

Legislative Council

Tuesday, 17 September 1991

THE DEPUTY PRESIDENT (Hon J.M. Brown) took the Chair at 3.30 pm, and read prayers.

STATEMENT - BY THE DEPUTY PRESIDENT

Parliamentary Educational Video Pack

THE DEPUTY PRESIDENT (Hon J.M. Brown): Members are aware that earlier this year filming was undertaken within Parliament House to produce an educational video on the operations of Parliament. I am pleased to advise members that the parliamentary educational video pack, which consists of two videos and 30 work sheets, has now been released. It is available to members for loan from the Parliamentary Information Office. It can also be purchased from the Legislative Assembly Bills and Papers Office for a cost to members of \$25. The retail cost is \$35. The Speaker has kindly invited members to inspect copies of the pack in the Speaker's corridor during the rest of today's sitting. He has made available a video recorder and television for that purpose.

STANDING ORDERS SUSPENSION - TABLING OF DOCUMENTS

Attorney General - Legal Opinion

Amendment to Motion

Debate resumed from 12 September.

Amendment put and passed.

Motion, as amended, put and passed.

MOTION - TABLING OF DOCUMENTS

Attorney General - Legal Opinion

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.44 pm]: I move -

- (1) That the Attorney General do within three sitting days and in any event on or before the closing day table in the House copies of without amendment or omission -
 - (a) the legal opinion given to the State Government Insurance Commission regarding the legality of the purchase by it of Bell shares as referred to by him in his evidence to the Royal Commission;
 - (b) any and all other legal opinions regarding the purchase of the Bell shares obtained by the Government or any Government corporation or instrumentality at any time prior to or after the purchase; and
 - (c) any and all written papers requesting or commenting upon or supplementing those legal opinions.
- (2) In this order "closing day" means the day upon which -
 - (a) the House passes a motion to adjourn for a period in excess of 18 days; or
 - (b) the House is prorogued.
- (3) Where the Attorney General is unable or believes he will be unable to comply with this order by tabling the papers by reason of the House not sitting or being prorogued, he shall in substitution therefore deliver them to the Clerk who shall forthwith publish them under authority of this order.

Last Thursday, the Government filibustered on this matter with the Attorney General finding a reason for this House not to discuss this motion which requires him to table in the House certain legal opinions that were given to the State Government Insurance Commission

regarding the illegality of the purchase by it of some Bell shares, other legal opinions relating to the purchase of the Bell shares and any and all written papers requesting or commenting upon or supplementing those legal opinions. Matters also relating to the closing day of the Parliament are raised in the motion. If the motion is passed, the closing day would be the day the House passes a motion to adjourn for a period in excess of 18 days or if the House is prorogued. Ample opportunity is given in the motion for the Attorney General to table those papers with the Clerk of the House should the House be prorogued or adjourned for the period referred to in the motion.

The Opposition is keen to see the legal opinions and other documentation referred to in the motion tabled to satisfy itself on the nature of advice given to the SGIC when it purchased shares totalling approximately \$160 million from the Bell Group. However, it is also keen to see advice relating to breaches of the law in respect of that purchase. Consistent with the evidence that he gave to the Royal Commission recently, the Attorney General has claimed in this House that, while the opinion given to the SGIC was available to him, he did not, as the Attorney General, read that opinion. He also said in this House, again consistent with the evidence that he gave to the Royal Commission recently, that he also advised two other Ministers of the Crown during a Cabinet meeting that they should not read that advice. Because the legal advice involves a huge outlay of taxpayers' money - firstly the \$160 million for the Bell shares and, secondly, an additional amount of \$150 million for the underwriting of certain debentures in the Bell Group - it is critical that the House understand the advice that was available to the Attorney General.

It is difficult for me and for members of the Opposition to comprehend why the Attorney General did not avail himself of that advice. It has been put to me that, for someone to publicly state that he did not want to read advice and later say to two fellow ministerial colleagues that it would be unwise for them to read the advice, the Attorney General may have believed that the advice indicated that either illegality could or would occur or that there was some doubt about the legal arrangement being proposed by the SGIC at the time of the purchase. Not only were the SGIC negotiating, but also the Bond Corporation was negotiating with the Bell Group at that stage for the same number of shares - 19.9 per cent each. The important questions that not only this Parliament but also the community of Western Australia are entitled to consider are whether, when both parties were introduced to the negotiations, the SGIC was advised by way of legal opinion or advice that, firstly, its proposed purchase was illegal, and, secondly, whether there is any evidence in the opinion given to the SGIC of possible collusion between the SGIC and the Bond Corporation in respect of the purchase of those shares. That question must be answered because if it is shown that collusion took place between the two parties then quite clearly, under the provisions of the Companies Code, those shares could be seized from both the SGIC and the Bond Corporation. Obviously, if that eventuated with the SGIC, it would result in a significant loss to the taxpayers of this State, which would be additional to the other losses this Government has sustained as a result of its business dealings in recent times.

Other questions that must be answered - and I hope they can be answered when the legal opinion and supporting documents are tabled - are why the Attorney General deliberately failed to inform himself of the contents of the opinion; why he advised two other Ministers not to inform themselves of that position; and why the Attorney General, after the National Companies and Securities Commission had begun its investigations into the purchase of the shares by the SGIC and Bond Corporation, failed to seek further legal advice with regard to the position of the State Government. There is no doubt that the Attorney General had adequate resources with which to make those investigations. I refer, of course, in the first instance, to the staff of the Crown Law Department; but additional advice could have been obtained by the Attorney General from solicitors or barristers in the private sector. Why did the Attorney General, the first law officer of this State, who is himself a Queen's Counsel, fail to inform himself of that legal opinion? That question has not yet been adequately answered. In the evidence the Attorney General gave to the Royal Commission recently, he again failed to identify the reasons that, as first law officer in Western Australia, he did not want to inform himself properly of the opinions available to the SGIC.

Another matter again causes some confusion in respect of the dealings of the Attorney General in the purchase of shares from the Bell Group. I refer to question 257 asked in this House on 19 June 1990 -

Without referring to the particulars of the transaction, or transgressing any sub judice rule, would the Attorney General describe what his role was in the Bell/SGIC transaction?

Hon J.M. Berinson, as Attorney General, replied -

I had very little to do with that transaction other than what was part of the general Cabinet role involved. I was informed a couple of days before the presentation to Cabinet of the proposal that the SGIC was interested in that transaction. I was given an indication of the price of the shares in question. When I queried that, I was asked by the Premier to make some inquiries between then and the time of the Cabinet meeting. As it happened, those inquiries were of no assistance to me at all, no doubt due to my own lack of knowledge of the particular area and an inability by me to make any independent judgment about the value of assets held by Bell Group on which an assessment of the price was based. For the rest, I was one of the members of the Cabinet present at the meeting when the issue was discussed with SGIC representatives.

That answer is important when considered along with the evidence given by the Attorney General to the Royal Commission because in June 1990, when the question was put to the Attorney General, he went out of his way not to advise the House that he personally had introduced the proposed purchase of the shares by the SGIC to the Cabinet. In fact, the Attorney General stated at the end of that answer that he was one of the members of the Cabinet present at the meeting when the issue was discussed with SGIC representatives. I do not believe that was a full-bodied answer to the question when, quite clearly, the Attorney General knew that he had introduced this deal to the Cabinet. However, he sought not to provide the House with a full understanding of the situation at the Cabinet meeting at that time.

Hon Peter Foss: Disingenuous at best.

Hon GEORGE CASH: Absolutely, and it is a pity that the Attorney General cannot be in the Chamber today to tell the House why he does not want to indicate his real role in the purchase of those shares.

Hon Kay Hallahan: Would you like to defer debate until the Attorney General is here?

Hon GEORGE CASH: There is no need to do that. The Minister will recall that I gave notice of this matter last Tuesday - a week ago. I wanted in all earnestness to deal with the motion on Wednesday, but was foiled because of the way in which the Government managed the business on that day. The Government was stalling for time. Last Thursday the Attorney General again stalled for time and inserted words that required the motion to be dealt with today. The Government has agreed that the matter should be brought to its conclusion today.

Hon Kay Hallahan: We said last Thursday that the matter should be dealt with today.

Hon GEORGE CASH: I think the Minister is playing with words. She is having a lend of the House. The Minister knows that the Opposition wanted to deal with this matter last week but the Government was not prepared to do that. The matter will be dealt with today, without any further stalling by the Government. It will be taken to the vote to determine whether the House believes that the documents should be tabled.

Hon Kay Hallahan: There is no reason why you could not do that another day.

Hon GEORGE CASH: There is every reason. The Opposition will not facilitate the delaying tactics of the Government any longer; it wants the Attorney General to table the documents.

Hon Kay Hallahan: What does it matter if it is this week or next week?

Hon GEORGE CASH: Either the Minister fails to understand the seriousness of the motion and of the position in which this State now finds itself, or she does not understand what this motion is all about. The Attorney General is the first law officer in this State; he is the guardian of the public interest; and he bears a very special responsibility, which is greater than that imposed on some other Cabinet Ministers, because of his special position. I am astounded that as a Queen's Counsel, a person well versed in the law, he did not seek to avail himself of the legal advice tendered to the SGIC in respect of the purchase of Bell Group

shares. When that advice is available it may be that certain other things will become very clear to the Opposition. Until such time as the advice and supporting documentation are tabled, I will not speculate on whether any Minister of this Government was privy to the opinion submitted to the SGIC. We can deal with that in due course.

Hon Fred McKenzie: Can you be sure that the action you are taking will not prejudice the litigation that is in place, because that is a big risk?

Hon GEORGE CASH: Were the Government to argue that the tabling of the advice and the supporting documents could or would prejudice litigation between the Government and other parties, I would be happy - as I have already indicated to the House - to move an amendment to the motion to ensure that the documentation was lodged with the Clerk of the House and was available for the scrutiny of members but not for publication. It is not my purpose to upset any commercial confidentiality or to endanger any litigation that may currently be contemplated by various people. The Minister will remember that last Thursday I read to the House a proposed amendment that we would be happy to see incorporated in the motion if the Government were able to demonstrate that there would be some difficulty in its tabling the documents because it would upset any litigation. Were the Minister to indicate now by way of interjection that she wanted me to move this amendment, I would be happy to do so.

Hon Kay Hallahan: I will move an amendment.

Hon GEORGE CASH: It is a conditional amendment, because were the Government to say that it was necessary to protect the parties to litigation, and were the Minister able to identify the reasons for the Government's not tabling the documents or complying with the order, then the documents could be lodged with the Clerk. For the sake of completeness, the amendment I am prepared to move, if required, is -

- (a) Where in the Minister's opinion - the reasons for which shall be tabled at the time this order is complied with - the publication of any material in a document, or class or group of documents, to be tabled under this order is calculated as likely to place the board or the commission at a serious commercial disadvantage, the requirement to table in relation to that material is satisfied by depositing it, clearly identified, in a sealed container with the Clerk.
- (b) Any material tabled under subparagraph (a) is open to inspection by any member who, unless by further order of this House, shall neither publish nor copy that material.

The Opposition is prepared to move this amendment if the Government can show clearly that the current litigation between the State Government Insurance Commission and other parties will be put in jeopardy by the tabling of the documents in the Parliament. I do not see any need to explain further the reason that these documents should be tabled. I need only reaffirm my earlier statement that the paramountcy of the Parliament must be maintained. It is the absolute right of this Parliament to require departments, agencies or instrumentalities to table documents relating to matters under the authority and control of those departments, agencies or instrumentalities and, indeed, the Parliament, and that is a right which I certainly do not intend to give up. It is absolutely critical that the Government comply with an order of the Parliament requiring the tabling of documents; that is something from which I will not move away.

In due course other matters may flow from the tabling of the documents; that is, from the content of the advice that was tendered to SGIC. One of the matters that will no doubt flow is questions on the evidence that was given to the National Companies and Securities Commission's hearing into the Bell Group Ltd in May 1988. A number of Government officers and officers of the SGIC gave sworn evidence to that commission, and it will interest me to see whether the advice that is tabled in due course conflicts in any way with the evidence that was given to the NCSC three years ago.

An amendment to be moved by the Acting Leader of the House has been handed to me. I will not indicate whether the Opposition will accept that amendment at this stage; firstly, because on first reading I prefer the words contained in the amendment that I have read to the House, but I am prepared to listen to the arguments that will be put by the Acting Leader of the House. Secondly, if the Acting Leader of the House wants proper consideration to be

given to her amendment, it is important that all our members be given a copy of it so that they will fully understand its intent.

Hon Kay Hallahan: I can reciprocate by saying that I have not seen your amendment.

Hon GEORGE CASH: It was read out to the House last Thursday. I ask the House to support the motion.

Amendments to Motion

HON KAY HALLAHAN (East Metropolitan - Acting Leader of the House) [4.06 pm]: I move -

To delete paragraph (3) and substitute -

It is sufficient compliance with this order for the Attorney General to table the documents required by delivering them in a sealed container to the Clerk of the Legislative Council who is authorised to permit any member of the Legislative Council, but no other person, to inspect any or all of those documents, but no person shall publish or copy, or cause to be published or copied, any such document without further order of this House.

My amendment covers the matters which the Leader of the Opposition has previously indicated to the House he would be prepared to consider. We regard the confidentiality that would be provided by this amendment as an absolute minimum safeguard to the interests of the State Government Insurance Commission in the major litigation in which it is involved. That is the major concern behind the Government's action in this regard. Based on the legal advice available to it - and I can only go on that advice - the SGIC is still opposed to the tabling of this opinion, even subject to a restricted access proviso, and in the Government's view that concern should be respected. Members do not need to be reminded that in excess of \$200 million is involved. That should not be jeopardised in any way in the absence of some compelling reason. I have made it clear previously to the House that nothing has come before the House that provides a compelling reason. The Opposition's line of attack in respect of the opinion is that it was not sighted or made subject to further review by the Government before the SGIC purchase of the Bell Group shares. The actual terms, therefore, of the unsighted opinion would now seem to be irrelevant, even from a political point of view.

Unequivocal opposition to the production of the material has been expressed both by the Chairman of the State Government Insurance Commission, Mr R.E. Cohen, and more recently and in Mr Cohen's absence by the Managing Director, Mr F.P. Michell. I advise the House that on 12 September 1991 the Managing Director of the SGIC informed as follows -

The SGIC has sought legal advice on the above motion.

It is clear from this advice that there is a prospect that production of documents, even on a restricted basis and under a legal duty imposed on the Attorney General, may result in SGIC being unable to maintain its claim of legal professional privilege against Bond Corporation Holdings Ltd in the future.

As the law in this area is not settled, it would be imprudent of SGIC to take any risks which may jeopardise the claim.

Hon P.G. Pandal: It is a pity they did not think of that a couple of years ago.

Hon KAY HALLAHAN: So as not to leave any doubt in respect of the Government's approach to this question I make it clear that, while the amendment that has now been circulated to members is indeed supported, we still remain very much opposed to this motion, even in its amended form. We strongly oppose it.

In conclusion, the reflection on the Attorney General in the comments made by the Leader of the Opposition was absolutely uncalled for. There has been nothing at all untoward in the Attorney General's conduct of this matter, and I want that clearly stated on the record of this place. I ask members to consider and to support the amendment I have moved, on the clear understanding that we are opposed to the motion even in an amended form; but certainly I ask the House to support the amendment.

HON PETER FOSS (East Metropolitan) [4.13 pm]: I oppose this amendment. My first

objection to it is that, under the terms of the amendment foreshadowed by the Leader of the Opposition, one of the things that had to be done by the Attorney General if he wished to avail himself of this confidentiality provision was to certify to the House that there was a need for it and advise of the reasons for that need. What we have been asked to do here, on the basis of the say-so of the Acting Leader of the House -

Hon Kay Hallahan: And the information of the SGIC.

Hon PETER FOSS: - is to accept that there may be some prejudice to the claim for privilege. That is the first thing: There may be, they say, because the law is unclear in this area. Secondly, we must accept that there would be some prejudice to the SGIC if in fact the opinion were to become freely available to Bond Corporation. Let us examine that for a start.

Hon Tom Stephens: Are you by any chance acting on behalf of Bond Corporation?

Hon PETER FOSS: Of course not.

Hon Tom Stephens: Is your firm?

Hon PETER FOSS: No, we act against Bond Corporation, as it happens.

The DEPUTY PRESIDENT (Hon J.M. Brown): Order!

Hon Tom Stephens: Doesn't it worry you that \$250 million is involved?

Hon PETER FOSS: It worries me considerably. What I am fed up with in this whole shoddy business is the way in which we are told by this Government that we are supposedly hazarding that, when all members opposite can say is that we should take their word that it may disturb privilege and that even if privilege is not disturbed it may cause some sort of concern as regards the litigation. Those things are somewhat vague and tenuous because, although I asked the Acting Leader of the House while she was speaking whether she would give us some more satisfactory basis for believing her on this, she obviously very carefully ignored my remarks and declined to make any comment about them.

Hon Kay Hallahan: It is a remarkable thing, but I did not hear them.

Hon PETER FOSS: The fact is that we are being asked to take the statement of the Acting Leader of the House on this. We are supposed to understand that this is the request of the SGIC board, and we were given to understand last Thursday that a full Queen's Counsel's opinion would be available to us today and we would be able to tell this quite simply. Firstly, I find it rather difficult to believe that an opinion saying that what was being entered into was perfectly lawful could in any way prejudice the action between Bond Corporation and the SGIC. In fact, the mind boggles at the suggestion that it could, because it seems to me to indicate that there was more in that opinion than merely the statement that it was perfectly hunky-dory and okay. It would seem to indicate to me that it may very well contain some matters that, had the Attorney General read that opinion, would have rung alarm bells and waved bright red flags at him; because the very suggestion being made in the amendment moved today indicates to me that there are things in that opinion other than, "She's all right, folks." It seems to indicate to me that there may very well be statements such as this: "Well, this sort of behaviour would be illegal if entered into by an ordinary corporation, but if the Government is involved in it you are all right because you have the protection of Crown immunity." What does that say about the Government? Here we have a Government, and in particular we have a Minister, charged with ensuring proper behaviour by ordinary companies. We pass the laws which impose some sort of penalty on these corporations because we do not trust them to behave appropriately. We bring in laws imposing all sorts of disabilities, such as the removal of shares from people's ownership, the compulsory sale of those shares and the prosecution of directors, because we consider certain conduct to be unacceptable. And had the Attorney General read an opinion that said, "This would be unacceptable conduct by a corporation incorporated under the Companies Code", do members opposite think it would have been proper for him to say, "It is all right for the Government to go ahead; it may be reprehensible behaviour but it has not been made criminal yet, so we can do it."? If that was the opinion that the Attorney General did not read, and suggested that two other Cabinet members also should not read, I can understand why it might prejudice the case if Bond Corporation obtained it. That certainly starts to give us some indication as to the type of advice which might be in that advice the Government is

so unwilling that we should see. That is somewhat consistent with evidence that was given by Mr Hilton to the Select Committee on State Investments, and I refer the House to page 34 of that committee's second interim report, where Mr Hilton was asked about an association between Bond Corporation and the Government. He said this -

Mr Hilton: ... If you are asking me do I believe that there was an association between Bond and the Government the answer is yes I do. Can I prove it? The answer is no I cannot.

Then I asked Mr Hilton -

Can you tell me why you think there was an association? What sort of factors do you see indicating that?

Mr Hilton: I was actually told once that there was a view that Aleco [CHAIRMAN'S NOTE: Aleco Vrisakis] was the architect of the association between Bond and the Government. Whereas I was told by the same person the reality was that he was the architect of the non-association and I think that that is probably the case. There was a general sort of chit chat around that the thing had been thought up between Connell and Bond in the Mediterranean Restaurant one sunny day and it was viewed as a possible way of getting monies into Rothwells. By that stage the Superannuation Board, I think, had \$50 million into Rothwells; there was perhaps another \$50 million from the SGIC or other Government sources. The Superannuation Board, I think, was a particular embarrassment to the Government. My belief is, and I say this just from overhearing discussions and so on, that in broad terms the deal was yes the Government will support, the Government will come in. Bondy will get his hands on the cash in Bell Resources; it will fund Rothwells; the Government gets its investment in Rothwells out which solves an awful lot of embarrassment and everybody is happy. It is my understanding that a meeting took place between Bond executives and the Government at which that was by and large discussed and debated.

I then asked Mr Hilton -

It was one of those things you did not talk about because everyone was busily making sure that there was not an association?

Mr Hilton said, "That is right."

It was a statement nobody was prepared to talk about - like the war. The association between Bond and the Government was the source of embarrassment. Who was the person in charge of this matter for the Government? Who else but the Attorney General. This is the person who is supposed to enforce the law, yet he took control of this takeover to the disadvantage of the minority shareholders. That is the philosophy of the Government, and that is the morality the Attorney General is upholding. What was in that opinion that we are told might prejudice the SGIC?

We have an insight into the situation through a series of questions which I asked the Attorney General in this House, to which answers were provided over a significant period of time. The questions related to paragraph (a) in the report of the preliminary findings of the National Companies and Securities Commission regarding collusion between Bond and the Government. The NCSC report referred to a meeting which took place between representatives of Bond and the Government. By asking a number of questions in this House I was able to obtain from the Attorney General an admission that the meeting referred to in paragraph (a) of the NCSC report involving representatives of Bond and the SGIC was actually a meeting between the Attorney himself and Mr Mitchell of the Bond Corporation on 25 April 1988. Subsequently, the Attorney General went to Cabinet and, as the Leader of the Opposition indicated, put forward the proposal. This is the man who led us to believe that he was merely a member of Cabinet who happened to be present at the meeting. Obviously, he was concerned that problems might arise regarding the illegality of the transaction - this is indicated in his evidence to the Royal Commission.

The DEPUTY PRESIDENT (Hon J.M. Brown): Order! I refer the member to the motion before the Chair. We are debating the amendment to delete paragraph (3).

Hon PETER FOSS: I am explaining why the Government has moved the amendment in this form. I will postpone a large part of my intended comments. However, the Government is

seeking not to table the opinion for reasons of confidentiality without providing reasons for doing so. The Government is wanting to avoid tabling the opinion because it has a guilty conscience regarding its contents. The reasons for the guilty conscience are clearly indicated in the evidence given by the Attorney General to the Royal Commission.

Hon Tom Stephens: Honi soit qui mal y pense.

Hon PETER FOSS: That is very nice; Mr Stephens has been reading Garters, has he?

Hon Tom Stephens: Absolutely.

