Legislative Assembly

Thursday, 28 February 1985

THE SPEAKER (Mr Harman) took the Chair at 10.45 a.m., and read prayers.

FISHERIES: ROCK LOBSTER

Compressed Air Divers: Petition

MR P. J. SMITH (Bunbury) [10.50 a.m.]: I have a petition to present which reads as follows—

To:

The Hon. the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament Assembled.

WE, the undersigned humble petitioners, being residents of Western Australia wish to register our disapproval and objections to the recommendations from the Rock Lobster Industry Advisory Committee with regard to the proposed banning of the use of compressed air in the taking of rock lobster by amateur fishermen. We believe that strict policing of the existing regulations will always be adequate to control the taking of crayfish by amateurs.

Your petitioners, as in duty bound, forever pray.

The petition bears 120 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 75.)

EDUCATION: PRIMARY SCHOOL

Beazley Road: Petition

MR MacKINNON (Murdoch—Deputy Leader of the Opposition) [10.51 a.m.]: This petition bears 48 signatures and it is couched in the following terms—

To:

The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned request that building of the Beazley Road Primary School be commenced in 1985 with a view to opening the school no later than the beginning of the first term of 1986.

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

I certify that the petition conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 76.)

GOVERNMENT BUILDINGS: SWANBOURNE HOSPITAL SITE

Preservation: Petition

MR CASH (Mt. Lawley) [10.52 a.m.]: I have a petition for presentation to the House couched in the following terms—

To:

The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned:

(a) respectfully draw the attention of the House to the historic buildings comprising Swanbourne Hospital,

(b) deeply regret the decision of the Government on the future of the Hospital, which will see the majority of the buildings demolished,

(c) point out the eminent suitability of the buildings and the surrounding land as a headquarters for community groups, and to house a technology museum, a conference centre and a nature reserve, and

(d) call for the Swanbourne Hospital complex to be preserved, thereby enabling a science centre unique to Australia to be established, as well as preserving a part of Western Australia's heritage.

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

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

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

(See petition No. 77.)

HEALTH: ALCOHOL

Alcohol and Drug Authority: Petitions

MR CASH (Mt. Lawley) [10.53 a.m.]: I present a petition couched in the following terms—

> To:
>
> The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned residents and business proprietors alike, object to the Alcohol and Drug Authority being permanently established in Field Street in residential Mt. Lawley. We request you to cancel these plans and provide a permanent solution for the A.D.A. in a suitable building adjacent to the Royal Perth Hospital.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 109 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 78.)

Three similar petitions were presented by Mr Cash (98, 51, and 43 persons).

(See petition Nos. 79 to 81.)

SMALL CLAIMS TRIBUNALS: SELECT COMMITTEE

Membership: Motion

MR TONKIN (Morley-Swan—Leader of the House) [10.54 a.m.]: I move—

> That the Member for Clontarf (Mr Williams) be discharged from service of the Select Committee inquiring into Small Claims Tribunals and that the Member for South Perth (Mr Grayden) be appointed in his place.

I want to make some remarks relating to this motion because an important matter of principle is involved in what has happened and, more importantly, in what happened on 13 December last, when the House was seriously misled.

I accept the right of members to criticise the judiciary—in fact there is a very strong argument in constitutional and democratic theory that the Legislature should be able to criticise the judiciary—but I suggest that it must be done with regard for the truth; it must not be done in the private interest of a member of Parliament. It must be done with regard to the general good and with regard to the responsibility of members of Parliament, who are here primarily as representatives of the people as a whole.

The member for Clontarf, it will be remembered, on 13 December was criticised in a petition presented by the member for Merredin. The member for Clontarf had written a letter as the member for Clontarf in defence of his own business pecuniary interests; he did not write as a private citizen.

The main matter I wish to raise is not the question of whether he should have written the letter but the fact that the member for Clontarf misled the House and that the Leader of the Opposition also misled the House, although I accept that in the latter case it was done because he had earlier been misled by the member for Clontarf.

It is to be regretted that, as was pointed out by the member for Merredin on 13 December, members of the House did not have a copy of the letter written by the member for Clontarf. Had we had copies of the letter the House may have put a different construction on the whole matter. I spoke on behalf of the Government at the time and I did not have a copy of the letter, so I was not really aware of its contents.

Among other things, the letter contains choice phrases such as "justice would be more impartial under a totalitarian or Communist Government". But as I said before, I have not risen primarily to discuss the wisdom of the letter. The member for Clontarf has agreed that perhaps the letter would have been better left unwritten, so I will move on to talk about the comments made on 13 December by the member for Clontarf.

The letter to which I have referred was dated 21 May 1982, and it is important that members keep that date in mind because, as is recorded in *Hansard* at page 5007, the member for Clontarf said on 13 December 1984—

> A claim went before the Small Claims Tribunal and in my opinion an unjust decision was handed down.

So the member was excusing his letter by saying that an unjust decision had been handed down, when in fact the letter was written two months before the case was even heard. That was a blatant untruth. As I said before, the letter was written two months before the decision was handed down on 22 July 1982.

To substantiate my comment that the Leader of the Opposition was also misled and therefore perhaps unwittingly misled the House, I will quote

from the same page of *Hansard*, where we find that the Leader of the Opposition said—

> Mr Burton is really saying that because the member for Clontarf once attacked the Small Claims Tribunal in relation to its handling of a case which involved the member for Clontarf, that disqualifies the member for Clontarf.

As I have said, the letter did not attack the Small Claims Tribunal over its handling of the case, because that case had yet to be handled by it two months later. In fact, the hearing on 22 July was in order to accommodate the member for Clontarf's request for an adjournment. He did not turn up for the hearing, which gives special significance to another sentence from that letter of 21 May wherein he states—

> I will not be a party to it.

So the member for Clontarf requested an adjournment, the adjournment was granted, but the member did not turn up for it.

In this House he had the gall to state that he had not been informed of the date of the hearing until two days after the hearing had taken place. However, there is in existence a receipt indicating that the company was informed of the notice of the hearing on 28 May 1982, well before the hearing date. He wrote a letter attacking the tribunal in defamatory terms two months before the case was heard.

The third example of the member for Clontarf's misleading of the House is contained in his comments on December 1984 that "The charge involved a company with which I was involved". The company, Cindy Investments, has two $1 shares and the member for Clontarf held at that time, and still holds so far as I am aware, the only "A"-class share to the value of $1 and is in effect the managing director of the company, a status obscured by the phrase "The charge involved a company with which I was involved".

That is the least serious case of misleading the House that occurred but, nevertheless, it certainly does give the impression that he was involved with the company; certainly, that he was in effect the managing director who held one of only two $1 shares; in fact, he held the only "A"-class share.

I finally want to pose the question as to the reason the member for Clontarf resigned from the committee. It is claimed by Mr Clement J. O'Sullivan, the referee of the Small Claims Tribunal, that the member for Clontarf's solicitor, Mr Terry O'Connor, telephoned Mr O'Sullivan and proposed that the member for Clontarf would agree to resign from the Select Committee on condition that Mr O'Sullivan agreed not to sue him for defamation, a proposal I understand that Mr O'Sullivan rejected.

I also understand that another referee, Mr Loris Wood, has been informed that the member for Clontarf would agree to resign if Mr Wood withdrew legal action.

I find this just as abhorrent as the wilful misleading of the House. This House, or membership of a committee of it, is not to be used as some kind of bargaining tool in defence of private interests. The House or a committee of it is not to be used as some kind of hostage when members get into trouble in their private lives. The House or a committee of it is not to be used as a pawn in some private game of any member.

It seems to me that the Liberal Party is incapable of separating questions of the public good from its own private interests, and this is another case where a person has been put on a Select Committee by the Liberal Party when he obviously had a very big axe to grind.

Another case was when the present Opposition appointed a spokesperson in an area in which that person had a very poor record in his private capacity.

Standing pre-eminent above those two examples is the practice of the Liberal Party of allowing politicians to draw electoral boundaries to suit their own personal interests and in many cases to ensure their political survival.

That is an obscuring of the duty of a member of this House to act in the public's general good rather than coming here and writing letters as an MLA to defend a private business interest or to be appointed to a Select Committee in order to fix up a tribunal which it is believed by that MLA has acted wholly against his own private interests.

In moving this motion I point out to the House that we really should endeavour to separate our own private concerns from our concerns as representatives of the people. Each member of this House represents the people, and this is most important. All of us at times have experienced things in our private lives which could give rise to a temptation to use public office in order to extricate oneself from a certain situation.

Several members interjected.

Mr TONKIN: Members are asking for it if in fact they do use their public office to come to the defence of their private interests. But above all, I want to make the point that the House was very seriously mislead when the member for Clontarf said that he was upset with an unjust decision when he wrote that letter when in fact the letter was written two months before the case was heard.

He said he had not known about the hearing before it occurred when in fact weeks and weeks earlier, there is a notation to the effect that he had been informed of the hearing.

These are very serious matters and they seem to be a quite blatant attempt to mislead the House and in fact also to mislead members on the member for Clontarf's own side of the House who repeated the untruths in the debate. I am not critical of those members because the debate came on very quickly and there was not time to check the facts. Indeed I had not read the letter which was the matter of dispute.

However, in defence of the member for Clontarf, he has decided to resign from the Select Committee. That is a sensible decision and that is why I am quite pleased on behalf of the Government to move the motion which discharges him from the Select Committee and appoints the member for South Perth in his place.

MR HASSELL (Cottelsoe—Leader of the Opposition) [11.06 a.m.]: The matter which has been raised by the Leader of the House today is representative of a despicable attitude.

The Leader of the House has sought to gain political advantage for himself by pursuing unnecessarily and unjustly the personal vilification of a member of the Opposition. It is a sad day indeed for Parliament that, with the most improper motives, this kind of abuse of certain people should be made by the Minister.

It is true that the member for Clontarf, as Mr Tony Williams, wrote to the Commissioner for Consumer Affairs some 2½ years ago. It is also true that he used some immoderate language in that letter. It is also true that in using that immoderate language he was responding to his own emotions at the time when he was incensed with a particular case to which he had been a party and where he regarded himself as being the subject of an attact by a customer. When he spoke to the House about the matter on 13 December he said this—

> I will advise the House from the outset that this matter was brought about by an event which took place some 2½ years ago. A claim went before the Small Claims Tribunal and, in my opinion, an unjust decision was handed down.

Mr Tonkin: That is not true because it was two months before it was handed down.

Mr HASSELL: He was not speaking two months before; he was speaking on Thursday, 13 December 1984, some 2½ years after the decision had been handed down. He regarded the decision as unjust and he said so. He went on as follows—

> I have a vague suspicion—I am not quite certain because it took place such a long time ago—that I was not informed of the date of the hearing until two days after it took place.

He said, "I have a vague suspicion". The Minister has tried to turn that comment into a statement that he said he was not advised, and that in doing so he mislead the House. He went on to say—

> That is as it may be. The charge involved a company with which I was involved, which had more than 30 years' experience, and a matter of sheepskin car seats shrinking.

Where is the misleading statement in these words, "The charge involved a company with which I was involved which had more than 30 years' experience"? That was a perfectly factual and straightforward statement of the position. The Minister knows that a company is not to be identified with a person or an individual in the same way as is a partnership. The member for Clontarf said he was involved with the company, but he did not specify his involvement and he did not mislead anyone by not specifying his involvement. The extent of his involvement in that company was not the issue before the House and was irrelevant to the debate which had been brought on at the shortest of notice.

The member for Clontarf said also—

> At the time I became very incensed as I had also been receiving letters of complaint about the tribunal and its decisions. In a hasty moment I wrote a forthright letter to Mr Fletcher, but not to the gentleman who presented the petition to the House today.

Let us just look at that. The member for Clontarf sent the letter to the Commissioner for Consumer Affairs, Mr Fletcher. He did not send the letter to Mr Burton and he did not send it to Mr O'Sullivan—

Mr Tonkin: But he defamed all those people.

Mr HASSELL: —he did not send it to the Minister, or anyone else. The publication of the defamation, of which Burton has complained, has been made by Burton himself.

Mr Tonkin: Oh, go on! He defamed Fletcher.

Mr HASSELL: It is true that the member, in his private capacity, defamed Burton and others. It is true that Fletcher showed the letter to Burton, and it is true that Burton sought an apology from the member and the apology was given. Two-and-a-half years ago a full and unequivocal apology was given.

Two-and-a-half years later the matter came up, because of a motion in this House, to appoint the member for Clontarf as a member of a Select

Committee. The committee unanimously decided after referral of the issue to the committee, that there were no grounds upon which the membership of the committee could be questioned.

Mr Tonkin: They were not addressing questions of the House.

Mr HASSELL: There was no misleading of the House; not a shred of misleading of the House. The Leader of the House has condemned himself and condemned the Parliament by his actions today; by his attempt to misuse and misconstrue words which are clearly recorded in *Hansard*, by his taking of those words out of context. By selective quotation of those words he tried to put together a case of misleading the Parliament. The case is so thin that if it were laid out on the ground it could not be seen—it does not exist.

The reality of the matter is that all the Minister is doing today is seeking to vilify and persecute a member who has adopted an honourable and proper course of action.

Let us look simply and clearly at the facts of this situation. The member defamed someone wrongly: he acknowledged that he had and he apologised.

Mr Tonkin: Not properly at all.

Mr HASSELL: Does Mr Burton say he has not?

Mr Tonkin: The defamation is not just against Burton, remember that. The letter was sent to Fletcher. In other words, it was not an apology to all the rest who had been defamed.

Mr HASSELL: The letter was sent to the person who sought the apology, Mr Burton. How did those people come to be aware of the smear on their names?

Mr Tonkin: I presume Mr Fletcher informed them.

Mr HASSELL: Or Mr Burton.

Mr Tonkin: Quite possibly.

Mr HASSELL: In fact it was Mr Burton. When the appointment of a Select Committee came before the House, Mr Burton set out systematically to stir the matter up and he succeeded. Now, Mr Burton's action in seeking to stir it up has been taken up by the Minister in a very cheap, poor, and nasty attempt to attack a member and what he has done.

The member has resigned from the committee to satisfy the niceties and proprieties of the very issue that Mr Burton raised by his petition. Initially, the member for Clontarf tried not to do so, but when, as a result of the activities of Mr Burton, another member of the Small Claims Tribunal, a referee, wrote a letter on 21 January 1985 to Mr Williams, he was required to reconsider his position and he did so. He took legal advice from Mr Terry O'Connor of Stone James Stephen Jaques. Mr Wood wrote the following letter to Mr Williams on 21 January 1985—

> I refer to your letter to Mr N. R. Fletcher, Commissioner of Consumer Affairs dated the 21st May 1982. For reasons I can only guess at the contents of this letter were not made known to me by Mr Fletcher or Mr Burton the Senior Referee.
>
> Recent events cognisant to you have made me aware of the libels contained therein.
>
> Had the position remained as it was shortly after you sent that letter and later apologised to Mr Burton I may have been content to ignore the affair for the ill advised effort it was. However, current activities, of which you are one of the instigators, will inevitably lead to publicity which will spread your libel among a greater audience. In particular, among persons whose lack of goodwill towards me as a consequence of them accepting your statements could react to my professional detriment if I remain passive.
>
> I require you to publicly apologise, in the form attached, to be block advertised at least two column width in one edition each of The West Australian, Daily News and Sunday Times newspapers in editions circulating in metropolitan and country areas. The advertisements to be printed not beyond page 5 of each edition, not later than Sunday the 3rd February 1985 and at your own expense.
>
> On the appearance of the advertisement complying with these terms I will undertake not to issue a writ for your defamation of me based on the contents of the offending letter.

At that time the letter had not been published, no more than four or five people saw the extent of the defamation—which was extremely limited—even though it had been apologised for 2½ years ago; and even though it had been completely forgotten by everyone, except those who wanted to stir up trouble. Indeed, what was concerning Mr Wood was made clear by his letter that Mr Williams was continuing his membership on the Select Committee.

Having received that letter and taken advice, including discussion with a number of people, he made a decision, on the grounds of propriety and in view of the concerns of these people that he would not continue his membership of the committee.

Surely everybody is now satisfied. Surely right has been done by those people who felt threatened by the member for Clontarf. Surely Mr Burton, Mr Wood, and Mr O'Sullivan are satisfied.

Mr Tonkin: They are not.

Mr HASSELL: No, they are not satisfied because they are vindictive and the Minister is supporting their vindictiveness.

Mr Tonkin: Rubbish! Talk about misleading the House.

Mr HASSELL: This Minister talks of misleading the House, but what did he tell us? He told us of certain concerns the member for Clontarf expressed about some of the referees, but he did not tell the House that one of those referees has similarly attacked his own colleague, the member for Mitchell.

Who is misleading the House? What an abominable untruth it is to come here and tell half the story.

Point of Order

Mr TONKIN: The Leader of the Opposition is quite unfair and telling untruths when he states that I am aware—

Mr MacKinnon: What is the point of order?

Mr TONKIN: I wish to make the point of order that I am not aware of any such attack on the member for Mitchell at all.

Mr Hassell: What is the point of order?

Mr TONKIN: The point of order is that the Leader of the Opposition should be required to withdraw that imputation against me because, in fact, I am not aware of any such attack upon the member for Mitchell.

The SPEAKER: Order! There is no point of order.

Debate (on motion) Resumed

Mr HASSELL: Of course there is no point of order because the Minister is trying to avoid the responsibility now on his shoulders for telling the House half the story.

Mr Tonkin: That is the full story as I know it.

Mr HASSELL: In his attempt to score cheap political points against the member for Clontarf, the Minister has omitted to inform the House that the selfsame referee, namely O'Sullivan, who has continued his attack on the member for Clontarf, notwithstanding the entirely proper and responsible action of the member in resigning from the committee to ensure its work could not be impeached in any way, has also questioned the member for Mitchell.

Mr Tonkin: I am not aware of that.

Mr D. L. Smith: I will reply to you after you have spoken. Your conduct in this matter is disgraceful. For a so-called Leader of the Opposition to stand there and make those attacks is disgraceful. I will explain to the House and you will have mud on your face as thick as it can be.

Mr HASSELL: My time is limited and I intend to complete putting forward a very clear and simple position. Why does not the Minister call before the Bar of the House all those people whose interests he is taking up? Why does he not call before the Bar of the House—using his numbers—these people who are—

Mr D. L. Smith: You are hypocritical.

Mr HASSELL: The member for Mitchell seems to be under some misapprehension as to what I am saying. I am simply pointing out, as he well knows, that the referees are dissatisfied with the very questioning of their task and position by this Select Committee.

Mr D. L. Smith: I will point out the truth later.

Mr Tonkin: That is not before the House.

Mr HASSELL: That is what the referees are concerned about. They have sought to use this to attack individuals, and the Minister has allowed himself to be used in this attack on the very existence of the committee.

Mr Tonkin: Because you misled the Parliament, as did the member for Clontarf.

Mr HASSELL: This group of people are concerned that their activities should be questioned and they have sought to hang their defence on a very small peg.

Mr Tonkin: Who moved the motion for an inquiry?

Mr HASSELL: The peg is that the member for Clontarf was to become a member of the committee. Now he has resigned voluntarily to satisfy their concern that there might be some prejudice, they are still not satisfied. Why are they not satisfied? They got the blood they wanted, but now they want to pick over the carcass. They are not satisfied and it is this Minister who is helping them to do it. He should have thought twice before he came here with this despicable, spurious, and irrelevant attack on the member for Clontarf.

Let me conclude by reiterating the simple facts. The member for Clontarf made an error in writing a defamatory letter 2½ years ago. He acknowledged his error and wrote a letter of apology. Two-and-a-half years later he was attacked for having become a member of a committee of this House. He became a member of the committee on the vote of this House, and the com-

mittee of which he became a member unanimously accepted his membership.

Mr Tonkin: That is nonsense.

Mr HASSELL: He was then further attacked outside the House by the referees and he decided, after taking due advice, that the proper thing to do was to resign from the committee which he now seeks to do to allow the committee to do its work. Surely any fair-minded person would be more than satisfied. Surely they would think that put an end to the matter. It is 2½ years old, it was apologised for at the time, he is off the committee and the matter is surely settled. But not this Minister.

Mr Tonkin: Why did he mislead the House?

Mr HASSELL: Not this despicable man! No, he comes up with some cock and bull story about misleading Parliament which is not supported by one word in *Hansard*.

Mr Tonkin: It is so. How can you stand there and say that? They are bare-faced lies.

MR D. L. SMITH (Mitchell) [11.27 a.m.]: I wish to make very clear to the House what I said to the Select Committee this morning, namely that I did not intend to participate in this debate unless any reference was made directly to me, and I meant to stand by that. Throughout the conduct of this matter I have endeavoured, as chairman of the committee, to keep politics and personalities out of it, both in the context of what I have said at committee meetings and in what I have said to the media.

But this debate has arisen and the member who calls himself the Leader of the Opposition stood up and really reflected what is wrong with the Opposition in this State today. It cannot distinguish between the public good and its own interest. It cannot distinguish between the responsibility of public office and its own self-interest. Members opposite cannot recognise that being Leader of the Opposition or a member of the Opposition or Government entails responsibilities which go with those positions. Until they recognise there are responsibilities which attach to being Leader of the Opposition or a member of the Opposition or of this Parliament, the people of this State will judge them for what they are—people who have no standards.

I want to deal with the question of whether an attack has been made on me by a member of the Small Claims Tribunal. Until I was appointed to the Select Committee I had never personally received a complaint about the conduct of the tribunal. It so happened that about the middle of January a constituent of mine came to see me with a letter she had received from the registrar of the tribunal. I do not wish to mention her name because it would be improper to involve her in these proceedings. The nature of the letter was that subsequent to the hearing of the matter the referee, as he is entitled to do, sought some expert evidence, and the letter had attached to it a letter from that expert setting out his findings. The registrar's letter asked the lady to comment on those matters. She asked for my assistance in relation to those comments.

I then telephoned the tribunal and asked to speak to the referee. He was not available so I spoke to the registrar. The context of that discussion was that the lady had asked me what was the best way of responding to that letter. In the course of that conversation I also said that the lady had complained of some delay in the hearing of her matter and that she thought the referee had misunderstood some of the technical evidence. I was a little concerned about those matters.

It became apparent that her concern about the delay arose out of a misconception of the role of the Department of Consumer Affairs and the tribunal. She had been to Consumer Affairs first and she was dating the time of the delay from when she had gone to Consumer Affairs and not from when she had gone to the tribunal.

In relation to the question of misunderstanding, I tried to convey that she simply wanted to make some comment on that apect and I asked what was the best way of tackling that problem.

Subsequent to that conversation I received a letter from the referee who complained of the fact that I, as a member of Parliament, had sought to approach a judicial officer and that, as a lawyer, I should appreciate that that conduct was incorrect. It so happens that that complaint was well made. I should have appreciated that, as a lawyer, I was really seeking to approach a judicial officer and that I should have gone about it in some other way. I am prepared to admit that mistake.

I then made another mistake. I conveyed to the two Liberal members of the committee, as I felt obliged to do, that I had had that altercation with a referee from the tribunal.

Mr Taylor: That means they must have breached Standing Orders.

Point of Order

Mr WATT: I want the member for Kalgoorlie to withdraw that remark. He said that, as one of the members of the Select Committee, I breached Standing Orders by revealing something confidential. What was said by the member for Mitchell, if I had repeated it, was not a matter for that com-

mittee. However, in any event I did not disclose a single word of what the member for Mitchell told me.

The SPEAKER: The member for Albany has called on the member for Kalgoorlie to withdraw some remarks which he regards as improper. That is allowed for under the Standing Orders.

Mr TAYLOR: I have the utmost respect for the member for Albany and I withdraw in respect to the member for Albany.

Debate (on motion) Resumed

Mr D. L. SMITH: I make it clear that I had the conversations with the two Liberal members on the telephone and not at a committee meeting. I do not think that revelation of those conversations breached any parliamentary rule. The conversations were with the member for Albany and the member for Clontarf. I felt it was important, as chairman, that the other members of the committee knew what had happened. In retrospect, it may have been unwise for me to do that.

The Leader of the Opposition, by his conduct of bringing this matter involving me into this House, has required me to defend myself and to distinguish between my approach to the registrar and the justified subsequent complaint by the referee, regardless of what I may have thought about it at the time.

I have to distinguish between that episode and what transpired with the member for Clontarf. For the record, I need to point out those differences to the Parliament. I was acting on behalf of a constituent. The member for Clontarf was acting in his own interests. The conversations which I had were in relation to a letter which had been sent by the registrar to a constituent and that constituent had come to see me. The member for Clontarf wrote to the Registrar in relation to matter which affected his own interests. He also chose to write a letter on the Parliament's letterhead. In that letter he elected to point out that he had discussed the matter with his leader and with the Attorney General. In effect, he was using their offices to advance his own interests.

In relation to the events surrounding the resignation, the Leader of the Opposition knows that, on the night of 13 December when we discussed the matter I pleaded with him and the member for Clontarf, in the interests of protecting the findings of the committee and the criticism of being biased if those findings were adverse to the tribunal or referees, to pursuade Mr Williams to stand down at that time. I thought it would be better to get it over and done with so that we would not have the problems that we are now having.

For short-sighted political reasons, the Leader of the Opposition chose to ignore my advice and insisted, in effect, that Mr Williams remain.

I regret having to speak about conversations that I have held in private. I regard every conversation that I have with a member of my party and a member of the Opposition as being confidential.

Mr Blaikie: Unless it suits you to otherwise divulge them.

Mr D. L. SMITH: I have raised the matter only because it is apparent that the contents of my conversation have been passed on to the Leader of the Opposition.

Mr O'Sullivan made a lengthy submission to the committee subsequent to our decision—

Point of Order

Mr MacKINNON: It is highly improper for a member to name people who have made submissions to committees of the Parliament before the committees have completed their work. I ask you, Mr Speaker, to direct the member to retain the confidentiality of those committees as I believe other members have done.

The SPEAKER: There is no point of order.

Debate (on motion) Resumed

Mr D. L. SMITH: I do not intend to disclose what was in the submission except to say that it was a lengthy submission. I had discussions with two members of the Opposition who are on the committee. As a result of those conversations, I thought it prudent to suggest to Mr O'Sullivan, in the light of the resignation, that he withdraw that submission and recast it in relation to the terms of reference of the committee. I thought it would be unfortunate if that submission later became part of the parliamentary record.

The member for Clontarf had advised me that he had decided to resign for the good reason that his continued presence on the committee would mean that our findings might be the subject of some criticism from those members who felt that the composition of the committee was not what it should be.

That was the very reason I suggested to the Leader of the Opposition on the evening of 13 December—

Mr MacKinnon: You pulled out because you had had an altercation with a referee of the tribunal.

Mr D. L. SMITH: That was not in a matter involving a personal interest, but concerning a matter which has since been resolved by communications between myself and the referee.

When I spoke to him about his submission Mr O'Sullivan outlined to me the other events he alleged had occurred in relation to what had preceded Mr Williams' resignation. He indicated to me that a solicitor, on behalf of the member for Clontarf, had made contact with each of the referees and, in effect, he was offering to stand down in exchange for a withdrawal of legal action.

If I had any criticism of the member for Clontarf it would be that he was bargaining his position on the committee for personal gain. It needs to be said as has been said by the Leader of the House, that no member of this Parliament can use this office, the letterhead of the Parliament, or his position on a Select Committee, to bargain for his self-interest.

Mr Court: What about the Chinese restaurant?

Mr McNee: What is on the menu today?

Mr D. L. SMITH: That is the standard of the Opposition!

Several members interjected.

The SPEAKER: Order! Members might appreciate why I gave the ruling some time ago that interjections such as those we have just heard should not be recorded in *Hansard*. The member for Mitchell.

Mr D. L. SMITH: If what I was told is true, I deplore the use of the position on a committee for that purpose.

Mr MacKinnon: "If what I say is true"—hearsay evidence! What a hypocrite to use hearsay evidence on which to base his case!

Mr D. L. SMITH: I was hoping that the standards of the Deputy Leader of the Opposition were different from those of his leader. It is apparent that standards of his leader carry through to every member on the opposite side of the House, including the deputy leader. There really is no alternative leader on that side who would have different standards.

I have been in this House for two years and if in a year's time the people of my constituency decide not to re-elect me, I will be quite pleased to go if the standards shown by the Opposition were the standards of this House and of the Government of this State.

I wish to reiterate that I have gone out of my way to keep the lid on this issue. I previously encouraged the member for Clontarf to resign for the reasons which he now gives for resigning and I endeavoured to persuade the members of the committee not to become involved in this issue on a party political basis. I would not have joined in this debate today had it not been for the Leader of the Opposition mentioning my name in a way that was quite improper. By including me in this debate on the basis of conversations I have had with members opposite and which I had in order to keep them informed, the Leader of the Opposition has absolutely obliged me to differentiate between my position and that of the member for Clontarf. I have not enjoyed doing so.

