

Legislative Council

Tuesday, 11 October 1988

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

MOTION - CONDOLENCE

The Late Hon Kenneth Finlay McIver

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [3.33 pm]: I move, without notice -

That this House expresses its sincere regret at the death of Hon Kenneth Finlay McIver, a former member of the Legislative Assembly, places on record its appreciation of his long and devoted public service to the people of Western Australia, and extends its deepest sympathy to his widow and members of his family in their bereavement.

Mr Ken McIver died on Wednesday, 28 September 1988 at the age of 59. His death, especially at such an early age, is a terrible loss to his family and greatly regretted by his many friends, including members in all sections of this Parliament. Ken McIver was born at Northam on 25 October 1928. He was educated at the Northam Primary School and the Northam Senior High School before joining the Western Australian Government Railways in 1942, proceeding to qualify as a locomotive driver.

Ken McIver served with the Third Battalion, Royal Australian Regiment, during the Korean campaign with the rank of corporal and was a member of the battalion when it was awarded the United States President's Citation for its service at the Imjin River, Capuyong.

In 1965 he joined the Northam Town Council as a counsellor and was chairman of the council's industrial committee. Ken McIver was the Labor member for the Legislative Assembly for Northam - later renamed Avon - from March 1968 until February 1986, and served as the Minister for Works, and Lands and Surveys in the Burke Government from 1983 to 1986. He brought to those portfolios a wealth of experience and ideas, a determination to master his new responsibilities, and a capacity and willingness for sheer hard work. He earned a high measure of respect in the Lands portfolio where he was acknowledged by the pastoral and grazing industry as being the first Minister for Lands to get out among them, and he continued this association as Chairman of the Pastoral Board from 1986 until his untimely death.

It was not only in the parliamentary and local government arenas that Ken McIver made a mark. He was a life member of the Locomotive Drivers' Union, President of the Northam Branch of the Australian Labor Party for more than 18 years, Chairman of the West Regional Development Advisory Committee and patron and president of many sporting, agricultural and charitable organisations throughout the Avon district.

Many tributes have been paid to Ken McIver's dedication and hard work for the cause of working people and for the assistance which he gave to the needy, including those with intellectual and physical handicaps. He will be remembered as a dedicated man with high principles who worked for the welfare of his fellow citizens. His friends will also remember him for his warm, generous and open hearted approach to life.

On behalf of the Government members of this House, and I am sure of many others, I extend to his widow, Joan, and children, Sherilyn, Brett and Shane, sincere and heartfelt sympathy in their sad loss.

HON G.E. MASTERS (West - Leader of the Opposition) [3.36 pm]: I second the motion moved by the Leader of the House. Ken McIver was one of the most popular men in the State Parliament. He was a friend to everyone, whether they were members from my side of politics or his side of politics. Ken McIver was recognised for his great integrity and the friendship which he showed to all people. He certainly was a hard working and popular member of Parliament and he was also a hard working and popular Minister. Again, I emphasise that members from all sides of politics are of this opinion.

One thing about Ken was that he had a wonderful sense of humour. He always had a smile and a joke for everyone and he greeted people with a warm handshake. Another great asset that Ken had was that he could relate to the man in the street. He never lost sight of the needs of the people he represented. I suppose we could say he was a humble man and that was to his benefit. He was first a family man, then a Northam man and then a railway man. I am sure that Hon Fred McKenzie, in nodding vigorously to my comments, would have had a strong working relationship with him in that area as well as a fellow member of Parliament.

I noted that Ken served in the Korean war - I was not aware of that before - obviously with some distinction. He has a great record for community service in the town he represented and those people in Northam will miss him greatly.

On behalf of the Opposition, he will be a sad loss not only to his party, but also to those members of my party who formed a good working relationship and friendship with him. Our sincere condolences go to his wife, Joan, and to his children, Sherilyn, Brett and Shane.

HON TOM McNEIL (Upper West) [3.38 pm]: I have pleasure in speaking on behalf of the National Party about the great contribution Ken McIver made during his period in this Parliament. I recently looked at the Legislative Assembly ledger that was opened for Ken and I noted that he was in this place for some 18 years. My association with Ken goes back to the first few weeks I was in this Parliament. He always made the new parliamentarians feel extremely welcome. Members could always find him in his favourite place in the House at a certain time of the night and were welcome to join him in a drink.

Unfortunately, there was some confusion about the funeral details and I came to Perth from Geraldton to attend the funeral at Northam on Friday only to learn that it was to take place on the Monday. Of course, I could not attend on that day. I believe it was the largest funeral seen in the Northam area.

I think back to the times I enjoyed Ken's company at race meetings. He always had a bundle of winners before the race meeting started, but at the end of the day we would always be broke. My fond memories of Ken include his infectious grin. He always welcomed people with open arms and, as the Leader of the Opposition has said, it did not matter which side of the political fence one was on, Ken McIver went out of his way to make people feel welcome. On behalf of the National Party I extend our deepest sympathy to Joan and the McIver family.

HON J.M. BROWN (South East) [3.40 pm]: I join with the Leader of the House, Leader of the Opposition, and Hon Tom McNeil in endorsing the motion moved in a tribute to the late Ken McIver. My association with Ken and Joan goes back to the time before he entered Parliament in 1960; first of all as a locomotive engine driver visiting Merredin during the course of his duties, and also as a trade union member and member of the Northam branch of the Labor Party. I was secretary of the Merredin branch at that time, and I still am. Over all those years Ken and I have had a very close and friendly relationship.

I remember our foray into local government and the conferences we attended; I remember also the shudder we felt when it was suggested that there were no politics in local government. Be that as it may, the fellowship and friendship shown by Ken McIver was contagious and it certainly generated goodwill among us all. We had lunch together on the Saturday of the State conference, so members can imagine my shock when I learnt of his sudden passing on 28 September. Ken never lost the human kindness, so rare among us, which he possessed and handled so well, no matter which position he held. I extend the deepest sympathy from me and my family to Joan, Sherilyn, Brett and Shane. Joan McIver and her children were a tower of strength to Ken in the performance of his duties both within the railway association and as a member of Parliament. Although we are paying particular tribute to the man on his sad passing, I indicate what a great family team it was, and how well Joan stood by Ken through all his difficulties as well as through all his triumphs. The tribute paid to Ken at his funeral last Monday by many hundreds of people is a testimony to the way in which he was regarded within our society. I support the motion.

HON P.H. LOCKYER (Lower North) [3.42 pm]: I would like to be associated with all other speakers on this condolence motion on the passing of Ken McIver because I regarded him as a good mate. When I first came to this House in 1980 he was one of the first people from another place in this Parliament to warmly welcome me; our friendship grew over the

years when he was in Opposition and when he became a Government Minister. The comments made by the Leader of the House regarding the pastoral industry's having a high opinion of Ken McIver are very true. It is no secret that there are not many non conservatives among the pastoral industry, but many members of that industry are Ken McIver's fans. He approached his portfolio involved in the pastoral industry with an open mind and, because of his genuine approach in that area, he was highly respected. After he left the Parliament in 1986 he was appointed as chairman of the Pastoral Board and he carried on that close relationship with the pastoral industry.

Ken was an open and genial person who tried to do the best he could for everyone regardless of their political persuasion or religious inclination. I am sure those who knew him well will not object to my telling the following story about Ken: Because of his popularity he was invited to attend the Gascoyne Junction races in 1984; he was looking forward to that event with great pleasure for weeks prior to its taking place and I can remember him asking me what he should wear and so on. He was a guest of the McTaggart family at the Bidgemoor station; when he arrived the day before the Saturday event he joined with gusto in the activities going on around the racecourse. Unfortunately that night it rained so badly that it was not possible to hold the race meeting on the Saturday. Ken had retired to the Bidgemoor station and the committee of the race club came and asked whether he, as a Minister of the Crown, could seek permission for the races to be held on the Sunday, as it was necessary for the Minister for Racing and Gaming to give permission for any race meetings to be held on Sunday. However, the heavy rain had not only put the racecourse out of action, it had also cut the telephone connection to Perth. However, Ken took the telephone, dialled a number and said, "How are you Des? It's Ken McIver at Gascoyne Junction. The race meeting has been washed out, is it possible for the meeting to be held on Sunday? Good on you, Des. Thanks very much, I knew you could." I am sure that Ken and his many friends would not object to my telling that yarn. The race meeting was held on the Sunday, Ken McIver presented the Gascoyne Junction cup, and he was as popular on the Monday as he had been on the previous Friday. That was the nature of the man; he was a very fine citizen.

A couple of weeks prior to his passing I had the pleasure of having a meal with Ken at the pastoralists' and graziers' conference in Leonora, at which he spoke, and I renewed my acquaintance with him. On behalf of my constituents, certainly all the pastoralists in Western Australia, I extend my condolences to his wife Joan and his children. I believe the Parliament and the Australian people will be poorer for the passing of Ken. Finally, any members visiting Canberra can see a photograph in the war museum depicting the Korean campaign, which shows a very young Ken McIver lighting a mortar. His memory is preserved in the wartime museum as well. I support the motion.

HON JOHN WILLIAMS (Metropolitan) [3.46 pm]: I shall be brief in my comments, since the other members have spoken so eloquently in their praise of Ken. I support their comments entirely. The first meeting I had with Ken McIver was in 1971 when he welcomed me in exactly the same way as he did Hon Phil Lockyer in 1980. Perhaps my treasured memory of Ken is when we went to Adelaide for a cricket carnival. On our return trip he made arrangements for us to travel for a certain distance into Kalgoorlie on the locomotive. When there was a change in enginemen we found that his brother Jack was in charge of the controls; brother Jack lasted at the controls for about three and a half minutes before Ken took over saying that he would show us how it should be done. Many people do not realise that his infectious smile towards the end of his life covered a great deal of courage because we all knew that Ken had an illness; he battled with that illness, as he battled with everything else, with a sort of intensity. When I went to see him in Shenton Park on one or two occasions I was surprised to see him walking around his house as though nothing had happened.

I have very fond memories of Ken because I regard him as a true politician; a man who took his debate to the Chamber, debated his ideas vigorously, and could walk out of the Chamber and be friends with both his own colleagues and those who were in Opposition. He once told me that in this part of the Parliament there is no Opposition; we are all friends here. He taught me a very valuable lesson about Parliament and I mourn his passing.

HON T.G. BUTLER (North East Metropolitan) [3.48 pm]: I also associate myself with the motion of condolence on the passing of Ken McIver. I knew him from the time he became the member for Northam following the resignation of the late Bert Hawke. I had an

opportunity to work with Ken when he became the Minister for Works and I was employed in the Premier's department. I liaised with Ken through the building trades union and the other unions associated with his portfolio. He was a very understanding and warm person and, as Hon Gordon Masters said, he was very close to the people he represented. He never forgot his working class ties; he was very proud of the fact that he had been an engine driver and proud of his union affiliation and association. Many stories could be told about Ken - he was a character in his own right and he was a very compassionate person.

I also spoke to Ken at the ALP State Conference, and at that stage I would have taken a lease on his life, but unfortunately one cannot always judge by appearances. I very much mourn his passing because his contribution not only to this Parliament but also to the Government and the Australian Labor Party cannot be summed up in words. I join with the sentiments expressed by other members.

HON GRAHAM EDWARDS (North Metropolitan - Minister for Consumer Affairs) [3.50 pm]: I want to be associated with this motion. Ken McIver was very much a special friend, and we shared a common background in that we both worked for the railways, where we started off as call boys, and ended up as ex-servicemen. I was pleased to see the number of members of ex-service associations who attended his funeral last Monday. I was particularly pleased to see members of the Korea and South East Asia Forces Association. Ken was co-patron of that association, along with Hon Bill Grayden. Ken was a great character, with a good sense of humour. He was also a very conscientious, hard working member of Parliament. He put a great deal of trust in people, and I think that was the making of the man. It should be said that Ken was a great Australian who made a significant contribution to this State. I extend my best wishes to his wife Joan and his family.

HON FRED McKENZIE (North East Metropolitan) [3.51 pm]: I want to be associated with this condolence motion. I was in the railways at the same time as Ken McIver, and while Graham Edwards and Ken worked up front, I worked at the rear of the train. When I entered Parliament there was a former railway union officer - Ron Davies - a locomotive engine driver, and a guard - which I became - so between us we made quite a team. It appears there are now only two of us left. I had forgotten that Graham Edwards had been in the railways, and thought I could claim I was the last surviving railway man in this Parliament, but I now realise I am not.

I shared a lot of pleasant times with Ken. I attended his funeral at Northam, and the number of people at the funeral, and particularly people with opposite points of view, was in itself a great tribute to him. The funeral was attended by a number of members of Parliament, and I will not start to mention them here because there were too many members from the other side, and I am sure I would leave out someone because it was difficult to notice everybody in that crowd. However, I did see you, Mr President, Mr Pendal and Mr Oliver. I ask those members whom I have forgotten to mention to forgive me because I decided while on my feet I would mention those three, but it was difficult to notice the others because the church was overflowing and there were people outside whom I could not see. I could not get inside the church, nor could a number of my colleagues.

Ken will be sadly missed. He was a true railwayman all the way through. I had hoped when we came into Government that he would become Minister for Transport, but the Premier at the time, Brian Burke, was too shrewd for that. He gave Ken another portfolio because I think Ken had the same idea as me: We ought to have railway lines running down every street. Ken was very loyal to the railway industry and will be sadly missed. I think the number of people attending his funeral bears testimony to that.

My fondest memory of Ken was when I went with him to China in 1982, along with Don Taylor, Jim Brown, Dave Evans and Colin Jamieson. There were six of us on that trip. I can recall Ken because he was, like myself, not fond of Chinese food, and I remember him saying often that he would like to have a feed of Avon Valley lamb, green peas, some soup, and all the traditional Australian foods. The others would of course eat anything, but not Ken and me. We could not tackle Chinese food. I remember with some affection going up the Great Wall. Ken was able to get up there, but he had a hell of a job stopping himself from tumbling down. It was so steep he had to hang on. We all have a lot of fond memories of Ken, and I am grateful we can share some of those memories with the people who remember Ken. My condolences have already been passed on to the family, but I reiterate them again for the benefit of the members of the McIver family.

