

# Legislative Council

Wednesday, 8 April 1992

**THE PRESIDENT** (Hon Clive Griffiths) took the Chair at 2.30 pm, and read prayers.

## PETITION - PORT KENNEDY REGIONAL PARK

### *Creation Support*

Hon P.G. Pental presented a petition from 467 citizens of Western Australia requesting that the Legislative Council support the creation of a regional park at Port Kennedy and oppose any attempts to dispose of any part of this reserve or to develop golf courses or marinas there.

[See paper No 88.]

## MOTION

*Road Traffic (Infringements) Amendment Regulations (No 2), Road Traffic Code Amendment Regulations (No 4), Road Traffic (Drivers' Licences) Amendment Regulations (No 4) - Disallowance*

**HON E.J. CHARLTON** (Agricultural) [2.35 pm]: I move -

That the Road Traffic (Infringements) Amendment Regulations (No 2) 1991, Road Traffic Code Amendment Regulations (No 4) 1991 and Road Traffic (Drivers' Licences) Amendment Regulations (No 4) 1991 published in the *Government Gazette* on 20 December 1991 and tabled in this House on 6 February 1992 be, and are hereby, disallowed.

It appears that the changes proposed by the regulations are a consequence of an action taken last year by a group of farmers who organised a rally in the metropolitan area to bring home to the Government and to the general community just how serious is the situation in rural Western Australia. Vehicles were left on the main roads approaching the city, causing traffic to be held up. Subsequently the regulations were changed to increase the penalty for leaving a vehicle on roadways and disrupting traffic, in an attempt to dissuade people from acting in that way in future.

The National Party does not support the change in the regulations because if the people involved in that action last year on behalf of many thousands of country people are to be treated in this way it is fair that other protesters who hold up traffic in a similar manner should also be subject to these regulations. The actions of other groups are considered in a favourable light; no moves have been made to change regulations that apply to other situations where not only is traffic held up but also businesses cease trading, people are prevented from working, and others are denied access to supplies and so on. Other demonstrations appear to be considered fair and reasonable, yet when farmers decide to take action to draw attention to the seriousness of the rural situation, that consideration does not apply. The farmers took action because Governments of all persuasions had failed to respond to the indictment against them for decisions implemented over a long time.

The National Party views the Government's reaction to the farmers' demonstration as very narrow minded. The Government has simply decided to change the regulations as they apply to vehicles that are left on highways, but it is not too concerned about other actions by other people which have a far greater effect and disadvantage not only those directly involved but also the rest of the community. The National Party has not received any comment as a consequence of its indication that it would move to disallow these regulations. Obviously the Government will adjourn this debate and when debate is resumed the Government will advise why it introduced the regulations. The National Party is opposed to these by-laws because they are narrow and are directed at a particular group of people. The National Party does not believe that that group is receiving a fair deal, and its members are most indignant that this group of genuine people who make a significant contribution to this State are being victimised because of their one off action in the metropolitan area last year. If the Government is going to respond to some situations that it considers are unsafe or unfair to some people it should be a bit more broad minded about it and take the same sort of initiative

when dealing with other people. The National Party wants to look at a whole host of Government and social activities that have taken place over recent times to ensure that one group of people is not being singled out and used as some sort of example for the self-satisfaction of some people.

Debate adjourned, on motion by Hon Tom Helm.

### STATEMENT - BY THE PRESIDENT

*Standing Orders Nos 75, 76, 78 and 79 - Members' Compliance*

**THE PRESIDENT** (Hon Clive Griffiths): I quietly draw the attention of all honourable members to Standing Orders Nos 76, 78 and 79 and suggest that they read them and conform to them. I will go a bit further and suggest that the best people to ensure compliance so that I do not have to take any action are the Whips, because I am becoming disturbed at the apparent disregard for some very fundamental and basic principles of behaviour in this House of Parliament. Standing Order No 75 states that when the President is speaking members must sit down.

### MOTION

*State Energy Commission (Electricity and Gas Charges) Amendment By-laws (No 2) and State Energy Commission (Electricity and Gas Charges) Amendment By-laws - Disallowance*

**HON E.J. CHARLTON** (Agricultural) [2.43 pm]: I move -

That the State Energy Commission (Electricity and Gas Charges) Amendment By-laws (No 2) 1991 and State Energy Commission (Electricity and Gas Charges) Amendment By-laws 1992 published in the *Government Gazette* on 25 February 1992 and tabled in this House on 17 March 1992 be, and are hereby, disallowed.

The National Party's initiative in moving to disallow these by-laws is as a consequence of the State Energy Commission's deciding, and the Government's responding to its request, that businesses using in excess of 165 units of power a day will be charged for that excess at a different rate. SECWA's objective in moving in that way is to encourage those businesses to use more power in the off peak period. The immediate reaction may well be to think that that is a good thing, and that it will be in the interests of the State for SECWA to have a more continuous power demand across the board. The problem that has been brought to my attention is that, while it may work in theory, in practice SECWA will be adding to the charges in the peak period and any reduction in charges for the off peak period will benefit only those businesses which can take advantage of it. SECWA will penalise those businesses which have no option other than to use the power at the given time of the day when they are responding to public demand. The National Party thinks it is most unfair and that it will definitely penalise a number of businesses. Certainly some of the business proprietors I have spoken to will be dramatically penalised. I have had a response from a representative of the Government to the effect that a whole range of benefits will accrue. The National Party is not convinced of that but will be interested to hear the comments which will take be made as a consequence of my moving to disallow these regulations.

The National Party is also concerned that SECWA is providing for a penalty of interest on overdue accounts at the rate of 16 per cent per annum calculated daily. There will be a number of reasons why at times businesses do not meet the payment deadline for accounts and we need to talk about that. There has been some discussion that that by-law is not covered by this motion to disallow and that it is contained in a different by-law. That was pointed out to me by the Minister's office, but whether it is or not is beside the point; it has been done and if it is not covered by this motion the National Party will deal with that when it has discussions with SECWA's and the Minister's representatives. The main thrust of the move to disallow these by-laws is to deal with those businesses that will be penalised by this new "you beaut" incentive to use power during the off peak periods. The National Party believes that many businesses do not have that option available to them so they will be paying more for their power.

Currently not only are SECWA's charges significantly higher than charges in the rest of Australia but also businesses, particularly small businesses, are penalised by an up front capital cost that must be paid when they buy into a business. Businesses must put up a

pro rata, up-front payment before power is connected. As a consequence they are restricted in their operations because that money is tied up for the life of the business and they only get it back when they move out. Obviously that is not in the best interests of a business when it is first kicking off. That should be done on a sliding scale so that during the operation of that business, particularly in its early days, SECWA may allow that contribution to be gathered over a longer period. Currently, that is not the case and when someone enters a business he must pay up front. In some retail businesses in country areas that up front cost can be up to \$4 000. The only option is to make an equivalent arrangement with the banks to provide a guarantee to SECWA so in the case of any default the bank would make that money available. Of course, charges would be imposed on top of that; unfortunately, banks do not make such provisions without charging interest.

As if that is not enough, people in very small businesses will be required to pay for energy at a commercial rate - which is 50 per cent higher than the domestic rate - yet they use little more energy than do domestic consumers. However, large commercial operations which use in excess of 165 units per day will be offered beautiful new incentives to save money. We know stock is delivered to business people only when the wholesaler can deliver it. Therefore, those businesses are forced to put their new stock into fridges, freezers or coldrooms immediately and they do not have the option of making use of the off peak rates. Those who cannot take advantage of the off peak rates will be out of pocket.

SECWA is attempting to provide greater continuity in its electricity supply; yet the very businesses that the people of this State are dependent upon will be penalised and will have to pay the price for that continuity. On that basis the National Party moves to disallow these by-laws. Before this matter is next brought before the House, the National Party will be conducting some hard bargaining with the representatives of SECWA and the Government.

Debate adjourned, on motion by Hon Fred McKenzie.

### **MOTION - FEDERAL MINISTER FOR LAND TRANSPORT**

*Blood Alcohol .05 Legislation - Federal Road Funding Denial Condemnation*

**HON R.G. PIKE** (North Metropolitan) [2.53 pm]: I move -

That this House condemns and deplors the action of the Federal Minister for Land Transport, Mr Brown, who has said that -

Western Australia will be denied a share of \$180m in Federal road funding if it fails to move into line with the other States and reduce its permitted blood alcohol level for drivers to .05

and the House calls upon him to reverse his decision for the following reasons -

- (1) It ignores the bipartisan report of the Legislative Council Standing Committee on Legislation, which found that there is no scientific justification for an across-the-board lowering of blood alcohol content to 0.05 per cent.
- (2) It will deprive the State of funds for road safety, thereby putting WA lives at hazard simply for the purpose of securing power for Canberra.
- (3) Irrespective of the issues involved, Commonwealth Minister Brown's action is another example of the Federal Labor Government threatening the State by attempting to dictate what laws should apply in Western Australia.
- (4) His action repudiates the right of the Parliament of Western Australia to decide on legislation which should apply in the State.
- (5) It constitutes an attempt by the Keating Federal Labor Government to undermine the State's legislative power.
- (6) It denies the right of the people of Western Australia to make their own laws.
- (7) It is a continuation of the discredited Commonwealth policy of influencing State domestic matters by the use of Commonwealth money power.

From the news this morning it would seem that some members of Parliament may be changing their minds on the question of lowering the allowable blood alcohol content level from 0.08 to 0.05. Both the Premier and the Minister for Police have been critical of the

actions of Federal Minister Brown in interfering with the internal functions of this Parliament. The Minister for Police is on record as saying that Minister Brown should leave the Government to run its own business. Therefore, this motion seeks the support of both sides of the House. Later in my contribution I will be critical of a former Liberal Federal Minister who has likewise declared himself to be a centralist.

It behoves us in this place to preserve the sovereignty and prerogative of this Parliament. It goes without saying that depriving the State of funds for road safety will put the lives of Western Australians at risk simply because the bully boy Minister Brown is trying to assert dominance over a State Parliament. I would have thought he had learnt his lesson, because this is the third occasion on which Minister Brown has gone down that track. It seems that he cannot see a belt without hitting below it and that he is trying to put a half-nelson on the State Parliament. He is all pith and wind.

Hon John Halden: It sounds like you.

Hon R.G. PIKE: I do not say that lightly, because there is absolutely no doubt that this Federal Minister is hell bent on asserting the power of the Commonwealth on the States and, in particular, on Western Australia.

I turn now to the structure of the legislative power of the State Parliament. We must fight now or we will be compromised and will die later. This is a repeat performance of Commonwealth legislation taking over State legislation. I do not intend to depart from the motion by addressing those occasions on which the Commonwealth has asserted its power over the States, but all members will be aware of the occasions I am referring to. In fact, Minister Brown is showing the disposition of a runaway circular saw. He does not comprehend the sovereignty of the Commonwealth Parliament and the State Parliaments. Being one of the more naive Labor Ministers he has been foolish enough to say publicly what is the intention of the Federal Commonwealth Labor Government for the States, in particular with their rights to legislate.

To use a ridiculous example, let us assume this Parliament were to legislate in regard to pomegranates in Widgiemoooltha - very much a matter which is the responsibility of this Parliament. If the Commonwealth Government believed that it was entitled to hold views on that matter, it would not be entitled to interfere with the sovereignty of the State in imposing those views. More particularly, it would not be entitled to withhold funds contributed by the people of this State. Therefore, leaving aside the 0.05 BAC argument, Minister Brown should butt out of interfering in the functions of State Parliament.

Yesterday, he referred to the members of the Legislative Council as troglodytes, which means cave dwellers. His language was immoderate and improper.

Hon Tom Helm interjected.

Hon R.G. PIKE: Hon Tom Helm thinks that that probably applies to one side of the Parliament; I think he is pointing to his own side.

The interference by the Federal Government with the fundamental rights, privileges and prerogatives - indeed the law making prerogatives - of the State is a blatant denial of the federation and the Commonwealth Constitution as agreed to in 1901. No Minister at that time would have dared say what Minister Brown is saying now. There has been a continual erosion of the functions of the States.

Do members recall when the bank notes had printed on them "Commonwealth of Australia"; do members recall when the Taxation Department was the "Commonwealth Department of Taxation"; and do members recall when the Commonwealth, as item 1 of the Constitution requires, was referred to by everybody as the Commonwealth Government and not the Australian Government? This has been an insidious plan of campaign introduced by Whitlam for the successive penetrating and wearing away of the rights, privileges and prerogatives of the States and establishing the dominance of the Commonwealth. It is a process happening to us by attrition. Nobody remarks that the words "Commonwealth of Australia" no longer appear on bank notes and nobody remarks that everybody refers always to the Australian Government. Is it not rather curious to contemplate that the Russian Government has the word "Commonwealth" in its title and no doubt it will continue to use that word for a considerable time?

Several members interjected.

The PRESIDENT: Order!

Hon R.G. PIKE: That is an inane, dopey comment and the member is interpreting my comments as they apply to his own convictions.

Several members interjected.

The PRESIDENT: Order! When I call for order it means that interjections must cease.

Hon R.G. PIKE: The interpretation of the half-nelson control which is being sought to be imposed on this State, in this manner and at this time, is one we must view very seriously. While one may be flippant about it and make jokes about it, it is no joke when a Minister of the State, be he Labor, Liberal or Callithumpian, finds he has a responsibility at law to administer the rules and Constitution in this State and finds he is subject to the duress and jurisdiction of an ever increasing powerful Commonwealth Government. If both parties in this State are not cognisant of the very real transfer of power and authority that is taking place even as I speak - I call to mind that Minister Berinson, whom I have commended for this, has at times been outspoken against the Commonwealth Government over the erosion of the privileges and prerogatives that he enjoys as a Minister of this State, and as have other Labor Ministers - certainly by the year 2010 there will be no State Governments in Australia. It will be a process of attrition, and while members of Parliament are willy-nilly running around looking after the petty cash issues, the dominant issue, the actual power of the Parliament, will have been lost.

Multiple centres of economic power and political power are absolutely essential for the maintenance of individual rights. If members think about what has happened in Russia and other eastern European countries they will accept that where they have had that massive centralised power and authority individual rights were lost. Human nature has now asserted itself to the degree that there are now multiple centres of political power in those countries. My appeal to this House is to support the motion. Unless members think I am just being partisan in being critical of the Labor -

Several members interjected.

Hon R.G. PIKE: Members know that I never would be.

I refer to an article from the *Sunday Telegraph*, which is a Sydney paper, of 4 August 1991 in which John Howard states -

The truth is that for all the trumpeted virtues of federalism - and there are many - the existing State structure has not served Australia well.

I advise members quite objectively that I disagree with his comments. This Commonwealth Labor Government Minister Brown is being improper, unfair, bloody minded and a bully boy and is hitting below the belt whenever he can; he tried to do it with vehicle licensing. My comment about his interference has been supported by the Minister for Police in this place and Premier Lawrence. I have made the point that when a former Leader of the Liberal Party, John Howard, lost the leadership he bared his soul over his convictions in the article to which I referred. Some members from both sides of the Federal Parliament may give lip service to true federalism, but at heart they are dedicated centralists.

The issue on which I hope to receive the support of both sides of the House is that where we see a manifest intrusion by the Commonwealth Government such as now when it tries to dictate to the State what laws it may or may not pass, we should say, "Stop! No further and no more. Go! You keep to your bailiwick and we will keep to ours." If we do not do that there will be no State Governments in this great country of ours in the reasonably near future. I ask members to support this motion.

HON PETER FOSS (East Metropolitan) [3.07 pm]: I formally second the motion. The Constitution of Australia was agreed to in 1901 at a time when Federal members of Parliament travelled by train to Melbourne to attend Parliament. I must say that the biggest single, undermining factor of the Australian Constitution has been the ability of Federal members of Parliament to travel by plane, because it allows them to spend more time in Canberra. When they do that they are able to meditate on the fact that there is not an awful lot for the Federal Government to deal with under the Australian Constitution. When sitting

around looking for something interesting to do all they can find is to start to interfere with what has been given to the States to do.

Hon J.M. Berinson: Your basic argument is destroyed because when members travelled by railway they stayed longer in Canberra because they did not have time to travel back and forth in time for the session.

Hon PETER FOSS: It is a nice theory, but Hon Joe Berinson should not spoil a good argument by facts.

Several members interjected.

Hon PETER FOSS: I have been following Hon Joe Berinson's arguments very closely and this is probably a good reason to explain why Federal members of Parliament continually feel inclined to move in on areas which are clearly within the province of the States. A classic example of that is Federal Minister Brown's portfolio, which is a new one. Previously there was a Minister for Civil Aviation and quite reasonably that fell within the Commonwealth's power. Previously there was a Minister for Shipping and quite reasonably that fell within the Commonwealth's power. Unfortunately, Mr Brown's portfolio is now called, for handiness sake, Land Transport. Because he is called the Minister for Land Transport he seems to believe he must deal with issues on land irrespective of where those issues are in Australia. He seems to think it is reasonable for him to tell us what should happen in Western Australia.

Hon Tom Helm: As long as it is Australian; that is the main thing.

Hon PETER FOSS: Probably under the Commonwealth Constitution he has more authority to deal with non-Australian than Australian land. The question of transport and the regulation of roads within the States is plainly a matter for the State Parliaments. It was given to the State Parliament not because of some weird division between the Federal Government and the State Governments but because the principle behind our federation is that local communities such as Western Australia are entitled to decide for themselves the appropriate laws to apply in their community. We believe it is more appropriate to have a system of government where the people of an area are able to determine what rules will apply to them. However, some areas of responsibility needed to be handed to the Federal Government, defence being one of them.

Hon Tom Helm: What are the other areas?

Hon PETER FOSS: Customs is another; I am talking of the areas set out in the Constitution in the first instance where clearly matters that could and sensibly should go to the Federal Government were outlined. Anybody who has had to deal with the Federal Government on any of these matters knows that Western Australians have considerable difficulty having their voices heard in Canberra. Quite apart from anything else, the physical distance creates a problem. If a person wishes to speak to a Minister or the head of a department - or any of the people who really count - that person must make the extremely expensive and long journey to Canberra. Most ordinary people cannot afford to do that. This is not as worrying for people in New South Wales and Victoria, but it stills costs them to do that. One has much less ability to influence what dictates the rules governing one's life when it falls within Commonwealth rather than State jurisdiction.

Hon Tom Helm: We have the same problem in the north of the State.

Hon PETER FOSS: That is exactly the same point. Hon Tom Helm points out that even in our own vast State we have exactly the same problem. I think I have made this point before.

Hon Tom Helm: Go into the north west.

Hon PETER FOSS: That is an argument that could be made. The farther one is from the seat of Government where the Parliament sits, the Ministers are and the departments are located the harder it is for people to have their voice heard. Hon Tom Helm confirmed that point well in his interjection, and he is absolutely right. I will point out how old that argument is later. He is absolutely right; it is a problem in our State and even more a problem with the Commonwealth because the bulk of the people in Western Australia find it extremely difficult to have their voices heard in Canberra. Whenever possible, it is preferable that matters be dealt with by the State Parliament because that is where the people of Western Australia are more likely to have their say in the running of this State.

Hon Tom Helm: What is wrong with the telephone?

Hon PETER FOSS: Hon Tom Helm now changes his mind. He seems to think this is not a problem. He is saying it is not a problem for the people of the north west to be heard down here because they can use the telephone or a fax machine. I am sure the people of the north west and Pilbara would be pleased to hear Hon Tom Helm say that they are equally well represented and heard as people in Perth because they can use the telephone or a fax machine. If he believes that is an adequate way of having one's views heard I feel sorry for the people of the Pilbara.

Hon Tom Helm: I spoke only for myself, not the Opposition.

The PRESIDENT: Order!

Hon PETER FOSS: Hon Tom Helm will obviously have to sell to the people of the north west and Pilbara his view that they are well off because they have telephones and faxes and can get their voices heard. That is the basis of our federation and why certain powers were given to this State. The trouble with Mr Brown is that he is so far away and is not prepared to listen to anybody about any of these matters. The first reason given by Hon Bob Pike in his motion for the Minister's reversing his decision states -

It ignores the bipartisan report of the Legislative Council Standing Committee on Legislation which found that there is no scientific justification for an across-the-board lowering of blood alcohol content to .05 per cent.

That is not the end of the matter. Further arguments are set out in the report why we nonetheless wish to move towards an 0.05 basis. It is perfectly proper for members in this Parliament to argue - as members of the Government have argued - that there should be a 0.05 allowable blood alcohol content across the board for people driving vehicles. That is the view of Government members and one to which they are entitled as people of Western Australia. However, the fact is that Mr Brown keeps attacking us on the basis that no foundation exists for what this Parliament has decided.

