

Legislative Council

Thursday, 20 October 1994

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

MOTION - URGENCY

Standing Committee on Legislation, Adoption Act Report

THE PRESIDENT (Hon Clive Griffiths): I have received the following letter dated 20 October 1994 -

Dear Mr President

At today's sitting, it is my intention to move under SO 72 that the House, at its rising adjourn until 9.00 am on December 25 1994 for the purpose of discussing the increasing tendency for the Government to ignore the recommendations of standing committees established to scrutinise legislation, specifically the unanimous Legislation Committee Report on the 1994 Adoption Act.

Yours sincerely

Cheryl Davenport MLC

In order for this matter to be debated, it will be necessary for at least four members to indicate their support by rising in their places.

[At least four members rose in their places.]

HON CHERYL DAVENPORT (South Metropolitan) [2.36 pm]: I move -

That the House at its rising adjourn until 9.00 am on 25 December.

I decided to move this motion because to some extent the time of the Standing Committee on Legislation is being wasted. This is the second time in as many months that the Government has chosen to ignore a unanimous report from the Legislation Committee. I will concentrate my remarks on the events leading to the motion, where I referred a particular section of the Adoption Act to the Legislation Committee, and then I will comment briefly on the report.

On 6 April this year I moved that the Adoption Act 1994 be referred to the Legislation Committee for the purpose of considering division 4 of part 3 and schedule 3. I moved that motion after the Bill became an Act following approaches at the last hour from organisations that represented, in particular, adoptees and relinquishing mothers. Those sections dealt with the notion of opposing information and contact vetoes. My decision to wait until the Bill became an Act was made after the Leader of the Opposition had spoken with the Leader of the House, Hon George Cash, who had spoken with the Minister in the other place, and after talking with the Minister in a meeting following my contribution to the second reading debate on those specific sections of the Act. At that time Mr Nicholls, the Minister in the other place, agreed to my proposal and indicated he was not in favour of this legislation being held up any longer. Members know that the introduction of this legislation followed a long period when my own party was in government, and that it had then taken 12 months since this Government was elected to come into this place for debate.

The Minister indicated that if the Legislation Committee came up with evidence to suggest that those sections should be amended, he would look at placing an amending Bill before the House prior to the review, which comes into operation two years after proclamation of the Act. If at any moment I had thought that the Minister would then not agree with a unanimous report from the Legislation Committee, I would not have raised those people's expectations, which have been built up again and again. As a member of that committee I am not alone in wondering why we bother to put in the sort of effort we do to reach unanimous agreement, which we did again in this case. The committee met for 15 hours formally. During that time we spent the best part of eight hours in

committee hearings. Those hearings were particularly gruelling for members of the committee, not to mention for those who gave evidence. Many people came before that committee who I am sure moved all members with the evidence they tendered. The sort of evidence the committee heard led us after some hours of deliberation to agree to the position that information vetoes in particular should be abolished, and that contact vetoes should remain only for a finite period of 10 years.

Hon Derrick Tomlinson: Perhaps you can point out that the hours of deliberation were really on the content, not the principle. The principle was established early.

Hon CHERYL DAVENPORT: That is true. Not only were many formal hours put in, but the chairman wrote the report and I was the member of that committee who vetted all 40 submissions. Frankly, we put in considerable informal time that was not necessarily part of the committee deliberation process. Following the tabling of the report on the Thursday of the last week of sitting I issued a press release urging the Minister to act. At the time, I showed that press release to the chairman, and he was in agreement with it. I did no more than urge the Minister to act forthwith, because I thought I had an informal agreement with him that he would do that. I was very dismayed to read the following paragraph in *The West Australian* of Saturday, 1 October -

State Community Development Minister Roger Nicholls said he would refer the report to the committee to carry out a review of the Act in two years - a requirement of the legislation.

As I said earlier, that was not the understanding I had with the Minister earlier. I was most disappointed to read that. I was further disappointed when on the Monday following that a full-scale advertising program was put in place to advertise the new Act coming into operation from 1 January 1995. At the beginning of the next week I wrote to the Minister, informing him of the recommendations of the committee. Part of my letter states -

In my discussion with you in April when it was agreed to refer this section of the Bill after it became an Act for further examination you indicated that if the Legislation Committee came up with evidence you would be prepared to amend the Act prior to the Review due after two years of operation.

I was most concerned at your comments in Saturday October 1 edition of the "West Australian" newspaper which reads to the effect that the Legislation Committee might consider this during the Act's review in two years time. That course of action would be totally inappropriate and is contrary to what you intimated to me during our discussions on April 6.

Earlier this week I had an informal discussion with the Minister. I was quite disgusted with his attitude; it was patronising. He dismissed totally the review process that this House has undertaken over many years. He told me that, contrary to what he led me to believe, he was really seeking legal impediments which would prevent the Act from being able to operate successfully. He was not looking for the sort of evidence the committee provided. I find that a lightweight reaction. Other than those comments from the Minister, I have yet to receive a written reply to my letter. I am angry by the reaction of the Government on a number of counts. It reflects on the committee system in this House. The Minister is dismissing the review role the House plays. He is patronising. The Minister has basically seen it as a way he can appease a bunch of women whom he considers are quite emotional on this issue. I take exception to that because the people who have been involved in this debate have done so in good faith. What we did raised their hopes yet again.

The issue also calls into question the role of government and opposition members on the back benches and their contributions in this place. This is the second time in as many months that a committee report has not been acted upon by the Government. I wonder about the hours we put in and whether there is any point in doing that. As I said earlier, it also builds up the expectations of people who come before committees such as the Legislation Committee which review legislation. The pain and anger we witnessed on

that committee when those people gave evidence brought home to me the sorts of risks they took in putting their personal experience before the committee, only to be treated with derision, as I think they have been. My own integrity on this issue has also been brought into question. I am angry about that because it was my understanding that an agreement existed. In effect we have been made to look quite silly.

I have some concerns for the future of the committee. The committee is working on another Act that was referred to us at the end of last year - the Workers' Compensation and Rehabilitation Amendment Act. I have totalled how much work has been put into consideration on that Act in the formal process. The committee has deliberated for 33 hours in Western Australia, not to mention the many informal hours that have been worked by the committee. We also spent 28 hours in formal hearings in Melbourne, plus two days' travel. We hope to be able to table a report on that in a week or so. I will be cross if that report is treated by the Government in the same way as this one has been treated. I suspect that because it is an Act it will be. The other night I was most concerned when Hon Kim Chance sought to refer to the committee certain sections of the fisheries Bill once it became an Act. I know that has now occurred. I wonder what the result of that will be, because we have once received the guarantee of the Government that it would act, which it then ignored. It brings the House and the Parliament into disrepute. I hope the Government will consider the process and do something about it, otherwise many members will waste a lot of time that could be well spent in their electorates.

HON J.A. COWDELL (South West) [2.48 pm]: I support the motion moved by Hon Cheryl Davenport. I have the gravest concerns about the efficacy of referring any Act to any committee of this Parliament, particularly because of the manner in which the Government has treated advice from committees on Acts that have been referred. This should not be the case. We saw the problem in the Standing Committee on Legislation when a Green Paper was referred to us. As we started to conduct our inquiries we found that a parallel inquiry was being conducted by the Minister. The paper was altered as we went along and we sent it back. That should not be the case. There should be an opportunity for committees to make a contribution at the Green Paper stage. However, that is not possible under this Government. Under this Government, the advice and recommendations of committees of this Chamber and of the Parliament on Acts of Parliament generally have been ignored. The situation was only slightly better with respect to Bills. We produced unanimous reports and saw the spectacle of those reports not being accepted by this Chamber as one would expect, let alone being accepted by the Government.

Let me turn my attention directly to the instance given in this motion, the Adoption Act, and the attitude of the Minister. What is in question, of course, is the information vetoes and contact vetoes. This House's committee recommended that information vetoes be lifted altogether and that contact vetoes be limited to a 10 year period. To bring home to the House why the unanimous report of its committee was worth while and should not have been completely ignored by the ministry, I want to read the comments of one witness who appeared before the committee. The witness, an adoptee, will remain unnamed. In part, that witness said -

I am also a little bit angry. It is the middle of 1994, and it has been a long time in the process of getting this Act to where it is now. I guess I am angry because in the current form of the legislation you are saying to me that I cannot have the knowledge of my name . . . I will be buggered if anyone can tell me that. I am very angry and I have been upset all week. You can speak to my friends and anyone at work and they will tell you I am an easy going, hardworking, industrious, reasonable person, but when it comes to this I am not. I attempt to be but it is hard to put emotions on hold, because of what has happened to me and other people I know who have been through the veto process. The difference with me is that I am willing to come out and talk about it. There are a number of people . . . who have suffered vetoes, and you do not hear about them. They go away with their tails between their legs feeling like Z-class citizens, because the

state says to them, "You cannot have the information you have been desperately seeking, consciously or unconsciously, all your life." There is no way that should be allowed to happen.

The witness went on -

It does not mean . . . that we do not love our parents, because the relationship between adoptive parents and children is just that - a relationship between people. It depends on their attitudes, care and commitment. It does not depend as much on biological status. I love my parents and I am pretty sure they love me, but this business of information about myself is different and separate. I can get annoyed when people link the two, as they do, implying guilt or shame, that we should be so grateful to our parents as to not go looking for the information, as if it were some sort of ingratitude. It is nothing like that.

I know the crux of the matter. You are trying to create a law that is fair and balanced and will not create a situation at some time in the future that brings embarrassment to the Parliament, . . . I can understand that -

The witness said also that there are 300 vetoes applicable in Western Australia -

Are you going to allow the one or two possibly disastrous outcomes - and I am willing to admit they might happen, although they have not yet - to outweigh the known probability of all those people -

Points of Order

Hon DERRICK TOMLINSON: The honourable member is reading the transcript of evidence given to a standing committee in closed hearing. Is the evidence given to a standing committee in closed hearing protected evidence or can it be read to the Council in this manner.

Hon J.A. COWDELL: I believed that this was an open hearing.

Hon DERRICK TOMLINSON: I stand corrected.

The PRESIDENT: Does the honourable member still have a point of order?

Hon DERRICK TOMLINSON: Yes, I want to know whether evidence given to a committee can be read to the Legislative Council in this manner.

The PRESIDENT: Has the report been tabled in this place?

Hon J.A. COWDELL: Yes, it has.

The PRESIDENT: I think it is perfectly all right. If the report has been tabled in the Parliament and this evidence was given in open session, I can see no reason for it not being read. It might not have anything to do with the subject we are talking about, but that is a different matter.

Debate Resumed

Hon J.A. COWDELL: I have not identified the witness. However, I think the comments by that witness, some of which are quoted in the report that was tabled here, are important for people to understand that the witness was one of 300 people who are prevented from obtaining information as to their birth parents. Only one of the 300 appeared before the committee, but he put very succinctly what we were denying him and the other 299 citizens who should have been able to look forward to that information. Time precludes me from pointing to other very succinct but important quotes.

We brought forward a unanimous report to the Minister. I spoke to the Minister in the corridor a couple of days ago. He said to me, "It is very nice of you to come up with that report, but really, we are not looking for any sort of report at this stage. We are having a formal review in two years' time." In other words, it was very nice of us to waste our time on this effort, but the Government will pigeonhole the report and let it collect dust for the next two years and then may or may not take a look at it at the time he does his ministerial review. What was a committee of this Legislative Council doing therefore in spending time and effort and the resources of this Parliament conducting an investigation,

deliberating and coming up with a unanimous recommendation if that was to be the fate of the report before we started? What does it say to those people who were given false hope that there would be an opportunity for amending the Adoption Act before the formal review in two years' time? It engendered false hope. They went to a lot of effort, writing submissions and appearing before our committee. It was an exercise in futility. I support the motion of Hon Cheryl Davenport in bringing this matter before the House. It is a disgrace that the Ministry has given such scant regard and attention to a unanimous report of a committee of this Chamber.

HON DERRICK TOMLINSON (East Metropolitan) [3.00 pm]: I share some of the concerns raised by Hon Cheryl Davenport and Hon John Cowdell about the process which has emerged over the last few years regarding referring Acts to the Standing Committee on Legislation. I made the point in debate a couple of nights ago that the Legislation Committee was established as part of the legislative process in this place. It provides the opportunity for a reconsideration of matters of detail or the principles of the Bill during the legislative process, not after the event.

Since the Crime (Serious and Repeat Offenders) Sentencing Act was referred to the Legislation Committee after it passed its third reading on 7 February 1992 a series of Acts have been referred to the committee. Hon Reg Davies says that it is not for the want of trying that it was not referred at an earlier stage and, in fact, Mr Davies referred the serious and repeat offenders legislation to the committee after the third reading. In all fairness to the member, he tried during the second reading and Committee stages to have it referred to the Standing Committee on Legislation.

A consequence of that referral was that a great deal of effort and many resources were spent on the review of the legislation. Two reports roundly condemned not only the detail of the legislation, but also its principle. The principle of the legislation contravened not only international covenants but also convention of law within Western Australia and Australia as a whole. The Act was reviewed by bodies other than the Legislation Committee. In fact, section 3 of the Act appointed a review committee, through the Minister, to monitor and report at three monthly intervals. It did so. Just as the report of the Legislation Committee which condemned the Act was not acted upon, the successive reviews of that committee met the same fate.

The Adoption Act was referred to the Standing Committee on Legislation on the motion of Hon Cheryl Davenport; the Conservation and Land Management Amendment Act, by the Minister for Education; the Fisheries Act, by the Minister for Transport; and the Workers' Compensation and Rehabilitation Amendment Act was referred by the Leader of the Government on 15 December 1993.

I do not share Hon John Cowdell's view that the work of the Legislation Committee is a waste of time. I am disappointed, as is Hon Cheryl Davenport, that some unrealistic expectations were built up, particularly in sections of the community which have a very real interest in the Adoption Act; namely, adoptees, relinquishing parents and adopting parents. Unrealistic expectations were created of early amendment to the legislation.

Hon John Halden: They were created by the Minister.

Hon DERRICK TOMLINSON: Hon Cheryl Davenport claimed that part of the unrealistic expectation was engendered by the attitude of the Minister; I do not dispute that. Nonetheless, it was an unrealistic expectation. Even if the Minister had accepted immediately the recommendations of the committee, it is highly unlikely that the early amendment as anticipated would have been realised.

Hon John Halden: It would not have taken two years.

Hon DERRICK TOMLINSON: Probably not. That leads to my point: The problem of the unrealistic expectation being engendered by reference to the Legislation Committee immediately on the passage of the third reading is compounded by a requirement that the legislation must be reviewed in two years anyway. In such cases, why refer the legislation to the Legislation Committee, which is not empowered to do any more than recommend on the principle or detail of legislation during the legislative process? Why

refer an Act to the Legislation Committee when the Act itself contains a clause for a review of the Act?

The same principle applied with the serious and repeat offenders Act, which was referred to the Legislation Committee during the history of the previous Government. That legislation contained a sunset clause which was to last for two years only. Why refer it to the Legislation Committee? I put the point strongly: The Legislation Committee has an important role in this House, and I would hope that the Legislation Committee in future will have an even more important role in the processes of this House.

Hon Reg Davies: Hear, hear!

Hon DERRICK TOMLINSON: The role of the Legislation Committee is not to review legislation after the event. It should be adopted as practice, if not as a standing order of the House, that Acts not be referred to the committee after they have been third read, as such referral creates unrealistic expectations.

