

# Legislative Council

Wednesday, 14 September 1988

**THE DEPUTY PRESIDENT** (Hon D.J. Wordsworth) took the Chair at 2.30 pm, and read prayers.

## PARLIAMENTARY SITTINGS OF THE HOUSE

*Thursday, 15 September*

**THE DEPUTY PRESIDENT:** Honourable members, the executive committee of the State branch of the Commonwealth Parliamentary Association is hosting a dinner tomorrow night for overseas delegates en route to the 34th CPA Conference being held in Canberra next week. To assist with arrangements, it has been agreed that the House will rise tomorrow, Thursday, 15 September, at 5.30 pm. Members not attending the function who wish to have dinner are advised that meals will be provided in the Strangers' Bar after the House rises.

## APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

*Consideration of Tabled Paper*

Debate resumed from 13 September.

**HON A.A. LEWIS** (Lower Central) [2.34 pm]: Again, the Government has brought forward a Budget and, I heard somebody say, a good one. It ought to be a good one the way the public of this State have been belted with taxation by the highest taxing State Government ever seen in Western Australia. Of course, it should be a good Budget - the Government can give away the taxpayers' money. One wonders whether the Government spends the money quite as well as the taxpayer himself would, but when taxing at such a high rate the Government can give things away. But what has been given away? What promises have been upheld? What promises have been broken? This Government's stay in office will end very shortly, and the sooner the better. I hope as a personal matter that an election will be held before Christmas because the polls are looking very nice. Despite what my dear friend, Hon Fred McKenzie, said about telephone polls last night, even the polls that are taken in the normal manner show a very substantial majority for the coalition parties.

**Hon D.K. Dans:** Coalition parties? I didn't know you were in coalition.

**Hon A.A. LEWIS:** We will be, and we always have been, Mr Dans. Mr Dans ought to have been here long enough to understand these things. I never cease to be amazed by an interjection like that from a man who has led this House, who has been Leader of the Opposition, and who allegedly is a fairly pragmatic politician.

**Hon D.K. Dans:** But I don't think Mr Cowan would be very happy if you referred to the coalition parties.

**Hon A.A. LEWIS:** I do not think Mr Cowan would object at all, because over the years and as recently as three months ago Mr Cowan has said what he would do when he was in the Cabinet and what his party would do when they were in coalition. That is very interesting because the senior party will decide whether there is a coalition.

**Hon T.G. Butler:** You National Party people, you've got no say in it at all.

**Hon S.M. Piantadosi:** Who is going to be your leader in this House?

**Hon P.G. Pental:** Don't you worry about it, Mr Piantadosi.

**The DEPUTY PRESIDENT:** Order!

**Hon A.A. LEWIS:** Thank you, Mr Deputy President. I know it hurts the Government to know that it is so far down the gurgler.

**Hon T.G. Butler:** How far is Dowding in front of MacKinnon?

**Hon A.A. LEWIS:** Ah! I was waiting for that. In the 1983 election when Hon Ray O'Connor was beaten, his approval rating was between 73 per cent and 74 per cent.

**Hon P.G. Pental:** The highest in Australia.

Hon A.A. LEWIS: He had the highest approval rating of any Premier in Australia, yet the coalition Government was defeated. Mr Dowding's approval rating, on the other hand, is just cracking 50 per cent, so let us not hear any more nonsense from this buffoon who has been sent here from the lay section of the Labor Party.

Hon T.G. Butler: MacKinnon is no Burke, mate.

Hon A.A. LEWIS: MacKinnon is honest; he has not had to go to a country for which there is no extradition policy. I am pleased that Hon Tom Butler raised the matter. When speaking about honesty, let us deal with just a few things. I thought I would run through this morning's paper. I have to find some way of making a speech.

Hon Mark Nevill: It sounds like your nomination speech.

Hon A.A. LEWIS: That is perfectly right, Mr Nevill. I can get another job; I doubt whether the honourable member ever would. A headline in today's paper reads, "SSB dealt with shady firm: Lib".

Hon P.G. Pandal: And they're proud of it, Mr Lewis.

Hon A.A. LEWIS: If the members of the Government do not believe the allegation, let them put the papers on the table to disprove it. Anybody who was here at the time, Mr Deputy President, remembers how the Premier used to bleed tears about freedom of information; now he is Premier he does not want anything to get out and is so violently against the freedom of information Bill that it does not matter. I have a view about corruption and about dirty dealing. I have a view about the future of this State, which is more than this Labor Party has.

Hon Mark Nevill: Or Bunbury Foods.

Hon A.A. LEWIS: That allegation is thrown up by the little member who just interjected and who never gets on his feet but merely makes snide remarks about Bunbury Foods. Let us go through the Bunbury Foods matter before I start on the Budget.

Hon John Halden: It was a disaster.

Hon A.A. LEWIS: Mr Halden's comment is that it was a disaster. However, let us look at Bunbury Foods in light of what we know today. At present Bunbury Foods employs 70 people flat out.

Hon Mark Nevill: Is this your confession?

Hon A.A. LEWIS: My only confession is that I happened to get an industry started in the south west.

Hon P.G. Pandal: A real industry.

Hon A.A. LEWIS: Yes, a real industry - not Government backed. The person who put in the money lost \$6 million and the State lost \$4 million. Compare that \$4 million with the \$43 million that the State threw into the Teachers Credit Society. One could also go back to the canals development.

Hon John Halden: Sending 60 000 people to the wall; is that what you are advocating? Yes? No?

Hon A.A. LEWIS: Quite frankly, anybody greedy enough to take high interest has to take the risk associated with it. What did this gentleman do about Payntons in Bunbury? What did the previous Premier do? He wiped them off like a dirty shirt. There are only 3 000 or 4 000 people there. It is interesting that we are talking about 60 000 depositors in Teachers Credit Society because the figure ranges from 30 000 to 100 000 depending on how much certain members have had to drink at lunchtime. Let us see how many of these people were borrowers and how many actual depositors. How many of those depositors were people who deposited in the Teachers Credit Society for one prime thing - getting a high interest rate? Numerous people have come to me saying that it is marvellous they could get the top interest rate and still have the Government bail them out. Payntons did not have any bailing out.

Hon Mark Nevill: Did they ask the Government for help?

Hon A.A. LEWIS: Yes, they did, and the Government said "No way." The previous Premier was very rude about finance companies, saying they should not be given this sort of

assistance, so it is very interesting to see the double standards of the ALP in relation to this matter. I was dealing with Hon Mark Nevill's consistent interjections about Bunbury Foods. I will go on to the Swan Building Society and to all the Government funds used to sponsor employment in the south west. I am hoping that Hon Doug Wenn will get up and say how bad Bunbury Foods is for Bunbury because Hon Mark Nevill has to realise that Bunbury Foods is providing employment for people.

Several members interjected.

Hon A.A. LEWIS: It is interesting that an adviser to the ex Premier does not know what happened and has just made another inane comment.

Hon John Halden: The truth is inane, is it?

Hon A.A. LEWIS: It was sold as a going concern.

Hon T.G. Butler: It wasn't a going concern.

Hon A.A. LEWIS: Of course it was a going concern. Hon Tom Butler is a silly little man. Let us talk about the State Superannuation Board. This is where I started before I was interrupted by the fellows on the Labor Party backbench who will never graduate to anywhere else.

Hon T.G. Butler: We have a better chance than Hon A.A. Lewis has.

Hon Doug Wenn interjected.

Hon A.A. LEWIS: My colleagues did not dump me, my party did. For Mr Wenn to raise that subject is interesting. Let us talk about Hon Ron Leeson. Hon Mark Nevill was a relative of the then Premier and Treasurer. Ron Leeson got dumped. At least the people who beat me did so fairly and squarely, and I have no argument about that. Mr Nevill's being here is a travesty of justice against the decent young member of Parliament who was here before him. I do not want to hear from the ALP about its slimy side of life because the way Ron Leeson was treated was devastating; a man in his early forties who was given away by the Labor Party. It is all right for an older man like myself to be given away; maybe it was time for me to go, anyway, but the Labor Party could never beat me, and I do not hear too many comments about that.

Hon N.F. Moore: They tried hard enough.

Hon A.A. LEWIS: They tried, and tried, and tried with every dirty trick in the book and the public understood the Labor Party, led by Hon Tom Butler, and said there was no way they would put up with the nastiness and sleaziness of that party. Let us hear from the Leader of this House or from the Treasurer, about Danbury. Let us hear if this Labor Government is keen on freedom of information; let us hear the details.

Hon Mark Nevill: What is your stand?

Hon A.A. LEWIS: The member probably was not here last night when I queried trust funds in relation to a certain Bill, but my stand is that the parliamentary superannuation fund trustees are there to manage those funds, not for somebody to make payments out of those funds and tell the trustees afterwards. Trustees and trust funds are something that have been treated with the utmost contempt by this Government and I am worried about the amount of funny money dealing that goes on within this Government.

I come back to my old friend Hon Fred McKenzie and to an article in this morning's *The West Australian* headed "Court help unlikely for fishermen". Just five or six months ago this Government was defending legal aid to Indonesian fishermen, but Mr McKenzie, my good and solid friend, raised a subject last night about which I spoke in an adjournment debate last week - and this will affect Mr Nevill, too - in relation to the stealing of cars. I told the horrific story of the police wanting to keep a bloke in custody and his being released when he had a record as long as his arm, or longer. This is what is happening under this Government. It changes its mind so fast it does not matter. Hon Fred McKenzie is dead right; he usually is right. He gives thorough consideration to what he says.

Hon T.G. Butler: You should be in the same faction.

Hon A.A. LEWIS: We are in the same faction. We tell the truth, and that is something very few on the ALP backbench do. They are not prepared to tell the truth; certainly the Government is not prepared to tell it.

Hon D.K. Dans: It will not be a very long life.

Hon A.A. LEWIS: The honourable member is right; the Government will not have a long life. It wants to hide everything from the public. On page 12 of the paper I see a headline indicating that the Asian influx has risen by 57 per cent. I must admit -

A member: What about the SSB?

Hon A.A. LEWIS: I have dealt with the SSB. If the member cannot keep up he should get his little friend to jog his memory. Having read the Press releases and heard the comments of John Howard, I have never in my life seen the Press report something so badly and try to twist the words somebody is saying. It is an absolute disgrace. As late as this morning, on Channel 9 -

Hon John Halden: Do you mean John Stone?

Hon P.G. Pandal: Graeme Campbell does, so you have your own problem.

Hon John Halden: Not as many as you.

Hon P.G. Pandal: Graeme Campbell will wipe you off the wall and you know it.

Several members interjected.

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

Hon A.A. LEWIS: It is interesting to have that little break during one's speech. We move to page 15. I remember last evening when Hon Tom Helm was talking about the horrible industrial relations of BHP, Mt Newman Mining, and others, yet in this morning's paper I read, "Parker warns mining unions". He has warned them that they are digging their own graves. Who is telling the right story?

Hon P.G. Pandal: A good point.

Hon A.A. LEWIS: Mr Helm is accusing Mt Newman Mining of being so dastardly, yet the Deputy Premier, the next Leader of the Opposition of the Labor Party, is saying this. Is it not fascinating that the Deputy Premier has to castigate the unions?

Hon N.F. Moore: Wasn't Mr Helm saying they should nationalise them?

Hon A.A. LEWIS: He was, but he is a junior member; the Government would rather do it through the WADC and WA Inc and that sort of thing. Nationalisation is not a word they would use; it is creeping socialism.

Hon D.K. Dans: I think you are getting mixed up between capitalism and socialism.

Hon P.G. Pandal: That is what you have been doing, Mr Dans.

Hon A.A. LEWIS: Let us deal with State capitalism and socialism. Capitalism means private enterprise endeavour by individuals. How does one have such a thing as State capitalism? It is a misnomer right from the start.

Hon P.G. Pandal: A contradiction in terms.

Hon A.A. LEWIS: Before I came into the House somebody asked for how long I would speak. I said, "Probably about 20 minutes, but because of fools' interjections it will take me through for an hour."

Hon P.G. Pandal: You are dead right!

Hon A.A. LEWIS: At the present moment it is running just about true to form.

Hon Mark Nevill: We know you need interjections to keep you going.

Hon A.A. LEWIS: Of course I do, especially from Hon Mark Nevill, who has yet to utter a sensible comment in this place. He has uttered very little except while sitting in his seat. I was going to explain "Modesty Blaise" for the honourable member, but perhaps if he cannot understand any of the rest of the paper he will have very little chance of understanding "Modesty Blaise" or "Footrot Flats".

Hon J.N. Caldwell: It was almost pornographic - "Modesty Blaise".

Hon A.A. LEWIS: Was it? I had better look at it more closely.

Several members interjected.

Hon A.A. LEWIS: May I move on to the Budget itself and the papers with which we have been presented? There was a great hoo-ha in the local Press about the upgrading of schools in Boyup Brook and Northcliffe carried out by this Government. We received \$100 000 out of a total cost of \$600 000 on each project. What the Government is doing resembles its other business deals. It is gambling that it will have enough money in future to complete the project. If it does not have the money now, when it picks up its put options from the SGIC on the BHP shares at the end of October and loses an extra \$3.5 million to \$4 million, it will have even less. The Government promised at the last election to build the Pemberton High School during its present term. But we know what this Government's promises are worth. A sum of \$20 000 has been allocated for the initial planning, so that project is at least two years away. That is this wonderful Budget which this Government talks about. It cannot even keep its promises of 1986, let alone 1983.

A member: Are you getting it in writing?

Hon A.A. LEWIS: No. Getting it in writing from this Government would make no difference. It has done virtually nothing it has promised in election promises. It promised places for four year olds in schools and things like that, but it has not honoured its promises.

Hon Tom Helm: We got them.

Hon N.F. Moore: I do not think you can count, Mr Helm.

Hon Tom Helm: There are four year olds going to preschools and centres in the Pilbara.

Hon N.F. Moore: You are getting some in the Pilbara, are you?

Hon Tom Helm: Oh, yes.

Hon N.F. Moore: The Minister did not know yesterday where they were going.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon A.A. LEWIS: Thanks very much. This is a great speech! May I move on and congratulate the Government?

Hon Fred McKenzie: Hooray!

Hon A.A. LEWIS: I would like to congratulate the Government on the Bridgetown Primary School. It is only 18 months late, but it has got there.

Hon T.G. Butler: Too late!

Hon A.A. LEWIS: Too late indeed.

Hon T.G. Butler: Does that mean it is no longer needed?

Hon A.A. LEWIS: No. It is too late because the kids have already had to go through two stinking hot summers. That is not good enough. The planning should have been done earlier.

I am bitterly disappointed that not only this Government but every other Government since I have been in this place and in the other place has not allocated funds to the Bridgetown High School to upgrade its facilities. This is probably not my last speech in this place, but it will be one of my last speeches, so I implore all members who remain here to make sure that in the next 17 or 18 years the Bridgetown High School gets a library and an administration centre. I took Graham MacKinnon, Bill Grayden, John Dolan, John Tonkin, Dave Evans - very seldom - Jim Clarko, and Carmen Lawrence to see the school; but every time I left the school with my heart full of joy, my heart was subsequently broken because nothing was done. I took the Leader of the Opposition down there the other day because he went to that school. The administration centre and the library are the same as they were when he went there. I really want to impress upon the Minister for Budget Management that if there are a few dollars going around, he should do something for Bridgetown High School because it is really deserving.

I now wish to talk about Rylington Park, which is a property that Eric Farleigh, a fine old

gentleman in the Boyup Brook area, donated to the Boyup Brook Shire Council. The land comprises a couple of thousand acres of beautiful country. Eric Farleigh was a pioneer in the clover rolling days; he was a very upright Australian who cleared the whole place himself and, despite some misgivings from his family, he donated the land to the shire to be used for an agricultural school. That was more than two and a half years ago because at the last election the Australian Labor Party made promises about the use of Rylington Park, which really it has not kept. A decision has to be made in respect of the direction that property will go. I have some ideas on that; and I thank Hon Robert Hetherington for his contribution, because he went down there just a few weeks ago as a member of a Select Committee on Agricultural Education. He discussed the matter with the Boyup Brook Shire Council and he did an extremely good job. The council has to decide whether it wants the land to be used for a research institute, a secondary education centre, a TAFE education centre, or a tertiary education centre. Whatever is decided, I believe that any accommodation should be in the town of Boyup Brook and that the students should be bussed out to the farm. Honourable members will know that throughout the State numerous agricultural colleges have on-campus accommodation. Because of the fluctuation in the number of pupils at the local high schools, vacancies occur in accommodation or pressure is put on the accommodation and so, if accommodation is built in the town, one can use the capital facilities that have been built for the high school as classrooms and at the same time have a dual use for them. Ordinary students and agricultural students boarding in the hostel can use the facilities jointly. I believe that is the way to go in respect of Rylington Park.

I refer now to hospitals. The Government said it would redevelop the Warren District Hospital. In 1983, when the election was held, the plans came on hand for a partial redevelopment of the Warren District Hospital, but the hospital has been denied that redevelopment. This Government, in its wisdom, decided that the seat of Warren was a safe seat and so it did not need to redevelop the hospital. A year or so later there were some festivities in a very beautiful senior citizens' care centre, which I had the honour to open, when the then director said that the planning had been done for the redevelopment of the Warren District Hospital in the next year. The last election came along and the Labor Government promised that the Warren District Hospital redevelopment would come under this Budget. However, \$800 000 is allocated for planning out of a \$8.4 million project, so it has taken only five, nearly six, years for this Government to realise its responsibilities.

I am sure members would like me to go straight on to a discussion of land management. They have never heard me on that subject but I will delay that for just a while because as I go around my electorate I want to say a few things about other matters. I think I could probably finish on the land management question. Looking at Collie and the mining of coal, I was very fortunate this morning to watch a video on the hundred years of coal in Collie, which was launched by the Minister for Mines. The biggest regret most of us had this morning was that Tom Jones, the local member, was not able to be at the launch of the video. I will speak about Tom Jones later. However, the future of Collie as a coal producer depends on a percentage of underground coal. It is no use taking all the open cut coal and leaving the deep coal for the future because that will make the overall price of coal too great. The Government has had dealings with companies, including one which owns Western Mining Corporation Ltd and is now one of the friends of the Government, because it has had dealings with the Government in what Hon D.K. Dans calls "State capital". One of the things I remember Sir Charles Court for was -

Hon J.M. Brown: Gas?

Hon A.A. LEWIS: - his constant negotiations with the Coal Mine Workers Union in order to see that a balance was kept between underground and open cut coalmining.

The other interesting thing is the video. I urge members to see it or, even better, purchase it. They can get it from the Department of Mines for \$25. It is a first class, historical document.

Another point concerns the number of miners and union leaders who now say that the Government's saying no to Amalgamated Collieries because of the price hikes of the 1960s was the best thing that could have happened for Collie. Many people say that on the video. I know Tom Jones would disagree with this, because his speeches say something totally different. I remember the horror expressed at people being put out of work in the 1960s, and the empty houses in Collie. It must have taken a very strong man to make that decision.

However, in the long term it has stabilised Collie and given it a great future. As long as successive Governments make sure that underground mining is approximately 30 to 35 per cent of the total coal mined in Collie, we have resources in the Collie coal fields which will last us for many years to come, until our grandchildren's time and beyond. That is especially so with the long or short wall methods of mining which are now coming in.

Collie has lived through some pretty interesting times. The fact that there has been very little strike action in Collie is due to one major thing - the bosses of the mines and the union leaders all came up from the shop floor; a lot of them even worked together on the shop floor or the coal face. That is an example to the rest of Australia, because problems can be solved very quickly. Unfortunately, today we have middle management and union bosses who all need to have tertiary degrees. It seems to me that they go to university, one takes a left fork, the other a right, and they start fighting - they are not working for the benefit of the industry. Collie has not seen that. Those people at Collie have worked from the shop floor up together, and have a no strike record of 20 years or more. That is absolutely amazing in anybody's language.

Hon J.M. Brown interjected.

Hon A.A. LEWIS: The honourable member ought to look at the video. When I saw it I was sitting next to the Australia Labor Party candidate for Collie, and as the horse came out of the mine I said, "There's old Red". The whole place broke up because all of us have heard Tom Jones' speeches about Old Red. While I am talking about Tom Jones, I would like -

Hon J.M. Brown: The singer or the member?

Hon A.A. LEWIS: Tom Jones, the member for Collie, a very good member and a very good friend of mine. To younger members in this place I say, if you can, work with people on opposite parties as well as Tommy Jones and I did. He and I have worked together for over 15 years. We have had our political differences, but as for personalities we have had only one major blue and that was my fault. Somebody rang me when we were in Government and asked me to hurry along turning the old police station into an art gallery. I did not know that Tommy had already been doing a lot of work on it and, in his usual way, he gave me an earful which I probably deserved. Tom is retiring at the next election, and Collie could not have had a better member. I could not have had a better colleague to deal with in that electorate. I believe we have worked for the benefit of Collie and it has certainly been a great deal of fun. It has been one of those things which will stand out in my memory all my life.

Collie will have political problems in the future - there will be four representatives in this House - unless those members get together and decide that Collie is a unique situation which has to be handled with a certain amount of sensitivity, and that no matter what side one represents, one is not always right. Collie is a place that believes in honesty and straightforwardness. We have seen the present Premier sacked as Minister for Mines because he could not get on with the miners' unions in Collie, as they did not trust him.

One of the things which will sadden me most about getting out of this place is not being able to attend some of the functions that I have attended over the years in Collie. I have enjoyed them. You, Sir, will have heard of the Collie pensioners' party where 600 to 800 people sit down to lunch. I remember when we were in Government, in the old days, the Cheerio Club did not own its own crockery. Some of the older members here will remember that I used to drive an old utility - on rare occasions at the dinner I had a few drinks - and it was suggested that I might take the crockery back to the churches. I went around to them with four extra people in the little Datsun ute - two in the back, two in the front with me, and I could hardly move the gearshift. We delivered the crockery and thanked the churches. I was coming back into the main drag, I crossed the railway line - without any problem, Mr McKenzie will be pleased to know - where there used to be a Give Way sign which had been changed to a Stop sign, and I went straight through. There was a flashing of blue lights and a constable pulled me up. He was new, having only arrived two days before, and did not know anything about the pensioners' party, and what happened after it. It cost me three points and \$30, and I was a bit upset. I went back to the helpers' party which was being held in the hall. I saw Tommy Jones, who was then the shadow Minister for Police, threw the summons at him and said, "Tommy, fix this, it is in your portfolio." He threw it back to me and said, "No, you are in Government, you do it yourself." I paid the \$30 and have now got rid of the

three points. That is the sort of thing that happens in Collie. I do not know how I stand now with random breath testing, and whether I will be pulled up for going through another Stop sign.