The fact is that the scientific evidence is on our side and not his. That does not mean that our Government cannot nonetheless take the view it does not want to heed the scientific evidence because it wishes to impose some other rule. We can debate that matter here and people can hold their views about it. Both sides can hold their views on the matter, but the important point to remember is that it is for us to decide because it is our community we are deciding about. Also, Mr Brown has totally misrepresented the facts. He ought to know that because I have mentioned it to him enough times in replies to his Press statements, which I am sure he has read. He knows full well that the scientific evidence he claims supports his case is totally discredited. No scientific basis is established for setting a blood alcohol level for people driving vehicles at 0.05 across the board. Mr Brown keeps on trotting out reports which refer back to other discredited reports. Every new report he brings out is really just a rehash of one of those old reports. I draw the attention of the House to the Report of Standing Committee on Legislation in relation to the Road Traffic Amendment Bill (No 2) 1990 (Re-referred), paragraph 5 of which lists some of the people whom the committee consulted about this matter prior to arriving at its decision. The last part of paragraph 6 states, first, that generally speaking statistical evidence has been used to support the case for going to 0.05. It states -

In the end, the Committee decided that in the main it could not rely on statistical evidence to reach any sound conclusion.

The report then has a number of headings: "Epidemiological Evidence", "Clinical Studies", "Community Opinion", "The 'Halo' Effect", "The Country Point of View", and "Conclusions". The epidemiological evidence comes from looking at what happens in the community after a measure has been introduced. It was interesting that we looked at a lot of the support for Mr Brown's statement. A study which is continually referred to in all the reports and which Mr Brown cites is by Dr Ian Smith of Western Australia. Members will see under the "Epidemiological Evidence" heading that we have looked at the evidence and the people we examined. At paragraph 12 the committee states -

After hearing discussion of their respective work, the Committee considered that the evidence presented by Dr Ian Smith to be discredited. It was agreed that whereas the Committee could have confidence placed in Dr Ryan's findings, no such confidence

could be placed in Dr Smith. Furthermore, since Dr Smith's work was fundamental to the case presented by State and Commonwealth authorities, the fact that it stood discredited weakened considerably the scientific justification for limiting the BAC to 0.05.

The fact was that Dr Smith's evidence could not be relied on. The committee did not make a big play of it in the report; it simply made that basic statement. The evidence of the committee was that one cannot rely on the work of Dr Smith but can rely on the work of Dr Ryan.

The committee went on to look at some of the overseas literature. In particular it looked at the Grand Rapids study, which appears to me to meet the stringent requirements of statistical analysis to allow some conclusions to be drawn. Five other studies are referred to and paragraph 14 states -

As can be seen, although there are differences in the estimates of risk of motor vehicle collisions among the five studies, attributable to a variety of factors including differences in research methods, types of collision populations studied and the times and locations of the separate studies, the risk curves are strikingly similar. For all five curves, the risk of collision increases very marginally until 0.08, at which point risk increases rapidly with further increases in BAC.

It is because of these studies that a blood alcohol content of 0.08 per cent was originally adopted - because there is strong, sound, scientific evidence to indicate that 0.08 as a limit is supported. The report of the Standing Committee on Legislation in relation to the Road Traffic Amendment Bill (No 2) 1990 continues at paragraph 15 -

Those BAC risk curves represent aggregated data describing the results for the average drinking driver. Data from the Grand Rapids study, however, demonstrated different risks for drivers of different ages. In particular, they showed that the risk of accident involvement is higher for drivers aged 18-24 years than older drivers, especially under 0.08.

I believe there is sound evidence to indicate that younger drivers are affected at 0.05 but there is no evidence of that across the board for adult drivers. The report continues with a further analysis. Mayhew and Simpson replicated the data analysis of the Grand Rapids study and found that -

Although the fatal crash risk increases with increases in BAC for all age groups, the risk of crash is consistently higher among young drivers aged 16-19 than among other age groups and this difference is statistically significant and requires explanation.

Then Mayhew and Simpson give an explanation at paragraph 18, as follows -

Mayhew and Simpson observed, "The typical explanation given in the literature for the higher risk is youths' relative inexperience with driving after drinking. Essentially, learning to drink coincides with learning to drive, and when combined produce much higher relative risk. What other factors contribute to the relationship are somewhat indeterminate, although several have been speculated, including immaturity, poor judgement and a willingness to take risks."

The report continues at paragraph 19 -

The statistics do require action by all those responsible for regulation of road traffic.

The important thing is that if one wishes to hold up a scientific reason, one can justify it up to the age of 20, and possibly 25; one cannot justify it beyond the age of 25. Hon Bob Brown, the Federal Minister for Land Transport, consistently refuses to admit that fact, yet a bipartisan committee of this House has said that. It has looked at the evidence and I believe anybody who looked at the evidence would come to the same conclusion.

Given that that is the case, what is Hon Bob Brown doing? He is threatening to take away from this State funds which are to be used to fix up black spots on our roads. How irresponsible can someone be? Mr Brown is threatening the rights of Western Australians. He is saying, "I will not give you money to fix up dangerous spots on your roads because you are not doing what I want you to do." It is not as if the money he is giving us is to be used for entertainment for members of Parliament or for gracious gardens; this money he is

threatening to withhold from Western Australia is for the repair and amendment of black spots on our roads. How immoral can someone be when, in order to get his way and ignoring the evidence put before him, he threatens the safety of Western Australians? I think that is immoral. I think Mr Brown is nothing more than a mouth. I do not believe he has applied any brains whatsoever to this, and I welcome the attitude of this Government, which has been totally different. I respect the attitude of this Government because it honestly believes in the justification of what it does but is prepared to accept the decision of this Parliament. Mr Brown, who has no legislative competence in this area, is using blackmail in order to get what he wants and to enable his incorrect statements, which he repeats, notwithstanding the evidence before him, to be accepted as if they were the truth. To do that he will resort to using blackmail against the people of Western Australia.

I refer members to the rest of this report, which I hope they have read, because I believe it sets out the arguments fairly fully. It sets out, for instance, the halo effect, and I refer to paragraph 40 onwards. Members will see that there is a behavioural reason for suggesting 0.05, not based on the scientific evidence of 0.05 causing accidents but because of the way in which poor drivers react to 0.05. That is a view which can be held and which was held by some members of the committee.

I join with Hon Bob Pike in the remainder of his motion but I feel the most iniquitous part of it is that this Federal Government realises that it has no legislative capacity in this area, but is not prepared to leave it to this Parliament and is not prepared to accept that the evidence is not there to support the statements of the Federal Minister for Land Transport. The Federal Minister is prepared to continue promoting a false statement in order to get his way but, worst of all, is prepared to blackmail the Government of Western Australia by bringing this matter forward and forcing this Parliament into passing legislation because of a threat that it will cause injury to the people of Western Australia by holding back funds which would otherwise be available to use to remove black spots on our roads. I believe that is unacceptable and improper behaviour by a Federal Minister and a Federal Government and I hope this Government joins with the Opposition in condemning the Federal Government's improper behaviour.

**HON E.J. CHARLTON (Agricultural) [3.25 pm]:** I support the motion moved by Hon Bob Pike. Both he and Hon Peter Foss have fully outlined the issue at stake. It is not a matter of whether one supports a blood alcohol content of 0.08, 0.05 or 0.02 per cent, but a matter of principle. I echo the final words of Hon Peter Foss. We should try to get this matter off the agenda, because every time it comes to this Parliament it is as a result of what Hon Bob Brown, the Federal Minister for Land Transport, has to say.

Hon Graham Edwards: That is not true. His timing is very unfortunate.

**Hon E.J. CHARLTON:** Exactly, and that is a great shame. Every time we debate this matter Big Brother - or little, wizened up brother - has his say about what is good for Australia. The man is an obnoxious individual in the way he puts forward changes to transport legislation. He is the bearer of the national vehicle licensing scheme, which would be an absolute disaster for Australia if this State Government had any intention of going along with it. Again, it is about a rip-off by the Eastern States of the transport industries in Western Australia to look after the voters in Sydney and Melbourne so that the Federal Government can try to win the next election. It has nothing to do with the national economy or anything else.

This issue has been raised again and this Federal Minister has brought forward the same recipe as before. We must try to make decisions based on what is in our best interests. If we all lived in a highly populated area serviced by Public Service, communication and transport options I would support no drinking at all for drivers because people would have access to other activities. That would put to bed once and for all the argument about whether there is more danger with the blood alcohol content being 0.08 than 0.05. However, in the current situation it is time that those individuals living in concrete castles overlooking Lake Burley Griffin or the Pacific Ocean realised that Australian people like to indulge in a social activity which involves having a couple of alcoholic drinks. Statistics have proved conclusively that a couple of drinks will not have any detrimental effect on a person's capacity to drive a vehicle, so people can participate in social life. Surely members opposite would agree that if they go to a country town in Western Australia and attend a function, or a game of bowls, or

go to the hotel in Tammin after the team has played a game of football on Sunday and share in the social gathering that takes place one night a week, they should be able to have a couple of beers for half an hour and talk about what has happened, because these are family occasions. The children, the mothers, the players and everyone else are at these gatherings, at which people have a couple of drinks and then go home.

Hon B.L. Jones: It is the couple of drinks which does the damage.

Hon E.J. CHARLTON: It would not be possible to have a couple of drinks with a 0.05 blood alcohol level limit.

Hon Sam Piantadosi: Why can't you go to a social without having a drink?

Hon E.J. CHARLTON: The member could go to the Italian Club and do that.

[Resolved, that the motion be continued.]

Hon E.J. CHARLTON: I will not take that matter any further -

Hon Sam Piantadosi: There is nothing wrong with the Italian Club, but because of my background the member refers to one club, and I find that offensive.

Hon E.J. CHARLTON: The member is a little snooty today.

Hon Sam Piantadosi: I am sick of people drinking and causing danger on the roads.

Hon E.J. CHARLTON: The member must have missed out on something!

Hon Sam Piantadosi: You missed the point I was trying to make.

Hon E.J. CHARLTON: I have touched a nerve with the member on this issue; obviously he cannot come to terms with the fact that people can be part of a social occasion and be totally responsible.

Before I was interrupted I was about to mention responsibility. I was told recently by a gentleman who works for the Department of Agriculture that although he has never had a drink in his life he was stopped and given a breathalyser test. The blood alcohol level reading went to 0.02. The incident happened early in the morning and the only thing he had consumed before he left home in the morning - as a non-drinker - was an apple. It was agreed by the researchers that the reading was a result of the fermentation of the apple.

Hon B.L. Jones: It must have been pure cider!

Hon E.J. CHARLTON: The apple had probably been topped up with some of the terrible chemicals added to the water in our pipes.

Several members interjected.

Hon E.J. CHARLTON: Exactly, but these things do not seem to be taken into account.

The thrust of Hon Bob Pike's motion is to tell the Federal Minister for Land Transport that he cannot impose this requirement on the State Government. I feel sorry for the State Government in that every time it wants to deal with this issue the Federal cloud hangs over it. I recommend that the State Government tell Mr Brown to go and get lost. If it did, it would do so with our support. The State Government will deal with this question when it decides to do so. Members should remember that changes were made - although not those which the Government wanted - on this matter last year, and it is disgraceful that the Government and the people of this State have had a gun held to their heads by Mr Brown. I totally support the Government in telling Mr Brown to go and get lost.

**HON GRAHAM EDWARDS** (North Metropolitan - Minister for Police) [3.34 pm]: I am a little disappointed with the motion; not that it was moved, but with the language it contains. The wording of the motion gives the lie to Hon Bob Pike's statement that he was seeking bipartisan support for the motion. One has only to read the motion to realise that somewhere between the writing of it and Mr Pike's speech, something was lost.

Hon R.G. Pike: Tell us the words. Amend it!

Hon GRAHAM EDWARDS: I do not want Mr Pike to become agitated. He may have noticed that I listened to him in silence, as I did with all speakers; I am interested in what members have to say because this is an important issue, and it should be treated as such.

I am not a friend of Mr Brown's. Indeed, he has accused me of many things.

Hon George Cash: So you are not a troglodyte, as he claims?

Hon GRAHAM EDWARDS: We have been through that.

Hon P.G. Pental: A cave dweller maybe.

Hon GRAHAM EDWARDS: The important issue is the 0.05 blood alcohol content level issue itself. Unfortunately, Mr Brown has only managed to divert attention away from that important debate by agitating debate on the Federal versus States issue - an issue as old as Federation itself.

Regarding the language used in the motion, it would seem that if we were to pass this motion, we would, in our response, be no better than Mr Brown. We have an opportunity to deal with this matter in a mature and statesman-like manner. It is unfortunate that the wording of the motion does not achieve that standard. I would like to believe that we in this State, particularly in this House, have a great capacity to deal with these issues in a mature and statesman-like manner. If Mr Pike had given more thought to the wording and structure of his motion, if he had shown a more considered approach, he may have received support from me, and undoubtedly from other members of the Government. Regardless of what Mr Brown had to say, this issue should be determined by the State Parliament.

Several members: Hear, hear!

Hon GRAHAM EDWARDS: We should not be bullied on this issue by the Federal Government. A decision should be made because it is the right decision and not because somebody places a gun at our heads. It is a matter of determining the right thing to do.

Hon E.J. Charlton: Why do you think he keeps interfering like this? What drives him?

Hon P.G. Pental: Frustration.

Hon GRAHAM EDWARDS: I accept the word frustration, although I may use it in a different sense than the member. I believe Mr Brown is genuine in his endeavours to address safety issues. Some of the national issues faced by the Federal Government are horrific.

Hon Peter Foss: Why does he call us troglodytes and ignore the evidence and report of the committee?

Hon GRAHAM EDWARDS: I suppose that Hon Peter Foss would accuse Mr Brown of holding back money which would help to fix black spot roads, and by doing that is putting the lives of Western Australians at risk. On the other hand, Mr Brown may accuse the member of holding back in the face of overwhelming evidence that a 0.05 blood alcohol content level would save Western Australian lives.

Hon Peter Foss: He has not even looked at the evidence.

Hon Derrick Tomlinson: There is no evidence for that whatsoever.

The DEPUTY PRESIDENT: Order!

Hon GRAHAM EDWARDS: It is a matter of how one approaches the argument. It is as simple as that. I cannot speak for Mr Brown as I do not know what motivated him to use the political matters to support his argument, just as I cannot understand the political matter Mr Foss might raise to support his arguments.

Politics is a game in which people use debate vigorously and address things to best suit their argument. I return to the point that this is a matter that we must be allowed to determine in this place.

Hon Murray Montgomery: Do you accept the validity of the report made by the committee?

Hon GRAHAM EDWARDS: I accept the statement in the report of the Standing Committee on Legislation in relation to the Road Traffic Amendment Bill (No 2) 1990 which states -

8. After hearing from statisticians supporting both sides of the argument, the Committee reached the consensus that the statistical evidence did not support a lower BAC. Any decision on this matter would therefore need to be a political one and should be taken in the interests of the greater community good.

Members in this Chamber, and our colleagues in the other place, can make that

determination. We can make that decision; we do not need Mr Brown's help. Unfortunately, Mr Brown has fallen into the trap that many previous Prime Ministers or Ministers have fallen into; that is, when they wanted to push a particular issue they put a financial gun at the head of the States. Mr Brown did not invent that game; it has been going on since federation. In the past, both the Opposition and the Government have had Ministers who have endeavoured to use that financial tool to bend the States into line, and it is an issue we will have to deal with increasingly in the future. It is unfortunate that people such as Mr Brown are making these sorts of statements and also that we, in this Chamber, are contemplating responding in the manner suggested by Mr Pike.

Hon Peter Foss: Why don't you suggest some amendments?

Hon GRAHAM EDWARDS: I am not going to suggest amendments.

Hon Peter Foss: Is that because you would rather have an excuse for not voting?

Hon GRAHAM EDWARDS: I do not need an excuse. The language I have used in responding to Mr Brown outside this House is much stronger than I would choose to use when responding in the Chamber. It is not a matter of being scared to vote one way or another. It is simply that we had an opportunity to respond to something in a mature and statesmanlike way. Mr Pike, by putting forward his motion in the way he did, has chosen not to do that. He could not resist the temptation to respond in a political sense. I can understand that, but I do not want to see the House pass the motion. It will take us the same way as Mr Brown's comments have taken the Federal Government.

Hon E.J. Charlton: It probably needs equating on the condition that it is not with John Kerin.

Hon GRAHAM EDWARDS: Now that the member has mentioned John Kerin, I will refer to an article in *The Geraldton Guardian* on Wednesday, 26 February 1992, headed "State Lib plan tied to federal ideas". It is by Greenough Liberal MLA Kevin Minson. I assume that it is a column rather than a news item. In the article Mr Minson states -

I have been in Parliament for three years and I have become very aware that many statements made by political parties in the federal and states spheres are so much nonsense.

Made so by the fact that unless there is cooperation between the Commonwealth and the State, then many things are unachievable because of conflicts of responsibility created by the Constitution.

It is certainly true that the Commonwealth can usually bully the states into submission by various forms of financial blackmail, but the reverse is almost never true.

If a State wishes to implement a program that involves federal cooperation, which is frequently the case, then it is pointless to announce the plan as fact unless agreement has been reached with the Commonwealth.

That is not a bad rule of thumb, but it is certainly not the way this Government has approached our relationship with the Federal Government.

*Sitting suspended from 3.45 to 4.00 pm*

Hon GRAHAM EDWARDS: In drawing my remarks to a conclusion, I referred to an article that appeared in *The Geraldton Guardian* headed "State Lib plan tied to federal ideas". Mr Minson said in that article that it was easy for the Federal Government to blackmail the State Government but the reverse was very rarely true. I remind the House of the courageous and strong action by the Premier over the minimum wheat price. She stepped right into that issue and stood in the face of some very severe criticism by the Federal Government. She did not waver one inch and stood by her word. This Premier has an excellent record of standing up to all of those people in Canberra, particularly those who endeavour to bully the States. I would much prefer to support her than support this motion because it does not deserve bipartisan support. It is a political motion and, as I said at the outset, if more consideration had been given to the way it was framed, it might have got the support of this side of the House.

Mr Foss asked me what drives Mr Brown. I guess it is, as Mr Cash, the Leader of the Opposition interjected, frustration when he sees statistical data on this matter. I remind the

House that on 1 January 1991, the Australian Capital Territory changed its allowable maximum blood content from 0.08 per cent to 0.05 per cent. An analysis of the impact of the first six months after the change concluded as follows -

That the reduction in the maximum legal Blood Alcohol Concentration for driving, from .08 to .05 leads to a reduction in the incidence of drink driving at higher BAC levels.

The analysis also showed that the screening of some 48 000 drivers at random breath testing stops indicated that drink driving at BAC levels above 0.15 decreased by 39 per cent compared with the same period in 1990. It concluded also that the reduction was particularly marked at BAC levels above 0.2, at 61 per cent, and that the reduction occurred mainly among drivers aged over 25. There was evidence of a massive reduction in the number of drivers with BACs between 0.05 and 0.08, from 343 cases per 10 000 in the first half of 1990 to approximately 45 in 1991. All of those reductions were statistically significant at or above the 99 per cent confidence level.

As much as Mr Foss would like, we cannot turn a blind eye to that sort of evidence. We cannot ignore it; we must act on it and as long as we do not act on it we will be susceptible to the sorts of attacks that Mr Brown makes. I have been genuine and have worked hard in an attempt to find some bipartisan non-political approach to road safety. I know that it is difficult and I know that there is a difference in the points of view of both sides of this House. However, we should continue to work hard in the interests of road users and in the interests of the safety of motorists to gain a bipartisan approach and we should not be diverted by the statements that have been unfortunately and regrettably made by the Federal Minister. I oppose the motion.

**HON GEORGE CASH** (North Metropolitan - Leader of the Opposition) [4.07 pm]: I support the motion moved by Hon Bob Pike. It is particularly well worded and sets out very clearly where this State should stand on recent actions by the Federal Land Transport Minister, Bob Brown. So that there is no misunderstanding of my view of Mr Brown - I do not want it to be seen as some sort of personality difference or clash - I believe Mr Brown is a second rate Minister in the Federal Labor Government. In not understanding what is going on in the States of Australia, he has allowed himself to be either misinformed or has not taken the action that would have led to his being informed on the situation in Western Australia. Yesterday, his reference on the radio to members of this Legislative Council being troglodytes indicated that he was not aware of the amount of work that the Standing Committee on Legislation did on the 0.05/0.08 blood alcohol content issue or the genuine views of members of this House expressed when the debate occurred last year. That is regrettable.

My having called Mr Brown a second rate Minister does not excuse him from making threats against the people of Western Australia and, more than that, against both Houses of this Parliament. I have not read recently the provisions in the Criminal Code relating to the intimidation of members of Parliament. However, Mr Brown's recent comments, if properly quoted, were a threat which implied, "If you don't do what the Federal Minister wants, I, the Federal Minister, will see that Commonwealth funds are withheld from the State of Western Australia."

