

Legislative Council

Tuesday, 5 December 1989

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

PETITION - SEX OFFENDERS

Wooroloo Minimum Security Prison - Transfer Objection, Security Threat

Hon Peter Foss presented a petition bearing the signatures of 291 persons and requesting that sex offenders not be sent to the minimum security prison at Wooroloo because of the threat to the local community and their children.

[See paper No 742.]

BILLS (7) - ASSENT

Message from the Lieutenant Governor and Administrator received and read notifying assent to the following Bills -

1. Wills Amendment Bill
2. Taxation (Reciprocal Powers) Bill
3. Acts Amendment (Remuneration of Governor) Bill
4. Agricultural Legislation (Penalties) Amendment Bill
5. Camarvon Banana Industry (Compensation Trust Fund) Amendment Bill
6. Fruit Growing Industry (Trust Fund) Amendment Bill
7. Land Tax Assessment Amendment Bill

SELECT COMMITTEE ON PAROLE

Power to Move from Place to Place - Report Tabling

HON JOHN HALDEN (South Metropolitan) [3.40 pm]: I am directed to report that the Select Committee on Parole resolved to seek the leave of the House for the committee to have the power to move from place to place. I move -

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

Question put and passed.

[See paper No 744.]

GOVERNMENT EMPLOYEES SUPERANNUATION AMENDMENT BILL

Receipt and First Reading

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

Second Reading

HON J.M. BERINSON (North Metropolitan - Leader of the House) [3.41 pm]: I move -

That the Bill be now read a second time.

This Bill introduces a number of amendments to the Government Employees Superannuation Act 1987 including some new policy initiatives and also a number of technical issues. The key aspects of the Bill are as follows.

Withdrawal arrangements: The current legislation allows members of the lump sum scheme who transferred from the old pension scheme to terminate membership of the fund and obtain a refund of their transferred contributions and accrued interest. The option becomes available on completion of two years' contributory membership. Members who elect to exercise this option may, after two years' absence from the scheme, rejoin and accrue benefits in the normal manner.

As transferred contributions comprise about \$300 million of the \$550 million in the

Government employees superannuation fund, the viability of the fund would be called into question if a significant number of employees exercised the withdrawal option. The Government could not allow such a situation to develop as the superannuation entitlement of many thousands of public sector employees could be jeopardised. Accordingly, negotiations were entered into with the union movement with a view to finding a solution acceptable to both parties. Agreement has now been reached with the executive of relevant unions regarding the terms of an alternative arrangement. This has ensured that the withdrawal option will proceed, although in a modified form. However, the Civil Service Association Council has expressed certain reservations regarding the modified withdrawal option. The proposal contained in this Bill is for the withdrawal option to be open for a period of six months only from the day of eligibility, which is two years from the date of joining the fund. Members who exercise this option -

will not be allowed to rejoin the scheme for two years;

will not have their past service benefits indexed until they re-enter the scheme as contributory members; and

will be without insurance cover for death and disability during the period of absence from contributory membership.

The Bill also provides that transferred members who elect to withdraw from membership outside the six month provision, and other members who enter the scheme after 30 June 1989 and elect to withdraw, will have no right to future contributory membership of the fund. An exception will be made where the member resigns from employment and is subsequently re-employed in eligible service. Importantly, the proposed amendment provides for the past service benefit to be indexed at a rate equal to the Consumer Price Index, plus one per cent, from the date the person rejoins the scheme.

Rural and Industries Bank - withdrawal arrangements: Since the Government Employees Superannuation Act was introduced legislation has been passed enabling the R & I Bank to establish its own superannuation scheme. One of the measures contained in this Bill provides for members of the Government employees superannuation fund who are employees of the R & I Bank the right to transfer to the new R & I Bank staff superannuation scheme. If all R & I Bank employees elect to take up the transfer offer this would involve a payment of about \$12 million from the Government employees superannuation fund to the R & I Bank's scheme. Suitable provision has been made in the rules of the bank's scheme to ensure that the accrued entitlements of transferees are fully protected.

Public sector superannuation schemes: Before the Government employees superannuation scheme was established many employing authorities set up their own schemes. The two main reasons were the high cost of the pension scheme and the lack of a lump sum option. The schemes concerned have been closed to new entrants and members have been given an option to transfer to the Government employees superannuation scheme. Legislation formalising this matter is expected to be introduced into the Parliament next year in the form of an Acts Amendment Act.

The superannuation scheme established under the Government Employees Superannuation Act was designed to cater for all public sector employees. For this reason, the Bill before the House contains a proposal that will prevent the establishment of other public sector superannuation schemes without the express approval of the Treasurer. Such approval will not be granted unless, as in the case of the R & I Bank, very special circumstances apply to the authority seeking this right. The amendment proposed will ensure that the proliferation of schemes that has occurred in the past will not be repeated.

New initiatives: I now address a range of issues that generally enhance the existing entitlements and/or options available to members of the scheme. The Government Employees Superannuation Board has identified the need for the particular proposals and has recommended they be implemented in the interest of members.

Indexation of past service benefits: In conjunction with the proposed amendment to the withdrawal arrangements, the Bill proposes to index the 12 per cent past service benefit that can be preserved within the scheme when a member resigns after completing two years' contributory membership. When the original legislation was drafted and enacted in 1987, no provision was made for the indexation of the past service benefit due to an oversight. As it

was a clear intention of the Government to provide for this entitlement, it is now proposed to correct this error.

A new transfer offer: The Bill provides for a new transfer offer to be made to remaining members of the pension scheme to join the lump sum scheme. This proposal is made in response to the report on discrimination in superannuation funds and pensions schemes by the Equal Opportunity Commission. One of the recommendations of the report is that members of a discriminatory superannuation scheme - the pension scheme - be offered the opportunity to join a non-discriminatory scheme - the lump sum scheme - on the basis that no changes be made to the discriminatory scheme.

It is also noteworthy that 32 per cent of pension scheme members are under the age of 40 years and some have expressed interest in a new offer. It is proposed that the new offer be basically the same as the old offer with one exception; that is, the offer will comprise -

- members' contributions to the pension scheme at 10 per cent interest;
- a benefit of 12 per cent for each year of past service; and
- a two year qualifying period for preservation of benefits.

The exception is that there will be no special withdrawal option for newly transferred contributors. It is further proposed that the transfer offer be open for three months from 1 January 1990.

Because it is difficult to project the number of pension scheme members who will transfer on this occasion, no accurate forecast of the financial implications can be made. However, because the cost to the State of paying pensions can be as high as 25 per cent of salary, and the employer cost of the lump sum benefit is only 12 per cent, long term savings will result. Furthermore, it is not expected that many pension fund members of retirement age will transfer as these people would have looked very carefully at the transfer offer when it was first made available in July 1987. For this reason, reopening the transfer option is unlikely to increase the State's short term superannuation costs.

Reciprocal arrangements: The Government Employees Superannuation Act provides for the Government Employees Superannuation Board to enter into reciprocal agreements with other public sector superannuation schemes. The purpose of this provision is to enable portability and continuity of superannuation coverage for public sector employees. Because the board has been recently established, and due to changes in other public sector schemes, no reciprocal agreements have been entered into. This has disadvantaged some members who have left the scheme and taken up other public sector employment.

The Bill proposes the automatic right of preservation of benefits to members of the Government Employees Superannuation Fund who resign and subsequently rejoin another public sector scheme within three months. This proposal offers an additional benefit to the existing arrangements under which members who have at least two years' membership in the fund can preserve their full entitlements.

Additional insurance cover: Members of the Government Employees Superannuation Fund who take unrecognised leave without pay are not eligible to contribute to the fund and are not covered by insurance for death and disability benefits during the period of absence. This applies mainly to members who take leave without pay for private purposes or other reasons which a member's employer does not regard as good service. Leave without pay that does not come within this provision includes cases of sick leave, maternity leave or other leave approved by the employer. The Bill proposes to allow affected members the option to obtain insurance cover in the fund through the payment of a premium determined by the Government Employees Superannuation Board on the advice of an actuary. The premium will be at commercial rates. This proposal overcomes a number of concerns expressed by fund members about the continuity of insurance cover during periods of leave without pay.

Payment of interest: The current legislation provides for interest to accrue only on members' contributions transferred from the pension scheme and on benefits that are preserved in the fund following resignation before age 55. During the two years that the new scheme has been operating a number of instances have arisen where the actual payment of a retirement benefit has been delayed. This has resulted in the member suffering a loss of interest that might otherwise have been obtained through earlier investment of the benefit. While the

Government Employees Superannuation Board's procedures have been designed to prevent delays in making benefit payments, it is not possible to ensure that this occurs in all cases. For this reason, and in fairness to retiring members, the Bill proposes to empower the Government Employees Superannuation Board to add interest to benefit payments where it believes the circumstances warrant such action. Where the board makes such a decision the rate of interest is to be equivalent to the Consumer Price Index plus one per cent. This is consistent with the rate of interest payable in respect of preserved benefit payments.

Retrenchment benefits: Shortly after the new lump sum scheme was introduced on 1 July 1987 it was realised that the transitional provisions set out in schedule 4 of the Government Employees Superannuation Act did not cater for transferees who were retrenched during the first two years of the scheme's operation. Technically, such members would forfeit their 12 per cent past service benefits on retrenchment. The Bill proposes to correct this shortcoming retrospectively from 1 July 1987 by allowing retrenched members the right of preservation within the two year qualifying period.

Inward portability: The existing provisions of the Act which enable members to bring into the scheme superannuation payments they receive from former membership of other schemes do not cater for the three per cent productivity benefits that employees now receive. These benefits must be preserved within a superannuation fund until age 55 is attained, except where the member dies or is retired on ill health grounds. The Bill contains a proposal that will enable productivity superannuation benefits arising from previous employment to be paid into the fund where the member wishes this to occur.

Payment of productivity benefits: The present legislation ensures that all members of the scheme receive the union initiated three per cent productivity entitlement. When members leave the scheme their accrued productivity entitlement is either transferred to a new scheme upon request or retained in the fund as a deferred benefit until age 55. This applies regardless of the amount of the benefit. Experience has shown that in many cases the benefit is smaller than the cost of its administration. Commonwealth legislation which requires productivity benefits to be preserved until age 55 permits the payment of amounts under \$500 to be made to members on termination of employment. In the circumstances, and for the reasons outlined, the Bill proposes an amendment to the Act that would allow amounts of less than \$500 to be paid to members.

Part time employment: Members of the old pension scheme who revert to part time employment lose eligibility of membership of this scheme and forfeit their pension entitlement. The Bill proposes to grant such members an optional transfer to the lump sum scheme, which does provide for part time employees. This is a more practical measure than attempting to introduce complex amendments to the Superannuation and Family Benefits Act to cater for the small number of employees who become part time. The transfer will be on the same basis as the new transfer offer outlined earlier.

Employer funding arrangements: When the lump sum scheme was introduced in 1987 the opportunity was taken to have statutory authorities meet their employer superannuation commitments by way of concurrent contributions to the Government Employees Superannuation Fund. The legislation included a schedule which set out in part A and part B respectively the departments that were not required to pay employer contributions and those that were required to do so. Provision was also made for the addition of new employing authorities and for variations to existing employing authority classifications to be made by regulation.

The Bill before the House contains a proposal that will enable changes to be effected in a more efficient manner. This will be done by the Treasurer publishing a declaration in the *Government Gazette* which will detail the relevant employing authority and its superannuation obligations. The proposal will also overcome a legislative shortcoming concerning membership eligibility. This relates to the holders of certain statutory offices whose eligibility to participate in the scheme has been questioned. Furthermore, the proposal will simplify the admittance into the scheme of new employing authorities such as the Zoological Gardens Board to which I referred earlier.

Technical amendments: In addition to the key initiatives outlined the Bill addresses a number of technical issues which the Government Employees Superannuation Board has identified as requiring legislative amendment to ensure the administrative efficiency and

equity of the fund. The issues include clarification of salary definitions, membership eligibility, contributions payable by contributors seconded to other employment, contribution adjustment dates, the payment of deferred benefits, and the like.

I commend the Bill to the House.

Debate adjourned, on motion by Hon George Cash (Leader of the Opposition).

APPROPRIATION (GENERAL LOAN AND CAPITAL WORKS FUND) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Minister for Budget Management), read a first time.

Second Reading

HON J.M. BERINSON (North Metropolitan - Minister for Budget Management) [3.56 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to appropriate sums from the General Loan and Capital Works Fund to finance items of capital expenditure. The capital works expenditure program proposed for this year amounts to \$1 606.368 million. Of this amount, \$338.563 million is to be appropriated by this Bill from the General Loan and Capital Works Fund. As I mentioned earlier in the Budget speech, our Capital Works Program in 1989-90 has been boosted by an unusually high carryover of funds from last year. These underspendings amounted to \$168 million.

Other major reasons for the expected \$397.3 million increase in the program this year as compared to actual expenditure in 1988-89 are a planned \$124.5 million increase in SECWA's program, an estimated \$53.3 million increase in Homeswest's expenditure, and an expected lift of \$30.2 million in works undertaken by the Water Authority.

I have already referred to the more significant matters of interest in the Capital Works Program in the Budget speech and I do not wish to take up more time now to talk about the other programs and projects to be undertaken this year. Financial details of these are contained in the Estimates and further descriptive information is provided in the document "Supplement to the Capital Works Estimates" which I will seek leave to table at the end of this speech. Members will also have the opportunity to obtain additional information during the debate on the Estimates.

I turn now to the main purpose of the Bill, which is to appropriate from the General Loan and Capital Works Fund the sums required for the works and services as detailed in the General Loan and Capital Works Fund Estimates of Expenditure. An amount of \$338.563 million is sought from the General Loan and Capital Works Fund as part of the total financing arrangements required for the Government's planned works program. The amount to be provided from the General Loan and Capital Works Fund, which is subject to appropriation in this Bill, is clearly identified in bold type on page 5 of the Estimates.

The Supply Act 1989 has already granted Supply of \$200 million and the Bill now under consideration seeks further Supply of \$138 563 000. The total of these two sums, namely \$338 563 000, is to be appropriated for the purposes and services expressed in schedule 1 of the Bill. As well as authorising the provision of funds for the present financial year, this measure also seeks ratification for amounts spent during 1988-89 in excess of the Estimates for that year. Details of these amounts are provided in schedule 2 of the Bill.

I commend the Bill to the House.

Debate adjourned, on motion by Hon George Cash (Leader of the Opposition).

LOAN BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Minister for Budget Management), read a first time.

Second Reading

HON J.M. BERINSON (North Metropolitan - Minister for Budget Management) [4.01 pm]: I move -

That the Bill be now read a second time.

This Bill seeks the necessary authority for the raising of loans required to help finance the State's Capital Works Program as detailed in the General Loan and Capital Works Fund Estimates of Expenditure tabled on 31 August 1989.

Borrowing authority is being sought this year for the raising of loans of \$150 million. The level of borrowing authorisation required is determined after taking into account the unexpired balance of previous authorisations as at 30 June 1989. It is also necessary to have sufficient borrowing authority to enable works in progress to be maintained for a period of up to six months after the close of the financial year pending the passing of a similar measure in 1990.

I have already outlined the highlights of our Capital Works Program in the Budget speech and I do not intend to cover that ground again today. The task of framing our works program for 1989-90 was difficult due to the substantial funding commitments needed for major works in progress and an effective \$75.2 million reduction in our global borrowing allocation after allowing for the special 1988-89 supplementation provided by the Loan Council at its May 1989 meeting. Nevertheless the Government believes the program framed is a responsible one which largely accommodates most of our high priority and urgent works. In particular the planned increase in expenditure on infrastructure services by the Energy Commission and the Water Authority will provide an essential base for the State's continued economic growth.

The machinery nature of this Bill is well known. In accordance with clause 4 of the Bill the proceeds of all loans to be raised under this authority must be paid into the General Loan and Capital Works Fund as required under the provisions of the Financial Administration and Audit Act. Moreover, no funds can be expended from the General Loan and Capital Works Fund without an appropriation under an Act passed by this Parliament.

In addition to seeking to provide the authority for loan raisings, the Bill also permanently appropriates moneys from the Consolidated Revenue Fund to meet principal repayments, interest and other expenses of borrowings under the authority of this Act. I commend the Bill to the House.

Debate adjourned, on motion by Hon George Cash (Leader of the Opposition).

STAMP AMENDMENT BILL (No 3)*Third Reading*

Bill read a third time, on motion by Hon J.M. Berinson (Minister for Budget Management), and returned to the Assembly with amendments.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL*First Reading*

Debate resumed from 30 November.

HON N.F. MOORE (Mining and Pastoral) [4.04 pm]: It is my strongly held view that this Bill should not be read a first time until such time as the Government calls a general election.

Hon P.G. Pandal: Hear, hear!

Hon N.F. MOORE: That point of view has been put very strongly by the Leader of the Opposition and by Hon Phil Pandal in what I consider to be excellent speeches on the first reading of this Bill, and I support them. The Budget debate in which we are engaged does two things. Firstly, it gives the Parliament the opportunity to approve or otherwise the appropriations which the Government has determined - the Estimates of Revenue and Expenditure. We either agree or do not agree with the contents of the Budget itself. Secondly, and possibly more importantly, it gives the Parliament the opportunity to judge the Government's stewardship. An example of that was given in 1975 when the then Federal

Parliament, through the Senate, decided that the stewardship of the Whitlam Government was such that it should not be allowed to continue in office until it had submitted itself to the people for re-election.

Hon Mark Nevill: The person who orchestrated that paid the price on Saturday, didn't he? Joh Bjelke-Petersen.

Hon N.F. MOORE: Perhaps these things come home to roost. Following the decision of the Senate to defer consideration of that Budget and the acceptance by the Governor General of that course of action, the people of Australia overwhelmingly supported the decision of that Parliament not to proceed with that Budget. The people elected the Fraser Government, which was probably the greatest vindication of the actions of the Senate.

Hon Mark Nevill: The Fraser Government was a great disaster. The people made a terrible decision.

Hon N.F. MOORE: The honourable member is reflecting on the people of Australia who made that decision. They were right in that decision, in my view, and the people of Australia are soon to make another decision, and they will take a similar view of the Hawke Government.

There are two reasons for looking at the Budget. One is to examine what the Bill itself contains, and the second is to give the Parliament an opportunity to judge the Government on a whole range of its activities, not just those of a financial nature. Firstly, should we pass this legislation because it represents a proper presentation of the State's financial affairs? In other words, are the State's affairs in financial order? If we were to look at what has been going on for some considerable time in Western Australia in regard to finance we would inevitably be drawn to those parts of the Budget which relate to what has commonly been called WA Inc. At page 59 of the Consolidated Revenue Fund document is the Miscellaneous Services section under the appropriations for the Attorney General, Minister for Budget Management and Minister for Corrective Services. Items 69, 74, 76 and 78 provide some rather interesting figures. Item 69 is entitled "Rothwells Limited (Provisional Liquidators Appointed) - Indemnity and Associated Expenses". Under the 1988-89 vote are four little dots, which indicate no appropriation. Under expenditure for 1988-89 we see \$22 539 415. Under estimated expenditure for 1989-90 we see \$200 000. I will cover that in more detail later.

Item 74, Swan Building Society, shows under the vote for 1988-89 an expenditure of \$4.639 million, and gives an Estimate for this year of \$750 000. Under item 76, The W.A. Teachers' Financial Society Ltd (under administration), the vote for 1988-89 was \$25 million, expenditure was \$110 399 291, and this year the Estimate is \$400 000.

Then we get to item 78, WA Government Holdings Ltd, where there is a vote for 1988-89. There are four dots - in other words, no vote - but an expenditure in that year of \$38.63 million and an estimate for this year, 1989-90, of \$62.3 million. If one looks at the total for other State services, one notices that the vote in 1989-90 - in other words, the amount Parliament approved in the last Consolidated Revenue Fund debate - was a vote of \$48.11 million. The amount expended by the Government in that year was \$199 500 052. In other words, the Government spent \$150 million in that last financial year which was not budgeted for in last year's Budget. Upon a very superficial reading by someone who has a fairly limited knowledge of Government finances and things of that nature that indicates that something is wrong. Therefore it is obvious that one must ask how the Government was able to spend that extra \$150 million when it was not budgeted for; we need to find out how the Government was able to go about spending money like that when it did not have parliamentary approval. When I read the speech of the Minister for Budget Management when he tabled the papers in respect of the Budget, I was interested that on page 26 of his speech he said -

The Government has made significant improvements in recent years in the coverage and presentation of the Budget papers. For the first time this year information on public sector finances will be shown on a national accounting basis -

He probably means "notional" accounting basis. The speech continues -

- and this will provide a better understanding of the economic impact of the State Government's activities on the Western Australian economy.

It is very laudable that the Government is seeking to make the Budget papers much more understandable to the average person who reads them. I consider myself to be an average person when it comes to reading the Budget papers. I looked at the miscellaneous services section and I found some interesting questions. I looked through the speech of the Minister for Budget Management to see whether there was any explanation about why the Government needed to spend about \$150 million more under miscellaneous services than it had budgeted for. On page seven the speech reads as follows -

The concept of a petrochemical plant provides an important opportunity to advance the economic development of Western Australia and an amount of \$62.3 million has been provided to meet our existing funding obligations.

The Government is sparing no effort to ensure that a viable project goes ahead which will provide a return on the funds that have already been invested and secure the very great economic benefits for the State which would follow.

Again that sounds laudable. I also looked at what the Treasurer said in the other place in respect of the miscellaneous services section of the Budget. In respect of the petrochemical plant he said -

In a project of this size and complexity, it is not surprising to encounter organisational and technical problems.

That is a statement of incredible magnitude. The speech continues -

However, we are sparing no efforts to ensure that a viable project goes ahead to secure a return on the government funds that have been invested and to ensure that the associated economic benefits accrue to the State.

This year, the budget provides \$62.3 million to meet our funding obligations and I would call on all those opposite to provide bi-partisan support for this venture which has such obvious benefits for the economic development of Western Australia.

That is what the Treasurer and the Minister for Budget Management told us when the Budget was introduced. That was an explanation of the \$62 million outlined under miscellaneous services, item 78, WA Government Holdings Ltd, and that is the estimated expenditure for 1989-90. However there is no explanation anywhere else in the Treasurer's speech to the other place or in the statement of the Minister for Budget Management of why the expenditure in 1988-89 exceeded the vote for 1988-89. There was no explanation whatsoever. It is also interesting that since the Budget was introduced and those speeches were made and we were told that bipartisan support was necessary for the Petrochemical Industries Co Ltd project, we now find that the PICL project has in fact been pickled; there is no such thing to be had any longer and the project is not to proceed. However the \$62 million still remains in the Budget. We were told in the Treasurer's speech that the \$62 million was necessary to provide obvious benefits for the economic development of Western Australia. In other words the Treasurer was asking the Parliament to approve \$62 million for the petrochemical plant project. If we were to get a petrochemical project, we should have thought about whether we should have spent that money or not. That was the situation we were in when the Budget was first brought down. However, now we are told that there is not to be a petrochemical project and yet the amount is still in the Budget. It is in there for an obvious reason - to meet the Government's responsibilities and liabilities in respect of its involvement in that project.

I repeat that we are entitled as members of Parliament - but more so as members of the public - to know more about what the Budget contains and why it is contained in the Budget. As I said, we have these items in the miscellaneous services section of the budget of the Minister for Budget Management, and it is obvious questions need to be asked. However there is no explanation in the Budget speeches about why those things happened. There is no explanation, for example, about the authority the Government used to spend \$22.5 million in respect of Rothwells; there is no explanation of the authority used by the Government to spend \$4.6 million on Swan Building Society; there is no explanation of the authority used by the Government to spend \$110 million for the Teachers Credit Society, or the \$38 million for WA Government Holdings Ltd. It would be of considerable benefit to people reading the Budget papers to know under what authority the Government made those expenditures.

