

Legislative Council

Tuesday, 10 November 1987

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

BILLS (7): ASSENT

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

1. Constitution Amendment Bill.
2. Blood Donation (Limitation of Liability) Amendment Bill.
3. Occupational Health, Safety and Welfare Amendment Bill (No 2).
4. Bunbury Port Authority Amendment Bill.
5. Small Business Guarantees Amendment Bill.
6. Fisheries Adjustment Schemes Bill.
7. Soil Fertility Research Amendment Bill.

LEAVE OF ABSENCE

On motion by Hon Margaret McAleer, resolved --

That leave of absence for six days be granted to Hon N.F. Moore (Lower North) on the ground of parliamentary business overseas.

TEACHERS CREDIT SOCIETY

Government Action: As to Notice of Motion

HON J.M. BROWN (South East) [3.42 pm]: Mr President, I draw your attention to the fact that a few words were inadvertently left out of the Notice of Motion I gave the other day. Therefore, I seek the leave of the House to insert the words "the action by", which were inadvertently omitted in my previous motion.

[Leave granted.]

Motion

Hon J.M. BROWN: I move --

That this House commends the action by the Government to preserve the savings of 30 000 depositors in the Teachers Credit Society and to ensure the continued stability of the financial structure in Western Australia.

The operative words are "to preserve the savings of 30 000" in the first part and in the second part the operative words are "to ensure the continued stability of the financial structure in Western Australia". It is a very short motion but a very important one within the activities of the Legislative Council. I believe that the motion goes much further than just commending the Government for preserving the savings of the 30 000 depositors, because when one looks at the extent of the loss to families of Teachers Credit Society depositors -- people from all walks of life who had put their savings or portions of their income or indeed their entire income into Teachers Credit Society -- it does not take much of a mind to understand how catastrophic that loss could have been. Therefore the Government's prompt action -- and I emphasise the word "prompt" -- from the time this matter was drawn to its attention in ensuring that those savings were preserved has received the approbation of people from all walks of life.

Indeed I have had the opportunity to peruse some of the letters forwarded to the Premier and Treasurer of this State, Hon Brian Burke MLA, in respect of the Government's action on behalf of the Teachers Credit Society. I would take this opportunity to indicate to members some of the comments I extracted from those letters. One couple in Fremantle in a letter dated 31 August wrote --

We would like to thank you for the action taken to safeguard our savings. In our case it really is our life savings, and means the difference of having to ask for a pension or managing comfortably on our own resources.

Another letter from Fremantle came from a retired female principal, who on 25 August wrote --

As a depositor with the Teachers Credit Society since its inception I would like to thank you for your intervention in its present difficulties. Despite the criticism of the Opposition I am sure you have acted in the best interests of everybody.

A further letter came from the wife of an invalid pensioner who on 24 August wrote --

As we have a small investment with this society . . . which represents our life savings, and as my husband is an invalid pensioner following a heart attack any collapse of the society would have been a great loss for us. We were just relieved to hear of your government's support.

There was a letter from a family man who on 23 August wrote --

I wish to express appreciation for the support, through the R and I Bank, to ensure the continuation of TCS. It is reassuring to know that the Government is prepared to stand by its people and ensure that savings are secure.

Another letter came from the staff of a local primary school who wrote on 14 September --

On behalf of the staff, and their dependents . . . may I thank you and your government for its intervention in the TCS affair.

Another letter came from a member of the Teachers Credit Society from as far away as Cue, who wrote on 16 September --

Please accept my thanks and gratitude for the decision you made in rescuing the troubled Teachers Credit Society. Most of my life's savings are invested with that body.

On 8 September a building company in Perth, as a member which has deposits with Teachers Credit Society, wrote --

As a member, with funds on deposit with TCS, may we thank you and your Government, for the action taken to protect the many West Australians associated with the society.

A further letter was sent on 7 September from a TCS member which read --

I would just like to thank you for the action you took regarding the WA Teachers Credit Society. I am one of the many, I'm sure, who would have lost everything.

I believe those comments come from a wide cross-section of the community, from people who have recognised that the action taken by the Government was beneficial. Likewise I am very pleased to present this motion of commendation. It is not very often that such an activity takes place within this Chamber, as members will know. For instance, when we have the Address-in-Reply, the Opposition, if it has the numbers, can move to amend it. It is not very often that we have the opportunity to express our thanks and appreciation to the Government of this State for its actions -- on this occasion to express our appreciation for Government actions which rescued the savings of those 30 000 depositors. In addition to those people, I would ask members to reflect on the problems that would have been associated with the collapse of Teachers Credit Society and the people who had borrowings from it. The borrowings would need to be rewritten. While it can be said there is just a transfer from the Teachers Credit Society to whoever takes over control, there is an administrative charge in many instances.

If one had a favourable credit rating, I do not doubt for one moment that had one run into any difficulties, the Teachers Credit Society would continue to support one's borrowings. I believe that would be an exercise in financial stability with any financial institution. Within that area there would certainly be pressures on certain borrowers from the society because they would not necessarily receive the same rates of interest. They might have to look to alternative sources. As I said, the administrative costs could be prohibitive in many areas, so it has a twofold purpose. I believe that is part of the motion I have presented. We should

recognise the prompt action by the Government in rescuing the Teachers Credit Society. Usually in the financial institution --

Hon Max Evans: The R & I Bank is not doing it for nothing.

Hon J.M. BROWN: I certainly agree that it is not. I do not believe the R & I should be penalised for doing what it has done, but the Government, in my opinion, certainly had a fiduciary responsibility in this matter. Indeed Hon Max Evans expressed those sentiments the other day when he moved a motion which precluded me from moving my motion earlier. Hon Max Evans' motion was to have a Select Committee appointed and he suggested in this Chamber that another alternative was to appoint an administrative body, which the Government did and which Hon Max Evans believed was the right thing for the Government to do. Hon Max Evans made that comment just the other week.

Hon G.E. Masters: What was wrong with the Select Committee?

Hon J.M. BROWN: We have already disposed of that motion.

Hon G.E. Masters: Tell us?

Hon J.M. BROWN: I am repeating to the House what was said by Hon Max Evans. He said, "I believe it was the right thing for the Government to do. An administrator is the same as a receiver, being indemnified by the appointing person." I acknowledge that the Government is indemnifying the Rural and Industries Bank which has, under section 70 of the Rural and Industries Bank Act, exercised its charter. It is very gratifying to know that the Rural and Industries Bank, a Western Australian bank -- the old Agricultural Bank as it was previously known -- has the expertise, the facilities, and the ability to rescue the Teachers Credit Society from collapse with Government support. I believe every member of this Chamber would acknowledge that capability.

On 4 September, the Chairman of the Rural and Industries Bank, Mr David Fischer, issued a Press release under the heading, "WA Teachers Credit Society" and the subtitle, "The Teachers Credit Society: Some facts you can bank on" and said --

At 4.00 p.m. on Friday 28th August, the R & I Bank officially appointed Administrator of the Society and is now in a position to formally be able to speak on behalf of the Society.

He went on --

As confirmed by the Premier, depositors' funds are secured and guaranteed by the State.

He continued --

The causes for the concern expressed by the Society's Auditors that resulted in the Bank being appointed were in the Society's Commercial Loans area.

The final comment reads --

People dealing with Security Travel, T.C.S. Realty, T.C.S. Insurance, T.C.S. Settlements, or with an accountholder relationship with the Society can continue to transact or invest with confidence and security.

The article is signed by D.P. Fischer, Chairman of the Rural and Industries Bank. It contains several quotes, one of which states --

The Registrar of Cooperative and Financial Institutions has issued the R & I Bank with the formal certification of administration for the affairs of the Western Australian Teachers Credit Society.

The Premier Brian Burke said today that the move finalised the process by which the bank took over the society's administration giving effect to the arrangements he announced on Monday, 17 August 1987.

"The R & I Bank is still assessing the financial position of the society to determine whether there are losses that will have to be met by the State," Mr Burke said.

The article continued --

The Premier restated his commitment to the society's depositors that their funds were totally secure and guaranteed by the State.

Hon G.E. Masters: Surely they must have worked something out by now.

Hon J.M. BROWN: The Chairman of Commissioners of the R & I Bank, Mr Fischer, has made an announcement in relation to that interjection. I believe that members who have financial involvement would understand what was meant when we were told that nothing would be available in the form of a report until around Christmas. That matter is in the hands of the Rural and Industries Bank and, no doubt, the Premier will finally report to Parliament.

Hon Max Evans: Parliament will not be sitting then.

Hon J.M. BROWN: The savings of the 30 000 depositors in the R & I Bank will be safeguarded. As I said, anyone who understands what has happened will understand the feelings of those people who took the trouble to put their thoughts down in a handwritten letter. We should all understand the community's fears about what would happen to their savings. This matter did not concern only the teaching fraternity; it had a State-wide effect.

The second part of my motion refers to ensuring "the continued stability of the financial structure in Western Australia". This part of the motion is really another issue. We know there was a run on the Teachers Credit Society. It was common knowledge on the Terrace before Christmas 1986.

Hon G.E. Masters: Does the motion refer only to the Teachers Credit Society or is it a broader motion?

Hon J.M. BROWN: It applies to the Teachers Credit Society.

Hon G.E. Masters: The second part that you read seems to have a much wider inference.

Hon J.M. BROWN: It means exactly what it says. Anyone who wishes to put a different interpretation on it --

Hon G.E. Masters: It is badly worded. I am trying to find out whether it applies only to the Teachers Credit Society or whether it refers to other decisions made by the Government.

Hon J.M. BROWN: There is no doubt that the Leader of the Opposition is referring to Rothwells Ltd. I do not object to that being considered today. I know it is probably foremost in the minds of most members of the Government.

Hon G.E. Masters: And the Swan Building Society?

Hon J.M. BROWN: The Swan Building Society has been taken care of.

Hon P.G. Pental: Not yet, it hasn't.

Hon G.E. Masters: It cost the Government a lot of money.

Hon J.M. BROWN: The Swan Building Society is being taken care of.

Hon P.G. Pental: I am glad to see that you have not lost your sense of humour.

Hon J.M. BROWN: I have not moved this motion in any sense of humour; I have moved it with a great deal of pride. I have confidence in the depositors and the borrowers of the society and in the people of Western Australia. If members opposite want to dwell on Rothwells and its financial structure, so be it. However, that matter has been resolved with the involvement of an equity shareholding which has already been the subject of comments by the Western Australian Farmers Federation. It has been common knowledge that primary producers needed more assistance than they were receiving. It is important to note what the primary industry had to say in its publication of 4 November.

Hon W.N. Stretch: A lot of their rank and file are not happy with that editorial.

Hon J.M. BROWN: It was not an editorial. If Hon W.N. Stretch reads the paper he will see that it is a front page news story.

Hon W.N. Stretch: I did read it, and the editorial inside backed up the front page story.

Hon J.M. BROWN: The rank and file can make what comments they like and do whatever they like with their organisation; but the Opposition must acknowledge that the Western Australian Farmers Federation said that the Government is to be commended for its actions. The Government is continuously supporting activities on behalf of the farming sector.

You, Mr Deputy President (Hon D.J. Wordsworth), will remember that when you were a Minister of the Crown you introduced a Bill in this Chamber the effect of which was to withdraw the guarantee by the Government for the Grain Pool of Western Australia. I strongly opposed the Bill on behalf of the then Opposition, and the Government of the day indicated that the Grain Pool supported that Bill, which was rather surprising. When the Labor Party came to Government it reintroduced the measure to give the Government guarantee to the Grain Pool. It was said at the time that the Grain Pool had never borrowed money. However, it must be understood that it could borrow money at a much more competitive rate, and a saving of at least one per cent on the millions of dollars handled by the Grain Pool is very effective. A Labor Government initiative reintroduced that Government guarantee for the primary producers, and the Western Australian Farmers Federation reminded its readers of that fact. It also reminded its readers of RAFCOR's ability to help them.

Hon A.A. Lewis: What has RAFCOR done for farmers?

Hon J.M. BROWN: The Rural Adjustment and Finance Corporation has been able to assist farmers since 1971. If we were really fair and square we would acknowledge the part played by RAFCOR. I do not go looking into farmers' business, but to my knowledge the Rural Adjustment and Finance Corporation has enabled many farmers to not only borrow at much more competitive rates but also to repay that money and become stable members of the industry. It has been operating in that way since 1971.

There is a certain odium about comparing whether one group is getting more than another, but if we are to make comparisons we must consider the full facts relating to all parties. Many farmers are involved in the Teachers Credit Society in the same way that the President of the Western Australian Farmers Federation said that many farmers are involved with Rothwells Bank.

The stability of the financial structure in Western Australia has repercussions across the Commonwealth of Australia. As the Leader of the Opposition suggested, the stability of the financial structure covers a wide spectrum, and I do not disagree with any interpretation put on that area because it is for each member to make his decision in that regard. With regard to Rothwells, when I was in Melbourne last week a member of the Fairfax family told me that they contrived to dispose of their operations. The person who spoke to me suggested that I pass her congratulations to the Premier of Western Australia, Mr Brian Burke, for what he had done in relation to Rothwells bank and the contribution made to the stability of the market. I did not go looking for members of the Fairfax family to make such comments; they were spontaneous and quite unexpected.

Hon Max Evans: No Rothwells, no Fairfax.

Hon J.M. BROWN: I do not dispute what Hon Max Evans has said. However, the takeover has been effected, and Hon Max Evans would understand the situation better than anyone in this Chamber; but they contrived to prevent Warren Fairfax from taking the company over. Those were the exact words used.

There has been a great deal of activity within the money markets to undermine certain operations by takeovers. No-one denies that, and it will continue for as long as there is a dollar. The Government's action in rescuing 30 000 depositors goes much further than looking after those savings; the Government is also taking care of financial stability. When the Government looks after financial stability it also looks after expansion. We certainly cannot have chaos in the financial structure of Western Australia if our State and economy are to expand.

Hon Max Evans: Why not include Swan Building Society and save its investors too?

Hon J.M. BROWN: Hon Max Evans can amend the motion if he wishes and include that. I did not include Swan Building Society because I am a country member and my activities take place in rural areas of Western Australia, such as Kalgoorlie, the eastern wheat-belt, and Esperance. The Swan Building Society was just a name as far as I was concerned, whereas Teachers Credit Society was a State-wide organisation which had strong connections in country areas. The letter indicates that those connections go right through to Cue. That is why I said the situation of the Teachers Credit Society has raised so much concern, and certain innuendos and statements were made concerning withdrawals from the Teachers Credit Society.

I have not dwelt on any withdrawals from the Teachers Credit Society that were made last December, or subsequently. I did not intend to introduce that matter because it has been widely and effectively debated in another place. If anyone wants to debate that run on the Teachers Credit Society, Hon Max Evans could explain to them that if the Teachers Credit Society had gone into liquidation, those people who had made withdrawals would have become preferred creditors and, in that instance, have recourse to the liquidator. This is an area which could have wide ramifications and which has not even been mentioned. If a receiver manager had been brought into the Teachers Credit Society, the position of preferred creditors would have needed to be considered. I am not as qualified as Hon Max Evans to do that. I do know, from my experience with receiver managers, that there is never anything left for any of the creditors when the final balance sheet has been drawn up.

Hon Max Evans: They could not use up all that money.

Hon J.M. BROWN: My experience with receiver managers is that when they have finished there is nothing left in the pot. Those people who considered themselves safe because they had withdrawn their funds from the Teachers Credit Society, could have been called upon to surrender those funds to the Teachers Credit Society; otherwise, they would have been preferred creditors. That is a very important part of the Government's rescue plan that has not been recognised in this Chamber. There is a wide spectrum of activity for which the Government can take credit in the rescue of the Teachers Credit Society by the Rural and Industries Bank. If those people who withdrew their savings had had to surrender them to a liquidator, further hardship would have been caused to the financial structure of the Teachers Credit Society.

This was commendable action by the Government. It has already been mentioned by Hon Max Evans in his motion before the House which called for a Select Committee. He clearly stated his support for this action. The reason I waited so long to move my motion is that I believed his motion should be considered first by the House. My motion is simple, and is in two parts. First, it commends the Government for its very responsible action, and records what people in the Eastern States thought of that action and its consequences on other financial structures. Second, it refers to ensuring the continued stability of the financial structure in Western Australia, which is very important, particularly given the fluctuations of the share market. I do not think we should overlook that concern, which has certainly caused a drag on the funds not only of Rothwells Bank but of other financial institutions.

Hon Max Evans interjected.

Hon J.M. BROWN: As I mentioned earlier, I am not, nor do I want to be, privy to the financial structures of my constituents or anyone else's constituents. That is their own business.

Hon P.G. Pendal: It wasn't in the case of Mr Simpson's stuff being broadcast all over the place.

Hon J.M. BROWN: The member is trying to open up a homets' nest. In doing so, he does his party a disservice. I have deliberately avoided bringing personalities into this, or making any particular claims. He is encouraging me to make certain observations which, while they might be palatable to those who want to listen to them, would be taking advantage of a parliamentary privilege, which I do not want to do. It is as simple as that.

I have already mentioned how preferred creditors would have had recourse to a liquidator. What has happened with the President of the Liberal Party happened as a result of political exchanges. I may make further observations, but I do not want to engage in discussions about the President of the Liberal Party. The purpose of my motion is to recognise the importance of financial stability. The financial stability in this State is dependent upon prompt and correct action and the Government has taken that prompt action with the approval of people from all walks of life and all political parties. That is very important. Therefore it is right that this House should consider the motion that I have moved. I commend the motion to the House.

Hon TOM STEPHENS: I second the motion.

HON A.A. LEWIS (Lower Central) [4.18 pm]: One thing which Hon J.M. Brown said which struck me, and with which I agree, is that this is a very simple motion. It is simple to think that such a complex matter can be dealt with in a motion like this. Let us look at the

whole situation. Hon J.M. Brown asks us to commend the Government for taking certain actions. The Premier made an announcement about those actions around 17 August. About a week later he was on his radio show saying, "I don't want a bar of it. The R & I are doing it. We haven't done anything. It is the R & I taking this action." That is a great way to go about it.

Hon P.G. Pandal: Two bob each way.

Hon A.A. LEWIS: Two bob each way. Either the Premier is taking this action, or he is not.

Hon Mark Nevill: What is your attitude?

Hon A.A. LEWIS: Mr Nevill will have seen, in his limited experience, people selling wool to wool buyers. Several years ago a wool-buying firm went broke leaving some people fairly well down the drain. My attitude to those people is if they took that risk for the extra finance that they would get for their wool, I would help them as individuals as much as I could, but they took a calculated risk as to where they sold their wool.

The people in the Teachers Credit Society were getting an extra one per cent interest, or thereabouts, on their money. As I understand it, credit unions and building societies are under the control of a registrar, who has some rules which he must follow. One of those rules is that the society may not lend more than \$20 million, which it has done on one or two occasions. I am not very au fait with this situation -- this is Hon Max Evans' sort of area -- but I wanted to mention this tonight because it seems to me that we are having the wool pulled over our eyes by this very simple motion. I have been reliably told -- not by my political colleagues but by some people I met with socially last week who had some knowledge about financial matters -- that the Teachers Credit Society is going down the gurgler for a minimum amount of \$60 million. A motion has been brought before this House, yet we have not received any financial details, either in this place or in the other place. Hon Des Dans mentioned during the debate that information was given to certain people. The member is a bit slicker than most of us because had he been given the information and two hours to make a decision, he would have had the time to phone 138 local authorities to find out where they might have had money invested, because we all know the speedy way in which he works. I am sure Hon Des Dans realises that he made a mistake, and the less he says about that situation, the better.

I now move on to deal with this simple motion and to look at some of the things mentioned by Hon J.M. Brown. I have already dealt with the first matter of the Premier distancing himself from the situation by saying it is not the Government; it is the R & I Bank. The member then read some letters, but he did not read any letters from people who were not investors in Teachers Credit Society; every letter was from someone who had money invested in Teachers Credit Society. The letters were letters of gratitude.

Hon Mark Nevill: How many letters did you have from people who did not have money invested with Teachers Credit Society?

Hon A.A. LEWIS: None, because I did not ask for any. If I had asked for letters, I would have received hundreds of them.

I am glad Hon J.M. Brown brought up the Western Australian Farmers Federation, because from what I have heard in the last two or three weekends when I have been out in the bush, I will be very surprised if there is not a move by the members on that organisation and its hierarchy, because its members are horrified about the comments that have been made by that organisation, and they remember companies such as Paytons Finance --

Hon T.G. Butler: And Bunbury Foods.

Hon A.A. LEWIS: I am glad the member brought that up because Bunbury Foods only needed an interest backing of \$600 000 and it would still have been under the same ownership. We are now talking about \$60 million. Members opposite can only squawk and squeal about politics. They try to politicise every deal they make. I believe Hon Tom Stephens received a letter the other day from a new member of Parliament, which was a bit of a shock to him. Hon Mark Nevill was the child bride who took over from the previous member, and members can see how much influence he has had in this place. I do not want to delay the House, but if members want to banter, I can give as much as I get, as most members will know.

Hon T.G. Butler: None of it will make sense, but go ahead anyway.

Hon A.A. LEWIS: Here we have the comment of the day, that none of it will make sense. I want to know what Hon Tom Butler had to do with this and whether we as Liberals should pick up his financial affairs and bandy them around, whether they be good, bad or indifferent. We do not act in the way that Hon Tom Butler and his colleagues do.

Hon G.E. Masters: We would not want to know what a miserable failure the member has been.

Several members interjected.

The DEPUTY PRESIDENT (Hon D.J. Wordsworth): Order!

Hon A.A. LEWIS: To come back to the motion before the House, did we hear Hon J.M. Brown squealing or passing motions when farmers were being kicked off their farms? Did we hear him talking about the machinery dealers in this State who have gone broke?

Hon P.G. Pandal: Or Paytons Finance?

Hon A.A. LEWIS: Yes; that is another one. Hon J.M. Brown admitted that he knew something about the country area, but I wonder if he knows how many farm machinery dealers have gone broke since this Government has come into power? If Hon J.M. Brown does not know about his area, I will tell him. Each of the farm machinery dealers averages 18 employees.

Several members interjected.

Hon A.A. LEWIS: That is the attitude of the Labor Party -- small businesses going broke are compared by Hon Doug Wenn to cemeteries. That is the type of mentality we have to put up with from people like Mr Wenn. I guess a fortnight or so ago that by-election in the South West Province gave Mr Wenn a sort of shock.

[Resolved: That business be continued.]

The DEPUTY PRESIDENT (Hon D.J. Wordsworth): I request Hon A.A. Lewis to stick to the motion.

