Yes. The people who put together this Fightback WA package do not know that we are doing that already, yet this is being promoted as something that the State needs to do.

Hon Kay Hallahan: It is the same as their offer to school teachers.

Hon TOM HELM: Yes. I would be remiss if I did not tell the people of Ashburton how the Liberal Party will approach labour costs. The document states at page 40 that -

The Liberal commitment to establishing genuine enterprise bargaining will pave the way for major work place reform.

Does anyone know what is happening at BHP, Hamersley Iron or Woodside? How would one describe that if that is not enterprise bargaining? Enterprise bargaining has been recognised by the Industrial Relations Commission as a fact of life. It is happening now. That is the issue that the people of Ashburton should know about. If the Liberal Party candidate is elected, she will have a document that is nearly as old as *The Holy Bible* for her guidance, because most of the things in Fightback WA are already happening and I am sure she would not agree with some of the things in this document. I know Mrs West has lived in the area for only six years but I am sure she understands the importance of Stateships, to the north west in particular.

Hon N.F. Moore: How important is Stateships to Ashburton?

Hon TOM HELM: It was very important to Woodside Offshore Petroleum Pty Ltd at the time.

Hon N.F. Moore: Stateships did not even go there, and now the Government is saying it will bring the service back again.

Hon TOM HELM: The Fightback WA package is really a selective look back. If we look back at what the Liberal Government did up until 1983, when we got wise to it and kicked it out, and at the progressive things the Labor Government has done since 1983, if the Liberal Party had learnt from those lessons it would not have produced a document which gave this sort of information. It is not a blind bit of use to anybody.

Let us see what the Liberal Party says it will do now. Hon Norman Moore told us, and I am not saying it is true, that the population of the Pilbara had remained static since 1983. He said that in the olden days an iron ore worker could be pretty sure that his children would get employment on the mine. That is true; I worked there in 1980. So, because of productivity bargaining and increased productivity, and because of the use of new technology and the smarter society that the Federal and State Labor Governments have allowed to develop, there is no need for the work force we had then. That is to be admired, is it not? Did we not want increased productivity?

Hon N.F. Moore: Of course, but we also want some new industry and growth.

Hon TOM HELM: Productivity means fewer people.

Hon N.F. Moore: And no new industry?

Hon TOM HELM: Hon Norman Moore said there was a new one that was closed down.

The DEPUTY PRESIDENT (Hon John Caldwell): Order! It would be a good idea if members paid a little attention to the speaker on his feet. He has only eight minutes left. He is making a marvellous speech but we do not want him to have to ask for an extension of time unless it is absolutely necessary, and that might be the case if there are many more interjections. I ask the member to address his remarks to the Chair.

Hon TOM HELM: I will address my remarks to you, Mr Deputy President. They are just unruly interjections that we can do without.

As Hon Norman Moore pointed out, the days when our children could get employment in the Pilbara have gone. The figures across the board - and I am talking in broad terms - show that we are now producing twice as much ore as we were in the early 1980s, with half as many people. I calculate that that is a 400 per cent increase in productivity across the board for almost everybody. The fact is that it is getting worse, and that is the bottom line. The Fightback WA document tells us at page 62 -

Responsibility for industrial relations and the conditions of employment will be shifted back on to employers and employees at the enterprise level.

Opposition members: Hear, hear!

Hon TOM HELM: The people of Ashburton will be thrilled and excited about that, because that is exactly what they are doing. If members opposite told the people at Woodside that they must talk to somebody else, either employers or employees, they would wonder where members opposite had been for the last five or six years. With whom do members opposite

think the unions have been negotiating? I can understand why this Fightback WA document has been kept top secret - some of the things in it are simply crazy.

Hon Peter Foss: Are you saying those people never have to go anywhere near the commission?

Hon TOM HELM: If Hon Peter Foss thinks that the commission is part of the negotiating process until it gets to the commission in full session, he is crazy. If he cannot tell me how many times companies except for Robe River - BHP, Hamersley Iron or Woodside - go to the full commission to negotiate, he does not know what is going on in the Pilbara. Then again, neither do the rest of the members of the Liberal Party, so we should not be surprised.

I turn now to the Liberal Party's decentralisation policy, which takes up one and a half columns on page 64 of Fightback WA. The document talks about decentralising to Bunbury and proposes to send 2 000 public servants there. Hup, two, three, four - off they go to Bunbury! That is part of the Liberal Party's package. Perhaps it is not enough; perhaps Bunbury will get 2 000 more whether they like it or not. But let us see what will happen in the Pilbara. Point 11.3 of Fightback WA outlines "The Pilbara Plan" and talks about the construction of a combined cycle gas fired power station but says nothing about the poor old Pilbara getting more public servants.