HON D.J. WORDSWORTH (South) [3.53 pm]: I would like to join this condolence motion. I got to know Ken very well. I guess we should have been political adversaries, but we were not. Ken was shadow Minister for Transport when I was Minister for Transport, and he became the Minister for Works, and Lands and Surveys after I had been Minister for Lands, so that gave us a common bond. We were able to discuss things sensibly, and this led to quite a friendship.

It was in the field of sport that I got to know Ken best. Like many other MPs, I was little more than a patron of the odd bowling club, where I bowled the odd ball. The parliamentary bowls tournament was to take place in Perth, and Ken asked me whether I would join the team. I told him I had only bowled half a dozen balls and was really not the right person for the team. Ken persuaded me that I was, and Western Australia won the tournament. One of the reasons was that Ken knew the rules. It was a rule that if a member of one of the other sides was not able to play, they had to take the reserve of another team. I was of course the reserve, and Ken knew that one of the leading New South Wales bowlers was a Cabinet Minister, who could not make it on the first day. As it happened, I bowled extremely well and made the WA team work hard to win the tournament. That was a great achievement for Ken, and we struck up a great friendship. I went to nearly every other State with him, and the trips on the train with Ken and his wife Joan were great memories. I join my colleagues in this condolence message to his wife and family.

HON W.N. STRETCH (Lower Central) [3.55 pm]: I wish to be associated with this condolence motion, not only on my own behalf but also on behalf of my colleague, Hon Sandy Lewis, because many stories are told about their very boisterous and enjoyable times together. Ken was a great friend of this Parliament and a great friend to me as a new member. Sandy Lewis told me when I first came into this place that if there was one person here who would keep his word, it was Ken McIver. We experienced that not long afterwards when Hon Sandy Lewis and I escorted Ken on a tour of some very rugged bush country south of Nannup. It was a typical south coast winter day in that it rained all day. We got bogged and lost, but Ken never stopped smiling. He suggested at one stage the best thing we could do would be to stop, boil a billy and have a bit of a singsong. We did not do that, but when we finally got back to civilisation he promised he would send us an up to date Lands Department road map! Ken impressed me when I was a new member as a person who always kept his word. He was a pleasure to do business with as an Opposition member. He once tapped me on the shoulder and said, "You are new to the game. If there is anything you want to know, give me a call and I will help you out." That showed a wonderful spirit from a person who never let his politics or philosophy interfere with getting the job done well and quickly. Ken was a good and faithful servant and friend to all in this Parliament, to his country and his colleagues in the Labor Party, and we should all be very grateful for the fond memories we have of him and for the fine example he set us in bipartisan politics. We mourn him greatly.

HON MARGARET McALEER (Upper West) [3.59 pm]: I join with my colleagues in supporting this condolence motion. It is not very often that members of the Legislative Council know the members of the opposite party in the Legislative Assembly very well, even when they are Ministers, and I think it attests to Ken's special qualities that so many people on the other side of the House regret and mourn his passing. I, like all members, received great kindness from Ken McIver from the very day I came here. He was a very kindly man - it was one of his most marked attributes. I also had to deal with him later in his capacity as Minister for Lands and Surveys because that portfolio is always important to my electorate, and I know the shire councils which applied to him to make trips and for assistance with their problems were also very grateful to him and found him very just in his dealings with them. As one of the members representing the area I found he would always give me as much information and help in these matters as anyone could have. Later on I was also associated with him when he was Chairman of the Central West Regional Advisory Committee and again I always found him to be the soul of kindness and helpfulness, and absolutely impartial in his treatment of members. Like everyone else I very much regret his passing and extend my sympathy to his family.

THE PRESIDENT (Hon Clive Griffiths): Before I put this question as is customary, I also want to be associated with the comments made by the several members who have spoken.

I attended the funeral of Ken McIver, representing this House of Parliament. I am one of the

people who was here when Ken McIver first arrived and his friendship to all people over the years that he was here has already been expressed by previous speakers. I can do nothing more than agree with those comments. Ken McIver was a great stalwart of the Australian Labor Party. In all his activities and all his speeches that I listened to or read I found that he was one of those people for whom it was never necessary to resort to attacking the individual against whom he was arguing. He was able to put his case in a fair and proper way and I believe his contribution to this Parliament will be long remembered. I join with other members in expressing to Joan, his wife, and his family my heartfelt sympathy.

I now ask members to join with me in passing this motion by rising in their places and standing for one minute in silence.

Question passed, members standing.

The PRESIDENT: I advise members that I will send Mrs McIver a copy of this motion together with a copy of the speeches that have been made.

PARLIAMENT

Members' Behaviour

THE PRESIDENT: Recent publicity has raised the issue of members' behaviour in Parliament. As President I am not in a position to involve myself in a party based debate of what has been said by some members in the Legislative Assembly, but I do want to take the opportunity to say a few words on the subject.

Members of Parliament are the products of their society, in terms of both their values and their general behaviour. The rules of debate have long recognised this fact. The rules work on the assumption that the majority must give the minority time to state its case. The point that is worth making is that the rules are open to change. The House, as we have so often been told, is master of its own procedure and all members know that fairly substantial changes have been made to the Standing Orders in this House in recent times.

What the latest criticism reflects is not so much an attack on procedure as an expression of frustration experienced by every backbencher who wonders occasionally what the purpose of Parliament really is. Our system is based on restraint being exercised on both sides. For example, the Opposition in this House would hardly block Supply because of a Minister's failure to answer a question. Both sides know instinctively how far each may go; but a side effect for the ordinary member could be one of gradual disillusionment and general loss of interest.

I would like to suggest that a primary reason for procedural and structural change should be to provide members with more job satisfaction. It is a waste of human intelligence and public money to keep ordinary MPs in suspended animation between elections. We all know that there is more to political life than voting in divisions. It is not surprising that there are outbursts from time to time. While I can sympathise with the reasons I must still apply the rules, particularly those in Chapter X of our Standing Orders. Changing the rules will not solve the problem. They are reasonable rules for the conduct of any debate anywhere. Those who are critical of parliamentary standards of behaviour are describing symptoms of a disease that is curable if and when a different view is taken of the pursuit of happiness through a career in politics.

BILLS (2) - ASSENT

Message from the Governor received and read notifying assent to the following Bills -

1. Acts Amendment (Swan River Trust) Bill
2. Artificial Breeding of Stock Amendment Bill

PETITION

State Printing Division

The following petition bearing the signatures of 813 persons was presented by Hon G.E. Masters (Leader of the Opposition) -

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

We, the undersigned citizens of Western Australia request:

- . That the Government immediately freeze the proposal to spend \$4.5 million of taxpayer's funds on new equipment for the State Printing Division.
- . That there be an independent review by private consultants of the State Printing Division covering all phases of its operation.
- . That such review include an evaluation of the cost saving gained by the current level of use of private sector printers and the likely saving to the State if this level was increased.

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

[See paper No 465.]

FINANCIAL ADMINISTRATION AND AUDIT ACT

Report Tabling - Extension of Time

THE PRESIDENT: I table the following notifications of extension of time for the tabling of annual reports for the 1987-88 year granted under section 70 of the Financial Administration and Audit Act 1985 -

Minister for Agriculture -

Animal Resources Centre.

Minister for Health -

Fremantle Hospital Board.

[See papers Nos 447 and 448.]

SELECT COMMITTEES - STATE FUNDING FOR ABORIGINAL PROGRAMS

Extension of Time

HON E.J. CHARLTON (Central) [4.11 pm]: I present a report from the Select Committee on State Funding for Aboriginal Programs, seeking an extension of time for the presentation of its report. I move -

That the date for the presentation of the committee's report be extended from 4 October 1988 to 8 December 1988 and that the report do lie upon the Table and be adopted and agreed to.

Question put and passed.

[See paper No 466.]

MISCELLANEOUS AMENDMENTS AND REPEALS BILL

Standing Orders Suspension

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [4.12 pm]: I move -

That Standing Order No 240 be suspended so far as it would otherwise apply to the Miscellaneous Amendments and Repeals Bill.

Standing Order No 240 provides that such matters as have no proper relation to each other shall not be included in one and the same Bill. My purpose in moving the motion is to open the way to the House's considering Order of the Day No 2, the Miscellaneous Amendments and Repeals Bill. As the name of the Bill indicates, the Bill is directed to the repeal of a number of measures and the approach that has been taken in grouping those measures together is in recognition of the fact that they are regarded as non contentious matters, most having become either anachronistic or, for one reason or another, having entirely fallen out of use.

The procedure which we are proposing with the Miscellaneous Amendments and Repeals Bill is in keeping with the practice of a number of Parliaments now, particularly the Commonwealth Parliament, as a means of reducing unnecessary parliamentary drafting and

discussion. I am sure that when the Bill is presented to the Parliament, members will be satisfied that nothing has been snuck in, so to speak. The measures sought to be amended or repealed have been chosen for their non contentious nature and otherwise would have been the subject of separate legislation. It is in order to facilitate the processing of what amounts to a machinery Bill that I seek the agreement of the House to the suspension of this Standing Order.

HON G.E. MASTERS (West - Leader of the Opposition) [4.16 pm]: I am very concerned about the motion moved by the Leader of the House. Over recent months we have seen the Government seeking to cut across Standing Orders more and more. The House will recall the recent agreement which I made with the Leader of the House - although he could not be present on the day it occurred - where a third reading took place even though it should have gone to the third reading stage on the following day. As a result of that process I was then advised that indeed the paper work had not been prepared due to lack of time. I guess that is one of the reasons why we have a time lapse between the introduction and the progress of legislation.

Standing Orders exist for a very good purpose. I suppose this Standing Order might have been in force since the beginning of the operations of the Legislative Council. The Leader of the House has said that the legislation selected to be the subject of this motion is non contentious and indeed that many other countries in the world deal with legislation in this way. I put to the Leader of the House that in other countries the legislation is made available to the Opposition and to the Parliament. In other words, when the first reading takes place in a House then the legislation is passed to the Opposition. I am not saying that the Leader of the House is misleading this House - far from it. We have to take his word that the legislation is non contentious and it may well be so, in his view. But I draw to the attention of the House the title of the legislation - an Act to repeal miscellaneous unnecessary or superseded enactments and Imperial enactments, and also to amend certain Acts. This concerns me because the House should give careful consideration to amendments. If we have the legislation in our hands, regardless of whether the second reading had taken place - and it is in the hands of the Government to be able to say, "There is the legislation; let us look at it" - then we will make progress in the way the Leader of the House suggests.

Hon J.M. Berinson: I am happy to make it available.

Hon G.E. MASTERS: Fine. Then I guess the House would consider this matter after considering the legislation to satisfy ourselves that it contains nothing contentious. That is a reasonable way to go. I am concerned that we are continually cutting across Standing Orders. I assure the Leader of the House that from now on I will be very hard pressed to make any sort of agreement unless special reasons exist not to follow the proper process of Parliament. I have already made reference to the third reading recently where I found it was the wrong way to go. For that reason I am not happy with the process put forward; that is, to suspend the Standing Order. The Standing Orders are in place for very good reasons and we have not been given sufficient information to agree to this motion.

We should adjourn debate until such time as the legislation is made available but, at the same time, we should ask the Standing Orders Committee to look at Standing Order No 240 and consider whether it is necessary. It may well be necessary; we have considered it necessary for 70 or 80 years and probably we will continue to do so. In any event, if the legislation is not available to the Opposition I do not see how we can take a punt. I am opposed to the motion proceeding and would rather see the debate adjourned until the legislation is made available.

HON E.J. CHARLTON (Central) [4.20 pm]: The matters to be considered in this motion are not matters of trust or distrust; they are matters of business. Until such time as we know the full intent of the motion, we cannot support it. I am not questioning the credibility of the Leader of the House. However, we have to abide by the Standing Orders and if the Government intends to put them aside, we want to know why. For that reason I support the Leader of the Opposition.

Debate adjourned, on motion by Hon Fred McKenzie.

**SPENT CONVICTIONS BILL
ACTS AMENDMENT (SPENT CONVICTIONS) BILL**

Cognate Debate

On motion by Hon John Williams resolved -

That leave be granted for the Bills to be discussed cognately at the second reading stage.

Second Readings

Debate resumed from 22 September.

HON JOHN WILLIAMS (Metropolitan) [4.23 pm]: These are interesting Bills with more elements of reform in them than one envisages from reading the Attorney General's second reading speech. The matters contained in the legislation were first brought forward as part of the Liberal Party's platform in 1983. I well remember the debates that occurred outside this House about the spent convictions legislation. The Attorney General properly pointed out in his speech that there are one or two elements of reform that should be considered when we are considering overall reform of legislation relating to crime. He said that it was important to give hope to some of those people who had committed offences against our society when they were much younger.

When one has dealt with this field for any length of time, one is upset to find that there are many people who commit offences in their juvenile years and who continue to commit those offences as they get older. The patterns into which they fall are regrettable because they continue to offend against society. It is upsetting to see people of 38 years of age who have spent 20 of those 38 years in some form of detention for continued and repeated offences. The idea in the old days was to lock them away forever, never allowing them to offend again. Today, society still demands that people who commit the repugnant crimes of brutal murder and rape are incarcerated for such a time that they will no longer be a menace to society. I remember the late Colin Campbell, the Director of Corrections at the time, discussing a case with me of a person who had been put in prison for child molestation and for sexual assaults on young children. At the time that man was in his 70s and was still in gaol. I said that I felt it was a shame that a man of that age should still be there. Colin Campbell, who was one of the most compassionate men I ever met - so compassionate that I wondered why he was the Director of Corrections - said that he was more concerned that that man would be released shortly. I could not understand that at the time, but later I understood his concern. Indeed, the man was released from prison and, within a period of eight hours, he was arrested for the same crimes for which he had been arrested 30 years earlier. He died in prison. I will not identify the man.

Many more offences have been created by our society in an attempt to regulate offences against it. However, many offences are committed in our teen years because of the exuberance of youth, and the availability of liquor and fast cars. We, as legislators, have to attempt to get to the bottom of what causes people to offend against society and to legislate accordingly. I think it is sad that once one has a record, one has that record for all time. I know a very prominent businessman in this city who is still trying to live down a conviction recorded against him when he was 18. He has a record and he has not been able to take part fully in society as he would like to have done. He would have made an excellent justice of the peace, but he was refused that appointment because he had a conviction recorded against him. Despite the best attempts by some of his friends to get him to appeal, he wanted no more to do with it. The community is the poorer for that because that man did not become involved in community service as he should have done.