There are a couple of other things about which I would like to speak, and the first is the transport of sodium cyanide from Kwinana to the Boddington gold mine. It is a fascinating thing that when it gets to Narrogin, which is in my electorate, it is eight miles further away from Boddington than when it started.

Hon W.N. Stretch: It uses a lot of the railway.

Hon A.A. LEWIS: It is using the railway, but I would have thought that Hon Fred McKenzie and his friends would have said that they did not want that substance transported by rail and would have thought of a sensible way of transporting it - for example, by road transport. The substance is transported in a solid form in the Kalgoorlie area, but it is transported in liquid form from Boddington. There are major problems with the transporting of this substance and I know that both the Narrogin Town Council and the Cuballing Shire Council are worried about it. I urge the Government to have another look at this problem in order to find a more direct and safer route. At the moment it is being transported the long way round - from Kwinana to Boddington via Narrogin - and it is a little excessive.

I now have a few words to say about roads. My old friend, Hon Fred McKenzie, did not deal with railways last night, and that is of concern to me because when he does not deal with railways he is not very happy about what is going on. It is all very well to say that the Bill for discontinuance has not passed both Houses of Parliament, but the railway from Donnybrook to Katanning has been closed. Before this Government came to power it said that this line would be kept open. The member for Warren made a lot of capital out of the fact that both the Bowelling line from Collie to Wagin and the Donnybrook to Katanning line would remain open. This Government has let those lines fall into a state of disrepair and they are to be closed. It is a decision that has to be made, and if Westrail and the Government make that decision, surely the roads in the area should be upgraded. However, the Minister for Transport has told the Boyup Brook Shire Council that the Donnybrook-Boyup Brook road will not be upgraded. Only a small section remains to be completed, and \$5.8 million would complete the road. It is only fair that the Government, if it takes a rail link out of a town, provides an alternative method of transport. I have had a fair bit to do with railways both before and since I came to this place, and it is interesting that both the lines to which I have referred are now closed. I see the worry on Hon Fred McKenzie's face. I know he is committed to railways and now some lines have been closed, yet the Government is committed to building an underground railway before the turn of the century.

Hon Fred McKenzie: Road funding in country areas has not been cut. It only applies to the metropolitan area.

Hon A.A. LEWIS: I hope Hon Fred McKenzie does not campaign in the bush about the cuts to road funding.

Hon Fred McKenzie: I am sure that my very good friend, Hon Jim Brown, will correct you and give you the facts and figures if you do not know them.

Hon A.A. LEWIS: The cuts in road funding to country shires are devastating. Before I retire I will take Hon Fred McKenzie on a trip to allow him to meet a few of the poor people who are not as fortunate as he is to have the prospect of an underground railway, an electrified railway, and beautiful roads. The people in the country could do with some good roads. I notice that out Hon Fred McKenzie's way a bypass road has been built so that he does not have to drive into Midland. I seldom go out that way, but I happened to see it the other day. It is a great tragedy that the Government will not do anything about the roads in the country. A member of the Government party said, "We will wait for you to get back into Government before the Bill dealing with the discontinuation of railways is put through the Parliament, because we do not like it and we might upset our unions." It is not an honest way to handle this matter and it is not very honest to cut railway services and expect road services to take the pressure. So much for the ALP's stance before the 1983 election and its promises.

Hon T.G. Butler: It is poor.

Hon A.A. LEWIS: It is poor, and I am glad the member realises that it was a poor promise the ALP made.



I consider that Boyup Brook should be included on a Westrail bus route which travels down the South Western Highway. A return service should be provided one day a week, and the sooner it is implemented the better. The previous Minister said that he was looking at this suggestion, yet I have not received any answers. There was a suggestion that the Westrail bus could go through Collie. As much as I like Collie, it is not a satisfactory way of handling the situation.

In the limited time I have available to me, I will deal with land management. I said last night that the present Minister for Conservation and Land Management will go down in history as the greatest tragedy for land management this State has ever seen.

Hon T.G. Butler: What a lot of rot.

Several members interjected.

Hon A.A. LEWIS: It is very interesting to hear the members' interjections. I will deal with some of the issues in which I believe the Minister has made a mistake, if Government members wish me to deal with it in that way. I was not going to do that.

Hon T.G. Butler: Of course not!

Hon A.A. LEWIS: I was not going to deal with it in that manner, and I made the statement that he is a disaster because I thought it would be accepted without question.

Several members interjected.

Hon A.A. LEWIS: Is the Minister stupid as well? I did not realise that. If Hon John Halden said that the Minister is stupid, I cannot argue with him.

I will deal with the tragedy of committing the Shannon as a national park without undertaking the professional assessments, not the political philosophy assessments, that were required. The amount of the Shannon that needed regenerating following prior cutting and fires was probably about 30 000 acres. That should have been done before any move was made to commit the Shannon to national park status. Members will remember the fight in this place about it and that the Liberal Party wanted to allow -

Hon T.G. Butler: Clear felling.

Hon A.A. LEWIS: Yes. As far as land management is concerned clear felling is the only way to go. The Liberal Party suggested that if land were to be committed to a national park, we should take that which is ready to be committed to a national park now and take the other parts later. We shall have major problems in managing that national park in the future. Boranup is the same, it needs another six years before it can be turned into a national park, and the Government has said that it will be. It will be a tragedy if those sorts of things are allowed to occur. The real decisions on land management were made by previous Governments with the clearing restrictions. I have said this many times in this place.

Hon John Halden interjected.

Hon A.A. LEWIS: The electors were not very gracious to me in political terms; in one area in which I usually polled 59 of the 63 votes, I got only 11 of the 63. I do not believe that was political. Hon John Halden commented that he had not visited the town; as Hon W.N. Stretch knows, it has a hall and a school, which are four miles apart. The town at Chowderup is not like the towns that Mr Halden visits in his electorate. It indicates the lack of knowledge of some ALP city members.

Hon W.N. Stretch: It demonstrates his abysmal ignorance.

Hon A.A. LEWIS: I now deal with the Environmental Protection Authority, which will get itself into a great deal of trouble. As its name suggests, it is a protection authority, and I believe it should both set and police the standards. I do not believe the EPA should be involved in preparing so many reports. People should know what the standards are and that if they break the rules they will be penalised. We are wasting a lot of the public's money by asking the EPA to produce report after report; if it set and policed the standards for industry to follow, we would be far better off. Under a future Liberal Party Government the EPA will be altered.

Hon T.G. Butler: You mean stripping it of its powers?

Hon A.A. LEWIS: I am not talking about stripping it of its powers. If Hon Tom Butler is

not big minded enough to consider a different approach, I cannot help him. I cannot help the fact that his mental capacity will not allow him to look at a different approach which will be far better management-wise. A department cannot be a player, an umpire and the maker of the rules in a game, and then change the rules.

Hon P.G. Pental: And then be the appeal tribunal - which is often the case.

Hon A.A. LEWIS: That may be correct, but I doubt it.

Hon T.G. Butler: You cannot get consensus even on that.

Hon A.A. LEWIS: I do not believe consensus can be used; we saw how Bob Hawke has used it and it has been a disaster.

Hon T.G. Butler: And John Howard.

Hon A.A. LEWIS: For Mr Butler's benefit, I reiterate that the EPA should both set and police the standards. That will not break down anything; the department will be setting and policing standards. I am sure that it can work, and it is working in many other parts of the world.

I am horrified at the cutting of stream and road reserves to make up for the land taken from the Shannon. I am horrified at the answer from the Minister for Conservation and Land Management that the department does not register the location of fire buffers in regenerated land. You, Mr Deputy President (Hon D.J. Wordsworth), as an ex-Minister will know of the registration. I believe that is a dishonest answer from the Minister. Of course the previous Government knew where fire buffers were and how much had been cut. However, the present Government will not say where they are or how much has been cut. The conservationists have said that it is about time the Government gave them the Shannon, the Hawke, or any other of these places, and the Government is slowly but surely throttling the timber industry to death. It is gambling with Western Australia's future. In years to come I am sure I will be proved right in these matters. I am sure that what I have said will be proved accurate; that this Minister has made an horrific number of mistakes in the name of progress for this State and we shall suffer in the future. I support the Bill.

HON J.M. BROWN (South East) [3.37 pm]: I am pleased to support the Estimates of Expenditure for 1988-89. In doing so, I dissociate myself from the remarks made by the previous speaker about the member for Melville, Mr Barry Hodge. I believe Mr Hodge has carried out his responsibilities, previously as Minister for Health and now as Minister for Conservation and Land Management, as well as his electoral duties, in an admirable manner, and I am always proud to be associated with him. I have the greatest confidence in his ability.

I also correct Hon A.A. Lewis in relation to his comments on road funding. He made extravagant statements about the allocations to country roads. Members are well aware of the reduction from the Commonwealth from \$1 250 million to \$1 215 million - a reduction of \$35 million - which was announced in the Commonwealth Government's Budget. The Government specifically stated that the reduction was made because of the immense contribution to all-weather roads around Australia, in addition to capital grants to the capital cities of Australia. Be that as it may, we should be aware that the Government increased the grants to country roads from \$255 million to \$269 million, keeping it in perspective in real terms. The honourable member has now left the Chamber, but he should know that the Country Shire Councils Association, through its president Mayor Finlayson, was very grateful for the consideration received on country roads. There is no doubt that some country roads throughout the vast areas of our State are in a parlous condition - and I travel as far as anybody does on roads on any day of any week of any year - but I find that the local authorities have done a tremendous job over the years. The condition of our roads is a credit and they are of a standard equal to the roads anywhere else in Australia.

Hon N.F. Moore interjected.

Hon J.M. BROWN: I was at the back of Wialki the other day - the member probably does not know where that is.

Hon N.F. Moore: I know where it is, and the next time you go to Sandstone you should look at the road.

Hon J.M. BROWN: I do not deny that some roads in Western Australia are in poor condition and that perhaps some local authorities have not measured up. The Mukinbudin and Mt Marshall local authorities certainly have done a great job with roads and it is a credit to them to travel on the sealed roads in the outback. I will say more about Wialki in a few moments.

The Budget papers show that we have overcome the legacy inherited from 1982-83 when election promises caused a deficit Budget for that year. Over the past five years the Burke and the Dowding Governments have had the responsibility to bring forward a balanced Budget, and have, indeed, brought forward a surplus.

Hon P.G. Pental: You did not inherit a deficit. That is another untruth that you peddle.

Hon J.M. Berinson: How can you possibly deny that?

Hon P.G. Pental: There was not a deficit when you came into office. That is untrue and you know it.

Hon J.M. Berinson: Of course there was.

Hon P.G. Pental: That is called creative accounting.

Hon J.M. BROWN: It has been mentioned in this Chamber on numerous occasions over the past five years that the Labor Government inherited a deficit budget. The problem we had in framing the Budget was first to clear up the deficit. That was the problem that this Government had to overcome before we started our own programs.

Hon P.G. Pental: That is rubbish and totally untrue!

Hon J.M. BROWN: As I have said on previous occasions, the Australian Labor Party and this Labor Government have displayed their capabilities in sound management in Western Australia.

Hon P.G. Pental: You lost \$19 million in the Teachers Credit Society deal, you drongo.

Hon J.M. BROWN: I know who is a drongo; that is idiotic, and if that is the only word that Hon Phil Pental can use, it does him little credit. If the Leader of the Opposition wants to join the debate and to start character assassinations in this Chamber he should beware because I will talk about members opposite.

Hon P.G. Pental: Talk about the truth.

Hon J.M. BROWN: Mr Pental disposed of his colleague in a subtle move.

Hon P.G. Pental: I did not dispose of anybody.

Hon J.M. BROWN: Is "transpose" more appropriate? The fact is that Mr Pental does not understand financial management. That is his biggest problem. This is the area in which the Labor Government has displayed an excellent knowledge.

Hon P.G. Pental: In shonky bookwork.

Hon G.E. Masters: By overspending \$260 million.

Hon P.G. Pental: Even Mr Berinson cannot keep a straight face.

Hon J.M. Berinson: I am bemused by your comments.

Hon J.M. BROWN: The members opposite are clutching at straws as this Government has been able, quite competently, to convey to the Parliament and the people of Western Australia the situation that befell it in relation to financial management. As I have said in this Chamber before, I supported the saving of the Teachers Credit Society whereas the President of the Liberal Party and his henchman were parading up and down St Georges Terrace trying to make it go under. He became a preferred creditor in his own right by withdrawing \$150 000 which he said he did to protect his wife. That is the sort of nonsense that comes from the Liberal Party; it has no idea about fairness and sound management.

Hon P.G. Pental: While Bob Pearce went to the records of the Teachers Credit Society and disclosed confidential information.

*Sitting suspended from 3.45 to 4.00 pm*

Hon P.G. Pental: Prior to the afternoon tea suspension I was quietly explaining the Estimates of Expenditure for 1988-89 and the very responsible attitude the State

Government has shown in relation to finance. Indeed, that is echoed at Federal level with the Commonwealth Government having brought down a highly commendable Budget. The road grants to the country areas have increased from \$255 million to \$269 million, an increase in real terms which has been very rewarding for country local authorities. Indeed, the Local Government Grants Commission also has been of great benefit to the 139 local authorities in Western Australia, and I am very pleased to see the equitable way in which the Grants Commission distributes those funds. Some \$50 million is to be distributed this year, and I do not know where local government would be without those funds. They are a very essential part of the overall funding of the operations in their local authority areas.

When one speaks of the agricultural region one usually finds that everyone wants to speak about it but no-one really wants to stop and listen. I can understand that, because on many occasions we want to tell people what they want to hear rather than what they really ought to hear. As legislators we have a responsibility to explain the true implications of Government policies and Government funding, and in that regard we made an announcement early this year of the doubling of the living away from home allowance to country students from \$250 to \$500 irrespective of which school they attended or which area they came from, provided they satisfied the criteria for assistance under the isolated children's scheme. That jump from \$250 to \$500 represented a 100 per cent increase, which is proposed to be indexed. It is certainly of great benefit to the community and the president of the isolated children's scheme has demonstrated her appreciation of the Government's response to the many requests it has received over the years. The Government saw fit to double the benefit, irrespective of any amount that is paid by the Commonwealth Government. Incidentally, the Commonwealth grant can be \$1 000 or more, depending upon the circumstances of the individual students. I know what a great benefit it is, not only for the people who attend schools or colleges in the metropolitan area but also for the students who attend the country high school hostels situated throughout Western Australia. It was a very commendable effort on the part of the Government and the Minister to see their way clear to making such an advance in that area.

Of course, the Minister for Education has made an advance in her Budget with a 13.8 per cent increase, proposing to increase the number of teachers by 500 and supporting staff by 250.

Hon N.F. Moore: It is a pity it is not strictly accurate.

Hon P.G. Pandal interjected.

Hon J.M. BROWN: That is the information I have managed to obtain in respect of the Government's allocation of funding.

Hon N.F. Moore: The whole thing is a sham.

Hon J.M. BROWN: The increase in numbers of teachers and support staff has nothing whatsoever to do with any negotiations with the State School Teachers Union itself, so far as I know.

Hon N.F. Moore: With the union president himself.

Hon J.M. BROWN: If Hon Norman Moore wants to keep interjecting I will tell him a few things about his performance and the performance of his party. He is just sitting there and mumbling into his whiskers. If he continues to do that I will give him a return serve about his performance.

Several members interjected.

The PRESIDENT: Order! The honourable members who are interjecting should please come to order. The debate was proceeding quite nicely without the need for any assistance from those interjectors. I was getting a great deal of enjoyment from Hon Jim Brown's comments.

Hon J.M. BROWN: Thank you, Mr President. I really enjoy talking about the progress we are making in the country areas of the State, especially in the agricultural regions. For instance, in the north of the State - and this is not an isolated example - a checkpoint in the Kununurra region is long overdue and the Labor Government, through the Minister for Agriculture, is establishing a checkpoint there at a cost of \$1.7 million. Of course, this will be applauded by every grower and horticulturist, every producer of stock, and every citizen

who has any feeling at all for his State. This move will be appreciated throughout the length and breadth of this State and even in the Eastern States. It is very pleasing to note that that is happening in the north. I have had a long association with the operation of the checkpoint at Norseman and I know the wonderful job the officers of the Agriculture Protection Board, through the Department of Agriculture, have done, not only in their work but also in the tourism role they have played whereby they direct the traffic to all areas of Western Australia, not just down the highway. I have great admiration for the operation of the checkpoint at Norseman, and I am sure this high standard will be duplicated at Kununurra. The vote for agriculture has maintained its true value in real terms, which is indeed a boost.

I turn now to the Budget allocation of \$60 000 for farm water supplies. As Hon Sam Piantadosi has said, this allocation is very welcome. The amount of \$60 000 will be available to farmers whether a farm is on the comprehensive water scheme or whether farmers rely on supplies within their farm lands. The Government is prepared to give a 16.5 per cent rebate to farmers who are prepared to take loans from the Rural Adjustment and Finance Corporation. Other programs exist within that Budget allocation, but at least it provides flexibility for farmers. Members will be surprised to hear that before Mr Grill became Minister for Agriculture farm water supplies were not for human consumption. A great change has taken place in that direction as the water supply is now available for all purposes, with the emphasis on domestic supply. In itself, that is of great value to the rural community. Farmers are not required to use the funds, but at least they are available.

Together with the decentralisation of the Department of Agriculture and the program envisaged in that allocation, an additional \$350 000 is provided. Areas such as Albany, Bunbury, and Geraldton, and the inland areas of Katanning and Merredin, will have the opportunity to expand their functions. By expanding these operations, extension services will be provided to the community with departmental officers giving greater service in the field. In addition, RAFCOR will play a new role and - while being perceived as the lender of last resort for farmers - will have the opportunity to make further funds available for farm development. I am sure this new role will be received with a great deal of enthusiasm by the farming community.

Recently I had the opportunity to travel the length and breadth of this State, from Geraldton to Esperance, for several reasons. I have been associated with the farmers' meetings on grain storage, handling, and transportation in connection with the McColl report. A Royal Commission was set up by the Federal Government, and supported by the States, to look into the storage, handling, and transport of grain throughout the major States. It is predicted that if Western Australia follows the guidelines laid down in that report, the result will be a \$7 per tonne saving for grain growers. At those meetings, whether at Geraldton or Esperance or other centres in between, a great deal of reluctance was expressed by farmers to accept such a proposition. The report suggests a \$10 per tonne saving generally through Australia, ranging from \$6 per tonne in South Australia to \$13 per tonne in Queensland, with an average overall of \$10 per tonne. This saving may not sound significant to members; but when we think of a 16 million tonne harvest, the amount involved is large. While the report suggests those savings, the growers, the handlers, and the railways do not think those savings can be achieved in Western Australia.

The Minister for Agriculture will meet with the Federal Minister, Mr Kerin, to advise him that Mr Grill does not necessarily agree with all proposals put forward in the McColl report. He is certainly prepared to discuss the matter with Mr Kerin to further advance the proposition in Western Australia in an endeavour to save community funds.

The industry's assistance report on the operations of the Australian Wheat Board had an airing last evening with Hon Eric Charlton suggesting that no subsidies for farmers exist through taxation. A notation in the 1986 Federal Budget stated that in 1989 there could be a liability on the 1986 crop. This has proved correct, and the liability is in the vicinity of \$200 million - that is, approximately \$140 million in shortfall on the Government's guaranteed price, and the balance represents the interest raised on those funds over that period. This has happened for the first time in 15 years. The guaranteed minimum price by the Government has been the catalyst for the farmers. Indeed, it was a Labor initiative in 1946 in the Federal sphere that the Australian Wheat Board should operate as the sole handler for the sale of grain, whether in the domestic market, feed market, or the export milling market. The Australian Wheat Board was given sole right to all wheat crops in Australia.

At meetings held in Mingenew, Wyalkatchem, and Newdegate, up to 2 000 farmers were represented from every part of Western Australia associated with grain growing. The farmers were unanimous in their support for the continuation of the activities of the Australian Wheat Board without interference. Anyone who had different ideas was not prepared to stand up and say so. The important point is that farmers like the socialist philosophy of the operations of the AWB - the philosophy of the pooling system and equitable prices. The farmers do not wish to see that socialist philosophy change within the grain industry.

The Federal Minister for Primary Industries and Energy, Mr Kerin, has made some suggestions for change - not just for the sake of change but changes which he believes will advantage the farm community. Those changes will only interfere with 8 per cent of the wheat crop, representing the domestic market and the export feed market; that is, 80 per cent of the grain will be handled for export by the AWB. The other 20 per cent of the wheat produced throughout Western Australia will mainly be handled by the AWB. In fact 60 per cent is the estimated amount, which leaves 40 per cent of 20 per cent. That leaves 8 per cent available for trading between farmers, and between farmers and individuals, or even for feed grain or domestic market grain.

Hon W.N. Stretch: The figure of 60 per cent has traditionally been the highest price.

Hon J.M. BROWN: The highest price is another question within the grain industry, and I will deal with that later.

Hon W.N. Stretch: Are you talking about 60 per cent of the domestic market?

Hon J.M. BROWN: Mr Kerin estimates that the Wheat Board will still control 60 per cent of the balance, which is 20 per cent. In other words, 80 per cent, which is the export market, will still be controlled by the Australian Wheat Board as the sole seller.