I have always tried, and will try in the future, to bear in mind that the affairs of the committee and the way in which the committee conducts itself should be on a non-party political basis. As far as possible we, as members of Parliament, have a responsibility to our co-members, whether they are in Opposition or in Government.

The Leader of the Opposition is smiling as though he is enjoying the events of today, but he has mentioned my name in a way which implied that my position was the same as that of the member for Clontarf and he has said that I was involved in a similar altercation with the referees. I resent that imputation.

I regret becoming involved in this debate and I make it clear that the only person responsible for my involvement is the Leader of the Opposition who has no standards and who will try, as he has done on the land rights issue, to use anything and say anything to suit his own political interest and to do so in a narrow-minded and hypocritical way. The words that come to mind are, "hypocritical humbug" because the Leader of the Opposition claims high moral standards, but he has absolutely none.

Personal Explanation

MR HASSELL (Cottesloe—Leader of the Opposition) [11.47 a.m.]: I seek leave of the House to make a brief personal explanation because I have been misrepresented.

Leave granted.

The SPEAKER: Order! Before the Leader of the Opposition makes his personal explanation I remind him that he must address himself only to that matter about which he feels he has been misrepresented; he cannot introduce new matter.

Mr HASSELL: I do not wish to introduce any new matter into the debate. I merely want to advise the member for Mitchell about something which is important to him.

I assure him that to the very best of my recollection I have never heard the story which he related a minute ago about his representation to the Small Claims Tribunal. The references which I made in my address in regard to the questioning of his position by the Small Claims Tribunal referred to a different situation entirely.

To the best of my recollection I have never discussed with Mr Williams or with any other member what the member for Mitchell has said privately about this matter. It is important that the member for Mitchell be made aware of this because when I spoke before I made no attack on him. The member for Mitchell's entire speech was based on a misconception about what I said.

Debate (on motion) Resumed

MR COWAN (Merredin) [11.49 a.m.]: The matter which the Leader of the House has raised in regard to the allegation that the member for Clontarf has misled the House is indeed a very serious one.

Upon reading the debate which took place on 13 December, there is no doubt in my mind that certain members on this side of the House were misled because of some of the comments they made in defence of their colleague, the member for Clontarf, and because they were very critical of the senior referee of the Small Claims Tribunal.

It is not my place to determine whether the member for Clontarf did, or did not, mislead the House, but there is certainly some inference that the House was led to believe that a letter of complaint was written by him against a judgment made by the Small Claims Tribunal when, in fact, the Small Claims Tribunal had not even made a judgment.

There is no question that the House was misled to some extent in respect of this matter.

Mr Trethowan: Is that what is in *Hansard*?

Mr COWAN: It has already been quoted once and the member would have heard the debate on 13 December when the statement was made. The member would also have heard the Leader of the Opposition repeat it. I suggest that he look in his copy of *Hansard* and verify it for himself.

The other issue relating to the misleading of the House concerns an assumption made by subsequent speakers that Mr Burton was the referee who heard this case. In fact, that was not the situation. I think the truth is that when the commissioner (Mr Fletcher) received the letter of complaint he felt it his duty to refer the letter to the senior referee of the Small Claims Tribunal and that is the position held by Mr Burton. As the senior referee Mr Burton had a responsibility to protect his fellow referees against letters of that type. Therefore, the action he took of demanding an apology from the member for Clontarf was quite appropriate. There can be no question of that.

When Mr Burton discovered that the member for Clontarf was to be a member of the Select Committee inquiring into the Small Claims Tribunal, he was within his rights as the senior referee to lodge a formal objection to the appointment of that member. Mr Burton cannot be held responsible for the antics of this House and for the publicity given to the activities that have taken place. In this instance Mr Burton has been very responsible inasmuch that some 2½ years ago he initially moved to protect his fellow referees which is part of his duties as senior referee. He also had a duty on behalf of the Small Claims Tribunal to ensure that the Select Committee of inquiry was conducted in the best possible manner by people who had not previously demonstrated any degree of bias that might reflect on the report of the committee.

I am disappointed that the matter has been publicised to the extent it has. Members will recall that I had expressed a hope that the issue would resolve itself rather quietly. However, it is most inappropriate for members of the Opposition to complain that this matter has been publicly aired because of action taken by Mr Burton.

Mr Clarko interjected.

Mr COWAN: If one of the referees wanted to petition this House I am quite sure the member for Karrinyup would be the first in line to present it.

Mr Clarko: I would not.

Mr COWAN: I suggest the member would. However, if he would not some other members would. If a senior referee feels that as a result of communications with the Small Claims Tribunal with regard to a particular complaint a petition should be presented to the House, the House should be prepared to consider the matter. It has not been required to do so to date.

Mr Burton acted quite properly in defence of his fellow referees and this House can be rather ashamed of its activities. If the motion before the House is agreed to I shall be satisfied that the Select Committee can go ahead and prepare a report which will be seen as unbiased.

Question put and passed.

HEALTH AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr Hodge (Minister for Health), and read a first time.

RAILWAYS DISCONTINUANCE BILL

Introduction and First Reading

Bill introduced, on motion by Mr Grill (Minister for Transport), and read a first time.

As to Second Reading

MR GRILL (Esperance-Dundas—Minister for Transport) [11.56 a.m.]: I seek leave to proceed forthwith to the second reading of this Bill.

The SPEAKER: I am aware that the practice of seeking leave to proceed forthwith to subsequent stages has been the custom in the past. I do not have much fondness for this practice because members who may be interested in this debate may not be in the House, as they expect the second reading to be made an Order of the Day for the next sitting of the House.

On this occasion, if the House grants leave the Minister may proceed.

Leave granted.

Second Reading

MR GRILL (Esperance-Dundas—Minister for Transport) [11.57 a.m.]: I move—

That the Bill be now read a second time.

The purpose of this legislation is to effect closure of two small sections of redundant railway track and for the land concerned to be made available to the Collie and Busselton Shires for local community purposes. Rather than legislate individually for each and every small section of redundant railway, the practice has been to wait for a major Railways Discontinuance Act and to combine the closures. The small sections of railway at Collie and Busselton would normally be in this category. In this case, however, land which made up part of the former Collie to Griffin railway at Collie has been included in an area set down for housing development by the Shire of Collie. Consequently, early closure is desirable to allow revestment of the land in the Crown and for use by the shire.

The circumstances are that approximately 1 400 metres of track at Collie were retained to service Worsley Timber Pty. Ltd.'s private rail siding when the Collie to Griffin railway was closed by Act No. 38 of 1967. However, the company terminated its private siding lease in 1981 and as the track no longer serves any purpose it should be closed.

Opportunity is also being taken to formalise closure of 440 metres of railway at Busselton to allow revestment in the Crown of Railway Reserve No. 3364. This land formed part of the Boyanup-Busselton railway, west of the Busselton railway station to the old jetty and has not been required for railway purposes for many years.

It is proposed that the land be vested in the Shire of Busselton for foreshore development. Council has for some years leased the land from Westrail on a peppercorn rental basis.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Blaikie.

LOCAL COURTS AMENDMENT BILL

Second Reading

MR GRILL (Esperance-Dundas—Minister for Transport) [12.00 p.m.]: I move—

That the Bill be now read a second time.

In 1982 on the recommendation of the Law Reform Commission, the Local Courts Act was amended to provide for the establishment of a small debts division of the court.

The jurisdictional limit of the division was then fixed at $1 000. This was identical to the then jurisdictional limit of the Small Claims Tribunal.

The commission recommended that the monetary limit of the small debts division be adjusted concurrently with that of the Small Claims Tribunal.

The Small Claims Tribunal jurisdiction was increased from $1 000 to $2 000 in December 1983 and this Bill provides for a similar increase in the jurisdictional limit of the small debts division.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Mensaros.

JUSTICES AMENDMENT BILL

Second Reading

MR GRILL (Esperance-Dundas—Minister for Transport) [12.02 p.m.]: I move—

That the Bill be now read a second time.

The Bill proposes to amend the Justices Act in two respects. The first relates to the eight-day remand period in section 79 of the Act. The second is in respect of the range of penalties available under the Act for failure to comply with a restraining order under section 172 of the Act.

Section 79 of the Act provides that a defendant charged with an indictable offence may be remanded in custody for hearing for a period not exceeding eight clear days. The original basis of the eight-day rule was to ensure that the defendant could renew any application for bail, and make a complaint about his treatment, and did not get "lost in the system".

Although the rule is intended for the benefit of defendants, they are frequently heard to complain of the inconvenience of what are perceived to be unnecessary appearances when several remand orders are made between the initial court appearance and the preliminary hearing. This is particularly so when defendants are already serving sentences of imprisonment for other offences.

The eight-day remand system also causes substantial inconvenience and increased costs for prison administration, the Police Force and the courts.

It is proposed to amend section 79 so that a defendant already serving a term of imprisonment for a separate offence may be remanded in respect of another offence for a period not exceeding eight clear days, provided that with the defendant's consent, he may be remanded to a date no later than the date of expiry of his term of imprisonment.

It is proposed that any other defendant may be remanded for a period not exceeding eight clear days, provided that with his consent, such a defendant may be remanded for a period not exceeding 30 days. Clause 2 of the Bill effects these changes.

The Law Reform Commission's discussion paper on Courts of Petty Sessions, published last year, refers to the difficulties caused by the eight-day remand. The above changes are proposed by the Government as interim measures pending publication and consideration of the commission's final report.

The Justices Amendment Act (No. 2) 1982 amended the Justices Act in respect of orders to keep the peace. This amendment is commonly referred to as the "domestic violence" amendment. As a result of that amendment, section 173 of the Act provides that a person who contravenes or fails to comply with a restraining order made under section 172 of the Act commits an offence and is subject to a penalty of six months' imprisonment. Section 173 does not provide for a fine or other alternative form of sentence.

Section 166 of the Act provides a power to impose a fine in lieu of imprisonment, but that provision applies only to offences constituted under Acts other than the Justices Act.

A recent Supreme Court decision held that the only alternatives to imprisonment under section 173 are probation or a community service order under the Offenders Probation and Parole Act. It is proposed that section 173 be amended to provide that a fine of up to $500 may be imposed as an alternative to imprisonment.

It is also proposed that section 166 of the Act be amended to delete the requirement that this section apply only to offences constituted under Acts other than the Justices Act. Clauses 3 and 4 effect these changes.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Mensaros.

SUPPLY BILL

Second Reading

Debate resumed from 21 February.

MR HASSELL (Cottesloe—Leader of the Opposition) [12.04 p.m.]: I want to deal first with the increasing level of hostility on the part of the Government in attacking me over the Opposition's stance on Aboriginal land rights and put the record straight on a number of things the Premier has said in the last few days. He is especially good at making allegations and accusations when people are not in a position to be able to reply immediately or for some time thereafter. It was no doubt the source of surprise and amazement to him when, as he described yesterday, he was sitting at the Primary Industry Association conference and he discovered to his horror, I think was the word he used, that I was present in the front row, as was the member for Dale. No doubt he was horrified because he had thought he was going to have another free run to misrepresent our position without any opportunity for an answer.

What the Premier did not know until afterwards was that I had been invited to that conference by the president, Mr Winston Crane, to address that conference and respond to the Premier's comments about land rights. That is precisely what I did; I accepted the invitation. It was only after I had concluded and the Premier had concluded and we had left for lunch that the worms went to work and the people working for the Government, or for the Labor Party, tried to undo what had obviously annoyed the Premier so intensely.

Mr Brian Burke: It had not annoyed me at all.

Mr HASSELL: The fact is that he was upset that he did not get an opportunity once again to misrepresent the position without the Opposition having a chance to reply.

The Premier's speech to the Primary Industry Association, which I heard in full, was one of the most dishonest party political speeches that I have ever heard a Premier making when he was meant to be putting an official view of the Government. He constantly referred to the Opposition, although only on one occasion was he honest enough to do so by referring to me by name. He did so, I have no doubt from his demeanour on the day, in the belief that he would get away with it with no reply being made. He did not, and he was very upset about that.

I gave a very careful and restrained reply—I have my notes here—in which I sought to put forward a point of view without reducing the Primary Industry Association conference to a political battleground, which is what the Premier sought to do with his speech.

The chief thing I did in my remarks was to quote the Premier's own Press release as to the Government's position on land rights. I will give an example of what was said on his behalf. The question was raised by a member of the audience as to the rights of people to travel around the coastline in the north-west, and as to the movements they would be able to undertake through the areas declared as fishing rights under the Government's Aboriginal land rights legislation. The Premier turned to his adviser, Mr Graham McDonald, and said, "I am not up in all the details, but here is Mr McDonald; he will give you the answer about fishing rights". The man in the audience who had asked the question interjected and said, "I am concerned about not being able to move around the coast in my boat". The Premier said, "I agree, that would be terrible", but Mr McDonald said that was not intended.

What I did was to get out and read to the conference the Premier's own Press release of 4 February this year. Perhaps it has changed since, but as far as I know it still stands. What he said was this—

> Following a recommendation from the tribunal, coastal waters adjacent to currently existing Aboriginal reserves in the Kimberley may be declared protected areas in favour of Aboriginals who have traditional entitlements to the use of those seas. This protection extends from the low water mark to the three nautical mile limit of State jurisdiction.

There was the Premier and his adviser trying to tell the Primary Industry Association that there was to be no interference with the rights of other people in relation to the sea, and at the same time not revealing what was in his own Press release of a couple of weeks previously. What sea rights will the Aborigines have if they do not involve some restriction on the rights of other people?

Clearly it will be necessary to obtain consent to enter into those protected sea right areas from the Aborigines granted that ownership, just as it will be necessary to obtain consent to enter Aboriginal land holdings when they are granted under the Premier's package. That is the kind of misrepresentation that occurred.

Let us talk now about the matter of the Esperance land which the Premier raised at the PIA conference and in this House when he knew I would not have a chance to reply, at least not immediately. A couple of times the Premier said that I misrepresented the position at Esperance, because I produced a map which showed vacant Crown land at Esperance. The Premier's statement says that vacant Crown land will be available for claim. That is what his previous statements said and that is what the map was based on.

Everything I have said in relation to Aboriginal land rights has been accurate to the letter, because I have never sought to misrepresent. I have drawn conclusions from what I see as being the likely end result and I have stated that clearly; but all my statements as to what rights will be granted and the rights of Aboriginal people have been based on the Premier's own statements.

Let us look at the Premier's statement of 4 February about land which will be claimable. It reads, in part, as follows—

> Vacant Crown land, mission lands originally granted for Aboriginal purposes and limited areas within pastoral leases for living areas will be claimable.

It is a very important point. On what basis does the Premier now say that the land near Esperance which has been under consideration for many years for opening up for pastoral purposes, will not fall within the definition of "vacant Crown land"? Does the Premier say the same thing about the land east of Dalwallinu which has also been under consideration? Where does this statement spell out the position? Does the Premier say there is some secret provision of which we are not aware?

Mr Tonkin: Even your home is not safe!

Mr HASSELL: That is true. If one reads the Aboriginal Heritage Act one finds it gives a Minister in Canberra the power to declare any land in Australia to be protected. Therefore, members should not think that is a fanciful statement. If one is a pastoral lessee, the land around one's home may be found to be sacred. The land under one's home may be found to be sacred. Why is the Premier suggesting that some of these things will not happen? The Premier knows the position; indeed, we all know it, because we have seen the record of performance not by the genuine Aborigines, but by their white advisers and highly paid lawyers. They are the ones who discover the sacred sites and seek protection for them. At the Harding River Dam, the Aborigines did not know the sacred sites were there.

Mr Tonkin: That is untrue.

Mrs Buchanan: That is not true.

Mr HASSELL: The Aborigines had been given the opportunity to point out the sacred sites, but they did not show any interest in or use for them.

Mr Tonkin: That is untrue. You are a disgrace.

Mr HASSELL: Let us look at this vital point of the Esperance land and the land east of Dalwallinu. Let us consider the reality of what is going on. Over and over again the Premier has said, "We must accept State land rights to avoid Commonwealth land rights".

Mr Brian Burke: You don't have to accept them. You do what you like.

Mr HASSELL: I am sure the Premier does not want us to accept them. According to the Premier, if we accept State land rights, that will put an end to the matter, so far as Western Australia is concerned. The Premier has argued that in public and in private with the various groups which he has tried to persuade to accept his package. He has said to them, "We are putting up reasonable proposals for land rights and if you accept them, you will not have Commonwealth land rights".

Mr Brian Burke: You have unlimited time, so presumably you will not mind answering a question. After listening to everything you have had to say about the PIA conference, I would like to know why they made a public apology after you had left.

Mr HASSELL: They did that because the Premier put the pressure on to get something done. The Premier, or his supporters did that because the Premier had been so acutely embarrassed and had missed out on his usual opportunity to say what he likes—to mislead and misrepresent people—and have no reply made. The Premier had a reply to deal with his misrepresentations.

Mr Brian Burke: Could I ask one last question?

Mr HASSELL: No, the Premier cannot do that, because I am not interested.

I am talking about the Government of this State once again trying to mislead the people as it has done all along about this Aboriginal land rights question by saying over and over again, "If you accept our land rights package, you will not have a Federal package". Is that the position? Does the Premier want to answer that? Does he want to say unequivocally that there will not be Federal land rights applying to Western Australia if his land rights are granted?

Mr Brian Burke: You are asking me a question now. I am perfectly happy to answer it, because I have a certain generosity of spirit. I have an assurance from the Prime Minister and an assurance from the Minister for Minerals and Energy that they will not override our legislation with Federal legislation. That is the answer.

Mr HASSELL: That is interesting, because the word "override" does not exclude additional rights being granted by the Federal legislation.

Only yesterday, on Wednesday, 27 February, in question 2338 I asked the Minister with special responsibility for Aboriginal Affairs—

> Does he or the Government have any assurance from the Prime Minister or the Federal Minister, or other authorised representative of the Federal Government, that Federal land rights legislation will not apply to Western Australia if the State Government's proposed legislation is enacted?

The answer from the Minister responsible was this—

> The Federal Government has frequently and publicly stated that proposed Federal legislation will not override State legislation that is consistent with it.

Western Australia's legislation is not consistent with the Federal legislation.

Mr Brian Burke: Well, you vote against it; you reject it. It is up to you.

Mr HASSELL: Furthermore, the Federal Minister—so much for his undertakings to the Premier—said this in the first paragraph of his preferred national land rights model—

> Commonwealth legislation to:
>
> be capable of operating concurrently with compatible State legislation;
>
> be capable of embracing proposed as well as existing State laws;

Then we have the third critical part of it—

> add rights to those accorded under State laws where necessary.

Mr Gordon Hill: When did he say that and what are you quoting from?

Mr HASSELL: This statement was made on 20 February last and is a news release from the Federal Minister with an attached outline of the preferred national land rights model from that Minister. That is what I am quoting from precisely. In paragraph 1.3 he went on to say—

> The Commonwealth not to seek to override State land rights legislation which is consistent with the Commonwealth's preferred model.

Members should recall what the Premier told this State on 5 and 19 October last year.

He said at the time that he had agreement with the Commonwealth as to the State legislation. Of course, at the time a Federal election was on, and

as I said at the time, the statements of the Premier and the Prime Minister were self-serving, intended to mislead the public until the election was over.

Had the State Government had agreement with the Commonwealth on 5 October 1984 or on 19 October 1984 when it said it had agreement with the Commonwealth, why in the devil was it necessary for the Premier to go touting off to Canberra to seek permission to bring in his land rights legislation, as he did in January? Why was it necessary for Senator Evans and Mr Holding to come to WA and have secret weekend meetings about the land rights legislation? More importantly, why is the Minister with special responsibility for Aboriginal Affairs in Canberra today seeking the Commonwealth's agreement to the State legislation?

The truth is that there has never been Commonwealth agreement to the State legislation. Mr Holding has never accepted the limitations which the Premier has tried to put on.

I refer again to paragraph 1.3 of the Federal Minister's statement—

> The application of Commonwealth legislation to depend ultimately on the action of the States to implement land rights legislation.

Paragraph 2.2 reads—

> Land vested in these Aboriginal bodies as a general rule to be held under inalienable freehold title.

The Premier has tried to give the impression that under his model there will not be inalienable freehold title. But the Commonwealth requires inalienable freehold title. That involves land which is not to be sold, mortgaged, or otherwise sold on by the holders of the title. This is the Commonwealth's position on land to be available for claim by Aborigines. All this is from the Federal Minister's recent Government publication, issued out of the Cabinet. It is not Mr Holding and the left wing which has approved this statement, but the Cabinet of the Commonwealth. It is the Commonwealth Cabinet's statement, it is the Government's statement. Paragraph 3.2 reads—

> Land to be available for claim by Aborigines:
>
> > former Aboriginal reserves and mission land which are currently vacant Crown land, unoccupied and unallocated.
> >
> > vacant Crown land which is subject to a mining interest or tenement (subject to considerations set out in Section 10).

Note the reference to vacant Crown land which is subject to a mining interest or tenement. To continue—

> all other vacant Crown land which is unused and unallocated for other purposes.

What is the land at Esperance? It is unused; it is Crown land; it is unallocated. It is unallocated because the Government has refused to open it up for agricultural purposes. It falls fairly and squarely within the Commonwealth definition and it also falls fairly and squarely within the State definition.

What guarantee can the Premier give in unequivocal terms that neither the land east of Dalwallinu nor the land north of Esperance will be open to claim under Commonwealth or State legislation, bearing in mind that the Commonwealth has made it absolutely clear that the only acceptable legislation from the States is that which is consistent with Commonwealth legislation and that the Commonwealth legislation will act as top up legislation. To continue—

> Commonwealth National Parks, where applicants can establish that they have a traditional entitlement or historical association with the land and are willing to accept a grant of land conditional upon its continued use as a National Park.

Where is the Premier now to say that the things I have said about what is intended between the State Labor Party and the Federal Labor Party are in any sense wrong? I have said precisely what the position is. Under the Commonwealth Act, Commonwealth national parks will be claimable. Under the State Act, State national parks will become subject to joint management.

Mr Brian Burke: Don't forget air space and air rights.

Mr HASSELL: Does the Premier forget the submissions to the Seaman inquiry from the Kimberley Land Council? Would he like me to obtain a copy and quote from it, item by item, where that body claimed air rights? It claimed the right to control who could fly over the land; it claimed a right also to control what went through the air as airwaves. That is how far that body went.

Mr Brian Burke: Where is SWAPO in this?

Mr HASSELL: Only the Premier has mentioned SWAPO. I thought it was some sort of Government soap which they swapped around! But let me get back to this serious matter of legislation which the Government is wanting to introduce and by which it is seeking to endanger our State.

Let us look at what the Australian Mining Industry Council (AMIC) has had to say about the relationship between the Federal and the State legislation, because this is of concern to AMIC as well. It is not only me who does not believe that the Premier has any ironclad guarantee that we are not going to be saddled with Federal legislation which will top up the State legislation or be in addition to State legislation or which will modify State legislation. Let us see what the AMIC group had to say in its media release of 21 February—

> The Executive Director of the Australian Mining Industry Council (AMIC) Mr James Strong today described the "Preferred National Land Rights Model" by the Federal Government released yesterday to the Press as "totally unacceptable to the mining industry" and "a grave disappointment".

He went on to say—

> Mr Strong said that one of the most disappointing aspects of the proposal is the continuing total lack of clarification of the form, structure and method of application of the proposed national legislation.
>
> "We do not know if the legislation will operate on a top up basis over State legislation to get the best of both worlds.
>
> "Any mining company could well be faced with conflicting requirements from a State Government, which owns the minerals and grants the mining title, and the Commonwealth Government which controls mining by indirect methods such as exports licences.
>
> "It is a recipe for constitutional chaos", Mr Strong said.
>
> Mr Strong said whilst many areas of concern emerged from the national proposals, the mining industry found three critical matters to be unacceptable—restricted access to the land, unlimited compensation and insufficient protection of existing mining titles.

That is the situation we are in as of today, 28 February 1985. The Government of the State can produce no reassurances for the people of WA as to what is really to occur. The Government is saying, "Take our land rights legislation on trust. If you accept it then the Commonwealth may or may not do all these other things it previously intended to do".

Last week I asked the Minister with special responsibility for Aboriginal Affairs a simple question: Are there any areas of conflict between State and Federal land rights legislation? He stood up with that smirky grin he often has on his face and said one word, "No". He indicated that there were no areas of conflict.

The very next day, at the Primary Industry Association conference, the Premier spelt out the areas of conflict. He said there was conflict over the period of time during which claims might be made. As if it mattered. We all know that every square inch of claimable land will be claimed and that taxpayers will be paying for the lawyers to make sure it is claimed.

The claimants will not miss any. They have not missed any in the Northern Territory. I well remember being on the State council of the Liberal Party in 1976-77 when we argued this matter in relation to the Northern Territory and the Minister of the day laughed in my face when I said that half the Northern Territory would end up as Aboriginal land. They said, "It won't happen. Just because they can claim it does not mean they will do so". That is just what the Premier is now saying, "Because they can claim 46.7 per cent or 38 per cent of the land"—it is very difficult to clarify the figures because the Minister will not answer questions—" it does not mean they will do so. Of course they will not claim it all, and the Government has to decide on the matter anyway." What a sick joke it is when we all know that with the enormous resources available to these groups, the Philip Toynes, the Gary Foleys, and the other activists involved in it, every square inch that can be claimed will be claimed at public expense. There are highly paid advisers and lawyers, some flown in from the United States.

Here we have a Minister who cannot even get the Aboriginal communities to account for the money that they received to make submissions to the Seaman inquiry. There has been an irresponsible throwing around of $60 000. In this House we have been through the discussion of how one of Labor's defeated candidates at the last election was the recipient of a lot of that money from the Kimberley Land Council and was trying to get more from it, but even the council baulked at the amount he wanted to charge. That is the criteria this Government applies.

I return to a very critical point: The Premier of this State is unable to give any of the assurances which he has claimed for so long as the basis of his proposals to grant land rights. He has said over and over again, "We will have this State land rights legislation as a means of avoiding the Federal legislation". Now at this critical coment when the State legislation is about to come before Parliament, with a number of groups who have bought the Premier's promise relying on the proposition that they will thereby solve the issue once and for all, suddenly they are confronted

with the Federal Minister's own statement that the Federal legislation will operate as a top up and that the Federal legislation will be exempted from the State only if the State legislation is precisely the same as the Federal legislation.

We see the enormity of the extent of the Federal legislation and all the things that it will allow; the confusion of it; the tribunal; the *de facto* veto; the continuity of the heritage legislation, which makes every property and every home in Australia open to attack by a Federal Minister in purported protection of Aboriginal rights, at the stroke of a pen, with no rights, no protection, no right of appeal; and the most vivid attack on civil rights possible.

Onward we go with the Government hell-bent on introducing its legislation. Some people have asked me, "Why don't you agree with this legislation so that you will make it less bad than the Federal legislation?" Firstly, we have no guarantee that that will be the case and in fact the evidence is to the contrary. The clearest evidence that it is to the contrary is the presence of the Minister in Canberra today, still trying to get acceptance of the State legislation. He still has not got what the Premier told us we had on 5 October last year, a statement which was repeated on 19 October with the Prime Minister. What self-serving stories they told in the lead-up to the election, just as the Premier told a few other stories in that election campaign about the smelter at the time he had the Prime Minister here to announce it; but I will return to that matter later.

I want to conclude this section of my remarks on land rights by coming back to the essential and simple points that need to be repeated over and over again and clearly understood. It does not matter that the Premier is able to satisfy the pastoralists of this State by saying to them that if they give their support to land rights all will be well for them and that the Government, in addition, will legislate to give them better tenure of their land. Of course, if the pastoralists should have better tenure—and we believe they should and we announced our belief about this—they should have that tenure regardless of their attitude to land rights; whether they support land rights or not they should have better tenure. That is our position, and that is the stance we adopted.

That is why we announced before the Pastoralists and Graziers Association of WA (Inc.) conference had announced any decision on land rights that we believe the tenure should be improved, because we did not want anybody to think that we linked our policy position in that regard in any way to the association's attitude to land rights. If he is able to satisfy the miners and get them to agree—for however short a period that this legislation will solve their problems, that does not alter the basic facts either. Is he able to satisfy them to lay to them that he will introduce land rights legislation that will not affect their private land? It does not alter the fundamentals; it does not alter the fact that, on the basis of race, 2.4 per cent of our population will be able to claim either 38 per cent or 46.7 per cent of this State, depending on the Minister's answers to questions that he will not answer!