Hon Peter Foss: You have said there is no work there.

Hon TOM HELM: If the Liberals can send public servants to Bunbury they will do so; they have said so in this document. However, the poor old Pilbara will still be run from Perth. If they have to send 2 000 public servants to Bunbury, I would imagine they would be sent from the Pilbara straight to Bunbury, and we would have even more control from Perth. So perhaps the people of Ashburton will be pleased to see that any decentralisation in the State certainly will avoid the Pilbara, which is not part of that plan. It does not need decentralising. Surely it is better that it be run from Perth, as it was in Sir Charles Court's day.

Hon N.F. Moore: They would rather have industry than a big stack of public servants.

Hon TOM HELM: To conclude, I will read again from the Fightback WA document. This is a classic. On page 69 there is a heading "12.5 A New Era of Water Resource Assessment". It mentions the Pilbara in particular. We have a bit of a water problem in the Pilbara because there is a bit of desert there. Did the Liberal Party not know that? The Fightback WA document does not talk about the Harding River dam.

Hon N.F. Moore: That is because it is already there.

Hon TOM HELM: Under the heading "A New Era of Water Resource Assessment" Fightback WA says -

As the population increases so too will pressure on our finite water resources. To provide those resources with proper environmental protection the Liberals will revitalise the State's Water Resources Assessment, Management and Research Program by:

- . providing the new Salinity and Land Degradation Control Authority with increased funding for the Stream-gauging and Water Quality network;
- . increasing funding for Geological Survey for the assessment of groundwater resources, including hydrogeological-resource mapping of the State;

They will do that again.

Hon P.G. Pandal: What is your answer?

Hon TOM HELM: Does Hon Phillip Pandal know that there is a proposal to have a Kimberley pipeline?

Hon P.G. Pandal: Not even your Government actually believes in that, except the public relations element of it.

Hon TOM HELM: The people of Ashburton need to know that the Kimberley pipeline does not even rate a mention in the Liberal Party's water resources program.

Hon Peter Foss: The Kimberley pipe dream!

Hon TOM HELM: That is another thing which must be said: The people of Ashburton should be aware that the Liberal candidate must be a part of the Liberal look back package. The package goes nowhere and means nothing. The Liberals do not have a clue; they keep looking backwards and refuse to recognise what this Labor Government has done. I support the motion.

Debate adjourned, on motion by Hon Peter Foss.

House adjourned at 10.00 pm

APPENDIX A

24th October 1989

The Honourable Mr G Hand MHR
Minister for Aboriginal Affairs
Department of Aboriginal Affairs
CANBERRA ACT 2601

Dear Sir,

RE: ABORIGINAL LEGAL SERVICE OF WESTERN AUSTRALIA

I am writing to you out of concern at the direction in which the Aboriginal Legal Service of Western Australia (ALS) is being taken by its present management.

I believe that I am well qualified to express an opinion as I was employed by the ALS in Perth, Carnarvon and in Geraldton as a Solicitor for a period of three and a half years until June 1987 when I left the Service to practice privately.

I am also aware that the operations of the ALS have been of considerable concern to your Department for some time and that the Department has in fact been carrying out a review and investigation of the ALS.

Of particular concern to me is the fact that the ALS is now permitting its full time salaried Solicitors in country centres to operate private legal practices in conjunction with the ALS practice.

In particular I understand that the ALS is permitting its Geraldton Solicitor who is employed by that Service in a full time capacity to operate a private legal practice out of the Geraldton ALS office using the Geraldton ALS staff and facilities. I further understand that the ALS lawyer pays a percentage of the income derived from his private practice back to the ALS by way of contribution towards the use by him of the ALS facilities.

I object in principle to the ALS permitting its full time salaried Solicitors to operate private practices.

I also object to the use of facilities, funded by the tax payer, by an individual for private reward or financial gain and I believe that the vast majority of Australian tax payers would share my view in this regard.

I stress that my criticism is not of the ALS Solicitor involved, but of the ALS management which has, apparently, agreed to permit the lawyer to operate a private practice concurrently with a full time ALS practice.

I concede that such an arrangement indirectly affects private legal practices, such as mine, which have to bear the full cost of overheads associated with such practice.

I believe that your Department must intervene in the interests of Aboriginal people in Western Australia and direct the ALS to rescind any such arrangements it has made with its full time salaried Solicitors.

I should be obliged if you would acknowledge receipt of my letter and advise me of what attitude your Department has with respect to the matters I have raised herein.

I look forward to hearing from you in the near future.