Hon PETER FOSS: The Attorney General said -

So far as I can recall I hardly participated in the debate in between that initial summary and right at the end, but as the discussion seemed to be winding up I said again words to the effect "Kevin -

That reference is to Mr Kevin Edwards. The evidence continues -

- I want to put to you before the Cabinet what I've put to you privately, and that is: is the SGIC quite sure that there is nothing in this proposal which could be in breach of any legal requirement?" He said, "Yes, in fact it has written legal opinion to that effect."

At a later stage the Attorney General said -

... I have always regretted I didn't take up in that at least one and maybe two minister on the other side of the table said, in response to his statement that they had written legal advice to that effect, "Should we look at it?" I unfortunately said that I didn't think that that was our role and we really had to decide whether this was going to be a government project ...

This is consistent with the attitude, as shown by Mr Hilton, that the Attorney General did not want to know if any possibility of an argument of illegality existed, and it was believed that it was best not to know.

That is my argument concerning the point you made, Mr Deputy President.

Hon Tom Stephens: It was a ruling, not a point.

Hon PETER FOSS: What would have been the consequences had the Government looked at the opinion?

I am extremely concerned about this amendment because, once again, it would allow the Government to escape its responsibility to be accountable to this Parliament. This document plainly should be made available to the Parliament and to the people of Western Australia because the failure to read this document, or to act upon it, may have caused hundreds of millions of dollars to be lost to the State of Western Australia. The people of Western Australia should know right now what was contained in that document. What was the advice provided in 1988 to the SGIC which caused it to believe it could commit enormous amounts of taxpayers' money, which has cost the State so dearly? Very good reasons must be supplied to the people of Western Australia. We should know the opinion upon which the SGIC acted in making that disastrous decision, for which the Attorney General has never accepted responsibility in the manner in which he should.

The Attorney General is saying to this Chamber that the tabling of the opinion will cause the Government to lose privilege, which may prejudice further legal actions. However, the Government does not want to accept the suggestion provided by the Leader of the Opposition that the Attorney General should provide the reasons that this document should remain confidential. Why would the Attorney General not do that? Why should he not be required to indicate clearly to this House why the people of Western Australia should not be allowed to read this legal advice? Why does he resist putting the reasons down in writing? Why is he holding back information from the people of Western Australia? We have not seen the opinion which supposedly justifies the Attorney General's position. I thought it was indicated clearly last Thursday that we would see the opinion and that it would be tabled in this House; however, the Attorney General is asking us to deprive the people of Western Australia of knowledge of the contents of the document. Frankly, that stinks! We have had far too much secrecy in this State. We should not allow this amendment to stand. The

Attorney General must clearly spell out the situation to our satisfaction. The Attorney may be satisfied about the explanation following discussions with SGIC lawyers, but the Parliament cannot consider the justification for this action. How can we know whether the Government is exaggerating the degree of difficulty or the extent of the threat? It should be safe to provide that opinion unless some rather terrible aspects are involved. We have not seen the opinion, but it concerns me that this amendment is another ruse by the Government to prevent Parliament from seeing documents which are an essential part of finding out how the people of Western Australia have lost so much of their money. I am thoroughly opposed to the amendment.

HON P.G. PENDAL (South Metropolitan) [4.31 pm]: The member who has just resumed his seat has erred on the side of charity.

Hon Tom Stephens: We will never be able to accuse you of that, Mr Pendal.

Hon P.G. PENDAL: Written down, I have the word "subterfuge"; that is what the amendment is. It is another Government subterfuge, the reasons for which I will explain to the House. I hope, when considering the seriousness of the matter the Government is trying to persuade this House to adopt, the people in the media covering the debate will remember some of the training they received as cadet journalists. I believe the original motion moved by Hon George Cash should stand. Hon George Cash has foreshadowed an amendment, but that is all he has done. Frankly, I am not sure we should be even that lenient, considering after the disposal of this amendment Hon George Cash's option of allowing the legal opinion to be referred to the Clerk and kept for his safekeeping, but accompanied by - this is what Hon George Cash has in mind - the reasons that in the Minister's opinion it would be prejudicial for that document to be tabled in the House. Even that would go further than I would have been prepared to go. However, I will support Hon George Cash's amendment if it comes before the House.

The nub of the matter is that this House is being asked to accept the collective word of people in this House and people in the State Government Insurance Commission who have already shown they do not deserve the trust of the people of Western Australia. Their actions so far have led to monumental losses in Western Australia. Why then at the last minute should Parliament, when it wants to determine the reasons the Government acted as it did, believe anything the Government, or the SGIC for that matter, says? I referred earlier to the caution with which the media should treat this matter. In their first week of training, cadet journalists are told never to accept information on the basis that it will be given but must never be used. In effect, that situation puts a journalist in a position in which he may well be party to the worst information, but is compelled by a code of ethics not to repeat it. The Opposition is being invited by the Government to put itself in a similar position; that is, after reading a legal opinion in the Clerk's office, not being able to publish or copy or cause to be published or copied any such document without further order of the House. I feel distinctly uncomfortable at the thought that by going into the Clerk's office I would possibly be under pain of expulsion if I were to repeat anything I learnt there. What if we were to learn or deduce from that opinion that some quite improper action had taken place on the part of either the Minister or someone from the SGIC?

Hon B.L. Jones interjected.

Hon P.G. PENDAL: Hon Beryl Jones would not have a clue what may come out of the Royal Commission. She is among people who did everything to see that inquiry would not take place.

Hon B.L. Jones interjected.

The DEPUTY PRESIDENT (Hon J.M. Brown): Order! Hon Phil Pendal should refer to the amendment to delete paragraph (3) of the motion.

Hon P.G. PENDAL: As I said, I feel very uncomfortable about accepting the amendment. If we must accept an amendment I would far prefer the one moved by the Leader of the Opposition to the one moved by the Acting Leader of the House.

In relation to the second question, that of the House being asked to delete paragraph (3) in order to substitute something else which bears no resemblance to that which we are being asked to delete, the original motion moved by the Leader of the Opposition is a mechanism to provide, in the event the House is not sitting, that other arrangements can be made with the

Clerk to gain access to the legal opinion. However, the amendment by the Leader of the House of deletion and substitution bears no resemblance to that. I refer again to the original argument put by the Leader of the Opposition and supported by Hon Peter Foss. I have quickly read Hon George Cash's foreshadowed amendment, which would follow the defeat of this amendment. I am not sure, but I think it envisages an obligation on the part of the Attorney General or, at least, the Minister responsible for the SGIC, to say to us on record the reasons it would be prejudicial to release the opinion. However, the Government wants to take away any obligation on the part of the Government to say to members of the upper House that if they pursue what they are trying to do they will prejudice certain litigation for particular reasons. That is why I used the word subterfuge. Not only are we now dealing with whether we should have access to a legal opinion that may well have caused enormous losses, but also, if we were to accept what the Acting Leader of the House has moved, we would be going down a path of secrecy.

I am also uncomfortable about the Opposition's going down the path - it is already part of the way - that has been suggested by Hon George Cash. The tabling of that opinion should be on an all-or-nothing basis. We are then being cautioned, if one likes, by the Leader of the Opposition, and I commend him for that caution. We are being asked first to at least have a look at the opinion behind the Chair as it were. It is still within our power if we feel we have been misled to come back into the Parliament and move another motion that nothing in the document will prejudice the case; the reason the Government is trying to avoid tabling of the document is that it is simply embarrassing to it and, therefore, the Government must table the opinion. For that reason, I am prepared to look ahead of this amendment and say that Hon George Cash's foreshadowed amendment is a preferable way to deal with the situation.

Under no circumstance could the Opposition accept the amendment moved by the Acting Leader of the House because it will, in effect, make it party to any dirty deals of this Government, the likes of which we have seen plenty of in the past couple of years. I will certainly not accept it. I hope every journalist who covers this issue will understand what the Government has in mind.

The House should reject the amendment and at least be prepared to look at a further amendment which has been foreshadowed by Hon George Cash. Even though what he has in mind is not entirely satisfactory from my point of view, it is eminently preferable to the sort of subterfuge which the Minister has brought into this House today. The House should not spend too much of its time in rejecting this amendment. It should get on with the job we set out to do a week ago and, for that matter, several years ago; that is, to try to uncover what the Government has been doing behind the scene over the past few years. People who believed the Opposition was talking about paper money are now waking up to the fact that it is actually dollars and cents which this Government has been losing. I oppose the amendment.

HON E.J. CHARLTON (Agricultural) [4.41 pm]: It is important that the House knows where the National Party stands on this amendment which deletes paragraph (3) of the motion. I will also advise where the National Party stands in relation to the amendment which has been foreshadowed by Hon George Cash.

The National Party opposes the amendment to delete paragraph (3) of the motion because it does not see any problem with it. If there is a reason that it should be deleted, it appears that the Acting Leader of the House is the only one who knows that reason. No-one knows what is in the legal opinion or what the ramifications will be if it were tabled in the Parliament. Should the Attorney General decide not to table the legal opinion but simply to place it with the Clerk, obviously he will give the House his reasons for deciding to go down that path. Paragraph (3) of the motion should remain. The National Party looks forward to the further amendment to the motion foreshadowed by Hon George Cash because it will give the Attorney General an additional option to those contained in the original motion. There has been some debate about the commercial aspects of that decision and Hon Peter Foss referred to the legal aspects of it. He considers them not to be a problem. The onus is on the Attorney General and not on members of the House because they do not have access to the legal advice and, therefore, are not in a position to make a judgment one way or the other.

Hon Kay Hallahan: You do not want to jeopardise the case regarding \$200 million.

Hon E.J. CHARLTON: Obviously no-one wants to have that hanging over his head. Opposition members and Government members do not want to be put in a position where, at

a later stage, they are told they caused this document to be tabled and it resulted in the State's losing another \$200 million or whatever in addition to what has already been lost. No-one in his right mind would want to be placed in that position. One who did would be stupid. We want to find out the reasons that the Attorney General did not put himself in a position to be made aware of the legal opinion when it was given. If he had he would have been in a position to say that the Government would not become involved in that sort of a deal. Had that been the case, the Government would not only not be faced with the prospect of losing another \$200 million because of the tabling of another legal opinion in this Parliament, but it would not have lost the money it has in the past.

It is commonsense that paragraph (3) should remain as an option in the motion and that a further amendment be made to the motion which will allow the Attorney General, provided he gives the reasons, to leave the legal opinion with the Clerk. As Hon Phil Pandal said, it would then be up to individual members to make a decision whether to read that opinion. To deny members that opportunity would be to sweep this matter under the carpet. I am sure the Government, if its nerve endings are not completely dulled, would not want to be accused of doing that. I cannot see any reason for further debate on this amendment.

HON R.G. PIKE (North Metropolitan) [4.47 pm]: I oppose the amendment because it is another spoke in the wheel of the continuing saga of evasion which has been perpetrated on this House by the Attorney General, Hon Joe Berinson. The camouflage of this Attorney General and the WA Inc saga in general sticks to this Attorney General like buttered napalm. Every time something like this is debated the history of the House shows that his performance in these matters has always been the same; that is, low key; a courteous evasion; and it is not a big deal. However, time after time we subsequently find that the Attorney General has been evasive and has always dodged the truth and the facts. He always goes down the track of totally disregarding the fact that Parliament is the only authority that can deal with wrongdoing and wrong saying in the Parliament and by the Cabinet and Executive of this State.

In essence, the question is this simple: Written advice was given by the Solicitor General, and that written advice was disregarded. It is very much the function of this Parliament to demand that that advice be made available to it. For the Parliament not to insist on that is for it to disregard its responsibility as the only authority that can bring an evasive Executive and an evasive Attorney General properly to heel. I oppose the amendment.

HON JOHN HALDEN (South Metropolitan - Parliamentary Secretary) [4.49 pm]: In my week's absence from this Parliament things have not changed. Some members are trying to push the same line by using the same emotive language.

It would be appropriate if we dealt with the issue of the security of the State and the security of a significantly large amount of money and stopped the stupidity of point scoring which I have seen from some members today. The Acting Leader of the House has not in any way acted in a manner which could be described as subterfuge. That has not been the case and there has not been any evasiveness. The Acting Leader of the House has moved to remove a paragraph from a motion to protect the State. We know an amendment is proposed to insert a new paragraph in the motion under which there is a compulsion on the House which could cause the SGIC's claim to be disadvantaged before the Supreme Court. The legal and professional privilege of the SGIC's legal opinion would be under question and would place the \$200 million involved at risk. We should not be doing that. I understand a further amendment is before us to insert a new paragraph (4) which is acceptable only under certain guarantees; that is, that the claims of the SGIC are not jeopardised. Opposition members may snicker but should not do so because of the potential risk at which they place the State.

Hon P.G. Pandal: You are the people who lost the money.

Hon JOHN HALDEN: The Opposition is risking \$200 million to make a few cheap political points. I understand that, but the Opposition does that at its own peril. A reasonable proposition has been put by Hon Eric Charlton that we should be careful and not place this money, or the case, at risk. The Opposition's position does exactly that. It is, to quote Hon Phillip Pandal, scurrilous. We have a reasonable proposition here whereby we seek to guarantee that the claim by the SGIC will not be placed in jeopardy. We would prefer the amendment moved by the Acting Leader of the House but will cop and cope with the revised amendment.

Amendment put and negatived.

HON W.N. STRETCH (South West) [4.52 pm]: I move -

Several members interjected.

The **DEPUTY PRESIDENT** (Hon J.M. Brown): Order! Hon Bill Stretch is trying to move to a new amendment. I have allowed a wide debate on this matter. The Government has indicated through one of the Parliamentary Secretaries that it will accept an amendment to insert a new paragraph (4) and therefore there will be no opposition to it. I do not wish to hear adverse comments about decisions already made. We will therefore proceed with this matter. Members should contain themselves until they get the call from the Chair.

Hon W.N. STRETCH: I move -

Insert new paragraph (4), as follows -

- (4) Where in the Attorney General's opinion - the reasons for which shall be tabled at the time this order is complied with - the publication of any material in a document, or class or group of documents, to be tabled under this order is calculated as likely to place the Government or its instrumentalities at a serious commercial or legal disadvantage, the requirement to table in relation to that material is satisfied by depositing it, clearly identified, in a sealed container with the Clerk. Any material so tabled under this paragraph is open to inspection by any member who, unless by further order of this House, shall neither publish nor copy that material.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [4.53 pm]: In seconding the amendment I indicate that the words proposed to be added as new paragraph (4) are similar to ones I read to the House earlier. There has been a slight change to the words mentioned earlier because the word "Minister" has been changed to read "Attorney General" and, at the request of the Leader of the National Party in this place, the additional words "legal disadvantage" to the commission or the Government have been included.

I thank the Government for its indication of support for this new paragraph. I believe it will protect the commission and the Government from any disadvantage in the litigation that the Government and the SGIC are locked in with Bond Corporation and other parties and will satisfy the requirements of this House relating to the motion as a whole.

HON KAY HALLAHAN (East Metropolitan - Acting Leader of the House) [4.56 pm]: The Government is concerned about anything which may jeopardise the case referred to. Negotiations took place to arrive at an amendment that would provide the safeguards we believed were required of this House. This was done on the understanding that the inclusion of the term "legal disadvantage" would appear in the Opposition's amendment. I guess there is some comfort in that. The Government will support the amendment. I make clear that the Government is opposed to the whole tenor of the motion. This amendment has come about due to reasonableness being exhibited by the parties involved and an understanding of the hazardous path we were travelling with the original motion. Therefore the amendment is acceptable to the Government.

Amendment put and passed.

Motion, as amended, put and passed.

STANDING ORDERS SUSPENSION

Health (Meat Inspection and Branding) Amendment Regulation (No 5) Disallowance

On motion without notice by Hon E.J. Charlton, resolved with an absolute majority -

That so much of Standing Orders be suspended so far as will enable Notice of Motion No 2 on the Notice Paper to be debated forthwith.

[Questions without notice taken.]

**HEALTH (MEAT INSPECTION AND BRANDING) AMENDMENT
REGULATION (No 5)***Regulations Disallowance***HON E.J. CHARLTON** (Agricultural) [5.30 pm]: I move -

That Regulations 4, 6 and 7(b) and (c) made under the Health (Meat Inspection and Branding) Amendment Regulations (No 5) 1991 published in the *Government Gazette* on 10 July 1991, and tabled in this House on 20 August 1991 under the Health Act 1911 be, and are hereby, disallowed.

I thank the House for giving me the opportunity to proceed with this disallowance motion. The motion refers to regulations which were introduced on 1 July and which greatly affect the operations of the Rossvale Meats abattoirs at Nabawa in the Shire of Chapman Valley. Not only will the regulations affect the operations of the abattoirs in Nabawa but it will also affect the financial activities of the Shire of Chapman Valley. The abattoirs' throughput is very low; it is a very small operation employing only five or six people, including three slaughtermen. Although it operates in the Shire of Chapman Valley, it sells its meat in Geraldton, Greenough and in towns in the Shire of Northampton and nearby shires. The State Government has responded to Health Department calls to incorporate across all Western Australia full inspection procedures at all abattoirs. That means that every carcase, be it beef, lamb, goat or pork, and its insides must be inspected at the time of slaughter. Consequently, shire councils are responsible for hiring meat inspectors and paying them a salary and for other associated costs. Those meat inspectors then have the responsibility to oversee operations at abattoirs as from 1 July.

The fact is that the Nabawa abattoirs until 1 July was serviced by a meat inspector from the Shire of Greenough. That inspection was commonly termed a cold inspection; that is, it was not a full inspection. The inspector took the appropriate procedures to inspect carcasses at a given time. However, the new regulations provide that inspections must be full inspections. Previously, the cost incurred by the shire each year - obviously inspection costs are directly related to the throughput of the abattoirs - amounted to approximately \$16 000. That cost was then reimbursed by the abattoirs and everybody was happy with the situation. There has never been any complaint of any consequence across the State involving any abattoirs which have not had full time meat inspectors; yet the Health Department in its wisdom has said that a full meat inspection is required. That will mean that the abattoirs in Nabawa will have to close. The simple fact of life is that if an abattoirs has only half the throughput and it has to employ a full time meat inspector, the cost of inspection per carcase will double. The abattoirs operator has only two options; either he becomes competitive with other suppliers or he spends capital on his operation to increase throughput so that the meat inspector is fully occupied.

Currently it costs approximately \$16 000 a year for the abattoirs to pay the shire for the services of the meat inspector because the shire must pay the meat inspector about \$40 000 a year. Therefore, the cost per carcase will double and that will make the operations of the abattoirs uneconomic. What should have happened was that the abattoirs operators, the shires and the Health Department should have determined whether these regulations were necessary. We are now facing the worst unemployment and economic difficulties since the Depression and a bureaucrat, while looking out his window at the Swan River, has decided to put in place regulations that will ensure that this abattoirs is put out of business. Nobody has said that this abattoirs needs a full time meat inspector and nobody has said that the meat inspectors who have been doing the job were inefficient. The Health Department has simply applied an across the board procedure to all of those abattoirs without considering the consequences. The people at the Health Department have totally rejected the logical arguments presented in correspondence to them from the local shires. The Health Department simply wants to apply the regulations across the board. I want to see some commonsense prevail so that the abattoirs operators have the opportunity to look at the future of their operation. They may have to raise some capital to improve their throughput. If that can happen, it may be a viable proposition to employ full time meat inspectors. If we simply apply these regulations across the board commonsense will not prevail.

I am sure many other small operators are affected by these regulations. We need to have a total rethink about meat inspection procedures. Of course, meat that is to be exported

overseas must be inspected properly because we do not want to be accused of not abiding by acceptable health standards. However, I cannot understand why, when we have health inspectors to inspect premises at any time, we need full time health inspectors at abattoirs. Health inspectors can go to abattoirs and check on a random basis to ensure that proper health standards are applied. I cannot understand why we have to have someone there full time when only one, two or three slaughtermen operate compared with an operation which has 20 or 30 slaughtermen. That is what would be required for that full meat inspection to take place.

The stupidity of inspection laws in this state is indicated by the fact that there is no requirement for chicken meat to be inspected. The only inspection required with chicken meat is to ensure that the premises meet the relevant regulations. However, there is no requirement for every chicken processed to be inspected. That demonstrates the hypocrisy of what has occurred. It would be ludicrous to suggest that every chicken processing operation in Western Australia should be fully inspected. There has been no complaint about the chicken industry not maintaining proper health standards, nor has there been any criticism about small country abattoirs. The passage of this regulation will ensure that these operations close. Unlike this one, small abattoirs service a butcher shop in a town. I understand that the Health Department has the power to exempt those abattoirs but has not seen fit to do so. I will encourage that to happen. Increased costs will jeopardise local communities that are totally satisfied with operations in their town because of the convenience of the operation, the employment opportunities created and the availability of the service for the throughput of stock in their districts. Prior to 1 July, the cost of inspecting a sheep at this abattoirs was approximately 50¢ per carcass. That cost will increase to approximately \$2 - four times the amount. That is only a \$1.50 increase per carcass, but the cost over a year to the abattoirs in Chapman Valley is incredible.

I have had brief discussions on this matter with the Minister for Health, Mr Wilson, and the union representatives. I intend also taking the matter up with personnel in the Health Department to try to see whether there is some logical, commonsense way to deal with this problem and others around the State. If the motion is passed and we cannot reach a compromise, these abattoirs will not be able to sell their products at all. Nobody wants that. However, the owner of this abattoirs told me that if the motion is passed and he is forced to pay a higher charge per carcass, he will be out of business. Either way, he is doomed. From a health point of view there is nothing to substantiate the claim that inspections prior to 1 July were inadequate.

Debate adjourned, on motion by Hon Fred McKenzie.

HUMAN REPRODUCTIVE TECHNOLOGY BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

WATERFRONT WORKERS (COMPENSATION FOR ASBESTOS RELATED DISEASES) AMENDMENT BILL

Recommittal

On motion by Hon Tom Stephens (Parliamentary Secretary), resolved -

That the Bill be recommitted for the further consideration of clause 4.

Committee

The Deputy Chairman of Committees (Hon Garry Kelly) in the Chair; Hon Tom Stephens (Parliamentary Secretary) in charge of the Bill.

Clause 4: Section 11 substituted -

Hon TOM STEPHENS: In the process of considering this clause, I was asked by Hon Peter Foss to explain to him its meaning. While collecting my thoughts I asked him if he could explain the meaning of the clause, and he ventured an interpretation which led him to the conclusion that the clause was not well drafted. He moved an amendment which I indicated

I was happy to accept. I have since been advised by the parliamentary draftsman that I unwittingly allowed the member to mislead me.

