

Legislative Council

Wednesday, 15 October 1986

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

MR PETER ELLETT: COUNCIL'S RESOLUTION

Refusal to Accede: Statement by President

THE PRESIDENT: I have to advise the House that at 1.48 p.m. I received by hand from Mr P. G. Ellett's solicitors, a letter indicating that Mr Ellett would not accede to the terms of the resolution carried by the House on Tuesday, 14 October 1986.

MIDLAND SALEYARDS SELECT COMMITTEE: MR PETER ELLETT

Contempt Proceedings: Motion

HON. NEIL OLIVER (West) [2.35 p.m.]: I move—

That contingent upon the House's adoption of a report, from Committee of the whole Council, affirming the opinion (contained in a special report) of the select committee inquiring into the disposal of the Midland Saleyards, Mr Ellett be adjudged guilty of contempt and be summoned to appear at the Bar to receive the judgment of this House.

In moving this motion I draw members' attention to the procedures set out previously when the special report was tabled and its recommendation was made.

I would like to explain again to the House the position when witnesses appear before a Select Committee of the Legislative Council and the fact that they are covered by the Parliamentary Privileges Act 1891 and Standing Order No. 416 of the Legislative Council which provides—

If a Witness fails or refuses to attend or to give evidence, the Council, on being acquainted therewith, shall deal with the matter.

There is an obligation on the committee to acquaint the Council of any failure by a witness

to give evidence. After acquainting the Council, the committee has no further role to play other than this contingent motion which I have just moved.

The Legislative Council must deal with a witness who fails to give evidence in accordance with the Parliamentary Privileges Act. Section 8 of that Act provides that it is an offence for a witness before a committee of the House not to answer any lawful and relevant question put by the committee unless excused by the Council.

Pursuant to section 7 of the Parliamentary Privileges Act, Mr Ellett has sought to be excused from answering questions put by the committee on the grounds that it is of a private nature and does not affect the subject of the inquiry.

I put it to the Council to decide whether to excuse Mr Ellett from answering the question or whether to order Mr Ellett to answer the question. The Council had the opportunity to excuse Mr Ellett from answering the question. The matter then would have been finished. The Council so amended the motion as to give additional time to Mr Ellett to indicate in writing that he would be prepared to cooperate in answering those questions. A time was set by the Committee of this House yesterday, and last evening that decision was made.

In accordance with the questions that were put to many witnesses by the committee in order to ascertain the benefits that would flow to Western Australia from a project worth \$31 million, 80 per cent of which funds were to be expended in Western Australia, it was apparent to the committee that there were significant benefits to the Western Australian economy in that particular statement.

In addition to that there was further evidence placed before the Select Committee indicating there would be significant benefits to Westrail and also to the State Energy Commission from the gas utilised by the project.

In the course of the examination, it was found that the WADC had received no evidence that any funds were available to enable the purchaser to perform. Furthermore, evidence came to the inquiry that a submission placed before the WADC by Prestige Brick and through its consulting engineers, BSD Consultants, listed the directors of Prestige Brick. I will list them for the benefit of the House—

Mr Robert Pearce, Managing Director of Dallhold Investments Pty Ltd;

Mr Brian Coppin, Chairman of Directors of Vox Adeon Pty Ltd, Western Underwriters, and Jardine Wesfarmers Insurance Brokers Pty Ltd;

Mr Bernardo Zampatti, owner and Managing Director of General Bulldozing Pty Ltd;

Mr John Court, Manager Director of Emeco Australia Pty Ltd;

Mr Peter Ellett, formerly General Manager of Whitemans Brick.

In view of the evidence given to the Select Committee, and not in camera, that the officers of the WADC did not undertake an investigation of the company through the Corporate Affairs Office, the Select Committee wrote to the Corporate Affairs Office to qualify the position.

Just for the present I am unable to locate the information received from that office, but it was signed by the senior officer and it was to the effect that there was no such company registered in WA as Prestige Brick. Therefore there was no substantiation of that submission.

Furthermore, the Select Committee wrote to each of those directors and two of them, Mr Pearce and Mr Ellett, admitted they were directors of a company. However, the other directors—Mr Brian Coppin, Mr Bernardo Zampatti and Mr John Court—had not been consulted and were not aware of the project. They had not consented to their names being used and nor had they signed any consent to act as directors.

Hon. Fred McKenzie: Didn't Mr Ellett tell you that?

Hon. NEIL OLIVER: In view of that and the fact that the WADC had not undertaken any investigation of the availability of the \$31 million, the Select Committee followed a line of questioning of Mr Ellett to ascertain initially whether the funds were available to purchase the site; in other words, whether in the normal course of a sale there was the capacity to provide 10 per cent deposit and the capacity to purchase the site.

The relevance of that is that the Government claimed that it had sold the site at a discounted price because of the various benefits that would flow to WA. The Select Committee was

endeavouring to ascertain whether, in view of the financial backing available to the purchaser, it was justifiable to sell at a reduced price.

I offer an example to the Attorney General because last night he briefly commented on this point. If Hon. Joe Berinson is selling a property selling for \$500 000 and a purchaser approaches him the vendor and offers \$470 000, together with proof of a letter of credit that the finance is available to purchase at that price, and concurrently another offer is in the hands of him, the vendor, for an amount of \$490 000, subject to 60 days of obtaining finance approval—

Hon. J. M. Berinson: That is precisely the qualification I put on my comment. But there was no question of this deal being subject to finance.

Hon. NEIL OLIVER: If that approval were not available, I put it to the House: Which offer would the vendor accept?

Hon. J. M. Berinson: Are you saying this deal was subject to finance?

Hon. NEIL OLIVER: That is the reason for the question.

Evidence given to the Select Committee and contained in the transcript was the basis of this sale; it was approved on the criteria of the fictitious directors contained in the submission by Prestige Brick.

That is the basis on which Prestige Brick was recommended. I will not delay the House any further. We have had nothing but a series of obstructions, even to getting this committee started. The Government has stonewalled ever since there was any mention of this committee.

Adjournment of Debate

HON. FRED MCKENZIE (North-East Metropolitan) [2.51 p.m.]: I move—

That the debate be adjourned to the next sitting of the House.

Hon. H. W. Gayfer: Is this a summary motion or can it be debated?

The PRESIDENT: The motion before the House is that the debate be adjourned to the next sitting of the House. The member can vote against it or he can support it. It is not debatable.

Question put and a division taken with the following result—

Ayes 15

Hon. J. M. Berinson	Hon. B. L. Jones
Hon. J. M. Brown	Hon. Garry Kelly
Hon. T. G. Butler	Hon. Mark Nevill
Hon. D. K. Dans	Hon. S. M. Piantadosi
Hon. John Halden	Hon. Tom Stephens
Hon. Kay Hallahan	Hon. Doug Wenn
Hon. Tom Helm	Hon. Fred McKenzie
Hon. Robert Hetherington	(Teller)

Noes 16

Hon. C. J. Bell	Hon. Tom McNeil
Hon. J. N. Caldwell	Hon. N. F. Moore
Hon. E. J. Charlton	Hon. Neil Oliver
Hon. Max Evans	Hon. P. G. Pental
Hon. V. J. Ferry	Hon. W. N. Stretch
Hon. H. W. Gayfer	Hon. John Williams
Hon. P. H. Lockyer	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer
	(Teller)

Pairs

Aye	No
Hon. Graham Edwards	Hon. A. A. Lewis

Question thus negatived.