Hon A.A. LEWIS: I will stick to that very simple motion.

Hon Mark Nevill: Are you sure you have the right motion?

Hon A.A. LEWIS: I think I have. It was amended because it was brought in with such haste after the Department of Premier and Cabinet handed it to Mr Brown so he could have a go at it. This simple motion says that this House commends the action of the Government. We have had a debate about that because the Premier said it was not the Government but the R & I Bank -- he said it for the whole of Western Australia to hear on his radio broadcast.

Hon Mark Nevill: We support the R & I Bank, but you don't.

Hon A.A. LEWIS: Hang on! Do Government members support the R & I Bank or the Premier? If they are supporting the R & I Bank why does this motion not say that this House commends the R & I Bank, not the Government?

Hon Mark Nevill: Don't you support the R & I Bank?

Hon A.A. LEWIS: I did not say that at all. I feel desperately sorry for the R & I Bank. I feel even sorer for the taxpayers of Western Australia in that they will have to contribute about \$60 each to the Teachers Credit Society in the long term.

Hon John Halden: They will not.

Hon A.A. LEWIS: Where is the money coming from -- from the profits of the R & I Bank? There is a horrible silence. Where is the money for the losses of Teachers Credit Society coming from? There is a hush on the Government benches because we know --

Hon Mark Nevill: You are assuming there are losses.

Hon G.E. Masters: There will be.

Hon A.A. LEWIS: Laurie Potter would love to hear it because I am sure he does not think he is in too sound a position.

Hon Tom Helm: Does he own Teachers Credit?

Hon A.A. LEWIS: It owns him.

Hon Max Evans: \$34 million-worth.

Hon A.A. LEWIS: I heard something to the same effect, but I do not wish to bring individuals into this. There will be conservatively a loss of \$60 million. Will it not be lovely for this Government when its prime mover, Hon Tom Butler, who leads that party -- he is making a dash, and I must tell Mr Berinson and Mr Parker and Mr Dowding that the way he is performing he should take over the leadership --

Hon Graham Edwards: We don't have to stack our branches.

Hon A.A. LEWIS: Yes, the Labor Party does. I refer the Minister to *The Australian* which reported that the Labor Party's Victorian branches are in so much trouble. Do not give me that nonsense.

Let us get back to this simple motion. Mr Brown was not in this place complaining about the losses of people in country areas -- people who lost their farms and farm machinery dealers who lost their dealerships. The Labor Party could not care less about them. Hon Doug Wenn referred to them as being the same as bodies in the cemetery, and I am sure the public will love to read that sort of gutter comment about people who went out and tried to create a business -- either a machinery business or a farm. Mr Brown said the R & I Bank should not be penalised. I ask him who picks up the tab in the final analysis? Mr Brown said, reading from Press comments by Mr Fisher, that the registrar officially appointed the R & I, which was secured with a guarantee by the State. The interesting point is that the statement went on after that to say, as Mr Brown read out, that the R & I Bank is reviewing the commercial loan portfolio.

Mr Burke distanced himself from the R & I Bank, to say the least. He said the R & I Bank had done the deed, not the Government; Mr Brown wants two bob each way. Surely in final terms the registrar is responsible for running the credit unions. I hear no voice denying that.

Hon Mark Nevill: What is your position?

Hon A.A. LEWIS: I think the registrar and the Premier both ought to be sacked.

Hon Mark Nevill: And let them go down the gurgler?

Hon A.A. LEWIS: It would not have got to that stage if the registrar and the Premier had been doing their job because the commercial loan limit is \$20 million. We know of people who are half as much or more above that limit. The registrar is paid by this State to control credit unions and building societies.

Hon J.M. Brown: He is not a Government servant.

Hon A.A. LEWIS: In the long term he is responsible to the Premier and Treasurer, the man who distances himself from all this. We are talking about the R & I Bank taking over Teachers Credit Society.

Hon Mark Nevill: It has not taken it over; you do not understand it.

Hon A.A. LEWIS: I think I have a far better idea than Mr Nevill where the final \$60 million, \$70 million, or \$80 million -- a minimum of \$60 million -- is coming from. It is coming out of the taxpayers' pockets -- out of the pockets of his electors and mine. I am not going to enter into the other argument to which Mr Brown referred, but the Premier and Treasurer is finally responsible either for the R & I Bank or the registrar.

I have talked to farmers and farm machinery dealers who have gone out of business. Let us look at this minimum figure of \$60 million and make one suggestion. That \$60 million could have been used to subsidise interest rates. It would have subsidised interest rates on \$600 million at 10 per cent for one year, and those farmers and machinery dealers would have got over their problems. It could have been used at five per cent on \$600 million for two years, and the farmers still would have stood a very good chance of getting out of their problems. This Government's mates in Canberra have held up interest rates pretty well and every agriculturally-based organisation has been asking for four years for subsidies on interest rates. They have been told to run away and that they do not know what they are talking about.

With this very simple motion Mr Brown wipes off all those people who have gone down the gurgler. Somebody mentioned Payton's; I hope members read the answer which the member for Vasse, Mr Blaikie, got from the Premier about that company. He says, "We do not interfere with those sorts of things." As far as the Teachers Credit Society is concerned, he has. Let him wear it; do not let him distance himself from it; let him come out and say that he is doing it and that the Government is doing it. He should not hide behind David Fischer of the R & I Bank -- the man has enough on his plate as it is. In the final analysis it is the Premier who will be responsible for this State going down the gurgler, because this \$60 million -- I am only talking about this \$60 million; I am not talking about the Swan Building Society or anyone else -- is five per cent of what this State Government can raise in taxes in one year.

Hon P.G. Pendl: It is the equivalent of land tax for one year.

Hon A.A. LEWIS: The Government cannot play around in this instance -- it will be five per cent of taxable revenue. This Government is being completely irresponsible and I completely and utterly refute this motion.

Debate adjourned, on motion by Hon G.E. Masters (Leader of the Opposition).

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Consideration of Tabled Paper

Debate resumed from 29 October.

HON BARRY HOUSE (South West) [4.41 pm]: In rising to speak on this motion I believe I can make no better start than to refer to the opening paragraphs of maiden speeches of two very long-serving members of the South West Province. In August 1956, Hon G.C. MacKinnon said the following at the beginning of his speech --

This is a moment which I have anticipated with some terror. As one hon. member said the other day, members have all been through it; and the fact that they lived beyond the day of their maiden speech has given me courage.

Nine years later, in August 1965, Hon Vic Ferry began his maiden speech with the following words --

In rising on this occasion to support the motion, I am deeply conscious of the privilege I enjoy of being a member of the Legislative Council of Western Australia. I am deeply aware of the many worthy members who have served in this Council over the years since its establishment; and, in my own humble way, I hope to be allowed through your indulgence, Sir, and that of the members, to contribute a little to the welfare of the province I represent and also to that of the State of Western Australia.

At this moment I can identify very closely with those remarks. While I am a little apprehensive of the size and scope of the task ahead of me I appreciate it as a unique opportunity in one's lifetime. I am equally looking forward to the hard work, stimulation and challenge which I expect the job to provide.

Before going further I would like to pay a tribute to Hon Vic Ferry, a previous member for the South West Province, whose retirement led to the by-election that I recently won. He served the State of Western Australia with loyalty and dignity for many years and in recent times he has been of great assistance to me. I sincerely hope that he enjoys a long and happy retirement.

I am very conscious of the uniqueness of this occasion as I will almost certainly be the last member for South West Province elected under the existing electoral boundaries. My co-tenant in this position, Hon Doug Wenn, and I will have a very small place in history as a result of the proposed changes to the electoral system. We will be the last members of the South West Province as we know it today.

The by-election was also unique because in all probability it will be the last election contested under the present boundaries and it was the last election to have an 8.00 pm closing of polling booths. While speaking of the by-election I am naturally delighted with the result and I would like to acknowledge the efforts of the many people and organisations who

worked so hard, and in such a professional and efficient manner, to make sure that I would be standing in this place today making this speech. It was a fitting reward for a real team effort and it augers well for the future.

I must pass a large vote of thanks to my wife and two children who have given me tremendous love, support and encouragement in the past few years while I have worked to achieve my ambitions. In representing the south west of Western Australia, I am very conscious of the diversity of people, interests and industries which the area contains. My family have been in the south west for more than 100 years and were genuine pioneers of this part of the world. My father hand-cleared his own property at Yallingup from virgin bush and developed his farm and business from scratch. My mother came to Western Australia as a two-year-old with her parents, my grandparents, as part of the group settlement scheme. They were original group settlers at Tutunup and Willyabrup and are justifiably proud of their achievements.

One of the most interesting projects which I have undertaken recently is to record an oral history for the Batty Library with my grandparents who are now in their 90s, but who are still very active and fiercely independent. My grandfather provided much of my early interest in politics as he was involved in local government for 23 years and he often talked about dealings with famous political figures from the past such as Sir James Mitchell, Sir David Brand, Sir William Stewart Bovell and Mr John Tonkin.

I am fully aware that I am not only representing long-term residents from this pioneering past who have very traditional values, but also I am representing the new influx of people into the area. The population of the south west is growing very rapidly and the newer and younger generation have vastly different backgrounds and motives from many long-term residents. This not only sets up the potential for conflict, but also offers exciting new opportunities for the south west.

In a way I am a mixture of these two groups of people. Having been raised and educated around Busselton I am very well versed in the traditional values held by many in our society. I moved away from the area for a time to further my education, travel to other parts of Australia and the world, and to work and live in other localities. I came to appreciate the south west of Western Australia as one of the nicest places on earth in which to live. I am delighted to have the opportunity to work for the south west as its parliamentary representative.

The third group of people I represent in this House today are probably the most important. I refer to the young people who represent the future. As a parent, a school teacher, a sportsman, a community worker and especially as a youth education officer for five years, I believe that I have been able to establish a special rapport with young people and to recognise them as our most valuable resource. The youth in the south west are as creative and capable as any youth anywhere and the real challenge facing us is to allow that ability and creativity to manifest itself for the betterment of all mankind. I am confident this can be achieved despite problems associated with the lack of further educational opportunities locally and the many economic and social dilemmas confronting the younger generation.

The shortage of tertiary education available in the south west has been partly overcome by the establishment of the Bunbury Institute of Advanced Education which has provided opportunities in the last few years for many to gain qualifications locally without having to go through the social traumas of moving away from home.

I would be very keen to see the institute's role expanded to include a school of tourism and hospitality studies and a nurses' diploma course. A nurses' diploma course has merit on several grounds. It would, for the first time, bring tertiary level nurses' training to the south west; it would add further substance to the Bunbury Institute by introducing another professional course which, so far, is available only in the city; it would mean that local people would avoid the need to leave home for nursing training; it would also add immeasurably to the number of qualified personnel available to the south west's health care system.

Tourism is increasingly being seen as the industry to lead the south west into an exciting era of growth and development. The multiplier effects of these advances would filter through the whole economy. The location of a school of tourism in the south west would be an

acknowledgement of it as a region which attracted the largest number of visitors of any country region, second only to the numbers attracted by the Perth metropolitan region. As well, the location of the new school in Bunbury would be a strong signal to the private sector of Government support for the region by providing the educational infrastructure. It would also help to develop the Bunbury Institute's credibility as a tertiary institution.

I was a little disappointed to hear just a few days ago that the institute's first attempt to establish this course for 1988 has faltered because only 12 applications were received and 20 were necessary to make it viable. This was undoubtedly due to the short time given to the institute to promote the course. I am sure it will be successful in the future.

While on the subject of tourism, it will receive a significant boost if a regional airport could get off the ground, so to speak. Currently a Government study is underway investigating the feasibility and possible locations of a regional airport in the south west. I would like this study to take on board experience gained in Ballina in northern New South Wales where the local authority, quite independently of the New South Wales Government, built a new airport for about \$2.2 million including land cost. This airport has dramatically and positively affected the town's economy by providing a boost for tourism and stimulating investment with the resultant increase in jobs and opportunities.

I believe a regional airport in the south west could have the same sort of impact, but planning for any future airport must closely take into account the opinions of local people and business people, as well as environmental considerations. The last thing we want is another insensitive heavy-handed approach like the Rosa Brook airport proposal. Recent investigations have confirmed my belief that these figures are realistic as comparable airports have been proposed for Mildura and Lovely Banks in Victoria, along the same lines as Ballina.

I am very pleased to claim some credit via the by-election for the Government's commitment of \$500 000 to the restoration of the Busselton jetty. The importance of this jetty to Busselton and surrounding areas as a focal point for the tourist industry has finally been fully realised by the local people as well as the Government. I welcome the \$500 000 with open arms as this will go a long way to restoring the structure as a promenade jetty. I am optimistic that arrangements can be made to cover the ongoing costs. I intend being part of a local committee which will be set up at a public meeting in Busselton on 19 November to oversee restoration plans.

Tourism and appropriate care for the natural resources about us are inextricably tied up in a way our community would have been unaware of a generation ago. In this regard I am very pleased to see sections of the Boranup karri forest and Ludlow tuart forest set aside as national parks. I see a need for the first comprehensive survey and maintenance plan for the south west caves system to be drawn up. It is an oddity that the importance of the caves has never been acknowledged in this way in recent history. The caves and their preservation appear to have escaped the attention of most people but it is now time to assess and redress the situation where appropriate.

As I have said before, I believe the south west is on the verge of an exciting era of growth and development, and correct management in this regard is very important. Input from local people and local authorities must be acknowledged as there is concern at present that many development ideas will be imposed by Government bodies and outside organisations in a heavy-handed way, ignoring local opinions, the environment and the people.

The south west area is far from short of its own ideas, and I would like to briefly share my knowledge of the Rural Initiatives Development Group based in Margaret River. The group comprises highly intelligent people, committed to exploring possibilities such as a buyers' cooperative, ethical investments, an appropriate technology centre, recycling, a local government study group and a local promotional centre. I share with them a growing concern about the power of large Government bureaucracies and threats to individual freedoms. The group is working hard to develop individual initiatives and not looking for Government handouts, so it deserves our support.

Many positive proposals are floating around involving the future of Bunbury as the State's most important regional city. Plans for the development of the city centre and proposals for industry will certainly enhance the area economically and aesthetically, if and when they

come to fruition. Unfortunately most of these plans are still on the drawing board or exist only on a glossy pamphlet, and Bunbury people are becoming increasingly cynical and sick of asking when these plans will actually happen, while every day they see development going past their door to Busselton, Dunsborough and Margaret River. I was, however, pleased to be part of the official welcoming party last Thursday for the new *Australind* train which will revolutionise rail transport between Bunbury and Perth, providing a modern means of transport for the businessman and the visitor.

One of the pressing needs of Bunbury and surrounding areas is for an entertainment and cultural centre. I am keen to pursue a plan put forward during the election campaign to establish a Bunbury cultural and entertainment facility trust fund to supplement State Government funding. The Commonwealth Government has been asked to make private contributions to this fund tax deductible along similar lines to a fund established in Canberra for the National Gallery. This concept offers much potential for local businesses or individuals looking to invest funds and preferring to do so in a local project. It may also be possible to extend this concept to a project such as the Busselton jetty which will require funding and continuous maintenance. I am sure the Government would find enough local investors who would prefer to put their money into something tangible such as an entertainment centre rather than something remote such as a movie or superannuation fund. All people need is the incentive, and I sincerely hope the Commonwealth Government goes along with the plan.

Despite the south west being referred to as the land of milk and honey by some people and as God's little half acre by others, I can assure members that all is not absolutely perfect as there are some storm clouds on the horizon. One of the darkest of these storm clouds is in the area of education, where I claim to have some knowledge having spent the bulk of my working life in this profession. I am distressed at the current level of discontent and disillusionment amongst teachers, students and parents in the Government education system in particular. These feelings of confusion and anger are associated with the changes linked to the Better Schools Programme -- I would suggest this title is a misnomer -- and the unit curriculum in secondary schools, which have been introduced without proper trial or research.

I am very concerned about the amount of political interference creeping into the education system. These changes have seen many capable, long-serving educators leave the system either voluntarily or otherwise into retirement, private schools or other employment. The system can ill afford to lose this expertise and is losing credibility in the wider community as a result. Already there are indications that serious problems exist in finding and funding the extra staff needed to make the unit curriculum in secondary schools work in 1988. If these problems are not quickly sorted out they will make a mockery of the hard work and dedication of many teachers in all schools around the State who have striven to have the unit curriculum in place and working by next year. I do not reject change and readily welcome some of the ideas behind the changes as relevant, but I am not convinced that the way these changes are being introduced will produce a better education system for our children, and that is the bottom line.

Another area of concern is the level of unemployment in the south west. Figures released by the Australian Bureau of Statistics only last week reveal disturbing trends. While unemployment figures State-wide show a marginal decline of 0.4 per cent from 53 800 to 53 600, between August 1986 and August 1987 the number unemployed in the south west and great southern has risen by 14.3 per cent from 6 300 to 7 200. The figures for females seeking work are even worse. Unemployment amongst females seeking work in the south west has increased from 7.2 per cent to 8.4 per cent, that is, from 2 300 to 2 600, despite an improvement WA-wide from 7.9 per cent to 7.5 per cent. These figures lead me to ask why the figures for this area are so bad in comparison to the remainder of Western Australia.

I sincerely hope the commitments made by the Government during the election campaign, totalling somewhere in the vicinity of \$75 million quickly become a reality to absorb some of this growing pool of unemployed people. I guess the one consolation, Mr President, is that I am advertising for an electorate secretary at the moment so I can expect lots of applications.

Ten to 15 years ago some scientists and conservationists were warning us about the dangers of using too many chemicals and of the damage to the ozone layer. These problems have

come home to roost and are very topical issues in the south west at the moment. Maybe we should have been listening a little closer in years gone by. With 155 farms in Western Australia -- most of them in the south west -- quarantined for high pesticide levels many farmers are facing financial ruin. The background to the problems has been well publicised and arguments will continue over the origins of the dispute having more to do with United States-Japan trade balances than dangerous pesticide levels.

[Questions taken.]

The PRESIDENT: I remind members that this is the honourable member's maiden speech, and it is because of this that I permitted what would appear to be a breach of Standing Order No 73 to occur. I suggest to the honourable member that later he read that Standing Order.

Hon BARRY HOUSE: Thank you, Mr President. I was referring to the pesticides problem in the south west and the fact that 155 farms are presently quarantined and many of the farmers are facing financial ruin. The background to this problem has been well publicised and arguments will continue about the origins of the dispute having more to do with the United States-Japan trade balances than with dangerous pesticide levels, and also the morality of some farmers being in the situation, despite carefully following instructions issued by Government departments on the use of organochlorides or, again, simply because they were unlucky enough to have SEC poles running through their properties.

The Department of Agriculture is by all accounts doing a fine job in developing a certification programme which is helping to clarify the situation, but the fact remains that some farmers will go to the wall through no fault of their own. This will be the final insult for many rural communities which have fought the cost-price squeeze for some years now and have witnessed the social and economic decline of their communities.

The pesticides problem is a community problem, not just an industry problem, and it must be looked at seriously as the ramifications spread through the community. I do not believe in Governments using taxpayers' money to prop up private entrepreneurs operating in the high risk market, but I would have thought that if the Government could commit \$150 million of our money to Rothwells Ltd, surely it can provide a little more support for the farmers -- most of whom are individuals or are running family businesses -- facing ruin due to the pesticides problem.

Another dark cloud on the horizon in the south west is the increase in the crime rate. The south west has not escaped the general decline in standards of law and order. I will give some examples. Statistics indicate a general increase of 26 per cent in crime in the south west in the last two years.

Just breaking down those statistics a little, they indicate a 63 per cent increase in drug offences; a 159 per cent increase in unlawful use of motor vehicles; a 36 per cent increase in assaults and a 25 per cent increase in breaking and entering offences.

There must be a move towards a greater police presence and crime prevention. Hon Doug Wenn in his maiden speech in June 1986 also made mention of this problem and the need for a reasonable police presence. It must be disappointing to him, as it is to me, that there has been slow progress in overcoming these problems. As the father of two children soon to enter their teens, and as a person vitally concerned with safety for all ages in our society, I do not like the current trends and would welcome a higher priority being placed on crime prevention and other related issues, which would make our society safer and more enjoyable.

At the southern end of my electorate, the residents of Margaret River are asking when the hospital will be upgraded. Despite politicians coming and going, and mouthing platitudes for many years, there is still no firm commitment to a new Margaret River hospital. The present building is a disgrace and completely inadequate for an expanding community. In fact the population growth rate for the Shire of Augusta-Margaret River between the census years of 1981 and 1986 was a high 44 per cent. I am very surprised that the question of whether or not the community needs a hospital is still even considered. I would have thought the expansion in this area answered that question clearly a long time ago. The local residents and many visitors who flock to this area and use its facilities are justifiably annoyed at the delay and, I am sure, do not mind whether the hospital eventuates as the result of a private land swap or by some other means. They just want to see the bricks and mortar.

Another very dark cloud descending on the residents of Bunbury in particular, although its ramifications spread wider than the city itself, is the forced relocation of over 50 Telecom employees and their families. This represents over 150 people, and it will have a devastating effect on these people, many of whom own homes, have children at local schools and are an integral part of their communities. This is another example of centralism and is being done this time in the name of economic efficiency. I wonder whether the architects of the Lee report, which recommended these disruptions, have taken into account the human and social costs, not to mention the economic costs to a community that can ill afford to lose so many of its residents overnight. It makes a mockery of decentralisation and places in jeopardy Bunbury's status as a city when the heart of its service industries is ripped out. I was very pleased to see the Minister for The South West in yesterday's *The West Australian* come out in opposition to these moves. I will offer him all the support I can to reverse this move on the part of Telecom.

While I may appear a little pessimistic about some of the points just raised, I want to assure the House that in an overall sense I am very positive and optimistic about the south west of Western Australia. Like the vast majority of the population I live there because I want to, not because I have to -- and I want to work to make sure that the element of choice still belongs to the individual. The best way of doing that is to develop the incentives for individuals and groups to achieve their ambitions and to reduce the disincentives so prevalent today. We can do that by creating a climate of enterprise, which provides incentives rather than brick walls for people who want to have a go. I have always believed that ownership creates responsibility, and whether it is property or a problem, we are more likely to find the property well looked after or the problem solved if some individual or group will claim responsibility. As an example of this theme, one proposal we put forward during the by-election was for Homeswest tenants to be able to purchase their homes at a discounted value lower than the market rate after a qualifying period. This would not only provide the incentive for people to look after their homes, but would keep the Australian dream of owning one's home alive and well.

