

# Legislative Council

Tuesday, 26 September 1989

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 3.30 pm, and read prayers.

## DIRECTOR OF PUBLIC PROSECUTIONS BILL

### *Second Reading*

HON J.M. BERINSON (North Metropolitan - Attorney General) [3.35 pm]: I move -

That the Bill be now read a second time.

This Bill provides for the establishment in Western Australia of a new office of Director of Public Prosecutions (DPP). Under the Bill the director will have full legal authority to make all decisions concerning the prosecution of criminal offences. This includes full authority to decide whether an indictment should be presented, the nature of the charge to be laid and how the prosecution will be conducted, as well as decisions as to appeals that may be brought and all incidental matters. A significant advantage in the establishment of the office of director is that the legislation will make it absolutely clear that the director will act with complete independence from the Attorney General and the Government of the day. Members will appreciate, of course, that a corollary of the independence of the DPP is that the Attorney General will not be able to be held accountable to Parliament and the community to the extent to which many suggest is still appropriate in respect of prosecution decisions today.

**Summary Trials:** In keeping with the position in some of the other jurisdictions, the Bill gives the director considerable authority, again with complete autonomy, in respect of summary proceedings for indictable offences - including all offences which may either be tried summarily or on indictment. These provisions represent a major innovation in this State and are entirely in addition to existing provisions for the summary prosecution of indictable offences. The Bill will enable the director to commence and prosecute proceedings before Courts of Petty Sessions and the Children's Court for any indictable offence. By virtue of these provisions the Bill will give the director the authority to deal with all summary proceedings for Criminal Code offences, as well as the offences which can be tried on indictment created by Statutes such as the Companies Code, Misuse of Drugs Act and the Road Traffic Act. In addition to being able to institute and conduct summary prosecution in the types of cases I have mentioned, the Bill proposes that the director should have the power - again an innovation in Western Australia - to take over summary proceedings by the police or others for any indictable offence.

Under the Bill the director will also be able to act with the consent of the complainant as solicitor or counsel for a complainant in the types of cases I have mentioned. In these circumstances the director would not assume full responsibility for the conduct of the prosecution. By these means the Bill provides a scheme under which cases of public importance in the lower courts, as well as all criminal cases on indictment, can be handled with independence, competence and the resources of the Director of Public Prosecutions.

**Other Functions:** The director will also be able to conduct committal proceedings for criminal offences, and appeals for the prosecution in cases which the director prosecuted or could have prosecuted. The director will have the independent authority to decide whether to appeal. In a few cases, the effectiveness with which the director can pursue his functions will depend on the availability of an indemnity or other assurance against prosecution to a potential witness. The Bill empowers the director to give such indemnities and assurances at his independent discretion. The Bill will also empower the director to intervene in coronial inquests where the director thinks that appropriate, and it enables the director to assist a coroner if that assistance is sought by the coroner. It will be for the director to decide whether the case is an appropriate one for such intervention or assistance.

The director will have responsibility for administering the Crimes (Confiscation of Profits) Act and any similar legislation so that work in this respect can be coordinated effectively with the processes of investigation and prosecution of offences. The director will provide appropriate assistance in this State to the directors and Crown prosecutors elsewhere in

Australia and to similar officials overseas. The director will also have responsibility for the extradition of offenders and prisoners.

The Bill is designed to ensure that the director will be able to institute and conduct proceedings for Commonwealth offences in accordance with arrangements between the State and the Commonwealth which have been in place for some two or three years. The Bill will also enable the director to conduct prosecutions in this State under the few remaining United Kingdom laws that allow for the trial of UK offences here. By this means the Bill will arm the director with all the powers which the Attorney General can exercise in respect of the investigation and prosecution of offences and, in addition, with many powers which the Attorney General does not have. That applies in particular to the prosecution of offences in Courts of Petty Sessions. In all of these matters the director will act independently of the Attorney General and the Government and of any other authority - subject for completeness to a small qualification I shall deal with shortly. As will be apparent, the director will bear extremely onerous and important responsibilities.

**Terms of Appointment:** To ensure the independence of the director and of the deputy director - another position which the Bill envisages - they will not be members of the Public Service but will hold independent statutory offices. Qualifications which are the same as those required for appointment as judge have been provided for the director's position. I should point out that while the Act requires the appointment of a director, it merely allows the appointment of a deputy. It is thought that a deputy will be a useful appointment for many practical reasons, but it is proposed to have the director's views before deciding whether a deputy should be appointed immediately. It is proposed that both the director and deputy director - if appointed - will enjoy security of tenure until age 65. This is to avoid the indirect but potentially serious threat to independence which could be created by appointments for a limited term. Because term appointments must be regularly considered for renewal by the Government of the day, the perception could be created that an appointee who acts against the interests of the Government may not be reappointed. That in turn could be seen as creating a potential for improper influence or pressure on the appointee. To avoid this, full security of tenure is provided for both the director and deputy director. To offer the public protection against an unfortunate appointment, however, the Bill provides that the director and the deputy director may be removed from office for misbehaviour - either privately or in connection with the duties of the office - incompetence, physical or mental incapacity, or bankruptcy.

The salaries of the director and deputy director are to be fixed by the Salaries and Allowances Tribunal, which is responsible for the review and determination of the salaries of members of Parliament, the judiciary and other senior officers of the State. By this means decisions on salary will also be determined independently. Members should be aware that all other directors in Australia except one have their salaries determined under schemes equivalent to our Salaries and Allowances Tribunal legislation. As all of them are in fact paid the equivalent of judicial salary, it can reasonably be anticipated that our own tribunal will determine the director's remuneration on that basis. The salary of the deputy director is, however, a less certain matter. It will in part depend upon the level of responsibility which the director chooses to place on his deputy. There is no consistent pattern elsewhere in Australia and that is a matter appropriately left to the tribunal without further comment.

Members will appreciate that the tribunal must be expected to fix the salary of the director in keeping with the level of salaries for the judiciary and other senior appointments in the State. It would be unrealistic, for example, to think of the salary being fixed by reference to earnings in private legal practice. The director and deputy director are precluded by the Bill from practising law or engaging in paid employment except with the specific approval of the Governor; for example, to enable the director to serve as a legal officer in the reserve forces. In the public interest the Bill also proposes that the director should notify the Attorney General of all pecuniary interests in any business. To make appointment to the office of director attractive to the widest range of potential appointees, the superannuation provisions proposed in the Bill are unusually wide and flexible. The judges' non-contributory scheme is applied to the office, and this is likely to be attractive to the majority of potential appointees. If the director is later appointed a judge, service and entitlements are continuous.

It must be anticipated, however, that some suitable appointees will only be prepared to give up private practice for a limited number of years, and may accept appointment on the basis

that they will resign to return to practice after, say, three to five years. To such an appointee the judges' pension scheme offers little attraction as there is no retirement benefit until after 10 years' service and after reaching age 60. The contributory scheme of the Government Employees Superannuation Act 1987 will be more attractive to such an appointee because of the lump sum entitlements on resignation after more than two years' service. The Bill allows contribution under this scheme as an alternative. Further, some potential appointees may already be contributors under the Superannuation and Family Benefits Act 1938, so provision is made to enable that contribution to continue. There are provisions in existing legislation and in the Bill to limit the potential for "double-dipping" created by these alternatives.

**Functions of Attorney General and director:** The provisions of the Bill go further than those of any equivalent legislation in Australia or the United Kingdom to spell out the relationship between the role of the Attorney General and that of the director. For all practical purposes the Attorney General will be more circumscribed in the role he can play in the administration of the investigation and prosecution of offences and related appeals, commitments and inquests than any other Attorney General in Australia or in the UK. This Bill ensures that any involvement by the Attorney General will be publicly identified, especially by report to Parliament, so that the Attorney General will be subject at every point to parliamentary and public scrutiny and accountability.

Part 4 of the Bill commences the relevant provisions by a declaration of the independence of the director from the Attorney General or any other person in the performance of the director's functions. Provision is made for consultation between the Attorney General and the director whenever either of them thinks it desirable. By this means views can be exchanged, but the independence of the director is not threatened or affected. Such consultation will be a means by which, for example, the Attorney General will be able to stress to the director parliamentary or public disquiet about, say, sentencing trends or the effects of certain policies being followed by the director. Such an official process of communication is an important part of the scheme of the Bill. This seeks to achieve some reasonable measure of parliamentary and public accountability of the director without affecting the independence which is critical for the public acceptance of the effectiveness of the office.

Clause 27 is very important. It enables directions of a general policy nature to be given to the director. However, the Attorney General is expressly precluded from giving a direction on his own initiative in a particular case. Every direction given must be included in the annual report of the director to Parliament.

Hon Max Evans: Hear, hear! You would not make any directions, would you?

Hon J.M. BERINSON: I shall comment on that shortly, and Mr Evans might be pleasantly surprised to know what the current situation actually is.

Mr President, directions of a general policy nature are necessary to allow guidance to be given to the director over a range of public policy where the Attorney General and, through him, the Government and the Parliament, are better equipped to reflect the prevailing needs and views of the community. Typical examples are whether prostitution laws should be enforced literally or through the existing system of police supervision, whether boys under 16 should be prosecuted for consenting intercourse with girls under 16, and the circumstances in which the criminal law should not be enforced in cases of domestic violence in the interests of family reconciliation.

The Bill requires such general prosecution policy directions to be published in the report of the DPP to Parliament. At present they are often unidentified and unknown to the Parliament and the public.

Clause 27(3) will enable the director, at his own discretion, to seek a general policy direction from the Attorney General. It will also enable the director to seek a policy direction relating to a particular case. The director must initiate the request before the Attorney General can give a direction in a particular case, and any direction given in response to such a request must be made public in the report of the director to Parliament. The ability of the director to seek a policy direction in a particular case is a very important provision and critical to the effective functioning of an independent director in some types of cases. The few examples I

have already given of general policy issues which heavily involve the public interest are an indication of the sort of issue which a particular case may throw up. If the issue is novel or if there is no existing general policy, the director may decide that he should not make a decision until he has received a policy direction which will guide or determine how that particular case should be dealt with.

There is another very limited range of public policy issues, especially those involving national security, where an official in the position of the director cannot be expected to make the decision. Often the potential consequences of prosecution are so serious that the decision needs to be made at the political level because the Government has more ready access to other Governments and to information on matters of national security or international concern. Fortunately cases in this category can be expected to be extremely rare, but it is not hard to think of examples, particularly in the area of international terrorism. It is important to stress that even in such extreme cases the Bill leaves the director with an absolutely independent discretion as to whether to seek a direction. This is in keeping with the overriding consideration of the Bill, which is to ensure the independence of the director's office.

Cases may arise where the director should not make a decision. There may be a personal conflict of interest or for some other reason the director's impartiality may be compromised about a particular case. If the director is not free to decide impartially, it is unlikely that the public will be satisfied that the director's staff can act in his place. In such a case, the Bill enables the director to request the Attorney General to deal with the case. Again it is the director who must decide to initiate a request for the Attorney General to act. For the range of reasons to which I have referred, it is necessary for the Attorney General to retain what may fairly be described as a "reserve power" to act in appropriate cases. This is confirmed by the fact that in every jurisdiction in Australia where there is a DPP and also in the United Kingdom, the Attorney General retains full power to act in prosecution matters.

Hon P.G. Pandal: This is the interesting bit. So it is not at arm's length at all.

Hon George Cash: This is called the "Berinson-John O'Connor clause".

Hon J.M. BERINSON: Not at all. This clause makes clear that the Bill goes further than any provision for a DPP in any other Australian jurisdiction or the UK. What the Bill seeks to achieve is a detailed and public procedure, fully subject to parliamentary scrutiny, under which any exercise of the Attorney General's powers will necessarily be limited and without any threat to the independence of the director.

Clause 28 regulates the rare situation where the Attorney General does exercise any of his powers to ensure that the director does not act inconsistently, but again the provision is designed to ensure the parliamentary and public accountability of the Attorney General of the day. The director is required to include in his report to Parliament any case where the director is precluded by this provision from taking any action he otherwise would have taken.

With a view to ensuring some measure of accountability to Parliament of the performance of the director's functions, there is a requirement for an annual report to Parliament by the director and provisions requiring the director to provide information to the Attorney General to enable Parliament to be informed and questions answered about the functions of the director. It is difficult to see that more can be done without impinging on the DPP's independence. Members will realise that the independence of the director means that the Attorney General cannot be responsible in the traditional constitutional manner for the functions or the decisions of the director.

**Relationship of Director with Other Authorities:** The Bill enables the director to obtain information he needs from the authorities of the State, including the Commissioner of Police, which have responsibility for the investigation and prosecution of offences, and the director may require these authorities to carry out investigations for the director. Under the Bill the director may also direct these authorities to refer types of offences within their responsibility, but which could be tried on indictment to the director with a view to the director conducting the prosecution, or the director may recommend that these authorities institute proceedings in respect of an offence.

**Guidelines:** The Bill provides for the director to issue guidelines to be followed in the performance of the director's functions. Such guidelines are to be published in the *Government Gazette*.

Staff: It is envisaged that in the performance of the functions of the office the director will continue the present practice of the Crown Prosecutor of briefing a proportion of the work to lawyers in private practice. Three factors make this inevitable -

The volume of work fluctuates, so that it would be inefficient to have enough staff permanently employed to cope with the highest volume of demands;

there is a shortage of experienced and able lawyers in Western Australia, so it is unlikely that the director will be able to attract capable staff with the required experience in sufficient numbers; and

the additional work which the Bill envisages the director will undertake over and above the present duties of the Crown Prosecutor will exaggerate the shortage of suitable staff and increase the dependence on briefing.

The Bill enables the office of the director to be established with the necessary staff appointed in the ordinary way under the Public Service Act - term contract or permanent appointment. The initial size and composition of that staff will naturally be influenced by the views of the first director, but the real determining factor is likely to be the number of suitably qualified and experienced lawyers who are prepared to accept appointment. Some of the present professional staff of the Crown Law Department may be expected to join the office of the director, but members should be aware that few will be prepared to do so. The reasons for this have been put to me very forcefully by the lawyers who presently undertake prosecuting work in the Crown Law Department. Criminal prosecutions, although important to the community, are a highly specialised and very small segment of legal practice. Very few lawyers are prepared to specialise in the field either as defence lawyers or prosecutors. Many other fields of legal practice are more financially rewarding, less emotionally demanding and involve more attractive work. There is a far greater demand in private practice for lawyers with experience in non-criminal work.

For these reasons very few lawyers in the Crown Law Department are prepared to confine their practice to criminal work. Most insist on maintaining constant experience in a wider range of work, such as civil litigation - common law, commercial, administrative, constitutional, arbitrations, town planning, taxation and ratings - and in many cases they combine practice as a barrister with practice as a solicitor. Because of this wide experience their personal satisfaction from practice is much greater, they are better able to avoid burn-out, their professional skill development is significantly enhanced, and they have the security of knowing that they can more readily find a position in a private firm or establish themselves at the independent Bar if they decide to leave Government practice.

For this reason the Crown Law Department has structured its professional staffing arrangements to allow the fullest opportunity for wide ranging experience. The result has been an ability to recruit lawyers of good quality far greater than might be expected in these days of a shortage of lawyers, and a reasonably high retention rate even though many lawyers in the department could take up more financially attractive offers elsewhere. The vast majority of these lawyers have made it emphatically clear that, for these reasons, they would not be prepared to confine their practices to criminal work. Accordingly, they will not join the director's office.

Against that background, the Bill has been drafted so as to enable the director to use the services of lawyers in the Crown Solicitor's office, who would be briefed by the director. This is analogous to the position in Victoria and New South Wales, where the director briefs the Crown Prosecutors and the Crown Council - Victoria - and the Crown Advocate - New South Wales. These Government lawyers are not part of the director's staff. Similarly in Tasmania the director utilises professional staff of the Crown Solicitor's office.

This arrangement will not only enable the director to have the services in appropriate cases of experienced prosecuting counsel, but equally important it will help ensure that, for the future, lawyers of quality and experience are available to do the non-criminal work of the State. For these reasons it is necessary to ensure flexibility in the staffing arrangements and this is provided by clause 30 of the Bill. Suitable staff can be appointed to the director's office and will specialise entirely in criminal work. In addition, by clause 30 the director will be able to brief lawyers in the Crown Solicitor's office, and by clause 20(1) the director will be able to brief the private legal profession. It is proposed that accounting and administrative

services will be provided by the Crown Law Department, which also provides all of the courts, and the Crown Solicitor's and the Parliamentary Counsel's offices with support services of this nature.

I add two general comments: Firstly, in the United Kingdom, in the Commonwealth and in some other States where there are directors the office was created as part of moves to construct an efficient prosecution service after serious deficiencies had developed in the existing arrangements. We are not in that position in this State and we should all take satisfaction from the competence, efficiency and dedication with which the work of the Crown Prosecutor and those who assist him has been conducted over the years. Secondly, I stress to members that as far as the prosecution of criminal offences on indictment in superior courts is concerned, and appeals from decisions in such cases, these provisions will do little more than formalise, affirm publicly and ensure the continuation of the arrangements already in place.

Until the mid 1970s indictments in this State were signed by the Attorney General and virtually all significant prosecution decisions were actually referred to the Attorney General with recommendations from the Crown Prosecutor and the Solicitor General. I am advised that Hon Ian Medcalf, QC, was responsible for starting the process of change that has led to the present position. Initially he authorised the Crown Prosecutor and the Solicitor General to make the decisions in routine cases and to sign most indictments. During his term of office he further extended the range of matters in which decisions were made without reference to him. When I assumed office I continued without change for some two years the arrangements he had made, but since then I have progressively extended full authority in virtually all matters, so that the only decisions I make today - in particular cases - are in respect of ex officio indictments, nolle's prosequi and appeals - but in each of those matters only when the Solicitor General is not available - indemnities against prosecution and extraditions.

The vast majority of decisions are made directly by the Crown Prosecutor and those assisting him, with the Solicitor General dealing with ex officio indictments, nolle's prosequi and appeals. These decisions are not referred to me and I am unaware of the decisions and actions being taken. If an unusual case should arise in which the Crown Prosecutor or the Solicitor General feels that a case involves some special issue of public policy, he can refer it to me. It is their decision to do so and it is a rare occurrence. Naturally, it is also open to me - in particular cases - to seek reports and reasons from the legal officers concerned and in recent times that has occurred, in the main, when questions have arisen as to the possibility of appeal against inadequacy of sentences.

The important advantage of the Bill before the House is that it will ensure the continuance of independent professional decisions concerning the prosecution of criminal offences and that it will provide clear public assurance of that independence.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Peter Foss.

## LAND TAX ASSESSMENT AMENDMENT BILL

### *Second Reading*

Debate resumed from 20 September.

HON J.M. BERINSON (North Metropolitan - Minister for Budget Management) [4.05 pm]: Since the debate was adjourned Hon Max Evans has listed three proposed amendments. As the honourable member intends to proceed with those amendments at the Committee stage, it would be best to deal with each of the specific questions in turn rather than attempting a general summary now. I take it from the earlier comments by Hon Max Evans that in general the Opposition supports the Bill, and I welcome that. Perhaps the least I should do is indicate that I do not propose to accept the amendments, although perhaps the Opposition will not accept that until it has heard the reasons I will put forward - which, no doubt, Mr Evans will find persuasive.

Question put and passed.

Bill read a second time.

*Committee*

The Chairman of Committees (Hon J.M. Brown) in the Chair; Hon J.M. Berinson (Minister for Budget Management) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Section 23 inserted -

Hon MAX EVANS: I move -

Page 2, line 19 - To delete the words "commencing on 1 July 1989" and substitute the following words -

ending on 30 June 1989

I will speak to my amendment, and then I will listen keenly to the Minister's arguments.

Land tax assessment notices are based on land held on 30 June each year. The Government has made an amendment to the Act, with which I agreed from the start, but a person may be caught in a difficult position when buying a house while still trying to sell another; he could be in a position where he has two houses on one day of the year - that is, 30 June. On any other day of the year it would not matter. If on that one day a person has two houses, and he is not renting either, he is subject to the land tax on one house. I am not certain whether these people would be charged land tax on the more valuable block when they move up market when buying a house. Land tax was charged to people who were caught with having two places of residence at 30 June. In theory, there could have been problems between the parties involved if a sale took place at any other time during the year, but I will not go into that now.

The persons who will benefit at 30 June 1990 will be different persons from those who have two houses at 30 June 1989 because if they still have two houses at 30 June 1990 they will probably be insolvent and not able to pay land tax. My amendment should be accepted by the Government because it will benefit persons who find themselves in this position. It will not result in lost revenue to the Government, but if justice is to be done the legislation must include that date.

Hon J.M. BERINSON: With due respect to Mr Evans it must be said that nothing is easier for an Opposition when a new fee or charge is imposed than to argue that it is too much and when an allowance is made to argue that it is insufficiently generous. What we have is a move by the Government to cater for a position that has always applied under the Land Tax Act. I do not know how long it has existed, but I doubt whether it would be for less than 50 years. It has been brought to my attention on a number of occasions in recent months and it has led the Government to suggest to the Parliament that an accommodation should be made for people in this position, commencing this year. Mr Evans agrees with the principle, but says that it is not generous enough and we should back date it one year. We might as easily be able to argue it should be back dated two or three years.

Hon Max Evans: You know that is not right. They have already paid it.

Hon J.M. BERINSON: By the end of September some of the people concerned may have paid the tax.

Hon Max Evans: I doubt whether the assessments have been distributed.

Hon J.M. BERINSON: I do not know how many assessments are out. In any event, the principle is clear: We are agreed that in future this situation should not give rise to land tax; but Mr Evans wants to back date it 12 months, beyond the starting point provided in the Bill.

I agree with Hon Max Evans that the amount involved, in total, may not be large. It has not been possible to obtain an estimate that one could rely on simply because, in the absence of a capacity to apply for this sort of refund, accurate records of this situation have not been kept. However, this concession was part of the whole package of Budget measures which has already been presented to the Parliament and the Government is not in a position, before the ink is dry - so to speak - on the Budget, to be carrying the concessions beyond the extent that the Bill proposes.

To put it in a nutshell, we have a provision which everyone agrees with. It is always easy to argue for a more generous view and that is what Hon Max Evans is doing. From the

Government's point of view it has a Budget to handle and just as it is not now proposing to increase charges or taxes beyond the extent the Budget indicates, neither is it prepared to reduce the revenue measures.

Hon MAX EVANS: The Minister for Budget Management said that this Bill is part of the whole Budget package and is based on this year's Budget and not next year's Budget.

Hon J.M. Berinson: That is right.

Hon MAX EVANS: I have never heard of the problem arising where people have been forced to pay land tax on two residences if they own them on 30 June.

Hon J.M. Berinson: I can assure Hon Max Evans it is not new. I can remember submissions being put to me over four or five years regarding this question. It is not one of the effects of the new and what one might call firmer administrative approaches.