That is contrary to the provisions of the Criminal Code. It could also be said that Mr Brown was expressing the view that if Western Australia were to do certain things, he would ensure that certain Commonwealth moneys were paid to the State of Western Australia. I question whether Mr Brown understands what Federal-State relations are about or whether he thinks he should act as a standover merchant from his comfortable office overlooking Lake Burley Griffin and will get away with that type of behaviour. He found it convenient to use the subject of road safety as a lever to try to make Western Australia fall into line. One would be entitled to use the phrase "cave in" in substitution for "falling into line". Mr Brown wants Western Australia to cave in to what he tells us is best for Western Australia and, if we do not do so we shall suffer the financial consequences. Perhaps Federal Minister Brown is not aware of the debates that have raged between the Commonwealth Parliament and all State Parliaments over a number of years regarding the manner in which the Commonwealth Government judges and, indeed, uses its power on a number of issues. Perhaps Mr Brown is not aware of the Tasmanian dams case in which the Federal Government sent Royal

Australian Air Force fighter planes to Tasmania to take photographs of certain dams to identify the activities undertaken by the State Government with regard to the building of dams in the southern part of Tasmania. I would have thought Mr Brown would be aware of that situation, and also aware of the opposition from Western Australia to the Commonwealth's current proposal to take over colleges of technical and further education. These matters are discussed every day. The opposition from Western Australia to the way Canberra carries on is discussed in the media every day, and it is discussed in the Federal Parliament on a regular basis. Either Mr Brown is seriously out of touch with reality, or he is using his position to bluff Western Australia into taking certain action. If Western Australia caves in, I put it to the House that we must ask ourselves: What will the Federal Government next seek to impose on this State? If we allowed people such as Mr Brown to carry on in their misinformed way, trying to impose the will of Canberra on this State, both Houses of this Parliament would do well to close shop very swiftly. In so doing, they would save the people of Western Australia some of their taxpayer dollars.

Hon Mark Nevill: Let us do it tonight.

Hon GEORGE CASH: We could certainly do it tonight, but I will not agree to that because I believe that local matters in Western Australia - that is, those which under the Constitution remain the residual powers of this Parliament - should be administered by this Parliament. I will not give the few remaining State powers to Canberra to allow it to trample on Western Australia. I am surprised that Hon Mark Nevill, as Parliamentary Secretary, and a member who represents a huge mining and pastoral area in this State, would be prepared to hand over any more power to the Commonwealth Government. I wonder what his Federal colleague, Mr Graeme Campbell, would say if he knew that Hon Mark Nevill were representing that position in State Parliament.

Hon Mark Nevill: I do not represent that position.

Hon GEORGE CASH: The Minister for Police admitted in his response that the general principle contained in the motion is absolutely correct. He seemed quite happy to support the general principle set out by Hon Bob Pike in the motion. It seemed, however, that the Minister for Police wanted to use the very vague excuse that the words in the motion did not suit him as the reason he could not support it. If the Minister for Police will identify the words that are causing him some concern, I will move an amendment to the motion removing those words. We can then test the House to determine whether the Labor Government in Western Australia is dinkum about standing up to the Federal Government. Alternatively, will the Minister for Police, after identifying the words that do not impress him, generate or develop some other argument or excuse for not standing up to his Federal colleagues?

The Minister for Police also referred to the activities of Mr Brown as being founded on some frustration; that is, Mr Brown, having recently read the results of the changes to the law on blood alcohol content levels in the Australian Capital Territory, was moved to say that if it worked in the ACT, it must work everywhere. Having read those statistics, Mr Brown has developed into somewhat of a zealot and he wants to impose his will on all States. If that is the reason Mr Brown has made those comments, again, it is the very reason that we in this State should not change our views to accommodate him. I will expand on that so that no confusion arises. Mr Brown, having awoken one morning and read the statistics following the changes in the ACT, has decided he should impose his will - that is, the Federal Government's will - on the States. If we are prepared to cave in because it gives Mr Brown a warm feeling, we shall do a disservice to the people of Western Australia. We must consider more than a warm feeling for Mr Brown, or the statistics from the ACT; we must consider the local conditions in this State, the evidence presented to date to the Legislation Committee, and the various arguments presented in this House last year before we are moved to change our minds.

I said in an interview yesterday that one of the reasons the Liberal Party in this State is not prepared to accept the Bill in the form in which the Government has introduced it, is that the Government failed to provide scientific evidence to support its argument. I have said before in this place that it is the Government's role, when proposing and introducing legislation, to prove its case if it wants the support of the House generally. It is clear from the way the votes are cast in this place that on many occasions the Government does not prove its case. Members will be aware that often the Opposition is required to move amendments to clean

up or improve the Government's legislation to bring it to a more acceptable form to ensure that it passes through this House. I do not believe that is necessarily the primary role of the Opposition. The onus is on the mover of any Bill in this place to set out very clearly and prove the case, and support it with evidence to convince members in this House that the proposition is worth supporting.

I note that the Minister for Police is not here, and I acknowledge that his absence is no doubt due to his having parliamentary duties elsewhere. I make that point because it would have suited my purpose had he been here to indicate to me whether there were any other words in the motion that I could now move to delete that would enable him and the Government to support this motion. However, that is life; we all have commitments outside the Parliament from time to time when the House is sitting, and I fully respect the Minister's having to perform those duties.

#### *Amendments to Motion*

Hon GEORGE CASH: Given the comments made by the Minister for Police, and after I have read the motion carefully and tried to ascertain what may have been in the Minister's mind when he talked about the words not being suitable to him, I move -

Clause (3), line 2 - To delete the word "the" appearing before the word "Federal", and delete the word "Labor", and substitute the word "Governments" for "Government".

Clause (5) - To delete the paragraph.

I have moved that amendment because I am endeavouring to take the politics out of the motion. I do not really believe that there are politics in the motion, but I hope that my moving to delete those words will encourage the Minister for Police to agree to this important motion. It is not just a question of a 0.05 or 0.08 legal blood alcohol content limit; it is a question of Federal-State financial relations. I have said previously in this House that I believe the bickering that goes on between the States and the Commonwealth concerning financial relations will continue until such time as we all sit down on a bipartisan basis and address the many problems surrounding Federal-State financial relations. I hope the Minister for Police will encourage his colleagues to support my amendment and then the amended motion.

#### *Adjournment of Debate*

HON FRED McKENZIE (East Metropolitan) [4.23 pm]: I move -

That the debate be adjourned until the next sitting of the House.

#### *Point of Order*

Hon R.G. PIKE: Mr President, I would like to speak to my seconding of the motion. I thought I had that right.

The PRESIDENT: Order! You do not automatically get the opportunity of speaking when you second a motion. You must rise in your place and indicate that you second it. I then put the question, and, when I put the question, everyone is seated and no-one has the floor. I then give the floor to the person who I believe rises first. I am not always right but I am nearly always right, and I thought on this occasion that Hon Fred McKenzie rose first.

#### *Division*

Question put and a division taken with the following result -

#### *Ayes (16)*

Hon J.M. Berinson  
Hon T.G. Butler  
Hon Kim Chance  
Hon Cheryl Davenport  
Hon Graham Edwards  
Hon John Halden

Hon Kay Hallahan  
Hon Tom Helm  
Hon B.L. Jones  
Hon Garry Kelly  
Hon Mark Nevill  
Hon Sam Piantadosi

Hon Tom Stephens  
Hon Bob Thomas  
Hon Doug Wenn  
Hon Fred McKenzie  
(Teller)

## Noes (17)

Hon J.N. Caldwell  
 Hon George Cash  
 Hon E.J. Charlton  
 Hon Reg Davies  
 Hon Max Evans  
 Hon Peter Foss

Hon Barry House  
 Hon P.H. Lockyer  
 Hon Murray Montgomery  
 Hon N.F. Moore  
 Hon Muriel Patterson  
 Hon P.G. Pandal

Hon R.G. Pike  
 Hon W.N. Stretch  
 Hon Derrick Tomlinson  
 Hon D.J. Wordsworth  
 Hon Margaret McAleer  
 (Teller)

Question thus negated.

*Debate Resumed*

The PRESIDENT: Order! Instead of our going through each amendment separately, I take it that the House has no objection to its dealing with all of the amendments in one shot.

**HON GRAHAM EDWARDS** (North Metropolitan - Minister for Police) [4.29 pm]: I regret the fact that Hon Bob Pike denied us the opportunity of adjourning the consideration of the motion and its amendment. Were the member genuine in looking at a joint agreement and a joint approach he would not have denied us the opportunity to give consideration to what appeared to be a fairly reasonable amendment put forward by the Leader of the Opposition in a fairly constructive way.

Hon George Cash: I was about to draw the Minister's attention to a reflection on a vote of the House, but after those nice words I probably will not bother.

Hon GRAHAM EDWARDS: Were my words a reflection on a vote of the House, the President would not hesitate to point that out.

The amendment is unfortunate because we on this side of the House have been very frank, open and honest in our criticism of Federal Minister Brown, and not only inside this House. As I said earlier, in the interests of the decorum and maturity of this House I refrained from using the language that I used outside this House, simply because I believe we are interested in making a mature, reasonable and responsible reply to a Federal Minister whose statements lacked all of those attributes. We have chosen not to do that; firstly, because of the way in which the motion was put forward and, secondly, because of Mr Pike's promise to deny us even the briefest time to give consideration to the amendment. Mr Pike has more interest in playing politics with these sorts of issues than addressing the real issue of road safety.

**HON R.G. PIKE** (North Metropolitan) [4.32 pm]: I support the amendment. I draw the attention of the House to the fact that Minister Edwards made about 15 interjections - which is the only substance of his contribution to the debate. A summary of those words is that the language in the motion and the wording of the motion are unsatisfactory. He went on to say that it is purely a political motion. I do not believe that the experience of the Minister for Police or of the Leader of the House in this place is so lacking that they need an adjournment from one day to another for a matter that is so clear, and so frankly and clearly expressed in the motion, that it is easy to understand. The amendment moved by the Leader of the Opposition is one with which I concurred and to which I contributed. It deletes reference in paragraph (3) to the Federal Labor Government and refers to "another example of Federal Governments".

Let us consider the wording of the motion, particularly because I interjected six times when the Minister for Police was speaking. Each time I asked him to tell us the words to which he objected. The response was either silence or the Minister's normal bluff and bluster, totally lacking in detail or substance. Nothing has changed. We have a straightforward amendment before us which would delete reference to a Federal Labor Government and make reference to Federal Governments. Members will recall that I was objectively critical of our former Federal Liberal leader, John Howard, in his declaration on centralism - which was similar to but not as bad as this example. So, the comment by Minister Edwards that it is a political motion falls on barren ground because all members will recollect precisely that I said those words. Therefore, it could hardly be said to be a comment by me which was partisan in attacking the Labor Party because my very words contradicted that fact.

I pass now to that part of the amendment which would delete paragraph (5) of the motion, which reads "It constitutes an attempt by the Keating Federal Labor Government to

undermine the State's legislative power." That is to be completely deleted. Again, because Minister Edwards is not without some ability it is totally within his competence, and that of the Leader of the House, to alter the motion further by submitting an amendment so that the matter can be dealt with. That can be easily done. It took about 25 seconds to decide on the amendment before the Chair.

Hon J.M. Berinson: And that could well be what is wrong with it.

Hon R.G. PIKE: That is a matter of opinion. Obviously if that is what is wrong with it, does the Leader of the House think we should leave in the criticism of the Federal Labor Government.

Hon J.M. Berinson: Very droll!

Hon R.G. PIKE: Droll, I think, is the word to use. Let us hear it again perhaps.

The last time I moved a motion attacking Federal Minister Brown, over a matter raised by Hon Eric Charlton - road tax moneys and licence plates - it was adjourned by the Opposition. It was dropped to the bottom of the Notice Paper by Hon J.M. Berinson and was never finally dealt with. So much for the objectivity of the leader of the Government in this place. It is a furphy; it is wrong; it is incorrect; it is an evasion of responsibility; it is a detour, and it is political trickery for the Government to be saying in this place, "Give us time to do it." I invite the Minister for Police and the Leader of the Opposition -

Several members interjected.

Hon R.G. PIKE: That was a Freudian slip. A little time, and I will be right.

Hon Graham Edwards interjected.

Hon R.G. PIKE: May I have some protection from the Chair. I am running out of steam. I invite the leader of the Government in this place to comment. It is clear from the strong comments of the Minister for Police, and it is equally clear from the comments by the Premier of Western Australia, that the view that this motion expresses of the actions of Federal Minister Brown is a view that is shared by all parties - and nobody has denied that argument.

Hon J.M. Berinson: Do you really think that it assists Commonwealth-State relations to personalise a problem in the way your motion does, even with the amendment?

Hon R.G. PIKE: The answer to that question is that where we have a Federal Minister - and some members may not be aware of this - that accuses the members of the Legislative Council in this State of being troglodytes - those are the exact words the Minister used - it is not inappropriate for the House to say that it deplores his actions - and to say what he said. I omitted the reference to troglodytes because I share the view of Hon Graham Edwards that it lowers debate in this place to be getting down in the gutter with Minister Brown and swapping insults. We should not swap insults. The motion does not do that, but the challenge to both the Minister for Police and the Leader of the House is for them to follow up the generally expressed view that they agree that Federal Minister Brown needs to be dealt with. The Minister for Police stated that he dealt with him in language that he could not mention in this place. We now have an objective motion which says what he said. It says that the Federal Minister will deprive the State of funds. It says his action is an example of a Federal Government threatening the State. It repudiates the right of Western Australians, and denies us the right to make own laws.

Perhaps this final matter should be formally referred to the Attorney General. I will quote section 55 of the Criminal Code. Members should think about the Federal Minister's threat to this Legislature.

The PRESIDENT: Order! I am getting the impression that Hon R.G. Pike is winding up the debate on the motion, as distinct from speaking on the merits of the amendment that Hon George Cash has moved. I suggest to the honourable member that if it is his intention at some later stage to take the opportunity of speaking on the main motion he will only be repeating what he is saying now.

Hon R.G. PIKE: The amendment deletes clause 5 and alters clause 3 and the totality of the motion with those amendments stands substantially as it is before the Chair. Section 55 of the Criminal Code will illustrate my point. It says -

Any person who, by force or fraud, interferes or attempts to interfere with the free exercise by either House of Parliament of their authority, or with the free exercise by -

The PRESIDENT: Order! I am not sure whether the honourable member understood what I said; I certainly did not understand what he said. I said that he should be talking about the deletion of clause 5 and the deletion of the words "the" and "Labor" in line 2 and the substitution of the word "Governments" for the word "Government" in line 2 of clause 3. Frankly, what section 55 of the Criminal Code has to do with that I am at a loss to understand. I am not trying to stop the honourable member making reference to it, but the time to make reference to that is when he is closing the debate on the substantive motion. That is pretty plain.

Hon R.G. PIKE: Clause 3, which we are debating, says, "Irrespective of the issues involved, Commonwealth Minister Brown's action" - so we are talking about his action - "is another example of the Federal Labor Government threatening the State by attempting to dictate what laws should apply in Western Australia." I submit to you, Mr President, that an amendment of the Criminal Code which deals with that threat is a matter that is relevant to the debate because that is precisely what we are discussing.

The PRESIDENT: Hon Bob Pike is perfectly entitled to that point of view; I do not share it. I am suggesting that the honourable member should not talk about it.

Hon R.G. PIKE: I will deal with that at another time.

The PRESIDENT: That is exactly what I said.

Hon R.G. PIKE: In concluding my remarks I will repeat what I have said to the Government twice already. The Government has indicated it supports the idea in principle, but it cannot agree with the words and the language used. The Government was asked about six times by interjection to tell the Opposition what words it disagreed with - it has not told the Opposition.

Hon Graham Edwards: You have been told.

Hon R.G. PIKE: The Leader of the Opposition has altered all the words that he thought could be considered unacceptable. The Government is now invited to make its own submissions in order that the motion can be truly bipartisan and then the House and the public can judge the Government's actions accordingly.

HON PETER FOSS (East Metropolitan) [4.43 pm]: We are considering an amendment to this motion. That raises squarely what is the proper wording of this motion. We have heard all along from the Government that it agrees entirely with the sentiments of this motion, but it is worried about the wording. I would have thought a motion for amendment would come from the Government because it has had 24 hours to look at this motion and take up the invitation of the Leader of the Opposition to suggest an amendment.

Hon Graham Edwards: It is your attitude we want changed.

Hon PETER FOSS: The Government did not suggest an amendment so the Leader of the Opposition attempted to try to fathom out what exactly was objectionable to the Government and prevented it from supporting this motion. I commend the Leader of the Opposition's attempt to try to make this motion universally acceptable, but the question firmly before the Chair as a result of the motion by the Leader of the Opposition is: What is necessary to be done to this motion in order to make it an acceptable motion to the Government? We are talking about an amendment right now and I would have thought we would hear from the Government if it did not like the changes suggested. What would be acceptable to the Government? The Government has had a full 24 hours to look at this motion. The Opposition has not heard one word from the Government about the words to which it objects.

Hon J.M. Berinson: What would be lost in the next 24 hours?

Hon PETER FOSS: I am beginning to come to the belief that Mr Berinson is playing games -

Hon J.M. Berinson: What is the pot calling the kettle?

Hon PETER FOSS: - that he is putting up suggestions of agreeing with the sentiments and

saying that this motion needs amending because he really does not want to vote in favour of it, or because he does not want to see a motion with the words that he finds acceptable.

Hon J.M. Berinson: Where is the urgency?

Hon PETER FOSS: For some reason I do not understand, Mr Berinson will do anything rather than vote on this motion. I do not know why he has an objection to it.

Hon Graham Edwards: You are trying to get Hon Bob Pike out of the hole he has dug for himself.

The PRESIDENT: Order!

Hon PETER FOSS: The Attorney General is doing anything other than vote on this motion affirmatively because he likes to have it both ways. The Attorney General is saying that he supports the principle, but on the other hand this amendment does not overcome his objections, and he is not prepared to say what does.

Hon J.M. Berinson: We are prepared to say after a normal adjournment.

Hon PETER FOSS: I am drawn inevitably to the conclusion that the failure of anybody on the Government's side to say one word about what is wrong with the wording of this motion is because the Attorney General is trying to avoid voting in support of the motion. That is notwithstanding that the Government wants to go out in the community and say, "We support the sentiments." The Government does not want to put anything behind the sentiments and make it clear to the Federal Government that this Parliament unanimously rejects this behaviour.

Hon Graham Edwards: We want to get results.

Hon PETER FOSS: A unanimous rejection by this Parliament of the actions of Mr Brown is very important for the people of Western Australia.

Hon Graham Edwards: So is 0.05 legislation.

Hon PETER FOSS: For some reason Government members are not prepared to put their names to this resolution. I do not know why they are so reluctant to do so. It seems they are trying to have a bit each way. They want to take the credit for standing up to the Federal Government but they are not prepared to do anything substantial about it. It seems that Government members cannot continue to take that attitude. If members opposite genuinely believe that the amendment moved by the Leader of the Opposition does not meet their requirements, and the Government has had 24 hours notice of this motion, I believe the Government of Western Australia owes a duty to not only this House but also the people of Western Australia to say what needs to be done to this motion to make it acceptable so it can be voted on. If members opposite do not do that they are letting down the people of Western Australia.

Hon Graham Edwards: So are you not giving support to 0.05 legislation?

Hon PETER FOSS: I am saddened the Government is taking the somewhat hypocritical attitude of holding itself out to support the sentiments. Let us see members opposite put some reality behind them and let us at least hear what is wrong with this amendment. How do members opposite believe this motion could be improved so that they could vote for it and this House might believe them? Until that time we cannot believe the Government.

Amendments put and passed.

#### *Motion, as Amended*

HON R.G. PIKE (North Metropolitan) [4.49 pm]: The matter I will be referring to the Attorney General for consideration is section 55 of the Criminal Code, which is very relevant to this motion. It says -

Any person who, by force or fraud, interferes or attempts to interfere with the free exercise by either House of Parliament of their authority, or with the free exercise by any member or either House of his duties or authority as such member or as a member of a committee of either House, or of a joint committee of both Houses, is guilty of a misdemeanour, and is liable to imprisonment for 3 years.

It is an interesting contemplation to what I believe is a Federal Minister exceeding his

responsibilities and authority, and that is a matter for the future. Nevertheless, it is relevant to this motion. This motion has been measured by good spirited debate. References to any political party have been deleted and the motion deals entirely with the issue of the rights of Western Australia. I ask members to support the motion.

*Division*

Question (motion, as amended) put and a division taken with the following result -

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*Ayes (17)*

Hon J.N. Caldwell	Hon Barry House	Hon R.G. Pike
Hon George Cash	Hon P.H. Lockyer	Hon W.N. Stretch
Hon E.J. Charlton	Hon Murray Montgomery	Hon Derrick Tomlinson
Hon Reg Davies	Hon N.F. Moore	Hon D.J. Wordsworth
Hon Max Evans	Hon Muriel Patterson	Hon Margaret McAleer
Hon Peter Foss	Hon P.G. Pandal	(Teller)

*Noes (16)*

Hon J.M. Berinson	Hon Kay Hallahan	Hon Tom Stephens
Hon T.G. Butler	Hon Tom Helm	Hon Bob Thomas
Hon Kim Chance	Hon B.L. Jones	Hon Doug Wenn
Hon Cheryl Davenport	Hon Garry Kelly	Hon Fred McKenzie
Hon Graham Edwards	Hon Mark Nevill	(Teller)
Hon John Halden	Hon Sam Piantadosi	

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Question (motion as amended) thus passed.

