

Legislative Council

Tuesday, 27 August 1991

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

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Resignation of Member - Kelly, Hon Garry

THE PRESIDENT (Hon Clive Griffiths): I have received the following letter addressed to me as President of the Legislative Council -

Dear Clive

Please accept this letter as my resignation from the Joint Standing Committee on Delegated Legislation. My resignation is effective immediately.

Yours sincerely

Garry Kelly MLC
South Metropolitan Region

Appointment of Member - Jones, Hon B.L.

On motion without notice by Hon J.M. Berinson (Leader of the House), resolved -

That Hon B.L. Jones be appointed a member of the Joint Standing Committee on Delegated Legislation to replace Hon Garry Kelly.

URGENCY MOTION - UNEMPLOYMENT

THE PRESIDENT: I have received the following letter -

Dear Mr President

I give notice that at the sitting of the House on 27 August 1991, I shall move an Urgency Motion that the House at its rising adjourn till Sunday, September 15, 1991 at 11.00 am for the purpose of discussing the following motion -

1. This House condemns the Government and in particular the Minister for Employment and Training for their failure to address the unacceptable level of unemployment in Western Australia which is currently 11.20 per cent and the Government's failure to adequately address the level of youth unemployment in Western Australia, which is currently in excess of 25 per cent and calls on the Government to recognise that the Government's lack of effective short, medium and long term economic strategy and inconsistent policy are destroying job opportunities in Western Australia.
2. that this House calls on the Government to ensure that the forthcoming State Budget provides economic and social incentives to significantly increase economic growth and as a consequence provide job opportunities throughout the State.

Yours faithfully

George Cash, JP, MLC
Member for North Metropolitan Region

The proposer of this motion will require the support of four members.

[At least four members rose in their places.]

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.38 pm]: I move -

That the House at its rising adjourn until Sunday, 15 September 1991 at 11.00 am.

The reason for this urgency motion regarding unemployment in Western Australia is at least twofold. First, it was clear during question time last week that the Minister for Employment and Training had little understanding of the hurt that is being felt in the community as a result of the Government's policies - or lack of them - for economic growth. Second, the recent Federal Budget has been condemned by many people, including not only people in the Labor Party but also in Trades and Labor Councils throughout Australia, as one which will not promote economic growth but which will continue the current high levels of unemployment in this country.

For statistical purposes it is important to understand Western Australia's position in the unemployment stakes. The August figures of the Australian Bureau of Statistics indicated that in July 1991, 11.2 per cent of the State's work force was unemployed. Never since the Depression has there been a higher figure in Western Australia. One wonders, after listening to the Federal Treasurer and other senior Federal Labor Party members over the past few days, whether they anticipate unemployment getting worse, not better, not only in this State but also across Australia. If members have any doubt about where the Federal Labor Party stands on unemployment I invite them to consider the recent remarks of the Federal Minister for Employment, Education and Training, Hon John Dawkins, who clearly stated that people should not kid themselves about reductions in unemployment, that it would get worse before it got better.

Hon B.L. Jones: Does the member have a policy?

Hon GEORGE CASH: I will give Mrs Jones an opportunity to defend her Government for cruellng job opportunities in Western Australia.

Hon B.L. Jones: I asked if you had a policy.

Hon GEORGE CASH: If the member sat and listened she would hear some of the positive things that can be done to get the economy moving.

Members of the Government will no doubt be shamed when they hear the unemployment statistics in Australia for the month of July. On top of the list with the highest score is Western Australia with an unemployment rate of 11.2 per cent. The Minister for Employment and Training - or the Minister for Unemployment - is a member of this House and is doing very little to address the issues. Next on the list is Tasmania - that well known Labor State - with 11.1 per cent; Queensland, 10.5 per cent; South Australia, 10.4 per cent and Victoria, 10.3 per cent. Members will note they are all current Labor States. They are followed by the Northern Territory, 9.3 per cent; New South Wales, 8.8 per cent and the Australian Capital Territory, 6.6 per cent. Overall, Australia had an unemployment rate during July of 9.8 per cent. That is the national figure which can be compared to the State figure of 11.2 per cent. Two years ago in this House the Government was crowing about Western Australia's employment figures. The wheel has turned; clearly unemployment is on the rise and we are waiting for this Government to come up with positive solutions to address the issue. Youth unemployment in Western Australia is in excess of 25 per cent. A slight reduction has occurred in recent months, and the Minister for Employment and Training alluded to that during question time last week. She considered those figures were an indication that things were going to get better and we should all be slapping the Government on the back and telling it what a great job it had done because youth unemployment had dropped by 1.5 per cent. I was pleased to see a minor reduction in youth unemployment, but regrettably the forecasts of the various financial institutions and economic bodies in Australia confirm the statements of the Federal Minister, John Dawkins, that unemployment will get worse before it gets better.

I take this opportunity before the State Budget is brought down on Thursday to bring home to the Government the current level of unemployment in Western Australia, and to ask the Government to recognise that at that time it has an opportunity to offer some financial and social incentives to address the unemployment rate and turn it around. In raw terms, an unemployment rate of 11.2 per cent means more than 90 000 people are out of work. In May 1989, 43 200 people were unemployed, and the Government was crowing about the employment situation; but two years later unemployment in this State has doubled and it will get worse before it gets better. There are a number of job opportunities in this State if only the Government could get its act together -

Hon T.G. Butler: There are a few vacancies in the Liberal Party.

Hon GEORGE CASH: It is fair for Hon Tom Butler, a former president of the Labor Party and former senior member of the Trades and Labor Council in this State to make light of the current unemployment situation -

Hon Tom Stephens: He has never done that.

Hon GEORGE CASH: If Hon Tom Butler and some of his colleagues went down to the Trades and Labor Council -

Hon T.G. Butler: Don't be so stupid - sit down you silly man.

Hon GEORGE CASH: - they would find that the Trades and Labor Council is pushing for some of those existing job opportunities to be made available to try to get our unemployment rate down and to push employment figures up. I am surprised that a person of the standing of Hon Tom Butler, who for many years has worked to see that people were employed, should make light of the current unemployment situation in Western Australia.

Hon Mark Nevill: That is a distortion.

Hon T.G. Butler: I was pointing out that there are a few vacancies in the Liberal Party.

Hon P.G. Pandal: There will be a lot more in your party, my friend.

The PRESIDENT: Order! There will be some vacancies in this place if members do not come to order. I ask members not to interject.

Hon GEORGE CASH: I hope that Hon Tom Butler and other members of the Labor Party recognise the suffering of those who are unemployed and, more than that, the suffering of those who are employed. While we have 11.2 per cent of the people unemployed, the 89 per cent who are employed fear losing their jobs and becoming statistics in the unemployment stakes. Members only have to go out into their electorates and talk to people to know that is a fact of life.

Hon Sam Piantadosi: The member should keep an eye on his deputy, Mr Pandal, or he could be on the unemployment list too.

Hon GEORGE CASH: Before I interest myself in whether members of Parliament are employed or unemployed I will worry about the 90 000 people outside this Parliament who are looking for work.

Hon P.G. Pandal: Of whom Hon Sam Piantadosi might be one.

Hon GEORGE CASH: There are tremendous opportunities in Western Australia to get things moving. However, one has only to read the series of articles in *The West Australian* to recognise the inability of the Government to make up its mind on issues such as the iron ore project at Marandoo and the nickel project at Yakabindie. The Government may say that everything is in order and everything is fixed, but for many months we have had five Ministers of this State Government running around in circles contradicting each other to the Press and not sure who was saying what, but all sure that they would not let those projects go ahead and create jobs and put people back into work. They were doing it in the main for ideological reasons; they were all pushing their various factions in the Labor Party at the expense of employment opportunities in this State. It is regrettable when we have a situation where jobs in this State come down to winners and losers in the Labor political factions.

Hon John Halden: Your faction is not going too well.

Hon GEORGE CASH: One of the things that Hon Stanley John Halden should know is that I am not a member of any faction in this Parliament. I get out and talk to constituents and that is the reason I am able to come here and tell the House what is really happening in Western Australia.

Hon Kay Hallahan: Where were you last week?

Hon GEORGE CASH: If Hon John Halden spoke to his constituents he would find that there is a massive unemployment crisis in the south metropolitan area and as a senior member of the Government he should have some interest in that.

Hon P.G. Pandal: They have never heard of him down there.

Hon GEORGE CASH: As Hon John Halden has raised the question and rather than his going to his own electorate - which is probably a foreign country to him -

Hon Kay Hallahan: What are they saying about you?

The PRESIDENT: Order! I do not want honourable members to allow this debate to degenerate into a slanging match. Members should understand that each member is entitled to speak and is given an opportunity to argue a point.

Hon GEORGE CASH: I have some figures on unemployment in the South Metropolitan Region which may interest members of the Government. In the Fremantle and Spearwood areas unemployment has increased by 124 per cent in the last 12 months. In the Gosnells area - which is not in Hon John Halden's electorate - unemployment has increased by 113 per cent in the last 12 months.

Hon Fred McKenzie: It is in mine, Hon Tom Butler's and Hon Kay Hallahan's.

Hon GEORGE CASH: That is not something to be proud of. In Innaloo unemployment has increased by 106 per cent in the last 12 months and in Cannington it has increased by just under 100 per cent.

Hon Sam Piantadosi: What about Mt Lawley?

Hon GEORGE CASH: The only figure I have is for Morley and it indicates that unemployment in the last 12 months has increased by 83 per cent. That is not a record anyone can be proud of.

I sought this urgency motion in order to ask the Government to focus on the problem of unemployment in this State and to stop its members arguing among themselves about whether projects should go ahead. The Government should facilitate some of the huge projects that private companies and corporations want to proceed with without trying to trip them up with hurdles and obstacles.

Hon Tom Stephens: If they had the determination that this Government has we would not have any problems.

Hon GEORGE CASH: I will not bother with that interjection because it is irrelevant to this debate. I do not want to raise a dispute with Hon Tom Stephens and Hon John Halden because I do not want this debate to develop into a slanging match. Twelve months ago the Premier delivered a lengthy speech on how the Government intended to introduce microeconomic reform into this State. I was pleased the Government recognised the need for a fundamental reform of the economic system in order for this State to move out of its malaise. However, nothing has been done to implement microeconomic reform. Although the Government stands up and sprouts all sorts of interesting things about microeconomic reform it is not able to follow up those words with action.

I ask Hon Kay Hallahan, as Minister for Employment and Training, to get her act together because people are hurting from the Government's inability to understand what is happening in the employment/unemployment market in Western Australia. I also ask her to recognise that cutbacks in technical and further education funding will have long term repercussions on job training and future prospects for job seekers in what is a very competitive market. I commend the Commonwealth Government for developing some initiatives for training. However, even Hon John Dawkins is fighting with his Federal colleagues about the financing of Federal training projects.

If this Government does not recognise or do anything about Western Australia's having the highest rate of unemployment in Australia it will pay the price at the next elections. More than that, it will commit thousands more Western Australians to the dole queues and thereby destroy any future many of them may have. I refer in particular to the youth in our community. Last week I attended the US Information Service to view a direct satellite broadcast between a professor in Washington DC and various representatives from each State in Australia. The discussion focused on the underclasses and the problems of juvenile crime. One of the first statements made by the American professor was that Governments had to recognise that high levels of unemployment resulted in high levels of crime. That is another reason why this Government must recognise that job opportunities and economic growth must be created in order to reduce the levels of unemployment in this State. That will be one way of significantly reducing the level of crime, particularly juvenile crime, in our community. I seek the support of members for this motion.

HON KAY HALLAHAN (East Metropolitan - Minister for Education) [3.58 pm]: This is a regrettable way to begin a serious and important debate. The Government was given no notice of this urgency motion prior to the House's sitting this afternoon. This is contrary to the practice which has existed previously in which two hours' notice has been given for urgency motions. It is unfortunate that the House should now be conducting its affairs in this way and that we are moving away from the courtesy that existed before. Indeed, I wonder whether such a provision should not be included in the Standing Orders of this House.

Hon George Cash: Perhaps I should have facsimiled a copy to your office so someone could have prepared a defence for you.

Hon KAY HALLAHAN: The member's interjection indicates the seriousness which he attaches to this debate. I expected this debate last Tuesday -

Hon P.G. Pandal: Therefore you have had a week's notice.

Hon KAY HALLAHAN: It appears that an Opposition member found on his desk a pamphlet which came from the union movement in Western Australia and, as a result, today, the commencement of the second week of this session of Parliament, a debate has been brought on by the Opposition. It is an illustration of the Opposition's understanding of the seriousness of this issue in the community.

I am the Minister for Employment and Training and I recognise the very serious impact that unemployment has on individuals and families. I am even more aware of the impact that the high rate of unemployment in certain areas of the work force has had on the entire community. The Government does not lack an understanding or appreciation of the very serious impact of unemployment on this State's economy and wellbeing.

It is easy for the Opposition to focus blame, but I guess that is what Oppositions need to do. However, the commentators I have spoken to on this matter understand that while there are things that State Governments can do, and there are things that this Government is doing, the State is caught up in a serious international recession which is affecting Australia. Members may be interested to hear that while Western Australia had a serious increase in its unemployment figures last month it did not fare as badly as did some other States. Economists in Western Australia believe that the signs indicate that this State's economy is on the slow road to recovery. I know that is a dangerous thing to say because it can always be said that that is not the case. However, it is a serious thing to talk down the State's economy. By doing that members can talk people out of jobs and I do not want to be a party to that.

Hon George Cash: I don't want to talk it down; I want to talk it up. There are job opportunities you could put into place tomorrow.

Hon KAY HALLAHAN: The Government is concerned about jobs, and everything it has been doing is focused on providing jobs. It is all very well for the Opposition to say that projects which could provide jobs have been held up. If the Opposition were in Government it could not overlook the legal requirements attached to these projects. The Government acknowledges that one Act needs revision, and action has been taken to do that, but in the meantime the law cannot be overlooked. I am well aware that that is the problem facing one project. Another project is on the path to being implemented and it will provide much needed jobs and create wealth for this State.

This Government has not been sitting idly by and doing nothing in the face of high unemployment. For example the infusion of funding into the home building industry has had a salutary effect on that sector.

Hon George Cash: How many?

Hon KAY HALLAHAN: Hon George Cash often says he speaks to people in the community, but I meet people who have jobs -

Hon George Cash: You have referred to the Keystart project twice. When you first introduced it you spoke about 1 000 homes and nine months later you spoke about 850 homes, but you forgot to say that they were part of the 1 000 which had been announced earlier.

Several members interjected

The PRESIDENT: Order!

Hon KAY HALLAHAN: The Government has been sensible in putting funds into the home building industry. Regardless of what Opposition members say, not only do funds put into the building industry create jobs in that industry, but also they have a spin off effect in the building-related sectors of this State's economy. It is recognised that by putting money into this industry not only does it provide homes which Western Australians need, but also it creates jobs in building-related sectors.

I know it is very difficult for people who are unemployed to look at the situation in the longer term. However, the projects which are on the horizon will be of some assistance to their future. I will reiterate a point I made the other day: People must come to terms with the fact that the economy is too narrowly based. To some extent it might be to the State's advantage if things were to improve on the world commodity market. Some economists in Western Australia believe that this State went into the recession earlier than did other States and may emerge from it earlier than the other States. The ANZ Banking Group Ltd's job advertisement series has reported four consecutive rises in job vacancies in Western Australia, the only State in Australia in which that has occurred. It indicates that there could be a reduction in unemployment. I am told that it is one of the reliable indicators in this field and we will be waiting with great interest for the August and September figures. If those figures do not follow that job vacancy series, one of the indicators which economists look to will be discredited as one of the reliable indices for economic recovery. Economists, not only in Government but also in the Confederation of Western Australian Industry, have been watching that indicator with a great deal of interest. The confederation has been pointing to a definite, but slow recovery.

The Leader of the House intends to move on with other business at the end of the first hour of today's sitting and I know other members wish to speak on this urgency motion.

Hon George Cash: A total disregard for the unemployed.

Hon P.G. Pandal: That is how much you rate them.

Hon KAY HALLAHAN: Anyone who introduces an urgency motion without giving notice and anyone who has to be reminded by the union movement that we have a social problem on our hands does not have much credibility. Hon George Cash and Hon Phil Pandal do not have any credibility in this matter. Sadly, everyone knows the history of the Liberal Party when it comes to unemployment. When it was in power there were times of recession and high unemployment, but what assistance did it provide? All it did was to blame the victims. The Liberal Party has not given any sign that it has changed its spots and until it does it will stay in Opposition, and that is heartening to the people of Western Australia.

I will deal with the suggestion that the latest figures are the worst figures since the Depression. Figures have been kept only since 1976. We have empty rhetoric from Hon George Cash; he has no data to back up his assertion.

Hon P.G. Pandal: They are the worst figures since figures have been kept.

Hon KAY HALLAHAN: The unemployment figures for young people when the Opposition was in Government were probably the highest in history. It was the unemployment figures during the 1982 recession that brought about a change of Government in 1983. No-one should disregard the importance that the economy and employment play when it comes to people's perceptions about political parties. People's wellbeing is very much tied up with their ability to have a job and to look after the wellbeing of their family.

Another interesting fact about the Western Australian economy is often misunderstood; that is, the participation rate in this State is extraordinarily high. The national labour market participation rate is 62.66 per cent. The rate for this State is 65.2 per cent, the highest rate of any State of Australia. If this State's rate were reduced to 62.6 per cent, the national figure, it would have an unemployment rate that would be equal to the Australian State with the lowest unemployment rate. However, because of the buoyancy of our economy, the way we have drawn people out into the work force, and the way in which women have joined the work force here, we have a very high participation rate.

Hon P.G. Pandal: This is your silver lining, is it?

Hon KAY HALLAHAN: No. It is not helping the unemployed. As I understand, leaders of

the community need to look at the factors that apply to our economy in order to make some sensible decisions about future directions. We have a choice about that, and an ability to direct where our economy is going. However, while it is a statistic that can be used to discredit us by mediocre, mean minded people, it is nevertheless an interesting statistic for those who take an interest in the labour market; that is, what makes up that market, what sectors of it are seriously affected, and why that might be.

Hon George Cash: Labor is not working, Mrs Hallahan; have you not looked at the posters?

Hon KAY HALLAHAN: I have heard about the posters. Under Labor there is more of an opportunity for this State to recover economically than there would ever be under the Opposition. We had an enormous battle to get an agreement about the coal fired power station at Collie in order to reduce power costs in this State so that we could attract more downstream processing and manufacturing, thereby broadening the base of our economy.

Hon George Cash: In order to pay off your debts.

Hon KAY HALLAHAN: Everybody acknowledges that our economic base is too narrow and too markedly affected by world influences. A number of rural members sit on the Opposition side and if they wish to deny what I have just said they will be ridiculed by their communities and probably should be thrown out of their party.

Hon George Cash: There is 11.2 per cent unemployment, Mrs Hallahan.

Hon KAY HALLAHAN: There are significant strategies being pursued in a microeconomic way by the State Government. One of those is to keep taxes and charges down so that they do not impact on family budgets, or on inflation. This State Government has honoured that commitment and people will see that in the coming Budget. We are creating an environment in which employers can create employment. It is the private sector that creates employment. We must create an environment in which it is encouraged to do that.

Historically, we have the lowest level of inflation ever. In the last quarter we had a zero inflation rate. Therefore, the inflation rate for the year in Western Australia was 2.2 per cent while nationally it was 3.4 per cent. We were well below the national inflation rate. That certainly will result in lower Government taxes and charges and a better environment for the creation of jobs. It seems to me, and I do not want to give people unreasonable hope about jobs coming on stream, that there are certainly signs of a slow recovery; there is no doubt about that, if the usual reliable indicators are correct. What we also need in this State is a slight reduction in interest rates. It would have helped Western Australia greatly if a half per cent decrease in interest rates was announced in the Federal Budget. It would have given a great signal to industry that the Federal Government believed that the economy was on the way to recovery. It would have raised the confidence of business people to create more jobs and investment in the community. That would have been of great assistance to the economy of Western Australia and to unemployed people.

I made a decision well before the Budget to fund employment equity programs providing personal support and assistance to many people for another 12 months. That move has been well received by the community. Those programs are located across the State and provide people with valuable training, assistance in putting themselves forward to prospective employers and a personal link to employers who, as I said the other day, have jobs available but are cautious about employing people. If employers are introduced to people with the skills they require they will fill vacancies they would otherwise have not filled in these times of low confidence. About 80 per cent of the people coming from these courses are finding jobs. That is heartening news. Although we face a serious situation, many of the Government's measures are effective in helping people. We will continue to provide as much support for people and their families as we can in this time of high unemployment, a time during which we will hopefully see that unemployment begin to reduce, albeit slowly.

HON BARRY HOUSE (South West) [4.16 pm]: I support Hon George Cash's motion highlighting the disgraceful unemployment figure in Western Australia. The figure of 11.2 per cent has already been mentioned. The figure that concerns me most is the one showing that youth unemployment is officially at 26.8 per cent. Unofficially, and in real terms, it is much higher than that. If one looks at the large number of year 11 and year 12 students still at high school who have no intention of pursuing tertiary studies and who are simply filling in a couple of years one sees that there is no worthwhile development coming

from that. Unfortunately, schools are insufficiently resourced to cater for those students. Their lives are leading nowhere. They would be working if they could get jobs.