As I said, that is a socialist philosophy and one with which farmers do agree. They want 100 per cent handled by the Australian Wheat Board; and I can understand their fears. They do not want to see traders becoming involved. They want a fair and equitable price. For example, they want to see what they will get this year. They have been guaranteed a minimum price of \$147 a tonne, with a first advance of \$132. They expect to receive an additional \$28, which would build up the amount they receive to \$175 a tonne, the final figure. That is what they want to see, and the Australian Wheat Board has been able to deliver that price. The farmers want a fair and equitable return with the only variant being the standard of the grain - the ASW, the Australian standard white.

The Australian Wheat Board, through Clindon Contin, and Sir Lesley Price and his predecessors, have been able to stabilise an industry which was established in 1946, put into effect in 1948 and which, for 40 years, the farmers have supported. Despite what has happened, the farmers have indicated that they want to see the status quo remain in Western Australia. As I said, I can understand their grave concern about a proposal to alter something which might undermine an industry which is not a price maker. We are not the price makers - America and the EEC are the price makers; we are the price takers. We have to take what the market is prepared to give us because of the "corrupt operations" of our major competitors overseas, as someone said. When the United States of America pays its farmers \$US160 a tonne for their grain and sells it for \$80 a tonne, members can understand the huge problem we have with competing. The difference between Australia, and America and the EEC, is that their farmers are heavily subsidised and our farmers are not.

Our farmers are as good as the best, if not the best, in the world. We are able to survive on crops which no other nation would even contemplate planting. Our farmers are also in the fortunate position of being able to diversify. While farmers in America grow their 60 or 80 bushel crops, they have no fences on their paddocks and are not able to diversify in any way. We are able to run stock, put in coarse grains, and, of course, our sheep industry has been invaluable. I have not touched on meat, wool, or cattle, or on what a buoyant year it has been, because I want to dwell on the Australian Wheat Board's having part of its activities curtailed.

Mr Kerin did not send over two of his officers - someone suggested bureaucrats - to talk to farmers for any reason other than to acquaint them with his program, which I have outlined already. He believes that program will be an advantage for farmers.

Hon J.N. Caldwell: I hope they went back with a true picture of what they saw in Western Australia.

Hon J.M. BROWN: I told them that I did not think they were doing our cause any good. They said that they were not here for a political fight; they were here to explain what the legislation was all about, something unheard of in the farming industry because Governments of any colour do not usually consult so widely with the community, they just pass the legislation. However, it is such an important process that John Kerin sent over two gentlemen, Tony Byrne and Tim Roseby, who were two very efficient and competent members of the Department of Primary Industry in Canberra. It was their job to explain the new program to the farming community. Unfortunately for them, the farmers were determined to put their point of view and I believe that they got the message.

I do not disagree with the farmers, and I said that publicly when I opened the field day at Newdegate. The Government will certainly acquaint John Kerin with the community's point of view because this Government is not concerned with trying to take away something that is an advantage to the community, and our wheat industry is certainly an advantage to our community. It is very important, therefore, that the correct message is recorded. It does not matter whether it is recorded in the newspapers or whether somebody was complaining about a thousand farmers and there was not a word in *The West Australian*, although that paper was not mentioned particularly. However, I think it is important that the community knows what is going on. It can usually find out through the "Country Hour", the early morning radio programs, and country newspapers such as the *Countryman*, the *Western Farmer*, the *Farmers Weekly*, -

Hon Mark Nevill: *The Esperance Express*.

Hon J.M. BROWN: *The Esperance Express* and the *Narrogin Observer*. All of those newspapers contained reports of what happened at the meeting. The fortunate thing was that I was able to be at the meeting. Winston Crane, President of the Western Australian Farmers Federation, and Lindsay Criddle, President of the Grains Council of Australia, were at all the meetings and understood the position. I told them that I was sure they were competent to handle whatever happened. This leads me to ask the question: What did the Liberal Party and National Party think about it.

Hon J.N. Caldwell: It is a pity that Wilson Tuckey was not there.

Hon J.M. BROWN: I do not think that is fair. I have no truck with the gentleman. However, the member is aware of the responsibilities and duties of members of Parliament. The one thing I can say in his favour - I did not really want to - is that he never shirks his responsibilities as he sees them. Hon John Caldwell should be careful. Wilson Tuckey has taken the same line on this issue as the Deputy Leader of the Federal National Party and Opposition spokesperson for primary industry, Bruce Lloyd. Members know that the Federal Opposition partially supports Mr Kerin's plan for deregulation of the Australian Wheat Board. The Opposition has left itself open with the announcement by Mr Bruce Lloyd, a National Party member, that the Opposition had a disposition towards the IAC recommendations regarding domestic wheat marketing. Wilson Tuckey is recorded as supporting that statement. He takes the same stand as Mr Bruce Lloyd. That is not necessarily the stand taken by me or the farmers, particularly farmers in Western Australia. The Federal Opposition's shadow Cabinet has agreed in principle with the Kerin plan. The Western Australian State Government has exercised a great deal of caution in its acceptance of the complete change that is being initiated at this time.

The Australian Labor Party's country task force does not necessarily agree with the Kerin plan, but the Federal Cabinet and the Federal shadow Cabinet agree that there will be some difficulty in turning it around. In addition, people like Ian McLachlan and the former director of the Grain Council of Australia, Mr Ian Wearing, supported it. To the credit of the Grain Council of Australia, it sacked Mr Wearing. However, he is still a force to be reckoned with.

Members opposite have a general policy of supporting deregulation. At a meeting in Mingenew a news release dated 30 August 1988 was handed out. It states -

#### LIBS OPPOSE PROPOSED CHANGES TO WHEAT MARKETING

The WA Liberal Party will oppose the Federal Labor Government's plan to impose changes on wheat marketing in Australia. . . .

WA Liberal Leader, Barry MacKinnon, said the Liberal Party's support of the Australian Wheat Board was based on meeting the needs of agricultural producers.

The news release also makes other comments in relation to the proposed changes. That circular was handed out at Mingenew to the farmers to let them know where the Liberal Party stands. However, the philosophy of the Liberal Party is such that it would not normally support such a socialist operation as we introduced in 1946.

Hon W.N. Stretch: You said that changes would be made only if the majority of growers demanded or requested them, is that right?

Hon J.M. BROWN: That is what the Liberal Party said; I did not say it.

Hon G.E. Masters: You don't care what the majority want, is that what you are saying?

Hon J.M. BROWN: Mr Masters should know better than I do that the squeaky wheel sometimes gets the oil, which is quite unfair on occasions. Mr Masters knows as well as I that he has made decisions, particularly against workers, which they have not thought to have been in their best interests. He has made those decisions because he has thought they were in the best interests of the Government and the people of Western Australia. Sometimes we need the courage to make such decisions. The Australian Wool Corporation had to make such a decision, one which I hope no-one would back away from, especially now when the wool price is again on the crest of a wave and there is every indication that it will again reach the heights of last year. It is not beyond the realms of possibility that the price of wool can go even higher. The fact that farmers have been able to receive in excess of \$100 a head for their sheep is an indication of the buoyant position of their industry. I believe that the balance of trade was very ably assisted by the stocks of wool bales held by the Australian Wool Corporation. It held over one million bales of wool. We received \$1 billion in export income as a result of that bonanza. I do not think that the pundits in Canberra really understood that the Australian Wool Corporation's sale of that one million bales was one of the reasons for the dramatic turnaround in the balance of trade figures. Its stocks now are relatively nil. That is not really a good thing as far as the country is concerned because if there is some demand it is good marketing strategy to have the commodity available for the customer. That time will probably come again.

The fact is that the Opposition parties in the Federal sphere and the Government itself are supporting, in principle, the wheat marketing proposals. The reason for the caution in Western Australia and other parts of Australia is the philosophy adopted by the farmers within the wheat industry. I am pleased to be able to announce to the House that given a reasonable finish to this season we will exceed the expectations of the Department of Agriculture in its forecasts of agricultural income for this year. A month ago, it was estimated it would be \$3.2 billion. Last week it was estimated to be \$3.35 billion. I believe that we could expect in excess of that because of the seasonal conditions that could prevail.

Before I conclude my remarks, I relate one other concern to the House, that of country water supplies. Farmers have never been able to obtain such supplies in many areas. At the field day held at Newdegate I made some comment about Ernie Bridge's program for another 27 connections over the next three years. It is not detailed in the Budget, but the Ministers have been asked to explain it. Ernie Bridge has been out in the bush doing that very effectively. He believes that every person is entitled to a decent drink of water. Farmers at Newdegate told me that those in the Lake King area had already benefited from a connection. I know that Milng and Bindi Bindi have rejoiced in the turning on of their water supplies. Those towns are close to the metropolitan area compared to others, but they have received their first assured water supply in over a century. I pay tribute to the communities for having contributed towards the supplies.

My colleague, Mark Nevill, mentioned Munglinup. Other areas north of the State are also to have supplies made available to them. Last Friday I met the Minister at the airport in Mukinbudin when we were to meet with the Mt Marshall Shire and the Mukinbudin Shire. We travelled to Wialki, and at the local hall the Minister explained to the community that if they could supply the labour and machinery to install a water supply, and an up front sum of \$40 000, the Commonwealth Government would put in \$351 000, the State Government another \$351 000, and the Water Authority another \$351 000. That is a total Government contribution of \$1.053 million. It will take water from Koonkoobing to Arnolds Tank



through the township of Wialki, enabling 22 farmers and that township to have a water supply. It will also establish three stand pipes which will service 80 farmers in that region who have never had an assured water supply in the history of Wialki. Ernie Bridge, through his department and the Government, has been able to put that package together. When I was there a long standing friend of mine, Rob Meney, whom I have known since he was a boy, moved that they should accept the proposition in total. Another long standing friend, George Sheardown, seconded the motion. Nobody spoke against it, and it was carried unanimously. The community is contributing to the works project so that it has an assured water supply. Members can imagine how those people felt when this was coming to fruition as they never thought it was possible.

Rob Meney will not be one of the recipients of that supply and will still have to cart his water, but not the distance he has had to cart it in the past. That is the sort of project that the Minister for Water Resources is establishing, and there are 27 of them to be constructed over the next three years. If members only knew what it is like for everyone to have a drink, which is Ernie's philosophy; it is the greatest thing that has ever happened so far as the rural community is concerned.

As Hon Sam Piantadosi would know, the Water Authority workers and the engineers responsible for designing and putting it together, who will be involved in the construction, are gaining a great deal of satisfaction from this project as well as job opportunities, so it is not just for consumers or farmers but for town people, the State and stability, and it should have been done before. I commend the Government on its stand with regard to people in agricultural regions of Western Australia. I do not think Government support will be truly reflected in the ballot box, but notwithstanding that the Government's attitude towards country people has never changed in my lifetime; it has been a Labor Government policy of support for all people. The record of the Australian Labor Party in relation to the community generally, and in particular the farming community, is second to none. It will never be beaten in its record of service to the rural community, which I have already demonstrated to members, or in its socialist philosophy, which I embrace in the operation of the Australian Wheat Board.

**HON. JOHN HALDEN** (North Metropolitan) [4.45 pm]: I support the Budget and congratulate Hon Jim Brown on his comments. I will comment on some of the inaccurate statements made by the Leader of the Opposition in this House. We continually hear from him rhetorical statements which have little factual content in relation to the Budget. The tragedy of the whole situation is that the Opposition chooses to make statements it cannot prove, statements that are made in the foreign Press with the intention of hurting this State's economy. There is no other reason for those statements; they are out there to hurt this State's economy for their own political ends. There can be no other reason why the member for Murchison-Eyre would call on the American Attorney General to negatively affect this country's economy and then go to Hong Kong and make statements which were reported in the South China Press. There is no other reason than that they are after short term political ends.

Hon W.N. Stretch: What did he say?

Hon JOHN HALDEN: If one looks at the Budget, which the Opposition has not done in this debate so far, one finds a Budget that is unparalleled in the six years of this Government; I have never seen a Budget of this quality before.

Hon G.E. Masters: Of this size, you mean.

Hon JOHN HALDEN: Of this quality. It has addressed a number of important topics.

Hon G.E. Masters: Big expenditure of public funds is what the member is talking about.

Hon JOHN HALDEN: I am not saying that. I say that it is addressing areas of concern that the Leader of the Opposition's party has highlighted, as has ours. The Leader of the Opposition's party highlighted them, we addressed them, and now he says that we spend too much money. He should look at his political philosophy and activity as he knows things have to be addressed in an appropriate way, and this Government is doing that.

Hon G.E. Masters: Spending public money.

Hon JOHN HALDEN: I turn now to education. This Budget sees some remarkable

achievements in education which are highlighted in the *Western Teacher*, which Hon Norman Moore has quoted on more than one occasion, its purposes being anti Government. It says that the State Government has given teachers cause for optimism and that there will be 750 additional staff to help with classes. Other improvements include support for professional studies, computers for timetabling initiatives in equal opportunity and education disciplines, and attention to the disciplines of literacy and numeracy. We have not heard Hon Norman Moore in this House say that that is well done; of course we have not! All we have heard is bleatings and unproven and unsubstantiated statements about the former State Superannuation Board and a whole range of activities because the opportunity is here for the Opposition to divert attention from a sound Budget. It does not want to talk about the issues addressed in this Budget.

Hon G.E. Masters: You will not debate it.

Hon JOHN HALDEN: Any time, but I am making this speech. The Opposition has not addressed the debate either in this House or elsewhere.

Hon W.N. Stretch: Those comments are palpably false and will be proven to be so.

Hon JOHN HALDEN: And the member will prove that, will he?

Hon W.N. Stretch: Yes.

Hon JOHN HALDEN: It will be the first thing that the Opposition has proven something in this House, or the other, in the past 12 months.

Hon G.E. Masters: Is the member saying that the official statistics that I quoted yesterday were wrong?

Hon JOHN HALDEN: I do not remember the official statistics the Leader of the Opposition quoted yesterday, so I will not comment on that.

Hon G.E. Masters: The member said I quoted incorrect figures.

Hon JOHN HALDEN: I am making this speech. We have heard about the number of promises that this Government has broken. On not one but half a dozen occasions Hon Norman Moore has risen to tell us about the situation in New South Wales, so I would like to say something about education there. It is estimated conservatively that 2 200 teachers and 800 ancillary staff will not have jobs next year. That is not what the Liberals promised going into an election, but is what they have delivered. I suggest that we may well see the same situation in this State; we may well see a conservative Government promising certain things and when it comes to power delivering many others.

Hon W.N. Stretch: Tell us about four year old education.

Hon JOHN HALDEN: I am only too happy to tell the House about four year old education. When we came into Government, four year old education was not on the map. After nine years of conservative Government there was no education for four year olds. Thirty six per cent of four year olds are now in four year old places. This Government will provide 25 family centres in the next Budget, and that number will probably increase to enable 50 per cent of four year olds to receive educational opportunities.

Hon W.N. Stretch: You promised education for all four year olds. That was in 1983 and 1986.

Hon JOHN HALDEN: I am happy to debate that too. Would the member suggest that we should put \$20 million into four year old education and take it from somewhere else?

Several members interjected.

The DEPUTY PRESIDENT (Hon P.H. Lockyer): Order!

Hon JOHN HALDEN: I am happy to talk about that, as well as the State Superannuation Board. Do not worry.

Hon G.E. Masters: Tell us about the petrochemical deal.

Hon JOHN HALDEN: I am not going to stand here like the conservative member before me and read from the newspaper. I will deal with the issues one at a time and we will debate them. I have no problems about that.

Several members interjected.

Hon JOHN HALDEN: The situation in New South Wales was that in a whole range of Government sectors employees are under attack. Some 8 000 public servants may well lose their jobs. The hours of employment for another 2 000 are in jeopardy, and there is an expectation that in Victoria, if a conservative Government came to power, 7 000 railway employees would lose their jobs, yet we have beatings from the Opposition about the rationalisation of train services in this State. Their comments are laughable and diversionary. They are not meant to be constructive or portray the real picture. If we look at the issues addressed in this Budget, education is an appropriate one.

Taking the situation of housing, \$52 million will be provided by this State Government for first home owners, and 1 000 pensioner units will be built. A range of initiatives in this area are designed to assist the aged with short term or short stay surgery.

Then we come to community safety. The Leader of the Opposition raised this issue, but he did not like it when it was pointed out that the conservatives did not increase the number of police by one in a particular year. We have done far better than that; it is well over 700, and we have now given a commitment to 1 000 extra police.

Hon W.N. Stretch: We made our commitment and you followed it.

Hon JOHN HALDEN: We are delivering; that is the difference. You make the statements.

Hon W.N. Stretch: We forced you to do it because your figures for crime were appalling.

Hon JOHN HALDEN: I am pleased we have got to the situation of appalling crime figures.

Hon W.N. Stretch: We discussed it and -

Hon JOHN HALDEN: Hang on. Today's *Wanneroo Times* talks about the situation in the City of Wanneroo where in the last month, with community policing, truancy patrols, and increased police numbers, the crime rate has fallen by 15 per cent in one month. That is because this Government is addressing the problem, and the real results are coming to fruition. We do not hear the members of the Opposition, as they used to at one time, supporting the initiatives any more; we do not hear George Cash in another place make outrageous statements. We hear very little. We blew them out of the water. We have addressed the problem in a very real way, and in this Budget we have upheld our commitment. In terms of this Budget one takes a very real look at this State's performance after nearly six years of Labor Government. All we hear are outrageous statements from Richard Court, Bill Hassell, and the others. In the library of this Parliament is a stack of Press releases calling for Royal Commissions of inquiries, alleging all sorts of abuse by Government. The pile must be two inches thick. To date not one shred of evidence has come forward to back it up. Out come the accusations, but there is no evidence to back them up. That is what this Opposition is good at: Making accusations and never backing them up.

Hon G.E. Masters: I thought you said you were not going to read from newspaper reports.

Hon JOHN HALDEN: Where is the newspaper?

Hon G.E. Masters: You are holding one.

Hon JOHN HALDEN: I am not reading from it; I am just holding it.

Hon G.E. Masters: I am not worried about it; I am just making a reference to it. It was an unfair criticism.

Hon JOHN HALDEN: May I quote the indicators of this State Government's efforts. I know the Opposition does not want to listen because in essence members opposite do not want to know the facts; they want to mud rake as much as possible, but never look at the facts. The Confederation of Western Australian Industry has done a survey and found that 87 per cent of companies describe trading conditions as satisfactory to good. It said the State was thriving, business confidence was high, and investment was high. We can look at a whole range of indicators and see that the unemployment rate in this State is second only to Victoria. The teenage unemployment rate is equivalent to that of Victoria and the lowest in this country. The decline in the inflation rate in the past 12 months is the highest in this State. New business investment is the highest in this State.

Hon G.E. Masters: Government spending is the highest in Australia per head of the population.

Hon JOHN HALDEN: Payroll tax, as Hon Gordon Masters referred to it in his speech, is the lowest in this State. Since 1983 it has declined as a percentage of labour costs.

Hon G.E. Masters: Tell us the total take for the year compared with last year.

Hon JOHN HALDEN: Since 1983 payroll tax has steadily declined as a percentage of average labour costs.

Hon G.E. Masters: Tell us what the take was?

Hon JOHN HALDEN: Our total take has been \$4 033 million.

Hon G.E. Masters: What was it last year?

Hon JOHN HALDEN: I did not look the figure up.

Several members interjected.

The PRESIDENT: Order!

Hon JOHN HALDEN: The Opposition made the accusation yesterday that this State Government was the highest taxing State Government, but the Leader of the Opposition did not quote the figures, as I recall. When one looks at the State economy section by section we see that there has been a 10 per cent growth in the agricultural region, 10 per cent growth in mining and 18 per cent growth in the construction industry. And so it goes on. The housing industry is booming, and the receipts of this Government boom likewise because the economy booms. Hon Gordon Masters does not choose to tell us those sorts of facts; he chooses to take a more simplistic political line, very much like the member for Murchison-Eyre, who wanders around the world doing everything possible to sabotage this State. There can be no greater disgrace to this Parliament than the member for Murchison-Eyre. In all honesty the member owes this Parliament and the people of this State an apology for the outrageous article in the South China newspaper.

As we go on it is clear to see the activities of the Opposition. This Budget is one to be modelled upon. There is no doubt that the issues that the conservatives opposite would like to have drawn to the public's attention have been addressed very clearly and appropriately. What is left consists of snide innuendo.

In yesterday's comments the Leader of the Opposition in this House mentioned such issues as the Teachers Credit Society. I remember challenging him and asking him if he would have let those 60 000 people -

Hon G.E. Masters: What was your answer?

Several members interjected.

The PRESIDENT: Order!

Hon JOHN HALDEN: I am getting to the member's answer.

[Questions taken.]

*Withdrawal of Remarks*

Hon W.N. STRETCH: Just before the break for questions without notice, I believe Hon John Halden made some highly unparliamentary comments about the member for Murchison-Eyre. I ask that those comments be withdrawn.

The PRESIDENT: I would need to know what those comments were. I was studying very closely the member's comments in relation to Standing Order No 87, and he was for quite some time drawing dangerously close to infringing Standing Orders. I cannot recall the particular comments he made prior to questions without notice. Perhaps the honourable member can jog my memory.

Hon W.N. STRETCH: They were comments relating to Mr Lightfoot's visit to China and some articles that appeared in a Chinese newspaper. I believe they made very improper implications about Mr Lightfoot's activities on that trip. I take particular offence because they were made about a member in another House of this Parliament.

The PRESIDENT: The rule in regard to the set of circumstances covered by Standing Order No 87 is meant to suggest that it is out of order in this House to make derogatory comments about a member of either House of Parliament. It does not extend to saying, however, that it

is out of order to suggest that the actions of a member of either this House or another place are questionable. That does not make them derogatory. I return to the question I asked. I was listening fairly carefully to the honourable member because I agree with Hon W.N. Stretch that he was getting awfully close to the mark. I cannot remember what the words were and, in the absence of my being told what they were, I cannot insist on the honourable member's withdrawing them. There is a long way and a short way of doing this. The long way is for me to suspend this debate until I get a copy of *Hansard*, which will tell me clearly what the words were. The short way is for Hon S.J. Halden to help me in determining what the words were, if he can remember what he said. If he can remember what he said and feels like withdrawing those words, we can short circuit this. My alternative is to say that I will leave the chair until *Hansard* gives me the full context of what was said.