Yesterday the Minister with special responsibility for Aboriginal Affairs tried to attack me because I said that these claims were to be based on race. He said that is only half the story. The claimants not only must be black Aborigines, but they also must be able to show that one of these other criteria is met: That they have a long association with the land, that they have used it for a long time, or that they have a need of it. Of course, the answer to that is very simple. The fact is that if any non-Aboriginal person could satisfy every one of those additional criteria he still could not claim the land; that is the truth, and that is the point. The claim is primarily, initially and essentially based on race. If one is a black man and also an Australian Aboriginal one will be able to claim the land. However, if one is a white man one will not be able to claim the land. It is a claim based on race. The same people condemn totalitarianism in South Africa so vehemently; mind you, they do not condemn every form of totalitarianism in Africa; they do not worry about any of that—if it is black totalitarianism it is all right as far as they are concerned. The same people who so vehemently condemn apartheid in South Africa are proposing to introduce it into Australia, by creating separate needs, separate rights, and separate responsibilities in relation to land, based primarily on race.

We have never said Aborigines should not have land. We have been careful always to say Aborigines have the same rights to acquire land and the same responsibilities in relation to land as have the rest of the population. As long as the Premier of this State and the Prime Minister and his Ministers in Canberra persist in seeking to divide this nation on the basis of race and on the basis of satisfying a political movement and not a community need, I will fight it with every means at my disposal because it is wrong. It will divide our community and it will divide people because it will undo all the progress that has been made since the second World War, and it will put back the Aboriginal people, and not put them forward. It will not recognise the worth of individuals and it will drive failures to live in communes, because it will make Aboriginal people who aspire to a better life con-

sider their aboriginality first instead of first considering their humanity.

Those are the reasons we oppose this legislation, and the very idea that it should be brought up is wrong. Yet, even the guarantees that the Premier gave this State about the legislation will not be fulfilled.

So let it be clear and simple: Whether the Premier spends $120 000 of the taxpayers' money to support the Labor Party's position or whether he spends $1 million of the taxpayers' money to support the Labor Party's position, what we really see him doing is bringing forth a series of people representing particular sectional interests saying, "We are all right Jack". The miners are saying, "We are all right under the Burke legislation, because there won't be a mining veto". In practice there will be a mining veto, but I do not think they realise just how far it will go.

The farmers are saying, "We are all right, Jack, there will be no resumption of private land". I have never said there will be resumption of land, let me hasten to say, because the Premier has tried to attribute that statement to me. I have pointed out that there was resumption of private land in Victoria and a family which had been living on a property for 60 years was forcibly removed from it to make way for Aboriginal land rights' claimants in that State.

The pastoralists say, "I am all right Jack", in the Premier's advertisements because they will not be affected by the land rights legislation, at least insofar as they see it at this stage. All that is simply a satisfaction of sectional interests; it overlooks the community interest, it overlooks the wider and long-term needs of this community.

Imagine the extent of the success of the Aboriginal land rights movement if it could turn proudly to Western Australia and say, "Look at what we have achieved over there; a Government which has given us 46.7 per cent of the State of Western Australia". What a tremendous step forward from their point of view, in their quest to control vast areas of this nation on the basis of race.

It is more likely it is the 38 per cent the Premier admits to, and the existing 8.7 per cent which the Aborigines have as reserves and pastoral leases, etc. How would we be helping Australia by having legislation in this State? All we would be doing would be locking in a pattern of wrong. All we would be doing would be making more certain the imposition of land rights in the rest of Australia; at a time when we should be fighting it tooth and nail, and seeking by every means at our disposal, to ensure that the disastrous wrong of the Northern Territory is never repeated in Australia, in any shape or form.

The Government of this State knows how low its stocks are in the community on this issue. That is obvious from the Government's desperation in the tirade of abuse which has issued forth in recent days from the Premier. It is obvious in its desperation in seizing $120 000 of the taxpayers' money to advertise the Government's position. What difference will it make? Whether or not the Government advertises, the Bill will be introduced in this House. The Government will try to foist land rights on Western Australia. The sum of $120 000 has been stolen from the taxpayer to support the Labor Party's policy position.

It is as simple and immoral as that.

Mr Brian Burke: It is not really stolen. It is a bit extravagant to say "stolen".

Mr HASSELL: Perhaps the Premier does not know, and I would understand if he does not, that the definition of "stealing" is to convert someone else's property to one's own use. What the Premier is doing is converting $120 000 of the taxpayers' money, without justification, to his political use.

Mr Brian Burke: Job bank did the same thing.

Mr HASSELL: Job bank sought to do a lot of things for a lot of people who needed jobs. We would be a lot better off in this State now if that programme had continued.

The Government has spent so much money trying to undermine that programme that it has been hoist with its own petard. The Government had to get rid of job bank and missed out on the benefits of it too. We will see, as time goes by, and the employment figures continue to be as bad as they are, that he may have learnt his lesson.

Let me turn now to another issue apart from the land rights issue. I want the Parliament to consider some things said by the Premier in this House a couple of days ago, because I think they are important; they relate to the Labor Party's Chinese restaurant.

I think it is important that when we consider this issue we should understand the history of the matter and just what has occurred, so that we now find a State Government in the midst of a legal and political battle with a local authority in this State on the basis of trying to force it to do something it has no will to do.

A very neat exposition of the history of the matter is set out in a document issued by the City of Stirling on 22 February, not many days ago. Those notes are headed in this way—

> These background notes are issued by Council in response to comments made in

State Parliament by the Premier, Mr Burke, and the Minister for Planning, Mr Pearce, on February 20, 1985. The sequence of events are taken from Council files from the first reference to the building that has been erected on the property.

The first point made in the record of what happened is—

(1) The site comprised two vacant blocks zoned for residential purposes.

(2) Hand-written letter from Mr Burke (before he was Premier) on his Parliament House letterhead, dated May 15, 1981, was received by the City. It sought permission to build a "non-residential club" for the ALP's Stirling Division.

That is a very important point. The very first event that occurred in the history of this matter was that the present Premier wrote to the City of Stirling and said that the ALP wanted to build a non-residential club. In response to a question, which I asked in the House on 20 February, the Premier said he was glad that the Leader of the Opposition had asked the question, because it would set the record straight.

We had the Leader of the House talking about misleading the House this morning. Wait until members hear this! This is what the Premier said in this House as reported on page 145 of *Hansard* of Wednesday, 20 February 1985—

> When the matter was first proposed to the City of Stirling, the City of Stirling's town planner understood, as did the council, that there was to be a restaurant on the site, and the detail included discussing with the city planner questions of one entry fee for members and one entry fee for non-members.

Now that is a significant paragraph, because the first event that happened was that the Premier wrote to the council, in his own handwriting, on a Legislative Assembly letterhead which states—

> BRIAN BURKE M.L.A. Electorate Office: 33 PRINCESS RD, BALGA, 6061. Telephone 491407

The letter began—

> Dear Sir,
>
> This is an application to establish a non-residential club—

The Premier said in this House last week that when the matter first went to the City of Stirling the council understood the building was to be a restaurant. His own letter refers to a "non-residential club". It is not a typewritten letter, it is in his own writing. Who has misled the House?

Mr Brian Burke: Not me!

Mr HASSELL: Not much! The letter goes on as follows—

> —(as per the attached plan) for the Australian Labor Party—Stirling Division.

Mr Brian Burke: What was on the plan? A restaurant!

Mr HASSELL: The letter goes on as follows—

> The land proposed for the club is lots 79 and 1005 Wanneroo Rd Nollamara. I look forward to your advice in due course.
>
> Yours sincerely
> Brian Burke
> 15/5.

Yet the Premier's statement in this House said it was to be a restaurant. The issue is whether it is to be a public Chinese restaurant.

Mr Brian Burke: Or a public Italian restaurant.

Mr HASSELL: The Premier said in his answer the other day that the introduction of the matter to the council involved discussing with the city planner questions of one entry fee for members and one for non-members. Why would one have members or non-members entering a public Chinese restaurant? One would only have them entering a private club, which is precisely what the Labor Party applied for and what the Premier and his Ministers have said over and over again is not what they applied for. They have told absolute downright lies. There is no other description for it; they have told lies. They have said over and over again that the council of the City of Stirling was asked to approve a Chinese restaurant and the Premier's own handwriting proves it was not. The Premier's own statement proves it was not. It contains a misleading innuendo, too.

I now refer to paragraph 3 of the City of Stirling's news release on 22 February, which states—

> 3. Plans attached to the letter were prepared by designer John Cammack. They showed a two-storey building and words referred to a "non-residential club". The ground floor showed a dining area, kitchen, office and foyer, with the upper level designated as a meeting room and offices. The plans were clearly marked "dining" area and there was no reference to restaurant. Plans included 23 parking bays.
>
> NOTE: A non-residential club does not require rezoning of the land because it is use that can be permitted in a residential zone with special council approval. Such a use requires advertising for public comment.

That is the situation; it is as simple and as clear as that. The Labor Party sought permission to build a non-residential club. Not only did it seek permission, but it was the Labor Party's contractual obligation to the State Housing Commission, because the Premier well knows it took him some time to obtain the approval of the former Liberal Government to the State Housing Commission's selling its residential land to the Labor Party for its headquarters in that division. The matter was studied exhaustively because the Government of the day felt rightly that the use of public land for a political party was a matter that ought to be considered. The Government finally said "Yes" on the basis that it was a genuine deal for the Labor Party's headquarters and that it would build a headquarters and not a commercial premises. The Government said "Yes" on the basis that the Labor Party entered into a contract. That contract, which has been tabled in this House before and referred to, provided specifically that the Labor Party was not to apply for a rezoning because it was never intended that there would be a Chinese restaurant.

What do we have today? A Minister of the Crown is going through a political and legal battle with the local authority to subvert the wishes of that authority and its ratepayers in order to achieve a financial advantage for the Labor Party. The Premier has admitted that; because when he wrote to the council after the building had been built and the Labor Party had been found out, he said—

> I do not doubt that there has been a genuine misunderstanding on all sides in this matter and it is particularly unfortunate that the proposal has reached the stage where it is now completed and the investment involved would cause severe financial embarrassment to all of those members of the Stirling Building Fund were it not to proceed.

The Premier says the Labor Party does not have a financial interest. The Minister is pursuing a financial interest of the Labor Party and the Premier has a direct involvement in that financial interest as he did from the outset. We see a Minister who is prepared to go on the public record and do battle with the Stirling City Council in the media and accuse it of all sorts of things. What has the council done? On its own motion it proposed a rezoning after the Labor Party had been found out to allow the Chinese restaurant to continue, and when in accordance with the statutory process that rezoning was advertised, the council received more than 100 objections from local residents who were ratepayers.

The council responded to those objections in accordance with its obligations under the town planning legislation. The council said that because of those objections its own idea to rezone this site for the Labor Party could not proceed. That is what the council has done. It responded to the needs of its ratepayers in accordance with its statutory duty. Have members ever seen a Minister for Planning up to the shenanigans of this Minister on behalf of a private enterprise development, fighting the local authority and the ratepayers, fishing everybody to allow a development to take place?

Mr Court: He cannot muck up education while he is working on that fight.

Mr HASSELL: He does a pretty good job. It does not take him long. He is making a hell of a mess of it.

More particularly, he has been pursuing and continues to pursue a course of action which is no less than corrupt. Let there be no misunderstanding about it, the Government's activities in the matter of the Chinese restaurant are corrupt. It is as simple as that. The Labor Party applied for a meeting room and a dining room. It built a Chinese restaurant and breached the planning laws. The Labor Party was found out and now it is trying to force the council to succumb to its demands to satisfy its financial interests, and in doing so it is using the powers conferred on a Minister for Planning by this Parliament to try to thwart the wishes of the council, not for the public interest, but for the Labor Party's interest.

Look at the humbug we heard talked this morning by the Leader of the House about the distinction between public and private interest. As some of my colleagues rightly interjected at the time, we do not even own a Chinese restaurant. At the same time as all this is going on a perfectly legitimate rezoning application which the Liberal Party put forward in Bunbury was refused by the Minister. It was nothing to do with anything except a totally proper application which was refused by the Minister.

Mr Bradshaw: It was approved by the council.

Mr HASSELL: Yes, after being approved by the council; yet there it is. Even during the course of this matter the Labor Party tried to use its position to get the result it wanted.

Sitting suspended from 1.00 to 2.15 p.m.

Mr HASSELL: The point I was about to make was that the Labor Party did its best to see that the rezoning was supported. I have a copy of the Australian Labor Party, Balcatta Branch, newsletter. It does not bear a date but it refers to the September meeting of the party held on Thursday,

4 September. It lists the President as Gary Gleason and the Secretary as Dick Watson. Item 4 is headed "Herb Graham House". It reads—

> You may have read in the local press of the current problems regarding the license for the restaurant and it appears the Liberals are orchestrating a campaign against the rezoning and all members, particularly those in the vicinity of Herb Graham House, are urged to write to—
>
> The Town Clerk,
> City of Stirling,
> Civic Place,
> Stirling. W.A. 6021
>
> supporting the rezoning of the premises at 334 Wanneroo Road, Nollamara, to allow a commercial restaurant to operate. Your help in this matter is essential as the failure to operate the restaurant will seriously affect the operation of the building which is owned by you, the members of the A.L.P., in the Stirling area.

Mr Pearce: I would like that document tabled at the end of the member's speech.

Mr HASSELL: The member is most welcome. There are a couple of other documents, particularly a letter by the Premier to the City of Stirling, which I also want to table.

The SPEAKER: I want to make it clear that the Leader of the Opposition is not bound to table that document.

Point of Order

Mr PEARCE: My understanding is that it is the right of any member of the House to seek the tabling of a document. I have invoked that rule many times in this House. I understand that the Leader of the Opposition intends to table the document in any event, but it might be to the benefit of all members if the rule were clarified.

The SPEAKER: I have clarified the rule on several occasions. If Ministers quote from a document, that document has to be tabled on request of a member. However, that rule does not apply to any other member of the House. For the Minister's information I will obtain that ruling for him.

Debate Resumed

Mr HASSELL: I am happy to table that Australian Labor Party, Balcatta Branch, newsletter.

The Party acknowledged that a rezoning was necessary. It knew that it had built a building that did not comply with the law and it sought of its members expressions of their support for the Chinese restaurant building.

However, it failed because there were many more objections from ratepayers than there were acceptances from the Labor Party members.

I think it is important that I put in the record, very briefly, an outline of the factual sequence of events. I then intend to stop as quickly as I can to allow the intended maiden speeches of new members to take place. I have referred already to the handwritten letter from Mr Burke before he was Premier, on his letterhead, when he sought permission to build a non-residential club. I have referred to the note from the City of Stirling stating that a non-residential club did not require rezoning of the land because it is a use that can be permitted in a rezoned area with specific council approval. Such use requires advertising for public comment.

Paragraph 4 of the City of Stirling's statement reads as follows—

> 4. The City wrote to Mr Burke advising that on June 16, 1981, Council had resolved that the application be approved subject to several conditions. The conditions included that the proposed use (non-residential club) be advertised in accordance with the District Planning Scheme and that normal application procedures be followed.

That was in June 1981 and there was no further action until 27 January 1983 when a formal application for approval was lodged by the Labor Party to the City of Stirling for a "club and dining room". Therefore, we have a second application by the Labor Party and for the second time no reference is made to a "public restaurant".

Mr Pearce: Will you explain to the House how you had access to the City of Stirling's records?

Mr HASSELL: I am not referring to the City of Stirling's records. I am referring to a news release.

Mr Pearce: You said that you got your information from the City of Stirling. Can you explain how you got it?

Mr HASSELL: I will not explain. I do not intend to be interrupted by this hyena because he goes on and on when he has nothing about which to argue.

There was no action between the original application for a "non-residential club" which was in the Premier's handwriting and 27 January 1983 when a formal application for approval was lodged for a "club and dining room"—neither application referred to a public restaurant. The statement continues—

> The plans were slightly different from the original submitted with Mr Burke's letter, but still showed and used the words dining room and kitchen on the ground floor.
>
> 6. When the required three-week advertising period expired on May 4, 1983, three letters of objection had been received.
>
> 7. On May 17, 1983, Council resolved that the application for the non-residential club be approved, subject to usual site planning conditions being met.
>
> NOTE: At no time leading up to planning approval was any mention made by the applicant of a "public restaurant" or "restaurant". A restaurant would require a separate zoning for the land and this was not sought by the ALP's Stirling Building Fund for the proposed Herb Graham House.

I ask you, Mr Speaker, to note that at no time leading up to the planning approval was any mention made by the applicant of a public restaurant or restaurant. Contrast that with the Premier's statement in this House last night when he said that when the matter was first proposed to the City of Stirling, the town planner understood, as did the councillors, that there was to be a restaurant on the site. The final statement by the council makes it clear that there was never any such understanding and the written evidence supports and vindicates the statement made by the City of Stirling. The statement continues—

> 8. The City's copy of the building licence, issued by the Building Surveyor on December 2, 1983, shows that words "private restaurant" were used for the area previously described as "dining".
>
> 9. After Herb Graham House had been completed, an application was made to the Building Surveyor for sign licence for a Chinese restaurant. This was issued on June 30, 1984, without reference to the City's Planning Department.
>
> 10. When the sign—Golden Castle Chinese Restaurant—

That is a good name for the restaurant. It continues—

> —appeared on the site, Council received complaints from local residents because a public restaurant is not permitted on the site under the District Planning Scheme. This was pointed out by the City to the developer, the Stirling Building Fund.
>
> 11. On July 3, 1984, the Premier, Mr Burke, on a letterhead of the Office of the Premier—

Talk about confusion of public interest and private interest which the Labor Party mentioned this morning! Here we have the Premier writing a letter on his letterhead about a Labor Party building. It is incredible confusion to have the Premier using the weight of his office and the weight of his letterhead to write to the City of Stirling about a Chinese restaurant. The statement continues—

> —wrote to the City regarding "Herb Graham House, Non-residential Club, Wanneroo Road, Nollamara". Mr Burke said he was "most concerned at the results of what appears to have been a genuine misunderstanding as to the nature of this development".

I will not bore the House by reading the entire statement but it states—

> I do not doubt that there has been a genuine misunderstanding on all sides in this matter and it is particularly unfortunate that the proposal has reached the stage where it is now completed and the investment involved would cause severe financial embarrassment to all of those members of the Stirling Building Fund were it not to proceed.

It means that the Labor Party had a financial commitment to Mr Frank Tang who planned to operate the restaurant. In a report to the council after the Premier's letter had been received the town planner, Mr John Glover, said that a restaurant would not be permitted in a "residential" zone. That is not surprising. No-one is able to build a restaurant next to the Premier's house because it is zoned "residential"!

Mr Laurance: Did the operator pay a premium to the Labor Party for the restaurant and, if so, to whom?

Mr HASSELL: That is a good question, but we will not receive an answer. The Opposition asked for the file to be released from the State Housing Commission, but the Minister would not produce it even though it was a public document. We have produced public documents on many occasions. What about the public contract, the letters of objection, and other relevant matters that were on the file? None of the things I have mentioned was confidential. The Minister did not want to release them because he was trying to force this issue out of sight as the Government has been trying to do all along in its corrupt way. It is corrupt for the Minister to use his powers to force a local authority to change its zoning. It is an abuse of his power and it is wrong.

This Government will not be able to forget what it has done and it will not be allowed to get away with this type of abuse of its office on behalf of the financial interests of the Labor Party.

As I have mentioned, the council initiated the rezoning, and it did that on behalf of the Labor Party. This council has been abused repeatedly by the Treasurer because it would not do what he wanted. It has been accused of conspiring against the Government. This council initiated the rezoning to help the Labor Party. It was required to advertise this rezoning when it was initiated.

What was the result? There were 13 individual letters of objection and a petition signed by 129 people opposing the rezoning. Twenty-nine letters supported the rezoning, and 11 were impartial. The town planning consultant's report from the applicant was also received.

Council resolved in October 1984 that in view of the ratepayers' objections the amendment to rezone the land to permit a restaurant would not be proceeded with. Subsequently the Minister for Planning has required the council to include the rezoning as part of the district planning scheme No. 2 before he is prepared to gazette the scheme.

The Minister also threatened the council publicly and also pointed out that millions of dollars-worth of development—including millions of dollars in preparation for the America's Cup—was being held up because he could not force the council to bend to his will on behalf of the financial interests of the Labor Party.

An Opposition member: It was blackmail!

Mr HASSELL: Sheer blackmail. That is the correct description: nothing more nor less; blackmail, standover tactics, and abuse of power. It is a sorry record. It may not have the same long-term implications for the State as his proposal to divide the State on racial grounds with land rights, but it has long-term implications for the State when a Government is so corrupt as to pursue the activities which are being pursued by this Treasurer, this Minister, and the Minister's predecessor in relation to this matter. This is something the Government will have to go on accounting for. As long as this Minister attempts to use his office in the interests of the finances of the Labor Party and against the public interest, the independence of local government, apart from anything else—

Mr Pearce: Independence from whom?

Mr HASSELL: Members opposite have spouted about this so much—

Mr Pearce: How do you get documents out of the City of Stirling files?

Mr HASSELL: If the only thing the Minister can chirp about is the fact I have a copy of some public documents—

Mr Pearce: Not public documents.

Mr HASSELL: —then he is in a lot of trouble.

Several members interjected.

Mr HASSELL: Does that not show how this Government wants to operate in secrecy and darkness, hidden from the world, to participate in dirty backroom deals, the quid around the corner, and all those activities? There is also a letter written to the Perth City Council, saying, "We are going to develop a building in the middle of your prime park, in the middle of Perth, but you must not say a word about it to the media".

Mr Pearce: That is untrue.

Mr HASSELL: The letter is on public record. The Minister can squeak as much as he likes. The facts are that this Government will not release information which is embarrassing to it. It has not been released. Energy cost reports were promised by the Treasurer. None of them has been released. All this is designed for one reason.

An Opposition member: To cover up.

Mr HASSELL: To protect and cover up the illicit activities of the Labor Government on behalf of the Labor Party. It is a disgrace.

MR PEARCE (Armadale—Minister for Education) [2.35 p.m.]: I want to make it clear to the Leader of the Opposition that the decisions in regard to the final stages of the dispute between the City of Stirling and the developers of the Golden Castle Restaurant were made on this basis; That there has been improper influence of the City of Stirling council members by members of the Liberal Party Opposition.

Several members interjected.

The SPEAKER: Order!

Mr PEARCE: The truth of the matter lies in this. Despite the fact that I am Minister for Planning and have an interest in this matter, I was totally unaware that the City of Stirling was to meet to discuss the proposed rezoning of the Chinese restaurant until I read in the paper that the Opposition in State Parliament was forecasting in advance of the City of Stirling meeting that the rezoning application was to be defeated.

Mr Clarko: Do you have proof of that?

Mr PEARCE: Yes, it was in the paper. I can read.

Mr Clarko: What does that prove?

Mr PEARCE: No-one from the Opposition side has denied it.

Several members interjected.

Mr PEARCE: Let the Leader of the Opposition deny it now. Has he discussed in advance of the decision of the City of Stirling a proposal for the

rezoning of the site with any City of Stirling councillor? I allege the Leader of the Oppositon has done this. If he says he has not, let him deny it in Parliament.

Mr Clarko: Has the Labor Party approached the City of Stirling in recent days?

Several members interjected.

Mr PEARCE: The fact of the matter is the town planning committee of the council recommended that rezoning to the full council. Such luminaries as the Mayor of the City of Stirling appeared at the town planning committee and voted in favour of the proposal to rezone. The member for Mt Lawley, who is a member of the council, though not a member of the town planning committee, nevertheless appeared at the meeting and helped draft the motion, which was a recommendation—

Mr Clarko: Who told you that?

Mr PEARCE: That is the fact of the matter.

Mr Clarko: Do you know what happens at council committee meetings? They are supposed to be confidential, and the Treasurer said the other day that the building in the Supreme Court Gardens—

Several members interjected.

The SPEAKER: Order!

Mr Clarko: He said the matter should be between the—

The SPEAKER: Order!

Mr Clarko: —local council—

The SPEAKER: Order!

Mr Clarko: —and the Minister for Planning—

The SPEAKER: Order!

Mr PEARCE: I am glad the member for Karrinyup said matters in the council are confidential.

Mr Clarko: I was a member of the council for five or six years.

Mr PEARCE: The member should ask the Leader of the Opposition.

Several members interjected.

The SPEAKER: Order! Order! To my recollection, and certainly since I have been in the Chair, the Leader of the Opposition was heard almost in silence. I ask members to give the same courtesy to the Minister for Planning.

Mr PEARCE: I ask the member for Karrinyup, who believes these matters should be heard in private—

Mr Clarko: I did not say that, I said they are supposed to be.

Mr PEARCE: Perhaps he should ask the Leader of the Opposition how he has documents taken from the City of Stirling files if the City of Stirling files are not public documents.

Mr Clarko: Some are.

Mr PEARCE: The fact of the matter is that lying on the table of the Leader of the Opposition in this House are documents taken from the City of Stirling files. As far as I am concerned, that proves the basis on which I have acted in this matter. That is to say, the City of Stirling was moving itself to resolve the misunderstandings which arose over the Golden Castle Restaurant until there was a meeting of Liberal Party members of the council to discuss the matter after the town planning committee had recommended that the rezoning should go ahead, with the Mayor voting in favour of it, and with Councillor Cash helping to draft the resolution.

From the time that the town planning committee met to the time that the council discussed the matter, two things happened. On Sunday the Liberal party caucus met and on Wednesday morning, before the meeting, the Opposition announced that the rezoning was to be defeated.

Mr Clarko: Are you against meetings like that?

Several members interjected.

The SPEAKER: Order! Order! The member for Karrinyup!

Mr PEARCE: There has been clear party-political interference in the City of Stirling, whereby the Opposition in this Parliament—with the intention of improperly influencing decisions of the City of Stirling, not in the interests of the city's ratepayers but in the interests of the Liberal Party in this Parliament in its efforts to embarrass the Government over this issue—has acted in a way that is contrary to the interests of the ratepayers of the City of Stirling.

The SPEAKER: Order! Order! I have asked the member for Karrinyup on several occasions to remain silent. Interjections are highly disorderly. Either he responds to the wishes of the Chair or I will have to take some other action.

Mr PEARCE: The fact of the matter is that millions of dollars-worth of development in the City of Stirling area covered by the Nollamara town planning scheme No. 2 is being held up because of this party-political interference.

The interjection about councillors going to gaol is interesting because one of them would lose his seat in Parliament if he did go to gaol. But the State Parliament is not talking about sending people to gaol or sacking councils.

The SPEAKER: Order! Order! The member for Mt. Marshall seems to think this is a bit of a joke. If he does I might have to issue him with a warn-

ing, too. The same applies to the member for Clontarf.

Mr PEARCE: The section of the Town Planning and Development Act under which I have resolved to settle this impasse and ensure that millions of dollars-worth of development goes ahead was inserted in the Act in 1928. The section contains powers which Ministers for Planning in this State have had for many long years. I am using them in these circumstances to resolve a dispute—built up unnecessarily and despicably on party-political lines—to ensure that development goes ahead.

I am astounded that there should be councillors in the City of Stirling who were so little concerned with developments in their own area that they were prepared to hold them up in order to attempt to embarrass the Labor Party over the question of a single restaurant, when under their own scheme they were prepared to have a comparable development go ahead until four days before the council met and decided it was not prepared to give this restaurant the go-ahead.

Members opposite have a lot to answer for because every May they pop up piously talking about the autonomy of local government and how there ought to be no politics in local government. Yet in this case they are most shamelessly seeking to use a Liberal majority on the City of Stirling, not for reasons of protecting the interests of the city's ratepayers but to serve the interests of the Liberal Party at the State parliamentary level.

The Government will not stand for that and is, through my prerogative, using the powers which belong to the Government to resolve this impasse at the City of Stirling. The councillors of the City of Stirling are now in a position where they will act illegally if they do not act upon that order.

The SPEAKER: Order! The member for Scarborough will come to order.

Mr PEARCE: It is an astounding proposition that members of the Liberal Party, who claim an allegiance to law and order, should seek to incite members of the City of Stirling to act illegally. It shows how little consistency and honesty there is in the Opposition's approach. Members opposite complained about the women's camp at Point Peron, yet they are here advocating that City of Stirling councillors should act illegally, when those councillors have been elected to public office to be in charge of public money and charged with the supervision of it by Acts of Parliament, and all in the interests of the ratepayers of the City of Stirling. That is the most shameless proposition I have ever heard put by a member of Parliament.

It is encumbent on the Leader of the Opposition and other Liberal members to say to councillors of the City of Stirling, "We understand what the law is and your prime responsibility as elected members of a local authority is to act legally and in the interests of your ratepayers".

MR HUGHES (Cockburn) [2.44 p.m.]: It is with a mixture of pride and humility that I take my place in this House to represent the people of the electorate of Cockburn: Pride in the faith and trust placed in me by the Australian Labor Party and the electors of Cockburn, and humility in approaching the daunting tasks which face a member of Parliament and, in particular, a member who represents an electorate with the problems that exist in Cockburn.

I take this opportunity, Mr Speaker, of thanking you, the officers and staff of this Parliament, and all the members who have made me welcome here, and who have been most helpful in assisting my transition to parliamentary life. I must also congratulate the new member for Mt. Lawley, who was elected with me at the by-elections in November last.