The work done by the Legislation Committee regarding the Adoption Act will probably inform the review of the Act; however, in the meantime those unrealistic expectations were established. I share the concerns raised by Hon Cheryl Davenport and Hon John Cowdell that the referral of an Act to the Legislation Committee serves no real purpose; it is beyond the competence of the Legislation Committee to do more than recommend. The decision on actions flowing from the recommendation is entirely up to the Minister, not this Legislative Council.

Hon A.J.G. MacTiernan: If there is no action, what is the point in referring a Bill to the committee?

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [3.08 pm]: I intend to be as temperate as possible in this debate; I suppose one reaches a point at which one's temperance is stretched to the limit.

I have always been an admirer of the work of the Standing Committee on Legislation, and any objective analysis supports my position. Hon Derrick Tomlinson suggested that Acts should not be referred to the committee; however, the member should have some perspective regarding what it is like to be in this place without the numbers. In that case, one takes any opportunity seen when it is known that legislation is flawed. Having tried to convince the Minister and the Government that something is wrong, and they do not listen, one can only plough on. One is left with an arbitrary decision: Put the proposition in the Chamber and slug it out for hours, or refer the legislation to the committee. That is the only bargaining chip available when one does not have the numbers. We have never had the numbers in this place. When we know the logic of our argument and see the weaknesses in the Bills, what can we do? We are left to negotiate from the weakest position imaginable.

Hon Derrick Tomlinson: I know exactly how you feel because the Liberal Party has never had a majority in this place either.

Hon JOHN HALDEN: That is the biggest ruse I have ever heard. The member discredits himself.

We will not stop attempting to send Acts to the Legislation Committee. After the fiasco with the coal legislation and now the Adoption Act, the Labor Party will discuss whether it will continue to be involved in what has become a farce. It is a farce because the Executive has no integrity in this arrangement. Initially, I negotiated with the Minister for Community Development - as I do with most matters in this place - and I received a commitment that the review of the Act would be treated with some sincerity. That position has been betrayed. It is even worse: It was treated with the greatest insincerity that I have seen in this place for a long time. Similar commitments were made to other members.

We may never have the numbers in this place; we may never have the numbers on any committee in this place; but there is the fundamental arrangement in politics that when one does a deal one honours it. This Executive cannot be trusted. Why would members

in this House, whether Labor or conservative, waste their time? The deliberations of the Legislation Committee are an abomination. This is not a reflection on the work or the integrity of that committee. This is a reflection on the integrity of the Government.

The issue of false hope and false expectations was raised. I cannot speak for members opposite, but it is a great tragedy because I am aware of the commitment to the activities of that committee by our members. They were aware that the legislation had problems, and they went about trying to fix up the situation with the expectation that the review would be treated with some sincerity and integrity. It was not. I assure the Leader of the House that we will not participate in these committees if they are to be a farce. If this House is to have a future as a House of Review it must be a House of Review and it must have some integrity. The responsibility for that falls on the shoulders of the Government, and any subsequent government.

In this House on a number of occasions I have suggested reforms to the committee system. To date there have been no reforms. To date we have not pursued that aspect in any sensible way. I do not criticise anyone at this point, but my patience is being tested. I do not know that I have the solutions, but I seek assurance that a process will be put in place to ensure that Labor members do not waste their time on these committees. I can assure the House that this situation will not continue. I believe emphatically in the committee system; but we will not waste our time.

The situation was adequately represented by Hon John Cowdell regarding that when we refer an Act or a Bill to the Legislation Committee we may raise the odd expectation. I concede that, but under our standing orders the community is entitled to have a say about certain pieces of legislation or Bills. It is incumbent upon us to show the facade for what it is to the community, but it is more important that the facade not continue in the operations of this House of Review. Members opposite wonder why we make fun of that concept on occasions. We do that because of the actions of the Minister for Community Development. This is an outrage; I understood that a commitment was given but within two days of the report being received by the Minister he dispensed with it. I wonder if he even opened it. I wonder if it was a tactic to quieten us and to stop the only bargaining tool we have - that is, the ability to debate our concerns - so that he could get through the legislation.

Time and again in this place we are faced with no other alternative. We are faced with a Government that, in essence, is arrogant. I have said it before, but when it comes to accountability regarding certain matters the Government shows no regard for the concept. I doubt that the Government understands the concept. If this is the hallmark of what the future holds for this House, it will have no future. Hon John Cowdell stated quite appropriately that this place does not have the proudest history of social reform but it should get down to the exercise of looking at itself and its political reforms and abilities. If we do not do that in a serious way - if any government does not do that - we may as well pack up and go home because we will have no role to play.

The activities of the Delegated Legislation Committee or any committee of this House are not exercises in which members become involved just to waste time. I was under the impression that the committee system was all about providing and producing reviews to give the people of this State good, sound legislation, but every time there has been an opportunity to do that recently the Executive has intervened. The Opposition will not tolerate that for very much longer. I urge the Government to become serious and look at this issue, otherwise government members will be looking at issues in isolation because Labor Party members will not waste their time.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [3.17 pm]: As members will recall I handled this Bill on behalf of the Minister in the other place. Hon Cheryl Davenport made her arguments sincerely. People outside this place are dependent on changes to the legislation; nothing is more important in their lives. I intend to put forward a different scenario, but before I do I will comment on the remarks by the Leader of the Opposition. He made the point that this is a terrible place because the Labor Party has never been in control. All members will recall the past 10 years. We

can all guess what might have happened to this State if we did not have checks and balances in this place, especially over those 10 years. Perhaps other decisions would have been made to complement the financial mismanagement in the other place, and here I refer to the Petrochemical Industries Co Ltd deal as well as others. I will allow members to dwell on that point for a moment.

Returning to the motion, members referred to the need for this change and expressed disappointment that it will not occur for two years. I do not agree that the Legislation Committee has wasted its time. If the committee had not taken the opportunity to review the legislation there would have been no point of view promoted to balance the decision of both Houses of Parliament not to implement the changes at that time. Both Houses agreed and the committee reviewed the legislation and made recommendations. Rather than take a negative approach I suggest that Hon Cheryl Davenport and other members look on the positive side because that will enable them to continue to apply pressure for change.

The Minister in the other House indicated that he wants this Bill up and running so that he can test the water to see how the changes in it effect the people concerned. That is a sensible approach to adopt. In spite of the view of some people nothing in this community is written in stone. The Government recognises that a number of people do not agree to the change which will effect these 300 people. It is real and there is nothing more important to the people concerned.

I do not share the member's view that nothing will happen in the next two years except that people will despair. I hope that we can work together to implement the changes as soon as possible. If that is done in a cooperative way the new legislation will be introduced sooner rather than later and the member's concerns will be allayed.

HON GEORGE CASH (North Metropolitan - Leader of the House) [3.21 pm]: Firstly, I indicate my continuing strong support for the work done by the Standing Committee on Legislation. That committee has worked extremely hard and over very long hours not only to deliberate on the legislation that has been referred to it by this House, but also in the production of the various reports that it has presented to the House.

I will put the question of adoption to one side because my comments are related to procedures more than the specific question of the Adoption Act. I recall that when the Adoption Bill was debated in this House, Hon Cheryl Davenport spoke to me and expressed her view that she was genuinely concerned about a number of clauses in the Bill and that if it was to be referred to the Legislation Committee she would work very hard to ensure that the committee understood her concerns and in due course report back to the House with certain recommendations. That has transpired.

I am not in the business of criticising my ministerial colleagues; therefore, I will not do that. However, I advise members that I intend to write to the Minister for Community Development and express the view, by way of advice, that the committee's twenty-seventh report on the Adoption Act which was tabled recently has not yet been debated in this House. Currently, it is Order of the Day No 19.

I want to make it clear today that I believe we must institute a program in this House which will set aside a specific time each week so that members are given the opportunity to debate the reports of various committees that are presented to this House.

Hon John Halden: I agree with you.

Hon GEORGE CASH: I know that because I have had discussions with the Leader of the Opposition on this issue and I know I have his support. The proposition that was advanced to me - not necessarily by the Leader of the Opposition, but certainly discussed with him - was that Wednesday afternoon should be devoted to the consideration of committee reports and that the House could then proceed with Orders of the Day after the dinner suspension at 7.30. That is one of the options that could be considered.

Some months ago I asked the late Hon Bob Pike to work up some suggested recommendations for me in respect of the general sitting hours of the House and the general consideration of committee reports and other matters which members would like

to debate. Regrettably, as all members know, Bob Pike died and that work fell away. In the last four weeks I asked Hon Bruce Donaldson to reconvene that group which comprises government members. It is an internal government working party and it is looking at the sitting hours of this House and the various processes we could adopt to allow committee reports and private members' business to be debated. Hon Bruce Donaldson has commenced discussions with his colleagues on this side of the House. He has indicated to me that he is happy to discuss any proposition with any member of this House. In the end we will all have to debate the proposal and, I hope, reach a suitable agreement.

On the positive side the earlier discussions have not been set aside. They are being progressed, perhaps more slowly than the Leader of the House or I might wish. Hon Bruce Donaldson is nodding his head to indicate that he is prepared to discuss this issue with any member. I am hopeful that we can come up with a proposition to set aside time to debate specific matters.

My latest discussion with Hon Bruce Donaldson indicates that as part of his consultative process a proposition was advanced that this House could sit the existing standard hours on Tuesday and on Wednesday and Thursday it could sit from 10.00 am to 6.00 pm. I do not know how far the discussion on that proposition has progressed. It certainly has not been set in concrete. It would give members more hours per week than they currently have under the standard hours. As I said, it is only a suggestion and it has been discussed in a positive way.

Hon John Halden: I am pretty open-minded about all of this and will consider any proposal with my colleagues. However, my tolerance is running out in terms of a proposal. The Opposition would like a proposal sooner than later.

Hon GEORGE CASH: I agree. This matter has been discussed for more than 12 months and something has to be done. The Government will come up with a proposition and I invite all members who have a proposal to talk to Hon Bruce Donaldson so that it can be considered. When I come into this place and recommend that the House sits from Monday to Friday, with Saturday as an option, I hope members opposite will agree.

Hon John Halden: I thought you had done that!

Hon GEORGE CASH: I will draw to the Minister's attention the comments that have been made in the debate on this motion. I know that Hon Eric Charlton has already discussed this issue with the Minister for Community Development, but I give an undertaking to the House that I intend to raise it with him as well.

HON CHERYL DAVENPORT (South Metropolitan) [3.29 pm]: Before I seek leave to withdraw my motion I will comment on a couple of points that have been advanced in this debate. I thank the Leader of the House for his undertaking to raise this issue with the Minister for Community Development. I am very hopeful that there will be some change to the process. I refer to the point raised by Hon Derrick Tomlinson and advise the House that one of the things that must be considered is the referral of legislation to the Legislation Committee after the third reading stage. As the Leader of the House and other speakers in this debate have indicated, expectations build up in those organisations that have real concerns.

[Resolved, that debate be continued.]

Hon CHERYL DAVENPORT: I thank the House for allowing the debate to continue.

I caution the House to consider the sections of the Fish Resources Management Act which were referred to the Legislation Committee the other night. I would hate to think we built-up and then dashed the hopes of Aboriginal communities once again. Hon Eric Charlton indicated it was a positive thing that the committee presented a unanimous report. I agree it is a positive outcome. As I said this morning in the committee, its members are able to agree more often than they disagree. The people who have participated in this adoption debate have been involved in it for the past 10 years. To now say that they must wait another two years is a bitter pill for them to swallow. I know they have been in touch with the Minister.

Hon E.J. Charlton: I would not continue to take that as read.

Hon CHERYL DAVENPORT: They are very disappointed. People in that situation lose hope and drive when they continue to have their expectations dashed at the last minute. It was very important that unanimous agreement be reached by the committee despite the fact that - I remind Government members - the majority on that committee are Government, not Opposition, members. The referral of Bills once they become Acts, to some extent gets Ministers off the hook because groups are able to make submissions and feel appeased. A report may reflect a unanimous committee decision after much work has been put in, but it makes a mockery of the committee process when the Government does take action to amend. I hope we will see some positive changes to that process in the near future.

[Motion lapsed, pursuant to Standing Order No 72.]

RESERVES BILL (No 2)

Report

Report of Committee adopted.

LOCAL GOVERNMENT (SUPERANNUATION) LEGISLATION AMENDMENT BILL

Committee

The Deputy Chairman of Committees (Hon Murray Montgomery) in the Chair; Hon E.J. Charlton (Minister for Transport) in charge of the Bill.

Clause 1: Short title -

Hon A.J.G. MacTIERNAN: The Opposition supports the fundamental thrust of this Bill. As we did with the second reading, we will be supporting this legislation. We understand the need for and the desirability of the City of Perth superannuation scheme to conform to the requirements of the commonwealth superannuation legislation. That is the essential thrust of this legislation. The Opposition has said it is very concerned that, although this Bill makes some amendments to the definitions that appear in the City of Perth Restructuring Act and thereby expands somewhat the range of persons who will be eligible to join the City of Perth scheme, the amendments in no way go far enough. The Opposition has proposed an amendment that will ensure that the City of Perth scheme, which is in a very healthy situation for the local authorities and the beneficiaries, will survive.

The Opposition believes the severely contracted base with which the City of Perth restructuring has left that scheme will destroy the benefits of it. This is not a question of concern only to the beneficiaries, but also to the four municipalities that have been formed out of the old City of Perth. What is happening here, as has happened generally in the restructuring of the City of Perth, is that the old municipality has been carved into four, and one part of that municipality has been left with the name of the previous, larger body, the City of Perth. All the assets that previously belonged to the whole municipality, the 86 000 residents and ratepayers, now become the exclusive province of one quarter of those people in an area which happens coincidentally to retain the name of the City of Perth. That is entirely inappropriate. That one of the four municipalities which made up the old municipality retains that name is no reason in logic or equity for the benefits and assets of that old municipality to endure purely for the benefit of one of the four new municipalities, the one that happens to retain the name, City of Perth.

Hon E.J. CHARLTON: The member made those points in the second reading debate, and we will get to the real crux of them when the member moves her amendment. I will comment briefly. As I said last night, the member obviously is very much in tune with the facts of the issue. Obviously she and I, on behalf of the Government, will not agree on the proposition that has been put forward for extending the scheme to those other municipalities which were once part of Perth City Council. The Perth City Council

scheme is there for the benefit of those people in it and those who want to go into it in the future. It seems that those people currently involved in and those with the current responsibility for the scheme do not intend to go down the path proposed by Hon Alannah MacTiernan. As a consequence it is not intended that the scheme should go down that path, and there will be an opportunity for those other people to be part of some other scheme giving them an equal opportunity to look after their interests rather than the Perth City Council scheme being open to everybody. If it is to be open to people in those future independent areas it might as well be open to all people from all over Western Australia. That is not the intention; in fact, it is quite the reverse, and it is more likely that at some stage in the near future the desire will be to move people out of those current schemes into a deregulated position to allow them to put their money where they want. This would be going against the overall philosophy of people's financial interests. That is the basic reason. It is not a matter of whether it is right or wrong. I am not suggesting what the member has put forward is wrong or fundamentally will not work. Of course it would but, equally, so will the other option and that is why the Government has taken the position it has.

Clause put and passed.

Clauses 2 to 10 put and passed.