This Bill proposes to expunge those types of convictions after a period of 10 years and that is a very welcome step forward. I support the legislation absolutely and I hope my colleagues will support it. I might disagree with certain clauses in the Bills, but that disagreement will not be rigid because the Attorney General, in having the legislation drafted, has included one important clause and that is that the legislation will not be proclaimed for a period of six months to allow interested groups to make submissions on what offences should be expunged from the records. I think it is important that various groups be allowed to express opinions before the legislation is proclaimed.

In his second reading speech, the Attorney General states -

The Government has decided and undertakes that it will not proclaim a date of operation for this Bill for at least six months after its passage through Parliament. During that period it will be open to individuals and organisations to make representations for the inclusion of particular categories in the exemption schedules.

I congratulate the Attorney General on the drafting of that part and for the commitment that he has made. This Bill appears quite simple on a first reading, but when it is read in conjunction with the Minister's speech it is seen that there could be gaps.

The first question I have relates to the 10 year period specified in the Bill. Was that time picked out of the air or decided upon after statistical research which showed, for example, that generally speaking between the ages of 25 and 35 most people do not commit offences, so a 10 year gap would seem quite in order? I have some worries with respect to a prevalent offence. I wish the Minister for Community Services was in the Chamber because she may be able to lend some weight to what I am going to say. The prevalent offence to which I refer is one which I would call a social rather than a criminal offence, although it sometimes becomes a criminal offence. I refer to the category of offence known as drink driving and driving under the influence of alcohol. If a person is apprehended for drink driving or driving under the influence, he is fined and his licence is suspended. If he is caught a second time, he is fined and his licence is suspended for a longer period; if he is caught again it is up to the presiding magistrate or judge to decide whether he should go to prison. Before we repealed the Inebriates Act, there was a continual revolving door syndrome with inebriates. Prior to the repeal of that Act, those who continued to offend were sentenced to no less than 12 months in an inebriates' home. Repeat offenders went before the magistrate, who said, "Well, Billy, this is the 693rd time I have seen you; you will go to an inebriates' home for 12 months." Incidentally, that figure is not an exaggeration. It is on the record. We repealed the Act and established the Alcohol and Drug Authority with the idea of introducing some form of rehabilitation or reform.

There is a tremendous difference between someone who is an alcoholic and someone who just likes drinking and does not know how to control it. An alcoholic cannot tolerate one teaspoon of alcohol. It is a disease which is genetic. That has been proved time and time again. The induced alcoholic, by consumption of alcohol in excess over a long period, becomes alcoholic, but he is not an alcoholic. That is the difference. Agencies like the Alcohol and Drug Authority work extremely hard to point these people in a direction where some rehabilitation can be achieved. Indeed, the rate of success is very good. From memory, there is a recovery rate of between 60 per cent and 70 per cent.

A person who comes to attention because he has committed an offence of drink driving twice, consequently loses his privilege to drive. We ameliorate that somewhat by allowing extraordinary applications for licences. Such applications are particularly well received when the person is receiving treatment. It is my contention that the 10 year period for that category of person is a penalty. Many people do not appreciate what a criminal record means. Not only is a person's record wanted if he wishes to become a justice of the peace or a commissioner for declarations, it is also wanted for applications for higher service in the Public Service. It is also taken into account when a person makes an annual application for insurance cover for his vehicle. A question on the application form which must be answered honestly is whether the applicant has any convictions. The premiums go up for anyone who has a conviction. I will cite a case that I know well of a young man who got his driver's licence at 17. At 18, he lost his licence for 12 months for being over the limit; within about two months of its being restored, he lost it again for the same offence. Today he is 28. From the age of about 21 he has never been booked for an offence; he has led a blameless life and become a respectable married man. Between the ages of 18 and 25 years is a dangerous period for a young man; it is the time when the man develops. Come the day when he settles down, as we put it euphemistically, be it in marriage or a job, all that disappears. That young man has to wait until he is 31 to have his convictions expunged from his record.

I am not too happy about the expunging procedures for minor offences. I have no quarrel with the requirements with respect to the expunging of major offences, but if something is expunged, surely it is cleared out. If we go to the Commissioner of Police and ask whether he has a record card for Phillip Pendal, he will say that he has not. However, if Phillip

Pendal had been convicted for two offences of drink driving, the commissioner would have to acknowledge the conviction for those categories of crime I outlined, and say that the record had been expunged. The Attorney General has said that some of the records must be kept together for historical purposes and for statistics, but if the record is to be expunged, particularly for a drink driving offence, the period should be five years. Research would show that to be a reasonable period. In addition, if I were going to expunge the record, I would wipe it clean so that there would be no record.

I do not know whether insurance companies by back door methods could discover whether an offence had been committed. I am pleased to see that there is a penalty in the Bill for taking back door methods. By checking their own records, insurance companies could discover a person's previous convictions and could question a no answer to the question regarding whether a person has any prior convictions, when given by a person whose convictions have been expunged from the record. I cannot find any reference to this problem in the second reading speech. I may be wrong; I may not have read it as diligently as I should have. I know that there is a penalty for disclosing details. For minor offences the 10 year period is too long. My limited experience with the Alcohol and Drug Authority has shown me that when doctors discharge a patient and social workers agree that the patient should resume his life outside, they do not describe him as cured, but as rehabilitated. I would like to think that such a person would not have to wait for 10 years for his record to be expunged, because it is like a millstone around one's neck. I know of many people my age who are ashamed of something that happened when they were 24, 25 or 26 and who wish that it had never happened. These are people who have led blameless lives from that period on. Rather than their being expunged, I would sooner see the records of those persons destroyed. For historical and statistical purposes it is easy to devise a numeric code to show a person was convicted of an offence at the age of 19 years. It could show that it was a male person and include the statistics necessary for research but the name and card could be taken out of the records the moment the commissioner issued his certificate. That is my plea to the Attorney General in relation to these minor offences. I have no quarrel about the major offences.

As the Attorney General rightly said in his speech, it will be up to the community, once this Bill passes through the Parliament, to make representations within six months. I dare say that amendments can be made quite easily if groups of people think of other examples from their experience - and I am sure there are large groups out in the community who will do so. I have quoted only from my limited experience and those were the only flaws that appeared to me. I plead that my remarks be taken as merely an observation so that within that six month period this debate may be noted by the Minister's department which may be able to come back saying that a 10 year period is not needed for a particular category of offence and that the period could be seven years, or five years, having due regard to what a person has done after committing their last offence.

I am grateful that the Government has picked up the ideas put forward by my party in 1983. I hope the Attorney will be able to demonstrate this to his department so that when other people take part in the debate they will know that the other Bill follows very simply from this and contains amendments to other Acts to bring them into line with this proposed Act. I support the Bill.

HON J.N. CALDWELL (South) [4.43 pm]: The National Party supports the Bill. I say from the outset that anything which strengthens crime prevention and which states what is a crime is a good Bill. This Bill seems to be structured to show that there are two types of crime, the first involving serious convictions and a fine of up to \$15 000 or imprisonment for more than one year and the second involving less serious convictions involving a fine of less than \$15 000 and imprisonment for less than one year. The Bill amends the Juries Act to provide that a person otherwise qualified to be a juror will not be disqualified by virtue of a spent conviction. Will the Attorney General say whether the way I interpret that is correct?

I turn now to convictions and to people involved in crime in my home town. Over the weekend there were 10 break-ins on Sunday evening in Katanning. That is not good for a small town. I wonder whether the police were all out doing random breath testing on that night and were not performing their duty in the town. That is one of the things members of the National Party were concerned about in relation to random breath testing - that the police might not attend to crimes such as serious breaking and entering because they were engaged

in random breath testing. One of the serious breakings related to a smashed door belonging to the member for Katanning-Roe which cost a considerable sum to fix. I think the people got away with a few dollars of petty cash, but the cost to the community was extremely large.

The National Party supports the Bill.

HON D.J. WORDSWORTH (South) [4.46 pm]: I am a little concerned about the matter of expungement. I agree with the general principal and philosophy that after a given period a person's record should be expunged - we could say be forgiven for something which took place earlier. However, I cannot see how one can rewrite history. If somebody did something wrong, is it libellous for someone 10 or 11 years later to say that that person had a conviction? It worries me how this forgiveness can be put into place. The general public are not to know that a conviction has been expunged from the record. Are they meant to keep a diary or a calendar showing that it is 10 years since something happened and that they had better not mention it? We all agree with the sentiment and the motherhood in this approach, but need to know about the practicality of how this will be implemented. I am concerned about that and will need to know more about it.

HON J.M. BERINSON (North Central Metropolitan - Attorney General) [4.48 pm]: I thank the members who have participated in this debate for their indications of general support. On a number of occasions I have had reason to acknowledge the close attention paid by Hon John Williams to legislation in this area. I can well recall instances where I felt that his analysis of a Bill had gone into greater and perhaps more helpful detail than had my second reading speech. On this occasion I must say that we have the exception proving the rule and that the honourable member has, in fact, misunderstood one quite important element of the Bill. I do not say this in any critical way; on the contrary, I believe that it is a reflection of the surprising complexity of this measure and it is really that complexity which has led to much longer delay in the introduction of this legislation than I first anticipated. We had the benefit of a report by the Law Reform Commission and most of the questions seemed relatively straightforward. I expected initially that having obtained Cabinet approval to move ahead in this general area the Bill itself would emerge quite quickly. In the result it took quite a long time. That was because at almost every stage of the process complications and unexpected difficulties arose, and they were not of a nature which lent themselves to easy answers.

The point which Hon John Williams has misunderstood relates to my comment that the Government undertakes not to proclaim a date of operation for this Bill for at least six months after its passage through the Parliament. As I said in my second reading speech, during that period it will be open to individuals and organisations to make representations for inclusion of particular categories in the exemption schedules. If I understood Mr Williams correctly, he was looking to the exemption schedules as a possible way of dealing with individual offences, perhaps making some of them amenable to different treatment from others. He can correct me shortly if I am wrong in that impression, but the fact is that the exemption schedules do not go to particular offences but are included in the Act in order to specify exceptional circumstances where the provisions of the Spent Convictions Bill, when it becomes an Act, do not apply. To take an example from the relevant Queensland legislation, for example, where a very extensive list of such exemptions applies, it is provided that the spent convictions legislation in that State does not apply to applicants for appointment as police officers. There are also other exemptions, such as judicial officers. Exemptions provided for in the schedule go to particular occupations or particular types of declaration; they do not go to particular sorts of offences.

The situation is that the Bill as drafted allows the expunging of the record, either automatically in the case of so called lesser offences, or on application to a judge for serious offences, and it applies to all offences except those for which a life sentence might apply. There will, of course, be offences less serious than that where a judge, taking all relevant circumstances into account, will determine that the record should not be expunged. Nonetheless, all other offences will be amenable to application for expunging, apart from life sentence offences.

A further question raised by Hon John Williams is very reasonable, and that question was, why 10 years? Why not five? One might equally ask, why not 15? Whichever period is selected will have a certain arbitrary element attached to it. The reason which has led the

Government in this case to establishing a straight 10 year period rather than, for example, 10 years for a serious offence and five years for a less serious offence, is simply to minimise the possibility of confusion as people come to take advantage of the provisions to which we are now moving. It is very important, as we proceed with this Bill, to appreciate that it would be disastrous for a person, believing himself to be relieved of the obligation to declare an offence, to be wrong. The more complications one adds to the system the greater the opportunity for that honest error. We have therefore adopted the view that we should simplify the system as far as possible, and one element of that is to establish a 10 year period. Everyone will know that at the 10 year point one can apply to the Commissioner of Police for virtual automatic expunging, or in the case of a serious offence one can apply to the court. I do not deny that there is an element of arbitrary judgment in this, but I believe that would be true irrespective of what period was chosen.

Both Hon John Williams and Hon David Wordsworth expressed some concern about the method of expunging. Mr Wordsworth asked whether a reference to another person's conviction, when that has become a spent conviction, would render the person making that comment liable to an action for defamation. The answer to that is no. There will be cases where persons, of their personal knowledge, are aware of an offence but cannot be expected to know the conviction has been spent. They would not put themselves at risk if the spent conviction process had been implemented.

This leads me to stress again the limited operation of this Spent Convictions Bill. The matters I shall refer to now are partly in answer to Hon David Wordsworth's comments and partly in answer to Hon John Williams' comments. It is true that a spent conviction does not lead to expunging in the literal sense. The police records do not have a line put through them, and they are certainly not destroyed. What the Bill does achieve, however, is an ability for the person whose conviction has become spent to answer "no conviction" when such a question arises. In other words, he is not put in the position of constantly having to throw up a reminder of his conviction, except in the cases which we will come to specify in the schedule. That really meets most of the arguments based on embarrassment and detriment which support the spent convictions system itself. While that does not literally destroy the record, it goes very far towards assisting persons who find themselves embarrassed otherwise; it relieves them of any obligation to make their records public. The Bill points out a further restriction on that, and this is another reason why the record itself cannot be destroyed.

Our legislation can cover only the requirements facing such persons in Western Australia. Western Australia cannot pass an Act with extraterritorial effect in other States of the Commonwealth. As a result, taking up the insurance situation, for example, since the Insurance Act is a Commonwealth Act the position will remain, despite this spent convictions legislation on our part, that until the Commonwealth adopts similar measures a person with a spent conviction in this State would still have to declare his conviction if it were for purposes of a dealing coming under the Commonwealth Insurance Act.

[Questions taken.]

Hon J.M. BERINSON: It would certainly be the preference of this Government to achieve uniform and reciprocal legislation which would allow some similar measures to be implemented Australia-wide. Unfortunately, having examined the possibilities of that uniformity, it is clear that it is a long way off. Our decision must either be to wait for an indefinite period before anything is achieved, or to proceed as we have done with our own State legislation. Before we took our own initiatives Queensland was the only State with legislation of this kind. We have not even been able to achieve uniformity between Queensland's ideas and our own, and that will be another indication of the difficulties of achieving a uniform model, and the undesirability of waiting on uniformity to move ahead at all. It would be fair to accept that this Bill is a modest measure, but pending developments in other jurisdictions I believe it represents a reasonable move forward. It will certainly meet some very legitimate concerns of people who have behaved very well since a past conviction; that is, for the purposes of public presentation they will no longer be burdened with the record or, as they may see it, the blot against their name.