I now want to turn to a more detailed look at the question of the \$22.539 million which was

expended in the past 12 months in respect of Rothwells. The member for Cortesloe, Mr Hassell, asked question 517 as follows -

- (1) What total payments have been made by the Government since 1987 for or on behalf of Rothwells or in respect of its collapse and what is the composition of those payments?

That question was asked of the Treasurer and the answer was \$33 million. We are told in answer to that question that the Government outlaid \$33 million to the professional liquidators of Rothwells and since then the Treasurer told us that \$10.5 million is to be recouped from the National Australia Bank. Mr Hassell asked a further question - question No 974 - as follows -

- (1) Further to question 517 of 1989, as the State paid \$33 million to the professional liquidator of Rothwells and it is said \$10.5 million is "to be recouped" from the National Australia Bank, when is the \$10.5 million to be recouped?

Mr Parker replied -

- (1) The \$10.5 million will be recouped when certain legal conditions are satisfied and when the Supreme Court of Queensland approves the provisional liquidator's scheme of arrangement.

In the report of the provisional liquidator into Rothwells some interesting statements have been made about this money. On page 20 of that report the provisional liquidator says -

The State of Western Australia as indemnifier of National Australia Bank has tried to compromise the claim which the Provisional Liquidators allege, which may be made against the Bank by the State paying \$33,000,000 to the Provisional Liquidators in full and final satisfaction of those claims.

In another part of the report it states -

A condition of the agreement with the State is that State Government Insurance Commission of Western Australia and the R & I Bank receive an immediate interim payment of the dividends due to them as Creditors of \$10,490,000 being the estimated incremental dividend receivable by those government instrumentalities of the result of the recovery of that \$33,000,000.

This information has caused me some degree of concern and a number of questions need to be raised. Last week I asked a question without notice regarding the \$10.5 million to be recouped from the National Australia Bank. The question asked whether the Government had recouped the money and if it had not, when was it going to recoup it. The answer came back along the lines that the money had not been recouped and it was anticipated to be received in the first couple of weeks in December. Interestingly, there is mention of two \$10.5 million sums in these considerations. There is a figure of \$10.5 million referred to in the provisional liquidator's report which was supposed to be paid out from the \$33 million to the Rural and Industries Bank and the State Government Insurance Commission. I do not know if the R & I Bank or the SGIC have received the \$10.5 million. I have put a question on notice today to find out whether it has been or not. We need to know whether that figure of \$22.5 million in the Budget represents the Government's total liability in respect of this matter. The Government paid out \$33 million to the provisional liquidator and has told the Parliament that it expects to get \$10.5 million back from the National Australia Bank which should come in December - but it does not know whether it will or not. If that is the case it means that the Treasurer is budgeting with an IOU attached to the Budget. The Treasurer should not include the \$10.5 million as income until it is received, particularly as there is a view that it may not come to light anyway.

It would be of some interest to the House to know the answers to these sorts of questions. What does the \$22 million that the Parliament is being asked to agree to actually represent? Does it represent the full and total liability of the Government in respect of the Rothwells matter, or are there a couple of \$10.5 million sums outstanding that the Parliament does not know about yet and which may ultimately change the liability of the \$22 million? If for some reason the National Australia Bank does not come forward with the \$10.5 million, that would mean that the Budget is incorrect.

Considerable legal arguments are going on at present about the Miscellaneous Services section of the Budget. The Solicitor General tabled his report the other day and gave an indication of his views on the legality and the constitutionality of those items. If one was to get the opinion of a number of Queens Counsels in Australia one might find considerable debate about those line items, particularly regarding Rothwells, as to whether they are legal or constitutional. They are the sort of things that worry me after talking to people about these issues. I am yet to be convinced that the Budget is in a proper form. I am yet to be convinced that it should be read a first time. I would like considerably more evidence to be presented to show whether there is an illegality or unconstitutionality attached to that section which comes directly under the responsibility of the Minister for Budget Management. I hope that when the Minister for Budget Management responds to this debate he will answer the sorts of questions that have been asked by honourable members on this side of the House because they are serious questions. The Minister for Budget Management should tell us under what authority did the Government spend the \$150 million in excess of what it budgeted for last year?

There are a couple of other items in the Budget that I would like to mention. I would not suggest that they are out of order, but they are irritating items which need to be considered by the House. Part 2 of the Budget, entitled Premier, and Minister for Public Sector Management, is the continuing saga of the Premier lining his own nest - his own office - out of the Budget. Every year, for some unknown reason, the amount set aside in the Budget for the Ministry of the Premier and State Administration has increased dramatically. The expenditure for items entitled Premier and State Administration, and Cabinet and Public Sector Management for 1988-89 was approximately \$19.5 million. The estimated expenditure for those items in 1989-90 is \$24.5 million which, on a rough calculation, is approximately a 25 per cent increase in expenditure. It always amuses me to read through the Budget papers and look at things like the Cabinet Secretariat. I spent a couple of years as the Cabinet Secretary working in the Cabinet Secretariat with only a principal private secretary and a typist and it is interesting to find that there are now a large number of people working in that organisation. There has been an enormous increase in expenditure by the Ministry of the Premier and State Administration. As one goes from one year's Budget to the next one finds the greatest increase in expenditure of any section of the Budget is in the Premier's own department.

Hon Tom Stephens: That has probably got to do with the fact that we are running a democracy rather than a dictatorship.

Hon N.F. MOORE: I do not understand the logic behind the need for the Premier to surround himself with literally hundreds of public servants - many of whom are party political appointments - to run the State democratically. I suggest to members of the Government that if they do not acknowledge what I am saying they should go through the Budget papers since 1983 and look at the increases that have occurred in the Premier's department. It has grown at an inordinate rate and there is again this year a 25 per cent increase. The Opposition has been told that the department has been split into two sections to make it more efficient, yet the Cabinet and Public Sector Management section has grown from \$4.9 million to \$8.2 million. That is almost double in order to be more efficient. The money is spent to employ dozens of media people whose job it is to promote the Government and to try to convince the public that the Government is not corrupt.

A Government member: Wouldn't you say that the Government was trying to reduce unemployment?

Hon N.F. MOORE: Maybe the Government is trying to reduce unemployment in the journalists' field. I am told that apart from the *The West Australian* the Government is the biggest employer of journalists in Western Australia. When the Government came to office in 1983, one person was employed in the Premier's Department to organise the media services. We heard the screams of the ALP when in Opposition about this media supremo, this man who was going to pour out Government propaganda by the bucket load. The then Labor Opposition screamed its head off about one person but the Ministry of the Premier and State Administration now employs 72 journalists. Obviously it is doing a very good job in reducing the level of unemployment amongst journalists.

Hon Mark Nevill: And keeping the public informed.

Hon N.F. MOORE: It costs the taxpayers at least 25 per cent more every year to be told more and more about the garbage that the Government churns out. I wish the Government would use its 72 journalists to provide the information that I asked for a little while ago. Instead of putting a couple of dots in the Budget, with no explanation in the second reading speech, the Government should get its journalists to explain to the people how it spent the money so we can understand the Budget and not have to go along with the half-baked, self serving type speeches that are made by the Treasurer and the Minister for Budget Management in this place.

Hon Mark Nevill: You certainly would not want any journalists telling the public what you were doing.

Hon N.F. MOORE: I hope Hon Mark Nevill will get up in due course and make a speech in this House so we know his views on the Budget, instead of sitting back and interjecting inanely.

Hon Mark Nevill: I thought my remarks were quite cutting.

Hon N.F. MOORE: I did not notice they were cutting.

Hon Fred McKenzie: There has never been a debate on a first reading of this Bill.

The PRESIDENT: Order!

Hon N.F. MOORE: When I opened my comments today I said the Bill should not be read a first time because I believed the Government should call an election and put itself before the people to be judged again. It must be obvious to Hon Mark Nevill and anyone who knows the procedures of this House that the first reading of a money Bill is a time of debate where one can speak about any issue and raise issues of considerable magnitude. I argue very strongly that we have reached a stage in the history of this Government where it must give an account of itself. That is why the Opposition is arguing on the first reading of the Budget.

Another area I find interesting is under the Minister for Education's Budget on page 110 of the Consolidated Revenue Fund Estimates of Revenue and Expenditure. The actual amount expended on the Minister's office staff in 1988-89 was \$227 202 and the estimate for 1989-90 is \$456 000. In other words, the Minister for Education has doubled the amount of money to be spent on staff in her own office. It is quite obvious she needs the extra support when you look at the mess she has made, but that is going overboard. Some of that money might have been better spent on looking after the problems in our schools. We have had an extraordinary situation in education: Teachers have gone on strike, they have had stop work meetings, and they have complained bitterly about the Government's very poor treatment of their conditions. Our schools are falling down yet the Minister sees it necessary to spend another couple of thousand dollars on her own ministerial office staff when the Government cannot fix up asbestos roofs in schools where they represent a real danger to teachers and students alike.

The second reason one looks at the Budget is to see whether it should be passed in respect of the stewardship of the Government. This is an occasion for the Parliament to make a judgment on whether the Government should continue in office, not just because of what is contained in the Budget itself, but because of the way the Government has behaved since it came into power. I am arguing that what happened in 1975 should happen in 1989 in Western Australia.

The Hon Mark Nevill interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: The Government has not passed any real and proper test of its stewardship. Looking at the whole range of issues in Western Australia and going back to Mr Burke's day from 1983 onwards there have been enough issues, enough scandals and potential corruption for this Parliament to require the Government to go to the people and have another try. I mentioned the Rothwells and PICL deals briefly. There was the extraordinary way this Government used public funds to prop up Rothwells, and continued to prop it up, with this incredible deal with the petrochemical plant. It was an attempt by the Government to bail Rothwells out twice. When one tells people what actually happened they do not believe it, they think it extraordinary that the Government had the nerve to do what it did.

Hon Mark Nevill: That is because you don't tell the truth.

Hon N.F. MOORE: I will not get angry about that remark but I do tell the truth. I present to the people in the electorate what actually happened. I hope Hon Mark Nevill will get up and deny that the Government has not bailed out Rothwells by doing a deal with Bond. I hope he can say the Government did not buy a petrochemical plant which was worth nothing for \$400 million, that Laurie Connell got \$350 million and that Dallas Dempster got \$50 million because I would love to hear him say that.

Hon Mark Nevill: Why did you tell the public that we lost \$120 million on Teachers Credit Society?

Hon N.F. MOORE: Well, the Government did. The Government neglected its responsibility under legislation affecting building societies and credit societies. The Government allowed that credit society to get into such a mess that it collapsed and out of necessity the Government had to pay out the money lost. It is a disgraceful performance on the Government's part. It never happened in our day.

Hon Mark Nevill: It was the same registrar.

Hon N.F. MOORE: It does not matter who it was, it is the Government's responsibility. Hon Mark Nevill sits and argues on behalf of the Government yet it is those members on the front bench who make these decisions and he defends them. The Government's decision has caused the taxpayer to cough up millions and millions of dollars and Hon Mark Nevill tries to defend them. Paddy O'Brien said that the Government should resign and let the Labor Party re-elect its leader. Maybe that is why Mr Ian Taylor the member for Kalgoorlie is moving to Perth. He is following in Mr Dowding's footsteps back in 1984 or 1985 and moving away from the town with which he has stated he has enormous rapport. Mr Taylor was in Kalgoorlie as a young man. He came to Perth to do his studies, and worked in the Treasury but when he got the call from Kalgoorlie he returned and became the member for Kalgoorlie.

Hon Mark Nevill: You should be the last person to criticise anyone for moving to Perth.

Hon N.F. MOORE: That is not what I am criticising at all. Mr Taylor is doing what Mr Dowding did. He is moving to where the action is. I would not be at all surprised if his name is down for a safe Labor seat - there must be one going somewhere.

Hon P.G. Pendal: Maybe Maylands.

Hon N.F. MOORE: Maybe Maylands as Hon Phil Pendal suggests. Mr Dowding came down from the north and moved into a safe seat, then moved into the leadership. The front page headline in *The West Australian* recently said there was dissension within the ranks and Mr Dowding was under threat. Parliamentary members of the Labor Party were asked, with their arms twisted, to sign a document to say they support Mr Dowding. We all know that where there is smoke there is fire. The member for Kalgoorlie is touted as a potential leader by Hon John Halden's wing of the Labor Party - the left wing. In fact, Mr Brian Burke said in the House that Mr Taylor would be a very good Premier. Mr Taylor took a lot of notice of Mr Burke and he is moving down to Perth where the action is. I do not knock the man for wanting to spend more time with his family - that is crucial to my Party's attitude - but I wonder what his motivation is. I would not be at all surprised if it has to do with the fact that some backbenchers and some Ministers are just as angry with the gang of four as we are and they want to see some changes in the Labor Party. It is not beyond the wit of man, or the Labor Party, to get rid of its leaders - the four people who are implicated in all these business deals: Hon Joe Berinson, Mr Dowding, Mr Parker and Mr Grill in particular. It is not beyond the capabilities of the Labor Party to move those people aside and elect a new leadership. They would then say to the people of Western Australia, "We have got rid of the cancer within our ranks and we will go ahead with governing based on the accountability criteria set out in the Burt Commission on Accountability report." I do not expect they will do that. They will do what Hon Mark Nevill does; that is, to continue to say, "There is nothing wrong; you have got it all wrong; you tell lies and it is not true."

Several members interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: I have already mentioned the Rothwells and the Petrochemical

Industries Co Ltd deal, which was an extraordinary state of affairs; it has been described by other speakers so I will not go into it in detail. However, I will say that it was a most scandalous situation. I have mentioned Teachers Credit Society in response to an interjection by a member opposite. Teachers Credit Society and the Swan Building Society issues represented negligence on behalf of the Government in respect of its obligation to ensure that those organisations operated properly under their respective legislation. We had the saga of the Fremantle Gas and Coke Co Ltd and serious questions were not answered. We have also had the Burswood Casino cost overruns and we have had committees of inquiries of this House appointed to investigate that matter. The Corporate Affairs Department decided not to prosecute, even though we were told by the people involved that there were serious concerns within that department about that decision. Some people, including me, still want to know what happened.

Hon Mark Nevill: It has been investigated thoroughly.

Hon N.F. MOORE: I do not think the member is correct.

Hon Mark Nevill: I went through the papers personally.

The PRESIDENT: Order!

Hon N.F. MOORE: The member had a job to do. We also had the Midland Junction Abattoirs case, the question of cronyism and the sale of land for an amount which was considerably less than its market value.

Hon Tom Stephens: A few days before that Constantine entered Rome.

Hon N.F. MOORE: Is Hon Tom Stephens suggesting that because it happened a relatively long time ago it is no longer relevant? I am seeking to give members opposite a history lesson to remind them about what the Government has been up to and to build up my argument that the Government's performance is such that it should be thrown out of office; alternatively, it should tell the people what it has done. There was the J.J. O'Connor case and the incredible decision taken by the Attorney General to let him off the hook.

Hon J.M. Berinson: Why was it extraordinary? The prosecution was extraordinary. It was the first time in the history of this State that criminal law had been applied to what was essentially an industrial matter.

Hon N.F. MOORE: Is it up to the Attorney General to usurp the decision of the courts? He came into this House with his face as white as a sheet and he read out a statement telling us what he had done. He was absolutely and totally ashamed of himself. I have never seen his face like that - it was ashen. He made a decision with which he did not agree, nor did anyone else in Western Australia.

Hon J.M. Berinson: You are demonstrating that you did not understand it.

Hon N.F. MOORE: The decision was taken for blatant political reasons to look after one of the Government's mates. In every area of government the Government is looking after its mates. There is cronyism all the way through this Government.

I refer now to the prorogation of Parliament in 1985. The Parliament was still sitting, but all of a sudden a notice was put on the door saying, "Sorry, the place has been closed down." The Government closed down Parliament because the going got too hot. The reason to prorogue Parliament was to stop the Parliament from inquiring into affairs in which money was being misused. Members should consider the question of cronyism and politicisation in the Public Service. We had the Brush-Martin case and the case of Lloyd and Edwards who were given positions of incredible power in the Public Service to carry out the Government's bidding.

Hon Mark Nevill: Are you saying they were guilty?

The PRESIDENT: Order!

Hon N.F. MOORE: I am not saying they were guilty. I am saying that they were put into positions of power in the Public Service because they were friends of the Government. The fact they have been charged is some sort of an indictment.

Hon Mark Nevill: Would you say that anyone who works for the Government is a crony of the Government?

The PRESIDENT: Order! I will say it once more: If Hon Mark Nevill wants to spend the rest of the day in this House he should obey the rules of the House. He is defying the Chair and he seems to get great joy out of doing it. If he does it once more I will take the appropriate action. If he does not like it, he is perfectly free to leave. The rules are that he obey the rules of the Chair and if he does not like that rule he can endeavour to change it. In the meantime, it exists. Does Hon Mark Nevill understand what I am saying? I am fed up with members who make no contribution, but who interject all the time in complete defiance of what I ask them to do. I am getting sick of it.

Hon N.F. MOORE: I was suggesting that there has been a long record since this Government came into office of politicisation and cronyism in the Public Service. I have not suggested and I would never suggest that every appointment in the Public Service is a political appointment. That is absurd. What the Government has done is to put people in top positions; people who are political appointees and they make the decisions for everyone else. I was astounded when I was shadow Minister for Education to find out what was happening to the education system by way of the same mechanism. People who had given tens of years of loyal and dedicated service to education in Western Australia were cast out onto the scrap heap because Mr Pearce decided to change the system.

We have seen what has happened in respect of Mr Edwards and Mr Lloyd who are two of the most obvious cronies of the Government. Mr Brush was charged and I acknowledge that he was not found guilty. I understand he does not run anything any more, thank goodness.

The sorts of issues I have raised today in respect of this Budget bring me to the conclusion that the Government should resign and go to the polls. Even worse than those issues I have mentioned is what has happened since 4 February 1989. The Government will argue that many of the issues I have raised happened before 4 February 1989 and that people have already judged the Government. That may be so, but the story that the Government told before the election is different from the story that has emerged since the election. The most fundamental aspect that has emerged since the election is that the Government seriously and deliberately misled the Parliament and the people of Western Australia about the Petrochemical Industries Co Ltd project and the question of Government guarantees. It has come out clearly since 4 February 1989 that Mr Parker, Mr Dowding and Mr Berinson misled the Parliament about the Government guarantees. They denied there was any guarantee, in any shape or form, in respect of that project.

Hon J.M. Berinson: Have you read the report of the Standing Orders Committee?

Hon N.F. MOORE: Is the Minister for Budget Management suggesting that because he was talking on behalf of someone else, it was not him who said it? Is he saying that Mr Parker was the fellow responsible?

Several members interjected.

Hon N.F. MOORE: The Minister is saying it was not him at all and because he was mouthing the words of someone else, it was that person who was at fault.

Hon J.M. Berinson: We had a whole debate on it and it was sent to the Standing Orders Committee. Have you read its report?

Hon N.F. MOORE: I know what the Minister is saying.

Hon J.M. Berinson: Have you read its report?

Hon N.F. MOORE: The Minister is saying that he did not say it, but somebody else said it. I do not mind if he did not say it; the words he used were the words of somebody else and, in his view, somebody else said it. I will leave him off the list and refer only to Mr Parker, Mr Dowding and Mr Grill. All of them have seriously misled the Parliament about these matters.

Hon J.M. Berinson: You still have not demonstrated they were wrong.

Hon P.G. Pendal: It is in writing.

Hon N.F. MOORE: The most commonly known matter about this whole issue that has come to light since 4 February is the comparison of the tabled documents with the actual words spoken in *Hansard*. For example, on 12 April Mr Parker said on page 835 -

There is no guarantee, there will be no guarantee; no guarantee was issued by the former Treasurer; no guarantee was issued by me.

One cannot get much more dogmatic than that, yet all the documents made available since then clearly demonstrate that deals were progressing and that the Government had given a guarantee in relation to this matter. That is the most serious point of the lot. It comes right down to the integrity of this Parliament. If Ministers rise to speak in this House and are found later to have not told the whole truth they should resign. They should resign if they are not found out but, of course, we do not know when that happens. It is fundamental to the Westminster system of Government that Ministers are accountable and responsible to the Parliament. If it is found that they have not been accountable or have not told the truth to the House, they should resign.

If one looks back at recent Federal parliamentary history and at the era of the Whitlam and Fraser Governments one sees there were about 10 Ministers who were forced to resign for indiscretions of minuscule significance compared with what has happened here. They were forced to resign by people such as Whitlam and Fraser because they at least understood that Ministers have a responsibility and an obligation to tell the truth in the House.

Hon P.G. Pental: Even Fordham in Victoria had to resign.

Hon N.F. MOORE: That is quite right, and I thank Hon Phillip Pental for reminding me of that. There are Labor Parties in other parts of Australia which have abided by the Westminster convention which is quite fundamental to this system of Parliament's operation because without it there would be anarchy; without it Parliament is completely impotent and unable to do anything. Because of its abrogation of that most fundamental point of what the Westminster system is all about, this Government should call another election. I hope the National Party will support me when I say that this House should defer consideration of the Budget until such time as the Premier calls an election. That is what should happen, and I have no doubt that if that happened the people of Western Australia would do something similar to this Government to what the people of Queensland did to the National Party Government there.

The people of Western Australia have the same view about corruption being unacceptable in Government as that expressed in Queensland. Everywhere I go people ask me, "When are you going to toss this lot out? We have had enough of them." That is what people are saying because they do not believe that we have an honest Government and they want a chance to do something about that. I emphasise that since 4 February 1989 we have found out details of, and been able to prove, the way in which Ministers of this Government have treated the Parliament. If one outlines all the issues considered by this House since this Government came to office and puts them together with the latest situation relating to the PICL project and the Rothwells bail out and then looks at the Budget, which may be flawed because it may be fraudulent, illegal or unconstitutional, one finds there is an overwhelming argument that this Government should go to the people.

Hon Fred McKenzie: What about this House?

Hon N.F. MOORE: I do not think that this House should go to an election. I sat here with my colleague, Hon Robert Pike, and voted against a Bill for that purpose. This House should not go to the people because of the actions of a Government essentially formed in the other House which has mismanaged the economy of Western Australia and the finances of its people. I argue strongly that we should continue to defer a decision on this Bill until the Premier has the guts to say, "Okay, let us have another go, we will put these matters before the people of Western Australia. We will tell them the truth. We will then have another election." If that happened, I guarantee this Government would be treated in the same way as the Queensland Government was treated recently.

The PRESIDENT: Before I state the question, I take this opportunity to make a comment to honourable members so that they know exactly what we are doing. We are debating whether this Bill should be read a first time. I remind honourable members that this debate is one of a wide ranging nature during which the opportunity can be taken to talk about all sorts of irrelevant things; it is a sort of grievance debate. However, it is not a debate on the second reading of the Bill. I take this opportunity to make this comment because early during his speech the honourable member who has just resumed his seat referred to a Bill which this

House has not before it yet and to items that he decided clairvoyantly will be in that Bill. I remind members of these matters so that from here on in we are not talking about the second reading of a Bill because this House does not have a Bill before it at the moment.

HON MAX EVANS (North Metropolitan) [4.57 pm]: Mr President, I rise -

Hon Tom Stephens: That spoils half this speech.

Hon MAX EVANS: And the honourable member is trying to spoil the other half by interjecting.

The PRESIDENT: Order!

Hon MAX EVANS: I do not believe the Bill should be in this House in its present form.

Hon Tom Stephens: It is not here.

Several members interjected.

Hon P.G. Pental: They are very touchy.

The PRESIDENT: Order! I do not know whether anybody else is touchy, but I am sick and tired of people not listening to other members. Every member has the right to address this Chamber, and the right to be heard in silence. This place is becoming a shambles and I will not tolerate that. Hon Max Evans has the floor and I suggest that he address whatever comments he has to the Chair, and within the parameters I have just outlined.