Hon MAX EVANS: The computer is far more capable of bringing out these facts. For example, in the past schoolteachers who were transferred to the country would rent their homes and would not pay land tax. That is now being picked up through questionnaires. I would have thought that the Minister would be able to back up his argument.

I refer members to the amendment to the next clause which strengthens the Government's case. The Government wants to make the position absolutely clear, because people were trying to obtain benefits; that is the reason for the following clause. This amendment ensures there will be no doubt as to the date. The people who need this help are not the wealthy people who sell houses. Many people have been caught with property problems and sometimes have been forced to trade down and they are the people who should be given assistance.

If the Government is faced with a problem the Minister should be able to say how many assessments have already been sent out. I remember that in 1986 the assessments were sent out in July or August. Last year they were sent out in May and I do not know the reason for that; it was probably to delay revenue because the Government had too much surplus. People caught in this position are entitled to a concession. The Minister spoke about the injustice of people being forced to pay land tax on both properties. However, it applies to only one day of the year and if they owned two properties on any other day it would not matter. If a person sold his second property on 29 June he would not be confronted with any problems, but if he sold it on 1 July he would have to pay land tax. If a person pays land tax on 1 July he cannot pass that cost to the new owner because the new owner is exempt from paying it. With commercial properties an adjustment in the land tax is made.

Hon J.M. Berinson: It works in the opposite way.

Hon MAX EVANS: In what way?

Hon J.M. Berinson: People who buy their property for investment on 1 July escape that tax.

Hon MAX EVANS: The properties I am talking about will be sold to another owner-operator. If a person buys a commercial property and rents it he would not pay the tax. If he bought it from a person who had only one house he would not be paying the tax; but if he bought it from a person who owned two houses and was to rent it out there would be an adjustment, but that happens only on rare occasions. If someone sold a second house on 29 June and was free of it on 1 July that person would have to pay the land tax and could not get a rebate or an adjustment. That is most unfair. It may involve only \$100 or \$200, but as this Government has changed a lot of other things, including stamp duty for first home owners, such a change in relation to this matter is an absolute must so that justice is done. We have seen no tears from the Government over all the money put into the Swan Building Society or the Teachers Credit Society. That did not worry the Government, whose members did not bat an eyelid; but in this instance the Government could help ordinary people to get real justice, which is far more important.

There are many anomalies in relation to this whole matter. This situation would not affect a person for 364 days of an ordinary year or for 365 days in a leap year, but as a result of owning two houses on one day of the year that person has to pay land tax which could amount to \$700 to \$900. That is an absolute injustice! This change should be introduced from 30 June next year and should be retrospective to 30 June this year. That is the Opposition's approach to this matter.



Hon J.M. BERINSON: I do not remember the exact terminology I used in my second reading speech, but I do not think I spoke in terms of "injustices". I am talking in terms of a concession to meet a particular situation which has arisen. In his most recent comments Hon Max Evans took the argument much further. In doing so, he forced us to consider what is the fundamental basis of the imposition of land tax and the way in which it can throw up what might appear at first sight to be anomalies which, in fact, are not. The thing about land tax, not only in Western Australia but in every State of the Commonwealth, is that it applies always to land held as at 30 June in any year. In that case land tax is paid for a full year. Many people have argued that that is too arbitrary an approach, that if a house is tenanted, for example, on 30 June and somebody buys it on 30 July then that person should be entitled to an eleven-twelfths refund of any land tax payable on the transfer.

Hon Max Evans: Is the Minister foreshadowing an amendment?

Hon J.M. BERINSON: Of course not. The reason for that is that there would otherwise simply never be an end to the work of the land tax department in terms of the sale and purchase of houses. This problem has arisen on innumerable occasions and every jurisdiction in Australia, including our own, has settled on the fact that there must be a date on which land tax applies or does not apply, and that has uniformly been settled on as 30 June each year. In the course of Hon Max Evans' comments I interjected on one point to say that the problem to which he was referring also applied vice-versa. By that I meant that just as some people may find themselves paying land tax in the situation which is covered by this section, so other people escape it. The example I gave when I elaborated on my interjection was the case of a house being bought as an investment for letting out with the transaction occurring on 1 July. Because the purchase was made from an owner-occupier no land tax would apply to that whole year. That is really the converse of the situation sought to be covered by this Bill.

Hon Max Evans: The Minister is not trying to foreshadow collecting that amount but is foreshadowing the problem at 30 June of double ownership.

Hon J.M. BERINSON: I am not foreshadowing anything beyond the provisions of this Bill. I am simply giving a number of examples of situations which some people may regard as anomalous but which are not anomalous when one comes to understand what is the basis of land tax. The basis of land tax is ownership of land at 30 June in any year coupled with the exemption applying to owner-occupied residences. That is the basis of the system and one could go on indefinitely thinking of further ways of providing generous concessions. As it happens, our concession to owner occupied residences goes much further than is the case in a number of other States. We are here acknowledging that there is room for a further concession, but I put to the Committee that having accepted that principle the Government's timetable should be allowed to flow.

Hon MAX EVANS: That is an interesting argument put forward by the Minister. However, it is all irrelevant. I am not taking credit for bringing forward this amendment to the legislation as it is the amendment of the Minister - he has conceded there is a problem, not me. All the persons who buy a house for commercial purposes on 30 July do not pay land tax. That is to their advantage and that is the Minister's problem. He can make amendments to the legislation if he wishes to pick that up. This is his legislation to rectify the problem. I am trying to rectify a problem in relation to the date.

Hon J.M. Berinson: We are saying that it should apply prospectively.

Hon MAX EVANS: The Minister is saying make it retrospective to 1 July and I am saying 30 June. If there were a leap year next year it would be the same day, anyway. Let us think of it in that way; that, really, the Minister is just doing this to 30 June in a leap year.

I return to the subject of commercial tenancies. As the Minister and I know, this is not a wealth tax passed on to the tenant as one does not always do that in a housing situation. In all other commercial transactions one adjusts this amount from the date of sale and the tenant pays. In the old days landlords paid, but now the tenant pays, so we are not looking at commercial tenancies. There are odd exceptions to this, as the Minister said, in relation to a residence being owner occupied and to be rented out. It is in the Minister's hands; if he wants to work out better ways of doing things. The rest of Australia uses 30 June as the appropriate date. I see that as being justice for the normal people out there. If the Minister

said this would cost \$2 million or \$3 million I would have to think twice about it. However, I know that is not much money to someone who paid out large amounts of money to the Teachers Credit Society and the Swan Building Society, but it is a lot of money to me. The Minister has given no statistics on the amount of money that has gone out as a percentage of the whole.

Hon J.M. Berinson: It would certainly not be in the millions. I cannot imagine that it would be. What we are talking about, as we will in a moment again, is whether provisions of this kind should be retrospective, and that is the effect of Hon Max Evans' first two amendments.

Hon MAX EVANS: The Minister did not say in his second reading speech how he sees this discretionary trust factor. What does the second amendment apply to? Does it apply only to discretionary trusts or to unit trusts?

The CHAIRMAN: We are dealing with clause 6, discretionary trusts will come later.

Hon MAX EVANS: My attitude to this matter depends to a large extent on the question I put to the Minister with respect to the amendment relating to exceptions for natural persons and trusts for a discretionary trust not to be allowed. I asked whether the provision applied only to discretionary trusts or whether it included unit trusts. If the Minister does not know, he should report progress and ask leave to sit again.

Hon J.M. BERINSON: I do not understand the link between the further question being signalled and the current position we are dealing with. It is very difficult to answer the question without getting into a discussion on clause 8.

Hon MAX EVANS: I asked the Minister a question during the second reading debate. I would have expected him to answer it.

Hon J.M. Berinson: I thought that related to clause 8.

Hon MAX EVANS: I would still like to know the Minister's thinking on that subject. We are taking money away on the one hand. This applies to a discretionary trust, and the Minister wants to lock in those provisions. Where there is a doubt about people gaining exemption, the legal eagles are saying, "I want an exemption because I am a natural person in a discretionary trust." The legislation is designed to cut them out. That is the answer the Minister should have given earlier.

Hon J.M. BERINSON: I took Mr Evans' earlier comment as referring to his second proposed amendment, but I think he is talking about his first proposal. This is in respect of a tax increase. If I understand Mr Evans correctly, he is saying it would be fair from all points of view and would balance the revenue considerations to agree to backdating the provisions both in respect of the concession provided by clause 6 and the restriction on the concession imposed by the first amendment to clause 8. With your indulgence, Mr Chairman, I should indicate that it is my intention to oppose the first proposed amendment to clause 8 on the basis that, if the current cases before the court are upheld, it would have the effect of retrospectively applying an increase in tax. Further, it would serve to nullify cases before the court which have not been completed. It would seem to be unfair to deal with the people concerned in that way, and that is why we are proposing, irrespective of what the court has to say, that the position be made clear from the current financial year.

Hon MAX EVANS: All the court cases concern land held in June 1988. There would be no court cases involving June 1989 at this stage because the people concerned would not have had the requisite 40 or 60 days in which to lodge an objection. Does this provision apply only to discretionary trusts, or does it apply to unit trusts, or does the Minister not know the difference?

Hon J.M. BERINSON: The amendment under clause 8 is designed to limit the non-applicability of land tax to beneficiaries of non-discretionary trusts only.

Hon Max Evans: So the discretionary trust does not receive the benefit?

Hon J.M. BERINSON: That is right. It is designed to prevent the applicability of the concession to the trustees of either discretionary or non-discretionary trusts. There are two sorts of trusts, in effect, discretionary and non-discretionary. In both cases we have beneficiaries. The objective of this Bill is to continue to provide the land tax concession to the beneficiaries of non-discretionary trusts; that is, to beneficial owners who are actually in

residence and who are positively known. The intention is not to allow it to the trustees of any sort of trust, whether discretionary or non-discretionary, and not to allow it to beneficiaries of discretionary trusts, since those beneficiaries cannot be definitely known. In other words, the Bill is designed to allow it in one case out of four.

Hon MAX EVANS: I thank the Minister for his clarification. Does the Minister see my point? Perhaps we can change clause 6 and not clause 8, if it will affect the court cases, which I do not believe it will.

Hon J.M. Berinson: It is not so much the court cases but the fact that if people had a right in respect of land held at 30 June - and that is something which will only be known when the cases are determined - it would amount to retrospective taxing legislation to put this measure back to 30 June.

Hon MAX EVANS: My experience is that the commissioner has been disallowing all types of discretionary trusts, but only because the beneficiary is not known. Some people have been using the argument that the trust is not allowed, but the trustee should be allowed, being a natural person or a company. People only attack this fine point of law. Discretionary trusts as such have been disallowed for some years.

Hon J.M. Berinson: In respect of beneficiaries?

Hon MAX EVANS: That is right. This is a new line being taken in respect of a trustee being either a natural person or a company. A natural person is exempt, and so is a company. The Minister should forget about their being responsible to a discretionary trust. The Minister is trying to close a loophole. I do not believe his argument that many people would be disadvantaged by this amendment's being accepted now. Most of these people have been non-exempt before this. Surely the Minister would have received advice on those two points, because the discretionary trust was not allowed before. The unit trust was non-discretionary, provided the beneficiaries were known. If they leave the House the percentage of persons in the House can be used, but that is another point.

As the Minister did not finish the second reading debate as I hoped he would, it was important to deal with that matter, and I thank you for your indulgence, Mr Chairman. With this clause, it really comes back to the importance of looking after the interests of the ordinary people in the street in respect of the benefits. I do not believe it impinges on revenue at all. Hon Joe Berinson might get a good write-up in the paper - "Hard Joe is now soft Joe"; no longer is he "No Joe".

Hon J.M. Berinson: Had you made that your first argument, we might have reached agreement.

Hon MAX EVANS: The Minister for Budget Management has not really convinced me why it cannot be done in respect of retrospectivity to that date. We are only going back one day earlier, and in a leap year it is no different.

Hon J.M. Berinson: We are going back a full year; it is not one day.

Hon MAX EVANS: Yes, it is taking it back for a full year's assessment, but for these people it is only in respect of one day of the year, and to get that benefit the Minister for Budget Management - not me, I did not bring in the original amendment - brought in the original amendment effective from next June. We recognise there is a problem, but why do we not give these people the benefit? A lot of the time it would not even apply; people will not even know about it, and the Government will be lucky in that respect. However for people in that position it is a problem which we should rectify because nothing has been said about the assessments - not many have gone out - or the money factor. I believe it should be dealt with in a manner proper for this type of legislation. Land tax will bring in \$60 million or \$70 million this year. I cannot see the Government losing very much, at least no more than it lost in the last couple of years by rendering its assessments 10 months late. In those cases the interest lost was far greater than the amount we are talking about here. However, nobody in the Minister's department is bleating about that. I suggest the Minister for Budget Management go back and check his statistics. I do not know why the assessments were so late, but it did not seem to worry the Minister for Budget Management.

Hon J.M. Berinson: They were introducing an entirely new system which has produced first class results.

Hon MAX EVANS: It was producing pretty good results before.

Hon J.M. Berinson: But better results now.

Hon MAX EVANS: I would still like the Minister for Budget Management to think the matter through further because it is of great importance. It is not much money, but a principle is involved.

Amendment put and negatived.

Clause put and passed.

Clause 7 put and passed.

Clause 8: Schedule amended -

Hon MAX EVANS: I move -

Page 4, line 13 - To delete the words "commencing on 1 July 1989" and substitute the words "ending on 30 June 1989".

We allowed the other clause to pass only to prevent a hold-up further down the line. However, I believe the Minister for Budget Management lacks understanding in respect of this clause and I would like his further explanation of it, particularly as to trusts. I have half an explanation as to why the date cannot be put back, but I do not even see that point. I do not think the argument in that respect is right. In respect of the others, we will never know who missed out on the benefits before. I believe benefits should have been given, but I would like to know clearly what the Minister for Budget Management's opinion is on this one.

Hon J.M. BERINSON: As I have indicated before, we are really dealing with the converse of the early discussions in that the first amendments would have cost the revenue a little and this amendment, if carried, would probably add to the revenue a little. However, to use Hon Max Evans' own phrase, it is a question of being fair. We are here putting beyond doubt the ability of the commissioner to impose land tax in certain cases. Some of those are currently subject to court challenges against his earlier decisions. True enough, as Hon Max Evans says, those challenges would relate to assessments for the year ended June 1988, but if they are upheld their effect would be that persons holding land as at 30 June 1989 would be exempt, and if we now backdate this date as well, that would have -

Hon Max Evans: If the appeal was upheld for last year, it would be exempt this year?

Hon J.M. BERINSON: That is right. That would mean the people holding that land at 30 June this year would be exempt.

Hon Max Evans: You are so considerate.

Hon J.M. BERINSON: It is just a matter of uniformity of approach. What we would be doing by passing this amendment is to go back retrospectively to that situation and say, "It does not matter what the court said and whatever your taxation position was at 30 June, even though it is now 26 September whatever concession then available to you is now no longer available to you." That appeared to the Government to have a retrospective effect which it has applied in some cases, I must admit, but the case has to be important enough to justify it and I would not see this as coming within that category.

Hon MAX EVANS: I thank the Minister for Budget Management for his explanation. It counters the argument of saving on the one hand and giving away on the other. I think his answer was clearer than earlier, and I will accept it.

Hon J.M. Berinson: I am not anticipating what the courts are going to say.

Hon MAX EVANS: I presume that the officers of the Minister for Budget Management's department are assuming they will be on rough ground; this legislation is obviously to protect their interests next year. They must be anticipating they could lose these cases. I hope they do and a little justice goes to the taxpayers. As a result of the Minister for Budget Management's explanation I seek leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Hon MAX EVANS: I move -

Page 4, line 17 - To add after the word "trustee" the words "of a discretionary trust".

I would like this matter clarified. I believe the legislation is not clear enough in this respect. The Interpretations Act, coming back to what the Minister for Budget Management said, says that it will directly apply to discretionary trusts. However, if one reads the wording of the legislation, it could apply virtually to a non-discretionary or to a discretionary trust.

Hon J.M. Berinson: It is intended to apply to both only in respect of trustees. What we are saying is that the trustee of land, whether it is a discretionary or non-discretionary trust, should not be entitled to a tax exemption if he lives on the property. That entitlement should be restricted to beneficiaries who are living on the property.

Hon MAX EVANS: I think the Minister for Budget Management has missed the point. The trust is never in the name of the beneficiaries; it is in the name of the trustee. The trustee of the trust has the benefit because of the nature of the trust. In other words, if it is a unit trust and the beneficiaries are living within the house, it is the trustee who is liable for the land tax.

Hon J.M. Berinson: But there is an exemption - there always has been an exemption - where the property was occupied by the beneficiaries of a non-discretionary trust. What we are saying is that that should not apply to the trustees if the trustees are not also beneficiaries but happen to live on the property. There is no justification for it because they are not the beneficial owners.

Hon MAX EVANS: But with most unit trusts, where one knows who the beneficiaries of a non-discretionary trust are, the trustee is a company. The Leader of the House is now saying, "and the company does not live there".

Hon J.M. Berinson: As long as the non-discretionary beneficiary lives there, the tax does not apply.

Hon MAX EVANS: I just wanted to make that clear. Now that I have that in hard black and white I seek leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Title put and passed.

#### *Report*

Bill reported, without amendment, and the report adopted.

#### *Third Reading*

Bill read a third time, on motion by Hon J.M. Berinson (Minister for Budget Management), and transmitted to the Assembly.

### **TAXATION (RECIPROCAL POWERS) BILL**

#### *Second Reading*

Debate resumed from 6 September.

HON MAX EVANS (North Metropolitan) [4.53 pm]: The Opposition supports the Bill. Recapping on what the Minister said, the Bill follows extensive consultation with the officers of the taxation authorities of all States and the Territories and the Australian Taxation Office. Its purpose is to allow State and Territory taxation authorities to undertake investigations outside their own boundaries and to enable State and Territory taxation authorities to conduct investigations on behalf of taxation authorities of other States. It really is most amazing that we have taken so long to bring this legislation forward in view of the problems that evolved in this country trying to get information from one State to the other. As the Minister said in his second reading speech, the taxation authorities have no power beyond that of any citizen to carry out investigations outside the jurisdiction of their own States. Neither is the taxation authority of one State able to exercise its own statutory investigation powers for the purpose of the taxation laws of another State.

It is quite amazing that in one country we have been limited by legislation stopping taxation authorities doing the job they are paid to do. People have exploited us for a long time. Therefore the Opposition supports the legislation as only Western Australia and Tasmania

have not come into line with the legislation. All the other States and Territories have done so and I presume Tasmania will come into line so there is uniformity within all States.

Question put and passed.

Bill read a second time.

*Committee and Report*

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

*Third Reading*

Bill read a third time, on motion by Hon J.M. Berinson (Attorney General), and transmitted to the Assembly.

**MINISTERIAL STATEMENT - CROWN LAW PROSECUTING OFFICERS**

*Criticism - Objection*

Debate resumed from 5 April.

**HON GEORGE CASH** (North Metropolitan - Leader of the Opposition) [4.55 pm]: Members will be aware that on Wednesday, 5 April 1989 the Attorney General, by leave of the House, made a ministerial statement and in part was somewhat critical of my colleague, Hon W.R.B. Hassell, MLA. He was critical of certain comments that Mr Hassell was alleged to have made during debate on a number of matters in the other place. I emphasise to the House that the comments to which the Attorney General referred would be no more than alleged comments because to date I have not been able to satisfy myself that Mr Hassell made the statements on which the Attorney General relied in making his ministerial statement. All members of this House and no doubt other Parliaments will hold different prejudices, which is not an unreasonable proposition. For anyone to believe that all members of this House or any other Parliament would share the same view on all matters would not only make this place a colourless and boring institution, it would do little for the betterment of the democratic process in this State. Perhaps the Attorney General, in making his ministerial statement, was attempting to make a statement on behalf of certain officers of the Crown Law Department. In his statement he used the following words -

There is no basis for the disparaging remarks which have been made about them and I reject them unequivocally.

In respect of the persons whom the Attorney General names in his ministerial statement, the Opposition also supports the fact that they are loyal and trusted members of the Crown Law Department and that they are people of significant competence. That is a view which I would expect all members of this House to share. I do, however, question whether or not the Attorney General was attempting some intimidation of members in this place in relation to making statements about senior public servants, whether those people be Crown Law officers or not. As I said earlier, it would be quite ludicrous to think that everyone shared the same view, but to not hold the same view as the Attorney General does not in itself constitute a situation in which the statements that one makes are necessarily wrong.

Hon J.M. Berinson: I have never suggested that. When have I ever suggested that?

Hon GEORGE CASH: If the Attorney General cares to read the ministerial statement which was no doubt written for him and which he read to this House, he will see that it is not unreasonable for one to believe that he is trying, perhaps covertly, to intimidate people into not saying things that do not lie comfortably alongside statements that the Attorney General has made in the past. I refer, in particular, to the Tan case, because it was in relation to matters arising out of the Tan case and the handling of that case by the Attorney General that my colleague, Hon W.R.B. Hassell, made his comments.

**[Questions without notice taken.]**

Hon GEORGE CASH: Prior to questions being taken I was indicating that it was my view in interpreting the comments made by the Attorney General that he was attempting, whether directly or indirectly, to intimidate another member of a Parliament, and that I believed that was improper. In due course I will explore the question of parliamentary privilege.

However, the real nub of the question seems to me to be whether a member of Parliament is entitled to question the actions of public servants or other people in the employ of the Government.

Hon J.M. Berinson: Undoubtedly he or she is.

Hon GEORGE CASH: I thank the Attorney General for his confirmation. Perhaps the ministerial statement delivered to the House was not, as the Attorney suggested in his statement, a rebuke of Mr Hassell for his comments about certain senior Crown Law officers but rather a rebuke of Mr Hassell because he raised in that other place the very poor handling of a number of matters which came or still come under the purview of the Attorney General.

Hon J.M. Berinson: That is where Mr Hassell and you are both so wrong.

Hon GEORGE CASH: Mr President, one has only to push the button and the Attorney General fires.

Hon J.M. Berinson: A moment ago you were expressing your regard for the same people you are now denigrating.

Hon Mark Nevill: It is your opinion, not a fact.

Hon GEORGE CASH: As soon as one questions the manner in which the Attorney General has handled some very public cases - and I refer to the Tan and Sampi cases - he explodes into life, claiming or attempting to indicate that he has been misrepresented. I put it to you, Mr President, that clearly the actions of the Attorney General in respect of those two cases alone have raised a significant amount of public comment and will continue to do so until he deals with the cases in a proper manner.

I turn now to parliamentary privilege, because I interpreted from the Attorney's statements that that was the area he was attempting to impinge on. I note that in Erskine May parliamentary privilege is defined as follows -

Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals. Thus privilege, though part of the law of the land, is to a certain extent an exemption from the ordinary law . . .