## STANDING COMMITTEE ON LEGISLATION

*Crime (Serious and Repeat Offenders) Sentencing Act, Criminal Law Amendment Act*

*Report Tabling - Extension of Time*

**HON GARRY KELLY** (South Metropolitan) [4.52 pm]: I am directed to report that the Standing Committee on Legislation has resolved that the time in which it has to report on the Crime (Serious and Repeat Offenders) Sentencing Act and the Criminal Law Amendment Act be extended from 9 April to 14 May. I move -

That the report do lie upon the Table and be adopted and agreed to.

Question put and passed.

[See paper No 55.]

## ADDRESS-IN-REPLY - NINTH DAY

*Motion*

Debate resumed from 7 April.

**HON MURRAY MONTGOMERY** (South West) [4.54 pm]: I was pleased to hear the Governor's Address to this Parliament. However, I regret that that will be the last occasion on which he will address this House, because he and his wife are held in high esteem throughout the State.

I also refer to Hon Bob Thomas' speech when moving the Address-in-Reply. I support his comments which related to Albany, particularly those dealing with the developments taking place and some of the problems facing industry and employment in that area. I am dismayed he failed to mention the forestry industry in his address. Although, he did mention briefly the woodchipping and plantation industries, Hon Bob Thomas did not mention the sawmilling industry in Denmark which is operated by Whittakers Ltd. Unfortunately, some of the State forests surrounding Denmark are nominated to be included in a national park. That will mean that the resources in that national park will be locked away from that industry and Whittakers will have to pull its timber resources from further afield.

Another industry which Hon Bob Thomas failed to mention - and I am sure it was an oversight - was the fishing industry. There is a degree of stability in industries such as wet fishing and mulie fishing.

Hon Bob Thomas: That is a prime example of an achievement of this Government.

Hon MURRAY MONTGOMERY: I intend to address those fine achievements later. The mulie industry is restricted and licences must be issued for it. Of course, the industry in the south west provides mulies for recreational fishermen around Australia. However, there are some moves to market mulies for human consumption.

Another facet of the fishing industry is salmon fishing, on which over the past few years the Government has seen fit to impose restrictions to the point where this year the catch will be restricted to about 1 600 tonnes - it could have been lower than that. One of the sad things about this is that in the last few years large numbers of salmon have been running along the southern coast and up the west coast but, because of the restrictions, fishermen have been prevented from catching them. This has meant that the community of Albany and the rest of the State have missed out on financial gain.

[Questions without notice taken.]

Hon MURRAY MONTGOMERY: The quotas placed on the fishery meant that the fishermen were unable to take full advantage of the abundance of salmon. That happens from time to time in primary industries. Subsequently, in what was thought would be one of those years when this would even itself out and we would have another reasonable year in the salmon fishery, lo and behold, this year there has been a large reduction to the point where it will probably be one of the lowest salmon catches on record, particularly on the south coast.

The information provided to me was that the fishermen had caught around 700 tonnes of salmon for the year. Admittedly, the information related to the state of play one week ago, but usually after 26 March the herring fishery come into play for a short period - usually for a week or 10 days. At that time we see the herring and the salmon running together. It is unfortunate that many fishermen along the south coast have virtually failed to catch any salmon this year. That in itself will cause the town of Albany some problems, because it will be without the money raised by that catch. This will add to the problems of Albany and other towns as a result of the recession.

Hon Bob Thomas: It might take half a million dollars out of our economy this year.

Hon MURRAY MONTGOMERY: The member will probably find it is a lot more than that, but I will not dispute the fact that a great deal of money will be missing from the town's economy this year. The problem is that very little research is done in the salmon industry. There have been times of plenty - two or three of which I have experienced - followed by a down turn in the numbers of fish in the fishery; however, it always turns around and the numbers increase.

The limited research conducted on this issue indicates that the salmon fishery has never been fished out although some have been under extreme pressure. It is also interesting that the Leeuwin current has recently been two or three degrees warmer along the south coast than is normally the case around this time of year. Observations have been made of large schools of thousands of tonnes of fish within certain areas out to sea along the continental shelf. Salmon are caught on beaches, and therefore are self-regulating; if the fish do not come to shore, they cannot be caught. Also, they cannot be caught during daylight hours. If the current quotas are maintained, this will lead to the demise of some fishermen along the south coast, which will be to the detriment of the Town of Albany and other towns on that coastline.

I congratulate Hon Kim Chance on his election. I trust that Kim will find this place interesting and will be able to contribute to debates. The member was involved with the Western Australian Farmers Federation, and in the early days we were probably both involved with the Primary Industries Association of WA.

Hon T.G. Butler: He was very progressive.

Hon MURRAY MONTGOMERY: Does the member mean that he was progressive in the

way he has moved from representing the farmers in one organisation to farmer and rural community representation in another sphere?

Hon E.J. Charlton: Do not make it too technical, because Mr Butler will not understand it.

Hon MURRAY MONTGOMERY: Indeed.

Hon T.G. Butler: That was technical?

Hon John Halden: It was for them!

Hon E.J. Charlton: Go back to sleep, Mr Halden.

Hon MURRAY MONTGOMERY: It is too difficult for Hon John Halden to understand where he has come from.

I trust that Hon Kim Chance will enjoy his time in this place. The appointment of Mr Chance resulted from the resignation of Hon Jim Brown. When I came into this House, he was the only member on the other side who would talk about farming and the rural community in which I was raised. It was interesting to discuss some differing points of view with Hon Jim Brown. I wish him well wherever he goes and I hope that one of these days we might cross paths again and further discuss our differing points of view.

Hon Derrick Tomlinson: Probably in a sinecure somewhere.

Hon MURRAY MONTGOMERY: I will not respond to that comment at this time.

I have a great deal of concern regarding education and the lack of funding of capital works for the upgrading of schools. Many members have similar concerns. Funding of education needs to be considered in the overall sense of Government funding and where resources will be applied. Questions have been asked in this House regarding some schools which are in desperate need of upgrading; some have related to schools within my region, but it would not hurt to reiterate these problems.

The Walpole Primary School facilities are a matter of concern to that community; it has reached the stage where the school is overcrowded and transportable toilets are being used by the staff. Therefore, capital works need to be carried out urgently. The list of such schools includes the Mt Barker Primary School, the Bridgetown High School - as members are no doubt aware because the Minister expressed concern when she attended that school last September - and the Donnybrook High School. The list continues with Waroona High School, the Denmark Agricultural College - which requires some further facilities for boarding of students - and the Busselton Senior High School, about which I am aware that parents have expressed concern to the Minister today. The Margaret River High School also needs an upgrade. At some time the possibility of its rising to senior level must be considered. Concern has also been expressed about the need for additional facilities at Flinders Park School. Those are a few of the schools which, when added to the list, will make it extensive.

Hon Bob Thomas: You forgot the covered assembly area of the Albany Primary School.

Hon MURRAY MONTGOMERY: I agree but, as I said, a great number of schools could be added to the list. The Government must commence its Capital Works Program for the schooling system, and our education system must increase its student intake. Money must be spent in the areas which will grow rather than in those which have stagnated or reduced in student numbers. It is very important to the south west community that further funding be injected into those capital works areas.

I refer now to the problem within this State, particularly in the south west region, of funding for roads. I am not taking to task only the State Government regarding the lack of funds allocated to road building; however, I believe the State should put all the money it receives from fuel excise and other road user taxes into road building. Federal funding for roads is grossly inadequate given the fact that the Federal Government spends about \$1.6 billion on roads although it collects about \$7 billion. That is an indication of the huge amounts of money collected from road users which are not being returned. Problems will arise in the very near future which will make it difficult to maintain our roads, let alone upgrade them. As I said, although one can be critical of the State Government's attitude to road funding, I am also being critical of Federal funding. That reminds me of what was said here earlier. The State Government is being held to ransom for Federal Government moneys by

Canberra's threat to not provide road funding unless this Government bows and scrapes and enacts legislation relating to penalties for a minimum blood alcohol content level when driving of 0.05 per cent rather than 0.08 per cent.

I refer now to orderly marketing of primary products, an area which I hold close, as do members of the farming community who believe in orderly marketing. If the people dealing in those commodities, whether they be grains, lamb meat, milk or potatoes, want an orderly marketing system they should have one. Referenda have been held in the meat industry and other industries regarding the establishment of organisations for orderly marketing of those commodities. Although changes may be made to assist, maintain and make those organisations vibrant, it is not for other sectors of the community to interfere with that process. Orderly marketing is the way in which producers say they want to market their products collectively. It is therefore incumbent on the Government to accept the producers' wishes. The interference often comes from producers outside the system who wish to join in, and there is no reason why they cannot join. Only a certain quantity of goods can be produced for a market. Hon Sam Piantadosi has criticised the potato industry. People in the Manjimup area who produce potatoes for direct human consumption and the potato chipping plants in Manjimup and Albany do not wish to see any change. The people who grow potatoes for the french fry plants in Manjimup and Albany can grow them under contract. They do not require a licence from the Potato Marketing Authority and they do not have to worry about how much they produce. That is between the growers and the factory with which they deal. Orderly marketing is a system which the producers want to retain. If they wished to get rid of it I would not stand in their way, but we should allow them that opportunity. The situation must be given consideration. Even in the metropolitan area orderly marketing of goods and services exists under Government regulation. If producers in the rural community wish to have orderly marketing, so be it.

I refer now to sport, particularly football. The West Coast Eagles football team was created some five or six years ago in Western Australia to compete in the national competition. When the team was in its infancy problems arose over how the team would be managed, who was to run it, and that it was to be financed as a publicly floated company. The team was taken over by the West Australian Football Commission. That decision caused a following to develop for the Eagles, and the number of top players in the State football league dwindled. As spectator numbers dwindled some of the West Australian Football League clubs faced financial problems. A problem exists now because the league is seeking members in the country in an effort to strengthen its competition. That is occurring at the expense of the rural football competition.

That concerns me because, having seen it happen in one area of football, it is now likely to happen in country football. It has been encouraged by the WA Football Commission. Some clubs will find it very difficult to keep going. One team in the wheatbelt is having problems. For the first time in 70 years, the club at Trayning has not been able to field a football team. That is a sad indictment of football in this State because not only is the WAFL pulling players from those areas to play in Perth but it now wants country football teams playing in the WAFL competition. Once those clubs fold up there will be problems in the rural communities because football has been part of the weekend social interaction of players and spectators for a long time.

In the last six to nine months many country football clubs have been visited by officers of the State Taxation Department investigating the clubs' finances. They are examining to whom the clubs have paid money and where they get their revenue from. In many instances, the amounts involved are a pittance. I am concerned that those officers were actually sooled onto the clubs. The State Taxation Department would not like me to put it like that, but that is what happened. I have spoken to a few club leaders and apparently when these officers could not find a club president, secretary or treasurer, they took steps to make sure they did, to the point where, on not being able to find the club's president, the officer rang the league president for another telephone number. Surely there are a lot of bigger fish in the sea and many more problems that need to be investigated before these football clubs, particularly in country areas, are investigated. I am not suggesting some of the big football clubs should not be investigated. However, I do not think the situation requires such a broad brush approach to the whole of the football community. It should be spelt out to these officers that before they get involved in these sorts of investigations they should make sure that their noses are clean.

References to the Pardelup Prison Farm made in a debate last week certainly needed to be made. Apparently a review is being carried out into whether the farm should be fully or partially closed. Either alternative is unacceptable. The local shire council has indicated that the Pardelup Prison Farm should remain where it is and should operate under its present guidelines. It certainly does not want the prison farm partially closed so that prisoners are bused from Albany daily. That would be a total waste of time and money. Can members imagine prisoners leaving the Albany Prison at eight o'clock in the morning, arriving at the farm at 9.30 am, and leaving the farm at 3.00 pm to arrive back at the Albany Prison at 4.30 pm? Not much work would be done and the prisoners would probably be happy with working a five hour day. However, the cost of transporting them and partially closing an enterprise that provides stability to the Mt Barker community would be expensive and devastating. This is a well run farm. It would not be in the best interests of the prison system to close it because such low security prisons should be allowed to operate in the interests of the prisoners. The prisoners work on the farm and gain some farming skills. The present operation under the present management should be allowed to continue and the inmates should be allowed to remain as has been the tradition. This prison farm has existed on this spot for 60 or 70 years - 60 years anyway - and the inquiry should recommend that it should be maintained in that area. With those few comments, I support the motion.

**HON T.G. BUTLER** (East Metropolitan) [5.58 pm]: I support the motion moved by Hon Bob Thomas and congratulate him for the quantity and quality of his address. I suggest that he ignore the criticisms that were levelled at his speech by members opposite. I heard nothing contentious in it and the Ashburton by-election vindicated his remarks that the electorate would reject the Fightback package. It most certainly did that. It has now become the backfired package.

Hon N.F. Moore: We would be happy to fight an election on the Fightback package any time you like.

The **DEPUTY PRESIDENT** (Hon Garry Kelly): Order!

Hon T.G. BUTLER: I hope we do because, to win, members opposite would have to go into training; their first hit-out was disgraceful. Members opposite should be outraged -

Hon P.G. Pendal: If you are so confident, get your Premier to call a general election tomorrow.

Hon T.G. BUTLER: Hon Phillip Pental is pretty cheeky.

The **DEPUTY PRESIDENT**: Order! I remind Hon Phillip Pental that when I was first elected I interjected from a seat other than my own and I received a note from the President which said that to interject was out of order, but to interject from another seat was completely out of order.

Hon P.G. Pental: I apologise, Mr Deputy President.

*Sitting suspended from 6.00 to 7.30 pm*

Hon T.G. BUTLER: Prior to the dinner suspension I referred to the speech made by Hon Bob Thomas when he moved the Address-in-Reply motion at the opening of Parliament. I could not find anything contentious in his speech and I suggest to him that he take no notice of the outrage expressed by members opposite to it. If members opposite want to display their outrage at a speech given in this place they should turn their attention to the speech delivered by Hon George Cash at the special joint sitting of the two Houses of Parliament in which he referred to former Senator Jo Vallentine. I consider his comments to have been in bad taste. Senator Vallentine was elected on a particular platform and the fact that Hon George Cash or anyone else saw fit to criticise her performance indicates to me that she kept faith with that percentage of the electorate which supported her.

I join with those members who paid tribute to Hon Jim Brown. I have known Jim for a long time and know he worked very hard for his electorate during his time in the Parliament. He has a great knowledge of agricultural issues and the agricultural area and that is something I came to appreciate during my time as President of the Western Australian Branch of the Australian Labor Party when I was called on to attend and chair rural Labor meetings. I learnt a lot from Hon Jim Brown at those meetings and I enjoyed my association with him. I take this opportunity to wish both Jim and his future wife a long and happy future.

During my association with the rural Labor movement I came to know Hon Kim Chance and I congratulate him on being chosen to replace Hon Jim Brown and welcome him to this place. His maiden speech indicated to me that he will be a tremendous asset to this House. His speech was a factual assessment of the effect of a goods and services tax on rural Western Australia. I have suggested to him that he have his speech published and distributed widely throughout the agricultural region because it will give the people in agricultural Australia an insight into the hardship they will suffer under a Hewson led Federal Liberal Government.

Hon E.J. Charlton: They are hurting so much now that they will not feel any further pain.

Hon T.G. BUTLER: They will feel additional pain if the Federal Liberal Party is elected to office.

I have known Hon Kim Chance and his wife, Sue, for a number of years and I am happy he is representing the Labor Party and the Agricultural Region in this place. Members will come to appreciate his wide knowledge of local, national and international affairs.

I also take this opportunity to congratulate Hon Garry Kelly on his election to the position of Chairman of Committees. I will not comment on the action of Opposition members which denied Hon Kim Chance an opportunity to vote in that ballot other than to say that their lack of morality is becoming obvious.

Hon N.F. Moore: I have been watching you for the last four weeks and I have recognised a lack of morality over there.

Several members interjected.

Hon Graham Edwards: Who do you blame? Mr Court or Mr MacKinnon, or do you accept responsibility?

Hon N.F. Moore: I do not blame anyone and I do not give you any credit.

The PRESIDENT: Order!

Hon Graham Edwards: That is all right; I would not expect you to.

The PRESIDENT: Order!

Hon T.G. BUTLER: Hon Norman Moore's disappointment is showing.

Hon N.F. Moore: No, I just cannot stand your lack of morality and I will tell you all about it.

The PRESIDENT: Order!

Hon T.G. BUTLER: Hon Norman Moore would be well versed to give me a lesson in morality.

Hon Garry Kelly is well experienced in chairing the proceedings of this House. At all times he has shown an impartiality from the Chair and he will be a tremendous asset to this House as Chairman of Committees.

I will also pay a small tribute to the memory of the late Pam Buchanan. Pam was an extraordinary person and that is evident when one considers the length of time she actually suffered from cancer. I was surprised to learn from the eulogy at her funeral that she had suffered from cancer for 18 years. When one considers what Pam achieved in those 18 years one will reach an understanding of and appreciate the person she was. Pam always had an empathy with the less fortunate in society and, as a consequence, she became a great supporter of the underprivileged. This led her into a life of politics. Firstly, she was electorate officer to Peter Dowding; secondly, she was elected to the Legislative Assembly; thirdly, she was elected to the position of Government Whip; and finally, she became a member of the ministry. To me, Pam was a truly great person and I had a lot of time for her. I will remember her for a long time.

I also place on record my thanks to the Governor, Sir Francis Burt, for accepting an extension of his time in office. He brings to the office of Governor the same dignity his predecessor, the late Professor Gordon Reid, brought to it. I wish also to thank the Governor for his Speech when opening this session of Parliament. He did not take up the time of the Parliament heaping praise on the Government or making excuses; rather he addressed the problems and issues facing the nation. He recognised in his Speech the harsh economic

climate, the fall in world commodity prices, and the effect that had on our mining and agricultural industries. He also addressed the high levels of unemployment. His Speech drew attention to the fact that the Government had recognised these problems and as a consequence has developed a plan that relies on long term strategies aimed at securing economic growth and future employment. The Governor stated that the plan, the WA Advantage, is -

based on the premise that the creation of wealth is the province of the private sector and that Government plays a crucial supportive role . . .

It provides that support through a range of initiatives. I think all members will agree that we are up to our necks in economic statements at the moment. From my point of view, one of the most reassuring aspects of the WA Advantage and the One Nation documents is the very clear commitment to fair and equitable industrial relations.

Hon D.J. Wordsworth: You must be joking.

Hon T.G. BUTLER: Is that right? This is in stark contrast to the Hewson and MacKinnon packages. All these economic statements refer to enterprise bargaining, and one could be excused for thinking there was unanimity among all the parties - the Government and the Opposition - on the subject of enterprise bargaining. A cursory glance at all documents clearly shows there is no such unanimity. The Labor Party documents support enterprise bargaining in cooperation with employers and unions on behalf of the collective work force. All agreements will be registered in the Industrial Relations Commission and will be legally binding. There will be no slashing of minimum wages or conditions. That will not be tolerated under the Labor Party packages.

Hon Tom Stephens: Does that mean the agreements will be negotiated in the commission?

Hon T.G. BUTLER: No, they will be negotiated at the work site and, once established, will be registered in the commission. Under the Labor Party packages, with their approach to enterprise bargaining, the standard of living and quality of life of working class people in Australia will be well and truly protected. Organised labour has worked long and hard to achieve present working conditions, and it will not relinquish any of them easily.

Hon D.J. Wordsworth: Such as on the waterfront?

Hon T.G. BUTLER: I will come back to Hon David Wordsworth. The Labor movement supports this method of enterprise bargaining, which ensures that workers maintain standards, the unit cost of production will narrow, and business investment confidence will be restored. Unfortunately, this is not the situation with the Liberal Party economic packages. I believe the vast majority of voters in the East Metropolitan Region support a Labor Government - as did the people in the seat of Ashburton - mainly because of the Labor Party's long commitment to and support of working class people. I find in discussion with people in my electorate that they are most concerned about the unclear policies on industrial relations in the Liberal Party economic packages. These people by and large recognise that under the policies contained in the Fightback packages they will not only pay a 15 per cent goods and services tax, but also they will pay it from a smaller pay packet.

Hon N.F. Moore: That is what you tell them.

Hon T.G. BUTLER: I ask Hon Norman Moore to allow me to finish. On the basis of the comments made by him, the State Leader of the Opposition, and Dr Hewson, with respect to those packages, I will show clearly that what I am saying is correct. Not only are people likely to be paying a GST of 15 per cent but also they are likely to have less income in the first place. Incidentally, during this Address-in-Reply debate I have heard only two people in this Chamber try to justify the introduction of the GST. The main justification put forward by Hon George Cash and Hon Phillip Pental was that it was an option considered by Paul Keating. Therefore, because Paul Keating supported it, we should have it.

Hon N.F. Moore: That is rubbish.

Hon T.G. BUTLER: It is incredible logic which, of course, is put into the argument that perhaps the Labor Party told a lie or two in the Ashburton election campaign.

Hon N.F. Moore: You did.

Hon T.G. BUTLER: Talk about losers squealing! Hon Norman Moore is a past master.

Hon N.F. Moore: I have had some practice in putting up with your lies.

Hon Tom Stephens: Definitely no lies were told during the election.