It is easy to be positive most of the time about the south west. As I intimated before, we have a wide range of primary industries based on agriculture, timber, fishing, horticulture and mining; we have a rapidly growing secondary industry base and we have a vibrant and expanding tertiary sector with tourism leading the way into the 1990s. These industries all use part of the natural assets which attracted people to this area in the first place. It is so very important for the future that we find the right balance and do not destroy these natural assets while seeking income and employment for people.

I would like to conclude by stating the principles which attracted me to politics and which I will do my best to uphold while I am a member of the Legislative Council. I have a firm commitment to individual liberties and deplore attempts to invade our privacy through mechanisms such as the ID card. I have a strong belief in the family unit, which is fundamental to the strength of our society and should be given every support. I fully support social justice for the genuinely needy but this does not extend to social engineering. I have a firm commitment to law and order and view the growing street violence and moral decay with concern.

Mr President, I would like to mention how humble and honoured I feel at being here to make this speech today. I am looking forward to serving this House and the State for some time to come and aim to earn that honour by being a diligent and effective member. Thank you.

Members: Hear, hear!

HON H.W. GAYFER (Central) [5.25 pm]: I would like to compliment Hon Barry House on the contribution he has just made to this place. I have already complimented him on a previous occasion on his preferment but I would like to add that the words he has just uttered will go down for time immemorial. Some of his speech might be held against him -- one never knows -- but I did not hear anything at all that he should be ashamed to put up. Certainly Hon Barry House comes from a long line of southerners and I think he will do credit to them and he will certainly follow in the wake of those illustrious people of whom he spoke in his address.

However, I would remind Hon Barry House and Hon Doug Wenn that I have often heard reference to the Margaret River Hospital. I have heard Hon Sandy Lewis and Hon Vic Ferry

talk about this too; and while it is a long way away, I also remember Hon Edgar Lewis, a former Minister for Education, referring to a similar matter years ago. We used to go up to him with problems. In those days we were in Government and were talking to one of our own. When one becomes a member of the Opposition, one is lucky to get a toilet built in a desert. However, that does not matter; it is beside the point.

Hon T.G. Butler: There are no deserts at Corrigin.

Hon H.W. GAYFER: I represent far more places than that; I represent 28 shires. Hon Tom Butler should come up with something to beat that.

We used to go to Mr Lewis and tell him of our problems in relation to schools and how we wanted new schools built. He always used to pull out his handkerchief, start crying and tell us that we had no problems compared with that which he had at Miling, where he came from. The school, he said, was in a terrible shape and he used to show figuratively how struts were placed against that wooden building to hold it up. This went on for two or three years; we were not getting anywhere and were not receiving any money for that sort of thing until finally a solid deputation of Country Party members -- in those days there were 14 of us -- went to him. We waited on him and implored him to build his school at Miling. Eventually that school was built and we got that out of our hair.

Hon W.N. Stretch: He closed mine down.

Hon H.W. GAYFER: Did he? Hon Bill Stretch can tell another story, but I well remember that.

While the Budget is before the other place, its associated papers are before us at this time and are, I believe, deserving of comment. Everybody should take an interest in them and should make some reference to the Budget as well as to other associated matters, as they are able to do within the constraints of the rules of this place. The total revenue for this year, in this State Budget, is about \$260 million more than the revenue for 1986-1987. In other words, it is about seven and a half per cent more. The Budget is balanced. It was said to be a "steady as she goes" State Budget, and one that was, as the Premier referred to it, responsible rather than spectacular. Indeed, the Premier should have been able to balance his Budget because it is only a short time ago that this State experienced a great many taxation increases, and I will come to that later.

The total revenue from State taxes in 1986-1987, excluding the fuel franchise levy, is expected to be \$917.5 million. In 1983-1984, only four years ago, the actual amount was \$584 million. In other words, it is considerably more than the inflation rate for that period. It is amazing that we are able to continue at that high level of taxation. As a "steady as she goes" State Budget, which is reasonable rather than spectacular, I would have thought that, if anything, the taxation level was still reasonably high.

The Budget raises a number of questions. The first concerns how it has been balanced. In June 1987 our water bills were raised by 4.6 per cent; our motor vehicle licences went up by 5.9 per cent; our sewerage and drainage rates went up by 4.5 per cent; our Stateships freights went up by five per cent; and Westrail fares went up by seven per cent. In 1986 electricity tariffs rose by 12 per cent, and the fixed water rate went up by 7.1 per cent the year before that. The escalation in prices in preparation for the Budget was quite phenomenal. In addition to that the savings made by keeping actual expenditure less than estimated expenditure last year naturally helped to lead to a balanced Budget this year.

I am convinced that even I, who have had no experience in preparing and balancing Treasury Budgets with revenue from extra taxes and cuts in actual expenditure, plus the income raised from the sale of Government assets, could do nothing less than prepare a balanced Budget. It may well be that that is a sign of a good Treasurer, but I do not think that would be a particularly hard act to follow providing, of course, there are still some Government assets left around the place which could be sold.

Hon D.J. Wordsworth interjected.

Hon H.W. GAYFER: He may have, and that has yet to be seen. A lot of those have been issued by many Governments in the past.

Hon D.J. Wordsworth: They have never been over \$10 million before.

Hon H.W. GAYFER: They have, but not for the purpose that Hon D.J. Wordsworth is speaking of.

The figure that intrigues me is in the summary of revenue. It is estimated that this coming year we will receive about \$3.5 billion dollars in revenue from the Commonwealth. I am perturbed that we are continually going backwards and forwards to Premiers' Conferences in order to establish how much we are getting out of the Federal Budget, with the Premier's coming back weeping tears of blood because we never get enough; and then we are given that as an excuse to apply the sort of tax increases that have been experienced.

It is interesting to note that some 87 years ago this country was federated and this State reluctantly joined the federation. This Parliament conveyed a message to the Queen advising her that the people of Western Australia had agreed to join the federation. That was the first step towards the problems that we have with our State economy now. In 1942, at the height of the war, after listening to the pleas of the Chifley Government, the States handed over their taxing rights. Up until then, three-quarters of the total income of the Commonwealth Government was from State income taxation. A quarter of its total income was from Commonwealth tax. It follows, and it should have followed immediately, that after the war when the necessity to combine all taxes was over, the State should have got back at least three-quarters of the taxation that was collected in Australia. That has never happened. The Commonwealth has gone on from that stage to even bigger stages, including duplication.

In 1986-87 the total income received in Australia in direct pay-as-you-earn taxation was around \$50 billion. The actual amount returned to the States, combined and collectively, was \$23 million. That is less than half of what was collected in only PAYE tax, without adding on any of the other taxes levied on individuals in the States. Of that \$23 billion returned to the States our receipt last year was one-seventh. These figures should be looked at very carefully in the light of implementing tax, and the general budgetary management that is required, before one pitifully cries at the injustice, as it is called, of the Commonwealth in handing out its meagre portions of what was originally the State's by right.

The problem has never been addressed by the Premiers' Conference. Sure, they might have played it up like Mr Playford did years ago when he made a loud noise about it, but at that time he was getting considerably more back from the Commonwealth and he hoped he would not be listened to too hard. The position has been out of kilter and is now getting even more so. It is interesting to read a letter written by one of our Premiers, Hon F.J.S. Wise, to the *The West Australian* on 17 January 1946. I refer to page 287 of *Hansard* on 10 August 1948 which stated that Mr Wise had been to a Premiers' Conference at the time and the then Prime Minister, Mr Chifley, said that the demands that the States were making for the return of their Constitutional rights on taxation were "bloody nonsense". Mr Wise wrote to *The West Australian* giving the context of a letter he was sending to the Prime Minister, which stated --

At the outset I wish to state that my Government is opposed to the continuance of the present uniform tax system. . . . It is axiomatic that the power to control finance is fundamental to the power to govern, and if the State Governments surrender to the Commonwealth the power to impose income tax they lose their power to determine the economic and political policies of their States.

Later on, Mr Wise said --

Summarised, the view of this Government is that the right to impose income tax, which is fundamental to the State's existence under federation should be returned to the States.

I knew exactly where to find those quotes from 1948 because they were referred to by Sir Keith Watson in a speech made in 1966 when I was a member of this place. I go back to the position that it should be the common drive of every member of Parliament in this State and in other States to request, urge, implore or somehow or other get back from the Commonwealth Government the taxing powers that it currently enjoys and thrusts upon the States.

The Treasurer's Budget raises a number of interesting questions: He talked about the size of the public sector and we admit that on the figures available last year's prophesy of a three per cent cut in the public sector was apparently achieved. However, was the cut real or was it achieved simply by the adoption of a new method of counting public servants? Where did

the three per cent cut actually occur? Was it simply a case of the public sector allowing a three per cent net attrition until the freeze was off and then going back to feeding the establishment? What about this year? Will the public sector resume growth? The Treasurer is somewhat vague; he appears to want to keep numbers as they are at present but gives himself an out for increasing some public sector establishments by the words "where a deliberate decision is taken". It would appear that the Treasurer sees the public sector as a necessary evil in difficult times whereas the National Party considers a reduction in the public sector as a social good. Therein lies a major philosophical difference between the National Party and the Labor Party.

The National Party and the Government agree on the need for greater public sector efficiency -- the National Party has no quarrel with that. In our view the greatest benefit of the increased efficiency should be a smaller public sector, not a larger one. If the Government is to maintain the current size of the public sector, does it follow that greater efficiency will mean an even bigger role for the public sector? In other words, will it grow because of so-called efficiency that may appear to be present? In what way precisely will the Western Australian citizens benefit from a more efficient public sector if it is not in the form of a smaller public sector? Certainly it will not benefit if the Government sees efficiencies and gains and considers them an excuse or reason for further escalation in the public sector.

The issue of State taxing powers is perhaps one of the hoariest of old chestnuts, and I have already quoted from the 1948 *Hansard* and referred to the steps taken then. Traditionally the States have wanted taxing powers on the strict proviso that they never actually got them -- I referred to Mr Playford.

The Treasurer has made much of the need for greater Government efficiency and the National Party supports that. What of inter-Government efficiencies? The proposals made in 1946 by Mr Frank Wise to the Prime Minister, Mr Chifley -- which I might add were repeated in the 1970s -- that the taxing power be returned to the State, must be entertained fairly quickly before there are further duplications of Government departments. Although at the turn of federation there were only nine Government departments, currently there are 26 Government departments. In other words, the departments of health, education, and local government are a form of double taxing that should not be entertained by any taxpayer in Australia. They are the province of the State and not the province of the Commonwealth. There is no way that the Department of Local Government should be administered by a Commonwealth department of local government when local government is not even mentioned in the Commonwealth Constitution.

That matter is mentioned in State Constitutions, but not in the Commonwealth Constitution. I criticise shires in my electorate when they fly the Australian flag, because they should fly the Western Australian flag, and be proud of it. The only place flying the Commonwealth flag in country towns should be the post office.

Hon Garry Kelly: We are Australians first and Western Australians second.

Hon H.W. GAYFER: The Police Force, teachers, schools, and railway stations in Western Australia are all Western Australian -- is Hon Garry Kelly not proud of being a Western Australian?

Hon Garry Kelly: Yes.

Hon H.W. GAYFER: Well then, for God's sake fly the flag now and again. People will not get off their butts and say that they are proudly Western Australian - they go along with being managed by people 2 500 miles away. As a matter of fact, I went to Bunbury last Thursday on the new train, and it was very nice. I do not have a copy of the literature I was reading on the train, but it stated that Mr McCullough says that that railway will not pay for itself until there are five million people living in Perth and one million people living in Bunbury.

Hon E.J. Charlton: It will be worn out by then.

Hon H.W. GAYFER: It will be worn out six times, Mr Charlton. However, I will get back to that subject later. When we arrived at Bunbury the Australian flag was flying proudly. I noticed that there was someone wearing a skeleton mask and carrying a scythe over his shoulder; he was something to do with the AIDS promotion. Seeing such a person on the platform when first arriving at Bunbury was no great advertisement for the town as a tourist resort.

I am, and always have been, a great Western Australian. I have always believed that we have not fought hard enough for our rights. I have said here often that the only thing wrong with Australia is that the Nullarbor Plain is too small. A paper, I think *The South West Times*, was given to passengers on that *Australind* train. It contained an article which stated that the Commonwealth Government had been approached about taking over the Western Australian railways. That matter was considered some time ago by the people in this State, was frowned upon, and was not proceeded with. That is something that we should consider closely before we give away our State transport rights. I can imagine the people arranging trains to cart their best customers' produce, namely wheat, negotiating with someone in Canberra for railway trucks, or coming to some other suitable arrangement. We are slowly giving away our State's rights. Mark my words, it will not be long -- probably the turn of the century -- before State Governments are seen as unnecessary and people say that we can be administered from the Federal arena.

There is nothing more stupid than proceeding along Western Australian roads and seeing placards stating that this is a "Commonwealth Bicentennial Project". What does that matter? Why do they need to publicise that something is a bicentennial project?

Hon E.J. Charlton: Using our petrol money.

Hon H.W. GAYFER: Using our petrol money, as Mr Charlton has said. Everywhere one turns there is a predominance of things Federal. Even Western Australian Senators forget to be State Senators when they get to Canberra and become members of the Commonwealth team. I am sorry to say that, but it is what happens. Some State members forget that the administration of the State is the responsibility of this Government, and of local government, make no error about that. If we continue to give away our State's lifeblood, things such as our transport, and condone interference in our hospital system, in health, education, local government, or any of the things that these 26 departments are duplicating, then that will be the end of Western Australia as we know it; there is no doubt about that.

We are getting less and less back from the Commonwealth. Last year the Commonwealth handled total revenue of \$72 billion. Returns to the States from Commonwealth resources totalled \$23 billion -- and Mr Evans can work out that that is about one-third of the total contribution that went into Commonwealth coffers from all the States. The States got back about one-third between them and this State got one-seventh of that. As a member of this place, these figures concern me. I believe that the further we go down the line, the more Western Australians will suffer. I agree with the Hon P.G. Pendal, who said that we had given away our birthright and State's rights, and that it was about time that we unified in making a general demand to have those rights returned to us. This is something that we should be discussing in relation to our budgetary measures -- our taxing rights and a return to governing ourselves instead of being willing to be governed by people 2 500 miles away who do not know that we exist.

Hon Tom Helm: Like Kununurra.

Hon H.W. GAYFER: Do not blame me for that. The idea of putting Canberra where it is was that of the great statesman, King O'Malley. He was no more a statesman than my big foot. He drew an equilateral triangle using Melbourne and Sydney saying that it would take the argument out of Sydney and Melbourne and that Canberra would be situated there. If he were a statesman, he would have put the national capital in Alice Springs, which is equidistant from everywhere. That would have opened up the centre, as Las Vegas opened up the deserts of America. It would have been central to everything, so that is where it should have been.

Several members interjected.

Hon H.W. GAYFER: Why is the member so ashamed of this suggestion? Why does he want to hand everything to Federal authorities? Does he not like his job? Does he not like representing people? Does he not want to be a statesman?

Hon Garry Kelly: Will we put on our own income tax?

Hon H.W. GAYFER: Yes; I believe that it should all be handed back. Singapore has made a go of it, so if I had one-third of Australia with its wealth I would make a go of it in Western Australia. The whole thing is that the Government in Western Australia has not got guts enough to go in and see whether it will work. That is the whole attitude.

Hon Tom Helm: We are Australians first.

Hon H.W. GAYFER: Hon Tom Helm would not know; he came from a centralised government system in England.

Sitting suspended from 6.01 to 7.30 pm

Hon H.W. GAYFER: Before the dinner suspension I was talking to the Budget and the fact that it is a Budget which it is estimated will finish up with a slight surplus at the end of the fiscal year. I also canvassed some of my opinions in respect of how we should alter the whole taxation formula so that we are not double taxed. In fact this State and its people are paying more tax than it costs to run this State.

It is very interesting to look at the estimated revenue for the year ending 30 June 1988. I refer to page 14 of the Estimates and to the item dealing with last year's estimate for land tax. This estimate was that \$58 million would come in from land tax; in fact \$59 million was received. In respect of payroll tax it was estimated that \$306 million would come in whereas in fact \$325 million came in. The Government estimated that there would be total taxation of \$757 million when in actual fact \$832 million was received through taxation in this State. That is \$100 million or roughly 12.5 per cent more than was estimated. With that in view, I repeat: It would not be hard to balance a Budget, especially when one looks at the other side of the ledger.

One such item which concerns me very much is agriculture. On 10 September the Leader of the House said in respect of agriculture when introducing the Budget papers to this Chamber --

To meet the Government's commitment to maintain support to our crucial but hard pressed agricultural industries, provision of \$67.5 million has been made for the Department of Agriculture. The allocation gives continued emphasis to support services by way of farm management extension and assistance for farmers and rural families under stress.

If one looks at the figures for agriculture which are mentioned, sure one finds that it is still \$67.5 million which will be spent by the Government for agriculture, the south west and fisheries, but last year it was estimated that \$64 million would be spent and only \$62 million was actually spent. In other words, if my calculations are right, the Government has a credit balance of nearly \$1.8 million over estimate. If one looks at the amount of money that was estimated to be spent last year and the amount that is estimated will be spent this year, it is the difference between \$64 million for last year and \$67 million for this year, which is \$3 million. However, if one is in credit by \$1.8 million from last year, one's increase in expenditure, if one looks at balancing one's Budget, is only \$1.5 million. It is not \$3 million at all.

I am not an accountant but one only has to look at these figures to find out that when one hears about "steady as she goes", one must realise that if one starves one's animal and does not feed it until after 30 June 1988, one will not gain a thing. Consequently I viewed with a degree of interest some of the statements made by the Treasurer in respect of this Budget and what it will mean. Land tax revenue may mean something to individuals but, heavens above, to the State's economy as a whole -- and we must look at that; it is not only the individual, one must look at it collectively -- I will lay my bottom dollar that there will be an increase in revenue over and above the estimate for this year. One cannot fail to balance a budget if one knows that one has that "fat", as it is commonly called, up one's sleeve.

I believe Hon Sandy Lewis raised the plea of the Association for the Blind, which was seeking support to buy more talking books. That association received \$50 000 last year and it was to have received \$50 000 this year. I know a little about the Association for the Blind, because my mother spent many years, in fact right up until the time she died, with that association, so I know what a marvellous institution it is. Most likely I know as much about it as anybody in this Chamber; but when one sees that the \$50 000 allocated to the Association for the Blind has remained unchanged and when one sees on page 59 of the Estimates that item 50, Smash Hit Musical Production, received \$60 000, one wonders what it is all about. This Smash Hit Musical Production has never previously been recognised in the Budget, yet suddenly it is to receive \$60 000. I would not mind if people who were blind and who are usually deaf with it could hear it because then there would be some reason for it.

However, I cannot really work out why the Smash Hit Musical Production should get \$60 000 while the Association for the Blind receives the same as it received last year and the year before to buy talking books, which are absolutely necessary. There is something wrong somewhere that this type of allocation should be made.

Hon W.N. Stretch: You wonder about their priorities.

Hon H.W. GAYFER: One can talk about priorities, but it rankles a bit. One begins to think that perhaps the Association for the Blind has an argument. This is all the more evident when one reads down through the Estimates, which are provided in a beautifully bound copy. There is so much fat in all of the Estimates. One would think that a lousy \$5 000 or \$6 000 increase could be given to the Association for the Blind.

Hon Tom Helm: They can't be deaf if they get talking books, so the musical would be good for them too, wouldn't it?

Hon H.W. GAYFER: Yes, Mr Helm has a point there and it is well made.

Hon P.G. Pendal: The Premier learned the error of his ways today and reversed that decision.

Hon H.W. GAYFER: There is a section in the Estimates dealing with transport and small business which are two of the most unlikely portfolios to be tied together. I read in the *Daily Commercial News* of 20 July that Western Australia's first railway is into the black. The article states --

As a commercial operator Westrail will only stay in markets where we can demonstrate a clear competitive advantage. Westrail is out of general freight, perishables, livestock and fragmented wool transport because these tasks can be done more competitively by freight forwarders or road contractors.

In this article Mr Bruce Sutherland is saying that Westrail is going out of the red and into the black. If one looks at the transport section of the Estimates one sees that rail fares for suburban passenger rail services cost Westrail an estimated \$27 million last year. It is estimated to cost \$30 million this year. In other words there was a loss in that transaction last year of \$27 million and an estimated operating loss this year over and above what it will receive of \$30 million. In the Estimates for fare concessions there is a figure of \$1 million. Social welfare concessions, which is the big one, are estimated at \$24 million for bus transport and \$12.2 million for rail, making a total of more than \$36 million.

Hon Max Evans: That is all the pensioner travel.

Hon H.W. GAYFER: It does not matter who it is -- it may be members of Parliament -- it is still a concession.

Then we come to the contribution towards that of \$37 million from the Transport Trust Fund. If I remember rightly we put a 2c levy on petrol last year and took away the necessity of putting it into roads. We are collecting approximately \$42 million a year from that source. We accidentally let the proposal go through in this House in deference to Mr Dans, who was then Leader of the House, and who said it was a budgetary measure and we should not interfere with it. Some of us thought the money would be hived off into the country rail services and they possibly would be subsidised for the losses they were facing. At the time I had a scheme which had been put up to the State Treasurer to subsidise all rail services over a certain distance and all freight services within the State in excess of \$20 a tonne. The grain subsidy alone in that would have cost \$846 000; I remember the figure well. That is for subsidising everybody who is paying over \$20 a tonne -- all those paying \$26 further out. I am thinking of areas such as Kununurra which are paying more in freight costs. We thought if we subsidised it we must create more interest in those remote areas and help decentralisation.

That is all very well, but if one gets laughed at and told one's submission is useless and that we should not be subsidising these costs even though Canada and places like that have been doing so for years, one gets dispirited. It would only cost a couple of million dollars. Then one finds the contribution towards fares on buses is \$27 million and that that money is coming out of a petrol tax which we mugs let go through. I blame myself as much as anyone else -- I did not call "Divide." We thought that the Government in its wisdom would subsidise country railways. We thought country people would recoup something.

It is no wonder that people who live on the other side of the hills are getting a little upset at the type of treatment that is meted out to them. It behoves those of us who are interested in the advancement of this State to stop behaving like political animals or politicians and be more like parliamentarians or statesmen. I come back to my inner thinking as far as Western Australia is concerned. We must think of the future of the State as a whole. However, on reading the Budget papers which are provided to us one can see that we are apt to favour the areas where the populace is because it gives us more votes and creates a Government. Then one is in power and has a white car and servants and everything else and one thinks he is made.