Hon Peter Foss: You told me that I got it right.

Hon TOM STEPHENS: Yes, I did; I am now eating my words. The last four words of proposed subsection (4) were originally "an amount so specified" and the parliamentary draftsman wants a full stop to follow those words. In answer to the question about "where so specified" I should have indicated that it was not in the notice, but rather in the requirement. In order to accommodate the sensitivities of the member and his view that the clause is not well drafted, I move -

Page 3, line 20 - To delete the word "notice" and insert the word "requirement".

Hon PETER FOSS: I am grateful for the clarity brought to the clause by the amendment moved by the Parliamentary Secretary. It is evident that the clarity is needed in view of the fact that nobody was able to interpret the clause beforehand, and I am sure that nobody will be able to misinterpret the clause in its amended form. It indicates that the previous amendment would not have achieved what the Government hoped to achieve, whereas the latest amendment will do so. I support the amendment.

Amendment put and passed.

Clause, as further amended, put and passed.

Bill again reported, with a further amendment.

ROAD TRAFFIC AMENDMENT BILL (No 2)

Committee

Resumed from 27 August. The Deputy Chairman of Committees (Hon Garry Kelly) 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: Members will recall that I made a proposal on this Bill last week in an endeavour to break what appears to be a deadlock. In response to the Opposition's decision that it would accept the offence of driving with a 0.05 per cent blood alcohol level only for drivers up to and including the age of 20 years, the Government indicated that it would accept an age limit on this offence but only for drivers of up to and including 24 years of age. The Opposition indicated that it would not accept that compromise.

The Government further considered the matter and proposed yet another compromise; that is, in return for Opposition support for an offence of driving with a 0.05 per cent blood alcohol level across the board, the Government would decrease the penalties. In the original legislation the penalty for a 0.05 offence was a fine of \$200 and the loss of six demerit points. The Government proposed to reduce the penalties to a lesser amount of \$125 and the loss of only three demerit points, in an attempt to gain Opposition support. The Government has proposed a penalty which meets the Opposition's view about the weight of evidence and data it has before it. In view of the weight of data and evidence, surely on the basis of the proposed penalties it must warrant an offence to drive with a blood alcohol level of 0.05 per cent.

Members will also note that the Government's proposed amendments will effectively delete clauses 4 and 5. That should be regarded as a further compromise. I take the point made in the report that the time has arrived at which to make a political decision. I agree with that and I hope we shall do so later this evening. Members opposite must make a decision and reach their conclusions in the face of the matters that have been put to the members of the Legislation Committee and members of Parliament, and after having heard the debate that has abounded in the community. The Government has further compromised on the question of probationary drivers. The crux of this legislation is contained in clause 9 where we shall have an opportunity to accept, or otherwise, that driving with a 0.05 per cent BAC shall be an offence across the board, punishable by the modified penalties. I am sure that when this

clause has been discussed we shall be better informed about the position of the Opposition in the face of the further compromise offered by the Government.

Sitting suspended from 6.00 to 7.30 pm

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Section 5 amended -

Hon GRAHAM EDWARDS: Clause 4, which we seek to delete, refers to an unrestricted licence, which is currently defined in the Act as a driver's licence that is not issued on probation. It was originally intended that this term would be used in other sections of the Act, but because of the amendments that we are now seeking to move that will not be necessary.

Hon GEORGE CASH: Mr Deputy Chairman, can we just establish that we are working on Supplementary Notice Papers Nos 13 and 13-2?

The DEPUTY CHAIRMAN (Hon Garry Kelly): A number of Supplementary Notice Papers are floating around, but they have now been consolidated and the real McCoy is No 13-2.

Hon GEORGE CASH: Is the Minister aware of the amendments that I have placed on the Supplementary Notice Paper and of the effect of the deletion of this clause if those amendments were carried? I do not want to recommit everything.

Hon GRAHAM EDWARDS: I understand the dilemma that we are in; it relates to clauses that we will debate later. We will soon come to clause 9, which is the crux of the matter; therefore I move that we defer further consideration of this clause pending consideration of clause 9.

Further consideration of the clause postponed, on motion by Hon Graham Edwards (Minister for Police).

Clause 5: Section 45 amended -

Hon GRAHAM EDWARDS: I move -

Page 2, line 12 to page 4, line 10 - To omit the clause.

This clause relates to the extended period for probationary drivers, which the Government has indicated it will not pursue subsequent to the consideration of this matter by the committee of this Chamber which looked at that issue.

Hon GEORGE CASH: I ask the Committee to oppose the Government in respect of this clause. As the Minister has said, this amendment is in line with the compromise which he suggested the other day. The Liberal and National Parties have made it very clear that a blood alcohol level of 0.02 should relate to probationary drivers for one year.

The DEPUTY CHAIRMAN: The amendments in clause 5 would, if passed, extend probation for a further two years. However, by deleting clause 5 in the Bill we will go back to the situation where probation will apply for only one year, with a blood alcohol content of 0.02.

Hon GEORGE CASH: Mr Deputy Chairman, in view of the fact that both the Minister and I seek to move amendments to this clause, are you suggesting that if the Minister's amendment were carried there would be no need for me to move the subsidiary amendments to clause 5?

The DEPUTY CHAIRMAN: The advice I gave previously is correct. If this clause were defeated, the situation in the current Road Traffic Act would prevail, with a one year probation period and a BAC of 0.02. However, if the Leader of the Opposition wishes to persist with his amendments we can take his amendments first, and if at the end of the day the Committee votes to defeat the clause we will still end up with the same position of a one year probation and a BAC of 0.02.

Hon GEORGE CASH: The Opposition is keen to pursue a line that will cause probationary drivers to be required to comply with the 0.02 blood alcohol level, and also for the period of a probationary licence to be 12 months. Mr Deputy Chairman, given that we have now got a composite Supplementary Notice Paper, and that you say that our agreeing with the Minister's clause would put us in that position, I am prepared to accept that there is no need for me to move my amendments.

The DEPUTY CHAIRMAN: Just to reassure the Leader of the Opposition, the question about extending 0.02 per cent for two years beyond probation will be raised during discussion on clause 10.

Clause put and negatived.

Clause 6: Section 51 amended -

Hon GRAHAM EDWARDS: I move -

Page 4, line 12 to page 5, line 5 - To delete the lines and substitute the following -

6. Section 51 of the principal Act is amended in subsection (1)(a)(iii), by inserting after "62," the following -

" 64AA, "

The original intent of this clause was twofold. Firstly, it was to establish the new 0.05 per cent blood alcohol content offence, which we must have in some form. Secondly, it sought to increase the probationary licence from one to three years, and we have already dealt with that.

Hon GEORGE CASH: I thank the Minister for that explanation. It appears to me, but I seek your guidance and confirmation, Mr Deputy Chairman, that if we were to agree to the Minister's amendment there would be no need for me to move the amendment standing in my name under this clause.

The DEPUTY CHAIRMAN (Hon Garry Kelly): That is correct.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 7 and 8 put and passed.

Clause 9: Section 64AA inserted -

Hon GRAHAM EDWARDS: I have an amendment which reads -

Page 6, line 2 - To delete "\$200" and substitute "\$125".

I urge the Committee to allow the clause to stand as printed with the exception of this amendment, which is in line with the compromise offer the Government has made. Coupled with that is the move to delete the loss of six demerit points and to substitute the loss of three demerit points. That will be dealt with by way of regulation, as infringement points usually are. The proposal that the clause stand as printed except for the amendment I have moved essentially will bring Western Australia into line with every other State and Territory in Australia and will provide for an offence of 0.05 per cent blood alcohol content to be introduced across the board. I await with interest the position of the Opposition parties on this matter because I believe the compromise which has been offered is fair and reasonable. Even if members opposite do not accept the weight of evidence and argument, the work that has been done in other States, the analyses, and the very strong view that has been put by independent persons of professional standing in the area of road trauma and road safety, surely they must be prepared to accept that those arguments and that evidence carry substantial weight. I for one am prepared to accept those things which have been put to me by people whose profession it is to examine these matters, and if we reject this clause we will reject all of their arguments. The compromise affords the Chamber the opportunity not to reject all of those arguments but to make room to accommodate them. I will not go into the statistics and arguments, but there are enough of them to suggest quite strongly that the penalty and the new offence being proposed here can be substantiated, in the weight of all of that evidence and argument, even if some members are not completely convinced by all the arguments. I accept that there is room for argument and counter argument about the statistics, and that a certain amount of value judgment is involved in that. However, the bottom line is that in other States - and in particular most recently in the Australian Capital Territory - the analysis of the first six months of the move from a BAC level of 0.08 to 0.05 per cent has shown the measure to have been successful in decreasing road trauma.

Hon Derrick Tomlinson: Spurious nonsense!

Hon GRAHAM EDWARDS: Hon Derrick Tomlinson may say it is nonsense, but I disagree with him.

Hon Derrick Tomlinson: Well, I will demonstrate it.

Hon GRAHAM EDWARDS: Hon Derrick Tomlinson may endeavour to demonstrate it, but all he is really trying to do is build an argument that will assist his view of opposing a move to 0.05. Although he says it is nonsense, in Victoria a Liberal Government introduced 0.05 legislation. Was it nonsense for them?

Hon Derrick Tomlinson: Yes.

Hon GRAHAM EDWARDS: In New South Wales the Labor Government introduced 0.05 legislation. Was it nonsense for them? In Queensland the National-Liberal coalition introduced 0.05 legislation. Was it nonsense for them? In Tasmania the Gray Liberal Government introduced 0.05 legislation. Was it nonsense for them? In March of this year South Australia introduced a 0.05 blood alcohol level. Was that nonsense? A Liberal coalition Government in the Australian Capital Territory reduced the blood alcohol level to 0.05 from 0.08; again, was that nonsense? A Country-Liberal Party coalition in the Northern Territory has indicated that it will introduce a 0.05 blood alcohol level; is that nonsense? Hon Derrick Tomlinson stands alone in this Chamber as some sort of expert above and beyond those parties of various persuasions in other States and Territories of this country which have introduced such legislation. Is that nonsense? I believe it is nonsense. The move to a 0.05 blood alcohol level, along with the penalties we have proposed, is anything but nonsense as it will substantially move this State in a better direction regarding road trauma. Such a move would be a serious signal to the people of this community who have a wont to drink and drive that this Parliament, along with other Parliaments in every other part of this nation, is not prepared to condone drink driving. If we defeat what the Government is proposing, we will be signalling to the community that this Parliament is soft on the issue of drink driving.

Hon DERRICK TOMLINSON: The Minister made the point that by passing the Government's proposal for a 0.05 blood alcohol level, and accepting the changes to the penalties which have been foreshadowed, Western Australia would be coming into line with the other States. Can the Minister clarify whether we will be coming into line with the States regarding the blood alcohol level or are the foreshadowed penalties the same as those which apply in other jurisdictions?

Hon GRAHAM EDWARDS: If we accept this proposal from the Government for a 0.05 blood alcohol level across the board, we will come into line with every other State and Territory in creating an offence for driving with a blood alcohol level of 0.05. Of course the penalties are not all the same, although I understand the South Australian penalties are the same. The penalties are quite different in the Northern Territory, but members must understand that that Territory does not have a system of demerit point loss. Significantly, both of those States accepted the lead set by Western Australia in the proposal we originally made to create an offence of a 0.05 blood alcohol level to be dealt with by way of an infringement.

Hon GEORGE CASH: I move -

Page 5, line 26 - To insert after "A person" the following -
who has not attained the age of 21 years

This is the crucial aspect of the argument regarding whether Western Australia should have a 0.05 blood alcohol level for the whole driving community, except, of course, for probationary drivers who will have a limit of 0.02. This is a matter of whether a realistic recognition should be made of the statistics put before members on a number of occasions. I have said in this Chamber on many occasions that the Opposition understood the Government wanted consideration given to the question of drink driving in Western Australia. We debated this matter at length, and it was eventually referred to the Standing Committee on Legislation. I will not refer to all of the recommendations and conclusions of that committee's report; however, conclusion No 48 on page 10 reads -

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%.

I mention that to make members aware of the considered opinion of the Legislation Committee. I ask members not to hide behind the statistics which are used by people on either side of the argument; members should face the facts and recognise the situation as it exists in Western Australia. We should not ask Western Australians to fall into line with Victoria, New South Wales or any other State; what they do is their business. The fact that they established similar legislation to that under consideration is no signal for Western Australia to automatically fall in line with them. Good reasons must be provided for such a move, and neither the Minister nor the Government have provided sufficiently good reasons for this change.

Hon Derrick Tomlinson: The Eastern States should fall into line with the real Australia!

Hon GEORGE CASH: At least members on this side of the House recognise the vast area of Western Australia with its unique driving conditions and habits. The Opposition has taken a responsible view in proposing a three tiered structure. We recognise the existing 0.02 blood alcohol level applying to probationary drivers, and agree to the idea of a 0.05 blood alcohol level applying to non-probationary drivers up to the age of 21; that is, drivers aged 18, 19 and 20 years. For drivers aged 21 years and above, the blood alcohol level should be 0.08, as is the present case in Western Australia. When I put that proposition to the House 12 months ago I thought that the Government made a genuine attempt to recognise the compromise which had been reached.

The DEPUTY CHAIRMAN (Hon Garry Kelly): Order! I ask the Leader of the Opposition to restrict his comments to the amendment regarding the three tiered structure proposal.

Hon GEORGE CASH: I am happy to do that, Sir. When I came into this Chamber 12 months ago I offered a realistic compromise which recognised the need for younger people in the community to be restricted to a blood alcohol limit of 0.05. This amendment, in its present form, would cause the blood alcohol content restriction of 0.05 per cent to be instituted in Western Australia across the board. I therefore ask that the Committee defeat the clause and agree to my amendment.

The DEPUTY CHAIRMAN: If the clause is defeated, the Committee will be in a bit of trouble.

Hon GEORGE CASH: The arguments have been well put in this House and it is now time to decide whether we should have a blood alcohol content restriction of 0.05 per cent for younger drivers in the community and have a 0.08 per cent alcohol restriction for those aged 21 and above or whether we should allow this question to be dragged out for another 12 months. That would cast some doubt on the Government's real intention with this legislation.

Hon GRAHAM EDWARDS: I cannot let those comments go without in some way defending the work of the Standing Committee on Legislation in assessing this Bill, remembering that the Bill went before that committee twice. I would have been happy to have had the matter dealt with when it was first introduced; that is, for the Opposition to have supported the legislation. However, it was decided to send it to the Standing Committee on Legislation. Therefore, it is not fair for Hon George Cash to complain about the length of time the legislation has been before the House.

Hon George Cash: You have not acted on it for an awful long time.

Hon GRAHAM EDWARDS: I accept that the legislation has been delayed for a lengthy period. However, Hon George Cash must admit that had it been brought on for debate earlier it would have been defeated earlier. The Standing Committee on Legislation heard evidence from the Assistant Commissioner of Traffic, who identified a number of serious problems the police would have if they had to enforce the amendment proposed by the Opposition. Assistant Commissioner Thickbroom, who is a very experienced traffic officer in this State, has indicated that the legislation would be almost unworkable unless all drivers were compelled to carry their drivers' licences in order that officers could clearly ascertain the age of drivers pulled over for committing an offence. When pursuing charges, the onus is on the police to prove the age of the person involved. One can imagine the difficulties they would have at the time of an alleged offence in ascertaining the age of the driver. I would have thought Parliament was more about creating less bureaucracy for the Police Force and more about enabling police officers to be on the road doing the job they should be doing.

If we were to restrict the infringement of that offence to that age group of below 21 years we would do nothing more than address a portion of the problem. We would do nothing more than make scapegoats of young drivers in this State in order to avoid dealing with the real problem.

Hon Barry House: Your proposal will impose exactly the same restrictions.

Hon GRAHAM EDWARDS: It would impose the 0.05 blood alcohol content restriction across the board. We would not be picking out one section of the community and identifying its members as being the major cause of drink related driving offences. Most young people with whom I have come in contact are very responsible. The age group the Opposition is talking about throwing a net over with the legislation is probably one of the most responsible age groups of all when it comes to being aware of drink driving.

Hon D.J. Wordsworth: Is there not a no drink obligation on probationary drivers?

Hon GRAHAM EDWARDS: It is enforced at a 0.02 per cent blood alcohol content level for the first 12 months of their driver's licence.

Hon D.J. Wordsworth: Does that not pick up one group?

Hon GRAHAM EDWARDS: Is Hon David Wordsworth happy with that? We can get into some logical argument when we discuss clause 10. There is good reason for that; it is trying to separate the new driver from drink driving altogether. I would like to see that in place for new drivers, regardless of age, for the first three years of their licence. I hope we can discuss that later. I will be looking for Hon David Wordsworth's support when we get to that clause. In essence, this legislation will amount to little if all we do is signal to the community that we intend to target people between the ages of 17 and 20 and that, contrary to that which other States have done, we are not prepared to get tough with drink driving.

Hon J.N. CALDWELL: The National Party supports the Liberal Party's amendment with one small exception. I hope I can coax Hon George Cash into seeing our point of view by referring to some statistics and comments mentioned in the report of the Standing Committee on Legislation.

Firstly, the Minister described young drivers as being responsible. Perhaps they are until they are driving a vehicle. Statistics show repeatedly that the age group of - in some cases 16 when under a learner's permit - 17, 18 and 19 year olds recorded the most accidents. I dare say statistics would therefore prove that the number of motor vehicle deaths among that age group were greater than among other groups. At the same time that those young people are learning to drive they are allowed to start drinking - the two do not mix.

The report of the Standing Committee on Legislation indicated that during the committee's deliberations it considered drinking and driving statistics from all over the world and took evidence from many people on this subject. Recommendation (ii) of the report states -

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.

All committee members expressed some sympathy for this recommendation, but other factors caused the Liberal and National Party members not to follow this line of thinking because it would restrict the blood alcohol content level and would apply to all drivers irrespective of their age.

The DEPUTY CHAIRMAN (Hon Garry Kelly): Order! I do not want to interrupt the member in full flight, but we are debating the amendment moved by Hon George Cash to amend the clause by applying the 0.05 BAC level to those people who have not attained the age of 21 years. I have a fondness for what Hon John Caldwell is referring to, but we are not debating it now.

Hon J.N. CALDWELL: I was reaching the point of my argument. At page 14 of the Legislation Committee's report it states that the arguments in favour of imposing the 0.05 BAC level on people who have attained age 20 are similar to those for extending the 0.02 BAC level for two years beyond probation. That is the reason I am not in favour of inserting the figure 21 in the clause, because never at any stage in the committee's deliberations did it consider that matter. All the statistics the committee studied included the age group from 17

to 19 years. Although the committee probably alluded to it, it did not actually discuss the 20 to 21 age group in its deliberations. The committee considered the graph prepared by Mayhew and Simpson and believed that the reason for linking 0.05 to age rather than experience was that some of the factors identified as contributing to the higher risk for young inexperienced drivers would not apply to mature age inexperienced drivers. The National Party has not wavered from its original decision on this legislation. It realises that something has to be done to protect younger drivers. The evidence taken by the Legislation Committee indicated that the chances of a person having an accident were greatly reduced once he had reached the age of 20 years. As I indicated, the committee did not consider in detail taking the 0.05 blood alcohol content level to age 21. It is absolutely unnecessary.

Amendment on the Amendment

Hon J.N. CALDWELL: Because of the reasons I have outlined, I move -

That the amendment be amended by deleting the figure "21" and inserting the figure "20".

Hon FRED McKENZIE: There seems to be a division of opinion among the Opposition parties about whether the age limit should be 20 or 21. I do not think it should be either and I support the Government's move for a 0.05 blood alcohol content level across the board.

It is some time since we debated the second reading stage of this Bill. However, during that debate evidence was presented to show that the 21 to 24 age group had the highest statistics for drink driving offences. The Legislation Committee made reference to drivers up to the age of 25 years. It considered the fact that insurance companies imposed an additional premium on drivers under the age of 25 because they were more prone to accidents than were people over 25. Obviously, the insurance companies do not distinguish between drink driving accidents and general accidents. Nevertheless, I can see no point in defining any age group because the evidence presented to committee members indicates that the 21 to 24 age group has the highest statistics for drink driving offences.

Perhaps a member opposite may explain the reason for choosing age 21 or age 20. If an age is to be mentioned in the legislation, why not include the 21 to 24 age group?

Hon DERRICK TOMLINSON: One of the things the Minister said with which we must agree is that the younger drivers are the most responsible when it comes to drinking and driving. This matter was brought to the attention of the Legislation Committee by Mr Thickbroom. He was very complimentary of our younger drivers and said that the skipper program which the Police Department ran, and which encouraged groups of people who went out of an evening to elect a skipper who would not drink and who would be the driver, was most successful among young people. Mr Thickbroom's evidence was borne out by the report the Minister drew to our attention during the second reading debate. It was the most recent report of the Federal Office of Road Safety and related to its study of the results of the introduction of a blood alcohol level of 0.05 in Canberra. The following observation appears at page 6 of that report and refers to the years 1990 and 1991-

An important point is that in both years, the number of young drivers with BAC scores above .15 was quite small: young drivers were not a large part of the high BAC drink-driving problem in either year . . .

In other words young people do not tend to drink excessive amounts and drive.

Hon John Halden: Above what level?

Hon DERRICK TOMLINSON: The levels of 0.10 and 0.15.

Hon John Halden: That is twice the current level. We are speaking of immature drivers.

Hon DERRICK TOMLINSON: Let us not argue about the spuriousness of the statistics. Let us accept the point that young people tend not to drink and drive. They tend to be more responsible about that. Hon John Caldwell referred to the report of Mayhew and Simpson, a Canadian study. They found the following -

In fact, young people account for a steadily decreasing proportion of drinking drivers as BAC increase.

I think that was the point Hon John Halden was making, that as the blood alcohol

concentration increases so the proportion of young people driving diminishes. Mayhew and Simpson continue -

Thus, young people seldom drink and drive, compared to old drivers, and where they do drive after drinking, they tend to have consumed appreciably less alcohol than have older drivers.

So they are much more responsible.

Hon John Halden: They could still be over the limit.

Hon B.L. Jones: It takes less to get them drunk.

Hon DERRICK TOMLINSON: I do not know whether that is true. The report continues, and this is the crucial point -

This information is not contradictory with that previously presented on relative risk of fatal crash. Young drivers are the least likely to have been drinking but for those that do drink and drive there is a particularly high risk of fatal crash.