The Australian Labor Party has promoted progressive ideas and led political thinking all this century. The ALP has governed this country and this State through times of most grave crisis. It is the party that the country looks to when the going gets tough because Australians know that the Labor Party stands for equity and social justice, or in more common parlance. "a fair go".

As a child and adolescent, I was perplexed and concerned by the continuing use of capital punishment and by the injustices of the white Australia policy. A little later, with Australian troops in Vietnam, I began to look to the Labor Party as the only hope in this country for those people with any form of social conscience. The withdrawal from Vietnam, the end to racist immigration policies, and the recent end to capital punishment in this State, have all been of great personal satisfaction to me as a member of the party which led the fight on progressive issues.

More recently the introduction of equal opportunity legislation, the reintroduction of a universal health benefits scheme, and the proposed Aboriginal land rights legislation, have all shown the community just which political party is committed to social change.

To be a member of a democratic socialist party involves not only a commitment to an equitable redistribution of wealth within the community, but also the democratisation of industries and institutions so that all people are able to influence their destinies in whatever their pursuit.

For the five years prior to my election to this place, I worked as an organiser with the Hospital Service and Miscellaneous Workers' Union. My period with the union reinforced in my mind the need for the maintenance of the strong traditional links between the industrial and political wings of the Labor movement. To adequately reflect the hopes and aspirations of working people in Australia, they need a strong trade union movement which is free to operate without confrontation or political intervention.

Since coming to power, the Burke Labor Government has shown its ability to negotiate with unions. The confrontationist stance of previous Governments is gone, and while I must confess that the trade union movement has not always been happy with Government decisions, there is universal acceptance that the alternative is unthinkable.

One area in which there is no conflict between the union movement and the Labor Party is in our commitment to seek full employment. Too many in our community are resigned to the view that some level of unemployment is unavoidable. I will not accept that position. As a legitimate means to ensure proper distribution of wealth in the community, the society has a responsibility to provide full-time employment for all who seek it. I concede that the economic and political climate is not such that we can achieve this goal immediately, but through such means as a more equitable taxation system and a reduction in the working life of those in employment, we must strive to this end in the not-too-distant future.

The prices and incomes accord is the linchpin of co-operation between unions and Government. This agreement has already brought about reduced inflation and an improved national economic performance. At the same time, industrial dislocation has decreased and workers have obtained improvements in social wage conditions to compensate them for direct wage restraint. The accord is the vehicle which must be used by the State and Federal Governments, in consultation with unions and employers, to bring about our aim of full employment

I turn now to the problem of youth unemployment. Some employers in the community claim that to reduce youth unemployment, there needs to be a reduction in youth wages so as to make it more attractive for employers to employ younger people. I concede that this might reduce youth unemployment, but I have yet to hear an argument which satisfied me that there will not be a commensurate increase in adult unemployment. Junior rates in existing awards give an employer an advantage in employing young workers, and this adequately compensates for lack of training and experience.

A look at some relativities between junior and adult rates in this State is quite illuminating. If we take six major industry groups we see that the average junior award wage is considerably less than the adult wage for those industries.

Under the clerks' award the average junior wage is 60 per cent of the adult rate. In the metal trades award it is 55 per cent. In restaurant and catering the rate is 70 per cent. In shops and warehouses it is 60 per cent and in the transport industry 72.5 per cent.

In a survey of all the 91 Federal awards and determinations covered by my union, the Federated Miscellaneous Workers' Union, 62 per cent included junior rates, some as low as 35 per cent of the adult wage for 15-year-olds. Most awards which do not provide for junior rates are for callings where employers prefer adults, such as security guards and watchmen.

If we look at the actual wage for juniors in some industries it shows that any attempt to reduce them would be totally exploitative. For example the rate for workers under 17 years of age in dairy factories is $176.19 per week. Child care aides at 15 years of age receive $123.35 per week and workers in veterinary clinics and kennels at 15 years receive $101.95. By how much is it proposed to reduce that wage?

The proposal to cut youth wages together with the attempt to deprive workers of the 17½ per cent annual leave loading and employer opposition to the redundancy amendments are all in the name of increasing employment, but there is not one shred of evidence indicating that will be the result.

In my time in the trade union movement, I did not see one example of an employer using the advantage of junior rates to increase his or her work force. On the contrary, many employers employ junior workers for two or three years and dismiss them when they are entitled to adult wages, only to replace them with younger employees at the lower rate.

I have no doubt that the hundreds of parents each year who call the unions for redress for what they consider the wrongful dismissal of their children, would agree that any reduction in wages would only exacerbate this exploitation of young people.

A number of Government schemes have been introduced over the years to assist employers to take on apprentices and other young people for training and experience.

Invariably the schemes have been used by many employers to simply line their own pockets rather than increase youth employment. Many young people have benefited by the training they have received under these schemes, but there is no evidence that youth unemployment has been reduced.

My reason for raising this point is to highlight the fact that reducing the labour cost to employers of young workers will not increase the incidence of their employment.

A further alarming aspect of these employer assistance programmes is their misuse by unscrupulous employers who dismiss young people after their period of training only to seek assistance for employing another such worker. This was particularly prevalent in the private day care industry where young girls would work with virtually no training, caring for children until their term of assistance ended, at which time they would be dismissed. This and other similar practices leaves me certain that employers would use reduced wages to increase profit or improve their competitive edge, rather than offer more jobs.

I would now like to briefly look at the area of local government. I am soon to resign my position as a Fremantle City Councillor, after five interesting and rewarding years on what I consider to be the most progressive local authority in this State. I am proud to have played a small part in the development of a city which is world-renowned for its commitment to the maintenance of its environment and its heritage.

The Minister for Local Government is to be applauded for his amendments to the Local Government Act which have allowed universal suffrage in council elections. Together with this improvement in democratic processes he has allowed more responsibility and autonomy to local authorities and has opened the way for a long awaited reform—differential rating. The promotion of strong and democratic local government is the best way to ensure community participation in the decision-making processes.

Mr Speaker, I now wish to examine some of the issues which confront the electors of Cockburn. My first recollections of the area which now comprises the Cockburn electorate are when I was a small boy. My parents lived in Safety Bay and we regularly travelled by car to Fremantle, along the coast road. Much of the coast road has since disappeared to make way for the industrial complexes which now dot the shoreline of the sound.

In later years, while these developments were taking place, I travelled by bus to school in Fremantle and can recall quite clearly the expectation of most of us that these industries would bring wealth and happiness to the people of Western Australia, and in particular to those in the south-west corridor. Somewhere along the line, we got it all wrong!

The earliest industries in the region were rural or rural-related, such as abattoirs and tanneries. The electorate is adjacent to the port of Fremantle and the less savoury industries were located away from that community, in the area of South Coogee. There is much pressure on these establishments to relocate now, as the residential areas draw closer. As I will explain later, this has been typical of the problems encountered in this area due to conflicting land uses brought about by poor planning.

Most of the major industries attracted to the "Kwinana strip" are involved in mineral processing for export. The fertiliser factory, the cement works and the power station do not fit that description and can be seen more as servicing the needs of the State. The region does not have the broad manufacturing base which gives a greater level of stability to the economies of other States. Our industries are very much at the mercy of overseas price and demand fluctuations and for that reason, economic troughs cause large unemployment problems in the electorate.

Even with the upturn in the economy which we are now experiencing, unemployment in the south-west corridor is running at 14.2 per cent and in Kwinana, it is 17.6 per cent. These fluctuations in unemployment figures would have been alleviated if our industrial development planning in the 1960s had been directed at labour-intensive, rather than capital-intensive, ventures. Unfortunately the most labour-intensive industry, the steelworks, is virtually at a standstill.

I am confident that negotiations which are continuing, between Australian Iron & Steel Pty. Ltd. and the Minister for Minerals and Energy, to bring about sales to China, will be successful and that this year will see the reopening of the blast furnace and 600 to 700 jobs for the people of this region, and in Koolyanobbing.

The Deputy Premier and Minister for Industrial Development has been tireless in his efforts to attract industry to this State which will create jobs in the long term and which will lend some stability to our economic base.

In particular, this State would benefit greatly from the Royal Australian Navy submarine construction project being established in Cockburn Sound. We already have a world-renowned ship building industry established in the electorate and, to obtain the submarine project would add to our

ability to develop an export industry using local expertise, and making use of the natural advantages afforded by the sheltered waters of the sound.

Proposals to build a urea/ammonia plant and a sodium cyanide plant would also enhance the job prospects of the region, but care must be taken that strict environmental studies are conducted to ensure that the area, particularly north of the industrial strip is not adversely affected. There is much concern within the community about the proposed sodium cyanide plant, and I have asked the Minister for the Environment to pay special attention to the environmental aspects of such a plant, particularly in the event of a major mishap.

Primary industry is still a predominant factor within the electorate. While market gardening has changed in recent years, much of the vegetable produce for the metropolitan tables is still grown within the electorate. More and more of the older market gardens in Spearwood have been subdivided for residential purposes and many of the producers have relocated further south. Many of the earlier subdivisions were not well planned and are inconsistent with the metropolitan region scheme and the corridor plan concept.

Thus we have a mixture of urban, residential, and industrial uses in relatively close proximity. Conflicts occur due to expectations of landowners and developers who seek profits from rezoning. Genuine subdividers of rural lots are prevented from building on family properties, because of the indiscriminate use of ministerial discretion to allow or reject appeals from the Town Planning Board. Others, for whatever reasons, have had their appeals upheld. I have spoken with the new Minister for Planning and the local authorities in the electorate with a view to establishing firm guidelines for subdivisions and rezonings, and I am confident that the matter can be satisfactorily resolved for the benefit of the community.

The general southward trend of housing developments has highlighted the problems of air pollution within the electorate. For the most part pollution problems are confined to those areas to the north and north-east of the industry at Kwinana. In particular, the residents of Wattleup are most concerned at possible health problems associated with prolonged exposure to airborne pollutants.

It is hoped that increased use of natural gas for heat and power generation purposes will reduce the level of sulphur dioxide in the fallout areas. The Kwinana air modelling study recommended extensive buffer zones between the industrial and residential areas. Once again, we see the problems that can exist due to adjacent and conflicting land uses being permitted through poor planning decisions. Of course, that does not mean that Governments should neglect their obligations to diligently monitor and control all forms of pollution and ensure that companies maintain the highest standards of industrial cleanliness.

So far I have looked at the economic, environmental, and town planning aspects of a large and diverse electorate. I turn now to the social questions which confront the region and which are interwoven with some of the poor decision-making which I canvassed earlier.

Unemployment is the scourge of this country, this State, and the electorate of Cockburn. Many of the social problems of the electorate such as juvenile crime, alcohol and drug dependence, marital breakdowns, family violence, poor health, and indequate housing can be blamed on high and long-term unemployment.

To understand the extent of unemployment within the region, I must highlight some of the major areas of concern. In the Town of Kwinana, which is the southern portion of the electorate, as mentioned earlier, total unemployment is currently 17.6 per cent of the available work force. For the age group 15 years to 19 years, the figure is 37.6 per cent or 69 per cent greater than the average for Western Australia.

Percentages are often impersonal and hide the real tragedy. In actual numbers there are over 3 600 kids in the age group 15 to 19 years in the Cockburn electorate who are seeking, but cannot find work. If some of those no longer seek work as diligently as they might, who would blame them?

There is room for hope, however, as since June 1983 unemployment in the south-west region has fallen from 14.7 per cent to 14.2 per cent, and in Kwinana from 19.8 per cent to 17.6 per cent.

This has been as a result of the improvement in the economy, the increase in housing construction, as a direct result of Federal and State policy decisions, and through the community employment programme. Both the local authorities of Cockburn and Kwinana have sponsored CEP projects and are to be congratulated for their participation in a scheme which has given some long-term unemployed their first experience of work for a long time.

The electorate of Cockburn includes a large percentage of public housing. Large estates in Coolbellup, Hamilton Hill, and Medina are home to many of the disadvantaged of our society, the supporting parents, the invalid and age pensioners, and the unemployed.

The Labor Party has a policy to move away from the broadacre estates and to integrate housing into social and general planning to facilitate a more egalitarian and harmonious mix of public and privately-owned residences. To this end, I congratulate the Minister for Housing on his innovative use of "spot purchases" to establish State Housing Commission homes in suburbs which have been traditionally given over to private residences. I also congratulate the Government on its decision, in the last Budget, to boost spending in the housing area by over 150 per cent.

As our stocks of State housing increase, and the present unacceptable waiting lists are reduced, I look forward to being involved in innovative redevelopment of Housing Commission areas and, in particular, the demolition of the apartment blocks in suburbs such as Coolbellup and Calista which are a blight on our community and an indictment of the planners and architects of the day. Low-cost medium density town house developments interspersed with housing lots for private sale would promote far more harmonious social relationships.

I wish to pay tribute to my predecessor, Don Taylor, who was the member for Cockburn for 17 years, a Minister and Deputy Premier in the Tonkin Labor Government, and an extremely popular man in the electorate. Don is a man of great compassion and I know he is disheartened that he leaves the electorate with the economic and social problems that exist. It is through no fault of Don's that we find ourselves in these circumstances, and he worked tirelessly to obtain a better deal for his constituents. In his maiden speech in August 1968, Don quoted some words of His Royal Highness the Duke of Edinburgh at the Third Commonwealth Study Conference. Those words are as appropriate today as they were then and I quote—

> The economic and material benefits of industrial development are only too obvious, but these benefits can be bought at a very high price in human existence. There are plenty of examples where every consideration has been subordinate to the needs of industry and where people are housed merely in order to serve industry. It is developments like these which give rise to blight areas and which hardly deserve to be called communities.
>
> The fact is that satisfactory human communities are more important than the industries which provide employment. People do not exist to serve industry, it is the other way around: every industry exists for the benefit of the people. In any new development which involves the employment of people, the first consideration should be the establishment of a viable and satisfactory human community to which the industrial part of the development can offer gainful employment.

Finally, I pay tribute to the members of my family, and in particular, my wife, Elizabeth. Their love, support, and understanding has enabled me to take my place here today.

[Applause.]

MR CASH (Mt. Lawley) [3.06 p.m.]: It is indeed an honour to have been chosen by the people of the electorate of Mt. Lawley to be their representative in the Legislative Assembly of the Parliament of Western Australia.

My success in winning the seat of Mt. Lawley at the by-election held on 17 November 1984 was part of a team effort in which many strong Liberal supporters worked together to achieve a common goal. I take this opportunity of paying tribute to some of the many members of our team.

One of my strongest supporters was Hon. R. J. O'Connor, Premier of Western Australia during 1982-83, and the member for the seat of Mt. Lawley for more than 22 of his 26 years as a member of this House.

My association with Ray O'Connor goes back some 25 years to the time he first stood for the Legislative Assembly seat of North Perth in 1958. At that time my brother and I were active in the local scouting movement and we called on the business premises of Mr O'Connor to seek jobs to raise funds for the scouts. Being community minded, Mr O'Connor readily agreed to hire both my brother and myself and this "bob a job" arrangement became the basis for regular Saturday morning employment at the O'Connor business for a number of years.

During the past 25 years, Ray O'Connor has always remained a close friend of my family, and we were proud to follow his distinguished political career which saw him attain 18 senior portfolios in this Parliament, and later, the highest political office in Western Australia, the position of Premier. I am proud to be able to call Ray O'Connor my friend, but more than that, I am indebted to him and his family for their strong support over many years.

On the day of the by-election, I was fortunate in having tremendous support from a large number of dedicated people who worked extremely hard to ensure a successful result. To all members of our team, I extend sincere thanks.

I am also indebted to Mrs Ethel Douglas and her wonderful team of ladies who worked so hard in arranging the many social and fundraising

functions which made our campaign a success. I extend special thanks to my wife, Ursula Cash, and to Mrs Joy Nicholas, Mrs Dallas Burdett, Mrs Ada Loverock, Mrs Thelma Baker, and Mrs Thelma Lazar for the magnificent task which they performed with both enthusiasm and dedication.

Ethel Douglas was, in fact, a tower of strength to my father and our family after the sudden death of my mother in 1959 when I was 12 years of age. Like Ray O'Connor, Ethel Douglas took a special interest in my life and there is no doubt in my mind that she was the person most responsible for my election to the City of Stirling as the councillor for Lawley Ward, and for my election some five years later to this House.

I extend my thanks to you, Mr Speaker, for your advice and guidance to me since I entered this House, and to the Clerk, officers and staff of the House for the courtesies they have extended to me since my election.

I also appreciate the good wishes offered to me by a number of the long-serving members of the Labor Government, and the very strong support and encouragement I have received from both the Leader of the Opposition and my colleagues on this side of the House.

Members will be interested to know the general composition of the electorate of Mt. Lawley, which is a metropolitan electorate. It can be broken basically into six specific communities of interest, each having its own particular characteristics. The first area is that of Mt. Lawley, which is the area west of Beaufort Street and sometimes referred to as "old Mt. Lawley". The second area comprises the suburbs of Menora and Coolbinia. The third area is that part of Yokine east of Flinders Street to Morley Drive and up to the Western Australian Golf Club. The fourth area is the Dianella triangle, which is sometimes referred to as "Sutherland" and which is bounded by Cresswell Road and Alexander Drive. The fifth area is the original Dianella—that section of Dianella west of Walter Road. The final area is the Morley section of the electorate which is bounded by Walter Road, Wellington Road, and Morley Drive.

It is also interesting to note that the Mt. Lawley electorate has a demographic structure which shows that more than 50 per cent of the electors are older than 50 years of age. In this regard, members will find that I take a particular interest in the needs of our retired and elderly people. As members will appreciate, Western Australia has a population of 1.4 million people, of whom it is estimated that 8.74 per cent are over the age of 65 years. Population projections indicate that this percentage can be expected to increase to more than 10 per cent by the year 2001, and that is not taking into account the growing trend towards earlier retirement.

The special and varied concerns of such a large and growing section of the Western Australian community demand that we apply special and co-ordinated attention to this group. We in the Liberal Party defend the right of free people to live their own lives as they choose; and we regard the traditional family unit as one of our great cornerstones. We support the principle of assisting people on a needs basis.

The combination of these fundamental principles is best exemplified by the Liberal Party's belief that the elderly and retired people—the people who have contributed so much to the development of this State and this nation—are entitled to enjoy their retirement and their latter years with dignity and security.

Just as employment and security offer the fundamental strengths of the family at one end of the spectrum, so retirement and security provide the complementary strengths at the other end. Just as it is the task of the Government to create the conditions in which employment and security can be created at the one end, so it is equally the task of the Government to create the conditions in which retirement and security can be developed at the other end. The key to both lies in the overall Liberal approach to less government, lower taxes, and incentives to private enterprise. It should be noted that the greater the success of private enterprise the greater the capacity to provide employment, and in the final analysis the easier it is for the Government to meet its greater responsibilities to the elderly and retired people.

Western Australia's senior citizens are entitled to know that the community of the future will enable them to live their lives free from worry, free from poverty, and free from neglect. To enable this to be achieved, and achieved with the maximum of Government efficiency, the Opposition recently announced the appointment of a shadow Minister with special responsibility for the elderly and the retired. It should also be noted that in fact that was the first such portfolio appointment anywhere in Australia.

I acknowledge that many of the policies affecting elderly and retired people are tied to the policies of the Federal Government. Accordingly, the Federal Parliamentary Liberal Party has been requested to ensure that a co-ordinated plan for the future of our elderly and retired people will be implemented on our return to office. The community of the future must be one in which our

ageing population is encouraged, firstly, to participate at all levels; and the people who have retired must have the option of remaining in their own homes as long as they might wish. They also should have the option of living with their families in the environment that they prefer. Obviously, care by way of institutional facilities must also be available as an option for people to choose themselves.

Just as flexibility and freedom will be applied in so many areas of future Liberal activities, so flexibility and freedom will also be the bywords of my party's approach to elderly and retired people. The proposals contained in our recently announced discussion paper are designed to provide this very special flexibility and freedom, and also include the security demanded by people of all ages.

While it is a fact that the demography of the Mt. Lawley electorate indicates that more than 50 per cent of the electors are over the age of 50 years, I also recognise the plight of the unemployed people in the electorate. There is no doubt in my mind that the vast majority of the unemployed, many of whom I met on my doorknocking campaign, and many of whom I still meet as I go about the electorate, are all desperately keen to accept employment. I am absolutely convinced that full employment is not a myth, and the sooner we as responsible members recognise that full employment can in fact be achieved, and the sooner we start pursuing policies that will achieve it, the better off the community will be. The unemployed people in the Mt. Lawley electorate want a chance: they want an opportunity to work; they want an opportunity to improve their standard of living: but most of all they want a chance to secure their future.

We in the Liberal Party recognise that strong economic growth is the only way to solve the current unemployment crisis. Recently, the Leader of the Opposition, with the strong support of his Liberal team, released our party's policy on the economy and employment. The thrust of our economic policy is designed to give people greater freedom from taxation, arbitration, and regulation, so that we can generate the economic development that is necessary to improve our economic prospects.

Some of the positive measures which would enable us to stimulate employment, and which have been set out in the document I mentioned, include voluntary employment contracts where the employers and the employees have the freedom to negotiate their own agreements, and there is deregulation of award rates of pay for juniors as a means of creating employment; protection for the subcontracting system; work and production incentives as an alternative to holiday leave loadings; Government promotion of exports, especially in Asia and the Indian Ocean region which represent vast markets; a variety of measures to develop the tourism and hospitality industries and make them more competitive; the reform of the industrial relations system; lifting the burden of Government regulations and Government licensing procedures; and increasing the payroll tax exemption level in each successive Liberal State Budget.

Another area of concern in the electorate of Mt. Lawley is the proposed move by the Alcohol and Drug Authority into the former Royal Perth Hospital annexe in Field Street, Mt. Lawley. It has become quite obvious to the residents in the affected area, to the local authority—the City of Stirling—and to me that the Government does not recognise the fact that the former Royal Perth Hospital site is totally unsuitable as an ADA annexe.

It is absolutely important for members to note that the people of Mt. Lawley recognise very clearly the need to treat alcoholics and drug addicts. What the residents and the local authority are saying to the Government is that the site is in a residential area and it is an area where the surrounding institutional uses of land are in oversupply. We believe that the ADA, the patients, and the residents of Mt. Lawley would be better served if the former Royal Perth Hospital annexe were sold to a private operator and used as an aged persons' home. This was the purpose for which it was originally built. The Government should use the proceeds from the sale to erect a purpose-built centre on Government land in East Perth near the existing Royal Perth Hospital. In fact, the Opposition when in Government supported that move and as recently as three weeks ago the Leader of the Opposition advised the President of the Mt. Lawley Society that the Opposition still held the view that the ADA annexe should be located in East Perth and certainly not in the Mt. Lawley residential area.

There is no doubt that the residents of the south-eastern portion of the Mt. Lawley electorate are making a plea to the Government to recognise that alternative sites are available to the ADA. They urge and call on the Government not to allow the residential amenity of this area to be destroyed by allowing the ADA to shift into Mt. Lawley. I mentioned that the Field-Rookwood Street portion of Mt. Lawley is already an area which the local authority recognises as being saturated by institutions. It is also important to note that a high proportion of elderly and retired people live adjacent to the Royal Perth Hospital annexe. On many occasions they have complained

to me, as a ward councillor for that area, to the local authority, and to the police of antisocial behaviour which emanates from an alcoholic treatment centre already located directly opposite the proposed ADA site. The antisocial behaviour complained of includes: Abusive conduct, offensive language, technical assault, trespass, and, regrettably, rape and murder. It is quite inconceivable that the Government is considering locating a dry treatment facility—the ADA centre—directly opposite a wet treatment facility, namely ACRAH.

The problem of drug and alcohol abuse is growing on a daily basis and in view of the detrimental effect it would have on the residential amenity and the lifestyle of the residents in the immediate area, I call on the Government to reconsider its decision to allow the ADA to occupy the former RPH annexe site in Field Street, Mt. Lawley.

I turn now to another area of concern within the electorate of Mt. Lawley. A number of residents have expressed their concern to me at the continually rising suburban crime rate. This is especially evident with the elderly, many of whom shelter behind heavy security doors to protect themselves from the incidents of vandalism and violence. There is no question that the citizens of this State expect, and are entitled to, adequate police protection.

Fortunately the Western Australian Police Force enjoys very good public support, notwithstanding the usual vocal minority who in the main are not only anti-police but anti-establishment. It should always be remembered that support for the police comes from the silent majority who do not generally surface until the critics of the police become too unfair or go beyond a reasonable line.

Just as it is important to have a police presence, there is no question that we as representatives of the people have an obligation to provide suitable buildings and equipment with adequate working conditions for the members of the Police Force to allow them to promote efficiency in the discharge of their duties.

The question has also been raised of the level of cleanliness and protection that we currently afford our police in the handling of the people with whom they are required to come in contact. The central police station and lockup are examples of the great need to improve and provide up-to-date facilities. Few respectable members of the public or this Parliament would ever know exactly what goes on behind the scenes.

For instance, the Perth lockup is completely inadequate to cope with the large number of persons to be processed through this limited area. Staff facilities for police officers are virtually nonexistent and would not be tolerated in a normal factory or industrial situation.

Members of the Police Force have advised me that they are required to handle and process people who are suspected of having, or in fact have, various health and hygiene problems. However, there are no real or adequate facilities to allow them to take the necessary precautions which are generally accepted in other areas where similar health hazards exist. The recent medical revelations in regard to AIDS only add to the problems faced by police officers.

Mr Speaker, I thank the House for its indulgence. I look forward to serving the people of my electorate and making a positive contribution to the affairs of this Parliament and our great State of Western Australia.

[Applause.]

Debate adjourned, on motion by Mr Tonkin (Leader of the House).

TRANSPORT AMENDMENT BILL

Second Reading

Debate resumed from 15 November 1984.

MR PETER JONES (Narrogin) [3.30 p.m.]: This Bill was introduced in November last year; therefore, we have had time to consider the various amendments contained in it. Generally, the Opposition does not disagree with most of the proposed amendments. However, we would like the Minister to provide more information on some matters and two of the proposed amendments will be strongly opposed by this side of the House.

The Bill is what one might call a "simple sleeper"; it seems innocent at first sight, but it contains one or two matters of far-reaching importance. Perhaps the Minister and his advisers have eased in those issues hoping they might get past the keeper, but they are matters to which we are opposed.

Mr Grill: Could you indicate the relevant clauses, because I intend to make some amendments?

Mr PETER JONES: The Opposition will seek to delete clauses 7 and 18.

The Minister's second reading speech signalled certain aspects in respect of the Government's transport policy. The Minister indicated the Government was seeking to make these amendments to ensure "the reasonable needs of transport users" were met.

Needless to say, the word "reasonable" is open to many different definitions, not only from a legal point of view, but also from a user's point of view.

The transporter's or customer's idea of what is reasonable or unreasonable may vary greatly from the Minister's or my ideas on the matter. It is a very odd phrase to use in that sense.

However, if the Minister is referring to the importance of establishing a uniform transport system throughout Western Australia, I support that concept. It is important to establish a system which confers equality of benefit, cost, and performance on every customer wherever he or she may be throughout the State.

The second reading speech contains words like "facilitating" and "co-ordinating" and I accept that those sorts of sentiments are necessary. However, it is unfortunate that such phrases are used to divert attention from the more detailed aspects involved in regulating the transport industry.

The transport industry in this State remains very heavily regulated. If the needs of those in remote areas are to be serviced adequately, it is accepted by all that we must have degrees of regulation, control, and some form of franchising or subsidising of services in various places, because the normal market forces cannot provide the necessary service. For example, in some agricultural communities the volume of trade involved would not justify a service. In such areas the policy of deregulation introduced by the previous Government enabled those who felt they were disadvantaged to apply to the Transport Commission to have the position investigated in order that a franchised or subsidised service would be provided.

Notwithstanding that, the degree of flexibility which has been introduced into the system should remain and, indeed, should be increased. We should have maximum freedom of choice.

Concern has been expressed that possibly the Government does not intend to deal with the transport of wool in the way that it was intended and as had been promised. Apparently the Government is now backing away from that undertaking and is seeking to adopt a position which does not even meet the situation half way and which would centralise wool collections in certain areas. So far as the deregulation principle is concerned, the goods would not be delivered at all.

Needless to say, the Government is under pressure from Westrail to regulate to rail as much traffic as is possible.

Transport is a dynamic, changing force and it needs to be constantly flexible. In defence of the Bill, it could be said that it reflects the need to maintain an up-to-date transport system. However, the Minister's second reading speech indicates also that the amendments are designed to strengthen and clarify the powers of the Transport Commission, in particular the powers of the Commissioner of Transport, in administering the Government's transport policy. On the face of it, that seems simple enough; however, if it foreshadows an intention on the part of the Government to increase the powers of the Commissioner of Transport, the Minister is obliged to indicate that.