The country is worth more than that -- more than every one of us in here. It demands that we think broadly on issues and think of the State and the advancement of one-third of Australia which we have in our control. We must never lose sight of that because it is God's own country and worth more than every other part of Australia put together.

I have a glorious illustration in a document I received in the mail the other day from the Water Authority of Western Australia. It is a nice glossy book with Mr Hillman's photo in it. It deals with the Water Authority's corporate plan from 1987 to 1992. I am not going to knock Ernie Bridge and his efforts or his realisation that what we as country members have been saying in this place for years -- that water is a necessity, not a luxury -- is correct. I did not coin that phrase; Roosevelt did that back in the Tennessee Valley Authority days. At least Mr Bridge is trying to come to grips with the problem. He has a terribly long way to go to convince his department, and I wish him all the best.

Hon Tom Stephens: He got a lot further than your crowd.

Hon. H.W. GAYFER: No, I will not have that. The Opposition, when in Government, started to let it run down, but this Government stopped it completely. Do not get me into the argument of the comprehensive water supply because I have repeated it ad nauseam in this place. I can go back to the years between 1965 and 1968 to tell members when it was stopped, the Minister who stopped it, and what Colin Jamieson tried to do when he was Minister. I could tell the House a few more things, but I do not want to do that. I want to point out where we are at this time.

Hon Tom Stephens should not have recriminations about what happened yesterday. He could be a statesman if he thought about what he does today for tomorrow.

The words being uttered by the Minister for Water Resources and some of his advisers are quite good. The Minister believes that there should be a strategy and that the objective of that strategy should be clean, high quality water to the entire community. Hon Mark Nevill should not look worried.

Hon Mark Nevill: I hope you will relate it to the corporate plan?

Hon H.W. GAYFER: I will come back to it. I hope the member will not mind if I start by making comments about the Minister who is in charge of the department which is responsible for the corporate plan. The Minister is of the opinion that once we have clean potable water we should have stock water provided by dams. He realises that the lack of rain may not fill the dams, and he also realises that domestic water should be more available and in fairly easy reach.

Until two inches of rain fell on my property in half an hour on Saturday morning, we were going to have to cart water, which involves a round trip of 20 miles. I know what the Minister is talking about, and so do many people in the south west.

The Minister said that before he took office the Water Authority had said that supplies would be desirable but would be far too expensive to provide. He believes that we can save money on dam construction and pipes by reducing the cost to a minimum. Costs could also be reduced by transporting water in pipes of a certain size against what modern technology has supplied by way of polythene pipe, gamet pipe, and other pipes. We have been asking for this for years, and the Water Authority is looking at the problems in the country and it is progressively addressing some of those problems. It can go about this in several ways. I think it has circulated 13 shires requesting feedback as to in what areas there is a shortage of water. The end result will be a strategy for the entire State.

There are three or four different ways of paying for the supply of water. The Commonwealth Government will usually provide \$1 for every \$2, and that is no different from the situation which applied in 1965. The only difference is that we have to try to get the money from the Commonwealth! The State Government could supply the funds, or they could be provided on a joint Commonwealth-State basis. It is no different from the way in which the comprehensive water supply was built. Alternatively, the Water Authority could supply the water and it could charge for that supply. It could be a little awkward for an individual to supply water for a total need. The new alternative which is being expounded is that the community should pay towards the supply of water, as well as possibly a mix of Commonwealth-State Government and Water Authority funding.

Hon Margaret McAleer and I know about the community paying; it is not a new idea. We travelled the length and breadth of the north eastern wheatbelt trying to sell the idea that the farmers, the community, or the shire contribute to the scheme. It is a very good idea. I commend the Minister for bringing this matter into the open, and I wish him luck. Many people believe, especially those in the comprehensive water supply areas, that they should have water running past their place just as free buses run past properties in the metropolitan area. They do not see any difference. They cannot see why they, in the country, should go without while so many people in the metropolitan area have everything available to them. That is where it is difficult for me to explain to the people in the country that there are really two kinds of people in this State -- the city people and the country people. There is no doubt that there is a difference. Even the Minister for Water Resources believes that.

The Minister refers to the setting up of a programme to address the rural community, rather than the rural towns. He suggests that the shires should contribute in order to get the scheme under way, even though he agrees that possibly it is not the right climate under which to do that. He does not intend to go into the Agaton water supply at present.

Hon Mark Nevill: What are you reading from?

Hon H.W. GAYFER: I am reading from notes I took from a speech made by Mr John Walton from the authority. He said that a strategy will take years to develop and that it will be ongoing. He said that Lake King has water, which is funded by the shire; Munglinup is in the process of receiving water; the area from Pithara to Miling has a scheme which has recently been opened; and it is hoped that that scheme will continue to Bindi Bindi.

I come back to the document circulated by the Water Authority. The Minister's water strategy is contained in various documents that have been circulated to all members of Parliament. I refer also to a beautifully printed booklet which is entitled, "Water for all seasons". It is in the name of the Minister for Agriculture, and I do not know what is contained in it, but it is pretty. It has a photograph of an empty dam in it. If anyone wishes to fly over Western Australia he will see plenty of them. However, it does not really give the answer as to how we will have water for all seasons if it does not rain.

The corporate plan to which I referred previously contains a strategy for the years 1987 to 1992. I might be wrong, but I did not think that one Government could tie another Government in to a strategy and planning of this type.

Hon Mark Nevill: The first year is fairly solid, but it has been coming up since 1981.

Hon H.W. GAYFER: I am talking about 1987 to 1992 -- I cannot see 1981 written on it. If I may, I will deal with the corporate plan. It is issued by the John Tonkin Water Authority, and in the introduction on the first page it states that the project cost and dates of construction, particularly projects which occurred towards the end of a five-year period, are indicative only and other projects will probably be added to the programme as the need for them arises.

What will happen in the country is fairly significant when one reads on page 2 that investment in the country is expected to significantly decrease after 1989-90 with the completion of the Harris River Dam project. It is expected to significantly decrease, not increase, as a result of this ministerial water plan I have just been reading. It has been told to me, to Mr Charlton, and to several others, and we are very interested in it. Suddenly the corporate plan tells us that investment in the country is expected to decrease significantly after 1989-90, with the construction of the Harris River Dam.

Members should look at the plan for the next five years; I will read some of its provisions out. I will not read the lot. In the country regions, dealing with water supply, on page 8 the report talks about the Harris River Dam, which will also augment the Wellington Dam, which will then be used solely for irrigation purposes. Very good!

The total cost of the Harris River Dam is estimated at \$32.3 million, of which half has been requested from the Commonwealth on a dollar for dollar basis. The sum of \$8.5 million will be spent, of which \$6 million will be spent at Mandurah as part of a continued programme of expanding the reticulated water scheme in the country regions. The sum of \$6.2 million will be spent in the Merredin district on the replacement of the original locking-bar pipe. I am not begrudging any of this; I am just mentioning the expansion we might see, knowing nothing is likely to be spent after the completion of the Harris River Dam. Another item is \$8.5 million on the investigation, design, and construction of Aboriginal community water supply schemes for the Department of Aboriginal Affairs. Another \$8.8 million will be spent on the investigation, design, and construction of sewerage schemes for Aboriginal communities for the Department of Aboriginal Affairs. That makes \$17.3 million in that respect, remembering that the Harris River Dam is \$31 million.

As far as irrigation goes, \$7.5 million will be spent in the Kimberley district, and \$3.2 million will be spent on the construction of another irrigation levee at Camballin. We all know what Camballin cost the people of Western Australia to keep it in working order for the benefit of a few. It may be sounder now, but I know at one stage it was not too good. I remember flying up there to have a look at it.

The investment in country drainage is expected to reach \$7.2 million. Work to the value of \$2.1 million will continue on the proposed flood irrigation works at Camarvon. Right at the end the report says, in addition to salaries and administration expenses, which will be \$54 million in that period, \$12.6 million -- with the exception of the Harris River Dam almost the largest single expenditure -- will be spent on computer equipment to directly benefit country operations. I quote from here, \$12.6 million on computer equipment to directly benefit country operations.

In the corporate plan for five years, where is Mr Charlton and Agaton? What hope does that have of getting off the ground if we are really enthused about the Minister and what he tells us with some degree of relief about phase three of the comprehensive water scheme which was knocked back? Where do we go when that is the corporate plan for 1991-92, which says that there may be some additional expenditure? It would amount to additional expenditure in the millions; consequently, if we are to talk big, we want to think big and organise our finances so that it looks as though it has the possibility of getting off the ground. That is my opinion and my worry about the corporate plan.

Hon Mark Nevill: It has not been going in these five-year corporate plans which have been coming out since 1980 or 1981.

Hon H.W. GAYFER: I am not worried about that. We have a new Minister who is enthusing people because he says he will provide this water.

Hon Mark Nevill interjected.

Hon H.W. GAYFER: The member should not get touchy. I am not blaming Mr Bridge. I gave him a write-up when he started. He is one of the best Ministers we have had there; make no error. But I cannot see how he can win when I read documents like this which the bureaucrats turn out, with all due respect to Mr Hillman and his board. Those are the people who are saying, in addressing us, that they are enthused by the Minister's new outlook. I do not think they are.

Hon D.J. Wordsworth: Do you think Mr Bridge has read that?

Hon H.W. GAYFER: I hope he would.

Hon D.J. Wordsworth: He is saying he will give us all this water.

Hon H.W. GAYFER: There is nothing new in this. In *Grain Farmer*, a New South Wales publication, there is a report of a decision on an irrigation dam by next year. It is a joint venture involving irrigators and financiers who would benefit from the new dam. Instead of relying solely on taxpayers' dollars, private investors will help push irrigation ahead fast and spread the Government funds further. The bottom line is that the New South Wales

Government no longer has the finance to build a dam, so joint venture funds from growers may help speed the project along. That is no different from what we tried some four or five years ago. The sparseness of our State prevents us, due to the costs to the individuals of Western Australia.

This brings me back to my pet subject, the provision of this water. I am amazed that when one flies, as all of us do, over the dams in the escarpment and sees how empty they are, why will it be January before a decision is made to put on some form of restriction? Today is the hottest day since some time last March. The water consumed has gone up by leaps and bounds today because of the heat.

If there must be water restrictions, would it not be much more comfortable to apply some form of restriction, not last week by the Minister saying, "We have had a look at it, we want you to be good fellows and not use so much." He should have started that last August or September. Those of us in the country who rely on dams knew that water would be scarce if we did not have good rains after the end of August. That is when we should have been warning the people. Anybody who flew over those dams knew then that they would be short. It needs a little more than lip service. If we are not to make a decision until January, there should now be some very positive encouragement to people not to use water. We will be terrifically short of water in this State if something is not done pretty shortly. Say we have another dry year after this and we have allowed the dams to go down very low indeed by January, February, or March. It is possible; nothing is impossible. Imagine how much water would be available, even to keep going up to the end of another winter period.

That brings me back to the supply of water in the metropolitan area. It is frustrating to think that no members of this Government are worrying about the future -- and I have argued this through successive Governments; they are hoping they will be dead and gone or will have served their purpose as members of Parliament by the time this problem hits us. They are not being statesmanlike and arguing right up to the hilt until the time when they leave the Parliament about the problems that affect this State.

We do not hear about this any more, but what we should be looking at is piping water from the Fitzroy River. I put a proposition to Sir Charles Court when his Government was going to bring the gas pipeline down that water could come down in the same pipe. I was laughed at when I made that suggestion, yet one of my friends, who is involved with the water supply business, has told me it should not be impossible to do that. It was going to cost \$2 500 million to bring water -- the staff of life -- down from the Fitzroy River by its own pipe. The Fitzroy River has three times the holding capacity of the Ord River and six times the holding capacity of Sydney Harbour. The water is there to be used, and if we do not start using it soon, we will never get around to it. When I advanced this proposition five years ago, it was going to cost \$2 500 million, but that cost has probably doubled now.

The population of Perth will not get any smaller, and it was going to cost \$1 240 million at first estimate to bring the gas down, so why could we not enlarge our thinking to realise that water is even more precious than gas for the survival of the people of Perth? What I am talking about is not a dream, it is a possibility; yet the years have gone by and we are still lumbering around with Mundaring, and now we are building the Harris River Dam to take the place of Wellington, which will serve those in the CWS area. We are not doing anything about the Agaton, which could put water into the goldfields pipeline, which everyone up and down that pipeline has predicted will be needed in double supply in the next 10 years.

We have a document called a corporate plan, which says that investment in the country is expected to significantly decrease after 1989-90 with the completion of the Harris River Dam; and that is the end of the story. As far as I am concerned, it does not matter that the Minister has good ideas, drive, and enthusiasm; where is he going to get if that is the end of the story?

I might add that because of the encouragement of the Minister, several committees have been revived and are working in the country and are submitting reports. Those committees met with the Minister for Water Resources the week before last, and they have held meetings generally in country areas. These committees are all excited that there is going to be a big deal in the supply of water in country areas, but I must repeat that the corporate plan does not say that. The corporate plan worries me, and I would not have been half as worried as I am now had I not seen the plan. One would have thought there was a bit of enthusiasm coming into the works and everything was going to be all right.

To return to the Budget, I was concerned to see a four-page lift-out in the *Sunday Times* on 13 September to promote the State Budget. The National Party has raised this issue with several Ministers -- not only in this Government -- over a considerable period of time, and we recognise that the practice of promoting the Budget in this way pre-dates the Burke Government. It appears that our plea for more responsible use of taxpayers' money has been roundly ignored. The National Party is thoroughly fed up with the Government spending taxpayers' money on self-aggrandisement and party politicking, particularly when the Government pats itself on the back for proposals before the necessary approval is gained from both Houses of Parliament. The Treasurer needs to be aware that the State Budget is not yet law; it is only a proposal. This is not a threat that we will oppose the Budget, but it is the Parliament -- not the Government -- which approves of the Budget. There are too many examples of the Government taking Parliament for granted, and it upsets me when members in this place are taken for granted. I would like Hon B.J. House to remember that, as he is a new member of Parliament.

Hon D.K. Dans: Nobody would ever take you for granted.

Hon H.W. GAYFER: I do not know about that.

The National Party does not have an ideological dispute about the funding for the publicity awareness programme, which may be appropriate under certain circumstances, but the current practice -- which has been here for some time -- is well beyond the pale and should be abandoned.

Turning now to another matter, I found the Department of Local Government report on the work force survey -- being mainly for the town and shire clerks and deputy and assistant shire clerks -- that was sent to me on 9 October by the former member, Hon Jeff Carr, very interesting. It tells me that the shire clerks, when surveyed, think their jobs are okay, see a future in them, and really have no gripes. Yet at the present time we are horribly short of shire clerks. We cannot train them because the education and the necessary examinations, and all that it takes nowadays to make a shire clerk, are such that nobody enters the game.

The town of Southern Cross lost its shire clerk after 38 years of service and received no applications for a replacement. Another such town is Koorda. No applications were made. I could name other towns that have people in the job which certainly did not have very much to choose from. Why is it? The answer is not in this book; it does not tell us. What we must do is go and talk to some of the shire clerks who are leaving. We must ask what is wrong with the job. All of them will tell us one thing in common; that is, the bureaucratic control and the filling in of papers and statistics before they can even buy a roll of toilet paper; the accountability that has been enforced; the controls that we as a Parliament are placing on councils; the taking away from councils of their autonomy. All these things are extremely worrying to the survival of that third arm of government that we so proudly talk about.

If anything, at the present time the State -- our Government -- seems to me to be killing the enthusiasm of local government in more ways than one. For example, I received a call tonight on a simple little thing -- duck shooters' licences. I was asked whether I knew that no longer could someone get a duck shooting licence at Beverley. That has been possible since Beverley was founded in the year dot, or since licensing was introduced. One must now go down to the CALM office in Pingelly. That is a 100-kilometre round trip to get a duck shooting licence to go and shoot ducks. I was asked if I knew this was the case and whether I would make some investigations into it. I have put questions on the Notice Paper and we will look at it, and I hope I am wrong.

Hon P.G. Pendal: I bet they duck them.

Hon H.W. GAYFER: I bet they duck them, too. This sort of thing is extremely alarming to people who feel that local government should have autonomy and they should have its control in their own hands.

Hon. A.A. Lewis: Also there is a ban on marron.

Hon H.W. GAYFER: But it is really getting critical out there. This survey does not tell us that.

Hon A.A. Lewis: Are they going to be allowed to shoot them?

Hon H.W. GAYFER: We are talking about ducks again. I used that only as an illustration

tonight. There are plenty of illustrations where we find out that our autonomy is being taken away from us. First vehicle licensing, and so on right down the line. Now we are talking about bringing in four-year terms of Parliament with two-yearly elections for members of shire councils.

Hon B.L. Jones: Which will provide a saving of ratepayers' money.

Hon H.W. GAYFER: Okay, I am talking about the term of office. Why should we interfere with it? If we respect it as the third arm of government why does Hon Beryl Jones want to interfere with the way in which it runs its autonomous situation? We respect that. As I said before, there is a department in Canberra that has nothing to do with local government that is transmitting through the State Government back to the people and taking away their autonomy. They are castrating the whole of local government -- that is what is happening. If the member does not believe me she should go out into the country that she knows so well.

Hon B.L. Jones: But there has been more delegated authority handed back to local government through this Government.

Hon H.W. GAYFER: No, there has not. The honourable member does not talk quite correctly there. More autonomy has been taken away from local government in the term of office that we are in at the present time.

Hon E.J. Charlton: If you took away their autonomy it would be all right, but they will not have any money in a couple of years.

Hon H.W. GAYFER: That is right. I instance the Shire of Goomalling, which sent me a copy of a letter dated 9 November that it sent to Hon Gavan Troy, the Minister for Transport, which reads as follows --

Dear Minister

RE: CAMERON REPORT.

Council has received advice from the Country Shire Councils' Association that the Federal Government has decided to adopt the recommendations of the Cameron Report to determine the amount of road grants to be received by Local Government until 1994/95.

Again, that is virtually committing somebody else. The letter continues --

Council is extremely concerned about the effect this will have on our Shire. We are told our grants will be reduced from \$170,060 in 1985/86 to \$51,784 in 1994/95.

We would have great difficulty in being able to adjust to have road grants remain at the same level for the next ten years but to have them virtually disappear would be disastrous.

No doubt the State Government has plans to substitute this loss of funding from its own resources so that Local Government can reasonably maintain our road system.

This news on top of advice that our grant from the Grants Commission will be progressively decreased by 21% makes the future look bleak unless alternative funding is forthcoming from the State Government.

That is a letter I have not had time to process yet, and it perturbed me greatly and shows me that local government is being turned off, just as this State is being turned off by the Federal Government. That is exactly where I started this speech tonight. Unless somebody stands up and fights for all their rights and marshals their forces, we will go down the gurgler and eventually be controlled right to our own kitchen doors and back gates. We will be controlled by people in Canberra or somewhere like that who will delegate to themselves the authority.

I might add for the information of Hon Beryl Jones that some people in those departments in Canberra have never been out of Canberra, and that has been going for four generations now. Some of the public servants over there have never been out of Canberra and would not even know what the rest of Australia looks like, yet some of us are prepared to sit here and sell out our State rights and give them over to the Federal authorities. I am not joking about this. I think it is time that we took heed of our problem over here and started to do something for our people. If we cannot get anything from the Federal Government and if our local

government authorities are being hamstrung, why should we not alter it? Could we be any worse off, going it alone? I know it is a grand idea, but would we be any worse off than the way we are going down the drain now? In this beautiful country of ours there is 4 500 miles of coastline which is a nuisance to Canberra. They cannot even get their flight systems organised properly to look after it. It is one of the biggest coastlines of any ruling State in the world. It really is beyond the pale. This State is 1 500 miles long and 1 250 miles wide, and the world is an oyster so far as we are concerned, yet we are not doing anything at all by statesmanlike attitudes to create anything. Sure, we are creating plenty of millionaires; we are doing that.

Hon E.J. Charlton: We are now trying to save them.

Hon H.W. GAYFER: Yes, now we are saving them. The point is that we are creating the opportunities. However, somebody needs to give it a darn good shake and sort it out. We have to deal with stupidity. What do members think of the latest idea from Canberra of breaking the Western Australian telephone directory into three parts? I have seen it happen in the East, but our telephone book is not that large yet when compared with some that I have seen in other parts of the world. Why should we allow policy relating to our communications to be dictated to us by some person in Canberra, despite all the protestations that are made? People will not be given three directories because we were told when the directory was broken into two -- metropolitan and country -- that all we would have to do would be to go to the nearest post office and ask for them. I have tried that every year and have not got one. I have gone to the South Perth post office and asked for a country directory and have been refused. Now we will have three. I guarantee that every country person would ring up some remote part of this State at least once a month. We will now have to try to get three directories in our offices. Can members imagine the problems that a businessman will have in advertising in three directories? He will have to fill in three forms, even though it will probably not cost him any more. The whole thing is absolutely crazy.

Telecom Australia is also centralising its staff, as are most Government departments, by moving them from the small country towns to larger population centres. As I said, we are not doing the right thing by this State. These Budget figures are very important, but it is no good looking at them in isolation. We have to work out what we are doing wrong and one thing we are doing wrong is we are not encouraging the State to grow. It has been rumoured that the State railway will be sold. In fact, I believe the agreement has been signed already and that a smoke screen has been put up. If that is correct, it will be another retrograde step for Western Australia.

Recently, the member for Katanning-Roe, Mr Monty House, raised the question of the State Energy Commission poles and the pesticide problem that is causing so much trouble, not only in the south west, but also in the rest of the State. We do not know what effect the placement of the SEC poles in the rest of the State will have. I have them throughout my property; we wanted them and we got them. We think they are the greatest thing since sliced bread. We now want water as much as we wanted electricity, and when we get it everything will be fine. However, for some unknown reason, all farmers are being criticised for those poles running through their properties. They have not necessarily been quarantined but a couple of them have spoken to me and are fearful of the repercussions from what is happening. They are uncertain about whether their industry will be priced out of the market. One can pay up to \$100 for a cow or a beast in respect of trying to prove that the pesticides have been eradicated, but unless the Government issues a positive statement we will not get anywhere in the business of selling in a scary market.

I cannot blame the SEC. It will not say that its poles are causing the problem because immediately it will be hit with a few writs. However, something has to be done. The Government should wake up to this problem. I know it has allocated in the Budget \$200 000 to buy back supplies of DDT and \$120 000 for the testing of soil samples. However, that is not the end of the story. The farmers have done exactly what they thought was right as the SEC has also done what it thought was right. If the Department of Agriculture is responsible for telling the potato farmer, for example, to use insecticides or pesticides that have residual effects, it should admit it. Otherwise, many more people in the south west will be involved and it is, as Hon Barry House said, God's own country. I agree with him; it is lovely. However, it is also only a very small area of this State and it is being ruined by the bureaucracy.