That is at all levels from 0.02 upwards. There is an exponential growth in the risk as the BAC increases, and that exponential growth is greater for young people than for older people. The point Hon John Caldwell made was that learning to drive and learning to drink at the same time is a fatal and dangerous combination. The committee came to the conclusion that convincing evidence existed to impose restrictions upon alcohol consumption for young drivers. It then became a question of whether the level should be set at 0.02 or 0.05. We agreed that the 0.02 level could not be enforced without an elaborate form of identification on vehicles, perhaps an extension of a P plate to an A plate, or whatever it might be. That was the position Mr Thickbroom argued. Therefore we accepted the 0.05 level as a restriction on young people and as one way of separating learning to drink and learning to drive. Therefore, there is a sound argument for setting the blood alcohol limit for inexperienced drivers at 0.05.

The question then is whether the level should be set at 20 years of age or 21 years of age. The reason for the difference between the arguments put by the Liberal Party and the arguments put by the National Party is relatively easy to explain. It is simply that all research data we looked at was in five year age groups and they were 16 to 20 years, 21 to 25 years, and 26 to 30 years. Therefore, the data about which we are talking for young drivers relates to those aged from 16 to 20 years; that is, those who have not attained 21 years of age. Those who have attained 21 years of age are in the group 21 to 25 years of age. On the basis of the research evidence related to the 16 to 20 and 21 to 25 year age groups the committee was looking at a recommendation for a blood alcohol level of 0.05 to include people up to and including 20 years of age but not including those who had attained 21 years of age.

An argument exists in favour of the separation of learning to drink and learning to drive. A difficulty applies in imposing an 0.02 level without extending the probationary driving period. We cannot accept an argument for the extension of that period. One cannot endorse an extension of 0.02 level without an extension of the probationary period. The 0.05 level is enforceable and an appropriate restriction to impose on young people aged between 16 and 20 years.

Hon GRAHAM EDWARDS: The interesting thing that must follow from what Hon Derrick Tomlinson said is that the report he originally described as nonsense was used to substantiate his point of view. The report states in the summary and analysis of the recent data from the Australian Capital Territory, following the first six months after the move from a blood alcohol level of 0.08 to a blood alcohol level of 0.05, 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

And here we come to the crux of the matter -

the reduction occurred mainly among drivers aged over 25 (the number of younger drivers with very high BACs was quite small in both years).

Hon Derrick Tomlinson cannot use that report on the one hand to substantiate his argument

while on the other hand dismissing a counterargument carried in the same report. My view is that we should accept the report across the board and accept a figure of 0.05 as the blood alcohol level for drivers in this State and get on with getting tough on drink drivers of all ages.

Hon CHERYL DAVENPORT: It will come as no surprise for members to hear that I oppose both amendments. During deliberations on this report I consistently supported the 0.05 blood alcohol level position across the board and I continue to do so. I have heard all the arguments that tore apart various points of statistical analysis. However, I am not convinced by them. I refer members to recommendation 3 of the committee, which states -

Despite the fact that results produced from clinical studies are not conclusive that 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.

The report also says that at the end of the day we would have to make a political decision. We are at that point now. People who have been before us to give evidence such as the Womens Christian Temperance League, the Albany alcohol, drug and advisory council, rural people in favour and opposed, the Royal Automobile Club of WA (Inc), petitions from high school children urging us as legislators to reduce the BAC to 0.05, the University of Western Australia road accident prevention unit, the Alcohol Advisory Council of Western Australia, the Australian Council for Health, Physical Education and Recreation, Western Australian branch; the Australian Association of Health Promotion Professionals; People Against Drink-Driving (WA); Curtin centre for research into the prevention of drug abuse; and the Royal Australasian College of Surgeons, have not spent all that energy trying to convince us to fall into line with the other States for nothing. It is time we decided to stop splitting hairs about which group it should affect. I support the Government's decision to make the figure in Western Australia 0.05.

Hon J.N. CALDWELL: Whether we should have 20 or 21 years of age depends on our interpretation of the report. Hon Derrick Tomlinson mentioned that we considered it included the age of 20. I cannot see where that is mentioned in our report. Our recommendation is for an 0.05 BAC up to the age of 20. That is very clear. Whether the member means that that includes the age of 20 is a matter of interpretation. The National Party takes the view that it definitely does not, and that is why I have moved this amendment which I believe is appropriate.

Hon Fred McKenzie: Why the age of 20? Why not 24?

Hon J.N. CALDWELL: Because all the evidence is that 16, 17, 18 and 19 year olds seem to have a problem learning to drink and drive at the same time. I suppose many of us had that problem ourselves in our younger days.

Hon Sam Piantadosi: Country drivers do have problems.

Hon J.N. CALDWELL: My argument is that section 77 of our report is in favour of imposing the limit of 0.05 up to - not including - the age of 20. The provisions are similar to those for 0.02; for two years beyond probation.

Several members interjected.

The DEPUTY CHAIRMAN: Order! That is why it is better to be more precise and use the words "attain the age of". Whether you agree with the number used or not, it makes the situation much clearer.

Hon J.N. CALDWELL: Section 77 says that the arguments in favour of imposing 0.05 up to the age of 20 are similar to those for 0.02 for two years beyond probation. Most young people in Western Australia apply for a probationary driving licence at the age of 17. In South Australia the age is only 16. We are talking here about two years beyond probation when drivers should be subject to 0.02 or 0.05. The report speaks of "up to the age of 20". Unless somebody can show me something to the contrary, I read the report as speaking only about up to the age of 20. It is not inclusive of 20 year olds. I moved my amendment to be consistent with the report.

Hon Sam Piantadosi: It is wrong.

Hon J.N. CALDWELL: That is a political point.

Hon Tom Helm: Not at all.

Hon DERRICK TOMLINSON: The whole question of the misunderstanding of the meaning of the term "to age 20" relates to the method I referred to previously. For statistical convenience researchers examining the data use five-year age groups, such as 16 to 20 and 21 to 25. The age group 16 to 20 includes those who are under the age of 21. That is what I understood the committee to mean in its report when it talked about "to age 20". I understood it to mean less than 21, because 21 to 25 became the next group.

While I am on my feet shall I respond to the Minister's suggestion that, having accepted the report that young drivers tend to be responsible with regard to drinking and driving, I should also accept the other conclusions in the report. I cannot accept the other conclusions in the report because the conclusions to which the Minister referred are based on a spurious interpretation of the data.

Hon John Halden: I thought people died from an excessive consumption of alcohol and driving. That is not a spurious fact.

Hon DERRICK TOMLINSON: I refer the Minister to page 11 of the report. We must bear in mind the claim made in the report that there was no change in the random breath testing behaviour, and the total number of drivers screened from January to June 1990 and from January to June 1991 was the same. The total number of drivers screened in the first six months of 1990 was 46 896.

Hon Fred McKenzie: From which report are you quoting?

Hon DERRICK TOMLINSON: I am quoting from the report of the Federal Office of Road Safety on the experience of the introduction of 0.05 in Canberra; that report referred to by the Minister. To continue, in the six month period January to June 1991, 48 279 were screened. While the 2 000 difference might be regarded as a small one, what is really important is the different numbers each month. In 1990 there were 4 300 in January, 2 200 in February, 3 600 in March, 14 500 in April, 17 900 in May and 4 200 in June. Where there is an increase in the RBT screening there is a corresponding increase in the number caught, as one would expect. In 1991 the numbers are consistent. In January the figure was 9 100, compared with 4 300 in January the previous year; in February the figure was 7 400 compared with 2 200; in March it was 13 900 compared with 3 600, and so on. When one compares the number of drivers screened and the number of drivers with excessive blood alcohol concentrations one finds a consistency. The number of offenders increases in proportion to increases in the number of drivers screened, so one cannot conclude from that that it is the effect of 0.05. One might conclude from that the effectiveness of the random breath testing as a screen. One might also draw the inference that RBT has some effective deterrent because if people know they will be caught they are less likely to offend. If there is a known increased presence of RBT on the roads people will be more careful about their drinking and driving. That is the conclusion that can be drawn from those statistics.

What is not told in this report is what else happened in Canberra at that time. Was there, for example, a police publicity campaign about drinking and driving? Was there a campaign which alerted people to the presence of the RBT team on the road? Was there a publicity campaign which let people know that a blitz on drink driving was in place? All these factors will influence the drink driving behaviour of people, the citizens of the ACT. These factors are not explained or even entertained in the report. Any conclusion which says those numbers are conclusive evidence that 0.05 brings about a change in the drinking and driving behaviour of people is a spurious conclusion. It is spurious until all other variables are eliminated as a possibility. This report does not eliminate those variables as a possibility. This report has demonstrated that RBT is an effective deterrent; it has not demonstrated one iota all the conclusions that the report came to and that the Minister expected that I should accept.

Hon J.N. CALDWELL: The Chamber must make a decision about this amendment; it is probably a political decision. The age factor is well documented as it relates to drinking and driving. Many members in this Chamber may differ in their views regarding the interpretation of whether the age of 20 years is included. The National Party believes that the 0.05 limit should apply for 18 and 19 year olds only. They are the young people who

appear to be at risk. We must separate those young people from the drinking and driving situation. Whether the 20 years age group should be included is up to members. The National Party has been very consistent in its views about the 0.05 legislation. From the outset we have argued that something needs to be done about young drivers. We have not wavered from the point of view that 18 and 19 year olds should be subject to the 0.05 limit.

I urge all members to consider the amendment carefully and to support it.

Hon GRAHAM EDWARDS: We can talk about statistics and argue about them all day and all night. However, we must return to other factors; for instance, the Standing Committee on Legislation has considered the Bill and reported. One of its recommendations was that despite the fact that the results of clinical studies are not conclusive, the lowering of the BAC from 0.08 to 0.05 reduces the probability of motor vehicle accidents; the committee accepted the argument that the lowering of the permissible BAC to 0.05 would be to the greater community good. The compromise we put forward to reduce the penalty is totally in line with that recommendation; that is, that the lowering of the permissible BAC to 0.05 would be to the greater community good.

If members do not want to accept the statistics or the analyses of the first six months of the move from 0.08 to 0.05, which found evidence of a massive reduction in the number of drivers with a BAC between 0.05 and 0.08 from 343 cases per 10 000 tests in the first half of 1990 to approximately 45 in the latter part 1990, and if members do not want to accept the other matters included in the summary, they should at least accept the very strong advice and support for the recommendations of the people who are at the sharp end of dealing with road trauma.

I refer to the ambulance drivers, police officers, fire brigade officers - both full-time and voluntary - who deal with accidents. They all say, no matter whether in the city or in country areas, that we should support the move to 0.05. Even if members cannot accept the weight of the compelling evidence put to us by the people who make a profession of studying this type of matter, we should at least be prepared to accept the views of the people involved at the front line.

Members may recall the series of advertisements run as a lead-up to Christmas last year. Those advertisements did a lot in the community to push aside talk about statistics and to thrust into our living rooms the harsh reality of the effects of drink driving. The advertisements were to the effect that, "If you drink and drive you are a bloody idiot." They must have done so much to push aside the statistics and arguments and to focus people's attention on the real end result of drinking and driving and all the trauma that it causes. I urge the Chamber to reject the amendments of both the Liberal Party and the National Party.

Amendment on the amendment put and negatived.

Amendment put and a division called for.

Bells rung and the Committee divided.

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

Division resulted as follows -

Ayes (13)

Hon J.N. Caldwell
Hon George Cash
Hon E.J. Charlton
Hon Reg Davies
Hon Barry House

Hon P.H. Lockyer
Hon N.F. Moore
Hon Muriel Patterson
Hon P.G. Pandal
Hon R.G. Pike

Hon Derrick Tomlinson
Hon D.J. Wordsworth
Hon W.N. Stretch (*Teller*)

Noes (11)

Hon Cheryl Davenport
Hon Graham Edwards
Hon John Halden
Hon Kay Hallahan

Hon Tom Helm
Hon B.L. Jones
Hon Garry Kelly
Hon Sam Piantadosi

Hon Tom Stephens
Hon Bob Thomas
Hon Fred McKenzie (*Teller*)

Pairs

Hon Max Evans
 Hon Peter Foss
 Hon Margaret McAleer
 Hon Murray Montgomery

Hon Doug Wenn
 Hon Mark Nevill
 Hon J.M. Berinson
 Hon T.G. Butler

Amendment thus passed.

Progress

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

HOME BUILDING CONTRACTS BILL*Second Reading*

Order of the Day read for the resumption of debate from 12 September.

Debate adjourned, on motion by Hon P.G. Pendal.

BUILDERS' REGISTRATION AMENDMENT BILL*Second Reading*

Order of the Day read for the resumption of debate from 29 August.

Debate adjourned, on motion by Hon John Halden (Parliamentary Secretary).

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL*Consideration of Tabled Paper*

Debate resumed from 11 September.

HON P.G. PENDAL (South Metropolitan) [8.56 pm]: It is invariably the practice of Government members when speaking on the tabled papers for the State Budget to offer some form of congratulation to the Government and the Treasurer of the day for having brought in a balanced Budget. Of course, nothing could be further from the truth in this case because we are confronted with a Budget not unlike Budgets of previous years brought down by the current Labor Government which are clearly not balanced but which are concocted in such a way as to give an impression that they are. There would not be a first year politics student in Western Australia who would believe, with the magnitude of the losses experienced by the Government in its business dealings, that it would be possible to balance a Budget in those circumstances. An analysis carried out by the Opposition has indicated that we are confronting a deficit of the order of \$396 million this year. That is an enormous figure in anyone's language, but if one wants a yardstick one has only to realise that in Western Australia at the moment, from State taxation sources alone, the State attracts a tax base of \$1.4 billion; that is, \$1 400 million. Therefore, lined up against a potential deficit of \$396 million it is clear to anyone with even rudimentary mathematics that the deficit that the Opposition claims is inherent in this Budget is running at 25 per cent of the total Western Australian State tax base.

Hon Sam Piantadosi: Is it your claim or the Opposition's claim?

Hon P.G. PENDAL: It is my claim and the Opposition's claim. I suggest that if the member who is interjecting cared, for once in his life, to give an objective assessment of the content of the Budget Papers, he would also find -

Hon Sam Piantadosi: I did last week. Obviously Mr Pendal was not here.

Hon P.G. PENDAL: - that we are confronted with a Budget that has blown out.

The second point I make about the state of the Western Australian Government's finances is that it has become a yardstick in Australian politics to tie taxation increases, particularly in State scenes, to the consumer price index. That is not a very bright thing to do from an economic point of view. However, one of the things the Government has argued, both in terms of wages and taxation take, is that the use of the CPI as the yardstick will give people a fair go at balancing their household budgets. In the past eight years the State taxation take by

the Burke, Dowding and now Lawrence Labor Governments has been running in excess of three times the level of inflation.

Hon Derrick Tomlinson: That is contrary to their promise.

Hon P.G. PENDAL: Hon Derrick Tomlinson is right and in order to demonstrate that I will quote some figures for him later that were quoted by members of the Government. However, at the moment I am making a separate point; that is, that between 1982-83 and 1991-92 the consumer price index increased by 60 per cent, whereas State taxation has increased by not 60 per cent - according to the CPI - and not even by 80 per cent or 150 per cent, but by 204 per cent. That would prompt someone like Hon Derrick Tomlinson to ask, "Does that not run totally contrary to the promises the Government took to the election and the promises that were echoed in the election campaign by Premier Dowding?" Those figures will also ensure that the current Premier is sent on her way.

The figure I refer to represents the average of all State taxation revenues; however, in some cases the percentage increases since this Government has been in office have been in excess of 204 per cent. I remind all members of what some of those figures are. Again, I ask members to bear in mind that the CPI increase in that nine years has been of the order of 60 per cent. Land tax in that time has increased by 300 per cent and stamp duty by 218 per cent. Financial institutions duty has increased, but of course there was no parallel to FID previously because when the coalition Government was in office FID did not exist. It was one of the rash of new taxes introduced by this Government and even with that rash of new taxes it cannot balance its Budget.

Hon Fred McKenzie: Every State has FID now.

Hon P.G. PENDAL: Yes, that has come about ever since the various Labor Governments came to power.

Hon John Halden: Let's talk about the consumption tax.

Hon P.G. PENDAL: I am happy to talk about the consumption tax because Mr Keating supported a consumption tax.

Hon Cheryl Davenport: Not any more.

Hon P.G. PENDAL: He no longer supports it because he found he got into too much trouble by mucking up the economy of Australia and he needed an escape hatch.

Hon W.N. Stretch: He kowtowed the opportunity.

Hon P.G. PENDAL: Yes, he did. The Prime Minister, the man who gives all people compassion when they want jobs, was committed to a consumption tax; and the ex-Treasurer of Australia, the one still hammering at the door of the Prime Minister's suite, went on the public record and said that the only way this nation's economic ills would be overcome was to impose genuine taxation reform by lowering personal taxation. The only way to lower personal taxation is to introduce a tax that everyone pays and that is one reason a Labor Government will not support a consumption tax. The tax Premier Burke wanted to abolish has gone up 112 per cent since the Labor Government has been in office, double the increase in the consumer price index. The only tax that has not increased at a rate greater than the CPI has been the bookies' tax.

Hon Derrick Tomlinson: I wonder why?

Hon P.G. PENDAL: The totalisator duty and licence has increased by only 13 per cent; the bookmaker's tax and licence has increased by 33 per cent; and the only tax that has increased roughly in accordance with the consumer price index is the TAB betting tax. Therefore, at least the punters are satisfied that they belong to the only section of society that has been treated with some equity by the Government, because they have paid an increase of only 69 per cent. The casino tax - one which did not exist under the coalition Government - will this year bring in \$31 million. The debits tax, which was given by the Commonwealth Government to this Government because it could not balance the books last year, has increased from \$19 million to \$38 million. This Government cannot even leave alone the small investors and small depositors to banks. All of this comes to a mean average of a 204 per cent increase in State taxation, when the CPI has increased by only 60 per cent.

I also want to outline the more extraordinary and extravagant claims made to justify the

financial stewardship of the present Government. I refer to no greater authority than Hon Julian Grill, who was kicked out by the present Government a year or two ago.

Hon Tom Helm: That is wrong.

Hon Bob Thomas: Get it right.

Hon P.G. PENDAL: He was kicked out because he was in the thick of things. The House should consider the comments that Mr Grill has made about the way the Government has looked after the finances of this State. He has said, when talking about people who denigrate the financial and economic record of both the Burke and Dowding Governments -

I do not believe that this black and white dealing with the issue can ever be successful:

Members opposite should listen to this, because if ever they can change history and say black is white or white is black, this is it. If they adopt a policy that says black is white, that is so, despite the fact -

Hon John Halden: Get on with it.

Hon P.G. PENDAL: Here it is, and the "we" refers to members opposite -

We should adopt a policy of defending those elements of our past financial performance which are defensible - in my view most of it.

Do members opposite seriously tell me that it is defensible for a State to go into a financial year with a deficit of \$396 million and owing more than \$1 billion because members opposite paid it to their friends on the Terrace who are now the subject of a Royal Commission? He goes on to say -

In respect to the performance of the Burke and Dowding governments I believe that an extremely good case can be made for the proposition that both administrations were highly financially competent.

What an absolute absurdity that is.

Hon Fred McKenzie: What about the money we saved on the gas? The contract you went into would have broken the State.

Hon P.G. PENDAL: I suggest that the member save on his gas tonight by not making such silly interjections, because he is usually so sensible. Here is another lulu out of the mouth of the current Government and the former -

Hon John Halden: It is not the current Government if it is the former Government.

Hon P.G. PENDAL: There are two former Labor Governments. He makes a full frontal attack on his Federal colleagues.

Hon John Halden: Who are we talking about?

Hon P.G. PENDAL: We are still talking about the member's friend, Mr Grill. He tips a gigantic bucket on his mates in Canberra, Mr Hawke and Mr Keating, as is his wont. The fact that the party room which everyone opposite attended justified these actions will hang around the necks of members opposite until they are old because they were in the party room when the decisions were made to allow these charlatans to get away with what they got away with and nobody opposite did anything about it. Those members are as guilty as Mr Burke, as guilty as Mr Dowding, as guilty as Mr Parker and as guilty as Mr Grill because they sat there like the three wise monkeys and did nothing. In attempting to justify the rescues, Mr Grill believed that it was hypocritical of the Federal Government to be even mildly critical of the State Government and said -

Initial criticism by Eastern States Governments and the Federal Government in respect to these rescues can now be seen to be quite hypocritical.

Why would he say that? He continued -

The financial institution failures in somewhat more spectacular circumstances in Victoria were initially met with the response from Premier Cain that he would not involve the Government in any rescue of the depositors.

He is saying that Victoria's catastrophes were bigger than ours and therefore that anyone

who was critical of this State Government for taking part in those rescues must have been hypocritical. I will now indicate to members something of which they may not be aware; that is, the defence Mr Grill is still making about that extraordinary petrochemical involvement. He said -

The situation in Western Australia needs to be put into some perspective. The rescues of the three private sector institutions have now been paid for by the Government and are no longer an impost.

That is patently untrue; they have not been paid for.

Hon Derrick Tomlinson: Only because the Government reneged on its debt.

Hon P.G. PENDAL: That is right, but we were paying as late as two weeks ago and we are continuing to pay.

Hon John Halden: Which three private institutions are you referring to?

Hon P.G. PENDAL: He has not named them in the document.

Hon John Halden: How do you know which ones they are?

Hon P.G. PENDAL: These are this Government's friends. He said -

The failure of the Petrochemical Plant which was intimately linked with the rescue of Rothwell's is being paid off at the rate of \$50M a year for the next few years.

Hon Derrick Tomlinson: Except for last year, when it paid only half.

Hon P.G. PENDAL: I thank the member and that is the point.

Hon John Halden: What is the date of the letter?

Hon P.G. PENDAL: It was written in May of this year.

Hon John Halden: Before the decision to defer was made.

Hon P.G. PENDAL: That is the very point that Hon Derrick Tomlinson has just made; the Government could not afford to pay the \$50 million this year. It is untrue to say that these debts are now being paid for by the Government. Not only is that not true, but it is also untrue to say that it has been paid for by the Government.

Hon John Halden: It was true to say it in May.

Hon P.G. PENDAL: The people who pay it off are not the Government, but are the taxpayers, which is another thing members opposite tend to overlook.