Hon N.F. Moore: That is the biggest lie you have ever told.

The PRESIDENT: Order!

Hon T.G. BUTLER: One of the problems with the goods and services tax and the industrial relations component is that we cannot get agreement within the Liberal Party on what it means. Some Liberals, particularly Dr Hewson, say that enterprise bargaining means individual employment contracts between workers and employers. That means no more accords, industrial relations commissions or awards. This view was shared by Mr Barry MacKinnon until half way through the Ashburton election campaign when he changed tack and said there would be a dual system of industrial relations. He said it was the same policy that Dr Hewson had, but different from the policy John Howard promoted when repudiating that of Dr Hewson. Apparently, a dual system in industrial relations means that direct negotiations can take place between the employer and worker for an unregistered agreement, or, a worker can remain within the award system and not be forced to agree to an individual contract. It is interesting to note that although Mr Howard and Mr MacKinnon are still touting that view, Dr Hewson is not. Despite the fact that Dr Hewson is the country's leading Liberal politician, let us assume that he has lost the plot. Let us suppose that he has got it wrong and is talking about a dual system, and let us consider that dual system. Let us suppose that a worker applies for a job and is asked whether he wants to sign an individual employment contract or remain in the award system. Let us assume for one crazy moment that a Liberal Government has not gutted the Industrial Relations Act as it did in 1982. Let us also assume that the worker opts for the award system; and why would he not do that, because it offers him more protection? However, the employer says no, he would prefer the individual contract system. Whose preference will prevail? The worker, under the dual system, will not be forced to accept the individual contract. However, he will accept it if he wants the job simply because that is what the employer wants. The employer will want the individual contract system because he will be able to negotiate without the hindrance of a trade union.

That would apply if a dual system were in place. However, we will not have a dual system under a Liberal Government because Dr Hewson, the leading Liberal politician in Australia, has said that that is not the way things will be. In my view, Dr Hewson does not have it wrong, there will not be a dual system under a Liberal Government. Dr Hewson's view of industrial relations is that there will be only individual contracts between employers and employees. That is the Liberal Party's idea of enterprise bargaining - no awards at all! It says that there is no place for an industrial commission and if there is a breach of contract by an employer the worker will have the due processes of law at his disposal. The major flaw in that proposition is that the worker will be unable to afford the due process of the law because a solicitor would probably want about \$250 an hour to appear for him, which is not bad money if one can get it.

One of the major benefits of the present Industrial Relations Act is that it provides for industrial magistrates. Costs are not recoverable in matters heard before an industrial magistrate. As a consequence, industrial advocates can appear and unions can employ solicitors at no cost to members on whose behalf they appear. No doubt exists in my mind that under the industrial relations preferences of the Liberals that benefit will disappear. Why should I think that?

Hon N.F. Moore: That is a good question.

Hon T.G. BUTLER: I will tell Hon Norman Moore why I should think like that: Because everything I have heard in this place in the past six years from members opposite proves that they think the Industrial Relations Act must go, that there will be no workers and that everybody will be on contract and, as such, ineligible to appear before an industrial magistrate or commission.

I turn to how the Federal Fightback package addresses the question of industrial relations. At 8.3.4 it states -

The centrepiece of the Coalition's economic policies is industrial relations reform. Enterprise agreements based on productivity will see nominal wages growth in line

with productivity rather than pseudo wage indexation under the Labor Government's Accord with the ACTU.

It is a well established fact that nominal wages growth over and above productivity growth simply dissipates into higher inflation.

Hon N.F. Moore: That is the most sensible thing you have said all night. Keep on reading. It is good stuff.

Hon T.G. BUTLER: Hon Norman Moore should not get carried away. I am not saying this, merely drawing attention to what his Federal leader has said. When I am finished reading it, I will deal with what he has said. Please do not become excited, although I can understand the member's frustration and grief, but he should not get carried away. It continues -

It is worth noting a revealing calculation done by the Confederation of Australian Industry which shows that between 1966-67 and 1989-90 real wages grew by some 45.5 per cent while productivity (roughly measured by GDP per employed person) rose 44.0 per cent. The two measures grew roughly in line as would be expected. This simply adds more evidence to support the Coalition's policy that industrial relations must be reformed to ensure that wage growth is based on productivity growth. The best way that this can be done is for as many employment contracts as possible to be settled at the enterprise or workplace level.

One could be fooled from reading that into thinking that another scheme was available. It continues -

Workplace productivity-based wages settlements are absolutely fundamental to the sustainable control of inflation, especially as these "cascade" through so many other essential areas of structural reform.

The Coalition is committed to having no further national wage cases. Furthermore, we will retain any level of employer superannuation contributions which may be in place at the time of the next election but there will be no further compulsory increases. Further increases will be on the basis of policies of choice and incentive, not Labor's compulsion.

What worried the people of the Pilbara about that statement was that they basically did not know what it meant. It is more notable for what it does not say than for what it says. Dr Hewson is much clearer on his industrial relations policy. In an address to the Chamber of Commerce and Industry WA on 21 January he is reported in *The West Australian* as follows when clarifying the Federal Fightback package's industrial relations program -

Opposition Leader John Hewson yesterday swung the political focus from the goods and services tax -

One can understand why he did that -

- to plans for a complete reform of the Australian industrial relations system.

Robert Reid wrote this article, which continues -

He said the close relationship between government and unions would end if the Coalition won government.

He continued later -

The industrial relations policy, backed by changes to taxation, would bring Australia out of the recession, Dr Hewson said.

"No more accord, no more centralised wage fixing," he told the supportive audience.

"You could put on a strike and you are held under the law accountable for the consequences."

Hon N.F. Moore: Hear, hear!

Hon T.G. BUTLER: I knew Hon Norman Moore would like that. He also warned that workers could face longer working weeks, and could lose holiday leave loadings and penalty rates if it was the only way to improve their performance; so they were to be made to work longer while they were having their wages taken away from them. This is wonderful stuff! I once read a book called *The Ragged Trousered Philanthropist*, and I suggest that

Hon Norman Moore read that book for his education, because what Dr Hewson was talking about in that address was exactly the practices that were carried out at the turn of the century when the book *The Ragged Trousered Philanthropist* was written. After stating that workers could lose holiday pay, leave loadings and penalty rates, he states that -

The coalition's industrial relations policy would deregulate the labour market, greatly diminish the industrial relations commission's role as a centralised wage-fixing body and promote wage-fixing at an enterprise level.

He made it much clearer in that article what the industrial relations policy was federally and in the Fightback package. There is nothing in that article or in the Fightback package about a dual system of industrial relations. However, what happened next was that Mr Howard was very quick to rush into print. He was reported in *The West Australian* of Saturday, 25 January, as follows -

Opposition industrial relations spokesman John Howard yesterday denied he was at odds with his leader, John Hewson, who has put industrial relations at the centre of the Opposition's drive for election.

That was a nice blue, right on the eve of the Ashburton by-election! The article continues -

In a strong speech on Thursday, Dr Hewson said Australian workers might have to work longer hours for less pay to improve productivity and that he wanted to abandon the centralised wage-fixing system.

Yesterday, Mr Howard said Opposition policy was to allow workers to remain within that system if they wanted to, but denied he was seeking to distance himself from Dr Hewson.

That is because Dr Hewson had clearly not said that the day before.

Hon John Halden: Dr Hewson is not his mate.

Hon T.G. BUTLER: No. If I were Dr Hewson, I certainly would not want Mr Howard running around behind me. The article continues -

Industrial relations would be the centrepiece of the coalition's goods and services tax package. The coalition would abandon national wage cases with across-the-board pay rises, replacing centralised wage-fixing with enterprise-level negotiations between employers and workers, Dr Hewson said.

I turn now to what Mr Howard said. The article states -

Mr Howard denied reports that Dr Hewson's statement was stronger or had gone further than he had.

It went a damn sight further than he had! The article continues -

Speaking in Melbourne, Mr Howard said he wanted to get away from centralised wage-fixing, but Opposition policy was to let people go outside the system if they wanted to or stay within it.

Something is wrong with that. Here we have the two leading Liberals - the present Leader of the Opposition, and the former Leader of the Opposition, and now the party's shadow Minister for Industrial Relations -

Hon John Halden: I understand they are both writing a book called "Mates".

Hon T.G. BUTLER: They are certainly not writing a book about industrial relations.

The Fightback WA package offers a bit more clarity. It states at page 24, at point 3.6.3, under the heading "Labour Costs", that -

The introduction of enterprise bargaining is essential for productive efficiency in ports, abattoirs and other processing sections of the agricultural industry. Legislated minimum conditions of employment provide for much needed labour market reform for on-farm workers.

What does that mean? This is the only thing I can find in the WA Fightback package about industrial relations. It states at page 40, at point 6.2, under the heading "Labour Costs", that -

The centralised wage fixing system and the restrictive conditions of many industrial

awards are major barriers to the expansion of small business and the employment of more people in that sector of the economy.

I want members to remember the following words -

The Liberal commitment to establishing genuine enterprise bargaining will pave the way for major work place reform. Employers and employees will be able to agree on the wages and conditions of employment best suited to each particular business.

This new industrial arrangement, aimed at boosting productivity, will be underpinned by legislated minimum conditions of employment covering minimum hourly rates of pay, as well as minimum standards for annual leave, sick leave, and the like.

Hon E.J. Charlton: You would be happy with that, would you not?

Hon T.G. BUTLER: Hon Eric Charlton could not be that naive. If every time we wanted to lift the minimum we had to bring it in here and legislate it, we would not get a lot of improvement in minimum standards with the numbers we have in this place.

Hon John Halden: It would be a century of nothing.

Hon T.G. BUTLER: Yes.

Hon N.F. Moore: Why not have some consideration for the one million people who do not have a job? You are interested only in those people who have a job, who join the union and who pay you a salary.

Hon T.G. BUTLER: It states also -

The centralised wage fixing system and the restrictive conditions of many industrial awards are major barriers to the expansion of small business and the employment of more people in that sector of the economy.

Does that sound in any way like the promotion of a dual industrial relations system? There is no reference to a dual system.

Hon Barry House: His nose is growing longer.

Hon T.G. BUTLER: I am sorry if Hon Barry House thinks I am telling lies. I am reading from the Fightback WA package, and the member is telling me I am not telling the truth.

The PRESIDENT: Order! Why not direct your comments to the Chair?

Hon T.G. BUTLER: I will, Mr President. I am asking: Is Hon Barry House telling me that I am telling lies when I am reading from the first three paragraphs on page 40?

The PRESIDENT: Order! The President does not have any idea.

Hon T.G. BUTLER: I am not the least bit surprised, after reading these documents, that neither you, Mr President, nor anybody else in this Chamber has any idea of what the Opposition is saying.

Hon E.J. Charlton: It is the little bits that you add to the end of each sentence that we do not agree with.

Hon T.G. BUTLER: It does not state in as many words that the award system will vanish; it does not make any provision for it. However, it does state that industrial awards are a major barrier to the expansion of business. One can draw from that only that awards will go and that individual employment contracts will be the order of the day. However, during the Ashburton by-election Mr MacKinnon repudiated that statement, because the Liberal Party was getting the message loud and clear that its industrial relations policy was on the nose.

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

Hon T.G. BUTLER: That is what Hon Norman Moore says.

Hon N.F. Moore: It was not an issue.

Hon T.G. BUTLER: That is what Hon Norman Moore says. That is not what Mr MacKinnon said; and we will come to that in a minute. The problem that the State and Federal Liberal Parties have with their industrial relations program is that Liberal Party members are all coming from different angles. They do not have a single position. If they were able to adopt a single position, they may have something, but they have not been able to

do that because every time somebody shows up their industrial relations policy, they run for cover, and then Hon Norman Moore says, "It does not make any difference."

Hon N.F. Moore: I said it was not an issue.

Hon T.G. BUTLER: Let us see if it was an issue. They were getting the message through loud and clear from the electors at Ashburton that their industrial relations policies were not going over very well, and that forced Mr MacKinnon to take a different tack. I said earlier that Mr MacKinnon also wants to put in place legislated minimum conditions. I understand that that means that legislation would be required in order to change or improve those conditions. I do not imagine that that legislation would provide for indexation, because Hon Eric Charlton does not believe in that; nor would it provide automatic consumer price index increases.

Hon E.J. Charlton: What do you do when you don't have money in the bank? Borrow a bit more?

Hon N.F. Moore: Indexation is great for the unemployed - they love it. The end result of your policy is one million unemployed, and you reckon they should stick with it.

The PRESIDENT: Order!

Hon T.G. BUTLER: Why do we not talk about 1982-83? Members opposite could not sell that story in Ashburton and they will not be able to sell it anywhere else, because they want to take advantage of the unemployed by imposing these sorts of restrictive industrial relations policies on them. They want to capitalise on unemployment by forcing people under enterprise agreements to take lesser amounts than awards provide.

Several members interjected.

The PRESIDENT: Order! I have given everybody a fair go but I am now starting to lose my patience. If Hon Norman Moore does not like what Hon Tom Butler is saying I suggest that he leave the Chamber so that he does not have to listen; and if Hon Tom Butler wants to complete what he has to say, I suggest that he ignore everybody else and direct his comments to me, because I certainly will not interject on him or argue the point with him. He has another 18 minutes and I am prepared to listen to him for another 18 minutes, but I want him to direct his comments to me and not get into an argument with somebody else.

Hon T.G. BUTLER: Thank you, Mr President. That is very good advice and I will heed it.

The Liberal Party's proposed change to minimum standards will be very difficult to achieve because legislation will be required. Given the Opposition's long record of non-support for workers and their unions, and its record of failing to offer wage increases or, for that matter, award improvements, one could hardly expect to see any improvement.

In answer to an interjection by Hon John Halden - who I think said that the Fightback package does not mention unions at all - Hon Bill Stretch replied that unions were of no significance and had no role to play in future industrial relations.

Hon N.F. Moore: They are completely anachronistic.

Hon T.G. BUTLER: I have been told I must address my remarks to the President, which I intend to do, and I suggest Hon Norman Moore take the President's advice and sit there and be quiet.

If what Hon Bill Stretch said about the Opposition's policy on unions is correct, who would advocate improvements in minimum conditions and wages? Surely not employers or Liberal Governments, given their past track record. Anybody who believed that they would must be living in cuckoo land and it would certainly be against all past experience. What it means is that there are no dual systems but only individual employment contracts. To be fair, we should probably look at what Mr MacKinnon said during the Ashburton by-election. In an article headed "Liberals offer a choice on enterprise bargaining", reported by John McGlue in *The West Australian* on 26 March, he said -

The WA Liberal Party has softened its line on industrial relations in a bid to win votes in next week's Ashburton by-election.

Opposition Leader Barry MacKinnon and the party's industrial relations spokesman, Graham Kierath, yesterday unveiled a new policy backing the introduction of enterprise bargaining only where workers wanted the new wage-setting system.

Mr MacKinnon said that under a Liberal Government, workers would be offered the choice of staying within the existing wage-fixing system . . .

The new policy appears to represent a retreat from the harder line included in the Fightback WA economic package released last month. In that document, Mr MacKinnon said that responsibility for industrial relations and conditions of employment would be shifted back on to employers and employees at the enterprise level.

Later the article referred to Mr Kierath, saying -

He conceded that by offering the choice the WA policy was different from that espoused by Federal Opposition Leader John Hewson . . .

Mr MacKinnon also said that the new policy would win additional votes. The article stated -

Asked if he believed the new policy would win votes in the by-election, Mr MacKinnon replied: "Yes, I do."

Mr MacKinnon said "Yes, I do"; but Hon Norman Moore said it would not make any difference at all.

Hon N.F. Moore: At least we got more votes this time than last time.

Hon T.G. BUTLER: So who is right and who is wrong? Is Mr MacKinnon right, or is Mr Moore right?

Hon N.F. Moore: There was actually a swing to the Liberal Party, in case you did not know.

The PRESIDENT: Order!

Hon T.G. BUTLER: If nothing else, Mr MacKinnon is flexible. When talking about the legislated minimums in that article he said that they would be set after the next election. One would not have to be a Philadelphia lawyer to work out that they would be set after the next election, in the event that the Liberal Party won Government. In my view they would be set so low as to send a shudder up the backs of workers.

Mr MacKinnon said also that these minimums would be set after consultation with relevant union bodies. Hon Bill Stretch has ruled out a role for the trade union movement - which, incidentally, is the only registered industrial body to represent workers. That begs the question of which community bodies will be consulted. I can think of a couple - the WA Chamber of Commerce and Industry and the Confederation of Western Australian Industry - and I am sure that we could think of a number of others.

It is interesting to note that on the same day as we saw the shift in tack by the Leader of the Opposition another article appeared in *The West Australian* headed "Preselection loser claims Liberal bias". It begins -

Unsuccessful Liberal preselection candidate Terry Bolden will complain to the Federal Human Rights and Equal Opportunity Commission about what she claims was sexual and natural origin discrimination by the Liberal Party.

Mrs Bolden nominated for the Federal seat of Tangney but was defeated. Later on the article says -

Yesterday her lawyer, Greg McIntyre, said she was asked questions that were not asked of the other 10 preselection candidates, who were all male.

He said Mrs Bolden was asked if she was successful who would care for her children when she was in Canberra and how her daughter, who takes her TEE examinations in three years, would cope while she was away.

She was also asked about her husband's ability to manage while she was away and it was pointed out to her that retiring Tangney MHR Peter Shack was absent for 38 weeks of the year.

Mr McIntyre said that presumably the male candidates looked after their children and had TEE-aged children.

He said it would be argued whether those questions were relevant to the selection of candidates or whether they were only relevant to Mrs Bolden because of the

assumption that since she was a woman she stayed home and looked after her children.

While I am sure that that article, and the decision in Tangney, must have made Hon Margaret McAleer and Hon Muriel Patterson feel all warm and fuzzy towards their party, the fact remains that this woman tried for a job with the Liberal Party and was rejected because she is a married woman with children, one of whom will be studying for the TEE in three years.

Hon N.F. Moore: That was not why she was not selected.

Hon T.G. BUTLER: We have a political party sitting in Opposition claiming fairness to all in industrial relations matters but at the same time it is rejecting a woman whose greatest sin is that she is a mother. I ask members! It is all right for Hon Norman Moore to say that was not the reason the woman was not preselected.

Hon N.F. Moore: She was beaten by a person who is a Queen's Counsel and a Rhodes Scholar.

Hon T.G. BUTLER: If that was not one of the reasons she was not preselected, why was she asked those questions? Why did she go on television and debate the matter with the State President of the Liberal Party? Why did he go on television to defend the indefensible?

Hon E.J. Charlton: For the same reason that Hon Garry Kelly did when it happened to him. Is that not right?

Several members interjected.

The PRESIDENT: Order!

Hon T.G. BUTLER: The industrial relations policy of the Liberal Party has become a bit of a sham. Obviously the pork-barrelling by Mr MacKinnon in the Ashburton by-election did not work either because the Liberal Party did not win that by-election. The policy changed on the basis of what he had heard. The Liberals in this place have always held out the actions of the H.R. Nicholls Society at Robe River as their light on the hill. That is the ultimate in industrial relations as far as the Liberal Party is concerned. That is the company which continuously attempts to have unions written out of awards and wants to have a completely non-unionised work force. One can back that up with statements such as a speech in October 1991 given at the University of Western Australia and Murdoch University by Mr H.C.O. Larratt, an industrial relations philosopher for Robe River. He stated that all people should go to work each day expecting to be fired. To me, that is totally indefensible, but the fact of the matter is that this is where the Liberal Party pitched its industrial relations policy.

Hon N.F. Moore: We had a big swing in Pannawonica.

Hon T.G. BUTLER: I do not know how many members opposite are prepared to put up their hands in agreement with Mr Larratt. I hope not many would, but we cannot be sure. That was the worst industrial relations statement I had heard in something like 25 years as an industrial relations practitioner.

Hon W.N. Stretch: You need a taste of the real, hard world.

Hon T.G. BUTLER: I do not know how Hon Bill Stretch is fixed up financially but I would think it would be pretty well. I would like to have about 15¢ less than he has in the bank; certainly I would be better off. He is a man who talks about workers facing the world and expecting to be fired every time they go to work.

Hon N.F. Moore: We do not see too many unemployed union officials - although they ought to be.

Hon T.G. BUTLER: The best example of individual contracts are in New Zealand where the Employment Contracts Bill was introduced by the new right dominated Government. That legislation provided that from May 1991 awards would become collective employment agreements and continue in force until the award expired. I understand that that arbitration commission ceased to operate on 31 July 1991 and that all unions would be converted to corporate societies. That Bill changed the focus of industrial law from collective negotiations to individuals with an aim to facilitate individual contracts. So far as I can understand, that means that as the industrial commission was abolished, so was the union's

status as a friendly society. From what I have read and understood, unions were defined as friendly societies under the friendly societies Act and were exempt from paying tax on members' dues. That is the situation in Australia at present. The conversion of New Zealand unions to incorporated societies changed their tax status. Because the unions pay tax on income from June they are no longer unions as defined under the friendly societies Act. They have no standing and employers do not have a deal with them. It is a confusing situation, because contrary arguments say that because unions are exempt from paying tax on dues all like incorporated societies are exempt from paying tax.