Hon JOHN HALDEN: My recollection of what I said is that it was not derogatory. I asked about statements made in the Press in another country. I did not detail the statements nor did I have any intention of degrading the nature of the debate in this House.

The PRESIDENT: It seems to me that the honourable member was making statements - and I had my book open at Standing Order No 87 because I was about to look it up - but I did not feel that he infringed the Standing Order, although he came dangerously close to doing so. There are two aspects to this. Some of us get a bit touchy about what is said in this place. The procedure is clear: Objection has to be taken at the time that the honourable member has spoken. I intervened because it was question time and I can understand why Hon W.N. Stretch did not take objection at that stage. Hon S.J. Halden does not have to do this - he can wait until I get *Hansard*, and I will tell him whether he has to. However, he can choose to offer a withdrawal of any words which may have been considered derogatory if he wishes. I leave it to the honourable member because I am not going to demand otherwise at this stage.

Hon JOHN HALDEN: I am quite happy to withdraw any words that I may have said which were objectionable and contravened Standing Order No 87.

#### *Debate Resumed*

Hon JOHN HALDEN: I was thinking of going back to that statement in my concluding comments, but I probably will not as obviously it offends some people's sensitivity.

Hon S.M. Piantadosi: The truth always does.

Hon N.F. Moore: You wouldn't know; I don't think you have ever heard the truth.

Hon JOHN HALDEN: Yesterday, the Leader of the House was making his speech and, by way of interjection, I asked him, "Would you have let those 60 000 people lose their life savings, or whatever savings they had, in Teachers Credit?" He responded with something like, "The conservatives would never have allowed that situation to arise." It is remarkable how short and selective the Leader of the Opposition's memory is. The conservatives, when they were in power, were quite happy to allow the State superannuation scheme running at the time to get into all sorts of problems. It was a quagmire, and a mess. Did they review it? No.

Hon G.E. Masters: Tell us about their investments.

Hon JOHN HALDEN: The Leader of the Opposition is unable to say what the conservatives would have done. Hon A.A. Lewis was clear about that today when he said that people know what they are doing; if they want high returns they take high risks, and if it goes out of the window they lose their life savings. He is speaking as if people have some control over the investment decisions of Teachers Credit Society. Does little Miss Jones, who has \$20 000 invested, have control over that investment and every detail of it? Of course not. The members opposite would have let those 60 000 people lose the money they had in Teachers Credit Society, because they are so strict about the free market, and would have cast those investors to the wind.

Hon P.G. Pendal: It is just that there is no end to it - \$12 million, Swan Building Society; \$50 million - it goes on and on, like you.

Hon JOHN HALDEN: The three members opposite on the front bench were advocating this course, and I am glad to hear it. We have not had an answer to this question at any time in the last four months, and finally members opposite have said that the 60 000 people in this State would have lost their savings, and the Opposition would not have cared a hoot.

Hon N.F. Moore: That is not true.

Hon Graham Edwards: That is what was said.

Hon JOHN HALDEN: That is what was said.

The PRESIDENT: Order!

Hon JOHN HALDEN: I think we have again struck a raw nerve on the Opposition benches.

Hon P.G. Pental: We are really upset by this - devastated.

Hon JOHN HALDEN: Members opposite probably cannot understand this, and I will explain it in monosyllables later.

Hon T.G. Butler: Why would you have let 60 000 people go down the gurgler?

A Government member: Because they are heartless.

Hon G.E. Masters interjected.

The PRESIDENT: Order! I will send members a copy of what I am saying, which is that they should cease the interjections.

Hon JOHN HALDEN: The Government deserves praise for making tough decisions about Teachers Credit Society. It had a choice to make. Those 60 000 people had their savings invested and the Government intervened and made a hard decision - decisions which, surely, Governments are elected to make. Luckily, the Government of which I am a member made the right decision. Clearly, the Opposition would not have done the same, and will not do so in future, according to the statement it has made.

Hon W.N. Stretch: They make decisions to control their lending in the first place.

Hon JOHN HALDEN: It is all very well saying that with the benefit of hindsight.

Several members interjected.

Hon JOHN HALDEN: The Opposition did not do too well with the State superannuation scheme; they really stuffed that up.

The PRESIDENT: Order!

Hon JOHN HALDEN: The situation was the same as that with Rothwells.

Hon P.G. Pental: Tell us about that.

Hon JOHN HALDEN: I am quite happy to tell members opposite about that.

Hon P.G. Pental: It is \$160 million.

Hon G.E. Masters: The Government doesn't know.

Hon P.G. Pental: It could be more.

Several members interjected.

The PRESIDENT: Order! Yesterday during this debate Hon John Halden was interjecting and I took him to task. To his credit, for the rest of the day he obeyed that request. What annoys me about this business is that members do not comprehend that within the framework of the Standing Orders a member is entitled to be heard. I have always said to members that they do not have to like what a member is saying or agree with him, but they have the opportunity to refute it. At least let the member say what he wants to say and refute it in the proper way and at an appropriate time. In the meantime, if the honourable member would forget about the interjections and direct his comments to the Chair, we would get an awful lot fewer interjections.

Hon JOHN HALDEN: I am probably learning from the Leader of the Opposition. I shall have to stop it.

It is well documented that the situation with Rothwells Bank is that 200 charitable organisations and local government bodies had considerable amounts of money invested in it. Some 400 small business organisations based in this State had considerable capital invested and, in fact, 80 per cent of the bank's business dealings centred around Western Australian owned companies. At the time of the October crash, was it feasible that the State Government should allow a leading financial institution in this State to get into serious

difficulty? Hon Phillip Pendal nods his head, and I take it that he would have allowed that to happen. Regardless of what Opposition members say, that is what would have happened - they would have allowed the bank to fall over at a time when there was financial instability throughout the world. The Opposition would have added to that instability in this State. They call themselves financially responsible. If the Opposition's attitude is not the greatest example of financial vandalism, I do not know what is. I do not want to use clichés in my remarks -

Hon P.G. Pendal: That would be a good change.

Hon JOHN HALDEN: Again, I am learning from the Leader of the Opposition. If that is not the philosophy of conservatism going wild, I do not know what is. I do not believe any Government worth its salt could possibly allow that situation to occur in this State. Yesterday, the Leader of the Opposition went through all those arguments. He put forward his one sided points of view, a whole range of half truths, and a mishmash of statistical figures. However, when one looks at the facts of the matter one finds that it is not the true picture. The Opposition is the alternative Government that the people of this State will decide on - a mishmash of figures, ideas and concepts, and ideology and philosophy committed to the ultra right. Is that what the people of this State want? Of course they do not. We have learned that they do not like political parties with extremist views. They like a political party which can deliver, is strong, is concise, and which is prepared to make hard decisions. That is not the case with members opposite.

The situation is that the Government only hears accusation upon accusation, but there is no evidence to support the accusations. The day the Opposition can be constructive and can lay a glove on this Government will be a red letter day in the history of this Parliament, because to date it has not been able to do that.

The last issue I raise concerns an article I read in this afternoon's *Daily News* which refers to the City of Wanneroo facing a cash crisis. The mayor is trying to encourage the State Government to enter into a financial arrangement in which the Government and the City of Wanneroo will each put up \$10 million because the city cannot raise enough funds from its rates and, I presume, from other sources. I sympathise with the City of Wanneroo in relation to the problems with which it is faced. It is without doubt the fastest growing local authority in this State. I also sympathise with the plight of the mayor who, in my opinion, is endeavouring to address the problems confronting the city. I suggest to members that with 160 000 people, 13 elected representatives, and a budget in the vicinity of \$50 million or even more, perhaps it is time the whole issue of the size of the City of Wanneroo was looked at. There comes a time in the life of a local authority when the economies of scale in regard to size and rapid expansion have to be looked at. The growth of the City of Wanneroo is not occurring in a frontal process, but in a patchwork quilt arrangement, and it is difficult for it to manage its resources.

The City of Wanneroo comprises two sectors, the established southern area and the newly growing and developing northern area. The city must look at the issue of its size and growth and determine whether the local authority should be divided in two, or whatever. There are problems with growth at a local level. Many suburbs, some with a population of over 1 000 people, do not have parks or appropriate resources and, obviously, this is because of the short cash flow. The problem should be investigated in a serious way by both the State Government and local government. The impact will ultimately be on the consumers of the services - the taxpayers and ratepayers of the City of Wanneroo.

In a quieter moment of this speech, I will conclude by saying that this Government's Budget is worthy of endorsement and high praise. Many of the significant social issues facing the people of this State in the fields of social policy, education, community safety, health, and so on have been addressed in a very significant way. At a time when this Government is addressing those real issues it has brought in a Budget in which costs to the average family have not risen from the previous Budget. I ask members, in all honesty, how they can say the Budget could be improved.

Hon N.F. Moore: I will tell you tomorrow.

Hon JOHN HALDEN: I am sure the member will do that. From the actions of members of the Opposition it appears they have very little to say about the Budget. In essence, the Budget is a very good one.

Hon N.F. Moore: I have a lot to say about it.

Hon JOHN HALDEN: The member has a lot to say about everything. The Opposition cannot criticise the Budget or the Government's economic activities. All it can do is sling and slur, with innuendo and half baked accusation, but it cannot prove anything. It is a tragedy that that should happen, but of course with an election in the near future I guess one cannot expect anything else from the Opposition, especially from an Opposition which offers few alternatives in policy areas. That is unfortunate. I had pleasure in contributing to this Government's Budget by advocating small areas of it and I take this opportunity to say publicly that the Treasurer has presented a well balanced Budget and the next four Budgets he will produce will be likewise.

Debate adjourned, on motion by Hon N.F. Moore.

## AGRICULTURE BILL

### *Second Reading*

Debate resumed from 30 August.

HON W.N. STRETCH (Lower Central) (5.30 pm): The Opposition generally supports the thrust of this Bill, which will give a legislative base to the Department of Agriculture which, of course, has existed and performed very well since the early years of Western Australian settlement - at least since the 1890s. The department played a major role in the early development of Western Australia's agricultural industries, and we are very fortunate that over the years it has attracted some world class scientists. In addition, we have built up from our own ranks a highly qualified and competent staff of extension officers. The role of the department over the years has developed into a dual role; it has a role in research, and an extension role of getting that research to the farmers and other users, such as stock owners, various animal industries, and in later years the racing industry.

The changes to the extension role is the greatest concern to me and my constituents. The scientific role and the research role have always held their own; they have started with notable achievements, such as the early development of the Ord River scheme and the development of the breeding of lupins by Dr Gladstones. I cannot recall the other notable achievements at this stage, but suffice to say that Western Australia owes a great deal to these scientists and the extension people who have spread the messages which, generally speaking, have been well accepted in the community. Over the years many people have questioned the cost effectiveness of these officers and that is unfortunate, but in a way understandable. That cost is highly defensible when it is balanced against the contribution of agriculture to the Australian economy, particularly the Western Australian economy, because so much of that extension work has now been recognised; one cannot attribute a cash value to it. Nevertheless, it is of major importance to the performance of the industry as a whole. Another noteworthy aspect of the extension work is that so much of the experimentation and broader scale trials have been carried out in cooperation with the farming community.

The PRESIDENT: Order! I remind honourable members that the reading of newspapers is not allowed in this House, and I ask honourable members to refrain from doing so.

Hon W.N. STRETCH: It can be readily understood that in a State the size of Western Australia the diversity of soil types and farm practices precludes the State from owning enough land to carry out the necessary research in all fields. It has therefore been a hallmark that so much of this has been carried out in cooperation with the farmers on their own farms. A good example is the rye grass toxicity research which has continued for the past 15 to 20 years. No-one in his right mind would promote that affliction, but when it occurs on farms the department undertakes major research work to combat it and to establish control methods. We are not yet on top of the problem, but we are certainly more informed. It is hoped that one day we shall develop a sure-fire remedy for this serious scourge. The difficulty is that a farmer never knows when it will strike; he can take every precaution but one day when he goes to his paddock he may find slime on the rye grass. If it is found in time steps can be taken to control losses, but if it is not it is a major problem. Hon John Caldwell knows that in his area rye grass toxicity has caused substantial losses in sheep, and the work of the department in combating that disease has been acclaimed. The department deserves our thanks, and so do those farmers who have continued with the work in the field and established control measures.



My further comment relates to the appalling preparation of the second reading speech; it is not the Minister's fault, but the speech was not very helpful. It did not even contain a historical record and it was difficult to follow. Fortunately one of the departmental officers gave us a briefing and brought notes which had been upgraded and which set out much more clearly the intent of this Bill. The Opposition is grateful for that briefing. It is reasonable legislation, it has been researched from as far back as 1980, and I understand it was proposed by a former director, Noel Fitzpatrick. It has not been introduced in too much haste, it has been well researched and it will receive the support of the Opposition.

It could perhaps be described as a mini privatisation of some of the services of the Department of Agriculture. It will directly set fees and charges for some of its services, and that aspect worries some people. However, it is generally accepted that where a service is provided which will be to the benefit of one or two farmers, it is reasonable to impose charges. A slightly grey area occurs when a service has the potential to benefit a wide section of the farming community. I refer to a statement made by the Minister for Agriculture, Mr Julian Grill, on ABC radio in which he said that while he was in charge of the department no fee would be charged for services. I was a little surprised at that statement because the department now charges for some services and that has been readily accepted. I wonder how the two situations balance.

Hon Mark Nevill: He was talking about two different situations, where there is an individual benefit and where there is a general benefit. I think the fees were for an individual benefit.

Hon Graham Edwards: I will explain that point later.

Hon W.N. STRETCH: That is not the way it came over on the "Country Hour" program. I agree that where there is a broad scale community benefit, it would be improper to impose fees. The rationale is that there has always been a two-way trade in research between the landowner, farmer, stock owner or whatever - those keeping a day to day eye on what is going on - and the extension officer from the department who calls once a week or on his field day to assess the long term results. Therefore, it is only fitting that this should continue as a service by the department in those situations.

There is also a grey area if a farmer suspects that only one or two animals on his farm have a disease; in those circumstances a visit by a departmental officer may be regarded as a fee for service call. However, it is important to make the point that in some cases a farmer does not know what is affecting his animals when he calls the department. It is reasonable and proper that a farmer who suffers a mysterious loss in stock should notify the department and ask its officers to inspect the animals. If it is something straightforward, there are no problems. There is always in the back of a good farmer's mind the thought of exotic diseases, of which we have so far been free. When we make these hard and fast guidelines in our legislation we should say that even though we will generally impose a fee for service on a single farm-call, we still encourage farmers, if they are in any doubt, and even if there is only one animal that they are unhappy about, to feel free to call the department. We should leave it to the district officers to determine whether someone is pulling their leg in getting their horse looked at for nothing, or whether it is a genuine claim. This is an important industry, and there are many horrific diseases floating around just off our shores, so we should always err on the side of caution. I urge the Minister to pass back to his officers that when in doubt they should go out and have a look, rather than saying they are going to charge the farmers anyway, whether it is good or bad. It is a moot point, but a very important one.

The charges for works such as the design of banks and dam catchments, farm planning, and land usage are clearly demonstrable as being a single farm benefit. I think there is little opposition within the farming community to imposing a charge for these sorts of works. I would like the Minister to outline how the Soil Conservation Act intertwines with this Bill and whether the responsibilities will be totally separate or whether all these works will still come under the Agriculture Act. We need to know how the soil conservation groups will interact with the Soil Conservation Act, and if that is still going to operate under the auspices of the Agriculture Act, and how that is all going to fit in and interrelate. Many of these activities are community group activities, and I anticipate they would continue to be part of the free advisory service from the department, because they are activities that will benefit groups of farmers in catchment areas and near rivers or streams, and are clearly providing benefits to the whole community. I understand the intent of the Bill to be that where there is

a community benefit, the costs are absorbed within the budget of the department; where there is a demonstrable benefit to a single farmer or maybe two farmers, there will be a fee for service.

Clause 6 of the Bill is where it really all happens. Clause 6 sets out the powers and functions of the Department of Agriculture, which are to assist the Minister in the administration of Acts that relate to agricultural matters; to provide research, advisory, diagnostic, training, extension, regulatory, and other services; to safeguard the productive soil and vegetation resources; and to provide advice to the Government. We do not object to that. The only proviso we have is that we must ensure that we protect the resource and research base of the agricultural industries because they are our major export earners. They underpin the whole economy of Western Australia and the standard of living which we enjoy. Hon Jim Brown pointed out, in a very good address not long ago, that the rise and fall of the agricultural industries and the commodity prices has a major impact not only on the Western Australian economy but the Australian economy. We must bear in mind that the Australian wool clip has doubled in value this year, which is a huge increase. He mentioned also that the buffer stocks held by the Australian Wool Corporation have been disposed of. That also is a major contribution to the economy. That does not happen by accident; it happens because of the expertise of the farming community, backed up, as always, by the research scientists, many of whom are and traditionally have been with the Department of Agriculture.

This Bill addresses the fact that there are now more agricultural and rural scientists working in the private sector, and private veterinary groups operating in country towns, that have a group practice supporting them. I know that in Kojonup there is a group of four veterinarians, plus a couple of laboratory technicians; and farmers contribute substantially on an annual basis to supporting that group and having the services of those people for their stock management and farm planning. That has done a lot to lift the performance. It is an extension of the farm advisory groups, some of which have worked extremely well.

The group in my electorate at Darkan is renowned in Australia, and probably also worldwide, for lifting the production per person, particularly in the sheep industry. I remember some years ago when a gentleman called Bob Hall took over, he made the statement that a person who was managing less than 9 000 sheep, and leaving home before 8.00 in the morning and not being home for tea at 6.00 o'clock, was not very well organised. That caused an absolute uproar in the 1960s. These blokes are saying now that Bob was a bit cautious; some are now managing 15 000 sheep single handed, using contractors, and leaving home at a reasonable time in the morning and still getting home for dinner at night. That has been brought about by a highly scientific and professional approach to the livestock industry. People like that have not usurped the role of the Department of Agriculture but rather have stimulated each other. This Bill will allow the department to move out of areas where it can reasonably do so and to concentrate on the areas where there is the need for greater research and expenditure in extension programs.

The balance of the Bill is sound. The so-called sunset clause at the conclusion of the Bill is unfortunately a ministerial review, and there is no time limit as to when the review and report will be tabled. I know we have come to accept ministerial reviews as a fact of life. I believe it probably is reasonable to accept such a review where a department like this has in effect been working for many years, but I would prefer to see that where the Bill says the report is to be tabled as soon as is practicable after it is prepared, there be a time limit, somewhere within six months of the report being prepared, so that Parliament has a chance to look at the report on the Table. We will go into this in more detail in the Committee stage, but it would appear that there is no time limit at all and the Minister, if he chose to do so, could prepare the report just after the five year period, or as soon as practicable after the five years - which might be another five years, for that matter - and could table it as soon as practicable after that. So it really is a non-report. I would prefer to see a limitation put on that, or at least an indication by the Minister that the report will be tabled as soon as is practicable but within six months or a year. There have been instances - for example, with the South West Development Authority - where we are still awaiting a report two or three years down the track. Parliament is entitled to a more current review of such important legislation as this.

With those remarks I indicate the general support of the Opposition for this legislation. We acknowledge and salute the contribution made by many noted scientists and extension officers over the years and wish the new department well in operating under its new Act as a properly fledged department.

**HON J.N. CALDWELL** (South) [5.51 pm]: This Bill frees up the workings of the Department of Agriculture. One thing that amazes me is how the Department of Agriculture has existed as well as it has over such a long period without any legislation. It just goes to show that we do not have to control people for them to be successful. However, something has to come to pass to safeguard the department and give it a charter so that its officers can know exactly what they can and cannot do. For this reason the National Party fully supports this Bill.

The Bill frees up the work of the department and allows it to cooperate with other departments. I have noticed in my own district that the Department of Agriculture and the Animal Breeding Institute in Katarung have become very closely linked. That can only be of benefit to the community, especially as much of the work done by the Animal Breeding Institute is of the highest order; however, it is not getting out to the farmers who live in the surrounding districts. Now that the institute has become closely allied with the Department of Agriculture the experimentation it is doing and the information it has will be available to all agriculturalists in Western Australia.

It is disappointing that the Commonwealth Scientific and Industrial Research Organisation is losing some of its expertise due to lack of funds. I only hope that the Government recognises this, as the officers of the CSIRO represent a large proportion of the brains of our country. They are very important and it is essential that we keep them here if at all possible.

I noticed that my National Party colleagues in another place asked many questions of the Minister in relation to this Bill, most of which were answered very satisfactorily. However, one point that worries me and on which I wish to comment at length concerns the fee for service. There are three reasons for my opposition to the fee for service in the agricultural areas. Firstly, most of the people in those areas cannot afford a fee. They are still battling even though wool prices have doubled over the last 12 months. Many of them have such large debts that they will need two or three years of good prices before they get back on their feet, so they cannot afford to pay for any advice they receive. Secondly, if fees were charged the private advisers would come into their own. They would compete more actively with the Department of Agriculture, and as they give a person to person service it is only natural that many farmers who could afford the fee would ask a private consultant to handle his affairs and his farm plans. Then, of course, the lack of people in the Department of Agriculture would become evident, centralisation would result, and the people would drift back to the city. It is rather strange that people who go into private enterprise always seem to drift back to the city. I have often wondered why, as their clients are in the country areas, but invariably it happens. We have seen it happen with soil scientists, researchers, and hydrologists. We do not want that to happen.

**Hon Graham Edwards:** One reason for that is that they can service the whole State from the city, when one takes into account the size of the State and the necessity for them to move to the south or the north at certain times.

**Hon J.N. CALDWELL:** I could understand that if one researcher was in control of a certain aspect of agriculture for the whole State, but there is no point in his going back to the city if he is merely servicing one region; for example, the great southern.