Also a large number of young people are in part time employment for one or two days each week who consider they are working and who are not included in those statistics. Those one or two day a week jobs are leading them nowhere. Those jobs are not leading young people towards a real career or establishing a base for their place in society. Those young people are not earning a proper income or establishing any self-esteem to take them through life.

Another disadvantaged group is the people involved in retraining schemes. I acknowledge that some of those schemes are necessary and useful. Unfortunately, some of the schemes are useless because they lead nowhere and are a waste of time because at the end of the day there are no jobs for the people coming from them. A large number of people have been trained in trades or have obtained academic qualifications but have no jobs to go to. Increasing numbers of young people are spending time at home with their parents.

I will take up the Minister for unemployment on a statement she made about an international recession. We have heard during the past few weeks that the recession in Australia has turned into a depression. At last somebody on the front bench in Canberra was honest enough to call it a depression. It is not an "international recession". Can the Minister for Employment and Training name a couple of other countries that have taken a dive as quickly as has Australia?

Hon Bob Thomas: The United Kingdom, America, Canada.

Hon Tom Helm: The USA.

The PRESIDENT: Order!

Hon BARRY HOUSE: The trend in Australia has deteriorated very rapidly. It is a self-induced recession -

Hon Tom Helm: How many more do you want?

Hon BARRY HOUSE: - and, as a well known Labor backbencher in Canberra said, it is a recession we had to have.

Hon Tom Stephens: What is your profound opinion? Is it a recession that could have been avoided in Australia?

Hon P.G. Pendal: Yes, by your mob resigning.

The PRESIDENT: Order!

Hon Tom Stephens: What a profound piece of economic theory from Mr House!

The PRESIDENT: Order! I will not ask the member again to come to order, but if he is not careful there might be an unemployed member of Parliament.

Hon BARRY HOUSE: Looking towards the future, we all acknowledge that it is necessary for Australia - and particularly Western Australia, which is very reliant on its primary industries - to become involved in further value adding and downstream processing of primary industries. That will not happen overnight, but it is just as important for us to acknowledge that we are still a project driven community, particularly in Western Australia. Our employment is still driven by mining projects, commercial projects, tourism projects, energy projects, and so on, so we must not go out and kill the goose that laid the golden eggs.

Hon George Cash has already mentioned Marandoo as a typical example of a project that has been stalled because of indecision and conflict; it is going nowhere. An example in the south west is the mineral sands development projects along the south coast, around the Augusta and Nannup areas. The first such project is the Jangardup development, which was due to start operations in July this year and should have been up and running by now. Because of delays and arguments over transport and power generation, and because of confusion and a multitude of other problems, that project has been shelved - I hope only temporarily.

Hon George Cash: Owing to indecision.

Hon Fred McKenzie: It has nothing to do with the price of the commodity, does it?

Hon George Cash: No, it is Government indecision.

Hon P.G. Pental: It is political inertia.

Hon BARRY HOUSE: That project would have been up and running by now if not for the lack of leadership displayed by the Government. That project has already lost forward contracts.

Hon Tom Helm: Nonsense!

Hon W.N. Stretch: How would you know?

Hon BARRY HOUSE: It is not nonsense at all.

Hon Tom Helm: Where is the evidence?

Hon BARRY HOUSE: I have talked to the companies.

Hon Tom Helm: Why didn't you bring the evidence to this Chamber?

Hon P.G. Pental: What do you think he is doing now?

Hon Tom Helm: Where is the evidence? He is just talking about it.

The PRESIDENT: Order! I ask the member to come to order.

Hon BARRY HOUSE: The second of those projects is at Beenup, a little further south and closer to Augusta, which was due to start later this year. Everything was on track, the company had done an enormous amount of work with the community and various Government bodies, but it was totally frustrated in the end and that project has been shelved for at least a year.

Hon Fred McKenzie: I thought they were still squabbling over whether it should be road or rail.

Hon BARRY HOUSE: Yes, that argument is continuing.

Hon Bob Thomas: What is your view?

Hon BARRY HOUSE: It is up to the Government. It should have made a decision a long time ago.

Hon W.N. Stretch: Where is the leadership?

Hon Tom Stephens interjected.

The PRESIDENT: Order!

Hon BARRY HOUSE: There has been no leadership, and total confusion.

Hon Tom Stephens: Which way do you want us to go?

The PRESIDENT: Order! If the member is directing that question to me, I will tell him which way he should go, and it should be along the path of complying with the request I made that no interjections be made.

Hon BARRY HOUSE: That confusion has arisen because the Government has not had a coordinated approach to the projects in the region. Many Ministers who should have been involved in the project have dabbled in it, and none has taken responsibility. The most obvious Minister is the Minister for South-West. He has been involved in this and that, in listening to the various groups, dogmatically expressing his point of view and not listening to anyone else's. He has distinguished himself in that sense.

Hon Bob Thomas: That is rubbish.

Hon BARRY HOUSE: Unfortunately he has seemed to approach the whole topic on a political basis because his concerns do not go outside the Bunbury and Mitchell electorates, whereas most of the disputes over this issue arise in electorates further south - Warren, Vasse and Wellington - which are controlled by Liberal members. The Minister for Transport has made one statement on the matter, so far as I am aware, and that was a negative one. The Minister for the Environment was involved to a certain extent in the early days, when perhaps a little bit of mileage was involved, but has shown absolutely no interest in the matter since.

Hon P.G. Pental: That's our Bob!

Hon BARRY HOUSE: The Minister for Mines has not been sighted and has not offered any support at all for the project.

Hon Doug Wenn: If the Government said tomorrow that it would take the road option, would you support that?

Hon BARRY HOUSE: We are running out of time and I know several other members wish to speak, but since the Minister for Employment and Training has had the portfolio she has shown no interest in it at all, and seemingly no understanding that Western Australia is driven by projects of this nature, which have environmental clearances. We need them to generate employment, especially for our young people.

The Government's lack of coordination is evidenced by the lack of involvement of the two key Ministers in the Government; that is, the Premier and the Minister for State Development, both of whom should be involved in this issue. They should be showing some direction and leadership. I do not think the Minister for State Development knows where the south west is.

Hon George Cash: They won't talk to each other any more - that is the problem. They are playing no speakies.

Hon BARRY HOUSE: The Premier has not made any statement on the issue, as far as I am aware. Those Ministers need to take an interest in this matter, and in many others. They must resolve the dispute over whether transport should be by road or rail. The Government should make a decision and get on with the job. The decision is very easy to make: It should opt for rail, if all the figures add up, but I am realistic enough to acknowledge that the rail figures that I have seen do not add up at the moment.

Hon Doug Wenn: You had better talk to your colleague, the member for Vasse, about that.

Hon BARRY HOUSE: I am speaking for myself. The Government should make a decision and get the project up and running, and put it on rail at a later stage when it is economically viable. A decision must be made to resolve the impact of road transport on private property, particularly prime farming land. It is not a solution to put a road right through the middle of someone's property when it can be put around the edge without really inconveniencing anybody.

Other disputes concern the social impact, the effect on the tourism industry, and particularly the power route that has been proposed for the Beenup project. To all intents and purposes that problem was solved and I give credit to the State Energy Commission of Western Australia, which did a good job. It proposed a power corridor from Manjimup to Beenup to service the project; then, at the last minute, somebody discovered that four kilometres of that route passed through an area of forest that has been proposed for listing in the National Estate. That could and should have been worked out a long time before, if there was a conflict. SECWA must now reassess its options for the power route and, even though I understand the Manjimup route is its preferred option - and is the preferred option of all but a minority of people - SECWA is being forced to consider alternative options at far greater expense to bring the power from the Picton area down south. This will involve the Great North Road and will cost an extra \$1 million; if it goes via Margaret River it will cost another \$1 million on top of that. It has been a very uncoordinated, disjointed display by the Government.

I know the Ministers have already been invited, but I publicly invite all of the Ministers I have mentioned to a public meeting which will be held next Thursday, 5 September, at the Busselton Shire offices. It has been organised by the Busselton Shire Council and members opposite should attend the meeting to gauge the feeling of the local people.

[Debate adjourned, pursuant to Standing Order No 195.]

Points of Order

Hon N.F. MOORE: It seems to be incongruous that an urgency motion should be terminated before its conclusion as a result of the one hour rule. Is it possible for an urgency motion to be treated differently from other motions?

The PRESIDENT: Members may recall that I spoke last week about this matter when I indicated that the situation with urgency motions was unsatisfactory. However, the Standing Orders require that after one hour has elapsed leave must be granted for the continuation of debate. If one voice is heard to the negative, that precludes debate from continuing. That is what has just occurred. I intend to raise the matter with the Standing Orders Committee

when it meets on Thursday. However, the short answer to the member's question is that we now move on to Orders of the Day.

Hon N.F. Moore: You are setting a nasty precedent, Mr Leader of the House.

Hon J.M. BERINSON: Since the last point of order was hardly a point of order -

Hon N.F. Moore: You are going to make a speech.

Hon J.M. BERINSON: - I have no interest -

Hon P.G. Pendal: In the unemployment situation!

The PRESIDENT: Order! The Leader of the House is entitled to raise a point of order. It is not a point of order to say that the previous point of order was not a point of order. However, the Leader of the House should have the opportunity to make his point and I shall determine whether it is in order.

Hon J.M. BERINSON: I am being misrepresented and I seek the opportunity to correct the situation. I have no interest in attempting to limit debate on this subject. I have an interest in limiting debate today only so that we can proceed with other business, including the 0.05 blood alcohol level legislation which has been before the House for three or four months -

Hon N.F. Moore: That is why it can wait another day.

Hon J.M. BERINSON: - and is an urgent measure. I will be happy to consider any amendment to Standing Orders to overcome the perceived problem to which Mr Moore referred, and that to which Hon Kay Hallahan referred, recognising the fact that at least minimum notice of urgency motions is not now provided.

Hon P.G. Pendal: You don't care about unemployment.

The PRESIDENT: Order! For the information of the Leader of the House, that was not a point of order. I repeat that I intend to raise this matter with the Standing Orders Committee.

Hon N.F. Moore: Another convention down the tube.

The PRESIDENT: Order! I am not here to bend the rules or to alter them; I am here to see that we conform to the rules. They indicate that we will consider Orders of the Day.

ROAD TRAFFIC AMENDMENT BILL (No 2)

Committee

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

Clause 1: Short title -

Hon GRAHAM EDWARDS: I propose that we discuss the recommendations contained in the report tabled last week by the Standing Committee on Legislation. The legislation has been under consideration for some time now. To refresh members' memories, the Bill was introduced and was referred to the Standing Committee on Legislation, was returned to the Chamber and was subsequently referred back to the Legislation Committee for further consideration. Perhaps the most efficient way of dealing with the report is to discuss the recommendations when considering the short title of the Bill.

I thank members of the Legislation Committee for the report. I do not agree with all of it but I appreciate the manner in which members of the committee addressed the issue; a great deal of work was done. Page 1 of the report contains an introduction which states in paragraph 3 -

... the Committee is not attempting to excuse itself from making a determination, merely to indicate that the process can not be dismissed easily. Eventually the decision taken will be a political choice.

This Chamber must simply make a choice based on the recommendations of the Legislation Committee, on other information which members have collected and on that to which they have been exposed by various groups within the community over some time. The issue of changing the blood alcohol level from 0.08 to 0.05 is not new; it has been on our agenda, and that of many groups in the community, for some time. I now quote the recommendations within the report -

- (i) That interpretations of statistical evidence given for 0.08 and 0.05 BAC should be treated very cautiously as the raw data can be analysed to produce different conclusions.
- (ii) That the learning to drink and learning to drive experiences should be separated as much as practicable and could best be done by extending 0.02 for 2 years beyond probation.
- (iii) Despite the fact that results produced from clinical studies are not conclusive that the lowering of BAC from 0.08 to 0.05 reduces the probability of motor vehicle accidents, the Committee accepts there is an argument that the lowering of the permissible BAC to 0.05 would be to the greater community good.

That is an important recommendation. The report continues -

- (iv) That if 0.05 is introduced across the board, or at all, it be enforced by way of infringement notices and demerit points.
- (v) That the Traffic Board research the reasons for the high accident statistics of young drivers in higher powered motor vehicles.
- (vi) If an age dependent 0.05 offence is created then a Police Officer should be able to demand the age of a driver whom he reasonably suspects has committed an offence.
- (vi) That the giving of a false age to a police officer should carry the same penalty as a 0.05 offence.
- (vii) That the Minister look closely at allocating funds for the acquisition and installation of a video identification system at testing stations.

Recommendation (iii) carries the most weight. During the last couple of days I received a report on the impact of the 0.05 per cent blood alcohol limit in the Australian Capital Territory. It is an analysis of the results of that requirement over the first six months. Members will be aware that the ACT moved to introduce a maximum blood alcohol limit of 0.05 per cent last year. The summary of that report notes that previous studies indicated that the most important effect of a lower blood alcohol content limit may be a reduction in the incidence of drink driving at levels well above 0.08 per cent. That is referred to in the Western Australian report of the Standing Committee and it is identified as the halo effect. The summary further states -

Analysis of recent data from the Australian Capital Territory provides further evidence to this effect.

The maximum legal BAC in the ACT was changed from .08 to .05 on 1 January 1991.

Data from Random Breath Testing (RBT) in the first six months of 1991 show that:

- drink driving at BAC levels above .15 decreased by 39 per cent compared to the same period in 1990
- the reduction was particularly marked (61 percent) at BAC levels above .20
- the reduction occurred mainly among drivers aged over 25 (the number of younger drivers with very high BACs was quite small in both years).

The report goes on to say -

There was also evidence of a massive reduction in the number of drivers with BACs between .05 and .08 - from 343 cases per 10 000 tests in the first half of 1990, to (approximately) 45 in 1991.

Hon Derrick Tomlinson: Were other measures introduced in the Australian Capital Territory at the same time as the reduction in blood alcohol limit to 0.05 per cent?

Hon GRAHAM EDWARDS: The ACT report on the results of introducing the 0.05 per cent blood alcohol limit states that data about random breath testing in the first six months of 1991 show the points I just mentioned. It further states -

There are a number of reasons why a .05 limit might be more effective than a .08 limit in reducing drink driving above the .08 range.

This refers to the "halo" effect about which the Standing Committee spoke in its report. The ACT report makes four points which are as follows -

general reinforcement of the anti drink-driving message, and a change in relevant social pressures and expectations

increased perceived risk of prosecution after a given number of drinks (in particular, changed behaviour of drivers who would have *incorrectly* assessed themselves as being below the .08 limit)

compliance with a BAC limit requires that people make a responsible decision: either to stop drinking before they reach the limit, or to avoid driving. People close to the higher .08 limit may be less likely to behave in this responsible fashion

the lower limit may provide an additional incentive to make special arrangements to avoid drink driving (such as nominating one member of a social group to be the sober driver for the others).

As recent as it may be, I refer to that report because it reinforces some of the matters referred to in the Western Australian report. The time has come for this Chamber to make a decision. The relevant information is available for all to see and I will not refer members to the many arguments for or against. It is time to make a decision about whether the blood alcohol limit should be restricted to 0.05 per cent across the board. If that cannot be done, what is the Opposition prepared to support? Is it prepared to move from the age limit of 20 that it has suggested? Is it prepared to increase that age limit to encompass all drivers older than 20 years of age? Some matters are contained in the report on which I am happy to accommodate the Opposition. I particularly favour the very important separation of new drivers, regardless of age, from drink driving in order that, for at least the first few years, they have an opportunity to drive without a blood alcohol content higher than 0.02 per cent. I also support the recommendation that the Traffic Board asserts reasons for the high accident statistics among young drivers. I will request the Traffic Board, which has the necessary capacity and resources, to do that. Recommendation (vi) states -

That the giving of a false age to a police officer should carry the same penalty as a 0.05 offence.

The position of the police is very much the same as it was put to the committee; that is, that 0.05 should be introduced across the board rather than restricted to certain age groups. Recommendation (vii) states -

That the Minister look closely at allocating funds for the acquisition and installation of a video identification system at testing stations.

Certainly I am prepared to look at that. However, we must return to the core argument, which is whether we will be persuaded by the data that has been put forward, whether we will be persuaded by experience in other States and accept that, in the balance of reasonable argument, there will be greater community good by moving from 0.08 to 0.05, or whether we will risk a strategy that will continue to put Western Australians in coffins by remaining with the 0.08 limit. I will listen with interest to the arguments of the Opposition. I hope that we can bring this debate to a reasonable conclusion to the benefit of the motorists of Western Australia.

Hon GEORGE CASH: I commend the Legislation Committee for its detailed report. I hope that those who intend speaking in this debate have done justice to the Legislation Committee by reading and understanding fully its comments. It is important to all of the points raised by the Legislation Committee to obtain a thorough understanding of the submissions made and the evidence given to that committee.

The original Road Traffic Amendment Bill (No 2) was introduced into the Legislative Council on 21 August 1990, one year ago. The Opposition, including the National Party, responded to the Bill in the second reading debate in September 1990, 11 months ago. As a result of that debate, it was agreed by all parties that the Bill should be referred to the Legislation Committee. That committee considered the questions raised by the Legislative Council and, in December 1990, reported to the House, which report was tabled and a copy

of which was circulated to all members. When this matter was next dealt with by the Legislative Council, it was considered that members would be better informed if a more comprehensive report was submitted by the Legislation Committee. The Bill was again referred to that committee for its consideration and report. That report was tabled a few days ago in this House by the Chairman, Hon Garry Kelly, and we are now debating that report. In the introduction on page 1, paragraph 3 contains words that are critical to much of the balance of the report of the Legislation Committee. Paragraph 3 states, in part -

Eventually the decision taken will be a political choice. The function of this Committee is to attempt to inform that choice.

I agree completely with those comments and with the comments of the Minister for Police who recognises that it is decision time and that it is up to the Legislative Council to make a decision based on the information that has been given to it. Paragraph 48 on page 10 of the report is the first paragraph of the conclusions of the report relating to the clinical and epidemiological analysis. It states -

There was no conclusive evidence given to the Committee which proved that road accidents would be reduced by changing the BAC from 0.08% to 0.05%.

That is important and it must be considered when members read this report and consider the opinion. Paragraph 50 which refers to statistics which were analysed by the committee states -

Professor Tim Brown offered this conclusion: "... if I could summarise in one sentence I would say that I do not believe statistics should be used to justify your decision. That is what this Federal Government report (The case for a 0.05 Blood Alcohol Concentration limit, March 1990) appears to be doing. As a professional statistician I take great exception to people giving mis-analysis to justify decisions taken on other grounds. If there are other grounds, front up and say that; that the reason we are doing this is that we believe the best thing for Australia is to have uniform laws across the country." The Committee concurs with Professor Brown's opinions.

The reference to having "uniform laws across the country" was used by Professor Brown as an example and the committee clearly was not agreeing with that statement; it was agreeing with the general statement that statistics should not be misused to justify decisions made by the Parliament. The Minister has read the seven recommendations. So that we can get into the meat of the debate, the Opposition agrees with recommendation (i) as follows -

That interpretations of statistical evidence given for 0.08 and 0.05 BAC should be treated very cautiously as the raw data can be analysed to produce different conclusions.

It is clear from the report why members should agree with that recommendation. Recommendation (ii) reads -

That the learning to drink and learning to drive experiences should be separated as much as practicable and could best be done by extending 0.02 for 2 years beyond probation.

While that recommendation has merit, given the other comments contained in the report, it is not something that the Opposition would pursue at this stage; that is, the Opposition's original position of supporting the continuation of 0.02 during a probation period of 12 months will remain. Recommendation (iii) states -

Despite the fact that results produced from clinical studies are not conclusive that the lowering of BAC from 0.08 to 0.05 reduces the probability of motor vehicle accidents, the Committee accepts there is an argument that the lowering of the permissible BAC to 0.05 would be to the greater community good.

I refer again to the comments made by the committee in its introduction -

Eventually the decision taken will be a political choice. The function of this Committee is to attempt to inform that choice.

I confirm that the committee has informed the members and it is indeed a political decision. The Opposition has considered the various recommendations in the report, and it does not

support the view that it would necessarily be in the greater community good to reduce the blood alcohol concentration from 0.08 to 0.05.

The DEPUTY CHAIRMAN (Hon D.J. Wordsworth): Order! Normally when the Standing Committee on Legislation has reported on a Bill it has produced an alternative, which is presented to the Committee of the Whole House. Today this Chamber is in a fairly difficult position because it has been presented with two alternatives. I am in the hands of this Committee. Unless someone wishes to do otherwise with the Bill before the Chamber, which the Legislation Committee was asked to report on, we must amend it in either of the ways suggested in the blue or green documents, or leave it as it is. I accept the blue and green documents as notice of intent to amend the original Bill as printed on white.

[Questions without notice taken.]

Hon GEORGE CASH: I concur with the Chairman's earlier decision to regard the green and blue amended Bills as the Bills that are currently under discussion. While it may not be usual, it is necessary at this stage to use the title of the Bill to explain to the Minister where the Opposition is headed, because the blue and the green Bills will possibly need some amendments at a later stage. The Liberal Party has reconsidered its position of August last year about setting up another tier of offences and having penalties for 0.02, 0.05, 0.08 and 0.15 BAC levels within the Road Traffic Act. In view of recommendation (iv) the Liberal Party has agreed to a 0.05 BAC for persons other than probationary drivers up to and including the age of 20 and that the penalty be by way of infringement notice and demerit points. That is why I mentioned the green and blue Bills because at the moment that situation is not reflected. The use of infringement notices and demerit points concurs with the Government's position on 0.05.