We understand and accept the powers of the commissioner in relation to the administration of the Transport Act. In his second reading speech the Minister says the amendments are designed to "strengthen and clarify" the powers of the Transport Commission and I would like to know in which areas that will take place over and above those set out in the amendments in the Bill. If the Minister is seeking only to do what is set out in the Bill, we can deal with that in this place, but if the Minister has some other factors in his mind, we would like to know something about them.

The Bill contains an amendment to facilitate the collection of information for monitoring and advisory purposes. For example, this relates to the issuing of a certificate. That matter relates to an amendment to the Transport Act introduced on 2 November 1977. In introducing the Bill in another place, the then Minister for Transport said that the second objective of the amendment he was bringing in at that time was a long-term one and was that "of endeavouring to ensure that owner-drivers have a role to play in the road transport system of Western Australia and have as far as possible a measure of economic stability".

That amendment related to operations north and south of the 26th parallel. The Minister is seeking to amend section 42C of the Act to delete the words "from south of the twenty-sixth parallel of latitude to the north thereof". I draw attention to that matter and no doubt we shall talk about it in Committee.

I draw attention also to the fact that there seems to be an error in the use of the terms "certificate" and "licence". The point I make in this regard is that if we are talking about strengthening the powers of the Commissioner of Transport, the issuing of licences can become a means of controlling who does what. It has been suggested that what is sought here does not relate to control, but rather seeks to remove an anomaly which occurred previously. However, I should like the Minister to indicate why he proposes to amend section 42C.

Certainly in my discussions with members of the Road Transport Association they expressed some indifference to it in one way, and they also

felt a little unsure about what was down the track, what might be in the mind of a Minister at some future time, and just how the amendment might be used.

I refer again to the 1977 amendment as it relates to another amendment the Minister is introducing to effect the collection of information. One of the points made at the time was the confidentiality of information collected. It is all very well for people to provide information to give the regulatory authority the background upon which it can advise the Government on a whole range of statistics, the movement of goods, and who is doing what; but when the Government is seeking information of individual operators it must understand the confidentiality of information provided.

Other amendments relative to the Commissioner of Transport's having the power to call tenders for air services and road services are sensible. Similarly, in the area of exemptions, he has the power to grant exemptions, but not to invoke exemptions already granted, and that does not seem unreasonable.

Mr Grill: I can tell you now that I have decided not to go ahead with the amendment dealing with further financial information, or with the amendment dealing with the extension of the licence power below the 26th parallel.

Mr PETER JONES: Right. It is intended that the Commissioner of Transport be given power to grant exemptions to classes of vehicles, but not for a particular purpose, and that again is reasonable.

I move now to touch on amendments which will be opposed by the Opposition and amendments for which we will require clarification, although one point has already been clarified.

Clause 7 provides power to the Commissioner of Transport to order that relief drivers be stationed at certain points along various routes. In other words, there shall be forced on bus operators a requirement that, rather than carrying a spare driver, they shall establish depots, quarters, or stopping points where the driver will disembark and a relief driver will embark. The Minister in his second reading speech was at great pains to say that he did not hold any strong views about this one way or another. He said -

> Although I do not have strong views favouring one system over the other I do see that in certain circumstances it may be advantageous and in the public interest to require operators to station their drivers at set points along the route.
>
> Conversely in other circumstances it may be more realistic to use the two-driver system with both operators travelling in the coach.

It seems the Minister is in two minds and is unable to decide which way to go, yet he has come along attempting to impose a system to give the commissioner power to require bus operators to do as I have explained. I might add that it is to be a discretionary power to be used depending on the circumstances.

We believe this is an unnecessary intrusion which will only increase the costs of operating bus services. We have held discussions with various coach operators, the interstate ones going both interstate and to the north. They are unaware of any incidents which have exhibited an element of danger to passengers, where passenger safety has been placed at risk because a relief driver has been travelling on the bus. If the Minister is aware of any incidents he should detail them. We have been told that the present system works satisfactorily.

If a bus operator puts passengers at risk, the Commissioner of Transport already has the power to take action without the need for this amendment, which will lead to an increase in the cost of fares. As the Minister is aware, there is an increasing use of road transport to the north and to the east, not just by tourists but by people who prefer it as a personal transport option. If fares are increased because drivers have to be stationed at places such as Cocklebiddy, Eucla, Ceduna, and other places along the Nullarbor between here and Adelaide, someone will have to pay and of course it will be the fare-paying public.

I am not confusing safety with costs. I am trying to relate to the Minister the fact that we do not see this proposed system as something that should be introduced legislatively when power already exists in the Transport Act giving the commissioner the ability to remove a licence completely. If he finds that someone is blatantly placing passengers at risk and generally operating in a dangerous manner, perhaps by expecting drivers to stay at the wheel for long periods, the commissioner can revoke that operator's licence. Why is it necessary to introduce an extra system such as is proposed in the amendment?

Clause 18 relates to the ownership of vehicles. The Minister has said that there is an increasing incidence of operators and owners trying to get around the existing arrangements, the existing concessions, and that it is necessary to have this amendment accepted to close some loopholes.

The amendment provides that a vehicle shall not be regarded as being owned by the producer of the goods being carried by the vehicle unless the

producer of the goods is the only owner of the vehicle and is registered as the owner of the vehicle for the purposes of the Road Traffic Act.

In discussing this with the Road Transport Association and after having taken some legal advice, we can understand what the Minister is trying to do. However, what his advisers have not taken into account is the fact that, these days, it may well be that the majority of truck operators are not legally the sole owners of their vehicles. This amendment does not provide for the joint ownership of vehicles.

I am told that it does not allow for vehicles which are being leased from financial institutions even though they might be operated by a farmer under a lease arrangement. He is not carting anyone else's goods at all. He is simply carting what he has produced from his own property, yet this provision would prevent him from doing so. That is the legal advice that is available. It also refers to certain other arrangements, and some examples have been put forward of vehicles with more than three owners or some sort of family ownership.

Mr Grill: You have had advice to that effect?

Mr PETER JONES: Last November. It is not a matter of trying to be pedantic. Leaving aside the question of joint family ownership arrangements, for example, which is enough to disqualify such people, for a start, it was put to us that a vehicle should not be regarded as being owned by the producer of goods unless the producer of goods is the sole owner of the vehicle as required by the Amendment. There may well be a farming operation partnership or a company operation and the vehicle could be in a different family name even though it is still only operating under that arrangement because in turn it may be subject to the sort of legal leasing arrangement to which I have referred. This would disqualify vehicles subject to a leasing arrangement with a financial institution because in that situation the leasing institution is also registered as one of the owners of the vehicle. Those two sections of the Bill will be opposed. I know the Minister has foreshadowed other portions that he will not continue with.

We do not see a need for the first provision in relation to the two drivers and we think the second one seems to be inoperable. The Minister has also foreshadowed that he will come back to Parliament later with further amendments to the Transport Act and that particular reference would then be to the transport department. That matter can be dealt with at the time and treated on the merits of what the Minister brings forward. Perhaps at that time he may be able to deal with clause 18—if he has had it clarified in time—but we are opposed to it now because it has been explained to us as being inoperable.

With those reservations and objections, I support the legislation.

MR COWAN (Merredin) [3.53 p.m.]: The Bill before the House deals with many mechanical matters to which the National Party has no objection, but I would like to let the Minister know well beforehand that, like the previous speaker, the member for Narrogin, we take very strong exception to clause 18 of this amending Bill.

It gives a clear illustration to us that the Government has not really addressed itself to the issue of improving the transport system in relation to agricultural industries. The Government has to some extent worked very hard in making the transport operations in this State more accessible to the agricultural and farming community. However, this amendment tends to indicate that the high level of regulation and enforcement will remain, and I will deal with this matter in Committee in far greater detail.

The Minister has indicated that clause 18 of the amending Bill shows that the Government's position is that it is prepared to continue to strengthen and enforce the level of regulation in the transport industry in relation to agriculture and agricultural produce, and that is not something that the National Party can fully support. For that reason, together with the member for Narrogin, we oppose this clause.

There has been a degree of innovation by the Government in regard to transport matters, particularly in relation to clearing up some anomalies—for argument's sake, those relating to the rail system—and some of the discrepancies or anomalies that occur in regard to different charges for certain agricultural produce, but this clause makes it very difficult for farmers to be able to enter an agreement with other members of the farming community or even among their own family partnership to be able to use a vehicle purchased for the purpose of transporting agricultural produce and farming requisites on a back-loading system.

It will make it very difficult for that system to be implemented and all it will do is force agricultural costs up, and that is one thing that this Government has already indicated it wants to avoid. In fact, the Minister for Agriculture, the Minister for Transport's colleague, has indicated to the public that he will conduct a seminar to investigate ways and means of dealing with some of the financial and economic problems suffered by farmers, particularly wheat growers in the eastern wheatbelt; yet this provision in the Bill will

exacerbate the economic problems of the agricultural industry in the area where the farmers suffer the greatest costs—transport—so there is some contradiction of purpose between the Minister for Agriculture and the Minister for Transport.

In no way can we support an amendment such as the one proposed in this Bill.

MR GRILL (Esperance-Dundas—Minister for Transport) [3.57 p.m.]: I thank the member for Narrogin for indicating the areas in which the Opposition will support this Bill and for clearly expressing the areas in which the Opposition, at the moment anyhow, intends to oppose the Bill.

I would like to reassure him that in no respect are we endeavouring to increase the powers of the commissioner. As I said in my second reading speech, we are merely endeavouring to strengthen and clarify them.

There are two areas in the Bill in relation to which I have indicated I do not intend to proceed with amendments. The first is the powers of the commission to obtain financial information from operators. This provision has been opposed by the Road Transport Association. I have listened to the association's arguments—which unfortunately were expressed to me fully only a day or two ago—and, having done so, I am prepared to concede that the commission's case for additional information seeking powers in this instance is not strong and, as a result, I do not intend to proceed with that amendment, nor do I intend to proceed with the amendment to extend the licensing powers of the commission below the 26th parallel. I think those remarks should clear up some of the misgivings expressed by the member for Narrogin.

However, the member for Narrogin on behalf of the Opposition has expressed his concern in relation to other clauses of the Bill. Clause 7 relates to the licensing of omnibus operators and the provision we would like to see inserted into the Act would give the commission a discretionary power to be exercised, purely on safety grounds, to prescribe in certain cases, where necessary, that relief drivers should be stationed at certain intervals.

No doubt there will be further argument on that particular clause during the Committee stage, but I hope during that time I can convince the member that this power should be included strictly on a discretionary basis.

In relation to clause 18 and the amendment to the schedule which is designed to prevent what the commission sees as straight-out breaches of the provisions of the Act at present by rather dubious legal means, the member for Narrogin has expressed the view, and he says it is supported by legal opinion that he has obtained, that the provisions are unworkable mainly on the basis, as I understand his argument, that in many cases a producer may not be the sole owner of the vehicle. He referred to leasing arrangements and family arrangements. If, in fact, there is strong legal argument in this regard, and I have argument to the contrary—

Mr Peter Jones: Let me be precise. I had a property in one name and a truck licence in another and carted only my stuff. It was put to me that the person who owned the vehicle was not the producer of the goods in the legal sense.

Mr GRILL: I was about to say that if the member is seriously concerned about this matter and has legal opinion to back him up I will be happy to adjourn debate on that clause to get further advice from the Crown Law Department. I will do that if the matter is pursued during the Committee stage. I indicate to the member that it is the last thing in the Government's mind to want in any way to increase costs to farmers.

Mr Cowan: That is what this will do.

Mr GRILL: I cannot agree with that. I cannot see that it will in any way increase costs. It will prevent unscrupulous people from escaping the provisions of the Act by a range of dubious legal means and the clear intent of the legislators when the Act was passed. I would be happy to listen to the member's argument later. I think he has misread the clause.

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 to 3 put and passed.

Clause 4: Section 15B amended—

Mr GRILL: I move an amendment—

Page 2, line 24 delete paragraph (c).

I have already indicated to the Chamber reasons for deleting this paragraph and I think it meets with general agreement.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 5: Section 16 amended—

Mr PETER JONES: This clause refers to calling tenders and paragraph (b) sets out the manner in which it is to be done. We discussed the purpose of the clause during the second reading debate and I have no difficulty about that. Paragraph (b) says in part that the commissioner "on the direction of the Minister shall . . . ." Why has the Minister

taken unto himself the power to direct the commissioner to enter into negotiations? This paragraph sets out that the commissioner will consider tenders submitted to him in response to an invitation. The way the paragraph is written the Minister, who has not appeared in the matter until then, will tell the commissioner to enter negotiations.

Is this a move by which the commissioner will not be allowed by the Government to enter into negotiations until he gets permission from the Minister? Is the commissioner not to be able to do this totally on his own? Perhaps the Minister can tell us why the clause is written that way. The commissioner goes through the process of getting the tenders and does what he has to do in accordance with the amended Act, but on the direction of the Minister he then enters into negotiations with the people involved. Perhaps the Minister can tell us why the Government feels the Minister has to buy into the tendering process at that point.

Mr GRILL: This particular provision has been drafted by the Crown Law Department in collaboration with the commissioner. It has not been drawn up at my direction, so it is not an initiative by me to have the Minister included in this clause. Two arguments can be advanced for the inclusion of the Minister. The first is—it is mentioned in my second reading speech and included in one other of the amendments here—that we will be dealing in future with Government policy if the philosophy of these amendments is accepted. Because of that I think the Minister of the day should have some involvement.

Secondly, I would think that the Minister's name is mentioned there because the power to enter into these negotiations should probably not be exercised in an arbitrary way by the commissioner but should be subject to some scrutiny by the Minister. Probably the more cogent reason is that in these types of instances which are a departure from the normal tendering process the commissioner should come under the scrutiny of the Minister who would thereby come under the scrutiny of the whole of the parliamentary process.

There are two reasons that the Minister needs to give a direction before the commissioner can enter into these sorts of negotiations.

Mr PETER JONES: I accept that. Under section 15(b) of the Transport Act the Transport Commissioner is responsible to the Minister anyway and the Minister is charged with the general direction of the Act. The drafting appears to be very heavy-handed. The Minister said that it was not drafted in that way under his direction. The section to which I have referred refers to the need to ensure that the provisions of the transport services will be of the kind referred to in the tender. I thought the Minister had more to do than that.

Clause put and passed.

Clause 6 put and passed.

Clause 7: Section 27 amended—

Mr PETER JONES: There is no need for me to go through the points which I have already mentioned, but the Opposition will vote against this clause.

There does not appear to be any valid reason that we have to legislate in this way to prescribe an arrangement when if there is a safety problem it can be dealt with under the existing powers of the Transport Commissioner. This seems to be an unnecessary legislative vehicle to institute a certain thing. The fact that the Minister has said that it is discretionary is no excuse; it does not provide a valid reason to do something like this.

On the basis of what costs are involved, no adequate reason has been given and the Minister, in his second reading speech, said that he had not been persuaded that it is necessary—that was the gist of what he said to this Chamber last November.

Mr MacKINNON: I support the remarks of the member for Narrogin. I oppose this clause which, in effect, will give the commissioner increased powers.

A few minutes ago the Minister indicated that the general thrust of this clause was to deregulate and to free-up the industry, yet in this instance he is providing new powers to the commissioner even though he is not convinced such powers are necessary.

In his second reading speech the Minister said—

> Although I do not have strong views favouring one system over the other I do see that in certain circumstances it may be advantageous and in the public interest to require operators to station their drivers at set points along the route.

The Minister said, "in certain circumstances" but he did not give an example. He continued—

> Conversely in other circumstances it may be more realistic to use the two-driver system with both operators travelling in the coach.

Again he gave no justification as to what the circumstances might be.

The Opposition believes that the best people to judge are the operators themselves. As shadow Minister for Tourism I have received representations from coach operators involved in the indus-

try and they say that this legislation would affect their flexibility. One person indicated to me that he operated under a two-driver system, but it cost him more to do so. In other words, it is not a matter of cost, but a matter of a preferred method of operation.

It is strange that the Minister has included in this legislation a system about which he does not have strong views. I ask the Minister to remove this clause from the Bill in order that the industry can make its own decision, in preference to the commissioner.

My research indicated also that there is only one other State in Australia which has legislation similar to Western Australia; that is, Queensland. It appears that the other States believe—as does the Opposition—that the operators are the best people to judge in regard to safety matters. From evidence presented to me that is by far the best system to have and it should be allowed to continue as such.

Mr GRILL: It is quite correct, as I said in my second reading speech, that I do not have strong views as to which of the two competing systems of operating buses is more beneficial.

I advise members of the Opposition that this Bill is a safety measure that can be exercised in a discretionary way. I am sure the Opposition would agree that when we deal with safety it is better to err on the side of conservatism.

Mr MacKinnon: What evidence do you have that safety requirements are necessary?

Mr GRILL: Complaints have been put to the Transport Commission in the past in respect of the two-man system.

Mr MacKinnon: Complaints by whom?

Mr GRILL: Complaints have been received from the general public. I am sure the member would have seen the newspaper articles highlighting these complaints which were published in the weekend papers some months ago. The complaints have been made, but it is another question whether they can be sustained. Where we have been able to carry out investigations into the complaints it has been found hard to sustain them. I am not saying that unsafe practices do not occur.

Mr MacKinnon: Have you any evidence to support the claim that the two-driver scheme is unsafe?

Mr GRILL: We have heard some hair-raising stories about drivers changing their positions at the wheel while the bus was in motion and travelling at a high speed. We have also heard of instances where bus drivers have been up all night and all day and have had little sleep and also where the drivers operating under the two-man system have been drinking.

The complaints have been made by people who travel on the buses, but when the complaints have been investigated it has been hard to gather the necessary evidence to sustain those complaints. Nonetheless, the complaints have been made.

I am not reflecting upon any particular bus operator when I retell some of these stories. If, in fact, there is any element of truth in some of the allegations, what we can do is to err on the side of caution.

It is well known that Deluxe Coachlines operates a two-man system and it operates very well. In fact, I have been inundated with letters from patrons of that service who have testified that the company operates a good service. I understand the balance sheets of the company testify to the fact it operates a very good service. It is of some note that the company licenses its buses in this State.

The company is not being singled out for particular attention. I have had discussions with the proprietor and the manager of the operation, and I have indicated that we do not intend to bring down regulations which will be obligatory and which will be exercised in a dictatorial way.

Mr MacKinnon: If it is the only operator and it is responsible, why bring in the legislation?

Mr GRILL: We would endeavour to co-operate with the operator. I understood—perhaps members opposite have information to the contrary—that the operator was fairly happy with the talks he had with me, and the talks he and his manager had with the Transport Commission. They were reasonably unconcerned about the provisions of the Bill, but initially they thought that we were going to make it obligatory for them to operate the relief driver system. However, as members appreciate, we do not intend to make it obligatory. All we intend is to provide in the legislation for the commissioner to prescribe conditions when he thinks it appropriate.

In the future, other operators using this system may be less scrupulous or they may not keep as much control on their drivers as does Deluxe Coachlines. In those circumstances, if it was thought fit, the commissioner would have the necessary powers to control that type of operation. Let us be honest about it; these powers can be used persuasively. We intend to use the powers if an operator is delinquent in some way and is not prepared to clean up his act.

I would have thought that the Opposition, which is concerned about the safety of the public, would want the commissioner to have such powers,

and exercise them solely with the aim of safety and not in respect of commercial interests.

Mr Blaikie: Accepting the argument of safety, you do not believe that the union movement will use this to ensure a doubling of the number of employees on buses?

Mr GRILL: I do not think that is a consideration. Whatever happens, the operator must still use two drivers. I suspect that the system with the two drivers travelling on the bus is probably the more expensive way of operating. In fact, as I understood the comment of the Deputy Leader of the Opposition, he obtained facts and figures in support of the argument I am now putting to the member for Vasse.

It is purely a safety issue and one on which I do not have strong views. However, I have a strong view that we should allow the commissioner to have this power, to be exercised in a strictly discretionary way.

As I said before, when Deluxe became concerned about this provision, the operator came to me and said that he was under the impression that we would outlaw this form of operation. We do not intend to do that.

In fact, I have the highest regard for the operations of Deluxe. I hope it continues at its present standard. However, it is a proper course to place within the legislation powers which the commissioner can use as a persuasive means of remedying a situation which might arise in the future.

Mr MacKINNON: The Minister has not convinced me, and I will make quite clear exactly what the Government is doing. Firstly, it is bringing in an amendment to the legislation without any evidence of the need for it. The Minister says that complaints have been received, but he has not brought one of those complaints to this Chamber. Neither have I had any complaints brought to me; so there is no evidence to support the need for the amendment.

Secondly, the Minister indicates that to his knowledge—I am not aware whether it is true, but I accept his word—only one operator in this State is using such a system. If that is the case, and if, as the Minister says, he is quite happy with that company's operations, why do we need this provision? Why is the Government bringing in the legislation if there is only one operator and the Minister is happy with its work?

Thirdly, the Minister indicates that this legislation is not obligatory, but is discretionary. However, I remind the Committee that the power will now be in the Act; and if I know public servants—this is no criticism of the people involved generally—if they are given a law they will use it from time to time for one reason or another.

That brings me to my final point, that under the Act the Minister already has power to take action if the complaints he has received are justified. After all, the Transport Commission issues licenses, and it has the power to revoke the licenses if safety procedures are contravened.

We have seen no evidence to support the necesssity for the legislation. Once again, it seems that the clause is out of kilter with the general intention of the legislation, which is to deregulate. Therefore, we oppose the clause.

Mr GRILL: The record of the Transport Commission is that it has never been heavy-handed in respect of the use of regulations. Any sector of the transport industry under the jurisdiction of the commission would say unanimously that the commission has never been heavy-handed in respect of the use of regulations.

Mr Cowan: I do not think that would be so. I am not sure about bus services, but in other areas a lot of the people say they have been extremely heavy-handed.

Mr GRILL: The member for Merredin is talking about the heavy haulage people.

Mr Cowan: The unscrupulous few you have been talking about.

Mr GRILL: If people break the law, it is necessary that they be investigated and prosecuted; but that is another argument. In the use of regulations, the Transport Commission has in fact been very light-handed.

We have canvassed all the issues. I ask members to support this clause. In fact, it is a discretionary safety provision. It will not be used in a heavy-handed way. It is only prudent that, given the complaints that have been made, at least we should put this discretionary power into the Act.

Clause put and a division taken with the following result—

Ayes 26

Mr Bateman	Mr Jamieson
Mrs Beggs	Mr McIver
Mr Bertram	Mr Pearce
Mrs Buchanan	Mr Read
Mr Brian Burke	Mr D. L. Smith
Mr Burkett	Mr P. J. Smith
Mr Carr	Mr Stephens
Mr Cowan	Mr Taylor
Mr Davies	Mr Tonkin
Mr Evans	Mr Troy
Mr Grill	Mrs Watkins
Mrs Henderson	Mr Wilson
Mr Hughes	Mr Gordon Hill

(Teller)

Noes 16

Mr Blaikie	Mr MacKinnon
Mr Bradshaw	Mr Mensaros
Mr Cash	Mr Old
Mr Clarko	Mr Rushton
Mr Court	Mr Thompson
Mr Coyne	Mr Trethowan
Mr Hassell	Mr Tubby
Mr Peter Jones	Mr Williams

(Teller)

Pairs

Ayes	Noes
Mr Tom Jones	Mr Spriggs
Mr Bryce	Mr Watt
Mr Terry Burke	Mr Crane
Mr Parker	Mr McNee
Mr Bridge	Mr Grayden
Mr Hodge	Mr Laurance

Clause thus passed.

Clause 8 put and passed.

Clause 9: Section 42C amended—

Mr GRILL: For the reasons I have previously expressed, the Government will be voting against this clause.

Clause put and negatived.

Clause 10: Section 45 amended—

Mr PETER JONES: Clause 10(b) again contains this drafting situation which involves referral to the Minister. It refers in specific words to Government policy and so on. Is the explanation the same as the one given previously? It is not often that Government policy appears in a Statute, bearing in mind the Minister already has control. Clause 10(b) gives him direction over the Act. Why do we put in the following—

> (2) The Commissioner shall in considering any application for a licence for an aircraft have regard to government policy as directed by the Minister from time to time.

I guarantee the Minister, as a lawyer, did not draft that. It is the same with paragraph (3), which provides—

> (3) Notwithstanding anything in this section, but subject to any direction given by the Minister, the Commissioner may at any stage, for any reason, defer an application or refrain from dealing with an application.

Mr GRILL: I did touch on this when the member raised a similar question in relation to clause 5. When we are dealing with something as complex as the aircraft industry of Western Australia, or airline operations, it is very difficult to be able to deal with those operations without stating some policy.

The policy of the previous Government was that competition on the major trunk routes should be introduced on a gradual basis. That policy was adopted by this Government when it came into power, and it has been partly implemented. Whether it be a Liberal-Country Party coalition or a Labor Government, the fact remains that the Transport Commission is operating in relation to a policy initiated by the Government of the day. That is the yardstick, and that is all it has to go by.

What has happened in regard to the introduction of competition on some of the trunk routes is that one or two of the unsuccessful tenderers have threatened to challenge the tendering process, the process of allocating licences on the basis referred to in the documents.

On that basis, on the advice of the Crown Law Department, it was thought probably necessary to introduce into the Act at the appropriate places a reference to Government policy, or the policy initiated by the Minister.

I do not think there is any doubt that future policy will change. Whether there will be less regulation, or partial regulation, as we have now, or partial or complete deregulation, I do not know. Airlines in particular will have to demonstrate on the basis of a set policy. It is thought legally prudent that reference to that policy should be incorporated in the appropriate place in the legislation.

Clause put and passed.

Clauses 11 to 15 put and passed.

Clause 16: Section 60 amended—

Mr GRILL: As previously indicated, this is a further clause with which the Government does not wish to proceed.

Clause put and negatived.

Clause 17 put and passed.

Clause 18: First Schedule amended—

Mr PETER JONES: We have discussed quite adequately why this clause should not be in the Bill. It is not for me to produce a legal opinion for the Minister. I took legal advice last November, and I discussed it with the Road Transport Association. Indeed it was that association which brought it to my notice. The association took some care to have it looked at, and came back with this matter of leasing and what prevailed with the financial institutions.

We are well aware of what the Minister is trying to get at. We do not necessarily agree with it, but as it stands it is not on. It is up to the Minister to come along with a form of words for what he wants to do which will stand. Then we can discuss it on its merits. But on this basis it is not commendable because it will put a considerable number of vehicles, if not most of them, off the road for the cartage of certain goods.

If the Minister relates it back to the parent Act and section 33 he will see that in many cases it is impossible for the producer of goods also to be the legal, registered owner of the vehicle. In agricultural enterprises it does not work like that, particularly when vehicles are under hire-purchase arrangements, or more particularly, lease arrangements. As I specified in my own case, I would immediately be disqualified because the producer of the goods is not the owner of the vehicle in a legal sense. This is not on for a variety of reasons, and mainly because it does not stand. We oppose it.

Mr COWAN: This is the clause to which the National Party objects. While the Government has been moving as fast as it can to adjust the State's transport policy, there is still room for improvement, particularly with the transport of agricultural produce, and more so the deregulation of that transport.

This clause symbolises the Government's unwillingness to effect deregulation of the transport of agricultural produce. I am as aware as anyone that there has been a degree of deregulation for some commodities, but apart from the transport of wool in certain areas this deregulation has not covered agricultural produce.

This clause would be very difficult for the Transport Commission to administer. As an example, until this year I was one of five partners in a trading partnership known as Cowan and Company. The partners had their own vehicles, and as the producer of the goods was the company and the owner of the vehicles was each individual partner, the commission under this clause would be obliged to charge me if I were using my vehicle to transport goods, because I was not listed as being the producer of the goods. The reverse would also apply.

The best thing for the Minister to do would be to delete this clause and to undertake a complete study of the transport of agricultural produce to see what he could do about introducing deregulation, rather than introducing this sort of increased regulation.

I am aware of those unscrupulous few who in the past have come up with schemes such as establishing a company, partnership or trading concern and invited members of the farming community to take shares in the vehicle. All these shareholders are then listed as owners of the vehicle and the person who has set up the scheme can claim he can legitimately transport those people's produce. I accept that such person would be stretching the point too far, but here the Government is using a sledgehammer to crack an eggshell in trying to prevent such people operating in the transport industry. For that reason the National Party is opposed to this clause.

Mr GRILL: I listened to the arguments presented by the members for Narrogin and Merredin and I believe that the appropriate thing might be for me to seek further advice from the Crown Law Department in respect of the operation of this clause.

I assure both of them that the clause is not designed in any way to increase regulation. It is designed merely as an endeavour to give to the Transport Commission and its inspectors the appropriate powers to apprehend and prosecute those unscrupulous few who flout the regulations and who have flouted and continue to flout the past and present transport policies. In my view they simply operate outside the law although perhaps technically within it. Crown Law has advised that it is very hard to draft a clause to cover these unscrupulous few without affecting other people.

Mr Peter Jones: Come on, you are going to put me and the member for Merredin off the road if we cart our own stuff.