Hon John Caldwell asked a specific question in relation to jury service, and the position is precisely as he put it; namely, that a juror would not be disqualified on account of a spent

conviction following the enactment of this legislation. I commend the Bill to the House.

Questions put and passed.

Bills read a second time.

Spent Convictions Bill

Committee

The Deputy Chairman of Committees (Hon Robert Hetherington) in the Chair; Hon J.M. Berinson (Attorney General) in charge of the Bill.

Clause 1: Short title -

Hon JOHN WILLIAMS: I thank the Attorney General for his explanation of the tricky bits of the Bill. I also thank the Attorney General for alerting us as a Parliament to the fact that sometimes uniform and complementary legislation in other States can be very helpful. It is obvious that it does not solve the problem in respect of previous convictions of people applying to insurance companies and the like, but it is a great step forward. I appreciate the explanations given and I indicate that I will not speak to the Bill again.

Clause put and passed.

Clauses 2 to 33 put and passed.

Schedules 1 and 2 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

Acts Amendment (Spent Convictions) Bill

Committee and Report

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

Third Reading

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

EVIDENCE AMENDMENT BILL

Second Reading

Debate resumed from 22 September.

HON JOHN WILLIAMS (Metropolitan) [5.38 pm]: The Opposition will support this Bill. However, it is a pity that the legislation has been dealt with in two parts; the other part having been through the House in 1987, although I dare say there was good reason for that. The Bill provides very simply that it will now be possible for witnesses to be examined within Western Australia and that evidence used in other Australian and overseas courts. There is no need to expand upon the Bill any further; it is laid out quite clearly in the Attorney General's second reading speech. It is straightforward legislation and it is an indication that in this day and age the process of law has been considerably speeded up; the purists might think that is a good thing. From my limited experience in this area and from talking to members of the legal profession it seems that this amendment will considerably reduce costs to the parties concerned, because people will be able to give evidence in the State of Western Australia and that evidence can be transmitted to perhaps England, South Australia or wherever. In the past witnesses could be summoned to jurisdictions in other parts of the world whether or not they wished to appear and in such cases the litigants could be involved in horrendous costs. The Opposition supports the Bill.

HON J.N. CALDWELL (South) [5.40 pm]: As mentioned by the previous speaker, this

Bill provides for the examination of witnesses within Western Australia to enable their evidence to be used in other courts in Australia or overseas. I go along with Hon John Williams in saying that cost and convenience are the two main reasons why this Bill should be passed. It is evident to everyone concerned that we must reduce costs as far as these matters are concerned. The National Party supports the Bill.

Question put and passed.

Bill read a second time.

Committee and Report

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

Third Reading

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

TAXATION (RECIPROCAL POWERS) BILL

Second Reading

Debate resumed from 22 September.

HON P.G. PENDAL (South Central Metropolitan) [5.44 pm]: The Bill now before the House is probably as good an example of what became known in the 1970s as cooperative federalism as one could find anywhere. It is a recourse by the States and Territories of Australia to reciprocal agreements which are intended to allow them to cooperate more fully in tracking down cases of tax evasion and to facilitate investigations on the part of one Commissioner for State Taxation in another jurisdiction in Australia. My research indicates that it has always been possible to have an exchange of information across State and Territory borders, but that has never extended to permitting officers from one State to exercise their powers within another State, so to that extent this legislation is commendable.

It is not surprising that it has taken six years, and indeed the time of the previous State and Federal Governments, to bring this Bill before the House. I understand that similar Bills have been introduced into other State Parliaments during the past 18 months, including Victoria, New South Wales, and the Northern Territory. I believe the South Australian Parliament is only half a neck behind Western Australia in introducing a similar Bill. This Bill is a good demonstration that we do not have to rely on centralised powers to solve internal problems. It is an excellent example of business law at work, where the States have shown a capacity to enter into reciprocal agreements. I do not think it is irrelevant to the current debate to point out that we have a parallel argument going on in Australia today about the destruction of the National Companies and Securities Commission, which was a cooperative affair but is now being turned into a centralised Commonwealth Government body - a prospect that has not only irritated but also appalled the more remote business centres, such as Perth and Hobart. I would have thought the powers that be in the Commonwealth sphere, who at the moment are hell bent on bringing about the centralisation of the companies' legislation, might have done well to reflect on the cooperative nature of the legislation now before us as being the proper solution to national companies' legislation.

There are a number of matters I want to canvas, but they are in many instances more appropriate to be dealt with during the Committee stage. I will comment in a broad sense on some of the Bill's provisions. I note in comparing this legislation with similar legislation that the Bill at page 2 restricts its application to tobacco tax, FID duty, land tax, payroll tax and stamp duty. I notice there is no provision for the Bill to apply to the fuel levy, and I wonder why. I do not profess to understand all the ramifications of the fuel levy but I realise it is an internal Western Australian tax or charge. However, so are those other taxes or charges I have mentioned.

Hon J.M. Berinson: My recollection of the position is that the fuel franchise fee is not collected by the State Taxation Department. I think it is collected through the Department of Transport, but that is subject to correction and I will check.

Hon P.G. PENDAL: So it is collected by our Department of Transport?

Hon J.M. Berinson: Yes.

Hon P.G. PENDAL: I thank the Attorney General for that, but from the reading I did last night it seems the Victorian Bill makes reference to other similar charges. For example, I think it gets down to workers' compensation. They were actually deleted from the Victorian Bill by the Victorian Opposition. Therefore I accept the preliminary comment by the Minister for Budget Management but I simply ask to have that confirmed. Secondly, I notice there is no reference to our casino revenues. I am not sure that I could envisage a scenario in which it would be necessary for there to be some reciprocal powers involved there, but I raise the question as to why our casino taxation is not mentioned, as are not the fuel levy or the State liquor taxes. I do appreciate that the Bill says that any other Acts prescribed by regulation will come under the umbrella of this reciprocal agreement, and that makes me even more desirous of an answer; I want to know before passing the Bill whether we are likely to see that provision used where, under regulation, those provisions would perhaps be extended to those other forms of State taxes and charges I mentioned.

I mention in passing as well what I think is a constitutional contradiction in terms. We are actually told in the Bill that a State means a Territory. I would have thought it was quite impossible for a State to mean a Territory.

Hon J.M. Berinson: It does not say it means it, but that it includes it, for the purposes of this Bill only.

Hon P.G. PENDAL: I repeat my suggestion that it is a contradiction in terms. Given the very distinct difference between a State and a Territory in a Federal constitutional sense, I find it odd that that provision is in this Bill.

The Bill does outline some fairly harsh investigative powers but we are assured by the Minister for Budget Management that none of those powers is greater than what exists in current taxation law across Australia. However, this is not a bad opportunity for members of the House to pause for a minute and understand just how much power this nation gives to people who investigate taxation breaches. I am not suggesting that we will be looking to amend or dilute them, but they are horrendous by any stretch of the imagination and I hope when members vote on this Bill, presumably to pass it, they will not do so in ignorance of those very harsh penalties.

I notice as well the inclusion of a provision that does not permit a person to remain silent for fear that he may incriminate himself. It always bothers a Parliament to see that provision included. I know it is diluted to some extent but I have been through the New South Wales and the Victorian legislation and unless I missed it, and that is quite possible, I could not find any reference in the Victorian Act to the denial of a person's right to remain silent in his or her own defence.

The penalties are addressed in a way that one would expect in a taxation measure, but I draw the attention of the Minister for Budget Management to the maximum penalty in this Bill; that is, a \$10 000 fine for an officer of the State Taxation Department who incorrectly or improperly discloses information about a taxpayer. I would have thought that in this day and age of highly inflated money a \$10 000 penalty for disclosing confidential information was a fairly modest one. Even in a small State like Western Australia we are dealing with revenues that are now very large sums of money, even by national or international standards. I have not seen this Government's State Budget figure for this year but it certainly collects revenues of a taxation kind out of its own coffers well in excess of \$1 billion, and therefore to see that level of income pitted against a fairly modest suggested fine of \$10 000 for people who release information in an unauthorised fashion seems a little unrealistic. After all, sadly, bribery or other forms of official corruption are not as rare as they used to be. Certainly our Taxation Department has never had any reputation of that kind but it seems that figure should have been looked at a little more realistically than it has been.

I will make a final point and then pursue the Bill in the Committee stage, presumably later this week. It is not clear to me from reading all the material provided by the Minister for Budget Management, or from reading the Bill, just how much of a two way street we are dealing with here. We are certainly dealing with the passage of information across State and Territory borders, say from Perth to Darwin, or from Darwin to Sydney, or from Sydney to Hobart. It is not clear to me if it is two way between the Commonwealth and a State. It

certainly is the other way around; I understand it enables information to be transmitted from a State to the Commonwealth. Certainly Western Australia can, under this Bill, convey information to another State and to the Commonwealth. I ask the Minister whether it is envisaged that the powers will come back the other way, from the Commonwealth.

I will pursue these and other matters in more detail in the Committee stage. Clearly we share the Government's concern to protect the revenues of the State to the maximum possible extent and for that reason the Opposition supports the Bill.

HON E.J. CHARLTON (Central) [5.58 pm]: Many of the comments I want to make have been covered by the previous speaker. The National Party supports the intent of this legislation. Reciprocal powers enabling inquiries to be made across State borders is very laudable, but our society is very concerned about tax file numbers, and inquiries looking at people's past records, going back a number of years. While I personally, and the National Party generally, would not support tax evasion, because of the indirect taxation system we have in this nation today this kind of legislation tends to infringe upon the privacy of people trying to go about their daily business. Until the taxation system in Australia is simplified, until it becomes a straightforward system which gives incentives for people to operate within it, and until the ongoing and increasing requirements to change the rules and regulations are taken away, the problems will remain. The taxation system is so involved that not only does it create a nightmare for the average taxpayer but also it opens up a Pandora's box for accountants, and the end result is that legislation widening reciprocal powers is brought in to ensure cooperation between the States and Territories. The National Party supports the Bill in principle, but I draw the attention of members to the reasons for its necessity.

Sitting suspended from 6.00 to 7.30 pm

HON J.M. BERINSON (North Central Metropolitan - Attorney General) [7.30 pm]: Hon Phillip Pandal raised a number of issues in the course of his second reading speech, and I think it might help to reduce the length of Committee consideration if I were to deal with some of his queries at this point.

The honourable member pointed, in the first place, to the fact that the definition of State Taxation Act in clause 3 of the Bill lists the Business Franchise (Tobacco) Act, the Financial Institutions Duty Act, the Land Tax Assessment Act, the Pay-roll Tax Assessment Act and the Stamp Act, but does not refer to other revenue raising legislation such as that which produces the fuel franchise fee, the liquor licensing fee and the casino tax. As I indicated by way of interjection, the list of Acts in the definition section comprises the range of legislation under the direct administration of the Commissioner for State Taxation. The reason for that limitation will be understood if I point out that the first reference to State Taxation Act comes in clause 9 of the Bill, dealing with disclosure of information to Commonwealth and State officers. Clause 9(1) provides -

The Commissioner and any person authorised by the Commissioner may communicate any information respecting the affairs of a person disclosed or obtained under this Act or a State Taxation Act to any of the following -

The Bill goes on to refer to commissioners in other States and the Commonwealth. The position is that the commissioner is authorised to communicate information under the State taxation Acts which are under his control and of which he has knowledge as a result of his statutory authority. He does not have authority in respect of casino tax, liquor licences and so on, which is where the distinction arises.

Hon Phillip Pandal raises an interesting question with his reference to the treatment of the fuel franchise fee. Again, by way of interjection I indicated that this was not a matter of the commissioner's direct responsibility but, on checking the position further, I find that while that is an accurate statement of the position it does not really explain the full process involved with the fuel fee. That franchise fee is raised pursuant to the Transport Co-ordination Act, and I am advised that the Commissioner for Taxation has been granted delegated power by the responsible officer under that Act to collect the proceeds of the levy. This raises the possibility that the fuel franchise fee could be added to the list and, as the honourable member pointed out, there is a capacity in the Bill to extend the list by way of regulation. I would prefer not to delay the passage of the Bill while we clarify whether this delegated authority of the Commissioner of State Taxation is sufficient for the purposes of

his communicating that information. I undertake to ensure that that question is properly pursued and, if it is seen to be desirable to include fuel franchise fees in the list of provisions where information can be exchanged, that will be done.

Hon Phillip Pendal also asked whether there was a real reciprocity of facilities between the Commonwealth and Western Australia. I think he may have been referring to that part of my second reading speech where I indicated that -

Information obtained by the Western Australian Commissioner of State Taxation under the provisions of this Bill or the provisions of any State taxation Act may be conveyed to the Commonwealth Taxation Office or to the taxation authority of any State or Territory.

In my second reading speech I did not indicate that information was available in the reverse direction from the Commonwealth authorities to the State. I can perhaps best clarify the position in this respect by indicating that the transfer of taxation information from the Commonwealth to the State has already been available for some years as a result of the Commonwealth's legislating to that effect, quite separately from this uniform legislation exercise.

Hon P.G. Pendal: Hasn't the information flow been possible between the States up until now? What it is doing is taking the information swap one step further and giving powers of investigation.

Hon J.M. BERINSON: That is right.

Hon P.G. Pendal: I want to know whether that is reciprocal by the Commonwealth.

Hon J.M. BERINSON: That does not really apply. The Commonwealth can investigate anywhere in Australia because it is the Commonwealth. The Commonwealth has no territory separate from the States, the Northern Territory and the Australian Capital Territory which can be made available to Western Australian officers for purposes of investigation. The honourable member is quite right in pointing out that the distinctive feature of this Bill is the arrangement for reciprocal investigation powers and that it is one that really only has practical effect between the States and Territories - it does not involve the Commonwealth as such.

I believe that the matters on which I have touched deal with the main questions dealt with by the honourable member in the course of the second reading debate. No doubt, any further questions can best be dealt with in the course of the Committee stage. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon John Williams) in the Chair; Hon J.M. Berinson (Attorney General) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Interpretation -

Hon P.G. PENDAL: The Attorney General did give the reason that the fuel levy was not to be dealt with under a State taxation Act and I thank him for the information. He partly answered my query about how we could include in legislation something that is simply not constitutionally correct; that is, that the word "State" includes the Northern Territory and the Australian Capital Territory. Obviously, it is not a pivotal point for the Opposition, but it is beyond my comprehension how we can say that a State includes the Territories. I know that the distinction the Attorney General made was that it does not say it is that, but nonetheless what seems to me to be an absurdity is being included in the laws of the State. I noticed that it was written into the Victorian legislation when it was presented to that Parliament, but it was not included in the final Bill that was passed by that Government. I am interested in the Attorney General's comment.