Debate Resumed

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [2.56 p.m.]: I oppose the motion, but in view of the length of relevant argument yesterday I believe that my present comments can be reasonably restricted.

As we are all aware, whales are known to regularly beach themselves in large numbers. A popular theory on the cause of that phenomenon is that one whale's directional system has broken down and the rest have followed from some sort of sense of solidarity. If that really reflects the facts that demonstrates a noble sentiment among whales. The only trouble is that we most often end up with a lot of dead, smelly whales.

The loyalty of members opposite to their colleague, Mr Oliver, is commendable, but it is misdirected. They are following their colleague in a bad cause and in so doing, they threaten to put the standing of this House seriously at risk. There is no problem about the Opposition's winning votes. It can carry this motion. It can bring members of the public to the Bar of the House. It can determine on doing anything it wants; it has the numbers. If it can get away with the sort of superficial media attention which we had to our discussions yesterday, the disgraceful nature of this conduct will escape proper scrutiny. That is the reality and we live with it.

Hon. P. G. Pental: You are on the skids.

Hon. Kay Hallahan: If so, what about you?

The **PRESIDENT**: Order! I advise the House that we are not in Committee today and this debate will be heard with a bit of dignity and decorum. Each member is entitled to speak and be heard. I give members an absolute guarantee that each member will be heard, albeit possibly with thinned ranks during the afternoon.

Hon. J. M. BERINSON: I urge members of the Opposition to use the strength of their numbers with restraint in such a case, just as I urge the House as a whole to use its undoubted powers with restraint when, on this occasion, we come to deal with the rights and the liberties of the citizens of the State.

I have already said that I do not propose to repeat at length the arguments which I put to the Committee yesterday. I therefore restrict myself at this stage to making some brief comments. Firstly, the arguments against the special report itself apply with even greater force to the action which is now proposed to be taken. The report was factually incorrect in its first two paragraphs. Its third paragraph placed an incorrect interpretation on the application of section 8 of the Parliamentary Privileges Act. I will not go into that issue at any greater length as we dealt with it exhaustively yesterday.

The second point is this: The power to summon citizens to the Bar is what might be regarded as an ultimate weapon of the Parliament. It is a power to be reserved for the most serious cases and should be used with the greatest and most responsible restraint. Going back as far as 1969, I have been able to locate only three such cases among all the Governments of the Commonwealth and the States. Over that whole period, among all the Governments, there were no more than three cases of a person's being summoned to the Bar. Whatever might be said about the questions put to Mr Ellett and of his refusal to answer, these can hardly be said to be of such a momentous nature as to warrant this Council putting itself into the history books. It does not count for as much as Mr Oliver now invites us to say that it does.

I do not deny for a moment that it is within the power of the Council to require Mr Ellett—or for that matter anyone else in the State—to appear before the Bar of this House. What I do say is that in the factual circumstances of this particular case it would be a gross abuse of the Council's powers to take that course. It would literally be taking a sledgehammer to do the job

that a nutcracker could do with ease. It has been said that if we do not bring Mr Ellett to the Bar, no-one ever again will feel obliged to answer any question put by a committee of this Parliament and the standing and the rights of the Council and of its committees would thereby be put at risk.

Any future witness who took that lesson from the course of events would be a fool. That the Council is now heading into its fifth hour of consideration of this issue is notice enough of the seriousness with which this House—Government and Opposition alike—approaches such matters. That, however, has to be kept within the overall requirement for a proper restraint and a proper understanding of the perspectives in which matters of this sort should be kept.

Among many other things in the course of associated debates, I have been accused of acting like the defence counsel for Mr Ellett. Firstly, I see nothing wrong with defending any citizen of this State who is being treated wrongly or excessively. However, if I have been trying to defend anything in the course of these arguments, it is the standing and the role of this House. It was repeatedly demonstrated in the course of debate yesterday that the merits of the issues would not be decisive. Arguments put from this side were never denied. In fact, they were frequently conceded to be logical and correct. However, they were then merely brushed aside as technical or academic or unimportant. The fact that they went to the heart of the issue was never acknowledged.

Now we have reached the very point which I asked the House to be concerned with yesterday. We are being dragged along one step at a time, each step seeming not all that serious, apparently, to some members of the Opposition, but leading in the end to gross interference with the ability of a citizen of this State to go about his ordinary business. It is an abuse of the powers of this House and in the end the question is not what it will do to Mr Ellett's standing—at this stage I regard that as being of secondary importance—but what it will do to the standing of this House. If anyone on the other side thinks it will add to the dignity of our House, let me say that that will apply only among people who take no interest in the issue itself and in the proceedings which have gone on so far.

It is a mockery of a procedure which is supposed to have quasi judicial standing. We have acknowledged before that we are, in these circumstances, acting under the so-called High

Court of Parliament concept. It is a mockery of that concept to proceed as we have been in the face of the facts. It will compound that mockery if we carry this process further. In my view, the adoption of the initial report by the Committee of the whole House and its subsequent adoption by the House is not only enough, but more than enough, in the circumstances of this case. We should take it no further; indeed, we should not have come this far.

It is clear from all the indications to this stage that further argument—and even the arguments so far—will fall on deaf ears. But if there is any member opposite who is prepared to consider this issue on its merits, I challenge him to vote in accordance with the facts which have emerged from the special report itself and from the issues relating to Mr Ellett's appearance before the Select Committee. This is a non-issue being blown out of all proportion and the House should not associate itself with it.

HON. G. E. MASTERS (West—Leader of the Opposition) [3.08 p.m.]: Most of the arguments were made last night and I do not intend to canvass them again. The House over a number of hours debated the issues and debated the question of relevance and the like. The point I make is that last night I moved a motion to which Hon. Mick Gayfer moved an amendment. It was moved as the result of a special report in which a Select Committee of this House reported that a question was asked of a witness and that witness refused to answer. I know that we have gone a long way down the line, but the authority of a Select Committee—indeed, that of this House of Parliament—was challenged when that person refused to answer.

Hon. Mick Gayfer was very reasonable in his amendment to my motion. The amendment simply read—

To add after the word "adopted", the words "but that this committee recommends that no further action be taken should Mr Ellett, between the time that this report is adopted and the time appointed for the House to sit on Wednesday, October 15 1986, indicate to the House by writing addressed to the President that he is willing to answer the question put to him by the Honourable Neil Oliver and made the subject of a special report from the select committee, and that the House so order."

The relevant words are, "indicate to the House, by writing addressed to the President, that he is willing to answer the question". I

would imagine that with a few simple words indicating that he was prepared to answer the question, Mr Ellett could have given that answer in confidence, if that is what he wanted. It is simply a matter of the House asserting its right, and the Select Committee asserting its right, to question people in a proper and efficient manner where it has a direct bearing on the inquiry. We maintain it had a direct bearing.

A Government member: Is it relevant?

Hon. G. E. MASTERS: That was debated last night. The point is that he had the opportunity to write a few lines to the President and say in confidence—

A Government member: He chose not to.

Hon. G. E. MASTERS: He refused to do that. He directly challenged the authority of this House and of the Select Committee. Whether the honourable member argues about it or not, that is the fact of the case. This is a very serious matter and the Select Committee has the authority and the responsibility to investigate and report to the House.

Several members interjected.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order! The President said there were to be no more interjections and I have heard interjections from the back of the Chamber.