Yours faithfully,

G.F. GRAY

Minister for Aboriginal Affairs
Canberra A.C.T. 2600

Dear Mr Gray

You wrote to me on 24 October 1989 to express your concern at the arrangement applying between the Geraldton office of the Aboriginal Legal Service of WA (ALS) and its solicitor.

This arrangement is currently under review by the ALS at the request of the Department of Aboriginal Affairs. In the meantime, I am assured that the amount of private practice involved is minimal, and that any ALS facilities used in such practice are paid for through fees generated.

I understand that the issues you raised have since been discussed at a meeting of the Northern Regional Law Society, and I trust that you will be informed by means of this forum of the outcome of current deliberations concerning future arrangements for the Geraldton ALS solicitor.

Yours sincerely

Gerry Hand

Mr G F Gray
Gray & Gray
Barristers and Solicitors
10 Forrest Street
GERALDTON WA 6530

GEORGE GIUDICE LAW CHAMBERS
Barristers and Solicitors
Forrest House
21 Forrest Street, Geraldton

8th August 1991

The Honourable Robert Tickner
Minister for Aboriginal Affairs
Department of Aboriginal Affairs
CANBERRA ACT 2601

Dear Sir

RE: ABORIGINAL LEGAL SERVICE OF WESTERN AUSTRALIA (ALS)

I am writing to you to bring to your attention serious problems in the Geraldton Office of the ALS.

It was brought to the attention of Mr G Hand on the 24th October 1989 by Mr G F Gray, a Solicitor in Geraldton, that the ALS was permitting its' full time salaried Solicitor in Geraldton to operate a private legal practice in conjunction with the ALS practice and out of the same office, using the Geraldton ALS staff and facilities.

Mr Hand replied to Mr Gray by letter dated the 8th December 1989 advising that he was assured that the amount of private practice involved was minimal and that the ALS facilities used are paid for.

It is my opinion that his private practice is considerable and that an obvious conflict exists between private clients and those eligible to be represented by the lawyer in his salaried capacity.

The second point I make is that it has come to my attention that the solicitor has obtained a grant of legal aid from the Legal Aid Commission of Western Australia (LAC) in relation to people who have qualified to be represented by the Aboriginal Legal Service. The Solicitor is paid by the Aboriginal Legal Service to advise and represent Aboriginal people who should not be able to, in my view, also obtain a grant of legal aid by the LAC. Whether the money received from the LAC for representation by the ALS lawyer in Geraldton when representing Aboriginals and others who qualify for assistance from the ALS is paid to the ALS or retained by the lawyer I do not know. I ask that you investigate these matters and also whether the lawyer is paying for the facilities provided by the taxpayer in office staff and facilities and if so, how much and how often.

It is my belief that solicitors employed by the ALS should not be allowed to practise privately because of the obvious conflict of interest. I would be happy to discuss these . . .

Finally, it is my belief that there is no need for an ALS and the LAC should represent all disadvantaged persons.

The Northern Region Law Society in Geraldton has for some years been lobbying for an LAC office to be established in the city with no success. The NRLS believes there should not be a discriminatory legal aid system and that the LAC should represent all people.

I would be obliged if you would acknowledge receipt of my letter and advise me of your attitude and the results of the investigations in relation to the matters I have raised.

Yours faithfully

[Signed]

GEORGE GIUDICE

MINISTER FOR ABORIGINAL AFFAIRS
THE HON. ROBERT TICKNER, M.P.

Parliament House
Canberra ACT 2600

Mr George Guidice
George Guidice Law Chambers
Forrest House
12 Forrest Street
GERALDTON WA 6530

Dear Mr Guidice

You wrote to me on 8 August and 13 September 1991 about the Aboriginal Legal Service of Western Australia. I apologise for the delay in responding to you.

I am aware of the issues that you have raised in your letter and have a strong interest in the provision of legal aid to Aboriginal people.

Accordingly, I referred the matter to the Aboriginal and Torres Strait Islander Commission (ATSIC) on 15 August 1991. I am informed that your inquiry is being investigated and I shall write to you as soon as practicable upon receipt of ATSIC's advice.

Thank you for bringing your concerns to my attention.

Yours sincerely

[Signed]

ROBERT TICKNER

DA:DP:

14 November 1991

The Hon Robert Tickner MP,
Minister for Aboriginal Affairs,
Parliament House,
CANBERRA ACT 2600.

Dear Sir,

RE: ABORIGINAL LEGAL SERVICE - GERALDTON

We refer to our letter to you of the 12th November, 1991, (Page 2) in which we refer to the establishment of a Community Law Centre in Geraldton "funded by your ministry". In fact the centre is to be funded by the Ministry for Justice and Consumer Affairs. The announcement was made by Senator The Hon. Michael Tate by letter to Mr Malone of the 13th September, 1991 photocopy of which we enclose.