Something has to be done very quickly. I do not represent that area, but my fellow farmers are being affected by what is happening. The problem is being raised constantly at public meetings. It is also being referred to in questions in the other place as well as in this Chamber. It should be addressed immediately therefore in the Budget, otherwise we will have no export industry at all. It has to be said positively that the land is free from the pesticides and that there is no sign of any problem at all. I do not believe the Commonwealth will step in while the more populous States are selling their beef at the expense of the Western Australian industry. This Government should be defending its people and doing what is necessary to remedy the problem and to allay the fears of the farmers. I believe the situation has reached the stage where it is believed overseas that even cattle in the north west of the State are also contaminated. It is getting out of hand.

Talking about the north west brings me to the final matter that I want to raise tonight with the Minister for Budget Management. He has some input into the Western Australian Development Corporation and Exim. A colleague of mine in the other place raised the problems associated with the light aircraft industry. I do not know whether members are aware of the fact that the north of our State cannot exist without light aircraft. However, light aircraft will no longer be manufactured in America. Cessnas are out and Pipers are out. Those industries have given light aircraft away.

Hon G.E. Masters: Did you say that Cessnas are out?

Hon H.W. GAYFER: Yes, we are told they are going out. The industry is deeply concerned about the future supply of light aircraft. It might interest members to know that a Cessna 1969 model, for which it was a battle to get \$7 000 a few months ago, will now fetch \$22 000 or \$23 000, even if it is close to a major overhaul. A replacement -- for instance, a Mooney 201 that 12 months ago one could buy for \$65 000 -- would now cost double that amount to get hold of. With the credit the Government gives to the WADC and other people for their enterprise in this State, surely to goodness an investigatory team should be sent overseas immediately to look into the question of light aircraft supply and then come back to Western Australia with plans for the manufacture of light aircraft in this State to satisfy our demands and those of the rest of Australia. We should be in on the ground floor because these aircraft are just not available to meet the demand. We have been trying to get a Cessna 172 for months, and they are not available in the Eastern States or anywhere else in Australia.

The industry is sadly in need of some progressive thinking to produce a light plane -- not ultralight -- that will satisfy the needs of our north west and the Kimberley region, as well as the barnstorming which is generally done in the south west -- with all due respect to Hon Gordon Masters, such as he did a few years ago. I am serious in this respect, and I ask the Minister to take some action as soon as possible in that direction to deal with this problem which is worrying squatters, graziers, and cattle breeders in the north, as well as people in Government departments who operate in those areas.

Debate adjourned, on motion by Hon B.L. Jones.

IRON ORE (CHANNAR JOINT VENTURE) AGREEMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Leader of the House), read a first time.

Second Reading

HON J.M. BERINSON (North Central Metropolitan -- Leader of the House) [8.44 pm]: I move --

That the Bill be now read a second time.

The purpose of this Bill is to ratify an agreement dated 27 October 1987 between the State and joint venturers CMIEC (Channar) Pty Ltd and Channar Mining Pty Limited, and Hamersley Iron Pty Limited. The agreement will facilitate the development by the joint venturers of an iron ore mining and export operation.

Negotiations between Hamersley Pty Limited and China Metallurgical Import and Export

Corporation -- CMIEC -- which have been proceeding for some years, culminated in the signing of a memorandum of understanding between the parties in Beijing, China on 30 June this year and the formal announcement that agreement had been reached and approval given to progress the joint development of the Channar iron ore mine. The project will be operated as an unincorporated joint venture between wholly-owned subsidiaries of Hamersley Holdings Pty Limited and CMIEC. Channar Mining Pty Limited, Hamersley's subsidiary, will hold 60 per cent and CMIEC (Channar) Pty Ltd will hold 40 per cent of the project. The two joint venture participants will own the joint venture assets, meet the joint venture costs, and take production in their respective proportions of 60 per cent and 40 per cent.

The joint venture will mean the opening of a new mine in Western Australia with an assured market in an otherwise highly uncertain world trading environment. Members may be aware that CMIEC has responsibility for securing raw materials for the Chinese iron and steel industry, while Hamersley has been the major foreign supplier of iron ore to China for more than a decade. The Channar project is of major significance because it is the first overseas mining project in which China has taken a direct equity interest. Furthermore, the joint venture's consummation represents a major step in the further development of cooperation between the iron and steel industries of China and Australia.

The Channar mining area is located approximately 20 kilometres east of Hamersley's existing Paraburdoo operations and will comprise surrendered portions of mineral leases 4SA and 252SA which are currently the subject of the Iron Ore (Hamersley Range) Agreement and the Iron Ore (Mount Bruce) Agreement respectively.

I now table the plan marked "A" referred to in the agreement together with a plan marked "X" which is not part of the agreement, which will serve to show the House the location of the Channar lease area in relation to the Paraburdoo townsite.

(See paper No 461.)

Hon J.M. BERINSON: The Channar project will involve the extraction of 200 million tonnes of iron ore over a period of 30 years commencing at an annual rate of three million tonnes, progressively increasing to 10 million tonne as China's ore demand increases to support its expanding steel production. Iron ore mined from the Channar area will be transported by conveyor to Hamersley's existing Paraburdoo facilities where it will be further processed through the existing plant prior to loading on the Hamersley iron railway for transportation to Dampier. A blended product consisting of Mt Tom Price ore, Paraburdoo ore, and Channar ore will be shipped to the People's Republic of China.

The capital investment for the project is estimated at \$250 million, and approximately 500 people will be employed in the construction phase. The permanent work force at Channar will be approximately 100 when production reaches 10 million tonnes per annum. I turn now to the specific provisions of the agreement scheduled to the Bill before the House.

Clauses 1, 2, 3, and 4 are in the current form of State resource development agreement opening clauses dealing with --

the definition of terms used in the agreement;

certain interpretations of references and powers contained therein;

the initial obligations of the State with regard to the ratification of the Bill and to allow entry upon Crown lands for the purposes of the agreement; and

the coming into operation of the agreement.

Clause 5 requires the joint venturers to continue their field and office engineering, environmental, marketing, and finance studies to enable them to finalise and submit to the Minister their detailed proposals required under clause 7 and their proposed marketing arrangements pursuant to clause 6.

Under clause 6 the joint venturers are required to submit to the State's satisfaction evidence of contracts for the sale or supply by the joint venturers of iron ore produced from the agreement lands to the People's Republic of China together with details of the tonnages involved, the duration of the respective contracts and of the proposed marketing arrangements relative thereto, and such other details as the Minister may require. Such submission is to be made at the time of or prior to the submission of proposals under clause 7.

Clause 7 requires the joint venturers to submit to the Minister on or before 30 June 1988, or such extended date as the Minister may allow, detailed proposals for the mining, transport and shipment of iron ore from Channar and provision for the work force and associated population required for the Channar project. The detailed proposals may, where approved by the Minister and Hamersley and any third party concerned, provide for the use by the joint venturers of any existing facilities belonging to Hamersley or any third party rather than providing for the construction or installation of new facilities.

Subclause (5) of clause 7 requires the joint venturers to --

Submit to the Minister details of those elements of the project they propose to consider obtaining from or having carried out outside Australia together with reasons for requiring such works to be undertaken outside Australia -- the joint venturers shall consult with the Minister in this regard if the Minister so requires;

provide a summary of measured, indicated and inferred reserves of iron ore within the proposed mining area; and

provide evidence of the availability of finance necessary for the fulfilment of the operations proposed and the readiness of the joint venturers to proceed to implement the proposals.

Subclause (6) provides that if the joint venturers do not submit detailed proposals by 30 June 1988 or such extended date as the Minister may approve, the agreement will cease and determine.

Similar provisions to those contained in other ratified agreements for consideration and implementation of proposals and for submission of additional proposals are contained in the agreement.

Clause 11 requires the joint venturers to carry out a continuous programme, including monitoring and the study of sample areas, to ascertain the effectiveness of the measures taken pursuant to approved proposals for the rehabilitation and management of the environment and where required from time to time by the Minister to submit detailed reports thereon. Where results of monitoring or any other information become available to the joint venturers which may enable them to more effectively rehabilitate, protect or manage the environment and the adoption of such could require changes or additions to approved proposals, then the joint venturers are required to notify the Minister and following such notification submit a detailed report thereon.

The Minister may, within two months of the receipt of a detailed report, notify the joint venturers that he requires additional detailed proposals to be submitted in respect of all or any of the matters the subject of the report and any other matters as he may require. In such circumstances the joint venturers will be required, within two months of receiving the notice to submit to the Minister additional detailed proposals for consideration, approval and implementation as provided for under the agreement.

Provisions for use of local labour, services and materials are made in clause 12 including a requirement for quarterly reporting on the implementation of such provisions. Clause 14 provides that in the event that any upgrading of the existing airport facilities and services at Paraburdoo are necessary for the joint venturers' operations under the agreement they will confer with Hamersley Iron and/or the Shire of West Pilbara with a view to reaching agreement on that upgrading.

Clause 15 sets out in full detail the area, terms and other conditions applicable to the mining lease to be applied for and granted to the joint venturers subject to prior approval or determination, by arbitration, of all of the proposals and the joint venturers' submission of the financial and other information required under clause 6 and clause 7. The surrenders by Hamersley Iron Pty Limited and Mount Bruce Mining Pty Limited of areas the subject of mineral lease 4SA and mineral lease 252SA which fall within the area bordered green on plan "A", which I tabled in the House earlier, are prerequisites to the grant of the mineral lease.

Clause 15(6) provides that the State may grant leases and other mining tenements to third parties for minerals other than iron ore unless the Minister determines that such grant is likely to unduly prejudice or interfere with the operations of the joint venturers and any

likely future mining by Hamersley. Should such grant be made by the State the land the subject of the grant would be deemed to be automatically excised from the mining lease.

Clause 15(7) provides that the joint venturers may enter into agreements with Hamersley for the mining by Hamersley or supply to Hamersley by the joint venturers of iron ore from the joint venturers' mining lease. The royalty payable on iron ore mined by or supplied to Hamersley under such agreements will be computed and payable under the provisions of the Iron Ore (Hamersley Range) Agreement.

Clause 16 enables the joint venturers to obtain their power requirements for their mining operations, the housing for their work force and other activities in Paraburdoo and Dampier and elsewhere in the Pilbara region from Hamersley. Should power become available from the State Energy Commission the joint venturers will be required to enter into negotiations with the commission with a view to obtaining their power requirements from the commission on terms to be agreed.

Clauses 17 and 18, which relate to water are in the normal form of comparable provisions in recent State resource development agreements with the exception that the joint venturers are required to confer with Hamersley with a view to entering into an agreement for supply by Hamersley of the mining water requirements and with respect to the townsite if water is not available from the State for housing and other purposes the joint venturers are to obtain such water requirements from Hamersley on conditions to be agreed between the parties.

Clause 19 -- townsite -- provides that the joint venturers are responsible for the provision of accommodation in Paraburdoo, at no cost to the State for their employees and other persons including the dependants of those other persons connected directly with the joint venturers' activities under the agreement. Under this clause the joint venturers are required to pay to the State or the appropriate authority, including Hamersley where it is acting as the supply authority, the capital cost, or a portion of such cost as the Minister may agree, of establishing and providing additional works, services and facilities in Paraburdoo to the extent to which those additional works, services and facilities are made necessary by reason of the joint venturers' work force or by reason of their activities under the agreement.

The joint venturers are required to confer with the Minister and the relevant local authority with a view to assisting in the cost of providing appropriate community, recreation, civic, social and commercial activities required for the joint venturers' work force. The State is required to provide serviced lots of land in Paraburdoo for purchase by the joint venturers in accordance with approved proposals at prices to be fixed by the State, having regard to the cost of developing and servicing such lands and the price of similar lots being made available to others.

Clause 22 requires the joint venturers to pay rental, similar to that required under the other iron ore agreements, additional to the rentals payable in respect of leases granted under the agreement, commencing from 10 March 1992. The 10 March being the date of commencement of additional rental under the Iron Ore (Mount Bruce) Agreement. Clause 23 defines the royalty arrangements for the project which are similar to those applying under the existing Hamersley Iron agreements.

Clause 40, which addresses the effect of cessation or determination of the agreement, is a standard clause. However, subclause 3(b) has been introduced to provide that the foregoing provisions of the clause will not apply to plant and equipment which at the date of cessation or determination of the agreement are on lands which may be included in Hamersley Iron's mineral lease 4SA, the intent being that these will remain available for future mining on the lands.

Under clause 49 Hamersley has undertaken to indemnify the State against any losses, costs or expenses incurred or suffered by the State in carrying out its obligations under the agreement or against any expenses which arise as a direct result of default by the joint venturers.

Clause 50 provides that the term of the agreement, subject to prior determination, is 30 years from the date of approval of detailed proposal submitted under clause 7.

The balance of the clauses in the agreement which I have not separately addressed are common to other agreements of this nature between the State and other resource developers and are, I believe, understood by members of the House.

The agreement which I have outlined provides for the early development of a new iron ore project in Western Australia to service the growing market of the People's Republic of China. For Western Australia the project will represent an important advance in the State's growing relationship with China and will result in the opening of an important new iron ore mine in terms of a somewhat uncertain world trading environment with consequential employment and revenue benefits to the State.

To the joint venturers China will secure a long-term stable source of high-grade iron ore and the opportunity to be involved in a large, modern mine operation and Hamersley will achieve a long-term market for its iron ore and the opportunity to further use existing capacity and infrastructure.

Before I conclude, Mr President, I indicate that I appreciate the agreement of the Opposition and members of the National Party to the speedy processing of this Bill. I understand, however, that some formal difficulties are in the way of proceeding to further debate forthwith. I seek your advice, Mr President, as to whether there is some procedural motion open to us to allow debate to proceed rather than adjourn to the next sitting.

The PRESIDENT: If the Leader of the House wanted to suspend Standing Orders for the purpose of dealing with the Bill -- I had some prior suggestion that might have been the situation -- the time to move suspension of Standing Orders is before he commenced. The Leader of the House is now past the point where I can accept anything because the question before the House is that the Bill be now read a second time. The requirement under Standing Order No 250 is that that be adjourned. The Leader of the House cannot interpose in the middle of that another separate motion. Therefore, the Minister is not in a position to proceed on other than the second reading.

Point of Order

Hon A.A. LEWIS: Can I move to rescind the Minister's second reading speech, Mr President, so that he can then move the necessary formal motions and then take his second reading as read?

The PRESIDENT: The honourable member cannot do that.

Hon A.A. LEWIS: Aren't we the masters of our own destiny?

The PRESIDENT: You are, provided you do it in conjunction with Standing Orders.

Hon A.A. LEWIS: I think --

The PRESIDENT: Order! The honourable member wants to do something to suit his own convenience.

Hon A.A. LEWIS: I take exception to that, Mr President, it is for the House's convenience.

The PRESIDENT: Order! If the honourable member wishes to argue with me I suggest that he does so other than in this place. In the meantime, I have said that we have proceeded too far to allow the Bill to be dealt with in this sitting -- that is the stage that we have reached.

Debate Resumed

Hon J.M. BERINSON: To meet the deadline we have to complete the processing of this Bill tomorrow. However, I do not wish to take the matter further at the moment.

Hon A.A. Lewis: I will not be here until after four o'clock.

Hon J.M. BERINSON: I apologise to members who may be inconvenienced by my oversight. I commend the Bill to the House.

Debate adjourned, on motion by Hon. A.A. Lewis.

Point of Order

Hon A.A. LEWIS: Mr President, could we now have the motion to deal with the second Bill so that we can deal with the whole of the second Bill during the sitting?

The PRESIDENT: That is the procedure that should have been adopted in the first place.

**IRON ORE (HAMERSLEY RANGE) AGREEMENT
AMENDMENT BILL (No 2)**

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Leader of the House), read a first time.

Standing and Sessional Orders Suspension

HON J.M. BERINSON (North Central Metropolitan -- Leader of the House) [9.03 pm]: I move --

That Standing and Sessional Orders be so far suspended as to enable this Bill to be put through its remaining stages during this sitting.

I indicate to the House the urgency of this and the previous Bill, which relates to the deadline of the agreement with which they deal.

Question put.

The PRESIDENT: To be passed, this motion requires the concurrence of an absolute majority of the House. There being an absolute majority present, and there being no dissenting voice, I declare the motion carried with an absolute majority.

Question thus passed.

Second Reading

HON J.M. BERINSON (North Central Metropolitan -- Leader of the House) [9.05 pm]: I move --

That the Bill be now read a second time.

The purpose of this Bill is to ratify an amendment agreement dated 27 October 1987 between the State and Hamersley Iron Pty Limited.

The amendment agreement reflects certain provisions contained in the Iron Ore (Channar Joint Venture) Agreement and amends certain other clauses of the principal Hamersley Range agreement and the Paraburdoo agreement to enable conformity with other State agreements of this nature.

The House will be aware of the background which was provided when presenting the Bill relating to the Channar project, hence it will not be repeated.

I turn now to the specific provisions of the amendment agreement scheduled to the Bill before the House.

Clause 4(3) amends clause 10(2)(a) of the principal agreement to provide a royalty escalation base formula common to other State iron ore agreements. New clause 10(2)(ja) provides for Hamersley to pay royalty to the State on all iron ore mined by or supplied to the company from the Channar mining lease in the manner and at the rates provided in the Hamersley Range agreement. Under clause 4(4), new sections 10G and 10H have been introduced. New section 10G will require Hamersley to submit to the Minister detailed proposals, including proposals for the protection and management of the environment for approval by the Minister where Hamersley desires to vary or expand services and facilities provided under approved proposals under the Hamersley Range agreement or in connection with the provision of services for the purpose of the Channar agreement or should the company desire to enter into an agreement with the joint venturers with respect to mining iron ore from within the Channar project lease area.

Proposed section 10H will provide that if, during the currency of the Hamersley Range agreement, the Channar agreement ceases or determines, and provided that the company is still the holder of mineral lease 4SA held pursuant to the Hamersley Range agreement, the company may apply to the Minister to have the land within the mining lease or other tenure or right issued to facilitate mining granted under the Channar agreement included in mineral lease 4SA.

The proposed section will further provide that the rental or consideration charged in respect of any lease or other tenure granted to the company under new section 10H will not take into account improvements effected to the land by the joint venturers under the Channar agreement.

Other amendments contained in the agreement scheduled to the Bill are of a minor nature and will, I believe, be understood by members.

I commend the Bill to the House.

HON A.A. LEWIS (Lower Central) [9.08 pm]: The Opposition agrees with this Bill. It is a great pity that we have reached the stage in this Chamber where we cannot facilitate agreement between the Opposition and the Government. I apologise to the Leader of the House for that. However, I do not think that it is the fault of the Opposition at this time.

The PRESIDENT: Order! I must say to the honourable member that this House has not reached the stage where it cannot facilitate agreements made between Government and Opposition. If the honourable member is reflecting on the decision that I made, then he ought to take appropriate action to disagree with that ruling. I suggest that, should he follow that course, he will discover that my ruling was correct and that, if the procedures laid down for the operation of this House are complied with, everyone's satisfaction will be facilitated. It is not the fault of the Chair if correct procedures are not followed. I take exception to the member's implying that my decision was questionable.

Hon A.A. LEWIS: I would like to disagree with your interjection, Mr President. I am just about sick of it; every time I rise to make a comment you attack me. I was addressing the Bill that I was meant to be addressing and you, Mr President, read something quite incorrect into that. I believe members of this House ought to have some protection. You can throw me out if you like, but I am sick to death of being overruled.

The PRESIDENT: Order! The honourable member will continue to be overruled if he believes a separate set of rules apply to him. I can assure you that while I am in this Chair I will not be spoken to in the manner in which you endeavoured to do then. If you want to bully other people you can try, but you certainly will not bully this Presiding Officer. The rules are here to be complied with by every honourable member, and whether you take exception to the way in which I interpret those rules is for you only to determine.

I repeat that there is an opportunity for members to facilitate one another's requirements. If the honourable member is thin skinned enough to take exception, I cannot be held accountable for that. If the honourable member wants me to take up his other suggestion, I am quite happy to facilitate him.

Hon A.A. LEWIS: The Opposition agrees with the Bill.

HON G.E. MASTERS (West -- Leader of the Opposition) [9.10 pm]: I think that I should add a few remarks to those already made on behalf of the Liberal Party.

Quite obviously the Opposition was approached by the Government and by the Minister in relation to this legislation and the need for some speed to get it through. Quite frankly, I have not had an opportunity to study this legislation in any depth, but it is my understanding that it will be of great value to the State and the company will benefit greatly from the legislation. We all know the tremendous development that has taken place over a number of years in the north of this State, and I think that when agreements such as this come before the House we should join together in support of the legislation, to get it through for the benefit of the people who work in the area and for the benefit of the State itself.

The Opposition supports the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc

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

Third Reading

Bill read a third time, on motion by Hon J.M. Berinson (Leader of the House), and passed.

WESTERN AUSTRALIAN WATER RESOURCES COUNCIL AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Kay Hallahan (Minister for Community Services), read a first time.

Second Reading

HON KAY HALLAHAN (South East Metropolitan -- Minister for Community Services) [9.13 pm]: I move --

That the Bill be now read a second time.

The purpose of this Bill is to provide for the Western Australian Water Resources Council to continue with the same functions as in the present Act but not to include a "sunset" clause. It also provides for a 16-member council to be established, but modified in its composition to provide a more appropriate representation of water and land management interests. The organisations now on the council that were not previously represented are the Conservation Council of Western Australia; the State Planning Commission; and the Mines Department.

The council provides advice to the Minister for Water Resources on general questions relating to water resources. Its objectives include --

To coordinate water resource matters which influence other planning, particularly those relating to land use; and

to prepare long-term strategies for coordinating the allocation and utilisation of water resources most effectively for all uses that have a benefit for the community, including public and private water supplies, conservation of the environment and recreation.

The council and its committees have a wide representation to ensure informed advice on diverse and complex water resource and land use issues. It is vigorously pursuing its purpose and undertaking a number of important initiatives. Current activities include --

promoting the efficient use of water resources through management of demand;

advising on any rural water strategy which will assist the farmers and Aboriginal communities in Western Australia by steadily improving their water supplies;

a study of groundwater management strategies; and

the preparation of a public discussion paper on the strategic options for water use in the Perth to Bunbury region.