Hon J.M. BERINSON: The definition clause of this, or any, Bill, short of a constitutional Bill, cannot have any effect on the constitutional status of a State or Territory. All that this

definition provides is that in this Bill wherever the word "State" appears it has to be understood as referring to a State, and/or the Northern Territory, and/or the Australian Capital Territory. This is really a drafting device to avoid the need, where a reference is made to the States or both of the Territories in the Bill, to use the full expression of, "a State, or the Northern Territory, or the Australian Capital Territory". There is nothing unusual in this. Indeed, if one looks to the Interpretation Act - I have not looked at it so I may misquote it in a mild and harmless way - one is likely to find a provision which says that the word "he" includes "she" and "it". It does not mean that "he" means "she" or that "man" means "woman". It means that for the purposes of the particular legislation involved one word is to be understood as encompassing a number of other words as well. That is all that is involved here and there is certainly no constitutional implication to it.

Clause put and passed.

Clauses 4 to 8 put and passed.

Clause 9: Disclosure of information to Commonwealth and State officers -

Hon P.G. PENDAL: In debates that took place elsewhere across Australia on this matter the National Companies and Securities Commission was actually one of those organisations to which it was possible to disclose information under clause 9 of this Bill - I think it was clause 7 in some of the other Bills around Australia. A lot of people took exception to the fact that the NCSC was being included because it was not, in the view of some people, an enforcement agency in the same sense as the taxing authorities in the States and the Territories. The result was that the NCSC was excluded for that purpose in some States where the Government accepted the validity of that argument. In this regard the NCSC is missing from this Bill. I am not querying the fact that it has not been mentioned because I tend to agree with the argument that it does not have a place in legislation of this kind. I wonder whether lines 21 to 24 of clause 9 of this Bill give to the NCSC the opportunity to become involved. We are dealing with the disclosure of information to Commonwealth and State officers. The first part of the clause primarily deals with taxation officials.

I refer the Minister to the provisions in subclause (2). There was widespread concern elsewhere in Australia that the National Companies and Securities Commission should even get a look in, and I am relieved that it is not included. However, is it possible that it is included in the legislation in a disguised form? It seems to be possible for the NCSC to be a party to the receipt of that information under the provisions of subclause (2)(b). There are other arguments I understand in relation to the National Crime Authority, but I am not raising those so much as the concern about the NCSC.

Hon J.M. BERINSON: I have to confess that the question of the NCSC coming within the scope of this Bill is not an issue which has been specifically put to me. I can only take from the honourable member's comments that its exclusion in other States was already agreed by the time our instructing officers attended to the draft. I understand that the NCSC would not come within the limits of subclause (1), and that communication under subclause (2) is intended to be - and I think would be - restricted to the parties referred to in subclause (1); namely, commissioners, second commissioners, deputy commissioners, etc, who are appointed for the purpose of levying taxation.

Hon P.G. PENDAL: I think that is the case. I have quickly turned up the Victorian provision and I may have given the impression that it was taken out; in fact, it was not taken out. Therefore, the big difference between this Bill and the Victorian Act is that the disclosure provisions extend not only to the two groups to which the Minister has just referred, but also to the National Companies and Securities Commission and the National Crime Authority. I hasten to add with my limited knowledge, while no-one is in the business of protecting tax evaders, it seems to be a weakness in the Victorian Act and a strength of the Western Australian Bill that we are talking about reciprocity between taxation officials. After all, the Bill is called the Taxation (Reciprocal Powers) Bill, and that was also the name of the Victorian Bill. To some extent the Victorian Act goes a lot further than the intention of the interstate agreement, which was to give reciprocity among Commonwealth, State and Territory taxation officials, and not to extend that to other people. The more one thinks about it, the fact that the NCSC is included in the Victorian legislation - and possibly in the New South Wales legislation - could give rise to some concern in the years ahead because it opens the door for any organisation or State instrumentality that is not envisaged by this Bill to be caught under its umbrella.

For the record and in case it transpires, I indicate that notwithstanding a welcome assurance from the Minister that as far as he is concerned it is intended to apply only to State and Commonwealth taxation officials, I am uneasy that subclause (2)(b) gives the opportunity for the NCSC to be brought into the picture. It is of some interest that the NCSC was regarded as an inappropriate body to be included in the legislation because it does not have the same sensitivity about discussing matters in public that commissioners of taxation do. That is a very important part of the system; that State and Commonwealth commissioners of taxation have strict limitations on their ability to go into the public arena and discuss issues. On at least one occasion the National Companies and Securities Commission was not quite so scrupulous; I am not sure whether it was the chairman, but certainly a senior official took part in an ABC current affairs program and discussed the proceedings concerning certain commercial transactions in which the NCSC was involved. Having put that on the record as a matter of concern, I ask that the Minister refer it to officers so that, although the Bill will not be held up, we keep in mind that it is intended to be a reciprocal agreement for taxation and not a reciprocal agreement to be extended to other businesses and regulatory bodies. I am sure that ordinary businessmen in the community consider that there are sufficient regulatory bodies and draconian regulations in existence at the moment, without our inadvertently allowing the NCSC to become involved under the provisions of subclause (2)(b). I hope the Minister is correct in saying that he does not think that the NCSC would get any of those rights.

Hon J.M. BERINSON: I have listened to Hon Phillip Pendal and again read the provisions of the Bill closely. I would not want the debate to proceed without indicating my further understanding of the issue which he has raised. The indication I gave earlier that the Bill would not open the way to the commissioner in this State making information available to an organisation such as the NCSC must be correct because the rest of clause 9 reads in that way. However, I understand that subclause (2) would allow the commissioner of the Commonwealth or of another State to request the agreement of the Western Australian commissioner to convey the information which the commissioner in the other State received to another body in that State, between which the commissioner in the other State could normally convey information under its own arrangements. I know that is a very clumsy sentence. The sort of situation we are talking about if we look at our own position is that there may well be exchanges of information between the Commissioner for State Taxation and the Office of Titles for reasons of enforcement. Under clause 9, a Commissioner for State Taxation in another State who had a similar arrangement with his Office of Titles would not, as I understand it, be entitled to pass on to the Office of Titles Western Australian information without the further specific agreement of the Western Australian commissioner.

Hon P.G. PENDAL: I thank the Attorney for that explanation. I note that subclause (2)(b) makes reference to the law of the Commonwealth or the State concerned.

Hon J.M. Berinson: May I interject to say that in addition to all that, I am happy to take the inquiry further along the lines the member has indicated.

Hon P.G. PENDAL: We are not trying to hold up this Bill, but what concerns me is that if a section which was never intended to be misused is later misused, it is probably just as well that we should know early in the piece that it is intended the NCSC should be able to have access to this clause because we would then be in a position to do something about that in another session. The other matter I want to comment on is one that I touched on during the second reading debate. The penalties prescribed here and in the following clause are the highest penalties in the Bill. I point out that anyone who discloses information or publishes a book or part of a book in an unauthorised manner can be liable to a fine of \$10 000. I still think that, given the magnitude of the taxation revenues we are talking about, such a penalty is chickenfeed. I will not move an amendment, even though I do not think the interstate nature of the Bill would be in any way destroyed if someone were fined \$20 000 in Western Australia as opposed to \$10 000 in Tasmania for similar offences, but in a day and age when \$10 000 is really not a button off anyone's shirt - and certainly not when they may be dealing with millions of dollars - this penalty seems a little unrealistic, and it will not be too long before it becomes so unrealistic as not to be a deterrent to any officer in terms of being induced or persuaded to accept some sort of bribe. I do not think that penalty would hold up for very long.

Clause put and passed.

Clauses 10 to 16 put and passed.

Schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

CRIMINAL LAW AMENDMENT BILL

Second Reading

Debate resumed from 1 September.

HON J.M. BERINSON (North Central Metropolitan - Attorney General) [8.06 pm]: I intend to speak very briefly and for no further purpose than to clear the decks for consideration of this Bill in Committee either tomorrow or on Thursday as the House finds convenient. Hon John Williams, in speaking to the second reading debate, made the point that this is really a Committee-type Bill. That is correct. The Bill covers a host of separate features, some of which I believe can fairly be described as important; others of which are reasonably peripheral to the Criminal Code; and a number which we seek to repeal and which are really part of a tidying up exercise which is involved in the general implementation of the Murray review of the Criminal Code but hardly vital to it. I agree with the member that there are a number of issues worth discussing, but these are best dealt with in detail during the Committee stage. For that reason I do not propose to speak at any great length at this time. I thank members for their general support of the legislation. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [8.09 pm]: I move -

That the House do now adjourn.

Bricklaying Training School Pty Ltd

HON T.G. BUTLER (North East Metropolitan) [8.10 pm]: I take the opportunity of the adjournment debate to raise a matter dealing with what I consider to be something a little untoward in terms of political advertising. I refer to an advertisement that appeared in the *Eastern Suburbs Reporter* on 27 September, with a photograph of the endorsed Liberal candidate for Maylands, Peter Blaxell.

Hon P.G. Pental: A top line man!

Hon T.G. BUTLER: I am not suggesting he is not a top line man in certain aspects.

Hon J.M. Berinson: Unrelated to elections!

Hon T.G. BUTLER: Yes, and I do not need any help from Hon Phil Pental.

Hon P.G. Pental: You will not get any, I can assure you.

Hon T.G. BUTLER: The advertisement is headed in bold letters "Employment" and says -

If you are over 17 and want the chance to start a new career outdoors, ring Peter Blaxell on 370 2344.

There is a photo of Mr Blaxell, and the advertisement goes on to say -

This offer is a genuine effort by Peter to help young people in the Maylands electorate find work in the building industry.

Having seen that advertisement, I caused some further inquiries to be made.

Hon W.N. Stretch: Were you looking for a job?

Hon P.G. Pendal: He wouldn't work in an iron lung.

Hon T.G. BUTLER: I received this information, which is a copy of a letter from Peter Blaxell to an interested person who contacted him. The letter states -

As discussed on the telephone I am enclosing the literature from the Bricklaying Training School Pty Ltd.

It is run by somebody named Spires but I believe the real proprietor is Mr New.

A Government member: A well known backer of the Liberal Party.

Hon P.G. Pendal: And he gets up your nose, doesn't he?

Hon T.G. BUTLER: The letter continues -

I believe that this is an tremendously good opportunity and that you would never regret taking the course. Assuming that you are interested, could you please complete the application form and return it to me.

The response to my ad is a bit slow, . . .

When I read the next letter I think members will all agree it is just as well it has been a bit slow, and it is very fortunate for the young people of Maylands that the response to the advertisement has been a bit slow. He goes on to say -

. . . so if you have any friends and acquaintances who might be interested could you put them in touch with me.

The letter Mr Blaxell enclosed with his letter is from the Bricklaying Training School Pty Ltd and is headed "Enrolment in bricklaying training course". Members must remember that while Mr Blaxell's advertisement does not go to the point of promising anyone a job it certainly indicates jobs are available if one contacts him.

Hon Doug Wenn: Or that he will find one for you.

Hon T.G. BUTLER: What he will really do is enrol people in a bricklaying course for \$175. The letter from the Bricklaying Training School Pty Ltd reads -

Dear Sir,

Enrolment in bricklaying training course.

Thank you for your enquiry. Applications for enrolment in our bricklaying training course are being accepted from those who wish to eventually enter the bricklaying trade.

If, after an initial personal interview your application is successful, you will be required to undergo a course of tuition at this school for approximately 4-5 days. If you reach the required elementary standard of proficiency within this time you could be selected . . .

I emphasise that it says "could", and not "would" or "shall". The letter continues -

. . . by a representative of a building company to start building houses.

Hon Fred McKenzie: With four days' training!

Hon T.G. BUTLER: Four or five days.

Hon P.G. Pendal: This is really exciting.

Hon T.G. BUTLER: The letter continues -

If you are, you will receive further tuition on-site from one of the school's instructors.

The school reserves the right to terminate your enrolment at any time effective immediately if the school in its absolute discretion decided that you are not suitable to continue in the training course.

Please note that this is not a job.

Despite Mr Blaxell's suggestion that he can get someone a job, this is not a job. The letter continues -

What we offer you is a chance to learn bricklaying.

Not a job, but a chance. The letter continues -

You will not be paid during your 4 or 5 days whilst undergoing the initial course of tuition on the school premises and any payment if you commence on-site operations for a building company will be a matter between you and the building company.

So this would be the picture: A youth comes out of the school after four or five days, goes onto a building site, and the builder says, "We will negotiate your wages." The youth has absolutely no skills and no negotiating ability.

Hon P.G. Pandal: This is pathetic.

Hon T.G. BUTLER: The letter goes on -

However, we anticipate such payment will be limited, especially on the first two or three houses that you build.

All applicants will be subject to a personal interview by either the Head Instructor or the Manager of the School, Mr G Spire.

If you seriously intend to learn bricklaying so that you can enter the bricklaying profession, you are requested to complete the enclosed form and return it to this office, together with your fee of \$175. You will then be called in for a personal interview, by appointment.

For the initial course of tuition at the school, tools of the trade will be lent to you, but if you commence operations on-site for a building company you must provide your own.

I do not know how one would get on if one had been unemployed for any length of time. The letter then gives telephone numbers to ring for further information.

While I am not suggesting Mr Blaxell is doing anything illegal, I do suggest he is acting in a rather immoral fashion.

Hon P.G. Pandal: You blokes talk about morals?

Hon T.G. BUTLER: He is giving young blokes a chance to spend \$175 for four or five days' tuition but there is no guarantee of a job at the other end.

Hon P.G. Pandal: He does not pretend otherwise.

Hon W.N. Stretch interjected.

Hon T.G. BUTLER: If Hon W.N. Stretch thinks that sort of ripping off is good and that an endorsed candidate from his party should be part of that subterfuge, then I feel for him.

Hon W.N. Stretch: I don't regard it as a subterfuge.

Hon P.G. Pandal: He even worked as a magistrate for you people.