I move on to the main burden of what Mr Grill is talking about, because this will follow him into the grave, although having looked at his record, many other things will follow him into the grave also. He said -

The question of the Petrochemical Plant is an untold story which I would like to write about in another issue.

An awful lot of other people will be waiting for the next instalment of that because they would like to know that part of the untold story about how we get back \$300 million from that great blue sky deal. He goes on -

Quite frankly I think that the supporting of that project by the State Government was a correct decision.

Hon Tom Helm: Is that in relation to the gas pipeline.

Hon P.G. PENDAL: That is about the member's friends. The member can tell us about the gas pipeline later. In the meantime, the Standing Orders say that he has to sit and listen to this. Mr Grill said about the petrochemical plant bailout -

Quite frankly I think that the supporting of that project by the State Government was a correct decision.

The other night I referred to the Bourbons; they learnt nothing and forgot nothing -

Hon Tom Helm: The Mormons?

Hon P.G. PENDAL: No, not the Mormons. Not only does the member need a translator, but

he also needs a hearing aid. Mr Grill is another who is in the mould of the Bourbons - he has learnt nothing and forgotten nothing when he tells us as he has in this letter that he supports the bailout of the petrochemical plant project. Like many other members in this Chamber, I look forward to the day that he tells the other part of that untold story. If members opposite do not think that that is enough to make their chickens come home to roost, I bring it forward to a point where their memories will not be quite so amenable to Alzheimer's disease which so many of them seem to be suffering from.

Hon Derrick Tomlinson: Selective Alzheimer's disease.

Hon P.G. PENDAL: Yes, and it is serious because we still do not know what the genius members of the Government did with the money. The people will pursue every member opposite at the next election and it is not only members like Mrs Davenport who have to be worried.

Hon Tom Helm: Will you get preselection?

Hon P.G. PENDAL: I have no way of knowing whether I will get preselection. No doubt my colleagues will address my merits on the night, and I hope that they will see some merit! In 1989 in the policy speech of the Labor Party we heard from Mr Dowding some statements which are most extraordinary - I can see that members of the Government recognise what will be quoted - with the benefit of hindsight. Let me tell members of Mr Dowding's response to the campaign environment of January 1989.

Hon Tom Stephens: Tell us what Premier Daglish said in 1905.

Hon P.G. PENDAL: These are the words of the most recent disgraced and dismissed Premier from the other side of the Parliament. Hon Derrick Tomlinson interjected earlier to remind the House about the pledge made by the Government to keep below the inflation rate the increases in major household items affected by State taxation. Mr Dowding talked about the economic choices confronting the people of Western Australia. After talking about those choices, he talked about the choices in personnel from the Opposition and the Government. He said -

But I believe there is a much more fundamental question facing the electorate.

Mr Dowding continued by saying there was no equivalent in the Opposition ranks of people like David Parker. I agree with him entirely; there has never been an equivalent in the ranks of the Liberal Party or the National Party to someone who must live in Hong Kong because he is so ashamed of what he left in this State.

Hon Derrick Tomlinson: There has never been an equivalent in the Western Australian Parliament.

Hon P.G. PENDAL: Mr Dowding did not stop at that, he said -

There is no equivalent in the Opposition ranks of people with the drive and energy of David Parker.

That will follow a few Government members into their graves. He then referred to Pam Beggs; she is a fine person to hold up as a model - the Minister for ice buckets and well known visitor to the Sorrento restaurant.

Hon Derrick Tomlinson: The Minister for ice buckets!

The DEPUTY PRESIDENT (Hon J.M. Brown): Order! I point out to the member, and to the member interjecting, that under our Standing Orders we must show respect to members in the other House of Parliament.

Hon P.G. PENDAL: Mr Dowding continued -

... there is nobody with the almost timeless wisdom of Joe Berinson ...

Hon John Halden: Hear, hear! We all agree with that.

Hon P.G. PENDAL: I will be glad to bring the report of this speech in *Hansard* to the attention of members opposite in a month or so, whenever the chickens come home to roost for the Attorney General in this place. The summary is that these words were spoken by a Premier now in disgrace and kicked out by the Labor Party, and they were written and spoken about a Deputy Premier who has been kicked out in disgrace, who now lives in Hong

Kong and whose wife is too busy to return to this State. They were written about a Minister in another place on whom I cannot reflect in view of the latest interjection, and they were written about an Attorney General who also has had the propensity to sit in Cabinet and hear no evil, see no evil and speak no evil. He also has the capacity to sit in an outroom of the Premier's department, a few feet from the action, and be unable to recall whether he attended certain meetings. That is the level of leadership that took us into the 1989 election.

Hon Bob Thomas: Look at the latest leadership polls.

Hon P.G. PENDAL: The Liberal Party took refuge in that same factor in 1982.

Hon Tom Stephens: That was before you got in. What happened from July?

Hon P.G. PENDAL: When Ray O'Connor had a 60 per cent approval rate in the polls - the highest rating of any Premier in Australia - many Liberal Party members, including me, thought the Liberal Party would get across the line, despite having a low party vote, because it had a popular Premier. Members opposite know what happened; the Liberal Government of that year was thrown out of office, notwithstanding the high poll of the Premier of the day. This Government will not be saved by a Premier whose rating is high.

Hon John Halden: You can wish what you like.

Hon P.G. PENDAL: I go to another part of my remarks on the whole question of juvenile crime. Some months ago one of my constituents was unfortunate enough to have his business broken into by four juveniles. Approximately \$11 000 was stolen and, if I recall correctly, my constituent was covered by insurance for \$2 000 of that. In anyone's language, it is difficult for any business to carry a loss of \$9 000. That person assumed that he would get some justice from the Children's Court. I am not one who believes that the Children's Court does everything wrong, but I believe sufficient public concern exists about the Children's Court to suggest that some review should take place. Certainly, if this case is anything to go by, an argument has been made for a review not only of the penalties, but also of the ethos of the Children's Court. It reflects very badly on the Children's Court that it should allow culprits of this kind to go free without ordering any level of restitution. The matter first came to my attention in the middle of 1991, following which I asked the Minister for Police question 551 of 12 June -

- (1) Whether the police have made any arrests in relation to this crime?
- (2) If so, have those charged been found guilty and if so, what sentences were given?
- (3) Has any restoration order been given?

Of course, I was referring to a restitution order in that question. I also asked -

- (4) Was any of the stolen money recovered?

The Minister replied that four juveniles had been charged; the matters had not yet been to the court but that restitution would be applied for; and that no money had been recovered. So far so good. That led me on 20 August this year to follow up the matter with the Minister for Police to see whether justice would be done in the case of that small business man whose business was pilfered to the extent of that sizeable sum of money. I asked in question 623 whether an application for restitution of the \$11 000 was actually made; and indeed it was. In other words, the police saw the matter as warranting an application for restitution on their part either to the magistrate or the judge; I am not sure who heard the case. I asked, "If so, what was the outcome of that application?" The answer given by the Minister to the House on that day was that no restitution was ordered. I have since been back to the person concerned, and that person has at least been able to establish for me that some of the parents of the children involved are not without some financial substance; yet here a major crime of that magnitude has been committed, and the victim, as is so often the case, has been thrown to the wolves. He has lost \$11 000, and any small amount that he may receive from the insurance policy that he had taken out would certainly not break the back of the major part of the loss that he has had to endure.

The next matter on which I want to touch is not unassociated because it is in relation to the issue of local crime and also comes from much the same neighbourhood around the Kensington area. There has been considerable concern on the part of my constituents in that

area who live near the Hurlingham Hotel. That hotel has been the subject of an extensive renovation. It is now a very impressive place, I am told.

Hon John Halden: It is.

Hon P.G. PENDAL: I am pleased to hear that. Unlike the member opposite, I have not had the opportunity to visit that hotel. It is often the case when progress is made in one area that there is regression in another. That renovation has led to many complaints from people who live in the vicinity of that hotel. All sorts of petitions have been circulating in the area, and the local authority has become involved through Councillor Norm Holtzman and other people. A number of people, including Mr Hilbert, have complained that they believe the police are not doing their job in policing this location. They have not been satisfied with the police response, and they have been in touch with the local authority and with me about this matter. I have now been in touch with the police, who informed me initially that everything was fine, and there was no problem. I get a bit irritated when I receive that response from an otherwise hard pressed Police Force. I would much rather that the police were up front and accepted that there was a problem; instead, they tend to want to interview the people who have lodged a complaint in the first place, generally minimise the difficulties that those people believe they are experiencing, and write back, as they have done to me on this occasion, by saying, in part -

In reply to your correspondence dated June 24, 1991 I have to advise that inquiries revealed that there has been no complaints received by either South Perth or Victoria Park police concerning patrons from the Hurlingham Hotel . . .

I found that odd, and so too did the people who complained to me. That resulted in a meeting with the acting inspector for the area, who gave us what we wanted in the first place; namely, some assurance that the complaints of these people would be taken seriously.

I now wish to touch on a matter concerning the administration of the State at the highest level; that is, the administration of the Electoral Act as it applied to the famous sausage sizzle at the last State election. One could discuss this matter ad nauseam because in many respects it has been discussed ad nauseam for the last two and a half years. I find it difficult to accept that in a society where public officials are charged with the responsibility of executing an Act -

Hon John Halden: They just did not do what you wanted.

Hon P.G. PENDAL: If the member walked into the local police station and said that he believed a murder had been committed down the street, the police would not send him out to do the investigation and tell him to come back when he had all the evidence and all of the alleged culprits.

Hon Bob Thomas interjected.

Hon P.G. PENDAL: The member should just listen for once in his life.

Hon Bob Thomas: Why should I?

Hon P.G. PENDAL: Because he may learn something.

Hon Bob Thomas: They are not there to do your work. You had the opportunity to take it through the courts. Why didn't you do that?

Hon P.G. PENDAL: The member should listen because I am trying to make an important point.

Hon Bob Thomas: You are trying to pass the buck.

Hon P.G. PENDAL: No, I am not, and if the member will just contain himself for a few minutes he will learn that is the very point I want to make. If a person knew that an offence had been committed - for example, against the Criminal Code - he would not expect to walk into the police station and be told that he should investigate it, and when he had put together all the evidence, come back with the dead body and -

Hon Bob Thomas interjected.

Hon P.G. PENDAL: The member should be quiet for once in his life. The squeaking from that member gets on my nerves.

That person is not told to go out into the community and do his own leg work. He is not told to find the murderer or the thief. However, in the case of the Electoral Commission that is precisely what we were told to do.

Hon John Halden: You first of all have to prove that there was a substantial breach of the law.

Hon P.G. PENDAL: I will go further than that and ask the member to arrange for the tabling in this House of the report of the Electoral Commissioner into this matter, because the member has to understand that we are dealing with matters of a most serious kind under the Electoral Act. It is bribery that is alleged.

Hon John Halden: That is right; it was alleged.

Hon Tom Stephens: A sausage.

Hon P.G. PENDAL: No, it is not just a sausage. The definition of bribery in the Act includes the supply of food, drink or entertainment, so it is no good minimising it and saying the people were only offered a hamburger. I am surprised, because the inference by way of that interjection is that the member actually admits the offence.

Hon Tom Stephens: No.

Hon John Halden: The Act also says you cannot transport people to a polling booth, but we never charge anyone under that.

Hon P.G. PENDAL: Section 179 of the Electoral Act commences -

To secure the due execution of this Act and the purity of elections,

That is what we are about.

Hon John Halden: That is right - take us to the court.

Hon P.G. PENDAL: No, that is the point. It should not be up to the complainant, in this case the Liberal Party, to pay its money. Hon John Halden knows that probably those allegations of bribery will never be cleared up, only because the complainants cannot afford to take it to the courts.

Hon John Halden: You won't go to court.

Hon P.G. PENDAL: The Government is in an impecunious state, now that it is not getting that which it had been getting from all those crooks around town. It had been kept alive by those people; and because the Liberal Party had to use its own, decently earned, income to do that, the Liberal Party has had to call an end to it at some point by saying there is simply no more money to pursue what is alleged to be a serious breach of the Electoral Act. Yet - and here I use the analogy - members opposite seem to think that it is good enough to say to a complainant who is complaining about a murder next door, "You get the body and find the alleged offender; you prove that the person did it." I am saying that if the Police Department were to do that we would have them up before the Bar of this House tomorrow, because we would say they are not doing their jobs; yet the Electoral Commission is not doing its job.

Hon John Halden: That is a scurrilous and outrageous thing to say. Step outside and say that.

Hon P.G. PENDAL: I do not have to step outside. I was elected to this place to say things that sometimes members opposite do not want to hear. I would hope that the Electoral Commissioner, Mr Smith, a person in whom I certainly have confidence, might give the Parliament some sort of report as to what action the Electoral Commission took in respect of those sausage sizzle allegations. While the matter has been trivialised by some people, particularly the media, referring to it as the sausage sizzle, those allegations nonetheless remain amongst the most serious breaches that can possibly occur under the electoral laws of this State and this nation.

Hon Tom Stephens: You belong to the party that tried to corrupt the electoral laws. Don't you stand there on your high horse.

The DEPUTY PRESIDENT (Hon John Caldwell): Order! I believe some members in this place do not particularly like what is being said by the member on his feet, but they must listen to it. They will have an opportunity to contribute to the debate later on.

Hon P.G. PENDAL: Thank you, Mr Deputy President. Perhaps the anger the member expresses is an indication of just how sensitive Government members are on that matter. They say, "Oh well, there might have been other election results around the State that caused a lot of public interest", but nowhere in Western Australia was it alleged that such a serious breach of the Electoral Act occurred. We are talking about alleged bribery, and it is a sign of the times and of the standards, or lack of them, of this Government that it can possibly allow serious allegations of that kind to hang over it.

Hon Tom Stephens: You and your cohorts sat in the Cabinet room drawing crooked lines on maps to get into office and to corrupt the electoral laws.

Hon P.G. PENDAL: Two and a half years after the event, we find that the allegations contained in those original complaints still have not been dealt with satisfactorily.

I want now to deal with a final matter to do with my electorate. It is another area of gross neglect on the part of the Government, and again arises out of the Government's inability to find money because it has all gone to its rich friends down in the Terrace. Probably the most important industrial heritage site in Western Australia is the South Perth Mill.

Hon John Halden: You got absolutely burnt to death on that one.

Hon P.G. PENDAL: That building was erected in 1835 and has been maintained in the last 40 years or so without one dollar from the public purse. The money has been donated by Bristile Ltd and I want to place on record my congratulations to that company for having carried the can for so long. Not only has it been responsible for the annual maintenance of the Old Mill, but also every four or five years a larger measure of maintenance has been required and Bristile has met those costs as generously as it has met the earlier ones. The recession meant that Bristile simply could not afford to keep spending that money, which amounted to about \$35 000 a year. Therefore, Bristile contacted the South Perth City Council, the South Perth Historical Society and others, to say that the time must come when it no longer looked after that maintenance. That led me, as one of the local members but also as the President of the South Perth Historical Society, to write to the Minister for Heritage on 9 April this year to put a proposition that was not unreasonable; that is, to ask the State Government to meet the very modest commitment of one half of the annual maintenance cost, about \$17 500, while the South Perth City Council met the other half. A detailed case was made out to the Minister for Heritage.

Hon John Halden: He gave you a beating on it, didn't he? He made you look like an idiot.

Hon P.G. PENDAL: I will come to that. That left the Government in a position where it had to react as to whether it would make any contribution, bearing in mind that it had spent the last two or three years telling the owners of private heritage properties in Western Australia that they had to fall into line once the Government's new heritage Bill became an Act of this Parliament. What we found, as so often before, was a case of, "Do as I say but not as I do."

Hon John Halden: Did we fund it or not?

Hon P.G. PENDAL: The months went by and the most that the local community received from Mr McGinty was an interim response saying that he would look at it. Time ticked by and Bristile simply had to make a decision to pull the plug. At that stage the South Perth City Council had agreed to contribute its half of the cost, but the Government was not agreeable to producing its half.

Hon John Halden: What did the Minister say?

Hon P.G. PENDAL: I will tell the House right now what the Minister said. The only way we received an answer was to kick up a fuss publicly, which led to the Minister for Heritage's being invited onto Verity James' ABC program with me, where the Minister, after a silence of four months, agreed to do what he had refused to do to that point.

Hon John Halden: It is rubbish, and you know it is rubbish. We were never going to allow what you describe as a valuable asset to go to rack and ruin, and you know it.

Hon P.G. PENDAL: That is precisely what the Minister had in mind, and were it not for the intervention of the ABC program that matter would still not be resolved now. It is little enough late enough, but I suggest that the Government should lift its game very substantially on the question of heritage buildings that it owns. It has been pontificating for four or five

years that I know of, and telling private landowners how they should behave in respect of their own heritage properties. However, at the same time that it has been pontificating, it has been allowing major heritage properties that it owns to go to rack and ruin. We saw it with the Earlsferry building at Bassendean, where the Government was prepared to let the building fall into a state of disrepair so that it could bulldoze it and save itself the restoration and maintenance costs. The Opposition applied pressure and ultimately the Government was forced into having to spend the restoration money. However, it does not stop there. Nothing has happened out at the Swanbourne Hospital and Montgomery Hall complex at Mt Claremont. That complex is a magnificent piece of State heritage which the Government said it would demolish. It stepped back from this move as a result of public protest. However, the Government has not learnt a good lesson. If it cannot do something by legal means, it will find other, less meritorious ways of achieving its goals. It has allowed Swanbourne Hospital and the Montgomery Hall estate to fall into a state of disrepair. They will be ruined within 12 months unless the Government is prepared to bite the bullet. Less than 12 months ago the Government was snubbing its nose at the Nedlands City Council -

Hon B.L. Jones: Do you mean thumbing or snubbing its nose?

Hon P.G. PENDAL: The member should clean her ears! Montgomery Hall does not have a window left - the vandals have seen to that - and the associated buildings on the estate are in the same condition. The rain is entering the building, which is arguably one of the most important of its kind anywhere in Australia. However, this Government, which has been pontificating so much regarding heritage buildings, continues its merry business and finds ways of ignoring the wishes of people to whom it should have listened.

The Government has managed to off-load its responsibility for the Old Mill Theatre from the Heritage Council to the Department of Conservation and Land Management. Goodness knows how CALM is expected to manage that! It does not have the money to perform its own responsibilities. This is a bitter pill to swallow, and local people agree with me. One of the most important pieces of industrial heritage in this State has been palmed off to CALM. I found it interesting that the Minister for Heritage, Mr McGinty, went to the site and said that the Government had always intended to fund the project. However, he was not aware that an officer from the Heritage Council had indicated a few weeks earlier that no money was available for the Old Mill. This officer made the Minister look an absolute dill - that is appropriate for that is the way the Minister has been behaving. I hope the Minister for Heritage has learnt a lesson as a result of that episode, because people in South Perth, at the National Trust and those who are dinkum about heritage matters in this State will not let the Government get away with the destruction of heritage property. Every time the Opposition sees a major Government-owned heritage building falling into rack and ruin, it will do what it can to rectify the situation. This was done with Earlsferry House, and will be done with the Old Mill. We also hope we to have a successful result with the Swanbourne Hospital and Montgomery Hall.

The Government is broke as a result of its activities, and it is not right that the people of Western Australia should keep paying for the Government's mistakes. I support the motion.

HON TOM HELM (Mining and Pastoral) [9.55 pm]: It is always difficult to follow the deputy leader of the Opposition.

Hon P.G. Pendal: "Mr Pendal" will do.

Hon TOM HELM: The honourable member made observations about speeches made by members on this side of the House; however, he failed to congratulate the Treasurer for introducing this Budget.

Hon P.G. Pendal: It is a crooked Budget.

Hon TOM HELM: The lack of congratulations can be forgiven in the light of the congratulations flowing from members of the business community and the Press, who have termed this package the "steady as she goes" Budget.

Hon Derrick Tomlinson: "Steady as she goes down" Budget!

Hon TOM HELM: The Leader of the Opposition is under no threat from pompous and pious Phil. After hearing the member's speech the Labor Party has no worries from Mr Pendal at the next election because his speech indicated that he has not learnt the lessons of 1983. The

people of Western Australia will react at the next election in the same way as they did in 1983.

Hon E.J. Charlton: They are too broke to react in the same way as in 1983.

Hon TOM HELM: We will come to that. We have the highest unemployment and youth unemployment rates for many a year, and this Government should be reeling under the blows from this Opposition.

Hon P.G. Pental: The polls indicate a 35 per cent support for the Government - for the bunch of crooks.

Hon TOM HELM: I have seen better attacks from a feather duster than the ones made by the Opposition on this Government. Members opposite referred to a former Treasurer being in favour of a consumption tax; however, let us consider the alternatives provided by members opposite. We still have no detail from the Opposition regarding the consumption tax.

Hon Barry House: John Hewson is outpolling Bob Hawke - he cannot be doing too badly.

Hon TOM HELM: In 1982 Rocky O'Connor had a 60 per cent recognition rate in Western Australian polls and the Liberal Party certainly did not win the next election. We can seek comfort in polls and we can dismiss them as only polls. However, we are attempting to discover a Liberal-National Party policy which would take us out of the recession and into the sunshine. The Opposition has had very little to tell us about the consumption tax, and very few other policies have been forthcoming. What is being said about the consumption tax? Recently at their annual conference the members of the Young Nationals asked questions about the consumption tax. Nobody was able to provide answers so it was decided to support the tax with reservations. This was followed by the Queensland Liberal Party conference at which questions were asked about the consumption tax. Again no answers were provided. However, the conference decided to support the consumption tax without reservation! This group does not know what the package contains, but it accepts it anyway. At least the National Party placed some reservations on its support. At least it seems to understand what the ordinary men and women need and that a consumption tax would be detrimental to their livelihoods. No evidence has shown that a consumption tax has been beneficial in other nations.

Hon E.J. Charlton: That is not what Sir Roger Douglas from New Zealand said today.

Hon TOM HELM: I heard what the Canadian visitor said. Dr Hewson, the leader of the Federal Opposition - Ferrari John - said that at least it would help Australia earn some taxes from the black economy. However, the visiting Canadian tax expert said at the Law Asia Conference that no such thing happened and that the people of Great Britain have had a consumption tax since 1979 and that has not stopped the black economy. The people who are hurt the most by a consumption tax are the people on lower incomes; the ordinary working men and women. I do not know how the tax will fit into the "one Australia" image the Liberal Party talks about. I do not know how it will work with the exemptions being asked for by the National Party. We have not been told. Hon George Cash gave a rambling criticism which was not even very strong. He referred to unemployment about which we should all feel ashamed. We do. However, he gave no alternatives.