New Zealand unions are trying to work their way through that one and to sort out the situation. I think that because of the transfer to unions from the friendly societies Act to the incorporated societies Act there is no Government employer recognition of unions or a recognised union structure in New Zealand. I do not hold out much hope for the success of the contrary argument. It is all fairly academic in New Zealand because in the bargaining process unions are not recognised - the same role the Liberal Party policy has for unions, according to Hon Bill Stretch. In New Zealand they are replaced by bargaining agents whom the employers agree can take part in negotiations. One could be excused for thinking that there is no place in the definition of bargaining agent for a militant, a mild militant, or a fair go merchant. The individual contract system, which is the preferred option of the New Zealand Government and the Australian Opposition and employers, is operating in New Zealand to the detriment of the workers.

Hon W.N. Stretch: That country's economic recovery is better than ours.

Hon T.G. BUTLER: The collective agreement, formerly the award, does not apply to an industry; it applies to a worker. If a person is employed after an award is converted to a collective agreement that collective agreement does not apply to that worker. The worker must then negotiate his own agreement, and I bet my life that that will not be anywhere near the same as the conditions of a collective agreement because the worker will be setting up wage negotiations for the next round. Were that not so, why do we have individual contracts to be negotiated rather than an award system? Under that system the worker is totally at the mercy of the employers. It appears that the New Zealand industrial relations scene will become a lawyer's paradise as the legal battles rage over the roles of unions and the industrial relations precedents that will be set. The incorporated societies Act appears in no way to benefit the workers; it will surround the unions with a host of legalistic hurdles to clear. Can members not see the H.R. Nicholls Society, which controls the Liberal Party in Australia, salivating about that sort of system?

Hon N.F. Moore: You really are a joke.

Hon T.G. BUTLER: The Labor Party has set out its policy in the WA Advantage and the One Nation statements.

[Leave granted for the member's time to be extended.]

Hon T.G. BUTLER: I will not take up the time of the House by quoting from the documents; they are on the record and available for interested members to read. Unlike the Fightback package, these policies are clear in their intent. Industrial relations practitioners and students are more concerned about what the Fightback package does not say than what it does say. The conflicts between Mr Howard, Mr MacKinnon and Dr Hewson are of concern - if they cannot understand the package, what chance does the punter on the job have? No matter how this is shaped, workers will see it as an attack on their living standards and their future. I understand that the New Zealand Employment Contracts Act contains no minimum wage. The current minimum wage in that country is \$NZ240 - which equates to \$147 Australian - for workers over 20 years of age. It contains no minimum wage for persons under 20 years of age.

Hon John Halden: But they can negotiate a contract.

Hon T.G. BUTLER: Oh, sure. The \$NZ240 minimum wage equates to a rate of \$6 an hour. I understand that a right wing outfit calling itself the "business round table" wants to abolish the minimum wage. The reason put in support of that notion is that it will open up opportunities for domestic staff to be employed in households. I suppose the employers will pay these people what they like.

Hon John Halden: That will then soak up all the unemployed, or so they claim.

Hon T.G. BUTLER: Under Liberal Governments workers in Australia face a fate similar to that of those workers in New Zealand.

Hon D.J. Wordsworth: You did not tell us about the waterside workers.

Hon T.G. BUTLER: More industrial reforms have taken place on the waterfront than anywhere else in Western Australia.

Hon D.J. Wordsworth: Because you have given them immense handouts - you have given them \$100 000 each.

Hon T.G. BUTLER: I remind members opposite that the labour movement and industrial relations in Australia is an integral part of Australian history. Many significant events of our history, such as the major strike of 1891 and the Eureka Stockade, have involved workers establishing a recognition of their rights.

Hon E.J. Charlton: It was about Governments ripping them off.

Hon T.G. BUTLER: Struggles have taken place to establish awards and basic wages. Demonstrations have occurred to reduce working hours from 60 hours per week to 38 hours per week. Struggles have established industrial relations tribunals, annual leave, long service leave, sick leave, leave loading, and occupational health and safety standards; these have been won by on-the-job activity by collective action. These things have never been given by Liberal Governments or employers - they had to be fought for.

Hon D.J. Wordsworth: Won by blackmail.

Hon T.G. BUTLER: If a change of Government occurs, the coalition will return us to the days at the turn of the century of ragged trousered philanthropists; workers will take what is on offer or not get the job.

Under this system workers will be doing the same work along side each other, but one will be paid at a different rate than the other because of negotiated individual contracts. Members opposite had better be prepared to put up with the consequences of this, because if we look at the 1980s we can see what a Liberal Government did in Western Australia. It was prepared to inflict hardship through the 1980 amendments to the Industrial Relations Act and introduce such measures as section 54B of the Police Act to stop trade unions protesting against Governments. We saw the wage freeze in 1982 and the Liberal Government remove workers' compensation from the Industrial Relations Act. Employer prerogative arrangements were produced by which an employee had to do everything an employer told him to do. Members opposite will say that these things will not happen under Fightback. Members can bet their lives than Hon Norman Moore will say that that will not happen. He will speak glowingly -

Hon N.F. Moore: I will not say that at all.

Hon T.G. BUTLER: - of enterprise bargaining. However, he had better get it right because Mr Howard, Mr MacKinnon and Dr Hewson are at odds on this issue.

Hon E.J. Charlton: You said that before.

Hon T.G. BUTLER: I will continue to remind the member if it upsets him.

Hon E.J. Charlton: Do you want another extension of time to say it again?

Hon T.G. BUTLER: Members of the Liberal Party are coming from different angles on this issue, but they must get it right.

Hon W.N. Stretch: We will keep reminding people of the 35 per cent youth unemployment.

Hon T.G. BUTLER: The best way to achieve industrial relations reform is through a tripartite negotiating forum, and I recommend the Swedish model to members.

Hon E.J. Charlton: Which Swedish model? Peter Dowding's Swedish model?

Several members interjected.

Hon T.G. BUTLER: That is the level at which members opposite are prepared to denigrate debate in this House. That was reprehensible.

Hon E.J. Charlton: Golly, golly.

Hon T.G. BUTLER: However, all of what I have said is purely academic.

Hon E.J. Charlton: We agree to that!

Hon T.G. BUTLER: In 1993, Labor Governments at a State and Federal level will be returned to office. Therefore, the whole matter is entirely academic. Nevertheless, as Charles Darwin said before he died, God forgive me if I am wrong. There is a possibility, if the impossible should occur, that the Fightback package could be implemented, in which case I draw members attention to the words of Henry Lawson written in 1891. These words reflect what will occur if those policies are introduced; if so, these words will ring as true today as they were then -

So we must fly a rebel flag  
As others did before us,  
And we must sing a rebel song  
And join in rebel chorus.  
We'll make the tyrants feel the sting  
O' those that they would throttle;  
They needn't say the fault is ours  
If blood should stain the wattle.

Debate adjourned, on motion by Hon Barry House.

## DECLARATIONS AND ATTESTATIONS AMENDMENT BILL 1990

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon E.J. Charlton, read a first time.

### *Second Reading*

HON E.J. CHARLTON (Agricultural) [8.40 pm]: I move -

That the Bill be now read a second time.

The Declarations and Attestations Act was amended by the Government in 1987. Prior to that amendment, each person appointed as a commissioner for declarations had to be individually nominated to the Attorney General. The Attorney General caused each nominee to be checked out to ascertain his or her suitability to perform the duties, and examined the need for extra persons to be available in the district to perform the duties of a commissioner for declarations, and eventually approved or rejected the nomination. The amendments to the Act addressed the shortcomings which had become obvious in the appointment process by establishing a range of categories of persons who were, by virtue of their position in the community or their employment, able to perform the role of a commissioner for declarations. As a result, all persons elected as local government councillors or members of Parliament are now automatically commissioners for declarations. Persons who are pharmacists, teachers, shire clerks and a wide range of other occupations are similarly automatically commissioners for declarations. It was hoped that by adopting this approach there would be no need for further individual appointments to be made. Practical experience has shown that, although the number of persons able to act as commissioners for declarations was greatly increased, in many cases the availability of persons who were able to witness documents as commissioners for declarations did not improve. Experience has also shown that, where in the past it was possible to nominate persons whose local knowledge revealed would be readily available and suitable, now when such persons are nominated the nomination is invariably rejected because the Attorney General believes sufficient persons are already available.

Hon J.M. Berinson: That is incorrect and most members here will be aware that exceptional cases have been approved on application.

Hon E.J. CHARLTON: I will not comment on that interjection until later, Mr President.

This amendment is brought before the Parliament as an attempt to address this problem.

The Bill introduces two additional categories of persons who are able to act as commissioners for declarations. The amendment to item 1 adds the category of "deputy town or shire clerk" to the existing category of town or shire clerk. Experience has shown that, although the local government office is readily accessible, especially during working hours, in a great number of cases the town or shire clerk is not actually available; he is out of his office or involved in meetings and, in fact, most often is not available to witness

documents. Very often the deputy is left in the office, but he is not able to act as a commissioner for declarations. In smaller rural towns especially, no-one else is available to witness documents. This amendment rectifies that problem by ensuring that a deputy town or shire clerk is automatically a commissioner for declarations.

The second section of this Bill inserts a new category of persons who would automatically be commissioners for declarations. This group consists of persons who are accredited as chartered accountants or certified accountants, and encompasses a substantial number of persons in all sections of the community. These persons, as a group, by virtue of their training and responsibility, are very suitable for the role. This is especially so in the country as accountants do much of their work on the farm and are actually on the spot when a great number of documents are required to be witnessed. At present, because they are not able to perform that task, the document to be witnessed has to be taken back to the nearest town, and this can involve a round trip of up to 200 kilometres in many rural parts of Western Australia. This amendment addresses that problem and makes available a large group of very suitable persons, who will often be more readily available than many others who are already automatically commissioners for declarations. Undoubtedly, other categories of persons could be suggested as also being suitable for inclusions among those already listed as commissioners for declarations. I have not sought to try to include them all in this Bill. I have included in the Bill two groups which comprise people who, by virtue of their training, their responsible role in the community and their ready availability, are suitable to perform the duties and responsibilities of a commissioner for declarations. I urge all members of the Parliament to support this Bill and to ensure that the amendments which it makes soon become law. I commend the Bill to the House.

Debate adjourned, on motion by Hon Fred McKenzie.

## RETIREMENT VILLAGES BILL 1991

### *Report*

Report of Committee adopted.

## ACTS AMENDMENT (GAME BIRDS PROTECTION) BILL

### *Committee*

Resumed from 7 April. The Chairman of Committees (Hon Garry Kelly) in the Chair, Hon John Halden (Parliamentary Secretary) in charge of the Bill.

### **Clause 4: Section 14 amended -**

Progress was reported after the clause had been partly considered.

Hon PETER FOSS: Section 14(1) of the Act is to be made subject to proposed new section 15A, and to understand what we are doing with this amendment to section 14 we must look at proposed new section 15A. If a farmer tried to obtain a damage licence to stop the damage that was being created by those birds and if the person he intended assisting him with that shooting happened to have as his objective the taking of that species of duck, goose or quail for the purpose of sport or recreation, the farmer would not be able to obtain a damage licence. Proposed new section 15A overrules all other sections in the Act so a damage licence would not be issued if the intent of the person taking the species is for sport or recreation, even if that were not the intent of the farmer who applied the damage licence.

Hon JOHN HALDEN: Hon Peter Foss must accept that the purpose of the Bill is to stop the shooting of duck, goose or quail and not to encourage some back door mechanism to allow that process to happen. The member might not want to accept that, but that is the purpose of this Bill. Last night, the member expressed concern about the issuing of damage licences and the fact that damage licences were not mentioned in the substantive Act or in this Bill.

Hon Peter Foss: That was not my point at all.

Hon JOHN HALDEN: Yes, it was. If it was not, the member spent a lot of time talking about them.

Hon Peter Foss: It has to be under section 15.

Hon JOHN HALDEN: That is right. The Minister has the ability under sections 15(1) and 28(1)(g) to grant damage permits.

Hon Peter Foss: Yes, but nowhere else. It must be under section 15(1).

Hon JOHN HALDEN: That is right.

Hon Peter Foss interjected.

Hon JOHN HALDEN: That is right. The word "licence" is used. I thought the member was alluding to the fact last night that because the words "damage permit" were not used -

Hon Peter Foss: No, I did not.

Hon JOHN HALDEN: I am sorry, I got it wrong.

Hon Peter Foss: The only part that allows damage licences to be issued is section 15(1).

Hon JOHN HALDEN: That is correct. We do not propose to change it. Damage permits will still be issued under the new Bill, as amended.

Hon J.N. CALDWELL: When a shooter who is given a licence to go on a farm shoots a protected species or goes over the bag limit, who is responsible? Would the farmer be responsible because he has allowed that shooter to come onto his property or is the shooter responsible?

Hon JOHN HALDEN: I am advised that the shooter would be responsible.

Hon D.J. WORDSWORTH: Will the Parliamentary Secretary give the House a list of fauna not protected under section 14?

Hon JOHN HALDEN: Dingoes, and most invertebrates. Other fauna has its protection varied depending on the degree of damage mitigation that may be required from time to time and from season to season. The classic example is kangaroos. The number to be culled can be changed at different times and so on.

Hon D.J. Wordsworth: Would a worm be protected under this Bill?

Hon JOHN HALDEN: No, it is an invertebrate.

Hon Peter Foss: Why not?

Hon JOHN HALDEN: Because it is an invertebrate, as I just said.

Hon PETER FOSS: It seems to me that the Parliamentary Secretary is saying that if a damage licence is issued and people are brought onto a farm to shoot the ducks, that is a back door way of allowing it to happen. However, it is not that at all. It is saying that once it has been decided that there is damage, they are allowed to be shot. I would not have thought that the purpose of the person holding the gun matters. The important point is that it has been decided that the ducks should be shot. The other thing is that a licence would not have been issued until the damage licence was justified. It seems to me that once the damage licence is justified there is no reason for any concern about what is in the mind of a person who actually pulls the trigger. The question should be: Should the damage licence be issued or should the damage licence not be issued? The addition of the further requirement that the people who shoot are not allowed to be people who have sporting rifles or who may have taken on the job because they actually enjoy it is wrong. What the Government is really suggesting is that people are not allowed to enjoy their work, which is a little bit of a spoilsport attitude. Why is the Government so down on duck hunters being employed by the farmer to shoot the ducks? The protection is whether a damage licence should be issued. Why does it not want people who do the work to enjoy their work? Is it not enough that it does not allow an open season or that it does not allow people to shoot ducks for sport and recreation? Is it not enough for the Government to say that it will allow the shooting to take place because damage is being done and it is necessary to cull the birds to prevent it?

Hon JOHN HALDEN: I have the feeling that Hon Peter Foss and I are going to agree on this, but I am not sure why.

Hon Murray Montgomery: Maybe you have seen the light.

Hon JOHN HALDEN: I saw the light a long time ago, my friend, but I am having problems trying to convince 17 members opposite about seeing the same light. The purpose of the Bill

is to ban recreational or sport shooting. Damage mitigation will continue as a legitimate purpose.

Hon Peter Foss: Why don't you enjoy damage mitigation?

Hon JOHN HALDEN: Let us not trivialise the debate. We are not legislating so that people do or do not enjoy whatever it is to do with shooting except they cannot shoot ducks for recreational or sporting purposes. The only consideration in regard to the issue of a damage permit is whether damage is occurring and on that basis a licence is issued under certain conditions, end of story. That will not change what is happening now. We are agreeing with each other.

Hon PETER FOSS: I agree with the Parliamentary Secretary's proposition, but that is not the only circumstance. Inquiries will have to be carried out under the damage licence as to whether damage is occurring. That is a perfectly reasonable base upon which a decision is made, but the damage licence will not be valid if the person who actually carries out the shooting of the birds pursuant to that damage licence does so because he regards it as sport and recreation. In other words, he cannot do his shooting for a farmer for sport and recreation. If it is for the purpose of preventing damage, why is the Government making it subject to section 15A? I also take up the point raised by Hon David Wordsworth. Section 14 states that all fauna is wholly protected. The definition of "fauna" is any animal indigenous to any State or Territory of the Commonwealth and includes in relation to any such animal -

- (d) any class or individual member thereof;
- (e) the eggs, larvae or semen;
- (f) the carcass, skin, plumage or fur thereof,

but does not include any prescribed animal or prescribed class of animal.

If the Government has prescribed invertebrates out of the definition I would be interested to know about it. An animal means any living thing that is not a human being or a plant and includes in relation to any such animal the eggs, larvae or semen. The basic interpretation of the Act means it would include worms, and does so unless that group is prescribed as not being an animal. I think vertebrates and invertebrates are at the top. The Parliamentary Secretary may have done that but the answer to Hon David Wordsworth is that it would have been covered, and is covered, unless there has been a prescription under that definition.

Hon JOHN HALDEN: Invertebrates are the subject of a notice under section 14 which removes them from protection. That is exactly the same as occurred for dingoes. On the question of damage permits, a licence is issued purely for the purpose of damage mitigation. It is not relevant whether the person is enjoying the act of shooting. The only issue that is relevant is damage mitigation and abiding by the conditions of the licence - no more and no less.

Hon D.J. WORDSWORTH: If I obtained a permit to reduce the number of ducks on my property, could I call on the local sporting and hunting club to shoot them?

Hon JOHN HALDEN: Unfortunately for Hon David Wordsworth, the answer is no. The licence is restricted to only two nominated shooters.

Hon D.J. WORDSWORTH: That highlights the problem. If there is a need to destroy a large number of ducks, there is not much sense in only two people trying to do that. A few shooters are needed to scare them from the district because on a property with, say, three dams, they will fly from one dam to the other evading the shooters once the shooting starts. Hon Bill Stretch uses a walkie-talkie radio to help him with this problem, and limiting the number of permitted shooters to two will make it even more difficult.

Hon JOHN HALDEN: I do not know about this because I have never taken part in duck shooting. The restriction of the licence to two shooters is the policy of the Department of Conservation and Land Management. If members opposite suggest that the policy has been different in the past, I am not in a position to doubt them. It is not a regulation and I guess that, as policy, it can change. That number has been set on the basis of expert advice.

Hon W.N. STRETCH: I raised this matter with the Parliamentary Secretary and I thank him for the briefing I received from the officer. I have thought about what was said. The Bill is

not satisfactory for the very reason that nothing in the Bill gives any indication of how these regulations will apply. Two shooters would probably be satisfactory for kangaroo shooting. On that subject, I advise the Committee that I have a leased car from the Government which carries about \$2 000 worth of damage as a result of the Government's attitude to kangaroos. It has closed the season in the south. I make the point that the whole system of wildlife control has got away from the Government and CALM. We must return to a commonsense attitude. One of the difficulties I see, and the reason I asked for clarification from the department, is not having anything concrete included in relation to the damage conditions. The Parliamentary Secretary's officer said that the conditions were set out in the licence when issued. However, those conditions depend on the whim of the issuing officer. That is not satisfactory because many people will be assessing individual problems. I have no difficulty with the damage permit concept because we have had no major problems in this area and we can get a damage permit and make our own arrangements. However, we have never had a condition imposed limiting the permit to two shooters.

Hon John Halden: It is a policy that only two shooters should be permitted.

Hon W.N. STRETCH: It has never been included as a condition of the permit. It is dangerous to quote that as policy unless the Parliamentary Secretary is prepared to say it will be Government policy or that it will be dropped as Government policy. My preference is for a general outline to be given of the regulations, and for the rights of landholders or departments with regard to permits to be written into the legislation, rather than their being at the whim of whatever the ministerial or departmental policy might be on the day.

At this late stage, I would prefer the Government to take the Bill away and to draft guidelines for inclusion that will make it similar to the law of evidence. It should be necessary to prove only that a person has a damage situation, after which the rest of the machinery in the legislation will fall into place. One of the other conditions of the licence or permit - I ask the Parliamentary Secretary to tell me if there is a difference between the two - is that the issuing officer can direct how a person may dispose of the carcasses. I understand this is done for hygiene reasons and that is fair enough; however, I believe it prohibits anyone from taking home the ducks for food and, as Hon Peter Foss said, it seems a dog in the manger attitude. I am sorry that the Parliamentary Secretary admitted he has not seen the damage these little horrors can inflict on water holes, crops, etc. Ducks can be a major problem. To turn his back on the realities of the problem, not set out machinery whereby the damage can be properly controlled and, further, deny people the right to get a taste of duck flesh - if that is their whim - seems silly.

Hon JOHN HALDEN: The Opposition must realise that the Government will not fall for a backdoor mechanism aimed at allowing duck shooting and the removal of carcasses using uncontrolled damage permits. As I said during my second reading speech, the Government is prepared to look at an opportunity for duck carcasses to be removed from a property under strictly controlled arrangements. I do not know whether that is what the member is trying to engineer in this debate.

Hon W.N. STRETCH: I hate waste. It is absurd to allow these duck carcasses to rot either above or under the ground.

Hon John Halden: They will rot anyway.