Clause 11: *City of Perth Restructuring Act 1993* amended -

Hon A.J.G. MacTIERNAN: I was interested in the Minister's comments, which is why I chose to speak on the short title, because I was still hoping that at some point we might have an explanation of why the Government has refused to address this question of the viability of the City of Perth scheme and to accept the question on the issue of equity among those four municipalities that made up the old City of Perth. It is quite evident, having heard the Minister's comments, that he is not fully aware of how this scheme operates and, indeed, does not understand the degree to which the four remaining municipalities are being denied the benefits which they have accrued. These have accrued because of the contributions made by the old City of Perth that comprised all four municipalities and not just the single remnant that now forms the City of Perth. It is a complex argument but one which needs to be set out. It is repeating a trend that most unfortunately has characterised the whole break-up of the City of Perth, which is a most unfair redirection of funds away from the other municipalities. The Minister needs to understand that the current fund is in surplus - I said last night by \$4m. The surplus appears on the most conservative estimate to be \$4.9m and, depending on the way in which entitlements are calculated, it may be as high as \$6.3m.

[Continued on p.5733.]

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

STATEMENT - PRESIDENT

Telephones in the Chamber, Purpose

THE PRESIDENT (Hon Clive Griffiths): Before we proceed any further I must bring to everybody's attention a practice that has established itself through, I hope, ignorance. I direct this message to the two Whips, firstly, but also to the Leader of the House and the Leader of the Opposition. The telephones which are installed in this Chamber are installed specifically for the Whips in their role as the tellers for divisions in this place. It is quite extraordinary that yesterday for the first time a member mentioned that he obtained on the Whip's telephone some information during the course of a debate. That procedure was put into effect again today. I am not criticising the member, because I think it was done in all ignorance. However, the fact is that it is totally out of order for any member in this Chamber of Parliament to use a telephone to contact people outside the Chamber during the course of a debate, at question time or any other time.

I will take the opportunity while I am speaking on this matter to talk about the telephones generally. The telephones are also not installed for the Whips to have general

conversations with people outside this Chamber, because the logical extension to that is that we have 34 telephones in this place.

Hon John Halden: It would be easier.

The PRESIDENT: That 34 would include me, because I would find it very convenient during some of the debate in this place to carry out some private telephone conversations. The telephones are not there for the purpose of other members taking calls and, in particular, they are not there for the Whips to take calls other than those dealing with the location of their members during the course of a sitting of Parliament. I have watched people grab the telephone and make a call but I have not said anything about it. I raise the matter today only because of those two examples which occurred on two days running when someone indicated that he used the telephone for the purpose of getting information during the course of a debate. That means we may as well ask the people in the Public Gallery what their view is and let everyone join in. Obviously that is not what we are here for. I have mentioned this simply because it is an appropriate time to do so.

MOTION - STANDING ORDERS SUSPENSION

Joint Standing Committee on the Commission on Government, Report Withdrawal

HON GEORGE CASH (North Metropolitan - Leader of the House) [4.35 pm] - without notice: I move -

That standing orders be suspended so far as will enable me to move the following motion -

That the order of the House to table and print a report of the Joint Standing Committee on the Commission on Government made on Tuesday, 18 October 1994 be rescinded and the report be withdrawn.

In view of the discussion on this matter yesterday no further comment is required at this time.

Question put and passed with an absolute majority.

MOTION - RESCISSION OF ORDER

Joint Standing Committee on the Commission on Government, Report Tabling

On motion by Hon George Cash (Leader of the House), resolved -

That the order of the House to table and print a report of the Joint Standing Committee on the Commission on Government made on Tuesday, 18 October 1994 be rescinded and the report be withdrawn.

JOINT STANDING COMMITTEE ON THE COMMISSION ON GOVERNMENT

Report Tabling

HON BARRY HOUSE (South West) [4.36 pm]: I present the first report, including a minority report, of the Joint Standing Committee on the Commission on Government and move -

That the report do lie upon the Table and be printed.

[See paper No 422.]

Hon J.A. COWDELL: I support the tabling and printing of the full report, as suggested by Hon Barry House. It is imperative -

The PRESIDENT: Order! You cannot debate this. I thought you were going to second it. You cannot speak on it; it is a non-debateable motion.

Points of Order

Hon JOHN HALDEN: Is it possible to seek leave for the member to make a comment on

this matter? I say that on the basis that the Leader of the Government and I had an understanding that this would be acceptable. I know that agreements between the Leader of the Government and I are not binding on you, Sir, but is seeking leave the appropriate way to allow the member to make a comment?

The PRESIDENT: I suggest it is not the way to go. Hon John Halden is perfectly correct: Arrangements made between members of this House with each other have no standing whatsoever if they contravene the rules of this place. If it is a contravention of the rules, no arrangement stands up. If Hon John Cowdell wants to make some comment on the report he can move that the report be made an Order of the Day for the next sitting of the House and then the report can be debated. However, in the meantime it cannot be debated.

I reckon that I bend over backwards in this place to accommodate members who want to do things and proceed without the correct understanding of how they should go about it. What happened this afternoon occurred because of my decision that we should do something about it. Frankly, if I had stuck to the letter of our standing orders we would not even be doing this. However, there are some basic procedures that I cannot allow to be contravened. I suggest that Hon John Halden has no point of order. There is no room for debate on the question of whether Hon John Cowdell makes comment at this stage. I am giving him the lead, as I frequently do to members, as to one of the options that could be taken subsequently to make some comment on this report. He can take it or leave it.

Hon JOHN HALDEN: Mr President, I take your advice and seek your clarification. Could a motion be moved to discuss this report at a later stage of today's sitting?

The PRESIDENT: The member can move whatever he likes about note being taken of the paper; I cannot interfere with that. However, it is up to the members to vote on whether they deal with it at a later stage of this sitting or whether they deal with it next pancake Tuesday. My advice is that it is perfectly reasonable for him to do that if he believes that he can get approval to debate it at a later stage of this sitting.

It has been drawn to my attention that we need to suspend standing orders in order to debate this matter at a later stage of this sitting. That is an option. The member can seek leave to suspend standing orders.

Hon John Halden: I am happy.

Hon GEORGE CASH: I intend moving that so much of standing orders be suspended as would allow debate on this motion to occur at a later stage of this day's sitting. However, I seek your guidance, Mr President, to determine whether that is properly done after this motion is agreed to or at this stage.

The PRESIDENT: It would be appropriate to do it at this stage.

Question put and passed.

MOTION - STANDING ORDERS SUSPENSION

Joint Standing Committee on the Commission on Government, Report to be Debated at Later Stage

On motion without notice by Hon George Cash (Leader of the House), resolved with an absolute majority -

That so much of the standing orders be suspended as would enable debate on this report to occur at a later stage of this day's sitting.

ORDERS OF THE DAY - No 15, PETITION BY BRIAN EASTON FOR ACCESS TO TRANSCRIPT OF EVIDENCE, DISCHARGED

On motion by Hon Peter Foss (Minister for Health), resolved -

That Order of the Day No 15 be discharged from the Notice Paper.

**LOCAL GOVERNMENT (SUPERANNUATION) LEGISLATION
AMENDMENT BILL***Committee*

Resumed from an earlier stage of the sitting. The Chairman of Committees (Hon Barry House) in the Chair, Hon E.J. Charlton (Minister for Transport) in charge of the Bill.

Clause 11: *City of Perth Restructuring Act 1993* amended -

Consideration of clause continued.

Hon A.J.G. MacTIERNAN: I want to go into some detail about the nature and state of the City of Perth scheme because it is important for members to understand the arguments we are mounting and the reason we believe that the amendment we have proposed is necessary. The City of Perth superannuation scheme currently is in surplus of somewhere between \$4.9m and \$6.3m. The precise quantum of the surplus depends on the way in which the payments which are required to be paid are calculated. Suffice to say that, on the most conservative estimate, there is a surplus of \$4.9m and it may be as large as \$6.3m. In reality, the surplus will probably end up being in the order of \$5.5m. That surplus has been accumulated since 1937 when the scheme was first put in place. It was accumulated because of the contributions made to it by the City of Perth. The contributions that were made by the ratepayers of the City of Perth together with the very prudent management of that fund have led to a very high rate of growth.

Perhaps I should explain how the subsidy is being used. The subsidy that has accumulated from the contributions of the City of Perth and from the style of management adopted by the City of Perth has been used to reduce the contributions that are made by the City of Perth. Currently, the council makes a contribution of 11 per cent. That contribution rate was set in 1990-91. Previously, the contribution rate was around 12 per cent. However, because of the surplus and the income that is generated by the surplus, it was possible to cut back the contribution to the defined benefits' portion of the scheme to 11 per cent. The return that accrues to the beneficiaries of the scheme is the equivalent of a contribution by the City of Perth of 15.4 per cent. As a result of this surplus which now generates its own income, by making contributions of 11 per cent the City of Perth can generate for its employees a benefit equivalent to that which would be gained from a contribution of 15.4 per cent. Effectively, that surplus which is owned by the scheme and was accumulated as a result of the City of Perth's contribution over the years, enables the council to offer its employees 15.4 per cent worth of subsidy with an outlay of 11 per cent. That can provide powerful recruitment incentives to employees at a budget cost. The comment from the Minister's office is that the new towns now denied full participation in this scheme, are receiving a benefit because they will no longer be required to pay the contribution they would have been required to pay under the City of Perth scheme. That is complete nonsense.

Hon E.J. Charlton: Are you saying that the new towns will not pay the same contribution?

Hon A.J.G. MacTIERNAN: The line emanating from the Minister's office is that the new towns should be grateful that, except for a small percentage of their work force, they will no longer be obliged to participate in this scheme and will no longer have to pay the 11 per cent contribution. That is nonsense because in order to attract good people, it will be necessary to provide a good superannuation scheme. The outside staff as part of their package participate in the occupational superannuation scheme, for which the contribution is currently 5 per cent although that will rise to approximately 9 per cent by the year 2002. However, the new towns will be required to provide a contribution for their salaried staff. Let us consider the contributions made by other authorities participating in the industry scheme in which the Minister wants the new towns to participate. Of those councils, 57 per cent are contributing an average of 12 per cent of wages into the industry superannuation scheme. Twenty authorities in Western Australia are paying more than 14 per cent. The City of Perth, for a mere 11 per cent - on the basis of the figures to which I have referred that is below the average paid by other local

government authorities - is able to deliver a benefit equivalent to that gained from a contribution of 15.4 per cent. It is impossible to see any benefit for the new towns in not being allowed to participate fully in this scheme. The scheme could be used to attract staff by providing proper salary packages and other incentives.

It is a complex argument, but the Minister should understand it in order to respond properly to the points I have raised. It goes back to the essential point repeated time and time again in relation to the restructuring of the City of Perth; that is, the assets were accumulated by the whole of the municipality. The asset we are talking about now is the scheme with a surplus of approximately \$5m. That surplus is now earning income which is used to subsidise the City of Perth in the maintenance of a very good superannuation scheme. The City of Perth is but one of the four municipalities that contributed to and developed that surplus, but only it will be able to enjoy the benefits of it. Somehow or other the Government is selling us the line that the new arrangement will be good for the new towns. I do not know whether the Minister does not understand the argument he is putting, but the extraordinary line forwarded in debate on the short title was to query why other municipalities in Western Australia should not have the capacity to participate in the scheme. Since 1937 that \$5m surplus has been built up by the ratepayers of the old municipality. Therefore, it is proper that the surplus be enjoyed by the ratepayers of the old municipality, who are the residents of the new towns of Vincent, Cambridge and Shepperton, as well as ratepayers of the remnant City of Perth. The logic is clear.

The Minister said that the board does not care about it; I presume he has been badly advised as opposed to his being ingenuous. I quoted in the second reading debate a letter dated October 1993 from the board, setting out precisely its concerns that the results it could generate were based on a particular size of and recruitment level to the scheme. The board believes that if the scheme contracted to between 200 and 300 people, although certain costs could be cut, as a substantial proportion of fixed costs are involved, the scheme could not be administered at the current per capita cost. Hence, the profitability of the scheme would be lost and, because of the lack of new and younger people coming into the scheme there would be an age imbalance. The board pointed out that older members are more expensive than younger members, and that would ultimately lead to the collapse of the scheme. The Minister and his officers have stated that the board has said nothing more about that. That is because the Government appointed its own people on the board. The Perth City Council was sacked or dissolved - it is the same thing. The current board can hardly be expected to tell the Government of the problems with the legislation. I am not criticising those people, but they were appointed to do the Government's bidding in these matters, as with the whole carve-up of the City of Perth. I gather that they understand that it is not their role to try to intervene or change the wishes of the Government. I hope that some arrangement will be made which is more sophisticated than the one proposed. We must address the equity and propriety of the redistribution of the benefit of that substantial surplus. It should be allocated with the four new municipalities as beneficiaries.

Hon E.J. CHARLTON: Although the member claims to be looking for some intellectual contribution from the Government in a debate on this matter, I have learnt one thing in the short time that Hon Alannah MacTiernan has been a member of this place; namely, that no matter what argument is made, if the member believes in something strongly, nothing will change her mind. In that case, unless I change my mind, the member will make two claims: First, that the response I make is not logical; and second, that I am wrong.

Hon A.J.G. MacTiernan: Try us; give us a good argument.

Hon E.J. CHARLTON: The member has heard it all before.

Hon A.J.G. MacTiernan: Where?

Hon E.J. CHARLTON: No doubt the member has heard the argument.

Hon A.J.G. MacTiernan: I have not.

Hon E.J. CHARLTON: Not today perhaps.

Hon A.J.G. MacTiernan: Not in this debate.

Hon J.A. Scott: Explain it for me.

Hon E.J. CHARLTON: All right.

Hon A.J.G. MacTiernan: It was only during the last few days that I became aware of the extent of the unfairness of the proposal.

Hon E.J. CHARLTON: People currently employed by the Perth City Council will continue to be in the council scheme. People currently employed by the Perth City Council who move to the new districts will be able, if they wish, to be part of the scheme. Nothing is being taken away from those employees; that is acknowledged.

The member asked why new employees of the newly formed districts emanating from the original Perth City Council should not be part of the city council scheme. That is a point of view that the member has. However, it could be said that as the new districts arose from the old City of Perth, and although they have new names, it is still the old City of Perth.

Hon A.J.G. MacTiernan: Not any more.

Hon E.J. CHARLTON: Not unless the member opposite wins government and puts the old Perth City Council back together.

Hon Reg Davies: Are the funds to be divided among the other municipalities?

Hon E.J. CHARLTON: No. The new towns are new councils in their own right. People who leave the Perth City Council to work for the new districts -

Hon Reg Davies: The City of Perth is a new council too.

Hon E.J. CHARLTON: But employees within that total district, under the former name of the Perth City Council, can become employees of the, say, Town of Vincent and stay within the scheme - nothing changes. However, the new districts employing new people will be part of the industry scheme.

Hon Reg Davies: What about the new people coming into the new City of Perth?

Hon E.J. CHARLTON: They will be part of the Perth City Council scheme, or the industry scheme if they choose that scheme. Two schemes are available.

Substantial change was made in this area because of previous activities which made it necessary to change the superannuation scheme in local government. A new agreement was made and a new trust was established. The new councils with new employees who come from anywhere else other than the Perth City Council will join the industry scheme. However, down the track these people may decide not to be part of the industry scheme and may move to a private scheme - the whole nation seems to be moving this way. Just because people are working in local government does not mean that they must be part of the local government superannuation scheme. This legislation involves the four new districts. Other arguments could easily be made. If one allows people employed in the new towns to be part of the Perth City Council scheme -

Hon Reg Davies: But some can be.