**Hon Graham Edwards:** I accept that.

**Hon J.N. CALDWELL:** The third reason that a fee for service would be detrimental is that it would minimise research. Research would possibly be disadvantaged because people would not be so keen on it; they would be too busy trying to sell the service in which they had expertise.

For these reasons a fee for service is definitely not recommended by the National Party, except in one area which we have come across in our travels in the last few months; that is, where salinity and soil degradation abound. Perhaps the Department of Agriculture could become involved in farm plans to a large extent. Action in this area is absolutely imperative. It is rather sad that our State is suffering such salinity and soil degradation, and it is most important that we hasten to resolve this problem and that the Department of Agriculture put it very high on its list of expenditure priorities, if not at the top. I urge the department and the Minister to take that on board.

It was also rather sad to notice in our travels around the country that many Department of

Agriculture employees have to spend large amounts of time in their offices dealing with what I would call red tape. It is a form of bookkeeping for them. It was quite noticeable when one very bright person we met took us around for a couple of days, then said, "I will have to spend the rest of my time back in the office so that I can say where we have been." His expertise was being wasted and it is important that we keep those people out in the field as much as possible.

Finally, I notice that the Minister in another place said he would endeavour to get expertise from all over the world. I congratulate him for saying that as I think it is extremely important. We are short of expertise in the area of salinity and soil degradation, and I urge the Government to get as many of those people as it can.

Hon J.M. Brown: What area were you talking about when you said the officer had to report on where you had been?

Hon J.N. CALDWELL: That was Merredin. That person is no longer in Merredin; I believe he is in Bunbury now. It is a waste of resources for people to have to sit in their offices and write down what they did the day before.

I support the Bill, and will have more to say during the Committee stage.

*Sitting suspended from 6.00 to 7.30 pm*

HON D.J. WORDSWORTH (South) [7.30 pm]: The object of this Bill is to take the Department of Agriculture into the twenty first century and to have its purpose expressed in modern terms. The major concern of the farming community is whether the Department of Agriculture should charge for its services in the future. Farmers have long felt that they received services from the Department of Agriculture and the Commonwealth Scientific and Industrial Research Organisation free because of the taxes they pay. With the high prices of wool, many farmers are paying exceedingly high taxes, with many farmers paying income and provisional tax, according to one farm adviser, of approximately \$250 000. Of course, farmers also pay for research from various levies placed on their produce by various marketing boards. Farmers are now asking what will happen if the Department of Agriculture is allowed to charge for its services.

I understand that there are several reasons for the department's wanting to charge for its services apart from the user pays system and the belief that people do not appreciate anything unless they pay for it. One of the reasons for charging is that private enterprise will have the opportunity to compete with the department. The department, by charging for its services, will acquire more funds and therefore should be able to provide better services. The department will also be able to reward researchers, such as plant breeders, who, had they worked in private enterprise, would have gained much financially from their work.

For many years, there have been differences between the Department of Agriculture veterinarian and vets in private enterprise which have caused difficulties. Obviously, the department is not concerned about having its vets calve every cow. It leaves those sorts of jobs to vets in private enterprise. As a general rule, officers of the department have only been concerned with cattle illnesses when there has been a major outbreak. Hon Bill Stretch referred to the controlling of exotic disease outbreaks and pleaded with the farmers to notify the Department of Agriculture early. However, I am not sure when illnesses among livestock warrant the term "outbreak" or when they are considered a "first case". Should a farmer wait until a few of his cattle are dead and call the department or should he call in the vet for the first one or two that die? It is not as easy as that. When a farmer calls a vet because of dying stock he is usually told that the vet cannot examine the dead animal and will come when another animal is just about dead. Animals do not die like that and can even die at weekends, which does not fit in with the department. I recall that a couple of months ago I lost one or two head of cattle. It was not a large enough outbreak for the department to investigate. I then found 12 or 15 scattered around the paddock and by that time it was Friday afternoon. I lost many valuable cattle in that outbreak and it cost me more than the ensuing overseas trip. The Government vet and the private vet never told me what the animals died from and fortunately time cures most problems.

One reason given for allowing the department to charge for its services is to enable it to carry out the surveying of contour banks and other soil conservation work. I believe that farmers should have to pay for that sort of work as it lifts the value of their land. Certainly, while the

Government provided its services free of charge there was no way that private enterprise could offer those services. I welcome the opportunity for private contractors to compete. However, one wonders who will set the fee structure, because if the Department of Agriculture sets its charges too low and charges half the fee that private enterprise would charge for the same work, private enterprise still will not be able to compete. I also wonder whether farmers who need soil conservation work done but cannot afford to pay for it will be able to be charged at a reduced rate for services provided by the department.

I have also noticed from the second reading speech that the Department of Agriculture is getting involved in providing information through computer software. The programs are quite good from what I have seen of them. However, once again, the main question to be considered is the fee the department will charge farmers for those programs. I understand that some of the accountancy software costs approximately \$150 whereas the current price for the same service provided by private enterprise is nearer \$2 000. One wonders whether it will be lifted to \$2 000 or whether it will go to \$1 000 and make it difficult for private enterprise to continue. In future, the Department of Agriculture will have some difficulty in setting these fees. Nevertheless, generally speaking, one has to go along with these provisions. There was a need for the Act to be rewritten. There is a need for the Government to charge for some of its services. I can only trust, as do other farmers, that good sense will prevail.

**HON GRAHAM EDWARDS** (North Metropolitan - Minister for Consumer Affairs) [7.40 pm]: I thank members opposite for the research and the work they have done on the Bill, for their contributions and for their indications of support. I will take up the matter of the second reading speech with the Minister in another place. Having taken further stock of the matter during the dinner suspension, I concur to some degree with the comments made by Hon Bill Stretch.

Members opposite have summarised the Bill fairly well. I am pleased that in that summary they have indicated fairly broad support for it. I am also appreciative of the recognition of the generally very good job that the department does across a very large and diverse State. At various country places, it has been suggested to me that we have an excellent Department of Agriculture and I think that was borne out tonight. One of the things that this Bill will do is help to determine the future of the department. It will give it a focus which will ensure that it will be able to maintain that good service. Indeed, the service it will be able to provide in the future will be enhanced.

One of the things that must be borne in mind about the Department of Agriculture and the service it provides is the need for it to be able to continue to attract people from other parts of the world, people with the academic qualifications we need.

Hon W.N. Stretch: And keep them.

Hon GRAHAM EDWARDS: That is certainly very important if the department is to continue to provide that very important service.

I want to make a couple of points in relation to the charging for services. The department will continue to provide the basic research, extension and regulatory services which it has provided in the past. The Minister in another place has given an undertaking that these traditional services will not be charged for. I am quite pleased to reiterate that undertaking here. Indeed, the Minister has given a further undertaking that before there is any increase in existing charges or any imposition of new rural charges, consultation with the industry will take place. From those undertakings, it can be seen that the department will not turn into some entrepreneurial ogre that attempts to become a business. However, with due care and consideration the department will move to charge for some services.

I also refer to the review which the Minister has written into the Bill. In so doing, he has given an undertaking that independent persons will be represented on the review committee. I do not know whether he can go that step further and also give a commitment that the review will be completed in a certain period. I believe it is desirable to leave that matter open and to cover it by saying that the review will be tabled as soon as practicable in both Houses. There must be a certain amount of trust in these matters. The intent is there; the undertaking is there. It might be too limiting if we were to attempt to put a time frame on that review. It is interesting to recollect that the department has worked for many decades without a parliamentary review of that sort.

In relation to clause 6(1)(c), the clause dealing with the Soil Conservation Commission, the Minister has also given a very strong undertaking that no change will be introduced by the Bill and that things will not be altered. Indeed, the intention is to retain the Soil Conservation Commission in this area. If anything, the Bill achieves that in a more formal way.

One of the major benefits of the Bill is that the department will benefit greatly from the sale of intellectual property. An agreement is being worked out with the Treasury which will ensure that a portion of the return on the sale of intellectual property will come back to the department instead of going directly into the Consolidated Revenue Fund. I hope that some of that return may recognise the ability of some of the people who work for the department and provide that extra incentive for them to continue to work for the department. I hope that it will provide that extra incentive to entice people to the department. The department and its personnel have an excellent record of innovation and of putting forward new ideas which from time to time become patented.

I believe I have covered most of the matters raised by members. If I have missed any, I will be happy to deal with them in the Committee stage. Again, I thank members opposite for their support of the Bill. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

#### *Committee*

The Chairman of Committees (Hon D.J. Wordsworth) in the Chair; Hon Graham Edwards (Minister for Consumer Affairs) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Functions of department -

Hon W.N. STRETCH: Paragraph (f) refers to the utilisation and development of the expertise of the department by the sale of knowledge and services and the exploitation of intellectual property. I have been concerned in past years about the loss of good people from the department. This Bill goes a long way toward addressing that matter. Will the Minister tell the Committee what he envisages as the machinery to put this into effect; in other words, what steps is the department planning to take to recruit people and what are the strategies and incentives to bring them into the service? Also, what incentive schemes has the department for keeping research officers, not so much the up-front ones but the necessary backroom research staff who support all the ongoing projects? There has been head hunting from the department in the past, which is an inevitable process in the Public Service, so I would like to know how the department sees its role to stop this happening in future.

Hon GRAHAM EDWARDS: There are a number of ways in which that will happen. I understand some things are happening already. This Bill attempts to legitimise those things. The major thrust will be in relation to arrangements that will allow the department to share any benefits it reaps from, for instance, patents or other improvements that show a commercial return. Previously returns went into consolidated revenue and into Treasury. In future if an intellectual product is sold, whether it be a patented invention or the contracting out of a person from the department as a consultant to a private concern, or where we are bringing people in from time to time, financial returns will go back to the department. The morale gained by people being able to be more flexible in their approach and their ability to work closer in some instances with private enterprise, and have a reciprocal agreement with it, will add up to what the member has asked about.

Hon J.N. CALDWELL: Subclause (2) says that the performance of the functions of the department is subject to the direction and control of the Minister. Why does the Director General of Agriculture not have those responsibilities as well?

Hon GRAHAM EDWARDS: The director general will have day to day responsibilities one would expect him to have. The Minister will from time to time set guidelines and policies for the direction to be taken. Up until now one could argue the Minister has had sole direction of the department because it has not had an Act and framework within which to work, or a framework for what the director general would carry out.

Hon W.N. STRETCH: Following up the question on intellectual property and pooling of intellectual knowledge, in the context of plant variety rights, which are not far around the corner, Dr Gladstones developed a world renowned crop of enormous potential, so how does the Minister envisage spreading the commercial benefit of this sort of research, not only in the department but also among the sorts of people who develop such seed crops? Under plant variety rights there will be enormous competition for plant geneticists. I have got the general gist of the answer, but would like to know how the benefit will be spread so that top scientists and researchers and their whole team will benefit. We hope that there will be large benefits for those people; in other words, that they will be recognised financially in a way not previously possible. Will there be a royalty system? How can it work within the confines of the Public Service Act or the Financial Administration and Audit Act which limit what can be given by way of financial reward to departmental officers?

Hon GRAHAM EDWARDS: We get back to the point I mentioned earlier; that is, if someone from the department comes up with a new variety of wheat, for instance, or lupins, which are closer to the truth because we lead the world in lupin production, why should that person not have the ability to share in the reward or see the department share in it? If that is the case the person involved will be more likely to continue working with the department, and probably with private enterprise, in the development of a particular plant. It seems to me that we are creating a situation that will do that. I am sure that if someone were working in a situation like that today and developed something new his option would be to get out and see it developed in private enterprise, but the situation we are putting forward will provide an incentive for him to stay with the department, to see the department benefit from the work and, hopefully, benefit from it himself. There is no problem with the Financial Administration and Audit Act as Government policy can override that.

Hon W.N. STRETCH: I take it from that that incentive will be in the form of support and better research facilities being made available from the money forthcoming?

Hon GRAHAM EDWARDS: Yes. That is the real benefit to the department, that they will share directly by an arrangement that can be entered into by the department and Treasury to ensure that the return does not go totally into consolidated revenue and that a proportion goes back to the department.

Clause put and passed.

Clause 7 put and passed.

Clause 8: Director General a body corporate -

Hon J.N. CALDWELL: Clause (2)(b) mentions the capabilities of the Department of Agriculture in acquiring land and mentions the acquiring and interest in land under a lease or licence. However, below that it states -

but otherwise is not capable of acquiring, holding or disposing of real property.

Does that mean that if a Department of Agriculture office were situated directly on a piece of land it could not be sold? Is it real property and therefore cannot be sold?

Hon GRAHAM EDWARDS: I understand the situation. If the department held some land in the form of a building or property, it could not dispose of that land itself; that would be done through the Department of Lands Administration. That is not something which will change as a result of this Bill, but it firms up the position.

Hon J.N. CALDWELL: If that is correct does it relate to the Animal Breeding Institute at Katanning? Some 18 months ago I believe it purchased some extra land for some \$400 000. Will that also come under the Department of Lands Administration?

Hon GRAHAM EDWARDS: The difficulty is that there is no Department of Agriculture at the moment. I am not sure who holds the land in Katanning; it could be held under the Queen, for instance. I am not sure if the intention is to identify that with the department once this Bill goes through. If that is the case, it would be revested in the department.

Clause put and passed.

Clauses 9 to 11 put and passed.

Clause 12: Contracts and arrangements for services and projects -

Hon W.N. STRETCH: This question of contracts and arrangements for services and projects ties in with the tail end of clause 11. In the past the Department of Agriculture has sent people on exchange or contract work to Libya and other Middle East countries. When such things are undertaken, will they be undertaken under a contract system? Will the machinery for reimbursement to the department be available, or will this purely depend upon the Libyan Government? I do not suppose we will be sending too many people there for a while; I do not know what our present relations are with that Government. If those sorts of things occur in the future, what arrangements does the Minister envisage under this new Act for this money to be sent back to the Western Australian department, or will it be an arrangement between personnel only?

Hon GRAHAM EDWARDS: That would be subject to a contract under the direction of the chief executive officer. The conditions of that contract will be determined by the circumstances of the contract itself, and it is difficult to give precise information, except that the general situation into which the person would be going would be reflected in the contract. It is envisaged that in every contract there will be some sort of flow back of resources into the department, and that will be a general principle, as I understand it, of each and every contract.

Clause put and passed.

Clause 13 put and passed.

Clause 14: Exemption from liability -

Hon W.N. STRETCH: We had the unfortunate situation in another State of Australia where a department gave specific instructions to farmers leading to the department being sued. In the exemption from liability clause here I assume that the department itself can still be sued, and this exemption will apply only to the Minister and the officers. This is a very hot one, considering the current pesticide issue. I for one do not want to see the department involved in litigation because advice given in good faith maybe five years ago should not be considered as a case for litigation. The South Australian case was quite different; it involved specific instructions to farmers.

Hon GRAHAM EDWARDS: Under the exemption from liability clause, the Minister and all departmental staff are not liable for any actions or inactions. This provision does exempt the department from responsibility from negligent acts committed by any of its staff. Is that clear?

Hon W.N. Stretch: Yes.

Clause put and passed.

Clauses 15 to 17 put and passed.

Clause 18: Review of the Act -

Hon W.N. STRETCH: My concern here is with the bringing of the report to the Parliament of Western Australia. We are in a transitional stage with this legislation; we have a very large department with a very long history and a very widely spread effectiveness right across the State. We are here making major changes. If the Parliament is to be meaningful it should have a chance to look at this report within a fixed time. Looking five years down the track, and without starting a heated debate, it is very likely there will be new Ministers and new Governments administering this Act. If my prediction is correct, a future Liberal Minister for Agriculture will not thank me for bringing forward this amendment I have circulated, but if the Parliament is to be meaningful, there must be a time limit on the review of this report. This amendment is very much called for and really makes some sense of the whole thing.

Hon J.M. Brown: What is the time limit?

The DEPUTY CHAIRMAN (Hon John Williams): Order! The honourable member has not moved the amendment yet. When he does Hon J.M. Brown will be entitled to ask about the time.

Hon J.M. Brown: I would like to have a copy of the amendment.

The DEPUTY CHAIRMAN: I have the amendment in my hands and I therefore assumed it was with other members.



Hon W.N. STRETCH: I am sorry, I assumed all members had a copy of my amendment. Members will be aware that with the review of legislation the Minister is asked to make a report as soon as practicable after the expiration of five years and, in the second part of the clause, to bring a report to Parliament as soon as practicable. In my reply to the second reading speech I underlined the fact that with other legislation these reports have not been forthcoming. I believe fervently in the importance of agriculture to Western Australia and therefore I believe it is incumbent on a Minister - and it could very well be a Liberal Minister - that a report is prepared at a fixed time after the expiration of five years, and that the report is brought to Parliament and laid before both Chambers within a stipulated period. I do not believe we should go on the never-never and not have the power to call for those reports. For some years I have been concerned that the power of the Parliament is being usurped because departments and Ministers are not tied in and totally responsible to it. I accept the Minister's explanation, which was that the Minister in the other place has made a commitment that he would bring forward the reports. That is without question, but we have seen this with other Ministers and other departments. We are looking down the track to possibly a different Minister and to a new department having experienced large changes. It is fair not only to the Parliament, but also to the electors of Western Australia that they have the right to see this report tabled within a reasonable time.

My amendment is to delete the words "as soon as practicable" and in respect of the tabling of the report the amendment seeks that the report be prepared and laid on the Table within a year of the described expiration. If a Minister of whatever colour is serious about having a report on the operation of certain legislation, it is reasonable to expect that report within six months of the expiration. Within four and a half years the Minister will have all sections of his department looking at reviewing their performance and the performance of the whole department. I do not think it is unreasonable to expect a report to be ready within six months of the expiration of the five year limit. I do not believe it is unreasonable to expect the tabling of the report in Parliament within another six months of that date. Members of Parliament reflect the will of the voters of this State. Rural members, who have this responsibility from their farming constituents, are entitled to measure the performance of the new department and how the legislation itself has performed. I do not think it is too much to tie a future Minister into that review action. I move -

Page 7, line 9 - To delete the words "as soon as is practicable"

Hon GRAHAM EDWARDS: I am opposed to this amendment for reasons I previously gave in my second reading speech. It was not too long ago that Bills would come to this place without any sort of review clause at all. That review clause is now part and parcel of most Bills of this nature. The argument is not our right to insert such an amendment but the practicality of doing so. I feel that people who are in the best position to make a decision about the course of a review and the length of time it should take are those people who deal with the industry and who deal with those industry related problems. It is not true to say that in every instance Parliament itself is in a position to make those decisions. Remembering that when this legislation becomes law it will run for something like five years, it seems to me, in view of the commitment given by the Minister in the other place - a commitment which I am happy to repeat here - this is the best way to go. This Bill does not make major changes, as has been suggested. It really legitimises a number of things which have been happening for quite some time and it gives flexibility to the department, which it requires to continue the level of services appropriate to and required by the industry.

We may have a new Government; we may have a new Minister, but my view is that a commitment given by one Minister is something that another Minister should adopt, certainly when that commitment and assurance is given in Parliament. Certainly, that commitment has been given. My major objection to this amendment is that we do not necessarily know whether, in five years' time, that six months will give us the degree of flexibility that goes hand in hand with the rest of the Bill. The amendment is really saying that the review has to be completed within six months. We are embarking on a period of five years for this new Bill and it seems to me that six months may well be a good period but, equally, it may not be. Why take away that flexibility? Why not allow the people who are in the best position to make judgments make them at that time. If a review is taking too long, I think that Parliament - and particularly this Chamber - will have the opportunity to address that with the Minister of the day and the Government of the day. To do it any other way would hamstring people in a way they do not need to be hamstrung.

Hon MARGARET McALEER: I have been paying attention to what the Minister has said, but I feel he is raising a rather unreal situation. With the new financial and audit arrangements it seems that the whole operation of the new Bill will be constantly under review and that well by the time we come to the end of the five year period there will be ample material in place for the report. Consequently, there should not be any great difficulty in producing the report within six months. The Government has been instrumental in tightening up assessment of departmental operations and their efficiency. That seems to me to lay adequate groundwork for the review and composition of the report.

Hon J.N. CALDWELL: I have listened very carefully because this is very important. I accept that Hon Bill Stretch's amendment has some merit. This is a new Bill which puts something in place for the Department of Agriculture to follow. The word in this clause which is wrong is "practicable". What is a practicable period to one person - that is, the Minister - could be months different from another. Because this is a new and important Bill, a time limit is in order. Six months is adequate, and I support the amendment.

Hon GRAHAM EDWARDS: I argue against the need for a time limit. The emphasis seems to be on the word "practicable" and my argument, as I said earlier, is not against our right to insert this amendment but as to who is in the best position to make a judgment on that practicability. Parliament is not always in the best position to make such judgments. The Minister of the day is answerable to Parliament, the department is answerable to the Minister, so we will have direct control. The six months might, for instance, be only one month short of a period which would be required for a full and proper review to be carried out.

Hon W.N. STRETCH: I accept what the Minister says. I am sure that if I were sitting in his place I would be using exactly the same argument, although I hope I would not. I do not believe this would in any way stop the timing of a report. As Hon Margaret McAleer has pointed out, financial and other controls are far tighter than they used to be, and communications are so much better than they used to be - it is a matter of no time at all to get reports on the operations of departments all over the State. A fax can be sent from Kununurra in five minutes. I believe the Minister is shying at a shadow. We have given the comment that we are not making changes. We are making changes. We have given the department the right to charge for services for which it has never charged before. From my close experience with the department over many years I believe those charges will be fair, but I also believe that Parliament has the right and the knowledge to make such a review.

Hon Graham Edwards: I don't have any argument about the right.

Hon W.N. STRETCH: The Minister underlined our major philosophical differences when he implied that the department was in a better position to make a judgment of how it was going. Philosophically speaking, I do not agree with that. We in this Chamber are the elected representatives of the people who are affected by all the legislation we pass. It is proper that we are not asking too much of the department to put forward a report within six months of an expiration because, as I pointed out earlier, the groundwork for that report would be like a taxation return, and up to date within a few weeks. I see absolutely no difficulty with that.