We apologise for the error.

We should appreciate it if you would refer our letter to you of the 12th November, 1991 to Senator Tate with a view to obtaining his consent to the proposal to combine the resources of the Aboriginal Legal Service and the Community Law Centre in Geraldton to provide one legal aid service.

Yours faithfully,

Encs.

10 February, 1992.

The Hon Robert Tickner MP,
Minister for Aboriginal Affairs,
Parliament House,
CANBERRA ACT 2600.

Dear Sir,

ABORIGINAL LEGAL SERVICE - GERALDTON

We acknowledge your letter of the 21st January, 1992. Would you please let us have a copy of your letter to Mr Giudice which was not enclosed with your letter.

We have written to the Chief Executive Officer of the Aboriginal Legal Service of WA (Inc.) enclosing copies of correspondence between you and us and requesting answers to the questions raised.

We will advise you when we have received a reply.

Yours faithfully,

ABORIGINAL LEGAL SERVICE OF WESTERN AUSTRALIA (INC)

DA:DP
RR:mc

February 11, 1992

D.L. Armstrong
Altorfer & Stow
P.O. Box 20
GERALDTON WA 6530

Dear Mr Armstrong

I have to hand your letter dated February 10, 1992.

You have raised in your correspondence a number questions regarding the Geraldton office and sought details of the employment arrangement between the ALS and Mr Terry Malone.

I am obliged to discuss this matter with Mr Malone and other members of senior management of this organisation.

As a matter of courtesy, I acknowledge your letter and advise you that I shall consider your request. I shall inform you accordingly of my inquiries.

Yours sincerely

[Signed]

Rob Riley
Executive Officer

DA:DP:

9 March, 1992.

The Executive Officer,
Aboriginal Legal Service,
of W A (Inc.),
P O Box 8194,
PERTH Stirling Street W.A. 6849.

Dear Sir,

We acknowledge your letter of the 11th February, 1992.

Would you please advise us whether your inquiries have been completed and whether you are now in a position to answer the queries raised with the Honourable Minister and then in our letter to you dated 10th February, 1992.

Yours faithfully,

MINISTER FOR ABORIGINAL AFFAIRS

Parliament House
Canberra ACT 2600

THE HON. ROBERT TICKNER, M.P.

Mr D L Armstrong LLB
Altorfer and Stow
Barristers and Solicitors
PO Box 20
GERALDTON WA 6530

Dear Mr Armstrong

You wrote to me on 12 November 1991 regarding the operation of the Aboriginal Legal Service (ALS) in Geraldton and referred to correspondences on this subject forwarded to me by Mr George Giudice. I enclose for your information a copy of my response to Mr Giudice.

I am not able to concur with your statement that there is not a need for an ALS in Geraldton as the recently conducted Royal Commission into Aboriginal Deaths in Custody found the ALS played a crucial role in the relations between Aboriginal people and the legal system.

You also requested information on any arrangement which might exist between the ALS and Mr Malone for the sharing of expenses of the ALS office in Geraldton. I have been informed by the Aboriginal and Torres Strait Islander Commission (ATSIC) that this information is not available to ATSIC as such details are not a condition of the funding provided by ATSIC to the ALS. It will therefore be necessary for you to apply to the Chief Executive Officer of the ALS in Perth for the release of the information you are seeking.

Yours sincerely

[Signed]

ROBERT TICKNER

DA:DP:

12 November, 1991

The Hon Robert Tickner MP,
Minister for Aboriginal Affairs,
Parliament House,
CANBERRA ACT 2600

Dear Sir,

RE: ABORIGINAL LEGAL SERVICE - GERALDTON

We refer to the following correspondence photocopies of which we enclose:-

1. Letter G Gray formerly of Aboriginal Legal Service Geraldton and Messrs Glynn & Gray to The Hon Mr G Hand dated the 24th October, 1989.
2. Letter The Hon Gerry Hand to Messrs Glynn & Gray dated the 8th December, 1989.
3. Letter Messrs George Giudice Law Chambers to you dated the 8th August 1991.
4. Your reply to Messrs George Giudice Law Chambers dated the 9th day of October, 1991.

We join with our colleagues in Geraldton in criticising the operation of the Aboriginal Legal Service and the conduct of a private practice by the ALS Lawyer Mr T J Malone from ALS premises.

In December, 1989 your colleague Mr Hand wrote regarding the arrangement between the ALS in Geraldton and Mr Malone - "I am assured that the amount of private practice involved is minimal and that any ALS facilities used in such practice are paid for through fees generated".