Hon George Cash: I did. You failed to listen, or more than that, understand them. I talked about the need to create job opportunities and to create economic growth. I was not referring to the consumption tax.

Hon Tom Stephens: Do you subscribe to the consumption tax?

Hon George Cash: Yes, strongly.

Hon TOM HELM: I wonder whether the Leader of the Opposition meant we needed economic growth brought about by -

Hon George Cash: I will have to send you some briefing notes so that you fully understand the matter.

Hon TOM HELM: I have read the *Hansard*.

Hon George Cash: It is certainly a goods and services tax; but more than that it is a tax reform package.

Hon TOM HELM: The National Party will be pleased to receive a copy of the briefing notes on the consumption tax. Lessons can be learnt from the several nations which have it and they will be able to provide an example of how it works.

Hon Garry Kelly: Eric Rissstrom of the Australian Taxpayers Association said Dr Hewson was the only politician prepared to build a house without a back door.

Hon TOM HELM: I would have thought the Leader of the Opposition -

The DEPUTY PRESIDENT (Hon John Caldwell): Order! The cross-Chamber debate is getting completely out of order. We are hearing quite enough debate from Hon Tom Helm at the far end of the Chamber. People must listen regardless of whether they like what he is saying.

Hon TOM HELM: The Leader of the Opposition may have made reference to economic growth but he did not quote *The West Australian* of 30 August when, as part of comment on the Budget package, we were told about a triple treat on the home construction front. In other words, there would be \$42 million injected into public housing schemes which would bring about 9 000 jobs. That means the opportunity is provided for economic growth, not from buying office blocks or buying or selling shares, but from building houses for people in which they can live. That is not something the Opposition wants to quote. It wants to tell us about the need for economic growth, but will not highlight the areas which show solid economic growth.

While on the subject of quotes, I am grateful to Hon Fred McKenzie for providing me with tomorrow's copy of *The West Australian* where on page 12 under the heading of "Labor climbs back in polls" -

Hon Derrick Tomlinson: Polls are just polls - you have just told us that.

Hon TOM HELM: We must not confuse the matter. I take no notice of polls. However, for the sake of quoting some facts - members do enjoy my speeches but they encourage me to digress from time to time - the report states -

Mr Hawke and Opposition leader John Hewson both dropped one point in popularity to 38 and 47 per cent respectively.

But Mr Hawke kept his lead of 45 per cent to Dr Hewson's 41 per cent on preferred Prime Ministers.

My colleagues on the other side of the House may have been somewhat remiss in not congratulating the Premier for bringing down a "steady as she goes" Budget, as I think the leader of the National Party described it. That was similar to descriptions given by various commentators and prominent business people in the community. It is encouraging to know that, when money is scarce, at least rates and taxes are not being increased over and above the CPI.

Hon E.J. Charlton: Who has not increased them above the CPI?

Hon TOM HELM: The Government.

Hon E.J. Charlton: Goodness gracious, don't you know what happened at the beginning of the year? Until the time of the Budget the Government had increased taxes by 400 per cent.

Hon TOM HELM: I am trying to explain to the House what was not said by members opposite. I did not hear them saying rates and taxes had not gone above the CPI. Supporting Budget documents supposedly confirm that fact.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon TOM HELM: I am speaking to the Budget as best I can. I cannot talk about the next Budget or the previous Budget.

Hon E.J. Charlton: You can talk about what happened before the Budget.

The DEPUTY PRESIDENT: Order! Hon Eric Charlton will come to order. Hon Tom Helm should address the Chair.

Hon TOM HELM: Mr Deputy President, I always address the Chair. Another Liberal

measure - not one mentioned by the Leader of the Liberal Party, but which may have been alluded to by the Leader of the National Party - to get the country back on its feet and to help unemployment is its plan to stop paying the dole to people after they have been receiving it for nine months. I am sure many people know that the National Party, at its recent national conference, disagreed with the concept of taking the dole away from people after nine months. What a time to propose a move like that - when Australia has the highest general unemployment and youth for a long time!

Hon Derrick Tomlinson: Why did your Government take the dole away from 16 and 17 year olds?

Hon TOM HELM: The reason is that there was a hue and cry from the Opposition that most of the youth in this State were dole bludgers and were not looking for work. To make sure that scurrilous accusation was not true the Government called it Job Search instead of the dole. It put an obligation on the youth to prove that they wanted work, and if it was not available they were granted the benefits to which they were entitled. The Liberal Party's comments indicate that when in Government it never experienced the level of unemployment with which this Government is confronted or the threat of people not only having their standard of living reduced but also their homes taken from them.

Hon P.G. Pendal: The chance of our children experiencing unemployment has certainly improved under your Government!

Hon TOM HELM: As a way to make our children appreciate that, should we take the dole off them after nine months? I can say that the National Party represents the rural areas and understands the meaning of unemployment. It rejected the Liberal Party's proposition out of hand because it does not believe that taking the dole off people after they have been on it for nine months is the way to go. I am proud of the National Party for saying that.

Things are occurring which do not make the Government look good and which should see it under some form of attack. However, so far there has been no attack which frightens me from the front bench of the Opposition. Hon George Cash can sit safely in his seat because the member on his left presents no threat to him. He will be lucky if he is pre-selected, especially if it comes down to the contribution he made to this debate.

The unemployment statistics for Western Australia compared with those for other States is high and the reason which could be given for that is that Western Australia has a high employment participation rate. It has been proved by the Australian Bureau of Statistics that Western Australia's participation rate increased from 65.2 per cent of the population to 66.2 per cent between February 1983 and August 1991. Therefore, when there is a hiccup in the economy, such as a recession, the figures will obviously show a higher percentage unemployment figure. That is what happened in Western Australia. The rate of unemployment is falling gradually because the Premier has not included in the Budget measures which will create Mickey Mouse jobs and she should be congratulated for that.

The Budget provides for a 22 per cent increase in housing starts. That is not bad when one considers that Western Australia is the most popular State in Australia. People from other States continue to come here to live and they will create a good foundation for this State when the economy turns around. Retail sales in this State have increased by 2.4 per cent. The indicators are that we are coming out of the recession, and the House should be aware of that.

I refer now to the hysterical outburst by the Opposition to some of the development projects around the State. Opposition members have the ability to charge and find guilty without trial people who stand in the way of what they describe as economic or socially acceptable forward planning. I bring to the attention of the House the proposed development at Marandoo. Some members in this place will be aware that I have taken the position of anti-developer or anti-Hamersley Iron Pty Ltd, my former employer, and I want to make my position clear. The nods from the Noddies opposite indicate they believe that to be the case. One of the reasons the Labor Party has lasted for 100 years with its proud traditions is that it has always stood up for the little man and for those people who are less able to take care of themselves. The Aboriginal Heritage Act, which some people are coming to grips with, has given the Karjini people in Onslow the ability to express their opinion about the way in which the Act is being interpreted in relation to Marandoo. I do not know whether they are

right or whether Hamersley Iron is right, but one of the reasons I am proud to be a member of the Labor Party and an Australian is that both have a worldwide reputation of having the ability to look after the person who is least able to look after himself. Developers, with their wealth and facilities, have the ability to undermine the traditional owners of the land and they do not give them the opportunity to express their opinions. I do not mind whether people say they are anti-development as long as they can prove it conclusively. I will not comment on Yakabindie because I know nothing about it, but I am in a position to comment on Marandoo because I have lived at Paraburdoo, Tom Price, Karratha and now at Port Hedland and I know the Karijini people and they are not militant or anti-development.

In referring to the Education budget members opposite have failed to mention the opportunity presented by the Government to young people to obtain the necessary work skills and life skills to enable them to enter the work force.

Hon Barry House: I thought they would rather have a job.

Hon TOM HELM: Of course they would. I did not like school and I wanted to leave early. The leader of the National Party in this House thought this program was a waste of time and that the schools chosen to trial the project had been doing so for a long time. The Government has made a strong move to take the Ministry of Education away from its ivory tower existence and into the twentieth century to give parents the opportunity to have a say in their children's education. Not only that, but also children should be exposed to disciplines which are not necessarily work related but which emphasise developing skills that will provide them with an opportunity to get into the workplace. That is another matter about which the Government should be congratulated, although nobody has done that so far. We are perhaps guilty of taking some things for granted.

The leader of the National Party asked for the pipeline from Lake Argyle to be progressed as soon as possible. However, he did not congratulate the Government for spending \$50 000 on a feasibility study into an idea considered by 99.5 per cent of the population in the north west as the greatest idea since the pipeline to Kalgoorlie. The rabbit-proof fence is 1700 kilometres long and runs across the nation from north to south. People said it was a ridiculous idea that would cost too much. All the things the knockers raise in relation to the pipeline from Lake Argyle were raised in relation to the rabbit-proof fence, which does its job to a greater or lesser extent.

Hon D.J. Wordsworth: As the member says, "to a greater or lesser degree".

Hon TOM HELM: Many people said that it was impossible to build that fence.

Hon D.J. Wordsworth: They said it would not keep the rabbits in.

Hon TOM HELM: It keeps a lot of them in. It is the longest fence in the world. It cost a lot of money. Whether it does its job is another thing altogether. We know that a pipeline from Lake Argyle would bring enormous benefits, particularly to inland Australia. If Australia continues to be a doughnut populated just on the coast we will always be vulnerable to attack from the outside. We will also always be using only a small proportion of this country. Apart from the obvious advantage of a continuous, good water supply with such a pipeline, there is also the water supply to Adelaide. We would be able to green the desert and to do what was done in the Middle East; that is, use this asset to its greatest advantage. It is an opportunity we should grasp with both hands. If it is not a great opportunity, I do not know what is!

We have the largest man-made lake in the world and should be using that asset. It has been demonstrated that we can and should use it. I agree with the leader of the National Party that all the knockers should stop whingeing and start looking at this project positively. Building such a pipeline would provide employment opportunities. I do not agree with the National Party's idea that the pipeline should be built with shovels and wheelbarrows; it could be built using modern technology and still employ many people until we get into an upswing away from this recession.

I turn now to a matter raised at the National Conference of the Australian Labor Party held in Hobart in June; that is, the move towards a republic of Australia in the year 2001, the centenary of federation. This matter should be fully debated. Many people not born in this country and who come from countries without Royal families want an opportunity to feel they are Australians in every way. The ALP is to be congratulated for using its initiative to

bring forward this debate. Before Australia can become a republic we must get rid of some of the myths about republics. We should start with a positive attitude and get rid of some of the questions put by people opposed to getting rid of the monarchy.

I will dispose of a few of the objections by answering some of the questions raised. The first question raised was whether, if the majority of Australians wanted to retain the monarchy, we should change. The answer is clear, that we will not change until a referendum is held, and no referendum will be held unless the people of Australia indicate they want to be a republic. The next question is whether Australia would adopt a presidential Government like that in the United States. The answer to that is no, because we could appoint our own head of state and remain a parliamentary democracy as we are now. There is no need for us to take up the American tradition. We can keep our present parliamentary system and make a choice about who we want to be head of state rather than having the present situation where the titular head of state has more power than the head of state he represents; in other words, the Queen's representative in this country has more power than the Queen. If one considers that argument one sees that it is a good reason for us to become a republic.

The next question is whether we would continue our friendly relationship with Great Britain. Of course we would, if we were treated as an equal. There is no reason why Great Britain cannot remain warm and friendly towards us. However, it appears that Great Britain does not value our friendship much because of its moves into the common market. We already have a common agricultural policy and know the effect of that; the National Party more than others would know of that effect. The Eurodollar exists, so a common currency is developing.

The common market is now suggesting a combined armed forces for Europe. Therefore, there is no good our asking whether Great Britain will remain friendly to us. It is rather whether it will ever become friendly to us. If any more steps are taken to integrate Great Britain into the European community one wonders who the Queen of Australia will be representing when she comes to Australia - Great Britain as an independent, sovereign nation or a Great Britain that has given its currency, agricultural policies and armed forces to the control of a number of foreign nations. Who would the Queen of Australia represent then?

The other question is whether Australia should leave the Commonwealth. I am a strong believer in the Commonwealth Parliamentary Association and the things that the Commonwealth has done and can do. I believe that the Commonwealth would be strengthened and we would stay within it as a useful contributor to the things it does. Questions have also been raised about a constitutional monarchy in which the monarch is loosely a figurehead. That works well in some European nations and some people ask why we cannot leave it at that. In the European nations the monarch lives in the country. Our monarch lives 12 000 miles away. She comes to Australia whenever she can, I am sure. However, I do not miss her visits much. If we want a monarchy it may be that we should appoint someone who lives here. That would be a good start to being represented here.

Hon W.N. Stretch: King Tom I.

Hon Graham Edwards: I am going to introduce him to my friend Normie Rowe.

Hon TOM HELM: If members were pragmatic about the issue, what difference would it make if we abandoned the monarchy and became a republic? If we look at places like Canada, India and various other nations which have become republics, we will find that they have managed very well; they have made their marks, and they have made their independence felt by other nations. The most visible change which would take place is that the flag of another country would be taken out of this country's flag and we would have our own. Another question would be whom we would elect president of the republic.

Hon Barry House: Are you sure that Canada is a republic?

Hon TOM HELM: Yes, most certainly. In fact, because Canada is a republic, Quebec is able to secede, and that is causing problems. All will not be sweetness and light.

Hon N.F. Moore: I think you have made a mistake.

Several members interjected.

Hon TOM HELM: That is why Canada has removed the Union Jack from its flag.

Hon Barry House: I think you will find that the Queen is still Queen of Canada.

Hon TOM HELM: The honourable member has a speech to make.

Several members interjected.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order! May I say from the Chair that Canada has a Governor General.

Hon TOM HELM: A number of questions are being asked, and they are very simply answered. Anyone who has lived in a country where a monarchy exists will know, as happens to a certain extent in Australia, that conservative views and ideas are predominant, and the ability to take on new concepts is something which a nation's psyche has difficulty in grasping. If we are to compete in the world, if we are to be Australians, if we are to accept the fact that the United States wants to secure and has made some steps towards securing the world market for agricultural products - it alleges as a result of the activities of the European Economic Community - we must learn that because of where we live and whom we live with we must compete and make our own contribution.

It is sometimes said that, because we are a monarchy, when we sit at a table with our Asian neighbours to discuss trade agreements they laugh at us behind our backs. We must be one of the few nations now which has a monarch in another country. We must be the only nation which deals in the Pacific region and has a monarch living 12 000 miles away. Perhaps we should go out into our constituencies and talk about the need for that sort of monarchy and the need for us as Australians to stand on our own two feet.

Hon Derrick Tomlinson: We should have our own monarch.

Hon TOM HELM: It would be far better than having a pommy one. I remind members that we have something to be proud of in the Budget brought down by this Government. There are some positives if we realise it is a steady as we go Budget, given the economic climate. The Government should be congratulated on it.

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

House adjourned at 10.34 pm

QUESTIONS ON NOTICE

STATE GOVERNMENT INSURANCE COMMISSION - WEST COAST EAGLES
Sponsorship Trips

427. Hon PETER FOSS to the Leader of the House representing the Minister assisting the Treasurer:

With regard to the first agreement for sponsorship between the SGIO and the West Coast Eagles, how many trips out of this State under the arrangements of that sponsorship have been taken by persons, excluding from any category any trips that have been covered in any earlier category, who are -

- (a) directors of the SGIO;
- (b) relatives of (a);
- (c) executives or officers of the SGIO;
- (d) relatives of (c);
- (e) Ministers of the Crown;
- (f) relatives of (e);
- (g) executives or officers of Government departments;
- (h) executives or officers of Government authorities;
- (i) representatives of the SGIO's 10 largest non-Government customers;
- (j) representatives of the SGIO's 100 largest non-Government customers;
- (k) representatives of the SGIO's 1000 largest non-Government customers;
- (l) representatives of companies considered potential substantial customers of the SGIO; and
- (m) others?

Hon J.M. BERINSON replied:

The Minister assisting the Treasurer has provided the following reply -

- (a) 20 trips.
- (b) 4 trips.
- (c) 19 trips.
- (d)-(h) None.
- (i) 7 trips.
- (j) 4 trips.
- (k) None.
- (l) 3 trips.
- (m) 14 trips.

PILBARA STUDY STEERING COMMITTEE - PILBARA STUDY WORKING
GROUP
Members

640. Hon N.F. MOORE to Hon Tom Stephens representing the Minister for State Development:

- (1) Who are the members of the Pilbara Study Steering Committee?
- (2) Who are the members of the Pilbara Study Working Group?
- (3) Has a private consultant been engaged by the study and if so -

- (a) who is it; and
- (b) what is the anticipated cost of the consultant's commission?
- (4) What is the anticipated cost of the Pilbara study?
- (5) What resources, other than those normally provided to members of Parliament, are to be provided to the member for Pilbara (Mr Graham) and the member for Ashburton (Mrs Buchanan) to carry out the function of co-chairmen of the study?

Hon TOM STEPHENS replied:

The Minister for State Development has provided the following reply -

- (1) Larry Graham MLA, Pam Buchanan MLA, Peter Hardie, Terry Baker, Jack Marks, Di Furniss, Don Bartlem, John Morrell, Fred Riebling, Ellis Robbins, Harry Butler, Karen Jose, Stuart Hohnen, John Mills.
- (2) Representatives of -
 Aboriginal Affairs Planning
 Department of Planning and Urban Development
 Department of State Development
 WA Tourism Commission
 Department for Community Services
 Department of Conservation and Land Management
 with secondments as needed from -
 Health Department
 Ministry of Education
 Department of Transport.
- (3) No.
 (a)-(b)
 Not applicable.
- (4) \$185 000.
- (5) Nil.

SCHOOLS - AIR-CONDITIONING, CARNARVON *Government Policy*

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

- (1) What is the Government's policy on air-conditioning schools in Carnarvon?
- (2) In what period of time will the air-conditioning be carried out?
- (3) Which schools are involved so far?
- (4) When will total air-conditioning be completed?

Hon KAY HALLAHAN replied:

- (1)-(2)
 The Ministry of Education is committed to air-condition each of the schools in the Carnarvon town site with the work to be staged over a number of budgets. Priorities for the program are being determined by the Carnarvon Joint Parents and Citizens' Committee in conjunction with the Building Management Authority.
- (3) To date, the demountable classroom at Carnarvon School of the Air, the libraries and preprimary centres at Carnarvon and East Carnarvon Primary Schools, the library at Carnarvon Senior High School and the performing arts area of the recreation centre have been air-conditioned.
- (4) It is intended to complete the program during 1994 subject to the availability of funds.

**BUILDING AND CONSTRUCTION INDUSTRY TRAINING LEVY - WESTERN
AUSTRALIAN MUNICIPAL ASSOCIATION**

Application and Collection Discussions - Road Construction

699. Hon W.N. STRETCH to Hon John Halden representing the Minister for Productivity and Labour Relations:

With regard to the building and construction industry training levy -

- (1) Has the Minister had working discussions with Western Australian Municipal Association with regard to the application and collection of the levy?
- (2) Can the Minister affirm that the construction levy will not apply to, and was never intended to apply to, road construction and reconstruction projects?
- (3) Has the Minister received figures showing the financial impact of the levy on the State's scarce road construction funds?
- (4) Will the Minister make the most urgent and strenuous efforts to ensure that -
 - (a) road construction expenditure is exempted from the levy; and
 - (b) that the full cost of collection of the levy is reimbursed to local Government authorities?

Hon JOHN HALDEN replied:

- (1) In the development of the training levy and associated legislation, discussions were held with the Western Australian Municipal Association over a lengthy period both in regard to the application of the Building and Construction Industry Training Fund and Levy Collection Act and the levy collection mechanism under the Act. The association has a representative on the statutory board established under the Act to administer the fund. The association supported the application of the Act and the use of local government authorities as levy collection agencies. However, the final decision as to whether a local government authority participated as a levy collection agency remained the decision of individual local governments.
- (2) The definition of "construction work" for the purposes of the Act applies to road construction and reconstruction projects. However, there is an exclusion under this definition, to the carrying out of maintenance or repairs of a routine or minor nature by employees for an employer who is not substantially engaged in the building and construction industry. Negotiations are being held by the Building and Construction Industry Training Fund Board with the WA Municipal Association to reach a clear understanding of what is maintenance in respect of roads and could be excluded under the above provision.
- (3) Yes. However, the objective of the BCITF levy is to increase the quantity of skilled workers and improve the quality of training in the industry. The industry elected to contribute to the State levy rather than the Commonwealth training guarantee levy as the State levy is retained in Western Australia and expended by the industry board for the benefit of the State's building and construction industry work force.
- (4)
 - (a) The Building and Construction Industry Training Fund and Levy Collection Act does not empower the Minister to grant exemptions under the Act. However, the Act enables regulations to be made on the recommendation of the BCITF board, excluding any work from the definition of construction work. Thus the board would have to consider any application for exemptions.
 - (b) The board also determines the payments to levy collection agencies and I understand agreement was reached between the board and the association on this matter.

ABORIGINAL LAND - MAP TABLING

716. Hon N.F. MOORE to the Minister for Education representing the Minister for Aboriginal Affairs:

- (1) Will the Minister table a map of Western Australia showing all Aboriginal land (reserves, special purpose leases, other leases etc) in existence on 16 April 1985 when the Aboriginal Land Bill was defeated?
- (2) Will the Minister table a map of Western Australia showing all Aboriginal land (reserves, special purposes leases, other leases, etc) that exist now?
- (3) What was, and is, the total area of land held by or on behalf of Aboriginal people -
 - (a) on 16 April 1985; and
 - (b) now?

Hon KAY HALLAHAN replied:

The Minister for Aboriginal Affairs has provided the following reply -

(1)-(2)

Although a map of Aboriginal reserves, special purpose leases, and other leases is updated by the Department of Land Administration from time to time, there are no two maps for the times specified by the member. The most current map is tabled for the information of the member. [See paper No 681.]

- (3) (a) The total area of land held for the use and benefit of Aboriginal people in April 1985 was 19.047 million hectares.
- (b) At the present time, 25.958 million hectares is held for Aboriginal use and benefit. Over 80 per cent of the increase since 1985 comprises special purpose leases.

SCHOOLS - MAINTENANCE

Parents and Citizens' Association Responsibility

720. Hon N.F. MOORE to the Minister for Education:

- (1) Is it the Government's intention that the maintenance of schools becomes the ultimate responsibility of parents and citizens' associations?
- (2) If yes -
 - (a) will the Minister make a public announcement to this effect; and
 - (b) if the Minister will not make a public announcement, why not?
- (3) If no to (1), will the Minister advise why more and more parents and citizens associations are finding that if they do not carry out maintenance, very little, if any, is carried out?