We have the legislative review role in this Parliament. If we abrogate that role to the departmental officers and the Minister we beg the question: What on earth are we doing here? Parliament is the proper place for this report and I believe the amendment is acceptable. I remind the Minister that I will be the one to be kicked in the backside by a Liberal Minister, when he is sitting in the Minister's seat, asking why the hell he has been numbered with this. This is a burden any Government should take on, and the department has the capacity and the will to carry it out.

Hon GRAHAM EDWARDS: I do not want to enter into a philosophical argument simply because I know we do not have the numbers on this side of the Chamber to sustain one. I would direct members' attention to the wording of the amendment.

The DEPUTY CHAIRMAN (Hon John Williams): Minister, I have put the new words. We are dealing with the deletion of the words "as soon as is practicable".

Hon GRAHAM EDWARDS: What I am foreshadowing, with some flexibility being granted to me by the Chair, is that if we are to delete the words "as soon as is practicable" and replace them, it might be best to consider deleting some of those words which may be inserted.

The DEPUTY CHAIRMAN: Is the Minister agreeing that the words proposed to be deleted be deleted?

Hon GRAHAM EDWARDS: No, I am not agreeing. What I am saying is that if this amendment is passed, I would seek to delete the words, "within 6 months of the described expiration" from the words proposed to be substituted. If that happened I would certainly not go to the wall with the words "as soon as is practicable", because it would simply give us the opportunity to have 12 months to complete the review, if required, providing we could table the report within that period.

Hon W.N. STRETCH: It has been brought to my attention that some members of the Chamber still have not received copies of this amendment, and we are getting to a fairly important stage now.

The DEPUTY CHAIRMAN: I take the honourable member's point. I will leave the chair for three minutes so that members may receive and digest a copy of this amendment.

*Sitting suspended from 8.30 to 8.33 pm*

**Amendment put and passed.**

Hon W.N. STRETCH: I advise members that the amendment I will move is different from the amendment which has been circulated in my name. I move -

Page 7 - To delete subclause (2) and substitute the following -

(2) The Minister shall complete the review required by subsection (1) and shall prepare a report based on that review and cause it to be laid before each House of Parliament within 12 months of the described expiration.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Title put and passed.**

**Bill reported, with amendments.**

## SWAN RIVER TRUST BILL

### *Report*

**Report of Committee adopted.**

## ACTS AMENDMENT (CHILDREN'S COURT) BILL

### *Committee*

Resumed from 1 September. The Deputy Chairman of Committees (Hon John Williams) in the Chair; Hon Kay Hallahan (Minister for Community Services) in charge of the Bill.

**Clause 6: Sections 13A to 13K inserted -**

Progress was reported on the clause after the following amendment had been moved -

Page 7, line 19 - To insert after "safety" the words "or welfare".

Hon P.G. PENDAL: The reasons for this suggested amendment were given quite adequately the last time we debated the Committee stage of this Bill. However, I remind those members who are not familiar with this amendment that it was believed that the words "or welfare" should be inserted after the word "safety" because the word "safety" on its own would indicate a person's physical wellbeing rather than any other consideration. The Opposition is suggesting that the inclusion of the words "or welfare" allows for action to be taken where a detainee is at risk not only in a physical sense, but also if he is in some other danger. Therefore, the words "or welfare" appear to be appropriate and I urge the Committee to support this amendment.

Hon KAY HALLAHAN: I agree with Hon Phillip Pendal when he says that we canvassed the issues in this clause fairly fully at the last Committee sitting. However, I have given consideration to the point put forward by the member and I am of the very firm opinion that it would be detrimental to the Bill to include the words "or welfare". It is an indeterminate

term and it is better to leave that provision as it is. I urge members of the Committee to vote against the proposed amendment.

**Amendment put and a division called for.**

**Bells rung and the Committee divided.**

The DEPUTY CHAIRMAN (Hon John Williams): Before I appoint the tellers I cast my vote with the Ayes.

**Division resulted as follows -**

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**Ayes (13)**

Hon J.N. Caldwell  
Hon E.J. Charlton  
Hon Max Evans  
Hon H.W. Gayfer  
Hon Barry House

Hon A.A. Lewis  
Hon G.E. Masters  
Hon N.F. Moore  
Hon P.G. Pandal  
Hon W.N. Stretch

Hon John Williams  
Hon D.J. Wordsworth  
Hon Margaret McAleer  
(Teller)

**Noes (12)**

Hon J.M. Berinson  
Hon J.M. Brown  
Hon T.G. Butler  
Hon Graham Edwards  
Hon John Halden

Hon Kay Hallahan  
Hon Tom Helm  
Hon Garry Kelly  
Hon S.M. Piantadosi  
Hon Tom Stephens

Hon Doug Wenn  
Hon Fred McKenzie  
(Teller)

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**Pairs**

**Ayes**

Hon C.J. Bell  
Hon P.H. Lockyer  
Hon Neil Oliver  
Hon Tom McNeil

**Noes**

Hon Robert Hetherington  
Hon B.L. Jones  
Hon D.K. Dans  
Hon Mark Nevill

**Amendment thus passed.**

The DEPUTY CHAIRMAN: I wish to point out to honourable members that any member who is not to the left or the right of the Chair can be claimed by either side; it was only a hair's breadth decision in respect of two members who were in the centre of the floor when I ordered the doors to be locked. I draw that to the attention of members for future reference.

**Clause, as amended, put and passed.**

**Clauses 7 to 12 put and passed.**

**Clause 13: Section 33 amended -**

Hon KAY HALLAHAN: I wish to explain to members the necessity for the proposed new clause 13 standing in my name on the Notice Paper. When the amendment was drafted to section 33 of the Child Welfare Act the fact was overlooked that this section will be replaced by a new section 33 when the amending Bill to the Bail Act is proclaimed. I referred to this previously. As it is intended that that proclamation will occur before this Bill becomes law the replacement clause 13 amends new section 33 of the Child Welfare Act. In particular, it reflects the new provisions for detention centres in relation to the detention of children not released on bail, and remedies the discretion that is currently available to the department to place children remanded in custody in an open setting in the community. This will ensure that the court has the full power to determine whether or not secure detention is required during an adjournment. At present the department has the administrative power and places the child somewhere. It is considered preferable for a court to make that determination. That is the nub of the explanation.

The DEPUTY CHAIRMAN (Hon John Williams): The Minister has proposed an amendment to delete the clause and substitute a new clause. What I am now putting, for the guidance of the Committee, is that if the Minister's amendment is agreed to and this clause is deleted, the new clause will be put after the other clauses of the Bill have been put, because being a new clause it will come at the end. If it is the Committee's wish that the clause be deleted, I will have to put that and the substitution at the end of the Bill, because that is the proper way. The question is that the clause proposed to be deleted be deleted.

Hon P.G. PENDAL: The Opposition does not have any difficulty with this, but there are two questions I want to ask - one to the Minister and one in confirmation to you, Mr Deputy Chairman. As I understand it, what we will in effect be doing is changing the place where a person can be held from what we call now a departmental centre to a detention centre. Is there any material difference between those two terms? Secondly, I want to be sure that I understand your instruction, Mr Deputy President, that if we vote to delete the clause - which the Opposition is happy to do - we would not then vote immediately on substituting the new clause; we would wait until the end of this Bill.

The DEPUTY CHAIRMAN: That is correct.

Hon KAY HALLAHAN: There is a material difference because a departmental facility may not be a secure detention centre, so this gives the court power to make that order while a case is adjourned. It is at present left to the department to place the child in a departmental facility.

Hon P.G. Pendal: So it is a more secure form of detention?

Hon KAY HALLAHAN: The court will have the option about a more secure form or an open form, or whether to put the child out on bail. The court will have that range of options, whereas at present the department is able to make that administrative decision, which does not suit us in terms of the principles of law.

Hon E.J. CHARLTON: As has been outlined, the National Party supports that move.

The DEPUTY CHAIRMAN: I will now put the question that the clause stand as printed, and the Committee will have to vote no, that the clause will not stand as printed. From my observations, that is the attitude of the Committee.

Hon Kay Hallahan: Why can we not vote on the amendment?

The DEPUTY CHAIRMAN: The Committee cannot vote on the amendment until the end of the Bill, and the Committee must defeat this clause if it wants to put in the amendment at the end of the Bill.

Clause put and negatived.

Clauses 14 to 17 put and passed.

Clause 18: Section 34CA inserted -

Hon P.G. PENDAL: I move -

Page 12, line 19 - To delete "6" and substitute "12".

What we are here seeking to do is incorporate a fairly simple and straightforward amendment. A probation order made under the proposed Act will have effect for a period not exceeding six months as determined by the court. We are saying that the six months ought to become 12 months because in many cases a six month probation order will not be sufficient. I suggest there is no reason why a magistrate ought not to have the power to impose probation for up to one year. It seems to me to be a reasonable extension of the Government's own argument that as far as possible the Parliament leave the greatest degree of latitude in the hands of the magistrate or the court; therefore, a doubling of the period for which the court can order a probation seems quite appropriate. I ask members to support the amendment.

Hon KAY HALLAHAN: I ask members of the Committee to carefully consider this amendment, and I hope they can be persuaded to have the Bill remain as printed on this clause. I ask Hon Phil Pendal and his colleagues to give some consideration to the reason why six months was chosen. It was chosen after careful consideration. While to some extent I can see the persuasiveness of what the member has said, we need to look for workable ways of dealing with young people who offend. It is clear that long probation orders start off fine, with a plan being laid out. The problem with 12 months is that it can become merely a monitoring exercise towards the end, which devalues the penalty, whereas a six month limit will mean that there will be a well drawn up, comprehensive plan for that period, during which there will be close attention, monitoring and supervision of the young person, and support for the family. It is really a case of a fairly heavy penalty, being short, sharp and comprehensive, and it avoids the tailing off into long probation orders, which seem to lose

their effectiveness. As I say, they do lose their effectiveness. We need to look for what is effective with young people and for that reason I ask members to really consider the way they view this issue and the points of view that are being put to them. I therefore ask them to vote against the amendment before the Chair.

Hon P.G. PENDAL: I have to admit I had not seen it quite in that light before. I certainly do not like the idea that a longer period would entail, to use the Minister's words, a tailing off in the process because, after all, I think it is fair to say that the Liberal Party and the National Party have both been insisting that legislation of this kind ought to be effective and not cosmetic. If I could be assured that there would be a close monitoring for the six month period to which the Minister alluded - in other words, a time when the scrutiny was of a reasonable kind; even an intense kind, rather than a period of intensity and then a tailing off - and if I could be assured that that really would be the practical effect, I would not have too much difficulty in suggesting to my colleagues that we do not insist on our amendment. However, before I do that I would at least ask the Minister to respond to the point I have made.

Hon KAY HALLAHAN: I am happy to do that because it is a reasonable request when members are considering putting aside an amendment which they considered had some worthwhile merit. I assure the honourable member that probation has been upgraded and is considered to be one of the higher order penalties. I indicate to the member that the departmental resources will be made available to carry out the sort of supervision that will be necessary. Ten senior items have been converted within departmental resources to actually carry out the supervisory process that will be necessary to make this work. In addition, I think the honourable member has had an interest in honorary probation supervisors and a pilot scheme is operating in the south metropolitan region which we will evaluate to see whether we cannot also take it to other areas. I assure the member there has been very serious consideration of the way we can make probation work as an effective mechanism in deterring young people from committing further crimes.

Hon P.G. PENDAL: I thank the Minister for her comments. It still seems to me that there is no strong reason why we ought not to be giving the magistrate a greater capacity to be flexible; however, the Minister seems to be sure of her ground that there would be a tailing off effect and in the light of that I suggest to members that they heed the Minister.

Amendment, by leave, withdrawn.

Clause put and passed.

Clause 19: Section 34E amended -

Hon E.J. CHARLTON: I move -

Page 12, lines 25 to 28 - To delete paragraph (a) and substitute the following -

(a) by deleting all of subsection (1) except the last sentence and substituting -

(1) Where a child is found guilty of an offence with respect to which a fine is imposed on the child or payment of compensation, costs or restitution is ordered, the court, on being satisfied that any parent or guardian of the child has condoned to the commission of the offence by neglecting to exercise due care or control of the child and having regard to the financial circumstances of the child and the parent or guardian, shall order that the fine or compensation, costs or restitution be paid -

- (a) by the child; or
- (b) by the parent or guardian; or
- (c) by both the child and the parent or guardian, in such proportions as the court may determine; or
- (d) by the child, but subject to the condition that in default of payment by the child, the fine, compensation, costs or restitution shall be paid by the parent or guardian of the child.

The Committee should support this amendment simply because in tonight's *Daily News* we see that the Government is being congratulated for some of the amendments that have gone through, obviously with the assistance given by this side of the Chamber in improving these two Acts. Over the last couple of weeks I have heard people applaud the tightening up of this legislation in an attempt to make people responsible. We are seeking to amend section 34E to incorporate all the various aspects of responsibility when it comes to payment of compensation or restitution. I will not go into great detail because all members have had an opportunity to look at the amendment. In a nutshell, if the court decides that the child is responsible, so be it, but if the court believes the responsibility falls on a combination of the child and the parent or guardian, it has the ability to hand down a decision to that effect. If the child happens to be under the control of a guardian, who obviously would not be the parent, that guardian, who has complete control of and responsibility for the child, also is liable to ensure that the restitution or compensation is paid.

In a case where the child is deemed responsible by the court but does not pay the compensation or restitution, it will be the responsibility of the parent or guardian of the child to pay. Very simply, we cannot have a situation where the child can merely walk away from the responsibility if the court makes a decision that the child is solely responsible for what has taken place and should bear the consequences. Opponents of this amendment will say it will take away the responsibility of the child to pay the fine, costs, compensation or restitution because the child knows that someone else will pick up the tab. That is a valid argument but it is very much outweighed by the fact that if the child is placed in the alternative position the parent or guardian will want to be a little more involved. That has been our concern from the outset in setting up the Children's Court - to ensure that the parent is in the court, and so on. We are trying to tie it all in so that everyone responsible for the child will be taken into account all the way through rather than just part of the way or most of the way through.

We all agree that we cannot set down watertight legislation so that the courts will not face problems. This amendment covers the situation and gives the opportunity for shared responsibility if the court determines that way. More importantly, it provides the incentive for the parent or guardian to make restitution or compensation; the parent or guardian will be there to the end. Other arguments could be made on this point and widespread comment has been made not only within the media but also by parents and people in a caring situation. Mr Max Trenorden recently sat in at the courts. He was welcome there because he was taking an interest which was appreciated. Supportive discussions took place with people responsible for the care of children. I hope that all members on both sides of the Chamber will support the National Party amendment.

**Hon KAY HALLAHAN:** I agree with a great deal of the comments made by Hon Eric Charlton. The position is a collective one; we wish to see more responsibility exercised by parents. We want restitution and compensation handled in a reasonable way to give children and families an understanding of their responsibilities towards the community. In doing that we will be responding to the demands in the community; the Government has no disagreement on that point.

The Government supports the amendment with the exception of paragraph (d). We support the principle referred to by Hon Eric Charlton but that does not mean we need to support paragraph (d). Paragraphs (a) to (c) state that the court shall order that the final compensation, costs or restitution be paid by children or by the parent or guardian or by both in such proportions as the court may determine. I am happy about those provisions. I am not convinced and have great reservations about paragraph (d) of this amendment because we are asking the court to impose restitution on the child subject to the condition that in default of payment by the child the compensation, costs or restitution shall be paid by the parent or guardian. There is a grave error in doing that. The reflection should be on the child.

The court has the flexibility with paragraphs (a), (b) and (c) to make someone else responsible in default. Bearing in mind we are dealing with children many of them will default because someone who cares or is responsible simply takes the situation on. That is a very poor principle to be put into paragraph (d). Apart from that point I fully support the clause. I move -

That the amendment be amended by deleting all the words after "determine;" in paragraph (c).

Hon P.G. PENDAL: Before the National Party responds I wish to express my views on subclause (1)(c) in the absence of an explanation on subclause (1)(d). We support the clause because in an accompanying Bill a similar amendment was moved to clause 25. Regrettably that amendment was rejected and I suspect that rejection in a succinct way did what this National Party clause seeks to do in a cumbersome way. I am a realist and knowing that we were not successful with our amendment to the other Bill it is necessary to support Hon Eric Charlton at least in relation to paragraphs (a), (b) and (c). I am not sure that this will ultimately achieve what Hon Eric Charlton believes because it appears he is seeking to ensure that the people who cause the damage pay the restitution or compensation. I have no quarrel about that because my amendment to clause 25 of the previous Bill set out to do precisely that.

This clause does not make compensation or restitution obligatory which is what I thought was the principle behind the move. This amendment says that where a child is found guilty of an offence with respect to which a fine is imposed on the child or payment or compensation, costs or restitution are ordered - the following principles will apply. It does not say that restitution or compensation must be imposed and that is a pity. That is the weakness of the amendment. We should all support the proposition put by Hon Eric Charlton.

The DEPUTY CHAIRMAN (Hon John Williams): I ask the honourable member to make his comments to the amendment to the amendment and not to what Hon Eric Charlton is proposing to move.

Hon P.G. PENDAL: For that reason we will wait with great interest to hear what the National Party members have to say, since it is their amendment that will be partly deleted. Nonetheless, I make the point that it is a clause that will not impose as a mandatory thing the payment of compensation or restitution. Therein lies the weakness, but it is better than nothing at all.

Hon E.J. CHARLTON: Obviously the National Party does not support the move by the Minister. If the final responsibility is taken away, as is suggested in paragraph (d), where do we go? We will have the same situation which now exists in the court where people walk away from decisions that are handed down. We want to make sure that will not happen. I will refer to the other aspects mentioned by Hon Phil Pendal after we have made a decision on this amendment. Paragraph (d) of this amendment will ensure that no doors are left open and that people cannot walk away from their responsibility. We must make a decision that will not reduce the responsibility of the child by having someone else pick up the tab. History tells us that society has been successful in walking away from responsibilities. It will bring the child and parent or guardian closer together to monitor the situation and if the child does not act according to what the court has decided the parent or guardian will have to pick up the tab.

Hon KAY HALLAHAN: I am in sympathy with what Hon Eric Charlton wants to achieve but there is an error in the way in which we are going about it. Before I address that, I will refer to Hon Phil Pendal's comments. I bring to his attention that the reason his position was not supported in the Children's Court of Western Australia Bill was because of its mandatory nature. He sees it as a weakness, but I see it as workable law that the court can make those determinations. If we have mandatory clauses we will have a law which, in some circumstances, is not strong enough to deal with certain situations and we will restrict the law in its application. I wanted to make it clear to the Committee why the member's proposals were rejected by the Government in the previous debate.

With regard to the amendment before the Chair new provisions will apply as a result of the Bills we are considering because, for the first time, recovery will be possible through the Local Court. Victims will be able to make a claim through the Local Court in a way in which they has not been able to do before. We can realistically expect we will bring a closeness between the child and the parent or guardian as a result of these two Bills and there will be closer monitoring by the parent or guardian of the child's activities. This will occur as a result of these Bills. However, paragraph (d) of this amendment allows children to ignore the court's determination with impunity because the parents will have to pick up the tab. That is the big weakness of paragraph (d).

Hon E.J. Charlton: What will happen if that is not there and they do not pay?



Hon KAY HALLAHAN: In the case of a victim he can take action in the Local Court. What will happen now is that it will only transfer to parents. We are talking about children of 17-plus years of age, and they can walk away and have the fine transferred to their parents. It is not a good thing to do in terms of people being responsible for their actions and I am sure that no members in this Chamber will agree with it. The amendments in paragraphs (a), (b) and (c) give the courts enough flexibility to impose costs of restitution. Paragraph (d) is not a good principle for us to establish. It is not good for a child of 17-plus to walk away with impunity and have his fine transferred to his parents. It is something we would do well to consider.

Hon E.J. CHARLTON: The Minister refers to a child walking away from his responsibility. We must remember why the court hands down the decision in the first place and that is because the third party involved has been disadvantaged by having compensation or restitution granted to him. The third party is important in this exercise. It is all very well that a child can walk away from his responsibility, but we are not helping the situation by having the parent or guardian pick up the tab. The main point is that the parent or guardian will have to sort out this problem with the child if it arises. We do not want to disadvantage people by leaving these proceedings in limbo. It is a very important point which people should not forget. The public, the courts and everyone involved will be very satisfied with this amendment and will congratulate the Government on putting together a piece of legislation that obviously caters for everyone. For those reasons I do not see any need to delete paragraph (d) of my amendment.

Hon P.G. PENDAL: The reality is - I have seen it happen - that if the child is fined and he does not have any money the parent pays anyway. Who pays the fine if the child is a neglected or homeless child? Even in the case of subclause (1)(a) if the court says that the child will pay, the situation may be that the child will not pay at all. His father may give him \$25 to pay it. It is an academic argument that is not at the heart of what we should be talking about. With due respect, this is a weaker version of the amendment moved by the Liberal Party to the other Bill. It is true that in the other Bill we made it mandatory for restitution to be ordered by the magistrate. However, we said that in the case of damage or loss occasioned by a number of children the court may direct payment by all or some of such children or parents or guardians as it thinks fit. We did not say how much restitution would be involved, but that it had to be something, even if it is only a nominal amount. The firm principle that restitution had to be paid was rejected by the Committee previously.

We are now being asked to replace that very firm amendment with a weaker version. Even though the amendment moved by the National Party is a weaker version, it goes some of the way to achieving that end which is a more serious attack on the problem of juvenile crime. That will be achieved at least in part by the whole amendment being passed. I cannot see much point in our deleting paragraph (d). Therefore, I ask my colleagues to vote against the deletion and in favour of the whole clause.