The Bill is a simple one, relatively short, and serves a very worthwhile purpose, namely providing for the continuation of a small but effective statutory council charged with watching over the community's long-term interest in its No 1 resource -- water.

I commend the Bill to the House.

Debate adjourned, on motion by Hon W.N. Stretch.

PUBLIC AND BANK HOLIDAYS AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Leader of the House), read a first time.

Second Reading

HON J.M. BERINSON (North Central Metropolitan -- Leader of the House) [9.17 pm]: I move --

That the Bill be now read a second time.

The year 1988 is an important and historic year for Australia and all Australians. It marks the 200th anniversary of European settlement of the continent State, which commenced with the arrival of the First Fleet in Sydney Cove in January 1788.

This Bill is an important step towards enabling all Western Australians to take part together in the bicentennial celebration activities arranged over the traditional Australia Day weekend in January 1988. During the initial planning of the bicentennial year the Prime Minister proposed that in 1988 Australia Day be celebrated on its actual anniversary date, that being 26 January.

The Government adopted the proposal and by proclamation under the Public and Bank Holidays Act in March 1986 appointed Tuesday, 26 January 1988 as the date of celebration of Australia Day in lieu of Monday, 1 February 1988. The Government was conscious, however, of the likely effect this decision would have a large number of tourist resorts which rely heavily on the traditional Australia Day long weekend each year for a significant percentage of their annual incomes, and also regard was had for the many sporting bodies which run annual tournaments at that time of the year.

For these reasons consideration of action in respect of 25 January 1988 was deferred to allow discussion with the key employer and employee groups through the Western Australian tripartite labour consultative process and also to invite public comment on proposals for that date. Three options were open to the Government: It could proclaim an additional public holiday on Monday, 25 January 1988; leave 25 January as a normal working day; or enable 25 January 1988 to be taken as a holiday by transferring another holiday to that date. The tripartite council reached agreement to the extent that special arrangements could be made for Monday, 25 January but consensus could not be reached on the means whereby this could be achieved. After consideration of letters and submissions from a large cross-section of community interests it was decided to make 25 January 1988 a public and bank holiday by transferring the holiday prescribed for 28 December 1987 to that date.

The Public and Bank Holidays Act prescribes two holidays when Boxing Day, 26 December falls on a Saturday, as is the case in 1987. The Saturday is a public holiday as is also the Monday following the Saturday, in this case 28 December. It was possible, therefore, to transfer the holiday prescribed for 28 December 1987 to Monday 25 January 1988, without interfering with the Boxing Day holiday traditionally taken on the day following Christmas. This solution to the problem meant that no additional public or award holiday would be granted.

It was envisaged that the Government's decision would be implemented by way of a proclamation, but as Crown Law advice indicated that there was some difficulty in transferring a holiday from one year to another under the existing provisions, it is necessary to amend the Act in the terms of the Bill now before the House.

The amendment will enable a proclamation to be made and will ensure that 25 January 1988 will in addition to being a public and bank holiday, be a paid holiday for workers under awards which currently prescribe a holiday on 28 December 1987. The amendment will obviate the necessity of having hundreds of applications to amend awards being dealt with by the Industrial Relations Commission. In summary, the amendment will result in a four-day break, including the weekend, between 23 and 26 January 1988; Saturday 26 December 1987 will remain as a public holiday, and a non-trading day except for exempt establishments; Monday 28 December 1987, will not be an award or public holiday and will therefore be a normal trading day. The normal trading provisions for tourist establishments will, of course, continue to apply during the January long weekend.

The Government has also been conscious of the need to have regard for trade and business relationships with the other States. Most of the other States are implementing a holiday by substituting 25 January 1988 for their Boxing Day holiday. Western Australians will by this amendment be able to participate in any national or interstate bicentennial activity should they choose to do so. However, as has been indicated by a number of community groups, it is hoped that many families will actively participate in celebrations planned by their local authorities and committees, as this is the true spirit of the celebrations.

The Government of Western Australia recognises and supports the objectives of the bicentenary which include --

to encourage all Australians to understand and preserve their heritage, recognise the multicultural nature of modern Australia, and look to the future with confidence; and

to ensure that all Australians participate in, or have access to, the activities of 1988, so that the bicentenary will be a truly national program in both character and geographic spread.

This Bill will enable Western Australians to fully participate with other Australians in all of the activities planned during the Australia Day weekend in January 1988, and in so doing this Government is encouraging families and individuals to join with organising bodies in making this historic year a successful one.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Margaret McAleer.

JURISDICTION OF COURTS (CROSS-VESTING) BILL

Returned

Bill returned from the Assembly without amendment.

JUDGES' SALARIES AND PENSIONS AMENDMENT BILL

Second Reading

Debate resumed from 27 October.

HON JOHN WILLIAMS (Metropolitan) [9.25 pm]: There are a few very popular myths about the judiciary. Generally it is thought that they are all very old men, that they are enormously wealthy, and that they do not require this sort of legislation. I prefaced my remarks by saying they were popular myths. Such is the stress and strain of their job that they do not often come into the public eye. Their job precludes them from being as much social beings as we have to be and therefore they tend not to make any waves or big noises to Attorneys General or Ministers for Justice about their conditions of work and pay.

Indeed, their conditions have been hard-fought for by successive Chief Justices to the extent where we are rapidly approaching having some of the better facilities which the judiciary need. But having the facilities to work and the enormous pressures and strains placed on these individuals leave young lawyers somewhat doubtful as to whether they should go onto the bench. Consider a young corporate lawyer who can make a very good living provided he is an assiduous type and knows his business. He can make some judges' salaries look pitiful compared with what he can earn. Suddenly the Attorney General approaches one of these bright young men and says it has been recommended that he go onto the bench. If that man has two or three children of school age he would have been a real martyr to take on the job before the introduction of this Bill.

He knows precisely what is required of him on the bench. You, Mr President, know what it is like sitting in that Chair, and you do not have to make pronouncements about the law as such. You do not have to make sure everything is done correctly in relation to law, as distinct from Standing Orders, but even that can be stressful at times. How much more stressful is it for the judiciary to do this day in and day out? Not 20 years ago when I spoke to a judge about another matter, and I will not identify his court or him, he told me that if after two years he had died while on the bench his widow would have received the magnificent sum of \$20 a week pension. That is just not on in this day and age.

We have to attract the right people to the bench and give them the right conditions. Successive Governments have tried to update their facilities, but somehow or other the business of their pensions has not been well attended to. I congratulate the Attorney General for finally bringing this Bill to fruition. We know previous Governments have progressed it, but now instead of being attached to the cost of living it is attached to the salaries earned. I can think of one of our better young lawyers in particular whom I know personally and who was enticed to the Federal Court because at that time, and it is not long ago, the pension conditions were much more appealing to him than those in the State sphere. We lost a young lawyer who was State-minded to the Federal sphere.

Hon P.G. Pental: You might get him back after this.

Hon JOHN WILLIAMS: It is a question of portability, and that is included in the Bill, which

is an excellent move. When judges are transferred from one court to another their pensions are also transferred, which is as it should be.

Another good point in this Bill is that if a judge becomes ill he may well work beyond the time when he should say that he is too ill to carry on. He struggles on and inevitably his life span is threatened. That is obviated in this Bill. I will not gild the lily. It is a good Bill which I am sure the judiciary will welcome. I am sure it will make for a much more comfortable feeling in the recipients' minds when they are thinking about their future careers. I warmly commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc

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

Third Reading

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

CHILD WELFARE AMENDMENT BILL (No 2)

Second Reading

Debate resumed from 29 October.

HON P.G. PENDAL (South Central Metropolitan) [9.34 pm]: The Bill before the House is one which the Opposition intends to support in the main with the intention, however, of securing what we believe to be an important amendment.

Taken at face value the Bill has a number of superficial attractions. In saying that I do not mean to scorn its intent, but rather to encourage the House to concentrate for a while on one or two important principles that, if tampered with, will produce greater injustice and difficulty in this community. We are told by the Minister that the Bill initially seeks to protect vulnerable children from intimidation in a courtroom. I doubt if there is anyone in the Chamber who would take issue with that. Indeed, it seems somewhat puzzling that in this day and age it even becomes necessary to say that one intends to remove any likelihood of intimidation in a court of law in this country.

I move on to what really is at stake in the Bill, and read from the Minister's second reading speech --

The Bill provides for segregated proceedings which may only be conducted in a courtroom which has been declared by the Attorney General to be equipped to allow the defendant to watch the proceedings from another room and to talk to his counsel.

In summary, what this most important element of the Bill seeks to do is physically remove the accuser from the trauma of a direct confrontation with the accused. To take that one step further, one could imagine the harrowing and traumatic courtroom scene where a child, perhaps the subject of allegations that he or she has been sexually interfered with, has to give evidence in open court -- or in a closed court, as is the case with the Children's Court -- and be confronted with the physical presence of the person who has allegedly carried out that attack.

Therein lies the first difficulty that I have with the Bill. I thought that it was thoroughly entrenched in our legal system that the accused person has the right to confront his or her accuser. I am concentrating on that right, because I am in no way trying to minimise the very important right that the alleged victim has in these cases, and that is the right to have his or her evidence heard by a court of law without that element of intimidation to which the Minister referred in her second reading speech. To lead into that, it is necessary to read a few more comments made by the Minister --

Modern technology, we are told, is opening up new ways of conducting legal proceedings --

I ask members to underline these next words --

-- which retain all the traditional rights of the parties but also, secure, the interest . . .

It goes on to talk about other people. This is at the heart of what we are talking about here. Although I intend to support this part of the Bill, I am not satisfied in my own mind that this new technologically advanced way of conducting legal proceedings actually does retain all of the traditional rights of the parties involved. Why is that? It is because of the simple point that I raised earlier. The idea of having a segregated hearing means that, by definition, one party will be withdrawn from the court environment to another room and allowed to follow the proceedings on an internal camera or video system.

The Minister's second reading speech is deficient in one other way. I will not spend a lot of time on it; nonetheless, it should be mentioned. We are told, in the context of what we have been talking about, that Sir Anthony Mason, the Chief Justice of the High Court, has announced that applications to the High Court for special leave to appeal in civil matters will soon be heard by videolink. That is used to set the tone for what the Minister wishes to do in relation to this jurisdiction in Western Australia. However, I put to the House that there is no parallel at all there. As far as I am aware, the High Court seldom hears direct evidence from a witness. In most, if not all cases -- and I admit that I have not checked this matter today -- the High Court does not have a primary jurisdiction and its task is usually to sort out appeals that come to it from other courts. Therefore, it is essentially an argument between the two adversaries represented in the persons of their barristers. Therefore, it is not proper, in order to persuade us to see the merit of a segregated court system and of using video equipment and other modern technology, to use the High Court as a model, because we are not talking about the High Court and using the same reasons as those mentioned to support this Bill.

Before indicating the sort of amendment that the Opposition will seek to make, I will refer to a considered opinion on the topic that is the heart of this Bill. I will quote from page 216 of the *New Law Journal* of 7 March 1987. Over a period of months, and culminating in this article, there had been controversy among the members of the legal profession over perceived benefits or otherwise of branching out into new technology and, by so doing, trying to count the cost of what had to be given up to use that new technology.

The article is by James Morton, and in it he discusses an earlier article written by Professor Granville Williams. I believe that it has particular relevance here as to whether or not Western Australia has looked at these other options. The article states --

To clear the decks, first, there are a great number of suggestions which may easily be used to mitigate the trauma for a child in the witness box.

So, one sees that it gets right to the point of what this Bill is about -- the trauma that we all acknowledge will be suffered to a larger or lesser extent by a child. The article continues --

We have all, over the years, seen a number of them; the removal of robes and wigs; the child sitting next to the judge, and so on. Of course, the layout of the court could be modernised so that the witness box is not isolated as it is in so many of the old courts; the witness could be allowed to be seated from the start rather than when he or she is on the point of collapse. There is still too much of the old trial by ordeal left in our system. Certainly, in child abuse cases above all there should be a speedy hearing.

If one takes that in its totality, that individual is telling us that there are options available to the courts without recourse to legislation. That is one of the things on which I ask the Minister to comment in her response to the second reading debate -- whether or not those options were, in fact, examined, because if they were not I suggest that they ought to be.

It was my experience years ago, as one having a fair bit to do with the reporting of courts, that magistrates by and large went out of their way to follow some of the advice contained in that article written by Mr Morton and, in particular, to put at ease people who otherwise found the court environment quite alien. At a later point he said the following --

Of course, this is merely the first step in the reorganisation of our system. Why should not sexually attacked women be allowed to give their evidence in this way? Why not the elderly who are mugged, the witness who sees a bank robbery and is fearful for his or her safety?

That raises another question. In other words, if we can argue in this Parliament tonight that there is a need to break down that rigid set of procedures so as to minimise someone's trauma in a case of sexual assault of a child, maybe it will not be too long before we see arguments come back into the Parliament for us to eliminate this direct confrontation and contact between accuser and accused in these circumstances -- I repeat, whether an elderly person who has been mugged, or a witness who has seen a bank robbery and fears for his or her life.

I am aware that the Minister is not taking this matter lightly, but I say for the benefit of all members that what we are being asked to do is not something that is merely a procedural thing, that is simple, and that does not have as its basis any important principles. I argue that the contrary is the situation.

We are told a little later -- this comes to the kernel of what I have to say -- that the application for segregated proceedings will have to be made by the prosecution and, once made, has to be accepted by the court. I ask members to take particular note of those words. This will eliminate the discretion that has traditionally rested with a magistrate or judge as to how he dispenses justice in his court according to the laws laid down by the Parliament. It is a serious thing that we are asked to do -- a serious elimination of a judge's right to conduct his court according not only to what is laid down by the Parliament but also to natural justice.

Members would know that there is an amendment on the Supplementary Notice Paper which seeks to remove the prosecution's right to decide that matter. We will seek to return that right to the presiding magistrate or judge. I ask the Government to take into account that I could, on behalf of the Opposition, have moved a simple amendment which would have meant that we changed the word from "shall" to "may". Instead, we have purposely gone down the path of not doing that but of leaving in the obligatory nature of what the prosecutor must do. However, we have said that unless the court is of the opinion that the interests of justice generally, or those of the respondent in particular, would be prejudiced thereby -- in other words, we are not seeking to turn it around in the opposite direction and to say that the court must satisfy itself on that point. There is much to commend the way in which the Opposition has sought to win that amendment as distinct from what I outlined a few minutes ago.

Hon John Halden: You said before that one of your problems was the length of trials, but can you not understand that the trials would be enormously longer under the sort of criteria that you are putting up if there has to be legal argument about whether this was in the best interests of the respondent rather than the child? You are creating a situation in which trials could go on for an enormous period of time and not be based on the best interests of the child.

Hon P.G. PENDAL: As the member would know, because he has had some experience in courts, there are lots of occasions when a judge or a magistrate takes action which could be said to be prejudicial to one party or the other, and that is the basis on which the Minister is prepared to seek a change in the law here tonight because I would suggest she has anticipated the criticism from the Opposition on this point, which would give the prosecution the power, and not the court. It was decided -- and this comes back to what the member said in his interjection -- not to give the court a discretion because to do so would require factual evidence to be given to enable a decision to be made on whether the proceedings should be segregated, and this would require a prejudging of the case by the court on the basis of matters such as the defendant's prior history of offences, etc.

However, that goes on now in any case, and I have been in courts on many occasions where a magistrate, for example, will decide to clear the court. It is acknowledged to be an important part of our judicial system that our courts be open to the public, so one could say that for courts to be closed is acting in a manner which could be prejudicial to one party or the other.

I would be interested to know whether the Law Society and other legal fraternities in Western Australia have been consulted on this point because if they have, it occurs to me as a layman that we are giving an undesirable power to one of the partisan parties in a proceeding. In a few minutes I will consider a few opinions of people outside this State to support my contention that the court should decide, and not the prosecution. A prosecutor is there to achieve a certain end: To win a prosecution. The defence counsel exists for another reason: To do his or her best to gain an acquittal. So on the floor of the courtroom, one is

seeking to hand to a partisan individual the power over what has traditionally been held to be a power exercised by the court itself.

Hon John Halden: If your criteria are met, the proceedings would be like a pre-trial.

Hon P.G. PENDAL: I do not accept that. The Minister says that the judge can clear the court in order for argument to be heard, and there are many occasions when counsel are asked to approach the bench because the judge or the magistrate wants to speak to them.

Hon John Halden: He speaks to both of them.

Hon P.G. PENDAL: That is right, and notwithstanding anything that the member wants to interject about, I am asserting that I genuinely believe that the denial of discretion for the judge or the magistrate is a very dangerous thing for us to be doing.

The matters that are at stake in this part of the Bill were the subject of a paper by the Victorian Director of Prosecutions, D.G. Sturgess QC, and I want to deal with this paper at some length. I start by saying that the Director of Prosecutions is an advocate of what the Minister is seeking to achieve, which is that there will be segregated court procedures and new technology can be used. However, the Director of Prosecutions does not support the idea that the discretion can be taken out of the hands of the court and placed into the hands of one or other of the adversaries, and that is the very point I want to get across to the House. In other words, the Director of Prosecutions supports in the main what the Minister is doing, but suggests that it is very dangerous to take the discretion away.

Page 98 of the report says --

7.95 I recommend in criminal proceedings the evidence-in-chief of a child under the age of 12 years --

It was the Director of Prosecution's opinion that there should be a cut-off point, but there is no cut-off point in this legislation.

Hon Kay Hallahan: That is not true; it is 16.

Hon P.G. PENDAL: The Minister is correct, but the Director of Prosecutions is saying effectively that young children, not older children, ought to be the beneficiaries of what the Minister is doing.

I continue to quote from the report --

-- should be allowed to be given by the production of a video recording of an interview with him provided the child is available for cross-examination and the conditions set out in paragraph 7.97 are met.

At page 99, he says --

The right to present such statement always would be under the control of the courts . . .

I stop there to let members contemplate that the right to present such statements would be under the control of the courts, not the prosecution -- and does the Minister see my point?

Hon Kay Hallahan: We will clarify that for you.

Hon P.G. PENDAL: The Director of Prosecutions clarifies that himself by saying --

-- because of the provisions of section 98 of the Evidence Act that "The court may in its discretion reject any statement notwithstanding that the requirements of this part are satisfied . . .

I quote again from the same source at page 100 --

7.100 To give effect to the above the courts should have the power to order the cross-examination of the child take place outside the court room provided it is video recorded and the recording is tendered and played in court; they should have full power to control who may be present and, in particular, they should have the power to forbid the presence of the defendant provided suitable arrangements are made to protect his interests.

The Minister has taken steps to protect his interests by those parts of the Bill which say that the respondent to the proceedings can view the proceedings on a closed circuit television

screen, hear the proceedings, communicate with his counsel by some efficient means of telecommunication, and be viewed by means of the closed circuit television system by the court. The Minister has recognised the right of the defendant to have all those things done for him, but she is falling short of what this individual and others say in relation to the removal of the discretion from the court and placing it in the hands of the prosecution. That is where the weakness of this Bill lies.

From my point of view, and I dare say that of many members of the Opposition, that discretion which the Government deliberately seeks to take away from the court is something which should be vested quite specifically in the court. The same situation applies in other civilised judicial systems. I quote from one of the congressional documents in the United States on child sexual abuse victims in courts. It states --

In order to protect the child and to allow the child to feel more comfortable (and presumably to be more productive) in testimony, clearing the court room except for those persons having a direct interest in the case has been held permissible in criminal proceedings by at least two federal appeals courts.

That is referring to the US appeals courts, but the same applies in this country, and I have referred to it by way of interjection to Mr Halden. The document goes on to say --

In criminal prosecutions --

That is what we are talking about. To continue --

-- the defendant's Sixth Amendment right to be present at his trial and to confront and cross-examine witnesses has been held to be inherent in fundamental fairness . . .

I know we are not dealing with the sixth amendment here but with Australian law, but it is another example of a neighbouring civilised judicial system in which it is held to be an important fundamental that a person has the right to confront his or her accuser.

Finally, in the same document on page 145 it says --

In accordance with the trial court's order, the victim's testimony was taken in a videotaped deposition with defense counsel having opportunity for cross-examination.

It goes on to deal with things that are not dissimilar to those we are dealing with here. It states --

The defendant watched the proceedings on a monitor and was able to halt the testimony with a buzzer so that he could confer with counsel.

Further on the document says --

The appellate court held that this procedure violated the defendant's right to confrontation.

So now we are going backwards. That is the note of caution I was trying to sound in my opening remarks, that while the Minister may have persuaded us to reluctantly accept that we should accept the new technology in these situations, that is the first hurdle to overcome. The second hurdle is the question of discretion. In a neighbouring and civilised judicial system, there is actually high legal and judicial opinion which says they do not even accept the first part of the Minister's argument that we should remove or delete in some way, even by taking a person from one room to another, the right to be confronted by the other person involved. That is what is at stake in this Bill. It is a serious matter, and for that reason the Opposition will pursue the amendment that has been circulated in my name.

The Bill does a number of other things with which the Opposition has no difficulty. In particular I welcome that part which, as I recall, intends that in appropriate cases the sentencing can be remitted to a higher court where the lower court, in this case the Children's Court, is denied the right to impose what it feels is an adequate penalty. By remitting that to a higher court a heavier penalty can be imposed, and if that means the penalty fits the crime, no-one would have any quarrel with it.

With that general approval of the Opposition, we support the Bill but give notice formally that we will seek to take out the provision which makes it obligatory for the prosecutor to have a right which I do not believe he should have. That right should remain where it has been historically, with the court itself.

HON E.J. CHARLTON (Central) [10.07 pm]: Like the Liberal Party, the National Party supports the provisions of the Bill. It is also fair to say that with these sorts of proposed changes we never know what the effects will be until they are put into practice. Some members may have had some experience in these matters, but we are very dependent upon the research and information that can be provided through the experiences of young people in particular who have been placed in some fairly distressing circumstances when confronted during court proceedings.

We should agree with the principle involved to enable these proposals to be tried out. As with many other things in our society, when we think there is a possibility of improvement and of helping the people involved, we should be big enough and capable enough to implement changes which will enable that to take place.

Hon Phillip Pandal referred to the question of who should have the authority, whether the court or the prosecution, in relation to a televised hearing. I hope this point can be sorted out in the Minister's response or in the Committee stage. The point that interests me is that when the prosecution makes such an application it will be automatically granted, but would that be the case if it were left to the presiding officer of a court to decide? Will that decision be made by the court without having to hear evidence, which is not the case now in court hearings when a magistrate or a judge is in charge and makes the decision? I do not know. Obviously we will find out when we get to that point. However, I believe that should be the area that we should deal with and decide the best way to go.