Hon. G. E. MASTERS: I put it to members that the integrity and authority of this House has been challenged. Either we allow people to get away with refusing to answer questions, whether it be one question or a number of questions, or we do not. It is the authority of Parliament which is being challenged if those people are allowed to do that. For ever and a day no Select committee will be able to operate effectively because the precedent will have been set that people can refuse to answer and then walk away and say, "That is the end of it." That is the very important principle we are talking about today. People will either be required to account to the Select Committee on proper questioning or they will not.

Today we heard with astonishment that a reasonable request put forward by Hon. Mick Gayfer as an amendment has been ignored. We have had a letter from Mr Ellett's lawyer saying Mr Ellett refuses to answer. Where do we go after that sort of statement?

Hon. D. K. Dans: What happens next?

Hon. G. E. MASTERS: He simply says, "I am not going to answer; that is the end of it. The Legislative Council and the Select Committee can go to hell."

Several members interjected.

Hon. G. E. MASTERS: In that case we have absolutely no alternative. I support the motion.

HON. H. W. GAYFER (Central) [3.14 p.m.]: This indeed has come to the serious question of whether or not we proceed. The move to allow the matter to lie before the House for a couple of days, in my opinion, was completely unnecessary, because the House decided last night that Mr Ellett was guilty of not answering questions put to him properly.

Several members interjected.

Hon. H. W. GAYFER: The House decided that last night.

Several members interjected.

Hon. H. W. GAYFER: Whether members like it or not, the House decided.

Hon. Garry Kelly: You decided.

Hon. H. W. GAYFER: The House decided.

Hon. Garry Kelly: I did not decide.

The DEPUTY PRESIDENT: Order! Members will not continue to interject.

Hon. H. W. GAYFER: The House decided last night that Mr Ellett was guilty and should be brought before this House. That was agreed to. There may have been argument about it; nevertheless the House has actually agreed to it.

But the House added a rider when it accepted the words that the Committee recommends that no further action be taken should Mr Ellett appear before the House and do certain things, such as writing a letter to the President and so on. That is what the House agreed to.

Mr Ellett has declined to accept the invitation to do exactly what the House invited him to do, therefore the position has now been reached where there appears to be no argument at all. The Attorney General says that we are now making a gross abuse of the Council's powers.

Hon. Fred McKenzie: Of course you are.

Hon. H. W. GAYFER: That is entirely wrong.

Several members interjected.

Hon. H. W. GAYFER: We approved this last night.

Several members interjected.

Hon. H. W. GAYFER: The Parliamentary Privileges Act says—

8. Each House of the said Parliament is hereby empowered to punish in a summary manner as for contempt by fine according to the Standing Orders of either House, and in the event of such fine not being immediately paid, by imprisonment in the custody of its own officer in such place within the Colony as the House may direct until such fine shall have been paid, or until the end of the then existing session or any portion thereof, any of the offences hereinafter enumerated whether committed by a member of the House or by any other person—

Disobedience to any order of either House or of any Committee duly authorised in that behalf to attend or to produce papers, books, records, or other documents, before the House or such Committee, unless excused by the House in manner aforesaid.

Mr Deputy President, we moved an amendment whereby the House, if Mr Ellett had complied with the wishes of that amendment, would have excused him in the manner as aforesaid. He has decided not to come forward.

A Government member: Good on him!

Hon. H. W. GAYFER: Therefore that amended part of the motion now lapses. The motion currently before the House, is the one moved a short time ago by Hon. Neil Oliver. I submit that is what we are debating at the present time.

I do not believe that to go over all the ramifications of the debate last night will prove anything other than what has already been agreed to by the House. The House has agreed to something which I believe should now be implemented.

Question put and a division taken with the following result—

Ayes 16

Hon. C. J. Bell	Hon. Tom McNeil
Hon. J. N. Caldwell	Hon. N. F. Moore
Hon. E. J. Charlton	Hon. Neil Oliver
Hon. Max Evans	Hon. P. G. Pandal
Hon. V. J. Ferry	Hon. W. N. Stretch
Hon. H. W. Gayfer	Hon. John Williams
Hon. P. H. Lockyer	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer

(Teller)

Noes 15

Hon. J. M. Berinson	Hon. B. L. Jones
Hon. J. M. Brown	Hon. Garry Kelly
Hon. T. G. Butler	Hon. Mark Nevill
Hon. D. K. Dans	Hon. S. M. Piantadosi
Hon. John Halden	Hon. Tom Stephens
Hon. Kay Hallahan	Hon. Doug Wenn
Hon. Tom Helm	Hon. Fred McKenzie
Hon. Robert Hetherington	(Teller)

Pair

Aye	No
Hon. A. A. Lewis	Hon. Graham Edwards

Question thus passed.

Summons: Motion

HON. G. E. MASTERS (West—Leader of the Opposition) [3.22 p.m.]: I move—

That Mr Ellett be summoned to appear at the Bar of the House at 5.30 p.m. on Tuesday, October 21, 1986, to receive the judgment of the House.

Hon. Mark Nevill interjected.

PRESIDENT: Order! The honourable member ought to remember what I said earlier. It applies to Deputy Chairmen of Committees in the same way as it applies to people who do not make an immediate study of the Standing Orders.

Question put and a division taken with the following result—

Ayes 16

Hon. C. J. Bell	Hon. Tom McNeil
Hon. J. N. Caldwell	Hon. N. F. Moore
Hon. E. J. Charlton	Hon. Neil Oliver
Hon. Max Evans	Hon. P. G. Pandal
Hon. V. J. Ferry	Hon. W. N. Stretch
Hon. H. W. Gayfer	Hon. John Williams
Hon. P. H. Lockyer	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer

(Teller)

Noes 15

Hon. J. M. Berinson	Hon. B. L. Jones
Hon. J. M. Brown	Hon. Garry Kelly
Hon. T. G. Butler	Hon. Mark Nevill
Hon. D. K. Dans	Hon. S. M. Piantadosi
Hon. John Halden	Hon. Tom Stephens
Hon. Kay Hallahan	Hon. Doug Wenn
Hon. Tom Helm	Hon. Fred McKenzie
Hon. Robert Hetherington	(Teller)

Pair

Aye	No
Hon. A. A. Lewis	Hon. Graham Edwards

Question thus passed.

MACHINERY SAFETY AMENDMENT BILL

Second Reading

HON. H. W. GAYFER (Central) [3.27 p.m.]:
I move—

That the Bill be now read a second time.

The purpose of this amendment is to remove the statutory requirement that old tractors be fitted with protective cabs or frames by 1 September 1988. The Machinery Safety Amendment Act of 1974, which was not proclaimed until September 1978, allowed farmers a 10-year period to comply with the new provisions. Therefore, as the Act stands at present, farmers have less than two years to fit the required protective cabs or frames to their older tractors.

The Act provided for specific exemptions for tractors used in orchards and in or close to buildings, where it would be impracticable to fit cabs or frames. It has been compulsory for cabs or frames to be fitted to new tractors since September 1979. As a result, the tractors that are still without cabs or frames are at least seven years old and would not generally be used by farmers as their main tractors. Almost all of the tractors that remain without cabs, apart from those specifically exempted under section 75(5)(b) of the Act, are equipped with front-end loaders, rakes, post-hole diggers, or some other permanent fixture. The commercial value of these tractors would be low—in many cases not much more than the cost of fitting a cab.