It is obvious to us that the private practice of Mr Malone in Geraldton is substantial. He trades under the business name of Geraldton Law Offices from taxpayer funded premises in Geraldton.

In addition he receives grants of legal aid from the Legal Aid Commission to represent Aborigines for whom he is employed and paid a salary to represent as the ALS Solicitor.

We have no idea what arrangement, if any, exists between the ALS and Mr Malone for the sharing of expenses of the ALS Office in Geraldton.

We ask of you the following questions:-

- (a) What is the cost of the ALS Office in Geraldton including the cost of wages, rent, motor vehicles?
- (b) What contribution is made by Mr Malone towards that cost?
- (c) If a contribution is made when did that arrangement commence, what has been the annual contribution towards the cost of the Office paid by Mr Malone and to whom are payments made?
- (d) How is the contribution assessed and how often is it reviewed and by whom?

We should be obliged to receive answers to the above questions as soon as possible.

In the next few days Geraldton will have a Community Law Centre funded by your Ministry to the tune of \$75 000.

The Northern Region Law Society (of which we are members) has lobbied for years for the establishment of a Regional Office of the Legal Aid Commission in Geraldton to serve not only Geraldton but this vast region along the lines operated in Bunbury.

The Community Law Centre will meet but a small part of the needs of this region.

What we now have in Geraldton is:-

- (a) An office of the Aboriginal Legal Service staffed by a Lawyer, two Field Officers and Secretarial Staff providing a service for persons of Aboriginal descent.
- (b) An ALS Lawyer (Mr Malone) who has such ample time available to him that he is also able to conduct a substantial private practice and travel overseas and to the Eastern States on various missions.
- (c) A discriminatory legal service which is the cause of much comment and resentment in the Community.

What we propose (as have others) is the better utilisation of the legal aid dollar in Geraldton by combining the resources of the Community Law Centre with that of Aboriginal Legal Service to provide one non discriminatory Legal Aid Centre in Geraldton to serve all disadvantaged persons.

There is no need for an Aboriginal Legal Service in Geraldton.

It has been put to us that the ALS is a specialised service covering special needs. We do not agree with that argument. We point out that the private profession in Geraldton has represented and represented well Aborigines of this Region including Aborigines from outback areas for years. We continue to do so under assignment from the Legal Aid Commission.

If you assert a need for the Aboriginal Legal Service in Geraldton perhaps you would identify the special areas which the service covers. For ourselves we see a discriminatory service that should no longer be allowed to exist.

The proposal to combine the resources of the Community Law Centre and the Aboriginal Legal Service in Geraldton has the support of the bulk of the Legal Profession in Geraldton. It is a worthwhile proposal designed to spread the limited resources available to all disadvantaged persons.

We have no doubt that the proposal will have the support of the Community including the bulk of the Aboriginal Community and we ask that you give it your most urgent and favourable consideration.

The Northern Region Law Society will continue to campaign for the establishment of a Regional Office of the Legal Aid Commission centred on Geraldton to serve the Midwest and Murchison Region.

We look forward to your early reply.

Yours faithfully,

D.L. ARMSTRONG

DA:DP:

10 February, 1992.

The Chief Executive Officer,
Aboriginal Legal Service of WA (Inc.),
P O Box 8194,
PERTH Stirling Street WA 6849

Dear Sir,

On the 12th and 14th November, 1991 we wrote to the Honourable Minister for Aboriginal Affairs photocopies of which we enclose.

We received a reply (without the enclosure referred to therein) photocopy of which is likewise enclosed. The Minister has suggested we refer our queries to you.

Would you accordingly let us have answers to the questions raised in our letter namely:-

- (a) What is the cost of the ALS Office in Geraldton including the cost of wages, rent, motor vehicles?
- (b) What contribution is made by Mr Malone towards that cost?
- (c) If a contribution is made when did that arrangement commence, what has been the annual contribution towards the cost of the Office paid by Mr Malone and to whom are payments made?
- (d) How is the contribution assessed and how often is it reviewed and by whom?

We should be obliged to receive answers to the above questions as soon as possible.