Hon E.J. CHARLTON: The existing employees will be as well as those who transfer over to the new districts.

Hon Reg Davies: So within the one municipality half the employees may be under one scheme and the other half under another.

Hon E.J. CHARLTON: Until all the employees have passed through the system in one form or another, that may be the case. Those people will then not be among the group who are currently employed by the Perth City Council. If people who are new employees of the new districts and have come not from the City of Perth but from other local government authorities are allowed to become part of the PCC superannuation scheme, why then should people from other municipalities from around the State not enter the scheme?

Hon A.J.G. MacTiernan: It is because of the subsidy.

Hon E.J. CHARLTON: We will come to the subsidy.

Hon Reg Davies: It would contribute to that scheme.

Hon E.J. CHARLTON: No. Those who have contributed to the scheme can stay within it.

Hon Reg Davies: Those people will then reap the benefits of the funds.

Hon E.J. CHARLTON: That is right. The argument has been made that other new employees should be able to be part of the scheme. Equally, the same argument could apply to somebody who is newly employed by any town council in the State.

Hon Reg Davies: Perhaps the City of Stirling.

Hon E.J. CHARLTON: Exactly. Why should a new employee of that city not be part of the scheme? Another argument which can be made is that many people in local government transfer from one area to another and from the city to the country. These people will have an opportunity to be part of the industry scheme, and they want to take the scheme with them when they move. If someone transfers from the Town of Vincent to Tammin -

Hon Reg Davies: So people who have contributed to the scheme for many years will still reap the benefits.

Hon E.J. CHARLTON: Absolutely. Hon Alannah MacTiernan was arguing - she considered this to be important - that because the ratepayers of the area of the old City of Perth had contributed to the scheme, and as the new districts will not be part of that city council, people will miss out on benefit after contributing substantially to the fund. Therefore, people who become employed by the new towns will benefit, but the ratepayers will not be able to take advantage because the new towns must start from scratch. That is correct. However, who created the situation? Was it the ratepayers or the good management of the fund? A pool of money is available.

Hon Reg Davies: The pertinent point is that although the employees who contributed can benefit, the constituents who contributed will not benefit.

Hon A.J.G. MacTiernan: Right on.

Hon E.J. CHARLTON: Just because the scheme was successful in the past does not mean that from now on, whether it is part of the Perth City Council scheme or the Towns of Cambridge, Vincent or Shepperton, the employer - that is the ratepayers - will not have to make a contribution to match the employees' contribution for the provision of superannuation.

The member said that because the superannuation fund has provided this discount it should be applied in future years otherwise the employees in the new towns will miss out. She asked how the benefit would be applied in future when the new Perth City Council ratepayers would be paying a lower contribution. They will not. Contributions were made in the past but the ratepayers cannot get a refund. The council will not write a cheque and send it to the ratepayers saying that it has done a great job with that money and there is a surplus. No dividend will be paid to ratepayers. The scheme has been successful; the fund is well in credit and that is all very good. Ratepayers will benefit in future because the employees will have to contribute, and so will the new town councils.

I wanted to make another point about industry funds. Who is to say those funds cannot be run equally well? It should be the responsibility of the new towns to generate revenue. That is for the future. If we keep looking to the past we will never encourage people working elsewhere to have an affinity with the new Perth City Council scheme. This is a new era. People will have not have a reason to move unless they receive a superannuation benefit. We cannot say that it will be a better scheme. We say that there is no valid reason for tying the new towns with the old Perth City Council. The Perth City Council scheme will continue.

The member said that the number of members in the scheme could drop to 200, and that that would cause its demise. It does not necessarily mean that, because I am told there are many examples where small numbers of people have very successful superannuation schemes. The member made the valid point that it is a successful scheme. She said that because it is a good scheme, because ratepayers have contributed in the past, and because there are surplus funds, we should encourage members to remain with it. However, we set up the new local government industry superannuation scheme. Having done that, why should we change? We may as well just have a Perth City Council scheme and include all the members in that scheme.

Hon Reg Davies: Is it an option to transfer the funds into the local government scheme?

Hon E.J. CHARLTON: The industry scheme has not had the same success because some bad investments have been made.

Hon Max Evans: There was a drop in the share market in 1987.

Hon E.J. CHARLTON: That is the reason it was decided in the past not to invest. That does not mean it will not happen in future. My guess is that we will see the situation open up in future, and that may not be too far away.

Individual employees will make a choice about which scheme to join. I have put the two sides to the argument. The local government people have made a decision. Hon Alannah MacTiernan has a keen interest in this area, having been a member of the Perth City Council. She is particularly interested in the success of the scheme. She is convinced that because the scheme is running well we should encourage people, no matter where they live or work, to be part of the scheme. These are new towns; this is a local government scheme and the new employees should be part of it.

Hon J.A. SCOTT: The Minister's explanation seems rather like the explanation by the former leader of Elders to shareholders when he split the company and sold it. It appears to me that contributions have been made by the ratepayers of the greater City of Perth, not just the silver-tailed city in the middle. Now, instead of the surplus funds from the superannuation scheme being split among all groups so that the situation is equal -

Hon E.J. Charlton: It will not be split. It was never to be split.

Hon J.A. SCOTT: The surplus of funds will make it a cheaper proposition for the new Perth City Council to split up a superannuation fund. However, other people will set up a superannuation fund from scratch, which will involve many costs, but without the benefit of the surplus funds it will be difficult to attract people to the scheme -

Hon E.J. Charlton: It will not be cheaper.

Hon J.A. SCOTT: It has been cheaper in the past because of the discount made available by the previous council. The City of Perth will be able to afford the discount to attract people but the Town of Shepperton, say, will not. It is a bit like a group of people buying a bus and then deciding to split up the family. Some people will travel on the bus and others will walk. Perhaps that is an oversimplistic example. I do not support the legislation.

Hon E.J. CHARLTON: The member's example was oversimplistic because it is not that way at all. I invite the member to have a discussion with the Minister and his adviser. He will receive a full explanation. Most people who will work for the new towns will be in a scheme already. Some may choose to remain with the PCC scheme. If they are coming from elsewhere in the State, they will be in an industry scheme and they may want to remain in that scheme. It will not make any difference. They will not want to be part of the Vincent scheme and then change out of it and go into the Perth City Council scheme. They will want to stay in the scheme they are in.

Hon A.J.G. MacTIERNAN: I am heartened by the fact that it is clear the Minister understands my argument. We have at least progressed that far. From his previous comments I had some doubt that that was the case. He certainly has not given cogent arguments for the reason the Government has refused to consider this matter. However, he has revealed the true reason; that is, the Government knows that its decision to carve

up the City of Perth was an immensely unpopular one within the City of Perth. The Minister, like the Government, is fearful that when democracy is restored there will be elements in the community who will want to rejoin the city. The Government wants to do as much as is possible to stop people thinking that they were once part of the City of Perth. It is thought police. That is the essence behind this. Another example of the great motivation behind its action was to reward its mates in big business by the promise of -

Hon E.J. Charlton: You do not mean your mates in big business?

Hon A.J.G. MacTIERNAN: I am talking about the Minister's mates who are the people to whom the Government promised reduced rates. We saw an edifying example of that recently when Aherns, a company for which I normally have great respect, said publicly that it would not contribute to the Christmas lights this year because it did not receive the reduction in its rates that the Government had promised it.

Hon E.J. Charlton: I thought you said that we would look after big business.

Hon A.J.G. MacTIERNAN: I can only suggest that the Government has been incompetent. The carve up of the City of Perth was all about providing incentives and rewards to the mates of the Government who are in big business and punishing the people who had the audacity to vote for Labor Party and Independent members. Well might Hon Norm Moore snarl -

Hon N.F. Moore: I heard this rhetoric 20 years ago.

Hon A.J.G. MacTIERNAN: It is true. I have never said that the boundaries of the City of Perth should be inviolate, but perhaps there was a need for and some sort of logic to redefining the boundaries. If the Government had a legitimate interest in the reform of the City of Perth it has not done it logically.

The CHAIRMAN: Order! The member is straying from the title of this Bill. This Bill concerns superannuation.

Hon A.J.G. MacTIERNAN: It is about superannuation, but I am trying to point out the Government's motivation for what is an inequitable decision. Coming to terms with the Government's motivation is an important part of understanding and exposing what is going on. I cannot see that it is irrelevant. If the Government had a genuine desire to reform local government it would not have done what it did. It would have been prepared to amalgamate parts of the coastal ward with the Nedlands City Council and areas of West Leederville with the City of Subiaco. That was too difficult because it affected -

The CHAIRMAN: Order! I think the member is stretching the point too far.

Hon A.J.G. MacTIERNAN: I have got my point across; I realise it is a sensitive issue for the Government and not one its members would want developed at great length.

I was very amused by much of what the Minister said. He finds analogies helpful and I will use an analogous situation to demonstrate my point. Consider the situation if the Federal Government decided to carve up Australia Post into six areas and let each area operate autonomously under different names. However, that part of the operation in New South Wales was given permission to operate under the name of Australia Post. If the Federal Government agreed that all the assets of Australia Post would remain with New South Wales because it kept the name of Australia Post and that part of the operation in Western Australia, which has a new name, would not have any assets, the Government would be outraged.

Hon E.J. Charlton: We are talking about a superannuation scheme and it belongs to the members and is staying with them. Your argument is wrong.

Hon A.J.G. MacTIERNAN: The Minister's comment is inaccurate. The City of Perth as a whole benefits from this scheme. It is able to offer to its staff a 15.4 per cent superannuation contribution while paying only 11 per cent. The new towns will have to belong to the industry fund, unless the Government accepts the Opposition's amendment. To be in a position to continue to deliver to the new employees the towns will have to

increase their contribution from 11 per cent to 15.4 per cent. Another alternative is that the new towns offer a less attractive package and that would be a disadvantage to them. For the same price they will not be able to offer a wage incentive to their employees. That is a basic principle and if members opposite do not understand that, there is not much hope for the management of this State. It will not be the case that there will not be a scheme to which the new towns can resort. The point of my argument is that because the new towns will not have the benefit of a surplus - a self sustaining surplus like the City of Perth's scheme - they will not be able to provide anywhere near the sorts of benefits that are currently available to their employees. To be in a position to offer anything that is comparable to what is being offered on the open market they will have to markedly increase their rate of contribution. It is important that the Minister understand that because it appears to have washed over him. Fifty seven per cent of the councils which are currently part of that scheme are paying 12 per cent or more; 20 authorities are paying 14 per cent or more. If the new towns want to be able to attract good staff they will not be able to keep the rate at 11 per cent.

Hon E.J. Charlton: Do you want the people who are already part of the scheme to subsidise the people who come into it?

Hon A.J.G. MacTIERNAN: No.

Hon E.J. Charlton: That is what you are saying.

Hon A.J.G. MacTIERNAN: Not at all. I want the new towns to be in exactly the same position as the City of Perth.

Hon E.J. Charlton: They will be.

Hon A.J.G. MacTIERNAN: The only logic the Minister has offered, apart from the fact that he wants people to stop thinking they used to be part of the City of Perth, is that the City of Perth retains its name. I can understand that politically. The Opposition's argument is that four municipalities have been carved out of one and they each should be treated equally.

Hon E.J. Charlton: They are.

Hon A.J.G. MacTIERNAN: They are not. On the Minister's analysis the existing employees of the remnant City of Perth and its new employees will be part of the scheme. The new employees will be the people who come in from Manjimup, Tammin or wherever and, if they want to, they can be part of that scheme.

Hon E.J. Charlton: If they want to be.

Hon A.J.G. MacTIERNAN: Yes, and the records show that 80 per cent of them want to be because the returns from this scheme are attractive to the beneficiaries. Therefore we can presume that business will continue as usual, at least in the short term, and that 80 per cent of those new employees who come from all around Australia into the City of Perth will be able to participate in that scheme. Not so for Cambridge, Vincent or Shepperton; yet the Minister can say they will all be treated the same. It is absurd. He is asking why these people who have come from other places should be able to participate in the scheme. The scheme for the City of Perth has always worked that way. We should be fair about this and give back to the City of Perth, and all those parts that constituted the greater City of Perth, the same rights the remnant City of Perth has. To say that that small part is the City of Perth and the rest is not is plain stupid. The one has continued the name, but they are all equally entitled to share in the benefits of that scheme.

The real reason the Minister gave was that the Government wants people to stop thinking about themselves as belonging in the City of Perth - as if that is so important. If he really wants those people to stop thinking of themselves as part of the City of Perth, we should retain the scheme and the equity, but change the name.

It is obvious from statements the commissioners are making that they are contemplating certain structures which will apply to the four municipalities. They are talking about establishing regional councils which will perform certain tasks and which will comprise the four constituent groups of the old municipality. Based on that logic we can do the

same with this scheme. The other solution is to hand out some of the assets to the new towns. The Minister said that it will not be the new ratepayers who will receive the benefits.

Hon E.J. Charlton: It does not belong to them.

Hon A.J.G. MacTIERNAN: Perhaps what needs to happen is that money from other reserves should go to these new towns to compensate them for this very clear loss of advantage that will occur as a result of their being denied the opportunity to continue to participate fully in the City of Perth scheme. What they are losing and what the City of Perth is retaining is the ability to offer 15.4 per cent equivalent of superannuation for a mere 11 per cent. It will no longer be possible for them to compete on the open market. They will have to offer at least 12 per cent or 13 per cent. Even then they will be in a worse situation than before because they will be offering a scheme that is worth only 12 per cent or 13 per cent whereas previously they paid 11 per cent and received 15 per cent. Even if the Minister is not prepared to move on this, there must be some way of providing some equity to the new towns following what will be a substantial loss to them.

The Government has dealt with these new towns exceedingly poorly. In a range of instances it has allowed the remnant City of Perth to take the assets that quite properly belonged to the entire city.

Hon J.A. SCOTT: I think I have been enlightened by the Minister's explanation. I now realise that 8 per cent equals 15 per cent as long as it applies to the City of Perth. However, if it applies to the town of Shepperton, 15 per cent equals 15 per cent. Unfortunately it is just bad luck if a town is on the wrong side of that border. This is an extension of the initial act of dividing the City of Perth, which was totally devoid of fairness and democracy.

Hon A.J.G. MacTIERNAN: Concerning the long term viability of the scheme, the Minister said he had been advised of schemes that were quite sustainable with only 200 to 300 members. The problem with this scheme which will apply equally across the municipalities is that it will create an age distortion. All the existing employees of the City of Perth, regardless of which of the four towns they will find themselves in, will remain. However, only one quarter of the municipalities will be able to feed new people into the scheme. A mushroomed shape demographic will occur with a larger base of older members, because we are allowing existing members who transfer to the new towns to remain in the scheme without allowing those towns to balance that by keeping their new employees in it. That is fundamentally from where the actuarial problem will come for this scheme. There will be a disproportionate number of older members and a very contracted recruitment base. It is an issue the Minister has not addressed and one which he must think quite deeply about. The Minister is saying that sooner or later the whole thing will be opened up. We must examine that legislation when it comes, but in the meantime we must make sure we do not destroy the scheme and ensure we treat all those constituent parts of the greater City of Perth equally.