**Amendment to the amendment put and a division called for.**

**Bells rung and the Committee divided.**

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

**Division resulted as follows -**

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**Ayes (12)**

Hon J.M. Berinson  
Hon J.M. Brown  
Hon T.G. Butler  
Hon Graham Edwards  
Hon John Halden

Hon Kay Hallahan  
Hon Tom Helm  
Hon Garry Kelly  
Hon S.M. Piantadosi  
Hon Tom Stephens

Hon Doug Wenn  
Hon Fred McKenzie  
(Teller)

**Noes (13)**

Hon J.N. Caldwell  
Hon E.J. Charlton  
Hon Max Evans  
Hon H.W. Gayfer  
Hon Barry House

Hon A.A. Lewis  
Hon G.E. Masters  
Hon N.F. Moore  
Hon P.G. Pental  
Hon W.N. Stretch

Hon John Williams  
Hon D.J. Wordsworth  
Hon Margaret McAleer  
(Teller)

Pairs

Ayes

Hon Robert Hetherington  
Hon B.L. Jones  
Hon D.K. Dans  
Hon Mark Nevill

Noes

Hon C.J. Bell  
Hon P.H. Lockyer  
Hon Neil Oliver  
Hon Tom McNeil

**Amendment on the amendment thus negated.**

**Amendment put and passed.**

Hon E.J. CHARLTON: I move the following consequential amendments -

Page 12, after line 28 - To insert the following paragraph-

(b) in subsection (2), by inserting after "parent" the following-  
or guardian

Page 12, after line 32 - To insert the following paragraphs-

(d) in subsection (3), by inserting after "parent", wherever it occurs, the following-

or guardian

(e) in subsection (4), by inserting after "sum" the following-  
, other than compensation or restitution

(f) by repealing subsection (5) and substituting the following subsections-

(5) An order under subsection (1) or (2) may be made against more than one person and where such an order is made the obligations of the persons against whom the order is made shall be joint and several.

(6) Where the court has made an order for the payment of compensation or restitution under this section, payment shall be made to the clerk of the court for the transmission to the person in whose favour the order was made.

(7) A person to whom payment of compensation or restitution is to be made under this section may recover any amount in arrear by obtaining from the clerk of the court a certificate given by the clerk as to the amount due under the order to the person and not paid, and upon the filing of the certificate in the office of a clerk of a Local Court, the certificate shall be deemed to be a judgment that requires payment of money duly made by a Local Court and may be enforced accordingly.

(8) For the purposes of this section, "guardian" in relation to a child includes any person having the custody, care or control of the child for a period other than one which the court considers to be limited or temporary, or who receives any pension, benefit or allowance for or in respect of that child, but does not include the Director general or any officer of the Department, licensed foster parents, school teachers, or members of the staff of any detention centre or Departmental or other facility.

**Amendments put and passed.**

**Clause, as amended, put and passed.**

**Clauses 20 to 75 put and passed.**

**Clause 76: Section 20T amended -**

Hon KAY HALLAHAN: I do not think this is a contentious issue, but it refers to an amendment in the Offenders Probation and Parole Act. The current clause 76 mistakenly deletes the definition of prisoner in section 20T in this Act. What is required is to substitute the words "detention centre" for the word "institution" to bring that Act into line with amendments to the Child Welfare Act. It is really a matter of standardising terminology with regard to a detention centre being a place of secure detention. The effect of this section is to

ensure the standard parole rights of children serving all or part of their term of imprisonment in a detention centre under section 666 of the Criminal Code. I trust that gives members no cause for concern and that we can deal with the amendment fairly expeditiously. I move -

Page 27, lines 25 and 26 - To delete "by deleting the definition of 'prisoner' " and substitute -

in the definition of 'prisoner' by deleting 'institution' and substituting the following -

detention centre

Amendment put and passed.

Clause, as amended, put and passed.

Clause 77 put and passed.

Clause 78: Section 3 amended -

Hon KAY HALLAHAN: I move an amendment -

Page 28, line 7 - To delete "welfare" and substitute "services".

This is a standardising of terminology and refers to an amendment to the Bail Act 1982 and paragraph (b) of this clause. The words "authorised community welfare officer" will be replaced by the words "authorised community services officer", which is the correct title. Members would appreciate that the officers were previously known as community welfare officers but are now known as community service officers. In the drafting there was a lapse to an old familiar term which is inconsistent across the Act. I hope that this will not be a matter of concern or contention and ask for the Committee's support for the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 69 to 89 put and passed.

Clause 90: Schedule amended -

Hon KAY HALLAHAN: I move an amendment -

Page 32, lines 10 to 17 - To delete subparagraph (ii) and substitute the following-

(ii) in clause 4-

(A) by deleting "any appeal or rehearing" in the first column and substituting the following-

any appeal, rehearing, or reconsideration

(B) by deleting paragraph (g), and the entry opposite to that paragraph and substituting the following-

(g) for a rehearing of  
any proceedings  
under section 28  
of the *Children's  
Court of Western  
Australia Act  
1988*.

The Children's Court

(h) for the reconsid-  
eration of an  
order under sec-  
tion 40 of the  
*Children's Court  
of Western Aust-  
ralia Act 1988*.

The Children's Court  
constituted by the  
President.

Page 32, after line 17 - To insert the following paragraph-

(b) in Part B, in clause 3-

(i) by inserting after "a Justice" in both places where it occurs the following-

or a member of the Children's Court

and

(ii) by inserting after "another Justice" the following-

or another member of the Children's Court

This is a similar exercise. This also refers to amendments to the Bail Act 1982 and is intended to update the schedule of that Act relating to jurisdiction for granting bail again making it consistent with the Children's Court of Western Australia Act, the new Act we are proposing to bring in so that the court is granted appropriate powers in relation to bail. These amendments ensure that the power to grant bail is extended to applications for reconsideration of an order by the president under section 40 of the Children's Court of Western Australia Act. It also gives a member of the Children's Court the same powers as a justice of the peace for granting bail in appropriate circumstances. This is not a contentious amendment but is needed to the schedule of the Bail Act 1982.

**Amendments put and passed.**

**Clause, as amended, put and passed.**

**Clause 91 put and passed.**

**New clause -**

**Hon KAY HALLAHAN: I move -**

**Insert a new clause as follows -**

**13. Section 33 of the principal Act is amended-**

(a) in subsection (1), by deleting "Subject to section 24 of this Act, where" and substituting the following-

**Where**

**and**

(b) in subsection (2) by deleting "Departmental centre or Departmental facility of an appropriate kind, or such other place as is approved by the Director" and substituting the following-

**detention centre.**

**New clause put and passed.**

**Schedule 1 -**

**Hon E.J. CHARLTON: I move -**

**Page 33, lines 35 to 39 - To omit item 14 and the entries opposite that item in columns 2 and 3 of the schedule.**

The reason for this amendment is consequential on what happened earlier, so I do not think it requires further comment.

**Amendment put and passed.**

**Schedule, as amended, put and passed.**

**Title put and passed.**

**Bill reported, with amendments.**

## **CHILDRENS COURT OF WESTERN AUSTRALIA BILL**

### ***Recommittal***

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

That the Bill be recommitted for further consideration of clauses 24 and 42.

**HON P.G. PENDAL** (South Central Metropolitan) [9.49 pm]: The Opposition intends to support the recommitment, but I make it clear from the outset that we do not do that with any degree of enthusiasm. I have always understood that a recommitment would occur if an unavoidable oversight took place during the Committee stages of that Bill, or if some other good reason presented itself. If one reads the amendments that have been circulated what we are being asked to do is recommit the Bill not because there has been any suggested oversight but because the Government did not like the outcome of the vote of the Committee on the previous occasion.

It would be dangerous for any person, either individually or as a member of the Opposition, to accede lightly to the request the Government is making of us. So far tonight there has been a reasonably good debate on the part of all the parties involved, but I have to be frank and say that I am well aware of what the Government has in mind in wanting to recommit the Bill. I remain convinced the purpose is to weaken the amendments which have already been passed by the Committee of this House. That does not mean to say that it has been passed just by the Opposition; it reflects the view of the entire Committee. We will shortly resume debate on the Government's move to get rid of the stronger provisions which have been injected into the Bill by the Liberal Opposition. It is that which has not only irritated or annoyed the Opposition; it is that which is at the very heart of the debate that we seem to have had for weeks. In fact it was observed to me that if we did not soon get the Bill through, juveniles affected by it would be old age pensioners by the time the provisions of the Bill came into effect. I am convinced that what is at the heart of all this is a demand on the part of the community - and it is reflected in the newspapers tonight; and I will refer to that in a couple of minutes - for more severe penalties and action to be taken against people who continually thumb their noses at the law. The Government is more intent, when it goes down that track, on protecting the civil liberties or the rights of the cheats or the crooks or the charlatans than it is on looking after the rights of the victims. That has come home to us in a very graphic way in recent times. That demand on the part of the community is simply not being properly responded to by the Government of the day. It is for that reason that we moved those amendments which we are about to go back to and discuss again.

The reason the Liberal Opposition is not opposing the recommitment is only so that we cannot be accused of not being prepared to debate fully any issues in this Bill, and so that we cannot be accused of wanting to avoid the issues. It is the issue of the Government's not being prepared -

The **DEPUTY PRESIDENT** (Hon Garry Kelly): Order! I ask the speaker to wind up his comments, because I am advised that technically he is out of order because the debate on this issue is limited to whether the Bill should be recommitted and not on the other issues.

**Hon P.G. PENDAL**: Thank you, Mr Deputy President. I did take advice on the matter before the debate took place, and I am presuming the advice I took came from the same people who are giving you advice. I was very careful in what I was hearing from them that this was a debatable motion. I am suggesting there are good reasons why the Bill should not be recommitted, but I have also indicated that we are prepared to recommit it.

Things have happened in very recent times which do get on people's wicks in this State, because they believe not only are politicians not responding, not only are the courts not responding, but also the Parliament as a whole is not responding. I have a very brief quote which is part of my argument as to why we should not be seeking to weaken the provisions which have already been put there. It arrived on my desk only a day or two ago, and it is by those people who are seeking to argue the case in another part of the State. People by the name of Ray and Gwen Collard in the great southern found themselves in a situation which is at the very heart of the debate which has been going on in this Chamber for a few weeks now. I want to read only the summary, not the case which is set out very clearly, of a situation where these people had their home and their farm invaded by a couple of no-hopers who terrorised that family with this result - and it is very relevant to what we are talking about in regard to the recommitment of this Bill. It reads -

That a hardworking, loyal man was found guilty of defending his family and home after repeated provocations.

That is this Mr Collard. It continues -

Ray Collard was placed on a good behaviour bond of \$1 000 for twelve months and his previously clean "record" taken away. Meanwhile, men -

And he is now referring to the perpetrators of some pretty horrific offences. To continue -

... with anything but clean records, had their wrists slapped - as it were - and left the courtroom grinning at their mates outside.

*Point of Order*

Hon FRED McKENZIE: Surely we are debating something other than the recommittal of the Bill!

The DEPUTY PRESIDENT (Hon Garry Kelly): The advice I received was that the motion is debatable, but it is restricted to whether the Bill should be recommitted. I have informed Hon P.G. Pendal of that fact. He stated that he was given advice contrary to that, which makes things difficult. I have asked the member to wind up his speech, and I think he is taking a few liberties with my request. If he does not wind up in the next minute or two he will have his speech terminated. I ask the member to finish his speech quickly.

*Debate Resumed*

Hon P.G. PENDAL: Thank you, Mr Deputy President. It is of no consequence to me whether I say what I have to say here or when we recommit the Bill.

Hon Kay Hallahan: Do it after the recommittal, then.

Hon P.G. PENDAL: In terms of time it does not matter a jot.

Hon Fred McKenzie interjected.

Hon P.G. PENDAL: I am telling the Chamber that I took the advice of the appropriate person in this place and I was told there was no limit on the matters I could raise on a simple and debatable motion that the Bill be recommitted. It is not a button off my shirt whether I say it now or later. I can assure members I will say it because it underlines my point, but I will respect what you have said, Mr Deputy President, because you have given a ruling and I will wind up.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order! Will the member finish his speech. I refer members to Standing Order No 81, which says that no member shall allude to any debate or proceedings in the same session unless such allusion shall be relevant to the matter under discussion. Under that Standing Order the matter under discussion is whether the Bill should be recommitted. The member should not canvass other debate. I ask him to finish quickly - or has he finished?

Hon P.G. PENDAL: I agree with that, but that would prevent even the Minister recommitting the Bill discussing what we have already discussed this session. I will be happy to use my material when we wind up.

The DEPUTY PRESIDENT: Make me happy.

Hon P.G. PENDAL: I took advice, and it was not from the people who are currently advising you, Mr Deputy President, but in deference to your ruling I make this point: This Bill should not be recommitted at all because it seeks to undo - not simply change a general course - in quite a direct way what was done by the Committee of this House a couple of weeks ago. I will not be accused of taking part in a debate that sought to cut off further debate on something that the Government feels strongly about. My purpose in referring to that material, to which I will refer again in a few minutes, was to say that if the Government succeeds with what it wants to do when it recommit this Bill - and I hope it does not - it will actually be perpetuating the very objections that the community has towards our over lenient system of justice in this State. However, in that conditional sense, the Opposition is prepared to support the recommittal of the Bill.

HON E.J. CHARLTON (Central) [10.02 pm]: I cannot see any reason for the recommittal of these clauses. I think this is a simple situation: The Committee, when it debated this legislation, made a decision and there is an order in place by which these clauses can be addressed. Every member here is well aware of that. The Minister was keen to make sure this Bill left this place quickly. I thought then that this was because there was to be an early

election but now there is no early election, so there is no reason for the Bill not taking its natural course. I can see no reason for these two clauses to be recommitted.

Question put and passed.

#### *Committee*

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

#### **Clause 24: Court may refrain from imposing punishment -**

Hon KAY HALLAHAN: I move -

Page 12, after line 24 - To delete subclause (3) and substitute -

If the Court has previously exercised the power conferred by subsection (2) with respect to an offence proved against a child, the Court shall not further exercise that power in respect of that child unless satisfied that there are special circumstances.

We have just heard a very long speech from Hon Phillip Pandal -

Hon P.G. Pandal: You did not let me go on with it. It was not very long.

Hon KAY HALLAHAN: What we are doing is bringing in very strong legislation for dealing with juvenile offending. It is all right for Hon Phillip Pandal to suggest that he somehow has a mortgage on making legislation tougher, but that is simply not true. He has a mortgage on making laws unworkable. The Government is attempting to make laws which we all agree - and there has been no disagreement among us on this - should be made more workable, should be firmer and should contain more parental responsibility. It is this Government which has brought legislation to this Chamber to do exactly that.

The problem with clause 24 is the ambiguity of the amendment put forward by Hon Phillip Pandal and passed. I do not want to detract from his efforts at all, but I have had advice from the Law Society that the amendment was ambiguous and difficult to interpret. It would therefore be very difficult to make that law work. That is the basic premise from which the Government and I both come in respect of this matter. While we might all want to score points and have the Press report our party as being tougher than the other parties - and I guess that is what the last speech was all about - I am talking about laws that are clear, will work and will give us a good system for dealing with juvenile crime. In fact, the proposal before the Committee is firmer than it was. The reason I have taken that line in view of the very ambiguous clause passed by this place - and which I was advised would not be interpretable - is to make the dismissal a one time up event. People talk about slaps on the wrist, and if we all keep talking about it, everybody will believe it is true.

Hon P.G. Pandal: They believe it now.

Hon KAY HALLAHAN: They believe it because people like the member have a vested interest in seeing they believe it. However, in respect of the dismissals, in August there was a survey of the number of cases before the court: 241 children appeared, 39 had their cases dismissed under section 26, and of those only three children had ever previously had charges dismissed under that provision. I have no compunction in tightening up this dismissal provision so that the court will give it on only one occasion and only in very exceptional circumstances will the court consider giving a second dismissal. Hon Phillip Pandal made some speech about long lists of dismissals being evident. Maybe there are some courts where that has been a factor; it is certainly a minority factor because, as I pointed out earlier, in 1987 another court survey was done and the number of dismissals granted stood at 1.3. It was not eight dismissals per child. In the Parliament of all places we ought to try to deal with facts, not continue with the myths that prevail in the community because people do not have access to better and more accurate information. This is a most important clause and if we want to give the courts something they cannot work with, then we should reject the amendment before the Chamber. If that is what the intent is, we can all go around the community saying, "My party is tougher than the other one" because I will be telling people that there are some parties which do not want to have clear laws administering our juvenile system in this State.

Hon P.G. PENDAL: That is the sort of diatribe which does not help good debate.

Hon Kay Hallahan: And your sort of diatribe does?

The DEPUTY CHAIRMAN (Hon John Williams): Order! It has been a difficult and very exacting night in Committee. I do not need any interjections to help me in the Chair. I do not need any interjections to help either Hon Phillip Pental or Hon Kay Hallahan, who are conducting a rational debate, even if it is 10.10 pm.

Hon P.G. PENDAL: One of the claims the Minister made was that she had received a letter from the Law Society. If she has received a letter from the Law Society, she certainly has not shown it to the Opposition. She has shown the Opposition the opinion of one member of a committee of the Law Society containing a very clear qualification that was in a covering letter in which the executive officer of the Law Society said that the opinion had not been considered by the Law Society and it was therefore the opinion of the person who gave it. I would be interested to know whether there is any connection between the person who gave the opinion and the possible appointment to the presidency of the Children's Court.

Hon J.M. Berinson: That is disgraceful.

Hon Kay Hallahan: That is about your standard.

Hon P.G. PENDAL: Hang on! Let us go back and then the Government members can comment when they know a few more of the facts. Am I right in saying that the letter that was shown to me does not represent the Law Society's views and it did not contain the qualification that it was a person who was asked for an opinion and that it had not been endorsed by the Law Society council? The person who gave the opinion - I am not suggesting that this person is not a very competent lawyer but is, from all accounts, a very competent member of the legal profession - works for the State Government. Does that not bother Government members?

Government members: No.

The DEPUTY CHAIRMAN: Order! Again I ask Hon P.G. Pental to make his point and I ask the people on my right to save what they want to say until he is finished.

Hon P.G. PENDAL: That was my first point. Am I suggesting that the opinion provided by that person who happens to work for another State Government organisation cannot be taken into account? No, I am not saying that at all. What I am saying and what I am getting a bit irritated about is that, on each occasion in this debate when the Opposition has referred to the person providing its amendments, Government members have fallen about laughing and have reflected on that person for sloppy thinking and providing sloppy drafting. I have said before in the debate that that person has been provided to the Opposition by the State Government. We have not provided that person. It therefore ill becomes the Minister to reflect in any way on him just as I am not reflecting on the person providing the Government with its input.

I make absolutely no apologies - I do not think the National Party would apologise either - for the fact that we are seeking to have a stronger Children's Court. By recommitting the Bill, the Government is seeking to take out some of the strengthened provisions. Is that what the Government wants to do? It is not unreasonable for the Legislature to say, as we said a couple of weeks ago with the endorsement of the Committee, that a person should be given the chance to receive a dismissal and not have a conviction recorded against his name, because everyone makes mistakes. We are also saying that it is not unreasonable to allow someone to make a couple of mistakes. What we are really saying is that there has to be a limit to the number of mistakes one can make. There is nothing in jurisprudence or in law which in any way says that what we are seeking to do is somehow draconian or improper. That advice has been taken, not only from people who have served as members of the Children's Court, but also from people who are well regarded in the legal profession. That is what this clause comes down to.

The Opposition says that a person appearing before the Children's Court ought to be able to make three mistakes before he gets into real strife. The Government now wants us to insert the words "If the Court has previously exercised the power conferred by subsection (2) with respect to an offence proved against a child, the Court shall not further exercise that power in respect of that child unless satisfied that there are special circumstances." In other words, the court cannot grant a dismissal. I put it to the Government that a Children's Court with the sort of background that we have seen for years would decide on every occasion that there are special circumstances and so would go on time and again slapping wrists of offenders.



Is it not interesting that, after the last time we debated this matter, and during the adjournment debate, Hon Sandy Lewis gave a graphic account of the way in which a Children's Court matter had been conducted. It involved a 17 year old youth who stole a car and who involved Lord knows how many police cars in a car chase. Mr Lewis' conclusion was a reflection of his constituents' belief that teeth should be put into our laws. That speech was made in this Chamber at a very opportune time because it was made in the week prior to our discussing the matter and a week prior to the Opposition's moving to put some teeth in the Bill. Is it any wonder, therefore, that people say that the Government is more interested in the civil liberties of the cheats, charlatans and crooks -

Hon T.G. Butler: You are a fool.

Hon P.G. PENDAL: - than it is in the rights of the victims, another matter that is central to this Bill.

Earlier I began reading a document and was asked to stop. I deferred to the Chair, but I will now finish the three or four paragraphs. The document relates to a matter that came out of the great southern and involved the Collard family. That family and its property were violated by three thugs who were subsequently dealt with by the court. One of them was fined \$300 and the other two were placed on probation. They were ordered to pay \$1 800 restitution but no date was set for that. The Probation and Parole Service is unable to enforce repayment until December 1987. That was sufficient to irritate me. The document reflects on everything that we have been trying to do with this legislation in the last couple of weeks. It states -

A hard working, loyal man -

The victim -

was found guilty of defending his family and home after repeated provocations.

He took a shotgun and was alleged to have put a couple of pellets into this bloke's backside.

The document continued -

He was placed on a good behaviour bond of \$1 000 for 12 months and his previously clean 'record' taken away. Meanwhile, men with anything but clean records had their wrists slapped - as it were - and left the court room grinning at their mates outside.

There can be no question that a grave injustice was done in the name of legality.

The Ramage gang -

The name by which the bunch of louts is known -

is still on the loose, more confident than ever that they can work the system to their advantage if they are caught again. We are in a society that neglects their victims whilst bending over backwards for those who commit crimes.

That is what we are saying as well. I will repeat it -

We are in a Society that neglects the victims whilst bending over backwards for those people who commit crimes.

The letter goes on - and this may appeal to the Minister as she happens to be assisting the Minister for Women's Interests - to say -

Gwen Collard still cannot sleep in her own house, a year after that half an hour of terror. Her post-traumatic-shock has meant that she and her husband are being forced to sell their business so that he can stay with her during the hours of darkness. Despite the \$15 000 worth of security screens and burglar alarms which have been installed on their house, she no longer feels safe where - surely? - she has every right to feel secure. The family home is to be sold with incalculable consequences to the youngster in the family.