Hon MAX EVANS: We have before us the Estimates for 1989-90, which have come from a Minister in the other House. As I mentioned last week, this time last year I explained in this House the fact that I do not believe any Estimates should come before the Parliament of Western Australia to be approved if it is known that they are incorrect. Last year we saw the anomalous position of the Minister for Budget Management bringing forward a statement regarding the Teachers Credit Society and saying that he would be expending \$55 million out of Consolidated Revenue Fund over and above what was in the Budget, which meant that at that date the Government had a deficit Budget of \$55 million. I believed then, and still believe now, that the Budget should have been amended to bring that amount to account.

In the private sector boards of companies who look after shareholders' interests would sack senior executives if a budget were brought forward for approval by the board for the balance of the year's trading with those senior executives knowing there were major anomalies in those accounts and that the figures could not be achieved because expenditure was to be more or less than that shown. Budgets should be subject to amendment up until the day they are approved by the Board or by this Parliament. The Minister should not say, "That is it. There are wide parameters. There can be changes." We only pick up a certain number of matters that we know are wrong, but we know there must be a lot of other matters that are also incorrect. No Government should bring financial statements before a House of the Parliament knowing that they are wrong. If they were in the private sector and did that they would be sacked. We have seen amounts in the accounts of WADC and Exim over the past two years which I proved in this House were knowingly wrong and were a result of creative accounting. I take full credit for leading the onslaught for the removal of most of the business of WADC and Exim because of the analysis of their accounts I have made over the years. They acted fraudulently to hoodwink the Premier and the people of this State; they engaged in this public relations exercise and overpaid the directors. I take full credit for getting rid of them. When I was elected to the Parliament the private sector was saying that the Western Australian Development Corporation and Exim were doing an excellent job.

[Questions without notice taken.]

Hon MAX EVANS: I emphasise that we should look again at the Estimates contained in the Bill because they contain many anomalies and no Parliament should be asked to approve Estimates that are known to be incorrect. I support Hon Norman Moore and commend my leader's brilliant speech.

Hon J.M. Berinson: Are you referring to Mr Moore's speech in which he referred to 70 journalists?

Hon MAX EVANS: He did not give us the exact number. The Minister for Budget Management used a lot of rhetoric and did not tell us the exact number.

The PRESIDENT: Order!

Hon J.M. Berinson: Mr Moore was absolutely wrong. Hon Peter Foss acknowledges that he was wrong.

The PRESIDENT: Order! I do not want to say this to the Leader of the House, to whom I give some licence -

Hon Kay Hallahan: Not much.

The PRESIDENT: No, not much, but I ask him to set an example for other members.

Hon MAX EVANS: I am glad the Minister for Budget Management interjected because he confirmed that he is short on facts and very long on rhetoric as the Estimates are short on facts and long on rhetoric. The Estimates this year should be deferred until an election can be held because they are wrong. The Estimates were deferred last year unknown to most members on the other side of the House because we were waiting for the reports from two Select Committees. Hon Gordon Masters told the Minister for Budget Management at that time that we would not agree to the Estimates until the reports were presented. The Opposition did not trust the Government, and thought it might prorogue Parliament before that Select Committee reported. That was a good instance last year of deferring debate until certain action was taken. I was keen to defer the debate last year on account of the extra \$55 million for Teachers Credit Society being paid from the Budget. However, there was no point deferring debate before an election, and we knew that it was necessary for an election to be held within the following few weeks.

We are told about the events in other States and the rapid changes of Government. Corruption is a big factor, and there has been a lot of it in Western Australia. In New South Wales a Minister went to gaol as a result of his corrupt dealings, but in that case it did not cost the State any money, apart from possibly a few million dollars here or there. In Queensland corruption occurred involving departments, the police and Ministers, but no money was lost. The events to which I refer brought down the Unsworth Labor Government and the Queensland National Party Government respectively. The Khemlani affair, which involved \$4 billion coming in to buy back the farm, brought down the Federal Whitlam Government. However, it did not cost the country any money. In Western Australia we are looking at a different situation; hundreds of millions of dollars have been lost, from total income raised of approximately \$700 million. Therefore, the loss is material. The amounts involved in other States were not material. The events in other States had nothing to do with the Estimates or Government money. The money that has been lost in this State will impinge on what happens in the future in Western Australia.

When I came to this place in 1986 the Labor Government was pedantic and quite clearly stated that for the first time in 40 years a Government in Western Australia had budgeted for a surplus of \$1 million. I commented on that very strongly at the time, and as a result the Government has not attempted to do that again. That is an indication of how precise the Government has been with previous Budgets. If it was so keen on that occasion to bring down a \$1 million surplus in the Budget and to keep talking about it, and if its income on stamp duty this year will be \$15 million below the budgeted figure, this Bill should not proceed, but should be amended. The Minister for Budget Management clearly said that revenue would be down \$15 million. Therefore, how can the Budget balance? He knows as I do that stamp duty revenue for September is below the estimated figure, and in the previous two years it has been above the estimated figure by this time of the year. The Government knows it has a real problem in that area.

The Minister for Budget Management will probably say these are not relevant amounts and they are not important. He said that the \$62 million for WA Government Holdings Ltd was not much in a Budget of \$5 billion. However, he screamed about the \$15 million loss from stamp duty - which was provided for in the legislation which was so badly drafted - even though a few hours earlier he said \$62 million was irrelevant. That figure of \$15 million is relevant because it gives the impression that the Budget is not accurate; and, if it is not accurate in that area, is it accurate in any other area?

It is estimated that tobacco tax revenue will increase from \$70 million to \$90 million. The Government very wisely introduced the revenue Bill which has been passed, and under the provisions of that legislation the tax will be imposed from 1 November irrespective of what

happens to the related Bill in another place. If that Bill is not passed the additional money from the tobacco tax will go into the Consolidated Revenue Fund, and no money will be spent on the proposed Health Promotion Foundation.

One of my big concerns is that the Government has introduced a break-even Budget which requires the sale of \$55 million worth of assets. The Government does not have that many assets to sell in order to balance Budgets. It is most serious and a great reflection on this Government. In future, we should consider enacting legislation whereby proceeds from sales of assets of the State are put in a special fund used to reduce debt or to purchase other assets. For example, the proceeds from the sale of railway land could be used for the purchase of land for the northern suburbs railway. When money is received, for which there is no identifiable purpose, and it is paid into Consolidated Revenue Fund, which has nothing to do with capital works, it is lost forever.

It is estimated that mining royalties will increase from \$220 million to \$291 million; that could be on target because the Government is lucky that the value of the dollar could drop again and that amount might be received.

Last year special sales raised \$39 million which helped to balance the Budget. Part of that came from the sale of land to Western Australian Development Corporation and LandCorp. If we were dealing with private sector accounting - which is not the case - that amount would have been consolidated out. The Government is bringing in revenue from one statutory authority to another, yet the assets are still held. LandCorp has bought land from the Government, but the Government is bringing in the revenue. Elsewhere WADC and LandCorp had to borrow money from Treasury to pay for the land to bring in revenue. I think one could bet that it was estimated how much was needed to balance the books and then that amount was borrowed. This special sale of land is criminal and negligent, and no Government should be allowed to bring into its CRF any income from the sale of property, and to include in the Estimates for next year the proposed sale of property.

The interest on short term loans has been an interesting item for many years, and I give the Government credit for the fact that in the last four or five years it has had a windfall of revenue and earned \$190 million interest on short term investments. However, that figure has not been included in the accounts. I have said many times that it should have been included, but under the Government's method of cash counting it accumulates off the balance sheet. Under the Court-O'Connor Governments such an amount would have been brought into the accounts in the following year in the State development fund to be itemised for specific purposes. In December last year we received notice that the Government had drawn down those funds to pay for the losses incurred with the Teachers Credit Society. Those losses are still a major headache for the R & I Bank and I imagine that its huge provision for doubtful debts at 31 March included some of those TCS losses. I have recently been told that more TCS losses will be taken by the R & I Bank. The R & I Bank made a profit of only \$50 million the year before last, and it cannot afford losses of between \$10 million and \$20 million which resulted from the Government's forcing the bank to take on the TCS because of problems arising from the Government's bad decisions.

I move to other revenue items under Treasury which I think are suspect. The Estimates last year were \$470 million, collections were \$464 million, and for next year they are \$408 million.

The DEPUTY PRESIDENT (Hon D.J. Wordsworth): Are you quoting from the Bill?

Hon MAX EVANS: Yes.

The DEPUTY PRESIDENT: You should not be.

Hon MAX EVANS: Then I will not. I will quote from an answer in the Legislative Council to a question I raised. Reference is made to a contribution of about \$40 million in lieu of tax this year, but the R & I Bank made a profit of only \$9 million. I cannot be more specific about the figure because the R & I Bank, along with many other statutory authorities, has not lodged its report in this Parliament by the due date. I was not able today to get a copy of the R & I Bank accounts, although they were published in August. I hope the Minister for Budget Management will look into this matter and ensure that in future those accounts are tabled in this House by the due date. It is most unsettling for members not to be able to obtain the facts. How can the R & I Bank provide a dividend of \$40 million to the State

Government? It is relying on that to balance its books, and its profit was only \$9 million. It is paying the dividend out of capital, in the same way the State Government Insurance Commission paid \$3.6 million and a transfer of surplus funds of \$27.7 million. That was related to a large profit that year. This year it is estimated that a contribution of \$3.1 million will be made in lieu of tax. However, I do not believe it will make a profit once the SGIC problems are wound up and, therefore, there will be no contribution to the Government of \$3.1 million in lieu of taxes. At the beginning of 1987 the capital of the State Government Insurance Commission was only \$30 million; so the transfer of surplus funds of nearly \$28 million may be made out of capital. Under the Companies Code, the directors of companies in the private sector are subject to heavy penalties if they pay dividends out of capital. This Government does not seem to worry about that.

The annual accounts of GoldCorp were tabled in this House last week. GoldCorp showed a profit of \$5 million; however, that included extraordinary profit from the sale of Kaltails of \$6 million, so it actually made no trading profit. The accounts reveal that GoldCorp made a statutory contribution of \$2.4 million on ordinary profits, and \$1.7 million on extraordinary profits; a total of \$4.1 million. The figure of \$29 million in the Estimates is \$25 million more than the corporation has accrued in its accounts; and because the corporation is in its first year of trading, this payment will come out of capital. The organisation is criminally negligent by paying dividends out of capital.

In estimating its revenue on the basis of unaudited accounts, the Government is taking a great risk of overstating the situation, and giving false information to this Parliament and the public of Western Australia. The Government should wait until it knows what are the actual results. There is no way that the estimated profit of \$25 million from GoldCorp, \$50 million from stamp duty, and \$40 million from the R & I Bank will be achieved; the Government has overstated its estimated revenue. I have not yet received the annual accounts of the R & I Bank, but I am certain they have no provision to pay \$40 million to the Government. The other day I was talking to a manager of the R & I Bank who seemed to have the mistaken belief that the estimated profit of \$9 million was very good because it was after making a \$28 million contribution to the State Government. However, the manager had not been told that the \$28 million paid out last year was out of the previous year's profits. He did not know that the year two contribution was made out of the year one profits.

The figures which the Treasurer has presented in this Budget should be enough to persuade us to send a message to the other place, telling the Treasurer that the figures are wrong. If he were in the private sector he would have been sacked long ago for presenting this sort of information. If the Budget surplus had been \$300 million, the anomalous position of \$25 million from GoldCorp and \$40 million from the R & I Bank would not matter very much; the surplus would still be large enough. However, there are huge differences in the figures of the Government and those of the statutory corporations. It is an insult to the Parliament and to the people of Western Australia for the Treasurer to produce such absolutely rubbishy figures. We got rid of Exim and the Western Australian Development Corporation. We should get rid of this Government because we cannot trust its figures.

HON PETER FOSS (East Metropolitan) [5.53 pm]: There is a saying that there is nothing new under the sun; I think the Minister for Budget Management was the person who referred to that recently. It is quite true. The sorts of events that have happened in this State under the Burke and Dowding Administrations are a repetition of a malaise in a Government and a society which has happened on many occasions in the past. So far the Government has been able to get away with it, due to its ability to take a particular view of the facts which hides from the people the true facts, and by putting forward its account of the events, which bear no resemblance to the true facts.

One of the problems we have had all along is that this Government has continued to deny answers to questions, and has refused to give full and frank disclosure and let the people of Western Australia know what has really happened. The Government has denied facts which it knew to be the case, and it went to the people with a totally false account. This Government should again submit itself to the people because it lied at the election.

Hon T.G. Butler: You have no proof of that. You bother me as a lawyer. You are finding the Government guilty, without a hearing.

Hon PETER FOSS: If the member were to listen, he would get the hearing. I would like to

tell members why we have some faith that eventually we will get the truth, and that the people of Western Australia will understand what has happened to them. I want to give three examples of where this has happened in the past, and where the people have eventually been able to work out that they have been utterly conned.

Members have probably heard of General Douglas Haig, who at the end of the First World War was thought to be a great hero. He was rewarded for his great services by being raised to the peerage as Earl of Haig, and Baron Haig of Bemersyde, and was given a grant of 100 000 pounds - which is, in modern day terms, like the sort of money that this Government has been profligately wasting. An Order of Merit was conferred upon him; and the ancestral home of the Haigs at Bemersyde was purchased by national subscription, and presented to him. However, the facts then started to percolate through. Of a total of 65 million people mobilised in the army on both sides, some 37 million were casualties in that war; well over half. Of a total of 8 900 000 people in the British Empire Forces, there were 3 million casualties. One of the reasons there were so many casualties was the incompetence of people like General Douglas Haig. He got away with it, and was rewarded, because the British Government was one of the first Governments to work out the benefits of propaganda - the ability to keep putting out information, irrespective of the facts.

One gentleman who caught on to that concept very well was Hitler. He said in *Mein Kampf* -

Only constant repetition will finally succeed in imprinting an idea on the memory of the crowd . . .

The leading slogan must of course be illustrated in many ways and from several angles, but in the end one must always return to the assertion of the same formula. In this way alone can propaganda be consistent and dynamic in its effects . . .

At first all of it appeared to be idiotic in its impudent assertiveness. Later on it was looked upon as disturbing, but finally it was believed.

But in England they came to understand something further: namely, that the possibility of success in the use of this spiritual weapon consists in the mass employment of it, and that when employed in this way it brings full returns for the large expenses incurred.

It is quite clear that the British propaganda machine was able to produce not only in the German population but also in the British population a belief that what was being done was correct.

However, with the passage of time that view was contradicted. Robert Graves wrote his biography, *Goodbye to All That*, and had to leave England because he was seen to be criticising the Government. Later a slightly more staid person, C.S. Forester, wrote a book called *The General* in which he also called into question the competence of the generals who had thrown away lives in the same way that the Western Australian Government has thrown away money. Finally, we have the musical "Oh What a Lovely War", which highlights the sheer crassness and incompetence of some generals and the dreadful way in which people's lives and money were wasted, where people like General Douglas Haig are now held up to ridicule. We look back now and ask how those people can possibly have thought General Douglas Haig was such a hero when he was so incompetent and so bad.

Hon P.G. Pandal: That is the fate that awaits this crowd.

Hon PETER FOSS: I am very pleased to say that at some stage it will happen, but it is interesting that it took quite a long time before that was accepted.

Sitting suspended from 6.00 to 7.30 pm

Hon PETER FOSS: I now want to take members opposite to a slightly more recent war. The next historical precedent I shall illustrate to the House will involve my reading excerpts from a book by Mr Richard Goodwin called *Remembering America*, which could almost have been written about this Government because of the behaviour that it outlines. Mr Goodwin was a very influential American. He was a speech writer for John F. Kennedy and when Kennedy was assassinated he went on to be the speech writer for President Johnson at a time when speech writers not only wrote the speeches but also contributed enormously to the formation of policy. He eventually abandoned working for President Johnson when he

became disgusted with America's involvement in the Vietnam War and in particular - and this is the relevant part - the way in which the Administration under Johnson reacted to the problems that it had with the Vietnam War.

Members will recall that the American people were told, notwithstanding what they saw on the television every night, that the American effort in Vietnam was succeeding wonderfully. The American Government proceeded to commit more and more troops, material and money on a regular basis, telling the people that all was well and that they should continue to support the American effort in Vietnam. Of course, history has shown that all was not well, that they were steadily losing right from the beginning, and that the American Government knew they were giving false reports all the time. The only way in which the problem of the Vietnam War was finally solved, because the Johnson Administration realised it was so corrupted and caught up in deception, was that Johnson said he would not stand for another term as President.

Good Governments do that. There comes a time when they become so corrupted by their own tangled web of lies that the only way to clear it out is to get out. On page 372 of *Remembering America* Mr Goodwin talks about how Mr McNamara used to report the numbers of troops involved, changing them whenever the figures did not work out. That page reads in part -

(His estimate is an illustration of the wondrously alluring technique of giving a numerical value to a guess derived from speculation informed by ignorance and fueled by desire.

That really is an excellent description of how this Government went around valuing the Petrochemical Industries Co Ltd project, because that seemed to go up by hundreds of millions of dollars almost by the day. I will repeat that excerpt because it is a lovely group of words. Members can see why this man was a speech writer.

Hon P.G. Pandal: Are you sure he is not out here writing speeches?

Hon PETER FOSS: It is worth listening to again -

(His estimate is an illustration of the wondrously alluring technique of giving a numerical value to a guess derived from speculation informed by ignorance and fueled by desire.

The excerpt continues -

But military men, like economists, are easily seduced by the security of statistics and, invariably, when the numbers don't "work" [i.e., halt or defeat the enemy], simply change their "quantitative estimates" without challenging the assumptions on which error was built, a technique that may be useful in the war games room of the Pentagon but is not so serviceable in a real war.)

What happened in this case was similar to what happened in the case of Rothwells; that is, the amount of money necessary to bail out Rothwells was continually revised. Money was pumped in but Rothwells continued to bleed, and every time it did not work the Government revised the estimates. Of course, it should have challenged its basic assumption, which was that Rothwells was worth saving. Members who have read the debates in another place would have been fascinated to read the wonderful things said about Rothwells - how marvellous a bank it was, how wonderful it was for Western Australia, how vital it was, and how it just had a minor cash flow problem. However, the Government was told by the Opposition that Rothwells was sick; that it was a dying company that could not be saved. When the money went in and did not save it, did the Government change its assumption? No, it just revised its estimates.

Mr Goodwin refers to another excellent statement, recalling Madison from an earlier part of the United States history -

"In framing a government which is to be administered by men over men, . . . the greatest difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions."

Gradually, beginning in 1965, these "auxiliary precautions" were dismantled: Congress - deceived and left in ignorance - was rendered virtually impotent, no longer a participant, its debate confined to a referendum on actions already taken by the president.

That is another interesting thing. What are we being asked to do here? We are being asked to rubber stamp something that has already happened; we are not being asked to approve something before it happens, which is the basic idea of our parliamentary system. The opinions of the Solicitor General, which were among documents tabled, make clear the whole idea of the method of government and the distribution of money is in the way approval is given before the money is spent, not afterwards. On occasions mistakes will be made, but in this case when we are being asked to approve an allocation of \$22.5 million the Government must have known when it last put a Bill through this place for appropriation that it would be called upon to pay the guarantee. The Government denied that right through to the election but it must have known on proper legal advice - the Solicitor General would have told the Government - that it would have to pay up.

This is not just a matter of our being asked to allow an amount which has been accidentally overlooked. The amount was concealed from the Parliament, in the same way the Congress was deceived and left in ignorance, was rendered virtually impotent, no longer a participant, with its debate confined to a referendum on acts which had already been taken by the President. That is what we are being asked to do. The book continues -

The diverse instruments of the executive branch - cabinet and security councils, advisers and ministers - were excluded from the councils of decision, except for that handful who were already committed to the policies of war or could be counted on to follow - even support enthusiastically - the decisions of Lyndon Johnson.

We have the same thing here. We have our gang of four; although the Minister for Budget Management is absent at the moment because he does not want to be told.

Hon Graham Edwards: He is on parliamentary duties.

Hon PETER FOSS: He should be here to listen to what happens with the Budget.

Hon P.G. Pendal: He is supposed to be handling the Bill.

The PRESIDENT: Order!

Hon PETER FOSS: If we are to believe the Minister for Budget Management, it was a gang of three - we would say it is a gang of four.

Hon T.G. Butler: That is magnanimous of you to say whether it is three or four.

Hon PETER FOSS: The honourable member misses the point.

Hon T.G. Butler: I think you have.

Hon PETER FOSS: The point is -

... except for that handful who were already committed to the policies of war or could be counted on to follow - even support enthusiastically - the decisions of Lyndon Johnson.

The same thing has happened here; most of the Ministers have been left out. So we have a situation of government by a small clique. The book continues -

And finally the wisdom of Madison was wholly discarded for that far more ancient maxim of Saint Matthew's Gospel that "He that is not with me is against me," forgetting that an admonition to follow God through an act of faith had no relevance to mortal leaders whose acts are to be judged by reason and secular conviction.

This Government has taken that same course: He who is not with me is against me. The Government has pursued people whom it has seen as being not with it.

The next point which is very appropriate in this book is the way in which Johnson proceeded to give everybody his marvellous ideas as to how victory was nearly theirs. Again it bears a remarkable correlation to what has happened with this Government which kept publishing the wonderful estimates and profits which would be made with all the dodgy deals, how the Government was doing so well, making money for Western Australia. The facts are all

coming out now; that has not happened. The Government was losing money; the losses are only now being slowly disclosed to the Western Australian people. We know of about \$680 million worth of losses; there are probably more because the Government does not tell us what it has done unless that information is extracted like teeth. The book continues on Johnson as follows -

He hoped, at first, to retain public support for his cherished Great Society by concealing the necessities of war, flourishing false estimates of rapid "progress" soon to be followed by "victory." In the side pocket of his jacket he carried cards on which were inscribed the latest "intelligence" - statistics demonstrating our accelerating control over the population, shrinkage of the Vietcong forces through death and rising desertions. It was, you see - couldn't you see? - only a question of time. He grotesquely understated troop commitments already made in secret, instructed McNamara to underestimate the cost of the war by a factor of at least 50 per cent. This is not simply lying; although there were many lies.

Take, for example, the Rothwells case. The Government told us that Rothwells was operating fantastically; all it needed was a bit of money put in to keep it going. Yet within a month of taking over the directors of Rothwells, including Tony Lloyd, a tip sheet mate of the then Premier, found that a majority of the money they had was in fact illusory. The National Companies and Securities Commission report, not published until after the election, states that two-thirds of its loans amounted to over half a billion dollars and were in fact investments in related and unrelated corporations which were unwilling or unable to repay the loans or indeed meet accumulating and compounding interest. Two-thirds of the assets of Rothwells were doubtful loans, so doubtful the directors could not even pay the accumulating interest. The Government knew that on 13 November 1987. Did it tell the people of Western Australia then or later? Did the Government tell the people before the election? No! Yet the Government had told the people of Western Australia such nonsense; it had given a most fantastic impression of what would be the result of the \$150 million guarantee. When the Government learnt the facts one month later, did it tell the people? No, the Government kept up the deception.

Hon B.L. Jones: There seems to be an echo in here.

Hon PETER FOSS: Why did the Government not tell us? That appears in the book as well -

It was as if Johnson thought that by saying these things, then urging them upon others with his immense persuasive power, he could somehow transform his misstatements into truth; that his own fiercely terrible desire to believe would, through its own force, become an undeniable basis for belief by him as well as by others. "It is impossible to overestimate the importance of words for the paranoid," Canetti writes; "perhaps the most marked trend in paranoia is that toward a complete seizing of the world through words, as though language were a fist and the world lay in it." . . .

And, for a long time, Johnson succeeded: not in changing reality, but in deceiving much of the country and, perhaps, himself.

That is exactly what this Government did. It went around telling us we had a future we could believe in when it knew perfectly well that the future would be disastrous; that finally after the election it would have to admit to all the money it had lost. The Government believed it could hold off until after the election and maybe over four years it could patch things up. The Government knew, but it would not tell the people of Western Australia. Instead the Government said that people had a future they could believe in.