Yours faithfully,

APPENDIX B

EASTERN BY-PASS RESERVE - - PUBLIC OWNERSHIP

SEARCH NO.	LOT NO.	ROAD FRONTAGE	OWNER
1	1	Wood Street	MRPA
2	2	High Street	Crown
3	1059	Cnr Wood & Blinco Streets	MRD
4	23558	Wood/Blinco & Knutsford Sts	Crown
5	12	Wood & Knutsford Streets	City of Fremantle
6	13	Wood Street	City of Fremantle
11	1250	Cnr Wood & Stack Streets	Crown
14	1253	Wood Street	SPC
15	1254	Cnr Wood & Stevens Streets	SPC
19	7	Cnr Wood & Stevens Streets	Crown
20	8	Wood Street	Crown
21	1270	Stevens Street	City of Fremantle
27	1271	Hope Street	MRD
29	1	Cnr Wood & Hope Streets	SPC
32	7222	Wood/Hope & Watkins Streets	Crown
33	15	Watkins Street	SPC
34	14	Cnr Wood & Watkins Streets	Crown
35	5	Amherst Street	Crown
39	1328	Amherst Street	MRD
42	1322	Samson Street	MRD
44	2	Samson Street	SPC
45	3	Simper Crescent	SPC
46	4	Simper Crescent	SPC
58	8	Cnr Wood & South Streets	MRD
59	66	South Street	SPC
60	65	South Street	Crown
61	64	South Street	Crown
71	2	South Street	MRPA
72	3	Cnr South & Davies Streets	Crown
73	40	Cnr South & Davies Streets	Crown
74	41	South Street	Crown
75	42	South Street	Crown
78	4	Curedale/Davies Streets	Crown
79	5	Curedale/Davies Streets	Crown
80	6	Curedale/Davies Streets	Crown
81	7	Curedale/Davies Streets	MRD
82	8	Curedale/Davies Streets	MRD
85	11	Curedale/Davies Streets	SPC
86	12	Curedale/Davies Streets	MRD
87	13	Curedale/Davies Streets	SPC
89	15	Curedale/Davies Streets	MRD
90	16	Curedale/Davies Streets	MRD
91	17	Curedale/Davies Streets	MRD
92	18	Curedale/Davies Streets	Crown
93	19	Curedale/Davies Streets	MRD
94	20	Curedale/Davies Streets	MRD
95	21	Curedale/Grosvenor/Davies Sts	MRD
96	16	Grosvenor/Curedale/Lefroy Sts	SPC
98	18	Cnr Curedale & Lefroy Streets	City of Fremantle
99	20	Mather Road	City of Fremantle
100	21	Mather Road	SPC

101	254	Mather Road	SPC
102	252	Mather Road & Duffield Sts	MRD
110	21680	Mather Road	MRD
112	12	Cnr Mather & Clontarf Roads	MRD
113	47	Cnr Mather & Clontarf Roads	MRD

119 properties, 56 of which are publicly owned - 47%.

QUESTIONS WITHOUT NOTICE

PRISONS - ROEBOURNE REGIONAL *Capacity - Wyndham, Pardelup Prison Farm Closure Proposals*

21. Hon GEORGE CASH to the Minister for Corrective Services:

- (1) What is the capacity of the Roebourne Regional Prison?
- (2) What has been the muster at Roebourne for each of the past three months?
- (3) How many prison officers are employed at Roebourne Regional Prison?
- (4) Are any accommodation sections at the Roebourne Regional Prison currently shut down; if so, what is the current situation in respect of these sections?
- (5) If Roebourne Regional Prison were to operate at maximum capacity how many additional prison officers would be required?
- (6) Has consideration been given to the closure of any metropolitan prison with a subsequent transfer of select prisoners to the Roebourne Prison; if so, will the Minister provide details?
- (7) Has consideration been given to the closure of Wyndham Prison; if so, will the Minister provide details.
- (8) Has consideration been given to the closure of Pardelup Prison Farm; if so, will the Minister provide details?

Hon J.M. BERINSON replied:

- (1) 130.
- (2) The average over the last three months was 66.
- (3) 39 prisoners.
- (4) Yes. Unit 2 is not occupied but is maintained on a ready for use basis.
- (5) 19 provisional.
- (6)-(8)

There are no current proposals which would involve a substantial increase in the number of prisoners at Roebourne. The Department of Corrective Services, as part of the development of a strategic plan in terms of projecting and providing accommodation requirements to the year 2000, is currently examining a number of options.

EDUCATION, MINISTRY OF - APTITUDE TESTS PROPOSAL *Current Situation*

22. Hon E.J. CHARLTON to the Minister for Education:

Can the Minister advise on the latest situation relating to the aptitude tests being opposed by the State School Teachers Union?

Hon KAY HALLAHAN replied:

I find it extraordinary that when I was asked a question yesterday members opposite objected to getting full information -

The PRESIDENT: Order!

Hon P.G. Pendal: It is an important matter.

Hon KAY HALLAHAN: The matter is important and I knew members would have questions about it -

The PRESIDENT: Order! The Minister is out of order because it was not the House that passed a comment on her ministerial statement; it was me. That is a very dangerous path to go down. The honourable Minister will remember that I said that I was terribly interested in the subject and that I wanted to be informed. However, I recommended that the honourable Minister make that information available in an appropriate way - not by making a ministerial

statement during question time. The Minister cannot blame the rest of the House for that; it was me. Hon Eric Charlton is entitled to a response to his question, nevertheless.