Hon T.G. BUTLER: That is one of the worrying things. It really concerns me.

Hon P.G. Pandal: Why didn't you get rid of him?

Hon T.G. BUTLER: If Mr Blaxell is going to canvass for votes in the electorate of Maylands he should at least do it on the basis of integrity and honesty and not on the basis of subterfuge or to solicit votes.

Hon B.L. Jones interjected.

Hon T.G. BUTLER: The honourable member can suggest that if she likes; I am not suggesting that. But I do not think for a minute -

Hon P.G. Pandal: True - you don't think, full stop.

Hon T.G. BUTLER: Listen to that blockhead. He does not have a thought in his mind. He got fouled up at question time and I thought he would shut up for the rest of the day.

The PRESIDENT: Order! The honourable member has two minutes.

Hon T.G. BUTLER: That is all I will take - one minute for this and the other minute to deal with Mr Pandal.

Hon P.G. Pental: Any time you like.

Hon T.G. BUTLER: I do not believe that as an endorsed Liberal candidate Mr Blaxell should be canvassing in this way. Certainly he should not be soliciting for participants for this rather shady and underhand method of dealing with the unemployed.

Airline Strike

HON E.J. CHARLTON (Central) [8.17 pm]: I would like to raise something important.

Hon T.G. Butler: Didn't you think that was important?

Hon P.G. Pental: It was pathetic.

The PRESIDENT: Order! Honourable members should cease their interjections and let the member get on with what he has to say.

Hon E.J. CHARLTON: This matter is not new, but I draw the attention of the House to the airline strike that took place prior to and during last weekend. It absolutely disgusts me that people were left like sheep in pens, not knowing whether they would be able to fly to their destinations that day, the next day, or the next week. The strike was brought about by irresponsible people with selfish motives. It had nothing to do with crew numbers on planes for safety reasons, but rather with something that may happen in the future with the introduction of some other services. The attendants held the general public to ransom without any prior warning, and kept them overnight without their families being aware of whether they would be able to get home.

I was told of some first hand experiences of the sequence of events that occurred over the weekend. It is unacceptable that on the last weekend of the school holidays, when families across Australia wanted to travel to and fro, they were put in a position of having absolutely no control over when they could travel or their accommodation arrangements, and no knowledge of when that situation would end. Even though last Friday at three o'clock it was announced that the strike was over, the first flight did not take place until six o'clock the next morning. The company involved did not even tell people whether their flights had been cancelled. The flight is still on officially until the first call and then it is announced that the flight is cancelled. When that happens, no commitment is made by the company to inform people about when they will be transported to their destinations. This whole situation goes on and on and it is about time that we, as members of Parliament, put some pressure on the people involved and changed the law. The company enters a contract when it takes a person's money and says that it will fly that person to a chosen destination. The money is paid up front and people cannot board the plane unless this happens. The situation occurs due to an irresponsible decision by a few lazy self opinionated people who will not abide by a previous decision which may be implemented in three or six months' time. Those irresponsible people hold many people across Australia to this sort of ransom.

Whatever the politics of members in this place or whatever they think of the rights of employees, we should show some concern for the rights of members of the public who have no control over their destinies in this sort of situation. The events over the weekend are an example of the things going on around this nation. While we are not directly involved we may just think, "This is terrible." But we should put ourselves in that position. People make a commitment to air travel or train travel, use their savings for a once in a lifetime trip perhaps, and then find themselves stuck in one place. It is not good enough for the company to say, "Here is a voucher for a taxi, and here is another voucher for a hotel for the night." In a lot of cases these people do not reach the hotel because they are told that if they go on stand-by they might be on the next flight out within an hour or so.

I wanted to bring this matter to the attention of the House, and particularly to the attention of the Leader of the House. We would support any move he may initiate in regard to any rules and regulations which will make people responsible for their actions. If people want to strike at least they should give the public some warning - as I understand has been given for next weekend. To take strike action without warning and to hold people up at great expense is not on; it is a bad sign for this nation.

Bricklaying Training School Pty Ltd

HON JOHN HALDEN (North Metropolitan) [8.23 pm]: I wish to add to the comments of Hon Tom Butler regarding the activities of the Bricklaying Training School Pty Ltd. My

remarks will be from the consumer's point of view. People of the northern suburbs have brought my attention to the problems created by four and five day trained bricklayers being allowed to build houses. Those houses are then knocked down, rebuilt, and knocked down again. We cannot blame the worker for this sort of arrangement because we cannot realistically suggest that is where the responsibility lies after he has had only four or five days' training. The responsibility lies with the company which purports to be able to train people in that time. People have been kept out of their new homes and forced to pay both rent and a mortgage; they have been left in a vulnerable financial position. It is not appropriate for the Bricklaying Training School or Mr Blaxell to be involved in such a sham of a scheme.

I support the comments made earlier by Hon Tom Butler. It is disgraceful that in a pre-election mode the expectations of young people in terms of obtaining jobs should be ransomed at this level when the net results are so minimal.

Hon P.G. Pendal: Why don't you give them jobs?

Hon JOHN HALDEN: This Government has supplied more jobs than were ever supplied by a Liberal Government. If the member compares our record with others he will see in a dispassionate light that this is so. The record is in place. I do not appreciate light hearted interjections when the risk is on the consumers and the youth of this State.

HON G.E. MASTERS (West - Leader of the Opposition) [8.26 pm]: I cannot allow the remarks of Hon Tom Butler and Hon John Halden to pass without some response.

Hon Tom Stephens: Go on!

Hon G.E. MASTERS: Peter Blaxell is one of our very best candidates.

Hon P.G. Pendal: He has members opposite bothered.

Hon G.E. MASTERS: Peter Blaxell is an ex-magistrate from the Children's Court, and that ought to tell Government members a lot. He is a person who understands young people's problems and the difficulties faced by them. He is legally qualified; a very fine man who has the wellbeing of young people at heart. Government members talk about the activities of Peter Blaxell, when some of their own members are having letters endorsed by the now Australian Ambassador to Ireland saying, "Vote for Mr Wilson" - or whoever. When members opposite talk about ethics and the way elections are conducted they should think about their own ex-Premier writing letters as our Ambassador to Ireland on behalf of Labor members - that is disgraceful.

Several members interjected.

The PRESIDENT: Order!

Hon G.E. MASTERS: Enough of that.

Hon T.G. Butler: Yes, get off that quickly.

Hon G.E. MASTERS: Here is a man interjecting who was once described in his own local newspaper by Wendy Evans in this way -

A local member was slumped backwards over two chairs, fly wide open, so I attracted his attention. He dressed himself and then lay across two chairs laughing like a 14 year old high school kid.

Hon Tom Stephens: That was you.

Hon T.G. Butler: Did my name appear?

Several members interjected.

The PRESIDENT: Order!

Hon G.E. MASTERS: Disgraceful behaviour! No wonder the member is upset, Mr President. "Group angry at upper House yahoos" - that is you, Mr Butler.

Hon Tom Stephens: Pinocchio, over there.

Hon G.E. MASTERS: Not Pinocchio. I will send members opposite a copy and they can frame it.

The PRESIDENT: Order!

Hon T.G. Butler: Am I mentioned in that article?

Hon P.G. Pandal: It was you, all right.

Hon B.L. Jones: Was there a name?

Hon G.E. MASTERS: Yes, the member is mentioned - Hon Tom Butler, North East Metropolitan member, thinks this is funny. He has been smiling all through this debate.

Hon T.G. Butler: At a comment by you.

Hon G.E. MASTERS: Mr Butler knows very well. The member behaved in a disgraceful fashion and the people who witnessed that will never forget.

Hon B.L. Jones: This is a smokescreen to confuse the real issue.

The PRESIDENT: Order!

Hon G.E. MASTERS: Hon Tom Butler and the other member who spoke have absolutely no idea of the despair of young people who have no jobs today. They do not give a damn. An organisation is prepared to give young people a start and members opposite will not have a bar of that because the position does not eventuate under conditions they accept.

Several members interjected.

The PRESIDENT: Order! I have been very tolerant. I will say once only to members that this is disgraceful behaviour from members who have already spoken. Those members have made their point of view and seem to have failed to comprehend the message that I delivered on the opening of this session today; that is, that everyone is entitled to be heard. To have this constant carping across the Chamber from both sides demonstrates not only a lack of courtesy to each other but also a lack of regard for the occupant of the Chair who is endeavouring to uphold the dignity of this place.

A couple of interjections now and again are very acceptable but to keep on screaming out across the Chamber simply because someone is saying something with which a member disagrees is not the way to demonstrate to society that we are people of some calibre in the community and capable of representing those people. Certainly this behaviour does not enhance the image of members of Parliament generally, when members carry on as they have been. It is becoming difficult to sit here, particularly when people make newspaper headlines criticising members of Parliament, and especially when I go about trying to defend members. Sometimes some members make it very difficult for me to do that.

Hon G.E. MASTERS: I was expressing concern about the attitude of members opposite who do not seem to give a damn about the young people who have no work and who are quite desperate. If members talk to these people they will find that is true. I know a little bit about the scheme. It is not true they have only four or five days' training and then go onto a site and start building houses. What happens is they learn the basics without any interference from people like Hon Tom Butler, and then they go onto the work sites and help out by doing some training and menial tasks. They do not build houses and members know that as well as I do. I have seen the scheme in operation and I have spoken to some of the people involved. They are grateful for the opportunity to at least start to learn the trade. I have seen some of the work they have done and it is good. They are not experts and they are nowhere near good enough to go onto a site and build a house, but at least they have the opportunity to get into the trade. I challenge any member in this House to name a builder whose employees with only five days' training have gone onto building sites and have started to build houses. It is simply not true.

Hon Fred McKenzie: It is a racket and it should be stopped.

Hon G.E. MASTERS: It is not a racket. I repeat that the young people who are involved in this scheme do not consider it a racket, they consider it an opportunity. In many cases their parents pay the \$175 and if my youngster wanted to be a bricklayer and had a chance to get into the trade by my paying \$175 I would willingly do so and my son would be grateful for the chance to learn the trade. That is the attitude the young people adopt. Just because they cannot get into the schemes which Hon Tom Butler supports, he thinks they are wrong. The Government schemes which he supports are excellent, but the young people cannot always get into them. At least this scheme gives them an opportunity to learn the trade. There are simply not enough young people employed in the construction industry because the rates of

pay and conditions unfortunately make it uneconomical for prospective employers to employ them. I am not saying that the rates should be cut, but I am saying that they cannot be employed under those arrangements. Hon Tom Butler knows that there are no young people being trained in the construction industry - if he does, I would like him to name them. It is a great loss.

The housing industry survives under a subcontracting system and the industry which operates in this State is probably the most efficient industry in Australia and probably the world. Long may it survive. I hope that the young people who are being trained to go into that industry will become successful subcontractors and that they will build quality homes of the highest standard which will be the best value for money in Australia.

Question put and passed.

House adjourned at 8.34 pm

QUESTIONS ON NOTICE

SPORT AND RECREATION - COMMUNITY SPORTING AND RECREATION
FACILITIES FUND*Income - Disbursement, 1986-87*

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

With regard to the community sporting and recreation facilities fund income in 1986-87 of \$2 million, what are the full details of the disbursement of that amount?

Hon GRAHAM EDWARDS replied:

The \$2 million was the amount Treasury deposited into the Department for Sport and Recreation's trust account to help meet the actual expenditure in 1986-87 of \$3 179 739. One million dollars was deposited in February 1987 and a further \$1 million in June 1987.

SPORT AND RECREATION - SPORTS INSTANT LOTTERY FUND

*Expenditure, 1985-86 - Special Projects, Sports Grants
Program*

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

What are the full details of expenditure in 1985-86 from the Sports Instant Lottery Fund for special projects of \$2 045 711.22 and for sports grants program of \$2 044 611.00?

Hon GRAHAM EDWARDS replied:

The member is advised that expenditure relates to actual grants paid during that year for projects not necessarily approved in the same year. The details of the financial expenditure for 1985-86 - as shown in the Department for Sport and Recreation's annual report - are maintained on a cumulative basis and are not separated into individual financial years. Should the member wish to acquire full details of the 1985-86 approvals, the Department for Sport and Recreation could supply records, or copies of the Sports Instant Lottery Fund allocations are available through the Parliamentary Librarian.

SPORT AND RECREATION - SPORTS INSTANT LOTTERY FUND

*Expenditure, 1986-87 - Special Projects, Sports Grants
Program*

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

What are the full details of expenditure in 1986-87 of \$1 203 037.21 for special projects paid out of the Sports Instant Lottery Fund, and for the \$1 860 851.00 for sports grants program?

Hon GRAHAM EDWARDS replied:

The member is advised that expenditure relates to actual grants paid during that year for projects not necessarily approved in the same year. The details of the financial expenditure for 1986-87 - as shown in the Department for Sport and Recreation's annual report - are maintained on a cumulative basis and are not separated into individual financial years. Should the member wish to acquire full details of the 1986-87 approvals, the Department for Sport and Recreation could supply records, or copies of the Sports Instant Lottery Fund allocations are available through the Parliamentary Librarian.

SPORT AND RECREATION - SPORTS INSTANT LOTTERY FUND

*Statistical Analysis by Specific Programs - Expenditure
Variance, 1986-87*

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

With regard to the Sports Instant Lottery Fund expenditure of \$3 063 881.21 in 1986-87, and the statistical analysis by specific programs expenditure in

1986-87 of \$2 048 403, what is the reason/s for the variance between the two amounts?

Hon GRAHAM EDWARDS replied:

The \$2 048 403 represents approvals to sports organisations which applied within the specific category grant programs offered by the Department of Sport and Recreation. The \$3 063 881.21 comprised actual payments of grants made during 1986-87 and would not necessarily relate to grants approved during that year.

SPORT AND RECREATION

*Community Sporting Facilities-Contribution to Trust Fund
Account - Allocation of Funds, 1988-89*

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

What is the proposed allocation of funds of \$3 309 000 budgeted for in 1988-89 for community sporting facilities - contribution to trust fund account?

Hon GRAHAM EDWARDS replied:

The expected expenditure of \$3 309 000 is based on previously approved projects for 1987-88 and earlier, for which no claims have been received. This represents \$1 489 000. The balance of \$1 820 000 is the amount of anticipated claims to be paid for projects approved from the 1988-89 allocation.