Hon P.G. Pendal: What a joke.

Hon PETER FOSS: Why was this pack of lies promoted to the people of Western Australia? Again, there is an example in this book -

Because of the office he held, his access to media, his control over information streaming into Washington from Vietnam, Johnson was able to transmit his own confused - but never purposeless - distortions to the public. . . . Many of the reporters, even some chieftains of the media, knew better, realized they were carriers of deception, but felt compelled to print and broadcast official public reports simply because they were official and public. "Theirs not to reason why."

Has the member got the mumbles?

Hon T.G. Butler: You are protesting too much; you are complaining about the fact that you lost the election.

Hon PETER FOSS: The member should listen. The book continues -

I do not intend this as a criticism of particular reporters or editors. It inheres in the nature of today's corporate media. Their own views and knowledge must be subordinate to the assertions - the declarations of fact or intent - by the president, unless, of course, some secret contradicting scandal is unearthed - Watergate or Iran scam. But Vietnam was not a scandal, it was a tragedy - a judgment, not a dramatic fact - and so the media had no choice. They would be Johnson's instrument and his accomplice in deception, until the accumulating evidence - the visibly increasing devastation - made denial impossible.

Then he says -

Once Johnson's attempt to mask the true cost of the war was uncovered, the issue became - Who should pay? The answer was, as Johnson had anticipated, to exact sacrifice from the poor, the young, and the lower middle class; not from the wealthy or the corporate giants of industry and finance.

That has been part of the tale of this Government all along. It is the poor and the people who should be Government supporters from whom the Government has exacted a toll. The Government has been giving money to people like its rich mates, Connell, Dempster and others.

Hon Reg Davies: Shame!

Hon PETER FOSS: The reason so pertinent to this debate is that one of the arguments that has been put to the Parliament is the \$22.5 million, and we still do not have the full facts about that. We are being asked to approve this amount at a time when the facts are only now being extracted from the Government, albeit reluctantly, due mainly to the efforts of this House. This Government is asking us to approve this payment because it was a slight oversight on its part in that it did not know it was going to have to pay it. The Government knew about it and lied to the people of Western Australia. That is why it is not an annual ordinary service of the Government. It is something that should have been disclosed to this House before. There are other reasons besides its not being an ordinary annual service of Government that this payment should not be approved. The Government has deceived the people of Western Australia. It won an election by keeping the facts from the people as long as it could.

I want to refer the Government to another example which it might find more comfortable - the Fitzgerald report. There are many interesting things in that report which are extremely applicable to this Government. Under the heading "Secrecy" at page 126 the Fitzgerald report states -

Although "leaks" are commonplace, it is claimed that communications and advice to Ministers and Cabinet discussions must be confidential so that they can be candid and not inhibited by fear of ill-informed or captious public or political criticism. The secrecy of Cabinet discussions is seen as being consistent with the doctrines of Cabinet solidarity and collective responsibility under which all Ministers, irrespective of their individual views, are required to support Cabinet decisions in Parliament.

It is obvious, however, that confidentiality also provides a ready means by which a Government can withhold information which it is reluctant to disclose.

A Government can deliberately obscure the processes of public administration and hide or disguise its motives. If not discovered there are no constraints on the exercise of political power.

The rejection of constraints is likely to add to the power of the Government and its leader, and perhaps lead to an increased tendency to misuse power.

The risk that the institutional culture of public administration will degenerate will be aggravated if, for any reason, including the misuse of power, a Government's legislative or executive activity ceases to be moderated by concern for public opinion and the possibility of a period in opposition.

That is what we have seen in this State. We have seen also what is referred to in the next paragraph which states -

As matters progress and the Government stays in power, support will probably be attracted from ambitious people in the public service and the community. Positions of authority and influence and other benefits can be allocated to the wrong people for the wrong reasons.

We also saw that during the time of WA Inc. The report continues -

If those who succeed unfairly are encouraged by their success to extend their misbehaviour, their example will set the pattern which is imitated by their subordinates and competitors.

That is exactly what we saw with WA Inc. Everybody was hopping on the bandwagon and getting unfair benefits from the Government. The Government used secrecy and allegations of commercial confidentiality to cover the matter up. The report continued -

The ultimate check on public maladministration is public opinion, which can only be truly effective if there are structures and systems designed to ensure that it is properly informed. A Government can use its control of Parliament and public administration to manipulate, exploit and misinform the community -

We certainly saw that. It continued -

- or to hide matters from it. Structures and systems designed for the purpose of keeping the public informed must therefore be allowed to operate as intended.

Secrecy and propaganda are major impediments to accountability, which is a prerequisite for the proper functioning of the political process. Worse, they are the hallmarks of a diversion of power from the Parliament.

This could be written about Johnson and what has been said in this report could have been written about this Government.

Hon B.L. Jones: Except it was said about a conservative Government.

Hon PETER FOSS: I do not care what colour Government it is. It is the principle of the matter. I know some Labor people think they can expect to have a high quality performance from a conservative Government and if they do not get it they can throw it out whereas if it is a Labor Government the people can accept any sort of corruption. This report is as applicable to the Labor Government as it is applicable Johnson. It is this sort of thing that undermines our democracy.

At page 141, the report deals with the role of the media. First of all it gives credit to the role of the media in exposing corruption and states -

The media is one of the most important and effective mechanisms for the control of powerful institutions and individuals by reason of its ability to sway public opinion. Those who wish to mould public opinion must do so largely through the media.

The media played a part in exposing corruption, and two media organizations contributed to the setting up of this Inquiry.

Unfortunately, it is also true that parts of the media in this State have over the years contributed to a climate in which misconduct has flourished. Fitting in with the system and associating with and developing a mutual interdependence with those in power have had obvious benefits.

Under paragraph 3.9.2 "News Management" the report states -

The complementary techniques of secrecy and news management allow governments to exercise substantial and often disproportionate influence on what is published in the media.

The media is able to be used by politicians, police officers and other public officials who wish to put out propaganda to advance their own interests and harm their enemies. A hunger for "leaks" and "scoops" (which sometimes precipitates the events which they predict) and some journalists' relationships with the sources who provide them with information, can make it difficult for the media to maintain its

independence and a critical stance. Searches for motivation, and even checks for accuracy may suffer as a result.

In Queensland, Government reports and information are invariably "leaked" to selected journalists who are able to delude themselves that they are not being used, but on the contrary are establishing and maintaining contacts which help them in their appointed task of discovering information and communicating it to the public. Should these journalists ever "bite the hand that feeds them", the flow of information would presumably dry up, or be diverted to a rival media outlet or colleague.

Instead of "leaks" becoming an alternative to official information, they become a way of making the media act as a mouthpiece for factions within the Government.

This places an extra responsibility on the journalist. Both the journalist and the source have a mutual interest: both want a headline. Yet if the journalist is so indiscriminating that the perspective taken serves the purpose of the source, then true independence is lost, and with it the right to the special privileges and considerations which are usually claimed by the media because of its claimed independence and "watchdog" role. If the independence and the role are lost, so is the claim to special considerations.

I believe that was the way this Government also operated by leaks intended to set up in the media what the Government wished to see in the media. The report then refers to "media units" and for media units read "Government Media Office". It states -

It is legitimate and necessary for Government Ministers, departments and instrumentalities to employ staff to help ensure the public is kept informed.

Media units can also be used, however, to control and manipulate the information obtained by the media and disseminated to the public.

We have seen that with a group called the Animals where the media sought to publish the way in which the Animals seek to manipulate the media. It is possible, with enormous resources of Government, to control the flow of information. The report continues -

Although most Government-generated publicity will unavoidably and necessarily be politically advantageous, there is no legitimate justification for taxpayers' money to be spent on politically motivated propaganda.

The only justification for press secretaries and media units is that they lead to a community better informed about Government and departmental activities. If they fail to do this then their existence is a misuse of public funds, and likely to help misconduct to flourish.

It may be that some guidelines to prevent the misuse of public resources by Government media units should be introduced.

Will the Government adopt that recommendation by Fitzgerald to overcome media abuses? The report continued -

Consideration should be given to establishing an all-party committee to monitor the cost and workings of Ministerial and departmental media activities, including press secretaries, media units and paid advertising. This committee could analyze whether the money is being spent on informing the public, or distributing propaganda for political gain.

Hon P.G. Pendal: Well overdue.

Hon PETER FOSS: The report states -

It could also bring to the attention of Parliament any misrepresentation or misinformation emanating from the administration.

I believe that is an excellent recommendation and one that might overcome some of the problems that arose in this instance from the way the Government used the Government Media Office. The most interesting recommendation is that which refers to "Criticism and Dissent" paragraph 3.10.1 "The Right to Dissent". The report states -

Apart from the established institutions of a parliamentary democracy, informal methods of dissent are useful mechanisms for checking the abuse of power by

governments. Dissent may also foster and promote public policies and legislation not previously considered by a government or bureaucracy.

In the past, when church and other community leaders, including academics, -

Who had a go at Paddy O'Brien a moment ago and at Bevan Lawrence?

Hon Tom Helm: They are idiots.

Hon PETER FOSS: They are idiots, are they? Personal abuse. The report continues -

- have expressed independent concerns with respect to public issues in Queensland, their comments frequently have been rebuffed by a barrage of propaganda and personal abuse.

We heard it a moment ago from Hon Tom Helm who went straight in with personal abuse. The report continues -

Many persons of ordinary sensitivity, who have not been hardened by experience in public life, are effectively deterred by such invective from valuable participation in public affairs.

This has recently happened in Western Australia. Three respected journalists of *The West Australian* published a report of comments made by a Minister about the Premier. I believe that report was a truthful report, but what were those journalists accused of? They were accused of being liars and scrubbers - personal abuse. Whenever the Government does not like something it indulges in personal abuse. When I mentioned some of these people the members opposite indulged in personal abuse. Recently the *Daily News* has been publishing articles that the Government has not liked. For three solid days the Government has been indulging in personal abuse of the *Daily News*. That is the way this Government works; it does not deal with the problems, it indulges in a barrage of propaganda and personal abuse.

Hon Mark Nevill: You have been doing nothing but imputing improper motives all the time. That is all you ever do.

Hon PETER FOSS: I am pointing out the facts.

Hon Mark Nevill: It is innuendo.

Hon PETER FOSS: Three respected journalists reported a Minister as saying certain highly believable things about the Premier. The Premier did not suggest that the journalists got it all wrong or that the Minister did not make those comments; he called the reporters scrubbers. If that is not personal abuse, what is? When I spoke about Bevan Lawrence and Paddy O'Brien, Hon Tom Helm said they are idiots. Is that not personal abuse? He did not say that he did not agree with their views, but that they were idiots.

Hon Tom Helm: That is my opinion.

Hon PETER FOSS: It is the member's opinion, but it is personal abuse. Members opposite do not respond to the facts; obviously, they cannot respond to the facts because this Government knows the facts are against it. In those circumstances Government members can only indulge in personal abuse. This Government knows, and it is starting to admit, that it has lost hundreds of millions of dollars. The first admissions were made recently, but at the time the election was held the people of Western Australia were not informed, even though the Government must have known the facts.

Hon Tom Helm: You have lost that election.

Hon PETER FOSS: And I will tell Hon Tom Helm why.

Hon B.L. Jones: You were not good enough.

Hon PETER FOSS: If Government members believe that, why not hold another election now that the facts are known and see whether the result is the same? Now that the facts are emerging people may think that Government members are liars. I do not know what they will think. I would like more of this deception to be revealed, because I believe there is a lot more to be revealed. We are extracting it in little bits; we are slowly extracting the truth, but the Government is digging its heels in every inch of the way and refusing to acknowledge that it has deceived the people of Western Australia. Although Hon Beryl Jones may not have known the facts, for instance, the Government must have known. It told the people of

Western Australia wonderful things about Rothwells, it said the guarantee would never be called upon, and that Rothwells was a wonderful institution which would do wonderful things, and yet the Government knew on 13 November 1987, 17 days after it told these wonderful things to the people of Western Australia, that Rothwells was bust. It continued to pump the money of the people of Western Australia into Rothwells, notwithstanding that it knew that, although it did not admit it before the election. In fact, it has not admitted it at all; the information was revealed in the National Companies and Securities Commission report tabled in the House. Was it tabled before the election? No, it was tabled after the election.

I would be interested to know whether the Minister for Budget Management knew anything about the likely content of that report prior to its publication. It would be interesting to know whether the Minister had the slightest inkling of the contents of that report prior to the election. I did not hear the Minister telling the people prior to the election that he had read the NCSC report and had read that two-thirds of Rothwells investments, of more than \$500 million, were worth nothing - they were unrecoverable. We also know the Government went into the petrochemical project to get rid of the \$350 million worth of useless loans to Mr Connell's associates. Members in another place were told none of those loans had anything to do with Mr Connell. The Government perpetuated these lies right through to the election.

Hon Mark Nevill: Were the auditors corrupt?

Hon PETER FOSS: I will not comment on that.

Hon Mark Nevill: They reckoned that Rothwells had \$60 million surplus of assets over liabilities.

Hon PETER FOSS: The directors of that company, including Tony Lloyd, who was the tipping partner of the Premier at that stage, knew and he was put into Rothwells to look after the interests of the Government. He knew 17 days later and the Government also knew about the \$350 million because it was set up to avoid Mr Connell's problems with the \$350 million taken out of the company without any chance of repayment. The Opposition told the people at the time but the Government denied it.

Hon P.G. Pandal: That was when Ireland beckoned.

Hon PETER FOSS: We always wondered why Ireland became so desirable at that time. The former Premier, Brian Burke, knew more than members of this House and the people of Western Australia.

Hon T.G. Butler: You are imputing improper motives.

Hon PETER FOSS: I am talking about advance knowledge. It was a very wise decision.

Hon Mark Nevill: Tell us about the legal profession and the auditors.

Hon PETER FOSS: That is a very good point. I believe certain professional people have not behaved appropriately, and this goes back to the comments in the Fitzgerald report. I am glad Hon Mark Nevill raised that very good point. This Government has corrupted the moral fibre of this State.

Hon Mark Nevill: That is what your colleagues are saying about you.

Hon PETER FOSS: The member probably was not listening to my earlier comments because Government members do not like the Fitzgerald report. I will repeat the quote -

If those who succeed unfairly are encouraged by their success to extend their misbehaviour, their example will set the pattern which is imitated by their subordinates and competitors.

That is the sort of moral degradation that has happened in this State. The only way to eliminate it is to clear out the Government responsible for it. I quote Sir Walter Scott -

Oh, what a tangled web we weave,
When first we practise to deceive.

Hon Mark Nevill: That is original.

Hon PETER FOSS: The Government got into this problem because it was not prepared to admit to the people of Western Australia that \$150 million of its indemnity, which it told this

Parliament would never be called upon, had been completely and utterly lost because it had put the money into Rothwells and that money had gone down a very deep pit.

Hon P.G. Pendal: And they reckon that is not correct.

Several members interjected.

Hon PETER FOSS: Members opposite may have heard this many times but they still do not seem to believe it. Members opposite forget that the Premier denied all this. This is another little technique of this Government's: First, when something happens and the Opposition says, "What you are saying is wrong. The facts are otherwise," the Government denies it. Then, two months later when it is proved incontrovertibly that what the Opposition said was true the standard reply is, "That is old news. People knew that months ago." What the Government forgets is that a couple of months before that it was denying the fact, and doing so consistently. It was denying consistently that it lost money and that it would cost taxpayers of Western Australia money. It denied that it was liable under the indemnity. It denied that its Petrochemical Industries Co Ltd involvement was in order to get around the problem it had with Rothwells. It denied that the value it had put on Petrochemical Industries Co Ltd was a complete dream introduced specifically to justify the money the Government was going to spend. It denied all those things prior to the election and put forward all sorts of reasons for denying them. Now, after the election, it has been forced to admit that what it was saying was completely and utterly false. Its answer is, "That is old news. That is the old record." The fact is that the old record is now being proved to be true and where the Government was denying it previously it now has to admit it.

Hon Mark Nevill: What about the First Boston Corporation's valuation?

Hon PETER FOSS: Hon Mark Nevill should look at the First Boston Corporation's valuation because that says that without the Government's guarantee - and in case he has forgotten, the Government denied there was such a guarantee and said, "There is no guarantee. There was no guarantee. There will be no guarantee." - the credit enhancement, as it is sometimes referred to, was not worth anything. Instead of parroting the wonderful things that go into the newspapers and believing them the member should read the original document because if he does he will find that it said it was not worth anything.

Hon Tom Stephens: Don't be derogative of the newspapers, for goodness' sake!

Hon PETER FOSS: No, because they were repeating the nonsense that the Premier was putting out. He did not show anybody the First Boston report. If anybody had been able to read the First Boston report they would have seen what nonsense the Government was talking. What members opposite conveniently forget is that the Government was telling people it was worth \$400 million and there would not be a guarantee, but First Boston was saying that it was not worth anything unless there was a Government guarantee.

Hon Tom Stephens: What we forgot was that you were such a dill.

Hon PETER FOSS: Personal abuse again. That was a really good contribution.

Several members interjected.

Hon PETER FOSS: I am disturbed by the fact that members opposite are so deceived by their own propaganda that they do not realise they are participants in a Government which has consistently deceived the people of Western Australia, as well as itself and its own members. The problem we have here is that the people of Western Australia are only now starting to get small bits and pieces of true information. I am extremely disturbed that we are being asked in this Budget to approve one of the most deceptive pieces of the whole WA Inc involvement; that is, the WA Government Holdings Ltd payment and the payments to the liquidator of Rothwells.

Hon Tom Stephens: How much did you lose on the stock exchange in October 1987.

Hon PETER FOSS: Nothing.

Hon Tom Stephens: How much will you lose when Bond goes down the tube?

Hon PETER FOSS: Nothing.

Hon Tom Stephens: Yet you expect the rest of the world to have a crystal ball to work these things out. Many people lost money on the stock exchange crash.

Hon PETER FOSS: But people lost money with Rothwells because the member's Government was telling people up to the day before it went broke that it was safe and afterwards the Deputy Premier had the cheek to say that people should not have been putting their money into Rothwells because the Opposition had been telling people for weeks that it was no good. At the same time as the honourable member's Government was telling people that Rothwells was okay it had received legal advice from Robinson Cox, solicitors, that Rothwells was insolvent. It had known since November 1988 that the whole fundamental basis of Rothwells was gone, yet it continued to promote that company. The honourable member should not forget what his Government has been up to. I can raise loads of examples of the deception the Government has been up to, but at the moment I am dealing with two items which happen to be in the Budget. The first is this \$22 million which has been paid to the liquidator of Rothwells.

Hon Derrick Tomlinson: Additional to the \$150 million already paid to Rothwells.

Hon PETER FOSS: Exactly. The Government entered into an indemnity. It told the people of Western Australia that there was no chance that indemnity would be called upon and that, "This is one of the most grand and wonderful things the Government has done." However, by November 1988 the Government knew that the \$150 million payment from the National Australia Bank had to be a preference payment. Everybody knew it had to be a preference payment. The Government's answer to the people of Western Australia about that matter was that it considered it had been discharged and there was no way the Government had any liability. The Government is now asking us to approve \$22 million worth of liability.

The Minister for Budget Management continues to quote the Solicitor General's view and the views of all the people in the Crown Law Department who advise him. I cannot believe that the Government did not have available to it, or could not have had if it tried to get it, advice about what its liability was. The Government must have known - and if it did not know it was incompetent - that it would be paying money to some degree to the liquidator of Rothwells. That was at a time when the Appropriation Bill was being debated in this House. It could have been subsequently debated when the Supply Bill was introduced earlier this year. Was any mention of that matter made to the House at that time, or to the people of Western Australia before the election? No, there was not, because the Government knew it was electorally unsatisfactory and its members would be shown to be the incompetents that the Opposition was saying they were. The Government knew that was proof to the people of Western Australia that the Government's members were financial incompetents and were merely covering up the fact that they were weaving their tangled web even more. That is why the Government was not prepared to tell the people of Western Australia what was happening.

The payment to WA Government Holdings Ltd was another example of the Government's deceit of the people of Western Australia, who were told that the Government was buying a worthwhile asset. Yet the Government had the First Boston valuation available to it which showed that it was worth nothing without the Government guarantee. However, the Government was telling the Parliament regularly that no guarantee had been given and no guarantee would be given, yet five days before the election the Premier signed a further deed of undertaking whereby the Government again agreed it would give a guarantee. Five days before the election this Government signed an agreement with Bond Corporation that it would give a guarantee yet it went to the election telling the people there would be no guarantee. That is deception of the highest order.

Information is now coming out and members opposite are saying, "That is old news. We all know that." The people of Western Australia did not know that on 4 February. This Parliament did not know that when the last Appropriation and Supply Bills came forward. How this Government can come before the Parliament now saying that this is an ordinary annual service I have no idea. This has been a deception. If this Government had any honesty it would have revealed this to the people of Western Australia.

Hon Tom Helm: What about Alan Bond's deception? That was a deception.

Hon PETER FOSS: That is an interesting point; I will deal with it in another debate at another time. I do not believe there was any deception.

I am very concerned about these two items. I do not wish to go into great detail about the

Solicitor General's opinion on whether this comprises the ordinary annual services of Government, but I just wish to correct one point that the Minister for Budget Management made when he said that the Solicitor General is the acknowledged leader in Western Australia in constitutional law. I would agree that in respect of the way that term is normally used by lawyers in Western Australia to refer to the Federal Constitution, where that is regularly a matter of decision by the High Court, the Solicitor General's pre-eminence is undoubted. However, it is very difficult to be a pre-eminent constitutional lawyer in the area of Western Australian constitutional law because that area of constitutional law is generally not justiciable; it is decided in the Parliament rather than in the courts. Having read the opinion of the Solicitor General, I notice that he has tended to take the approach one would expect him to take when dealing with this area of the law. I hope that he would not claim the same pre-eminence in respect of Western Australian constitutional law as he would in respect of Australian constitutional law.

Hon J.M. Berinson: You would not suggest that there is anyone with more experience in that field than the Solicitor General?

Hon PETER FOSS: The problem is I do not believe the Solicitor General has really had much experience.

Hon J.M. Berinson: He has had more than anyone else, by far.

Hon PETER FOSS: I was very surprised that in the first opinion given by the Solicitor General about the validity of the guarantee he did not deal with the question of appropriation. I would expect, when dealing with sovereign loans, to see appropriation being also dealt with, because if one wants to get one's money back it is very important to look at the constitutional aspects of a sovereign loan. That seemed to me to be a significant omission from his opinion. If that opinion had been presented to me in my capacity as a lawyer, it would have occasioned some comment that he had not dealt with appropriation. I was pleased to see that the Solicitor General did deal with appropriation in his second opinion. There may have been a good reason why he did not deal with appropriation in the first instance; he may have been specifically asked not to deal with it.

I am sure there are many people in the commercial area who would on a regular and more intimate basis put their name on the line on the question of constitutional law in Western Australia. I am not for one moment deprecating the Solicitor General's experience in constitutional law, but I do not believe he has to concern himself with the constitutional aspect as frequently as do commercial lawyers. I acknowledge the Solicitor General's pre-eminence in the matter of Australian constitutional law, but I would not want the House to believe that he has the same pre-eminence in respect of Western Australian constitutional law. I notice that the Solicitor General has acknowledged the difficulty in this area in the way he has written his opinion, which has been tabled in another place; a copy has been circulated to members.

The constitutional law of Western Australia is such that the constitutionality of this matter is ultimately to be decided by this House rather than the courts. Therefore, the ability to operate in that area is not quite as easy as it is in the area of Australian constitutional law, where the High Court has the ability to interpret the Constitution and make rulings on it.