I had it on the very highest authority that the cost of a cab, with the necessary modifications to fit an older tractor, was up to \$2 300 in 1973—13 years ago. That authority was none other than my friend Mr Lewis who, at the time, was the member in the other place for Blackwood and arguing against the compulsion to fit cabs to older tractors. On his elevation to the Legislative Council, Mr Lewis changed his mind and argued the opposite case; and the cost of compliance with the compulsion to fit cabs dropped markedly. All this occurred during the Whitlam years when the price of everything else was going through the roof.

To return to the present: The cost to farmers of complying with the Act before the expiry of the period of grace in 1988 is out of all proportion to the value of the tractors. Statistical data on the number of tractors to which this Bill applies is unavailable. Information supplied by one of the local authorities in my electorate suggests that there are in the order of 800

or 900 pre-1978 tractors in that shire alone. Honourable members will appreciate that there must be several thousand of these old tractors still working around the State. As most sectors of the rural industries are facing very difficult times, it is probable that many of these older tractors that have given years of faithful service will be expected to last several more years—certainly beyond September 1988. This Bill will allow that to happen.

The proposal has been endorsed by the Country Shire Councils Association and the Primary Industry Association at their annual general conferences, and likewise by all State regional advisory committees with the sole exception of the Pilbara.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. Fred McKenzie.

HOSPITALS AMENDMENT BILL

Second Reading

HON. H. W. GAYFER (Central) [3.32 p.m.]:
I move—

That the Bill be now read a second time.

The purpose of this Bill is to enshrine the status of hospital boards in the Act. It addresses deficiencies in the Act that became apparent to all during the dispute over the Gnowangerup Hospital Board.

I want to make it clear that while this Bill is consequent on that dispute, it is not an attempt at political retribution against the Minister for his past actions, nor is it designed to alter in any substantial way the manner in which hospital boards have actually operated over the years. I urge all honourable members to consider the Bill on its merits, and not to see support for it as being a form of censure over what happened at Gnowangerup. It would be a tragedy if honourable members prejudged this Bill out of some sense of loyalty to the position they took over the Gnowangerup dispute.

I turn now to the provisions of the Bill. Clause 2 confirms the power of the Minister to abolish a hospital board, but charges him with the responsibility of causing a new board to be elected within six months. This clause therefore, in effect, guarantees the continuing role of hospital boards.

Clause 3 takes away the Minister's power to summarily abolish a board and institutes a compulsory cooling-off period of 30 days after the Minister gives notice of his intention to abolish a board, during which time the board

may appeal to the Supreme Court. The Supreme Court can either confirm or revoke the abolition or, as would be more likely as a first resort, order that the disputing parties try again to conciliate their differences.

Clause 4 requires that hospital boards comprise those who are elected and removes ministerial discretion to override election results. The clause also provides for boards of nine members, with staggered elections for one-third of the members each year.

As stated earlier, this Bill merely safeguards the manner in which hospital boards have actually conducted their business for a long time. It is right and proper that as much as possible of the decision-making process occurs at the local level and without the spectre of undue ministerial intervention. This is what the Bill is all about.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. Fred McKenzie.

LEGISLATIVE REVIEW AND ADVISORY COMMITTEE REPEAL BILL

Second Reading

Debate resumed from 7 October.

HON. V. J. FERRY (South-West) [3.35 p.m.]: In physical terms this Bill is probably as brief a Bill as one could have on a piece of paper. It is often the case that very brief Bills deserve the closest scrutiny, and this Bill is in that category. The Bill proposes to repeal the Legislative Review and Advisory Committee Act of 1976. The establishment of the committee was first debated in Parliament in 1976 and it was set up two years later in 1978. A number of powers are spelt out in the Act which supports that committee.

It is worth noting that the committee had similar powers to that of the Parliament, and yet the Parliament has overriding power. I have heard it said erroneously from time to time that this committee superseded Parliament in some respects. That is not a fact because the Act contains a special provision in section 12 which deals with Rules of Parliament. That section states—

12. (1) Rules of Parliament may be made for prescribing the powers of, and procedures to be adopted by, the Committee in the exercise of its functions under this Act and for prescribing any other matters necessary or convenient for the due administration of this Act.

(2) The Rules of Parliament referred to in this section are rules that have been agreed upon by each House of Parliament in accordance with the Rules and Orders thereof.

(3) Rules of Parliament made under this Act shall be published in the *Government Gazette*.

(4) Section 36 of the Interpretation Act 1918 does not apply to Rules of Parliament made under this Act.

That section of the Act clearly provides that Parliament shall prevail over the work of the committee. Therefore, it has been responsible to Parliament, and it has had to report annually to the Presiding Officers of each House, and that has been done.

I commend the work done by that committee and the diligence and competence of members of the committee who have been appointed over the last eight years, and I couple with those remarks the executive officers who have assisted the committee from time to time.

I note that the Minister has commented that the cost of this committee was \$46 000 in 1985-86. The Government proposes to repeal the Act and do away with the committee, and to appoint in its place a Joint Standing Committee of both Houses for a similar purpose. I do not believe the Government will save any money by this move, so it is not being done for the purpose of monetary saving. Members of Parliament would serve in an honorary capacity except for certain travelling expenses which may be incurred from time to time. The new committee will need backup in the form of a legal adviser, and that would possibly be done by way of a contract of consultancy for a legally-trained person. That is not unusual in other Parliaments. The Australian Senate has a very good system, and I am amazed that over the years it has been able to obtain extremely competent legal advisers for what I consider to be peanuts. A few years ago the amount they were paid was extremely low. I do not know what it is now. Hon. Jim Brown, Hon. Mark Nevill, and Mr Ian Pratt, a former member of this House, and I know from our examination of committee systems in Australia that the Canberra system has been well served with cheap advice—not cheap in quality, but in monetary terms.

Any Standing Committee of the Parliament would need to have the advice of a legal adviser and the services of a secretary and a research officer. It would have to have appropriate ac-

commodation and all the things that are required to make it an effective committee.

It is well known that a few years ago the Legislative Council appointed a Select Committee, comprising the honourable members to whom I have just referred, to look at a more effective way of coming up with a committee system for the Legislative Council. The committee deliberated for some time and its report was presented to this House in September, 1985. One of the recommendations of that report was that there should be a Standing Committee of this House designated the Delegated Legislation and Finance Committee.

The Select Committee recommended that such a committee should incorporate the existing Government Agencies Committee which is a Standing Committee of this House and which has been in operation for several years. It is a very successful and valued adjunct of this House. The members on that committee have carried out their duties admirably and the committee has served the Parliament and the State effectively.

The committee recommended the appointment of a Standing Committee to be known as the Delegated Legislation and Finance Committee. It was suggested that such a committee would, amongst other things, look at subordinate legislation, delegated legislation and certainly, financial matters. Perhaps other matters would have been referred to it from time to time by this House.

Such a committee would be an accepted and important committee of this Parliament, certainly of this House. It would have absorbed an existing Standing Committee and in so doing, it would have expanded its role and would have become more important in the parliamentary scheme of things.

The Government now proposes not to adopt that course of action and one may perhaps wonder why. In my view, it is a better proposition than that which has been proposed; that is, a joint committee of both Houses.

I refer now to comments which have been made to me from time to time; that is, that the Legislative Review and Advisory Committee does not have any real effect and neither would any committee of the Parliament looking at subordinate legislation.

Having regard for evidence gathered in other Parliaments which have committee systems in operation it is my view that any Standing Committee of the Parliament has a severe and telling effect on individuals and Government de-

partments and agencies if it is made known that an official committee is looking over their shoulders to see what they are about.