SPORT AND RECREATION

*Community Sporting and Recreation Facilities Fund -
Expenditure, 1985-86; 1986-87*

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

With regard to community sporting and recreation facilities fund expenditure in 1985-86 of \$3 449 507, and in 1986-87 of \$3 179 739, what are the full details of expenditure of these amounts?

Hon GRAHAM EDWARDS replied:

Re: 1985-86: \$3 449 507

This amount consists of 15 separate payments for projects approved in 1982-83, 24 projects approved in 1983-84, 94 projects approved in 1984-85 and 81 projects approved in 1985-86.

Re: 1986-87: \$3 179 739

This amount consists of six separate payments for projects approved in 1982-83, 10 projects approved in 1983-84, 43 projects approved in 1984-85 and 189 projects approved in 1985-86.

EDUCATION - CHURCH SCHOOLS

Catholic College, Karratha - Capital Cost Contributions

410. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

How much did -

- (a) the Catholic Education Commission;
- (b) Woodside; and
- (c) the State Government

contribute to the capital cost of the new Catholic college at Karratha?

Hon KAY HALLAHAN replied:

Contributions towards the capital cost of the new St Luke's Catholic College at Karratha are -

- (a) The Catholic Education Commission will be responsible for servicing the State's loan;

- (b) Woodside is contributing in kind to this project consistent with its assistance to community organisations and details if required should be sought from the company; and
- (c) State Government assistance is by way of a concessional interest rate loan which is expected to be around \$7.5 million dependent on final completion cost.

In addition, the Commonwealth Government is providing a capital grant of approximately \$2 million.

ROADS

Australind Bypass-Capel Bridge - Completion Dates

417. Hon BARRY HOUSE to the Minister for Consumer Affairs representing the Minister for Transport:

- (1) What is the completion date for the Australind bypass?
- (2) Is the work being undertaken on schedule?
- (3) What is the completion date for the Capel bridge?
- (4) Is this project proceeding on schedule?

Hon GRAHAM EDWARDS replied:

(1)-(2)

The contractor for the bridgework has indicated that he will complete the bridges several weeks ahead of schedule. If he meets his revised schedule, roadworks will be accelerated to meet an earlier completion date of mid December. However, if the bridge contract runs its full term the bypass will be opened in February 1989.

(3)-(4)

Work on the Capel Bridge has been scheduled so that two way traffic can be accommodated during the holiday weekend of 24, 25 and 26 September. The work is expected to be completed by 28 October.

FORESTRY - STATE FORESTS

Pine Trees - Dead and Dying

419. Hon W.N. STRETCH to the Minister for Community Services representing the Minister for Conservation and Land Management:

- (1) (a) Is the Minister aware of the large areas of dead and dying pine trees within State plantations in the Bridgetown, Greenbushes, Balingup and Nannup localities; and
- (b) what area of pine forest is now dead or dying?
- (2) (a) How many scientists are researching the cause and prevention of deaths of these pine trees;
- (b) has the cause of these deaths been established; and
- (c) has a strategy for the prevention of these tree losses been devised?
- (3) Has the Government considered halting further plantings of pine on State land until control measures have prevented further losses to pine trees in existing plantations?
- (4) If not, why not?
- (5) Has the Department of Conservation and Land Management undertaken salvage milling operations on the dead and dying pine trees in State forests in the Blackwood Valley region?
- (6) If yes, what proportion of such logs are saleable?

Hon KAY HALLAHAN replied:

- (1) (a) Yes; and

- (b) a total of 10 677 hectares of State pine plantations has been aerial surveyed. A figure of 1 236 hectares had individual tree deaths ranging between one per cent and 20 per cent; 599 hectares had deaths between 21 per cent and 50 per cent; and 737 hectares had deaths in excess of 50 per cent.
- (2) (a) Six scientists and six technical officers are researching the cause and prevention of deaths of these pines;
- (b) low rainfall has caused mortality on drought prone sites; and
- (c) silvicultural practices will be modified on drought prone sites.
- (3) More stringent site selection criteria will be employed to choose areas to be planted.
- (4) Not applicable.
- (5)-(6) All logs salvaged to date have been sold.

EDUCATION - PRIMARY SCHOOLS

Rossmoyne P & C Association - Reception Upgrading

420. Hon P.G. PENDAL to the Minister for Community Services representing the Minister for Education:

- (1) Is the Minister aware that Rossmoyne Primary School P & C Association has requested that the school reception area be upgraded?
- (2) Is the association's request to be granted?
- (3) If yes, when will the upgrading of the area take place?
- (4) If no, what is the reason for the refusal of the request?

Hon KAY HALLAHAN replied:

- (1) Yes.
- (2) The request, together with a cost estimate of \$7 811, was referred to the Willetton district education office for consideration for funding under the district-based minor works scheme last year.
- (3)-(4) Although funds were not available for the work to be undertaken at the time, it is suggested that the matter be resubmitted to the district office for further consideration under the minor works scheme.

MAPS - ROE, JOHN SEPTIMUS

1830s - Ownership

421. Hon P.G. PENDAL to the Minister for Community Services representing the Minister for Lands:

I refer to her answer to question 402 of 1988 and ask -

- (1) Why is it not known whether the John Septimus Roe handwritten map of 1830 is still retained and owned by the Government?
- (2) Will she recheck the position regarding this priceless document?

Hon KAY HALLAHAN replied:

- (1)-(2) In question 402 of 1988 the member asked whether I was aware that a plan had been found in the old Treasury building in 1968. No reference to such a plan has been found in the departmental registers, and current departmental staff cannot recall any such incident. If the member can supply any additional information I will certainly follow it up.

MEMBERS OF PARLIAMENT - FORMER MEMBERS

Payment of Fares Allocation

423. Hon FRED McKENZIE to the Leader of the House representing the Treasurer:

Of the former members of this Parliament entitled to make use of the \$2 000 per annum for payment of fares in Australia, for themselves or spouses, how many of them in the last financial year used -

- (a) all of the allocation;
- (b) part of the allocation; or
- (c) none of the allocation?

Hon J.M. BERINSON replied:

- (a) Six;
- (b) thirteen; and
- (c) twenty five.

EDUCATION

District Resource Centres

424. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

- (1) How many district resource centres are currently operating?
- (2) Where are they located?
- (3) Is there any intention to close or relocate any of these centres?

Hon KAY HALLAHAN replied:

- (1) Fifteen.
- (2) Albany
Bunbury - N & S
Cockburn/Melville/Willetton
Darling Range
Dianella/Bayswater
Geraldton - N & S
Kalgoorlie
Karratha
Kimberley
Manjimup
Merredin
Narrogin
Northam
Scarborough/Joondalup/Swanbourne
Thornlie/South Perth.
- (3) No.

EDUCATION - GOVERNMENT SCHOOLS

Population - Years 11 and 12, 1985-88

425. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

- (1) What were the numbers of year 11 and 12 students attending Government schools each year from 1985 to 1988?
- (2) If it is possible to estimate, what has been the additional cost to the State education system of the rapid increase in the number of year 11 and 12 students since 1985?

Hon KAY HALLAHAN replied:

- (1) 1985 - 19 821
1986 - 21 184

1987 - 22 778

1988 - 23 961

- (2) The additional cost for the period 1986 to 1988 is estimated to be \$30 million.

EDUCATION - PRIMARY SCHOOLS

Dunsborough - Renovations Allocation

426. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

- (1) Were any funds allocated in the 1988-89 Budget for additions or renovations to the Dunsborough Primary School?
- (2) If so, what are the details?
- (3) If not, why not?

Hon KAY HALLAHAN replied:

- (1) No.
- (2) Not applicable.
- (3) Insufficient funds were available.

EDUCATION - HIGH SCHOOLS

Tom Price - Change Rooms Allocation

427. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

- (1) Have funds been allocated in the 1988-89 Budget to provide change rooms at the Tom Price High School?
- (2) If so, when is work expected to commence?
- (3) If not, why not?

Hon KAY HALLAHAN replied:

- (1) Yes.
- (2) Tenders closed on 20 September 1988. It is anticipated that work will commence in the early part of November.
- (3) Not applicable.

EDUCATION - MINISTRY OF EDUCATION

Breakfast/Lunch Functions

429. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

- (1) Which teacher groups or associations have attended breakfasts or lunches provided by the Ministry of Education, and hosted by the Minister, since 1 July 1988?
- (2) What was the purpose of each function?
- (3) What was the cost of each function?

Hon KAY HALLAHAN replied:

- (1) Breakfast with various principals from the Joondalup education district on 26 August.
- (2) To give principals an opportunity to meet and discuss with the Minister various educational issues affecting their schools and education policy in general.
- (3) \$184.

GOVERNMENT PUBLICATIONS - "PUTTING FAMILIES FIRST"

Production Costs

430. Hon N.F. MOORE to the Leader of the House representing the Premier:

Further to question 220 of 30 August 1988, will the Premier advise if the total cost of producing the booklet "Putting Families First" has now been finalised, and -

- (a) if so, what was the total cost; and
- (b) if not, what was the initial quotation for the printing job?

Hon J.M. BERINSON replied:

- (a) The total cost has now been finalised at \$80 442; and
- (b) not applicable.

LAWRENCE, DR - CHARTER FLIGHTS

Costs - Agriculture, Department of

431. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

Further to question 219 of 23 August 1988, will the Minister now advise what amount of the cost of the trip to the Central Reserves was paid for by the Department of Agriculture and what percentage this was of the total cost of the trip?

Hon KAY HALLAHAN replied:

The Department of Agriculture did not pay for any part of the cost of the trip to the Central Reserve. The Minister for Agriculture's share of the trip was \$1 265 - 25 per cent of the cost of the charter.

ARTS - PERTH ENTERTAINMENT CENTRE

Sale

434. Hon MAX EVANS to the Leader of the House representing the Treasurer:

- (1) In regard to the sale in October 1987 of the Perth Entertainment Centre for \$11.5 million, has the amount been paid in full and, if so, where has it been credited?
- (2) If not, what were the terms of sale?

Hon J.M. BERINSON replied:

- (1) \$8 million of the purchase price was paid into Treasury Consolidated Revenue Fund.
- (2) The contract of sale of the Perth Entertainment Centre provided for the remaining \$3.5 million to be paid in equal instalments over a 10 year period in the form of broadcasting and advertising services to promote the arts and culture in Western Australia.

WA DEVELOPMENT CORPORATION - STATE ENGINEERING WORKS

Plant Demolition Contract - Site Sale

435. Hon MAX EVANS to the Leader of the House representing the Minister for Economic Development and Trade:

On what basis has the Western Australian Development Corporation been contracted to demolish the State Engineering Works plant and put the site up for sale?

Hon J.M. BERINSON replied:

The State Engineering Works buildings are being demolished under the control of the State Engineering Works Board. The sale of the land on which the State Engineering Works was established is being sold by the Western Australian Development Corporation by public tender as an agent of the Crown.

STATE PRINTING DIVISION - PRINTING PRESS

Sale

436. Hon MAX EVANS to the Leader of the House representing the Minister for Works and Services:

- (1) Has the State Printing Division sold its major printing press?
- (2) If so, what was the amount of the sale, and where have the proceeds been credited to?

Hon J.M. BERINSON replied:

- (1) Yes, the Uniman press used to produce the Telecom telephone directory was sold on 30 July 1987.
- (2) \$4.4 million was received for the Uniman press, binding line and associated equipment. Proceeds were credited to a Treasury loans repayment trust account - sale of assets - plant and equipment.

QUESTIONS WITHOUT NOTICE

CRIME - CONVICTIONS

Meredith - Appeal

198. Hon P.H. LOCKYER to the Attorney General:

I refer to Press reports in which it was indicated that the Attorney General would investigate the possibility of the Crown appealing against the sentence of a person who was convicted of unlawfully killing a taxi driver. This case recently went through the Perth Court. Has the Attorney General had any further procedures concerning this possible appeal?

Hon J.M. BERINSON replied:

I assume that this question is directed to the Meredith conviction. I have received a report from Senior Crown Law officers and I am currently considering that. I expect to be in a position to make a decision on this matter within a relatively short time, but perhaps it may take up to a week.

INDUSTRIAL DEVELOPMENT - PETROCHEMICAL PROJECT

Western Australian Government Holdings Ltd - Financial Effects on Budget

199. Hon MAX EVANS to the Minister for Budget Management:

Can the Minister assure the House that dealings related to the petrochemical plant and WA Government Holdings Ltd will have no effect on the Budget for this year?

Hon J.M. BERINSON replied:

All matters related to the financing of that project should be placed on notice as they come within the responsibility of the Deputy Premier.

SUPERANNUATION BOARD - PROPERTIES

State Government Insurance Commission - Fire Brigade Claim

200. Hon MAX EVANS to the Leader of the House representing the Treasurer:

- (1) In respect of the State Superannuation Board's properties, can the Minister advise whether the insurance premiums have been declared by the State Government Insurance Commission for the purposes of the Fire Brigade Act for the following -
 - (a) the Ascot Airport Inn;
 - (b) the Fremantle Steam Laundry;
 - (c) the Perth Technical College site buildings;
 - (d) the Princes Hotel in Murray Street;
 - (e) buildings on the Anchorage site; and

- (f) all other properties, including retail, industrial and office?
- (2) If no, can the Minister explain that in view of the Government's undertaking on competitive neutrality?
- (3) Has the Fire Brigade a claim pending against the SGIC and the SGIO in respect of Superannuation Board properties?
- (4) If so, how much?
- (5) Has the Fire Brigade a claim pending against the SGIC and the SGIO in respect of other properties?
- (6) If so, how much?

Hon J.M. BERINSON replied:

I thank the member for some advance notice of these questions.

- (1) The SGIO does not insure Superannuation Board properties. The SGIO is the commercial trading arm of the Insurance Commission which provides insurance to domestic, commercial, and corporate customers in the private insurance field. It does not write Government business. The State Government Insurance Commission manages and administers the self insurance arrangements on behalf of departments, authorities and instrumentalities of the Government. Government departments, authorities and instrumentalities do not pay fire service levies on their insurance.
- (2) The Government's undertaking on competitive neutrality has not been breached because the SGIO is not the insurer of the State Superannuation Board.
- (3)-(6) No.