Hon P.G. Pendal: Without the Minister's getting huffy.

Hon KAY HALLAHAN: I am not huffy, my dear.

The PRESIDENT: Order! The Minister and I are on very good terms.

Hon KAY HALLAHAN: Absolutely, and I said nothing about the President's objecting to my ministerial statement. I was talking about members opposite.

The proposed testing has received great support from parents as well as from the Opposition which, I understand, has included such testing in its policies for some time. The testing has also received the support of the industry. At present, the State School Teachers Union has put the view that the testing is soundly based. There is no question about that. The proposed testing has been well put together; it is based on sample testing already carried out which was said to be a success and very helpful in many ways. My understanding is that the State School Teachers Union believes that the material could be used to identify particular students, particular schools, and therefore particular teachers.

I state categorically that the material will be used in a diagnostic way to give parents information on their children's progress in the various elements of literacy and numeracy. It will also be used to point out the areas of weakness that may need further attention. Schools can use that information to redirect resources, should they decide to do so. Teachers can use the information to redirect teaching programs as indicated by the results of the tests. It seems that the testing will give positive outcomes. Although some worries exist they appear to be unfounded, and they do not warrant any delay to progress with the testing.

EDUCATION, MINISTRY OF - APTITUDE TESTS PROPOSAL
Sampling or Universal System

23. Hon MURIEL PATTERSON to the Minister for Education:

Will the results of the tests be made available to the parents of the children?

Hon KAY HALLAHAN replied:

Yes. That is the important point of the implementation of the testing program. The information will go to the parents in a form that they can readily understand. Parents do not have that information at present. In my view, there is no reason for the State School Teachers Union to take up a position that would deny parents access to the information.

EDUCATION, MINISTRY OF - APTITUDE TESTING FOR STUDENTS PROPOSAL
Sampling or Universal System

24. Hon DERRICK TOMLINSON to the Minister for Education:

Is it the intention that the test will be administered on every child at the appropriate level or will it be administered on a sample of students to sample the standard of performance according to certain criteria specified for the purposes of the test?

Hon KAY HALLAHAN replied:

Both will happen. There will be sampling, which will give an indication system-wide, and universal testing for years 3, 7 and 10.

FINAL EXIT BOOK - BAN DECISION

25. Hon B.L. JONES to the Minister for The Arts:

Is the Minister aware of claims in several letters to the Press from community groups that by banning the book *Final Exit* she is denying people the right to take their own lives? Can the Minister explain her decision?

Hon KAY HALLAHAN replied:

I thank the member for her question on such a controversial issue. The State Advisory Committee on Publications did not recommend any restriction on the book *Final Exit*. However, on reviewing the publication I came to a view that it should be available on a restricted basis.

Hon D.J. Wordsworth: Would you restrict it to the elderly?

Hon KAY HALLAHAN: It would have been available to people of adult age, not to the young. Young people who are impressionable could be at risk were it readily available. That was my initial thinking. However, the Commonwealth Censor made a determination which effectively meant the book was banned outright; so I moved similarly to ban its publication in this State. It is important on matters of censorship, which have been very difficult to manage in the community, that there be national uniformity and we have striven through successive Ministerial Councils to arrive at that point. On reviewing the situation I decided there was value in having a national approach on the publication. Most people seem to have accepted that point of view. Some people would have preferred my initial view of restricting the publication so that young people did not have ready access to it and it would have been available in a restricted part of retail outlets, but the reaction has not been as marked as I thought it might have been.

Hon D.J. Wordsworth: What other publications has the Minister intervened with in this State?

Hon KAY HALLAHAN: I do not think I have banned a publication previously without a recommendation of the committee.

Hon P.G. Pental: The Minister wanted to do it once, before she ceased being a Minister.

Hon KAY HALLAHAN: If Hon D.J. Wordsworth would put that question on notice I will have the files reviewed and provide an answer.

SCHOOLS - BINDI BINDI PRIMARY *Leaking Roof*

26. Hon MARGARET McALEER to the Minister for Education:

I remind the Minister that recently she answered a representation from me on behalf of the Bindi Bindi Primary School concerning the asbestos roof encapsulation and leaks in that same roof. The Minister indicated to me that she had referred the matter of the leaking roof to the Building Management Authority. Could she explain the process from now on by which that roof will be attended to? The matter is urgent and I want to know what chance there is of action happening quickly.