The other matters have been more than adequately covered by Hon Phillip Pandal. I certainly wonder about some of the changes being put into practice.

Obviously no-one opposes this legislation. However, I do not believe it should be seen as a catalyst for making it easier for defendants. I emphasise, however, that I am not referring to defendants in the Children's Court. I believe it is relevant that these days we seem to be going overboard in all aspects of our daily lives, and particularly when we deal with people who offend against their fellow citizens.

A couple of weeks ago the Attorney General made a statement about changes to certain penalties for offences against the law. I believe most members would agree with those changes. However, I believe also that the bottom line is that people should be responsible for their actions. They should stand up and be counted. As I said, I do not want this Bill to be seen as setting a precedent for the taking of people who seem to be stressed by what is happening to them out of a distressing situation.

The National Party supports the legislation.

HON JOHN HALDEN (North Metropolitan) [10.14 pm]: Hon Phillip Pandal raised a couple of points about segregated proceedings. It is probably appropriate that I tell of my experiences, both of working in a child life protection unit and my association with the Children's Court. In working in that child life protection unit, one of the main issues that came to my attention is that young children have a great fear of courts and of confronting the person they have accused of perpetrating a crime against them. Often that fear will weigh heavily against their going to court. It may also influence the decision of a parent or guardian in determining whether the child will go to court.

One has to weigh that up against perhaps the enormous social consequences or psychological damage that has been done to that child. If we are going to confuse the issues between social, psychological, and legal matters, we are going to make the dilemma more difficult to solve. How do we resolve the pain and trauma that a child -- and this is what we are talking about -- has been through? One of the factors that we have learnt from history is that these sort of crimes do not often come before the courts. We are suggesting that we should make that process as easy as possible but, at all times, the defendant's rights should be protected. I believe that the Minister has done that very well in this legislation.

Hon Phillip Pandal said that we have done everything bar one thing. We have done that. Are we here to protect the rights of the court or the rights of the child?

Hon P.G. Pandal: The rights of the child and of the other person you keep forgetting -- the rights of the accused. You can actually have malicious prosecution, you know.

Hon JOHN HALDEN: Hon Phillip Pandal has accepted that we have done everything bar

one thing to protect the defendant. I am attempting to bowl that argument out by referring to the rights of the child. Surely we must consider the rights of the child as paramount in this legislation.

Hon P.G. Pental: We are agreed on that. All we are saying is that the person to determine the rights of the child is the court, not the prosecutor, who has a vested interest.

Hon JOHN HALDEN: In determining that, there could be litigation about segregated proceedings, and that litigation, in deciding whether there should be segregated proceedings, could count against the defendant. That is why we should protect the child from the presumed guilty party. That is most important. The most important consequence of any action is not, as I see it, to protect the court, but to protect the child.

I have seen young children of 13 or 14 years of age in a court relating a five or six-year history of being sexually abused in front of the accused, often another parent. That is not a trauma that Hon Phillip Pental or I would care to go through, even though I have witnessed it. It is a gross trauma and to put a child through it in a civilised society is absolutely wrong.

Hon P.G. Pental: Even when somebody could be going inside for 20 years.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order! This debate is interesting, but it should be directed to the Chair.

Hon JOHN HALDEN: I do not mean to be provocative. These are serious issues that I would like to get across to Hon Phillip Pental. The issue is one of confusion between social and legal matters and developing the rights of the defendant. However, surely we are talking about children and their rights must be upheld. We must give every protection to those children. We think that that is being done in all but one area. For God's sake do not put a child through a second trauma by having him confront the accuser. On many occasions members have complained that the Government is soft and that it does not protect the victim. What I am saying is for God's sake protect the victim because the victim is a child.

Hon P.G. Pental: We agree to protecting the victim, otherwise we would vote against the Bill.

Hon JOHN HALDEN: I am not suggesting that the member is. This is a very important matter and I ask the member not to put himself in a position of not protecting the ultimate rights of children who have, in many cases, been grossly abused.

I support the Bill.

HON JOHN WILLIAMS (Metropolitan) [10.21 pm]: I have listened to this debate with interest. After all, I was once in this field listening to the harrowing stories, and I agree with Hon John Halden's comments. That is not the contention of this side. The contention of members on this side of the House is that they agree with the Bill in every principle, bar one.

Hon John Halden is trying to say to me that every child who goes into a Children's Court is at the mercy of everyone in the court. Firstly, I have great faith in the magistrates who are chosen to work in Children's Courts, and they can decide what the procedure shall be without the defendant or the accuser being in the court.

Members will be surprised at the number of psychiatrists and psychologists who hand a document to the magistrate and say, "It is my considered opinion that the appearance of this child in this court would severely impair his progress towards recovery from the horrors inflicted upon him before." I am not talking about adults, I am talking about children only. The prosecutor will say to the magistrate before the proceedings, "I have a statement to make". The magistrate will ask what is the statement and the prosecutor will say, "I have a request that this be a segregated hearing." I agree with that if the child is in such a state that his appearance will seriously impair the child in the future. The recovery of children from these cases sometimes takes years.

I gave advice, not professional advice, to someone the other day who had been sexually abused at the age of eight years. She is now the mother of three children and is 35 years of age, and she still suffers traumas. My advice to her was to seek medical counselling.

In doing all this for the good of the child -- the Minister knows this to be very true -- not all children are pretty and innocent. When one talks about 10-year-old and 12-year-old children appearing at a court hearing, I am a little wary; but the Minister knows dam well that when they reach the age of 16 some of them are extremely sophisticated.

Hon Kay Hallahan: Do not include me in your comments. I disassociate myself from them.

Hon JOHN WILLIAMS: The Minister has had experience in another field. I am not asking her to associate herself with my comments. She has had considerable experience in another field where she has had to deal with juveniles in a certain way. The Minister knows that with the sophistication there can be wicked children bringing forward accusations.

Hon Kay Hallahan: It is pitiful.

Hon JOHN WILLIAMS: If it is pitiful, I will take it down to the line where my colleagues feel that it is wrong to just allow the prosecution to say, "We want that and we will have it". I do not believe the Law Society of WA, the Barristers' Board, or the judiciary would uphold that.

Hon Kay Hallahan: I will tell you about my feedback.

Hon JOHN WILLIAMS: The Minister is taking a simple amendment as a crisis in the Bill.

Hon Kay Hallahan: Because of the way you are representing it. It is appalling the way this debate is going.

Hon JOHN WILLIAMS: The way I am presenting it is that the clause in the Bill states that the prosecution shall make the appeal and then it is on. In other words, the discretion of the court is taken away. I do not believe that should be so. It should be at the discretion of the court with the defence counsel also having something to say. My guess is that in 99 per cent of cases, when the prosecution puts up the case for a segregated hearing, the defence would agree to it. Justice is all about the one per cent, not the 99 per cent. I fully agree with what the Minister is trying to do, but I honestly feel that the discretion of the court should be kept in the Bill. If it does not work out it should be reintroduced.

The legislation will not be introduced overnight because it will involve a great deal of setting up. It is a worrying point that one of those two natural elements is allowed to evaporate from the law. I agree entirely with the rest of the Bill -- I was even going to commend the Minister on it. I ask the Minister to think about this legislation. It will not result in a disastrous situation. It is a workable Bill and I am sure that the Minister will come to realise, together with other members, that 99 per cent of the applications made by the prosecution would be accepted. I bet my bottom dollar that 99 per cent of the defence lawyers would say that they are of the same opinion.

HON KAY HALLAHAN (South East Metropolitan -- Minister for Community Services) [10.28 pm]: I am very pleased with the level of support for this Bill. Quite frankly I expected that level of support. It would be a terrible thing if in this Parliament there was not support for this Bill. Let us not congratulate ourselves too well on how wonderful we are for supporting this Bill.

Hon G.E. Masters: You have had a bad day.

Hon KAY HALLAHAN: I have not had a bad day at all. The fact is it is a very sane and sensible Bill.

Hon P.G. Pandal: Yes, we agree.

Hon KAY HALLAHAN: Great. There are some things that need to be said and one is that Hon Phillip Pandal made some interesting comments -- some of them not very relevant. One was his reference to technology. He indicated that I had painted a scenario where technology was to be introduced into the High Court and, therefore, it made it all right for it to be introduced into the Children's Court. I want to make it clear to members that I was not doing that. All I was indicating was that we are living in changing times and technology can be and is relevant to our judicial process. I was not drawing a parallel between the High Court and the Children's Court, as Hon Phillip Pandal said in his speech. I had no intention of painting that scenario for this debate to take place.

We talk about traditional rights. I agree that if we have inalienable rights which have served society well, we should protect them at all costs. I do not disagree with that argument. It seems to me that there are many areas in our society where there have not been rights in our judicial system for certain people -- the rights of a child who has been sexually abused is one. I would not have thought that there was any sense of comfort in saying that the system should continue the way it is because it is traditional. Another quaint word was used and that was "civilised". I have been in the courts as a member of the Western Australia Police Force,

and I thought our court system was quite uncivilised for many people on many occasions.

Hon E.J. Charlton: It seemed uncivilised to me.

Hon KAY HALLAHAN: That is a damning indictment of them -- anyone who would be uncivilised to the member.

I take on board the comments made by the Opposition and by Hon Phil Pental, who does have the most extraordinarily conservative way of standing in the way of progress.

Hon P.G. Pental: Do you want us to support this or oppose it? We will chuck it out now if you want that.

Hon KAY HALLAHAN: That would be the craziest thing the member could do.

Hon P.G. Pental: We are supporting the Bill. I would hate to see what the Minister would do if we opposed one of her Bills.

Hon KAY HALLAHAN: I think we are all in agreement that we should reduce the trauma for children in the courts. I want to clarify this because I think we have some interesting notions of court situations, and that there is something very wonderful and right about the court system; but I can tell members that a lot of people do not feel wonderful or right, or have a feeling that anyone cares or values them, and we need to keep that point to the fore as well.

The member did use the term about the witness having the right to confront the perpetrator of the offence.

Hon P.G. Pental: I did not actually use those words, but the spirit of what I said is there.

Hon KAY HALLAHAN: It is more like a right to another bout of intimidation. The right to confrontation is all right if we are talking about adults -- and I am not sure that applies to all cases -- but we have to remember that we are talking about children who have been sexually abused. The reason this Bill has been brought up in its present form is that there has been an appreciation of the need to take care of the defendant's rights, and nobody would want to see that weakened under our system. For that reason, the application to have a segregated hearing applies only where the defendant has counsel, so that counsel is in the courtroom with the witness; and if the accused does not have counsel, then segregated hearings do not apply because they would have to be in the courtroom.

I agree with Hon Phil Pental about the layout of courts and the manner in which practitioners conduct themselves. The Children's Court has already been made a fairly informal system; practitioners do not dress up in robes and wigs; the layout of the room is smaller and more intimate. I do not want to gloss over the fact that the building needs replacing, but there is an informal attitude about the Children's Court. I admit that more could be done to provide for speedy hearings, but the point I want to make is that we have considered those things which make the courtroom experience more traumatic for children, and I do not want members to go away with the notion that a lot of things still need to be considered; those things have been considered and most of them are in place.

This Bill was sent to the Law Society, which did not comment about the point raised by the Opposition's amendment, so one would imagine that they did not see the importance of this right which the Opposition has picked up.

I took a lot of other notes, and I would be happy to respond in more detail in the Committee stage to other matters which were raised, which may be better than handling them now. However, I do want to mention in regard to the segregation of the court and this application by the prosecution that the matter was given a lot of thought, and we have tried to bring to this House a system which disrupts as little as possible the current way of dealing with cases in order to minimise trauma but to let the system continue as much as possible as it does at present, and that is why deliberate decisions have been made about segregation and the use of closed-circuit television.

The reason why the application would become automatic if made by the prosecution is that the cases could revolve around a debate about the past record and past intimidations of the accused.

Hon E.J. Charlton: Could that happen?

Hon KAY HALLAHAN: Yes, it could. That possibility is left wide open, and we do not know what could happen.

Hon E.J. Charlton: Has that been checked out?

Hon KAY HALLAHAN: Yes. There could be material which is inadmissible in the trial itself, so in some ways it is to protect the defendant as well that we had this notion that it would become automatic, and the decision to ask for a segregated hearing was the most neutral thing that could be provided for the defendant and it would also provide a lesser trauma for the victim or witnesses, and the most neutral of decisions was provided about segregating the case and allowing the child to give evidence in the court without the accused being present.

There are several other minor points, and I do not want members to get caught up with them, but I mention the question of predictability for children. If it becomes an application by the prosecution automatically granted and it is known that the prosecution is going to make that application, that can be explained to the child, who does not have to sit there and wait for the whole thing to be worked out and then may find out that the accused is actually there to confront the child. The child can be told that the prosecution can make an application that the accused will be able to see the child giving evidence, but will not actually meet the child face to face.

Hon P.G. Pendal: What other occasions are there in the court when the prosecution can make a request of the court and the court has no option other than to grant it?

Hon KAY HALLAHAN: I do not know, but it would seem to me that the prosecution has a lot of power in regard to when cases are going to be heard. If the member wants to persist with his amendment -- and I have not managed to persuade him not to do so -- that is something I regret, but I am of the opinion that we are not taking away from the defendant something that is a right. The defendant cannot be removed from the court unless counsel is there to represent the defendant, and I repeat that point because there was talking in the Chamber when I made the point originally. The rights of defendants are safeguarded because if they are not represented by counsel, there cannot be a segregated hearing and the prosecution cannot make such an application.

I am sorry if I have stirred members up --

Hon G.E. Masters: We did not get stirred up.

Hon KAY HALLAHAN: I thought the level of debate got to a very disturbing point at a couple of stages when it was not really dealing with the issues, and some erroneous information was added about the attitudes of children and whether we can trust them when they get to certain ages. I have to say from my experiences of situations and as a Minister that I still see files coming across my desk where there has been very severe physical and sexual abuse of children. When the children go to court and the defendant is in the courtroom, some of them are so affected by the presence of that person that they are unable to give evidence and the person who has committed a most outrageous offence goes free with no conviction. Personally I find that a very unacceptable situation.

Hon E.J. Charlton: That will not change.

Hon KAY HALLAHAN: I hope it will, because if it is indeed the presence of the perpetrator that is having that effect on children in those instances, it will change; and there is no doubt about that in my mind.

Hon E.J. Charlton: That someone gets off?

Hon KAY HALLAHAN: No, whether the person is present or not.

Hon E.J. Charlton: You said they go free.

Hon KAY HALLAHAN: Yes, because the child does not give evidence and there is no corroboration, so somebody who has committed very serious and alarming offences does go free. That is what I said.

Hon G.E. Masters: This Bill does not deal just with sexual abuse.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order! Let us get the second reading stage out of the way and go into Committee.

Hon KAY HALLAHAN: That is very kind of you, Mr Deputy President.

In other areas we seem to be in agreement -- the delegation of authority is an administrative matter that needs to be done sensibly within the department; the fact that the Clerk of the Children's Court does not need to be appointed by the Governor; the fact that magistrates should be allowed to send adults to higher courts; and the fact that we should protect people who give evidence in good faith. It seems we are agreed upon all those matters and that there is just this one area on which we have some division. I ask members to reconsider the debate, and I will be asking them not to support the amendment put forward by the Opposition.

I support the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Hon Mark Nevill) in the Chair; Hon Kay Hallahan (Minister for Community Services) in charge of the Bill.

Clauses 1 to 7 put and passed.

Clause 8: Sections 23A, 23B and 23C inserted --

Hon P.G. PENDAL: I move an amendment --

Page 5, line 9 -- To insert after "the court" the words "unless it is of the opinion that the interests of justice generally, or those of the respondent in particular, would be prejudiced thereby".

The Opposition not only supports the Bill but acknowledges that its intention is to minimise trauma, particularly to children, and particularly to children who have been the victims of alleged sexual interference. We support that; there is no difficulty at all.

An interesting comment made by the Minister in her response to the second reading debate was to the effect that the defendant's rights in this matter are assured. That was said in this House less than two years ago when we were dealing with the new sexual assault Bill that led to the famous case of the 30-second rapist. I took part in that debate, although I could not foresee that we would get the ludicrous situation at law for which that individual is now serving time.

Hon G.E. Masters: He is out now.

Hon P.G. PENDAL: Is he out now? Well, I tell members that he served time for it, yet we were assured when that law was going through that it was the avant garde stuff. That is what we were told in this Chamber. In that situation we even removed the term "rape", which was a term that everyone understood. They knew what it meant, they understood the viciousness of it, yet we got some shillyshallying bit of nonsense which means that now a person cannot be charged with the horrendous crime of rape. So when the Minister says to me that the defendant's rights are assured under this Bill, I take that with a grain of salt because that is what we were told a couple of years ago -- that the defendant's rights in rape cases would also be assured and preserved -- and we know what happened there.

I did ask the Minister, and guess she answered to the best of her ability, where the Law Society stood.

Hon Kay Hallahan: I did.

Hon P.G. PENDAL: I am paying the Minister a compliment -- I will insult her next time. I would be interested to see the letter from the Law Society. I do not dispute what the Minister has said to us, but I will certainly follow it up with the Law Society. Nonetheless, the amendment is an important one; let us get down to that. The Opposition's amendment takes nothing away from the Bill; indeed, it adds to it.

I will state what I understand will be the result of my amendment. We are talking about the capacity to apply for segregated proceedings. If we vote for the Minister's proposition, we will have a person going into a courtroom and the prosecutor, of his own volition, saying to the court, "I want a segregated hearing" -- they are the words used -- "and whether the court

likes it or not, that is what I am going to have." That is the effect of the Minister's proposal.

The effect of the Opposition's amendment will be that it will still leave the prosecution with the right to make that application. Where that application is made for segregated proceedings, under my amendment the court must agree to the prosecutor's application. That will occur unless the court is of the view that the interests of justice will not be served by that. What could be fairer than that? It takes away no rights; it takes away nothing from the Bill. On the contrary, it adds to the Bill and I commend the amendment to the Committee.

[Pursuant to Sessional Orders, progress reported and leave granted to sit after 11.00 pm.]

Hon E.J. CHARLTON: At this stage the debate has been looking at the two extreme aspects of whether the prosecution should be automatically granted the request or whether the court should make the decision to televise proceedings on a closed-circuit system. Hon Phillip Pandal's amendment has curtailed the situation to a point where the matter is still automatic but the question left to the court is whether the granting of the request would impede or prejudice the interests of justice generally. The amendment takes a bottom line position. The court will not have to weigh up the pros and cons; the only points to be weighed up are whether it is in the interests of justice generally or whether the interests of the respondent would be prejudiced. So this amendment is far different from the originally extreme points of view which were put forward.

I am trying to make sure that the Minister understands, after having heard what Hon Phillip Pandal had to say, that we have reached a compromise situation so that people on both sides of the argument can agree that this proposal does not completely take matters out of the court's hands, and on the other hand the prosecution can still feel confident that its application is virtually automatic.

Hon D.J. WORDSWORTH: I wish to change the subject slightly and ask the Minister a question. The inference is that these matters are taking place in a Children's Court. I thought it was an adult and not a child who was being charged. I presume from the way this was introduced that adults can be charged in a Children's Court.

Hon Kay Hallahan: Only in relation to sexual abuse, and care and protection orders can be used. It is in the third schedule.

Hon D.J. WORDSWORTH: Would these cases normally be heard in a Children's Court despite the fact that the charge is brought against an adult?

Hon KAY HALLAHAN: Yes. I thank Hon Eric Charlton for trying to bring us back to a middle path, and I have given thought to what he said. I cannot understand why a person should be prejudiced. I would like to hear from Mr Pandal the circumstances in which he thinks the court would not grant a segregated hearing. I cannot foresee cases where the court would not.

Hon P.G. Pandal: You have just given the argument to support my view.

Hon KAY HALLAHAN: Not at all. Let us be quite clear that if the prosecution makes such an application it should be granted. We should not get into this other erroneous area in which I cannot think of any cases to support the moving of the amendment. I need Hon Phillip Pandal to produce some evidence to support his argument because a lot of thought has been put into this and no-one has been able to think of the sort of scenarios which Hon Phillip Pandal envisages.

Hon E.J. CHARLTON: Hon Phillip Pandal will correct me if I am wrong, but as I see it his amendment maintains the position where the matter is not automatically taken out of the court's hands because the prosecution comes in and says, "This is it, and we will proceed on these lines." This is a backstop situation, and I hope Hon Phillip Pandal cannot give an example. This amendment leaves the matter open for the one in 100 situation instead of guillotining it completely. Perhaps the Minister is right and it is an overreaction and we are worrying about nothing, but I do not think it does anything to the Bill. This amendment is a compromise and it would be a good thing if we could agree to that without detracting from the Bill or changing it in any way while at least giving someone an opportunity if they believe there is a reason to pursue the matter.

Hon P.G. PENDAL: Hon Eric Charlton is right. In a nutshell, we are saying the court should decide these matters, not the prosecution.

Hon KAY HALLAHAN: It is a fact that we have not been given the scenarios to support the amendment. It seems to be giving people a sense of comfort. Hon Phillip Pental said the sexual assault laws and the changes to the Criminal Code were *avant garde*. That degrades a serious reform to an area of law in which as a result of those changes more people are being convicted of sexual assault whether one calls it that or rape.

Hon P.G. Pental: Yes, one in the most horrific and incredibly unfair circumstances.

Hon KAY HALLAHAN: This is where we part company again because in the Children's Court there are very unfair circumstances. In the adult courts and under the Criminal Code as it was previously there was a most horrendous and unfair situation. It seems we would prefer to let people go away weeping silently for years about their experience but one matter grabs the headlines and everybody says the law is no good. Personally I do not think that is a very responsible view for legislators to take. However, we are now becoming divided -- we were becoming nicely reunited. I take the point that the Opposition is concerned about it. The Government is of the view that it would be better for the Bill to pass this House as it now stands. I have explained my concerns that in cases where the court does not automatically grant its approval we may reach a situation where we will have to reflect on the defendant's character, past acts of intimidation, past record, and other information that normally would be inadmissible and may prejudice the whole situation. That makes this Bill unworkable. I would have preferred that we could have avoided that situation.

It may well be that if this amendment is passed in most cases the court will grant the application by the prosecution. That is my hope, but we do not know that. We may still be left with an unsatisfactory situation as a result of Mr Pental's persuasion tonight.

Hon G.E. Masters: That is doubting the integrity of the court.