The particular privileges of the Commons have been defined as :-

"The sum of the fundamental rights of the House and of its individual Members as against the prerogatives of the Crown, the authority of the ordinary courts of law and the special rights of the House of Lords"

If we go a little further, we have only to walk down into the foyer of this Parliament at the moment to see on display a number of exhibits referring to the Bill of Rights. I remember, Mr President, that only two weeks ago both you and the Speaker of the Legislative Assembly addressed various members of Parliament and other interested people on the question of the Bill of Rights, and how it was absolutely fundamental to the running of a Parliament. Article 9 of the Bill of Rights states -

That the freedom of speech, and debates or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament.

I think all would accept that, even the Attorney General. The point I make is that it was quite proper, and it is quite proper, for a member of Parliament to raise matters of public interest in the Parliament. If members are constrained from doing that, whether by intimidation by other members of Parliament or because they themselves are not prepared to accept the authority that is vested in them by way of that Bill of Rights, then really I wonder what the Parliament is all about.

I put to the Attorney General that, firstly, he was wrong in attacking my colleague, Mr Hassell, in his ministerial statement; that he was wrong to question the credibility and very high standing of three senior Crown Law officers -

Hon J.M. Berinson: I did not say that, Mr Hassell did that.

Hon GEORGE CASH: - to justify his ministerial statement. Had the Attorney General read

closely the comments of my colleague, Mr Hassell, he would have seen for himself that those comments were directed more to the indecisive way in which the Attorney General has handled, in particular, the Tan and Sampi cases, but, in general, the lack of competence that the Attorney General has shown to matters of public interest.

Hon Kay Hallahan: That is outrageous!

HON J.M. BERINSON (North Metropolitan - Attorney General) [5.39 pm]: This has been an extraordinary effort by the Leader of the Opposition. He started off by recognising the competence and integrity of senior Crown Law officers and ended up abusing them by supporting Mr Hassell; in fact, he was saying that all we were dealing with in the ministerial statement were not really statements that Mr Hassell made but allegations that he had made them.

I do not have the Press cuttings here or transcripts from the radio and television broadcasts on which Mr Hassell appeared, and on which time and again he attacked our senior Crown Law officers in a totally unjustifiable way - in a way that recognised neither their independence nor their high professional capacity. We do not need to go to the transcripts. We will just look at one of the phrases used by Mr Hassell. My statement did not refer only to Mr Hassell but to Mr Hassell and other Opposition members.

Hon George Cash: Who were the other members? Will you identify them?

Hon J.M. BERINSON: Mr Lewis.

Hon George Cash: Were there others?

Hon J.M. BERINSON: I do not need any more for present purposes. I made my statement on 5 April, and that was followed by one day only with statements to the following effect on 4 April by Mr Hassell. Referring to questioning about the processing of certain cases, he went on to say -

That questioning centres on the thoroughness, if not the competence, of some Crown Law officers involved in trials in this State.

He continued -

... ever since the O'Connor case ... I have had a question on my mind about the Crown Law Department.

Hon George Cash: He had questions about you as Attorney General and what you did.

Hon J.M. BERINSON: He said -

Evidence consistent with the prosecution case was not presented.

These statements could only be taken as an outright and unqualified condemnation of the prosecuting officers. Mr Lewis did not want to be outdone, because the sort of statements he came up with were like this -

Cases have been presented to the courts in this State where an eminent Queens Council has been representing the defendant, yet an ordinary, second rate solicitor has been prosecuting for the Crown.

In case there was any doubt as to which prosecutors he was talking about, Mr Lewis made the position clear by referring to particular cases. Again, Mr Lewis stated -

The public believes that the prosecution mounted in the Martin-Brush case, the Sampi case and the Tan case was inadequate.

As soon as he mentioned the cases, he was mentioning the counsel, and he was dealing with two out of the three most senior prosecutors in this State.

#### *Point of Order*

Hon D.J. WORDSWORTH: Could the Attorney General identify the quotes to which he is referring?

Hon J.M. BERINSON: I have been referring to pages 11, 12 and 17 of the daily *Hansard* of the Legislative Assembly of Tuesday, 4 April 1989.

The PRESIDENT: I remind the member that he should call "Point of order" when he stands up to make a point of order.



*Debate Resumed*

Hon J.M. BERINSON: How, in the face of statements like these - and I can assure members that these were far from atypical - can Mr Cash get up and say, "We are not really criticising senior prosecutors"? We are only dealing with Crown counsel and with the Crown Prosecutor - men whose competence and integrity we hold in the highest regard. Mr Cash says, "All that we are doing is calling them second rate solicitors, but no-one should take offence, should they?"

Hon P.G. Pendal: Should they be immune?

Hon J.M. BERINSON: No-one would regard that as anything other than an expression of high esteem! That might be Mr Cash's standards, Mr President, but it is certainly -

Hon George Cash: John O'Connor's -

Hon J.M. BERINSON: Don't!

The PRESIDENT: Order! Order! I will not allow members to have an argument across the Chamber. The Attorney General has the floor.

Hon J.M. BERINSON: Realising the weak ground on which he stood -

Hon George Cash: John O'Connor was on weak ground with you when you entered the nolle prosequi.

Hon J.M. BERINSON: That is another indication. Mr President, you know me very well, and you know how reluctant I am to be distracted from the main theme I am trying to pursue. But now that Mr Cash has brought up the O'Connor case in the context of a ministerial statement about public attacks on the integrity and professional competence of our senior legal officers, let me make it clear that the decision in the O'Connor case was my decision, made on my authority, made on my responsibility, and announced in this House on the very day the decision was made in those precise terms. Mr Cash was so pitiful -

Several members interjected.

Hon George Cash: Why did you offer to resign to the former Premier?

Hon J.M. BERINSON: - in the comments he made on a ministerial statement relating to Crown Law officers. Why was he so unsure of himself that he had to bring in a case which had nothing to do with Crown Law officers? Let us get back to what we were talking about: The most disgraceful and unwarranted attacks on the senior Crown Law officers of this State was made by colleagues of Mr Cash; that is, Mr Hassell and Mr Lewis, among others, without any foundation, without any skerrick of evidence, and more than that, without any understanding of the issues involved.

Allow me to return to Mr Cash's original presentation, which he obviously regarded as so weak as to require him to move on to other ground. That is, if one is not too sure about a case one is presenting, one presents a case about something else. All of a sudden, out of a discussion about unwarranted criticism of senior Crown Law officers, we have an account of something in the foyer of the Parliament dealing with the Bill of Rights, the privileges of members of Parliament, and our capacity to say things here which we cannot say elsewhere - a great responsibility, I might add, as well as a right. Mr Cash went on from there to suggest that my statement to this House, defending the integrity and competence of our legal authorities, was in some way an attempt to intimidate members from exercising the privileges of speech which we all enjoy.

Hon George Cash interjected.

Hon J.M. BERINSON: Of course, it was nothing of the sort, and the member knows it. He knows that he was trying to defend a couple of his colleagues who acted in a way which was entirely indefensible; it was disgraceful. The fact that Mr Cash felt obliged to stand up for them is something we can understand, but it would have been helpful had he restricted himself to the real issues.

The Tan case has been mentioned, and Mr Cash - never a man to miss an opportunity to kick a head - is prepared to have a kick at mine on the basis of the Tan case. That case, as well as involving a terrible personal tragedy for that family, did develop into a highly contentious public issue. I was involved in that, and I have previously indicated the basis on which I

responded to various criticisms which were made. If any member of this House wants to launch a debate on my response to various matters that arose after the Tan decision I am prepared to engage in that debate.

Hon George Cash: Your lack of response!

Hon J.M. BERINSON: I take up that interjection. Not one single criticism of the Tan case was not fully studied, explored and decided upon. Unlike Mr Hassell, however - no doubt, Mr Cash supports him in this as well - I did not adopt the view that it was proper to take allegations going to scientific matters, adopt them immediately, go on television and criticise all manner of people on the basis of that scientific evidence before that evidence was tested, and then decline to make further comment when the tests came in showing that the original allegations were 100 per cent wrong. Mr Hassell never once had the decency, having attacked the professional officers - I am not speaking only of the legal professional officers but also of the medical officers - on the merest suggestion that they may have been at fault, to come back with an apology once those attacks had been shown totally to be baseless.

Returning to the Tan case, I concede that I was involved in a highly contentious situation after the decision came in and a great deal of public controversy ensued. I will not go into all the detail; I will not for the moment concern the House with the changes to the legislation which I initiated on the basis of that case. I put all of that to one side because it is irrelevant to what we are talking about now and it is another of Mr Cash's red herrings. What we are talking about is not my response to criticism about the Tan result; what we are talking about is the conduct of the professional legal officers in the course of the trial.

Hon P.G. Pental: Or public confidence in them.

Hon J.M. BERINSON: We have heard what Mr Cash's colleagues have had to say about professional legal officers. The Crown counsel was involved in that case. We have heard how they have been described as second rate solicitors in the same way as in the Sampi case the Crown Prosecutor, a leading Queens Counsel in this State, was abused under this generic term of second rate solicitor. That is what we are talking about and Mr Cash knows that is what we are talking about. That is why he is constantly attempting to distract our attention from what are the real issues in my ministerial statement and he is attempting to do that with his totally irrelevant references to my role in the O'Connor case, the Tan case or any other case one likes. It has nothing to do with the absolutely disgraceful stand taken by Mr Hassell and others of his colleagues in respect of the professional duties being performed by our senior legal officers.

Hon George Cash: Your lack of confidence was questioned.

Hon J.M. BERINSON: I think the first comment by Mr Cash is the one he ought to stick with if he is going to stick with the facts, and that is the recognition of the competence and integrity of those people. The moment Mr Cash acknowledges the competence and integrity of our senior legal officers, as I am pleased that he does, and also I hope as all of his colleagues do, and I certainly do, he jettisons Mr Hassell and Mr Lewis and that is precisely as it should be.

Hon George Cash: You tried to prevent them making their comments.

Question put and passed.

## MOTION

### *Parliamentary Precincts Committee - Abolition*

Debate resumed from 18 April.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [5.55 pm]: This motion was moved originally by Hon A.A. Lewis on 18 April 1989. Since then, Hon Sandy Lewis has retired from this Parliament. However, the motion remains and I believe it is important that it be dealt with by this House. Members will be aware that Hon Sandy Lewis was at different times a member of both Houses of this Parliament. He cherished the institution of Parliament and worked hard during his time as a member of the Parliament to ensure that the parliamentary system was properly enshrined.

In moving this motion some time ago, Mr Lewis was mindful of the fact that just prior to his

moving the motion, the Government changed the composition of the Parliamentary Precincts Committee. If my memory serves me correctly, the Parliamentary Precincts Committee as it was then was abolished and three persons, namely, the Speaker of the Legislative Assembly, the Chairman of the State Planning Commission and the Lord Mayor of the City of Perth, were appointed to a committee which would carry out the functions previously carried out by the Parliamentary Precincts Committee. Being the former Chairman of the Parliamentary Precincts Committee, you would know, Mr President, that many people in Western Australia were very concerned about that. In fact, it is fair to say that abolishing that committee in the manner in which it was abolished showed nothing more than contempt for the members who were on that committee at that time. I understand that the Government in the meantime has approached some former members of the Parliamentary Precincts Committee and expressed the view that perhaps they acted in a heavy-handed way. Be that as it may, three members were appointed to the new committee which was set up to carry out the general role and functions of the old Parliamentary Precincts Committee.

This Parliament has been established on this site for many years. Members of Parliament, through their various parliamentary committees, have been very mindful of the role that Parliament plays in the society of Western Australia and it has always been the view that Parliament should remain a focal point on the city skyline. If multi storey buildings were built in the immediate surrounds of Parliament House, the work of the members of the Parliamentary Precincts Committee over many years would be destroyed and that would be regrettable. This Parliament should be seen to be the focal point in planning terms. Any decisions that are made about the development of the near surrounds or areas adjacent to Parliament should be made on a compatible scale between that which exists on the present Parliament House site and that which might be proposed in the future. For example, any proposition to develop the Emu Brewery site south of Parliament House with multi storey buildings which would detract from Parliament House being the focal point of this city would be opposed.

In supporting Hon Sandy Lewis' motion I do not believe that members of Parliament should allow a situation to develop which would destroy all of the good work that has been done by the Parliamentary Precincts Committee over many years. There is a need to preserve the parliamentary precincts as there is a need to exercise caution when plans are approved for developments which may detract from Parliament House.

**HON R.G. PIKE** (North Metropolitan) [5.59 pm]: I support the motion. I draw the attention of the House to what I consider was the most dramatic departure from the privileges and rights of this House, which was put into effect without any notice to you, Mr President, as I understand it, by an Executive action which unceremoniously removed you from the Parliamentary Precincts Committee. I am not sure whether that is totally correct; however, that is my impression of what happened from what I read in the newspapers at the time. Therefore, it is important for us to understand that the public may have the same perception of the Labor Party in regard to its disrespect for the institution of Parliament.

*Sitting suspended from 6.01 to 7.30 pm*

**HON R.G. PIKE**: I guess the real issue that is more important than the motion itself, if that is possible, is that the Government has displayed significant hypocrisy in disregarding the very existence of the Parliament which is its master and not its servant. Because there was no formal legislative structure whereby the positions were established, the situation occurred where the tail was wagging the dog. That is the issue - the primacy of the Parliament as compared with the Executive. When it is not necessary to change, it is necessary not to change. The scenario now is that an office bearer of this Parliament has been denied his right to participate, and we have to take an attitude of permanently not allowing the Executive Government to become dominant over the Parliament. Therefore, I ask the House to support the motion.

Debate adjourned, on motion by Hon Doug Wenn.

## APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

### *Consideration of Tabled Paper*

Debate resumed from 21 September.

**HON DOUG WENN** (South West) [7.33 pm]: Because of the interjections at the end of

my speech when debate was adjourned last week - members opposite are becoming very good at interjecting these days - the comment I made about how to keep an idiot in suspense was not picked up by *Hansard*. I have reached the stage of giving members the answer.

I was referring to the number of questions on notice that are asked in this place. I pointed out that one of the earlier supplementary Notice Papers indicated that more than 240 questions on notice had been included in a booklet. I asked the Minister the cost of answering each question, and I referred in particular to some of the questions raised by members opposite. For example, question 284 asked by Hon D.J. Wordsworth related to the CSIRO and the impact on the greenhouse effect of Australian livestock and other ruminants belching 2.2 million tonnes of methane a year into the atmosphere. I was really taken by that question.

Hon D.J. Wordsworth: The response was published nationally.

Hon DOUG WENN: Then I hope I shall get a follow-up on this occasion. I asked the Minister how many of the anti-methane producing capsules referred to in the question could have been purchased with the money saved had the member not asked the question on notice but had telephoned CSIRO for the information. The Minister advised that it had been ascertained in 1986 that it cost \$169 to answer each question on notice; as the anti-methane producing capsules cost \$8 each, 21 of those capsules could have been purchased with the money saved had the question not been asked. I refer members to the answer to paragraph (3) of Hon D.J. Wordsworth's question -

My inquiries have confirmed that CSIRO's scientists have developed a capsule for use in ruminants which alters the ratios of volatile fatty acids produced in the rumen, improves the efficiency of digestion in certain circumstances, and does reduce the amount of methane produced from cattle by approximately 10 to 15 per cent.

I do not think there is any doubt that if members speak in this place, that has an effect on the environment. I asked the Minister the following question -

Given the current concern about the greenhouse effect, has consideration been given to administering said capsules to members opposite in an effort to reduce the emission of hot air and other noxious gases to the greenhouse effect?

The Minister replied -

No, but I thank the member for his suggestion. I am advised that no research has been carried out in this area, but members opposite may for the sake of the environment and for the advancement of science wish to offer themselves as experimental subjects. It is worth noting that the money expended on answering question 284 would have funded a trial involving the entire Opposition in this House for the duration of this session of Parliament.

Does that not demonstrate the extent of some of the questions on the Notice Paper? Some are so repetitious that only one word in them is different from previous questions. However, the cost of answering each question is \$169. Perhaps members opposite will give some thought to this matter. That has now put the idiots out of the suspense into which I put them last week.

Because of the shortness of time during the debate last week, I held over the crux of my speech until this week. Earlier today some people present in this Chamber were willing to listen to my comments, but unfortunately they had to leave before I could speak. I intend to give them a copy of the *Hansard* report which will demonstrate the concern I have expressed for their problems. Unfortunately certain groups in this State do not want change because it may affect the industry in which they are involved. I refer to two organisations in particular; one is dance sport and the other is professional foot racing. For the benefit of members, I indicate where I stand with regard to the ballroom dancing industry. I started ballroom dancing 20 years ago, after going through a stage which I bet a lot of fellows went through in those days.

Hon Kay Hallahan: They do not look as though they are coordinated enough.

Hon DOUG WENN: They probably all have left feet. The situation arose when someone asked me to dance and I was embarrassed to have to say I could not dance. However, I was strong enough to take up the challenge and learn to dance. People may laugh, but at that time

I had two left feet. People such as Ken and Nancy Norris have put a huge amount of time - I am talking about 25 years - into the ballroom dancing industry in Bunbury. They have educated many thousands of young people, and older people through their senior classes, throughout the south west area. I met my wife Eileen through ballroom dancing and I definitely have no regrets about that.

Hon Mark Nevill: She has.

Hon DOUG WENN: I will look in the *Hansard* record after the adjournment to check who said that. Undoubtedly she has had some regrets over a period. I went on from there, with Ken and Nancy's help, to gain a gold in Latin, and a silver and bar in ballroom dancing, as did my wife. We then took up competitive dancing. There were in those days only three grades of dancing; there are now seven or eight. We went from freshman to novice in ballroom dancing, and we did the same with Latin. We were on the verge of breaking into the amateur ranks when time caught up with us and we ended up with a couple of children, and when one has children it becomes difficult to keep up with competitive dancing. That is going back 20 years now, and as I said, through the efforts of Nancy and Ken, my wife Eileen and I became instructors, and we were able to give a lot of entertainment in that area to many hundreds of young people in the south west. There was at the same time another couple starting up in the professional field called Pam and Derek Gatley. Derek was in this place today. He is the National Executive Officer of the Australian Dancing Board, and is recognised in Australia as being one of the best teachers, and holds his position for that reason. A team was formed in Bunbury, under Derek's guidance, consisting of six couples, who were State champions for two years in a row. I thought I would throw that in to show members that I do have some knowledge about ballroom dancing.

I want now to give a special thanks to Tony Tilenni, the National President of the Australian National Amateur Dance Sport Association, and Chairman of the World Championship Organising Committee, which was formed here in Perth in 1988 to hold the world championships. That championship was won by a local couple, which proves that we do not need to go overseas to get the necessary tuition to produce the best in this field. I would like to bring members up to date with the history of the Australian National Amateur Dance Sport Association. Mr Deputy President (Hon J.M. Brown), I will with your permission read from this copy and quote from other copies that I have with me. I will hopefully educate a few people as I go along, and get around to my main argument about people not recognising competition dancing, or dancesport, as it is known here in Western Australia, as a sport. It says -

Ballroom dancing was introduced into Australia in the early 1900's and grew strongly in popularity during the 1920's. Over the next 20 years, Dance Palais opened all over the country to cater for the ever-growing dance fraternity.

As the demand for tuition grew, more and more dance studios opened and a medal system was introduced to provide recognition of achievement for Amateur dancers.

Then came the promotion of Competition Dancing. During this period, a large number of Professional Associations had been formed in Australia, but it was not until 1959 that an Amateur Association was formed.

Members will see as I go along the different organisations that were formed. That happens even now in our football fraternity, and in many sporting areas where someone feels they can do better, and breaks away to form another body. I continue -

The Australian National Amateur Dance Association (ANADA) was the first organisation to provide a forum for the involvement by amateurs in the structure and administration of their chosen sport.

Application was made in 1960 to the International Council of Amateur Dancers (ICAD) for admission of ANADA as the Australian member and this was accepted in early 1961.

In 1962, application was made to ICAD for a World Amateur Title to be held in Australia. On that occasion ICAD decided in favour of Berlin, West Germany. However, in 1964, ANADA was successful in a bid for the 1964 World Amateur Championship and this was conducted in Sydney.

That just goes to show that we had world championships in this competition going back as far as 24 years ago, and that would have been one of the very first world championships to be held in Australia. I continue -

During the 1960's ANADA was very much involved in the organisation of Australian Amateur Teams to tour overseas; providing the amateur members of the first ever International Dance Team to tour Japan and organising the 1966 Australian Team to tour the world. In 1967, the then President of ANADA, Mr Alan Crane, was elected to the ICAD presidium.

During this period the ANADA was taking in New Zealand and Hong Kong dancers as members. However, subsequently each of these countries formed their own Amateur Organisation. The ANADA now includes as members only those Amateurs who are either Australian residents or eligible for Australian residence.

That goes back to what I said earlier about the breakaway groups which occurred. I continue -

In the late 1960's the various Professional organisations in Australia formed a Professional Board of Control. This Board of Control commenced a registration system for all competition dances in 1968. This was a matter of great controversy to Amateur competitors due to the fact that in 1963, Competition Dancing has been accepted in principle by the International Olympic Committee and would be admitted if 25 countries had control of their own Amateur affairs.

I add there that I have been speaking with Tony Tilenni, who tells me that at this stage they are on the brink of breaking into the Olympic Games with amateur ballroom dancing, which will be a great thing for the sport; and I will always refer to it as a sport. I continue -

In 1972, ICAD again awarded the World Amateur Championships in both Standard and Latin/American to Australia. These Championships were also held in Sydney as part of the Waratah Festival of 1972.

The continuing controversy over the registration of Amateurs by the Professional Board of control had caused a deal of mistrust to develop between Amateurs and Professionals and so to ensure the complete integrity of the arrangements for the 1972 World Championships by the Amateur Body, membership of ICAD was transferred from ANADA to a new body called the Australian Council of Amateur Dancers. This body had a restricted membership which allowed the Amateurs concerned (who had been the previous executive of ANADA) a free hand in organising the 1972 World Amateur Championships.

However, the on-going effect was that ANADA fell into a state of atrophy after the holding of these Championships and involvement by Amateurs in the administration of their sport declined to its lowest level since the inception of ANADA.

Previous activities such as demonstrations and lectures organised for Amateurs with visiting Internationals and the publication of regular News Bulletins and News Letters, and the organisation of Amateur teams to tour overseas, fell by the wayside.

In the early 1980's there was a resurgence of interest in Amateur affairs which brought with it the formation of a number of State Amateur Bodies. After several years of individual development, these State Bodies decided to again join under the one umbrella organisation and, as a consequence, ANADA was reconstituted in 1985.

In November 1986 ANADA was re-admitted as the Australian member of ICAD. For these amateurs who had worked so hard to re-establish ANADA, it was therefore most gratifying to receive notification early in 1987 that ANADA's submission for the right to present these 1988 World Amateur Ten Dance Championships had been granted.

This was the first time in 16 years that an Amateur World Championship had been awarded outside Europe and it represents a further milestone in the development and promotion of Dancesport in Australia.

ANADA's international reputation was further enhanced by the election of the current ANADA President, Tony Tilenni, to the ICAD Presidium in 1987.