The Liberal Party supports recommendation (v) that the Traffic Board research the reasons for the high accident statistics of young drivers in higher powered motor vehicles. We may save a lot of time if I refer the Minister to research that has already been conducted in that area by various Federal Government departments. The Liberal Party also supports recommendation (vi) and the following recommendation - which is also shown as (vi) - that the giving of a false age to a police officer should carry the same penalty as a 0.05 offence. The Liberal Party agrees also with recommendation (vii) that the Minister look closely at allocating funds for the acquisition and installation of a video identification system at testing stations. The committee visited as part of its deliberations a random breath testing station and had the opportunity of going to a police station and observing a person being charged with a breach of the Road Traffic Act. It is my understanding through reading the committee's report that this process takes police officers off the road for a considerable period. It was argued by the police to the Legislation Committee that for police to sustain a RBT charge there was a requirement for the police officer to be with the accused from the point he arrived at the police station, through processing to bail. Mr Thickbroom the assistant commissioner confirmed that as a requirement of the Police Force, and the Liberal Party accepts that there may be more efficient and effective ways of processing persons accused of breaches of the Road Traffic Act without requiring the same police officer to be with the accused at all times.

My comments indicate to the Minister the Liberal Party's position on those recommendations. I reiterate that while the committee's report indicates that the Liberal Party's position is that stated in the blue coloured Bill appended to the report, there will also be a need for some minor amendments for 0.05 offences to indicate our acceptance of enforcement by infringement notices and demerit points.

Hon DERRICK TOMLINSON: When the Minister was addressing this Chamber I interpolated the question about whether the report on the introduction of 0.05 in the Australian Capital Territory made reference to other matters introduced at the same time. For example, the Minister made reference in his precis to random breath testing data in that report. He referred also to a perceived risk of prosecution. Those two references invite the inference that other initiatives were introduced simultaneously with the 0.05 laws in the ACT; and if that is a wrong inference this Chamber needs to be informed of that. The report referred to is not one that I am familiar with; the Minister said it was a recent report. If that is a valid inference it illustrates the very problem that the committee had in dealing with the statistical evidence presented to it. If other measures were introduced at the same time as the

0.05 measure was introduced in the ACT - such as changed enforcement procedures or an increase in random breath testing frequency - they would have had an effect on drink driver behaviour. Because the data-analytic techniques cannot control the other variables, any conclusions which make reference to the effect of 0.05 alone without providing for the effect of other measures introduced simultaneously are quite invalid. This matter is discussed in the report and is one of the reasons the Standing Committee on Legislation came to the conclusion that it is improper to use the statistical evidence presented to it as a scientific justification for the introduction of 0.05 in this State.

Hon Graham Edwards: This is a comparison of the first half of this year with the first half of the previous year and the comparison is based on 0.08 last year and 0.05 this year.

Hon DERRICK TOMLINSON: Yes, and my point is that unless all other conditions are the same the comparisons are not valid. It is like comparing apples and pears - they cannot be compared. If one variable is an apple and the other also an apple it is possible and valid to compare the two. However, a valid comparison is made only when all the variables are the same. If they are not the same then the comparison does not have any validity and therefore does not justify the measures proposed in this legislation.

The Minister also referred to the so-called halo effect observed in the ACT study. The halo effect is not a new phenomenon and was referred to in the Federal Government case for the 0.05 blood alcohol concentration limit in March 1990.

Hon Graham Edwards: It was one of the things we discussed in the House when the Bill was originally introduced.

Hon DERRICK TOMLINSON: It is also one of the things discussed in the Standing Committee report. The recent ACT report reiterates the findings which are at least 18 months old.

Hon Graham Edwards: Based on a comparison.

Hon DERRICK TOMLINSON: The findings of March 1990 were that when 0.05 legislation is introduced those people who habitually drive after having consumed sufficient alcohol that their blood alcohol concentration is above 0.15, will tend to change their drinking habits; they will drink less. However, the halo effect indicates that they will tend to drink sufficient alcohol so their blood alcohol concentration is less than 0.15 but above 0.08. Consequently, they are still dangerous drivers and are at risk of causing an alcohol related motor accident.

A more pertinent point about the halo effect was made by the Federal Office of Road Safety in its report of May 1991. The report of the Standing Committee on Legislation quotes from the Federal Office of Road Safety report at page 8, paragraph 43 -

"Although lowering the incidence high-level drink driving is likely to be the main benefit of a 0.05 limit, it would be difficult to justify a 0.05 limit if drivers in the range 0.05 to 0.08 posed no special risk".

In other words, while it may be desirable and for the greater community good that the halo effect brings about changes in people's drinking behaviour and, therefore, changes in their drink driving behaviour, the achievement of benefits for the community good does not necessarily contribute to a reduction in the road toll. A reduction in the road toll is the professed focus of this legislation.

The committee objected strongly to the reliance on statistical evidence of the kind that the Minister has presented and which was presented in the recent ACT report. The committee in its deliberations considered that this evidence did not provide a valid foundation for the consideration of what is a political decision. The statistical evidence is unreliable and when speaking about the community good we are referring only to values. It is for that reason the committee has presented two alternative forms of the legislation which reflect not only scientific evidence but also competing political values.

Hon PETER FOSS: What became clear in the deliberations of the Standing Committee on Legislation was that we have a dichotomy in our society: Those people who always break the law no matter what the law is and those people who will always observe the law no matter what the law is. The problem we all too often must face - and this is a matter I have raised in this Chamber when discussing what should be done with those people who always break the law - is that laws always affect the lives of people who observe them. We end up

with legislation which affects 100 per cent of the community because one per cent of the community refuses to observe the laws. We inconvenience 99 per cent of the people in an attempt to curb the activities of one per cent of the people. The worst thing about this is that we generally fail in curbing the activities of the one per cent and add more burdens to the lives of the 99 per cent.

Hon Max Evans: It is good business for the lawyers.

Hon PETER FOSS: Yes, but lawyers always see people who are continually circumscribed in their lives because a number of people flout the law. We see that in every aspect of the law.

Hon Tom Helm: Juvenile crime.

Hon PETER FOSS: Yes, that is a classic example of a small number of people causing problems; and when tougher penalties are introduced the only people it will frighten are those who observe the law anyway, not those who flout the law. It is no great surprise to find that most people who contribute to the statistics on drink driving are not the people who have a blood alcohol concentration of 0.08 or 0.09 but those who drive at 0.15 or 0.18. They tend to be people who, no matter what, continue to break the law.

I refer members to the halo effect referred to by Hon Derrick Tomlinson. The theory behind the halo effect is that if the blood alcohol content level is decreased from 0.08 to 0.05, even though there is no scientific basis for decreasing it, we may nonetheless modify to some extent the behaviour of the people who will continue to break the law. They will continue to break the law, but hopefully by a smaller degree. Instead of driving with a BAC of 0.18 they might drive with a BAC level of 0.16. They would still be breaking the law by a considerable degree, but they may modify their behaviour a little. One may ask what is the point of a person dropping his BAC level from 0.18 to 0.16 because he would still be over the limit. It may make some difference, because the effect is an exponential effect; that is, as the consumption of alcohol increases the effect does not increase arithmetically in a direct line with the extra consumption of alcohol, or even geometrically, but exponentially. Members will see from the curve in the graph attached to the report that an increase in the BAC level by 0.01 from 0.06 to 0.07 has a much greater effect than the same increase from 0.02 to 0.03. One could argue that a person driving with 0.02 less alcohol in his blood, which brings him down to 0.16, is probably nowhere near the same hazard as he would be if his BAC level was 0.18.

Hon E.J. Charlton: If he has any more he may not be any hazard at all.

Hon PETER FOSS: That is true. As Hon Eric Charlton pointed out, if a person drank more alcohol he may render himself totally incapable of driving a vehicle. Unfortunately some of the people arrested by the police have quantities of alcohol in their blood which would indicate they would need more than one drink before they were totally incapable of starting their vehicles. Is there any justification, either from a factual or moral point of view, in reducing the BAC level across the board from 0.08 to 0.05 to take advantage of the halo effect? When the Bill was last before the House I indicated I did not support that. I am against laws which penalise people who observe the law in order to modify the behaviour of other people who will continue to not observe the law. The only justification for an across the board reduction in the BAC level to 0.05 is if scientific evidence were available to prove that people with a BAC level of between 0.05 and 0.08 were a serious risk to other people on the road. The evidence from the committee is that there is no scientific evidence to prove that, and all that can be said is that from the epidemiological evidence there may be some benefit from the halo effect. As far as I am concerned that is not a justification for reducing the BAC limit.

The only age group in which there was any evidence of 0.05 being a sensible limit was in the age group of up to 20. The reason has not been determined, but there appears to be statistical evidence in the relationship between people up to and including the age of 20 years and an 0.05 limit. The committee has put forward in its report some of the views expressed to it and they include the combination of learning a new skill, immaturity, lack of judgment and learning how to drink. There is a definite link between the two in that event, and that is the reason the committee supported some form of limitation on the experience of learning to drink and learning to drive. The exact method of that limitation is still to be determined by

this Chamber. One of the ways in which it could be done is to extend the 0.02 limit to two years beyond probation. The committee did not support the extension of probation for reasons which are set out in the report. It could also be achieved by extending the 0.05 limit to the age of 25. For the reasons set out in the report I favour extending the 0.05 limit to the age of 20. I do not favour the idea of extending the probationary period, and I have no real objection to extending the 0.02 limit. A political decision has to be made on that. One cannot point to any scientific basis for preferring an 0.02 BAC level or one of 0.05. The theory is to separate the two learning experiences, and that is something the Committee should consider supporting.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by Hon Graham Edwards (Minister for Police).

[Continued on p 3862.]

Sitting suspended from 5.57 to 7.30 pm

FARM DEBT BILL

Introduction and First Reading

Bill introduced, on motion by Hon E.J. Charlton, and read a first time.

Second Reading

HON E.J. CHARLTON (Agricultural) [7.31 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to enable farmers in a severe financial crisis to seek from an independent tribunal a protection order preventing secured creditors from seizing farm assets, including the farm itself, for a period of up to two years. This legislation has become necessary as a consequence of a number of financial imposts on farmers. Their industry has been subjected to a series of financial burdens that have originated from both Government and financial institutions. These, together with the corruption of the world market for farm produce, have created a crisis. The nature and long term effect of this crisis puts a special responsibility on all those involved. Financial institutions must ensure that farmers are given every opportunity to trade their way through the crisis. They should not simply act on any security without first exploring all the alternatives with the farmer. While I recognise that some financial institutions have gone some way down this path, the ever present threat of immediate foreclosure has forced some farmers to accept conditions that will inevitably make their long term viability even worse than it is now. I refer in particular to the practice of forcing farmers to agree to pay penalty interest rates in addition to already high interest rates.

Farmers who have demonstrated their capacity to manage a viable and productive business have found themselves in financial difficulties as a result of a number of factors well beyond their control. They must be given every opportunity to continue to trade. Many of the loans that are now causing such financial distress were advanced by banks on the basis of farmers' capacity to repay their loans and meet other commitments. Both the farmers and the banks entered into contracts on that basis. Both must share in the consequences of the external factors and Federal Government policy changes that have resulted in such a drastic change in their capacity to service their loans. Both farmers and banks are still unable to forecast incomes in the short term in the main agricultural industries. As a result, it is impossible to arrive at any worthwhile assessment of the viability of many farmers until the current crisis stabilises. Except in the most extreme cases any decision to foreclose can only be based, at best, on a short term guess about future incomes, cash flows and input costs. The violent fluctuations in world commodity prices demand flexibility by the tribunal to consider every opportunity for farmers to remain in business.

The State as a whole must also recognise the critical consequences of the continuing exodus of farmers. In the past we have witnessed fewer farmers maintaining a similar level of overall production. However, in the long term removing more farmers will reduce average annual production. This will impact on the State's and nation's economy at a time when

exports are so desperately needed to turn around the current and ever increasing foreign debt. Rather than accepting a fall in production and a loss of expertise from one of the State's most successful export industries we must act to maximise the opportunity for efficient farmers to remain in the industry. This will not only enhance our future level of export income but, more importantly, will add significantly to the State's economy. I have addressed the House many times on the main causes of the rural crisis. Some of those causes apply across the whole economy. However, some are factors that apply to farmers and country people far more severely than to the rest of the community.

The current crisis in the farm sector and country towns is the result of political decisions taken within Australia. The corruption of world markets by our competitors has made an already serious problem worse, but it did not cause the crisis in the first place. As a country representative I am appalled that people who should know better are supporting the view expressed by the Prime Minister and others that the rural crisis in Australia was caused by the United States or the European Economic Community. Western Australian farmers are paying interest rates more than three times those being paid by American farmers, and fuel prices paid by them are about one-third of ours. Members must understand that interest rates and fuel prices paid by our North American competitors are not subsidised. The reality is that we in Western Australia are being forced to pay far too much by our Federal Government, which is trying to blame the rest of the world for Australia's problems.

The Commonwealth Government has the power to help the rural sector through the crisis; not with handouts or subsidies but by removing some of the burdens it has placed on the farm sector. If the Commonwealth Government had done something positive by now instead of just posturing about this problem this Bill would be unnecessary. It is, therefore, introduced because of Canberra's failure to ensure that the burden on the farm sector, and through that on the rural sector generally, is one that it can reasonably bear in these most difficult trading times. I recognise that the Bill will not please everyone. Indeed, it is not intended to. To every person who opposes it I issue the challenge to put forward an alternative proposal that will be more than the huffing and puffing of the past. Before dealing with the detail of the Bill, I stress that it is not an attempt to blame the banks or other financial institutions for these problems. Nor is it an attempt to throw a lifeline to farmers who are so hopelessly in debt that they have no prospect of recovery. The banks, other financial institutions, and even the farmers may initially be wary of this Bill. However, I trust that they will take the trouble to understand how it will work in practice before fixing their attitudes to it.

I turn to the detail of the Bill. The key concept is known as a protection order. The effect of such an order will be to prevent the forced sale of farms, farm machinery or any other asset used to secure a farm loan. The maximum period for which a protection order may be granted is two years. The Bill provides that any farmer may apply to the Commercial Tribunal for a protection order. The registrar grants every applicant an interim protection order. The reason there is no requirement for an applicant to demonstrate to the registrar that he or she is in need of a protection order is that such a provision would place the registrar in the position of having to make a preliminary assessment of a farmer's financial position and/or liability. With due respect to the registrar, we feel that he or she would be unlikely to have the necessary skills to make that assessment. There would simply be no point in farmers who are not in financial trouble applying for a protection order. The legislation relies on the commonsense of those farmers not to apply for something that will be of no benefit to them. In any event, financial institutions would not be affected by an interim protection order for a financially secure farmer because they would not be contemplating foreclosure anyway.

The interim protection order lasts for a maximum of 90 days. It automatically expires on the granting of a protection order by the tribunal or the rejection of an application by it. If for some reason the tribunal has not heard an application within 90 days of the interim protection order, a further interim protection order may be granted if - and only if - the farmer has not caused the delay in the hearing; in other words, the interim protection order would only be extended if the bank or financial institution were responsible for the delay, or the tribunal itself were responsible for that delay. In applying for a protection order the farmer must identify all of his or her secured creditors and provide any other information that the tribunal needs for it to hear the application.

Members will notice that the Bill does not give the tribunal any guidelines at all. It has been

suggested to me that the Bill should require the tribunal to consider specific matters in arriving at its finding. Among the suggestions were the viability of the farmer, whether the farmer has contributed in any way to his or her current financial crisis, and the prospects of the industries in which the farmer is primarily engaged. It has also been suggested that the Bill should specify what the tribunal may and may not order; for example, whether it should have the power to make an order in relation to penalty interest rates, ongoing credit, and so on. The Bill simply gives the tribunal the power to make an order on such terms and conditions as it sees fit. In other words, it should deal with each application on its merits and attach such conditions as are necessary to make the protection order work. It is intended that the atmosphere at a tribunal hearing should be much less formal than in a court. We expect the tribunal to do all it can to encourage the farmer and his or her secured creditors to arrive at a mutually satisfactory solution. If such is achieved the tribunal should, under most circumstances, simply formalise it. A deliberative order would be made when the parties fail to agree.

Members may be aware that the banks and other financial institution have, for the most part, taken a much more conciliatory line with farmers in recent months and this is welcomed. If that spirit continues, very few cases would appear before the tribunal at all, but even fewer would be decided by the tribunal. The effect of the tribunal should be to remove, at least temporarily, the power of the banks and other financial institutions to threaten farmers with seizure of farms, machinery, and so on in the hope of arriving at a negotiated program through which the farmer will have a reasonable chance of trading out of the crisis or, alternatively, a realistic prospect of improving his or her financial position to an acceptable extent.

The prime purpose underpinning this Bill, although not explicit in the Bill itself, is to encourage conciliation. While the Bill does not spell out which matters should be discussed and considered in arriving at an agreement, it is assumed that the major issue will be the likely financial position of the farmer at various budget projections into the future. The tribunal has a responsibility for the welfare not only of the farmer but also of his or her secured creditors. It could well be that a farmer has more than one secured creditor and that a dispute is one between the secured creditors, rather than one between a farmer and a major secured creditor. Members can envisage the situation in which some secured creditors are agreeable to giving the farmer some time to trade out of difficulty, but are threatened by the intention of a minor secured creditor to foreclose.

Because of the range of complexities that the tribunal may have to deal with, we considered it prudent not to try to lay down strict legislative rules for the tribunal to follow. The Commercial Tribunal Act already lays down broad guidelines. The tribunal should adopt the practices it sees as necessary to maximise its value as a forum for conciliation, within the broad guidelines of its parent Act and within the stated informal and conciliatory spirit of this legislation. Under such circumstances, the membership of the tribunal is most important. The Bill provides for membership to be consistent with the provisions of the Commercial Tribunal Act 1984; that means a chairperson and deputies who are legal practitioners. The Bill provides for a panel of persons representative of farmers and a panel of persons representative of financial institutions that lend money to farmers to be established. The tribunals in session therefore will comprise an independent chairperson, trained in law, a farmer representative and a financial institution representative.

The registrar may accept an application only from a farmer as defined in the Rural Adjustment and Finance Corporation Act. In practice, that means a person who is personally engaged in farming, including as a share farmer, but does not include an employee. It also includes a company in which the shareholders are bona fide farmers and whose income is primarily from farming.

Members should note that clause 10(4) lists specific exclusions from the effect of a protection order. In short, those exclusions relate to moneys owed to a spouse or former spouse under family law, moneys owed to a worker who is injured and for whom the farmer is not fully insured, moneys owing as a result of negligence by the farmer and, most significantly, any unsecured debt. That subclause also exempts certain moneys relating to wills and the administration of a deceased estate.

Any protection order made by the tribunal may be referred back to the tribunal for variation

in accordance with changing circumstances. Either the farmer or any of his or her secured creditors may seek what would be, in effect, an amendment to the order. Again it is anticipated that every attempt would be made to reach agreement on any variation before the tribunal is called on to deliberate, and that the tribunal would in most cases merely formalise that variation. The Bill makes the farmer responsible for notifying his or her secured creditors of any variation to the protection order.

An order of the tribunal that involves the payment of moneys is enforceable through the Local Court. Except where an automatic cancellation provision is made in an order, any breach of the order would be dealt with by the tribunal upon the application of any person or company bound by that order. The tribunal has the option of cancelling a farmer's protection order, thereby leaving him or her exposed to foreclosure. We expect that the tribunal would cancel a protection order only in the case of a serious breach of its provisions, but it would be thoroughly consistent with this legislation for the tribunal to ensure that a protection order contains a provision that it is automatically cancelled if a protected farmer fails to comply with the key provisions of a protection order. Finally, the Bill provides for a penalty of up to \$5 000 for any person who gives false information to the tribunal.

Members will be aware that the commercial tribunal was established under the Commercial Tribunal Act of 1984. That Act sets out the broad guidelines for the operation of the tribunal and I invite members to refer to that Act when considering this Bill. Perhaps the most important reference in that Act for the purpose of this Bill is the provision for appeals against a tribunal decision. Essentially, the major ground for appeal is on a question of law, and the appeal lies to the District Court. In addition, either the tribunal or the District Court may give leave for an appeal on other grounds. Further, the tribunal is able to state a case for the opinion of the District Court. The Commercial Tribunal Act enables the necessary regulations to be made for the successful operation of the tribunal under the provisions of this Bill.

Mr Deputy President, already some extreme points of view have been expressed about this legislation and the effect it is likely to have on the whole range of related issues. I ask members not to swallow the prophecies of the doom sayers without thinking for themselves about the likely outcome of the legislation. Many of the fears expressed about this Bill so far are based on the assumption that the tribunal will not be able to understand the consequences of its actions. The Bill ensures that the membership of the tribunal is such that it will minimise the chances of an irrational or impractical order being made. I am sure members will recognise that the three tribunal members, between them, will be well and truly in touch with what is happening in the farming and financial sectors, and have an understanding of the specific issues brought before them.