Mr GRILL: No, I am not in the business of putting legitimate operators off the road.

Progress

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

TOWN PLANNING AND DEVELOPMENT AMENDMENT BILL

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

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

PARKS AND RESERVES AMENDMENT BILL

Second Reading

Debate resumed from 21 February.

MR BLAIKIE (Vasse) [4.50 p.m.]: This Bill is an amendment in three parts: The first is to change the land tenure of Kings Park; the second deals with extending the definitions of animals to ensure that dogs and cats are prohibited on Rottnest Island, and the third relates to increased

penalties, from $50 to $200, for people convicted of speeding offences in Kings Park.

With regard to Rottnest Island I wish to compliment the Minister for bringing in a worthwhile and sensible amendment which prohibits dogs and cats on Rottnest Island.

With respect to the acts of vandalism and hooliganism on the island, I believe more positive action needs to be taken by the Government. Every time we have a long weekend holiday this problem seems to occur. However, firstly I wish to draw attention to the fact that the Premier decided he would become the Chairman of the Rottnest Island Board. I certainly took issue with him on that matter, and now the Premier has seen fit to have another Minister take over that responsibility; it is now the responsibility of the Minister for Tourism. That portfolio bears no relationship to the proper functioning of Rottnest Island as a piece of Crown land. This Crown land should be entrusted to the responsibility of the appropriate Minister. I do not believe that the portfolio of Minister for Tourism is appropriate in this case.

For many historical reasons, the Minister for Lands and Surveys has always been the Chairman of the Rottnest Island Board. It is a sad fact that Rottnest Island is lacking in positive direction from a departmental point of view. The Department of Lands and Surveys, not the Department of Tourism, should be responsible for Rottnest Island. The Government has not allowed the proper management of Rottnest Island.

I wish now to deal with the matter of civil disobedience. My concern is that the newspaper headlines report, after every long weekend, trouble at Rottnest Island. Decent people in this community are now starting to say that they will not go to Rottnest because they will not put up with drunken brawls and the louts who congregate there. I can understand why people have started to object to that type of behaviour.

We need some better administration of Rottnest Island. I wish to quote some of the newspaper headlines about the problems at Rottnest. *The West Australian* of 28 January stated, "Violence again mars Rottnest weekend". The *Daily News* headline of 28 January stated, "Rotto rowdies face ban". *The West Australian* newspaper of 29 January stated, "Government move on Rottnest", and then said that the Burke Government was considering other options including the total banning of alcohol in camping areas, as a result of a weekend of violence at Rottnest Island.

Here we have the most important tourist spot in Western Australia attracting headlines which refer to hooligans and violence. The Government is concerned, as are the police, but no positive action has been taken. I believe the management of Rottnest Island should come under the portfolio of the Minister for Lands and Surveys. He may have enough to do, but it is his responsibility to ensure proper land management.

The West Australian of 30 January 1985 ran the headline, "People acted like animals—Burke". Again on 5 February 1985 the newspaper reported, "Tougher stands on overnight visits to Rottnest Island" and that the Rottnest Island Board wanted to reduce by thousands the long weekend groups which shatter the island's tranquillity.

The Press reported the total lack of responsibility displayed by louts and hooligans who were spoiling Western Australia's most important tourist spot, which many people wished to enjoy.

The comments of two former Ministers, Mr Laurance and Mr Wordsworth were reported under the headline, "Rotto: Ban urged on lone young visitors". I support their point of view. This problem of civil disobedience is widespread in the community and certainly proliferates at Rottnest Island. The Government has an obligation to act on this matter; however, it has not. As one who represents an important section of the community I ask that some positive action be taken by the Government.

With regard to the amendments the Government has proposed in relation to Kings Park, the Government has requested the board to lease premises, which were formerly the old bowling club at Kings Park, as a kiosk. The reason for this is that some upgrading and improvements have been done in the area to cater for young families and particularly disabled people who like to go to that area of Kings Park. The area is adjacent to the Royal Kings Park Tennis Court.

I commend the Minister for his approach in bringing this matter to the House. I believe it highlights an important point and disparity in how the Government operates generally in other areas when dealing with matters of Crown land—land entrusted to the Government. The Government has the responsibility of being the custodian of that land, on behalf of the people of Western Australia. We have a building which has been in existence for many years and very simply the description of the building will be changed so that it is termed a kiosk.

On the other hand, in relation to Burswood Island which again is entrusted to the people of Western Australia, the Government has acted in a cavalier fashion and ignored environmental protection requirements and the opportunity to re-

ceive public input. It must be borne in mind that it is not the Government's land and never has been; it is entrusted in the Crown, yet the Government is running roughshod over the people and enforcing its view that a casino will be built on the island. I would like to make a comparison between Burswood Island, an area of land very similar to Kings Park, bearing in mind it is still Crown land, where the Government has said the people will have a $200 million casino whether they like it or not, and a simple kiosk in Kings Park which has already been built. In respect of that building the Government comes cap in hand to Parliament House and asks whether Parliament will please approve the Kings Park Board being given the opportunity to lease a section of the building, and waits for the wish and decree of Parliament.

That is the difference. On one hand I approve of what the Government is doing in relation to Kings Park. The Government would not get away with putting anything up in Kings Park, let alone knocking it down. Parliament makes that decision on behalf of the people. Yet in relation to Burswood Island the Government runs willy-nilly over the people. It will feel the venom and the real attitude of the community towards Burswood Island in due course when it goes to the polls.

The final matter relates to penalties for speeding offences and breaching of by-laws, in particular, traffic infringements, in Kings Park. Previously the minimum fine was $50 and it is proposed to increase that to $200. The Opposition does not oppose the proposals outlined by the Minister and requested by the Kings Park Board because they bring the level of penalties up to those in the Road Traffic Act. Kings Park is a public place and the public must exercise some responsibility there. There should be appropriate penalties for those who are not prepared to exercise that responsibility. The Opposition supports the Bill.

MR McIVER (Avon) [5.03 p.m.]: I thank the member for Vasse for his support of the Bill and the comments he made. The House would appreciate that I am not the Minister responsible for Rottnest, and I do not feel I should comment on another Minister's portfolio. I support the member's comments in relation to misbehaviour on the island. It is a shame that families who go there genuinely for a holiday and relaxation have to face drunkenness and misbehaviour, as the member pointed out. The Government is well aware of that situation, and I am sure that the respective Ministers who are responsible for Rottnest will come to grips with that problem. We have grand plans for Rottnest and I am positive that in the future we can make it an island where enjoyment will be had by all who visit.

The member referred to the Lawrence Pavilion, formerly the headquarters of the Kings Park Bowling Club. I have a little sadness in this matter as I never thought I would be responsible for making changes in that area. With you, Mr Speaker, and other members of Parliament, I have spent some enjoyable afternoons on the bowling green. However, in its wisdom the board has seen fit to make changes which will be for the betterment of the people of Western Australia, particularly the disabled. I commend the board wholeheartedly for providing facilities for the disabled not only in the Lawrence Pavilion but generally, in our wonderful Kings Park. I thank the member and the Opposition for their support of that part of the Bill.

The member referred briefly to penalties. Members will recall that only recently there was another tragic accident in Kings Park. Those people who want to utilise Kings Park as a speedway have to learn it will be a very costly exercise if they continue to do so. We have to find a deterrent and that is the main reason the penalties have been increased. I trust that our younger drivers particularly will exercise care in Kings Park and treat it as a park, get to know its history and how proud we are of it, and not treat it as a raceway. I thank the Opposition for its support of the legislation.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

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

UNIVERSITY MEDICAL SCHOOL, TEACHING HOSPITALS, AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

ARTIFICIAL CONCEPTION BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Tonkin (Leader of the House), read a first time.

The SPEAKER: Is it the desire of the House to proceed to questions without notice? I call the Leader of the Opposition.

STANDING ORDERS SUSPENSION

As to Motion

MR HASSELL (Cottesloe—Leader of the Opposition) [5.10 p.m.]: I move, without notice—

> That so much of Standing Orders be suspended—

The SPEAKER: I announced that I would take questions without notice.

Mr HASSELL: Am I not permitted to seek the suspension of Standing Orders?

Mr Tonkin: You do not have the call to do that.

The SPEAKER: I gave the Leader of the Opposition the call on the grounds that he was going to ask a question without notice. That is the privilege of the Speaker. It is his privilege to provide time for questions without notice. I have just announced that I will provide that time and, as always, I gave the Leader of the Opposition the call for questions without notice.

Point of Order

Mr HASSELL: I submit to you, Mr Speaker, that you reconsider your ruling.

The SPEAKER: Do you not want to have questions without notice?

Mr HASSELL: The Opposition wants to move a very urgent motion relating to events in this Parliament this afternoon. Standing Order No. 419 which relates to urgent motions states—

> In cases of urgent necessity, any Standing Order or Orders of the House may be suspended on motion duly made without notice provided that such motion has the concurrence of an absolute majority of the whole Members of the Assembly.

I do not want to waste time. If the Government does not accept our motion that will be the finish of it.

Mr Brian Burke: You have not paid us the courtesy of asking us.

Mr HASSELL: If I may be permitted to continue with my point of order. The third paragraph of the note under that Standing Order states—

> A motion without notice to suspend Standing Orders is in order at any time provided no other member had been given the call.

I believe I am entitled to use the call, as did the Premier on more than one occasion when he was Leader of the Opposition, to move an urgent motion. This motion is of very considerable concern and has direct relevance.

Mr MacKinnon: We have done it before and the Premier has done it before on more than one occasion.

Mr Brian Burke: You criticised me when I did it, though.

Mr HASSELL: But the Premier did it.

Mr Speaker, I am submitting a point of order in relation to your ruling. I submit that, under the Standing Orders, I am entitled to move the motion. It is up to the Government to decide whether or not it will debate that motion. I do not intend to waste time if I am allowed to proceed. I intend to move the motion, explain it briefly, and, if the Government rejects it, we will get on with questions.

Mr TONKIN: On the point of order, it is correct that it is possible to move for a suspension of Standing Orders when no other matter is before the Chair. However, there was another matter before the Chair. Mr Speaker, you had decided that it was time for questions without notice and had given the Leader of the Opposition the call on the understanding that he would ask a question. He decided to do something else. It would be ridiculous if you, Mr Speaker, gave the call to a member to do something when there were other matters before the Chair.

Mr Rushton: What is the difference between this and when the Premier, as Leader of the Opposition, did it?

Mr TONKIN: If the then Speaker could not control the then Leader of the Opposition, that was his problem. The fact is that the Speaker gave the call to the Leader of the Opposition for him to ask a question without notice. It is not competent for the Leader of the Opposition, when given the call to ask a question without notice, to stand up and move a motion on another matter. There are other matters before the Chair; namely, questions without notice.

Speaker's Ruling

The SPEAKER: A similar matter arose last year. I think the member for Murray-Wellington may have been involved in that matter. At the time, I admonished the member because, in my view, questions without notice are a privilege which I grant to this House; they are not a right of members. I asked the House whether it was its wish to proceed to questions without notice. I did not hear one murmur of dissention.

Mr Hassell: We assumed you were asking the Government, obviously.

The SPEAKER: Order! I said the House. I received no murmur of dissention and I announced questions without notice. As is normal, I called on the Leader of the Opposition to ask his question without notice. I regard the motion that he has moved as an infringement of that privilege which I extend to the House. If he wishes to take advantage of that privilege which I extend to the House to have questions without notice, I do not regard it in very good light for him to go on to another matter.

Dissent from Speaker's Ruling

Mr HASSELL: I move—

> That the House dissent from the Speaker's ruling.

I cannot accept a situation in which, on a Thursday afternoon at the end of the week's sitting, when an urgent matter arises in the Parliament, I cannot move an urgency motion in accordance with the Standing Orders when the Government's business has been completed.

The Opposition has given its utmost co-operation to you, Mr Speaker, in relation to the running of the House. I think you acknowledge that. We have given that co-operation regularly even though we have not always been happy with your rulings. I call to your mind the provisions of the Standing Orders as I call those provisions to the minds of Government members. Standing Order No. 419 states—

> In cases of urgent necessity, any Standing Order or Orders of House may be suspended on motion duly made without notice provided that such motion has the concurrence of an absolute majority of the whole Members of the Assembly.

The Standing Order then sets down the precedents. Many precedents are referred to on page 135 of the Standing Orders. In the third paragraph it specifically states—

> A motion without notice to suspend Standing Orders is in order at any time provided no other member has been given the call.

Mr Speaker, you gave me the call.

The SPEAKER: I may have given you the call to ask a question without notice. If you wanted to move the motion I would have given you the call again, but I gave you the call for the reasons I have stated.

Mr HASSELL: I understand what you are saying. However, the fact is that question time has been used for this purpose in the past on a number of occasions and, in particular, by the man who now occupies the office of Premier, when he was Leader of the Opposition.

Today, in the Upper House, we heard the announcement of a monumental decision relating to the administration of justice in this State. It was a decision made by the Attorney General to withdraw a prosecution against a trade unionist.

The SPEAKER: That is as far as I will let you go.

Mr HASSELL: It is my desire to move a motion to censure the Attorney General for that action. The motion is genuinely urgent. The Parliament is to cease sitting very soon. It is essentially a parliamentary matter.

It is essentially an issue which should be dealt with in this House; because of its importance and its substance it is essentially an issue on which the Government should be put to the test. In those circumstances, it is within the forms of the procedure of this House and it is within the precedents that this may be done.

Parliament does not operate under rigid forms and we have had plenty of occasions where the practices and procedures of the House have not been followed. We saw only a few moments ago the Opposition agreeing to allow the Minister to complete the third reading of a Bill. The Bill would not have been given a third reading if we had adhered to the forms of the House. On several occasions Ministers have sought leave to introduce Bills during the course of a day's sitting. All sorts of variations take place according to the exigencies of the moment, the needs of the Parliament, and the needs of the public, in order that the Parliament can debate an important issue.

The Attorney General's announcement today is of enormous significance and importance and I believe that your ruling, Mr Speaker, inhibits the operations of this Parliament because there is no more important question before the Parliament today than the decision made by the Attorney General.

Mr Speaker, you referred to the privilege of questions which you accord to the House. May I say to you, with great respect, that the Speaker is not the person who accords privileges to the House. It was a famous Speaker who said, "I have neither the eyes to see, nor ears to hear other than in accordance with the directions of this House". That statement was made when the position of the Speaker and the privilege of the Parliament were under attack.

It is an important principle that the Speaker is in this Parliament to serve the House and not to accord it a privilege to ask questions. The House

makes the decisions and I believe the House should have made the decision about my urgency motion. If the Government had not wanted to debate the motion, it had only to raise one dissentient voice and the motion would have been defeated and we would have continued with questions without notice. I cannot allow this matter to pass today without rising to dissent from Mr Speaker's ruling. His ruling is wrong in terms of precedents, it is wrong in terms of Standing Orders, and, in particular, it is wrong in terms of the practices adopted by the very Leader of the Opposition who is now the Premier.

Mr Speaker, your ruling denies the Opposition an opportunity to bring forward a matter of urgency on a genuine basis. If the Opposition were so foolish as to bring matters forward when they were not urgent or significant then it would pay the price in the loss of question time and in the loss of its credibility.

This matter is urgent and it relates to the future of justice in this State because of the wrong pronouncement by the Attorney General. In that context the motion should not be stifled. It is up to the Government to decide, with its numbers, whether it is prepared to debate this issue or stifle it.

Mr Speaker, although it was not your intention to do so, as it stands the Government has been let off the hook because of the fact that your ruling will take away from the Government the opportunity to face up to the consequences of this motion. I am not reflecting upon the Chair and if you, Mr Speaker, believe that I am, then I am sure that you will tell me. You know, Sir, that I am making a serious statement on a matter of importance. You know that if we had left the ruling to stand unchallenged, we would have made a decision today to wipe off for all time the right to bring forward an urgent matter in a genuine way at a time which is essentially and normally private members' time—question time.

No doubt the Government will support your ruling, Mr Speaker, because that is the basis on which the Speaker must be supported by the Government. However, it is not right and it might still be possible, if you were so minded, for further consideration to be given to the matter which has been raised.

Mr MENSAROS: With some reluctance I support the Leader of the Opposition, particularly in the interest that the prevailing and proper procedures of this House should be maintained.

Standing Order No. 419 is easily interpreted even by those members who cannot remember the precedents that have been set in this House. As my leader has said Standing Order No. 419 provides that the Standing Orders of the House can be suspended provided the motion is urgent and provided it has the concurrence of an absolute majority of members. There is no provision within Standing Orders to say that other matters cannot be in front of the Chair before Standing Order No. 419 is used as the Leader of the House indicated. I am sure that he invented a Standing Order because I know of no provision which says that an urgency motion cannot be debated during question time.

Indeed, the explanation to which the Leader of the Opposition referred states that a motion without notice to suspend Standing Orders is in order at any time provided that no other member has been given the call. On this occasion no other member was given the call and the Leader of the Opposition stood to move an urgency motion. Had you, Mr Speaker, referred to the precedents set out in Erskine May's *Parliamentary Practice* that would have reinforced your opinion that the privilege of asking questions belongs to the Speaker, and the matter may have been resolved. However, this is the first time that I have heard of such a theory. Perhaps I am a little slow in understanding this properly, but I find no alternative but to support the Leader of the Opposition by saying that the privileges emanate from this House and that you, Mr Speaker, are the spokesman, the "Speaker" in the word's connotation, of the House.

The Speaker is not the origin of these privileges; the origin is in the Standing Orders, which are equal to the Statute, because they are confirmed by the Governor of the State.

According to the Standing Orders, according to the printed explanation of Standing Orders and according to the Speaker's ruling, so far there is nothing which would indicate that the Leader of the Opposition was not right and indeed not entitled to move this motion. Therefore, we must support this dissent motion, albeit reluctantly; no explanation was given despite the fact that on all other occasions you, Mr Speaker, are very free in giving lengthy explanations of your rulings which we accept.

Mr TONKIN: The Government supports the ruling of the Speaker because it will make nonsense of question time if a member may move at any time that Standing Orders be suspended. The Opposition has moved dissent from the Speaker's rulings on several occasions. On one occasion when the Opposition recognised how badly it had erred, it sought to withdraw the dissent motion. That is an indication that the Opposition moves dissent from rulings of the Speaker without worry-

ing about what that does to the standing of the House and the Speaker.

The fact of the matter is that the Speaker gave the Leader of the Opposition the call after the Speaker had clearly asked whether it was the wish of the House to proceed with questions without notice. When I came into the Chamber the Government Whip, the member for Helena, spoke to me and said that the Government had decided to get on with questions because it was not fair to expect a member to speak on the Supply debate for the five minutes remaining before question time. The reason we moved to hold questions without notice at an earlier time, and the Speaker checked and no member disagreed with the proposal, was that otherwise a member of the Opposition would have the opportunity to speak for only a few minutes before being interrupted.

When the Deputy Leader of the Opposition asked for the time allocated to questions without notice to be increased from 30 minutes to 45 minutes, the Government agreed that the extra time should be taken. However, the Government cannot keep agreeing with an Opposition which is frivolous, seeks concessions and is granted them, and regards that as a sign of weakness on the part of the Government.

The Speaker gave the Leader of the Opposition the call after indicating that questions without notice would be taken. I am quite happy to obey the Standing Orders of this House for which Opposition members appear to have contempt. If the Leader of the Opposition wished to obtain the co-operation of the Government, he would have spoken to the Government about this matter. As the Leader of the Opposition has said, unless there is an absolute majority on this question the Standing Orders cannot be suspended. In other words, he does not want Standing Orders suspended. He did not seek the co-operation of the Government in this matter. He knew the Speaker would have to rule against the motion and as a gimmick the Leader of the Opposition has moved dissent, knowing that even if he had been allowed to move his motion, the Government would not have agreed because we do not know what it is about. If the Opposition had been serious it would have come to us and said it wanted to move an urgency motion.

Mr Hassell: There are often good reasons that we do not want to advise you in advance.

Mr TONKIN: Because the Leader of the Opposition is a sneak. At the request of the Opposition, I hold weekly meetings with the Deputy Leader of the Opposition. This week he said he did not want to meet me and no doubt there are good reasons for that. The Government has agreed quite deliberately to hold meetings with the Opposition to smooth the way for the proper government of the House.

Mr Rushton interjected.

Mr TONKIN: The member is a silly fool. Does he not realise that the Government is in government because it has a majority in the House? When the member's party was in government it controlled the Notice Paper, and when he was a Minister of the Crown I did not hear him bleating because the Government controlled the Notice Paper.

If the Opposition had been serious about wanting Standing Orders suspended, it would have told us it was an urgent matter. When have we ever disagreed with the Opposition's right to raise an urgent matter? We have said that we agree it is not unreasonable to raise one urgent matter a week. The Government has not been afraid to face these issues. By definition the issues raised by the Opposition will not be liked by the Government, but we are happy for the Opposition to raise an urgency matter once a week. We think that is reasonable and that has been agreed with the Deputy Leader of the Opposition.

The Leader of the Opposition knows very well that if his motion to suspend Standing Orders were to have any chance at all, he should have come to the Premier or to me saying that he wanted to suspend Standing Orders and would seek the call to do so. He did not seek the call in the proper way. He sneaked in when the Speaker asked for questions without notice. If the Leader of the Opposition had had any decency he would have spoken to the Clerk or to the Speaker advising that he would seek the call to move a motion to suspend Standing Orders. An honourable member would have taken that action. In fact, the Leader of the Opposition pretended to get up on a question without notice and, when the Speaker gave him the call, he took this action. The Leader of the Opposition knew that the Speaker would rule his motion out of order and by not referring this beforehand to the Government, he gave his motion no chance at all. In other words, he did not want to suspend Standing Orders; he wanted to create a mischief. He wanted to introduce a gimmick into this House.

How many times have Opposition members complained because the member for Merredin and the member for Stirling have introduced motions in this way and moved to suspend Standing Orders? On those occasions the Opposition members have crossed the floor and voted with the Government, because they realised it was no way to

govern the business of the House. This House cannot be run on the whims of members who jump to their feet without any notice being given of their intentions.

Mr Court: This is a serious matter.

Mr TONKIN: So was the question of defence which the member for Stirling raised earlier this session.

If the Opposition thought it was important, it would have discussed this move with the Government to maximise its chance of having Standing Orders suspended. However, it made no attempt to smooth the way, because the Leader of the Opposition was hoping and wishing that a ruling by the Speaker would declare the motion out of order or that the Government would reject the motion.

The Government cannot operate with this Opposition continually undermining the authority of the Speaker. This afternoon we witnessed some larrikin behaviour when the member speaking could not be heard. The member on his feet was shouted down and the Speaker spoke to the member for Karrinyup, who was making it impossible to hear the speech being made. That kind of behaviour brings this House into disrepute. The member for Karrinyup is starting on the same path once more by shouting down the member on his feet and endeavouring to ensure that he cannot be heard.

So, Mr Speaker, the fact is that this Opposition did not want Standing Orders suspended. Opposition members believed there would be a ruling by the Speaker because they waited until question time, they did not seek to get the call in the moment between the finish of business—

Mr Hassell: As this was done last year we believed it could be done again.

Mr TONKIN: What a load of rubbish! Who is the Leader of the Opposition trying to kid?

Mr Hassell: We thought you might stop the debate.

Mr TONKIN: The member could have indicated to the Clerk or to the Speaker that he wanted the call to move for the suspension of Standing Orders. Members know what the Speaker is like. If he gets the word that any member of the House—no matter on which side—wants the call for a particular reason, he will give the call. Members know that. They made no effort to approach the Speaker or the Government on their intentions; they were hoping the Standing Orders would not be suspended.

I would suggest to the House that the motion should be rejected. The motion has been moved with the propose of undermining the authority of the Speaker, because without the authority of the Speaker this House, especially with the standard shown by members opposite, would soon degenerate into a shambles.

Mr MacKINNON: Just let me draw to the attention of the House a few facts, not rhetoric and half-truths. The Leader of the House has just indicated that the Opposition is frivolous and members were smart alecs in moving this motion.

Let us look at the facts. To my memory, only once since we have been in Opposition has such a motion been moved. In fact halfway through the motion, if my memory is correct, we sought to withdraw the motion, but we were not permitted to do so. There may have been one other time, but I cannot recall it. So let us say, for argument's sake, this has happened twice in two years. Is that being frivolous? I hardly think so.

That is the first fact. The second is the Standing Orders themselves. These have been referred to already by both members who have spoken from this side of the House. Let me repeat what appears on page 135 of the Standing Orders. It reads—

> A motion without notice to suspend Standing Orders is in order at any time providing no other member has been given the call.

That is quite clear to me. We read that Standing Order. We in the Opposition believe, as do other members of the Parliament, that the Standing Orders, as read with the notes attached, are to be relied upon.

The third fact is that this particular Standing Order has been used in the past for this very purpose. I refer you, Mr Speaker, and other members of the Parliament to *Hansard* of 10 May 1984, when such a motion was last used in this Parliament. The member for Murray-Wellington rose and moved—

> That so much of Standing Orders be suspended as would enable me to move a motion of censure.

The Deputy Premier took a point of order. The Acting Speaker, the member for Scarborough, was in the Chair at the time. You, Sir, then returned while the member for Kalamunda was making a point. On page 8334, the member for Kalamunda is reported as follows—

> The member for Murray-Wellington, pursuant to Standing Order No. 419, has moved to suspend Standing Orders for the purpose of considering a motion. Mr Acting Speaker, I draw your attention to a similar motion moved by the present Premier in 1981 during question time, when he moved success-

fully—because he had the right to do so—to suspend Standing Orders for the purpose of considering a motion. I ask that you rule that the member for Murray-Wellington be allowed to move his motion.

In that time you had returned to the Chair, Sir, and at the end of that you had this to say—

I do not know what the member has in mind; no discussion took place with me. However I do not want to stop the member from doing something he wishes to do. If he wishes to move his motion, he may.

The SPEAKER: In fairness to the Speaker, you ought to read the rest of it.

Mr MacKINNON: I shall. It reads—

The SPEAKER: Order! I remind the House that questions without notice is a time in the Parliament allowed for by the Speaker. I was called away to answer a telephone call a moment ago, so I am not sure what has happened. Before we go any further, I shall confer with the Clerk.

I have taken advice. I just want to remind the House that if members want to intrude on question time, by moving to suspend the Standing Orders of this House, I would hope that the member regards seriously the action he proposes to take.

As Speaker I did not automatically agree to an extension of the time allowed for questions without notice to 45 minutes. I thought I would give it a trial period to see whether the standard of questions was maintained for the full 45 minutes. However, if members want to use question time to suspend the Standing Orders of the House for some reason that I am not aware of, I would not take too kindly to it.

To return to where I began, it continues—

I do not know what the member has in mind; no discussion took place with me. However I do not want to stop the member from doing something he wishes to do. If he wishes to move his motion, he may.

In 1981, when the present Premier moved his motion, no consultation was undertaken with the Government of the day or with the Speaker. In 1984, when the motion was moved by the member for Murray-Wellington, no consultation was undertaken with the Government or the Speaker.

Similarly today, we do not wish to delay the proceedings of the House, we merely want to make a point. This procedure has not been used flippantly by the Opposition; we have again relied on Standing Orders. The precedent being set today is most unfortunate in my view, and that is why we have had to move this dissent motion.

House to Divide

Mr GORDON HILL: I move—

That the House do now divide.

Motion put and a division taken with the following result—

Ayes 25

Mr Barnett	Mr Hughes
Mr Bateman	Mr Jamieson
Mrs Beggs	Mr McIver
Mr Bertram	Mr Pearce
Mr Bridge	Mr Read
Mrs Buchanan	Mr D. L. Smith
Mr Brian Burke	Mr P. J. Smith
Mr Burkett	Mr Tonkin
Mr Carr	Mr Troy
Mr Davies	Mrs Watkins
Mr Evans	Mr Wilson
Mr Grill	Mr Gordon Hill
Mrs Henderson	*(Teller)*

Noes 16

Mr Blaikie	Mr MacKinnon
Mr Bradshaw	Mr Mensaros
Mr Cash	Mr Old
Mr Clarko	Mr Rushton
Mr Court	Mr Spriggs
Mr Coyne	Mr Thompson
Mr Hassell	Mr Trethowan
Mr Peter Jones	Mr Williams
	(Teller)

Pairs

Ayes	Noes
Mr Tom Jones	Mr Grayden
Mr Bryce	Mr Watt
Mr Terry Burke	Mr Crane
Mr Parker	Mr McNee
Mr Hodge	Mr Laurance
Mr Taylor	Mr Tubby

Motion thus passed.