ANADA's future looks bright with a healthy level of involvement by Amateurs at Branch and National level.

A new spirit of co-operation and consultation has been engendered amongst Amateur and professional Representatives as evidenced by the invitation earlier this year for ANADA to become a member of the Australian Dancing Board.

Competition Dancing is currently undergoing a change of image Worldwide, with increased media attention focusing on the skills, techniques and discipline inherent in the sport.

I repeat that so members will get an idea of what we are talking about. The ideals of sport focus on skills, techniques and discipline. I continue -

In accordance with this increased awareness of Competition Dancing as a sport, ANADA is currently undergoing the constitutional change required to change its name to the "Australian National Amateurs Dancesport Association."

ANADA is seeking to promote this new image of Dancesport in Australia and gain the due recognition from State and Federal Governments and the Australian Olympic Federation that the sport deserves. This has already been achieved in the State of Victoria.

Hopefully the State Government of Western Australia, which has financially supported this 1988 World Amateur Championship -

That is referring to last November. The quote continues -

- will grant recognition to Dancesport in the near future.

ANADA is also seeking, in conjunction with the Australian Dancing Board, to streamline the administration of the Sport. This will require a greater involvement and better representation of Amateur and Professional interests, as well as improved channels of communication.

New developments under consideration at present include standardised accreditation for Dance Teachers and Adjudicators, a National Coaching Programme, improved standards of competition and the introduction of a Junior Development Programme.

The final chapter in this history is that -

All in all, the outlook for ANADA is very exciting, with our chosen sport of Competition Dancing set to attain a high profile image as the "Glamour Sport" of the 1990's.

I thank members for bearing with me while I read that bit of history about ballroom dancing. We do not always listen to what everyone says but I hope members heard those last few comments. In today's issue of the *Daily News*, on page 27, in what is called the Viva section, there appears an article headed "Dancing the night away". It reads in part -

Who would have guessed? A show about dancing, matching it with the established Sunday night superpowers 60 Minutes -

I would put the word "superpowers" in inverted commas. The article continues -

- and the Comedy Company.

I would put that in inverted commas too - perhaps it should be put in the rubbish bin. The article continues -

But that's what has happened since the ABC began screening *That's Dancin'* in the prime 7.30 pm slot against the popular commercial shows.

I am surprised at the number of people I speak to in Western Australia who all watch this program. I have not yet come across anyone who has not seen at least one episode. The article continues -

*That's Dancin'* has managed some very respectable double-digit ratings since it went to air and no-one is more surprised than the ABC. . . .

"The ABC are over the moon with the ratings. They can't believe it. It's their top rating show ever in that time slot."

The point being made is a very true one; that is, that dancing has an image of being for the over 45 year age group. However, I tell members that in the time I was teaching ballroom dancing a very large number of young children came into dancing because their parents think some sports are very rough. It is unfortunate that some of those sports are seen to be violent. Let us take football, because I am a mad football fan. Some of the football violence that is being shown on television is unnecessary, and if our younger children watch it perhaps it should not have such a violent outlook.

Further on, the same *Daily News* article quotes the executive producer of "That's Dancin'", Brian Finch, as follows -

"What has absolutely stunned people is that the youngest person we've had on the show was 11 and the oldest about 25," he says.

That illustrates my point. The article continues -

Basically, the time is right for it again. Ballroom dancing is booming around the world," said Finch.

There is no doubt that he is right.

Some people will not recognise dancesport as a sport, albeit that in November last year this State Government, through the Minister for Sport and Recreation, Hon Graham Edwards, did recognise it as such; the Victorian Government had already recognised it as a sport. It was announced by Hon Pam Beggs on the night of the World Championships in November. But still, in 1989 at the Young Achievers' Award presentation the announcer kept saying that ballroom dancing was not a sport but an art. I believe that took away the right of Jason Gilkison and Peta Roby to take out the 1988-89 Sports Stars of the Year award. Perhaps we should make those people understand that it is recognised as a sport and that the competitors are entitled to that recognition. Dancesport is about to be recognised in New South Wales and moves are being made in Queensland also.

I refer to a statement made by the Prime Minister in the 1988 catalogue. He went on about how proud we in Australia should be to host the amateur championships, but he said in one paragraph -

As we have seen recently in the Seoul Olympics, to win a World Championship in any sporting discipline is a magnificent achievement; but no less important is the very act of having taken part.

Again he is referring to sport. I turn now to the message from the President of the International Council of Amateur Dancers, where he says -

Dancesport is most closely compared to the sport of Olympic ice dancing. Both disciplines require a total commitment by the respective athletes. The competitors train long hours to perfect a special combination of talent, balance, precision, rhythm, timing, musicality, athletic ability and competitive performance necessary to reach the pinnacle of their chosen sport.

In Australia the sporting recognition already provided by the State of Victoria and the Australian Bicentennial Authority should eventually be extended throughout the Australian continent. For many years, such recognition has been accorded in Europe and has provided the basis for the growth and development of our sport. Another product of this recognition has been the increasing level of advertising and sponsorship which has led to greater public awareness, appreciation and support.

In Europe and America at the moment there is a huge battle by the conglomerates to take over the rights to televise ballroom dancing. Our own Premier puts across the image that -

Competitive dancing has been termed "the ultimate in mixed contact sport".

That being so, it could be regarded as the dancing decathlon event of a future Olympic Games. . .

In terms of competition we have the world's best all-round amateur couples in distinctly different styles of dancing - five Modern and five Latin American.

In athletics, the comparison would be in the five track and five field events which comprise the decathlon.

I will take that up a little later on. The Premier's remarks continue -



Already competitive dancing is recognised as a sport by the major countries of the world and it may only be a matter of time before that recognition is extended into the Olympic arena.

Then dancing might become as much part of the Olympics as ice-skating couples are at the Winter Olympics.

If there is one thing in this world that we are being asked to recognise these days, it is equality. Ballroom dancing is the only sport that gives total equality - no other sport comes anywhere near it in that field. In the old days it was recognised that when dancing the man should always lead, so perhaps he was a little more equal, but when we are at a ball dancing with the wife, or the girlfriend, or whomever we may be with at the time, it may still be that the female partner is demanding equality and trying to lead the man. However, competitive dancers are so highly trained in their field that neither of them lead - they move together with precision.

In 1986 about 200 000 dancers were competing around the world; Russia alone had 20 000. Three years on, the sport has become much more popular. In Australia at the moment there are 7 000 competition dancers and after the "That's Dancin'" program was shown on television I believe that figure rose by almost a third.

What is sport? The dictionary defines sport as an amusement, a diversion, a pastime or game. To take part in a pastime we become or produce a sport. We are exhibiting or producing a sportsman-like behaviour in producing sport. The person fond of sport is the person whose behaviour is fair and generous. If that does not bring to the fore ballroom dancing, I do not know what does. The State Government assistance for sport defines sport as an activity that requires physical effort and a progressively complex degree of skill. It has a high degree of human, as against machine or animal, competition; it has formal rules and an organisational and institutionalised structure. I have already pointed that out to members through the history of dancing and the documents that can be referred to.

Hon Fred McKenzie: Will you send a copy of your speech to Len Findlay? He does not regard ballroom dancing as sport.

Hon DOUG WENN: Was it Len Findlay who put that note in the booklet? One has to wonder what sort of a journo he is. I will send him a copy of my speech and I hope he does not go to sleep as honourable members are.

Hon Kay Hallahan: We would like to go dancing.

Hon DOUG WENN: On 2 June 1988 there was a study held at the department of human movement and recreational study at the University of Western Australia into the estimated heart rate and energy expenditure required for ballroom dancing. Ten A grade amateur or professional competitive ballroom dancers were used in the study at which ballroom dancing was simulated. People were keen to undertake rigorous training and to pursue competitive programs to test individuals on how their energy expenditure was used. To put together the system the subjects were graduates from Wrightson Dance Studios who performed two formal dancing routines after being made familiar with the testing procedure. The tests were done in the laboratories of the department at the university and the dances were done at Wrightson Dance Studios in Murray Street.

The dance sequences were chosen at random and the couples were dressed in the appropriate costumes. If members have watched "That's Dancin'", they will know the dancers' outfits and that the men wear tails and everything that goes with them; that is a very heavy and hot costume and I am sure that if a sprinter were asked to run for two minutes and a couple were asked to dance quickstep for two minutes and their heart rates were checked, they would be exactly the same. This was done and the couple came off the dance floor smiling but the runner was kaput - he could not stand up.

Hon Max Evans: A sprinter would not run for two minutes.

Hon DOUG WENN: He was a middle-distance runner who was asked to run flat out for two minutes.

Hon Max Evans: He is not a sprinter then.

Hon DOUG WENN: Subjects were instructed to rest for 30 minutes and a resting heart rate

was taken during the 29th and 30th minute. The dancers then danced the modern or Latin American dance sequence with a 15 to 20 second break between each dance to simulate the competitive situation. The dances included the modern waltz, the tango, the quickstep, and the Viennese waltz. The order of the Latin American sequence was: Samba, rumba, paso doble, cha cha and the jive. The dances were completed in accordance with the Australian Dancing Board of Control regulations for championship and competitive performance and all couples danced to the same music. Heart rate signals were monitored for five seconds out of 15 of each dance throughout the entire routine. On completion of the first dance sequence, subjects changed costumes and rested for a further 30 minutes. The procedure was then repeated for the second dance sequence. The heart rates of the individuals were monitored through the routine. For those not familiar with the sequence of dance, it is 10 minutes per dance with a one minute break, and they do all of the five dances in a row.

Western Australia is becoming more and more obsessed with elite sportsmen, and we are not acknowledging the fact that to get to these elite levels in sport these people must start somewhere. We need to be more sincere about the way we go about it. Of the five people who opposed dancesport, three opposed the introduction of professional footracing in Western Australia. There is an elite little group out there which is determining what sport should and should not be. I would not like the Government to interfere in any way in the administration of any sport in Western Australia, but it would not hurt to advise a few people to take their blinkers off and be a little more aware that there are other entertainments that could be classified as sport.

I am determined to have dancesport recognised as a sport and receive all the rights that come with it. Western Australia has by far the leading dance groups of anywhere in the world. We are recognised highly in London and in Europe. If members watch dancesport they may note that in the finals more than 50 per cent of the contestants were Western Australian. In the field of football, we stand in awe of Victoria, yet in the world of dancesport it is the other way around; the dance world stands in awe of Western Australia. We should be promoting that. Once again I say well done to Jason and Peta on their efforts in the 1989 world dance championships. Members should forget the football and watch the dancing.

Hon Garry Kelly: Do they wear red and white?

Hon DOUG WENN: Nobody wears red and white at the moment, but the member's team will be back next year. I thank members for hearing me on this subject, as it is something I feel strongly about. I took the opportunity, as is my right, to speak on any subject during the Budget debate. I now swing on to a few comments made the other night.

There is no doubt that whenever Opposition members get up to speak in this place the first thing they pick on is the South West Development Authority. In the very distant future, if and when the mob on the other side get into power, they will disband the South West Development Authority.

Hon Barry House: We will get you a copy of our policy paper.

Hon DOUG WENN: They have been saying that continually. It is interesting that the Liberal Party's policy changed dramatically after the Bunbury people asked why and no-one could answer them. All we have heard are the usual half-baked accusations that go on and on. The headline of an article that appeared in the *South Western Times* stated, "SWDA cooked books, says Barry House". However, I will defend you.

The PRESIDENT: Order! The member should address his comments to the Chair. He has his back to the Chair. I recommend that he rectify that because the Chair is very interested in what he has to say.

Hon DOUG WENN: On 14 September 1989 the *South Western Times* carried an article under the heading "SWDA maligned" which stated that it had misinterpreted Hon Barry House's words. If journalists in the district interpreted his words in that way, how would the average newspaper reader interpret them. The accusation was totally unnecessary. If he wanted to retract the accusation he could have written to the newspaper, but no such retraction was made. He let it stand and allowed the *South Western Times* to do his dirty work for him.

Hon Barry House: I will give your constituents a copy of this first thing in the morning.

Hon DOUG WENN: The member can do that. Under the headline "No new SWDA criticism, says Auditor-General", in the *South Western Times* on 14 September, the article states -

The Auditor-General Alan Smith has dismissed suggestions that his report tabled in Parliament last week included fresh criticism about the 1987-88 financial statements of the South-West Development Authority.

The Auditor-General said the report was merely a summary of the position of the previous year.

"References to the SWDA were part of that report and highlighted the changes which had to be made before I could conclude the audit," Mr Smith said.

"The recommendations I made were complied with and my certification in April of the fairness of financial statements in the SWDA's 1987-88 annual report was my final conclusion, and still stands."

Hon Barry House: Read the bit that says it is clearly obvious that the SWDA is a political organisation and therefore should expect political criticism.

Hon DOUG WENN: I will give the article to the member so that he can find it for me.

Hon John Halden: It is not a political organisation and the accusation is not true.

The PRESIDENT: Order! The member will proceed or I will put the question.

Hon DOUG WENN: I cannot find that in that article.

The South-West Development Authority was extremely angry about the criticism. In an article in the *South Western Times* of 21 September under the heading "SWDA chief angry" it is stated -

South West Development Authority chairman Sir Donald Eckersley is fed up with "constant political sniping" at the authority.

Sir Donald was replying to criticism of the SWDA by a SW Liberal MLC Barry House over its financial affairs which he claimed came in for criticism from the State's Auditor-General.

Sir Donald said the interpretations by the Liberal MP over the sale of Bunbury Westrail land in 1987 were totally untrue and a slur on the SWDA.

He said all the authority's financial transactions were carried out under the control of the Treasury and the Auditor-General.

"Since its inception the SWDA has been widely accessible to the community and has welcomed scrutiny of all its activities," he said.

Further on it states -

"I would hope that Members of Parliament recognise that the long term future of the region is far more important than any short-term political gain," Sir Donald said.

That is absolutely true.

Hon Barry House: Are you implying that the Auditor General's report was not truthful?

Hon DOUG WENN: The Auditor General made it clear that what Hon Barry House was saying was souped up from a previous statement that was totally overridden by the Auditor General's later statement.

Hon Barry House placed many questions on notice to the Minister for South-West. Obviously, Mr House was not sure about the \$3.5 million transaction. He asked -

On what date was the property known as the Old Bunbury Marshalling Yards sold to Rampant Holdings or one of the Tili Companies?

The answer was -

16th December 1987.

Q. When did the SWDA receive payment for this property of \$3.5 million?

A. Payment was made direct to WA Treasury Department and advice forwarded to SWDA on 22nd December 1987.

Hon Barry House: The Auditor General said he had to get back to the SWDA in March to clarify when the payment was made.

Hon DOUG WENN: Hang on. The questions continued -

- Q. If the \$3.5 million cost was not paid on the date of the sale, was interest paid on this money?
- A. Not applicable.
- Q. If so, how much and at what rate of interest?
- A. Not applicable.
- Q. Has the \$3.5 million from the sale of this property been paid to the Consolidated Revenue Fund?

This is where he should have learned. The reply stated -

These funds were paid to Treasury when the property was sold on the 16th December 1987 and form part of the funds held by Treasury for the SWDA at 30th June 1988.

- Q. If so, on what date was it paid?
- A. Not applicable.
- Q. Was any interest paid to the CRF on the \$3.5 million?
- A. The purchaser did not pay interest. The South West Development Authority does not receive the benefit of interest on funds held by Treasury and therefore no interest was earned by this authority from the monies held at Treasury.

The original question was -

Why is the Report of the Auditor-General in the Annual Report for the South West Development Authority (1987-88) not signed with the Auditor-General's handwritten signature?

- A. The Auditor's certificate was provided to the Minister on April 7, 1989 and was signed by the Auditor-General.

If the Auditor General had any problems with it he would not have signed it. I suggest that all members for South West Region, not just the regional members, do a little bit more work on what they are about and stop making scurrilous accusations about these people in the south west.

**HON DERRICK TOMLINSON** (East Metropolitan) [8.09 pm]: Before I became a member of Parliament I regarded the Budget papers as among the most important set of documents debated annually in this House. In spite of the riveting speeches that we have heard in the last few weeks, my opinion is unchanged. I have always regarded the Budget papers as an annual review of the values and aspirations of the people of Western Australia. At various places in them, they contain an assessment of our current capacity to realise those values and aspirations and an analysis of the political and economic constraints working against their realisation. They establish the annual financial parameters of Government action to advance those values and to satisfy those aspirations and, because the resources of Government are finite, they spell out the political priorities that shape the programs of Government. Quite clearly, they offer a comprehensive accounting by the Government of its management of the State in the previous financial year.

Because the Budget papers are important, I do not intend to occupy the time of this House with a discussion of bovine flatulence, ballroom dancing, or my opinion about prospective citizens pledging allegiance to themselves rather than to the Queen as the titular head of the State. Neither do I wish to occupy the time of the House on my assessment of the health of the local and national football competitions. Instead, I wish to return to the Budget papers that are the subject of this debate. In particular, I wish to consider first of all the goals of the Budget as set down in the speech of the Minister for Budget Management. Secondly, I want to consider the economic and political context in which the Budget was framed, and finally, time permitting, I want to consider some of the medium term problems which will probably follow from the way resources are allocated in this Budget. As far as the goals of the Budget

are concerned, I refer honourable members to page 3 of the Minister's second reading speech. The goals are five in number: To balance the Budget; to ensure that a framework is provided for future economic growth; to continue our drive for all Western Australians to fairly share in the economic rewards we are generating and to assist those in the community most in need; to deliver on our election commitments; and to improve the effectiveness and accountability of public sector management.

In consideration of those five objectives, I commend the first of balancing the Budget as being a laudable objective. It is a reasonable statement for Governments to adopt. Governments should not be profligate spendthrifts; conventional wisdom would argue that Governments should allocate minimal revenues to public functions and should levy minimal taxation to meet those allocations. Given the projected needs of such things as roads, hospitals, power and schools, a prudent Government might this year have planned for a Budget surplus. Other political and financial imperatives make that impossible and, in fact, render the achievement of a balanced Budget perhaps very uncertain.

I move to the second of the objectives - ensuring a framework is provided for future economic growth. Again, I believe that is an essential function of responsible Government; it has the status of a motherhood statement. The test of this Government's sincerity - as is the test of any Government's sincerity - is its performance which will be judged in the future. As far as the equity in resource allocation is concerned, genuine assistance to the needy is again a motherhood statement, almost platitudinous, and again the test of the sincerity will be in the performance of this Government.

A further objective, to deliver on election promises, is commendable. Honesty in politics should be encouraged and we are told the thrust of this Budget is financial support for education, families in conflict and senior citizens. I refer to media statements made by the Treasurer and Deputy Premier; the first was made on 31 August 1989, reference 34/13, and stated that -

A typical Western Australian family of two adults with one child at primary and the other at secondary school and a car will receive direct benefits totally \$170 a year - which more than offsets increases in Government charges announced earlier this year.

In another media statement by the Treasurer, reference 34/20, he stated -

Yesterday's Budget in fact reduced living costs for a family of two adults and two secondary school children, with a car, by \$220 a year. The family gained a net benefit even after taking into account increased Government charges announced in May.

That benefit amounts to \$4.23 a week. With regard to the education allowance for primary and secondary school students in a 42-week year, that represents \$1.19 a week for every primary school child -

Hon Kay Hallahan: That is pathetic.

Hon DERRICK TOMLINSON: It may be, but it is a fact. It is a small amount of money for which people no doubt are grateful. It represents an income supplement, small as it might be, and it is a genuine attempt by this Government to meet its election commitments. I am sorry that the Minister regards it as pitiful.

Hon Kay Hallahan: I may have missed the beginning of your remarks. I shall listen more closely in future.

Hon DERRICK TOMLINSON: I turn finally to the question of accountability in the public sector. Although this is presented in the Minister's speech as an objective, I put it to the House that accountability in the public sector is not a Budget objective, it is a statement about the nature of responsible Government. The report of the Burt commission has cast fair judgment on this Government's record.

There are not five objectives in this Budget, there are four. They might be summed up as managing the State's finances sensibly, creating conditions for economic growth, allocating public resources equitably, and honouring election promises. They are commendable goals but their translation into practice has yet to be achieved. For that reason the economic and political context in which those goals will be pursued will condition their realisation. I turn now to the economic and political context and refer to page 1 of the Budget speech by the

Deputy Premier and Treasurer of the State of Western Australia. He made the following statement on page 1 -

Framing this Budget has been one of the most difficult tasks for the Government since it was first elected in 1983.

The challenge has been to meet key election commitments at a time of subdued economic growth.

That is honest. Some honourable members might say it is a masterful understatement to refer to a time of subdued economic growth. Some would say it should be at "a time of imminent economic recession". I do not think we should become involved in semantics. Let us consider the national economy. It is a self-evident truth that because the Federal Government powers in relation to taxation, fiscal policy and foreign trade are predominant, the State is constrained in its independent objectives by the policies of the Federal Government and the prevailing national economic circumstances. The forecast contained in the Federal Budget papers indicates the sorts of constraints which will condition the prospects of this State in 1989-90. A reading of those Budget papers reveals a projected slowing down of the rate of growth of gross national expenditure, capital outlays on non-dwelling construction, capital outlays on plant and equipment, and business investment. Capital expenditure on dwellings is expected to fall in real terms by 8 per cent. In other words, the Federal Government expects a very sharp downturn in the economy this year. While growth is expected to slow, the rate of inflation is expected to quicken. The projected rate of 7.5 per cent in 1989-90 is still consistently higher than that of our trading partners, and it adds a further 8 per cent to the base rate of interest on borrowings.

The current account deficit at the time the Federal Budget was framed was forecast at \$18.5 billion. That is more than \$1 000 for every Australian, and that is even before the August balance of trade figure blew out. The private sector is compelled to borrow heavily as the national debt accumulates, not only to finance its enterprises but also to pay for its existing debt commitments.

We have on top of that a Federal Government which has few policy initiatives left to it to counter the inflationary pressures and to bring down the current account deficit, or at least to bring it under control. The policy options available to Governments trying to do these things are usually a combination of the following variables: Taxation initiatives, productivity incentives, foreign exchange rates, monetary policy and public expenditure. Let us look at which of those options is available to the Federal Government in 1989-90.

Taxation initiatives are not available because the cuts in personal income taxation, which were promised 12 months in advance as a trade-off with the Australian Council of Trade Unions for wage restraint, cut this out as an option available to the Government in framing its Budget for 1989-90. While those taxation cuts which we received in July were confirmation or affirmation of those promises, they proved to be more illusory than real. They did mean that the Government honoured its promise, but by honouring that promise made 12 months in advance the Government eliminated taxation initiatives from its armoury to counter inflation and to try to bring down the current account deficit.

Productivity incentives are not available to the Federal Government because the wage-tax nexus imposes a straitjacket on employers. Productivity cannot be rewarded under the centralised wage fixing system because under the guidelines non-productive industries are compelled to pay the same increases to their productive or non-productive employees as are productive industries. There is no room to manoeuvre, hence the Government is hoist on a petard with its own accord.