I have two basic objections to this Bill. First, we do not have all the facts. The people of Western Australia were deceived at the last election. This Government should go to the people at another election and put before them all the facts. That is my primary request. I support also the request by People for Fair and Open Government that there be a Royal Commission into the activities of this Government. That is the only way the facts will finally be extracted from a Government which is so reluctant to give out the facts. Second, I believe this matter should not be progressed any further through this House until those matters have been dealt with. Accordingly, this debate should be adjourned until such time as the Government has the guts to call an election. Finally, at an appropriate stage I will be raising the constitutionality of two of the items in that I do not believe they are the ordinary annual services of Government. The request by the Government to have these items of the Budget approved is totally inappropriate, and should not be agreed to.

HON BARRY HOUSE (South West) [8.26 pm]: I support the position put earlier by the Leader of the Opposition, Hon George Cash, to defer the approval of the Budget pending the

announcement by the Government of an election. There is no doubt in my mind that there are legal, moral and political grounds for such a course of action. The Government has deliberately misled the Parliament and the people of Western Australia by the denial of the guarantees that have been given and by the other statements it has made in this Parliament and in the public arena. It would be obvious to any person, once he bothered to acquaint himself with the facts, that the full facts were not before the people of Western Australia before the State election in February. We are now being asked to endorse the actions of the Government over the past two or three years. I am finding that a very difficult situation to swallow.

My concern is that the people of Western Australia will lose respect for this parliamentary institution if the Parliament does not move now to bring the Government to account for its actions. We need to demonstrate to the taxpayers of Western Australia that a course of action to remedy the situation has been taken. The Parliament is supposed to be the most well respected forum in Western Australia. I have fears that if no action is taken it will be seen as being a bit irrelevant and ineffective. I would like to spend a couple of minutes drawing an analogy with other situations which parallel this one.

Before I became a member of Parliament I was a schoolteacher. I know that if a student persistently misbehaves or is disruptive some course of action has to be taken to remedy that situation, which usually involves some form of punishment or deterrent. If that is not done, the student will automatically assume that what he has been doing is okay and within the bounds of normality, and he will continue to do that. Worse than that, his mates will think it is fair game and the situation will become totally uncontrollable.

Most members in this Chamber are parents. As a parent, if I were to see my son beating my daughter with a piece of wood or a toy, it would be my responsibility to do something about it and at least teach the aggressor how the implement should be used. I would at least take it off my son, encourage him to change his behaviour, impose some sort of punishment for wrongdoing, and provide a deterrent to ensure he did not do that again.

That is another parallel to the situation we have here. In sport there are many parallels and I have jotted down a few I can equate to this situation. I have participated in sport for many years. I have coached and captained teams and have played sport with some superb role models - people like John Inverarity, who needs no introduction to anybody in Western Australia; Laurie Mayne, a former test cricketer; John Lill, who used to play cricket in South Australia and is now Secretary of the Melbourne Cricket Ground Trust. They were all superb role models to whom every member of their teams looked for leadership; but I have also played sport with other people whom I would not care to name who have not been very good role models at all.

Hon Tom Stephens: People who cheat?

Hon BARRY HOUSE: Yes, people who cheat.

Hon Tom Stephens: Like the Opposition has cheated in this place for 90 years with its rigged boundaries?

Hon W.N. Stretch: You silly, bitter man; why don't you go away?

The DEPUTY PRESIDENT (Hon J.M. Brown): Order! I tolerated quite a bit of cross-Chamber chat when the previous speaker was on his feet. I think that was encouraged, but I will not encourage any speaking across the Chamber on this occasion.

Hon BARRY HOUSE: The analogy I was drawing between sport role models and the situation we have here is that leaders in sport have to lead by example and if they do not that entire sporting activity deteriorates very rapidly. For instance, if the captain of a cricket team goes out on the grog all night or sets a bad example by kicking the stumps over he will very quickly lose the respect of his team and will be sacked by the selectors if he does not resign. A few examples from the cricketing arena are very easy to recall. Members might recall that Mike Gatting was the captain of the England cricket team. He lost that position because of on-field activities in Pakistan, where he publicly disputed an umpire's decision and made a very public scene. That activity was proved. That was followed up in England by some off-field activities involving a barmaid, I think, which may not have been proved; but he lost the England captaincy because of that. There was some retribution for his actions.

It is very strongly rumoured in cricketing circles that a couple of Australia's best cricketers - Tim Zoehrer and Greg Matthews - have been overlooked by the test selectors for some years because of activities which date back to their misconduct during a tour of Sharjah. Even the great Dennis Lillee, who kicked Javed Miandad's backside at the WACA one day, was dropped from the Australian test team. He was subjected to disciplinary action and had to compete with everybody else for a position in the test side. There is a direct parallel here in that we are calling on the Government to name a date for a fresh election before we proceed any further. Even the great Don Bradman, at the height of his brilliant career, was dropped from the Australian test cricket team because he was writing for a newspaper, I think, and refused the Australian Cricket Board's request for him to cease that activity. He was promptly dropped from the team. It did not matter how good he was, he had to earn his place back in the side later on, under the changed circumstances. Members may recall that Kim Hughes was another of Australia's cricket captains. He had the decency to resign - probably before he was sacked - because of the loss of respect that had occurred as a result of his captaincy. He made some mistakes and lost the respect of both players and officials.

Dawn Fraser is another famous Australian athlete who was disciplined. She was dropped from the Australian swimming team during the Tokyo Olympics because of a relatively minor misdemeanour involving the waving of a flag during a ceremony. She had to take some punishment for that, and I believe she still maintains it cost her a fourth gold medal.

Hon Fred McKenzie: What about Greg Chappell, when he bowled underarm? He stayed in the Australian team.

Hon BARRY HOUSE: Perhaps there are good grounds for saying he should not have done so. Doug Walters could have hit a six off that ball, but only he could have done it. Hon Fred McKenzie is probably right - perhaps some disciplinary action should have been taken because it was totally outside the spirit of the game.

During the Seoul Olympics an Australian athlete in a winning position in the pentathlon, Alex Watson, was sent home, disqualified and disgraced on the mere suspicion that he had too much caffeine in his system.

Hon Graham Edwards: He was actually tested.

Hon BARRY HOUSE: The Minister is correct; he was actually tested and he had too much caffeine in his system, but his guilt or innocence was held in abeyance pending an inquiry, which I think ultimately exonerated him. Nevertheless, he suffered the consequences for some actions that were probably outside the rules during that activity in Seoul.

In football we often see examples of very good athletes, essential to the team's performance, dropped for disciplinary reasons. Members will readily recall people such as Mark Zanotti and Alex Ishenko being lost to the Eagles, probably because they did not toe the disciplinary line. The activities they were required to perform were not performed and they had to suffer the consequences.

Hon Max Evans has very clearly stated that businessmen are penalised for their mistakes, often by being sacked from the board of directors. The Companies Code stipulates very clearly what their penalty will be in terms of fines or imprisonment for mistakes made or for deliberate deceit. Another penalty they may suffer for their mistakes is that they may go broke, losing their own money or perhaps that of their shareholders. In this case the Government has not lost its money, because Governments do not have any money of their own. It has lost the money of its shareholders, who happen to be the taxpayers of Western Australia.

In the same sense we, as parliamentarians, are role models to the rest of the community in exactly the same way as are our major sportsmen and sportswomen.

Hon Graham Edwards: I hope we are not. God almighty!

Hon BARRY HOUSE: I happen to believe that we are, and that the parliamentary institution is a role model. If the role model does not live up to any rules of decency, how can we expect the rest of society to do so?

Hon Tom Stephens: That is what I mean about the electoral laws.

Hon BARRY HOUSE: Hon Tom Stephens should count. On a two party preferred basis we

actually gained more votes in the last election, so we are entitled to more seats in a proportional representation system.

Hon Tom Stephens: We won a majority of votes in a majority of seats.

Hon BARRY HOUSE: That is another argument.

Hon Graham Edwards: But would you agree that people in Australia generally have a much higher opinion of their sports stars than of their parliamentarians?

Hon P.G. Pental: Certainly, because of the way you have acted.

Hon Graham Edwards: That is part of the problem - it is always someone else's fault.

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

Hon BARRY HOUSE: Just to follow up the Minister's interjection, in a way he is right and it is a helluva great pity that he is right.

Hon Graham Edwards: I don't know that it is a pity. I would hate to see it ever change.

Hon BARRY HOUSE: Sportsmen are highly regarded in Australia and that is a great thing, but I think parliamentarians should be regarded more highly.

Hon Graham Edwards: That won't happen until all of us, including people like Mr Pental, accept responsibility for our actions here.

Hon BARRY HOUSE: Of course we all should, and the Government should accept responsibility for its actions, come clean and name a fresh election date.

Hon Graham Edwards: So should Oppositions.

Hon BARRY HOUSE: The Government should name a fresh election date.

Hon Graham Edwards: The electors recently made a choice and they elected us.

Hon BARRY HOUSE: Without knowing the facts.

The Government is saying that we should slap it on the wrist and pass the Budget; the Government is asking us to condone its mismanagement and misconduct as well as deceit. If the Parliament of Western Australia says this is okay, the community is entitled to take the lead from Parliament and commit wrongs without regard for the consequences. That situation would lead to anarchy in our society. People are entitled to think they will be immune from established laws and conventions of the land if they see the institution of Parliament adopting the same stance. This will lead to a complete breakdown in propriety and values. I, for one, will not have a bar of that attitude. I do not want a bar of the Parliament's being used in this manner. Parliament will be degraded; in fact, it has been degraded and we have suffered a loss of respect by the people we represent.

Hon P.G. Pental: Hear, hear!

Hon BARRY HOUSE: The people of Western Australia are entitled to command the respect of Parliament and the Government of Western Australia. Unfortunately we are all being tarred with the same smelly brush. I believe the Government deserves some sanction for the deliberate costly mistakes made by the Executive - perhaps principally by the four Ministers, but the Cabinet jointly is culpable and should resign. The Government should submit itself to another election.

Adjournment of Debate

Hon R.G. PIKE: I move -

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

Question put and a division taken with the following result -

Ayes (12)

Hon George Cash
Hon Reg Davies
Hon Peter Foss
Hon Barry House

Hon N.F. Moore
Hon Muriel Patterson
Hon P.G. Pental
Hon R.G. Pike

Hon W.N. Stretch
Hon Derrick Tomlinson
Hon D.J. Wordsworth

Hon Margaret McAleer
(Teller)

Noes (16)

Hon J.M. Berinson	Hon Graham Edwards	Hon M.S. Montgomery	Hon Fred McKenzie
Hon J.M. Brown	Hon John Halden	Hon Mark Nevill	(Teller)
Hon T.G. Butler	Hon Tom Helm	Hon Sam Piantadosi	
Hon J.N. Caldwell	Hon B.L. Jones	Hon Tom Stephens	
Hon Cheryl Davenport	Hon Garry Kelly	Hon Doug Wenn	

Pairs

Hon Max Evans
Hon P.H. Lockyer

Hon Bob Thomas
Hon Kay Hallahan

Question thus negatived.

Debate Resumed

HON J.M. BERINSON (North Metropolitan - Minister for Budget Management) [8.47 pm]: It has been a most unusual experience to have debate on the first reading and especially unusual to have a first reading debate of such length. It goes without saying that the Government will have a great deal to say in response to matters which have so far been raised, but as one can reasonably anticipate that the matters which have been discussed so far will either be raised again or elaborated on during the second reading debate, I propose to leave my reply to the second reading stage.

I commend the first reading of the Bill to the House.

Question put and passed.

Bill read a first time.

Second Reading

HON J.M. BERINSON (North Metropolitan - Minister for Budget Management) [8.48 pm]: I move -

That the Bill be now read a second time.

The Bill seeks appropriation of the sums required for the services of the current financial year as detailed in the Estimates. It also makes provision for the grant of Supply to complete requirements for 1988-89.

Included in the expenditure estimates of \$4 824.3 million is an amount of \$601.801 million permanently appropriated under special Acts, leaving an amount of \$4 222.499 million which is to be appropriated in a manner shown in a schedule to the Bill.

Supply of \$2 300 million has already been granted under the Supply Act 1989. Hence, further Supply of \$1 922.499 million has been provided for in the Bill. In addition to authorising the provision of the funds for the current year, the Bill seeks ratification of the amounts spent during 1988-89 in excess of the Estimates for that year. Details of these excesses are given in the relevant schedule to the Bill.

Detailed appropriations for this Bill have been available to the House since 31 August. I accordingly propose to give priority to the second reading debate as early as possible tomorrow.

I commend the Bill to the House.

Debate adjourned, on motion by Hon George Cash (Leader of the Opposition).

ACTS AMENDMENT (PARLIAMENTARY SUPERANNUATION) BILL*Second Reading*

Debate resumed from 29 November.

HON N.F. MOORE (Mining and Pastoral) [8.50 pm]: The Opposition supports this Bill. It is a response to the Federal Government's changes to superannuation tax laws. As a result of those changes, the trustees of the parliamentary superannuation fund recommended that certain changes needed to be made to the Act.

Essentially, the recommendations are in line with the situation in South Australia and in the Commonwealth and seek to overcome the problems that the new tax laws will cause to the fund. In future, all benefits, including pensions, will be paid from the Consolidated Revenue Fund, and all assets of the fund and moneys to be paid into the fund will be paid into Consolidated Revenue. As a result, the parliamentary superannuation fund will cease to exist and there will be no need to have trustees of the fund. They will be replaced with a board which will be responsible for the general running of the parliamentary superannuation fund. The second reading speech mentioned that the board would "initially" comprise the same people who were trustees of the fund. I wonder whether there is any intention to change the members of the board. The intention of the Bill is for the trustees to become members of the board. I would like clarification of the word "initially".

The Bill is a sensible Bill and overcomes a real problem that confronts the parliamentary superannuation fund as a result of new Federal superannuation tax laws and follows the path taken by the South Australian Government and the Commonwealth and which is being considered by other States. We support the legislation.

HON J.N. CALDWELL (Agricultural) [8.53 pm]: The National Party supports the Bill. As already stated, it is a simple Bill that brings the parliamentary superannuation laws in this State into line with South Australian and Commonwealth laws. The purpose of the Bill is to amend the funding arrangements under which superannuation entitlements are paid. The Bill establishes a board to manage the scheme in place of the current trustees. The board will comprise the same people as those who are currently the trustees of the fund. The arrangements for appointing future members to the board will be the same as those that apply to the trustees.

The Bill proposes also that, in future, all benefits, including pensions already in force, will be paid from the Consolidated Revenue Fund and the assets of the parliamentary superannuation fund will be vested in the State and paid into the Consolidated Revenue Fund. In addition, contributions deducted from members' salaries will be paid into the fund.

Finally, the new board will be subject to the reporting requirements of the Financial Administration and Audit Act. Provision has also been made for an actuary to regulate assets of the financial obligations of the CRF in relation to members' superannuation entitlements and report the results to the Treasurer. The National Party supports the Bill. Although it looks fairly complicated, it is rather simple and brings our superannuation provisions into line with other funds.

HON J.M. BERINSON (North Metropolitan - Leader of the House) [8.55 pm]: I thank members for their indications of support of this Bill. Hon Norman Moore referred to the significance of the word "initially". Frankly, I am not aware of any significance to be attached to that word other than to indicate the effect of the transitional arrangements. As the two members from each House are to be appointed by the respective Houses, I cannot see that there would be any need to ask them to confirm the decisions which have only recently been made. This matter has been brought about, as members have indicated, by changes to the Commonwealth treatment of superannuation funds. Clearly, it is in the interests of the State and of members that this alteration to the framework within which the parliamentary superannuation fund operates should be implemented. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee and Report

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

Third Reading

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

STANDING ORDERS COMMITTEE REPORT

Committee

The President (Hon Clive Griffiths) in the Chair.

Standing Orders Nos 15 and 16 -

Hon J.M. BROWN: I move -

- (a) That Standing Orders Nos 15 and 16 be repealed; and
- (b) that new Standing Orders Nos 15 and 16 be adopted to read as follows -

Precedence of Address in Reply

- 15. Except as provided in SO 155, any Order of the Day for the resumption of the adjourned debate on the motion to adopt an address in reply to the Governor's speech shall take precedence on each sitting day over all other business, and no motion shall be entertained that, if passed, would have the effect of nullifying that precedence.

Transaction of other business

- 16. On any sitting day before the adoption of the address in reply, but subject to SO's 166 and 197, motions and other business may be dealt with, and in the event that the address in reply debate is adjourned prior to the time at which the House itself is adjourned, the House may proceed to orders of the day (if any) as they appear on the Notice Paper.

Hon D.J. WORDSWORTH: I think I am correct in saying the proposed amendment is the arrangement that has been in practice for the last two years, and the intention is that these amendments shall be accepted as part of the Standing Orders. Although originally the Opposition was not happy with the changes, it has "become accustomed to her face". Therefore, the Opposition is willing to continue as has been the practice for the past two years. I seek your assurance, Mr President, that my understanding is correct.

The PRESIDENT: I give an assurance that it is. Because there are many new members in the Chamber I advise that the procedure adopted when changing our Standing Orders is for the President to take the Chair in Committee for the purpose also of participating with sometimes lengthy explanations of the procedure. Although it may seem strange for Hon D.J. Wordsworth to direct a question to the Chair, it is normal practice for members to do so. I give him the assurance that the new Standing Orders Nos 15 and 16 are identical to the Sessional Orders of the last two or three years.

Hon GEORGE CASH: It is appropriate that I advise before commenting on these Standing Orders that I have not had a great deal of experience with the Standing Orders of the Legislative Council. Be that as it may, having worked in and been a member of another place for some time, one soon learns very quickly what the Standing Orders are about. The Sessional Orders which it is proposed to adopt in the main as Standing Orders have been in place in the Legislative Council for some time. I was interested to hear the comment by Hon David Wordsworth that members of the Legislative Council had "become accustomed to her face". It might be one of the reasons that have been accepted by the Council or perhaps the Standing Orders Committee. I understand from members of very long standing that changes are not often made to the Standing Orders but, when changes are proposed, a very long period of gestation is required before they are finally adopted. The President has given the Chamber the assurance that the proposed amendment is the same as the Sessional Orders that have been in place for some time and, therefore, it is appropriate for these Standing Orders to be adopted.

Hon N.F. MOORE: I concur with the comments of Hon David Wordsworth that the way in which the Chamber has operated in recent times under Sessional Orders in respect of Standing Orders Nos 15 and 16 is sensible. My recollection is that the Sessional Order was a compromise reached in the Chamber and that the original proposal was to take away the precedence of the Address-in-Reply altogether. The Chamber at that time agreed to a compromise whereby the Address-in-Reply took precedence but, in the event we ran out of speeches on that subject, the Government could bring on other business. That has worked in a sensible way, so I concur with Hon David Wordsworth that it is a sensible proposal to adopt as a proper Standing Order.

Hon J.N. CALDWELL: I was a member of the Standing Orders Committee which proposed

these Sessional Orders, although not perhaps the original one. I incurred some wrath from Hon Mick Gayfer who did not agree with all the amendments proposed. I am quite comfortable with this alteration and have been for the past three years. It is interesting to note that in the previous three years the Standing Orders Committee had only one meeting, but the present committee has held four meetings in the last four or five weeks. Therefore, it can be seen that we are working to capacity, if not in excess of capacity. I think the committee is presenting some very good amendments to the Standing Orders. These are quite in order and should be agreed to this evening.

Question put and passed.

Standing Order No 63A -

Hon J.M. BROWN: The proposed Standing Order No 63A is as follows -

63A (1) A member may not speak in the House for more than 45 minutes, and in a committee of the whole for more than 10 minutes each time, on any motion, amendment, or amendment to such amendment:

Provided that on a motion to adjourn the Council, no member shall speak for more than 10 minutes and the whole debate shall not exceed 40 minutes.

(2) Subclause (1) shall not apply to:

- (a) the Minister or member in charge of the business comprising the subject matter of the debate or to the Leader of the Opposition, or the Leader of the National Party of Australia, or to any member speaking on behalf of the said Leaders;
- (b) any member when speaking in the address in reply debate or on any motion moved under SO 137(c); or
- (c) any Bill that the Council may not amend,

and for the purposes of paragraph (a), no time limit shall be imposed, and in the case of paragraphs (b) and (c) each member may speak for not more than 60 minutes.

(3) By leave, a member's time may be extended by 15 minutes, but no extension shall be sought or granted in a committee of the whole House or on a motion to adjourn the House.

I move that -

- (a) subclauses (1) and (3) be adopted as referred;
- (b) subclause (2) be adopted in the following form -

(2) Subclause (1) does not apply to:

- (a) any member when speaking in the address in reply debate or on any motion moved under SO137(c); or
- (b) any bill that the Council may not amend,

and for the purposes of paragraphs (a) and (b) each member may speak for not more than 60 minutes.

Subclause (1) -

Hon GEORGE CASH: I seek advice in respect of subclause (2), which talks in (a) about subclause (1) not applying to the Minister or member in charge of the Bill comprising the subject matter of the debate, or the Leader of the Opposition, or the Leader of the National Party of Australia, or any member speaking on behalf of the said leaders. Will this enable the Minister handling the Bill, the Leader of the Opposition, the Leader of the National Party or their nominees to have unlimited time in respect of various debates before the House? As I read it, it seems the lead speakers are restricted to 60 minutes. If it is the case and they are restricted to 60 minutes, perhaps somebody could explain the reason for that.

The PRESIDENT: The Leader of the Opposition is correct up to a point. The proposal moved by Hon Jim Brown restricts everybody to 45 minutes on all subjects under subclause (2); except, that is, the Address-in-Reply debate or a motion moved under Standing Order 137(c), which is taking note of the annual Estimates of Expenditure.

Hon GARRY KELLY: I was on the committee which recommended 2(a) as it appeared in the Sessional Orders. When it went through the committee I thought it had the Minister or the member in charge of the Bill, or the Leader of the Opposition, or Leader of the National Party, having unlimited time. As it turns out, the way it is worded it means both of those. If a member of the Liberal Party, for example, is in charge of a Bill he has unlimited time. The Leader of the Opposition also has unlimited time, so two people in the Liberal Party would have unlimited time and the same applies to the National Party. This, however, is not the reason I was worried about that. If one thinks through the way that paragraph is drafted, if a member of the Labor Party were moving a Bill the same unlimited time would not extend to the Leader of the House. That was not intended but is the result of the paragraph as drafted.

In terms of management of the time of the House, if members have 45 minutes, or someone in charge of a Bill or moving a motion has 45 minutes with a possible extension of 15 minutes to 60 minutes, that is more than ample time to explain the principles of a Bill or the thrust of a motion. In most cases when Bills are introduced people read a set speech and there is no need for unlimited time. Committee debate is lopsided because all members with the exception of the persons nominated have to confine their remarks to a 10 minute slot, although they can get up and have another 10 minutes. If any of these nominated people speak during a debate they can go on for as long as they like. That would be unfair to other members of the Committee who are forced to confine their remarks to the bare 10 minute time period in each go. No member of the Legislative Council, irrespective of his position, should be more equal than anyone else in terms of the time he has to speak. If everyone is on the same footing we know where we stand. We can refer to Standing Orders knowing that we have 45 minutes plus a 15 minute extension. We should be able to deal with the business of the House as a result of that.

Hon N.F. MOORE: I thank you, Mr President, for your explanation, and Hon Garry Kelly for confirming the intention of this Standing Order; that is, to have a set time for everybody on every debate. I was one of those who argued in the first place that there should be no time limit and I have not changed my view on that. What seems to have happened during the time we have had this Sessional Order is that people have spoken in such a way that they have taken the total time available to them rather than speaking their minds on a particular issue and stopping when they were finished.

Hon Garry Kelly argues that we should all have the same time to speak. I agree, but we should have unlimited time. I accept the thrust of the argument except for a slight technical difference in our points of view. I argue that we should toss all of this out and return to the original situation where we had unlimited time. In the event that is unsuccessful, we should remain with the present system; that is, that people in charge of legislation have unlimited time because there are circumstances when that is necessary. There have been second reading speeches during my time in this place which have taken more than 45 minutes. I know that I spoke on the Bill relating to land rights for two hours and I could have used another hour. There are occasions when a person leading for a party may need longer to speak than a set period of 45 minutes or an hour as now proposed. My argument is that we should defeat all of this motion and go back to the old system of unlimited time and, if that does not succeed, we should stick with what we have at present.