As a country member of Parliament I am not interested in any more think tanks, inquiries, task forces, discussion papers or any other alternatives to actually doing something. The State is limited in what it can do to cushion the blow for the farm sector and for rural communities generally, but we must do all we can, without any further delay. Under the current circumstances, a do nothing policy is weak and is a failure to understand the long term consequences of what is happening. We must make sure that farmers are given every opportunity to trade their way through the current crisis. Every avenue must be explored to provide for the continuation of their business. I commend the Bill to the House.

Debate adjourned, on motion by Hon Fred McKenzie.

WESTERN AUSTRALIAN COASTAL SHIPPING COMMISSION AMENDMENT BILL

Second Reading

Debate resumed from 22 August.

HON E.J. CHARLTON (Agricultural) [7.48 pm]: The main thrust of this Bill was related by the Leader of the Opposition in very definite terms the other night. I am being complimentary to the Leader of the Opposition - I thought he delivered a very detailed assessment of coastal shipping. I will raise two points, both of which were raised on behalf of the National Party in another place. The main one concerns the guarantee. The Leader of the Opposition intends to move an amendment during the Committee stage.

Although we are not debating coastal shipping itself, a great deal of consternation has been expressed of late about the Western Australian Coastal Shipping Commission and what it provides for the State of Western Australia, and in particular to the north of the State. When dealing with any amendments to the Coastal Shipping Commission legislation, we must dwell a little on the future of northern Australia. As with most other industries in this nation, no shipping business plan has been developed for the next five, 10, 15 or 20 years. It amazes me that we always seem to blunder from one election to another. Following an election Government charges increase; this is followed by an interim period in which the Government makes out that it is concerned, and just prior to the next election all sorts of promises are made. I suppose that is the nature of politics and this happens everywhere; however, what is lacking across the board is a business plan to be applied to education, health and coastal shipping among other areas. If we are serious about the development of regional Australia, and particularly the north west with its unlimited potential, we do not need stupid proposals such as daylight saving.

The fact is that hundreds of millions of people are on our northern doorstep in Asia, and these people are closer than those in Melbourne. However, we have become caught up in the ways and means of eastern Australia. We should be developing a plan for State shipping. The Opposition intends to harvest the benefits which would accrue from opportunities to conduct trade on a direct basis without the imposts and burdens applied by the current Coastal Shipping Commission. When discussing deregulation, one must consider the big picture; too often of late we have looked at this issue while wearing blinkers.

The National Party is concerned about the State Shipping Commission and we are concerned about guarantees. We totally support the proposition that Parliament should be made aware of any guarantee given. I have not seen the reasons offered for the increased membership of the commission; nor am I aware of the backgrounds of the persons involved. I do not know whether Hon George Cash has received any comment on this during the second reading debate.

Hon George Cash: No, I have not.

Hon E.J. CHARLTON: Also, I could not find any such comment in the debate in the other place. If membership of the commission is to be increased, the Government should provide reasons for doing so. Also, the Government should indicate the type of individuals and the expertise to be added to the commission.

Hon George Cash: Indeed.

Hon E.J. CHARLTON: As with many other industries in this State, we would like to see the colour of the guarantee given by the Government before we accept the legislation. We are asked to make a decision without any evidence of what the guarantee involves, the nature of the commitment or to whom it was given. The National Party supports the Bill.

HON TOM HELM (Mining and Pastoral) [7.54 pm]: It is pleasing that the leader of the National Party supports, albeit with reservations, the Western Australian Coastal Shipping Commission Amendment Bill. However, it appears that his party will be supporting Hon George Cash's amendment. I will attempt to demonstrate to the House why we must support our State coastal shipping service. We must also support the concept of the provision of a transport system which will service the north west of this State. That is not only because of the inherent dangers faced by people in this area, dangers such as those posed by extreme weather conditions which often damage roads, but also to ensure that export produce leaves our ports - we hope that this can be done at a greater rate than the imports we receive.

The Coastal Shipping Commission has done a great deal of work in developing new markets, particularly from the Ord River region to South East Asia. This has been to the benefit of the whole State. I shall also demonstrate that Stateships, and Australian shipping lines in general, can have a great impact on the tourism industry in the north west. Members must understand that shipping can reduce the damage to our roads and the costs to the taxpayer in repairing these roads. The road transport system takes a heavy toll on roads in moving loads from one point to another, and this applies particularly in the north west with the developments taking place there. Stateships has a part to play in the national and international trade system. The transport of goods from the west coast to the east coast can be conducted with the use of Stateships or ship charters.

Hon Eric Charlton expressed some misgivings about the efficiency of the Coastal Shipping Commission. I will explain to the House how the Seamens Union of Western Australia has played a role in making our ships among the most efficient, most cost effective and most reliable in the world; they also have the latest technology and the best trained crews in the world. At the opening of business today Hon George Cash moved to adjourn the House in order to debate a motion stating that the State Government was doing very little to alleviate the burgeoning rate of unemployment, particularly among young people. One of the things the State Government is doing in that regard is maintaining and supplying guarantees to Stateships, and this will eventually encourage the foreign flag ships such as the ill-fated *Kirki* away from our shores. Such moves will encourage reliable ships into our ports and this will guarantee that our emergency services will not be required and our environment will not be damaged by the low standard foreign flag ships going down on our coast. By maintaining Stateships as part of the Australian shipping scene we can maintain the Australian shipping tradition. This will provide jobs for our young people in manning those ships.

Hon Murray Montgomery: At a fairly high cost though.

Hon TOM HELM: Hon Murray Montgomery's simplistic interjection could be made only by him. Compare the cost of Australian cargo being carried on a foreign flag ship to foreign shores after its bow fell off, as recently occurred, with the cost of cargo on an Australian ship with its bow intact.

Hon Peter Foss interjected.

Hon TOM HELM: I am saying that most foreign flag ships are more dangerous than Australian flag ships. Only once during my 10 years' seagoing experience were certificates demanded for every piece of equipment on the ship. That happened more than 20 years ago when I visited these shores as crewman on a British flag ship. That requirement ensured the ship was safe for everyone on board. Australia is the only country in the world which requires a ship to demonstrate, to the best of its ability, that the equipment on board is safe. It is difficult to determine the safety of the structure of the ship. However, masts, rigging and blocks and tackles can be inspected. Blacksmiths' certificates can be provided for shackles and blocks and tackles. Australia's insistence on demanding safety checks for equipment meant the ship on which I was sailing was safe and I was not in danger of being killed by falling equipment.

If Hon Murray Montgomery were still in the House I would demonstrate my point to him. It is all very well to say foreign flag ships offer a reduced price. However, if the ship happens to be the *Sanko Harvest* or the *Kirki*, the cost to the community increases in leaps and bounds.

Hon Peter Foss: You can't say other nations don't have very high standards. Surely you are not saying Japanese ships don't have high standards?

Hon TOM HELM: I am saying that none is safer than Australian ships.

The DEPUTY PRESIDENT (Hon J.M. Brown): Order! If Hon Tom Helm is saying it, he should say it to me.

Hon E.J. Charlton interjected.

Hon TOM HELM: Hon Eric Charlton said he wanted an indication of why it is better to use Stateships for transporting Australian cargoes and I am trying to fulfil that task. If members want to talk about wharries, I will go down that track, but we should keep to the Western Australian Coastal Shipping Amendment Bill to which Hon Eric Charlton spoke a short time ago. I am trying to demonstrate that the cost per tonne of cargo is affected by the environmental cost, and not just the cost of towage fees, rescue helicopters and the danger to people trying to save ships which should not be saved. It is all very well to look at short term financial gains. However, I am trying to suggest the Government provide jobs for young people who would go to sea were they given the opportunity. By using Stateships we would be looking after the environment because those ships will at least travel from A to B without damaging the water, the beaches, the penguins, the dolphins or any other species which can be affected by unsafe ships.

Using Stateships will enable us to explore new markets for our goods. Have members spoken with the growers in the Ord River irrigation scheme and asked them what they think

about Stateships and how it can help their enterprises? Members know that those enterprises are very successful. That is because a Stateships ship will depart from Fremantle and travel up the coast to Broome or Wyndham where it will pick up the seasonal goods and fruit. It will then take them to South East Asia where it will pick up cargo and take it to the east coast. It may load on sugar at the Queensland sugar ports and transport it to the major ports of Sydney, Adelaide and Melbourne. The ship then comes back to Fremantle and repeats that round trip. Were the facility for transporting those goods not available, the growers in the Ord would not have been able to explore those markets successfully. What private enterprise group could take a chance that a container load of fruit, mangoes or bananas would be successfully sold on the South East Asian market? The ability to exploit that market would be severely limited.

On 20 August Hon Phil Lockyer asked the Minister for Police representing the Minister for Transport how many ships called at Broome and Wyndham in the 1991 financial year. He also asked how many of those ships were operated by the State shipping service and how many of them were fuel tankers. For the purpose of this debate 25 visits to Broome were made by the State shipping service. Twenty-eight visits were made by Stateships to Wyndham in that financial year. Until State owned enterprises are able to compete on a level playing field and in a commercial sense rather than one influenced by the Opposition's heavy handed, negative point of view, of course our enterprises will play a very small part in Australia being able to provide work for our young people or develop trade opportunities.

We are also talking about the sale of the wheat and wool grown in Western Australia. The House should be aware that iron ore is transported on Australian ships to Port Kembla, but as far as I know very few iron ore ships transport our iron ore elsewhere. More of that should be done. The fact that it is not is a condemnation of our shipping service. In fact very few of our goods are exported on Australian ships.

On the matter of tourism, particularly in the north west, those who have had the opportunity to see the spectacular coastline will know that many opportunities exist for ships to not only carry cargo, but also take passengers and provide them with the opportunity of viewing a spectacular coastline. That opportunity will go begging if the Opposition insists that the guarantees be brought to the House, or that every aspect of the enterprise be open to the scrutiny of Parliament and, rightly, to the public. If Western Australia is to compete on the commercial market, its State enterprise should be entitled to the same consideration as its competitors.

Hon W.N. Stretch: That is the sort of nonsense Parker, Burke and Dowding went on with and that is why Western Australia is in a financial mess.

Hon TOM HELM: Hon Bill Stretch cannot have it both ways. Either we take on board the comments made by Hon George Cash at the beginning of today's business and give State enterprises the ability to compete and give the State Government the opportunity to address the unemployment problems or we do not. It is a nonsense for Hon Bill Stretch to support that motion and then say the Government should do what it can to support unemployment with one hand tied behind its back. The opportunities will not be provided if the stumbling blocks proposed in this amendment are agreed to. If I remember correctly, before the Coastal Shipping Commission said it would wipe its hands of being in business because of the connotations of that, an opportunity existed for the Opposition to take some responsibility for decisions made by the State Government on a confidential basis. However, the offer was never accepted.

The offer was ignored, therefore making the viability of those enterprises almost untenable. The Opposition says on the one hand that we should do something, but when the opportunity to do something presents itself, it says that the Government should not do it because any of the transactions into which the Government may enter will be open to public scrutiny and the scrutiny of competitors. However, that is another debate and we will go into it at another time.

Hon W.N. Stretch: It is an important guarantee that the people's money is handled properly.

Hon TOM HELM: I will not argue with that. I take my role as the Chairman of the Standing Committee on Delegated Legislation seriously. I am concerned about the role of the Executive in the Westminster system. Hon Bill Stretch would be aware of that. Nonetheless,

the taxpayers of this State encourage the State Government to do what it can to reduce unemployment in Western Australia. I have heard the Opposition in this place and in the other place be invited to take part in decision making, but on every occasion the Opposition has refused. It should not be hypocritical and say that the Government should do something but, when it wants to do it, then say that it should be referred back. It is tying one hand of Government enterprises behind their backs. It is difficult for them to compete.

Hon W.N. Stretch: We have let the Government get its hands in the till before and it will never happen again.

Hon TOM HELM: The opportunity for an input was given to the Opposition on more than one occasion and it backed off at 100 miles an hour. All the Opposition, in this place particularly, has ever said is "stop", "block", "whoa", "don't", and "can't". It says, "You can do this, but you can't do something that is attached to it" and that makes operations difficult.

Hon Peter Foss interjected.

Hon TOM HELM: That is right, and the Opposition was given an opportunity to be part of showing Australia how. We did show Australia how. The Opposition has said on many occasions, "I told you so." The suggestion from that is - I have raised it in this House before - that the Opposition knew what McCusker was going to report to us before he reported it. That is why the Opposition did not choose to avail itself of the offer to assist the Government and take part in the confidential issues.

We should support this Bill without amendment because Stateships has a very important part to play in an antiquated freight system. Taking into account the land mass of our nation, it is faster and more efficient to move our goods from one area to another by sea.

Hon E.J. Charlton: Provided we can do more than 16 containers an hour. Similar ports in America do 35.

Hon TOM HELM: I will bet that Hon Eric Charlton has been to a port or two in his time!

Hon E.J. Charlton: Yes, I have.

Hon TOM HELM: Right, and he has probably seen the type of gantry cranes used in one place compared with another. Would Hon Eric Charlton say that Australia has gantry cranes that are the equal to those at other ports?

Hon E.J. Charlton: No.

Hon TOM HELM: A bunch of wharfies could take a container on their backs up a gangway, if that is what he wants; or we can use something like that which is used in Rotterdam, Antwerp and other places which have systems to move the cargo from the ship to the quay to the customer a lot faster and a lot more efficiently than we can. We need to improve our capital investment.

Hon E.J. Charlton: You can't kid us that you think that is the problem. That is only a small part of the problem. No-one will put in capital investment if work practices bog it all down.

Hon TOM HELM: Does Hon Eric Charlton know the work practices that exist in the loading and unloading of containers on or off a ship?

Hon E.J. Charlton: I have been taken through the exercise of what goes on.

Hon TOM HELM: Therefore, he knows that it takes a small number of men to take the lashings off the container if it is on the deck of the ship. If the container is in the hold, the lashings are not needed, and one man can drive the gantry crane to lower the gantry onto the container.

Hon Peter Foss: Seventeen men per ship are being paid to do that.

Hon TOM HELM: That is not true. Let us not say things that are not true. If Hon Peter Foss does not kid me, I will not kid him; we will keep it as straight as we can. Because of waterfront reform, practices of the past are now in the past. If he were saying these things four or five years ago, I would not argue with him.

Hon Bob Thomas: And when we finish with the waterfront, we will start on lawyers.

Hon TOM HELM: We are going to multi-skill lawyers.

Stateships is proven in its manning and efficiency; its ability to move goods around our coastline is unsurpassed. The last time a Stateships' ship sunk was probably the *Koombana* in about 1960.

Hon E.J. Charlton: It had a hard bottom. It sunk many times.

Hon TOM HELM: Members opposite do not understand what I am trying to say. The financial aspects are important and should remain important. They should also take into account the dangers that exist in unsafe ships and the dangers that exist in not being able to expand the business activities of the north west. The Ord River irrigation system could not have succeeded without the involvement of Stateships which gave the ability to the local industries to sell their produce in season. If Stateships is controlled by the State, the seasonal aspects of the Ord River irrigation scheme produce will be taken care of, whereas it would not be viable to sell that produce in South East Asia. Stateships has demonstrated that it can deliver and open up those markets and bring more produce on stream in the Ord River. This House has talked about this on another occasion.

This Bill needs support without amendment. Stateships needs to be able to trade as a viable organisation. Hon Eric Charlton said that he has not been presented with a plan on how to use Stateships. I do not mean to be cruel, but the shipping business fluctuates as much as the farming business and as difficult as it is to put a farm plan together, it is also difficult to put a shipping plan together. New markets are always being tested and explored. It is not known from one day to the next whether wool, grain, coal or iron ore will be loaded.

Hon E.J. Charlton: I am talking about where people want to be in 10 or 20 years' time in our trade with South East Asia.

Hon TOM HELM: That is how it can be done. We cannot expand trade with South East Asia for any commodity by asking private enterprise to take a chance. Private and foreign flag ships will not take a chance on being able to sell our products on the South East Asian markets. As taxpayers we should be able to explore those markets and provide an opportunity for the growers. It has tremendous potential for the rural sector. I explained to the House when I returned from Vietnam that Australia could be a direct supplier of products that Vietnam needs now. I visited only Vietnam in South East Asia but I am aware that we are selling our products in that area generally. It seems logical to me that if we are selling Australian products into those markets, we should also be transporting the goods to those markets. It could be described as part of the downstream value added process, which benefits the whole economy. It may involve a short term cost for a long term benefit. If the opportunities were grabbed with both hands, it could result in less youth unemployment.

Hon Sam Piantadosi: Mr Charlton is not familiar with primary produce!

Hon TOM HELM: He is certainly not very good with ships. It is worthwhile bringing to the attention of the House two questions on notice asked on 20 August and answered today. I refer to question 641 which Hon George Cash asked about the volume of cargo and number of containers carried by the MV *Frank Konecny* on each of its last northbound and southbound voyages. The basic thrust of the answer is that some of the questions Hon George Cash asked were commercially confidential. In other words, had those questions been answered the trading viability of Stateships would have been more vulnerable. I draw to the attention of the House that the ability of Stateships to compete depends on the support of both sides of the House and the taxpayer in general, because the way to get some value added to our primary producing industries is by transporting the goods from Australia to foreign shores on Australian ships. Question 642 on notice from Hon George Cash to the Minister for Police representing the Minister for Transport asked -

Further to the Minister's answer which provided statistics on the cargo carried both northbound and southbound on the MV *Gordon Reid*, will the Minister provide details of the cargo carried and actual return both northbound and southbound for voyages 3, 4 and 5 of the MV *Gordon Reid*?

The following answer provided by the Minister for Transport emphasises the point I am trying to make -

Whilst I appreciate the honourable member's interest in the value and the improving financial and operating performance of Stateships, I am not prepared to release further detailed trading information which would clearly give a competitive

advantage to Stateships' competitors. As a Government trading enterprise, Stateships is required to undertake far greater public disclosure than its competitors and as such, to answer the member's question could well be to the detriment of the State's interest.

That perhaps demonstrates my point: It is all very well saying that we need to do something about unemployment, downstream processing, and making primary production more competitive and valuable throughout the nation, but we cannot possibly sell the goods which our farmers produce more efficiently than anybody else on overseas markets unless someone takes responsibility for transporting those goods. The most obvious people to take that responsibility are our Government-backed organisations. We cannot expect private enterprise to take chances if they cannot see an immediate return for their dollar. We need to demonstrate to private enterprise how well this produce will sell on other markets and how it will fit in. However, it must also be recognised that Stateships cannot fulfil that function if it is required to trade under a different set of rules. We must be careful about the number of restrictions placed on that body. It is not realistic to seek to amend the Bill in such a way that it will be difficult for Stateships to operate.

Hon E.J. Charlton: How does it make it more difficult?

Hon TOM HELM: Has Hon Eric Charlton read the Bill?

Hon E.J. Charlton: Yes, and the amendment would not make it difficult for Stateships at all.

Hon TOM HELM: The proposed amendment requires Parliament to be notified if a guarantee is given.

Hon W.N. Stretch: You are talking about giving a guarantee when constructing ships, not for the operation of Stateships.

Hon TOM HELM: The Opposition is proposing that if a guarantee is required Parliament shall be notified of the fact. If such a matter came before the Parliament the information would be available to the competitors of Stateships. They may then reduce the cost of transporting goods in the short term in an attempt to put Stateships out of business. Having done that, they could then increase their prices.

Hon E.J. Charlton: It is not a guarantee relating to a contract to cart or move goods.

Hon TOM HELM: The proposed amendment states that -

The Treasurer shall, as soon as practicable after a guarantee is given under this Act, inform in writing the Clerk of each House of Parliament of the giving of the guarantee -

It could be that a guarantee would be required because of some difficulty with making repayments. The proposed amendment continues -

- and shall, if requested by either House of Parliament, produce that guarantee for the information of that House, within a period of sixty days after the making of that request.

Hon E.J. Charlton: Has the reporting to Parliament had any effect on the trading viability of the State Government Insurance Commission?

Hon TOM HELM: That question should be asked of GIO Australia which is subsidised by the New South Wales Government and is trading in this State in competition with the State Government Insurance Office. That is exactly the point I am trying to make.

Hon E.J. Charlton: They said publicly that that is not right.

The PRESIDENT: Order! It is not in order to ask anybody about that, because it has nothing to do with this Bill. I suggest the honourable member cease carrying on a conversation with Hon Eric Charlton and direct his comments to me.

Hon TOM HELM: The point I was making is this: If Stateships must, as the Opposition claims, cross every "t" and dot every "i" in public in this House and in the other place, that puts it on a par with the State Government Insurance Commission, which is at a disadvantage vis a vis the State Government Insurance Office. Once it has competitors out of the way, it can ask any price it wants for the services it performs.

Hon George Cash: You have missed the point of accountability.

Hon TOM HELM: I think that can be taken care of as well.

Hon George Cash: Just by not telling the Parliament?

Hon TOM HELM: That has happened in the past. The Opposition can be made privy to those concerns on a confidential basis. The invitation has been given in the past but I am not aware of the Opposition ever having taken the opportunity to be part of those confidential considerations. That does not stop the Opposition from objecting if the information does not fit in with its philosophy.

Hon W.N. Stretch: You are wrong, but it would be out of order for me now to tell you.

Hon TOM HELM: I am sorry, but I was not aware of that. The provision in the amendment can be made in those terms.