Clause put and a division taken with the following result -

Ayes (15)

Hon George Cash
Hon E.J. Charlton
Hon M.J. Criddle
Hon B.K. Donaldson
Hon Max Evans

Hon Peter Foss
Hon Barry House
Hon P.R. Lightfoot
Hon P.H. Lockyer
Hon I.D. MacLean

Hon Murray Montgomery
Hon N.F. Moore
Hon B.M. Scott
Hon W.N. Stretch
Hon Muriel Patterson (*Teller*)

Noes (12)

Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport
Hon N.D. Griffiths

Hon John Halden
Hon A.J.G. MacTiernan
Hon Mark Nevill
Hon Sam Piantadosi

Hon J.A. Scott
Hon Tom Stephens
Hon Doug Wenn
Hon Tom Helm (*Teller*)

Clause thus passed.

Clauses 12 and 13 put and passed.

Title put and passed.

Bill reported, without amendment.

MINING AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

JOINT STANDING COMMITTEE ON THE COMMISSION ON GOVERNMENT

Report Tabling

HON J.A. COWDELL (South West) [5.45 pm]: At this late stage I will take only a few minutes. I regret that my comments were not able to be made earlier. I received well intentioned if defective advice. I offer a few comments. The report is a matter of concern. It is not a matter of concern that we may have had to receive two reports, although of course we have solved that problem now. It would have been unfortunate if the Legislative Assembly had received the minority report and we had been unable to receive it, but that situation has been resolved. It is a matter of concern that we may have received an incomplete report. It is not a matter of the minority report being late.

The first report that was presented ran to a few lines. I must say that the first time I saw it as a member of the committee was when I received a photocopy of the document that had been laid on the Table here. If the full joint standing committee had considered it, it would at least have had a clear indication in it that it was a majority report by majority vote and not a unanimous report. Reading the report in its first form may have led people to believe it was a unanimous report. It was not. Members of the committee were given to understand that the report would be presented some time this week but were under the impression that it would not be presented on Tuesday. Therefore, there was no opportunity to include the minority report. It was put to the Speaker, the chairman of the joint standing committee, that the minority desired to present a report. A delay in the presentation was sought so that everything could be approved together. This was denied, but members of the committee were told that it would be possible to present the minority report at a later stage.

I am pleased that the Assembly has accepted the report in two parts and we have been able to accept the report in total. Members will now see that the full report is far more substantial. It indicates the level of scrutiny of the applicants, the lack of deliberation of the committee, the lack of individual assessment and some of the responses of the ministerial nominees.

The minority report states simply that the just concern of the undersigned members of the committee and the public of Western Australia could be met by the reconvening of the committee and the proper completion of its deliberative process. It was not that the minority were opposed to the five ministerial nominees. It is just that we are unable at this stage to indicate approval because the interviewing was incomplete and there was no deliberation on the quality of the applicants. Certainly the whole concept of whether we were trying to have a Commission on Government as a panel of experts, or a jury-style cross-section of the community, is a very important question yet to be considered.

If we were to go for the jury system, which is a cross-section of the community, we would start considerably behind the eight ball. We need to be satisfied that we have a panel of experts who can start by assessing most of the arguments and considerations, under each of the terms of reference, from an expert point of view. It is important to bring to the attention of this Chamber that it is not simply a case of the minority report being late. I am pleased that we now have a full report and the Chamber is fully apprised, as is the Legislative Assembly, of the views of all members.

HON BARRY HOUSE (South West) [5.50 pm]: I am a little disturbed to hear Hon John Cowdell describe the report presented on Tuesday as incomplete. The report that I tabled on Tuesday was tabled strictly in accordance with the instructions of the Joint Standing Committee on the Commission on Government and the standing orders of this House and as it was handed to the Clerks of this House.

Point of Order

Hon MARK NEVILL: I never signed that report. I cannot see how it can be correct.

The PRESIDENT: Order! That is not a point of order.

Hon George Cash: It is a point of view.

Debate Resumed

Hon BARRY HOUSE: I am not at liberty to explain what happened in the committee.

Hon Mark Nevill: You have my indulgence.

Hon BARRY HOUSE: I do not wish to breach the confidentiality of those committee proceedings; but my only knowledge of the intention of some members to submit a minority report was as a result of my passing one of the other committee members in the corridor just a few minutes before I came into this Chamber on Tuesday. That is my only knowledge of the consideration of a minority report.

Hon Tom Stephens: Did you tell that person that you had a report that you were about to table?

Hon BARRY HOUSE: I assumed that the members would have known.

Hon Tom Stephens: On what basis did you assume that?

Hon BARRY HOUSE: I was informed as a member of the committee. I was asked to table that report.

Hon Mark Nevill: As the senior member of this House, I thought I should have tabled it.

Hon BARRY HOUSE: The report, as tabled on Tuesday, was tabled strictly in accordance with the standing orders of this House and, as I understood it, the instructions of the committee.

Hon Tom Stephens: My understanding of the standing orders must be defective.

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [5.52 pm]: It is necessary to place on record that this has been a sorry indictment of a committee report. The chairman's role in this is not without criticism. I have nothing to suggest that Hon Barry House did any more than be the messenger of what he thought were appropriate actions, and he proceeded down that path. I suggest that he got particularly poor advice, but so be it.

Hon Barry House: That is reflection on the Clerk.

Hon JOHN HALDEN: It is a reflection on the chairman - that is, the Speaker - not the Clerk. The establishment of the Joint Standing Committee on the Commission on Government is a questionable situation. The Government was desirous of the numbers, of secrecy. The Government broke commitments to the Opposition about the appointment of this committee. It then did not allow the process of committee members talking to the people who had been nominated by the Premier to be public. Then we had the minority report, and some amazing facts are revealed. A member of the committee had not even read the report. We wonder what else was discussed at the committee hearing. Perhaps the minority report could have been more clear about some of the shortcomings of the people nominated.

I assume that if a report is not agreed to, it has to be rewritten and gone through line by line and voted on, and members would then commit themselves one way or another. If there is a dissenting report, it is acknowledged and included in the major report. I was not part of the committee, but I understand that this process did not occur. This committee is the centrepiece for reform of this Parliament and other processes throughout

the State. The whole thing has been particularly poorly handled, if I may be so bold. I would have assumed that the Speaker, the chairperson of this committee, would know the standing orders and would have been far more astute than has been the case. If it turns out that my comments are incorrect, I will make the suitable comments in this place. If they are correct, the haste of this process does nothing for what should have been the centrepiece of the reforms recommended by the royal commission.

We have already had a discussion about committees of this House and some of the difficulties they face. However, my view now is that this is a highly politicised committee. Our hopes and aspirations for what this committee might have achieved were strangled from the beginning when the Government succeeded in removing certain terms of reference. The Government has continued to go down a path that brings little credit to it in particular, and to this Parliament in general. I hope this Parliament and this House do not again have to sit through what has been an appalling set of circumstances.

HON TOM STEPHENS (Mining and Pastoral) [5.58 pm]: I am just coming to terms with this matter. I am horrified by what I have learnt in this debate about what has happened this week concerning the Joint Standing Committee on the Commission on Government. This motion refers to the presentation of the report of this committee by Hon Barry House. I have considered reports by committees. I have never heard anything so extraordinary - that someone can come into this House and report something on behalf of a joint standing committee that appears not to have gone before that committee as a report.

Hon N.F. Moore: Sit down!

HON TOM STEPHENS: This is the most horrific thing that I have seen happen in this place for many years.

Several members interjected.

The PRESIDENT: Order!

HON TOM STEPHENS: The Speaker was the chairman of this committee. On the same day at opposite ends of the Parliament this extraordinary travesty was occurring. This is the committee that has been established to assist in the workings on the Commission on Government, whose task is to oversee the necessary reforms in the process of government and the Parliament. Here we have a subversion of the process of Parliament itself.

Hon N.F. Moore: You are pathetic. You always go over the top. You cannot help yourself.

HON TOM STEPHENS: If the Minister cannot understand what the Government has done this week, God help this Parliament while those opposite have the numbers in this place. What the member has done is the most extraordinary travesty. I am shocked that the member has allowed himself to come in, at the direction of God knows who, and present a report as though he were directed to do so by the committee, when quite clearly we had a committee member indicate that no report was even presented. If the member cannot understand what he has done, he should be ashamed of himself.

Debate adjourned, pursuant to Standing Order No 61(b).

ADJOURNMENT OF THE HOUSE - ORDINARY

HON GEORGE CASH (North Metropolitan - Leader of the House) [6.00 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Wittenoom, Mesothelioma Deaths, Estimate Question

HON MARK NEVILL (Mining and Pastoral) [6.01 pm]: The House should not adjourn until I bring to its notice the response which I received to a question to the Minister for Health, Hon Peter Foss, about Wittenoom. The question was as follows -

In respect of estimating future claims against the State Government and CSR, how many environmental mesothelioma deaths are predicted from among Wittenoom women and child residents -

- (a) who only lived in Wittenoom ... before 1960 when the link between asbestos and mesothelioma became known in Western Australia ...

That is when the link between asbestos and asbestosis was known, but not the link between asbestos and mesothelioma. It continues -

- (b) who lived in Wittenoom ... between 1960 ... and 1966 ...

That is when the link became known, and the company continued to mine. It continues -

- (c) who have lived in the town only after December 1966 ...

The answer that I received is basically an answer that the department would have prepared for the Minister, and it states -

Although predictions for workers have been estimated by research workers because of the good occupational data that were available, no such predictions have been made for Wittenoom women and child residents because of the paucity of the information.

That is an evasive answer by the department. There is enough evidence available to make predictions with a certain level of confidence on those figures - if not about the three individual categories, certainly before the closure of the mine and since the closure of the mine.

In the report that I did with Alan Rogers, we predicted post-1992 that a further five women and a further four children would die. We then have the issue of visitors, which is clouded by the background levels of mesothelioma within the community; and I will enlarge upon that. That is nine extra deaths post 1992. Those deaths are all among people who had massive environmental exposure - not the levels that we are getting today. Alan Rogers and I are having published in an international journal of respiratory medicine a paper on the findings in our report, plus an assessment of deaths in the two years since our report was presented to the Government. Our estimates in the last two years correlate almost exactly with the number of deaths that have occurred, so the model is very good.

All that Dr Paul Psaila-Savona, who drives this crazy debate in the Health Department, has to do is commission people like Professor Geoffrey Berry, the head of the Department of Public Health and Epidemiology of the University of New South Wales, Dr Nick de Klerk from Sir Charles Gairdner Hospital, who is a medical statistician, and Alan Rogers, and he will get estimates. The reason that Dr Psaila-Savona does not want to give any results is that it shows that we will get an extra death every 20 000 years if all the present residents of Wittenoom are children and they live there for more than 10 years. If they are all adults and we double the population to 100, and they live there for 10 years, we will get an extra death every 50 000 years. That person is not prepared to give the Minister that information. The Minister should demand that the department commission someone to produce those estimates. The main reason that the Government is nervous about Wittenoom is future litigation. The risk estimates are absolute nonsense. All the government department correspondence contains emotive phrases like "avalanches of claims" and "commissioning \$5m cases with QCs", to fight cases which it should settle. The Government's approach over the years is absolutely incoherent.

Dr Musk from Sir Charles Gairdner Hospital said in his submission to our inquiry that the risk of mesothelioma for anyone living in Wittenoom today - we can forget the visitors - is extremely low. Professor Geoffrey Berry, the foremost person in this field in Australia, agrees with the findings of our report. The Legislation Committee of this House questioned Dr Psaila-Savona at length and he could not give any convincing answers to discredit the report by Alan Rogers and me. In fact, he told the committee he could find no fault with it. However, he then turned around and said, "How can we tell people Wittenoom is safe?" I said in the committee, "You do not tell people something is

safe. We have all got to drive home tonight. That is not safe. It is a question of whether the risk is acceptable, and what is considered an acceptable risk is a one in a million chance of dying." All of the people in Australia who are considered expert witnesses - Dr Psaila-Savona is not one of those - and will be called before Supreme Court cases which involve asbestos litigation, and who have read the report of the select committee chaired by Larry Graham, dismiss it as nonsense, lightweight, biased, and written to fit a certain set of recommendations. I understand that the Government will act on that report. It is basically throwing away public money for no reason at all. There are sensible solutions to dealing with the Wittenoom situation, but even if we doubled the population of Wittenoom, we would be looking at extra deaths of about one every 20 000 to 50 000 years. Who will be around every 20 000 or 50 000 years to be concerned about that?

Hon N.F. Moore: I hope to be around for that.

Hon MARK NEVILL: We are waiting for the second coming of Christ but I hope we do not get the second coming of Hon Norman Moore!

It is absolutely frustrating that the bureaucracy in Western Australia has manipulated Minister after Minister by scaring the daylights out of them. It has done it to the Shire of Ashburton. It has said, "We will not pay any of your court costs where there are cases against the shire in respect of Wittenoom." Those cases will occur anyway, because they basically come from a period when people had massive environmental exposure.

The findings of our report are not really disputed by the Graham committee. That committee recommended that the town remain open, and that it be cleaned up, as we recommended, but only where the tourists go. I am in the process of having a Supreme Court action taken by the residents of Wittenoom which will seek a declaration that the State Government has a duty of care to clean up the tailings in the town of Wittenoom. Those tailings were not dumped there by CSR. The town was built by the State Government and the tailings were dumped there by the State Housing Commission and the Public Works Department. I do not think CSR owned a lease in the town; if it did, it was minor. There is an open and shut case that that declaration will be given. The Government needs to think very carefully about the actions it is taking in respect of Wittenoom. Dr Psaila-Savona said at a meeting recently that Wittenoom residents should not be given any compensation if they leave the town. He said that they were offered money before. In 1978 or 1984, they were offered \$2 000, and one person who had been a resident of the town for 30 years was offered \$11 000. Where can people go for \$2 000 or \$11 000? They have no hope of accepting that sort of money. If the Government wants to offer compensation, the longer term residents should be treated differently from people who have come there in more recent times. Certainly, longer term residents should be given replacement value, not the miserable sums of \$20 000 or \$40 000 that may be offered. They cannot buy a block of land in towns in the north west for that amount of money. Whether the Government closes Wittenoom or not, it will still have to clean up the town because anyone who goes through that area will have a claim against the State.

Adjournment Debate - "City for the People"

HON A.J.G. MacTIERNAN (East Metropolitan) [6.10 pm]: I will comment on this glossy publication that appeared on our desks this afternoon. It is entitled "City for the People".

Hon Mark Nevill: The centrefold is usually in the middle.

Hon A.J.G. MacTiernan: I am not sure which people, because we have said often in this place that the city has been sadly denuded of residents. It should have the heading "City for Commerce" or "City for the CCI." I wanted to draw attention to the very interesting diagram of the city on page 5. Sadly, I note that Council House is absent from this drawing. I presume this means that the State Government and the commissioners - not anyone who was democratically elected by the ratepayers and residents of the new municipalities of Perth, but these appointed councillors - have taken it upon themselves to persist with the ludicrous plan to demolish Council House.

Hon N.F. Moore: It does not say that at all. It is a concept plan, and no decisions have been made. You are a scaremonger.

Hon A.J.G. MacTIERNAN: I am alarmed that this forms part of the preferred concept for the City of Perth. On the basis of the sensitivity of this Government about matters relating to the City of Perth, one can only presume that at the end of day this concept will be enacted. No doubt it will be enacted before May 1995 when democracy is reinstated into the municipality of Perth.