It has been related to me on many occasions that there have been several instances where Government regulations, for example, have been either amended or not proceeded with in the knowledge that such regulations would have to run the scrutiny of an appropriate committee. Therefore, individuals and Government departments and agencies are made aware that they must perform with great diligence if they are subjected to examination and perhaps found wanting in the actions they are proposing in framing regulations.

Despite the fact that the Bill before us will result in the Act being repealed, the Legislative Review and Advisory Committee has served the Parliament for eight years. It might be said that sufficient action has not been taken in a direct way, but I am of the opinion that an indirect benefit of the committee is the fact that it has been looking at a number of regulations and issues and, from time to time, it has commented on these matters. It has served the public and certainly the Parliament well in that regard.

The Legislative Review and Advisory Committee currently comprises Mr John Fiocco, as Chairman, Emeritus Professor Eric James Edwards, and Mr Peter Moyes, OBE. I am not sure whether Phillip Jackson is still the committee's executive officer; until recently he had been, but I am not sure if he has continued in that role. Perhaps it does not matter because the Government proposes to wind up this committee.

I would like to again place on record the appreciation of this House for the work done by the members of the committee over the years. I am mindful that the committee's first chairman—I believe I am correct—was Sir Ross Hutchinson who was a former member of this Parliament. It may be incidental, but Sir Ross and I served together in two RAF squadrons and, therefore, he is a good bloke.

Sitting suspended from 3.47 to 4.00 p.m.

Hon. V. J. FERRY: I wish to apologise to the House for an error I made earlier in my contribution. I inadvertently made an incorrect notation on the report on a committee system, and I indicated that the proposed new joint committee of both Houses would replace the Standing Committee on Government Agencies. I indicated earlier that the joint committee would incorporate the Standing Committee on

Government Agencies. In fact, under the recommendations of the Select Committee, it is proposed that that committee be incorporated under the administrative agencies committee. I made a wrong notation on the copy of the report and, therefore, unintentionally gave the House the wrong impression, for which I apologise.

As a person with strong views on a committee system of the Parliament, I believe that the proposed committee of both Houses has merit. Nevertheless, I am very disappointed that the Government has not followed more closely the recommendations of the Select Committee on the committee system as proposed by this House. I say that in the knowledge that there is a cry in the community for the Houses of Parliament to be seen as different Houses with different roles. It is often referred to in the terms that a House of Review should be just that and a strong committee system would add to that concept. Therefore, having a joint committee with the lower House detracts from that viewpoint and cements the image that both Houses do similar things.

There is plenty of scope for this House to be independent and act in the interests of the people, regardless of the Government of the day. I refer particularly to the action and the systems in the Australian Senate in Canberra where a strong system has been built up over a period of years. All political parties, through their representatives, play a very telling role in the affairs of Australia. They have built up a reputation which they jealously guard; they have problems, as all committees do from time to time—it is not a perfect world—but they have made the system work because there has been a desire among the members of that Senate to make it work. So it should be because anything in the parliamentary world can work only if there is goodwill on the part of members to make it work. That goodwill can be established in this Chamber and I am disappointed that the Government does not see it that way. I believe the public of Western Australia would want it that way.

I am bound to suggest that, on the Victorian model of committee work where, in the main, they have joint committees of both Houses, the Government of the day, irrespective of its politics, has a real tendency to lean upon those committees for its own governmental advantages. Therefore, it takes from the Parliament the role of watchdog or examiner; in other words, the committee has in effect become another arm of government, maybe in an

oblique way or maybe in a direct way. For that reason there is a weakness in the Victorian committee system. Therefore, the Select Committee report on committees, which represented the views of two Liberal members and two Labor members, came to the conclusion that it would be preferable to have a strong committee system of the Legislative Council in Western Australia.

I want to direct the Attorney General's attention to some questions which I believe are vital to this House and this Parliament. I have not been able to ascertain in the time available to me the last occasion on which the Legislative Review and Advisory Committee met. I am not sure how long ago that was and whether it is still an effective operation.

Hon. J. M. Berinson: Yes, it is.

Hon. V. J. FERRY: I am not sure whether the executive officer is still active or whether he has been replaced by a temporary executive officer to carry out important work on behalf of that committee. I want to know from the Government, and this House deserves to know, when the Government will be introducing the new joint committee system into this Parliament and what its terms and conditions will be.

This House and this Parliament cannot be expected to accept this Bill as it is at this time. It is my strong view and recommendation to the House that this Bill not be proceeded with in further debate until such time as the Government brings to this Parliament its proposal and detail setting out the terms and conditions of a new joint House committee system to look at subordinate legislation. I want to know, and I believe other members might want to know, how many members will be on the proposed committee; how frequently it will meet; what terms of reference it will have; what support it will have by way of legal or any other assistance it may require; what research facilities it will have; and, what accommodation it will have for the carrying out of its work. By accommodation, of course, I am referring to the use of appropriate rooms or a separate building. I can envisage that such a committee will meet frequently, as it should, to effectively carry out its proposed work.

This Parliament has had no benefit from the Government in this regard, yet we are being asked to put the cart before the horse; we are being asked to repeal an Act of Parliament which has in place a committee system looking at subordinate legislation and other matters. There will be a void until the new committee is

appointed or until the machinery is there to handle the work expected of it. It ill-behoves the Government to bring in legislation to repeal one system before the replacement system is well and truly known so that we are aware of what we are talking about.

That may seem a little hard in some respects, but we have had the unfortunate experience of the Government going to extreme lengths at times to deny the people of this State justice through the Parliament. I refer, of course, to the classic example of the Government's proroguing Parliament at the end of last year in an unprecedented manner. The members of this Chamber are concerned that the Government is not playing ball in the right way, it is not kicking in the right direction. Until we know the full implications and details of the new proposal, it is not fair for the Government to do this and, in fact, there is no guarantee that it will be implemented, despite the Government's intentions. Until it is fact, things can change.

I hope I am not being too harsh, but the risk is there and on past performance there is every chance that at the very worst the structure of the new committee might be delayed.

If we were to repeal this Act at this stage without waiting for the other one to be up and running, we would be doing a grave disservice to the people of Western Australia. I would ask that this Bill be not progressed further until such time as the Parliament is presented with the full facts and the Opposition has had the opportunity of seeing how the new proposals will work.

I make the point again that I am disappointed it is proposed to have a joint committee rather than a committee of this House, in view of the Select Committee's recommendations to which I have already referred. There was an extensive examination of different systems in many Parliaments, and as a result of that the Government members on that committee recommended a system which they believed, and I certainly believe with them, to be in the best interests of this House and certainly in the best interests of the people of Western Australia. Yet the Government, by its own admission, has chosen to ignore those recommendations and in place of them impose its will by suggesting a joint committee.

It is said in the Minister's second reading speech that this role is being returned to the Parliament where it should reside. Be that as it may, the existing committee is commanded by

Parliament, and directed by Parliament, so the Parliament still has a vital role to play in the existing situation. If the Government wants the members of this Parliament to play a role, it must come up with the goods—with a solid plan of how it will operate, and with a firm commitment that any committee of the Parliament shall be backed with sufficient finance and resources to make it effective. I am mindful, and I believe other members of this House are mindful, that the funds for running Parliament, including the funding of Council work, are not at all times generously handed out by Government. If Government wants this Parliament to work—and, after all, it is the Parliament of the people—it must provide finance for that to happen. Therefore there is a great responsibility on the Government to make sure that the Legislative Assembly and the Legislative Council are sufficiently funded so that these committees can do the work asked of them.