Hon W.N. Stretch: No.

Hon TOM HELM: The member can tell me why when he gets to his feet. Will the Opposition tell us how it will help this State to address the horrendous unemployment problem? Rather than whinge and moan, the Opposition should do something positive. What it suggests now is inconsequential.

We used to have many members of the Opposition reading headlines from newspapers. They would tell us about information we already knew but would not give any alternatives. Members opposite would not tell this House or the electors of this State how they would correct the problem. I am using my experience as a seaman and the information I have of shipowners across the world. They are quick to praise the Seamens Union of Australia for its ability to understand the implications and the costs of high wages and the implications of not being competitive. The only major complaint is, they have lost a horrendous number of jobs. In many ways the sea is a family tradition, where sons follow fathers. Nevertheless, we still have foreign ships falling apart and sinking around our coasts with all sorts of damage being done.

The Opposition must get away from the negative attitude it has. It must move away from the habit it has of demonstrating what we already know. It must demonstrate to the House and to the electors what it will do to solve this problem. I recommend that the House support this Bill.

HON D.J. WORDSWORTH (Agricultural) [8.34 pm]: Without doubt shipping has played a very major part in the development of this State, not only in the northern areas but also on the south coast. One must remember that in 1870 there were only something like 30 families in the Kimberley. While the Duracks and the McDonells and the Emanuels were able to get their livestock into the area by droving, it was a more difficult task for them to be serviced by horse vehicle.

As members know, the roads to the north west were very bad in the early years. It was very difficult for those people to get up to the north west on the roads that were there before the 1939-1945 war. Obviously the Governments in that period found a need to charter ships to service these isolated areas. Members should remember that the goldfields were serviced by Adelaide, and Western Australia enjoyed very little trade from the goldfields before the railway was put through from Perth to Kalgoorlie. When the railway was put through, it was brought to Salmon Gums and not taken through to Esperance, so the connection to that port could not be made, and allow the trade to return to Adelaide. Those who live in Kalgoorlie know that until a few years ago they quoted the Adelaide Stock Exchange rather than the Perth Stock Exchange.

There is good reason the businessmen of Perth wanted to see ships going out of Perth to service isolated areas of Western Australia rather than have them serviced from other States. I should think that Stateships is close to approaching its centenary. In 1975 I think it celebrated its 75th anniversary, but I cannot confirm that. However, it is a very old service and in some ways a very romantic one. We referred earlier to passengers; it was not usual for people in Perth to board a Stateships vessel to see the northern scenery, as the previous member mentioned.

But Stateships had its share of sadness as well. I recently went to Monkey Mia with my wife, but instead of going to see the dolphins we went to the sand dunes to see the grave of a young child there. My wife's grandfather was the surveyor general, and he was going with

his wife and child to survey the port of Derby when the child died and they had to row ashore and bury her in the sand dunes. I guess that was pretty usual for Stateships in those days. There was a certain amount of sadness as well as joy. Nevertheless Stateships was a very important organisation at that time.

I was fortunate enough to be Minister for Transport in 1977 when it was found necessary to reorganise Stateships. While Hon Eric Charlton might think there has never been a plan for Stateships I assure the House that there has been. At that time Stateships had four fairly large and old ships which had to be loaded by winch. They were highly unsuitable for the trade they were endeavouring to manage. I engaged a person with great experience in modern, small ships. He came from Europe and was in Australia for a month at a time on several occasions examining our ports and seeing what was happening in New Zealand and other places. We finally settled on a small ship to handle the north west trade. It had to have the ability to handle containers because at that time overseas ships were delivering containers to the abattoirs at Broome and Derby and were about to discontinue that service. Indeed, the original service to those ports was not by containers, and goods were loaded by winch into refrigerated holds. So, in order to change to a container system it was necessary to be able to handle containers in the small northern ports. We heard debate this evening about containers, the difficulty of handling them and the requirement for expensive machinery, as witnessed at the Port of Fremantle. Obviously, we could not put that sort of equipment at those northern ports. A requirement for any new ship was that it handle containers, the roll-on and the roll-off, and bulk materials such as cement necessary for the opening up of the north west, as well as other commodities such as oil and grain. Therefore, a ship had to be specially built for the task. It required a specially constructed keel so that when the tide went out it could rest on the ocean floor. Concurrent with the commissioning of this ship we changed the management of the Transport Commission and employed Captain Wilson as the new manager. His brief was to close Stateships within 10 years. It was recognised by him that it was a terminating position. Two of the older ships were sold and one new ship was leased. In that way we went from four ships to three ships, one of which was smaller than the others. This followed a fair amount of negotiation with the unions because the Seamens Union of Australia did not wish to see Stateships disappear. We negotiated an agreement; we did not experience any industrial strife over the sale of the two ships which were replaced by one carrying fewer crew.

Hon Sam Piantadosi: Seamen have seen a lot of restructuring.

Hon D.J. WORDSWORTH: They were willing to accept the conditions with fewer crewmen. The matter was approached in a practical and sensible manner. We had no complaints about that. We did have some trouble with the wharfies in the north. I remember one notorious character called "the vicar" who caused trouble. We did not change over to containers in an easy way because they required fewer wharf labourers than under the old system. When Stateships was reduced to three ships, there was still a surplus of capacity. To keep our word, we did not sell another larger, older craft; we put it on the run between Devonport and Perth. That may seem rather odd, until one realised that everything coming out of Tasmania had to be transported by ship. We considered what was produced in Tasmania which could come to Western Australia. Obviously the answer was paper pulp. We literally put in place a shipping line from Devonport to Perth to cart newspaper. While that was not profitable, at least it gave the ships a viable cargo and filled in during that time of transition.

Unfortunately, at that stage a Cabinet reshuffle occurred and the incoming Minister - rather than changing two older ships for a new one - changed ship for ship in 1979. Even at that time there was little need for Stateships. We were just completing a bitumen road to Broome which would run the whole way round Australia. Without doubt, those northern ports now can be admirably served by road transport. When one talks about the export of fruit and vegetables from Kununurra and the markets which should be developed, that can be handled by road transport.

Hon Sam Piantadosi: What about South East Asia?

Hon D.J. WORDSWORTH: I am referring to Perth, and the Eastern States market.

Another reason that Stateships benefited Western Australia was that we were hanging on to traffic for the Northern Territory; at that stage the rail service to Alice Springs was in a poor

state and the timber merchants were enjoying trade in Darwin with the building of that city. Of course, with the improvement in road transport and the development of the Ghan that need has disappeared.

I have endeavoured to give a rundown on how Stateships was run during the term of the Court Government. The plan was to complete the closure of Stateships within 10 years; and that was the right thing to do. That was the reason that the ships were leased in the first place; there was no intention to renew the lease.

Hon Sam Piantadosi: Do you still have that opinion?

Hon D.J. WORDSWORTH: Yes. Overseas traffic out of Kununurra and elsewhere can be handled capably by overseas ships, and it can be done so much cheaper. It is well known that the cost of shipping out of Australia is very expensive. Our local Australian flagships - which must be loaded by waterside workers at two ports - cannot compete with the foreign flagships which have the ability to unload overseas. It is well known that those companies run very cheaply. I think the cost of sending cargo from Perth to England is half that of sending cargo from Perth to Sydney. Nowadays, with modern transportation, very little cannot be transported by road. The multiple wheeled transport vehicles carry the oddest of cargo. While we thought it necessary at that time for Stateships to be present for the opening of the gas fields, in fact Stateships did not carry much of that traffic. I will not elaborate about Stateships; it has been successfully put by the Leader of the Opposition in this place, Hon George Cash, that the agreements that have been made with the Westpac Banking Corporation this time are not comparable with the earlier agreement. The Government was on the back foot when it had to negotiate with Westpac and the cost was ridiculous. Clauses in the agreement obviously made the leasing of ships very expensive indeed. Nevertheless, it seems to be in line with many other transactions that this Government has undertaken. I support the Bill.

Debate adjourned, on motion by Hon Fred McKenzie.

STATEMENT - BY THE PRESIDENT

Ugle, Mr Phillip - Hospital Ward Transfer

THE PRESIDENT (Hon Clive Griffiths): Mr Phillip Ugle, our attendant, has now been transferred into ward G41, a general ward, at Sir Charles Gairdner Hospital, and he is allowed visitors. I gave an undertaking last week that I would advise members of his progress.

ROAD TRAFFIC AMENDMENT BILL (No 2)

Committee

Resumed from an earlier stage of the sitting. The Chairman of Committees (Hon J.M. Brown) in the Chair; Hon Graham Edwards (Minister for Police) in charge of the Bill.

Clause 1: Short title -

Progress was reported after the clause had been partly considered.

Hon GRAHAM EDWARDS: Because of the path that this Bill has taken - coming to the House, being referred to the Legislation Committee, returning to the House and then being referred again to the committee - it is now before us with two or three sets of recommendations offered to us, one of which is not acceptable to the Government and one not acceptable to the Opposition. We are left in the position of dealing with neither the green nor the blue Bills that are part of the committee's report, but of going back to the original Bill put before the Legislative Council. For that purpose I will be reporting progress and seeking leave to continue debate on this matter at the next sitting of the House.

Hon GEORGE CASH: I advise this Chamber that the Minister for Police and I have discussed this matter and I concur with the comments he has made. The Opposition stands ready to debate this Bill, and the amendments that we propose can be circulated tonight. However, as the debate is to be adjourned we can do that tomorrow. Like the Government, the Opposition is keen to see this matter pursued and brought to an early conclusion.

Hon GRAHAM EDWARDS: I look forward to receiving the Opposition's amendments and

I assure members that the Government wants the matter dealt with and brought to a conclusion. I will do everything I can to accommodate the Opposition and have provided sufficient time for debate of the committee's recommendations and the amendments that will be put on the Notice Paper. We may be able to deal with most of the substance of the Bill on Thursday of this week.

Progress

Progress reported and leave given to sit again, on motion by Hon Graham Edwards (Minister for Police).

ACTS AMENDMENT (JUDICIAL QUALIFICATIONS) BILL

Assembly's Amendment

Amendment made by the Assembly now considered.

Committee

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

The amendment made by the Assembly was as follows -

Clause 4

Page 3, line 4 - To delete paragraph (d) and substitute the following -

(d) service, while admitted as a practitioner as defined in the *Legal Practitioners Act 1893* -

(i) as a registrar of the Court or the District Court; or

(ii) in a judicial or quasi-judicial capacity on any court, board, or tribunal constituted by a written law;

or

Hon J.M. BERINSON: I move -

That the amendment made by the Assembly be agreed to.

This Bill has now been in the Parliament for so long that it might pay to retrace its path just briefly to bring members up to date. The Bill was introduced in this House on 20 March 1991 and passed through its first reading on 30 April. It was read in the Legislative Assembly for the first time on 1 May and for the second time on 2 May. On 8 May the Chief Judge of the District Court contacted me to indicate that although he had previously had the opportunity to consider the Bill he had unfortunately overlooked the provisions of clause 7(d) as originally drafted, which provided in effect that "legal experience" includes service as a registrar of the Supreme Court or of the District Court or in a judicial capacity in any court, board or tribunal constituted by a written law. To that extent it was the view of the chief judge and of the other judges of the District Court that the Bill had the effect of making the qualifications for appointment to the District Court less than those required for appointment to the Supreme Court. That was not an intended effect and, as was pointed out, would have involved a departure from a practice of very long standing going back to the establishment of the District Court whereby the qualifications for appointment to the District Court and Supreme Court were the same. The District Court judges were of the view that the Bill should be amended accordingly and that was a view that attracted the agreement of the Chief Justice on behalf of the judges of the Supreme Court. Accordingly, the Government initiated an amendment in the Legislative Assembly and that is the amendment before us. Its purpose is quite narrow and I trust that I have indicated the reasons for it adequately for the purpose of this Chamber. I commend this motion to all members.

Hon PETER FOSS: I have a couple of problems with this. Firstly, subsequent to the passing of the Bill through this Chamber a number of representations were made to me as to the suitability in the District Court of this part of the clause. The particular concern was that it opened the way for a formal judicial promotion to occur; that is, a person could start in a quasi judicial position - as a member of a tribunal or a board - and then move up through the ranks of the judiciary, eventually arriving at the Supreme Court, without ever having served any time practising as a legal practitioner. My first reaction to this was that these are

minimum qualifications. The minimum qualification for a person to be appointed a judge of the Supreme Court is eight years' practice and standing. Seldom is a person appointed to the Supreme Court with eight years' practice and standing only. Normally, it is twice that number of years. Of course, many people who have had eight years' practice and standing will never be appointed as a judge to the Supreme Court because they do not have the appropriate abilities to fit into judicial office.

Initially, I thought that this matter could be easily determined by an appropriate Executive decision, because in the past the Executive has shown an aptitude for not appointing people who were not suited to the position, and we should rely on that discretion. However, why have minimum provisions at all? Why not rely entirely on suitable appointments made by the Executive? It is hard to argue against that proposition. It may be suitable in certain places to have this form of judicial promotion, but the one court to which that should not apply is the Supreme Court. These amendments will make it possible for a person to be admitted under the Legal Practitioners Act, be appointed immediately to a tribunal and then, by staying in that tribunal for a considerable time - perhaps by moving up through the ranks - become a judge of the Supreme Court. It is inadvisable for somebody to be appointed in those circumstances. The protection against this up to now has been that people must have formal judicial experience which normally requires that they be prequalified by spending some time in the profession. The common law jurisdiction up to now has been different from that of the civil law jurisdiction in that it has been the practice for people holding judicial office to take judicial office after a substantial period of practice at the Bar, whereas, in the civil law jurisdiction, people tend to choose one line of the legal profession over another. They choose either to enter the judiciary and begin their career as a junior magistrate and move their way up the judiciary ranks or go to the Bar and move their way up there. That system does not have the cross movement as exists in the common law system.

My concern is similar to that raised by many practitioners: It is insufficient to be a registrar of a District Court or act in a judicial or quasi judicial capacity in order to gain access to the Supreme Court. Despite what the Chief Justice may say about it, we are not happy with the concept of people being appointed to the Supreme Court with only that form of qualification. Until recently people were even serving on tribunals and as magistrates of the Local Court without legal qualifications. Of course, they must gain legal qualifications before they could satisfy this Bill but it is quite possible for a person to spend some time in the court, obtain legal qualifications and then, without actually practising in the profession - because there is no legal obligation for a person to practise law after obtaining his qualifications - become a judge.

Another strange point about this Bill is that the period of service for a Master of the Court to become a qualification for entry to the Supreme Court has been deleted. A Master of the Court is not a registrar of the court or of the District Court, he is classified under the paragraph relating to service in a judicial or quasi judicial capacity in any court. It is unfortunate that the master is not specifically referred to in the Acts Amendment (Judicial Qualifications) Bill.

Hon J.M. Berinson: If my memory is right, he is defined by the Supreme Court Act as a judicial officer, which the registrar of the District Court is not.

Hon PETER FOSS: For approximately 12 years the master has been not only a judicial officer but also a member of the court. He is not a judge of the court, but he is part of the Supreme Court of Western Australia. Therefore, he is actually already on the court, even though he is not a judge of the court. He is classified as being a judicial officer of a court.

Hon J.M. Berinson: In any event I think I am right in saying that the Act specifies qualifications for the Master of the Supreme Court as being virtually the same if not exactly the same as the judge.

Hon PETER FOSS: The amendment to the Bill will provide that a person is not eligible for appointment as a Master of the Court unless that person has been admitted as a practitioner as defined by the Legal Practitioners Act 1893 and has not less than five years' legal experience. He can become master in the same way as we are proposing the Supreme Court Act should be changed. In view of the strong concern expressed by some members of the legal profession, should we not refer this Bill to the Standing Committee on Legislation so it can take public submissions on this matter? I appreciate that there are two sides to the argument, but it may be one where the profession should be heard on this matter.

Hon J.M. BERINSON: I am surprised that Hon Peter Foss has received those expressions of concern. I would have expected to have at least some indication of those concerns directed to me. I am not aware of any of those concerns, certainly not from the representative organisations of the legal profession, including the Law Society of Western Australia or the Bar Association. The reason for an absence of concern at this stage is that the problem that has been put to Hon Peter Foss is really one which is theoretical and hypothetical rather than real. I know it is commonplace around Budget time, especially Commonwealth Budget time, for people to complain about something called bracket creep. As I understand it the present concern is roughly analogous to judicial creep which would allow a person without what would generally be regarded as adequate experience by some means proceeding through the ranks and ending up as a Supreme Court judge.

Hon Peter Foss: More than that, there may be the possibility of political influence because of the possibility of judicial preferment moving up through the ranks; that is probably the greater concern rather than the lack of experience.

Hon J.M. BERINSON: I followed into the position of Attorney General, Hon Ian Medcalf who served in that office for nine years. I have now served as Attorney General for eight years and it is fair to say that never once in that period, where we have seen an unprecedented growth in the number of judges, has there been a single case where anyone on any side has suggested that the appointment of a judge has been other than on the basis of merit. That would never happen because our judges are serving the community in a very small but high profile group and it is the invariable practice that the opinion of the judges is sought before an appointment is made. That situation is never likely to change simply because any unworthy appointment would be so transparent and so obvious to a legal profession, as relatively small as our own, that it would be impossible for an Executive to proceed improperly for political reasons. In any event there is no basis for moving on political grounds because the influence of our judges, unlike perhaps what might be said about the judges of the High Court, is not exercised in an area which is likely to have any political impact. Even apart from that practical consideration, however, I simply think that the concerns that might have been expressed are adequately met by the need of any Government to ensure that its nominations to the judiciary command both professional and public respect. If we were to accept this reservation I do not believe we could stop there. After all, our District Court judges also perform extremely important duties. They have the carriage of by far the majority of the more serious criminal cases and their civil jurisdiction is now very wide indeed. We have reached the stage that if a set of qualifications is inappropriate for Supreme Court judges, it would be equally inappropriate for District Court judges. Putting that factor together with the others which I have tried to indicate, this is not a case where the Bill should go to the Legislation Committee. All the more, this Bill has already had a gestation period of five months on what is a fairly narrow proposal and one that only rarely is likely to be acted upon in any event. It might also pay to remind members that the background to this Bill is the measure that was taken, I think last year or two years ago, to increase the flexibility that could be applied to the appointment of a Master of the Supreme Court. That was with a view to enabling the appointment of a particular and very well qualified practitioner who did not meet the requirements that were then in the Act in relation to the appointment of Masters because of his experience in a judicial office overseas.

This is not a huge Bill and it is certainly not one with which Hon Peter Foss and I would have any ideological problems. I understand the point he makes, but it is not persuasive and we can rely, as we have always done in the past, on not only the good legal sense of a Government coming to make an appointment to the Supreme Court, but also its good political sense. Nothing would be so calculated to attract an immediate and intense antagonism than the appointment to the Supreme Court of a practitioner who was not clearly suitable for that high position in the Government of this State.

The CHAIRMAN: Before we continue, I draw the attention of members to Standing Order No 249 which is quite specific about how an amendment of this kind can be handled by the Committee.

Hon GEORGE CASH: I recognise Standing Order No 249 and also the keenness of the Attorney General to dispose of this matter as soon as practicable. However, Hon Peter Foss has raised matters that deserve to be fully investigated and considered. Instead of having the matter referred to the Legislation Committee tonight, the opportunity should be given to

Hon Peter Foss and the Attorney General to discuss the matter more fully. I have spoken with Hon Peter Foss who indicated that he would be pleased to meet with the Attorney General on an informal basis in an attempt to resolve any differences they may have and, more than that, to convey to the Attorney General the names of the practitioners who have been in touch with him. Instead of invoking Standing Order No 249 at this stage, perhaps it would be in the interests of the Committee to report progress so that discussions can take place in the earnest hope that the matter can be resolved either on Wednesday or Thursday.

The CHAIRMAN: I advise members that once the Committee stage has been agreed to there will be an opportunity for the Bill, in its amended form, to be referred to the Legislation Committee.

Hon PETER FOSS: After the Bill left this place I heard that representations had been made and I understood that they would lead to the reverse of what has occurred. It goes to show that one should not listen to rumours because the opposite can occur. It was to my surprise that the legislation came back to this place with the provision relaxed in the way it has been. I am concerned that this Bill passed through this place fairly expeditiously. The delay in passing the Bill did not occur in this place, but in another place where it was found that other changes had to be made. This is one of the problems we have whenever we pass a Bill rapidly through this House because it appears to contain no objectionable material. In this case the reasons outlined by the Attorney General are the same ones I raised with practitioners when they mentioned the Bill to me. Our problem is that this question was not raised prior to the Bill passing this House so speedily. I am concerned to ensure that an opportunity is provided to the profession to raise its concerns and justify them. It is not up to us to say that we do not see the problem, because we trust ourselves and will appoint appropriate judges, when the public holds a concern that this amendment may lead to a perception about the way in which judges are appointed and to a perception by magistrates that if they behave themselves they may be appointed further up the line.

Hon J.M. Berinson: Did the member hear any of this concern from the Law Society or the Bar Association?

Hon PETER FOSS: It came from members of the Law Society. I have not received an official submission from the society. The comments came from people active within it.

Hon J.M. Berinson: On the executive?