Hon KAY HALLAHAN replied:

- (1) No.
- (2) Not applicable.
- (3) Parents and citizens' associations are under no obligation to carry out maintenance work at schools. Funding of \$75 million for maintenance and minor works programs over the next two years will ensure that extensive maintenance works will be undertaken at schools throughout the State.

PUBLIC AND EDUCATION ENDOWMENT TRUST - GNOWANGERUP
 AGRICULTURE CENTRE
Land Purchase Loan

739. Hon MAX EVANS to the Minister for Education:

The accounts of the Public and 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 -

- (1) Can the Minister advise whether the matter has been rectified?
- (2) Why is the Public and Education Endowment Trust purchasing land for an agricultural college?

Hon KAY HALLAHAN replied:

- (1) Yes. It was a project cost.
- (2) Under the Public Education Endowment Act 1909, the trustees have absolute discretion to provide grants for the purposes of public education. Gnowangerup Agricultural College is a unique school offering special courses and behaviour modification programs for students at risk and students with learning difficulties.

MOTOR VEHICLES - GOVERNMENT

Education Ministry

742. Hon GEORGE CASH to the Minister for Education:

- (1) How many cars are currently provided for use by staff in the Minister's office?
- (2) What are the makes and models of these cars?
- (3) How many of these cars have -
 - (a) Government licence plates; or
 - (b) private licence plates?
- (4) How many of these cars are provided for -
 - (a) official use only; or
 - (b) official and personal use?

Hon KAY HALLAHAN replied:

- (1) Three.
- (2) Toyota Camry Executive sedan, Ford Laser Hatch and Nissan Pintara sedan.
- (3) (a) One Ford Laser.
(b) One Toyota Camry and one Nissan Pintara sedan.
- (4) (a) One.
(b) Two.

SUPERANNUATION - THREE PER CENT OCCUPATIONAL SUPERANNUATION

Statutory Authority and Department Funds

762. Hon P.G. PENDAL to the Attorney General representing the Minister Assisting the Treasurer:

- (1) Can the Minister explain how the three per cent occupational superannuation for public sector employees is funded for -
 - (a) statutory authorities; and
 - (b) departments created under the Public Service Act?
- (2) If either of the classes referred to in (1) are not fully funded for three per cent occupational superannuation on a recurrent annual basis can the Minister explain -
 - (a) why this is not the case; and
 - (b) why the Government is so strenuously criticising some private employers who may not be paying occupational superannuation through economic necessity, or with the agreement of their staff?

Hon J.M. BERINSON replied:

The Minister assisting the Treasurer has provided the following reply -

- (1) Funding of the three per cent productivity superannuation benefit for public sector employees is effected in the same way that other superannuation benefits accruing under the Government Employees Superannuation Act are funded; that is -
 - (a) statutory authorities pay the appropriate employer contribution direct to the GES fund on a quarterly basis in arrears; and
 - (b) the liability for Public Service Department employees is met from the Consolidated Revenue Fund when benefits are paid.
- (2) (a) the arrangement in force in respect of CRF financed departments has been the policy of successive Governments since the late 1930s.
- (b) Government employees who are members of the Government employees superannuation fund have an entitlement to three per cent occupational superannuation and the benefits are paid when they become due irrespective of the method of funding. In contrast, many private sector employees with an occupational superannuation entitlement are not being provided with any benefits by their employers or advised of their entitlement. The Government has been merely alerting the public to their legal rights and obligations.

MT WALTON - WASTE DISPOSAL, STORAGE FACILITY PROPOSAL

770. Hon N.F. MOORE to the Minister for Education representing the Minister for Health:

- (1) Has a decision been made to construct a waste disposal/storage facility at Mt Walton?
- (2) If so, what is proposed for Mt Walton?
- (3) Have any other sites been investigated in Western Australia as an alternative waste disposal/storage facility to Mt Walton?
- (4) If so, where are they and why were they not chosen?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following response -

- (1) Yes.
- (2) (a) A storage facility for any PCBs and organochlorines not exported overseas.
- (b) Burial of radioactive waste from industrial, medical and other sources.
- (3) Yes.
- (4) Initially it was planned for Koolyanobbing; however, community concern at its proximity to the town and surrounding rural areas forced the Government to seek a more remote location. Three sites were investigated in the Mt Walton area, but the one chosen was the most suitable from geological, hydrogeological, archeological and environmental points of view. The Mt Walton site is truly remote from agricultural pursuits and habitation centres and located on a vacant area of Crown land.

SKYWEST AIRLINES - CUE SERVICE CLOSURE

771. Hon N.F. MOORE to the Minister for Police representing the Minister for Transport:

- (1) Is it correct that Skywest Airlines is to close its service to Cue?

- (2) If so, is it correct that the state of the airstrip is the reason for this decision?
 (3) What action is to be taken to upgrade the airstrip?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) Yes.
 (2) Yes. Deterioration of the runway surface has made it unsafe for Skywest aircraft to continue to operate to Cue.
 (3) The Commonwealth Government owns and operates the Cue aerodrome. The Commonwealth Department of Transport and Communications has been approached jointly by the State Department of Transport and the Shire of Cue with a request that repairs are made to the runway to enable Skywest to continue to operate.

LOTTERIES COMMISSION - COMMUNITY GROUP GRANTS

Members of Parliament Presentation

773. Hon N.F. MOORE to the Minister for Police representing the Minister for Racing and Gaming:

How does the Lotteries Commission decide which members of Parliament will present Lotteries Commission grants to community groups which have been successful in obtaining such grants?

Hon GRAHAM EDWARDS replied:

The Minister for Racing and Gaming has provided the following response -

There is no laid down criteria. Usually a member of Parliament who has made a representation on behalf of an organisation which has applied for a grant, and who has requested he/she be permitted to present the cheque for the grant, will be invited to do so. On some other occasions, where the situation warrants, the Premier, Minister for Racing and Gaming or a member nominated by the Minister to represent her, will participate in the presentation and/or notification of the grant. All members of Parliament who write to the Lotteries Commission in support of grant applications are advised in writing of the decision in order that they may inform the organisation concerned accordingly.

ROADS - FREIGHT RATES

Increase - Truck Registration Fee Increase

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

Is the Minister able to advise the likely increase in road freight rates as a result of the proposed increases in registration fees for trucks?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

No. The effect on road freight rates is unknown because while some registration fees are expected to increase, others are expected to decrease. The yet to be established National Road Transport Commission is due to recommend first stage charge levels for various truck types by March 1992, with implementation by 1 January 1993. The commission is required to set phasing in arrangements taking account of the impact of such charges on particular regions.

LEGISLATIVE COUNCIL - MEMBER REPLACEMENT LEGISLATION

797. Hon GEORGE CASH to the Leader of the House representing the Minister assisting the Treasurer:

With reference to the Premier's announcement on 16 May 1990 when she indicated to a joint sitting of the Parliament that legislation would be

forthcoming to ensure that a Member of the Legislative Council who left the Parliament in mid-term was replaced by someone from the same party, when will this Bill be introduced into the Parliament?

Hon J.M. BERINSON replied:

The Minister assisting the Treasurer has provided the following reply -

In the statement made on 16 May 1990 at the joint sitting to appoint a member of the Liberal Party to replace a Liberal Senator who had resigned, reference was made to two legislative initiatives. One was already proposed in the Acts Amendment (Resolution of Parliamentary Disagreements) Bill 1990. Advice was also given of an intention to introduce legislation to ensure that if a casual vacancy occurred in the seat of a member of the Legislative Council who was elected to represent a political party, then that party would be responsible for the appointment of the person to hold the seat until the next election.

These two proposals are related by the fact that final enactment must be approved by voters at a referendum. Unfortunately Western Australians were denied the opportunity to vote at a referendum on the significant constitutional reforms proposed by the Acts Amendment (Resolution of Parliamentary Disagreements) Bill because the Opposition defeated the Bill in the Legislative Council on 28 August 1990. While a package of referendum proposals which included significant constitutional reform could justify the expense of a referendum, the Government is of the view that the minor improvement of allowing a political party to appoint a replacement if a casual vacancy occurs from among its members of the Legislative Council does not warrant holding a separate referendum. A Government objective is to seek the approval of voters for constitutional reforms, including the method of replacement of casual vacancies in the Council, and consideration will be given to achieving that objective in this Parliament.

PUBLIC LIBRARIES - BUDGET CUTBACK

799. Hon GEORGE CASH to the Minister for The Arts:

- (1) Why has there been such a significant cut back in the Budget in respect of library book stocks?
- (2) How does the Government explain its previously stated policy in respect of supporting public libraries given the recent Budget cutbacks?

Hon KAY HALLAHAN replied:

- (1) The budget for the Library Board of Western Australia was reduced by 1.25 per cent over 1990-91.
- (2) The State Government will continue to ensure that new volumes are added to the public library stocks for the community. In 1991 over \$6.2 million was spent on 62 000 new volumes added to the library system.

TAFE - CENTRAL METROPOLITAN COLLEGE PERTH CAMPUS

Strategic Plan 1991-1993 Publication

800. Hon GEORGE CASH to the Minister for Education:

- (1) What was the total cost of producing the Central Metropolitan College of Technical and Further Education booklet entitled *Strategic Plan 1991-1993*?
- (2) How many copies were produced?
- (3) To whom is the publication directed?

Hon KAY HALLAHAN replied:

- (1) \$7 772.
- (2) 1 000 copies.
- (3) All 750 staff of the Central Metropolitan College of TAFE and certain members of the wider community.

TAFE - CENTRAL METROPOLITAN COLLEGE PERTH CAMPUS

Publications

801. Hon GEORGE CASH to the Minister for Education:

- (1) What is the total number of publications produced by the Central Metropolitan College of Technical and Further Education for distribution both to students and lecturers since 1 January 1991 to date?
- (2) What is the total cost of producing and printing these publications?

Hon KAY HALLAHAN replied:

- (1) Three: Metropolitan - monthly newsletter; Quality Focus - quarterly newsletter; Strategic Plan 1991-1993 - every three years.
- (2) Total cost of publications to date in 1991 is \$11 572.

MINISTERS OF THE CROWN - MINISTER FOR TRANSPORT

Employees Statistics

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

- (1) What is the total number of staff working within the Minister's ministerial office?
- (2) Of that number, how many are permanent public servants?
- (3) How many staff are employed under contract?
- (4) Is the Minister presently endeavouring to have any of her ministerial staff appointed as permanent public servants?
- (5) If yes, how many?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) Seventeen.
- (2) Eleven.
- (3) Six persons are employed on a contractual basis with one of these being a permanent public servant under secondment on contract to the Minister for Tourism. One other person is employed on a temporary relief basis.

(4)-(5)

As the member would know, there are rules and guidelines in place for the filling of vacancies and the appointment of permanent public servants. Any action taken by myself in this regard has been and will continue to be in accordance with the established practices.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT - NOISE
AMENDMENTS*Dog Barking*

805. Hon P.G. PENDAL to Hon John Halden representing the Minister for Productivity and Labour Relations:

With reference to the section of the Occupational Health, Safety and Welfare Act governing noise -

- (1) Are any amendments proposed relating to restricting the barking of dogs which become a noise nuisance for nearby residents?
- (2) If so, is it being considered that, if three complaints are received regarding a particular animal's prolonged barking, that action could be taken, for example, by the local authority?

Hon JOHN HALDEN replied:

The Minister for Productivity and Labour Relations has provided the following reply -

- (1) No. It may be that the member is referring to regulations under the Environmental Protection Act. If that is the case the matter should be referred to the Minister for the Environment.
- (2) Not applicable.

STATE SCHOOL TEACHERS UNION - SECRETARY
Qualified Teacher

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

- (1) Is the Secretary of the State School Teachers Union a qualified teacher?
- (2) Does he receive any salary from the Ministry for Education?
- (3) Is it technically possible for him to be employed part time as a relief teacher?
- (4) If so, would any payment for these services be in addition to his SSTU salary?

Hon KAY HALLAHAN replied:

- (1),(3)-(4)
Yes.
- (2) No.

BEADON HOTEL, ONSLOW - STATE ENERGY COMMISSION
Requests

819. Hon P.H. LOCKYER to the Attorney General representing the Minister for Fuel and Energy:

- (1) Has the State Energy Commission of Western Australia received any requests to examine problems associated with the Beadon Hotel in Onslow?
- (2) From whom were these requests received?
- (3) What was the nature of the requests?
- (4) What action has been taken on these requests?

Hon J.M. BERINSON replied:

The Minister for Fuel and Energy has provided the following reply -

- (1) Yes.
- (2) Mr Peter Green and Pam Buchanan, MLA.
- (3) Concern was expressed about the safety of the electrical installation.
- (4) Two electrical installation inspections have been undertaken by SECWA.

AUSTRALIAN NORTH WEST AIRLINES - NORTH OF WESTERN AUSTRALIA SERVICES
Commencement Date

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

- (1) Has the company, Australian North West Airlines, given an indication when services to the north of Western Australia will commence?
- (2) If so, what is its proposed timetable?
- (3) Has permission been given to operate to all ports presently serviced by Ansett WA?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

(1)-(2)

Australia North West Airlines Ltd has not confirmed when it may commence operating on the jet network.

(3) Australia North West Airlines Ltd has applied for a licence to service all ports on the Western Australian jet network. The licence will be granted when the aircraft have been acquired and issued with a registration mark.

EXMOUTH MARINA - VIDEO

Marine and Harbours Department

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

- (1) Has the Minister seen a video promoting the Exmouth Marina that has been produced by the Department of Marine and Harbours?
- (2) If so, has the video been used to promote the development with potential developers overseas?
- (3) Is the Government or the Department of Marine and Harbours negotiating with any potential developers at the present moment?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) Yes.
- (2) Yes, it was produced for this purpose.
- (3) Yes, but in the form of very preliminary discussions.

ABORIGINES - MUNGULAH COMMUNITY, CARNARVON

Pastoral Property Purchase Application

833. Hon P.H. LOCKYER to the Minister for Education representing the Minister for Aboriginal Affairs:

- (1) Has the Government received an application from the Mungulah Community in Carnarvon with a view to purchasing a pastoral property?
- (2) If so, which property was involved?
- (3) Have funds been allocated for such a purchase?
- (4) Is it correct that an alternative proposition has been put to the community?
- (5) If so, what is that proposal?

Hon KAY HALLAHAN replied:

The Minister for Aboriginal Affairs has provided the following reply -

- (1) Yes.
- (2) Mooka Station.
- (3) Funds were allocated. However, the vendor withdrew the property and these funds were redirected to other projects.
- (4) No.
- (5) Not applicable.

COX, MR IAN - SOCCER ADMINISTRATION OF WESTERN AUSTRALIA

Secondment

836. Hon BARRY HOUSE to Hon Mark Nevill representing the Minister for Mines:

- (1) Was, or has, Mr Ian Cox, a former adviser with the Minister's office, been seconded to duties in relation to the Soccer Administration of Western Australia?
- (2) If so, what are the current arrangements for Mr Ian Cox in respect of his previous position with the Minister for Mines, and contractually?

Hon MARK NEVILL replied:

The Minister for Mines has provided the following response -

- (1) No.
- (2) Not applicable.

TAFE - RESTRUCTURING
Salary Increase - Audit

837. Hon MURIEL PATTERSON to the Minister for Education:

- (1) When is the Chief Executive Officer of Technical and Further Education going to put the total plan for the restructuring of TAFE into writing?
- (2) Is the Chief Executive Officer of TAFE prepared to publish a time plan for the implementation of restructuring?
- (3) If so, when?
- (4) If not, why not?
- (5) Is the Chief Executive Officer of TAFE prepared to implement the three per cent salaries increase which has already been given to primary and secondary teachers?
- (6) If so, when?
- (7) If not, why not?
- (8) Has the chief executive officer's continued absence overseas been of any significant benefit to the TAFE organisation?
- (9) If yes, in what way has there been a benefit?
- (10) How long is it since TAFE has conducted an internal audit?

Hon KAY HALLAHAN replied:

- (1) The total plan for restructuring the Department of TAFE has been disseminated to TAFE staff on several occasions.
- (2) The restructure is ongoing in consultation with the State School Teachers Union. This process precludes the setting of a definitive timeline.
- (3) Not applicable.
- (4) As per answer (2).
- (5) TAFE lecturers received in 1990 the three per cent pay increase given to primary and secondary teachers under the structural efficiency principle. This was gained through the second memorandum of agreement ratified in October 1990.
- (6) As per answer (5).
- (7) Not applicable.
- (8) The Chief Executive Officer has spent a total of 19 working days overseas in the past 12 months. All such travel was spent attending internationally recognised work related seminars on management and education.
- (9) As per answer (8).
- (10) TAFE internal audits are ongoing.

BAINBRIDGE, MRS CARMEL - PROSECUTION

842. Hon REG DAVIES to the Minister for Corrective Services:

- (1) Does the Minister intend to intervene in the prosecution of Mrs Carmel Bainbridge following action brought against her by the Cottesloe City Council?
- (2) What is the daily cost of keeping a person in prison?
- (3) Does the Government condone the action taken by the Cottesloe City Council to send a ratepayer to prison for a victimless crime?

Hon J.M. BERINSON replied:

- (1) No. I have no authority to do so. I have, however, requested both Mrs Bainbridge's supporters and the Town of Cottesloe to consider alternative action to avoid imprisonment.
- (2) \$152.14 - average.
- (3) The Government's position is that imprisonment should only be considered as a penalty of last resort.

PERMANENT BUILDING SOCIETY - COOPERS & LYBRAND REPORT
Capital Hall Ltd - Exposure Elimination Referral

844. Hon GEORGE CASH to the Attorney General:

Did the Coopers & Lybrand report on the Permanent Building Society, prepared at the request of the Registrar of Co-operative and Financial Institutions, refer to moves by the directors of the Permanent Building Society to eliminate the society's exposure to Capital Hall Ltd and the consequential reduction in the level of inter-company loans to Bank Bridge Limited?

Hon J.M. BERINSON replied:

No.

PERMANENT BUILDING SOCIETY - ADMINISTRATOR APPOINTMENT
Attorney General - Directors' Discussions

846. Hon GEORGE CASH to the Attorney General:

- (1) Did any of the directors of the Permanent Building Society seek an appointment with or seek to speak with the Attorney General in the week leading up to the appointment of an administrator to the Permanent Building Society on 30 April 1991?
- (2) Why did the Attorney General not allow the Permanent Building Society management the period between the closure of business on Friday, 30 August 1991, and the commencement of business on Monday, 2 September 1991, to discuss the likely effect of the proposed appointment and an opportunity to explore other alternatives to the proposed appointment?

Hon J.M. BERINSON replied:

- (1) Yes, in the late afternoon of Friday, 30 August 1991 after the Registrar of Cooperative and Financial Institutions had spoken to directors on his intention to seek approval to the appointment of an administrator.
- (2) It was considered that the position had gone beyond the point where action could responsibly be delayed. Subsequent indications of possible alternatives by the former directors have not provided any basis that would have been acceptable on 30 August.

AIRPORTS - WITTENOOM
Closure

856. Hon N.F. MOORE to the Minister for Police representing the Minister for Transport:

- (1) Is it intended to close the airport at Wittenoom?
- (2) If so, why and when will the closure occur?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) The Commonwealth Government owns and operates the Wittenoom aerodrome. Negotiations concerning future ownership and operation of the aerodrome are taking place between the Commonwealth Department of Transport and Communications and the Shire of West

Pilbara. No decision on the future of the aerodrome has been made at this time.

(2) Not applicable.

**BICENTENNIAL ABORIGINAL CULTURAL AND HERITAGE CENTRE -
Funds**

860. Hon P.G. PENDAL to the Minister for Education representing the Minister for Aboriginal Affairs:

With reference to the Minister's answer given on 29 August 1991 to question on notice 705 in which she stated that the Bicentennial Aboriginal Cultural and Heritage Centre did not proceed -

- (1) What use has been made of the funds allocated for the project?
- (2) If the funds have not been allocated or applied, what is the current value of the funds?
- (3) What State Government agency is responsible for the administration of the funds?

Hon KAY HALLAHAN replied:

The Minister for Aboriginal Affairs has provided the following reply -

(1) The project did not proceed; consequently no funds were provided.

(2)-(3)

Not applicable.

**FISHING - DAMPIER ARCHIPELAGO
Crayfish and Coral Trout Professional Licences**

861. Hon GEORGE CASH to Hon Mark Nevill representing the Minister for Fisheries:

- (1) How many professional fishermen have been issued with a licence to fish for crayfish and coral trout in the Dampier Archipelago?
- (2) Are there any conditions attached to the licence and what are the conditions?

Hon MARK NEVILL replied:

The Minister for Fisheries has provided the following reply -

- (1) Twenty-eight endorsements have been issued under notice No 290 for commercial fishermen to take rock lobster by hand north of 21°44' south latitude. In view of the number of endorsements already issued I have instructed the Executive Director of Fisheries not to grant any further authorisations for the time being. There have been no endorsements issued in relation to the taking of coral trout.
- (2) For rock lobsters the conditions are -
 - (a) the specific licensed fishing boat from which the diver is authorised to operate is listed;
 - (b) permitted area is north of 21°44'S latitude;
 - (c) lobsters may not be landed south of Onslow except for one authorisation where approval has been granted to land at Exmouth.

FISHING - KARRATHA FISHING INSPECTOR

862. Hon GEORGE CASH to Hon Mark Nevill representing the Minister for Fisheries:

- (1) Does the Government have any plans to locate a fishing inspector in Karratha on a permanent basis during the current financial year?
- (2) If not, why not?

Hon MARK NEVILL replied:

The Minister for Fisheries has provided the following reply -

(1)-(2)

There is certainly a need to have more fisheries officers in the north west. As well as the management of the region's commercial fisheries, the recently released report by the Recreational Fishing Advisory Committee identified such a requirement and recommends the appointment of more fisheries officers to supervise the management of the recreational fishery north of latitude 26°S.

Whilst it is not proposed to locate a fishing inspector in Karratha this financial year, consideration will be given to enhancing the department's staffing levels in the north west next year.

FISHING - CORAL TROUT
Spear Fishing License Conditions

863. Hon GEORGE CASH to Hon Mark Nevill representing the Minister for Fisheries:

What conditions are required to be attached to a professional fishery licence to enable the holder to spear coral trout?