ARTS - PERTH ENTERTAINMENT CENTRE

Sale - Payments

201. Hon MAX EVANS to the Leader of the House representing the Minister for The Arts:

The Government sold the Perth Entertainment Centre by agreement for sale dated 23 October 1987 for \$11.5 million to Belimba Pty Ltd, and on 24 December 1987 the Government registered a caveat as an unpaid vendor.

- (1) Can the Minister advise the amount of deposit paid on signing the agreement dated 23 October 1987?
- (2) To which extent was the Government unpaid at 24 December 1987?
- (3) Has the balance been paid, and if so, when?
- (4) What interest or penalties were charged for the late payment?
- (5) What indemnities or cross guarantees were obtained at the date of sale because they were dealing with a two dollar company?
- (6) What was the capital of Belimba Pty Ltd at the time of the sale?

Hon J.M. BERINSON replied:

- (1) The amount of deposit paid on signing the agreement was \$800 000.
- (2)-(3) The purchase price consisted of \$8 million cash and \$3.5 million broadcasting and advertising time over a 10 year period. The cash settlement was completed on 24 December 1987.
- (4) Not applicable.
- (5) None, but negotiations are continuing.
- (6) This information is not immediately available. I have requested, via the

Minister for The Arts, that the Department for The Arts to seek an answer to this question.

TRANSPORT - RAILWAYS
Lathlain Station - Closure

202. Hon P.G. PENDAL to the Minister for Consumer Affairs representing the Minister for Transport:

I refer to the closure of the Lathlain Railway Station.

- (1) Is the closure to do with electrification, and if so, in what way?
- (2) Will the Minister investigate the possibility of imposing a two year moratorium on the demolition of the station as a substitute for plans to demolish the building in the near future?
- (3) Why is it necessary to consider immediate demolition when the station may be needed once electrification occurs?
- (4) How many other stations will be closed?
- (5) Will he name the location?
- (6) Is he aware that population density at Lathlain is increasing, not decreasing, thereby giving added weight to the view that the station should remain?

Hon GRAHAM EDWARDS replied:

- (1) Yes. The decision to electrify the suburban rail system guarantees its future. Electrification is more than a change in motive power; it is a complete revitalisation of the railway. The opportunity was therefore taken, in conjunction with the electrification planning, to consider operating strategies which would make the railway more attractive and further increase patronage. Railways are attractive because, among other benefits, they are generally faster than road travel. However, as stations become more closely spaced, the average speed drops and a state is reached where the disadvantage to through passengers due to increased journey time outweighs the benefit to passengers using some stations. In view of the Government's commitment to rail as a public service for the majority of people along the line, the decision was made to review only those stations with minimum patronage, minimum potential and which would cause minimum inconvenience if closed. Lathlain has been identified as the station which most clearly fits all the above criteria and therefore the decision was made to close it.
- (2)-(3) It is necessary to demolish the station in the immediate future if there is to be no delay in the electrification program. The tracks are too close together at Lathlain to accommodate the new, wider bodied electric cars, and to separate them requires the platforms to be demolished, or alternatively cut back and the facings rebuilt. The signalling system and the overhead wire system have been designed for clear tracks at Lathlain. As track work is to begin almost immediately in the area, there is no "do nothing" option.
- (4)-(5) No decision has been made to close any other station.
- (6) The Planning Department of the Perth City Council was consulted in respect of the possible impact of rezoning in the area of Lathlain Station. It was considered that this was minimal and as there are two other stations in the immediate vicinity - Victoria Park, 0.74 kilometres, and Carlisle, 0.86 kilometres respectively from Lathlain - any increase in traffic would be adequately catered for by these stations. The average interstation distance on the suburban rail system at present is 1.4 kilometres and Victoria Park and Carlisle Stations are 1.6 kilometres apart.

FAMILIES - FAMILY CENTRES

Location - Political Motivation

203. Hon TOM STEPHENS to the Minister for The Family:

Could the Minister assure the House that the locations of the nine family centres have not been politically motivated?

Hon P.G. Pental: Hon Dorothy Stephens!

Hon TOM STEPHENS: Are these family centres, as has been claimed by Hon Phillip Pental, a case of pork barrelling to help lift Labor's flagging support in marginal seats -

Hon P.G. Pental: Even you are blushing.

Hon TOM STEPHENS: - or can the Minister assure the House that a set of criteria has been applied to the location of these family centres, other than in accord with the allegations of a political agenda, as outlined to the media by Hon Phillip Pental?

Hon KAY HALLAHAN replied:

I thank the honourable member for giving notice of this question and advise the House, as I am sure it is greatly interested in this very good family support program, that the locations of the first nine family centres are Beechboro, Bunbury South, High Wycombe, Kingsley, Marangaroo, Roleystone, South Lakes, Swan View and Willetton.

Hon P.G. Pental: What a surprise.

Hon KAY HALLAHAN: I am interested that the Opposition thinks those seats are marginal. There is a highly optimistic crowd on the Opposition benches. In my view, there are three marginal seats and two of those are at present held by Liberal members. My view and that of the members opposite do not coincide. Members opposite may not appreciate the fact that the Government has acted responsibly, and the way the Opposition sends allegations across to us makes me worried that it would not have the capacity to behave in a reasonable manner if it had the opportunity to govern.

Hon N.F. Moore: What a pathetic remark.

Hon KAY HALLAHAN: A careful study of the demographics was carried out, and these centres are located in areas with high concentrations of families with young children, where there is also a demand -

Hon P.G. Pental: Would you be prepared to table that demographic advice?

Hon KAY HALLAHAN: It could be compiled. There is no problem about that.

Hon P.G. Pental: It should have been compiled now.

Hon KAY HALLAHAN: I do not have that advice with me today. The point is that the locations are based on the number of young families in an area and the lack of facilities for those families. Anybody looking at those centres will see that they are in highly expanding residential areas, and I note that Hon Phillip Pental seems to be utterly unaware of those factors in suburbia.

Hon P.G. Pental: I live there, you silly thing.

Hon KAY HALLAHAN: Hon Phillip Pental does not live in a newly expanding area and it shows in what he says to the public. The program has had an overwhelming response and acceptance from the community, because these centres will provide a welcome venue for children's activities and other community activities. The interest so far has been from women who are at home all day, perhaps with children, who have found a lack of available community facilities which provide neighbourly contact. I am hopeful about the change in the social dynamics we can create in providing centres where people can meet.

Hon P.G. Pental: Is that another example of social engineering?

Hon KAY HALLAHAN: It may be called that, but people will not appreciate those comments because they really do want somewhere nice to be able to meet their neighbours. People do not like being lonely. Have the members opposite ever considered that?

Opposition members interjected.

Hon KAY HALLAHAN: This innovation came from the very first social strategy put forward by a Western Australian Government called "Putting Families First", which was announced by the Premier on 9 August. It will be one of the things which will be remembered by the people of Western Australia, and will provide 44 centres within a two year period.

LAW REFORM COMMISSION - REPORT
Thirteen Year Olds - Contraceptive Advice

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

What is the status of the Law Reform Commission report on 13 year olds receiving contraceptive advice now that the Premier has repudiated that report?

Hon J.M. BERINSON replied:

The status of the Law Reform Commission paper is what it says it is, namely a discussion paper and not even a report of the commission, let alone a policy statement by the Government. If ever there was a competition for sensationalising an issue between some elements of the Press and the Leader of the Opposition, Mr MacKinnon, this has to be it.

Hon P.G. Pendal: You blokes have made an art form out of that.

Hon J.M. BERINSON: I make it as clear as I can that the Government does not support a reduction in the age of consent, and has never even considered that issue.

Hon P.G. Pendal: You have so. Dr Lawrence did 12 months ago, so you had better go and check that. It was July 1987.

Hon J.M. BERINSON: It is not an issue which the Government has considered.

Hon P.G. Pendal: You have just made a fatal error.

Hon Kay Hallahan: He did not, just listen.

Hon P.G. Pendal: We will get *Hansard*.

Hon J.M. BERINSON: The position is as I have said; firstly, there is no question of the Government supporting a reduction in the age of consent.

Hon P.G. Pendal: Hear, hear!

Hon J.M. BERINSON: More than that, there is no question of the Law Reform Commission even having considered that issue -

Hon P.G. Pendal: That is what it did.

Hon J.M. BERINSON: - in spite of the longbow which Mr MacKinnon and some parts of the media have attempted to suggest.

Secondly, the Law Reform Commission on this issue, as on all the others to which it devotes its attention, has followed the ordinary process of putting out a discussion paper in order to encourage public comment. It will be on the basis of that comment and the commission's own further consideration that the commission will move to making a report. All we have at the moment is a discussion paper and nothing more.

Hon P.G. Pendal: Repudiated now by your own Premier.

Hon J.M. BERINSON: As the discussion paper indicates, the options set out in it do not represent any final view taken by the commission itself, or anything more than a basis for further discussion.

Hon P.G. Pandal: They certainly don't, now that the Premier has run for cover.

Hon J.M. BERINSON: Mr President, Mr Pandal is now trying to join the Leader of the Opposition in this exercise in absurdity. The Premier is not running for cover on anything. All the Premier is indicating is the attitude of the Government, which is that the Government clearly does not support, and has not even considered the possibility of, the reduction of the age of consent. The Premier has also made it quite clear that the Government believes it would not be desirable to adopt one of a number of options set out in the discussion paper -

Hon P.G. Pandal: The most controversial of them all.

Hon J.M. BERINSON: - which would have the effect of accepting age 13 as a presumed -

Hon P.G. Pandal: As the age of consent.

Hon J.M. BERINSON: Not at all - as a presumed age of maturity for purposes of advice given by doctors faced with patients of that age. The attitude of the Government is that there should be no such presumption of maturity at the age of 13. That is to say, there should be no presumption that children of that age should be entitled to make decisions on matters of their own medical treatment in the absence of the advice of their parents.

Hon P.G. Pandal: That is the opposite of what Ms Rayner said in yesterday morning's paper, for goodness' sake.

Hon J.M. BERINSON: So what?

Hon P.G. Pandal: That is totally opposite.

Hon Kay Hallahan: Does everyone have to conform to your view?

Hon P.G. Pandal: It is not my view.

Hon J.M. BERINSON: The Law Reform Commission of this State has served the Parliament and the people of this State extraordinarily well -

Hon P.G. Pandal: But she has put her foot in it for you.

Hon J.M. BERINSON: - in the reports and recommendations it has brought forward. Let me add to that the fact that this present Government, in return, has served the Law Reform Commission remarkably well in the extent to which action has been taken on Law Reform Commission reports. The previous Government left something like over 20 of its reports in the pigeon hole. Everything was too hard for the previous Government or, alternatively, it could not find the time to deal with them. There is no Government in Australia that has done more than the Western Australian Government to give attention to Law Reform Commission reports.

However, let me add at once that it has never been the position of either the Government or the Law Reform Commission that every commission report should be adopted in its entirety, or as a matter of course, or without amendment. It is perfectly well understood and it is a reflection of the mutual respect between the commission and the Government that some reports are accepted in full, some are amended and some are rejected.

Hon P.G. Pandal: You were just blaming Mr Medcalf for that.

Several members interjected.

The PRESIDENT: Order! I will not allow questions without notice to proceed on the basis of it developing into a debate on the subject. Standing Orders state that questions shall be concise and that replies shall be concise, relevant and free from argument or controversial matter. Even I, with the imagination I have, could not conclude that what we have been hearing has not contained argument or controversial matter. Incidentally, I am not blaming the Attorney General except to say that he is contributing to the decision I will make in a minute - that there will be no more questions without notice today if we do not get on with questions and answers.

Hon J.M. BERINSON: I accept that and I conclude with one small matter which is simply a matter of fact; that is, for all the excitement attempted to be generated by the Leader of the Opposition on this issue it is worth recalling that the only reason this question was before the Law Reform Commission in the first place is that it was referred to it by the previous Liberal Government.

Several members interjected.

Hon N.F. Moore: It was by the Standing Committee of Attorneys General.

Hon P.G. Pental: It was a Standing Committee if you want to tell the truth.

Several members interjected.

The PRESIDENT: Order! I spoke to honourable members earlier today about the comments in the media by certain people about the behaviour and attitude of members of Parliament. I gave what I thought was a very considered and mild but, nevertheless, a gentle hint to members that it would not be my intention to spank members or chastise them over small incidents. Some of the members who have gained the impression that Standing Orders do not apply to them, but apply to everyone else, will get a rude awakening shortly. I suggest that some members who have never read the Standing Orders - they certainly do not give an indication that they have read them by their attitude and behaviour - should read chapter X. It is easy to understand because it is very simple and it is the chapter that will bring into effect my use of the Standing Order that will evict a member. In the meantime the questions without notice time is probably one of the most important times in the Parliament, when members have the opportunity to seek information. If the behaviour of some members brings about a curtailing of that very great privilege I think it would be a very sad day for this Parliament. I will not sit here and let people in the gallery, or anywhere else, listen to a group of undisciplined members screaming and yelling at each other.

INDUSTRIAL DEVELOPMENT - PETROCHEMICAL PROJECT

Minister for Budget Management - Involvement

205. Hon G.E. MASTERS to the Minister for Budget Management:

Has he ever been consulted on the petrochemical deal which has been set up to avoid a call on the Rothwell's \$150 million guarantee which the Minister said would never be called on?

Hon J.M. BERINSON replied:

I was not involved in any special consultations arising from my position as Minister for Budget Management. Of course, Cabinet as a whole did consider this issue, but the Leader of the Opposition would not expect me to expand on Cabinet discussions.

LAW REFORM COMMISSION - REPORT

Thirteen Year Olds - Standing Committee of Attorneys General

206. Hon N.F. MOORE to the Attorney General:

I refer him to the answer he gave to a question asked by my colleague Hon Phil Pental. Was yesterday's media report concerning the issue of access to medical treatment by young people correct when it stated that the issue was referred to the Law Reform Commission by the Standing Committee of Attorneys General?

Hon J.M. BERINSON replied:

It is not correct because the Standing Committee of Attorneys General has no capacity to refer anything to the Law Reform Commission. What happened was that the Standing Committee expressed an interest in this issue and the then Attorney General took the initiative -

Hon P.G. Pandal: At its request.

Hon J.M. BERINSON: - to refer this issue to the Western Australian commission.

Hon Tom Stephens: Hoist with their own petard.

Hon P.G. Pandal: Only seeking the truth.