I will use this opportunity to raise the folly of this - whether it is a proposal or a decision. The Royal Australian Institute of Architects, the Institute of Urban Studies, the National Trust, and Heritage Council of WA have recommended in the strongest terms the conservation of Council House. So too have people of the status of Professor Geoffrey London from the architecture school of the University of Western Australia and, perhaps, Australia's leading architect Harry Seidler, who took a trip to Perth simply to make the statement that Council House was a building of extraordinary value and must be retained at any cost. The advice that the Government has been given over and over again by people who are in a position to judge these things is that Council House is an extraordinary example of the architecture of the 1960s, and that it is a building of great elegance and technical accomplishment.

It is time the Government realised that heritage is not just about grand old colonial buildings, nor just about those sorts of buildings that its members personally might find attractive. I do not like many architecture styles. I loathe Elizabethan architecture, but if I were in England and I had some capacity to determine these things, I would not suggest that buildings such as Ann Hathaway's cottage should be destroyed just because I do not happen to like that type of architecture. Members opposite must develop a greater degree of sophistication in this matter of heritage and be prepared to look at other values in buildings rather than simply their personal preference.

In the time I have been involved in heritage issues, I do not remember an issue where we have had people of such standing in the architecture world being prepared to get behind the calls for conservation of a particular building. I hope it is true, as the Minister for Education has said, that this is only a proposal, and the Government still has an open mind on this issue. I ask that members opposite insist that the Government take full and proper consideration of the plethora of expert advice that has said that this building must be retained. Many ordinary citizens in the City of Perth understand the notion of heritage. They understand it is not simply a question of what an individual finds attractive. They realise the centrality that Council House has in the history of Perth; that perhaps that building along with, maybe, Beatty Park mark the entry of Perth into a more international era, where it moved from being a provincial capital to being part of a larger Australian economy and a city that had an identity in the world at large.

Adjournment Debate - Pearling Industry Bills

HON TOM STEPHENS (Mining and Pastoral) [6.16 pm]: In the early hours of this morning Hon Eric Charlton told the House that the pearling industry Bills had the support of the pearling industry, and that the legislation represented what the pearling and fishing industry wanted regarding a levy being put in place by the Government. I have in my hands a letter that was faxed to me this morning in response to a request I put to the pearling producers. It is addressed to Mr Charlton and states -

The Bill has not addressed the issue in the way that industry requested and has possibly given the Minister excessive discretionary powers beyond that requested by industry.

Hon Tom Helm: That must be a letter from the Taxi Council.

Hon TOM STEPHENS: The letter continues -

This has engendered some risks to the unity of the fishing industry in that it could encourage splinter groups to approach the minister direct for project funding which is contrary to the original concept of generic industry levies and benefits.

In the early hours of this morning Mr Charlton assured the House that the Bills that were before it had the support of the pearling industry.

Hon E.J. Charlton: Yes.

Hon TOM STEPHENS: I urge the Minister over the weekend to look seriously at what he told the House in the early hours of this morning, and what he will now have before him as Minister representing the Minister for Fisheries in this House. I urge the Minister in the strongest possible terms, that at the earliest opportunity he address this House in the appropriate terms because he has yet again, it would appear, misled this place. If he does not so address the House next week -

Hon E.J. Charlton: I will address you, mate.

Hon TOM STEPHENS: - I will approach this House to have the Minister appropriately dealt with for yet again having misled the House.

Hon E.J. Charlton: Good. Perhaps you should have a bit of a look at yourself. You are a ratbag.

Question put and passed.

House adjourned at 6.19 pm

QUESTIONS ON NOTICE

SCHOOLS - MAIDA VALE PRIMARY

Future

776. Hon N.D. GRIFFITHS to the Minister for Education:

- (1) Can the Minister confirm that the Government is committed to the Maida Vale Primary School not closing?
- (2) How long does the Minister intend to maintain that position?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) As long as the school does not meet the criteria outlined in the school rationalisation policy.

SCHOOLS - WOODLUPINE PRIMARY

Future

777. Hon N.D. GRIFFITHS to the Minister for Education:

- (1) Can the Minister confirm that the Government is committed to the Woodlupine Primary School not closing?
- (2) How long does the Minister intend to maintain that position?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) As long as the school does not meet the criteria outlined in the school rationalisation policy.

SCHOOLS - HIGH WYCOMBE PRIMARY

Future

778. Hon N.D. GRIFFITHS to the Minister for Education:

- (1) Can the Minister confirm that the Government is committed to the High Wycombe Primary School not closing?
- (2) How long does the Minister intend to maintain that position?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) As long as the school does not meet the criteria outlined in the school rationalisation policy.

SCHOOLS - KOONGAMIA PRIMARY

Future

779. Hon N.D. GRIFFITHS to the Minister for Education:

- (1) Can the Minister confirm that the Government is committed to the Koongamia Primary School not closing?
- (2) How long does the Minister intend to maintain that position?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) As long as the school does not meet the criteria outlined in the school rationalisation policy.

SCHOOLS - HELENA VALLEY PRIMARY

Future

780. Hon N.D. GRIFFITHS to the Minister for Education:

- (1) Can the Minister confirm that the Government is committed to the Helena Valley Primary School not closing?
- (2) How long does the Minister intend to maintain that position?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) As long as the school does not meet the criteria outlined in the school rationalisation policy.

SCHOOLS - GUILDFORD PRIMARY

Future

781. Hon N.D. GRIFFITHS to the Minister for Education:

- (1) Can the Minister confirm that the Government is committed to the Guildford Primary School not closing?
- (2) How long does the Minister intend to maintain that position?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) As long as the school does not meet the criteria outlined in the school rationalisation policy.

SCHOOLS - GREENMOUNT PRIMARY

Future

782. Hon N.D. GRIFFITHS to the Minister for Education:

- (1) Can the Minister confirm that the Government is committed to the Greenmount Primary School not closing?
- (2) How long does the Minister intend to maintain that position?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) As long as the school does not meet the criteria outlined in the school rationalisation policy.

SCHOOLS - GOVERNOR STIRLING SENIOR HIGH

Future

783. Hon N.D. GRIFFITHS to the Minister for Education:

- (1) Can the Minister confirm that the Government is committed to the Governor Stirling Senior High School not closing?
- (2) How long does the Minister intend to maintain that position?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) As long as the school does not meet the criteria outlined in the school rationalisation policy.

SCHOOLS - FORRESTFIELD PRIMARY

Future

784. Hon N.D. GRIFFITHS to the Minister for Education:

- (1) Can the Minister confirm that the Government is committed to the Forrestfield Primary School not closing?

(2) How long does the Minister intend to maintain that position?

Hon N.F. MOORE replied:

(1) Yes.

(2) As long as the school does not meet the criteria outlined in the school rationalisation policy.

SCHOOLS - FORRESTFIELD SENIOR HIGH

Future

785. Hon N.D. GRIFFITHS to the Minister for Education:

(1) Can the Minister confirm that the Government is committed to the Forrestfield Senior High School not closing?

(2) How long does the Minister intend to maintain that position?

Hon N.F. MOORE replied:

(1) Yes.

(2) As long as the school does not meet the criteria outlined in the school rationalisation policy.

SCHOOLS - FOOTHILLS

Future

786. Hon N.D. GRIFFITHS to the Minister for Education:

(1) Can the Minister confirm that the Government is committed to the Foothills School not closing?

(2) How long does the Minister intend to maintain that position?

Hon N.F. MOORE replied:

(1) The Foothills School is a non-government school. The Government is not in a position to give any commitment in relation to its future.

(2) Not applicable.

SCHOOLS - EDNEY PRIMARY

Future

787. Hon N.D. GRIFFITHS to the Minister for Education:

(1) Can the Minister confirm that the Government is committed to the Edney Primary School not closing?

(2) How long does the Minister intend to maintain that position?

Hon N.F. MOORE replied:

(1) Yes.

(2) As long as the school does not meet the criteria outlined in the school rationalisation policy.

SCHOOLS - DAWSON PARK PRIMARY

Future

788. Hon N.D. GRIFFITHS to the Minister for Education:

(1) Can the Minister confirm that the Government is committed to the Dawson Park Primary School not closing?

(2) How long does the Minister intend to maintain that position?

Hon N.F. MOORE replied:

(1) Yes.

(2) As long as the school does not meet the criteria outlined in the school rationalisation policy.

SCHOOLS - CAVERSHAM PRIMARY

Future

789. Hon N.D. GRIFFITHS to the Minister for Education:

- (1) Can the Minister confirm that the Government is committed to the Caversham Primary School not closing?
- (2) How long does the Minister intend to maintain that position?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) As long as the school does not meet the criteria outlined in the school rationalisation policy.

SCHOOLS - BELLEVUE PRIMARY

Future

790. Hon N.D. GRIFFITHS to the Minister for Education:

- (1) Can the Minister confirm that the Government is committed to the Bellevue Primary School not closing?
- (2) How long does the Minister intend to maintain that position?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) As long as the school does not meet the criteria outlined in the school rationalisation policy.

SCHOOLS - HALLS HEAD PRIMARY

Flexibility in Schooling Project

793. Hon J.A. COWDELL to the Minister for Education:

- (1) Has the new Halls Head Primary School been included in the flexibility in schools project program?
- (2) If yes, when were parents and teachers in the Mandurah area made aware of this school's inclusion in the program?
- (3) Have the parents and teachers been given adequate notice of the school's inclusion in the program?
- (4) Can the Minister confirm that in the document "Devolution - The Next Phase" he claimed "no change will be made unless the community supports this process and any change would be gradual and not forced on anybody"?
- (5) Were the parents of the other eight schools involved in the flexibility in schools project program consulted before their schools were included?
- (6) If yes to (5), did the parents at all eight schools agree with the introduction of the flexibility in schools project program?

Hon N.F. MOORE replied:

- (1) One initiative related to the establishment of the new Halls Head Primary School has been included in the flexibility in schooling project.
- (2) Teachers were informed through the September 1994 education circular. The first notice to the community was via a public meeting held on 29 August 1994.
- (3) Yes.
- (4) Yes, in reference to implementation of increased devolution across the government school system.

- (5) Each principal has initiated a series of activities designed to inform and consult the parents and other members of the community.
- (6) Not applicable.

TAFE - CARPENTRY AND JOINERY PROGRAMS, LEEDERVILLE AND FREMANTLE COLLEGES, CHANGES

794. Hon CHERYL DAVENPORT to the Minister for Education:

- (1) Is it correct that apprenticeship training courses in carpentry and joinery will no longer be available at Leederville or Fremantle TAFE colleges in 1995?
- (2) If yes, how many apprentices and pre-apprentices will be affected by this decision?
- (3) Is the Government considering any form of subsidised fares to assist those students who will be forced to travel long distances to complete their studies?
- (4) Was the Building Industry Employment Training Council or the State School Teachers Union consulted about this decision?
- (5) When is it expected that the new TAFE college at Murdoch will be opened?

Hon N.F. MOORE replied:

- (1) Yes; however, students affected will be accommodated at carpentry and joinery facilities at Balga, Midland and Thornlie, and new facilities at Henderson and Mandurah.
- (2) Leederville - 28 apprentices, 12 pre-apprentices; Fremantle - 83 apprentices, 15 pre-apprentices.
- (3) Yes, travel subsidies will be provided to affected students.
- (4) Yes, and consultations with the BIETC and the broader industry sector are continuing.
- (5) The Murdoch TAFE campus is presently operating with a range of courses in horticultural studies and land management. Proposals are presently under consideration to bring forward planning and construction of stage I of the building trades facility of the campus to 1995-96.

**SCHOOLS - PARKERVILLE, NEW HIGH
*Land Purchase, Price***

795. Hon JOHN HALDEN to the Minister for Education:

- (1) Can the Minister indicate to the House how much money was allocated in the Budget for the purchase of land at Parkerville for the construction of a new high school?
- (2) What is the purchase price of the land for the proposed Parkerville Senior High School?

Hon N.F. MOORE replied:

- (1) A sum of \$100 000 was utilised from the 1993-94 Budget allocation for school sites acquisition for the purchase of land in Stoneville, not Parkerville, for a future high school site.
- (2) The above amount represents the total purchase price of the high school site.

EDUCATION DEPARTMENT - BAYSWATER EDUCATION DISTRICT
Maintenance and Minor Works Budget

796. Hon JOHN HALDEN to the Minister for Education:

In the Bayswater education district the minimum program maintenance requirements for schools in that district totals \$906 950. The Budget allocation for the Bayswater district in this year's maintenance and minor works budget was \$432 867. Given this huge gap in what is needed and what was allocated for minor works and maintenance, not only in this district but also in other education districts in the State, is the Minister prepared to approach the Premier seeking additional funding for urgently needed minor works and maintenance in schools?

Hon N.F. MOORE replied:

The 1994-95 allocation of \$36m for school maintenance and minor works is a significant increase on the allocation in 1993-94 and compares favourably on the funding allocated in 1991-92 and 1992-93. The Government is aware of the need to allocate additional funding for school maintenance and accordingly an increase in funding will be considered when the 1995-96 Budget is deliberated.

LANGUAGE DEVELOPMENT CENTRES - REFERRALS REJECTED

808. Hon JOHN HALDEN to the Minister for Education:

- (1) Is the Minister aware that 63 per cent of referrals to language development centres have been rejected?
- (2) What is the Minister doing to rectify this problem?

Hon N.F. MOORE replied:

- (1) Information about individual students and specific referrals for special placement is not retained in central office. This information is retained within the schools containing the special facility and in the relevant education district. The language development centres were established to provide an educational facility for the very small population of students who had such severe language disorders that alternative communication systems should be considered for their educational progress in the first few years. In recent years there has been an increasing tendency to refer students with a less severe level of language disorder.
- (2) The Education Department is continuously developing appropriate programs in regular schools to provide for students with less severe language delays or disorders. Examples of such initiatives include -

the early literacy and numeracy program which has been available for many years;

the First Steps program which has been provided in the last three years to all primary schools in Western Australia; and

the implementation of the Shean report recommendations in the next triennium which will assist schools to provide for students with learning difficulties, including those learning difficulties which are language based.

SCHOOLS - DARDANUP PRIMARY
Sick Bay Facilities

809. Hon JOHN HALDEN to the Minister for Education:

- (1) Is the Minister aware that teachers at Dardanup Primary School are sometimes forced to place blankets on the storeroom floor for sick children?

- (2) If yes, when will the sick bay facilities be upgraded?
- (3) When will other urgent work required at the school be carried out?

Hon N.F. MOORE replied:

- (1) No.
- (2)-(3) The local minor works committee has rated Dardanup Primary School at No 5 in the Bunbury south education district for an administration upgrade. While it is not possible at present to give a definite indication when this work will be undertaken, the school will continue to receive every consideration when future capital works programs are being compiled.

EDUCATION OMBUDSMAN - RECONSIDERATION

810. Hon JOHN HALDEN to the Minister for Education:

In view of the mounting public criticism of the internal administrative review structure of the Education Department, will the Minister reconsider his previous rejection of the idea of an education ombudsman?

Hon N.F. MOORE replied:

Every endeavour is made to facilitate the resolution of grievances and difficulties that arise in the process of educating children as quickly and as close to the point of conflict as possible. The creation of a formal and legalistic approach to school problem solving may jeopardise the important relationship being built between parents and schools and would be counter to more recent moves to build a closer, less formal or tense relationship between all parties and clients of the education system.