Hon W.N. STRETCH: Then somebody may as well enjoy the rotting process.

Hon JOHN HALDEN: One could do this by way of notice, and I think Hon Bill Stretch is suggesting that for a whole range of conditions associated with duck shooting. There are a number of disadvantages in doing things by way of notice, which is the process used with kangaroos. Such notices result in people having to give notices related to different times of the year, different seasons and so on, because of climatic conditions and the number of kangaroos involved. The system becomes quite complicated. I have here the latest notice related to the shooting of western grey kangaroos which is at least a page in length, contains six conditions and mentions about 30 or 40 local government authorities to which the notice does not apply. One ends up with a situation which is no better than the current one and which is far more bureaucratic.

There will be some breakdowns in the proposed system, but it provides an opportunity for an officer who knows the local conditions and people to write a licence knowing the damage

that could be involved. He is in a position to assess whether that is real or not. He can apply the licence conditions using that sort of local knowledge. That is a far better proposition than the one I have just mentioned which is predominantly a St George's Terrace based idea, although I use that term colloquially. This clause allows the freedom we have talked about previously, and although two shooters are mentioned in relation to a licence that policy may not be enforced by particular officers. That discretion is a healthy way of dealing with this matter; a far more healthy way than the way in which western grey kangaroos are presently dealt with.

Members opposite must come to a realisation that duck shooting is out as a recreational pursuit and will no longer be allowed in this State, assuming the Bill passes this and the other place. The Government has an understanding of the problems involved. The ducks must be controlled in the best way possible. The Government will not entertain a de facto duck shooting season, and that fact must be accepted by everybody.

Hon MAX EVANS: We are talking here about damage control. It is a pity that Hon John Halden has not been on to a farm to see what this problem is. We are talking about 100 or 200 ducks to be disposed of which could take two men months to do. The ducks will be breeding quicker than they can be cleared up. It may be that there should be flexibility to have more than two shooters on a licence if a person has a couple of hundred ducks to be killed. Kangaroos are easy to deal with, as are foxes, because they can be chased in trucks; they cannot get over fences, so they can be stopped. But ducks can fly away. The Parliamentary Secretary should get some commonsense into this debate. If there are three or four dams around a place a duck that is hit when flying over one lands in another. Ducks are not hit in the wings while on the water. As Hon David Wordsworth said, the first shot is fired to get them into the air and the following shots are fired to kill them.

Hon JOHN HALDEN: I have tried to imply by using the word "policy" -

Hon Max Evans: Put a clear interpretation in the speech.

Hon JOHN HALDEN: I am not sure what Hon Max Evans wants me to say.

Hon Max Evans: The licence should not be limited to two people.

Hon JOHN HALDEN: The Department of Conservation and Land Management's policy is to nominate the shooters who appear on a licence. I see no reason for that policy not to be amended, reviewed or changed to suit individual circumstances and to be at the discretion of the person issuing the licence.

Hon MAX EVANS: We should get some commonsense into this debate. As I understand it, damage control is done off season but every other season a duck shooting season must be held. Hon Bill Stretch would cull a couple of hundred ducks during that period and if he culled off season would get a permit. The relevance of the timing is different under this legislation.

Hon W.N. STRETCH: Will the Parliamentary Secretary give an assurance that the wildlife officer issuing a damage licence will have a discretion to allow any number of shooters negotiated satisfactorily between that issuing officer and the landholder applying for the permit to be on that permit?

Hon JOHN HALDEN: Yes, with the qualification that it would be up to a reasonable number as this provision would not be included in the Bill to provide a de facto duck shooting season. It could be determined by the local CALM officer issuing the licence.

Hon W.N. STRETCH: Will it be possible for the issuing officer and the landholder to negotiate on the disposal of the dead ducks so that they can be taken for food if people wish to do so?

Hon JOHN HALDEN: I covered that matter in my statement last night. The Minister has given an undertaking that he will examine the conditions endorsed on damage licences which currently prevent the carriage of duck carcasses so that it will be possible to remove such carcasses from private properties for consumption; so that commitment has already been given.

Hon PETER FOSS: Turning to what is protected under section 14, it is interesting that with one proclamation more than half the animal kingdom has been consigned to non-protection.

I understand the first break in the system of classification is made between vertebrates and invertebrates. By far the largest part of the animal kingdom is the invertebrate part; it includes, for example, all the insects, of which there are huge numbers. There are millions of species of animals in the invertebrate part of the animal kingdom. It has been said that people, in their concern for animal life and conservation, always concentrate on the warm and fuzzy side of the animal kingdom rather than on the creepy and crawly side. In the area of biodiversity and the preservation of the number of species available, I understand that every day, scores of species of insect are eliminated from our planet, all of which has significance in terms of the full biodiversity of our planet. However, because those insects creep, crawl and scuttle along the floor and dangle from webs in trees, people do not regard them with quite the same affection and concern as they regard warm mammals and feathered birds. For some reason, the conservationist ethic seems to limit itself to the vertebrate and generally to the mammal part of the animal kingdom and leaves out the invertebrate part, which is a very important part. I say that with some concern because one of the matters that scientists raise regularly is that we should be more concerned about that part of the animal kingdom.

Hon D.J. Wordsworth: You are not suggesting that Hon Kim Chance would go out and spray native budworms on his farm?

Hon Kim Chance: Do I look like the sort of person who would do that?

Hon PETER FOSS: The people who are interested in conservation matters should probably be more conscious of the fact that we should look not just at the vertebrate kingdom but also at the invertebrate kingdom. As a person who is interested in conservation, I think we should not just rely all the time - as I think do a lot of the people who try to build up consciousness of conservation issues - on the tug on the heart strings. If there is a problem with lack of biodiversity on this planet, and I believe there is, it is not merely a matter of conservation of species because we like to conserve species as a sort of nice historic relic. We should be particularly concerned about the preservation of species because there appears to be for us as human beings and for the planet as a whole a good reason to conserve the biodiversity of all species, whether they be vertebrate or invertebrate. It is probably an interesting example of our attitude to these things that section 14 states the basic fact that all fauna in Western Australia is protected; and, with one small notice issued by the Minister under section 14 (2) - a second later legislatively - the invertebrate part of that fauna is eliminated from the protection of this Act. I do not suggest that that should be repealed immediately because I think the problems we have with worms, cockroaches and red back spiders would pose some difficulties within our community, but it is an appropriate time for us to reflect upon the fact that what we say we are trying to do here is perhaps not as effective as it could be, simply because human beings, as a matter of common tendency, look more to animals to which they relate emotionally than to animals to which they do not relate emotionally.

That has particular relevance to this debate, because the reason that we talk about not shooting ducks is that people can relate emotionally to ducks whereas they do not seem to relate so emotionally to other animals. One of the reasons that people take the attitude that we should not shoot ducks is that they think of ducks in emotional terms, whereas when it comes to cows, sheep or chooks, they do not seem to have the same concern because they see them as food on their plate every day and do not have an emotional attachment to them. People who are not used to eating wild ducks become emotionally attached to wild ducks; therefore, they are prepared to see duck shooting banned.

Hon W.N. Stretch: Pet lambs never get shot.

Hon PETER FOSS: That is the point. How we regard these animals seems to colour a lot of our attitudes. A lot of people who eat wild ducks are rather upset about this legislation, whereas other people are prepared to support it simply because they do not eat wild ducks and do not regard wild ducks as food. To return to my initial point, how we regard a particular animal makes a huge difference to the attitude that we are prepared to take to it. In the debate on section 14, we have seen the scheme of section 14 as, first, a bland statement that all fauna are protected, and we have seen then how the majority of the animal kingdom has been instantly removed; so we can see that a bit of lip service has been paid. I am prepared to accept that section 14 be subject to this proposed new section because I do not believe that the consequence of that will be very great, but I will raise the matter again when we debate the next clause.

Hon JOHN HALDEN: Hon Peter Foss referred to our lack of desire as a community to protect creepy crawlies, but can I say in regard to invertebrates that invertebrates are protected in marine parks. We protect specific types of invertebrates; that is, the jewel beetle and also a relic genus of the ant, which is a living fossil.

Hon Peter Foss interjected.

Hon JOHN HALDEN: Hon Peter Foss can trivialise this as much as he likes.

Hon Peter Foss: I am not. You are trivialising it.

Hon JOHN HALDEN: In respect of the protection of invertebrates in marine parks, we are talking about a lot more than three species. Habitat protection on conservation estates does provide protection for invertebrates, and at this moment a draft document, entitled "The Nature Conservation Strategy", is being circulated by the Department of Conservation and Land Management throughout the community. If the member does not have a copy of that document, I will provide one for him. That document recognises the importance of the issue that Hon Peter Foss has raised about invertebrates and their protection. I hope that will satisfy the member's concern about creepy crawlies.

Hon PETER FOSS: I am pleased to hear that. All that does is show that the issues that I raise are regarded seriously among scientists and conservationists. They are serious issues, and I am pleased to hear that the Department of Conservation and Land Management, in the document to which the Parliamentary Secretary referred, is dealing with this matter; and so it should. However, my point still stands; namely, that many more species of invertebrates and many more individual invertebrate animals are not protected in Western Australia because of the fact that, with the exception of a couple of species on land and the invertebrate species in marine parks, to which the Parliamentary Secretary referred, they have been left out. I am pleased that a policy about this is under consideration, and perhaps we may see in the future slightly wider protection of invertebrates.

Hon W.N. STRETCH: Will the Parliamentary Secretary give an assurance that no charge of any sort will be attached to damage licences, and will he sanction the use of trapping, which is a more humane way of disposing of large numbers of duck?

Hon JOHN HALDEN: There is no fee at the moment and there is no prospect of introducing a fee, but I cannot give the member a guarantee in regard to that matter.

Hon W.N. Stretch: No guarantee?

Hon JOHN HALDEN: I am advised that there is not a fee and there is no intention to have one, but I cannot give a guarantee that that will be the case in 2050. I am not the Minister for the Environment at the moment and I will not be the Minister then, and it will not bother me by then.

The trapping of ducks is not being considered by the Department of Conservation and Land Management at the moment. It may well be more humane but at present it is not even a policy issue with the department.

Hon W.N. STRETCH: Will the Parliamentary Secretary take up the matter of trapping with the Minister and CALM? It has been shown that it is far better to remove ducks in epidemic numbers by trapping than to have them flapping around with pellet damage.

Hon JOHN HALDEN: I will take the matter up with the Minister for the Environment tomorrow and will have an answer for the member within the space of a day.

Hon MAX EVANS: Now that we are cutting out the normal duck hunting seasons we are entering a whole new era of duck life in Western Australia because there will not be that culling process. Natural attrition of duck in the wetlands will not occur, and more damage licences than ever before will be required. The matter should be looked at rationally, because if damage licences are not given people on farms will shoot duck in any case and it is a pity that to do so they will have to break the law.

Hon JOHN HALDEN: The points raised by Hon Max Evans are well founded and based on logic and we will continually have to review the policy and the implementation of the provisions in the legislation. If we did not do so we would end up with the sorts of problems the member suggests, and that would be folly. That is known already.

Hon D.J. WORDSWORTH: One of the major matters I raised during the second reading debate concerned indigenous animals.

Hon John Halden: Do you mean the freckled duck?

Hon D.J. WORDSWORTH: No, not that one, but some of the other ducks. The Macquarie Dictionary defines indigenous as "originating in and characterising a particular region or country; native". It appears that the Parliamentary Secretary accepts as indigenous the duck and geese that have been introduced, despite the fact that they are not, yet there are plenty of other things which have been released, including donkeys and camels, which are not included on the Parliamentary Secretary's list of species able to be destroyed.

Hon JOHN HALDEN: For the sake of the *Hansard* record and the member, the definition of fauna in the Wildlife Conservation Act begins -

- (a) any animal indigenous to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth;

Introduced species of duck are not the problem; the problem is indigenous duck.

Hon D.J. WORDSWORTH: That changes the whole thing completely. The Parliamentary Secretary is saying we can have an open season on any animal or bird that has been brought into this country.

Hon JOHN HALDEN: I can play this game for as long as other members want to play it, but it is becoming a bit of a folly. The issue here is duck shooting and whether we will allow it as a recreation or sport. I have defined for the member what is meant by fauna and I have explained to him and to other members exactly the position of the Government, to the best of my knowledge, and its preparedness to allow for a flexible system of damage mitigation; but we will not have duck shooting as a recreation or sport. If Hon David Wordsworth wants to ask what in my opinion are questions on the extreme periphery of this issue he can do so and I will keep answering him but it will not serve any useful purpose. It will merely take up the time of the Chamber.

Hon D.J. WORDSWORTH: Perhaps I made a mistake in saying people could shoot them. We have introduced birds, and the Parliamentary Secretary has said that whatever happens he does not want them shot. Can we go out and trap them?

Hon JOHN HALDEN: I have answered the trapping issue and I will not go back through that.

Hon D.J. Wordsworth: You have not answered it.

Hon JOHN HALDEN: I have. As to introduced species, the member can shoot as many as he likes.

Hon D.J. WORDSWORTH: Including the duck and quail that can be shown to have been introduced into this State?

Hon JOHN HALDEN: The Bill protects only indigenous quail, geese and indigenous duck.

**Clause put and passed.**

**Clause 5: Section 15 amended -**

Hon PETER FOSS: I believe that paragraph (a) has the opposite effect to the granting of damage licences, and that by keeping paragraph (a) in the Parliamentary Secretary is providing legislation which is contrary to what he has told the Chamber is his intention.

Hon JOHN HALDEN: I have no idea what that means, and Hon Peter Foss will have to explain it more clearly.

Hon PETER FOSS: I am trying to keep it brief. The only matter which is relevant, and I think it is what the Parliamentary Secretary said in regard to damage licences, is: Is there any damage? If there is damage a licence is issued; if there is no damage it is not. After that, what the person is doing when he shoots or traps duck is of no consequence to anybody. He can do it only if they are causing damage; he cannot do it if they are not. That seems to be the only reason for which he should have a damage licence. I cannot see that, if a damage licence is issued to a person to get rid of duck, his purpose in going out and shooting them has anything to do with the requirements of this legislation. By putting in "Subject to section

15A, the Minister", which deals with the damage licences, the Government is qualifying the power to give those damage licences by saying they cannot be given if the person is shooting duck because he happens to like doing it for sport or recreation. The fact that he is doing it for a farmer who has a damage licence and who wants duck got rid of because of that damage licence is totally irrelevant, I would have thought.

Hon JOHN HALDEN: This clause typifies the Bill. It prevents the Minister from allowing a licence to be issued for the shooting of duck for recreation or sport. Again I say that that is the purpose of the Bill.

Hon D.J. WORDSWORTH: The Minister seems to have spoken a great deal about shooting, but I have not seen any reference in this Bill to shooting. It refers to the taking of species.

Hon JOHN HALDEN: The Wildlife Conservation Act defines the words "to take". I am advised that that definition includes the term "to shoot". The definition for fauna includes "to kill or capture any fauna by any means or to disturb any fauna by any means or to use any method whatsoever to hunt or kill any fauna whether this results in killing or capturing any fauna or not."

Hon PETER FOSS: Will the Parliamentary Secretary give an assurance, so that no-one is prosecuted for duck shooting with a damage licence? This clause contains a reference to being subject to proposed new section 15A, which will prevent licences from being issued solely for the purpose of sport and recreation. Can we be assured that a person will not be liable for prosecution when he has a damage licence and engages somebody who happens to be employed because he is happy to, and likes, shooting ducks, and therefore does it for sport and recreation?

Hon JOHN HALDEN: I am happy to give that assurance based on the qualification that the conditions of that licence are adhered to.

**Clause put and passed.**

#### **Clause 6: Section 15A inserted -**

Hon J.N. CALDWELL: This clause is the very heart of this Bill in that it refers to the prohibition of the taking of ducks for any reason.

Hon John Halden: Not for any reason.

Hon J.N. CALDWELL: Except for gaming purposes. One part of the community is exempt from this legislation; namely our indigenous people. Will the Parliamentary Secretary spell out clearly how these people can take ducks? Can they shoot, trap or even lasso them, if they are good enough? How many ducks can Aboriginal people take?

Hon JOHN HALDEN: Aboriginal people can use any method they wish for entrapment, shooting or rendering the bird available for consumption. They can use whatever method to take sufficient food only for themselves and for their families. That is defined in the Act.

Hon J.N. CALDWELL: Can these people actually take ducks from anywhere; that is, from a river, a stream, a game reserve, a lake or perhaps private property?

Hon JOHN HALDEN: They cannot take ducks from nature reserves or wildlife sanctuaries. Regarding Crown land, if the Crown land is occupied, Aboriginal people need the permission of the occupiers to take ducks from the property, and private property is a similar issue.

Hon J.N. CALDWELL: The southern area from which I come contains many people who claim to be Aborigines who are whiter than I. Will the Parliamentary Secretary qualify what is meant by an Aborigine?

Hon JOHN HALDEN: For the sake of this process, I am happy to do that. The definition comes from the Aboriginal Affairs Planning Authority Act -

"person of Aboriginal descent" means any person living in Western Australia wholly or partly descended from the original inhabitants of Australia who claims to be Aboriginal and who is accepted as such in the community in which he lives.

Hon D.J. WORDSWORTH: Section 23, which will be amended by this clause, deals with the taking of birds by Aboriginal people. It states that the Governor may, if he is satisfied that the provisions of section 23 are being abused, by regulation suspend or restrict the

operation of this section as he thinks proper. Has the Government, or previous Governments, restricted the taking of any animal or bird using this provision?

Hon JOHN HALDEN: The short answer is yes. There is a suspension of section 23 relating to the taking of all rare fauna other than the dugong.

**Clause put and passed.**

**Clauses 7 to 11 put and passed.**

**Title put and passed.**

*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

Bill read a third time, on motion by Hon John Halden (Parliamentary Secretary), and transmitted to the Assembly.

*House adjourned at 9.50 pm*

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**QUESTIONS ON NOTICE**  
**PUBLICATIONS - RESTRICTIONS FOR SALE**  
*Refused Classification*

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

In each of the last three years in Western Australia, how many publications have been -

- (a) restricted for sale (ie, to people under 18 years); or
- (b) refused classification (ie, banned outright from sale)?

Hon KAY HALLAHAN replied:

In the last three years the following statistics on classification of publications are applicable -

	Restricted (a)	Refused (b)
1988-89	1 937	398
1989-90	3 017	199
1990-91	2 514	110

The great majority of the publications restricted or refused are periodicals and magazines. Only two substantial books, *Final Exit* and *Eco Defence* have been refused during this period.

**HOSPITALS - MT HENRY**  
*Patient Statistics - Cutbacks*

129. Hon GEORGE CASH to the Minister for Education representing the Minister for Health:

- (1) How many patients are currently in care at the Mt Henry Hospital?
- (2) Have staff shortages meant that some patients are only showered every second day and sponge washed every other day?
- (3) What cut backs have occurred at Mt Henry Hospital and what effect had this on patient care?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) 319 patients as at 1 April 1992.
- (2) No. The practice of daily showering patients in "Stitfold 1" ward was recently amended to provide a more flexible arrangement according to need. The changes have been made in consultation with patients - and relatives where necessary - and allow a more effective allocation of nurse time to the total needs of the patient.
- (3) There have been no cutbacks to the level of patient care at Mt Henry Hospital.

**MOTOR VEHICLE (THIRD PARTY INSURANCE) AMENDMENT ACT - STATE**  
**GOVERNMENT INSURANCE COMMISSION**  
*Insurance Trust Policyholders - No Prejudice Undertaking*

148. Hon MURRAY MONTGOMERY to the Attorney General representing the Minister assisting the Treasurer:

In relation to the Motor Vehicle (Third Party Insurance) Amendment Act 1987 -

- (1) Did the Government give an undertaking to the State Government Insurance Commission's Motor Vehicle Insurance Trust policyholders at the time of the passing of the above amendment that they would not be prejudiced as a result of the amendments?
- (2) If yes, what was the specific commitment?

- (3) If no, how did the Government intend to protect those policyholders in the light of the above amendment?
- (4) Was the purpose of the above amendments to transfer responsibility for damages relating to personal injuries arising from an accident in a vehicle which is not a motor vehicle accident, from the Motor Vehicle Insurance Trust policy to workers compensation policies?
- (5) Did the State Government Insurance Commission give an undertaking to the Government that it would not use the above amendment in such a way as to prejudice any of its existing policyholders who had taken out a policy before the above amendment became law?

Hon J.M. BERINSON replied:

The Minister assisting the Treasurer has provided the following reply -

- (1) Yes.
- (2) The undertaking given by the then Premier and Minister for the State Government Insurance Commission was that no person would be non-suited as a consequence of the amendments.
- (3) Not applicable.
- (4) No, the purpose of the amendments were to restore what had been the original intention of the originating legislation. In moving the second reading of the Motor Vehicle (Third Party Insurance) Bill, the Minister for Works said in the Legislative Assembly on 28 September 1943 -

The general principle laid down in the Bill is that before a licence can be issued, a policy of insurance must be taken out by the owner of every motor vehicle, which will cover the legal liability of any person driving the vehicle, whether lawfully or unlawfully, in the event of death or bodily injury occurring to any third person.