The third element available to the Government in an attempt to counter inflationary pressures and to bring under control the current account deficit is that of manipulating foreign exchange rates. That option is not available to the Federal Government because of a decision made four or five years ago to allow the dollar to float. As a consequence of that decision the value of the Australian dollar fluctuates hourly; hence the Government cannot use foreign exchange rates to manipulate the prices of imports and the value of exports. Imports continue to outstrip exports, and the current account deficit is accumulating. We are sliding rapidly along the path towards becoming a banana republic.

That leaves the Federal Government with only two options available: Monetary policy and

restraint on public expenditure. The principal instrument of control being exercised by the current Federal Government is the maintenance of high interest rates. It would now appear that the Government has lost control over that aspect. It is unwilling to impose further pressures on interest rates for fear of an electoral backlash. The escalating current account deficit is compelling banks to increase their prime lending rates, and private borrowing rates for home loans and overdrafts for small businesses and farmers means that those two sectors will be confronted with even higher interest rates. The escalating interest rates on home loans has created and will continue to create social hardship for many people, and the pressures upon the small business and farming sectors spell a recipe for economic disaster. These pressures on interest rates as a result of the current account deficit will be at the cost of falling productivity incentives, a decline in public confidence, and run counter to the Government's attempts to bring the economy under control.

The instrument of control by monetary policy is now ineffective because the Government cannot reinforce it with other policy initiatives. That leaves the Government with the option of restraint on public expenditure. That is where the interrelationship between Federal politics and the State Budget is most keenly felt. It is acknowledged both within the Deputy Premier and Treasurer's Budget Speech, and the speech by the Minister for Budget Management on the Appropriation (Consolidated Revenue Fund) Bill, that the policies of the Federal Government are impinging directly on the Budget initiatives of this Government. I refer now to the speech on that Appropriation Bill made by the Minister for Budget Management on Thursday, 31 August 1989, on page 2, which I will quote from extensively because I think that what the Minister had to say here was exceedingly important -

The 1989-90 Budget was framed against the background of decisions taken at the May 1989 Premiers' Conference which resulted in a reduction of over \$61 million in Western Australia's share of the overall level of general recurrent and hospital grants to the States. The implementation of the latest recommendations of the Grants Commission cost a further \$38 million. As a result, these grants from the Commonwealth, which comprise almost 40 per cent of our revenues, will be only three per cent higher than last year, a real per capita reduction of 6.6 per cent. In addition, our Loan Council allocations for capital works have been slashed, with the State's global borrowing allocation being effectively reduced by \$75.2 million after taking into account the special supplementation we obtained to the 1988-89 allocation.

Whether I accept those figures or not, they do make quite clear the sorts of constraints within which this State Government framed its Budget - a reduction in the real level of general recurrent payments, a reduction in the real level of Grants Commission payments and a real reduction in Loan Council allocations for capital works.

But these constraints imposed by the Federal Government were compounded by the soaking up of windfall stamp duty revenues and interest from short term investments. Normally income from windfall revenues and investment profits provide a reserve with which the State can cushion occasional shifts in Federal funding initiatives. Last year, however, rather than bolstering the accumulated reserves, these were absorbed in payments for Teachers Credit Society, Swan Building Society, the first Rothwells Ltd rescue, the second Rothwells rescue, and the ill conceived petrochemical project. In 1989 the cupboard is bare. That cushion is not available to the State Government against the shifts in Federal funding initiatives. In addition to that, the State has to absorb this year a further \$62 million of petrochemical project losses. Add to that the yet to be disclosed liabilities of the State Government Insurance Commission, the State Superannuation Board and the R & I Bank, all of which carry a Government guarantee, and the yet to be settled compensation claim by Bond Corporation for the winding up of Petrochemical Industries Ltd, and we have a prognosis for the Budget in 1989-90 achieving the planned balance, to say the least, unlikely.

Hon John Halden: Or you have a fairy tale like you are telling us.

The PRESIDENT: Order!

Hon DERRICK TOMLINSON: Let us turn to the Estimates of Revenue.

Hon John Halden: Why don't you tell us about revenue cutting? No - you don't have the guts.

The PRESIDENT: Order!

Hon DERRICK TOMLINSON: The Estimates of Revenue were framed in the context of a promise by the Government to contain taxes and charges by the State to the level of or less than the level of the current rate of inflation. When we turn to the estimated revenue we find that total taxation has increased by 6.9 per cent within the projected level of revenue - even so, up \$88.5 million. But within the total tax yield we find various variations among the components. For example, land tax has risen by \$10.4 million, or 11.3 per cent. With stamp duty, bearing in mind there were windfall yields for stamp duty last year because of the high level of activity in the housing sector, we find that the Estimates for 1989-90 are \$43.2 million less than the receipts of 1988-89, a decline of eight per cent. But when we compare the Estimates for 1989-90 with the Estimates for 1988-89 we find that the increase is 9.8 per cent. One must assume that the Government is projecting a continued high level of activity in the housing sector.

We find the financial institutions duty up \$19.6 million, or 53 per cent, and that is a direct consequence of the rate of levy increasing from 2¢ to 3.5¢ in the dollar, an increase of 150 per cent, which will impact upon the savings of all of those mums and dads that the Government was so eager to protect in the Rothwells rescue, and will impact severely on the finance industry in this State. Payroll tax is up \$72 million, an increase of 16 per cent. Liquor licences are up \$5 million, or 8.8 per cent. Licences for tobacco have increased by 28.3 per cent, and gambling taxes have risen by \$4.9 million - \$2 million from the Totalisator Agency Board and \$3.4 million from the Burswood Casino. So the only enterprise or initiative of the Burke Government which was conceived, implemented and brought on stream by the Burke Government - the Casino - is adding 0.015 per cent to the State's tax yield in 1989-90.

Members should compare that with income from mining royalties. The estimated total yield from mining this year will be \$71 billion, up 31.6 per cent and providing 10.1 per cent of the grand total of Government revenues for 1988-89. Those are a legacy of the Brand, Court and O'Connor Governments.

Hon John Halden: It is another fairy tale.

Hon DERRICK TOMLINSON: They highlight the value of Western Australia's mining production and exports. They highlight the fact that Western Australia is the world's largest producer of bauxite and the largest supplier of alumina, the world's second largest producer of iron ore, and the No 1 producer of mineral sands; and they highlight the fact that the Argyle diamond mine in the Kimberley is now recognised as the largest in the world. Those mineral assets, together with the strong and efficient agricultural base, are the sole economic enterprises protecting this State from the swings in the economy which are so seriously affecting the other States.

Hon John Halden: It is a shame you did not have downstream processing instead of quarries. The Court Government didn't do much about that.

Hon T.G. Butler: Let's cut funds to education!

Hon DERRICK TOMLINSON: It is interesting to note that also among the Estimates of Revenue is a sum of \$55 million from the Asset Management Task Force and, given the heated defence by the Minister for Budget Management a few evenings ago in response to my bringing to the attention of the Government the public concern about the fate of Quo Vadis, I now understand the significance of the Asset Management Task Force. I would believe that there is merit in waking up sleeping assets. There is merit in the Government rationalising its assets, but this Government is still open to the charge that it is selling off the furniture to pay for the groceries.

Turning to the medium term prospects for this State in the light of the 1989-90 Budget, I will consider the primary responsibilities of State Government in our Federal system: The responsibility for administering roads, water, power, hospitals, schools and the police. I will deal with these one at a time.

As far as roads are concerned, we are waiting the outcome of the discussions between the Government and the National Party on the motion to disallow amendments to the petroleum licensing regulations. Before we can consider the prognosis for a medium term future for roads in this State, those discussions must reach a conclusion; they will have enormous



budgetary implications and they will affect directly, positively or negatively, spending on roads and will have a serious impact on the way in which the Government finances the northern suburbs railway.

In relation to power, the State Energy Commission of Western Australia has an allocation of \$372 million for capital works in the Budget. Looking at the SECWA work program for 1989-90, it should provide an additional 396 megawatts of electricity. The current output, or the electricity generating capacity in the South West Land Division, is 2 100 megawatts. SECWA estimates the needs over the next five years will be for 1 000 megawatts capacity. In other words, if the SECWA program for 1989-90 progresses as planned, there will still be a shortfall of projected need amounting to 610 megawatts. The prospects after 1990 are uncertain. If SECWA proceeds with the proposed 400 megawatt station at Geraldton, the 400 megawatt coal fired station at Collie and the 500 megawatts coal fired station at Mt Lesueur, the present shortfall of 610 megawatts will come on stream in 1996 to 1998; even then there will be a shortfall and if the population continues to grow and there is an increase in industrial activity within this State, that shortfall will be greater than projected now. The Government can anticipate in financial terms a decade ahead for massive capital outlay for electricity generation. At the same time, consumers can anticipate interrupted supplies at best, and at worst power rationalising.

Hon John Halden: That is rubbish, even for a man of your imagination.

Hon DERRICK TOMLINSON: The Government has a capital outlay of \$52.1 million for hospitals and health services. Looking at the \$10.9 million allocated for hospitals and health services, virtually all of the outer metropolitan regional hospitals have been ignored. Apart from the addition of medical offices at the Wanneroo Hospital, the Kalamunda Hospital and the Swan Districts Hospital, their capital needs are not recognised in this Budget - apart from the \$800 000 allocated to the planning of the first stage of the redevelopment of the Swan Districts Hospital. I dwell on the needs of this hospital because it reflects the sort of dilemma that this Government and future Governments must confront in trying to meet the public health needs of the State.

The Swan Districts Hospital Board has been advocating for at least five years the major redevelopment of that hospital. In the first instance this is because Government policy is deliberately to shift health care from the private sector to the public sector. The shift from private to public sector is affecting the Swan Districts Hospital, which has recorded a fall from 70 per cent of its patients being private sector patients to only 40 per cent. That imposes considerable pressure on the existing resources and facilities of public hospitals. These pressures are compounded with the pressures of population growth in the catchment area of the Swan Districts Hospital.

The Shire of Swan is one of the fastest growing shires in terms of population in the metropolitan area. Also, this population is aging, and that is not just the aging population referred to earlier this evening at question time. The population of Midland - one of the oldest towns in the State - contains a disproportionate number of elderly people. The Swan Districts Hospital casualty ward has, for some time, been recognised as inadequate; some doctors in the area refuse to use the operating theatre. The hospital has six paediatric beds and population figures alone indicate there is a need for 24 paediatric beds and a projected need - taking into account the service of Princess Margaret Hospital in 1990 - of 48 paediatric beds at Swan Districts Hospital. The people of the Shire of Swan are grateful to the Government for honouring its election pledge to increase hospital beds by 80 in five years. But, if the \$800 000 allocated to the planning of the first stage of the redevelopment is not followed up by capital outlay in 1991, that target of 80 beds by 1995 and the consequent redevelopment of the whole of the Swan Districts Hospital will not be realised. The Swan Districts Hospital represents one fifth of the need for public expenditure on regional metropolitan hospitals. This compounds the pressure confronting the Government and future Governments in meeting the needs for the public services and facilities in this State.

Add to this the need for schools. Again, the Government has recognised the needs of education in this Budget. A sum of \$64.4 million is allocated to primary and secondary schools and other capital works projects. An increase of \$10.7 million is commendable, but is only keeping up with the demand for new places caused by population growth and internal migration within the Perth metropolitan area.

I refer members to page 112 of the Consolidated Revenue Fund Estimates of Revenue and Expenditure. Not only does the Government recognise the need for new schools to keep up with increase in demand, but also it has made another important recognition. On this page the allocation to maintenance of buildings and grounds, furniture and equipment has increased from an expenditure of \$10.8 million in 1988-89 to an estimate of approximately \$28 million in 1989-90 - an increase of 260 per cent or an additional \$17.2 million. Again I commend the Government for recognising the accumulated backlog for minor capital works in our schools. However, I put it to the Minister for Budget Management that the money allocated in this year's Budget will probably be used to bring the toilets in schools up to the standards of the Department of Occupational Health, Safety and Welfare. However, there is still an accumulated backlog of capital works in our schools, particularly the older schools.

Hon Barry House: One school in Bunbury received some attention last year when I mentioned in this House that it smelt like a zoo.

Hon DERRICK TOMLINSON: The children in that school should be extremely grateful because there are many schools in East Metropolitan Region that are in dire need of capital outlay to upgrade the toilets to bring them up to standard. I put it to this House that that accumulated backlog will, within five years, mean a crisis in education which will be comparable in magnitude to the crisis in education with which this State was confronted in 1970. If the Australian Education Council were to conduct a survey of needs of Australian schools and of Western Australian schools, as it did in 1968-69, it would identify a crisis in capital and recurrent expenditure needs which this State will not have the independent financial capacity to meet. This question has not been addressed adequately in this Budget.

If we add the short term and medium term needs of roads, of power generation, of hospitals, and of schools, what we will be confronted with in this State in the next five years -

Hon John Halden: Let me guess? A crisis! You have used the word 47 times and you have offered no solutions. You have paraphrased the Minister for Budget Management's speech. You have offered nothing.

Hon DERRICK TOMLINSON: We will be confronted with a need for capital outlay and a need for current expenditure which the Government will not be able to meet.

As acknowledged by the Treasurer, the Premier, and the Minister for Budget Management, this Budget was framed under difficult circumstances; the Opposition acknowledges that. Some of the circumstances were caused by prevailing economic decline, some were attributable to the policies of the Federal Government and some were directly attributable to the financial mismanagement of this Government. I put to you, Mr President, that the prognosis for a projected balanced Budget is not good and the medium term consequences of the financial mismanagement by this Government is for a deterioration of roads, of schools, of hospitals and the availability of electric power.

The PRESIDENT: Order! Before I call on the next speaker I want to make a point for the information of members, particularly the member who has just resumed his seat. I did not want to interrupt him while he was speaking. The reason I asked him to quote the document to which he was referring was that he gave me the impression he was speaking on the Appropriation (Consolidated Revenue Fund) Bill. He was not, but I had the impression he was quoting from a speech of a Minister in another place and that would clearly have been in conflict with Standing Order No 84, which states that a member cannot refer to a speech made in the Legislative Assembly.

For the information of members, what we are actually debating is the motion moved that note be taken of some Budget papers that were laid upon the Table of the House. I have already pointed out to the Clerk that the heading that appears on the Notice Paper and which probably appears on the document the honourable member was speaking from and, understandably, to which he referred is the Appropriation (Consolidated Revenue Fund) Bill. That gives the impression that we are talking about the Bill. We have not received the Bill in this place and, therefore, it is quite out of order to refer to it.

The member was not out of order in doing what he did in making that reference because he was making reference to the speech by the Minister for Budget Management, which is a different thing altogether. In case any new members thinks we are, in fact, debating the Appropriation (Consolidated Revenue Fund) Bill, we are not: We are debating the contents of some papers that were tabled.

**HON JOHN HALDEN** (South Metropolitan) [9.08 pm]: I support the Government's Budget, one which reveals two important factors: The inherent strength of the Western Australian economy and this Government's decision to focus on the family. The Budget is designed to support and strengthen the family. The key factor of the Budget is the "Family Pledge", which was the centrepiece of the Labor Party's election campaign and is now the centrepiece of the Budget. The Budget reduces the cost of living to families in this State and provides families with the opportunity to share in resources provided by the Government in the areas of education, health and transport.

I guess that Hon Derrick Tomlinson and I must have been looking at different Budget papers or perhaps we have simply interpreted the figures differently. The key feature of the Budget is that this State's economy is strong. One can make predictions of doom and gloom and I am sure that the Opposition would appreciate doom and gloom on the economic front for its own political advantage. If one looks at the facts and figures and compares them with the situation in other States of Australia, one will find that this State is doing very well.

The gross State product in Western Australia is ahead of the national product. New business investment in this State is the highest of any other State and/or the Commonwealth. Total employment in this State is above the Australian average and second highest in this country. The unemployment rate is below the Australian average and has been since 1986. The value of residential building approvals is again highest in this State and a third above the Australian average. The value of total building approvals is again well above the Australian average.

Added to this one can see clearly that people have voted with their feet when deciding where they want to live with their families, or by themselves. They have taken the opportunity to move to this State because the opportunities for employment here and for a way of life which is probably unique in Australia and elsewhere are such that they have moved here in droves and continue to do so. When I hear the doom and gloom comments of honourable members opposite I am left to wonder why this happens. I think I must have been reading the right figures and looking at the content of the Budget speech appropriately because I am not the only person who thinks that this State's economy is on the right track. Hundreds of people obviously concur with my interpretation of how this State's economy is going.

Hon Reg Davies: I am not one.

Hon JOHN HALDEN: It would take me too long to go through the number of people who have moved to this State in the past six months let alone the past five years.

I turn now to this Government's commitment to the family. The Government committed itself to an election promise to provide families with children at school with an additional income. This Government has kept its commitment in full to provide \$50 for every primary school student and \$100 for every secondary school student. Despite comments being made in this House that this would not happen, the Budget papers quite clearly reflect the fact that it will happen. Again, it is the gloom and doom espoused by those opposite who would have us believe that this Government will not do the things it has committed itself to do.

Added to that assistance there have been real cuts in electricity, gas and water bills, and in the cost of drivers' licences. There have also been reductions in city and country bus and train fares. An additional \$20 has been cut from the cost of registering the family car. There have also been specific initiatives taken by the Government to develop a comprehensive social strategy to strengthen family life. An amount of \$200 000 has been spent on more effective marriage education; nearly \$200 000 to counter incidents of domestic violence; in excess of \$400 000 to establish nine new family centres throughout the State; and there has been an upgrading of an additional eight centres with continuing programs to provide family centres in existing facilities for local communities.

All of these programs add to the strengthening of the family unit. In addition this Government will provide \$600 000 in the Budget this year to increase the number of family day care facilities, occasional day care facilities and inside and outside of school care places. There will be an additional \$3 million for family support programs. I think it is true to say that this Government has lived up to its election promises; it has shown itself to be responsible to those people who most need a responsible Government - the needy of our society and those bringing up young families. This Budget, which has been cast in difficult times, addresses those very real issues.

The focus of my speech is to look at the issue of the family which has been portrayed for a long time in a way which perhaps is not necessarily true of how a family is. The family has been portrayed as a supporting, caring environment where companionship exists between individual members, where social support is evident and as something which assists people. The unfortunate thing is that for many centuries, and for decades this century, we have not looked at some of the negative aspects of the family. Governments need to be responsible and to direct their attention towards those negative impacts because, as I will point out later, they have life long consequences for people and we have to be responsible, as a Government, for them. If one looks through the Budget paper one sees that this Government is directing its resources to some of the negative things that can happen in families. The subjects I will talk about which occur within families are the issues of domestic violence, child abuse, incest, emotional abuse and financial deprivation. Those issues have existed within families for probably as long as families have existed, but there has been an ethos that these are private matters that should not come into the public domain, and that those who live and exist where those problems occur should suffer in silence. That suffering in silence causes many problems within society.

The whole issue of domestic violence is surrounded by a series of myths. I will go through some of those myths and point out some of the contradictions that exist with regard to the often held belief that domestic violence is infrequent. Research in this country and internationally suggests that domestic violence occurs in one in five relationships. Often the extent of that violence is brutal and the abuse occurs on a regular basis. The second myth is that domestic violence exists only within poor families. Again, research in this country and internationally suggests that domestic violence occurs at all levels of society, in all social and ethnic groups, and in every suburb and town; it is widespread.

As I have said previously, the belief is that domestic violence is a private family matter, yet the consequences of domestic violence impact not only within the family but also throughout society. It has real negative impacts both on individuals and on the community in which we live. There is a belief that domestically violent men particularly, and in some cases women, cannot control their violence. Again, research indicates that that is not the case. There is a further belief that battered women or men actually enjoy the process of violence. Recent research from a telephone poll conducted in Perth clearly suggests that that is not the case. I know very few people who enjoy sustained physical pain. I am sure that anybody in this House would concur with that remark.

There is a further belief that abused people deserve to be punished and provoke that punishment. Again, research indicates that that is not the case. In fact, those people who live in domestic violence situations will often try through an elaborate series of learnt processes to avoid domestic violence for as long as possible. It is normally the perpetrator who sets up a situation so that he or she can inflict violence upon his or her partner or somebody else. There is a myth that has gone around which says that in days of the "welfare State" women can leave home; that that is a very simple solution or option for them. Of course, that simple option does not look upon the consequences to those who may want to leave.

Any person who wants to leave a household in which domestic violence is prevalent faces the fear of reprisal and social isolation once that person leaves the confines of a "secure" home. There is the fear about where the next dollar will come from, and financial dependence has often been a tool of the person who has been the perpetrator of the violence. To make decisions or to create a new way of life in which a high priority is economic independence is often difficult and fraught with many fears.

There is, of course, the social stigma of leaving a family relationship or marriage, and family pressure, or pressure from society generally tends to cause all sorts of problems for those who want to get out of a violent domestic situation. One of the common factors involved in domestic violence is that a highly complex emotional dependence often builds up between the perpetrator and the victim. Many of the messages given to the victim by the perpetrator lower that person's self-esteem and therefore his or her ability and confidence to leave the family home. There is also a thought that domestic violence is caused by alcohol. A huge body of research suggests that in less than 50 per cent of the cases is alcohol a factor. The figures concerning the frequency of domestic violence vary enormously, but it is clear that the estimate of one in 10 families is probably a conservative one of the number of families in

which domestic violence occurs. Some go so far as to say that it occurs in one in three families. The result of a regime of domestic violence can often lead down a path to probably the most violent of our crimes, homicide. It is not surprising that 40 per cent of all murders are committed in the home. A large percentage of our assaults also occur within the home.

The problem of domestic violence has come onto the agenda of social issues only since the 1970s. The costs of servicing those families where domestic violence is prevalent is enormous. It has been estimated, in a research project undertaken in Queensland in 1988, that for every 20 families where there is domestic violence and one partner decides to leave the home, the cost to the community is \$1 million. That cost is broken down into a number of areas which include policing, court servicing, marriage guidance, social security payments, housing, and potential income losses. Of course the main factor is the cost of the health and hospital system; of that \$1 million for every 20 families this cost amounts to \$400 000.

Besides the perpetrator and victim, consequences result on those others who reside in the family; namely the children. Those consequences manifest themselves in such ways as nervous withdrawal, anxiety, adjustment problems, bed wetting, restlessness, poor academic record, psychiatric problems, aggressive behaviour and poor language. The list probably goes on, but those all have consequential effects on other social systems in our society. The amount of extra time a teacher has to spend with a child with those sorts of problems is enormous. Then there are the support services, psychological services, psychiatric services and occasionally medical services. They all mount up and continue to do so.

The 1980s have probably opened the door in regard to domestic violence. We have become aware of the problem. Although many people in our society choose not to accept that the problem either exists or is as widespread as every piece of research would indicate, it is appropriate that as a State Government we should look at that issue. We have made commitments in previous Budgets, and we have another commitment in this Budget. Our role in regard to domestic violence has perhaps not been as a leader in the country, but the role that we have adopted now is to catch up, and we have done that very successfully. A lot of credit for this State's coming to grips with this problem must go to the ex-Minister for Community Services, Hon Kay Hallahan. Before coming to Parliament she was aware of the problem as a result of her experience, and she tried to secure resources from the Government coffers to address this very serious problem.