Hon PETER FOSS: No, but from some of the members of its major committees. This may very well be isolated and therefore why the Law Society did not come up with a submission. The Attorney may recall the Bill passed this House speedily. He may recall that the matter first came up in another Bill which related to the appointment of a Master of the Supreme Court, but which was in general terms. I asked for it not to be in general terms so the matter could be considered properly. I think that Bill passed all stages in one evening. I asked that that matter come back as a formal amendment so that it could be considered properly. I do not recall receiving a statement one way or the other from the Law Society that it thought this was a good idea or a bad idea. I do not know whether the Attorney has received such a submission.

We ought to make it quite clear that we appreciate what is happening and that some members of the profession have indicated concern. I am not necessarily saying that because one or two members of the profession have indicated concern we should instantly change our minds about this matter, but it is important for this House as a House of Review to provide people with an opportunity to express their concerns so that those concerns can be understood properly and be dealt with. I may not have put matters as well as they should have been put simply because my attitude was exactly the same as that of the Attorney General's when the matter was first raised with me; they are only minimum qualifications and we do not appoint people with higher minimum qualifications now, "so what are we worried about?" That is not really an answer for the people who have expressed concern and want to put their argument more forcibly. To satisfy ourselves that the Bill has not slipped past without our realising that members of the profession were worried about it we should consider it further.

Hon J.M. BERINSON: I do not believe that so much hangs on this matter that we cannot put it aside for a week or 10 days, or whatever time it takes for Hon Peter Foss or me to make further inquiries of the profession about its concerns. I find it hard to imagine that serious

objections would be pursued on the amendment that the Assembly has put to us, but it is six of one and half a dozen of the other, so to speak, and rather than attempt to force an issue that we can resolve by making further inquiries I am happy to go along with the view that we give ourselves more time for that purpose.

Progress

Progress reported and leave given to sit again, on motion by Hon J.M. Berinson (Attorney General).

HUMAN REPRODUCTIVE TECHNOLOGY BILL

Second Reading

Debate resumed from 21 August.

HON MURIEL PATTERSON (South West) [9.28 pm]: I feel sad that there is a need for this legislation despite the many dedicated professional people in the world of medicine and science who would not dream of any misconduct. Once again it is necessary to legislate to protect the public from a few unscrupulous people. With this in mind I congratulate the parliamentary draftsmen who worked long and hard to bring this very difficult Bill to its present state. As the Minister for Health said in another place, balancing competing interests such as the pursuit of knowledge, technology, compassion for the infertile and respect for social attitudes and ethics, is a difficult task. None of us, having read and sifted through the six parts, 63 clauses and 106 pages of the Human Reproductive Technology Bill is ever likely to disagree with the Minister.

Many of the sentiments expressed in this Bill immediately short circuit cool, rational thought and instead go straight to the very heart of unthinking, emotional response. We would not be human if it were otherwise. This Bill does not seek to decide, for example, if skateboards are "road vehicles", or if a person can legally fish off Fremantle breakwater after dark. Quite the reverse. One thing we may all be sure about is that the Human Reproductive Technology Bill will not fall into disuse or be swept aside as an administrative curiosity. This legislation is fundamental to the human condition and will remain so for as long as anyone can foretell. Indeed, it even anticipates by its exclusions and penalties some future time when men and women could be manufactured to order on an assembly line like battery chickens from an incubator. The word "technology" connotes much that would have delighted the baby farmers of Hitler's Third Reich with their master plan to repopulate Europe with genetically improved Aryans.

Accordingly, we are standing not only for generations of men and women who wish for the joy of a child to bear their family name and be a comfort in their old age. Far more importantly our Acts and our actions in this Parliament are empowering some magistrate, judge, or Chief Justice to say at a time in the future, "This cannot be, it is not the law." All too quickly our present will become the past for someone else and those who could have said, "But we meant this or that when we said such and such," will be silent. The only tangible evidence that any of us ever considered the rights of the unborn will be contained in these 106 pages. The Human Reproductive Technology Bill of 1990 is what our legal colleagues refer to as "an Act to be read narrowly and be strictly applied". That is to say, it imposes penalties; for example, the fines of \$25 000 and \$50 000 for offences against the provisions of clause 7(1). This legislation will also be narrowly read because, by implication, it imposes a rate, tax or charge in part 4, clause 27, when it refers to licences for the practice of in vitro fertilisation and the storage of genetic materials. The legislation meets the third criterion of close reading in that it can seize vested rights, under clause 55, when "entry, search and seizure, by warrant" is defined. And all the time we thought we were discussing only warm, fuzzy, friendly feelings for unborn babies! Would that this legislation were so plain and simple.

Let us turn for a moment to the practical application of such a narrowly read piece of legislation, once it leaves our hands and becomes an instrument of law and, one hopes, good government. I ask members to bear with me while I quote a few words from the judgment handed down by Mr Justice Yeldham in the case of *Regina v Tahau*, to be found on page 481 of the *New South Wales Law Review*, 1975. Mr Justice Yeldham said that -

the statute in question is a penal statute, and . . . I must not depart from the strict application of the words used, because the liberty of the subject is at stake, and I am

not entitled to extend the statute to cover the particular situation which I might think should be covered, merely because it may appear that the Legislature has acted inadvertently.

In other words, once the Governor signs the Human Reproductive Technology Bill into law, it is the law, and subsequent changes of mind and shades of meaning have no effect. The pendulum of social opinion can just as easily swing from its present broad minded, liberal viewpoint and return to a harsh, literal application of the law in response to some contingency of the time; in which case our words, which seem clear enough to us today, will be subjected to narrow reading and may be used to justify an action quite the reverse of that which we intended.

Fortunately, there is one precaution we can take: It is to invoke the plain meaning rule. Under this rule, while the intent of a piece of legislation is plain it must be given that plain meaning and no other. If that sounds painfully obvious, members should remember that the application of the law is, as Oscar Wilde said of history, "never pure and rarely simple".

To sum up, for me the plain meaning rule is fundamental whenever one is reading an Act of Parliament. If the meaning of our words is kept plain and plainly stated there is no room to use any other rule at all and, by its very simplicity, it remains the citizen's surest defence against legalised tyranny and the perversion of justice. I have sifted the words of this Bill and have found all manner of noble sentiments and abstract hopes, clinically detached and generally far removed from the intimate emotional lives of ordinary men and women, but nowhere have I yet found written a clear, concise, unambiguous statement of intention. Fortunately, others have addressed this question and have provided what I believe to be a plain and simple answer. I refer, of course, to the preamble drafted by my colleagues of the Liberal and National Parties at a two day seminar convened by the member for Greenough. It was, and is, our opinion that six brief points should be incorporated in the Bill to guide future interpreters of the law for which we shall be held responsible. That preamble reads -

WHEREAS:-

- A. In enacting this legislation Parliament is seeking to give help and encouragement to those couples who have been prevented from conceiving children naturally and at the same time to protect the life brought into being by the process of in vitro fertilisation.
- B. Parliament considers that the primary purpose and only justification for the creation of a human embryo in vitro is to so assist couples to have children.
- C. Although Parliament recognises that research has enabled the development of current procedures, it does not approve of creation of a human embryo for a purpose other than the implanting of that embryo in the body of a woman.
- D. Parliament recognises that procedures of diagnosis aimed at protecting that embryo and the mother may be permitted and that at the same time research information mayhabs be obtained.
- E. Parliament considers the freezing and storage of a human embryo to be acceptable only:
 - (i) as a step in the process of implanting and
 - (ii) as an interim measure until freezing and storage of ova can be carried out thus obviating storage after the creation of life.
- F. Parliament considers that once brought into being, an embryo should be given all reasonable opportunities for implanting whether or not in the woman for whom it was originally brought into being.

Members will agree that these 210 words are quite unambiguous. No future doctor could possibly mistake our intention and invoke this or that unintended loophole to tamper with the fundamental fabric of humankind. This Bill is designed to ensure that all human embryos created by human reproductive technology are protected from abuse, and I commend Minister Wilson on this point. Because the Bill involves deep ethical, religious and social issues it is heartening for me to note the generally bipartisan approach. I believe that life commences and grows when the sperm is accepted by the ovum. I have no medical training

and therefore can only offer my contribution to the guidelines for this legislation as the will of the Parliament that certain things should be done. Then the responsibility rests with the Ethics Council and, as in all things ethical, we can only place our trust. However, we cannot impose upon others our personal beliefs and concepts; therefore, everybody involved with this issue must finally be responsible for their own conclusions about what is right and wrong and make their own decisions accordingly. I support the Bill.

HON PETER FOSS (East Metropolitan) [9.36 pm]: I support the Human Reproductive Technology Bill, but there are some aspects of it which I find myself unable to support. I believe that in some respects the Bill represents a high watermark on some of the provisions that have been included in Bills from time to time to make life easier for prosecuting authorities. Members might recall an address given by Mr Paul Nichols on the occasion of the celebration of 100 years of the lower House. He pointed out that, under the Commonwealth Chicken Meat Research Act, chicken meat inspectors had the most amazing powers of investigation, seizure, search, asking questions and receiving answers. He took the opportunity of speaking to the head of the Australian Security Intelligence Organisation and said to him, "I do not know why you need to have ASIO. You could do the whole job with a few chicken inspectors." If this Bill were passed in its current form we would not need ASIO either, we could probably do its job with a few Human Reproductive Technology Act inspectors; because the Bill contains extreme powers of right to enter laboratories, search, seize, and require answers to questions.

Hon J.M. Brown: The same goes for fisheries inspectors.

Hon PETER FOSS: Yes, I understand there are other inspectors as well. It seems that when we become involved in anything of this nature we give these people the most wide ranging powers. I can certainly appreciate the need for investigatory powers. Of its very nature the sort of activity being carried out is microscopic, so it is probably a bit harder to detect and enforce than even the keeping of chickens.

Hon Derrick Tomlinson: Or the catching of undersized crayfish.

Hon PETER FOSS: Yes, but that does not mean we should pass this Bill without any protection whatsoever of the rights of the individual. Therefore, when the matter proceeds to the Committee stage I will suggest certain amendments to the Bill to embody the principles which I believe are a very important part of the role of this House as a House of Review. I am very happy with the way in which the basic biomedical ethics of this Bill have been worked out in the lower House. Members of that place went as far as possible in that regard and made an excellent resolution on those biomedical ethical problems. However, in doing so perhaps they have bypassed some areas about which this House is concerned regarding the protection of the rights of the individual. A provision of the Bill would allow for a licensee to have his licence suspended with immediate effect, and the only remedy for that person would be to appeal to the Supreme Court. Delays in the Supreme Court may leave that person suspended from his livelihood for some months, possibly a year, before the matter goes to court.

Another provision within the Bill relates to the requirement to answer questions. An issue which has been discussed in this Chamber before is whether people under law should be required to incriminate themselves. We departed from that principle to some extent when amending the Evidence Act and a number of other Statutes; however, some protections are provided. Evidence given cannot be used against a person except in a limited way - that is, to prosecute for giving false statements. Nevertheless, this Bill appears to break new ground because it allows statements to be used in prosecutions on the very matters about which one gave evidence. It does not relate to giving false information or perjuring oneself. If this legislation is passed, an inspector can go into a workplace and ask, "Have you committed any offence during the last six months?" If that person refuses to answer, he or she could be prosecuted. If that person does answer, he or she could be prosecuted on the basis of what is said. That is an unfortunate principle and one which this House should not accept. In common with many Acts by which prosecutions are brought, a number of provisions within this measure relate to evidence.

Frequently when one has a prosecution it is necessary within the complaint to have a statement as to the existence of certain facts, and often courts are required to take notice of signatures, statements or certificates. This Bill provides that any statement in a *Government*

Gazette can be taken as evidence of a fact. A short time ago an amendment was made to the State Planning Commission Act to overcome problems which arose in the Helena Valley and Boya case. Action was taken against the State Planning Commission for a failure to properly consider whether an amendment to the metropolitan region scheme was a minor or major amendment. That case was successful because proper records were not kept by the commission as to how it determined whether it was a major or minor amendment. Proof was not available regarding whether the commission thought the amendment was a major or minor amendment and the commission lost the case. If this Bill is enacted in its present form a statement published in the *Government Gazette* will be presumed to be a fact. Therefore, the onus will be on other people to prove the contrary. That will be extremely difficult.

Another aspect which I find anathema is the one that amends the rules of hearsay. I find it hard to stomach a rule which states that if an employee makes a statement it will be admissible as evidence against the employer, even if it is not made in his presence or with his authority.

Hon Mark Nevill: That does not make it hearsay.

Hon PETER FOSS: It does.

Hon Mark Nevill: What if the person saw the event?

Hon PETER FOSS: It is still hearsay. If the employee witnessed something, that person can be called as a witness. Nothing is stopping that from happening, and I have no objection to that activity because the person can be cross-examined to determine the state of his or her knowledge. This is important. Drawing from experience, people can be working away not knowing anything about the nature of their employer's business and an officer of the law can ask, "Why did your employer breach the law in this way?" The asking of the question creates the idea in the mind of the employee that the employer is in breach of the law. In that case the employee may believe that he has seen the employer's breach even though he may be completely wrong about that.

One of the easiest examples I can offer relates to the Bushfires Act: That law requires that a number of people must wear back-pack sprays when burning off. Therefore, an inspector could ask an employee, "Why didn't your employer have four men wearing back-pack sprays when burning off the other day?" The employee, who was not present at the burn-off, may happen to know that three broken back-pack sprays are kept in the back shed and may say, "Well, that is because three broken back-pack sprays are in the back shed." With a provision such as the one in the legislation under discussion it could be said in court that that employee had said that four men were not present at the burn-off because three back-pack sprays were broken. It would then be necessary for the farmer to enter the dock and say, "Hang on; I had four people at the burn-off wearing back-pack sprays. I have three broken units in the shed but four people with sprays were present." As a result of the evidence from the employee the farmer must call the employee to explain his evidence. In that case the employee would say, "I was not there; I did not know how many people were there, but I knew three broken back-packs and sprays were in the shed."

Hon J.N. Caldwell: Did the fire get away?

Hon PETER FOSS: Of course the fire got away.

The problem with the change in the rules related to hearsay is that the employee need not be called so he can be cross-examined in the witness box. It is easy to deal with the facts under cross-examination. If the prosecution can call the employee and he says that four people were not at the burn-off, the counsel can say, "Were you there?" The reply would be, "No, I was not there." The counsel would then ask why the person had stated that four people were not present and he would say, "There were three broken back-pack sprays in the shed." That is the problem with hearsay; it cannot be tested by cross-examination, and it is necessary for the person being prosecuted to prove that the hearsay is not correct. He must test it and prove it to be wrong. However, if the person knows something about the case, the prosecution could call that person and that person would be put in the box and cross-examined. No justification is provided for changing the law regarding hearsay. If one wants to call an employee as a witness, that can be done. But to change the rules of hearsay regarding employees is to change a basic rule of our judicial system and I can see no reason, and none has been offered, to depart from the present situation.

Hon Mark Nevill: The courts have accepted hearsay on rare occasions.

Hon PETER FOSS: Carefully drawn rules certainly exist against hearsay, but they do not include the ones proposed in this Bill. On certain occasions hearsay is permitted, and I have no problems with those rules as they presently stand under common law. However, the exceptions against hearsay have been very carefully worked out over the years. Generally speaking, they are of such a nature as to guard against the problems I have raised today. One example of hearsay is whether something was said in the presence of the employer. If it were said in the presence of the employer and he knew the facts he could say, "Hang on, you are wrong." The point would be raised immediately. If an employer authorises a person to make statements on his behalf that is another situation in which it would be acceptable.

I will not go into that issue now. No justification is given in this instance - certainly not in the second reading speech - for departing from the principle of not admitting hearsay evidence. Having studied the Bill and considered the reason for it I cannot see any reason for departing from that. With those reservations, which are of a purely parliamentary nature and should be considered when the House acts as a House of Review, I am pleased to support the Bill.

Debate adjourned, on motion by Hon Fred McKenzie.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Metropolitan - Leader of the House) [9.52 pm]: I move -
That the House do now adjourn.

Adjournment Debate - Wheat - Government Underwriting - Member for Cottesloe's Comments

HON J.M. BROWN (Agricultural) [9.52 pm]: I wish to draw to the attention of the House a grave injustice against one of the Government's objectives. I am referring to the comments made by the member for Cottesloe, Mr Colin Barnett, when he spoke at the Pastoralists and Graziers Association's annual pastoral conference held over the weekend. Mr Barnett is the shadow Minister for Housing, Construction and Services and has been in the Parliament for just one year. To suggest, in the first instance, that the Premier's decision on 26 March to underwrite Western Australia's wheat crop was a panic move is far from what this House considered in its urgency motion supported by all parties on 30 April this year. He said, and I quote -

The Lawrence plan would not provide immediate, short-term relief for farmers because they would not obtain the full proceeds for at least two years.

What does the member for Cottesloe know about farming? Why would he say farmers would not get the proceeds for at least two years? In normal circumstances wheat payments take much longer than that. As part of the Lawrence plan, negotiations are ongoing. Certainly it is planned to give farmers the relief they deserve immediately. When I say immediately, the proposal is in line with the terms under which the Australian Wheat Board makes its payments. The Wheat Board makes a 70 per cent immediate payment to the farmer when he delivers to the siding; it pays another 15 per cent within the prescribed period, which usually ends in March the following year, and the remainder is paid over the period of the Wheat Pool. However, the Government has been working closely with farming organisations to ensure that proposals are in place whereby that can be underwritten successfully in order that the farmer will receive his guarantee as early as possible.

The second thing Mr Barnett had to say was -

If the GMP (guaranteed minimum price) was to stop the decline in rural areas, then the Government had to make the payment this year.

He does not know how the GMP will be financed. In the first instance, he said the payment would take two years and in the next breath he said that the payment would have to be made this year. I wonder about his credibility. He is a former executive director of the Western Australian Chamber of Commerce and Industry who, with the Confederation of Western Australian Industry, the Chamber of Mines and Energy and the Institute of Public Affairs, has consistently opposed this program. Everyone knows that those organisations have never

agreed with the Premier's proposal; he was therefore not telling us anything new. However, as a shadow Minister for the Opposition he is now making claims that he knows exactly what is happening and what is the best recipe to assist farmers. In the first instance, he suggested the GMP would cost \$100 million and then he described a way of reducing that cost to \$20 million. He does not seem to be aware that farmers receive subsidies on interest rates and that the Rural Adjustment and Finance Corporation has operated since 1971 - for 20 years - providing assistance to farmers. He does not seem to understand that the financial institutions themselves consistently make finance available to farmers. He does not understand the wheat industry, otherwise he would not have made a statement like that. How silly could the member be to have said a GMP would create more regulation and would be a disservice to agriculture? The report in the paper further states -

Mr Barnett said moves to deregulate the transport, waterfront and labour markets would achieve longer term gains for the agricultural sector.

Does he not understand what has happened in the grain marketing industry and that it has been deregulated? Does he not know that the major transporter, Westrail, must be competitive with road transport? Farmers in Western Australia produce more grain than those in any other State. Could members imagine five million tonnes of grain being transported by road? Are we not having enough trouble with our roads now? I have always said that if Westrail carried the grain for nothing it would not be doing a social service to the farmers, but a service to all Western Australians. It is important to realise the direction in which the industry is heading. Colin Barnett, a former executive director of the Chamber of Commerce and Industry, should not make these suggestions to the Pastoralists and Graziers Association, and he should not pander to the association to endeavour to make it compatible with his overall opposition to something that has been the lifeblood of the State. The guaranteed minimum price of \$150 a tonne for a maximum of five million tonnes of wheat announced by the Premier on 26 March should have been proposed by the Commonwealth Government. Everyone in Western Australia agreed with that, especially the Premier, the Minister for Agriculture and the farmer organisations. The responsibility lay with the Federal Government. However, because it would not accept its responsibility the Premier of Western Australia, at the request not only of the farmers but also of the rural community, made not a courageous or gallant decision, but a commonsense decision to help the people of Western Australia who depend so much on export income. If the Premier had not agreed to underwrite the wheat industry, this State would have faced a disaster.

The member for Cottesloe is irresponsible to have made a statement when he does not know the facts. His comments do the Liberal Party a disservice. The truth of what we are talking about is that the majority agree that the Premier made a right decision in the interests of the people of Western Australia. Although some members had some apprehension about the principle of the decision, they agreed to it. That occurred despite the Opposition from the Federal President of the Australian Labor Party at the time, John Bannon, and despite the Opposition from the Federal Minister for Agriculture and Primary Industries at the time, John Kerin. Despite the misgivings of the Federal Parliament and other State Parliaments in Australia, the Premier's decision had the full endorsement of the people of Western Australia. Mr Barnett then suggested that deregulation would achieve longer term gains for the agricultural sector. I wonder how he would like it if we deregulated the railways or the buses in Cottesloe? Does he want to deregulate that market also? Does he not think that country people subscribe to those services? This is a chance for the farming community to survive in very critical conditions. Nothing could be further from the truth than for him to suggest it is a panic move. That is a disgrace to the Chamber of which he is a member and he should be seriously reprimanded not only by the Parliament but by his colleagues for spreading panic by saying that Western Australia is in turmoil because of a guarantee that has been given to the farming community to help them survive in a critical time.