It is clear, therefore, that the Parliament thus intended that the liability of a Motor Vehicle Insurance Trust - as it was then - was to be limited to the payment of damages for injury or death sustained by persons in consequence of the negligent driving of motor vehicles. Although the terminology appearing in the Motor Vehicle (Third Party Insurance) Act 1943 successfully withstood the test of time, all that has now changed with the High Court of Australia judgment of *Dickinson v The Motor Vehicle Insurance Trust*.

- (5) Yes, but within the terms of the undertaking explained in (2) above.

**MOTOR VEHICLE (THIRD PARTY INSURANCE) AMENDMENT ACT -  
STATE GOVERNMENT INSURANCE COMMISSION  
*Support for Amendments Submission***

149. Hon MURRAY MONTGOMERY to the Attorney General representing the Minister assisting the Treasurer:

In relation to the Motor Vehicle (Third Party Insurance) Amendment Act 1987 -

- (1) Did the State Government Insurance Commission put a submission to Government requesting or supporting these amendments?
- (2) If yes, can the Minister table the submission/request?
- (3) If no, on whose advice did the Government proceed with the amendments?

Hon J.M. BERINSON replied:

The Minister assisting the Treasurer has provided the following reply -

- (1) Yes.

- (2) No. The submission was in the form of a Cabinet minute.
- (3) Cabinet.

**SCHOOLS - CHARITABLE COLLECTIONS**  
*Restrictions*

150. Hon GEORGE CASH to the Minister for Education:

- (1) Is there any restriction on schools conducting voluntary fundraising on behalf of charitable institutions such as World Vision?
- (2) If yes, what conditions are required to be observed?

Hon KAY HALLAHAN replied:

(1)-(2)

Devolution of decision making has meant that the issue of charitable collections in the school is the responsibility of the principal, subject to the following requirements of Education Act Regulations -

*Regulation 27(2)*

A teacher shall not without the express permission of the chief executive officer allow collecting cards, raffle tickets or subscription lists to be given to or used by the children in a school for raising money from the public or from one another.

*Regulation 27(3)*

A teacher shall not permit or suffer a child who is on the roll of a school, when in the school premises, to solicit or beg for money for any purpose or to trade with, or sell any article to, any person for money, or seek by any means to promote the sale of any article.

**TEACHERS - NORTH WEST ALLOWANCES**  
*Aboriginal Community Discrimination*

159. Hon MURIEL PATTERSON to the Minister for Education:

- (1) With regard to the allowances offered to teachers in the north west, does the Minister see this as an act of discrimination against the Aboriginal community?
- (2) If no, then why is an extra bonus offered where the content of a class is 80 per cent, or more, Aboriginal children?

Hon KAY HALLAHAN replied:

- (1) No.
- (2) A responsibility allowance is paid to teachers in schools where specialised knowledge and skills are required to meet the needs of children who have English as their second language and a very different culture and learning style. Such schools are located in remote areas of Western Australia and generally have an Aboriginal student population of 85 per cent or more.

**STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - POWER SERVICES**  
*Essential Service Consideration*

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

- (1) Is the provision of power regarded as an essential service?
- (2) If no, what customers of the State Energy Commission of Western Australia will not have their power cut off for non-payment of their accounts?

Hon J.M. BERINSON replied:

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

- (1) No.
- (2) There are no exceptions, however SECWA considers disconnection as

a last resort, and only when all other avenues to secure payment of arrears have been exhausted.

**KEMERTON - OPERATIONS ESTABLISHMENT**  
*Simcoa and Other Companies Support*

176. Hon BARRY HOUSE to Hon Tom Stephens representing the Minister for State Development:

- (1) What State Government support was provided to the Simcoa company and other companies to establish operations at Kemerton?
- (2) Has there been any ongoing support and will this continue into the future?

Hon TOM STEPHENS replied:

The Minister for State Development has provided the following reply -

- (1) To date the State Government has provided support to two companies to establish operations at Kemerton. Under its agreement Simcoa Operations has received a total of \$13.5 million - arising from the application of clauses 6A, 6B and 7A - and SCM Chemicals Ltd received an amount of \$6.35 million under clause 12A of its agreement for relocation purposes.
- (2) Apart from the department's NIES industry assistance programs offered to these companies, ongoing support has been given to Simcoa in the form of a one-off stamp duty refund and a 30 day extension to the payment of its electricity bill.

Any future requests for support to either company will need to be assessed according to the prevailing circumstances.

**QUESTIONS WITHOUT NOTICE**

**ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY - REPORT**  
**RECOMMENDATIONS**

*Government Action*

87. Hon GEORGE CASH to the Minister for Corrective Services:

It is now almost a year since the report of the Royal Commission into Aboriginal Deaths in Custody was published and I ask the Minister to indicate the actions of the State Government in progressing the report's recommendations, particularly those which have been addressed to date.

Hon J.M. BERINSON replied:

As members will be aware, the Royal Commission brought down something in excess of 200 recommendations, and I draw the attention of the Leader of the Opposition to the tabling in this House last week of the State Government's response, together with the national response, collated from reports from all affected States. It would be impossible in the space of a question time to deal with the very many factors involved, but perhaps by way of summary I could inform members that the tabled report indicates that very many, almost a majority, of the recommendations were implemented and in place by the time the report was presented. Many more have been addressed in the meantime, and the report indicates where it is acknowledged that further consideration and efforts are required. In general, the response of the State Government has been that none of the recommendations has been rejected, but that all of them have been accepted either in total or in principle, or at least adopted with reservations which go mainly to the method of implementation rather than to the principle which the Royal Commission was addressing. I do commend that report to the House and I think I am right in saying that Hon Derrick Tomlinson spoke at some length on it during the Address-in-Reply debate. He obviously found it a very instructive basis for further consideration and I commend that same view to all members.

**EDUCATION, MINISTRY OF - SCHOOL WATER AND ELECTRICITY  
ACCOUNTS**

*Payment Delays - No Ready Funds Reason*

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

Is it correct that school water and electricity accounts are being left unpaid until the death knock because the Ministry of Education does not have the ready funds to pay them?

Hon KAY HALLAHAN replied:

I know Hon Phil Pendal has been running on this rather colourful Press release, but I have never heard of such a strategy.

Hon George Cash: That is what we are worried about and why we thought we would bring it to your attention.

Hon KAY HALLAHAN: It is responsible of the Opposition to bring it to my attention, although if it were really responsible it would have put the question on notice. Nothing of this nature has been brought to my attention. It is more likely to be the processing of accounts in the ministry which is holding up payment rather than -

Hon P.G. Pendal: Why? Are they inefficient also?

Hon KAY HALLAHAN: The answer in short is -

Hon P.G. Pendal: You do not know.

Hon KAY HALLAHAN: It is not that I do not know; it is not that I am aware of.

**SCHOOLS - FIVE YEAR OLDS**

*Full-time Schooling - Education Districts School Nomination Invitations*

89. Hon DERRICK TOMLINSON to the Minister for Education:

Will the Minister advise the House how many education districts have been invited to nominate schools for trialling full time schooling for five year olds?

Hon KAY HALLAHAN replied:

None.

**POLICE - REGIONALISATION OF TRAFFIC POLICE  
*Towns Targeted; Completion Timetable***

90. Hon MURRAY MONTGOMERY to the Minister for Police:

(1) How many towns will be targeted for regional traffic police?

(2) What is the timetable - in months or years - for the completion of the operation?

Hon GRAHAM EDWARDS replied:

(1)-(2)

I have indicated that I will make a ministerial statement on this subject and I am hoping to do that tomorrow. I cannot give the member the number of towns, but it is a project that will be phased in over at least three years, and longer in some areas. I have said before that it is something which will not occur overnight. I hope to be in a position, and I am working on it, to make that statement for the information of members tomorrow.

**SCHOOLS - FIVE YEAR OLDS**

*Full Time Schooling - School Volunteers*

91. Hon DERRICK TOMLINSON to the Minister for Education:

How many schools have volunteered to trial full time schooling for five year olds?

Hon KAY HALLAHAN replied:

This subject is topical and it resulted from a meeting of Premiers which was held in Adelaide last year.

Hon N.F. Moore: I think you promised it in 1983.

Hon KAY HALLAHAN: I think Hon Norman Moore is on the wrong bandwagon. Several members interjected.

The PRESIDENT: Order! I suggest to the Minister that she not take any notice of the interjections.

Hon KAY HALLAHAN: I like them, Mr President.

The PRESIDENT: I do not like them.

Hon KAY HALLAHAN: I do not know which schools have offered to run full time schooling for five year olds on a voluntary basis. I doubt very much whether many schools have the capacity to make such an offer. The Government does not have a position on this matter, despite the very wide community interest. It is a matter that will have to await further evaluation before we can determine whether it is something on which we can take a specific proposal to the community.

#### SCHOOLS - FIVE YEAR OLDS

##### *Full Time Schooling - No Pilot Scheme 1993 Assurance*

92. Hon DERRICK TOMLINSON to the Minister for Education:

My supplementary question to the Minister is, will she confirm that there is not a plan to conduct a pilot scheme in selected schools in 1993?

Hon KAY HALLAHAN replied:

I am happy to confirm for the member that at this stage there is no plan to conduct any such program. I said consistently yesterday, and I repeat, that no decision has been made about it. Nevertheless, I understand that in certain schools and sectors of the community there is quite a lot of discussion about it. It is an exciting proposal for people who believe we should come into line with other States. For those people who believe that children should be at home and not at four year old or five year old preprimary schools, it is a worrying prospect. I remind members that a decision has not been made. Unfortunately there is a lot of conjecture about it and that is the reason Hon Derrick Tomlinson and other members have received representations on it.

#### EDUCATION, MINISTRY OF - FOUR YEAR OLDS

##### *Preprimary Centres - Future Plans*

93. Hon DERRICK TOMLINSON to the Minister for Education:

What plans does the Ministry of Education have for the 10 500 four year olds currently catered for in preprimary centres?

Hon KAY HALLAHAN replied:

The ministry's plan is to continue to provide for those four year olds in preprimary centres. One cannot predict the take up rate if we move to the provision of voluntary full day schooling for five year olds. Consideration must be given to four year olds who have been taken into preprimary centres because space was available for them. It is not compulsory for preprimary space to be filled by four year olds but it has been filled where there has been a demand. About 10 000 four year olds are in preprimary centres. Hon Derrick Tomlinson was right to raise this question about four year olds. They would be taken into account when considering any provision for five year olds.

**SCHOOLS - FOUR YEAR OLDS**  
*Preprimary Centres - Future Plans*

94. Hon DERRICK TOMLINSON to the Minister for Education:

Does the Minister's answer mean that, if the Government moves to full time schooling for five year olds, four year olds will not be squeezed out of the system?

Hon KAY HALLAHAN replied:

I am gratified that such interest is being shown in the 0 to 6 year old age group, because it is an area traditionally and utterly neglected by the Opposition, mainly because it is a male dominated Opposition. However, people of some enlightenment on that side are now asking intelligent questions about this matter.

Several members interjected.

The PRESIDENT: Order!

Hon KAY HALLAHAN: Since we have been in Government enormous support has been given to families with young children. That has included establishing a Federal-State cooperative agreement on child care which has provided enormous amounts of child care and which will continue to do so.

This Government has also established family centres to cater for the needs of four year olds whose parents do not particularly want them in a formal school program but want them to have a socialisation preparedness program prior to their formal schooling commencing. We have taken four year olds into preprimaries where there was space for them. In line with the provisions for four year olds an interdepartmental committee has been working on how best to provide for the needs of preschool children.

Hon Derrick Tomlinson: Is one of the alternatives to put them into the department of the family?

The PRESIDENT: Order!

Hon KAY HALLAHAN: An Office of the Family exists which is, in the main, a policy making agency. We would not put anybody into that because it is not really a department. We need to see the outcome of this consideration and I understand that a report will be available soon. That report will be made available to members to clarify an area where there is a significant diversity in the provision of facilities. If the member is patient for a short time we will have that report.

Hon Derrick Tomlinson: So you are considering it, are you?

The PRESIDENT: Order! I will not allow continual interjections on the Minister when she is answering a question. She is taking long enough as it is. Has the Minister finished?

Hon KAY HALLAHAN: No, I have not, Mr President, as this is a serious matter. When the member asks whether we are considering the matter I must point out that I have just said that a committee of learned people is working on the matter to bring recommendations to the Government. When we have those recommendations we can make them available to members and debate them. I will not pre-empt the work of that committee; I do not have its final report. I suspect that that will be one of its considerations, but I do not know what else it is considering or what its recommendations will be. No question of squeezing four year olds out of anywhere arises. Consideration will be given to providing for four year olds and younger, and five year olds. I presume all members are happy about the provision of compulsory schooling for children aged from six years onwards.

**SCHOOLS - PRESCHOOL FACILITIES AT PRIVATE SCHOOLS**  
*Jeopardising Public Schools*

95. Hon E.J. CHARLTON to the Minister for Education:

Bearing in mind the commitment the Minister has given in relation to four year olds, can she give me a further assurance that if a private school provides preschool facilities that will not jeopardise the provision of Government preschool facilities?

Hon KAY HALLAHAN replied:

I thank the member for discussing this matter earlier because it is possible to provide multiple services in an area of growing population and allow parents a choice. However, in some wheatbelt towns, to which I think this question relates, it would be regrettable if an additional provision were provided in the way the member has indicated.

Hon E.J. Charlton: I am talking about provision of a preschool by a non-Government school.

Hon KAY HALLAHAN: I know the member mentioned non-Government schools, but I think he is mainly interested in the Catholic education system. That system is active in providing such places and it would be a great pity if discussion did not take place at the local level about the provision of such a facility, the member having raised the matter with me.

Hon E.J. Charlton: Could it jeopardise the provision of a public facility?

Hon KAY HALLAHAN: If a preprimary school is operating and the Catholic education system wishes to introduce its own preschool and the town does not have sufficient numbers for another facility, that could create a difficulty. I am unsure about this matter but would be disappointed if a community of that size did not deliberate on and make some joint planning decisions about this matter. That may be something with which the member could involve himself in an attempt to steer the community along sensible lines of discussion. I could have ministry officers join with him in trying to get a sensible outcome, if he wished.

**EMPLOYMENT, VOCATIONAL EDUCATION AND TRAINING, DEPARTMENT**  
**OF - GRANTING OF TENDERS IN RURAL AREAS**  
*Employment Observation - Overseeing of Trends*

96. Hon W.N. STRETCH to the Minister for Education:

I have received a letter from a baker in the Margaret River-Augusta area saying that bread tenders in the area were awarded to a non-local bakery run by a multinational company -

- (1) In view of unemployment trends in country towns, does the Minister's department adopt a watching brief on the employment ramifications related to the granting of tenders, because problems are caused when tenders are awarded to businesses outside of local country towns?
- (2) In the light of the Premier's commitment to a rural towns policy, will the Minister explain how the department oversees such trends?

Hon KAY HALLAHAN replied:

(1)-(2)

The Government prefers goods and services to be purchased locally in regional and other country centres because it understands that local businesses are the lifeblood of many smaller communities. Tenders do not come into my area of responsibility. The member may wish to address his question to the Minister for Services, who is responsible for the State Tender Board, which probably determines such matters. It is difficult for me to conjecture about that area except to say that I would be sorry to hear of local job losses as a result of such a process being implemented. While we all appreciate that the

whole tender process must be fair and reasonable, I would ask the member to put the question on notice and we will all be interested in the outcome of his inquiry.

**EMPLOYMENT, VOCATIONAL EDUCATION AND TRAINING, DEPARTMENT  
OF - TENDERS IN RURAL AREAS POLICY**  
*Results of Tenders Observation*

97. Hon W.N. STRETCH to the Minister for Education:

Supplementary to my previous question, the Minister obviously is aware of the preference given to local tenderers, but does the Department of Employment, Vocational Education and Training keep an eye on the results of those tenders?

Hon KAY HALLAHAN replied:

It is a very reassuring position to take that the department will keep an eye on the outcomes of tenders, and in the circumstance of some deleterious effect on local communities there would be a move to change the policy on the tendering processes. I appreciate the member's concern about his local community -

Hon N.F. Moore: Does that mean no or yes?

The PRESIDENT: Order!

Hon KAY HALLAHAN: Hon Norman Moore is a lovely, simplistic fellow. He wants black or white, win or lose.

The PRESIDENT: Order, Minister! He is out of order, as you are.

Hon KAY HALLAHAN: On the basis of your advice, Mr President, I reiterate to Hon Bill Stretch that he should put his question on notice to the Minister for Services in order to get a response about tenders, and the Department of Employment, Vocational Education and Training will keep an eye on the outcome of those processes.

**SCHOOLS - ENGLISH**  
*Second Language Recognition*

98. Hon BARRY HOUSE to the Minister for Education:

(1) Are there schools in Western Australia where English is recognised as the second language?

(2) If so, how many are there, and what other primary languages are spoken?

Hon KAY HALLAHAN replied:

(1)-(2)

There are a number of schools in Western Australia where students come from home backgrounds in which English most certainly is the second language. We can think immediately of Aboriginal communities where English is the second language for those students, and teachers have an additional challenge in dealing with that. However, we have other schools with high percentages of migrant groups from various countries and English in those schools for those students is a second language and they need additional support from the teachers in those circumstances.

With all due respect to the member, the question is a little loosely worded and I am not sure of the precise information the member needs. I am happy to have it provided for him. It is clear that we have areas of high migrant populations, and in those localities English is a second language for those students, and certainly they do not get the support from their parents in English that other students get. If the member would like to be a little more specific I will get him the information he requires.

**SCHOOLS - ENGLISH**  
*Second Language Recognition*

99. Hon BARRY HOUSE to the Minister for Education:

- (1) Supplementary to the previous question, is there a certain percentage over which the number of students attending regard English as their second language, and does the Department of Employment, Vocational Education and Training recognise a certain percentage in schools?
- (2) If so, is a responsibility allowance paid to staff who work in those schools with those children?

Hon KAY HALLAHAN replied:

(1)-(2)

There is what is called the English as a Second Language program. That is allocated on the basis of needs of particular schools, but schools are not labelled as ESL schools particularly.

Hon N.F. Moore: Otherwise it would cost you a lot more money than you spend now.

Hon KAY HALLAHAN: That is not true. Hon Norman Moore is such a cynical man.

The PRESIDENT: Order! Hon Norman Moore is contributing to the Minister's conflicting with my desire that she answer the question for the member who properly put it to her. The Minister, of course, succumbs to it every time. I wonder whether we really want a time for questions without notice in this House.

Hon KAY HALLAHAN: I say on behalf of the House that I am sure we all want a time for questions without notice. I like it as I would like to play Russian roulette, really, but I am sure it is an important part of the parliamentary process.

Several members interjected.

The PRESIDENT: Order! I did not ask the Minister what she thought about it. I am asking her whether she has finished answering Hon Barry House's question, if she can remember what it was.

Hon KAY HALLAHAN: Members here know that I will attempt to get for them any information they want in order to carry out their shadow portfolio responsibilities, their electorate responsibilities, or information for individual constituents, families, or community organisations. I am very happy to do that and I cannot think of anybody who would say that I have not been prepared to do that. However, I cannot get sensible information for members if I do not sometimes indicate that I need something a little more specific. I am carrying responsibility for a department with a budget of over \$1 billion and I cannot carry in my head all of the detailed information that members sometimes want, but I am always happy to get it for them. I try to get the question focused so that I can instigate an accurate, investigative, inquiring search for information, which is what I am doing; and I think members generally appreciate that.

Hon N.F. Moore: Your halo is slipping.

The PRESIDENT: Order! The President certainly appreciates it, but the Minister can do it very much more quickly by simply telling the member to put his question on notice. It takes about 10 words: "You are not being explicit enough. Put the question on notice." Then we can proceed to the next question.

Hon BARRY HOUSE: Mr President, can I attempt to focus that question for the Minister for Education?

The PRESIDENT: Not if it is the same question.

Hon BARRY HOUSE: No, it has a different emphasis.

The PRESIDENT: You cannot ask the same question twice.

**SCHOOLS - ENGLISH**

*Second Language Recognition - First Language*

100. Hon BARRY HOUSE to the Minister for Education:

Where schools are recognised as having English as the second language and a responsibility allowance is paid to staff teaching in those schools, is English used as the first language in those schools or is another language used as the primary language?

Hon KAY HALLAHAN replied:

The member touches on an interesting question because some schools are conducting what is called an immersion program. I do not know whether that is what he is getting at, but in the last week or two I have visited the Spearwood Primary School where one teacher conducts all of her classes in Italian. The children respond in English but they become very familiar with Italian. Another school in the northern suburbs also does this. However, at all of the other schools English is the first language. I understand that this immersion program is being trialled in conjunction with a good deal of work that is going on in the Eastern States and I understand it is a very effective way of teaching a second language to students whose first language is English. In addition, it reinforces for those students who are from a migrant background the credibility of their own language in that community. So there are schools with this immersion program where, not across the whole school but in certain classes, a teacher conducts the class in a language which would be treated as the first language for those classes; but that is not the norm.

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