SCHOOLS - WEST MIDLAND PRIMARY

Future

811. Hon N.D. GRIFFITHS to the Minister for Education:

- (1) Can the Minister confirm that the Government is committed to the West Midland Primary School not closing?
- (2) If so, over what period does this commitment stand?

Hon N.F. MOORE replied:

- (1) West Midland Primary School did not satisfy the criteria for the school to be identified for review at this time.
- (2) The school rationalisation policy is an ongoing process. As long as the school does not satisfy the criteria, it will not be considered for review.

SCHOOLS - ESPERANCE SENIOR HIGH

Upgrading

812. Hon MARK NEVILL to the Minister for Education:

- (1) Did the Minister write to the P and C association of Esperance Senior High School promising an upgrade to the school in this year's Budget?
- (2) When is the Minister proposing to upgrade Esperance Senior High School?

Hon N.F. MOORE replied:

- (1) No.
- (2) The needs of the school will be given every consideration in relation to the needs of all schools when future capital works budgets are prepared.

EDUCATION DEPARTMENT - GARDENERS EMPLOYMENT

813. Hon JOHN HALDEN to the Minister for Education:

- (1) Has there been a reduction in the total number of gardeners employed by the Education Department since the beginning of the 1994 school year?
- (2) If yes, what is the size of this reduction?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Since the beginning of the school year 29 permanent gardeners have ceased working with the Education Department through voluntary severance. A further 27 fixed term contract gardeners have ceased employment with the department.

SCHOOLS - WARWICK SENIOR HIGH
Gardeners

814. Hon JOHN HALDEN to the Minister for Education:

- (1) In view of the strongly held belief by parents of students attending Warwick Senior High School that the gardening duties at the school cannot be performed by one gardener and the belief that a thorough evaluation was not carried out by the department, is the Minister prepared to instruct his department to re-evaluate the gardening situation at Warwick Senior High School?
- (2) If not, why not?

Hon N.F. MOORE replied:

- (1) No.
- (2) The Education Department has reviewed the gardening allocation at Warwick Senior High School. Within the allocation a special allowance has been made for the operation of manual irrigation valves.

SCHOOLS - JOONDALUP
Demountables

815. Hon JOHN HALDEN to the Minister for Education:

Can the Minister provide the House with details of the number of demountables in use at each school in the Joondalup school district?

Hon N.F. MOORE replied:

School	Classrooms	Preprimary
Bambara Primary School	0	0
Beaumaris Primary School	10	2
Beldon Education Support Centre	0	0
Beldon Primary School	0	1
Belridge Senior High School	4	0
Camberwarra Primary School	0	0
Clarkson Primary School	9	1
Connolly Primary School	1	1
Craigie Primary School	0	0
Craigie Senior High School	0	0
Creaney Primary School	3	1
East Wanneroo Primary School	0	0
Eddystone Primary School	1	0
Edgewater Primary School	6	1
Halidon Primary School	0	1
Heathridge Primary School	0	1
Joondalup Primary School	3	1

Lymburner Primary School	0	1
Mullaloo Beach Primary School	3	0
Mullaloo Heights Primary School	0	0
North Woodvale Primary School	2	0
Ocean Reef Primary School	0	0
Ocean Reef Senior High School	10	0
Padbury Primary School	0	2
Padbury Senior High School	0	0
Poseidon Primary School	0	1
Quinns Rock Primary School	3	1
South Padbury Primary School	1	0
Springfield Primary School	0	1
Wanneroo Senior High School	1	0
Wanneroo Primary School	1	0
Wanneroo Junior Primary School	2	1
Woodvale Senior High School	1	0
Woodvale Primary School	6	1
Yanchep District High School	1	10

SCHOOLS - CHURCHLANDS SENIOR HIGH

Police Interview

816. Hon JOHN HALDEN to the Minister for Education:

- (1) Is the Minister aware that the Principal at Churchlands Senior High School recently contacted police and then allowed the police to interview students without notifying the parents of the students that this was taking place?
- (2) Is it correct that a principal of a school should attempt to contact parents prior to a student being interviewed by police?
- (3) Will the Minister be taking action to assure parents that there will be no repetition of this type of incident at schools in Western Australia?

Hon N.F. MOORE replied:

- (1) No.
- (2) Yes.
- (3) Administrative instruction appendix 2/82 is in place in all schools in Western Australia. In relation to the police interviews that took place, the principal has been reinforced on this instruction.

SCHOOLS - QUINNS, CLARKSON AREA, NEW HIGH

817. Hon SAM PIANTADOSI to the Minister for Education:

Is the Minister prepared to accede to the wishes of the Ocean Reef High School P and C association and allow new students for the planned Quinns/Clarkson High School to commence at Craigie Senior High School in 1995?

Hon N.F. MOORE replied:

No.

SCHOOLS - QUINNS, CLARKSON AREA, NEW HIGH

818. Hon SAM PIANTADOSI to the Minister for Education:

- (1) Has the Education Department purchased the land for the planned Quinns/Clarkson Senior High School?
- (2) If no, when will this purchase take place?
- (3) What is the expected cost of the land required for the new high school?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Not applicable.
- (3) \$1.072m.

SCHOOLS - QUINNS, CLARKSON AREA, NEW HIGH

819. Hon SAM PIANTADOSI to the Minister for Education:

I remind the Minister of his commitment to the parents of students in the Quinns/Clarkson area that he would make a decision in two weeks about bussing students to Craigie Senior High School in 1995. Now that two weeks have elapsed, I ask the Minister -

- (1) Has he made a decision?
- (2) If yes, what is that decision?
- (3) Has this decision been communicated to parents?

Hon N.F. MOORE replied:

- (1)-(3) I did not make a commitment to make a decision within two weeks. A decision has been made in respect of 1995 - that is, that students will not be transported to Craigie in 1995.

CHRISTIAN BROTHERS - MONEY CLAIMS BY FORMER RESIDENTS

831. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Community Development:

- (1) Have any claims been made, or any inquiries about claims made, for money owing to former residents of Christian Brothers child care institutions by the Department for Community Development, being the successor department to the Child Welfare Department?
- (2) If so, what is the nature of the claim?
- (3) Are former residents of those institutions making the claims themselves, or are claims being made on their behalf?

Hon E.J. CHARLTON replied:

Answer provided by the Minister for Community Development -

A number of files need to be researched to address the questions raised. An appropriate response will be provided in due course.

SCHOOLS - REVIEW LIST

Criteria for Inclusion

837. Hon JOHN HALDEN to the Minister for Education:

For each of the schools on the recently announced review list, which criteria had been met to warrant their inclusion on this list?

Hon N.F. MOORE replied:

School	Criteria met
Fitzgerald	Student/classroom ratio; cost per student
North Innaloo	Student/classroom ratio; cost per student
Tuart Hill	Student/classroom ratio; cost per student
Tuart Hill JPS	Student/classroom ratio; cost per student
Burracoppin	Student/classroom ratio; declining enrolment trend; cost per student
Muntadgin	Cost per student
Karlgarin	Student/classroom ratio; cost per student
Ogilvie	Student/classroom ratio; cost per student

Buntine	Student/classroom ratio; declining enrolment trend; cost per student
City Beach SHS	Student/classroom ratio; cost per student
City Beach PS	Student/classroom ratio; cost per student
Kapinara	Student/classroom ratio
Scarborough	Student/classroom ratio; cost per student
Woodanilling	Cost per student
Coolbellup	Student/classroom ratio; declining enrolment trend; cost per student
North Lake	Student/classroom ratio; declining enrolment trend; cost per student
Bindi Bindi	Student/classroom ratio; declining enrolment trend; cost per student
Miling	Student/classroom ratio; cost per student
Balga PS	Student/classroom ratio; cost per student
Balga JPS	Student/classroom ratio; declining enrolment trend; cost per student
Bolgart	Student/classroom ratio; declining enrolment trend; cost per student
Allenswood	Student/classroom ratio; declining enrolment trend
Lathlain	Student/classroom ratio
Weld Square	Student/classroom ratio
Marvel Loch	Student/classroom ratio; declining enrolment trend; cost per student
Embleton	Student/classroom ratio; declining enrolment trend; cost per student
Doodlakine	Student/classroom ratio; cost per student
Westminster JPS	Student/classroom ratio; cost per student
Westminster PS	Student/classroom ratio; declining enrolment trend; cost per student
Glenorchy	Student/classroom ratio; cost per student
Whiteside	Student/classroom ratio
Cloverdale	Student/classroom ratio
Belmay	Student/classroom ratio; cost per student
Carlisle	Student/classroom ratio
Dianella	Student/classroom ratio; declining enrolment trend; cost per student
Moorine Rock	Student/classroom ratio; cost per student
Mount Hampton	Declining enrolment trend; cost per student
Deanmore	Student/classroom ratio; declining enrolment trend; cost per student
Nollamara	Student/classroom ratio
Kewdale PS	Student/classroom ratio
Kewdale JPS	Cost per student
Sutherland	Student/classroom ratio; declining enrolment trend; cost per student
Greenwood	Student/classroom ratio; declining enrolment trend; cost per student
North Balga JPS	Student/classroom ratio; declining enrolment trend
North Balga	Student/classroom ratio
Warwick	Student/classroom ratio; cost per student
Quinninup	Student/classroom ratio; declining enrolment trend; cost per student
Meckering	Student/classroom ratio; cost per student
West Morley	Student/classroom ratio; cost per student
Chowerup	Student/classroom ratio; declining enrolment trend; cost per student
Gascoyne Junction	Declining enrolment trend; cost per student

Gabbin	Cost per student
Bencubbin	Student/classroom ratio; cost per student
Tammin	Student/classroom ratio; declining enrolment trend; cost per student
Babakin	Student/classroom ratio; cost per student
Morley	Student/classroom ratio; declining enrolment trend; cost per student
Mirrabooka	Student/classroom ratio; declining enrolment trend
West Greenwood	Student/classroom ratio; declining enrolment trend
West Greenwood ECEC	Student/classroom ratio

WATER AUTHORITY OF WESTERN AUSTRALIA - SEWERAGE

Works, Expenditure ; Aboriginal Communities, Funding

846. Hon MARK NEVILL to the Minister for Finance representing the Minister for Water Resources:

- (1) Would the Minister for Water Resources provide a breakdown of the amount and sources of funds in each of the last five financial years for moneys spent on sewerage works by the Water Authority of Western Australia?
- (2) Would the Minister for Water Resources further provide a breakdown of those funds provided to Aboriginal communities for the same period?

Hon MAX EVANS replied:

The Minister for Water Resources has provided the following response -

- (1) Sewerage works - capital expenditure and source of funds -

	89-90	90-91	91-92	92-93	93-94
	\$m	\$m	\$m	\$m	\$m
Expenditure	54.1	54.6	55.1	49.1	53.9
Source of funds					
Internal funds and balances	45.7	46.0	45.2	21.4	16.6
Developers' contributions	8.4	8.6	9.9	18.9	27.7
Commonwealth grants	-	-	-	8.8	9.6
Total	54.1	54.6	55.1	49.1	53.9

- (2) The Water Authority does not spend any of its funds on sewerage works in Aboriginal communities, as the Water Authority works under conventional contractor arrangements for AAPA and ATSIC.

WATER AUTHORITY OF WESTERN AUSTRALIA - SEWERAGE

Works, Expenditure ; Aboriginal Communities, Funding

847. Hon MARK NEVILL to the Minister for Finance representing the Minister for Water Resources:

- (1) Will the Minister for Water Resources provide a breakdown of the sources of funds for sewerage works over the next five financial years including the 1994-95 financial year?
- (2) What funds will be spent on Aboriginal community sewerage programs and what is the expected source of those funds over the same period?
- (3) What proportion of the funds in part (1) are for backlog sewerage and what proportion is for sewerage of new subdivisions or other categories?

Hon MAX EVANS replied:

The Minister for Water Resources has provided the following response -

(1) Sewerage works - capital expenditure and source of funds -

	94-95	95-96	96-97	97-98	98-99
	\$m	\$m	\$m	\$m	\$m
Expenditure	122.8	130.0	141.0	151.0	141.0
Source of funds					
Internal funds and balances (a)	95.6	90.2	95.1	98.9	-(d)
Developers' contributions(b)	22.8	19.8	20.9	22.1	23.5
Commonwealth grants	4.4	-	-	-	-
Borrowings (c)	-	20.0	25.0	30.0	-(d)
Total	122.8	130.0	141.0	151.0	141.0

(2) The Water Authority does not fund sewerage programs in Aboriginal communities. Funding is provided by AAPA and ATSIC under conventional contractor arrangements. Priority and allocation is determined by the funding bodies.

(3) Sewerage works - source of funds -

	94-95	95-96	96-97	97-98	98-99
	\$m	\$m	\$m	\$m	\$m
Infill sewerage program	65.0	70.0	75.0	80.0	85.0
Other sewerage works	57.8	60.0	66.0	71.0	56.0

Notes -

- (a) This is normally the residual amount required and is provided from this source to the extent that funds are available for capital expenditure.
- (b) These estimates are based on projections of land development and redevelopment and can be subject to substantial variation. Funds are fully applied to capital expenditure in year of receipt.
- (c) The actual level of borrowings each year will be minimised and determined by the availability of internal funds and balances for capital expenditure.
- (d) The source of funds for the infill sewerage program beyond 1997-98 will be provided by the Water Authority. Quantities are yet to be determined.

SCHOOLS - HOLIDAYS

Trial Changes, Consultant

855. Hon MARK NEVILL to the Minister for Education:

Who was consulted about the trial changes to the school break-up date?

Hon N.F. MOORE replied:

The decision was a response to the expressed need from school communities and associations.

ABORIGINAL PROFESSIONAL AND BUSINESS WOMEN'S
ASSOCIATION - ABORIGINAL AFFAIRS AND PLANNING AUTHORITY
GRANT

898. Hon P.R. LIGHTFOOT to the Minister for Education representing the Minister for Aboriginal Affairs:

Since the inception of the Aboriginal Professional and Business Women's Association, what funds have been provided to it from the Aboriginal Affairs and Planning Authority?

Hon N.F. MOORE replied:

The Minister for Aboriginal Affairs has provided the following reply -

A grant of \$30 000 to assist with establishment costs was made available to the Aboriginal Professional and Business Women's Association in November 1990. A further grant of \$1 550 was made available in March 1991. No other funds have since been made available to the association.

QUESTIONS WITHOUT NOTICE

SALES REPRESENTATIVES - DEREGULATION PLANS

519. Hon GRAHAM EDWARDS to the Minister for Fair Trading:

In the light of comments in the Hilmer report, can the Minister confirm whether the Government has plans to deregulate the statutory criteria for the occupation of sales representatives?

Hon PETER FOSS replied:

It is not the normal report that is likely to lead to the deregulation of the sales representatives, but the mutual recognition legislation and the Vocational Education, Employment and Training Advisory Committee report. Although this State has not announced whether it will be supporting mutual recognition, it has been participating in those discussions about the occupations which should, and should not, be deregulated. The VEETAC report, to my recollection, recommends that sales representatives not be regulated. I have indicated to the real estate industry that we could look for a form of regulation in which the real estate industry is more involved than it currently is - it might be a system of coregulation - to provide that sales representatives meet particular standards. The net result will be that there will still be a requirement for an implicit registration but it might not be one under an Act of Parliament; it would be under the provisions of the regulatory body which oversees the real estate agents. At the moment I am not moving towards either the deregulation of sales representatives or coregulation of real estate agents. The matter has been referred to the real estate agents who are presently putting a proposal to me about how they see coregulation working.