Again I make the plea that this Bill be not proceeded with any further until the Government comes back with the alternative in all detail. I believe the matter should be adjourned and placed down the Notice Paper until we see the other proposal.

Debate adjourned, on motion by Hon. Margaret McAleer.

PARLIAMENTARY COMMISSIONER AMENDMENT BILL

Second Reading

Debate resumed from 7 October.

HON. P. G. PENDAL (South Central Metropolitan) [4.13 p.m.]: The Bill before the House intends to alter that section of the Act which permits a prisoner to apply for and make use of writing materials in his efforts to communicate with the Parliamentary Commissioner. On the face of it at least, if anyone wanted any evidence of the state of play with the legislative sausage machine, then a Bill of this kind might suggest that it is in good condition and well oiled, because it occurs to anyone who reads at least the second reading speech that it may well be legislation for its own sake.

In his second reading speech the Minister told us that section 17A of the Act allows a prisoner to address his demand for writing facilities to any person performing duties in connection with his detention. Apparently, if one reads between the lines, it has grown to be the case that a prisoner might apply for those writing materials to a whole range of people

within the prison system; for example, a prison visitor, a visiting justice, a prison psychologist, a psychiatrist, or a social worker. I would be interested in hearing the remarks of the Minister for Prisons on the question of whether or not those people are part of the detention system itself.

[Questions taken.]

Hon. P. G. PENDAL: It is that point I would like an answer to from the Minister when he replies to the second reading debate because it seems to me that he has already answered his own question when he said in the second reading speech that a prisoner has to direct his inquiry for writing materials to someone performing duties in connection with his detention.

I would not have thought that a prison chaplain, a visitor or a psychologist was performing duties in connection with his detention. It may be a fine point and I can imagine that a prison officer is charged with detaining that person, but I cannot imagine that a chaplain, a psychologist or a social worker is charged with detaining the prisoner. Those people have control perhaps over the emotional or physical or spiritual wellbeing of a prisoner, but I suggest they do not have any direct control or even indirect control over the detention of the prisoner.

Hon. J. M. Berinson: In relation to officers such as a psychologist and a social welfare officer, we are talking about departmental officers, and they share the responsibilities of the department in the whole process.

Hon. P. G. PENDAL: I thank the Minister for that comment, but I suggest it still does not help me with my query. I appreciate that it might even be, for example with a prison chaplain, that he is regarded as an officer of the department. I do not know, but in either case I suggest that it is entirely irrelevant.

I am simply making the point that, and to use the Minister's own words in his second reading speech—and I think he was quoting from the Act anyway because the words are used within quotation marks—that particular section allows a prisoner to address his remarks for writing facilities to any person “performing duties in connection with his detention”.

The Minister went on to tell us that the prisoner could therefore direct his request for those writing materials to the people I have mentioned. I am saying in response to that, that by no stretch of the imagination could we say that those people are there in any way

detaining the prisoner. Even if we accept—which I do not—what the Minister said by way of his interjection that we are talking about departmental people rather than people outside the prison system, it does seem to me that the amending Bill breaks down on that point alone.

My second comment, which led me in part to make my earlier comment that perhaps we are dealing with the legislative sausage machine and the Government is making laws simply for the sake of it, is that the Minister told us that the Bill sought to avoid such potential conflicts. In his next paragraph he told us that the good order and security of the prison, and even the physical safety of the prisoner and of prison officers, were potentially overridden by this current requirement.

It is interesting that in two paragraphs of the second reading speech the Minister has used the word “potential” and this makes me wonder whether we have been talking about a theoretical fear on the part of the Government or the Prisons Department up to this point, or whether there have been real cases where prisoners have been able to put a psychologist, a chaplain or a social worker in conflict with his or her functions under the Act, or whether it is merely the case that one of those officers has said, “What am I going to do if ever I get this sort of request?” My question in relation to that and the use of the words “potential conflict” is very much tied up with those comments I made in regard to my first point. That is something else the Minister needs to address.

We are told as well that the Bill proposes, as a result of all those comments the Minister made, to reinstate the overall responsibility of the superintendent for the security of the prison itself. There is no-one in the House, certainly not on this side, who would suggest that a superintendent or any other person in charge of a prison ought not to have the ultimate control over security.

This is perhaps superfluous because the superintendent already appears to have that authority. I cannot accept even at this stage that the Minister's original comments are in any way valid; that is, that a prison visitor or a psychologist could be put in conflict with the duties that he or she has under the Act. This is tied up with that same point with which I have some difficulty.

I repeat that it is not the Opposition's intention to vote against this Bill. However, it is a matter that, even after the Minister's interjection, still leaves the question unanswered.

We were told as well that checks and balances are included in the amending Bill in order to ensure that a prisoner is not unfairly treated by a prison official. I guess human nature being what it is, people would be able to point to those occasions where someone is perhaps unfairly denied the use of facilities. Therefore, we are told that the checks and balances are included to protect the person.

Of course, the Minister appears to have at least answered his own question in part because he said that, where writing facilities are refused to a prisoner, a prison staff member shall take the prisoner's complaint down in writing and forward it to the Ombudsman. That appears to answer the fear that the Minister raised and I accept and commend any prison system having that check and balance. What this means in reality is that the prisoner will not be denied the opportunity to write to the Ombudsman even if the prisoner is of the type who would get a pen and use it to injure himself or someone else, because of the checks and balances which allow him the facility to ask a prison staff member to write his letter for him.

Interestingly, that opens up another matter. I can imagine that that provision, commendable as it is, could become open to enormous abuse by someone wanting to make frivolous statements to the Parliamentary Commissioner. One could imagine the amusement of a prisoner who, having been denied access to a pen or pencil because he could do himself damage, ties up a prison officer's time for three or four hours and does that a couple of times a week. I think the Minister understands that that system is open to abuse. I guess it is always the case that, when one tries to provide a legitimate facility to protect people's interests, someone can always go too far. If he goes too far and affects his own situation, it is not of real consequence to anyone. However, if he goes too far and ties up an officer's time, I suggest that the provision becomes a little loose and needs reconsideration.

Finally, I am certainly interested in receiving the answers to those questions; but the Opposition, while expressing these concerns, supports the Bill.

Debate adjourned, on motion by Hon. Fred McKenzie.

House adjourned at 4.33 p.m.

QUESTIONS ON NOTICE

GOVERNMENT INSTRUMENTALITIES

*Hospitality-entertainment Allowance:
Allocation*

355. Hon. A. A. LEWIS, to the Attorney General:

- (1) What sum is allocated in the current financial year for hospitality-entertainment which may be expended—
 - (a) by the department; and
 - (b) by each and every statutory authority for which the Minister has responsibility?
- (2) What were the guidelines in force as at 1 September 1985 for expenditure from the hospitality-entertainment account of—
 - (a) the department; and
 - (b) each and every statutory authority for which the Minister has responsibility?
- (3) Following upon the statement by the Treasurer, "Reform of the Australian Taxation System", on 19 September 1985, what action is proposed in relation to parts (1) and (2)?

Hon. J. M. BERINSON replied:

- (1) and (2) It is noted that the member has listed a number of questions in similar terms. In total, these would require a detailed examination of the hospitality-entertainment expenditure and guidelines for every department and statutory authority. The massive allocation of resources which would be required for the task cannot be justified.
- (3) Expenditure of this nature is inescapable and, while these and all other items are subject to budgetary restraints, no special action is proposed arising from the Federal Treasurer's announced changes to the Australian taxation system.