The overall cost financially to the Collards, include Screens, Alarms, loss of income, legal fees, stolen goods, is in excess of \$50 000.

The Ramage Gang walked away grinning: The Collards the losers.

This document only came into my hands since we began debating this tortuous matter weeks

ago. If anything states the points that have been made in this debate by Hon Eric Charlton, other members on this side of the Chamber, and me, this letter does in a nutshell. We and the community are sick and tired of having a Children's Court system which merely raps people across the knuckles. If we allow the Government to take out this clause, which we put in a few weeks ago, we will be perpetuating that sort of violation of people in this State. I ask members to vote against the Government's proposal as it would weaken the Bill, and we may as well throw it out if that mentality creeps in.

Hon KAY HALLAHAN: At the start of the reconsideration of this Bill Hon Phillip Pental made a statement that up until that point the debate in this House had been at a high level. The member's emotional response with regard to that letter -

Hon P.G. Pental: It is the people who wrote the letter who are emotional.

Hon KAY HALLAHAN: - denigrates the debate considerably. We are considering bringing in laws by which people will have to live probably for a long time. We need to bring this debate back to cool consideration of the matters before us tonight, not those matters which Hon Phillip Pental is using to confuse. I have to say that he is showing a lot of confusion. The amendment before the Chamber is tougher than his own.

Hon P.G. Pental: That is absolute nonsense.

Hon KAY HALLAHAN: His personal commitment to his own amendment, even though it does not provide as tough a measure as the Government's, is such that he cannot concede that that is the case and cannot allow this firmer measure to be passed, although he wishes to hang on to the notion of being tough. The member has not kept up the standard of debate which he was applauding earlier.

The letter to which he referred is from the Law Society of Western Australia. I did not accept his invitation to interject because I did not think it was warranted, particularly after the Chair had asked us to continue our debate in a reasonable manner, as this matter is so serious. The letter from the Law Society was addressed to Mr Terry Simpson, the Assistant Director General of the Department for Community Services. I certainly gave a copy of that letter and the attachment to both Hon Phillip Pental and Hon Eric Charlton. The Law Society was asked to give an opinion on the amendment because I was very concerned about it. The advice I had from Crown Law was that that section would not be interpreted as section 24, and that section 42 actually denied the right of appeal to the Supreme Court. If that is what Hon Phillip Pental wants, after the emotional statement he has just made -

Hon P.G. Pental: We will deal with that later, because it is not true either.

Hon KAY HALLAHAN: It is.

The DEPUTY CHAIRMAN: Order!

Hon KAY HALLAHAN: I want to make this point because there was a reflection made on the person to whom the Law Society referred for advice, who happens to be the Chairperson of the Law Reform Commission of Western Australia. That commission may be denigrated as being a Government instrumentality but it is, nevertheless, the Law Reform Commission of Western Australia. It was not a question of somebody hand-picked by me, as the Minister, to give an opinion. The assistant director general contacted the Law Society for an opinion because I was concerned about this amendment. It was the Law Society's business to whom it referred the matter, and it then referred that advice back to the assistant director general. Both members who are taking part in this debate have had a copy of that advice, and I will read a paragraph from it. It says -

The phrase "arising from one incident" is not a term of art. Indeed, it is difficult to know what it means. Do 10 breaking and entering charges which arise from a spree on a single Thursday afternoon count as "one incident"? What if there is a lapse in time between the beginning of "the incident" and its conclusion - e.g. a child runs away from a would-be arresting officer at 2 pm and is later apprehended on a vagrancy-type offence? But most important, what if a child appears in court as a first offender, but with a number of charges arising on different days and places? This phrase would prevent a court from treating the child as a "first offender" at all, though the child may never have been brought before a court before. One must assume that this result was not intended by the draftsman of the amendment.

Four different situations are spelt out there. I come back to my point that the only reason why I have asked for a recommittal is because "arising from one incident" is so ambiguous and nobody will know what it means. We have a clearer amendment before the Committee, which I am proposing. It is certainly tougher. I recollect that Hon Phillip Pental spoke about poor reflections on the court, which was very unfortunate. I point again to the statistics which show that children are not getting a lot of dismissals, as he said they were. In 1987 the average was 1.3 dismissals; and in the month of August, of the 39 cases dismissed three had previously been dismissed under that provision. We are not seeing an excessive use of that provision. If members will not take note of the facts I do not know on what basis we can make our decisions, unless we want to have the long reading out of emotional and disturbing letters. Such letters do have their place and, in fact, have motivated us to bring our amendment before Parliament. I believe, however, that their place is not at a time when we are trying to consider the law which our courts will have to interpret and use to make responsible decisions and impose reasonable penalties. I ask members to seriously consider the matter before us; it is very important. Why would we want to impose on our system something which would be unworkable? Is there no greater responsibility on us to do our best to make it very clear what our intent and meaning is?

Hon E.J. CHARLTON: I have one comment to make before getting into the debate about the proposed amendment. There is a distinction to be made in what Hon Phillip Pental said in his example of the Collards, in that those criminals were not children, but adults. That is obviously a significant difference. That example was a disgraceful indictment of the system which allowed it to happen. Hopefully, that example will be addressed in another place by appropriate action being taken. What has to be recognised by members of this Committee in debating this amendment is that we should not be confused with what happened in that example. I am not saying that it did not happen, because it did. I want to acknowledge that point and I hope that that which has already been put in place will be successful. It is obviously time we got back to taws with regard to this legislation. I look forward to hearing Hon Phillip Pental's response to the Minister's comments.

Hon P.G. PENDAL: It comes back to a remark I heard someone make half in jest and I sometimes wonder whether we should take it more seriously. Perhaps one day we shall have a system in which the lawyers are in this Chamber, the members retire to the public gallery, and the lawyers are allowed to work it out themselves. Of course, that is a contradiction of the whole system. Lawyers are no different from economists; if half a dozen were put in the same room one would get half a dozen opinions on how to solve the world's economic problems.

I took the Minister seriously during our last debates, sufficiently seriously to go back to the person who is allocated, at high cost, to the Opposition by the Government to draft amendments and to advise on matters of that kind. I asked that person for advice on whether we were on good ground. That person is quite satisfied that the Opposition is on strong ground. It is interesting to hear this person from the Law Reform Commission refer to this amendment as not being state of the art. I do not know what that has to do with it; we are not running a competition, we are trying to draft laws to reflect the beliefs of the people in our community. In response to Hon Eric Charlton who raised a good point, I indicate that the drafting which was not only put forward by the Opposition, but also accepted by the Committee, stated that the court may not exercise the power to refrain pursuant to subclause (2) of this clause with respect to more than three offences. The draftsman went on to say that for the purpose of this subclause multiple offences arising from the one incident shall be treated as one offence.

That is the partial answer to the Minister who tabled that opinion.

Hon Kay Hallahan: It is not.

Hon P.G. PENDAL: That opinion means what it says and that is why the person used those words. The accompanying note states -

With respect to Clause 24, it is difficult to talk in terms of appearances or offences. There are cases in which as a result of a particular escapade, a child may be charged with a number of offences. In the Criminal Law the rule generally is that for concurrent, as distinct from cumulative prison sentences, a Judge should take into account whether the offences are part of the one incident or are manifestly separate criminal acts. I have therefore sought what perhaps is the middle road.

Having said all that, I make one final point: The Minister told members many times during the early stages of this debate that the operation of the new Act would need to be under a fair degree of review in the next year or two. I agree with that. It applies as much to the Minister's amendments as it does to those of the Opposition and the National Party. If in 18 months' time it becomes apparent that the amendments moved by Mr Pandal or Mr Charlton have proved to be duds or that some of the Government's drafting has not proved to be satisfactory, I shall not be slow in coming forward. I shall not lose face or sleep about it, that is the whole point of reviewing legislation. If matters are not satisfactory in a year or two let us review the legislation in this place, but let us not ask the Government to undo something done two weeks previously. In view of that, I ask the Committee to vote against the Minister's proposal to have the clause deleted.

Hon KAY HALLAHAN: I have listened to Hon Phillip Pandal but my contention still is, from the advice I have received, that "arising from one incident" remains an ambiguous term. In my view there is no justification for the Committee's passing into law what we know at the outset to be a very ambiguous phrase. We accept that reviews of legislation are desirable and they are conducted; however, they are usually conducted after the Parliament has passed legislation which it considers at the time to provide the best possible means by which the people who will be working with the legislation can interpret it. I again make the point that the Law Society called on one of its members to give an opinion, and that opinion was forwarded to the Government. In the first place the draftsman said that in his opinion the provision would create a problem for the people who had to interpret it; another opinion was received from the Crown Law Department which confirmed the concerns of the parliamentary draftsman; and a third confirming opinion was received from the Law Society through the member it had asked to review the clause. In the face of those opinions it is important to reconsider this matter and to support the amendment before the Chair.

Hon E.J. CHARLTON: The last time we debated this clause the National Party supported the move by the Liberal Party because it believed that the Liberal Party was doing something positive. Although we acknowledge the points made by the Minister, another principle is involved. We must accept the due processes and it is not in the best interests of this establishment to recommit legislation. The National Party has listened to the arguments put previously and those now put forward and it will not support the deletion of this clause.

Amendment put and a division called for.

Bells rung and the Committee divided.

The DEPUTY CHAIRMAN (Hon John Williams): Before the tellers tell, I cast my vote with the Noes.

Division resulted as follows -

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Ayes (12)		
Hon J.M. Berinson	Hon John Halden	Hon Tom Stephens
Hon J.M. Brown	Hon Kay Hallahan	Hon Doug Wenn
Hon T.G. Butler	Hon Tom Helm	Hon Fred McKenzie
	Hon Garry Kelly	(Teller)
Hon Graham Edwards	Hon S.M. Piantadosi	
Noes (13)		
Hon J.N. Caldwell	Hon P.H. Lockyer	Hon John Williams
Hon E.J. Charlton	Hon G.E. Masters	Hon D.J. Wordsworth
Hon Max Evans	Hon N.F. Moore	Hon Margaret McAleer
Hon Barry House	Hon P.G. Pandal	(Teller)
Hon A.A. Lewis	Hon W.N. Stretch	

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Pairs

Ayes  
 Hon Robert Hetherington  
 Hon B.L. Jones  
 Hon D.K. Dans  
 Hon Mark Nevill

Noes  
 Hon C.J. Bell  
 Hon Neil Oliver  
 Hon H.W. Gayfer  
 Hon Tom McNeil

Amendment thus negatived.

Clause 42: Order to review certain decisions of Court -

Hon KAY HALLAHAN: I move -

Page 21, line 22 - To delete "the Court constituted by the President" and substitute "to a Judge of the Supreme Court, sitting in court or chambers"

We have been through this debate before, and from the comments I heard from Hon Phil Pandal when I made reference to this earlier it would seem he is probably going to take the position he is taking and I am taking the view that I took before, which was one of great concern that we had removed the right of appeal to the Supreme Court in care and protection proceedings and that the amendment now before the Chair seeks to restore that right. In my view that is an important principle which I would regret not seeing this Chamber reinstate. I can say only that Hon Phil Pandal is very wrongly advised, although probably with good intent. I know it is a complicated area, with subclauses being referred to, but I have gone through it very carefully and am of the view we have taken away a right of appeal to the Supreme Court. It is not one that the Government can support. I doubt whether anyone within the legal profession would support it. I ask the Committee to support the amendment before the Chair.

Hon P.G. PENDAL: I agree 100 per cent, and I dare say every member on this side would agree that it would be a very retrograde step to take away a person's right of appeal to the Supreme Court. So I agree with the Minister that if that is what we are doing, it would be a bad thing. However, that is not what we are doing. We are putting in an intermediary appeal provision, and since the Minister has said she will take her position on it, and I will take mine, nothing has changed; she is right about that. She is also right about the quality of one's advice. I am more than happy that we should publicly - here or anywhere else - put the advice of the Parliamentary Counsel - and I will not mention his name because that would be unfair, but he is a very competent barrister, provided to us by the Government - against anyone provided by the Government. So one can only do their business and take advice. In the end, one person is either right or wrong.

I know that to adhere to the original Committee decision does not - and I repeat that to Hon Eric Charlton - take away a person's right to the Supreme Court. I want to quote in part - and I am happy to provide this to the Minister - from the advice that has come to me since we last discussed the matter. It says -

Further to our discussion this morning, I make the following comments. Clause 42, as originally drafted, provided for a review of, for example, care and protection orders made by the Children's Court (not including a Judge) to a Judge of the Supreme Court.

The amended Clause 42 provides for such review to be to the Children's Court constituted by the President (who is a Judge).

A review by the President will result in a finding, order or other decision about, for example, care and protection.

Clause 43(4) expressly provides for an appeal to the Full Court of the Supreme Court of an order of the Children's Court constituted by or including a Judge (which includes the President).

An appeal could therefore be made from the decision of the President pursuant to Clause 42, to the Supreme Court.

I ask members to note the comments from here on -

The effect of the amendment -

That is, the amendment moved by the Opposition -

to Clause 42, is therefore, to create an intermediary review step to the President, instead of a review by a single Judge of the Supreme Court. It preserves the appeal to the Supreme Court.

I want to stop there because I know the Minister is taking other advice, but I want to underline that point because it is important.

Hon Kay Hallahan: Would you like to give me a copy?

Hon P.G. PENDAL: I am happy to do that, but I have also to do it for the record. I repeat -

The effect of the amendment to Clause 42, is therefore, to create an intermediary review step to the President, instead of a review by a single Judge of the Supreme Court. It preserves the appeal to the Supreme Court.

An Opposition member: She is not listening.

Hon P.G. PENDAL: I know. I wonder what one has to do. Mr Deputy Chairman, I am addressing you. I will repeat that for the benefit of other people, including the media, who take more interest in this than do members. It preserves the appeal to the Supreme Court.

The DEPUTY CHAIRMAN (Hon John Williams): Order! I am having the greatest difficulty in following what the honourable member is saying because there is too much audible conversation coming from the benches on my right and on my left. For the record, and to make sure the Hansard reporter has recorded it, I will ask Hon Phillip Pendal if he would not mind repeating that because I did not hear it.

Hon P.G. PENDAL: Thank you, Mr Deputy Chairman. Briefly, I am quoting from the opinion, which says -

The effect of the amendment to Clause 42, is therefore, to create an intermediary review step to the President, instead of a review by a single Judge of the Supreme Court. It preserves the appeal to the Supreme Court.

Instead of decisions being reviewed by a single Judge, they will be reviewed by the Full Bench of the Supreme Court, but that is not a significant difference.

That is not my opinion, it is the opinion of the barrister provided to us by the Government. The opinion continues -

The effect of the amendment is to bring into line Clauses 40 and 42 . . .

Because, as the Minister well knows, clause 42 is very much connected with this. The opinion continues -

. . . and allows orders to be reviewed by the President. The type of orders referred to in Clause 42 are those which could be described as special discretionary matters appropriate to be dealt with by the special tribunal. A similar procedure exists in, for example, the Industrial Relations Commission where there is a right of appeal from a single Commissioner to the Full Bench of the Industrial Relations Commission, which includes the President. There is a further appellate procedure from there to the equivalent of the Full Court of the Supreme Court, namely, the Industrial Appeal Court.

I cannot do more than read that into the record. I will happily provide a copy for the Minister. It does not take away the right of appeal to the Supreme Court; it specifically protects that right but introduces instead an intermediary review by the President of the Children's Court himself or herself.

#### *Progress*

Progress reported and leave given to sit again, on motion by Hon Kay Hallahan (Minister for Community Services).

*House adjourned at 10.54 pm*

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# QUESTIONS ON NOTICE

## CORRECTIVE SERVICES, DEPARTMENT OF - COMMUNITY JUSTICE CENTRES

302. Hon G.E. MASTERS to the Minister for Corrective Services:

- (1) What progress has been made with the introduction of community justice centres?
- (2) How many now exist?
- (3) Where are they located?
- (4) What training do councillors undergo?

Hon J.M. BERINSON replied:

- (1) A mediation services called the Family and Neighbourhood Mediation Service is operated by the Gosnells District Information Centre Inc.
- (2) One.
- (3) Gosnells District Information Centre, 2240 Albany Highway, Gosnells.
- (4) I am advised that there are currently 25 mediators providing the service on a voluntary basis. Initially they underwent an intensive training session over several weeks run jointly by the Gosnells District Information Centre and the Social Work Department of Curtin University. There have also been periodic refresher sessions since then. Mediators must complete the course but no formal qualifications are awarded.

## TRADING HOURS

### *Restrictions - Uncooked Meat*

324. Hon NEIL OLIVER to the Leader of the House representing the Minister for Labour:

As the date has now been promulgated for the deregulation of trading hours, what restrictions, if any, will apply to the weight of individual uncooked meat packs sold through weekend market outlets?

Hon J.M. BERINSON replied:

Restrictions on uncooked meat packs sold at weekend markets before and after proclamation of the Retail Trading Hours Act are the same; that is, fresh meat will be available only in prepacked packages not exceeding 500g weight.

# QUESTIONS WITHOUT NOTICE

## MINISTERIAL STATEMENT - LAW REFORM

### *October 1987 - Recommendations*

166. Hon G.E. MASTERS to the Attorney General:

In October 1987 the Attorney General, in a ministerial statement on law reform, reported to the House as follows -

Preparation of legislation has commenced in respect of a further three of the new reports -

Report No 34, Part IV, Recognition of Interstate and Foreign Grants of Probate and Administration;

Report No 81, Pawnbrokers' Act; and

Report No 26, Part II, Administrative Decisions and Judicial Review.

Would the Attorney General advise the House what progress has been made in respect of those recommendations?

Hon J.M. BERINSON replied:

I advise the Leader of the Opposition that in respect of the first and third of the subject matters to which he referred substantial work has been done. If I remember correctly, the draft relating to recommendations on the foreign grant of probate is very nearly complete. I am unable to report on progress in respect of the commission's report on the Pawnbrokers' Act, as that comes within another Minister's portfolio area.

#### MINISTERIAL STATEMENT -

*October 1987 - Problem of Old Convictions*

167. Hon G.E. MASTERS to the Attorney General:

I ask the Attorney General another question related to his ministerial statement of October 1987. He referred to two other reports, Report No 55, Part II, Courts of Petty Sessions and Report No 80, Problem of Old Convictions, which is an important one that I hope he can answer, but of which the Attorney General said -

... are under active consideration. I propose to give special priority in 1988 to the expunction of old criminal records. It is important that blameless behaviour over a lengthy period following an earlier offence should be encouraged and acknowledged.

Would the Attorney General advise me what progress has been made in that particular area, in view of his assurance to the House that it would be considered as a priority for this year?

Hon J.M. BERINSON replied:

As I indicated in the statement to which Hon Gordon Masters has referred, I have treated the expunction of criminal records as a priority issue. The actual drafting has turned out to be an exercise of considerable complexity and difficulty, but I hope that we will reach our final draft within a short time; in fact, in time to introduce the legislation this session. I had hoped to have the Bill ready for the first week of this session, but some unanticipated problems arose in respect of the treatment of interstate convictions, which required us, in some important respects, to go back to the drawing board. I repeat: It remains my intention to do everything possible to produce that Bill in the current session.

#### CHILD CARE

##### *Regulations*

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

The Minister will recall that there was lengthy debate on the child welfare legislation when it was passed through this House regarding the style and type of regulations that would be introduced. The Minister gave an assurance to the House that she would consult with the Opposition parties before regulations were tabled.

- (1) What progress has been made with reference to the child welfare regulations?
- (2) What consultations, if any, have taken place?
- (3) If they have not taken place, when will they take place?
- (4) Are those regulations to be tabled in this session of Parliament?

Hon KAY HALLAHAN replied:

(1)-(4)

I thank Hon Gordon Masters for his interest in the child care regulations. I understand those regulations have reached their final draft form and are on my desk for me to go through. I think that the Leader of the Opposition's office and that of the National Party will probably get a phone call either at the end of this week or even early next week suggesting an appointment for the consultation in respect of which I gave an undertaking that officers from the



department would meet with members of the Opposition who were interested in the regulations. It is still my hope that we will have the regulations within Parliament very soon and through this session. Nothing has changed about the program except that it is probably a couple of weeks behind what I predicted earlier. However, I regard the consultation process as important and I look forward to support from the Opposition parties. For that reason, I will not neglect to have members opposite kept fully informed.

### FAMILY CENTRES

#### *Pilbara*

169. Hon N.F. MOORE to the Minister for Community Services:

I advise the Minister that by interjection today the member for North Province, Hon Tom Helm, indicated that a family centre is to be built in the Pilbara. In view of the Minister's answers to my questions yesterday, will the Minister advise whether or not a decision to build a family centre in the Pilbara has been made since question time yesterday?

Hon KAY HALLAHAN replied:

The answer is no. The reason Hon Tom Helm would have been in a position to interject in that manner is that of the four pilot centres that were funded under last year's Budget, one is going to the Pilbara, to Karratha. That is the one to which I imagine the member referred, because it would be impossible for any member to refer him to where any of the newly announced centres are going as I am quite serious when I say that the locations have not yet been determined. However, that does explain to the honourable member that he was not receiving dual messages.

### AGRICULTURAL EQUIPMENT - CREDIT ACT

170. Hon W.N. STRETCH to the Minister for Consumer Affairs:

I read this afternoon in the *Farmers Weekly* that he and the Minister for Agriculture had made a joint statement on the effect of the new Credit Act on purchases of farm machinery with a view to paying off interest on interest. The Minister pointed out that it was a very widespread problem in New South Wales.

- (1) Has the Minister had time to assess the impact of that sort of deal on Western Australian farmers?
- (2) If so, could he tell the House?

Hon GRAHAM EDWARDS replied:

(1)-(2)

No, I have not had the opportunity to assess fully the impact on Western Australian farmers. That is why we need to do some more work on it. Simply what is happening is that farmers who have been affected are making an approach to the Minister for Agriculture and, along with his office, we will be addressing the situation on a joint basis. As soon as I am in a position to convey further information I will be happy to do so.

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