Hon KAY HALLAHAN: It is not doubting the integrity of the court. We must maintain the integrity of the court in our own minds or we will go mad, but there are many people who feel mad as a result of their experiences in the courts. I do not think we should hang onto some holy grail of an idea about institutions. We must make them work in a sensitive and effective way and not expect them to do it because they exist in some God-given tradition. We must make the traditions the way we want them. We have the opportunity to do that tonight. We are making a significant reform, and we could make it a clear reform by rejecting the amendment and passing the clause as it stands.

Hon E.J. CHARLTON: I can understand the Minister's concern. The whole Bill has been set up to take away the fears court cases cause. No one wants to stop that from happening. If the Minister came back to this Chamber and gave an example of a particular court case in which a certain situation took place -- we are saying that something will not happen and the Minister says it may happen -- I would be the first to revert to the clause in its original form. In this case we are not compromising a principle, but a situation to make the best of a certain thing. Court cases are court cases, and people want to give it their best shot to win or defend a case. If it is automatic that this sort of situation will occur, it will not be in the interests of the people in this State.

I can understand the Minister's concerns, and I am sure all members in this Chamber support those concerns. In this case the amendment is not taking anything away from the Bill. It is putting the onus on the defendant and he has to prove that the child should not appear in the court. If it came to pass that someone took advantage of the situation, I would be the first to move another amendment.

Hon P.G. PENDAL: I want to add a final comment because I agree with much of what the previous speaker said. The bottom line is that the prosecution should not have the right to decide that there should be a segregated hearing; the judge should decide that. That is the reason he is a judge. It is his role to work in the interests of everyone in the courtroom. Therefore, I commend the amendment to the Chamber.

Amendment put and a division called for.

Bells rung and the Committee divided.

The DEPUTY CHAIRMAN (Hon Mark Nevill): Before the tellers tell I give my vote with the Noes.

Division resulted as follows --

Ayes (11)			
Hon E.J. Charlton	Hon Barry House	Hon P.G. Pandal	Hon D.J. Wordsworth
Hon Max Evans	Hon A.A. Lewis	Hon W.N. Stretch	Hon Margaret McAleer
Hon H.W. Gayfer	Hon G.E. Masters	Hon John Williams	(Teller)
Noes (10)			
Hon J.M. Berinson	Hon Kay Hallahan	Hon Mark Nevill	Hon Fred McKenzie
Hon J.M. Brown	Hon Tom Helm	Hon Tom Stephens	(Teller)
Hon John Halden	Hon Garry Kelly	Hon Doug Wenn	

Pairs

Ayes	Noes
Hon Tom McNeil	Hon B.L. Jones
Hon J.N. Caldwell	Hon S.M. Piantadosi
Hon C.J. Bell	Hon Robert Hetherington
Hon N.F. Moore	Hon T.G. Butler
Hon P.H. Lockyer	Hon Graham Edwards
Hon Neil Oliver	Hon D.K. Dans

Amendment thus passed.

Clause, as amended, put and passed.

Clauses 9 and 10 put and passed.

Title put and passed.

Bill reported, with an amendment.

House adjourned at 11.10 pm

QUESTIONS ON NOTICE

TOURISM: MOTELS

Walkabout Chain: Superannuation Board Purchase

339. Hon P.G. PENDAL, to the Leader of the House representing the Treasurer:

- (1) Is it correct that the State Superannuation Board recently purchased the Walkabout Motel Chain?
- (2) What was the purchase price?
- (3) What annual return does the board expect to get on this investment?

Hon J.M. BERINSON replied:

(1) Yes.

(2)-(3)

These details are commercially sensitive and will not be disclosed. However, I understand the board will discuss the detail with the member on a confidential basis.

COMMUNITY RESOURCE CENTRE

Applecross Anglican Church

340. Hon P.G. PENDAL, to the Leader of the House representing the Treasurer:

- (1) Is there any funding likely to be available to assist the Applecross Anglican Church to establish a local community resource centre?
- (2) If so, what are the guidelines for such funding?

Hon J.M. BERINSON replied:

- (1) I understand that the Applecross Anglican Church is considering a number of possible activities to address identified community needs. It is currently consulting with the Department for Community Services and other organisations to prepare a plan of action.
- (2) Depending upon the results of the above discussions, the church may be eligible for assistance for funding from a number of programmes.

HEALTH: MENTAL

GROW: Budget Allocation

352. Hon NEIL OLIVER, to the Leader of the House representing the Treasurer:

What funds were allocated from the State Budget for "Australia's Community Mental Health Movement 'Growth'" --

- (a) for the year ended June 1987;
- (b) for the year ending June 1988?

Hon J.M. BERINSON replied:

- (a) \$88 000;
- (b) \$88 000.

PLANNING COMMISSION

Members: Travelling Expenses

383. Hon A.A. LEWIS, to the Minister for Community Services representing the Minister for Planning:

- (1) Do local members of the State Planning Commission -- for instance, in the south west -- get paid travelling expenses?
- (2) If so, at what rate?

Hon KAY HALLAHAN replied:

- (1) Members, associate members, or members of a committee of the commission may be paid a travelling allowance, if they request it.

- (2) The rate applicable to the Public Service determined by vehicle engine capacity and designated areas of the State.

MOTOR VEHICLES: STOCK TRAILERS

Overweight Permits

385. Hon A.A. LEWIS, to the Minister for Sport and Recreation representing the Minister for Transport:

- (1) Has the Main Roads Department issued any overweight permits for stock trailers?
 (2) If so, how many?

Hon GRAHAM EDWARDS replied:

- (1) Yes. The Main Roads Department issues extra mass permits to semi-trailers equipped with triaxle groups for 20 tonne triaxle group loading. This is being done in anticipation of the regulation triaxle group loading being increased from 18 to 20 tonnes; and the concession is available to the transport industry generally including the livestock transport industry.
 (2) Permits of this type have been issued to approximately 1 500 vehicles.

MOTOR VEHICLES: STOCK TRUCKS

Legal Height

386. Hon A.A. LEWIS, to the Minister for Sport and Recreation representing the Minister for Transport:

What is the legal height for stock trucks?

Hon GRAHAM EDWARDS replied:

The maximum height of vehicles as defined in the vehicle standard regulations (1977) is 4.3 metres. However, on application to the Main Roads Department a permit may be granted to 4.6 metres, subject to certain conditions.

EDUCATION: HIGH SCHOOLS

District: Distance Education Centre Resources

388. Hon A.A. LEWIS, to the Minister for Community Services representing the Minister for Education:

Is it intended to make resources of the Distance Education Centre available to small district high schools so that country students can have an increased subject choice?

Hon KAY HALLAHAN replied:

Distance Education Centre materials are already available to a number of small district high schools. The extension of Distance Education Centre services to district high schools is presently being reviewed in the light of the restructuring of the Education Department and the preparation by schools to introduce the unit curriculum in 1988.

EDUCATION: HIGH SCHOOL

Boyup Brook District: Primary Section

389. Hon A.A. LEWIS, to the Minister for Community Services representing the Minister for Education:

- (1) Is it intended to upgrade the administration block for the primary section of the Boyup Brook District High School this financial year?
 (2) If not, why not?

Hon KAY HALLAHAN replied:

(1)-(2)

Insufficient funds are available to undertake the work this financial year.

EDUCATION: HIGH SCHOOL
Boyup Brook District: Primary Section

390. Hon A.A. LEWIS, to the Minister for Community Services representing the Minister for Education:

- (1) Is it intended to build a new library at the primary section of the Boyup Brook District High School this financial year?
- (2) If not, why not?

Hon KAY HALLAHAN replied:

- (1) No.
- (2) The area currently used for library resource centre activities is in accord with standards, and the space available is greater than that in a number of other schools which have higher priority.

EDUCATION: HIGH SCHOOL
Boyup Brook District: Primary Section

391. Hon A.A. LEWIS, to the Minister for Community Services representing the Minister for Education:

- (1) Is it intended that the primary section of the Boyup Brook District High School be upgraded or caused to have repairs and renovations in the near future?
- (2) If not, when is it intended to do the work on this school?

Hon KAY HALLAHAN replied:

- (1) Yes.
- (2) Not applicable.

EDUCATION: HIGH SCHOOL
Boyup Brook District: Secondary Section

392. Hon A.A. LEWIS, to the Minister for Community Services representing the Minister for Education:

- (1) Is it intended to upgrade the administration block for the secondary section of the Boyup Brook District High School?
- (2) If not, why not?

Hon KAY HALLAHAN replied:

- (1) Yes.
- (2) Not applicable.

EDUCATION: HIGH SCHOOL
Boyup Brook District: Secondary Section

393. Hon A.A. LEWIS, to the Minister for Community Services representing the Minister for Education:

- (1) Is it intended to upgrade or cause to have repairs and renovations done on the secondary section of the Boyup Brook District High School this financial year?
- (2) If not, when is it intended that this work will be undertaken?

Hon KAY HALLAHAN replied:

- (1)-(2) Insufficient funds are available to undertake the work this financial year.

BRICKWORKS: PRESTIGE
Inversion Heights

398. Hon NEIL OLIVER, to the Minister for Community Services representing the Minister for Conservation and Land Management:

Further to the answer to question 362 of 20 October 1987, if inversions were "thoroughly considered by the Environmental Protection Authority", why did it approve a model which used all inversion heights above 500 metres, when on 75 percent of the nights of the year inversion heights are less than 500 metres, and 34 percent of the nights of the year have inversion heights below 100 metres?

Hon KAY HALLAHAN replied:

The member appears to be confusing "mixing heights" with "inversion heights". As the issue is a complex one, I am prepared to provide him with a comprehensive briefing by senior officers of the environmental protection authority if he requires it.

BRICKWORKS: SWAN SHIRE

Fluoride Emissions

399. Hon NEIL OLIVER, to the Minister for Community Services representing the Minister for Conservation and Land Management:

Further to the answer to question 359 of 20 October 1987, in view of the fact that the fluoride concentration at Sandalford Vineyard, 1.5 km west of Midland Brick, is up to 2.26 micrograms per square metre -- published in the 1987 *Journal of Agricultural Society of Australia* -- how can the Minister explain that the BSD report predictions and approved modelling by the Environmental Protection Authority indicate that fluoride concentrations are approximately 22 times lower?

Hon KAY HALLAHAN replied:

The 2.26 micrograms per cubic metre which the member quotes is a 1981 measurement taken when scrubbers on the brickworks were not operating effectively. More recent measurements are ten times lower. However, these measurements bear no relevance to the predicted levels from Prestige Bricks since clay throughputs and chimney heights are quite different.

BRICKWORKS: PRESTIGE

Fluoride Emissions

400. Hon NEIL OLIVER, to the Minister for Community Services representing the Minister for Conservation and Land Management:

Further to the answer to question 358 part (5) of 20 October 1987, why did the Environmental Protection Authority fail to consider fluoride emissions from the other clay kilns in the locality in modelling the fluoride emissions from the proposed Prestige Brickworks in the BSD public environment report?

Hon KAY HALLAHAN replied:

The effect of other clay kilns was considered during the Environmental Protection Authority's assessment. The EPA was satisfied that impacts were not a significant consideration in view of the distances separating the various sources.

HEALTH: FLUORIDE EMISSIONS

Guidelines

401. Hon NEIL OLIVER, to the Minister for Community Services representing the Minister for Conservation and Land Management:

Is the Minister aware that --

- (1) The Air Pollution Control Council of Western Australia recommended guidelines to limit --
 - (a) ambient air quality for hydrogen fluoride to protect vegetation;
 - (b) fluoride in forage to protect grazing animals?

- (2) If yes, as this standard limits fluoride to 0.2 micrograms per cubic metre, while concentrations in the Swan Valley are already documented at 22.6 times this limit, is the Environmental Protection Authority detailed analysis of BSD air modelling studies still under investigation, or does it have the full unqualified approval of the Environmental Protection Authority to proceed?

Hon KAY HALLAHAN replied:

- (1) Yes.
- (2) Question 399 refers to a concentration of 2.26 micrograms per cubic metre. The BSD air modelling studies are not still under investigation. The Environmental Protection Authority recommendations are detailed in Bulletin 289.

QUESTIONS WITHOUT NOTICE

COMMUNITY SERVICES

Child Care Regulations Review Consultative Committee: Establishment

405. Hon G.E. MASTERS, to the Minister for Community Services:

- (1) When was the child care regulations review consultative committee set up?
- (2) Under what Act or authority does the committee operate?
- (3) What are the terms of reference of the committee?
- (4) Who are the members of the committee, and for what term are they appointed?
- (5) Who is the chairperson of that committee?
- (6) How often does the committee meet, and what reports has the committee generated?
- (7) Are the reports available to the Opposition?
- (8) With the exclusion of current legislation before this House, what other legislative changes has the committee proposed?

Hon KAY HALLAHAN replied:

- (1) The child care regulations review consultative committee held its first meeting on 14 May 1986.
- (2) The consultative committee was appointed by the Minister for Community Services.
- (3) The consultative committee was asked to advise the Department for Community Services and the Minister for Community Services on proposals for changes to legislation and regulations governing the operation of children's day care centres and family day care, taking into account --

the provision of a standard of care which would normally be expected for a child in a caring home;

the need for flexibility to allow for innovation and adequate management initiative without compromising standards;

the need to be self-regulating as far as possible;

the need for regulations to be concise and clear in their expectations, guidelines, and rules for service providers; and

the service expectations of consumers.

In consideration of all these issues, the committee should bear in mind the ability of the average family to pay for child care.

- (4) Committee members were appointed until they reported and are --

Ms Jane Brazier
 Ms Kath Charmer
 Ms Helen Creed
 Ms Bernadette Giambazi
 Sr Mary Martin (deceased)
 Ms Moira Rayner
 Ms Sandra Taylor
 Ms Judy Trigwell

- (5) Ms Jane Brazier.
 (6) The consultative committee met on 19 occasions and separately held community consultations. The committee provided a final report to the Minister for Community Services and the Department for Community Services.
 (7) A summary of the report is available to the Opposition.
 (8) None. New regulations are proposed and will be tabled in the next parliamentary session.

INDUSTRIAL RELATIONS AMENDMENT BILL (No 3)

Consultations

406. Hon G.E. MASTERS, to Hon T.G. BUTLER:

Does the member recall a question I asked dealing with his Industrial Relations Amendment Bill (No 3) presently before the House? As a result of my previous questions, has he now consulted with interested groups?

Hon T.G. Butler: Could you repeat the question?

Hon G.E. MASTERS: I direct the question to Hon Tom Butler, who is responsible, according to the Notice Paper, for the Industrial Relations Amendment Bill (No 3). I asked the member if he recalls the question I asked him with regard to consultation with interested groups regarding this Bill before the House. I asked the member whether he had carried out any of those consultations at all with any groups, and if so could he advise the House which groups?

Hon T.G. BUTLER replied:

I have not had any discussions with anybody about the Bill. I do not believe that a private member is under any obligation to consult the tripartite committee. As a private member, I am not part of that committee so I am under no obligation to consult it when introducing a Bill. As a consequence, I have not consulted.

INDUSTRIAL RELATIONS AMENDMENT BILL (No 3)

Consultations

407. Hon G.E. MASTERS, to Hon T.G. BUTLER:

In view of the obvious concern some other members and I have, would he be prepared to discuss the matter and consult with such people as the Western Australian Farmers Federation, the Housing Industry Association, the Confederation of Western Australian Industry, the AFCC, the Western Australian Chamber of Commerce, and the Tripartite Consultative Council? I believe he has a responsibility in that regard, and I ask him if he would consider the matter.

Hon T.G. BUTLER replied:

I would be happy to discuss the Bill with anybody at any time and at any place. If any of those people wish to contact me, I shall be prepared to explain the Bill to them and allay their concerns and fears.

Hon G.E. Masters: Don't you think you have a responsibility to go out and discuss it with them? They are affected.

Hon T.G. BUTLER: I do not believe I have a responsibility to discuss the Bill with anybody.

Hon Graham Edwards: He has already answered the question.

Hon G.E. Masters: It is typical of him.

Hon T.G. BUTLER: I am a private member introducing a Bill into this House.

Hon G.E. Masters: You do not give a damn how it affects people.

Hon T.G. BUTLER: I introduced the Bill into the House because I have a great deal of concern for the way in which the Act affects people. That is why it was done. If the Leader of the Opposition understood industrial relations in any form at all, he would understand quite clearly how the Act affects people and industrial disputes, and how it removes from the jurisdiction of the commission the right to deal with an industrial dispute dealing with unionism. The Leader of the Opposition must not tell me that I do not care how it affects people; I do.

INDUSTRIAL RELATIONS

Consultation: Importance

408. Hon G.E. MASTERS, to Hon T.G. BUTLER:

Would he agree that consultation is an important part of industrial relations?

Hon T.G. BUTLER replied:

Yes, I do. It is a real pity --

Hon G.E. Masters: That you did not do it.

Hon T.G. BUTLER: -- that when Hon Gordon Masters was Minister for Labour and Industry he did not agree.

Hon P.G. Pandal interjected.

Hon T.G. BUTLER: The member would not understand.

Hon P.G. Pandal: Yes, I do.

ROTHWELLS LTD

Questions: Responses

409. Hon D.J. WORDSWORTH, to the Leader of the House:

Has he noticed that the several questions which I asked regarding Rothwells Ltd and the State's responsibility two weeks ago have still not been answered? While perhaps he is working on the fringe of the finance in this State, he might still be able to tell us why.

Hon J.M. BERINSON replied:

Yes, I have noticed that the questions are unanswered.

To the second part of the question, it is a matter for the responsible Minister, and I am sure a response will be provided in good time.

COMMUNITY SERVICES

Juvenile Girls: Leaving Home

410. Hon W.N. STRETCH, to the Minister for Community Services:

- (1) Is the Minister aware that some officers of the Department for Community Services are actively advising girls to leave home on attaining the age of 16 years?
- (2) Is this departmental policy?
- (3) As this has the effect of contributing towards the destruction of the family unit, is it long-term departmental policy to break down the family structure?

- (4) If it is not, will the Minister investigate such activities by departmental officers?

Hon KAY HALLAHAN replied:

(1)-(4)

I missed the beginning of the question, but I think it was in terms of advice to girls of the age of 16 years leaving home. Clearly it is the policy of the Department for Community Services to act at all times to support family cohesion and stability. If the member has a particular case of concern to him, I would be pleased to discuss it with him and see if there is something that can be done if he is unhappy about the way that case was handled.

However, I do make the point to members that, more and more, the department's policies are looking at strengthening family ties and family functioning, and I speak quite confidently on that point.

COMMUNITY SERVICES

Juvenile Girls: Leaving Home

411. Hon W.N. STRETCH, to the Minister for Community Services:

Perhaps I could repeat the first question in case the Minister did not hear it, because it is very important. Is the Minister aware that some officers of the Department for Community Services are actively advising girls to leave home on attaining the age of 16 years?

I have a further question for the Minister --

- (1) Is the Minister aware of her department's involvement of police officers recently in the removal of children from a family home in which the children themselves were physically chased through the scrub and captured by police?
- (2) Is the Minister further aware that the involvement of the police was brought about only by officers of her department who warned that the mother of the children could be volatile and dangerous, which was subsequently found to be false?
- (3) Is the Minister aware of the damage such involvement could have on young children under the age of 10 years, and will she take appropriate action to ensure that such behaviour is not tolerated in future incidents of this nature?

Hon KAY HALLAHAN replied:

(1)-(3)

I am very happy to take action on any case that members like to put to me and of which they give me the details in a responsible and sensible way. I do not appreciate ludicrous claims like that, which are quite sensational. If the member will give me the details, I will look into them. I cannot do so with rubbish detail like this.

The answer to the second question is that I am not aware of that case.

The answer to the first question would be that if there is a case where a child under the age of 18 years and over the age of 16 years is being abused in any way or is in a situation which could be construed as destructive, it may be that in certain instances the officer concerned will give advice that the child may be better off living somewhere else. As I have stated, the general policy is to support family cohesion at all times and work out the problems that families are having so that they will live to have long and fruitful relationships.

WORLD SWIMMING CHAMPIONSHIPS

Date

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

Could the Minister confirm the date of the World Swimming Championships?

Hon GRAHAM EDWARDS replied:

I am very pleased to confirm that the World Swimming Championships will be held in January. I am very pleased, too, to say that a fair degree of credit for that belongs to Mr Tom Hoad, who at my request went to Lausanne to address the people from FINA who were making that decision.

It is of immense benefit to swimmers in this country to have had the date changed because it means that the championships will now take place in our summer. Indeed, it is of value to the State because it also means that now we do not need to cover and enclose Beatty Park, which represents a saving of some millions of dollars.

WORLD SWIMMING CHAMPIONSHIPS

Venues

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

Which events will be held at the Superdrome, which events will be held at Beatty Park, and why are they being split up?

Hon GRAHAM EDWARDS replied:

This will not be confirmed until a meeting which is due to be held tomorrow. At the moment I understand that the desire of the organising committee is to have swimming and synchronised swimming at Beatty Park, and the other two disciplines -- water polo and diving -- at that magnificent new facility, the Superdrome. They are being split up so that they can properly be managed.

WORLD SWIMMING CHAMPIONSHIPS

Beatty Park: Scoreboard

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

At the magnificent Superdrome there is a magnificent scoreboard. Who will be carrying the cost of a similar board at Beatty Park, and of the timing mechanism?

Hon GRAHAM EDWARDS replied:

This matter is being examined. Indeed, it has been suggested that a basic scoreboard could be installed at Beatty Park, and if there is a need for something a bit better, it may be possible to lease one. However, no firm decision has been made in this regard.

WORLD SWIMMING CHAMPIONSHIPS

Beatty Park: Scoreboard

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

What is the approximate cost, and who will be paying those costs -- the Perth City Council or the State Government?

Hon GRAHAM EDWARDS replied:

The cost will be borne by the Perth City Council and the State Government. The final costings have not yet been arrived at, nor has the share arrangement been finalised.

WORLD SWIMMING CHAMPIONSHIPS*Beatty Park: Warm-up Pool*

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

- (1) Do the specifications of the warm-up pool at Beatty Park meet international requirements?
- (2) If not, what will be the cost of upgrading?

Hon GRAHAM EDWARDS replied:

(1)-(2)

I advised the member in answer to his previous question that costs have not been finalised, but when all the work is completed Beatty Park and the Superdrome between them will more than adequately cater for the needs and standards that must be met to successfully stage such a swimming event.

WORLD SWIMMING CHAMPIONSHIPS*Information: Supply*

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

I ask the Minister for an assurance that he will give me that information in writing when it becomes available.

Hon GRAHAM EDWARDS replied:

I have no hesitation whatsoever in saying that I will do so.