CONSUMER AFFAIRS DEPARTMENT

Shake-up

440. Hon. N. F. MOORE, to the Minister for Community Services representing the Minister for Consumer Affairs:

- (1) Is the Minister aware of the call by the Federal member for Kalgoorlie, Mr Graeme Campbell, for a "big shake-up of the WA Department of Consumer Affairs"?
- (2) If so, does the Minister support Mr Campbell's call?

Hon. KAY HALLAHAN replied:

- (1) Yes.
- (2) No.

HEALTH

Noise Abatement Act: By-laws

445. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Environment:

- (1) Which local councils have by-laws under section 45 of the Noise Abatement Act?
- (2) If the Environmental Protection Bill is passed, will clause 127, schedule 4 (29) once implemented, cause such by-laws or model by-laws to cease to have effect?
- (3) Are there any other provisions that enable them to continue to have effect?
- (4) Has the Government consulted with local government on the effect of the cessation of these by-laws?
- (5) Are they to be regulated on a State-wide basis and if so, which by-laws?

Hon. KAY HALLAHAN replied:

- (1) to (5) To the best of my knowledge in the 14 years of operation of the Noise Abatement Act, no local government council has made use of section 45. I am therefore not aware of any by-law which will be affected by item 29 of schedule 4 of the Environmental Protection Bill.

HOUSING

Rental: Aged Persons

446. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Housing:

With regard to rental housing for the aged—

- (1) What are the relevant figures for the period ended 30 June 1986—
 - (a) applications;
 - (b) accommodated during the year; or
 - (c) on hand at 30 June 1986?
- (2) What is the number of aged applicants awaiting accommodation?
- (3) What is the expected time delay at present on applications for Homeswest aged rental accommodation?

Hon. KAY HALLAHAN replied:

As the information requested will require some time and explanation, I will reply to the member by letter.

HOUSING

Rental: Families

447. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Housing:

With regard to rental accommodation for family accommodation—

- (1) What are the relevant figures for the period ended 30 June 1986—
 - (a) applications;
 - (b) accommodated during the year; or
 - (c) on hand as at 30 June 1986?
- (2) What is the number of people who are currently awaiting family rental accommodation?
- (3) What is the expected time delay at present for an applicant for Homeswest family rental accommodation?

Hon. KAY HALLAHAN replied:

As the information requested will require some time and explanation, I will reply to the member by letter.

ABORIGINAL AFFAIRS

Housing: Rental

448. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Housing:

With regard to rental housing for Aboriginal people—

- (1) What are the relevant figures for the period ended 30 June 1986—
 - (a) applications;
 - (b) accommodated during the year; or
 - (c) on hand at 30 June 1986?
- (2) What is the total number of Aboriginal applicants awaiting accommodation for housing?
- (3) What is the expected time delay at present on applications for Homeswest rental accommodation for Aboriginal people?

Hon. KAY HALLAHAN replied:

As the information requested will require some time and explanation, I will reply to the member by letter.

HOMESWEST

Pinjarra: Problems

451. Hon. C. J. BELL, to the Minister for Community Services representing the Minister for Housing:

- (1) What action, if any, does Homeswest intend to take with regard to the problems being experienced in the Homeswest area in Pinjarra?
- (2) Are any tenants being moved from the area?
- (3) If so, how many and where will they be moved to?

Hon. KAY HALLAHAN replied:

- (1) Homeswest is monitoring the situation and taking appropriate action. This includes initiating eviction action against three tenants and the transfer of two tenants, one to Mandurah and the other to an alternative unit in Pinjarra.

(2) and (3) Answered by (1).

WILDLIFE

Big Swamp Bird Park: Penguins

452. Hon. V. J. FERRY, to the Minister for Community Services representing the Minister for Conservation and Land Management:

- (1) Is the Minister aware of the Big Swamp Bird Park at Bunbury which has been established with help and support from the Bunbury City Council and many enthusiasts throughout the south-west?
 - (2) Is he aware of the first class facilities within the park for the housing and caring of penguins?
 - (3) Is he aware that the park has so far been thwarted in its efforts to obtain penguins for stocking this facility?
 - (4) Has he received approaches for assistance, and from whom, to have penguins established in the park?
 - (5) Will he take steps to have penguins supplied to the park from either—
 - (a) within Western Australia; or
 - (b) from some other Australian State or Territory?
 - (6) If not, why not?
- Hon. KAY HALLAHAN replied:
- (1) Yes.
 - (2) I am aware of the facilities.
 - (3) I understand that initial plans for the park did not include a facility for water birds. My Department of Conservation and Land Management will request the park to provide long-term development plans.
 - (4) I have received an approach from the Minister for The South West.
 - (5) See (3).
 - (6) Not applicable.

HOUSING

Purchasers: Deferred Payment Scheme

455. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Housing:

When will the Government introduce the Government guaranteed deferred payment scheme to assist home purchasers as reported in *The West Australian* on 14 October 1986?

Hon. KAY HALLAHAN replied:

The permanent building societies have already offered the option to borrowers. The indemnity required to protect the societies will be provided as soon as it is drawn up by the Crown Law Department.

HOUSING: MARINE TERRACE, FREMANTLE

Sale: Auction

456. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Housing:

When will the nine split-level homes constructed on behalf of Homeswest in Marine Terrace, Fremantle, be offered for sale by auction?

Hon. KAY HALLAHAN replied:

Saturday, 22 November 1986.

HOUSING

Pensioner Units: Sale

457. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Housing:

Will the Minister advise if a decision has been made to sell off the pensioner home units nearing completion in Marine Terrace, Fremantle, as reported in *The West Australian* on 18 September 1986?

Hon. KAY HALLAHAN replied:

A decision has not yet been made.

HOMESWEST

Expenditure

458. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Housing:

- (1) In view of the saving of \$4.7 million planned Homeswest expenditure in the Fremantle area, will the Minister advise if this sum will be spent on Homeswest accommodation in other areas?
- (2) If "Yes", will the Minister advise in which areas and on what type of accommodation this sum will be spent?

Hon. KAY HALLAHAN replied:

- (1) and (2) Homeswest programmes for provision of accommodation throughout the State are based upon need and total funds available. As a matter of course, any "savings" from projects are reflected in total funds available and applied in this overall sense. Accordingly, no specific allocation to particular areas or type of accommodation is made.

HOMESWEST

Units: Construction

459. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Housing:

Will the Minister confirm the report in *The West Australian* of Monday, 13 October that the Government would not be proceeding with the construction of 38 Homeswest units in Thompson Road, North Fremantle, and 15 Homeswest units in Sewell Street, East Fremantle, thus saving the Government \$4.7 million?

Hon. KAY HALLAHAN replied:

The current situation is that the proposed developments will not proceed. Tenders for construction ranged from a total of \$3.54 million for the two lowest tenderers for each project to \$4.39 million for the highest tenders. When land values are taken into account, the figure of \$4.7 million is a reasonable estimate.

HOUSING

Commonwealth Grants: List

460. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Housing:

Will the Minister give a complete list of the grants totalling \$1.2 million received from the Federal Government as reported in *The West Australian* dated 14 October 1986?