The problem most graphically came home to me when, during the last local government election, I was door knocking and I came to a house. I knocked on the door and the woman who came to the door was in tears. Although I was not there to use the best of my social work skills, I ended up sitting with her for an hour and a half. This woman related to me how, for 43 years on a regular basis, her husband had physically assaulted her. She had received enormous physical injuries over that period - a broken hip, a broken arm and broken ribs. For 43 years - and she is probably still there today - she had sought help for the obvious physical problems, and the medical profession had assisted her. But the real problem of the violence in the family had not been addressed. This woman told me as I sat there that the family itself had been decimated. None of the siblings now came home. One of the siblings had particular difficulties as a young person, and now as an adult has a number of alcohol and psychiatric related problems.

It is appropriate that we should address the issue of domestic violence. The Government has done that well, and we should continue down that path. But it is not only domestic violence which is a problem within the confines of a family. The issue of child abuse has been prevalent for a long time in our society. Children traditionally - and I guess in some respects still today - are treated by certain people as possessions of their parents; possessions that can suffer from time to time all sorts of anti-social and anti-moral abuses. These things happen to them because their parents consider them as just possessions. The issue of child abuse did not come into the Statutes until 1874. In the State of New York a child was so severely abused and damaged that the authorities had to take out some form of protection for the child and they found that the only way to protect the child was to take out a complaint under the Cruelty to Animals Act. Although that happened in 1874, it was not until the early 1960s that the countries of the Western world began to develop legislation for the protection of children against physical violence normally perpetrated on them by their parents.

The sad thing - further to the time delay between 1874 and 1960 - was that in the 1940s radiology became a common feature within the medical system, and after 20 years the medical profession and others were aware of the extent of unexplained broken bones in small and adolescent children. We had not addressed this serious problem, in a majority of cases; a serious problem, it has been suggested, that occurs in one in five families in our society.

Another issue relating to children - and I guess this has received fairly considerable media coverage in recent years - is that of sexual abuse. In the past the philosophy within our society was that sexual abuse did not happen as regularly as we now know it happens. The thought has been that it is not as prevalent as some people suggest. Clearly, intensive research indicates that the extent of sexual abuse within families is enormous. A study conducted in Western Australia on tertiary students shows that one in four female tertiary students at the institution in the sample group had been sexually interfered with as a child; one in 11 male students had been sexually interfered with as a child.

The problems confronted by children within many families is not only related to those far more publicised areas. There is also the area of neglect of children. The issue of neglect in the 19th century and the early 20th century saw a number of people throughout the United Kingdom, Europe and the United States working in the forefront of the treatment of children in the workplace so that children could not be exploited. The United Kingdom led in the types of reforms to legislation which was enacted in the 19th century.

But the extent of neglect of children in today's society is probably more widespread than as a community we would like to accept. It does not please me to tell the House, but I remember that during my working career I saw children in affluent suburbs tied to the clothes line by a dog's lead. I have seen children who have been in flats unsupervised by their parents, and the child being young had not had its nappy changed for the best part of two to three days. I guess many people who have worked in the area of the neglect of children can tell comparable stories. For whatever reason, the family is not able to cope with these issues.

Then we have the hoary chestnut of emotional abuse of children. When I say hoary chestnut, I know that there are about four million definitions of emotional abuse. No-one can be clear on the treatment of it, or how it manifests itself, but we do know that it imposes enormous problems. It does not normally manifest itself in evident ways until the child has matured. Then, when one has the luxury of going back through the history of a child's development, one realises the many sorts of problems within the confines of the relationships the child had.

Again, a need exists to identify the problems within families. We can assist the parents to recognise the impact of their behaviour on their children. We should also consider the way we act as a society. We should balance the vexed question of the rights of a family to be protected from intrusion by Government or private agencies with the rights of the child to have a reasonable existence. That question has been around since the middle of the 19th century. No doubt the State has involved itself more and more in the lives of families. Certainly the families involved, and other families, often feel that involvement is intrusive. Often the people who work for the State come under great criticism for the intrusive way they have had to act. They are not always right, and the complaints are not always correct, but if the State does not actively pursue a clear and committed ethos towards the protection of children as its primary responsibility, we have to seriously question where we might be heading as a community. We have been doing that, but it has been a slow and gradual process and despite the forces of darkness in our community who suggest the clock should be wound back, the majority of people accept this is an important area.

It is an area in which education must reach not only the family and individual members of the family, but also across the board throughout the community. Education should be directed to the community through a huge array of professionals who work within the community, because unless we address the extent, the nature and severity of the problem which can manifest in families from time to time, we will have a disjointed system which will not work effectively. It is true to say that the extent of knowledge about the issues to which I have referred is not comprehensive nor accepted by certain people within the broad range of professionals in our community who work with families.

I will quote figures from a report of the National Committee on Violence issued in New South Wales in 1987. In that State the abuse of children is compulsorily reported.

Hon P.G. Pendal: It is a shame you have not the support on your side for this very good speech.

The DEPUTY PRESIDENT (Hon Doug Wenn): Order!

Hon P.G. Pendal: It is a pity the member's colleagues do not appreciate the speech.

Hon Sam Piantadosi: The members who count are here.

The DEPUTY PRESIDENT: Order! The member on his feet should continue.

Hon JOHN HALDEN: I do not know whether to be amused.

In 1987 in New South Wales, 1 831 cases of physical abuse were reported. Surprisingly, there were 2 308 cases of sexual abuse; 1 952 cases of emotional abuse; 1 823 cases of neglected children, representing a total of 7 914 reported cases in New South Wales. The reason for mentioning those figures is not to pad out my speech but to highlight the matter which surprised me the most; that is, the predominant abuse of children in New South Wales in 1987 was sexual abuse.

There is an enormous blimp on society, because nearly 1 600 females were sexually abused. When one breaks those figures down to find out who the perpetrator is, one sees it is not always a member of the family; in well over 60 per cent of the cases it is a family member and nearly 40 per cent are by known family members. A little under 50 per cent of the sexual abuse is carried out on a male child by a member of his family. Child abuse is not related to class, status or ethnicity; it is an across the board concern. It is a difficult subject because those who are better off in our society have ways and means of avoiding the systems and networks which highlight the children at risk. That may be an advantage to the family because of the element of public ridicule if it could be shown that injury had been inflicted on a child within the family. This, however, makes it difficult for the child or children as the case may be; there are no safety nets for them. They go through life trying to develop mechanisms to avoid being physically punished or sexually abused. Those mechanisms have a clear impact upon their personality and on the way they relate to adults and peers. Those concerns then manifest themselves later in most people's lives and have an array of consequences.

The process for us as a Government and for the community is to draw attention to these problems and to do our best to highlight the enormity of them. One of the key things that we can do in this area, as in the medical area, is to consider means of prevention. We must concentrate on prevention. Prevention of child abuse falls into three areas. There is a primary area which suggests we should be changing society's attitudes. We should be saying that children have legitimate rights which must manifest themselves in law, and in certain cases supersede the rights of parents and others. We should also be saying that the community should be encouraged to debate all of these issues. They are not taboo issues; perhaps unpleasant when contemplated, but they exist in such prevalence in our society that we should not be running away from them. One hopes that the more people are aware of these problems in society the greater the extent and the ability of our catchment net to assist both victims and perpetrators.

On a secondary front, we as a society must look at the issue of parenting. It is a very difficult issue. There has been the well worn statement that parenting is not something that one inherits, it is something one learns. No truer is this than in the areas of sexual and child abuse. So many of the perpetrators have been victims themselves. We should not be looking at the very narrow area of teaching parenting skills, although that is important. We must look at family support and particularly respite care. Respite care means providing occasional care and child care centres and although I know there are conservative-thinking people within our society who would suggest that child care centres are not needed, to use the phrase that I hear so often, "because women shouldn't be working", in reality parenting creates enormous pressures. There are times when respite for mothers or fathers as the case may be is crucial. It can in fact be life saving, and the subject of child care centres becomes very crucial in any society which wants to address the problem of child abuse.

It is also necessary to look at those often referred to airy fairy programs which social workers and psychologists talk about regarding groups to help increase people's self esteem particularly parents'. It is necessary for parenting skills to be developed and - there will probably be an interjection or two from the other side - to address the effects of poverty on

children. The effect of poverty among children can be seen in their limited lifestyle and life experiences. It also has very similar effects upon parents. It tends to frustrate them that they cannot provide certain things for their children or themselves and limits their opportunities in this world. This leads to frustrations, looking for alternative ways of coping with society which sometimes has an impact upon the family and upon children. The issue of poverty should never be forgotten. If we were able to research the effects it has within our families and society, I suggest that the problems which manifest themselves immediately and in the longer term would be quite enormous. It is difficult to develop a research methodology that would allow the Government to go down that path and come up with something that is reasonably valid. I wish to highlight the need for research in my comments. It is research that has opened the door on the problems that families face. Whether members agree with me or not on the extent of those problems, research has allowed us to focus on the extent to which those problems exist within the family. It is now important that research continues because our society must work out how it can focus on those people who are at risk and what it can do to assist with the minimum of intervention in their lives but with maximum effect for both victims and perpetrators. Without appropriate research the Government will never get any further than saying the problem is large and should be addressed in a constructive, appropriate and humane way.

Another issue is how society views violence within the family and generally. Again, one opens a Pandora's box when entering those sorts of areas. The issue of violence within the family has for a long time been accepted, if not as a right, as something that does happen from time to time. I suggest that is not appropriate within a unit which supposedly is supportive, caring, loving and compassionate. If the community tolerates quite extreme cases of violence it must assess the extent to which we will tolerate violence in families. Also, the community must be clear about what tolerance for violence it will have outside families. It is my belief that violence is something that is learnt. People learn how to be violent and where it is appropriate to be violent. If they are taught in society how to be violent through a range of mechanisms which are available and it is condoned within the family or any relationship, a series of prerequisites will lead down the path of violence occurring not only in this generation, but also in future generations. I am not saying we can get rid of violence, but we will not be able to retain it at the level it is today. Our exposure to violence is now far greater than it has been in previous years, in decades or in centuries.

I refer now to the conduct of some members in this House. I do not want to become involved in a huge slanging match with members opposite, but it is appropriate that the situation be represented in a fair and reasonable way.

The issue of parole has been debated in this House on a number of occasions. The Leader of the Opposition in this place said that when the parole laws were significantly changed in 1987 he had grave concerns about those changes. He was prepared to allow the Government to institute those reforms, but there were enormous concerns on his part. It was all very well to say that in his speech, but when one refers to the authority of what members say in another place one finds that, in fact, the Leader of the Opposition, when in the other place, said that the Labor Government had stolen the ideas of conservative parties - the Liberal Party in this case - and was implementing them. It seems strange that, when it suits the Opposition's purpose, this Government is said to be stealing the Liberal Party's philosophical, theoretical and political framework in which to act but then, 18 months later, when the Government suggests there should be a change to the parole system or a review of it, there is said to be grave concern about that system. The stories do not match. I do not intend to go through every statement the Leader of the Opposition makes in this House and check it with what he said in another place, but there has to be a modicum of integrity about where one stands on social issues, particularly this issue. It does not do the Leader of the Opposition, or any other member opposite, any justice to make short term political gain out of a serious issue. I hope the Leader of the Opposition desists from this practice. It is not my intention to continue to raise the double standards of the Leader of the Opposition in adjournment debates or in debates like this. However, in certain matters I intend to acquaint myself with what he may have said.

On other matters debated in the House the Opposition has continually taken the line that it will run up issues, but it will not give solutions. On a number of occasions I have asked where the Opposition stands on the teachers' dispute and the pilots' dispute. I have not



received an answer and I do not think I will. The Opposition will run its tactics on the line developed - I might add, quite successfully - in New South Wales where the Liberal Opposition came out with the soft and appropriate lines based on opinion polls, but offered no solutions. It is a tactic the Opposition is entitled to run, but I would like it recorded that while it can run that tactic it must be aware, as the people in New South Wales are, of the consequences of a shallow Opposition which runs cheap lines. The consequences in New South Wales have included enormous strikes and in people being made unemployed. In fact, in the first 150 days of the New South Wales Liberal Government there were 150 broken promises.

Hon Derrick Tomlinson raised the issue of increases in taxation. The New South Wales conservative Government has no proud record to stand on in regard to raising Government taxes and charges. Within a matter of days of its gaining office a whole array of Government taxes and charges were increased.

Again it seems to me that the Opposition can run with soft and comfortable lines, but if it thinks that members on this side of the House will allow it to run on the New South Wales's experience in which it does not put up solutions, it is wrong. It is appropriate that Government members say clearly to the community that, "If the Opposition is going to be a credible Opposition and ultimately a credible Government, it has to put up its standpoints." The Opposition cannot go through a document, as I heard one member tonight, reciting it point by point, and saying certain issues will result in nothing but doom and gloom. That is, in itself, "wishcraft". The Opposition has not put forward any alternatives and it has not suggested what it would have done if it had been in Government. It has made gloom and doom predictions and that was typical of what happened when the Greiner Government was in Opposition. It is not appropriate for the community, as it was in New South Wales, to be hoodwinked. The Opposition should not continue to criticise the Budget by whingeing and saying something is wrong without offering alternatives. I do not propose to continue my comments about the Opposition. I have canvassed the points I wished to make and Opposition members will choose to do what they want, but it should be brought to their attention that members on this side of the House will not allow this shallow political stunt to continue.

I advise the House that the Town Clerk of the Town of Kwinana, Mr Mike Fraser, has resigned after 21 years of service with that local authority. The Town of Kwinana and Mike Fraser have done an enormous amount of work in that local authority. They had a difficult task to perform. Since the 1950s that local authority has had a population which has been at the lower end of the economic scale and the job of providing services and facilities to the people has been enormous. The response to that by the people who live in the area is they have been involved in, and committed to, many of the undertakings in the town of Kwinana. Mike Fraser was born and bred in Kwinana and worked for the council for that period of time. A great debt of gratitude is due to him not only from the citizens of that town but from many Western Australians. I am not sure what career path he will take after a well earned holiday, but I am sure that he should go back into public administration to provide services for people because of the skills he has displayed and developed. It would be a loss if his talents were to be used in any other area. I support the Bill.

**HON REG DAVIES** (North Metropolitan) [10.01 pm]: In addressing the motion before the House I would, first, compliment the Government on some of its very fine initiatives. Obviously, much hard work has gone into juggling some of these figures. Certain sectors of the Western Australian community will derive some benefits from the Government's fiscal policies. In fact, in some sectors they will even be seen to be doing good. When introducing this motion the Minister for Budget Management stated that in determining Budget initiatives the Government set certain goals and that one of those goals was to continue its drive for all Western Australians to fairly share in the economic rewards which it is generating and to assist those in the community most in need. That statement in itself is indeed a very fine philosophy.

I will dwell for a while on those most in need in the community to ascertain how their problems have been addressed. In my first speech to this House I outlined my constituency and said that the North Metropolitan Region is a diverse community with varying aspirations and, within the Australian context, polarised socio-economic groupings. I will concentrate on one problem this community faces; that is, the issue of law and order. In many suburbs

the crime rate has spiralled to astronomic proportions and people are not only afraid for the security of their possessions but are now concerned for their personal safety. Indeed, Labor's own heartland suburbs of Mirrabooka, Girrawheen, Koondoola, Balga and Nollamara are some of the hardest hit. Local community newspapers print stories every week highlighting increases in the crime rate. The Labor Party relies heavily on these people for its electoral success. I ask what action has been taken to protect these innocent people? I suggest that the answer is very little. Community policing and neighbourhood watch schemes have failed, not because of a lack of commitment on the part of the residents but because of a severe lack of backup support when crimes are reported. It is well documented that residents of these areas have been calling for an increased police presence. At the same time, they want to see the establishment of a police station in the Balga area. I can tell members that I will keep going on, and on, and on until that police station is built in Balga.

The seeming disinterest that the Government has demonstrated in effecting any positive change in the crime rate cannot be due to a lack of funds because we read in the speech given by the Minister for Budget Management that our economy is the strongest of all the Australian States for the year 1988-89. We also read that an amount of \$62.3 million has been provided to meet existing funding commitments to the petrochemical plant. The people of Balga would just love a slice of that \$62.3 million to go towards the restoration of their security and safety!

Hon George Cash: It would build a lot of police stations, wouldn't it?

Hon REG DAVIES: It certainly would. The people in Balga have been signing petitions and writing letters to newspapers and have been petitioning politicians for years about this matter.

Hon P.H. Lockyer: Was that not the former Premier's electorate?

Hon REG DAVIES: I would rather not discuss that matter at the moment. The Government might be cynical in its attitude towards these people and might feel that there is no need to worry because it will always have their vote. While I represent these people I will not let up until they get what they rightfully deserve; that is, the re-establishment of their peace of mind and their protection. The Budget does little to rectify that situation.

Yet another area of concern relates to the hundreds of millions of dollars lost by this Government which is being reflected in the provision of education services in the northern corridor. Funding delays will mean that primary schools in Heathridge will have three demountable classrooms each. In the Western Australian summer, in particular, these buildings are unacceptable accommodation, not only for our children but also for our teachers. We are asked to accept the fact that this will accommodate children from areas in the region where there are still no adequate schools. It has got so bad in the northern suburbs that the parents and citizens' committees of the schools of Heathridge, Poseidon, and Eddystone Primary Schools held a protest meeting last Wednesday evening at the Oceanridge Community Centre. Parents from those areas voiced concerns and anger over the disruption to the education of their children. I am also aware that other schools in the region are experiencing similar overcrowding problems.

Hon Garry Kelly: Are you involved in the teachers' dispute?

Hon REG DAVIES: No. There is a lack of funds to build schools in northern suburbs where they are badly needed and where someone said a while ago the population has expanded by 25 per cent. People in the Connolly area expected a primary school to be in the early starts part of the new schools program prior to June 1990. That expectation was reaffirmed in an article in the *Wanneroo Times* only last week. However, the cost of a primary school is in the vicinity of \$3 million. I have examined the Government's capital works program for 1988-89 which shows no funding allocation for a school to be built at Connolly. There is a situation where the Government is failing to fulfil one of its fundamental duties; that is, to provide adequate schools for our young people. This has happened because of the incompetent business dealings of this Government in which hundreds of millions of dollars were lost.

I am aware of other problems in schools in my electorate. In particular, the Dryandra Primary School at Mirrabooka. I lobbied hard to get that school built. There is a narrow road structure in the Mirrabooka subdivision so there is no provision at the Dryandra Primary

School for setting down or picking up school children. This places young lives at risk. Parents in the area are fearful that there will be a fatality at that school. The parents and citizens' committee has been negotiating for some time to get a school designated parking area. Of course, the response to their request is that there is a lack of funds. I wonder why? Although the school is only a couple of years old, it has already been outgrown by its population. The wet areas of the school are currently being used for teaching purposes, and this is unacceptable in anyone's terms. The use of only a very minute part of the Government's losses could have rectified this situation.

I refer now to another matter raised some weeks ago by a concerned resident of Balga. I listened with great interest to the comments of Hon John Halden. Mrs Jane Poole wrote an article which appeared in the *Sunday Times*. In it she discussed the relatively soft sentences handed out in Western Australian courts for crimes of sexual abuse against children. Mrs Poole's story generated a great deal of interest, and she received many calls of support from people all over the State. She found many other people shared her concerns and wanted to support her efforts for stricter penalties. Mrs Poole, as a grandmother, had very little experience of running public meetings, so she approached my office for assistance. Obviously she received a lot, and as a result she successfully organised a public meeting aimed at forming a lobby group to petition the Government for stricter laws for the punishment of sexual crimes committed against children.

There were numerous speakers at the meeting, and they called for greater community support for sexually abused children and their families. The speakers claimed that children are currently being placed in high risk situations, or being returned to high risk situations. The meeting called for mandatory counselling of offenders and harsher sentences. It also called for the establishment of a domestic violence and incest violence unit; the creation of an easily accessible referral list of the availability of counselling units; and the formation of lobbying groups in all major towns throughout the State in order to continue lobbying until the laws were changed. There was also considerable discussion on the need to relocate hearings from Children's Courts to higher courts.

I saw Mrs Poole as someone brave enough to voice her concerns. She was genuinely distressed at the plight of violated children, and she wanted to see the laws changed and greater penalties imposed on offenders, together with stricter parole procedures. She appeared to me as a lady with strongly held views, and someone who had actually gone out to do something about it. I know that Mrs Poole does not seek anything for herself; she is genuinely concerned to have the laws changed to protect the innocent.

I do not set myself up as an expert in this field by any means; in fact I know very little about the topic other than what I have heard and read. But as one of the legislators in this State I believe it is my responsibility to become more familiar with this insidious problem. I felt it my responsibility to attend the meeting and to assist Mrs Poole so that I would be better placed to formulate constructive policies to influence members of my party towards supporting positive child abuse reform legislation. It is not only members of my party who need to be educated; the whole Parliament needs to have this issue raised as a matter of priority. It is important to say that this is too serious an issue to be made a political football. This is an area where members of all political persuasions should be able to agree, for the sake of all our children - for those young members of our population who represent our future generations.

There was great community expectation last year at the prospect of new jobs being created and new facilities for the less affluent people of my more northern region when it was announced that the SGIC was moving its city office to a new development on a 30 hectare site at Mirrabooka. In an interview with the *Eastern Suburbs* reporter prior to his election to Parliament, Mr Ted Cunningham said that this project was just another reason why Balga should remain a Labor seat. The role of the Premier, Brian Burke, North Metropolitan Province MLC, Graham Edwards, and Whitfords MLA, Pam Beggs, had been vital in developing northern corridor services. As a result of those comments the City of Stirling Council duly approved the project in the hope that it would create many opportunities for people of that area. I had the opportunity of passing that three-hectare site recently, and it was all strangely quiet with no indication of any buildings likely to go ahead. I venture to suggest that this is another casualty of the Government's strong economy. We see members of the Government pointing out the marvellous job they are doing to help those in the

community in real need. I have just illustrated the tip of the iceberg. A few areas that need attention in only a very small part of my constituency, but it is quite clear that many of these problems could have been solved if the Government had not squandered vast sums of public money. This money could have satisfied the basic needs of those most in need within the community.

Another matter which concerns me greatly is the plight of some Homeswest tenants. It is quite noticeable that the type of accommodation being offered to people in the less affluent areas of my electorate is of a far lower standard than was offered during previous Administrations.

Hon T.G. Butler: Absolute rubbish!

Hon REG DAVIES: I have lived in Balga for 20 years and I have seen the plight of the people there. They have faithfully voted for the Labor Party at every election.

Hon T.G. Butler: That is not true.