Hon PETER FOSS: I support what Hon Norman Moore has said. There is a tendency as stated in Parkinson's law to fill available time. His suggestion is a good one. If we went to the present Sessional Order and made it a Standing Order I would question the way it is phrased, but not the principle. It seems to indicate that the Leader of the National Party will not be a Minister. That may be acceptable in a Sessional Order when we know for the time being who is in Government and who is in Opposition, but it seems inappropriate to put into Standing Orders a permanent suggestion that the Leader of the National Party is not a Minister. Obviously this has not been drafted appropriately because it was not suggested that subclause (2) be in at all. It was inappropriate. It should perhaps be done in more suitable terms so that it refers to the Leader of the National Party. The principle is correct but I find it inappropriate to freeze in Standing Orders a suggestion that the Leader of the National Party is not a Minister.

Hon J.M. BROWN: The Sessional Order we have been using for the past three years has already been explained to the House. The recommendation of the committee was unanimous and was certainly not to stifle any debate or to inhibit any member from the opportunity to

express himself. Experience has shown in this Chamber that an hour has been adequate for speakers to make their points. Many members do it in less time. However, I recognise what has happened in the past. We know that people want to break records by using unlimited time, and other members must endure that. The Sessional Orders have been adequate in the past, so the committee felt this recommendation would improve debate and avoid what may be considered at times tedious repetition. While I take on board the point made by Hon Peter Foss in relation to the National Party, I feel sure that when that situation does occur the appropriate alteration will be made.

Hon Garry Kelly interjected.

Hon J.M. BROWN: The removal of unlimited time is for no other purpose than to improve the smooth running of the Chamber. Sixty minutes for the lead speaker should be sufficient; if the committee thought otherwise, it would not have made this recommendation. We are mindful of our responsibilities. If our suggestions are not suitable, the Chamber will reject them. If members consider they are satisfactory and they are prepared to adopt them, well and good; but if they are not suitable we can soon change them. We are acting to expedite debate in the Chamber and that is why the amendments to Standing Order 63A have been put forward.

The PRESIDENT: Before proceeding I shall endeavour to make sure that members understand the situation. If the motion proposed by the Standing Orders Committee, through the Chairman of Committees, is agreed to, the reference to the Leader of the National Party would no longer exist. In order to get back to that, the proposal moved by Hon Jim Brown must be defeated. It does not matter whether it refers to the Leader of the National Party or not; I can see nothing wrong with that. The only occasion on which the proposal would go wrong would be if the Leader of the National Party were at some time the Leader of the Opposition. There would then be a need to change that Standing Order.

Hon J.M. Berinson: Imminent.

Several members interjected.

The PRESIDENT: Order! This is difficult enough to understand without members interjecting. If that situation arose, there would be no provision for the Leader of the Liberal Party or the Leader of the Labor Party, whichever party did not happen to be the Government. The circumstances are complicated, but for the purpose of this exercise we are dealing with a new proposal which does not mention anybody; the new subclause (2).

Hon GEORGE CASH: I support the proposition put forward by Hon Norman Moore - that unlimited time should be available to all members; but failing that, at least existing Standing Order 63(1), (2) and (3) should be instituted in its present form and not as recommended by the committee. It is important for the Leader of the Opposition or his nominee, or the Leader of the National Party or his nominee, to have unlimited time in which to put the case for his party in respect of a Bill. It has been argued tonight that one of the reasons the committee made the recommendation in the form in which it did is that the Leader of the Opposition or the Leader of the National Party have not been using up the 45 or 60 minutes they might have been entitled to recently. That is not sufficient reason to bring in a rule that because the time has not been used in the last few months it should not be available. If unlimited time is available for both leaders, whether the allotted time is used by the Minister handling the Bill is a matter for his discretion. The time has been used sensibly in recent times, and I suggest to the Chamber that it is important that the Minister and the two leaders or their nominees be given an opportunity for unlimited time on all matters coming before this Chamber.

I am aware that the recent practice in this Chamber has seen the Leader of the Opposition granted unlimited time, and also his nominees. I accept that that may not have been the intention and latitude may have been shown, which may have caused the committee some problems. The same applies to the Leader of the National Party. There have been times when he has been granted unlimited time in his capacity as Leader of the National Party, but perhaps Mr Caldwell or Mr Montgomery have been leading a debate - and I am thinking of the decriminalisation of drunkenness debate where Mr Montgomery was given unlimited time because he was recognised as leading for the National Party. As long as one person in the Opposition and one person in the National Party is given unlimited time, I would be satisfied, and that would be in accordance with proposed Standing Order 63A as it is printed.

But to restrict the Minister and the Leader of the Opposition or the Leader of the National Party or their nominees to 45 minutes on Bills which the Council may amend and 60 minutes on Bills which the Council may not amend is unreasonable. More than that, it is completely unnecessary. Members may suggest that if the recommendation of the committee does not work we can change in due course, but let us stick with the clause Standing Order 63A and test that. If a complication arose, or if it were proved that we should come back to 45 and 60 minutes respectively, that change can be made at some other time, but at the moment I do not see that a case has been made out for shifting from the existing Standing Order.

The PRESIDENT: In view of the hint that the committee's proposal is not receiving universal acclamation, we must attack this suggestion on a different basis. We are dealing with subclauses (1), (2), and (3) in the form that the Standing Orders Committee has recommended. If I put that question and members want to examine subclauses (1) and (3) but not subclause (2), we will either accept it all or reject it all. Therefore we have to go about it a different way. We will do subclause (1) first and then we will do subclauses (2) and (3). If subclause (1) is agreed to and the proposed new clause (2) is not agreed to, the fall-back position is that the Sessional Orders subclause (2) can be put to the test in its own right. Subclause (1) reads as follows -

A member may not speak in the House for more than 45 minutes, and in a committee of the whole for more than 10 minutes each time, on any motion, amendment, or amendment to such amendment:

Provided that on a motion to adjourn the Council, no member shall speak for more than 10 minutes and the whole debate shall not exceed 40 minutes.

Hon N.F. MOORE: I accept the arguments against the motion. If we defeat this motion, we will defeat the time limits on speeches. Therefore I ask the Chamber to vote against this subclause so that we may go back to the old system of having unlimited time.

Question (subclause 1) put and a division taken with the following result -

Ayes (16)			
Hon J.M. Berinson	Hon Graham Edwards	Hon M.S. Montgomery	Hon Fred McKenzie
Hon J.M. Brown	Hon John Halden	Hon Mark Nevill	(Teller)
Hon T.G. Butler	Hon Tom Helm	Hon Sam Piantadosi	
Hon J.N. Caldwell	Hon B.L. Jones	Hon Tom Stephens	
Hon Cheryl Davenport	Hon Garry Kelly	Hon Doug Wenn	
Noes (12)			
Hon George Cash	Hon Muriel Patterson	Hon D.J. Wordsworth	
Hon Reg Davies	Hon P.G. Penda	Hon Margaret McAleer	
Hon Peter Foss	Hon R.G. Pike	(Teller)	
Hon Barry House	Hon W.N. Stretch		
Hon N.F. Moore	Hon Derrick Tomlinson		
Pairs			
Hon Bob Thomas		Hon Max Evans	
Hon P.H. Lockyer		Hon Kay Hallahan	

Question thus passed.

Subclause (2) -

The PRESIDENT: We will now deal with subclause (2) as recommended by the committee, which will read -

(2) Subclause (1) shall not apply to:

- (a) any member when speaking in the Address-in-Reply debate or on any motion moved under Standing Order No 137(c); or
- (b) any Bill that the Council may not amend,

and for the purposes of paragraph (a) and (b), each member may speak for not more than 60 minutes.

Hon GEORGE CASH: I urge members to defeat this subclause as recommended by the committee for arguments put only a few minutes ago. They basically come down to the fact that if this is defeated and sessional subclause (2) is inserted we will be back to the status quo. That is, that the Minister, the Leader of the Opposition or the Leader of the National Party or their nominees will be entitled to unlimited time in debates in this Chamber. I believe that is an important principle which should not be let go of.

Hon J.M. BROWN: I ask the Committee to support the recommendations of the Standing Orders Committee. As Hon John Caldwell earlier pointed out, and as I have previously stated, we have had more attention paid this year than in the previous three years to the Standing Orders of this place. We have come up with the recommendation which will not in any way inhibit debate in this place. This matter has probably had greater debate in this session of Parliament than in any other session. I reaffirm the reasons I gave earlier in respect of subclause (2); the Standing Orders Committee recommends that time limits of 60 minutes be imposed on speeches. That was a unanimous decision of the committee. There was full and effective debate within the committee to ensure that it brought forward the best recommendations and the most suitable for the workings of this place. The committee is of the opinion that this would be effected by adopting new subclause (2).

Hon GARRY KELLY: I would like to take up one point made by the Leader of the Opposition when he said that if subclause (2) were defeated and the new subclause inserted we would revert to the situation where the Leader of the Opposition or the Leader of the National Party or their nominees would have unlimited time. That is not the case at all. It is "and" their nominees. If the nominee or the member in charge of the Bill is speaking, he would have unlimited time. Although the Leader of the Opposition said that perhaps that could be amended later, as Hon Peter Foss said, naming leaders of parties causes anomalies within the Standing Orders. The President also referred to the case where it would not fulfil the role for which it was possibly intended where the leaders are named in the Standing Orders. That problem would be obviated if subclause (2) were defeated. It makes much more sense for everyone to be on the same footing with regard to speaking times. No-one can say that the allocation of time is miserly; one has a maximum of an hour to put one's case. I think that is more than reasonable.

Hon MARGARET McALEER: I cannot really agree with the arguments put forward by Hon Jim Brown and Hon Garry Kelly for the limit of an hour. When Hon Garry Kelly was speaking I thought it really sounded as though he were throwing out the baby with the bath water. I can remember several debates over the past few months which dealt with complicated and complex financial matters when Hon Max Evans, for example, needed more than an hour in which to develop his argument. In fact his whole argument could not have been put had he not had more than an hour. I think there are many situations where somebody leading a debate might very well need to have more than an hour to develop his arguments. I think it is unreasonable to put that restriction on him.

Hon PETER FOSS: I agree with what Hon Margaret McAleer says in that the reason for not wanting to have subclause (2) is that too many people will get an unlimited time and that it is a matter of drafting to provide that the intent of the original subclause (2) is carried into effect. I have passed over a suggested subclause (2) which I believe would overcome that problem; it would also overcome the matter of the Leader of the National Party's time by referring to the leader of a recognised party as defined in the appropriate section of the Salaries and Allowances Act. Those two objections could be overcome. Also, the problem of having two people biting at the unlimited cherry will be overcome. Therefore, I urge members not to support the proposal from the committee, and instead to support subclause (2) which will overcome the problems.

Hon J.N. CALDWELL: Our committee deliberated over this for quite some time, and, as Hon Jim Brown said, it was a unanimous decision. I hope that the two members who may speak against this amendment will give the reasons for not supporting this change to Standing Orders. The time limit is adequate.

I well remember late one evening Mick Gayfer speaking about the skinning of sheep. You may remember that too, Mr President, as he went into graphic and sordid detail about skinning sheep. He referred to dealing with the entrails and we lost a couple of members from the Chamber. The members left not because they did not like the speech but because they did not like the gore.

The PRESIDENT: Order! It is not necessary to go into detail.

Hon J.N. CALDWELL: A person can skin a sheep in a very short amount of time, and I am sure that Mick Gayfer could have shortened his speech and appeased more members in this Chamber. That is an incident I remember quite well of a speech that was extended. I have the greatest respect for Hon Mick Gayfer, as I think everybody here does, but it is a typical case of where a speech was drawn out as he could see he was affecting a lot of people in this Chamber - I think he enjoyed it.

If a person cannot make his point in one hour, maybe he is not putting it over correctly. It boils down to getting to the point straight away.

Hon T.G. Butler: Hear, hear!

Hon N.F. Moore: You would not know, Mr Butler, as you have never made a point.

Hon J.N. CALDWELL: The amendment to limit people to 60 minutes could be adopted quite well once members got used to it. The Sessional Orders took some members a little time to get used to, and this amendment will be acceptable to all members once they have tried it.

Hon MARGARET McALEER: We undertook to debate the Standing Orders on the understanding that we were to examine the Sessional Orders and formalise them into the Standing Orders. Now we find that the committee has pulled a swiftie and changed the Sessional Orders. We are accustomed to trying out a new proposal. Hon George Cash referred to the period of using Sessional Orders as one of gestation, and those Sessional Orders were adopted if they proved satisfactory and were found to be generally acceptable. However, this proposal is something we have not tried and we see no reason to have it foisted on us at this stage.

The PRESIDENT: Order! I enlighten Hon Margaret McAleer by pointing out that the committee is not pulling a swiftie, or whatever phrase she used. The committee was asked by the Chamber to re-examine the Sessional Orders with a view to making recommendations regarding the Sessional Orders which have been in place since the 1984-85 session. The Standing Orders Committee looked at those Sessional Orders and determined to recommend to the Chamber a measure that was different from the Sessional Orders. It is not hoisting anything on the Chamber at all because the Chamber will have an opportunity in a minute to determine whether it wants to continue with the order. The Committee only has to vote against this proposal and it will have the opportunity to submit other proposals. I know that Hon Margaret McAleer was not casting any aspersions on the committee, but it is certainly not hoisting anything on anybody.

Hon N.F. MOORE: While not casting any aspersions, Hon Margaret McAleer made the point that new subclause (2) has not been tried out as a Sessional Order. Subclauses (1) and (3) have been tried out, as has existing subclause (2). These Sessional Orders have been tried out for some time and if the proposition was that we place the Sessional Orders into Standing Orders, we could argue about that; however, that would be arguing about something we have already tried out. We have been asked to put into the Standing Orders something new, something which has not been a Sessional Order. A legitimate argument exists against doing so.

If the National Party is prepared to go along with new subclause (2), I appeal to it to consider leaving it as it was before and making it a Sessional Order without enshrining it in the Standing Orders at this time. If we are to be consistent and have Sessional Orders tried out before they become Standing Orders, we should not have these matters enshrined in the Standing Orders. We have agreed to some clauses tonight - the sensible ones - but what we are asked to do now is to make a Standing Order out of something that has not been tried as a Sessional Order. I suggest that we have a new Standing Order comprising the old Sessional Order and we consider adopting subclause (2) as a Sessional Order down the track before making it a Standing Order.

Hon D.J. WORDSWORTH: Having listened to the various arguments and gauged the sort of support for each, perhaps we need to change the old Sessional Order. Hon Garry Kelly has pointed out that if a member is speaking on behalf of the leader of a party, not only the leader but that person has unlimited time. I believe we should correct the old Sessional Order to overcome that misunderstanding. I have always believed, as I think most members have, that

when someone speaks on behalf of a leader that leader has lost his right to speak with unlimited time. I now see why officers of the desk gave both members the unlimited time because of the way subclause (1)(a) is written. I think it would be sensible if subclause (2) were to read as follows -

Subclause (1) shall not apply to:

- (a) the Minister or member in charge of the business comprising the subject matter of the debate or to the Leader of the Opposition, or the Leader of the National Party of Australia, unless another member is speaking on behalf of the said Leader;

I believe that would overcome the problem. In the past a double negative has existed. If the words "or to any member" were crossed out and the words "unless another member is" were inserted in their place, it would then be quite plain that only one from each of those parties was allowed to speak for unlimited time. Perhaps that will overcome what Hon J.N. Caldwell is concerned about. He is obviously leaning strongly towards limiting everyone. I think an amendment like this would reduce the number of people allowed to speak with unlimited time to three at the most. I foreshadow an amendment that in subclause 2(a) line 4, the words "or to any member" be deleted and in its place -

The PRESIDENT: We are not dealing with that.

Hon D.J. WORDSWORTH: The motion has to be foreshadowed so that people can understand that the problem can be overcome.

The PRESIDENT: Hon Peter Foss has given us a foreshadowed amendment. We are getting into all sorts of problems with something which is terribly simple. We have a set of Sessional Orders which the House asked the Standing Orders Committee to examine and report on as to whether we would recommend to the House that they be adopted as permanent Standing Orders. The Standing Orders Committee examined them and has recommended that most of them be adopted as permanent Standing Orders, with an alteration to this particular subclause. If the Committee does not wish to accept the Standing Orders Committee's recommendation, it can vote against this subclause and members will then be left with the opportunity to do something with the existing subclause (2), which can be amended or more easily dealt with if whoever is in the Chair interprets the existing subclause (2) the way I believe it was always meant to be interpreted. I am not a Chairman of Committees and have never been asked to rule on this, but if I had been asked to rule on this since 1984 I would have ruled that it was never intended that two people have unlimited time. It was a mistake that it was interpreted that way. I do not want to pursue this argument and put it to the vote if this Committee is not happy with it. If we start foreshadowing new Sessional Orders business will start to get messy. We must either accept this new subclause (2) or defeat it. If members defeat it, we go back to what the Sessional Order has been and deal with that and amend it with a foreshadowed amendment either by Hon Peter Foss or Hon David Wordsworth. Is that complicated? I do not know what the Committee will do about the new subclause (2) but I think we can put it to the test in a minute. I do not want to hasten members to make the decision.

Hon GEORGE CASH: I understand clearly the suggestion the President has made and recognise that it is a decision the Committee must make. Unlimited time has existed in recent years as a result of the interpretation of the existing Sessional Order, subclause 2(a). If it has been wrongly interpreted and at times six people have had unlimited time, that was no doubt a concern that the Standing Orders Committee was attempting to address. However, I think it has taken radical surgery to address that matter and that - as has been proposed by Hon David Wordsworth and no doubt by Hon Peter Foss although we have not heard his proposed amendment - a simple redrafting of the existing Sessional Order will be sufficient to ensure that only one person from the Opposition, one person from the National Party and one person from the Government is granted unlimited time on any Bill that may be before the House, not forgetting that that unlimited time might not extend past 45 or 60 minutes. I see no harm in members' defeating the Standing Orders Committee's recommendation, reverting to the existing Sessional Order and if necessary making some minor amendments to clean up any confusion that might exist.

Hon PETER FOSS: I endorse those remarks. It might be simpler than that if the President

were to repeat his statement in the House as opposed to in Committee. He might not even need to repeat it.

Mr PRESIDENT: I am sorry, I did not hear what Hon Peter Foss said.

Hon PETER FOSS: The fact that the President has made his statement would seem to be dealing with the matter quite adequately.

The PRESIDENT: Who is the Chairman?

Hon PETER FOSS: If the President in his capacity as Chairman, or the Chairman in his capacity as President - I am not sure which it is - makes that statement, I do not think we need an amendment.

The PRESIDENT: The Standing Order has been misinterpreted. It was never intended to do anything more than apply to the lead speaker, whether that lead speaker be the Leader of the Opposition, the leader of the National Party or anybody else. However, the question before the Chair at the moment is whether we should adopt the new subclause (2). Whether we amend or how we interpret the old subclause (2) does not come into question if this Committee adopts the new subclause (2).

Hon N.F. MOORE: Is the statement the President has just made about the previous interpretation of Sessional Orders a ruling from the President that henceforth it will be interpreted in that way?

The PRESIDENT: No.

Hon N.F. MOORE: Do I need to ask the President for a formal ruling on that? The reason I ask that is, if we can establish that from now on the existing Sessional Order will be interpreted in the way the President has just suggested, that may convince some people, who think we need a new subclause (2), to remain with the old system. It is important from the point of view of the Chamber to know whether you, Mr President, can make a ruling so that from now on we know where we stand with that Standing Order and whether it remains.

The PRESIDENT: The simpler it gets, the more complicated it gets. It is first necessary to deal with proposed new subclause (2). In the event of the proposed subclause (2) being defeated, we can address existing subclause (2) and at the conclusion I will make a statement on how that should be interpreted. It would not be a presidential ruling as such, but it would be a virtual instruction to future Chairmen as to how it should be interpreted. They would still be free to interpret it; however, that is unlikely in the event of what has been said, bearing in mind that we shall be adopting a report at the conclusion - if we ever get there - of this debate which will include my recommendation. That is pre-empting the situation and suggesting that we shall be dealing with it. I am not sure that will be the case.

Hon N.F. MOORE: I am happy to accept your statement, Mr President, but in the event this new subclause is defeated we will get on with fixing up the current Standing Order. I suggest we defeat proposed new subclause (2) so that we can go back to the existing subclause and amend that.

Hon J.N. CALDWELL: The committee did not hastily make its decision on this matter, and it did not try to sneak anything in. I can assure members that this proposed amendment was well thought out and debated. We were very much aware of the problem referred to and thought this new subclause would deal with that problem. We thought it would be easy to rectify that problem by giving every member 45 minutes with an additional 15 minutes. It was a very simple matter resolved by the committee. I am a little disappointed that some members seem to think the committee has tried to pull the wool over their eyes. I can assure them that is not the case. Perhaps we were a little hasty, although it was not apparent at the time. I suggest that this proposed new subclause could be voted against since it is clear that those people referred to will not be allowed unlimited time.

Question (subclause 2) put and negatived.

Hon D.J. WORDSWORTH: I move -

That the following be adopted as subclause (2) -

(2) Subclause (1) shall not apply to:

(a) the Minister or member in charge of the business comprising

the subject matter of the debate or to the Leader of the Opposition, or the Leader of the National Party of Australia, unless any member is speaking on behalf of the said Leaders;

- (b) any member when speaking in the address in reply debate or on any motion moved under SO 137(c); or
- (c) any Bill that the Council may not amend,

and for the purposes of paragraph (a), no time limit shall be imposed, and in the case of paragraphs (b) and (c) each member may speak for not more than 60 minutes.

Subclause (2)(a) means that the Leader of the Opposition or the Leader of the National Party could not speak for more than the given time if another member was speaking for him.

Hon N.F. MOORE: I am having trouble understanding the effect of this amendment. I have a sneaking suspicion that it will not achieve what Hon David Wordsworth seeks to achieve. I have a feeling that every member may not get unlimited time because the amendment provides only that the other members get unlimited time. I understand Hon Peter Foss has proposed an amendment which may deal with the problem in a more expeditious way.

The PRESIDENT: Without disregarding Hon David Wordsworth's proposals and in an attempt to be helpful it might be better to consider the suggestion made by Hon Peter Foss to delete paragraph (a) and replace it with -

- (a) the Minister or member in charge of the business comprising the subject matter of the debate or to the Leader of the Opposition, or to the leader of any recognised party as defined in section 42L of the Salaries and Allowances Act 1975 or in lieu of any such leader a member speaking on behalf of the said leader.

That takes account of the Minister or the member in charge of the Bill and of the leader of a recognised party. It also clearly defines there is no doubling up. It clearly defines that if someone else is speaking on behalf of the said Leader, he can take the additional time in lieu thereof. I am offering that as an alternative because there seems to be some doubt whether the deletion of the words "or to any member" and replacing them with "unless any member is" is still looking after the person speaking in lieu of the Leader. I am not sure that it does.

Hon D.J. WORDSWORTH: I am not against the longer amendment. I would just have been a bit frightened if I had moved that amendment that people would have given up before they even got to that stage. I am sure what I suggested would have applied equally well, because the proposed amendment said "there shall be a time limit". It then said "Subclause (1) shall not apply to the Minister or member in charge of the business comprising the subject matter", whether that be the Leader of the Opposition or the Leader of the National Party, unless another member is speaking on his behalf.

The PRESIDENT: The worry I have is that it certainly says it will apply to the Leader of the Opposition and the Leader of the National Party, but it does not say the concession will automatically apply to the other member.

Hon D.J. WORDSWORTH: I seek leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Hon J.M. BROWN: Mr President, I agree with your earlier remarks. I do not have any difficulty about the proposal within our Sessional Orders which we are intending to adopt as our Standing Orders. It is quite clear that if neither the Leader of the Opposition nor the Leader of the National Party were the lead speaker, the nominated person speaking on his behalf would have unlimited time. I believe you have spelt out the situation satisfactorily.