Hon. KAY HALLAHAN replied:

The grants referred to in the article amounted to \$1.191 million, and were allocated to approved projects as follows—

1. Women's Emergency Support Programme (WESP)	\$399 300
1.1 Nardine Women's Refuge	\$100 000
1.2 Anawim Single Women's Refuge	110 000

1.3 Wonthella Women's Refuge (Geraldton)	87 500
1.4 Wyn Carr House Women's Refuge	36 800
1.5 Starrick House—Armadale/Gosnells Women's Refuge Group	5 000
1.6 Warrawee Women's Refuge	60 000

2. General Support Accommodation Programme (GSAP) \$411 423

2.1 Christian Refuges Inc.	\$24 180
2.2 Holyoake	93 000
2.3 Zonta House Refuge Association Inc.	105 600
2.4 Civil Rehabilitation Council	6 240
2.5 Salvation Army—Tanderra	36 000
2.6 Anglicare	68 330
2.7 Centrecare	50 940
2.8 Yilgarn Health Agencies (Southern Cross)	25 650
2.9 Perth Asian Community Centre	1 483

3. Youth Support Accommodation Programme (YSAP) \$380 277

3.1 Wanneroo Youth & Community Services	\$99 020
3.2 Albany Youth Crisis Program	90 000
3.3 Langford Community Scheme	50 000
3.4 Y.M.C.A.	24 400
3.5 Single Women's Refuge Group	8 000
3.6 Ebenczer Homes	4 160
3.7 'The Prom' Wilja	4 160
3.8 Aboriginal Child Care Agency	5 200
3.9 Bunbury Voluntary Community Group	70 000
3.10 Pregnancy Help	15 137
3.11 Youthcare	5 200
3.12 Perth Inner City Youth Services	5 000

HOUSING: LAND

Gosnells: Purchases

461. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Housing:

(1) Has Homeswest recently purchased two properties in Southern River Road, Gosnells, in the vicinity of Holmes Road?

(2) If "Yes", what is the size of each property?

Hon. KAY HALLAHAN replied:

(1) Yes.

- (2) Lot 13 Southern River Road—Area: 4.0494 hectares; Lot 14 Southern River Road—Area: 4.0469 hectares.

HOUSING: LAND

Orange Grove: Purchases

462. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Housing:

- (1) Has Homeswest purchased any property adjoining Lot 430 Reservoir Road, Orange Grove?
- (2) If "Yes", what is the size of the property?

Hon. KAY HALLAHAN replied:

- (1) Yes.
- (2) Part Lot 2 (194) Gosnells Road, East Orange Grove—area: 2.8302 hectares.

HOUSING

Cooperative Projects: Assistance

463. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Housing:

- (1) How many cooperative housing projects in the Fremantle area have received assistance from Homeswest?
- (2) Which cooperatives were assisted?
- (3) Were any cooperatives refused assistance?
- (4) If "Yes", which cooperatives were refused assistance?

Hon. KAY HALLAHAN replied:

- (1) One.
- (2) First Fremantle Housing Collective.
- (3) No.
- (4) Not applicable.

QUESTIONS WITHOUT NOTICE

COMMUNITY SERVICES

Children: Action against Parents

141. Hon. N. F. MOORE, to the Minister for Community Services:

I refer the Minister to the article which appeared on the front page of this morning's edition of *The West Australian*. The article related to a decision by the Victorian Children's Court to make a 15-year-old boy a ward of the State following legal ac-

tion by the boy against his parents. Is it possible under Western Australian law for children to take similar action against their parents?

Hon. KAY HALLAHAN replied:

It is not possible for that to happen under the current law, as it is in Victoria.

COMMUNITY SERVICES

Children: Action against Parents

142. Hon. N. F. MOORE, to the Minister for Community Services:

In view of her answer to the previous question, is there any intention by this Government to bring in legislation similar to that in Victoria in relation to this matter?

Hon. KAY HALLAHAN replied:

There is no direct intent to do that, although the legislative procedures of the department are all under review. Where young children are in conflict with their parents and there does not seem to be a resolution, the pattern in this State is usually that the relationship breaks down to such a degree that the young person may be considered in need of care and protection. In that case the department would make an application to the Children's Court to make a decision about the ongoing well-being of the young person.

CRIME VANDALISM

Juvenile: Restitution

143. Hon. P. H. LOCKYER, to the Minister for Community Services:

Further to the answer given by the Minister to a question I asked yesterday, will the Minister inform me why the Department for Community Services, during its consideration of sentencing in cases of consistent juvenile vandalism, will not consider that parents be held responsible for the cost of such vandalism by a juvenile member of their family?

Hon. KAY HALLAHAN replied:

I know that is an attractive point of view, and if parents have resources I guess it is a reasonable way to go; but if the Government is making laws

about how it is going to deal with offenders, there must be some means whereby everybody can comply with that law. If there are parents with no resources, where do we go then?

I am not saying that this Government will not consider it. In my answer to the honourable member yesterday I said that at present that matter is not being considered. However, if the honourable member knows of some way in which his proposal can be made workable without destroying further the viability of the family unit, I will be happy to discuss it with him.

COMMUNITY SERVICES

Children: Action against Parents

144. Hon. N. F. MOORE, to the Minister for Community Services:

I refer to my previous question 141. By way of background, the Minister's previous answers suggested that the Department for Community Services might be prepared to instigate action in the event that a child is not being cared for by his parents. The Victorian situation was brought about by a child taking action himself. I ask whether there is any intention by this Government to bring in legislation which will allow a child to take legal action against his parents in the event of that child claiming to not be cared for?

Hon. KAY HALLAHAN replied:

I refer the honourable member to my first answer to that question, which was "No".

GOVERNMENT EMPLOYEES

Day Labour: Decrease

145. Hon. G. E. MASTERS, to the Minister for Works and Services:

Is it the Government's policy to decrease the number of its personnel employed in day labour jobs?

Hon. D. K. DANS replied:

The matter is not under consideration.

STATE FINANCE: BUDGET

Portfolio Responsibility

146. Hon. MAX EVANS, to the Minister for Budget Management:

- (1) Is it a fact he still attends to Budget matters?
- (2) If so, what is his reason for not being able to answer questions relating to the Budget?

Hon. J. M. BERINSON replied:

- (1) and (2) Matters which can be broadly described as Budget matters cover an enormous range, and many of them are brought to the Budget committee, to the Treasurer, or to me as the case may be, in a relatively complete form so that the decision is made on a package rather than on individual proposals. As a result it is not possible without notice to give any assurance that either the Treasurer or I would be in a position to give immediate answers to particular and specific questions.

FORESTS: PINE

Private: Inquiry

147. Hon. W. N. STRETCH, to the Attorney General:

With reference to his inquiry into private pine plantations in WA, can he tell the House—

- (1) What form did the inquiry or inquiries take, and by whom were they undertaken?
- (2) Was a written report prepared, and will the report be tabled in the Parliament?
- (3) What company or companies were investigated by the inquiry?
- (4) Was the Department of Conservation and Land Management asked for assistance in his inquiry in regard to assessing the future prospects of the company or companies being investigated?
- (5) Has he taken steps to protect other investors in Western Australian pine plantations that have been mentioned in recent media reports as having financial difficulty?

Hon. J. M. BERINSON replied:

- (1) A pine forest investment scheme managed by WA Pines Pty Ltd is presently the subject of a special investigation under part VII of the Companies (Western Australia) Code. Mr G. Guelfi, an investigator with the Corporate Affairs Office, has been

appointed as inspector to undertake the special investigation.

- (2) The special investigation is continuing. No report has been prepared at this point.
(3) and (4) Answered by (2).
(5) Answered by (1).