Hon REG DAVIES: It is true. I have lived there for 20 years. Single pensioners in my immediate area are being relegated to bed-sitters. When a person is financially and emotionally distressed, living in such a confined dwelling does nothing to encourage a sense of wellbeing. These people are not necessarily aged pensioners. Their relegation to the lower echelon of our society is reinforced very simply. They are not likely to muster up any self-confidence or enthusiasm to lift themselves out of their depressed state. I said in my maiden speech that housing is integral with a sense of belonging.

Hon Mark Nevill: The Fraser Government cut it year in and year out.

Several members interjected.

Hon George Cash: That is all you will get from them - interjections.

Hon REG DAVIES: In my maiden speech I said I would do everything within my power while I was a member of this House to uphold the customs, dignity and tradition of this Chamber, and I shall continue to do that. Let those members on the other side of the House continue practising being dead.

Several members interjected.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order! The member on his feet has the floor. Would honourable members please take their seats or go to the back of the Chamber.

Hon REG DAVIES: I said that housing is integral to a sense of belonging and to the establishment of a feeling of equality which all Australians believe is their right. Decent housing promotes family and social cohesiveness. But I still see the waiting lists for decent accommodation for families within my area growing longer by the day.

Hon T.G. Butler interjected.

Hon REG DAVIES: This further illustrates that the taxpayers' money has not been directed towards the most needy within the community; it reflects the fact that disadvantaged people are a low priority with the Government.

Hon Mark Nevill: Not lower than your Government.

Hon T.G. Butler interjected.

Hon REG DAVIES: I was excited before coming to this House because Hon Tom Butler is a member in this place and I thought he was a dignified man of high standing in the community. I thought I would be able to observe Hon Tom Butler over some time and hopefully learn from him. He has been a great disappointment. From my observations, he has done nothing but interject since I came to this place. I am looking forward to the day when Hon Tom Butler will contribute something worthwhile.

Hon T.G. Butler interjected.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order! The member should ignore the interjections.

Hon REG DAVIES: I was devastated when I found out what a non-contributor is the President of the Western Australian Labor Party.

One could feel that the statement that the Government's primary thrust was to help those people in most need is a concept which was formulated a couple of years ago before the massive losses brought about by the Government's inept business deals. I agreed with my colleague, Hon Phillip Pendal, when he said that this farcical Budget does not deserve the acceptance of this House. I do not believe that this House should support the Budget; all is not as well as the Government would have us believe. Nonetheless, I support the motion.

Debate adjourned, on motion by Hon Max Evans.

### ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Metropolitan - Leader of the House) [10.22 pm]: I move -

That the House do now adjourn.

#### *Adjournment Debate - Education - Teachers' Strike - Union Non-representation*

HON BARRY HOUSE (South West) [10.23 pm]: I do not intend to keep the House for very long but I want to mention one aspect of the problems facing the State's education system at the moment. Today's Press reported the Minister for Education quoting a sample survey of 350 people, of which 65 per cent supported the clear assertion that teachers are losing public support. That could very well be true from a limited sample. However, after reading that report, I feel justified in quoting a survey of teachers carried out in the Bunbury area which will refute the Government's claim that the union's claims are not representative of union members' opinions. The results of the survey indicate clearly an extremely strong feeling among teachers.

The survey was carried out in eight schools and two offices in the Bunbury region; 65 responses were collected. I admit that this is not a huge survey but the results are representative of teachers in the south west. The first question was: How do you feel about the Ministry's wages offer? Eighty-nine per cent of the respondents said that they were very dissatisfied. The second question was: What do you think of the Ministry's agenda for restructuring? Eighty-nine per cent were very dissatisfied. Another question was: Are you likely to volunteer in the foreseeable future for any involvement in school development plans? Five per cent said yes, 95 per cent said no. To section (b) of that question - to do with school based decision making groups - three per cent said yes, 97 per cent said no. And to section (c), better schools initiated non-classroom work - three per cent answered yes; 97 per cent answered no.

The next question asked whether a teacher's commitment to extra non-classroom related duties in the foreseeable future is likely to increase or decrease. The results were that three per cent said it would increase; 97 per cent said it would decrease. The fifth question asked, "Will you be prepared to be involved in unpaid overtime in the foreseeable future?" The areas within this question involved school development plans, camps, concerts, parent evenings, bus duty, P & C meetings, sports training, and musical festivals. Almost universally the answer was in the negative.

In answer to the question, "How do you feel about the union's conduct of the campaign?", the various answers ranged from "very dissatisfied" to "very pleased". The first category received no answer; 21 per cent were very pleased, and the next closest response was 51 per cent. So 72 per cent seemed relatively pleased with the union's conduct of the campaign.

The seventh question, "How do you feel about the ministry's responses so far?" received the response that 91 per cent were very dissatisfied. The last question, which supports the many things I said last Thursday when speaking in the Budget debate, was, "Have you applied for, or are you likely to apply for a job outside of the Ministry this year?" Forty-two per cent responded in the affirmative. That is a fair indication of the degree of dissatisfaction among teachers.

A Government member: Who conducted the survey?

Hon BARRY HOUSE: It was conducted by a branch of the State School Teachers Union of Western Australia in the Bunbury region. The survey results indicate the strength of feeling of solidarity among teachers and their views on the current dispute, if nothing else. These were confirmed by my observations in the south west on Friday, Saturday and Sunday as I

moved between Bunbury, Busselton and Margaret River, speaking to a few of the people involved in education in the south west schools - the teachers, parents and community workers - where only a handful attended the schools affected by the strike on the Friday. The standoff is there.

This highlights the need for the parties to come together quickly in a spirit of compromise and negotiation before any further, perhaps irreparable, damage to the education system occurs. The people involved cannot be labelled as ratbags, radicals, or unprofessional. As a clear example of the sorts of things they are prepared to do, on Friday night I attended the Keddie Song Fest at Margaret River, a musical theatrical program involving five primary schools. The program was put together as a result of the teachings of the music specialist, Bruce Godden, and the many other staff members and parents in the area. The festival was put together in a very professional way and with a great deal of dedication by the teachers on the day of the strike. They were prepared to turn up in force and show the flag on the Friday night, so we are not dealing with unprofessional people. We are dealing with professional people who are absolutely fed up with the treatment being dished out by the Government. They deserve better.

A clear responsibility rests on the Minister and the Government as a collective unit, as well as the hierarchy of the Teachers Union, to get together with a spirit of negotiation to solve the situation very quickly.

*Adjournment Debate - Geraldton Mid-West Development Authority - Deputy President's Resignation*

**HON MARGARET McALEER (Agricultural) [10.30 pm]:** The House should not adjourn until I draw attention to the serious difficulties which the Minister for Mid-West, Mr Carr, is causing the Geraldton Mid-West Development Authority. Today Mrs Margaret Boetcher, the deputy president of the authority, and chairman of the regional advisory committee, resigned in protest at the Minister's usurpation of authority staff.

Today's *The West Australian* carried an article headed "Resignation after rift over staff" which stated -

Mrs Margot Boetcher, who also chairs the authority's 14-member advisory committee, said Mr Carr told her this month: "I am the Minister for the Mid-West and I regard the staff as my department".

His comments sparked fears that the authority was becoming politicised, she said.

Further, it said -

... she said the authority's director, Mr Graeme Stephens, had admitted carrying out 44 direct requests from the Minister in two months.

"This means the staff has two bosses and with requests coming directly from the Minister, priorities about workloads get muddled," she said.

Mrs Boetcher said that in the last month she had tried to resolve the problem in three separate meetings with Mr Carr. But at the last meeting, on Friday, he had said he could not separate the Mid-West Minister's work from the work of the Mid-West Development Authority.

She claimed that authority staff were told by one of Mr Carr's ministerial staff that they were employed by the Minister.

"This just isn't true," Mrs Boetcher said.

Mrs Boetcher's resignation and the reasons for it highlight the anomalous nature of these regional development authorities. That condition has been aggravated by the appointment of separate Ministers to individual authorities. We now have the ridiculous and absurd situation where the Minister for Regional Development has been left with one regional authority and a handful of regional advisory committees, while the Mid-West and the South West Development Authorities have become the fiefs of local members who also happen to be Ministers. This appears to be a blatant political device to extend the Ministers' influence into neighbouring electorates which they do not represent and to reinforce their influence in their own electorates which have benefited chiefly from the activities of the authorities.

The people who have accepted appointment to the development authorities and to the regional advisory committees have done so in good faith believing that they have a genuine community role to play. However, the example in Geraldton -

Hon J.M. Brown: One in 100!

Hon MARGARET McALEER: It is not one in a 100, unfortunately.

Hon J.M. Brown: One in 100; have a look at your record.

Hon MARGARET McALEER: The example in Geraldton indicates that the authorities and the people who have accepted these appointments have been made cat's-paws by the Government or have been set aside while the Minister simply takes over the authority and, as Mrs Boetcher said, treats it as his department. I think it calls the Government's good faith into question and the whole business of regional development authorities requires very serious scrutiny.

Question put and passed.

*House adjourned at 10.33 pm*

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## QUESTIONS ON NOTICE

## TOURISM - CAPEL-BUSSELTON, WONNERUP-NANNUP RAILWAY LINES

*Closure - Mineral Sands Road Transport, Tourist Driver Risk*

430. Hon P.G. PENDAL to the Minister for Racing and Gaming representing the Minister for Tourism:

- (1) Is the Minister aware that the Capel-Busselton, Wonnerup-Nannup railway lines may be closed resulting in heavy trucks hauling mineral sands from Scott River to Bunbury, thereby creating hazards for tourist drivers in the area?
- (2) Will he examine this situation and its potential effects on the south west tourism industry?

Hon GRAHAM EDWARDS replied:

The Minister for Tourism has provided the following reply -

(1)-(2)

My understanding is that these lines have been non-operational for some years now. I am aware of the recommendations of the MacFarlane report commissioned by the South West Development Authority, the Shire of Busselton, and the Shire of Nannup.

The impact on tourist traffic of mineral sands trucks is a factor presently being reviewed by Government.

## PETROCHEMICAL INDUSTRIES CO LTD - WESTERN AUSTRALIAN GOVERNMENT HOLDINGS LTD

*Government Guarantee - Attorney General, Solicitor General's Opinion*

449. Hon GEORGE CASH to the Attorney General:

Referring to question without notice 198 on Thursday, 7 September 1989, and his answer:

- (1) Who advised him that the Solicitor General's opinion "was sought directly"?
- (2) Who was the "initiating officer" to whom he stated the Solicitor General had provided his advice?

Hon J.M. BERINSON replied:

- (1) The Solicitor General's opinion of 16 August 1988 indicated that his advice had been sought by the office of the Treasurer.
- (2) Mr K. Edwards.

## SIVANDRAN, DR COOMARASWAMY - AUSTISSUE PTY LTD

*Tissue Paper, Export - Plant Establishment, Grant Application*

467. Hon GEORGE CASH to the Leader of the House representing the Minister for Economic Development and Trade:

- (1) When did Dr Coomaraswamy Sivandran, who is involved in the company Austissue, make application for a grant to establish a plant to produce tissue paper for export?
- (2) What assistance has the Government provided to date, and is any other assistance contemplated?
- (3) In considering the application for a grant, was the Government aware of the failure of a company associated with Dr Sivandran which was involved in the waste paper business, and if so what investigations did the Government make into the reasons for the failure of the previous business before agreeing to the current grant?
- (4) Has any other person or company approached the Government for support for a similar business proposal, and if so was assistance provided and if not what were the reasons for refusing such assistance?



Hon J.M. BERINSON replied:

The Minister for Economic Development and Trade has provided the following reply -

- (1) The initial approach for assistance was made by Mr John Pedler, Managing Director of Austissue. The subsequent formal application was lodged on 22 November 1988 by the directors, including Dr Sivandran, on behalf of the company.
- (2) Capital establishment grant of \$200 000, interest subsidy of \$40 000. No other assistance is contemplated at this time.
- (3) Yes, the Government was aware, but as Dr Sivandran's role in the project is of a technical nature and, given the strong management backing given to the project by the directors and the assessed financial viability of the project, the assistance was considered to be commercially appropriate.
- (4) No other tissue manufacturing proposals have been received.

**ROTHWELLS LTD - RESCUE**

*Sunday Afternoon Meeting - Location and Persons Present*

472. Hon GEORGE CASH to the Minister for Budget Management:

Further to answer to question 175 on Tuesday, 5 September 1989, will he tell me the location of the meeting and the names of those present?

Hon J.M. BERINSON replied:

A number of Ministers attended this meeting at the Premier's request. Generally, details of such meetings are confidential. However, in view of previous public discussion of them, I indicate that, while I do not recall everyone present, I do recall Premier Burke, Ministers Parker, Dowding and myself, Messrs Bowe and Lloyd (Treasury), Connell (Rothwells), Beckwith (Bond Corporation) and Yonge (Wardleys).

**JEFFREE, CHARLES BASIL - GRAYLANDS HOSPITAL**

*Remand - Escape*

490. Hon GEORGE CASH to the Minister for Local Government representing the Minister for Health:

- (1) Was Charles Basil Jeffree being held on remand at Graylands Hospital on 6 September 1989, and did he escape from the premises?
- (2) Were hospital staff aware that this person was described by police as extremely dangerous, and if so what steps or special precautions were taken to ensure that he was held in a secure area?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) Yes.
- (2) No. However, he was well known to the Graylands Hospital and his record did not indicate violence nor has the hospital considered him to be dangerous. He was being held in a closed, fenced ward in keeping with his status and condition. Since Mr Jeffree absconded from the hospital a security consultant has been engaged to advise on the immediate upgrading of the security measures at Graylands to ensure incidents of this kind are not repeated.

**GREAT SOUTHERN DEVELOPMENT AUTHORITY - CHAIRMAN**

*Payment*

506. Hon MURIEL PATTERSON to the Minister for Racing and Gaming representing the Minister for Regional Development:

- (1) What fee does the Chairman of the Great Southern Development Authority receive?

- (2) How much do the board members receive per meeting?
- (3) Is there a limit to the number of meetings held each year?
- (4) What has been the cost of administration of the GSDA in the years 1987, 1988 and 1989 to date?
- (5) How much is designated for salaries and wages?
- (6) How many people are employed by the GSDA?

Hon GRAHAM EDWARDS replied:

The Minister for Regional Development has provided the following reply -

- (1) \$7 500 per annum, plus \$600 expense for office allowance.
- (2) \$73 per half day, \$108 per full day.
- (3) No. Board meetings are usually held once per month.
- (4) The total administration cost, including salaries and other staffing costs, communications, consumables and board and advisory committee fees, has been as follows -

1987-88	1988-89	1989-90 (to date)
\$335 814	\$462 815	\$ 87 256

- (5)

1987-88	1988-89	1989-90 (est)
\$231 376	\$307 931	\$373 000

- (6) The approved staffing level of the GSDA is 10 FTE - full time equivalent - plus an additional 0.5 FTE for 1989-90 only.

#### REGIONAL DEVELOPMENT - ALBANY FORESHORE PROJECT

##### *Consultants Fees - Expenditure*

507. Hon MURIEL PATTERSON to the Minister for Racing and Gaming representing the Minister for Regional Development:

- (1) How much has been spent on consultants' fees for the Albany foreshore development project?
- (2) Who has received this money?
- (3) How much has the Government budgeted for in 1989-90 for this project?
- (4) What is the expected time of completion for this project?

Hon GRAHAM EDWARDS replied:

The Minister for Regional Development has provided the following reply -

- (1) \$110 781.
- (2) Trevor Saleeba and Associates - \$30 000 in 1987-88; \$73 366 in 1988-89.

Harley Hedderwick and Webber - \$150 in 1987-88; \$7 265 in 1988-89.

- (3) Stage 1: \$5.4 million has been budgeted for the relocation of Westrail's activities over 1989-90 and 1990-91, of which \$1.4 million has been budgeted for 1989-90.

Stage 2: \$350 000 has been budgeted for the refurbishment of Stirling Terrace over the 1989-90 and 1990-91 financial years of which \$100 000 has been budgeted for 1989-90.

Further funding will be expended from the Great Southern Development Authority's 1989-90 budget for detailed design/consultancy work. This figure has yet to be established.

- (4) Stages 1 and 2 will be completed in 1990-91. The plans for Stage 3 are to be finalised over the next few months, prior to their consideration by State Cabinet. It is not possible, therefore, to give an accurate completion date for the project.

**AGRICULTURE - REMNANT VEGETATION**

*Fencing, Subsidised - Enclosed Area Size*

510. Hon D.J. WORDSWORTH to the Minister for Racing and Gaming representing the Minister for Conservation and Land Management:

On Wednesday, 6 September, in answer to question 360 it was stated that 8 000 hectares of remnant vegetation was enclosed by subsidised fencing.

Is this answer correct or was the actual size one tenth of that area as stated in the Press release by the Deputy Commissioner of Soil Conservation?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following reply -

The answer was correct.

**GOLDFIELDS-ESPERANCE DEVELOPMENT AUTHORITY - ESTABLISHMENT**

*Government Intention*

513. Hon BARRY HOUSE to the Minister for Racing and Gaming representing the Minister for Regional Development:

(1) Is it the Government's intention to create a Goldfields-Esperance Development Authority?

(2) If so, when?

Hon GRAHAM EDWARDS replied:

The Minister for Regional Development has provided the following reply -

(1)-(2)

The establishment of a Goldfields-Esperance development authority is currently under consideration.

**PASTORAL LEASES - OWNERSHIP TRANSFER**

*Pastoral Board - Pre-Transfer Consideration, Policy*

517. Hon BARRY HOUSE to the Minister for Lands:

Is it policy for all pastoral leases, upon change of ownership, to be considered by the Pastoral Board before the transfer of the lease takes place?

Hon KAY HALLAHAN replied:

Yes. The Pastoral Board makes recommendations to the Minister for approval in accordance with section 143 of the Land Act.

**CARAVAN PARKS - WAROONA DAM**

*Closure*

520. Hon BARRY HOUSE to the Minister for Racing and Gaming representing the Minister for Water Resources:

(1) Is the Minister aware that the Waroona Dam caravan park, situated partly on a WAWA lease, has recently closed?

(2) Is the Minister also aware that there is strong local support to retain the caravan park on its existing site?

(3) Are there any objections from WAWA to the caravan park continuing on its present site?

(4) If so, what are they?

(5) Where does WAWA want to see the Waroona Dam caravan park situated?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following reply -

(1)-(2)

Yes.

- (3) The Water Authority has no objection to a modern caravan park with an environmentally acceptable effluent disposal system operating from the current site.
- (4) The Water Authority considers that the further use of the old construction camp, vacated in 1966, for a caravan park is inappropriate and has supported Conservation and Land Management initiatives to establish a modern caravan park at the dam.
- (5) The Water Authority has no particular preference for the location of a caravan park at any site at the Waroona Dam provided it is designed and serviced to meet Water Authority requirements.

#### STATE FINANCE - BUDGET

##### *Act of Grace Payments - Increase Substantiation*

525. Hon GEORGE CASH to the Minister for Budget Management:

Will the Minister provide details of the payments made during 1988-89 in the amount of \$825 473 for act of grace payments and provide substantiation for the \$1 300 000 set aside in the 1989-90 Budget?

Hon J.M. BERINSON replied:

As the requested details will take time to collate, I will provide the information in writing as soon as possible.

#### STATE FINANCE - CONSOLIDATED REVENUE FUND, MISCELLANEOUS SERVICES

##### *Metropolitan Markets - Relocation Payment Proposal*

526. Hon GEORGE CASH to the Minister for Budget Management:

Will the Minister provide details of the proposed \$1 million payment for the relocation of the Metropolitan Markets - financial assistance to market agents in the Consolidated Revenue Fund under miscellaneous services?

Hon J.M. BERINSON replied:

In view of the higher rentals required at the new Market City complex at Canning Vale and market agents' relocation costs, it is proposed that assistance of \$1 million be made available to market agents on a pro rata basis of trading floor areas of individual tenancies at the complex.

Payment of grants will be made on the recommendations of the Metropolitan Market Trust and will be subject to production of evidence of expenditure on authorised relocation costs in excess of the grant entitlement.

#### STATE FINANCE - CONSOLIDATED REVENUE FUND, MISCELLANEOUS SERVICES

##### *Occupational Health, Safety and Welfare - Payment Proposal*

527. Hon GEORGE CASH to the Attorney General representing the Minister for Labour:

Will the Minister provide details of the proposed \$5 million payment for Occupational Health, Safety and Welfare listed in the Consolidated Revenue Fund under miscellaneous services?

Hon J.M. BERINSON replied:

The Minister for Labour has provided the following reply -

An allocation of \$5 million has been set aside for the public sector to fund urgent and essential items of expenditure on occupational health, safety and welfare which cannot be funded from existing agency budgets and to improve risk management and reduce workers'

compensation costs. The \$5 million is to be administered by the Ministry of Cabinet and Public Sector Management on advice from an evaluation committee.

**STATE FINANCE - CONSOLIDATED REVENUE FUND**  
*Teachers Financial Society - Increased Vote, Proposed Expenditure*

529. Hon GEORGE CASH to the Leader of the House representing the Treasurer:

What are the reasons for the increase in the 1988-89 Consolidated Revenue Fund vote for the WA Teachers Financial Society Ltd (under administration) which was listed as requiring expenditure of \$25 million for the 1988-89 period but which required actual expenditure of \$110 399 291 for the same period and further, what are the details on the proposed expenditure for 1989-90 of \$400 000?

Hon J.M. BERINSON replied:

The Treasurer has provided the following reply -

The reasons for the increase in 1988-89 are -

	\$
Additional loss on realisation of assets on sale of commercial portfolio to the Rural and Industries Bank of Western Australia	85 100 000

Legal fees and associated costs of actions against defaulting debtors and former auditors, officers and directors of the former Western Australian Teachers Credit Society incurred by the Registrar of Co-operative and Financial Institutions and the Administration of WA Teachers Financial Society Ltd (under administration) and storage costs of records required to be retained to support legal actions	299 291
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Proposed expenditure of \$400 000 in 1989-90 relates to legal costs and expenses associated with the continuation of action against the former auditors, officers and directors of the WA Teachers Financial Society Ltd (under administration) together with storage costs for the society's records required to support the legal actions.

**ROADS - NORANDA, NORTHERN PERIMETER HIGHWAY PROPOSAL**  
*Environmental Protection Authority - Noranda Residents Association, Environmental Impact Discussions*

532. Hon GEORGE CASH to the Minister for Local Government representing the Minister for Environment:

- (1) Will the Minister or officers from the Environmental Protection Authority meet representatives of the Noranda Residents Association to discuss the impact on the environment of the proposed Northern Perimeter Highway and ancillary roads in Noranda?
- (2) If not, why not?

Hon KAY HALLAHAN replied:

The Minister for Environment has provided the following reply -

(1)-(2)

Yes. Officers of the Environmental Protection Authority are always available to meet community groups. The Noranda Residents Association needs only make an appointment through the general manager of the EPA.