HON E.J. CHARLTON (Agricultural) [10.03 pm]: I want to get a couple of comments made by Hon Jim Brown straight. I was one of the members who went on that tour of agricultural areas and the main issue raised was the Government's commitment to a \$150 a tonne guarantee for this year's wheat crop. I am asked every day as I go around country Western Australia whether the Government will honour its commitment. My response is that it will because it cannot back away from it. People still wonder whether it will happen. The National Party will ensure that it happens. Before Parliament resumed, I drove for 10 days

across South Australia and Victoria. That trip brought home to me the fact that farmers in those States cannot look forward to \$150 a tonne or the equivalent of \$100 million input into their industries. With the current world wheat price expected to be \$130 a tonne, it is significant that without the \$100 million going into bank accounts some time in the future, many farmers will not survive. I do not know when the money will be paid, but even if it is paid in two years' time, people will be happy. The National Party will keep the pressure on the Government to see that it is paid sooner rather than later. It introduced a Bill in the other place for the \$150 a tonne to be paid. We will keep the acid on the Government as hard as we can to ensure that it is paid because the wheat industry is dependent on it.

Hon J.M. Berinson: You need to keep it on some of your Liberal colleagues.

Hon E.J. CHARLTON: The Government has to ensure that it happens. The Government can be assured that if it does not do that, it will be very tough for it.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [10.06 pm]: I take this opportunity not to respond on behalf of the member for Cottesloe, Mr Colin Barnett, but to put some comments made by Hon Jim Brown into perspective. I do not have a copy of the Press article to which Hon Jim Brown referred tonight. However, he is not happy with some of the comments that have been attributed to Mr Colin Barnett and that is something I will take up with Mr Barnett. I make no apologies for the claims which have been published by the newspaper to which Hon Jim Brown has referred because I understand that the genesis of Mr Barnett's comments were that the guaranteed minimum price should be seen as a short term measure and nothing more than that. Secondly, he said that the commitment was made by the Government in desperation. I will explain that because, as Hon Eric Charlton and Hon Jim Brown know, I was a member of a delegation of this House which went to the Beacon area in the wheatbelt to see the plight of the farmers. When I mention "desperation" I remind the House that the Government made the commitment when the farmers' rally was conducted outside Parliament House and the Premier of this State walked onto the steps of Parliament to address the farmers. Until a farmer put the acid on the Premier and asked what the position was in relation to the guaranteed minimum price, the Premier made no mention of it. She then committed the Government to a guaranteed minimum price for wheat.

Hon J.M. Berinson: Do you think that was just because she was asked? Is that what you really think?

Hon GEORGE CASH: It is my view that the most surprised person on that day was the Minister for Agriculture. I do not know whether it was a stunt at the time or whether the Premier had held back to make her grand announcement at a predetermined time. However, the acid was put on the Premier, she made the commitment and this House has since debated the matter as can be seen from *Hansard*.

Hon J.M. Brown: That is not the way it was done, Mr Cash.

Hon J.M. Berinson: I understand your embarrassment about Mr Barnett's comments, Mr Cash.

Hon GEORGE CASH: I remind the House that Mr Barnett is well qualified in economics; he is a Master of Economics. I always listen closely to his comments when he talks about short term versus long term strategies in restructuring the Australian economy. The guaranteed minimum price, while accepted by this Parliament this year as a necessary measure to assist farmers and give them the confidence to put in a crop this year, is a short term measure and until such time as Parliaments in Australia are prepared to bite the bullet and restructure the economy of Australia so that we can reach for long term objectives rather than grab for the short term, easy-fix solutions, we will continue to have declining economic growth and a rural community that is unable to compete on world markets. Mr Berinson will have an opportunity in two days' time to produce a Budget which will take some of the pressure off the farmers. One of the things I learnt as a metropolitan member - it is a pity that someone of Mr Berinson's stature did not go on that tour to the eastern wheatbelt - was that the Government has imposed massive on-costs onto farmers, which is half the problem that farmers face today. I agree that they have problems in marketing their commodities internationally, but, in recent years, Labor Governments have imposed unrealistic burdens on primary producers to such an extent that it is no wonder they are sagging under the weight.

HON T.G. BUTLER (East Metropolitan) [10.09 pm]: I did not intend speaking in this

debate, and I was not here to listen to the previous addresses by Hon Jim Brown and Hon Eric Charlton. What prompted me to get to my feet was what I heard from Hon George Cash. The sentiments he expressed tonight were certainly different from those he expressed during the tour organised by Hon Eric Charlton, which covered Beacon and other country towns.

Hon D.J. Wordsworth: You were caught giggling.

Hon T.G. BUTLER: Yes, but I thought I got out of it pretty well.

Hon E.J. Charlton: Someone even forgot his name.

Hon W.N. Stretch: What the Butler saw!

Hon T.G. BUTLER: The major concern of the people we spoke to, even the small business people in the town, was the granting of a guaranteed minimum price for wheat. I understand that when the decision was made by the Premier it had an immediate effect on the people in those towns, especially the small business people. I remember returning to Parliament House and sitting in the President's dining room.

Hon E.J. Charlton: There was nothing in the fridge!

Hon T.G. BUTLER: I meant to take that up later. We reached a position whereby we looked at the short term solutions to the problems we had encountered on the visit. One short term solution, which we supported, was a guaranteed minimum price for wheat. That is exactly what we were talking about.

Hon George Cash: It is a pity you did not hear Hon Jim Brown's comments because you seem to have everything out of context.

Hon T.G. BUTLER: As I recall, Hon George Cash went on that trip and he surely will not deny what I have said.

Hon George Cash: I supported it as a short term measure.

Hon T.G. BUTLER: The Leader of the Opposition in this House supported it as a short term measure, and he must have found it very embarrassing to read the comments of Mr Colin Barnett because he quite frankly tells us that we were wrong. How Hon George Cash can defend that against the evidence which confronted him on that trip is beyond me. I think he is being terribly two-faced about the subject. Mr Barnett is wrong; the decision made at that time was the right decision because it was needed in the country areas.

Question put and passed.

House adjourned at 10.13 pm

QUESTIONS ON NOTICE

ZOOLOGICAL GARDENS BOARD - KINGS PARK BOARD

Chairman's Annual Payments

628. Hon P.G. PENDAL to the Minister for Education representing the Minister for Environment:

Will the Minister advise what payment is made annually to the holders of the offices of -

- (a) Chairman of the Zoological Gardens Board; and
- (b) Chairman of the Kings Park Board?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (a) \$4 500 per annum plus \$600 expense of office allowance.
- (b) \$4 400 per annum plus \$600 expense of office allowance.

TOBACCO TAX - REVENUE

630. Hon P.G. PENDAL to the Attorney General representing the Premier:

- (1) Is it correct that the State's tobacco tax now raises \$113 million annually?
- (2) If so, how much of this amount is directed to -
 - (a) sport; and
 - (b) culture?
- (3) Do these proportions accord with those announced by the former Premier, Mr Burke, when he announced the huge increase in the tax soon after becoming Premier?
- (4) Will the Premier undertake in the approaching State Budget to desist from using the tobacco tax as a mere revenue raiser and instead lift substantially the proportions allocated for sport and culture, consistent with the promises of earlier Labor Governments?

Hon J.M. BERINSON replied:

- (1) Tobacco licence fee collections in 1990-91 were \$110.6 million.
- (2) The Tobacco Control Act provides for the allocation to the Western Australian Health Promotion Foundation Fund of 10 per cent of annual tobacco licence fee collections. The Act further provides for not less than 30 per cent of these funds to be disbursed to sporting organisations and not less than 15 per cent to arts organisations.
- (3) The 10 per cent allocation of tobacco licence fees to the Health Promotion Foundation is higher than the \$9 million per annum - in a full year - referred to by Premier Dowding when he announced the increase in tobacco licence fees from 35 per cent to 50 per cent, applicable from 1 November 1989.
- (4) Not applicable.

STATESHIPS - MV FRANK KONECNY

Cargo and Containers - Hai Sun Hup Stateships Marketing (S'pore) Pte Ltd

641. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) What volume of cargo and number of containers has been carried by the MV *Frank Konecny* on each of its last northbound and southbound voyages?

- (2) What is the corporate structure of Hai Sun Hup Stateships Marketing (S'pore) Pte Ltd, and who are the directors and shareholders of the company?
- (3) What accounts are available for public inspection with regard to this company?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) I refer the honourable member to my answer to Legislative Council question 642.

(2)-(3)

Hai Sun Hup Group Ltd is a publicly listed company on the Singapore Stock Exchange. Hai Sun Hup Group are the appointed general agents for Stateships in South East Asia. In order to give focus and identity to the marketing efforts in the region for Stateships vessels, Hai Sun Hup established Stateships Marketing (Singapore) Pty Ltd as a private company.

Mr Siew Kam Onn, Mr Heng Ah Bah - both employees of Hai Sun Hup.

As a private company it is exempt from the publication of accounts.

MV GORDON REID - CARGO

642. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

Further to the Minister's answer which provided statistics on the cargo carried both northbound and southbound on the *MV Gordon Reid*, will the Minister provide details of the cargo carried and actual return both northbound and southbound for voyages 3, 4 and 5 of the *MV Gordon Reid*?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

While I appreciate the honourable member's interest in the value and the improving financial and operating performance of Stateships, I am not prepared to release further detailed trading information which would clearly give a competitive advantage to Stateships' competitors. As a Government trading enterprise, Stateships is required to undertake far greater public disclosure than its competitors and as such, to answer the member's question could well be to the detriment of the State's interest.

MV IRENE GREENWOOD - PARTEMREEDEREI STEPHAN REECKMANN Sale Deal

643. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) Was the *MV Irene Greenwood* owned by Partemreederei Stephan Reeckmann, whose managers were F. Laeisz and Co of Hamburg at the time of the sale of the vessel to Argentinian purchasers by Macholl and Specht of Hamburg, who act for F. Laeisz & Co, who introduced Southwest Chartering Co, Sydney into the deal?
- (2) What was the commission paid on the purchase price?
- (3) How much commission did Macholl and Specht and Southwest Chartering Co each receive?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

(1)-(3)

I refer the honourable member to answers already given to Legislative Council questions 54, 273, 609 and 882. Stateships has no knowledge of any involvement by Macholl and Specht in the transaction.

REGIONAL PARKS - JANDAKOT, WANDI AREA ANNOUNCEMENT
Progress

646. Hon P.G. PENDAL to the Minister for Education representing the Minister for the Environment:

With reference to the Minister's announcement for a regional park in the Jandakot/Wandi area to conserve the last remnants of the Banksia/Woodlands and Jandakot wetlands -

- (1) What progress has been made since the announcement in April 1990?
- (2) What impediments if any, are there to the immediate creation of this park?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) Considerable progress has been made, primarily in the identification of specific areas to go into the park. Several core areas are being investigated for purchase and reservation, and other areas will be protected by use of planning controls. The Department of Planning and Urban Development and the WA Water Authority are currently undertaking the Jandakot land use and water management strategy and the Department of Conservation and Land Management botanists are also currently conducting a survey of spring flowering plants.
- (2) The main impediment is knowing the most sensible boundaries. It is essential that a complete suite of technical information is available to establish boundaries so there are no arguments in future.

DAMPIER PORT AUTHORITY - MEMBERS

654. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

- (1) How many members are on the Dampier Port Authority?
- (2) Who are those members?
- (3) Who is the chairman?
- (4) When are their terms due to expire?
- (5) When was the Dampier Port Authority constituted?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) Dampier Port Authority has five members.
- (2) Mr John Jenkin
Mr Eric Trantham
Captain Doug Walker
Captain Lyndon Watkins
Captain Garth Hammonds
- (3) Chairman is Mr John Jenkin.
- (4) Expiry dates of respective terms -

Mr John Jenkin	- 15 September 1991
Mr Eric Trantham	- 15 September 1993
Captain Doug Walker	- 15 September 1993
Captain Lyndon Watkins	- 15 September 1993
Captain Garth Hammonds	- until further notice.

- (5) Dampier Port Authority was partially proclaimed 1 October 1987 and took over full administrative control of the port 1 March 1989.

ROADS - LAVERTON-WARBURTON-GILES ROAD

Future Committee

657. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

- (1) Is it the Government's intention to promote the Laverton-Warburton-Giles road as an important link with the Northern Territory and South Australia?
- (2) Is there a committee in place to examine the future of the road?
- (3) If so, who is represented on that committee?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

(1)-(2)

In recent years there have been various requests, mainly from tour operators and local interested groups, to improve the link between Laverton and Yulara in the Northern Territory. In August 1990, I established a joint working party to examine the many planning issues that are involved. Although there would be obvious benefits if the road were to be upgraded the cost would be very high. In view of the many pressing road needs and limited funds available it is likely to be many years before major upgrading becomes a reality.

- (3) The members of the working party are -

Main Roads Department - Chair
Goldfields-Esperance Development Authority
Western Australian Tourism Commission
Aboriginal Affairs Planning Authority
Department of Transport, Northern Territory
Goldfields Esperance Travel Association
Shire of Laverton
Shire of Wiluna
Ngaanyatjarra Council.

I intend to issue invitations, in the near future, to the Department of Land Administration and the Central Land Council to join the working party.

LAND ADMINISTRATION DEPARTMENT - NURSERY, BROOME

Horticulture Blocks Release

666. Hon P.H. LOCKYER to the Minister for Education representing the Minister for Lands:

- (1) Is the Department of Land Administration going to release any horticulture blocks in Broome specifically for the purpose of a nursery?
- (2) If so, where will the block or blocks be released?

Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

(1)-(2)

No, but it should be noted that Broome Lot 2659 is presently on the market for the purpose of "commercial nursery". Also of note is that eight blocks located at Skuthorpe are being released for the more general purpose of "commercial tropical agriculture-horticulture". Applications have been invited and close 16 October 1991.

AIRLINES - LICENCE APPLICATIONS
North of Western Australia

668. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

- (1) How many potential airline operators have applied for a licence to operate an air service to the north of Western Australia?
- (2) What are the names of these companies?
- (3) Which towns are proposed to be served?
- (4) When are the proposed commencement dates?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) Two. A State licence has not yet been issued as neither airline owns aircraft. The licence will be readily granted when the aircraft have been acquired and issued with a registration mark.
- (2) Australia North West Airlines Ltd and Transcontinental Airlines of Australia.
- (3) All ports on the Western Australian jet network, namely - Kalgoorlie, Geraldton, Carnarvon, Exmouth, Paraburdoo, Newman, Karratha, Port Hedland, Broome, Derby and Kununurra.
- (4) The commencement dates have not been confirmed by either airline.

AIRLINES - ONSLOW
Aviation Company Application

669. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

- (1) Has an application been received by the Department of Transport from any aviation company to operate a service to Onslow?
- (2) If so, where does that company wish to operate from?
- (3) Has a licence been issued?
- (4) If the answer to (1) is no, what steps is the Government taking to provide an air service to Onslow?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) Yes.
- (2) Exmouth to Onslow.
- (3) No, but the operator has been advised that a State licence will be issued to run a regular airline service over the route. However, the operator needs to obtain an air operator's certificate from the Commonwealth Civil Aviation Authority authorising this type of service.
- (4) Not applicable.

SHIPS - BROOME AND WYNDHAM STATISTICS

670. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

- (1) How many ships in the 1990-91 financial year called at -
 - (a) Broome; and
 - (b) Wyndham?
- (2) How many of these ships were operated by the State Shipping Service?
- (3) How many of these ships were bulk fuel tankers?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- | | | | | |
|-----|-----|---------------------------------|-----|--|
| (1) | (a) | Broome | 731 | 54 cargo vessels,
remainder fishing and
naval vessels. |
| | (b) | Wyndham | 71 | 69 cargo vessels,
remainder non-trading. |
| (2) | | State Shipping Service vessels. | | |
| | (a) | Broome | 25 | |
| | (b) | Wyndham | 28 | |
| (3) | | Fuel tankers | | |
| | (a) | Broome | 10 | |
| | (b) | Wyndham | 7 | |

TEACHERS - STATE SCHOOL TEACHERS UNION SECRETARY
Part Time Relief Teacher Work

673. Hon P.H. LOCKYER to the Minister for Education:

- (1) Is it correct that the paid full time secretary of the State School Teachers Union has been working part time as a relief teacher?
- (2) If so, is the Government aware of the number of unemployed school teachers who have no income?
- (3) Does the Government allow its officers to have two jobs at the expense of the unemployed?

Hon KAY HALLAHAN replied:

- (1) The Ministry of Education records do not show that the secretary of the State School Teachers Union has undertaken any relief teaching in ministry schools.
- (2) Not applicable.
- (3) Full time Government officers may not be appointed to a second position in the public sector. Government officers are also required to obtain approval before entering into commitments in the private sector. The secretary of the State School Teachers Union has left the employment of the Ministry of Education, so is no longer a Government officer.

SHARK BAY SALT - USELESS LOOP SALT PROJECT EXTENSIONS
Denham Fishermen's Association Objection

679. Hon P.H. LOCKYER to Hon Mark Nevill representing the Minister for Fisheries:

- (1) Is the Government aware of the objection by the Denham Fishermen's Association to the extensions to Shark Bay Salt's operation at Useless Loop?
- (2) If so, does the Government support the fishermen's stance?
- (3) If not, what steps are being taken to compensate these fishermen for loss of fishing grounds?

Hon MARK NEVILL replied:

The Minister for Fisheries has provided the following response -

(1) Yes.

(2)-(3)

The question of compensation to the fishermen is being addressed in the environmental assessment of the project by the Environmental Protection Authority.

PEARLING INDUSTRY - EXMOUTH GULF
Kailis Fisheries Proposal

680. Hon P.H. LOCKYER to Hon Mark Nevill representing the Minister for Fisheries:

- (1) Has the Government been approached by Kailis Fisheries with a proposal to establish a pearling industry in Exmouth Gulf?
- (2) If yes to (1), does the Government support the proposal?
- (3) If not, why not?

Hon MARK NEVILL replied:

The Minister for Fisheries has provided the following response -

- (1) As part of its "Marine Complex and Development at Exmouth" submission to the Government, the M.G. Kailis group of companies does confirm its interest in participating in the further development of the pearling industry in the southern sector.

(2)-(3)

Requests to establish new or expand existing pearl farms must be considered within the management rules established under the Western Australian Pearling Act. A survey of the northern part of the southern sector, which includes the Exmouth Gulf, has been undertaken and a draft report is expected to be finalised in September 1991. Following consideration of the final report by the joint authority, comprising the Western Australian Minister for Fisheries and the Commonwealth Minister for Primary Industries and Energy, a decision will be made as to whether additional pearl farms should be established in the sector.

BUSES - PERTH-BUNBURY-ALBANY ROUTE
Private Bus Operator Restrictions

687. Hon MURRAY MONTGOMERY to the Minister for Police representing the Minister for Transport:

- (1) Is the Minister aware that private bus operators are currently denied the opportunity of carrying tourists from Perth to Albany via Bunbury because of a regulation that prevents them carrying passengers between Perth and Mandurah and between Denmark and Albany?
- (2) Is the Minister intending to allow private bus operators to carry tourists on the Perth-Bunbury-Albany route?
- (3) If so, when?
- (4) If not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) Yes, only Westrail is licensed to carry passengers on timetabled services from Perth to Albany via Bunbury.

(2)-(4)

Not at this time. When Deluxe Coachlines ceased operating services along the south coastal route, arrangements were made for Westrail to increase its frequency of service through to Albany via Bunbury. No private operator applied to service this route. Westrail was given the sole operating rights for a 12 month period to January 1992.

At that time, the Department of Transport will review Westrail's operational and financial performance over the sector and will consider any need to license other operators.

JOONDALUP DEVELOPMENT CORPORATION - NEW CITY CENTRE, STAGE ONE

Landscape Works Tender

697. Hon GEORGE CASH to the Minister for Education representing the Minister for Lands:

- (1) Did the Joondalup Development Corporation recently issue a tender for the landscape works for stage one of the new city centre at Joondalup?
- (2) Which companies or firms tendered for this work?
- (3) Was any of the work previously the subject of the tender, withdrawn and carried out by the Joondalup Development Corporation?
- (4) If so, will the Minister identify the work withdrawn from the tender and taken over by the Joondalup Development Corporation and the amount tendered for this work by private organisations and the actual cost to the Joondalup Development Corporation?
- (5) How many landscape gardeners are employed by the Joondalup Development Corporation?
- (6) Is it more economical to use contract landscape gardeners or landscape gardeners employed by the Joondalup Development Corporation for large scale landscape work?
- (7) Why did not the Joondalup Development Corporation tender for part of the works, the subject of the specification for stage one of the new city centre at Joondalup rather than await the prices submitted by private contractors before deciding that its own wages staff could perform these works?

Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

(1) Yes.

(2) Six tenders were received from -

Tappe Surface Coatings
Urban Landscaping
Ertech Pty Ltd
Environmental Industries
WA Gravel & Paving
R.J. Vincent

(3) Yes.

(4) Soft Landscaping was withdrawn from the successful tender including the schedule of price items numbers 6, 7 and 9.

Item 6 - plants/planting
Item 7 - grass/other seeding
Item 9 - planting establishment and maintenance/defects liability period.

R.J. Vincent was the successful tenderer and the sum of items 6, 7 and 9 was \$317 700.

JDC cost to undertake items 6, 7 and 9 was \$194 865.

(5) 12 - five on landscape maintenance, six plus one apprentice on landscape construction.