Hon PETER FOSS: Mr President, I must confess I proposed my amendment to overcome the problem that I perceived. The major part of that problem was dealt with by your statement as to how you believed the current Sessional Orders should be interpreted. Apart from the problem I have with immortalising the Leader of the National Party as a member of the Opposition, I have no objection to the proposed amendment. I could say, as an absolute purist, that a Standing Order should not be brought into effect until it has been tried out as a Sessional Order; perhaps one should stick with the current Sessional Order.

Hon GARRY KELLY: Is it in order to move an amendment at this stage?

The CHAIRMAN: Hon Peter Foss' amendment has been foreshadowed, but it has not yet been moved.

Hon GARRY KELLY: I suggest the following amendment -

(2) Subclause (1), excepting for the committee of the whole, shall not apply to:

Subclause (1) says -

A member may not speak in the House for more than 45 minutes, and in a committee of the whole for more than 10 minutes each time, on any motion, amendment, or amendment to such amendment.

I said earlier, when dealing with the recommendation that was deleted previously by the Committee, that one of the problems of the existing time limit concerned the consideration of a Bill by a Committee of the Whole. There was an unequal contest whereby the Minister or member in charge of the Bill could speak for unlimited time but other members had to condense their remarks into 10 minutes. As a Deputy Chairman of Committees I have watched the organisation of Committee debates, where some members have unlimited time and some are entitled to only 10 minutes. It would be more reasonable for every member to be entitled to speak for only 10 minutes at a time. A member could speak as many times as he liked, but for only 10 minutes on each occasion. I do not believe anyone can convince me that is not the essence of sweet reason. I might just concede that a member could have unlimited time on the second reading, but I do not see why a member should need unlimited time at the Committee stage of a Bill.

The PRESIDENT: The problem with that is that subclause (1)(b) and (c) does not apply to the Committee stage.

Hon Garry Kelly: Mr President, I see what you mean.

The PRESIDENT: You would have to put the exception into the body of subclause (1)(a). The Committee is soon to adopt the report of the Standing Orders Committee, and that report could include the statement I have made about the interpretation of the existing subclause (1), so that there would be little doubt about what that means.

Hon GEORGE CASH: The debate tonight has demonstrated why we should never try to make amendments on the run. We have all had a go; I believe in good faith.

Hon Garry Kelly: You should look at the considered view of the Committee.

Hon GEORGE CASH: We have looked at that, and that has been decided by the Chamber. I urge the Chamber to adopt existing subclause (2). The President has made his point very clearly. He understands the interpretation. The member has also made his point very clear. I am sure that the Standing Orders Committee, having heard the general comments tonight, will in due course be able to give further consideration to subsequent amendments, if it believes they are necessary. However, for the time being we would do well just to proceed by adopting existing subclause (2) and leaving it to the Standing Orders Committee in due course, if it wishes, to make any other suggestions on the matters before the Chamber.

The PRESIDENT: Hon Garry Kelly has not moved that. The point I make is that it is bringing in (b) and (c), which would be contradictory.

Hon GARRY KELLY: I take on board what the Leader of the Opposition has said, but is there any way that can be slotted into (a) very easily?

The PRESIDENT: I have been advised that if you put the words that you want to insert after the preface to (a), it would then read -

Subclause (1) shall not apply to:

(a) excepting for the committee of the whole, the Minister . . .

Paragraph (b) would read as it is now, as would paragraph (c). That has nothing to do with the proposal that we have been talking about, which relates to determining who gets the extra time.

Hon GARRY KELLY: Then I will leave it to the Standing Orders Committee.

Hon D.J. WORDSWORTH: Mr President, I requested leave for my amendment to be withdrawn, and it was, so my motion as originally moved was that the old Standing Order be adopted.

The PRESIDENT: That is the question before the Chair.

Hon N.F. MOORE: I agree that we should adopt this Sessional Order as a Standing Order, but I would hope the Standing Orders Committee would look at the point made by Hon Garry Kelly, and also the amendment foreshadowed by Hon Peter Foss in respect of the Standing Order. I have never thought we should have the names of political parties in the Standing Orders. It might be that at some time we have the National Party, or the Democrats, or some other party and we would have enshrined in the Standing Orders a party's name. The committee should examine that matter and see whether it can come up with some words to cover the situation that exists now and all other eventualities that will arise as time goes by.

The PRESIDENT: The explanation of that is that it was a Sessional Order, it was adopted at each session. If the change had been made, it would not have been adopted at the next session. The Standing Orders Committee recommended that it be deleted altogether. It is this committee that is determining to put it back again.

Hon N.F. MOORE: So they should fix it up next time.

The PRESIDENT: That is a valid point, but the Standing Orders Committee is constantly looking at the Standing Orders and would re-examine this as time passed. In the meantime, however, we have not adopted this subclause yet; we are patiently trying to get there.

Hon PETER FOSS: The reason I did not move my amendment which would have dealt with both these matters is that I did not wish to put the matter up for new debate. I hoped we could deal with it immediately and get it out of the way. I urge the Chamber to adopt Hon David Wordsworth's motion that it stand as presently printed, because in that way we all know what the intent is and it is merely a matter of tidying it up. We should have what we do have, and if we want to make any substantive changes it should go back to the Standing Orders Committee. I purposely did not move my amendment because it seemed to me the most expeditious way of disposing of the matter.

Question (subclause 2) put and passed.

Question (subclause 3) put and passed.

Standing Order No 52 -

Hon J.M. BROWN: As there is enough flexibility in regard to this, I move -

That Standing Order No 52 be repealed and the following new Standing Order No 52 be adopted -

Sitting and Adjournment of Council

52 (1) The Council, unless otherwise ordered, shall meet for the despatch of business at 3.30 pm on Tuesday, 2.30 pm on Wednesday and 2.30 pm on Thursday in each week. Unless previously adjourned, the House shall continue to sit until 11.00 pm on Tuesday and Wednesday and 6.00 pm on Thursday.

(2) Where the House is sitting at 11.00 pm or 6.00 pm, as the case may be, the President, unless the House has otherwise ordered, shall interrupt the business then proceeding and any debate then in progress shall be deemed to be adjourned. The business interrupted, and any debate so adjourned, shall be set down for resumption on the next day of sitting.

(3) If the House be in committee at 10.55 pm or 5.55 pm the chairman, unless the House has otherwise ordered, shall interrupt the business then proceeding and, without putting any question to the committee, report progress on any matter referred to that committee, and no progress on any matter referred to that committee but not reached at the time of such interruption, and move for leave to sit again.

(4) Upon the interruption of business as so provided, no further business shall be transacted except:

- (a) the receipt of messages and, in the case of a Bill received from the Assembly, the moving of its second reading by the Minister or member in charge;
- (b) a motion to adjourn the Council to a date or time or both that is different from that already ordered,

and upon the conclusion thereof, or if there is no such business, a Minister shall move the adjournment of the House.

Question put and passed.

Report

Resolutions reported, and the report adopted.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Consideration of Tabled Paper - Order of the Day taken Forthwith

HON J.M. BERINSON (North Metropolitan - Leader of the House) [10.26 pm]: I move -
That Order of the Day No 14 be taken forthwith.

This is only for the purpose of moving to discharge the item from the Notice Paper.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [10.27 pm]: The Leader of the House has consulted with me, and no doubt with the acting leader of the National Party, on this matter. My understanding is that in view of the fact that the Appropriation Bills dealing with the Budget are now before the House it is his intention to discharge this item from the Notice Paper. Members will not be disadvantaged by the discharge of this Order of the Day as any speeches that they may have wished to make to Order of the Day No 14 will now be able to be made on the various Budget debates which should ensue from now on.

Question put and passed.

Consideration of Tabled Paper - Order Discharged

HON J.M. BERINSON (North Metropolitan - Leader of the House) [10.28 pm]: I move -
That Order of the Day No 14 be discharged from the Notice Paper.

I need not elaborate on the reasons for this motion, after the explanation by the Leader of the Opposition.

Question put and passed.

Order discharged.

ADJOURNMENT OF THE HOUSE - SPECIAL

On motion by Hon J.M. Berinson (Leader of the House), resolved -

That the House at its rising adjourn until 3.30 pm on Wednesday, 6 December.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Metropolitan - Leader of the House) [10.29 pm]: I move -
That the House do now adjourn.

*Adjournment Debate - ALP-ACTU Industrial Relations Strategy, Prices and Income Accord
NSW Union Officials' Damaging Assessment - Report Leakage*

HON R.G. PIKE (North Metropolitan) [10.30 pm]: The House should not adjourn until consideration is given to an item in today's *The Australian* headed "Labor demands union scalps over leaked reports". The article states -

The future of two NSW union officials who wrote a damaging assessment of the ALP-ACTU industrial relations strategy was in doubt last night as senior party officials called for their heads.

Further on, the article reads -

The Prime Minister, Mr Hawke, spoke by telephone with Mr Easson yesterday and told him of his displeasure at the leaking of the report.

The report deals with the production, as I understand it, by two brave and competent young men from the Australian Council of Trade Unions and with Labor Party affiliations. They were brave enough to say that the Hawke Government's prices and income accord had failed to improve productivity as recognised by the leaked New South Wales Labor Council paper.

This is an example of the Labor Party's attitude - "If you don't like the news you kill the messenger." Since that report is all about increased productivity for employees and benefits to employers, it is a pity that this is the attitude that has been taken by the Hawke Federal Labor Party. It is an indication indeed of the attitude that is prevalent, so much so that a Hawke Labor Government's view is organised hypocrisy. It is also clear that a political and policy half-Nelson is preventing any constructive comment in the Labor Party.

It is also clear that Mr Hawke wants the electorate to think that he is the only one burdened by comprehension. It is a clear example of the Labor Party claws being unsheathed at any time when the so-called democratic functions of the party are challenged by somebody within that structure having the straightforwardness to say this so-called accord which Mr Hawke so prominently proposes has failed.

*Adjournment Debate - Liberal Party, Moore Division - Federal Election Delegate
Preselection, Validity Inquiry*

HON GRAHAM EDWARDS (North Metropolitan - Minister for Racing and Gaming) [10.32 pm]: I thank Hon R.G. Pike for reminding me of matters in the newspapers. I had almost forgotten that in this morning's *The West Australian* an article appears which I felt I should bring to the attention of the House. The matter refers to the Moore division of the Liberal Party, and reads -

The Moore division of the Liberal Party has cast doubt on the constitutional validity of the committee which picked former policeman Paul Filing to contest Moore at the next federal election.

Three weeks ago the Moore divisional council passed a motion asking the party's head office to rule on whether the selection panel was constitutionally formed.

Party director Tom Herzfeld confirmed yesterday that he was searching party records to determine whether the eight branches in the division which sent delegates to the panel were entitled to do so.

If he finds that the panel was not properly constituted, Mr Filing's pre-selection could be declared invalid.

This would be a blow to the party, which expects Moore to be the second seat to fall to the Liberals in a swing against the Government.

That is an expectation that will not come to pass when one reads further. The following comments are interesting -

One Liberal branch executive from Moore rang *The West Australian* claiming that there was mass disaffection in the division over the way the pre-selection was conducted.

That is something I have noticed in the community in the northern suburbs. I would have happily forgotten this article but Hon R.G. Pike brought it to my attention.

Several members interjected.

The PRESIDENT: Order!

Hon GRAHAM EDWARDS: The person who is a member of the Liberal Party branch went on to say -

"Everyone knows that there were two branches that shouldn't have been on that panel," he said.

Hon P.G. Pendal: He is an ex-policeman whom your corrupt Government would not employ.

Hon GRAHAM EDWARDS: The article continues -

"Respectable people will not stay in a party like that. If I had just come into the party and come across this, then I would have left."

I take the opportunity again to thank Hon R.G. Pike for reminding me of this newspaper article.

*Adjournment Debate - Gravel Mine Dispute, Pickering Brook - Vinci and Sons Pty Ltd
Mining and Rehabilitation Program, Government Supervision*

HON DERRICK TOMLINSON (East Metropolitan) [10.36 pm]: The House should not adjourn before it considers a matter affecting certain citizens in the East Metropolitan Region. I refer to an article in *The West Australian* on Friday, 1 December 1989, which reports upon an alleged altercation which is said to have occurred as part of a longstanding dispute about a gravel mine at Pickering Brook. One of the protagonists of that dispute has been agitating to have the mine closed. The newspaper article reads -

... believing it to be causing irreparable damage to the surrounding land.

That report might cause some people to draw the erroneous conclusion or to make unfounded inferences that the proprietors of the mine, Vinci and Sons Pty Ltd, have been environmentally irresponsible. It should be placed on record that in respect of the gravel mine at Pickering Brook, Vinci and Sons have been conducting a legitimate business, responsibly managed and properly supervised by Government authorities. The mining lease under question is some 100 hectares situated within a State forest which was logged out some three to five years ago. The trees remaining in the mining lease are not presently suitable for lumber but no doubt in time would grow to a commercial size.

The area within the lease contains three predominant woodland types: A jarrah woodland, open timber with jarrah canopy, which is the smallest part of the lease; a jarrah-banksia-she-oak woodland area which is fairly dense and again has a jarrah canopy and a middle stratum of banksia and she-oak forming the largest part of the lease. The third part is a she-oak forest. In that 100 hectares, according to the Department of Conservation and Land Management, about 48 hectares contains mineable gravel. Vinci and Sons are mining that gravel under a management plan which was worked out in consultation with its environmental consultants, Bowman Bishaw Gorham; the Department of Conservation and Land Management; the Department of Mines and the Water Authority of Western Australia.

The mining program is in two parts; first, containing a detailed plan for the management and operation of the mine and, second, making detailed reference to the rehabilitation of the mine site progressively as the gravel is extracted. Those mining and rehabilitation programs are supervised by officers of the Department of Conservation and Land Management, the Department of Mines, and the Water Authority. In addition, they are supervised occasionally by officers of the Main Roads Department and the site is also under the jurisdiction of the Shire of Kalamunda. Officers of the Department of Conservation and Land Management visit the mine about once each week - about 50 times a year.

In addition to that supervision, the mine operates under other legislation and associated administrative procedures with which the company must comply. The relevant legislation includes the Bush Fires Act and Regulations, the Wildlife Conservation Act and Regulations, the Environmental Protection Act and the Aboriginal Heritage Act.

Much of the concern that has arisen in relation to the mine relates to the question of whether the rehabilitation program will succeed. At this stage, the mine has been operating for one year. The rehabilitation program of the first stage of that mine has been set in process already. The rehabilitation program calls for the revegetation of the mine site with appropriate species. The objective stocking rates will be 625 planted trees or 2 500 seeds per hectare. Plants in jiffy pots or paper pots will be at least 50 millimetres in height with a minimum of two pairs of leaves.

Strict conditions relate to the type of vegetation that will be replanted. These include: Tolerance to dieback; fire resistance; capacity for roots to penetrate to the base material of the mine pit; useful timber; proven species longevity; growth to maturity and regeneration in the mine pit environment; visual compatibility with the indigenous forest; and useful nectar source. Those stringent conditions are being applied rigorously by the officers of Department of Conservation and Land Management and have been honoured by the proprietors of the mine, Vinci and Sons.

I am pleased to report that yesterday, Monday, 4 December, the first annual review of the progress of the mine and rehabilitation was undertaken by officers of the Department of Conservation and Land Management, the Department of Mines, the Water Authority, and the environmental consultants to Vinci and Sons, Bowman Bishaw Gorham. The outcome of that review was that the program is proceeding according to plan.

Not only is Vinci and Sons operating its mining tenement in a responsible manner, but also the program of rehabilitation which it has in place is state of the art. It is based upon the rehabilitation program which has been pioneered and developed at Alcoa bauxite mines and, in the opinion of the Department of Conservation and Land Management and the consultants, Bowman Bishaw Gorham, it is a state of the art rehabilitation program. I believe it is a model which could be followed in the future where necessary resources must be extracted from State forests if those resources are to be provided economically and if the mine sites are to be rehabilitated as near as possible to their natural state.

Question put and passed.

House adjourned at 10.44 pm

QUESTIONS ON NOTICE

HEALTH - PATIENTS, NORTH WEST
Perth Medical Treatment, IPTAS - Bus Transport

797. **Hon N.F. MOORE** to the Minister for Local Government representing the Minister for Health:

- (1) Is it correct that patients from the north west who need to travel to Perth for medical treatment under IPTAS must now travel by bus instead of aircraft?
- (2) If so, what is the reason for this decision?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) No. The scheme to which the member refers was administered by the Commonwealth Government and abolished with effect from 31 December 1986. A reciprocal scheme known as the patients' assisted travel scheme commenced on 1 January 1987 to help country residents with expenses incurred in travelling to obtain specialist medical attention not available locally or from visiting practitioners.

Air travel is not automatically provided under the patients' assisted travel scheme. The cost of air fares incurred by a patient will be met by the scheme, subject to compliance with existing PATS guidelines, only in those cases where the medical practitioner has stated that the patient warrants, due to his/her medical condition, to travel by air. Air travel may also be provided if, in the judgment of the relevant hospital administrator, there are special circumstances which justify such a decision. The member's question implies a recent change to the standard guidelines governing the PAT scheme. There has been no change to these guidelines in regard to air travel since the inception of the scheme.

- (2) Not applicable.

HEALTH - DOCTORS
Exmouth Tourist Season - Extra Appointment

806. **Hon P.H. LOCKYER** to the Minister for Local Government representing the Minister for Health:

- (1) Will the Minister examine the possibility of an extra doctor to be stationed in Exmouth during the heavy tourist season from March to September?
- (2) If not, why not?

Hon KAY HALLAHAN replied:

- (1) The Health Department is attempting to attract the services of a doctor to relieve the Exmouth doctors of their responsibility to provide clinics in Onslow during the peak of the tourist season, thus providing two extra days of outpatient medical services at Exmouth per week. The outpatient volumes for the last 12 months at Exmouth Hospital were -

1988 -	November	696
	December	577
1989 -	January	569
	February	642
	March	617
	April	581
	May	915
	June	1 029
	July	930
	August	1 029
	September	763
	October	714

The hospital is staffed by two doctors. This is considered more than adequate to handle the peak demands occurring during the season. While some increases in waiting time for appointments may occur, even with revised arrangements, urgent cases will receive same-day treatment.

- (2) Not applicable.

CEMETERY - TARIN ROCK TRUSTEES

Appointment Term - Dead Trustees

830. Hon P.G. PENDAL to the Minister for Local Government

- (1) Is the Minister aware that the trustees of the Tarin Rock Cemetery were appointed on 17 December 1926 and have remained in office throughout the intervening 63 years?
- (2) Are all trustees now dead?
- (3) When did the Minister become aware that they had all died?
- (4) When will new trustees be appointed and/or submitted for approval?
- (5) Will the Minister instruct her department to conduct a thorough review of all cemetery boards to ensure that others have not met the same unfortunate fate?

Hon KAY HALLAHAN replied:

- (1) Four persons were appointed to manage the Tarin Rock Cemetery on 17 December 1926. Their appointments were cancelled on 21 October 1983. The cemetery is now a reserve, vested in the Shire of Dumbleyung.
- (2) I understand that the four appointees are deceased.
- (3) The cemetery was closed for burials on 25 October 1983. Records held in the Department of Local Government do not indicate whether this was related to the deaths of the trustees.
- (4) No new appointments are necessary.
- (5) The Cemeteries Act 1986 terminated appointments of trustees of all cemeteries and subsequently boards were appointed to manage cemeteries throughout the State.

EMPLOYMENT - STATE EMPLOYMENT STRATEGY FUND

Overseas Trips - Computer Equipment

835. Hon GEORGE CASH to the Leader of the House representing the Minister for Labour:

- (1) Has the State employment strategy fund been used to fund overseas trips in each of the years 1985-1989 and, if so, will the Minister for Labour provide details?
- (2) Has computer equipment been purchased utilising this fund and, if so, will the Minister for Labour provide details?

Hon J.M. BERINSON replied:

The Minister for Labour has provided the following reply -

- (1) Overseas trips have been funded from the State employment strategy fund in the years 1985-1989.

1988-89 Financial Year - see answer to question 1644(6).

1987-88 Financial Year

1. To send the WA Apprentice of the Year, during the Year of the Apprentice, on an overseas scholarship to Singapore and Japan.
Participant: Mr W.G. Cattach.

2. To examine local crime prevention programs in Glasgow/London/Paris.
Participant: Mr P. Kenyon - in the capacity of chairman of the law and order task force.

1986-87 Financial Year

1. To visit enterprise initiatives in England and Scotland.
Participant: Dr J. Hartz-Karp, Manager Enterprise Branch, Department of Employment and Training.
2. Tripartite mission to Europe to study overseas training systems and productivity in the workplace.
Participants:

Hon I. Thompson	Opposition spokesman on industrial relations
Hon T.G. Butler	MLC
Dr G. Gallop	MLA
Hon N.F. Moore	MLC
Mr W. Brown	Confederation of WA Industry
Mr B. Dormer	Fluor Australia
Mr H. McLeod	Master Builders Association
Mr P. Kennedy	Western Australian Newspapers
Mr C. Brown	Trades and Labor Council
Mr W. Ethell	Building Workers Industrial Union
Mr J. Henderson	Municipal Officers Association
Mr W. Palmer	Electrical Trades Union
Mr P. Albert	Employment and Training
Mr R. George	Office of Industrial Relations
Mr T. McRae	Industrial Liaison Officer
Mrs B. Robbins	Public Service Commission
Mr B. Ryan	Employment and Training
3. To meet with the tripartite mission in London in order to chair the sessions for drafting the mission report on behalf of the Minister for Employment and Training.
Participant: Mr M. Cross, Executive Director, Employment and Training.

1985-86 Financial Year

1. Ministerial study tour to investigate unemployment benefit systems, labour relations and occupational health and safety matters in the UK and Europe.
Participants: Hon P. Dowding, LLB, Minister for Employment and Training
Mr S. Sassine, Principal Private Secretary.
2. Ministerial study tour to investigate European and US systems apprenticeship training and training partnerships between industry/education with particular emphasis on tourism and hospitality training.
Participants: Hon P. Dowding, LLB, Minister for Employment and Training
Mr M. Cross, Executive Director, Employment and Training
Mr S. Sassine, Principal Private Secretary.

3. To visit employment, training and enterprise programs as arranged by the Prime Minister's Department, New Zealand.
Participant: Mr I. Carter, Manager, Community Initiatives Branch.

- (2) Information technology equipment has been purchased from the State employment strategy fund. All purchases of information technology equipment made by the Department of Employment and Training are in accordance with the Department of Computing and Information Technology guidelines. During the 1988-89 financial year, information technology equipment to the value of \$315 518 was purchased from the State employment strategy fund which represents two per cent of the total expenditure made from the fund.

RAILWAYS - LATHLAIN RAILWAY STATION

Platform Modifications 1988 - Electrification System Proposal

843. Hon P.G. PENDAL to the Minister for Racing and Gaming representing the Minister for Transport:

With reference to the Lathlain Railway Station -

- (1) Is it correct that during 1988 modifications were carried out on the platform in preparation for the proposed electrification system?
- (2) Is it correct that further rebuilding work is currently being carried out at the station?
- (3) What are the details of the current works program?
- (4) Do the present rebuilding proposals in any way negate or destroy the platform work carried out in 1988?
- (5) If the answer to (4) is yes, why was money spent on the 1988 modifications if these were to be further reconstructed a year or so later?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) Yes. The railway track was realigned and the platform edge was cut back to maintain the necessary clearance for trains.
- (2) Yes.
- (3) The platforms are being rebuilt to achieve standard height necessary for the new electric railcars and a greater platform width for better passenger safety.
- (4) Yes.
- (5) It had been intended to close Lathlain Station as part of the electrification work; however, in response to approaches from local residents it was decided to retain the station. Because of this decision, it was necessary in 1988 to undertake the relatively inexpensive but urgent temporary alterations to avoid costly delays to the overhead electric wire contract work. The work now in hand will provide the permanent solution.