## ROADS - CAMPERSIC ROAD

*Closure - Millendon and Brigadoon Residents' Views*

533. Hon PETER FOSS to the Minister for Local Government:

- (1) Did the Minister, when approaching the partial closure of Campersic Road within the Shire of Swan, acquaint herself with the views of the residents of Millendon and Brigadoon?
- (2) Is the Minister aware that the majority of the residents were, and still are, overwhelmingly opposed to that partial closure?
- (3) Is the Minister aware that the road has effectively been closed to horse traffic, contrary to section 331B of the Act?
- (4) Will the Minister undertake to investigate this and, if satisfied that the Commission under section 331B has been exceeded, take appropriate action.

Hon KAY HALLAHAN replied:

- (1) Approval to place obstacles to prevent the movement of vehicular traffic was given by my predecessor, Hon Jeff Carr, in February 1989.
- (2) I have not received any correspondence in respect of this matter.
- (3) I am not aware of how the Shire of Swan placed obstructions in the street or the nature of those obstructions.
- (4) I will make inquiries with the Shire of Swan to see that the public right has been protected in regard to the use of the street.

## HOUSING - FEDERATED HOUSING COLLECTIVE

*Establishment - Employment Statistics*

534. Hon MURIEL PATTERSON to the Leader of the House representing the Minister for Housing:

- (1) When was the Federated Housing Collective formed?
- (2) How many people are employed?
- (3) What duties are performed by the collective?
- (4) What association has the Federated Housing Collective with Homeswest?

Hon J.M. BERINSON replied:

The Minister for Housing has provided the following reply -

- (1) The Federated Housing Collective was formed in 1985 and formally incorporated on 24 August 1987.
- (2)-(3) As this is an independent group all specific enquiries should be directed to it.
- (4) The federation nominates two members to sit on the State Advisory Committee which oversees and advised the Minister for Housing on the local government and community housing program.

## LAND - SUSSEX LOCATION 1

*Government Acquisition - Willmott, Mr J R, No Compensation*

536. Hon BARRY HOUSE to the Minister for Lands:

- (1) Is the Minister aware that the owner of Sussex Location 1, Mr J R Willmott, has forfeited - with no compensation - several sections of his land for a road, an estuary reserve and a school reserve in recent years as development has encroached on his property in East Busselton?
- (2) Is the Minister also aware that the owner is currently seeking new titles for his land to take into account the creation of a "superlot" out of his existing location and the division of this location into several smaller lots by roads and other developments?

- (3) Will the Minister give some assurance to the owner, Mr Willmott, that any future acquisitions of land from the new title which is being sought for the land abutting the Vasse-Wonnerup Estuary, required for development on other purposes, will be adequately compensated?

Hon KAY HALLAHAN replied:

- (1) A James Robert Willmott is the registered proprietor of part lot 3 of Sussex location 1 held in Certificate of Title Volume 1747 Folio 923. Lot 3 has been the subject of extensive subdivision over a number of years. As a result, considerable research will be required to identify the areas of "forfeiture" referred to.

If the honourable member will write to me giving specific details of the areas in question I will investigate the matter further.

- (2) With respect to James Robert Willmott, no.
- (3) Mr Willmott is entitled to claim compensation for any resumption which has or may occur under the provisions of the Public Works Act.

**INDUSTRIAL DEVELOPMENT - KEMERTON INDUSTRIAL ESTATE**  
*Voluntary Land Acquisition Program - Unpurchased Land, Government Resumption*

538. Hon BARRY HOUSE to the Leader of the House representing the Minister for Resources Development:

- (1) Does the Government intend to resume land at Kemerton not purchased under the voluntary land acquisition program?
- (2) Is the Minister aware that several building applications have been received by the Harvey Shire Council for construction of dwellings in the Kemerton industrial estate?
- (3) Will the Minister confirm that the Harvey Shire Council will not be liable in any way for possible future claims for compensation arising out of the structure plan for Kemerton?

Hon J.M. BERINSON replied:

The Minister for Resources Development has provided the following reply -

- (1) No.
- (2) I am aware of only one building application being received by the Harvey Shire Council for construction of a residence on land in the vicinity of the proposed eastern edge of the Kemerton Park buffer zone.
- (3) The Cabinet has adopted the recommendations of the Kemerton structure plan to be implemented by the advisory board. The Government has undertaken to absorb any claims for compensation resulting from the implementation of any rezoning, when undertaken.

**QUESTIONS WITHOUT NOTICE**

**CONSUMER AFFAIRS, MINISTRY OF - CORPORATE AFFAIRS DEPARTMENT**  
*Inquiries - Assistance Requests*

249. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Consumer Affairs:

- (1) Do officers of the Ministry of Consumer Affairs investigate matters on behalf of the Corporate Affairs Department?
- (2) If so, under what circumstances would such investigations be requested?
- (3) How many requests have been made by the Corporate Affairs Department in the past 12 months?

(4) Were all of these requests met?

(5) If not, why not?

Hon GRAHAM EDWARDS replied:

I have been advised that the answer is as follows -

(1) No.

(2)-(5)

Not applicable.

# CONSUMER AFFAIRS, MINISTRY OF - LEGISLATION BREACHES

## *Offenders, Country - Officer Pursuance Prevention*

250. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Consumer Affairs:

- (1) Has the Minister been briefed by officers of the Ministry of Consumer Affairs as to why they are unable to pursue breaches of legislation where the offending party is situated outside the metropolitan area?
- (2) Is the Minister in a position to explain the reason for this situation and, if so, what is the reason?
- (3) Will the Minister indicate how long this situation has existed and if so, for how long?
- (4) What action does the Minister now intend to take to ensure that legislation for which the Minister is responsible will be uniformly enforced throughout Western Australia?
- (5) If the Minister has not been informed in the past three weeks about the situation which exists within the Ministry of Consumer Affairs, when will he receive a briefing on this state of affairs?

Hon GRAHAM EDWARDS replied:

I thank the member for prior notice of his questions and advise the following answer -

(1)-(5)

The member's question is based on the false premise that ministry officers are unable to pursue breaches of legislation outside the metropolitan area. The ministry pursues breaches wherever they occur once it is established that investigation is warranted. The Ministry of Consumer Affairs organises its resources to obtain the maximum possible value in terms of pursuing breaches of legislation throughout the State.

In the year ending 30 June 1989, 14 traders in the country were subject to prosecution action in areas as far north as Halls Creek and Karratha and as far south as Busselton and Kojonup. Two of these matters were subsequently withdrawn but the remaining 12 were successfully prosecuted. The Minister for Consumer Affairs has informed me that, as a result of a series of complaints about alleged breaches of the real estate, settlement agents and finance brokers legislation emanating from country areas of the State, a senior officer of the Ministry of Consumer Affairs raised the need to determine the most cost effective method of servicing these complaints. While this determination was occurring in line with normal Ministry of Consumer Affairs practice, each of the clients affected by this was advised of the delay in resolving the complaint pending the above review. Unfortunately, the letters sent to the two complainants advised that action on the clients' complaints had been suspended. Clients have since been advised that the matter is under review and that these matters will be investigated shortly when officers visit regional centres. One such visit will occur on 11 October when an officer is scheduled to visit Geraldton.



It is a matter of record that, when the Government came to power in 1983, full time consumer affairs/industrial affairs positions were created in Bunbury, Geraldton, Albany and Karratha. The consumer affairs function was subsequently upgraded in Bunbury and Karratha and a further dual consumer affairs/industrial affairs position was created in Kalgoorlie.

In the year ending 30 June 1989, consumer contact with regional officers in Albany, Bunbury, Geraldton, Kalgoorlie and Karratha amounted to approximately 11 000 contacts. In addition, head office technical and investigation staff made numerous excursions to the regions to provide technical and investigative support to regional staff. Also, a 008 telephone facility exists for country callers in relation to Price Check, REVS and consumer services.

# MEMBERS OF PARLIAMENT - LEGISLATIVE COUNCIL

## *Payment Decisions - New Legislation*

251. Hon P.G. PENDAL to the Attorney General:

I refer to the Government's decision in 1986 to pay members of the Legislative Council before they took their seats in May of that year and the Government's decision in February of this year to do the opposite. I ask -

- (1) When does he intend to introduce the amending legislation to put the question of such payments beyond doubt?
- (2) Will the legislation seek to entrench the 1986 decision to pay MLCs before they take their seats or the 1989 decision not to pay them?

Hon J.M. BERINSON replied:

- (1) I expect that legislation to be introduced next year.
- (2) I expect it to reflect the more recent of the decisions taken in this matter.

# CHILDREN'S COURT - MINISTERIAL TRANSFER

## *Juvenile Offenders - Police Commissioner Bull, Leniency Criticism*

252. Hon P.G. PENDAL to the Attorney General:

- (1) In view of the imminent transfer of the reconstituted Children's Court to him as Attorney General as envisaged in last year's legislation, will the Attorney General now acknowledge that Police Commissioner Bull, in today's copy of the *Daily News*, gives support to the Opposition view as stated at that time that the court has been too lenient with juvenile offenders?
- (2) Will the Attorney General agree to meet with Mr Bull to listen to his arguments in order to minimise the situation where the courts will be seen as ineffective when dealing with juvenile offenders?

Hon J.M. BERINSON replied:

(1)-(2)

Despite the fact that I will become responsible for the Children's Court on 1 December this year, I am not responsible for that court now.

Hon P.G. Pendal: On which date do you become responsible?

Hon J.M. BERINSON: On 1 December. To that extent some parts of the member's question should be directed to another Minister.

I have had a number of occasions to meet with Commissioner Bull and I have no doubt that the commissioner, if he wished to discuss any matter with me, would not hesitate to suggest a meeting. For my part, I would not hesitate to accommodate such a request.

## SPORT AND RECREATION - BASKETBALL, NATIONAL LEAGUE

*Opposition Team - Spectators, Denigration Encouragement*

253. Hon P.G. PENDAL to the Minister for Sport and Recreation:

I preface my question by alluding to a wholly enjoyable evening last Friday at the Superdrome which was shared by the Minister.

- (1) Does he have any comment on the growing trend in the National Basketball League and encouraged by those who man the public address system whereby spectators are asked not to applaud the opposing side's efforts or score but, indeed, to denigrate them?
- (2) Does the Minister or his department see such a trend extending into junior sport across Western Australia?
- (3) Will he examine the impact on sportspeople in general and juniors in particular of this anti-sport sentiment and ask basketball promoters to consider the influence of such advocacy on the actions of juniors?

Hon GRAHAM EDWARDS replied:

(1)-(3)

A number of issues have been raised and, as usual, I shall do my best to answer them, although I suspect they fall outside the bounds of what is considered a reasonable question. However, it is important to address them now that they have been raised.

I was not at the game until half time on Friday night because I had to attend another function. I was not aware of any suggestion by commentators or promoters that the efforts of opponents on the court should be denigrated. Certainly as Minister for Sport and Recreation I would not support such action. I am aware through my past attendances at Perth Wildcats matches that commentators attempt to rev up the crowd and to get them involved in a supportive sense. Any person who goes to any sporting match simply to applaud the play and skills of his own team is denying himself the enjoyment of at least half the entertainment to be found in most games. I always attempt to appreciate the endeavours of visiting teams, or teams I do not necessarily support.

The Government is strong in its support of junior sport generally and the ministry has an excellent record in the promotion of what I would call the better sides of junior sport. A report on junior sport was released a couple of years ago which was compiled by a number of people, under the chairmanship of Brian Douge. He has outstanding credibility and credentials in this area, and the report he produced was picked up and energetically and enthusiastically promoted by the Ministry for Sport and Recreation and the broader community in an endeavour to remind parents that most kids play sport because they want fun, participation and skills development. The emphasis that has always been placed on the development of junior sport has been underlined by those principles, and an attempt to better present the sporting side and sportsmanship of junior sport. I hope I have covered the issues raised.

I have complete admiration for the Perth Wildcats. I am not aware of any other team that has spent as much time in a community sense promoting and developing this sport.

Hon P.G. Pendal: We totally agree with you.

Hon GRAHAM EDWARDS: That the team has been successful is evidenced by the development of the State basketball league. People such as Cal Bruton, Tiny Pinder, Mike Ellis, and all the team generally, are never shy to make available their time for the development of juniors. From my observations that development has been inclined towards the proper development of junior sport.

In answer to the question, I am not aware of any announcement that would encourage people to denigrate the opposition team, but if such an announcement were made, I certainly would not support it.

**LOCAL GOVERNMENT ACT - NEW LEGISLATION**  
*Shire Councils' Concern - Change Timetable*

254. Hon E.J. CHARLTON to the Minister for Local Government:

- (1) Bearing in mind the extreme concern being experienced by country shires about some of the publicised proposals to change the Local Government Act, will the Minister advise what avenues are available to these councils to express their concerns before any legislation is decided upon?
- (2) What is the latest timetable for changes to the Act?

Hon KAY HALLAHAN replied:

(1)-(2)

The rewriting of the Local Government Act or the formation of new legislation is a very big issue in the community at the moment. The reason for that concern is that the whole Act is on the table for discussion and decision about what should be done with a new Act which will take us past the turn of the century. The current Act is based on an ultra vires principle, and the move is away from that which has a very limiting effect on what local government can do. This Act has been very limiting and has required amendment in almost every session of Parliament over a number of years. It is now the largest Statute on our books.

The intention is to give councils general powers of competence, which means they will have greater authority and decision making powers within their local communities. That is the background of the proposals.

Along with that broad based change to the Act are questions such as compulsory voting, declarations of pecuniary interests, and changes to ward boundaries and other boundaries. A whole range of very contentious issues are under discussion. The principles and issues paper was released in June and I have recently extended the time until which submissions can be lodged to Friday, 13 October. I would be very pleased if the honourable member and other members would take that date back to their communities to make sure that ratepayer groups and other interested community groups are aware of that extension of time. Local authorities are certainly aware of it.

The debate is in a fluid state and the Government is inviting submissions on what local people want included in the legislation. Last week meetings began of 10 working groups looking at each chapter of the new Act, and they will present a proposed chapter of the Act by late this year. We hope to start making those available to the public for discussion later this year - some will probably be released after Christmas and some before. The Government will again invite responses to those proposals. It is a big and contentious area which will confound the best will that we members have to achieve a consensus on it. Submissions can be made until 13 October, then the individual chapters will be discussed, with a submission and comment period. There is plenty of time for input.

**POPULATION - WESTERN AUSTRALIA**

*Aged Profile - Dementia and Alzheimer's Disease, Government Action*

255. Hon P.G. PENDAL to the Minister for The Aged:

- (1) Is the Minister aware that although a 24 per cent increase in the general population will occur in Western Australia over the next 17 years, the increase in those over the age of 65 years will be 44 per cent?
- (2) Does the Minister realise there will be a commensurate increase in that medical scourge known as dementia?
- (3) Is the Minister also aware that a large percentage of those suffering from dementia will contract Alzheimer's disease?

- (4) What action, if any, is the Western Australian Government taking to cope with this huge social and medical epidemic?

Hon KAY HALLAHAN replied:

- (1) The questions posed by the honourable member relate to one of the aspects this community will face with the dramatic demographic profile change we shall experience in the next couple of decades. It will be a very changed population profile from the generally young profile at present to a much more aged profile. Along with that will come the problems to which the member has alluded.

The Bureau for the Aged, which is a very good bureau, has been putting forward policy proposals to Government and exploring with the community those anticipated problems which will need to be addressed by the Government and the community at large. It will require a change of attitude by the whole community to deal with the number of issues we shall face.

(2)-(4)

The Minister for Health is well aware of the problems of dementia and Alzheimer's disease, and is considering provisions and discussing them with his Federal colleague. Along with that, my bureau is looking at the question of greater support to families in terms of respite care because it is a particularly demanding condition for family members, where they would like to have the affected family member at home, but find they have to be on duty for most of the time to attend to that person.

Hon P.G. Pental: It is a bit like having a politician in the family!

Hon KAY HALLAHAN: It is probably even worse than that. I assure members that the importance of the issue has not escaped the Government. It is a considerable problem, which will demand considerable resources.

Hon P.G. Pental: Specifically, has your portfolio area taken an interest in it?

Hon KAY HALLAHAN: Yes.

#### ALCOHOL FREE ENTERTAINMENTS GRANTS SCHEME - PURPOSE

256. Hon GARRY KELLY to the Minister for Youth:

Could the Minister provide further information about the purpose of the Alcohol-Free Entertainment Grants Scheme, the outcome of this scheme to date, and if there is any ongoing commitment to those grants?

Hon GRAHAM EDWARDS replied:

I thank the member for prior notice of the question, and for his interest in this area. The State Government provides, through the alcohol free entertainment fund, subsidies for entertainment events which are alcohol and drug free, and which cater for young people aged between 14 and 18 years. Grants of up to \$2 500 are available to community groups, young people and commercial venturers willing to guarantee that they can provide entertainment in an alcohol and drug free environment.

The major objectives of this worthwhile scheme are, first, to provide access for young people to entertainment in alcohol and drug free environments; and, second, to involve the community, young people, and the entertainment industry in promoting such healthy entertainment. The 1989-90 Budget allocation is \$44 000. This money will be used to subsidise successful events such as the Wanneroo rock concert, and the mobile bus drop-in centre project in the south east region.

#### ROTHWELLS LTD - CONNELL, MR LAURIE

*Personal Wealth and Assets Commitment - Question on Notice 382(2), Answer Failure*

257. Hon PETER FOSS to the Leader of the House:

This question is in respect of my question on notice No 382, in which I asked whether the Government instructed the lawyers acting for the Government to

ensure that the personal wealth and assets of Mr Connell were committed to the Rothwells rescue. I direct the attention of the Leader of the House to the answer to questions (1)-(3). The answer does not appear to deal with question (2). Was his failure to deal with this an intended refusal to answer that question, or was it an unintentional omission to comply with Standing Order No 140(c)?

Hon J.M. BERINSON replied:

I am at something of a disadvantage at the moment. Is the member talking about today's supplementary Notice Paper?

Hon Peter Foss: It is supplementary Notice Paper No 12.

Hon J.M. BERINSON: I note that question 382 was directed to me as representing the Treasurer. I see that the answer occupies two pages. I am afraid I have not previously read the question or the answer, but in any event I assume that it was directed to the Treasurer, so a supplementary question should also be directed to him. If Mr Foss believes I might be in a position personally to respond to his further question, I would be happy to attempt to do so if he were to put his question on notice.

# SPORT AND RECREATION - WORLD SWIMMING CHAMPIONSHIPS *Superdrome - Extension Plans, Finalisation*

258. Hon MAX EVANS to the Minister for Sport and Recreation:

My wife made a similar comment to that made by Hon Phil Pental; she thought the attitude to fair play was one-sided. I did not hear the comment made by Hon Phil Pental, but she made that comment.

- (1) Have the plans been finalised for the extensions to the Superdrome?
- (2) If so, what will be built, where will it be built, and what is the estimated cost?

Hon GRAHAM EDWARDS replied:

(1)-(2)

I must say in relation to the basketball competition - and I do want to be seen to be defending the position of the Wildcats - members need to understand that the environment in which the team is playing is a highly competitive one, which attracts the support of many people in Australia. I do not think we can have a separate type of competition where we do not treat or give the same sort of curry to opposition teams when they come across here that other States give to the Wildcats when they go away. The fact that they play so many of their games away is one of the reasons the crowd is so supportive vocally and in other ways when they come back here.

In respect of the development of facilities which will assist with the hosting of the 1991 World Swimming Championships, it is not appropriate to give an answer which could do justice to the tremendous amount of work and planning which is going into the hosting of that event. I would, however, be happy to arrange a briefing, not only for the Opposition spokesperson on sport but, indeed, to members opposite in general; and that briefing could be given to them by Mr Tom Hoad, the chairman of the organising committee.

Hon P.G. Pental: You could not organise a few free tickets to Melbourne on Saturday?

Hon GRAHAM EDWARDS: I could, but I could not organise a plane to get the member across there. Then again, if he were a South Fremantle supporter, I do not suppose he would want to see anything that resembled a football for the rest of the year.

I refer members to the fact that the Government is underwriting this event to the tune of about \$10.3 million. The cost of the facilities will be in the vicinity of \$6 million. It is intended that work will start on 1 November.

**SPORT AND RECREATION - WORLD SWIMMING CHAMPIONSHIPS***EventsCorp Costs - Government Underwriting*

259. Hon MAX EVANS to the Minister for Sport and Recreation:

I wanted to know about the involvement of taxpayers' money, and what it will cost them, which the Minister has alluded to. We have been trying for a long time to find out about the cost and the timing. If the Minister cannot give an answer about that now, I will ask a supplementary question: Does the Government underwrite 100 per cent of the costs of EventsCorp in respect of running the World Swimming Championships?

Hon GRAHAM EDWARDS replied:

The Government is underwriting the World Swimming Championships in total, and has set aside a figure. I think I have previously conveyed that figure to the member, and I am surprised that he should have difficulty in obtaining any information in respect of the championships. However, if he does, I invite him to let me know what difficulties he is having, and I will address them. The amount of money is about \$10.3 million, and that will be offset by such things as sponsorship, and television rights. These matters are currently being pursued and negotiated.

In conclusion, I am only too happy to reiterate the offer of the full briefing but it was only about three months ago that other States, particularly Queensland, were trying desperately hard to win this event from Western Australia and to host it on the eastern seaboard. It is a credit to EventsCorp and others who have been involved in this event that we have been able to retain it here. It is even more important now, given the fact that we will have a focus on Western Australia from many other parts of the world, similar to that which we have had recently with Rally Australia. The philosophy we have had in Government in trying to attract these events to the State will have its reward, particularly in the face of this damaging pilots' strike.

**TOTALISATOR AGENCY BOARD - PUB-TAB OUTLETS***Government Backing - Community Concern*

260. Hon PETER FOSS to the Minister for Racing and Gaming:

- (1) Is the decision of the Totalisator Agency Board to introduce pub-TAB outlets into hotels one which has the backing of the Government?
- (2) Is the Minister aware of, and does he share, community concern that a Government agency is taking advantage of persons who may be more inclined to expend excessive amounts on betting by reason of being affected by alcohol?

Hon GRAHAM EDWARDS replied:

(1)-(2)

I do have some concerns about the whole area of pub-TABs. I have discussed the matter recently with the TAB and I will shortly put before it a set of guidelines which I want it to address and abide by before it puts any further recommendations to me about pub-TABs. I do share the concern that has been expressed in the broader community, especially in some country areas where people are saying quite strongly, for instance, that they do not want to have to go into a hotel to place a bet. These matters are being addressed in the guidelines and once they are in place I am sure the concern that is being expressed in some areas will fall away.

**TOTALISATOR AGENCY BOARD - PUB-TAB OUTLETS***Review - No Installation Assurance*

261. Hon PETER FOSS to the Minister for Racing and Gaming:

Supplementary to my last question, will the Minister give an undertaking that no further pub-TABs will be installed until such time as his review has been carried out?

Hon GRAHAM EDWARDS replied:

No, I will not give that undertaking. However, as Minister, before I approve pub-TABs I will give total and full consideration to all the matters that need to be considered.

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