Dissent from Speaker's Ruling Resumed

Question put and a division taken with the following result—

Ayes 16

Mr Blaikie	Mr MacKinnon
Mr Bradshaw	Mr Mensaros
Mr Cash	Mr Old
Mr Clarko	Mr Rushton
Mr Court	Mr Spriggs
Mr Coyne	Mr Thompson
Mr Hassell	Mr Trethowan
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Noes 25

Mr Barnett	Mr Hughes
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Mr Carr	Mr Troy
Mr Davies	Mrs Watkins
Mr Evans	Mr Wilson
Mr Grill	Mr Gordon Hill
Mrs Henderson	*(Teller)*

Pairs

Ayes	Noes
Mr Grayden	Mr Tom Jones
Mr Watt	Mr Bryce
Mr Crane	Mr Terry Burke
Mr McNee	Mr Parker
Mr Laurance	Mr Hodge
Mr Tubby	Mr Taylor

Question thus negatived.

House adjourned at 5.53 p.m.

QUESTIONS ON NOTICE

2252. *Postponed.*

GOVERNMENT EMPLOYEES: PUBLIC SERVICE

Expansion: Advertisements

2309. Mr HASSELL, to the Premier:

(1) Is he aware that in the last weekend press advertisements or announcements for jobs in the Western Australian Public Service were for 41 positions, with a wages bill of $1.4 million?

(2) Is the State public sector expanding, or are the advertised and announced positions in replacement of personnel?

Mr BRIAN BURKE replied:

(1) I am informed by the Public Service Board that advertisements were run in the weekend press for twenty seven Public Service positions with a total annual salary of $790 245.

(2) Of the twenty seven Public Service positions, sixteen are replacement positions and eleven are new items. (Creation of new items in the Public Service is offset against the abolition of others and do not necessarily represent net total additions to the Public Service).

2311 and 2318. *Postponed.*

HEALTH: HOSPITALS

Geriatric Annexes: Location

2323. Mr JAMIESON, to the Minister for Health:

(1) Can he give any indication when the various geriatric annexes, recently constructed, to work in conjunction with suburban hospitals, will be fully operational?

(2) What has been the main cause in the delay of the effective use of these modern facilities?

Mr HODGE replied:

(1) Selby Lodge commenced operation on 12 February 1985. Bentley Lodge is scheduled for occupation on 8 March 1985. The Lodges at Swan District, Armadale and Osborne Park Hospital sites are programmed to be fully operational within one month.

(2) Unavoidable slippages in the building programme in terms of contractor-caused delays, industrial and receivership problems have been the main cause.

GOVERNMENT INSTRUMENTALITIES: LIABILITIES

Foreign Currencies

2328. Mr HASSELL, to the Premier:

(1) What is the total liability of each of—

(a) State Energy Commission;

(b) the State Government;

(c) any other State Government instrumentality,

in foreign currency?

(2) When do those liabilities fall due for repayment?

(3) What is the form of protection that the State Government and its instrumentalities have against the declining value of the Australian dollar?

(4) What is the cost of that protection?

Mr BRIAN BURKE replied:

(1) The total liability of foreign currency borrowings outstanding is as follows:—

(a) State Energy Commission.

	Principal (Millions)
United States Dollars	418.662
Japanese Yen	48 360.000
Pounds Sterling	41.536

(b) Nil.

	Principal (Millions)
(c) (i) Co-operative Bulk Handling Ltd Deutschemarks:	34.047

(ii) I have not included the Rural and Industries Bank as its borrowings and other dealings that may involve a foreign currency exposure are part of its normal banking operations.

(2) State Energy Commission.

	Principal (Millions)		
	United States Dollars	Japanese Yen	Pounds Sterling
1984-85	1.577	—	0.780
1985-86	5.398	—	0.756
1986-87	9.064	—	—
1987-88	9.064	—	—
1988-89	11.425	2 300.000	—
1989-90	19.270	4 006.760	—
1990-91	23.645	5 713.520	—
1991-92	25.824	5 713.520	—

	United States Dollars	Japanese Yen	Pounds Sterling
1992-93	20.580	10 013.520	—
1993-94	40.559	6 213.520	—
1994-95	51.559	5 213.520	—
1995-96	65.719	5 513.520	—
1996-97	69.978	3 672.120	—
1997-98	47.000	—	—
1998-99	18.000	—	—
2018-19	—	—	20.000
2023-24	—	—	20.000
TOTAL	418.662	48 360.000	41.536

Co-operative Bulk Handling Ltd

	Principal (Millions) Deutschemarks
1985-86	11.349
1986-87	11.349
1987-88	11.349

(3) (i) The State Energy Commission from time to time uses the following forms of protection against the declining value of the Australian dollar:

(a) Hedging techniques—the use of the forward exchange and hedge markets to negotiate and lock in an Australian dollar cost for a foreign currency payment.

(b) Contractual arrangements—specific contractual arrangements whereby costs of borrowings including foreign exchange losses are the direct responsibility of other parties.

(c) Portfolio mix—maintaining a portfolio of a mix of currencies with positive and negative correlations.

(d) Natural hedging—the matching of offshore receipts with offshore payments.

(ii) Co-operative Bulk Handling does not currently have any hedging contracts in place.

(4) The costs of protection are as follows:

(i) State Energy Commission.

(a) Determined from interest rate differentials or a negotiated market price.

(b) Nil.

(c) Nil.

(d) Nil.

(ii) Co-operative Bulk Handling.

Hedging costs are determined from interest rate differentials or a negotiated market price.

KUKJE-ICC CORPORATION: ALUMINIUM SMELTER

Joint Venture: Withdrawal

2331. Mr HASSELL, to the Premier:

(1) What official notification has been received by the Government as to the inability of Kukje-ICC to be involved in the south-west smelter development?

(2) When was that notification received?

(3) What new arrangements are proposed?

(4) Does he believe that those new arrangements can be achieved in practice?

(5) If so, by what date?

(6) Has he removed the deadline of 31 March 1985, which he previously set on behalf of the Government for the completion of arrangements for the south-west smelter?

(7) If so, what is the new deadline?

(8) Who is conducting negotiations on behalf of the Government?

(9) Is the Government in a position to offer any prospective party an energy price package which, in light of negotiations to date, is likely to be acceptable?

Mr BRIAN BURKE replied:

(1) From local officers of the Kukje-ICC Corporation and from the Government of the Republic of Korea.

(2) I am informed the dates were Thursday, 21 February and Tuesday, 26 February 1985 respectively.

(3) These are under discussion and are currently confidential.

(4) Yes.

(5) As soon as possible.

(6) Part of the discussions under (3).

(7) See answer to (6).

(8) Officers under the direction of the Minister for Minerals and Energy.

(9) Yes.

ENERGY: GAS

Market: Changes

2334. Mr HASSELL, to the Premier:

What changes have occurred within the potential market for natural gas in Western Australia during his term of office that would cause him, on 5 February 1985, to describe as "financially irresponsible" an arrangement which on 10

March 1983, following detailed briefings from State Treasury, State Energy Commission officers and international bankers, he described as being "absolutely stunning", that with the most likely debt profile, the numbers look extremely attractive, and that looking at "the worst possible debt profile resulting from the worst possible postulation of those sensitivities on the profile, I am equally pleased to report that the project is immensely attractive"?

Mr BRIAN BURKE replied:

I am unable to trace the comments I am purported to have made on 10 March, 1983 to which the member refers. However, for his information, I hereby Table Press reports of my comments and those of the Minister for Fuel and Energy subsequent to the briefings to which the member refers. I also Table the Press release of 5 February, 1985 to which the member refers in his question. It should be noted that this Press release reaffirms comments I made subsequent to the briefings in March 1983.

The paper was tabled (see paper No. 466).

ENERGY: STATE ENERGY COMMISSION

Losses: Statement

2336. Mr HASSELL, to the Premier:

(1) As he advised in Parliament in Questions Without Notice of 20 February 1985, that the State Energy Commission was not about to suffer any financial loss resulting from the decline in the Australian dollar as adequate hedging arrangements had been made, is the media statement of 22 February 1985, reporting State Energy Commission losses of millions of dollars wrong?

(2) If not, what is the extent of any losses being suffered by the State Energy Commission?

(3) If his previous advice was not factual, on what basis was he able to advise the Parliament so strongly that the State Energy Commission was not in any way at risk in the terms not being suggested?

Mr BRIAN BURKE replied:

(1) to (3) As I stated in my reply to question No. 2196, the State Energy Commission has fully hedged its exposure in regard to any immediate interest and principal repayments due. Each loan is of course, continuously under review for market opportunities to hedge or buy forward to meet future commitments.

With regard to the article in *The West Australian* of 22 February, 1985 however, you would be aware that actual losses or gains can only be incurred when repayments are made and any references to paper losses are speculative.

It is therefore not realistic to talk about paper losses or, for that matter gains, but rather to compare the actual cost of borrowing overseas with domestic borrowings. In this regard, it should be noted that even after taking into account the recent fall in the value of the Australian dollar, the overall costs incurred by State authorities in borrowing overseas are still lower than the equivalent borrowings domestically.

TRADE: EXIM CORPORATION

Horticultural Produce: Agreement

2337. Mr HASSELL, to the Premier:

(1) Has an agreement been signed between EXIM and some other party in relation to joint production of export horticultural produce?

(2) If not, what arrangement has been made?

(3) Will he Table any agreement or memorandum of an arrangement made?

(4) What is the extent in financial terms of the liability of EXIM under the agreement?

(5) Is land to be acquired by the venture?

(6) In whose name will that land be?

(7) Will the land be exempt from any usual rates, taxes or Government changes?

(8) Will the venture be exempt from any usual Government rates, taxes or charges, State or Federal?

(9) Will all normal statutory procedures required under the Partnership Act, the Companies Act, the Business Names Act, etc, be followed by the venture?

(10) Who will be the representatives of EXIM in the operation of the venture?

(11) Who will be the representatives of the other party in the operations of the venture?

Mr BRIAN BURKE replied:

(1) No.

(2) to (11) These matters are under consideration.

GRAIN: WHEAT

Australian General Purpose

2343. Mr CRANE, to the Minister for Agriculture:

(1) In how many grain receival points has wheat in the 1984-85 harvest been received in the classification of Australian General Purpose?

(2) For what reasons has it been given this classification?

(3) (a) Has it always been kept separate from the grading of Australian Standard White;

(b) if not, why not, and at which receival points have the two grades been mixed?

Mr EVANS replied:

The answers to these questions have been provided by the Western Australian office of the Australian Wheat Board—

(1) 86 receival points totalling 85 239 tonnes.

(2) Predominantly excess unmillable material with other reasons being foreign seeds and lightweight grain.

(3) (a) No;

(b) mixing has occurred with ASW either due to a lack of segregation space and/or where the mixture can be sold without adversely affecting its sale as ASW quality. Mixing occurred at 64 sites where 13 346 tonnes were blended. The site details can be obtained from the local office of the Australian Wheat Board.

2350 to 2356, 2361, 2362, and 2364. *Postponed.*

ENVIRONMENT

Heritage Week: Details

2365. Mr TUBBY, to the Minister for the Arts:

(1) (a) Is Western Australian Heritage Week being held during April 1985;

(b) if so, would he please provide details?

(2) (a) Is it proposed to have the official opening of "Cliff Grange" in the Greenough Hamlet during this week;

(b) if "Yes", would he please provide details?

Mr DAVIES replied:

(1) (a) Yes, from April 14-21;

(b) the programme for the week is being developed by the National Trust (W.A.) and is not yet finalised. However, I refer the Honourable Member to articles from *The Sunday Times* 24 February, 1985 and *The West Australian* 25 February, 1985 (copies of which are hereby tabled). These may be of assistance.

(2) (a) and (b) At this time I understand it is envisaged that the opening of Cliff Grange will be held during Heritage Week, or about that time; the precise timing will be determined at a later date.

The paper was tabled (see paper No. 464).

EMPLOYMENT AND TRAINING: APPRENTICES

Preference Scheme: Building Management Authority

2366. Mr MacKINNON, to the Minister for Works:

Does the apprenticeship preference scheme as administered by the Building Management Authority apply to the contract which has been let for the Bunbury High School repairs and renovations contract?

Mr McIVER replied:

Yes.

ACCOUNTANTS: REGISTRATION

Legislation: Introduction

2367. Mr MacKINNON, to the Premier:

(1) Does the Government have plans to introduce legislation to register accountants?

(2) If so, when is it likely that the legislation will be introduced into the Parliament?

Mr BRIAN BURKE replied:

(1) Not to my knowledge.

(2) Not applicable.

TOURISM: COMMISSION

Operations: Savings

2368. Mr MacKINNON, to the Minister representing the Minister for Tourism:

Can the Minister now detail the ways in which $600 000 in operating costs have been saved by the Western Australian Tourism Commission following its change in operation from a department to a commission?

Mr BRIAN BURKE replied:

A statement concerning operational savings and efficiencies made by the Commission will be forthcoming in the near future.

ROTTNEST ISLAND: HOTEL-MARINA COMPLEX

Time-sharing Facilities

2369. Mr MacKINNON, to the Minister representing the Minister for Tourism:

(1) Is it fact that the Rottnest hotel/marina resort development will include time-share facilities?

(2) If so, will the Minister provide me with the details of the cost of those facilities?

Mr BRIAN BURKE replied:

(1) The Rottnest Island hotel and marina complex will contain some units which will be marketed on a pre-lease basis. It is proposed that 50 of 150 units will be used for this purpose. This will provide the opportunity for up to 2 600 Western Australian families to purchase one week's holiday accommodation per year.

(2) The capital cost of providing these units is included in the estimated total development cost of $20 million. The average cost of one week's holiday accommodation for 15 years is expected to be in the range of $3 000 to $6 500 according to the season.

2370. *Postponed.*

BICENTENNIAL CELEBRATIONS: EXPO 88

Participation: Government

2371. Mr MacKINNON, to the Premier:

(1) Has the Government yet decided to participate in Expo 88?

(2) If not, when will this decision be made?

Mr BRIAN BURKE replied:

(1) and (2) Following detailed consideration of this matter, Cabinet has decided, in view of the extended duration of the Exposition and the likely costs associated with participation, not to participate.

TRANSPORT: BUSES

Perth Terminal: Working Party

2372. Mr MacKINNON, to the Minister for Transport:

(1) Since its formation, how many times has the working party formed to examine the feasibility of a new bus terminal in Perth, referred to in question 2800 of Thursday, 5 April 1984, met?

(2) When does the working party expect to complete its work and report to Government?

Mr GRILL replied:

(1) Eight occasions.

(2) Whilst it is not possible to supply a final date, I am advised that the Committee is hopeful that negotiations presently taking place will lead to an early recommendation.

PORTS AND HARBOURS: JETTY

Busselton: Usage Survey

2373. Mr MacKINNON, to the Minister for Works:

(1) Has a public usage survey of the Busselton jetty been taken?

(2) If so, when and what were the results?

(3) If not, why has not one been taken?

(4) What would the estimated cost of repairing the jetty in its present position, to a safe and secure condition, amount to?

(5) What would be the cost of constructing a boat harbour at Busselton?

(6) How many people would be expected to use such a boat harbour in Busselton?

Mr McIVER replied:

(1) No.

(2) Not applicable. See (1) above.

(3) The Public Works Department has not been asked to undertake a public usage survey of the Busselton Jetty and no funds have been scheduled for this purpose.

(4) The Busselton Jetty is currently being maintained in a safe condition for its present pedestrian use, in accordance with an agreement between the Shire and State Government. This involves maintenance expenditure of $20 000 annually, including a $5 000 contribution annually from the Shire. The situation will be reviewed when this agreement expires in late 1986.

(5) The detailed cost of constructing a boat harbour at Busselton has not yet been ascertained because there is no agreed concept plan. However, based on the cost of similar boat harbours elsewhere, it could be expected to cost in the order of $5 million to $7 million. It is known that the operating cost for littoral sand bypassing would be in the order of $160 000 annually.

(6) No assessment has been made of the number of people who could be expected to use a boat harbour at Busselton.

PORTS AND HARBOURS: MARINA

Sorrento: Government Publication

2374. Mr MacKINNON, to the Minister representing the Minister for Tourism:

(1) Is the Minister aware that the venture entitled "America's Cup" An up-to-date Report published by the Western Australian Government dated December 1984 stated that "A new one-thousand craft ocean boat harbour is planned for Sorrento in conjunction with the Wanneroo Shire Council and private developers"?

(2) If so, how does the Minister reconcile the claims in that publication with his answer to question 2146 of 19 February 1985?

Mr BRIAN BURKE replied:

(1) Yes.

(2) The private sector will be invited to develop the four lease areas within the proposed boat harbour. To date, no invitation has been extended.

WATER RESOURCES: CONSUMPTION ACCOUNTS

Tenants: State Housing Commission

2375. Mr MacKINNON, to the Minister for Water Resources:

(1) Is it fact that the Metropolitan Water Authority sends water consumption accounts to owners of private properties?

(2) Is it also fact that the authority sends water consumption accounts to tenants of State Housing Commission properties rather than the Commission as the property owner?

(3) If "Yes" to (1) and (2), what is the reason for this differentiation?

Mr TONKIN replied:

(1) Yes.

(2) Yes.

(3) The SHC is the owner of approximately 13 500 tenanted residential properties in the metropolitan area. Given this, a special agreement was negotiated between the Commission and the Authority wherein it was agreed that if the Commission provided to the Authority, in an acceptable form, a weekly updated computer file of current tenants the consumption beyond allowance (CBA) accounts would be addressed to those tenants. This would seem to be a cost effective and sensible administrative decision.

The SHC continues to be responsible for the amount of any unpaid CBA accounts and must initiate any approved recovery action.

ABORIGINAL AFFAIRS: LAND RIGHTS

Application: Emu Creek

2376. Mr MacKINNON, to the Minister for Lands and Surveys:

(1) Has he approved an application for land by an Aboriginal group which will enable it to reside on land at Emu Creek near Kununurra?

(2) Is it a fact that the Wyndham-East Kimberley Shire Council objected to this allocation being made?

(3) How many Aboriginals actually resided on this land at Emu Creek?

(4) Were alternative sites, which were fully serviced, offered to the Aboriginal community by the Shire Council?

(5) Why did he overrule the local authority on this issue?

(6) Did he consult with his colleague, the Minister for Local Government before making this decision?

(7) What arrangements have been made by the Government to ensure that proper health standards are maintained by the Aboriginal community living at Emu Creek?

Mr McIVER replied:

(1) On January 7, 1985, Cabinet approved the creation of a reserve for the "Use and Benefit of Aboriginal Inhabitants" vested in the Aboriginal Lands Trust at Emu Creek in the Kununurra Townsite. The objective was to provide a residential site for "Snowy Reid's Group" which was displaced from Lily Creek some 2 years ago.

(2) Yes, though all other planning authorities did not object.

(3) About 20.

(4) The only site suggested by the Shire Council to the Lands Department was in an area near Kelly's Knob where other Aboriginals resided. Because of cultural differences and tribal law considerations, the site was not acceptable to the group.

(5) There was a degree of urgency in establishing the group on a permanent site and the Shire's objection was not considered to be reasonable under the circumstances.

(6) Answered by (1).

(7) It is understood that the East Kimberley Aboriginal Medical Service and the Community Health Service will be monitoring health standards. The Reserve would be subject to the appropriate By-laws of the local authority.

COMMUNITY SERVICES: DISTRESSED PERSONS' RELIEF TRUST

Allocations

2377. Mr MacKINNON, to the Minister representing the Minister for Budget Management:

(1) What funding was allocated to the Distressed Persons' Relief Trust for the years ended—

(a) 30 June 1985;

(b) 30 June 1984;

(c) 30 June 1983?

(2) Is it fact that there is no system whereby persons assisted by the Distressed Persons' Relief Trust can repay money advanced to them when, and if, they are in a position to do so?

Mr BRIAN BURKE replied:

(1) Provisions included within the Consolidated Revenue Fund Estimates as contributions to the Distressed Persons' Relief Trust have been:

(a) 30 June, 1985—$2 600;

(b) 30 June, 1984—$54 600;

(c) 30 June, 1983—$52 600.

These provisions included an annual rental grant of $2 600 for accommodation occupied by the Trust.

The last transfer to the Distressed Persons' Relief Trust Fund was made during the year ended 30 June, 1983.

(2) Payments from the Distressed Persons' Relief Trust Fund have been in the nature of a grant and not a repayable loan.

In the past, repayments by persons wishing to make a refund have been accepted.

HEALTH: THE STROKE ASSOCIATION

Financial Assistance: Submission

2378. Mr GRAYDEN, to the Minister for Health:

(1) Will the submission seeking financial assistance which was lodged by The Stroke Association on 6 September 1984, again be taken into consideration when the 1985-86 budget is being determined or will a new submission by the association be required?

(2) (a) Will the services provided by The Stroke Association be eligible for funding under the Commonwealth Government's recently announced Home and Community Care Programme;

(b) if not, will he give consideration to this aspect during the negotiations which are currently taking place between the State and Commonwealth Governments in respect of the Home and Community Care Programme?

Mr HODGE replied:

(1) Should the organisation require funding consideration in 1985-86, a new submission would be necessary.

(2) (a) The guidelines for the proposed Home and Community Care Programme are still the subject of negotiations between the State and the Commonwealth. The eligibility of The Stroke Association for assistance under the programme is unclear at the present time;

(b) yes.

2379 and 2380. *Postponed.*

EDUCATION: PRIMARY SCHOOL

Oakford: New Site

2381. Mr RUSHTON, to the Minister for Education:

(1) Has a site for the new Oakford school been secured?

(2) If "Yes", will he advise the actual location?

(3) If "No" to (1), when is a site expected to be secured?

(4) Is he aware there are advanced active white ant nests showing through on the blackboard in this school?

(5) Will Oakford school be resited and opened to receive students before this coming winter?

Mr PEARCE replied:

(1) No.

(2) Not applicable.

(3) Every endeavour is being made to secure a replacement site for the Oakford Primary School. On 3 January, 1985 the Under Secretary for Works, was requested, as a matter of urgency, to negotiate the acquisition of an identified site.

(4) This matter will be referred to the Building Management Authority for action.

(5) This will depend upon the early successful outcome of current negotiations.

TRANSPORT: RAILWAYS

Crossing: Armadale Road

2382. Mr RUSHTON, to the Minister for Transport:

(1) Why has the Armadale road rail crossing across the south-west railway line not been equipped and opened?

(2) When is this rail crossing now expected to be open?

(3) What is the cost of equipping and installing this crossing?

(4) What safety measures are to be installed to protect motorists and pedestrians using the round-about junction of Albany and South West Highways when Armadale road is open?

(5) Will he please table and let me have a design plan showing the new arrangements for the junction mentioned in (3) when Armadale road is completely open and generates traffic into the junction?

Mr GRILL replied:

(1) Although the Armadale Road project is under the control of the local authority, I understand that co-ordination of works by other authorities and funding would have been factors involved in the project timing.

(2) I understand that the crossing will open in April.

(3) The cost of work to the rail track and the crossing protection is in the order of $132 000.

(4) No round-about is proposed. The present traffic control signals will remain but Armadale Road will replace Jull Street which will become a cul-de-sac.

(5) Plan number 8420-366 is tabled and shows the changes at the intersection.

GOVERNMENT INSTRUMENTALITIES: ACCOMMODATION

Austmark Block: Bunbury

2383. Mr BRADSHAW, to the Minister for Transport:

(1) When is the anticipated completion date of the Austmark office block at Bunbury which the Government is to lease?

(2) Has the Government now decided which Government departments will occupy the office space?

(3) If so, which Government departments?

(4) Are Government employees being transferred from other areas, e.g., Perth; if so, who will these employees be?

Mr GRILL replied:

(1) March 1986.

(2) No.

(3) Answered by (2).

(4) It is to be expected that most of the officers to occupy the building will be coming from Perth. The employees will not be known until the occupancy of the building is determined.

2384 and 2385. *Postponed.*

HEALTH: HOSPITALS

Murray District: Renovations

2386. Mr BRADSHAW, to the Minister for Health;

(1) Is he aware that the Murray District Hospital is in need of major repairs and renovations?

(2) If so, is he prepared to have these repairs and renovations carried out?

(3) If so, when?

(4) If not, why not?

(5) Does his department consider the current painting of the Murray District Hospital is sufficient to bring the hospital up to a satisfactory standard?

Mr HODGE replied:

(1) The need for additional repairs and renovations to certain areas not covered by the recently completed programme is acknowledged.

(2) Yes.

(3) As soon as possible with funding priority in the 1985-86 financial year.

(4) Not applicable.

(5) Standards in areas subject to the recent repairs and renovations programme are considered satisfactory. Essential repairs and upgrading to other areas will be addressed in the proposed programme.

EDUCATION: TERTIARY

Western Australian College of Advanced Education: Bunbury

2387. Mr BRADSHAW, to the Minister for Education:

(1) When is the College of Advanced Education commencing in Bunbury?

(2) How many courses are anticipated at the start and what are they?

(3) When can students enrol for the courses?

(4) Will there be any restrictions on students wishing to attend?

Mr PEARCE replied:

(1) Construction of the Bunbury Institute of Advanced Education has commenced and the Institute will enrol its first students in semester one, 1986.

(2) At this stage it is envisaged that courses in primary teacher education, Business Studies (two streams—Accounting and Accounting and Computing), Agriculture and possibly Humanities, Social Sciences and Arts and Crafts, will be offered in 1986.

(3) In the near future potential mature age students will be invited, through advertisement, to register their interest in Institute courses. School leavers will be invited to apply in the normal way through the Tertiary Institutions Service Centre later in the year.

(4) While all Institutions are subject to quota restrictions, the Western Australian College of Advanced Education, of which the Bunbury Institute is a Branch, will endeavour to make available sufficient places to cope with demand.

PORTS AND HARBOURS: JETTIES

Registration Fees: Increase

2388. Mr BRADSHAW, to the Minister for Transport:

(1) Have jetty registration fees been increased recently?

(2) If so, by how much have they increased?

(3) If the fee has increased, why?

Mr GRILL replied:

(1) to (3) I refer the member to answer to question No. 2207 of Wednesday, 20 February 1985.

2389. *Postponed.*

DAIRYING: GOATS

Registration Fees

2390. Mr BRADSHAW, to the Minister for Health:

(1) Is he aware that the registration fee for dairy goats to local shires varies between $5 to $50?

(2) In this day and age does he consider this low registration fee of $5 is unviable for shire councils to inspect premises where dairy goats are kept?

(3) Is he prepared to increase the low fee or make a standard fee of $50?

Mr HODGE replied:

(1) Section 214, paragraph (12) of the Health Act 1911 as amended provides for a fee to be prescribed to a maximum of $2.00.

(2) and (3) Fees under the Act are currently under review and I have no doubt that this maximum will be substantially raised.

2391. *Postponed.*

LAND: SCHOOL BUILDINGS

Purchases

2392. Mr BRADSHAW, to the Minister for Lands and Surveys:

(1) Has any land been purchased for future school building in Western Australia in the last two years?

(2) If so, where?

(3) If so, what area was purchased?

(4) If so, at what cost for each purchase?

Mr McIVER replied:

(1) Yes.

(2) Yale Primary School (Thornlie)
North Willetton High & Primary School
Manjimup Pre-Primary Centre
Halidon Primary School (Kingsley)
Mundijong Primary School
Orana Primary School (Albany)
Lake Road High School (Gosnells)
West Thornlie High School
Amaroo Apex Pre-Primary Centre (Collie)
Woodvale High School
North Gosnells High School
South Northam Primary School
Leeming High School
Vasse Primary School (Busselton)
Willetton Senior High School
Burrendah Primary School
Willetton Special School
Pemberton Camp School

(3) Area purchased details are unavailable at the present time.

(4) Details of cost of each purchase are confidential matters between vendor and purchaser. However $758 000 has been allocated to school sites acquisitions this financial year. In the previous financial year $937 960 was expended on the same purpose.

STOCK: SHEEP

Footrot: New Strains

2393. Mr BRADSHAW, to the Minister for Agriculture:

(1) With the current footrot outbreak in sheep in Western Australia, have new strains been found?

(2) If so, have these strains been in Western Australia before?

(3) If not, have these strains been in and possibly are still in the eastern States?

Mr EVANS replied:

(1) No. The intermediate strain has been recovered from some properties in the current outbreak.

(2) The intermediate strain has been identified in cultures collected from diseased sheep in this State as early as 1975.

(3) Yes. The intermediate strain occurs in the Eastern States.

INSURANCE: BROKERS

Licences: Legislation

2394. Mr BRADSHAW, to the Minister representing the Minister for Consumer Affairs:

(1) Further to question 1094 of 1984, concerning Western Australian insurance brokers, licences under Federal legislation, has consideration been given to the matter?

(2) If so, what is the result?

Mr TONKIN replied:

(1) Yes.

(2) The Federal legislation is not yet fully operative. Until this occurs, it is not intended to repeal State legislation. It is not anticipated the Federal legislation will become fully operative until later this year.

HEALTH: AMOEBIC MENINGITIS

Swimming Holes: Testing

2395. Mr BRADSHAW, to the Minister for Health:

(1) Is testing for bacteria and, in particular, amoebic meningitis bacteria undertaken in public swimming areas in Western Australia, such as Drakesbrook Weir in the Waroona Shire?