The only requirement upon which I have insisted as a prerequisite to what they might suggest is that if it is to be through a system of a regulatory body created by the industry, there must be the capacity for more than one association so that there would not be any requirement for compulsory association; hence it would be possible for coregulation to exist but not everyone would have to join the Real Estate Institute of Western Australia. Of course, coregulation can virtually lead to a monopoly of regulation by one association, which we would not countenance. The real estate agents have not come back to me with a formula. I have indicated to them that within such a regime there would be a capacity to have their own form of regulation of sales representatives. I would not be making any moves, notwithstanding the VEETAC report, to deregulate sales representatives in the absence of hearing their submissions about how they see the regulation of real estate agents.

REAL ESTATE FIDELITY FUND - CHANGES

520. Hon GRAHAM EDWARDS to the Minister for Fair Trading:

- (1) Does the Minister propose any changes to the real estate fidelity fund?
- (2) If yes, will he assure the House that those changes will not detract from the integrity of that fund and its purpose of providing fidelity cover to people dealing with licensed practitioners?

Hon PETER FOSS replied:

(1)-(2)

Contrary to the member's concerns, I think they will greatly improve. The present method by which the fidelity fund is sustained is that each agent must take from his trust account for the statutory deposit fund a percentage of the minimum balance of the trust account. It is put into an interest earning account and that money goes towards various accounts. It is an incredibly ponderous method of doing things.

The real estate agents might find themselves with the wrong amount in the fund, particularly if there was a heavy draw on their trust account for a very large transaction. That similar problem is experienced by legal practitioners, who also must continually calculate and withdraw money from their trust account, place it in a deposit fund and have that money placed in trust.

I have put forward a proposal that we do what has been done with the legal trust funds. Instead of withdrawing money and depositing it, we merely provide that the trust account earns interest. The present method dates back to the time when people could not earn interest on cheque accounts and they had to go through a rather ponderous method of taking money out of the trading account and putting it into a savings account to earn interest. There is no such requirement now.

Interest can now be earned on trust accounts. It would be far easier to have a provision whereby money stays in the trust account at all times and earns interest. That money would then be able to go through the same sort of things that it goes through at the moment, but we believe a far greater amount of interest would be involved. Generally speaking the banks are benefiting substantially from the lack of payment of interest on money in trust accounts and that amount could be far better used to service the public through the public purposes funds and particularly through assistance for first home buyers. It could make a significant extra amount of money which could be used for that assistance. We recently considered a Bill which reactivated that scheme. It is limited to some extent by the amount of money in the fund. If we were able to do this, far more money would be available.

I give an absolute assurance that there is no reduction; in fact, there is greater security. The problem is that money has to be taken out and the balance in the trust account varies because of that. It would be a lesser cost to the real estate agents. It would be a more efficient way of operating. It would get away from the old banking system. It would provide greater security for public purposes, including providing more assistance to people such as those who want to buy their own home.

TAXATION EQUIVALENT REGIME - MINISTERS' COMMENTS

521. Hon BOB THOMAS to the Minister for Transport:

Was the Minister correctly reported in *The West Australian* on Monday, 17 October 1994 when he said that the Government was implementing the taxation equivalent regime under duress because it was agreed at the Premiers' Conference in March, or was the Premier correctly reported in the same article as saying that the plan was a good idea and should be introduced to make government enterprises more competitive with private business?

Hon E.J. CHARLTON replied:

Most of the words in the article were the words of *The West Australian*, not the Premier's or my words.

NIGHTRIDER SERVICE - COMMENCEMENT DATE

522. Hon KIM CHANCE to the Minister for Transport:

- (1) Can the Minister advise the proposed set up date for the Nightrider system?
- (2) Has a contract already been let for these services?

Hon E.J. CHARLTON replied:

(1)-(2)

The Nightrider service is envisaged to commence as soon as possible, and we would certainly like to have it running within a month. To cater for Northbridge, the basis of the service is that taxis will operate out of the Wellington Street bus station and in Fremantle. We have appointed a consultant to make a quick assessment of what is required in order to put that service in place. The Metropolitan Transport Trust is negotiating with the taxi companies in an endeavour to coordinate the Nightrider service. The main reason for setting up that service quickly is to have it in place in the lead-up to Christmas so that, unlike last year when we put on that service at very short notice, the public will have time to understand it and the MTT and the taxi industry will have an opportunity to make it as smooth an operation as possible.

NIGHTRIDER SERVICE - TAXI COMPANIES, ARRANGEMENTS

523. Hon KIM CHANCE to the Minister for Transport:

Which taxi companies will be approached to provide expressions of interest for the Nightrider service? Is it likely that the approaches will be made in the form of tenders or expressions of interest; and if tenders or expressions of interest are called for, who will call for those tenders or expressions of interest?

Hon E.J. CHARLTON replied:

That is a good question. I announced publicly some weeks ago, following discussions with the Metropolitan Transport Trust, that it was our intention to bring the Nightrider service on stream. The MTT is the main instigator of this service, and the taxi industry will play a complementary role in picking up passengers from the Nightrider destinations. There is no process of tendering or expressions of interest. It is important that the member hear this answer, because he may have been given some information that is inaccurate, and I want to ensure that he gets the facts. I then had a meeting with Swan Taxis Co-op Ltd as part of the taxi industry process and I advised it that this service was to be put in place. Later in the day, I was advised by the MTT that it had been contacted by Black and White Taxis following my public announcement some weeks before, so I immediately telephoned Swan Taxis and said, "I suggest that you now contact the MTT to ensure that you are part of this", because obviously Black and White Taxis does not have enough cabs to be able to provide the taxi service to complement the bus service.

Hon Kim Chance: Approximately when did you call Swan Taxis?

Hon E.J. CHARLTON: That very day.

WEST COAST BRIDGE CLUB - RELOCATION

524. Hon P.R. LIGHTFOOT to the Minister for Transport representing the Minister for Local Government:

- (1) Is the Minister aware that the West Coast Bridge Club of City Beach has had its lease terminated?
- (2) As the club has in excess of 500 members and is the largest in

Western Australia, what plans, if any, does the commission have to relocate it?

- (3) Has the commission considered any other appropriate accommodation for the staff of the new Town of Cambridge?
- (4) Is the Minister aware that the club has been given 30 days' notice to quit?
- (5) Will the Minister consider using his powers to override the expropriation of the premises and to extend the 30 days to a more appropriate time?

Hon E.J. CHARLTON replied:

I thank the member for some notice of the question.

- (1) The Minister is aware of the commission's decision.
- (2) The Town of Cambridge requires the City Beach Civic Centre as a temporary location for the new administration while the new administrative centre is being constructed. The town has offered the West Coast Bridge Club the opportunity to relocate within the municipality.
- (3) The commission has exhausted all other avenues suitable for accommodating staff for the new town.
- (4) The Minister understands that on 19 October 1994, the club was given 30 days' notice to vacate the premises.
- (5) No veto powers are available. The City of Perth Restructuring Act provides for the commencement of the Town of Cambridge from 1 July 1994 and the election of a new council on 6 May 1995. It is imperative that action be taken to recruit and locate the staff prior to the election of the new council. It is understood that the town has carried out a thorough investigation of facilities within its boundaries that could be used for temporary accommodation; however, none proved to be appropriate except the City Beach Civic Centre. The town did not terminate the club's lease. The club failed to renew its option within the prescribed time. The Town of Cambridge has no more obligation than any other council to provide the club with a facility. However, it will attempt to find the club other suitable premises for the 12-18 month period during which the town utilises the City Beach Civic Centre. The Minister has had representations made to the commissioners to encourage an early meeting with the club to ensure the latter's views are known in order to explore all options.

NIGHTRIDER SERVICE - SUBSIDY

525. Hon KIM CHANCE to the Minister for Transport:

Will the proposed Nightrider service be subsidised by the Department of Transport, the Metropolitan Transport Trust or any other agency?

Hon E.J. CHARLTON replied:

At this stage, I do not have the final details and the MTT is working out the arrangements, the pricing structure and where, how and when that service will operate. Last year, there was a \$5 flat fare, and I cannot say whether that will be the situation this year, but it certainly will be along those lines. It is possible that it will still have to be subsidised, but I have not entered into the final numbers. The bottom line is that we want to get the service up. The MTT is working very hard to get the service up as soon as possible. I made the public statement on behalf of the MTT in

order to let the public know that the service is on the way and also to try to deal with the crisis situation in Northbridge where taxi drivers do not want to go into Northbridge because of the problems being experienced there. Black and White Taxis heard me make that statement and approached the MTT to ask whether it could be part of it, and when I mentioned it to Swan Taxis and it said it did not know anything about it, I said, "You had better contact the MTT as soon as you can."

PRISONS - BUNBURY REGIONAL
Sex Offenders

526. Hon DOUG WENN to the Minister for Health representing the Attorney General:

Can the Attorney General explain the massive increase in the number of prisoners serving sex related offences who were transferred to Bunbury Regional Prison in August and September this year?

Hon PETER FOSS replied:

I thank the member for some notice of this question. Bunbury Regional Prison routinely has held a considerable proportion of sex offenders for many years. A review of sex offender treatment aimed at providing programs in country prisons, including Bunbury Regional Prison, has been under way since the beginning of 1994. As part of this review, an examination of the metropolitan prison population in August of this year showed that a number of known dangerous sex offenders were being held in high security settings. Such prisoners were assessed as being more properly placed in medium security prisons where treatment programs were planned to be run. This balance was adjusted in August and September of this year.

PRISONS - BUNBURY REGIONAL
Escapes

527. Hon DOUG WENN to the Minister for Health representing the Attorney General:

Can the Minister indicate the number of occasions that inmates located at the medium security Bunbury Regional Prison have escaped over the past five years?

Hon PETER FOSS replied:

I thank the member for some notice of this question. Thirty-six prisoners have escaped from Bunbury Regional Prison from 1 October 1989 to 20 October 94, with only one low-medium security prisoner having escaped since 1992.

RETAIL TRADING HOURS - DEREGULATION

528. Hon J.A. COWDELL to the Minister for Fair Trading:

- (1) Has the Minister made a decision on the deregulation of trading hours? If so, what is the Government's determination? If not, how does he define the term "shortly"?
- (2) Why is the Minister keeping the State's thousands of small businesses waiting on a decision which may have a significant effect on their future?

Hon PETER FOSS replied:

(1)-(2)

I made it quite plain that there are two functions. The first is a review. The other is that there may or may not arise out of that review a decision to revise trading hours. I have always made it clear, publicly and elsewhere, that the decision on whether there will be any change to trading

hours will be one made in the coalition party room. It is not applicable to say that I will make a decision; the party room will make a decision. I expect that to be quite shortly.

RETAIL TRADING HOURS - DEREGULATION

529. Hon TOM HELM to the Minister for Fair Trading:

In view of the decision by Coles Supermarket in the town of Port Hedland to reduce its hours of trading because of community pressure, will the Minister reconsider his support for deregulated trading hours?

Hon PETER FOSS replied:

I find this a strange question, because it seems to be an indication as to how decisions are made. The move is appropriate, and I am very pleased that Coles has been sensitive to community pressures. It is important that as much as possible there be a balance in trading hours between what is logical and sensible for traders, what is logical, sensible and convenient for customers, and what is best in the overall interest of the community. It is pleasing to see that changes such as this can occur without any intervention by government. The Government has always believed that it is far preferable when things can be done without the intervention of government. I welcome Coles' action. It indicates a sensitivity that I am pleased to see. I do not see that it follows from what the member says that my view of anything should change, other than to shore support for the concept of free enterprise.

NIGHTRIDER SERVICE - SWAN TAXIS

530. Hon JOHN HALDEN to the Minister for Transport:

My question follows on from the previous answers the Minister gave to Hon Kim Chance. In that short period my office has been able to contact Mr Kevin Foley of Swan Taxis. He has advised that Swan Taxis has not been invited to tender for, or be involved in, the proposed Nightrider service. Could the Minister explain Mr Foley's advice to the House, in view of his previous answer?

Hon E.J. CHARLTON replied:

I suggest that the member listen carefully, get the facts, and not go public on what he may believe to be the facts.

Swan Taxis came to see me as part of the overall future of the taxi industry, not with special regard to the new legislation. During that conversation I mentioned to its representatives the proposed Nightrider service, because it is an important part of transport in the future, and we were talking about Northbridge and a number of other related issues. Following that conversation I caught a flight to Geraldton. When I got to Geraldton I telephoned my office on some other issue. I was advised of further developments by the Metropolitan Transport Trust in processing its plans for the future of the Nightrider service. The MTT had received a visit or telephone call from Black and White Taxis. Immediately I knew that Black and White had made contact with the MTT, and to ensure that Swan Taxis would not be disadvantaged by that situation, I telephoned Kevin Foley from Geraldton. I also telephoned the manager of Swan Taxis from Geraldton to tell him that because the MTT was laying the foundation plans for the Nightrider service, he should not wait and see what happened, but should take some action. I did not want anyone in the taxi industry coming along three months after the arrangement had been put in place saying that other drivers, owners or operators had received an advantage over them. If I were in the taxi industry and wanted to be part of that service, I would have taken the initiative with the MTT after my

public statement one month ago. To my knowledge the MTT has not put forward a proposal to go to tender. It may have determined that that is what it will do in the future, but when I responded to Hon Kim Chance's question its plans were progressing. I made the point of telephoning Swan Taxis because of previous experience of people who said, "We didn't know about that. Information was given to somebody else and we are disadvantaged." I went out of my way to telephone those people.

**TAXATION EQUIVALENT REGIME - ARTHUR ANDERSEN,
EMPLOYMENT**

531. Hon BOB THOMAS to the Minister for Transport:

- (1) Did the Minister for Transport receive the letter from the Premier dated 5 September 1994 indicating that Arthur Andersen and Company had been appointed to develop taxation equivalent regimes for WA and that he proposed that the following government trading enterprises within the Minister's portfolio participate in the development of TERs: Westrail, Transperth, Fremantle Port Authority and the regional port authorities of Albany, Bunbury, Dampier, Esperance, Geraldton and Port Hedland?
- (2) Was the Minister correct when he said in answer to question without notice 492 on Tuesday that he and the Premier were working on a means of meeting competition policy without imposing extra charges on the port authorities?
- (3) If yes, why is he wasting public money by continuing to pay Arthur Andersen and Company to develop a TER for port authorities when he intends to give any money raised from them back to the port authorities?

Hon E.J. CHARLTON replied:

- (1)-(3)
- Obviously the member does not understand accounting procedures. We must ensure the accountability of procedures within those enterprises operating across the State, some of which are in competition and some of which are not. The member should applaud the fact that we employ consultants like Arthur Andersen to ensure that accounting procedures are carried out properly.

Hon Bob Thomas: That is not the question.

Hon E.J. CHARLTON: The member's question was about wasting money.

Hon Bob Thomas: You are taking it from them and then giving it back.

Hon E.J. CHARLTON: The other day when the member asked a question he was hoping that I would have to stand up in this place and say that they would be financially disadvantaged. Because he is not satisfied with that response he now says it is a waste of money because the Government has accounting procedures to ensure that it can be done in the proper way. Perhaps if his Government had had people such as Arthur Andersen involved in the 10 years it was in government it might not have lost so much money belonging to the people of this State.