Hon MARK NEVILL replied:

The Minister for Fisheries has provided the following response -

Fisheries Act Notice No 290 requires that any professional fisherman wishing to use diving apparatus to take fish for sale must obtain written authorisation to do so. No such authorisations have been granted in relation to the taking of coral trout.

STATE GOVERNMENT INSURANCE COMMISSION - ALLWOOD FURNITURE HOLDINGS LTD
Shares Allotment Purchase

873. Hon GEORGE CASH to the Leader of the House representing the Minister Assisting the Treasurer:

I refer to question without notice 372 of 13 June 1991 which was in the following terms -

- (a) If the State Government Insurance Commission shareholding in Allwood Furniture Holdings Ltd was acquired by allotment, will the Minister advise why no notice of allotment was filed with the Commissioner of Corporate Affairs.
- (b) Was the State Government Insurance Commission aware at or about the time of the acquisition or purchase of the shares of the appointment of an investigative accountant by a concerned secure debenture holder?

and ask when may I receive a reply?

Hon J.M. BERINSON replied:

The Minister assisting the Treasurer has provided the following reply -

I apologise for the delay in replying to question without notice 372. The specific answers to the question are as follows -

- (1) No. Under section 113 of the Companies (Western Australia) Code, applicable at the time, the onus is on the company allotting the shares to lodge the relevant return with the Commissioner of Corporate Affairs.
- (2) No.

UNDERWATER WORLD - HILLARYS
\$3.3 million Offer

874. Hon GEORGE CASH to the Leader of the House representing the Minister Assisting the Treasurer:

- (1) Will the Minister advise if an offer of approximately \$3.3 million was made to

the Government for the purchase of Hillary's Underwater World before the acceptance of the purchase by Coral World International?

- (2) Was the offer made by an Australian company or an Australian group of companies?
- (3) Will the Minister advise the name of the company or syndicate which made this offer?
- (4) What was the actual cost to the Government of Hillarys Underwater World?
- (5) What was the sale price received by the Government?
- (6) What was the involvement of Graywinter Pty Ltd in the granting of an option or the purchase of Hillarys Underwater World and the Sentosa Island Underwater World Venture?
- (7) What companies or organisations were reviewed by the Foreign Investment Review Board in respect of the transfer of the licence of Underwater World?

Hon J.M. BERINSON replied:

The Minister assisting the Treasurer has provided the following reply -

- (1) An offer of A\$3.3 million was made to WADC for the purchase of Hillarys by Graywinter Pty Ltd, and was accepted by WADC. However, the purchase was not completed owing to the non-fulfilment of certain conditions precedent in addition to which the company did not tender the balance of the purchase price at the time of settlement.
- (2) Yes.
- (3) Graywinter Pty Limited, on behalf of a company or companies to be formed.
- (4) The capital cost to WADC was \$5.2 million.
- (5) \$3.45 million.
- (6) At the same time as Graywinter contracted to purchase Hillarys Underwater World, it was also granted an option for the purchase of Underwater World Sentosa. The option was not exercised and has now expired.
- (7) None, since no approvals from the Foreign Investment Review Board were required.

REGISTRAR OF CO-OPERATIVE AND FINANCIAL INSTITUTIONS - ATTORNEY GENERAL'S RESPONSIBILITY

876. Hon GEORGE CASH to the Attorney General:

When did the Attorney General become responsible for the activities of the Registrar of Co-operative and Financial Institutions?

Hon J.M. BERINSON replied:

16 April 1991.

PERMANENT BUILDING SOCIETY - AUDITED STATEMENTS *Registrar of Co-operative and Financial Institutions Advice*

877. Hon GEORGE CASH to the Attorney General:

- (1) Did the audited statements of the Permanent Building Society, which were relied on by depositors properly reflect the actual position of the Permanent Building Society?
- (2) Did the Registrar of Co-operative and Financial Institutions seek advice from the auditors of the Permanent Building Society in the past 12 months on matters related to the accounts of the Permanent Building Society?

Hon J.M. BERINSON replied:

I am advised as follows -

- (1) The Registrar of Cooperative and Financial Institutions had concerns that the accounts of the Permanent Building Society may not have reflected a true and fair view of the society's affairs as at 30 April 1991.
- (2) Yes.

PERMANENT BUILDING SOCIETY - ADMINISTRATOR APPOINTMENT
Cost

878. Hon GEORGE CASH to the Attorney General:

- (1) What is the estimated cost of the appointment of the administrator to the Permanent Building Society for the proposed one month period?
- (2) Who will pay for this cost?

Hon J.M. BERINSON replied:

- (1) \$500 000 - estimated. This includes the administrator's direct costs and the cost of professional services.
- (2) Permanent Building Society.

QUESTIONS WITHOUT NOTICE

LONG SERVICE LEAVE - EDUCATION ACT

528. Hon GEORGE CASH to the Minister for Education:

Some notice has been given of this question.

- (1) What length of service is required to be served by a State Government employee employed under the Education Act to qualify for a first entitlement and subsequent entitlements to long service leave?
- (2) What is the period of long service leave to which an employee is entitled?
- (3) Does the Ministry of Education or other State instrumentality or agency advise employees of their long service leave entitlements?
- (4) Should an employee not take long service leave entitlements which have accrued, will he lose future long service leave entitlements?

Hon KAY HALLAHAN replied:

I thank the honourable member for having given some notice of this question and advise as follows -

- (1) After the initial period of 10 years' continuous service, teachers will accrue long service leave on a seven year basis.
- (2) Teachers will accrue 13 weeks' long service leave after an initial period of 10 years' continuous service, and after subsequent periods of seven years' continuous service.
- (3) The Ministry of Education publishes a notice advising teachers of long service leave procedures and entitlements in "The Education Circular" in March of each year. A copy of the circular is provided to each teacher.
- (4) A teacher who fails to clear two terms within three years of becoming due for such leave will cease to accrue any further long service leave until such time as this leave is cleared.

LONG SERVICE LEAVE - PUBLIC SERVANTS

529. Hon GEORGE CASH to the Acting Leader of the House representing the Premier:

- (1) What length of service is required to be served by a State Government employee to qualify for a first entitlement and subsequent entitlements to long service leave?

- (2) What is the period of long service leave to which an employee is entitled?
- (3) Does the Public Service Board or other State instrumentality or agency advise employees of their long service leave entitlements?
- (4) Should an employee not take long service leave entitlements which have accrued, will he lose further long service leave entitlements?

Hon KAY HALLAHAN replied:

I thank the Leader of the Opposition for some notice of the question and indicate that the Premier has provided the following information -

- (1) Section 59 of the Public Service Act 1978 provides for an initial grant of long service leave after seven years' employment in a permanent capacity, or 10 years in a temporary capacity. Subsequent entitlements accrue after seven years of continuous service.
- (2) That section of the Act also specifies that a long service leave entitlement shall be 13 weeks.
- (3) Chief executive officers are required, under Administrative Instruction 602, to notify Public Service Act employees of their long service leave entitlement, and the date by which that leave is to be cleared, on the first working day in March each year.
- (4) In general, long service leave must be cleared within three years of its becoming due. Should that leave not be cleared after three years, the period between that date and the actual date the leave is taken can be added to the qualifying period for accruing further entitlements.

POLICE OFFICERS - LEAVE REPLACEMENTS

530. Hon E.J. CHARLTON to the Minister for Police:

Could the Minister advise whether it is correct that police officers are not replaced when they go on leave, and what numbers are involved?

Hon GRAHAM EDWARDS replied:

I must invite the honourable member to put that question on notice.

COLLARD, MRS RHONDA - TACTICAL RESPONSE GROUP *Police Inquiry - Complainants' False Statements*

531. Hon P.H. LOCKYER to the Minister for Police:

I refer the Minister to last Saturday's *The West Australian* where conflicting evidence was put forward by the Police Union concerning the incident between the Tactical Response Group and Mrs Rhonda Collard. I ask the Minister -

- (1) Whether the investigation by the internal investigation unit of the Police Department is still current?
- (2) If so, when will it report?
- (3) Has the Minister been further briefed on the conflicting stories of Mrs Collard and the police officers concerned?
- (4) If the Minister has been briefed, is he in a position to report to the Parliament?

Hon GRAHAM EDWARDS replied:

(1)-(4)

The investigation is indeed current, following a formal complaint from Mrs Collard. I am not sure, but I assume that by now the complaint from the other person has been received. The police have 42 days in which to complete the investigation and report. Following that information the results of the report are sent to the complainants and if they are not happy they have the right to go to the Ombudsman. I am of the view that the investigation is

being conducted and that these matters are best addressed by that investigating team. I am not in a position to make a judgment, and I do not think many other people are either. That is exactly why this investigation should be carried out.

COLLARD, MRS RHONDA - TACTICAL RESPONSE GROUP
Police Inquiry - Police Officer Complaints

532. Hon P.H. LOCKYER to the Minister for Police:

Would the Minister inform the House what avenues the officers concerned have to put their point of view separately from the complaint made by Mrs Collard and her partner? Can they make a similar complaint to that inquiry and have it heard at the same time?

Hon GRAHAM EDWARDS replied:

The investigation is done as part of an inquiry under legislation recently passed in this Parliament. I would have to check that legislation, but it is concerned with complaints against the police. During the course of the investigation the officers involved would be given the opportunity to put their evidence before the investigating team. At the end of the day a report will be presented; whether that report becomes public is another matter. There is no avenue through which the police officers can lay a complaint. However, if they feel that someone has made a false statement, or that some law has been offended against, they are in a position to take some action. I am not sure if that is exactly what the member means by his question.

COLLARD, MRS RHONDA - TACTICAL RESPONSE GROUP
Police Inquiry - Complainants' False Statements

533. Hon P.H. LOCKYER to the Minister for Police:

To use a hypothetical case, if the investigating team finds that the complainants have made a false report to the police, is it possible for the police officers to lay charges against the complainants?

The DEPUTY PRESIDENT (Hon J.M. Brown): Order! It is my opinion the honourable member cannot put forward a hypothetical case.

Hon P.H. LOCKYER: If the inquiry finds that the complainants have made a false statement, can charges be laid against them?

Hon GRAHAM EDWARDS replied:

That is not a question to which I can give an answer. Basically the member is asking for an opinion about the circumstances of the investigation. If he is asking me if there is an avenue for the police to lay complaints under the legislation, my understanding is that there is not.

POLICE - BULLSBROOK 000 CALL, 6 SEPTEMBER
Arrival Delay

534. Hon DERRICK TOMLINSON to the Minister for Police:

Some notice has been given of this question. Can the Minister explain why, in response to a 000 call from Bullsbrook at approximately 11.00 pm on Friday, 6 September this year, an ambulance was despatched to the scene and arrived within five minutes, but the police did not arrive until one hour later?

Hon GRAHAM EDWARDS replied:

I thank the member for some prior notice of the question. I am informed that the reason for the delay was the incorrect location information supplied by the caller. I understand that the responding Bullsbrook ambulance officer knew the caller and the exact location of the address. This knowledge was not available to the attending Midland police unit, necessitating time-consuming inquiry prior to arrival at the scene.

POLICE - BULLSBROOK POLICE STATION PROPOSAL
Project Refusal

535. Hon DERRICK TOMLINSON to the Minister for Police:

I have given some notice of this question. I refer to question 690, which the Minister answered on 28 August 1991, and to the petition by 786 citizens of the Bullsbrook area presented to the Legislative Council on Tuesday, 10 September. Can the Minister now confirm that a decision has been made not to proceed with the proposed Bullsbrook police station this year and that the relevant officers have been instructed to prepare a submission for consideration in 1992-93?

Hon GRAHAM EDWARDS replied:

I thank the member for some notice of this question. Yes. It is not intended to proceed with the proposal to convert a disused building into a police office during this financial year. The project is to be relisted for funding in the 1991-92 capital works proposals. I understand that a proposal to convert a disused building into a police office was reviewed and a decision made not to proceed due to the following factors -

- (1) Cost. The refurbishment and establishment costs were estimated at approximately \$60 000, which was not budgeted for.
- (2) Housing. The housing on offer at Bullsbrook was substandard - returned by the Defence Housing Authority - and no other suitable housing was available.
- (3) An adequate service can be provided from Midland station on a needs basis.
- (4) This project would have been a temporary measure that would further impact on capital funding for a new complex in the area.

POLICE - BULLSBROOK POLICE STATION PROPOSAL
Substandard Housing - Upgrading Offer

536. Hon DERRICK TOMLINSON to the Minister for Police:

As to the substandard housing referred to, did the Defence Housing Authority offer to upgrade the housing at an estimated cost of \$7 500 for each house?

Hon GRAHAM EDWARDS replied:

I am not sure whether that is the case, but the housing has been returned to the Defence Housing Authority.

EDUCATION MINISTRY - GOLDEN WEST NETWORK
Satellite Funding

537. Hon DERRICK TOMLINSON to the Minister for Education:

Does the Ministry of Education contribute financially to the lease of a satellite transponder by the Golden West Network in return for broadcast time on GWN being reserved for educational programs?

Hon KAY HALLAHAN replied:

I suggest that the member place the question on notice in order to receive a response.

FIREARMS - MINISTER FOR POLICE
Licence Holder

538. Hon P.G. PENDAL to the Minister for Police :

Is the Minister the holder of a current firearms licence?

Hon GRAHAM EDWARDS replied:

I am not sure about the relevance of the question.

Hon P.G. Pendal: It is quite simple. You are, aren't you?

WEST ED MEDIA - SERVICES EVALUATION

539. Hon DERRICK TOMLINSON to the Minister for Education:

Was any evaluation of West Ed Media and its services undertaken before the decision was made to close it?

Hon KAY HALLAHAN replied:

Yes. A review was made of the services provided by West Ed Media.

COLLARD, MRS RHONDA - TACTICAL RESPONSE GROUP

Police Inquiry - Witness Identity

540. Hon E.J. CHARLTON to the Minister for Police:

I refer to my question without notice last week regarding the identity of the person who first made contact with the taxi driver, and to the earlier question today by Hon Phil Lockyer.

- (1) Can the Minister advise whether that identity can be substantiated through police inquiry?
- (2) What opportunity do members of Parliament have to discover the specific areas covered by any police inquiry?

Hon GRAHAM EDWARDS replied:

The member is touching on operational matters. The question should be placed on notice so that I can refer the matter to the Commissioner of Police for his attention.

COLLARD, MRS RHONDA - TACTICAL RESPONSE GROUP

Police Inquiry - Witness Identity

541. Hon E.J. CHARLTON to the Minister for Police:

I seek that information so that when we, as members of Parliament, are asked questions we may be in a position to give the answers. We should have an opportunity to use any mechanism to get that information.

The DEPUTY PRESIDENT (Hon J.M. Brown): Order! I have been lenient during question time by allowing hypothetical questions, or questions which are asked continually on the one matter. The member is asking the Minister questions to which he has already replied. That is not what question time is for. This is applicable not only to the member who has just resumed his seat. I ask members to address their questions in the manner to which we have become accustomed.

FIREARMS - LICENCE HOLDERS

Identity Prohibition

542. Hon P.G. PENDAL to the Minister for Police:

Is there a prohibition on providing to this House the identity of firearms licence holders?

Hon GRAHAM EDWARDS replied:

I am not sure whether a prohibition exists, but I would tend to hope so. As to whether I have a firearms licence, that is none of the member's damned business.

APPRENTICES - PUBLIC SERVICE

Training Reform

543. Hon P.G. PENDAL to the Minister for Employment and Training:

What steps, if any, is the Government taking to restore the levels of apprentices in training in the Western Australian Government sector to the 1983 levels?

Hon KAY HALLAHAN replied:

I had some figures taken out on this matter after Hon Phillip Pental made statements in the House about the levels of apprenticeships in the Government sector. I do not have the figures with me today. However, the Government has made significant changes within the entire training system. For instance, we are keen to have the private sector undertake training that it had not done previously. Apparently Hon Phillip Pental felt some pride about that situation.

Hon P.G. Pental: You have halved it.

Hon KAY HALLAHAN: The public sector was providing training for young people well in excess of the needs of the public sector. Understandably, young people moved to the private sector. It seemed to the Government that it would be better to encourage the private sector to undertake training so that subsequently the young people could take up occupations within the private sector. Many changes have taken place in the training area. One of the newer developments is the group apprentice schemes whereby an industry will undertake to provide a group of young apprentices with the necessary training, work experience, and instruction. A number of groups have been established. While in the main the group schemes receive subsidies from the Federal Government, and provide a number of apprentices through that means, those numbers are not reflected in the apprenticeship numbers provided by the State Government.

Hon P.G. Pental: You have taken away 600 jobs.

Hon KAY HALLAHAN: It is not the intention of the Government to go down the same path as that of the previous Liberal Government, which had no notion of reforms in training or education. Enormous reforms have been made in that area since the time the Opposition was in Government. I know that the Opposition has some ambitions about coming back to Government. One would hope members of the Opposition would equip themselves with up to date information relevant to today's training needs for young people that would match their ambitions.

APPRENTICES - PUBLIC SERVICE 800 Positions

544. Hon P.G. PENDAL to the Minister for Employment and Training:

Is the Government prepared to commit itself to providing up to 800 extra apprentices in the Government sector each year and thereby restoring the number of apprentices in training in Government to the level enjoyed under the last year of the previous Liberal Government?

Hon KAY HALLAHAN replied:

I do not want to reflect on the intellectual capacity of members opposite, especially Hon Phillip Pental, but it seems that reform has moved so far in front of members opposite that they are not able to comprehend what has happened.

Hon P.G. Pental: You are 800 short.

Hon KAY HALLAHAN: Hon Phillip Pental is back in the early 1980s with concepts -

Hon P.G. Pental: We need people in real jobs.

Hon KAY HALLAHAN: - that did not serve the community well. Our concepts are now meeting the needs of industry, young people, and the training needs of our community in a much more effective way. This may be of some comfort to Hon Phillip Pental, although the way he would like to see it done is quite out of date. This Government has a strong commitment to the training of young people. As recently as nine days ago a significant announcement was made on changes in post-compulsory schooling.

Hon P.G. Pental: You keep giving them counselling, but not jobs.

Hon KAY HALLAHAN: Training and jobs, Mr Pental.

Hon P.G. Pental: The Minister needs the counselling.

Hon KAY HALLAHAN: So many young people are now staying on in years 11 and 12 - which is a good thing for our nation - and post-compulsory schooling will become more relevant and vocationally oriented, and I am not detracting from those students going on to university. I appreciate Hon Phillip Pental's concern but I suggest he update his information.

WEST ED MEDIA - GOLDEN WEST NETWORK

Principal Program Source - Satellite Funding

545. Hon DERRICK TOMLINSON to the Minister for Education:

Is West Ed Media the principal source of live interactive programs broadcast by the Golden West Network in the time reserved for educational programs, in return for the Ministry of Education's paying part of the cost of the satellite transponder lease?

Hon KAY HALLAHAN replied:

I understand that the material broadcast by GWN comes from sources other than West Ed Media.

Hon Derrick Tomlinson: Is West Ed Media the principal source of such material?

Hon KAY HALLAHAN: I do not have that detail at my disposal at this instant. If the member were to put his question on notice I would get the information for him.

AGRICULTURE DEPARTMENT - KATANNING OFFICE

Employee Reductions

546. Hon W.N. STRETCH to the Minister for Police representing the Minister for Agriculture:

My question on notice 838, lodged on 11 September, to the Minister for Agriculture concerns the foreshadowed reduction of staff at the Katanning office of the Department of Agriculture. In view of the great concern in the community both in the town and among research oriented people in the surrounding districts, will the Minister attempt to have the answer to that question expedited?

Hon GRAHAM EDWARDS replied:

I am happy to draw that matter to the attention of the Minister for Agriculture, and to ask him whether he can expedite or provide the answer to the question. As Hon Bill Stretch knows, the Minister for Agriculture is usually fairly attentive to these matters, as he is to all matters related to agriculture in the State.

TRAINING - WORK FORCE STATISTICS

547. Hon N.F. MOORE to the Minister for Employment and Training:

What percentage of the Western Australian work force is currently undergoing training?

Hon KAY HALLAHAN replied:

There would be a huge percentage of the work force undergoing some form of training, going on the TAFE enrolment of people upgrading skills and diversifying their career options. I will attempt to obtain a figure for the member. I am pleased that the member couched his question as he did because it indicates an advanced understanding of the question over that of his colleague Hon Phillip Pental. Training is a broad concept and many people are availing themselves of it.

Hon N.F. Moore: I meant full time training.

Hon KAY HALLAHAN: I take back my compliment. I thought the member was referring to the whole concept of training as something that would be a lifelong activity for us all. Gone is the idea that training ends after a qualification has been obtained or a period of training completed so we can sit back and relax. We must educate young people, and people of advanced age like ourselves, to an attitude of ongoing training, upgrading and accepting new technology and advanced ways of dealing with things. The whole concept is a different one from that which most of us held when we entered the work force. It is a huge challenge for young people for us to be demanding of them that flexible ongoing learning attitude. That is the nature of the work force these days, and will continue to be while any of us are living and breathing on this earth. I will attempt to obtain some indication of the number involved and I take the point that the member has changed his question to full time training.

Hon N.F. Moore: That was the second part of the question.

Hon KAY HALLAHAN: The member might like to put his question on notice.

TRAINING - FULL TIME TRAINEES
Unemployment Figures

548. Hon N.F. MOORE to the Minister for Employment and Training:

Are persons who are currently engaged in full time training included in the unemployment figures?

Hon KAY HALLAHAN replied:

They could be, as I understand it depends on the question that is asked or the way the survey is conducted. For example, if a young person in full time training were asked whether he was looking for part time work, he will show up in the figures if the answer is in the affirmative. The figures indicate people looking for part time and full time employment; so that could be the case.

Hon N.F. Moore: We could have some disguised unemployment.

CHILDREN'S SUSPENDED ACTION PANEL - ABOLITION

549. Hon GEORGE CASH to the Minister for Police:

Is the children's suspended action panel to be abolished; and if so, when and why?

Hon GRAHAM EDWARDS replied:

I am not sure why Hon George Cash is asking that of me in my capacity as Minister for Police, but the answer is no, not applicable.

BICYCLE HELMETS - SCHOOLS
Storage Areas

550. Hon GEORGE CASH to the Minister for Education:

What action has been taken to provide bike helmet storage areas in schools in preparation for the Government's proposed compulsory wearing of safety helmets by bike riders?

Hon KAY HALLAHAN replied:

This matter is being considered.

Hon George Cash: I'll bet it is.