(6) Yes. The Joondalup Development Corporation's landscape crew undertakes the construction of soft landscape - mulching, planting, trickle irrigation - work in verge and median areas of road reserves and public open spaces. The corporation maintains this work for a period of two years after which it hands this responsibility to the City of Wanneroo. The execution of work by the corporation's landscape

crew on this basis is cost effective. Cross checks are made to ensure efficient use of public funds.

- (7) JDC initially intended to undertake the full extent of landscape construction work within the city centre road reservations by contract. The corporation's landscape construction crew was not available, however, for this work at the time of documentation and tendering. It is standard practice for the corporation to determine the intent or otherwise to utilise the landscape crew or contractors at pre-tender stage. Contractors were all requested at tender stage to consider the involvement of the JDC's landscape crew within the contract work. Programs for the execution of other landscape projects within the Joondalup centre altered as a result of budget reviews and as a consequence of the landscape crew became available for the work. This intent was made known to all tenderers.

PORT KENNEDY PROJECT - MARINA PROPOSAL
Warnbro Sound Erosion Concern

703. Hon P.G. PENDAL to the Minister for Education representing the Minister for Environment:

- (1) Is the Minister aware of concerns by the City of Rockingham that the proposed Port Kennedy marina could cause coastal erosion in Warnbro Sound?
- (2) Does the Government agree with these concerns?
- (3) What action will the Government take to protect the coastline of Warnbro Sound if the proposed Port Kennedy marina does cause coastal erosion?
- (4) Will the developer be required to construct a sea wall along Warnbro Sound if erosion occurs as a result of the Port Kennedy development?
- (5) What studies must be completed before the marina is constructed to determine the likely changes to the coastline?
- (6) Who has been commissioned to carry out these studies?
- (7) Have the environmental studies required in the conditions of approval for this project been completed?
- (8) If so, are the results available to the public and from whom?
- (9) In view of the Minister's support for the System Six Ecoplan, what action is he taking to protect the marina and terrestrial environment from degradation if the proposed development occurs?
- (10) Is the Minister aware that the Port Kennedy area contains the best remaining examples of the Becher suite of the Quindalup Dune wetlands?
- (11) Is the Minister aware that the Environmental Protection Authority, in Bulletin 374, has given the preservation of the remaining Quindalup Dune wetlands a very high priority?
- (12) Is the Minister aware that the proposed golf courses at Port Kennedy will destroy most of the remaining examples of the Becher suite of the Quindalup Dune wetlands?
- (13) Is this action consistent with the EPA's recently-released policy on the protection of wetlands on the Swan Coastal Plain?
- (14) What action, if any, is the Government taking to conserve the natural beauty and free public access to our coastline?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) Yes.
- (2) No; not in the manner or to the degree expressed by the City of Rockingham.

- (3) Preventative measures against erosion are set out in the proponent's commitments and the ministerial conditions.
- (4) No. The suggestion, without explanation or justification, that construction of a sea wall might be a solution to a highly improbably occurrence is too hypothetical and unsubstantiated to be able to answer sensibly. Construction of a sea wall is unlikely to be a solution to anything, would have a significant impact on the environment, and in itself for whatever reason it was required, would undoubtedly need an environmental impact assessment.
- (5) The studies to be carried out as part of the statement of environmental conditions are -
 - a geomorphological site management plan
 - a monitoring study of the shoreline at the marina site
 - provide details of the sand bypass system, timing of the operation, an estimate of cost, details of volume of sand to be bypassed, and design details of the marina with supporting data etc
 - 12 month study of the fishery resource in the vicinity of the marina site
 - 12 month study of the penguin population of Penguin Island to determine the relationship of the population to the fishery at marina site.
- (6)-(7) The proponent will be responsible for any studies. The studies will be commissioned when the formal project agreement between the Government and the proponents is ratified.
- (8) Not applicable.
- (9) The Environmental Protection Authority's report and recommendations identified the likely environmental impact. Ministerial conditions have been set to protect all parts of the environment.
- (10)-(11) Yes.
- (12) Some Becher suit wetland will be destroyed as a result of the construction of the golf courses. A majority of the overall Port Kennedy site which contains these wetlands will be set aside permanently for conservation.
- (13) The EPA's policy paper is only a draft and is being reviewed following public comment. Modification of the Becher wetlands following environmental impact assessment is not inconsistent with the draft policy.
- (14) This question is too generalised to answer adequately. This should be referred to the Minister for Planning.

QUESTIONS WITHOUT NOTICE

CRIME - STATISTICS

Balance of Categories

437. Hon GEORGE CASH to the Minister for Police:

The Minister will recall that last Thursday I asked a question without notice about the total number of offences reported in various categories. The Minister was able to provide information on four of those categories, and gave an undertaking that he would seek advice on the other categories listed in the question. I now ask the Minister to furnish the House with that information.

Hon GRAHAM EDWARDS replied:

I understood that the balance of the answer, which was not provided at the time, would automatically be included in the Supplementary Notice Paper. I do not have the information referred to. I have sought other information that the Leader of the Opposition asked for, on the understanding that the information on the four categories would go through the system as a matter of course.

CRIME - STATISTICS

Balance of Categories

438. Hon GEORGE CASH to the Minister for Police:

Will the Minister provide the information on the other categories tomorrow? That may avoid any confusion as to whether he intended the answers to be included with questions on notice or whether I intended them to be reported in questions without notice today.

Hon GRAHAM EDWARDS replied:

Without question, I will provide the information as soon as it is available. I understand it has been pulled out manually. It may not be available tomorrow, but as soon as it is available it will be relayed to the Leader of the Opposition.

EDUCATION MINISTRY - EDUCATION ALLOWANCES

Abolition

439. Hon P.G. PENDAL to the Minister for Education:

- (1) Is it correct that in today's issue of *The West Australian* the Minister confirmed the abolition of the \$50 and \$100 per head student allowances?
- (2) If so, will the Minister explain how a major student allowance was vital enough to institute 20 months ago but is unimportant enough to abolish today?

Hon KAY HALLAHAN replied:

(1)-(2)

The matter referred to was reported in yesterday's issue of *The West Australian*. I understand that the article printed in the first edition of the newspaper on Sunday evening was accurate, but a change was made between then and the time when the final edition was printed and distributed. I indicate to the House, as I have to other people, that it is not possible for me to confirm or deny matters which are contained within the Budget, which we all know will be released this week. It would be appropriate for the member to examine the Budget papers first and then ask any questions on this matter.

UNIVERSITIES - COURSES

Accreditation Authority

440. Hon KAY HALLAHAN (Minister for Education):

Last week Hon Norman Moore asked whether it was necessary for all courses at Australian universities to be accredited. He asked the question in three parts and I want now to provide a much more accurate answer than the answer I provided last week. My reply to part (1) is -

No. However, it is customary practice for universities in Australia to subject their courses to a process of self-accreditation involving the scrutiny of academics from other disciplines and sometimes other universities. Universities may also be visited by representatives of professional bodies from time to time for a critical assessment of their courses and policies.

My answer to part (3) of the question in connection with clause 5 of the Post-Secondary Educational Institutions (Title and Degrees) Bill, which asked who the person authorised by the Minister is likely to be, is -

It is envisaged that the Minister will approve an accreditation process on the advice of the Western Australian Higher Education Council, but that the process might be different from course to course. The Bill will enable private providers which are not universities to have their courses accredited at degree level by a process that ensures comparability of standards with university degrees.

I thank the House for the opportunity to set the record straight on that matter.

EDUCATION MINISTRY - BUDGET CUTS

Curriculum Personnel Retention

441. Hon MURRAY MONTGOMERY to the Minister for Education:

Will the Minister give an assurance that the curriculum and moderation education officer in practical arts and crafts and agriculture will not be terminated as a result of cuts in the Education budget?

Hon KAY HALLAHAN replied:

I am not aware of any proposal to cut a particular position but if some person has expressed that concern to the member he may care to talk to me about it. I have certainly not made any such decision and I cannot enlighten the member on this matter. I understand the curriculum area to be a very significant one for the Ministry of Education and in my view it will retain the important policy development personnel within that section. The member looks quite concerned. If he has a particular concern, he should provide me with the information which has forced him to ask the question and I shall follow up the matter.

POLICE - BULLSBROOK POLICE STATION PROPOSAL

442. Hon DERRICK TOMLINSON to the Minister for Police:

On Tuesday, 20 August I asked the Minister a question with regard to the proposed police station at Bullsbrook. He invited me to place the question on notice, and indicated that he would provide an answer within 24 hours. That was 148 hours ago. Is he now in a position to provide that answer?

Hon GRAHAM EDWARDS replied:

That matter was referred to the Commissioner of Police, who has sole discretion in these matters. I have asked him for the information, which is being sought. That information is not yet available; I believe it requires some research. As soon as it is available I shall let the member have it.

The member asked me a question in relation to some other matters which we were able to expedite and deliver more quickly than we would normally be able to do. Members should understand that we attempt to meet their needs in these areas. Sometimes it is possible; sometimes it is not.

EDUCATION MINISTRY - EDUCATION ALLOWANCES

Abolition

443. Hon P.G. PENDAL to the Minister for Education:

I refer the Minister to an article in yesterday's *The West Australian*, where it was reported in respect of the allowance of \$150 for each child -

The allowance would go in Thursday's State Budget, Education Minister Kay Hallahan said yesterday.

Did the Minister confirm to the media that which she refuses today to confirm to the Parliament?

Hon KAY HALLAHAN replied:

I did not confirm to the media that which the media has printed. My

dissatisfaction has been conveyed to the newspaper, and I understand there is some embarrassment there.

Hon P.G. Pendal: So it is not to be announced?

Hon KAY HALLAHAN: I return to my position of saying that I am not in a position to give statements, assurances or denials outside the Budget process.

Hon George Cash: So you are not the leak in the Government referred to?

The PRESIDENT: Order!

Hon KAY HALLAHAN: I suggest that members wait until Thursday. I understand we are now measuring time in hours, so in 45 or 46 hours we will have it all laid out before us.

SWAN BREWERY SITE - THEATRE PLANS

444. Hon P.G. PENDAL to the Minister for The Arts:

Can the Minister confirm whether plans exist which include provision for the construction of a theatre within the old Swan Brewery site?

Hon KAY HALLAHAN replied:

It is a long time since I held that portfolio; or it seems a long time.

Hon P.G. Pendal: Are you not Minister for The Arts?

Hon KAY HALLAHAN: Well, I do not have responsibility for the old Swan Brewery.

Hon P.G. Pendal: We know you mucked that up.

Hon KAY HALLAHAN: I did not muck it up. We are protecting a wonderful old building. I understand the Minister for Heritage has indicated - and I think I indicated in this House last week - that a very comprehensive assessment is being made of the old Swan Brewery.

Any plans which might or might not have been formulated would be on hold pending the outcome of that assessment.

SWAN BREWERY SITE - BLACK SWAN THEATRE

445. Hon P.G. PENDAL to the Minister for The Arts:

I ask the Minister in more direct terms if there is any intention by the Government to put the new Black Swan Theatre into the proposed redevelopment of the old Swan Brewery site?

Hon KAY HALLAHAN replied:

It is always better when members are more direct about their questions. I have heard no proposal to house the Black Swan Theatre in the old Swan Brewery. I understand a relationship is developing between the Black Swan Theatre Company and the University of Western Australia.

From the outset, I understand that discussions at the university have centred around closer links with the Australian studies program at the university and some other areas with a view to having the very good theatre facilities at the University of Western Australia -

Hon P.G. Pendal: We have told you that for years.

Hon KAY HALLAHAN: - used by that theatre company. That relationship is developing. It will be slow, but from what I have heard about the Black Swan Theatre Company, the intention is to make greater use of the theatres in Western Australia.

CONSUMER AFFAIRS MINISTRY - CREDIT UNIONS

Contribution Request

446. Hon GEORGE CASH to the Minister for Police representing the Minister for Consumer Affairs:

Is the Minister, or are officers of the Ministry of Consumer Affairs, aware of a meeting held by a credit union last year to consider an alleged demand by the Minister or officers in the Ministry of Consumer Affairs for a substantial contribution in the amount of approximately \$150 000 to ensure that the Minister agreed to -

- (1) Afford relief to credit unions from the provisions of section 42 of the Credit Act?
- (2) Amend section 19 of the Credit Act to remove uncertainty as to the ability of an order to have retrospective effect?
- (3) The removal of the requirement for credit unions to make individual rebates in respect of non-section 42 breaches?
- (4) An exemption order to protect credit unions retrospectively in instances where coborrowers with the same surname and address have been served only one notice of interest rate variation?
- (5) An exemption order to allow credit unions to charge security registration fees in the future?
- (6) An amendment to the regulations to allow for the current credit union method of interest calculation to continue?
- (7) An exemption with both retrospective and future effect to enable credit unions to continue lending by post in compliance with the Act?

Hon GRAHAM EDWARDS replied:

I thank the member for some notice of this question and I have been advised as follows -

(1)-(7)

The Minister is not aware of any such meeting. No demand was ever made by the Minister or officers of the ministry for a substantial contribution to ensure any exemptions or amendments to the Credit Act were granted or made.

CONSUMER AFFAIRS MINISTRY - CREDIT UNIONS

Credit Act Amendments

447. Hon GEORGE CASH to the Minister for Police representing the Minister for Consumer Affairs:

- (1) Did the Minister for Consumer Affairs, prior to 30 June 1990, indicate that it was important to have the whole compliance issue resolved as soon as possible, and specifically before 30 June 1990, so that credit unions would not be required to make provision in their accounts for the level of uncertainty in respect of compliance or non-compliance which existed at that time?
- (2) Did the Minister for Consumer Affairs or officers of the ministry provide confirmation to any credit unions in Western Australia of the ministry's intention to amend section 19 or section 42 of the Credit Act?
- (3) If so, on what date was this advice tendered, and how was it confirmed to the credit unions?

Hon GRAHAM EDWARDS replied:

I thank the member for some notice of the question, and have been advised as follows -

(1) No.

(2) The Minister wrote to the Credit Union Association noting Cabinet's approval to draft amendments to section 19 of the Credit Act.

(3) By letter dated 26 September 1990.

CONSUMER AFFAIRS MINISTRY - CREDIT UNIONS

Lump Sum Payment Advice - R & I Bank Exemptions

448. Hon GEORGE CASH to the Minister for Police representing the Minister for Consumer Affairs:

(1) Did the Minister or officers of the Ministry of Consumer Affairs advise any credit unions in Western Australia that a lump sum payment should be made for the benefit of consumers instead of individual rebates being made to members of credit unions?

(2) What exemptions, if any, has the Minister for Consumer Affairs issued in respect of the R & I Bank Ltd?

Hon GRAHAM EDWARDS replied:

I thank the member for some notice of this question. I am advised as follows -

(1) No.

(2) (i) Credit - Bank Continuing Credit Contracts - Order No 6, 1985;

(ii) Credit Order - The Rural and Industries Bank of Western Australia - No 55 of 1989. Subsequently revoked 6 April 1990.

LEGAL AID COMMISSION - SOUTH HEDLAND OFFICE

Closure

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

Is it correct that the Legal Aid Commission office at South Hedland is to be closed? If so, why?

Hon J.M. BERINSON replied:

The Legal Aid Commission comes within the portfolio of the Minister for Justice; I therefore do not have that information. If the member places the question on notice I am sure it will be answered promptly.

SECONDARY EDUCATION AUTHORITY - TERTIARY ENTRANCE EXAMINATION PAPERS

Second Marking Budget Cut - Staff Terminations

450. Hon MURRAY MONTGOMERY to the Minister for Education:

Will the Minister give an assurance that a cut of six per cent of the Secondary Education Authority's budget to accommodate second marking of Tertiary Entrance Examination papers will not result in senior staff having their employment terminated?

Hon KAY HALLAHAN replied:

The Secondary Education Authority will make that decision at a meeting this week. Therefore, I am not able to give an assurance in that regard. The authority will come to a sensible decision regarding the responsibility that it holds on behalf of the community.

**PUBLIC EDUCATION ENDOWMENT TRUST - ANNUAL REPORT
TABLING**

451. Hon MAX EVANS to the Minister for Education:

(1) Why was the annual report of the Public Education Endowment Trust 1989-90 - addressed to Premier Carmen Lawrence, who retired from the portfolio in February 1990 - signed by the Auditor General on 10 December 1990 tabled as late as today?

Hon KAY HALLAHAN replied:

When I saw those dates I felt sure that Hon Max Evans would notice them, but I was not able to return to my office to seek an explanation. If the member will table the question, I will respond later. I want to speak to him regarding another report which was tabled; I have an explanation for him on that matter.

PUBLIC EDUCATION ENDOWMENT TRUST - ANNUAL REPORT TABLING

452. Hon MAX EVANS to the Minister for Education:

- (1) Can the Minister advise why the annual report of the Public Education Endowment Trust for 1989-90 signed by the Auditor General on 10 December 1990 was tabled only today?
- (2) Can the Minister advise whether she attends meetings of the trustees every five to six weeks, as mentioned in the report?

Hon KAY HALLAHAN replied:

(1)-(2)

I will get the information requested by the member, and make it available to him. I have missed perhaps one meeting of the trust. However, I chair and regularly attend the meetings.

The PRESIDENT: I take it these questions are to go on notice.

Hon KAY HALLAHAN: No, I will talk to the member later.

The PRESIDENT: If a member asks a question, there must be an answer.

Hon KAY HALLAHAN: I have given an answer.

The PRESIDENT: A question will either go on notice or be answered.

SCHOOLS - ASBESTOS ROOFS

453. Hon BARRY HOUSE to the Minister for Education:

- (1) Is the Minister aware that 250 schools in Western Australia have asbestos roofs, many of which have been identified as being in urgent need of attention?
- (2) How does the Government intend to catch up with the backlog of maintenance and replacement?

Hon KAY HALLAHAN replied:

(1)-(2)

A categorisation of asbestos roofs has occurred. It is not envisaged that replacements will be made; an encapsulation program will be introduced as the weather dries up. Category 5 roofs will be encapsulated first and the program will be undertaken progressively.

SCHOOLS - ASBESTOS ROOFS

454. Hon DERRICK TOMLINSON to the Minister for Education:

During the last financial year \$1.5 million was allocated for the treatment of asbestos roofs. How many category 5 roofs were treated in the last financial year?

Hon KAY HALLAHAN replied:

The funding will be brought forward. A committee was established to determine the way in which the management of asbestos roofs should be handled. Those determinations are very close to being brought to my attention. We will move on with the program as the weather fines up.

We cannot in any event undertake that program for the next couple of months while the rain is about.

SCHOOLS - ASBESTOS ROOFS

455. Hon DERRICK TOMLINSON to the Minister for Education:

Does the Minister's answer to my previous question indicate that, apart from John Curtin Senior High School and Perth Modern Senior High School, no schools were treated last financial year?

Hon KAY HALLAHAN replied:

One could hardly say that the roofs of John Curtin Senior High School and Perth Modern Senior High School were treated. The roofs were replaced. That has been determined as not the most effective way to deal with the anxieties that the community seems to experience. A program of encapsulation was decided upon as the most effective way to deal with weathered asbestos roofs; it will extend their life span. Because of the anxiety in the community the issue was how that work would be best carried out on an agreed basis between the parties in the matter who have immediate concerns. That matter has almost reached finality, and the program of encapsulation will commence with the fine weather.

PUBLIC EDUCATION ENDOWMENT TRUST - TRUSTEE APPOINTMENTS

456. Hon MAX EVANS to the Minister for Education:

The term of appointment of the trustees of the Public Education Endowment Trust expired on 24 August 1991. Have new appointments been made and, if so, who are those persons?

Hon KAY HALLAHAN replied:

The member is correct; the appointments expired last week. The new appointments have not been made but that matter will be attended to in the immediate future.

SCHOOLS - ROOFS
Encapsulation Program

457. Hon DERRICK TOMLINSON to the Minister for Education:

Was one of the reasons no roofs were encapsulated last financial year that there were insufficient qualified Building Management Authority supervisors to supervise the procedure of encapsulation of school roofs in country areas?

Hon KAY HALLAHAN replied:

That has not been brought to my attention as a factor.

PUBLIC EDUCATION ENDOWMENT TRUST
GNOWANGERUP AGRICULTURE CENTRE
Land Purchase

458. Hon MAX EVANS to the Minister for Education:

The accounts of the Public Education Endowment Trust for 1990 mention that a purchase of land for the Gnowangerup Agriculture Centre of \$245 000 was originally intended to be a loan to the Minister for Education. However, subject to the advice of the Solicitor General the arrangement was rendered null and void, which necessitated a further project cost. Can the Minister advise whether the matter has been rectified? Why is the Public Education Endowment Trust purchasing land for an agricultural college?

Hon KAY HALLAHAN replied:

The member should place the question on notice so that I can provide a response.

SCHOOLS - ROOFS
Encapsulation Program

459. Hon DERRICK TOMLINSON to the Minister for Education:

Was another reason for the failure of the Government to proceed with the

encapsulation program last financial year that the State School Teachers Union would not agree to the procedures proposed by the school buildings branch of the Building Management Authority?

Hon KAY HALLAHAN replied:

A committee was established to look at the question of encapsulation and to come up with recommendations that everybody could feel happy with, including the school communities requiring the work. Those recommendations will come to me very shortly and the proposal will then be that when the weather fines up the program will be proceeded with.