(2) If so, who does the testing—Public Health Department, Public Works Department or Waroona Shire Council?

(3) If not, should any particular statutory body carry out testing for amoebic meningitis bacteria in these public swimming areas?

Mr HODGE replied:

(1) Testing for bacteria and amoebae is undertaken in public swimming pools containing chlorinated re-circulating water but not in freshwater swimming localities such as Drakesbrook Weir.

(2) Not applicable.

(3) The Health Department has advised local authorites and other statutory bodies that freshwater swimming localities cannot be considered completely free of the risk of amoebic meningitis unless the water temperature remains consistently below 24°C. Testing for amoebae would not vary this advice, as even negative results cannot rule out the possibility of the presence of such organisms. For this reason, such testing is not carried out, although temperature profiles have been determined for a number of such swimming localities. The department has always advised against swimming in these types of bodies of water.

ABORIGINAL AFFAIRS: HOUSING

Rents: Arrears

2396. Mr PETER JONES, to the Minister for Housing:

(1) What is the current aggregate of rental areas owed by Aboriginal tenants occupying public housing in Western Australia?

(2) What efforts are being made to collect outstanding rentals?

(3) What success do the relevant housing authorities have in securing eviction of Aboriginal tenants for non-payment of rental obligations?

Mr WILSON replied:

(1) As at January 13, 1985 there was a total of $128 553 owing by Aboriginal tenants occupying Aboriginal Grant Housing properties. This figure includes charges to tenants for damage to properties considered to be above normal wear and tear.

No financial statistics are being maintained for any ethnic groups occupying Commonwealth/State Housing properties. There are approximately 1 200 Aborigines currently occupying Commonwealth/State properties.

(2) and (3) Every effort is being made to collect outstanding debts. This includes—

(i) the introduction of the rent warrantee system which should substantially reduce arrears. There are currently approximately 1 925 tenants on the scheme. The majority of these tenants are Aborigines.

(ii) Counselling by the SHC, AHB and interested organisations.

(iii) Legal recovery and possibly eviction as a last resort remedy where the offending tenant does not respond.

2397. *Postponed.*

ABORIGINAL AFFAIRS: OFFENDERS

Fines: Collection

2398. Mr PETER JONES, to the Minister representing the Attorney-General:

(1) What difficulty is experienced by the Crown Law Department in collecting payment of fines imposed by local courts on Aboriginal offenders?

(2) Is there currently an amount of funds outstanding?

(3) If so, what efforts are being made to collect outstanding debts?

(4) Does the Crown Law Department receive payment from any other Government department or agency in payment of fines and costs which have been imposed by local courts?

Mr GRILL replied:

(1) Court records do not distinguish between Aboriginal and other offenders.

(2) In every Court of Petty Sessions a proportion of fines remain unpaid for some time for various reasons.

(3) In any case where fines are outstanding the following options can be pursued:—

(a) advice notices posted to offenders seeking payment.

(b) arranging applications for time to pay by instalments.

(c) issue of warrants of commitment.

(4) There are no established arrangements for other Government departments to pay fines. Some welfare agencies may assist individuals with arrangements to pay fines but details are not known.

2399. *Postponed.*

ROAD: ALBANY HIGHWAY

Passing Lanes

2400. Mr PETER JONES, to the Minister for Transport:

(1) Where is the Main Roads Department intending to construct passing lanes on the Albany Highway?

(2) What is the cost of the works involved?

(3) By whom will the works be undertaken?

(4) Is it proposed to construct a passing lane on the section of highway between Williams and Arthur River?

(5) If not, and as this section of highway is narrow and increasingly used by road trains and big trucks, will the provision of a passing lane on this section be reconsidered?

Mr GRILL replied:

(1) One passing lane for northbound traffic will be constructed between 6.34 km and 8.95 km south and one for southbound traffic between 18.63 km and 20.19 km south of Halfway House at North Bannister.

(2) It has been estimated that the construction of passing lanes at these two locations will cost $303 000.

(3) The work has commenced and is being carried out by Main Roads Department day labour organisation.

(4) and (5) Investigation is currently in progress for the widening of the existing pavement on the section south of Williams. Passing lanes will be provided where considered necessary and constructed in association with the pavement widening during 1986-87 and succeeding years.

EDUCATION: ABORIGINAL STUDENTS

Funding: Government Instrumentalities

2401. Mr PETER JONES, to the Minister for Education:

(1) Does the Education Department receive funds from other State or Commonwealth departments or agencies to provide for Aboriginal students who attend Government schools?

(2) Do such funds cover books, any fees liability, and any requirements usually met by the parents of students?

(3) From what sources do any such funds come?

(4) What is the extent of such funds available to the Education Department for 1985 school year?

Mr PEARCE replied:

(1) Yes.

(2) Yes.

(3) Commonwealth Department of Aboriginal Affairs, Commonwealth Department of Education, Australian Schools Commission and Commonwealth Department of Employment and Industrial Relations.

(4) Total Estimated 1985 allocation of $4 021 000.

TRANSPORT: TAXIS

Control Board: Elections

2402. Mr PETER JONES, to the Minister for Transport:

(1) Has he received any recommendation or representations asking that the method of electing industry representatives to the Taxi Control Board be changed?

(2) If "Yes", what was the precise detail of the changes being sought?

(3) Has he accepted the recommendations for change?

(4) If the changes have not been approved, for what reason has he declined to make the requested changes?

Mr GRILL replied:

(1) Yes.

(2) The Taxi Control Board requested—

(a) the abolition of the present Postal Voting system and for it to be replaced with a personal voting system whereby votes would be cast at designated polling booths; and

(b) the replacement of the present preferential voting method with a "first passed the post" voting method.

(3) No. However, other procedures are being adopted.

(4) It was considered that to introduce a personal voting system would reduce the already low return (33% approximately) to an unacceptably low level.

The preferential voting method was considered to be a more democratic means of establishing the representative views of the taxi industry.

TRANSPORT: TAXIS

Control Board: Members

2403. Mr PETER JONES, to the Minister for Transport:

(1) Who are the current members of the Taxi Control Board?

(2) What are their terms of office?

(3) By what method are they elected or appointed?

Mr GRILL replied:

(1) Mr R. J. Ellis—Commissioner of Transport, Chairman
Mr R. J. MacDonald—Traffic Director MTT
Snr Inspector C. R. Davies—Police Department
Cr J. Thompson—Perth City Council
Mr W. Blatchley—Taxi Car Owner/Driver and Director Swan Taxis
Mr P. Van Onselen—Taxi Car Owner/Driver
Mr R. Hayes—Taxi Car Driver
Mr K. Foley—Taxi Car Owner & Traffic Manger, Swan Taxis
Mrs S. Ditmanas—Taxi Car Owner Secretary, Taxi Industry Federation
Mr G. Glossop—Taxi Car Owner/Driver and Vice President, W.A. Taxi Operators' Association

(2) Mr Ellis—No fixed term
Mr MacDonald—3 years (until expiry, then 2 year term will apply to nominated representative)
Mr Davies—No fixed term
Mr Thompson—3 years (until expiry, then 2 year term will apply to nominated representative)
Mr Blatchley—2 years
Mr Van Onselen—1 year
Mr Hayes—1 year
Mr Foley—2 years
Mrs Ditmanas—2 years
Mr Glossop—1 year

(3) Mr Ellis—Designated by Statute
Mr MacDonald—Nominated by M.T.T.
Mr Davies—Nominated by Commissioner of Police
Mr Thompson—Chosen by Minister from a Panel of names submitted by Local Authority.
Mr Blatchley—Elected by Taxi Car Owners & Drivers
Mr Van Onselen—Elected by Taxi Car Owners & Drivers
Mr Hayes—Elected by Taxi Car Owners & Drivers
Mr Foley—Elected by Taxi Car Owners & Drivers
Mrs Ditmanas—Nominated by Minister for Transport
Mr Glossop—Nominated by Minister for Transport

TRANSPORT: METROPOLITAN TRANSPORT TRUST

Drivers: Terms of Employment

2404. Mr PETER JONES, to the Minister for Transport:

(1) Under what industrial award, terms and conditions are drivers employed by the Metropolitan Transport Trust?

(2) What payments for overtime and out-of-hours work are provided in the award?

(3) What is the current average wage of the Metropolitan Transport Trust personnel employed as bus drivers?

Mr GRILL replied:

(1) The Metropolitan (Perth) Passenger Transport Trust Traffic Employees' Award, 1982. Other terms and con-

ditions as applicable to the State Public Service.

(2) Refer to Clause 20 in the abovementioned Award.

(3) $423 per week.

2405 to 2408. *Postponed.*

PORTS AND HARBOURS: FREMANTLE

Shipping Costs: Comparison

2409. Mr PETER JONES, to the Minister for Transport;

(1) Do all costs, charges, levies and other payments associated with shipping through the Port of Fremantle equate with costs in other Australian ports?

(2) Is Fremantle a more costly port through which to ship general cargo than other Australian ports?

(3) If "Yes" to (2), for what reason is the Port of Fremantle more expensive?

Mr GRILL replied:

(1) At nearly all Australian ports, complex systems of charges and levies have evolved. These are individually tailored to cover the selection of services which port authorities offer to a wide variety of different ship operators and cargo shippers. The system of charges and levies at the Port of Fremantle is consistent with those at other major Australian ports but necessarily tailored to its own specific characteristics.

(2) No, not in relation to charges and levies for the services offered by the Port of Fremantle.

(3) Not applicable.

PORTS AND HARBOURS: FREMANTLE

Industrial Disputes

2410. Mr PETER JONES, to the Minister for Transport:

(1) Is the Government concerned at the level of stoppage and industrial disputation at the Port of Fremantle?

(2) If so, what consideration has been given to any initiatives which will reduce this disruption and increase through-put and productivity?

Mr GRILL replied:

(1) The Government is concerned at any disputation that occurs in any industry.

(2) The level of disputation that occurs at the port of Fremantle cannot be said to be excessive in comparison with the level of disputation at other major ports in Australia. Most of the disputes involve private operators using the port and do not directly involve the Government. However, the Minister for Industrial Relations, his office, the Port Authority and the Maritime Unions maintain ongoing consultation for the purpose of minimising disputes at the Port of Fremantle.

ENERGY: FUEL

Costs: Increase

2411. Mr PETER JONES, to the Premier:

(1) Is he concerned at the recent and foreshadowed rises in fuel costs in Western Australia?

(2) Is he aware that it is now estimated that petrol could increase in price by 7.2 cents per litre between 1 January 1985, and 1 May 1985?

(3) As these recent and foreshadowed rises are not totally due to the fall in the Australian dollar, is he intending to use his election commitment and subsequent legislation to ensure that fuel prices in Western Australia return and remain at the price levels and parities that he promised?

Mr BRIAN BURKE replied:

(1) Yes. My colleague the Hon. Minister for Consumer Affairs has already contacted the Federal Minister for Resources and Energy in this regard.

(2) No. There are too many variables, including the official OPEC price for oil and the value of both the Australian and American dollars during the next few months to make such an estimate meaningful.

(3) The current market price in Perth is at a level similar to January 1984 prices. It would be inappropriate to speculate on any intentions with the volatility that exists in the petroleum market.

2412 to 2414. *Postponed.*

DEFENCE: NAVIES

Visits: Fremantle

2415. Mr PETER JONES, to the Premier:

What progress has been made by the committee established by the Federal and State Government to consider policy issues associated with the visits of allied warships to Fremantle?

Mr BRIAN BURKE replied:

The Federal and State Governments have not established a committee for this purpose. An ALP Working Party is considering the matter.

2416. *Postponed.*

LOCAL GOVERNMENT: FRANCHISE

Changes: Advice

2417. Mr TRETHOWAN, to the Minister for Local Government:

(1) Following the answer to question 2162 of 1984, what action in addition to advertisements in *The West Australian* did the Government take to inform—

(a) occupiers of commercial properties;

(b) corporate occupiers or owners;

of the effect upon them of the changes to the electoral provisions of the Local Government Act?

(2) (a) How many advertisements were placed in *The West Australian*;

(b) what size were the advertisements;

(c) what was the cost of the advertisements?

Mr CARR replied:

(1) The advertising referred to in the answer to (2) was in addition to extensive advertising undertaken by local authorities responsible for preparing non-resident rolls.

A press statement was also issued to all sections of the media.

(2) (a) 2

(b) 15 x 20 cm

(c) $1 695.20

GOVERNMENT INSTRUMENTALITIES: PROFESSIONAL STAFF

Graduates: Instruction

2418. Mr MENSAROS, to the Premier:

(1) Was there a Government instruction directed to departments and instrumentalities dealing with an intake of newly graduated professional people?

(2) If so, what was the text of this direction?

Mr BRIAN BURKE replied:

(1) and (2) Not to my knowledge.

PARLIAMENT: PARLIAMENTARY DEADLOCKS

Royal Commission: Cost

2419. Mr MENSAROS, to the Minister for Parliamentary and Electoral Reform:

(1) What was the total cost of the Royal Commission into Parliamentary Deadlocks?

(2) Under which division, part or item did Parliament appropriate this expenditure?

Mr TONKIN replied:

(1) $52 968.35.

(2) Division 4, Department of the Premier and Cabinet, Item 12 Royal and other Commissions of Inquiry.

WATER RESOURCES: CONSUMPTION

Metropolitan Area: Forecasts

2420. Mr MENSAROS, to the Minister for Water Resources:

(1) Considering that the aggregate quantity of the metropolitan water consumption has considerably contracted as a result of the five-year long drought, despite the new connections during this period, but started to increase again after the drought was over, has the Metropolitan Water Authority worked out projections for short and long term quantitative water patterns for the future in the metropolitan area?

(2) If so, could he give information about these projections?

(3) If not, would he cause the Metropolitan Water Authority to do so?

Mr TONKIN replied:

(1) and (2) As part of its planning approach for sources development, the MWA has prepared three projection scenarios extending to the year 2007/8.

These scenarios were:

	Estimated Demand for 2007/8 Financial Year* 000m^3
(a) Minimum demand	292 900
(b) Maximum demand	410 300
(c) Most likely demand	351 900

*Projected demands for intervening years have also been prepared.

(3) Not applicable.

2421. *Postponed.*

WATER RESOURCES: UNDERGROUND

Mirrabooka: Boundaries

2422. Mr MENSAROS, to the Minister for Water Resources:

(1) What are the boundaries of the Mirrabooka public ground water supply area?

(2) Is this area wholly gazetted?

(3) What are the present restrictions of ground water use and/or other rules for conserving the quality and required quantity of ground water for public supply?

Mr TONKIN replied:

(1) Plan of Area tabled.

(2) Yes.

(3) As a proclaimed Public Water Supply Area as well as a proclaimed Underground Water Pollution Control Area, the mechanisms for conserving the water quality and quantity of groundwater for public water supply are conferred by the MWSS & D Act and the relevant Regulations.

All private bores or wells in the Area are required to be licensed. A licence is granted subject to certain conditions. These cover the amount of water that may be pumped per year and rate of pumping. Other conditions may also apply.

The paper was tabled (see paper No. 465.)

WATER RESOURCES: UNDERGROUND

Bores: Public

2423. Mr MENSAROS, to the Minister for Water Resources:

How many new bores for public water supply, and in which areas, have been budgeted for to be drilled during the present financial year in the area under the management of the Metropolitan Water Authority and how many of these have already been completed?

Mr TONKIN replied:

No new production wells have been budgeted for or will be drilled for MWA Public Water Supply purposes this financial year.

WATER RESOURCES: WATER AUTHORITY

Professional Staff: Retrenchments

2424. Mr MENSAROS, to the Minister for Water Resources:

(1) Are there any actual steps being taken or any plans prepared for large scale retrenchment (in whichever form and under whatever nomenclature) of professional and supporting staff in the—

(a) Metropolitan Water Authority; or

(b) country water undertakings,

presently under the Engineering Division, Public Works Department?

(2) If so, what are these steps and/or plans?

(3) If not, can he assure the officers of this Government department and instrumentality respectively that their careers and employment will not be subjected to the same experience their colleagues in the Public Works Department Architectural Division had to undergo?

Mr TONKIN replied:

(1) (a) No;

(b) no.

(2) and (3) Not applicable.

TRAFFIC: LIGHTS

Pedestrians: Give Way Rule

2425. Mr MENSAROS, to the Minister for Transport:

(1) Is he aware of the difficulties of a large number of elderly pedestrians who live in Parklands Villas Retirement Village

crossing Scarborough Beach Road at the Liege Street signalled intersection, because vehicular traffic seldom obeys the general rule of giving way to pedestrians?

(2) Would he cause to change the policy of the Main Roads Department from primarily relying on "police enforcement" to that of installing well noticeable "give way to pedestrians" signs which can be found at other signalled intersections?

(3) Would he also cause the Main Roads Department to display large lettered signs directing the pedestrian public to the place and desired use of push buttons to be pressed before crossing Scarborough Beach Road?

Mr GRILL replied:

(1) Yes.

(2) While GIVE WAY TO PEDESTRIANS signs are not appropriate at every traffic signal site, a sign will be provided at the Liege Street/Scarborough Beach Road site.

(3) This seems to be unnecessary. Main Roads Department representatives have met with tenants from Parkland Villas to explain the best route for crossing Scarborough Beach Road. This is indicated on site by pedestrian ramps and dotted crosswalk lines in association with pedestrian push buttons. The Department will, however, supplement advice given in September 1984 to the manager of Parklands Villas by providing sketch maps to Villas tenants which will reaffirm the preferred crossing route.

2426. *Postponed.*

ABORIGINAL AFFAIRS: HOUSING

Polyurethane-cored Panels

2427. Mr MENSAROS, to the Minister for Housing:

(1) Is it a fact that the State Housing Commission still commissions contracts for remote areas Aboriginal housing using polyurethane-cored panels, whereas the Commonwealth Department of Housing and Construction has banned the use of this highly inflammable material?

(2) If so, can he please tell the reasons for the State Housing Commission's attitude?

Mr WILSON replied:

(1) The State Housing Commission does let contracts for the supply of polyurethane-cored building panels, for remote areas for Aboriginal Communities. The Commonwealth Department of Housing and Construction currently do not ban the use of this product.

The product as used by the SHC is a self extinguishing grade foam as manufactured by ICI and all foam is totally encased either by steel framing on the edges or by the facings, and internally and externally these facings would normally provide a class "O" flame spread rating.

(2) In addition to the above, the polyurethane panel system has proved to be easy to erect, is structurally resistant to extremes, and has a low maintenance factor.

2428. *Postponed.*

CRIME: PROSTITUTION

Toleration: Police

2429. Mr STEPHENS, to the Minister for Police and Emergency Services:

(1) Who in the Police Force decides—

(a) which brothels will be tolerated;

(b) which girls will be allowed to work as prostitutes?

(2) Are the girls only permitted to work for designated madams or are they permitted a choice of brothels in which to work?

(3) In reference to (1) and (2), what are the criteria on which decisions are made and who establishes or has established the criteria?

(4) Are payments to the police involved?

(5) Who benefits from the payments?

(6) What Police Ministers have been aware of the situation?

(7) Does he know if any Police Ministers or other politicians benefited from the situation?

Mr CARR replied:

(1) (a) The Vice Squad, answerable to the Deputy Commissioner, exercises discretionary enforcement in respect to brothels.

(b) Nobody in the Police Force makes any decision regarding who will be allowed to work as prostitutes other than to control the conduct particularly in respect to age and association with illicit drugs.

(2) Police exercise no control or influence whatsoever in respect to any particular madam or choice of brothels.

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

(4) No.

(5) Answered by (4).

(6) The present policy of containment by discretionary enforcement of the law has existed for many years, and was endorsed by Mr J. G. Norris when reporting upon The Royal Commission of 1976 Into Matters Surrounding the Administration of the Law Relating to Prostitution.

(7) No.

2430 to 2436. *Postponed.*

INDUSTRIAL DEVELOPMENT: WESTERN AUTRALIAN DEVELOPMENT CORPORATION

Money Market Operations: Consultants

2437. Mr COURT, to the Premier:

(1) Is the Western Australian Development Corporation being advised by outside consultants in establishing its money market operations?

(2) If "Yes", what consultants are being used?

Mr BRIAN BURKE replied:

(1) Yes.

(2) Western Australian Development Corporation has taken advice from Arthur Andersen and Coopers & Lybrand on the selection, installation, commissioning and operations of the Corporation's money market activities.

INDUSTRIAL DEVELOPMENT: WESTERN AUSTRALIAN DEVELOPMENT CORPORATION

Money Market Operations: Takeover

2438. Mr COURT, to the Premier:

(1) Will the Western Australian Development Corporation take over the Treasury's money market operations on 1 March?

(2) If "No", on what date will the change take effect?

Mr BRIAN BURKE replied:

(1) No.

(2) The mechanics for the changeover are currently being finalised and the operative date of the new arrangements will be announced in due course.

INDUSTRIAL RELATIONS: DISPUTES

Fremantle Waterfront: Prevention

2439. Mr COURT, to the Premier:

What action is the Government proposing to stop demarcation disputes on the Fremantle waterfront similar to that which occurred last week when unions fought over who was responsible for lashing down yachts on ships?

Mr BRIAN BURKE replied:

Government industrial relations representatives were continually and actively involved in negotiations concerning this dispute from the time it was notified. This resulted in the bans on the *Negara* being lifted on February 21, 1985.

It is rare for demarcation disputes of this type to occur at the port of Fremantle. Through the Office of Industrial Relations and other relevant Government authorities there is ongoing consultation and monitoring for the purpose of minimising disputes at the port of Fremantle.

LAND: NATIONAL PARKS

Authority: Building

2440. Mr BLAIKIE, to the Minister for the Environment:

(1) Does the Government propose to refurbish the National Parks building at Matilda Bay and at what cost?

(2) Would he give details of the work to be undertaken?

(3) Have any contracts been let for the project, and if so, who were the successful tenderers?

(4) What is the reason for the office upgrade?

Mr DAVIES replied:

(1) (a) Yes.

(b) $99 811.

(2) Repairs and general maintenance, and renovations necessary to provide additional office space.

(3) The contracts for the furniture and carpet are annual contracts let through the Tender Board to supply the Building Management Authority. The contract for the carpet laying is let to Custom Floors.

The general renovations will be carried out by the Building Management Authority using day labour.

(4) General maintenance of the Building and necessary refurbishing to permit it to accommodate the Policy Directorate and support staff of the Department of Conservation and Land Management.

2441. *Postponed.*

EDUCATION: HIGH SCHOOL

Busselton: Overcrowding

2442. Mr BLAIKIE, to the Minister for Education:

(1) Has he been informed of the overcrowding at the Busselton Senior High School?

(2) As the school has some 800 students, what action does he propose to take to alleviate this problem?

Mr PEARCE replied:

(1) The Education Department considers that Busselton Senior High School has sufficient permanent and temporary accommodation to house current enrolment.

(2) Consideration is being given to the provision of permanent accommodation from a future Capital Works allocation.

2443. *Postponed.*

REGIONAL DEVELOPMENT: SOUTH WEST DEVELOPMENT AUTHORITY

Staff: Additional

2444. Mr BLAIKIE, to the Minister with special responsibility for "Bunbury 2000":

(1) Did the—

(a) Director;

(b) South West Development Authority Committee,

request the need for additional staff at their Bunbury office?

(2) If "Yes", did the request include a publicity/liaison officer?

(3) If "Yes" to (2), when was the request received and would he table papers?

Mr GRILL replied:

(1) to (3) I refer the member to the answer to question 2236 of 20 February 1985.

REGIONAL DEVELOPMENT: SOUTH WEST DEVELOPMENT AUTHORITY

Staff: Levels

2445. Mr BLAIKIE, to the Minister with special responsibility for "Bunbury 2000":

(1) What is the current staff level of the South West Development Authority?

(2) Would he please advise the names of all personnel and position currently held?

Mr GRILL replied:

(1) Ten.

(2) Peter Beeson—Senior Executive Officer
K. G. Fisher—Executive Officer
V. Lewis—Senior Research Officer
J. Clydesdale—Research Officer
P. Murray—District Officer Mandurah
M. Thomson—Senior Secretary
D. Burrell—Secretary
C. Mackenzie—Typiste/Receptioniste Bunbury
Vacant—Typiste/Receptioniste Mandurah
B. Fisher—Accounts Officer

REGIONAL DEVELOPMENT: SOUTH WEST DEVELOPMENT AUTHORITY

Mr Baden Pratt: Qualifications

2446. Mr BLAIKIE, to the Minister with special responsibility for "Bunbury 2000":

How did he determine that there were no suitably qualified persons in the south-

west who could have carried out the same duties as Mr Baden Pratt with the South West Development Authority?

Mr GRILL replied:

I refer the member to the answer to question 2236 of 20 February 1985.

MINISTERS OF THE CROWN: PREMIER

Staff: Dr Syd Shea

2447. Mr BLAIKIE, to the Premier:

(1) What was the salary paid to Dr Shea following his appointment as a personal adviser on 28 March 1983?

(2) What other emoluments of office were available to Dr Shea at the time, e.g. motor car, telephone, travel etc?

(3) What were the increases in salary or other benefits that may have been made to Dr Shea up to the time when he was appointed Executive Director, Department of Conservation and Environment?

Mr BRIAN BURKE replied:

(1) to (3) See reply to question 2227 of 20 February 1985.

PORTS AND HARBOURS: BOAT HARBOUR

Geographe Bay: Sites

2448. Mr BLAIKIE, to the Minister with special responsibility for "Bunbury 2000":

(1) Further to question 2248 of 1985, what were the many locations considered as suitable sites for a boat harbour in Geographe Bay?

(2) Who submitted sites?

(3) What were the reasons why each site was rejected?

Mr GRILL replied:

(1) A number of potential sites between Cape Naturaliste and Dunsborough were considered. These included

Bunker Bay
Rocky Point
Eagle Bay
Meelup
Curtis Bay.

(2) Potential sites were investigated by the Public Works Department.

(3) This will be covered in Enviromental Review and Management Programme which will shortly be released for public comment.

PORTS AND HARBOURS: BOAT HARBOUR

Castle Bay: Rejection

2449. Mr BLAIKIE, to the Minister with special responsibility for "Bunbury 2000":

(1) What were the environmental considerations that led to Castle Bay being rejected as a site for a boat harbour?

(2) What department or Government agencies commented on Castle Bay as an alternative site and would he give full details?

(3) Who were the members of the panel making the final determination to reject Castle Bay?

Mr GRILL replied:

(1) This will be covered in the Environmental Review and Management Programme which will shortly be released for public comment.

(2) and (3) The investigation was carried out by consulting engineers commissioned by the Public Works Department.

PORTS AND HARBOURS: BOAT HARBOUR

Alternative Sites

2450. Mr BLAIKIE, to the Minister with special responsibility for "Bunbury 2000":

(1) Has the Government sought advice and/or comment from the—

(a) Town Planning Board;

(b) Department of Conservation and Environment;

(c) Environmental Protection Authority;

(d) Department of Agriculture—Soil Conservation Authority;

(e) Coastal Planning and Management Authority,

regarding the proposal to develop a boat harbour in—

(i) Geographe Bay;

(ii) Point Picquet;

(iii) Castle Bay?

(2) Will he table a copy of each response received?

Mr GRILL replied:

(1) and (2) Advice from appropriate Government Departments has been available to the consultant. Such input

would undoubtedly have been used by him in the preparation of his report.

STATE FINANCE: GENERAL LOAN FUND

Marine and Harbours: Allocation

2451. Mr BLAIKIE, to the Premier:

(1) Relating to the 1984-85 Budget what were the items to be funded in the Capital Works Programme under Item 2 (Marine and Harbours)?

(2) Further to (1), what items of expenditure have either been dropped or reallocated and what amounts of finance have been involved?

Mr BRIAN BURKE replied:

(1) Details are contained in the General Loan Funds Estimates of Expenditure presented to the Legislative Assembly on the 9th October, 1984.

(2) No items have been dropped from the $9 260 M programme.

As a number of items are not expected to achieve projected expenditure for 1984-5, $98,000 for costs associated with the Geographe Bay investigations will be funded from overall surpluses within item 2 in 1984-5.

MINISTER OF THE CROWN: PREMIER

Mr Baden Pratt: Contract of Employment

2452. Mr BLAIKIE, to the Premier:

(1) Does Mr Baden Pratt have a contract of employment to the Premier?

(2) What are the terms of the contract?

Mr BRIAN BURKE replied:

(1) and (2) See replies to questions 2236 and 2239 of 20 February 1985.

MR BADEN PRATT

Terms of Employment

2453. Mr BLAIKIE, to the Premier:

(1) What salary is paid to Mr Baden Pratt?

(2) Further to (1), what other emoluments of office are available to him, i.e. motor car, telephone, travel, accommodation allowance, etc., and under what conditions?

Mr BRIAN BURKE replied:

(1) and (2) See replies to questions 2236 and 2239 of 20 February 1985.