Hon KAY HALLAHAN replied:

The matter has been referred for action. I think the member made some reference in her letter to the approaching winter; if she did not, other members have made similar points in letters they have written. I will have my office follow up this matter and make sure that the appropriate referrals have taken place so that action follows.

The member and I visited the Three Springs Primary School, which is in her region, to inspect its very inadequate toilet facilities. Those toilet facilities have since been improved and the school has kindly invited me to open the new toilet block officially.

Hon P.G. Pental: I bet you were flushed with success.

Hon KAY HALLAHAN: That was the first invitation of such a nature I have received, and although I do not know if I will be able to accept the invitation I thought it was a generous gesture from the member's community.

TAFE - APPRENTICESHIP COURSES

Fee Increase Review

27. Hon DERRICK TOMLINSON to the Minister for Education:

My question relates to a decision made to increase the fees levied on apprenticeship courses at a rate per hour. In the light of the Prime Minister's announcement that the Commonwealth will assume full financial responsibility for technical education, will the Government review that increase which was to provide for future places in technical education?

Hon KAY HALLAHAN replied:

I take Hon Derrick Tomlinson back to last year when the Government announced the introduction of an administrative fee of 70¢ an hour for people attending various courses at technical and further education campuses. As Western Australia was the only State in Australia not levying such fees that decision was well received.

Hon Derrick Tomlinson: Well received by whom?

Hon KAY HALLAHAN: By the community generally. At the same time that we levied the fee we introduced a very wide range of exemptions. It is true that there is concern about apprentices, but in other States apprentices pay fees for this tuition through their TAFE training; so we are not moving outside the provisions in other States. Included in the exemptions were 1991 school leavers, because the Government was so concerned about their opportunities; so first year apprentices are included in that exemption and are not required to pay the administrative fee. There have been a number of expressions of concerns about the matter. The Confederation of Western Australian Industry has, I understand, circularised all its membership on its concerns. It appears to be worried that TAFE fees will be included as a provision in some future award case and that because it will be included in a number of other provisions it will not be something that stands out and it will flow through and their members will ultimately have to pick up the bill. We are saying that the fee can be paid by the apprentice or by the employer, but a fee is payable.

TAFE - APPRENTICESHIP COURSES

Fee Continuance

28. Hon DERRICK TOMLINSON to the Minister for Education:

The nub of my question was: Given the Prime Minister's stated intention in his economic statement that the Commonwealth would assume full financial responsibility for technical education in the States, is it the intention of this Government that the fee which has been imposed by the decision made last year will continue to be levied since it was levied to provide resources for future TAFE places?

Hon KAY HALLAHAN replied:

Hon Derrick Tomlinson's meaning becomes a little clearer with that supplementary question. The Commonwealth Government has indicated a position on the funding of TAFE. That matter still needs to be resolved. I will be meeting with other Ministers and the Federal Minister in Adelaide on Friday to start the initial negotiations, but we still have a long way to go before we know what the long term funding arrangements for TAFE will be.

PRISONS - NEW METROPOLITAN

Location Decision - Accommodation Options

29. Hon GEORGE CASH to the Minister for Corrective Services:

As part of the Minister's response to an earlier question he indicated that the Department of Corrective Services was working on a strategy to project accommodation requirements to the year 2000 and was examining a number of options. Can the Minister indicate the options being considered by the department and whether any decision has been made as to the location of new prisons for the metropolitan area?

Hon J.M. BERINSON replied:

Taking those questions in reverse order, the answer to the second question is that no decision has been made on that matter. On the question of options, they are of a nature that require further work before they can be presented in any sense of final form, firstly to me and then by me to the Government. It would be preferable, rather than simply attempting to look at all the possibilities, to wait a little while longer until the position becomes clear. I do not expect any long delay in reaching that point.

LEGAL AID COMMISSION - MINISTERIAL RESPONSIBILITY

30. Hon E.J. CHARLTON to the Attorney General:

Which Minister is responsible for the operations of the Legal Aid Commission of Western Australia?

Hon J.M. BERINSON replied:

The Minister for Justice.

PRISONS - WYNDHAM

Downgrade Plans

31. Hon P.H. LOCKYER to the Minister for Corrective Services:

- (1) Is it the Government's intention to downgrade the Wyndham Prison?
- (2) If not, what steps are being taken to prevent continuing break-outs from the prison?

Hon J.M. BERINSON replied:

(1)-(2)

The Wyndham Prison is already a minimum security prison.

Hon N.F. Moore: Apart from the cage at the back.

Hon J.M. BERINSON: Apart from the temporary facilities to meet occasional requirements for higher security. They constitute a very small part of the work of that prison. Currently, there is no plan, nor a capacity, to downgrade the status of that prison. Neither are there any current plans to increase the security status arrangements.