LAND - TECHNICAL AND FURTHER EDUCATION

Land Adjacent to South Street Request - New Murdoch College Project

845. Hon M.S. MONTGOMERY to the Leader of the House representing the Minister assisting the Minister for Education with TAFE:

- (1) Is the Minister aware that the Office of TAFE is anxious to obtain the land adjacent to South Street in the hospital board land for the new Murdoch College of TAFE?
- (2) Is the Minister further aware that funding for the project is being delayed due to the negotiations for the most suitable site?

- (3) Is the Minister also aware that the northern section, being sought by TAFE, includes two small pieces of wetlands and an extensive section of native vegetation which would be unique for teaching purposes?

Hon J.M. BERINSON replied:

The Minister assisting the Minister for Education with TAFE has provided the following reply -

- (1) TAFE has been allocated the middle section of land and planning for the Murdoch College is proceeding.
- (2) Funding has not been delayed.
- (3) Yes.

EDUCATION - MIDDLE SWAN PRIMARY SCHOOL

Pollutant Sources - Conclusion

850. Hon DERRICK TOMLINSON to the Minister for Local Government representing the Minister for Education:

- (1) Has any conclusion about the source or sources of pollutants affecting children and staff at the Middle Swan Primary School been formed?
- (2) Will the school return to its original site for the start of term 1 1990?
- (3) Will parents be advised before the end of this school year about the decision to return to the original site in 1990?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following reply -

- (1) A number of investigations have been undertaken in respect of Middle Swan Primary School. The majority of these have been undertaken by the Department of Occupational Health, Safety and Welfare of Western Australia, the Health Department of Western Australia, the Environmental Protection Authority, Murdoch University and a privately contracted consultant. No conclusion has yet been reached.
- (2) It is anticipated that the expert agencies providing advice to the Government will be able to make a decision late in term 4 as to the safety of the site and a decision can then be made concerning the return of the students and teachers. It is anticipated that, all going well, the school will return to its site for the commencement of the 1990 school year.
- (3) As soon as a decision is available parents will be advised.

MINERAL SANDS - AUGUSTA AREA

Resources Development Department Social Impact Unit - Local Community Effects Study Group

857. Hon BARRY HOUSE to the Leader of the House representing the Minister for Resources Development:

- (1) Has the Social Impact Unit of the Department of Resources Development set up a study group to look at the effects of sand mining in the Augusta area on the local community?
- (2) Who are the members of this group and which organisations do they represent?
- (3) How long will the study take to report?
- (4) What are its terms of reference?
- (5) Will the social impact on the Nannup community of the proposed Jangardup mine be considered by this committee?

- (6) If not, why not?
- (7) Why was it necessary to import a planner from Queensland onto the committee when expertise from Western Australian tertiary institutions was available?

Hon J.M. BERINSON replied:

- (1) No, but the Social Impact Unit is consulting the community on mineral sands mining. Also, BHP/UTAH has set up a community consultative group to discuss its Beenup project and the Social Impact Unit is a member of that group.
- (2) Membership of the Beenup community consultative group is by invitation from BHP.
- (3) The company will report on the social impacts of its project in an environmental review and management program which will be made public by the Environmental Protection Authority.
- (4) Guidelines for the preparation of the environmental review and management program have been set by the Environmental Protection Authority and are publicly available.
- (5) No.
- (6) BHP's environmental review and management program will relate to the company's Beenup project. The proposed Jangardup mine is owned by Cable Sands, which has completed an environmental review and management program for that project.
- (7) The company employs a Queensland consultant.

LIVESTOCK - RYE GRASS TOXICITY
Control Funds - Expenditure Breakdown

859. Hon J.N. CALDWELL to the Minister for Racing and Gaming representing the Minister for Agriculture:

With reference to the thousands of animals once again dying from annual rye grass toxicity this year and the commitment of funds towards preventing and controlling this stock killer being quoted by the Director of Agriculture as being \$350 000 -

- (1) Will the Minister give an itemised breakdown of where these funds have or will be spent?
- (2) Is it anticipated the \$350 000 will be increased and, if so, what area will it be allocated to?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following response -

- (1) The expenditure of \$350 000 is for the salaries and operating costs for three scientists and two technical officers engaged in research on ARGV. The research includes studies on epidemiology (\$42 000), spread, survival and biology of the nematode (\$143 000), and control by means of herbicide treatment of pastures (\$146 000). There are also salary components involving the breeding and development of alternative pasture legumes and the scientific direction of the research program plus expenditures on publications amounting to \$19 000.
- (2) Expenditure will be increased on ARGV research as a result of the recent ABS survey. It is intended to seek industry support to commence a breeding and selection program to produce an alternative annual pasture grass which will not become infected by the nematode.

MINERAL SANDS - MINING LICENCE, COOLJARLOO JOINT VENTURE
Farmland, Cervantes - Objections, Mining Warden's Allowance

860. Hon D.J. WORDSWORTH to the Leader of the House representing the Minister for Mines:

- (1) Has a mining warden allowed a mining licence to the Cooljarloo joint venture to mine mineral sands on farmland at Cervantes where the owner's permission has not been granted, and despite objections being raised?
- (2) Was that mining warden's decision made on the basis that the said land had not been cultivated and was only partially cleared?
- (3) Was the entire farm enclosed by a boundary fence and not subdivided?
- (4) If subdivided, was the entire farm only partly cleared or was such partly cleared land confined to a portion of the farm?
- (5) What was the size of the farm?
- (6) What is the carrying capacity of that farm?
- (7) What proportion of the farm has ever been cleared?
- (8) Was that partly cleared area a regrowth area?
- (9) Does the mining lease extend only to partially cleared land?
- (10) If so, what was the area of that lease?

Hon J.M. BERINSON replied:

The Minister for Mines has provided the following reply -

- (1) The Perth Mining Warden on 8 May 1989 recommended to the Minister for Mines that application for mining lease 70/436 be granted to Tific Pty Ltd. This mining lease is a conversion of title from exploration licence 70/153 and forms the "Jurien tenements" of the Mineral Sands (Cooljarloo) Mining and Processing Agreement Act 1988. After hearing evidence the warden found, in respect of the private landowner who objected, that consent as required under subsection 2 of section 29 of the Mining Act 1978 was not necessary for his Crown Grant 3927 as the land did not fall within one of the specified land use categories - viz, land under cultivation.
- (2) The warden's decision, that consent pursuant to section 29(2) of the Mining Act 1978 was not required in respect of that portion of the mining lease that is situated over CG 3927, was made on the basis that the land was not under cultivation or any other specified land use. Although it was stated in court that the affected private land was partially cleared, the warden did not make mention of this evidence in his reasons for the decision when determining whether the consent of the private landowner was necessary.
- (3) Evidence taken at the warden's hearing of the mining lease did not reveal whether the entire CG 3927 was enclosed by a boundary fence or if it was subdivided.
- (4) It was not raised in evidence as to how much of CG 3927 is cleared land.
- (5) CG 3927 has an area of 1674.24 hectares.
- (6)-(8) Not known.
- (9) No, it also contains natural bushland.
- (10) The area of mining lease 70/436 is approximately 676 hectares of which approximately 285 hectares is contained in CG 3927.

CONSERVATION - RED BOOKS

Outstanding Recommendations

861. Hon D.J. WORDSWORTH to the Minister for Local Government representing the Minister for Environment:

How many recommendations from each of the Red Books are still outstanding?

Hon KAY HALLAHAN replied:

The Minister for Environment has provided the following reply -

The four Red Books published by the Environmental Protection Authority describe 452 localities which are covered by 923 recommendations. As at 30 September 1989 the progress of implementation of recommendations was as follows -

Red Book	Systems	Recommendation Not Implemented	Total
1975	4, 8 to 12	42 (28%)	150 (100%)
1976	1 to 3, 5	41 (29%)	144 (100%)
1980	7	56 (76%)	65 (100%)
1983	6	348 (65%)	534 (100%)
	Totals	487 (55%)	893 (100%)

No reservation is in place in 25 per cent of the described localities. Negotiations are proceeding.

QUESTIONS WITHOUT NOTICE

STATE FINANCE - CRF ESTIMATES OF EXPENDITURE

Rothwells Ltd, Liquidators' Payment - Advance, Industry (Advances) Act

553. Hon GEORGE CASH to the Minister for Budget Management:

I refer to the Consolidated Revenue Fund Estimates of Expenditure. Was the payment of \$22 539 415 to Rothwell's liquidators made as an advance under the Industry (Advances) Act?

Hon J.M. BERINSON replied:

This question is the subject of at least one and perhaps more questions on notice and will be fully addressed in the answers. I expect those answers to be back tomorrow.

STATE FINANCE - CRF ESTIMATES OF EXPENDITURE

*Rothwells Ltd, Liquidators' Payment - Advance, Industry (Advances) Act
Section 3(a) or (b)*

554. Hon GEORGE CASH to the Minister for Budget Management:

If the advances were made under the Industry (Advances) Act, was the financial assistance provided pursuant to section 3(a) or 3(b)?

Hon J.M. BERINSON replied:

I do not have the information with me which would allow me to answer the first part of the question, and it follows that I cannot answer the second part either. If the member would like to place that question on notice in case the questions to which I referred do not address the precise point I shall ensure that an answer is provided promptly.

STATE FINANCE - CRF ESTIMATES OF EXPENDITURE

Rothwells Ltd, Liquidators' Payment - Advance, Industry (Advances) Act

555. Hon GEORGE CASH to the Minister for Budget Management:

On what basis was the Rothwell's payment considered to be "engaged in industry" as defined in the Industry (Advances) Act?

Hon J.M. BERINSON replied:

I have not so far confirmed that the payment was made under that Act. I do not have that information with me. I am again forced to ask the Leader of the Opposition to place this and the previous question on the matter on notice in case it is not addressed in the earlier questions to which I referred.

STATE FINANCE - CRF ESTIMATES OF EXPENDITURE

Rothwells Ltd, Liquidators' Payment - Advance, Industry (Advances) Act, Solicitor General's Advice

556. Hon GEORGE CASH to the Minister for Budget Management:

In view of the Minister's most recent answer, and in view of the recent opinion of the Solicitor General which was distributed in another place, copies of which were provided to some members in this place, is the Minister aware that the Solicitor General stated that he was instructed that the items in the Bill had been made as advances under the Industry (Advances) Act?

Hon J.M. BERINSON replied:

I was fully aware of the Solicitor General's advice at the time I turned my mind to it, but that was some time ago. If that is what the Solicitor General said, no doubt it is correct, but that does not change the position that I do not carry these technicalities in my head, nor do I memorise the opinions. The Leader of the Opposition appears to have a genuine interest in the detail of the authority under which these payments were made, and I shall be very happy to address his interest in full. I have already issued an invitation to him to put all aspects of the matter on notice and I shall ensure that they are addressed. I have to acknowledge my limitations in that field. I do not attempt to remember the basis upon which the many hundreds of payments under the Budget are made, and I do not memorise opinions, even important opinions.

SOLICITOR GENERAL - PARLIAMENTARY ROLE

557. Hon TOM STEPHENS to the Attorney General:

- (1) In view of recent comments about the role of the Solicitor General vis a vis this Parliament, could the Attorney General advise the House whether he has sought advice from the Solicitor General on his role as the State's pre-eminent legal and constitutional counsel?
- (2) If so, does that advice deal with the question of whether the Solicitor General is an officer of the State Parliament?
- (3) Would the Attorney General share with members of this House details of any such advice received from the Solicitor General?

Hon J.M. BERINSON replied:

(1)-(3)

I thank the honourable member for some advance notice of this question. It is an important question, and it is obvious that there is some misunderstanding of the role of the Solicitor General. I trust that members will bear with me if I take one or two minutes to address this matter comprehensively.

My attention was drawn about a week ago, I think, to a reported statement by Mr Hassell, who was referring to the Solicitor General in the following terms -

He is not a public servant providing advice only to the Government.
The Solicitor General owes his duty to Parliament, not to the

Government . . . He is an officer of the Parliament . . . He should insist, on these contentious issues, that his opinion be made available to the Opposition as well as to the Government.

Members may also recall that Hon Bob Pike made comments to the same effect when he moved in this House for the Solicitor General's opinion on the extent of the McCusker inquiry's terms of reference. Mr Pike said then - and I refer to page 3292 of *Hansard* -

Let us ask that servant of this Parliament, who is answerable to the Parliament, what his view is.

Mr Hassell and Mr Pike are wrong. The position is that the functions of the office of Solicitor General are set out in section 9 of the Solicitor General Act 1969, which provides as follows -

9. The Solicitor General -

- (a) may act as counsel for the Crown in right of the State and for any other body or person for whom the Attorney General requests him to act, and may perform such other duties of counsel as the Attorney General directs; and
- (b) may exercise, subject to this Act, any powers and functions conferred on the Solicitor General by any Act of the State of the Commonwealth, whether passed before or after the coming into operation of this Act.

As counsel for the Crown pursuant to section 9(a), the Solicitor General may act for any emanation or agency of the Crown. Her Majesty's Executive Government - principally the Ministry - is the main source of his work. He also advises the Governor, as Her Majesty's representative, and Her Majesty's judges, if they require advice on administrative but not judicial matters. Apart from statutory functions under section 9(b), all other functions of the office are required by section 9(a) to be at the request or direction of the Attorney General. The Solicitor General does provide advice or assistance from time to time to committees, Presiding Officers and staff of the Parliament, and on very rare occasions, as with today's opinion on the McCusker inquiry, to a House of the Parliament. But each such occasion is required by section 9(a) to be at the direction of the Attorney General. I should stress, however, that the terms of section 9 do not affect the independence with which the work of the office of the Solicitor General is performed. While the Attorney General of the day may request or direct the Solicitor General to act for the Parliament or for some other person or body, the Attorney General has no authority whatsoever over the nature of the advice given.

Mr Hassell also commented that the Solicitor General should insist on his views on contentious issues being made available to the Opposition. Mr Hassell reached that position from the incorrect premise that the Solicitor General is an officer of Parliament, which he is not. Further, like all counsel, opinions are the property of the client to whom they are given and the general rule is that they are confidential to the client, in this case mostly the Government. By well established practice successive Governments over many years have been recognised as entitled to keep those opinions confidential.

STATE FINANCE - CRF ESTIMATES OF EXPENDITURE

*Rothwells Ltd, Liquidators' Payment - Advance, Industry (Advances) Act,
Leader of the House's Denial*

558. Hon GEORGE CASH to the Leader of the House:

In view of the Solicitor General's comments that he was instructed that the items in the Bill, that is the Rothwells payment, had been made as advances under the Industry (Advances) Act, does the Leader of the House deny that the Rothwells' payment was made under that Act?

Hon J.M. BERINSON replied:

Of course I do not deny that. I have already said that if a comment to that effect appears in the Solicitor General's opinion, then I have no doubt that that is based on advice from Treasury and I have no reason to doubt its correctness. At this moment, I cannot assert its correctness because, I do not carry these details in my head. I am happy to check on this matter; but I have nothing to lead me to doubt that. If that is the description of the procedure appearing in the Solicitor General's opinion, then it is correct.

BOND CORPORATION - WIND-UP PETITION

Government Proposal Discussions - Attorney General's Involvement

559. Hon P.G. PENDAL to the Leader of the House:

- (1) Has the Leader of the House, in his capacity as Attorney General, Minister for Budget Management or any other capacity been involved in any discussions and or briefings associated with State Government Insurance Commission or State Government proposals to petition for the wind-up of the Bond Corporation?
- (2) If so, what has been the nature of the discussions or briefings and who else at Cabinet level has been involved?
- (3) Has he or the Government made any contingency arrangement, in the event that Bond does not pay the next \$750 000 instalment due on Wednesday?
- (4) Does the Government endorse the proposed SGIC action to start wind-up proceedings under section 364 of the Companies (Western Australia) Code?

Hon J.M. BERINSON replied:

I have not been involved in discussions with the SGIC.

Hon P.G. Pendal: I did not say with them. I have asked you whether you in your capacities have been involved in any discussions associated with State Government Insurance Commission or the Government proposals for that petition?

Hon J.M. BERINSON:

- (1) I have not been involved in discussions with anyone that would relate to this matter, although I have been made aware that such considerations are in the list of possibilities of SGIC action. I have not been involved in any sort of discussion or consultation which would take my area of knowledge beyond what appears in the Press.
- (2)-(4) Not applicable.

ROTTNEST ISLAND - ARMY EXPLOSIVE EXERCISE

Minister for Planning - Proposals Consultation

560. Hon P.G. PENDAL to the Leader of the House representing the Minister for Planning:

- (1) Was the Minister for Planning consulted on the proposals by the Rottnest Island Authority and the Environmental Protection Authority to permit live explosive underwater demolitions to take place near Wallace Island off Rottnest?
- (2) If so, what was her reaction?
- (3) Why, with more than 12 000 kilometres of coastline, was it necessary to allow these underwater demolitions to take place at the State's premier tourist resort?
- (4) What steps, if any, did the Rottnest Island Authority take under the relevant Statute to determine the extent to which the underwater ecology of the island would be affected by the Army explosive program?

- (5) Is she aware that the Army, by public advertisement last Friday, warned members of the public of the dangers of, "handling unexploded explosives" arising out of the Rottnest exercise?
- (6) Does this not indicate to her that the potential exists for unexploded bombs to be left behind undetected as a result of this exercise?
- (7) When she, or the RIA, gave its approval, did she take into account that the island at this precise time of the year is occupied mainly by young students to whom unexploded bombs will constitute a hazard?
- (8) What advice, if any, did the EPA give in the matter?
- (9) Will she undertake to raise at Cabinet the legitimate requirements of the Army for such practice areas in order that these be located away from -
 - (a) the State's premier tourist resort; and
 - (b) built up areas generally?

Hon J.M. BERINSON replied:

I thank the member for some notice of this question.

- (1) The Minister for Planning was consulted by the Rottnest Island Authority on this matter.
- (2) The Minister requested that both environmental and safety issues were addressed and satisfactory safeguards put in place before permission was given by the Rottnest Island Authority.
- (3) The request to conduct these activities was made by the SAS regiment of the Australian Army. The Minister has been advised that Rottnest Island presented the only accessible location where a suitable target for this type of training exercise already exists.
- (4) The Rottnest Island Authority consulted with the Environmental Protection Authority which had previously assessed the proposal and had determined that it was acceptable from an environmental viewpoint. The EPA had invited public expressions of interest or concern and had received no response.
- (5) Yes.
- (6) No. SAS personnel have advised that the number of explosives used each time is recorded and compared with the actual number of explosions. Following the exercise the whole area is carefully examined by course instructors to confirm that no unexploded devices remain. This is entirely consistent with the procedure which has previously been undertaken by the SAS at the same location. The explosives used are minor in scale, being less than 10 kilograms each.
- (7) The exercise is taking place some 450 metres offshore and not in the proximity of swimming beaches. Army personnel are stationed to ensure that access cannot be gained by the public to the area in question. Therefore no hazard to visitors or residents exists.
- (8) As stated previously the Environmental Protection Authority assessed the proposal and found that it presented no danger to the environment. The EPA is satisfied that the exercise is conducted professionally and safely, as evidenced by previous occasions when the same exercise has been conducted.
- (9) The Minister will not raise this matter at Cabinet. Procedures are in place which involve the EPA and the RIA in the consideration of such matters. These procedures, together with the responsible attitude of the Army, have proved to be effective in the safeguarding of the public and the environment and the Minister sees no reason why that situation should change.

HOUSING - MOBILE HOME, YANCHEP
Erection Approval

561. Hon R.G. PIKE to the Minister for Local Government:

Has the Minister recently approved the erection or placement of a mobile home in Yanchep which the City of Wanneroo has previously rejected several times? If yes, what are her reasons for this approval?

Hon KAY HALLAHAN replied:

I deal with many of these matters every day and I cannot recall the details of the case. If the member would like to put that question on notice I will provide the response for him.

HOUSING - MOBILE HOME, YANCHEP
Erection Approval - Locals' Concern

562. Hon R.G. PIKE to the Minister for Local Government:

As a supplementary question, is the Minister aware that the decision is causing considerable disquiet to the owners of conventional high quality double brick homes?

Hon KAY HALLAHAN replied:

I suggest the member put his supplementary question on notice with his original question.

SPORT AND RECREATION - SUBIACO OVAL
Subiaco City Council - Western Australian Football League, Discussion State

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

Can the Minister advise the present state of discussions between the Subiaco City Council and the Western Australian Football League? Recently newspapers have shown that some agreement has been reached, and the time is running out for legislation to be brought to this place.

Hon GRAHAM EDWARDS replied:

I had a meeting with representatives of the Football Commission and representatives of the Subiaco City Council last night during which the opportunity was taken to discuss the response to the proposal recently put to the Subiaco City Council. Discussions were very fruitful. The council is to consider some matters that were discussed. It may well be that following a meeting of the council this evening most of those matters will be resolved to everyone's satisfaction.

JOURNALISTS - GOVERNMENT EMPLOYMENT
Former Liberal Government - Employment Comparison

564. Hon FRED MCKENZIE to the Leader of the House:

A statement was made earlier today that 70 journalists are employed by the State Labor Government. Could the Minister indicate how that statement contrasts with the number of journalists employed by the previous Liberal Government?

Hon J.M. BERINSON replied:

That is a good question; I thank the honourable member for it. I thought that the assertion about the number of journalists in Government service was one of the more memorable parts of Hon Norman Moore's contribution to debate earlier today. In fact, without giving too many secrets away in respect of ministerial consultation, I confess that I turned to Hon Graham Edwards and said, "Seventy. Can that be right?" I took the opportunity to make a quick inquiry and not surprisingly found that it was not right.

Hon P.G. PENTAL: You have cooked it up again.

Hon J.M. BERINSON: In fact it was remarkably incorrect. It represents - much to

my shock and horror - a distortion by Hon Norman Moore, which does surprise me because he always seems to be so permickety about other people's comments being accurate.

Hon Peter Foss: The suspense is being built up.

Hon Tom Stephens: Stew in your own juice.

The PRESIDENT: Order!

Hon J.M. BERINSON: If Hon Peter Foss is anxious I will move immediately to allay his anxiety.

The reference to the employment by the Government of 70 journalists stems from a report in a newspaper which came up with this figure by counting those journalists listed by the Australian Journalists Association as working for the Government. What neither the newspaper report nor the Opposition chose to point out is that that list includes Hansard reporters and journalists working for Government agencies. It also fails to point out that many of those people have worked for two and sometimes three Governments and that the numbers have not increased significantly since we took office.

Hon P.G. Pandal: Rubbish!

Hon R.G. Pike interjected.

The PRESIDENT: Order!

Hon J.M. BERINSON: I am advised that they work for organisations as diverse as Westrail, the police, the Parliament and the Main Roads Department.

Hon P.G. Pandal: The Premier's department.

Hon J.M. BERINSON: On the information that I have been able to obtain in the short time available it would appear that the greatest distortion is the allegation about a massive increase in the number of Press secretaries now employed compared with the Sir Charles Court era. Sir Charles Court, for many years, employed three journalists in his personal office and maintained a Press secretary staff for much of the time, and that meant each Minister had his or her own Press secretary. That is not the situation now, where at least one of the existing Press secretaries services two Ministers.

COMMONWEALTH BANK - RURAL & INDUSTRIES BANK *Takeover Statements*

565. Hon D.J. WORDSWORTH to the Leader of the House:

(1) Is he aware of the strong statements on the Terrace that the Commonwealth Bank is mounting a takeover of the R & I Bank?

(2) If so, is he in a position to comment?

Hon J.M. BERINSON replied:

(1) No.

(2) Not applicable.

JOURNALISTS - GOVERNMENT EMPLOYMENT *Former Liberal Government - Employment Comparison, Information Source*

566. Hon R.G. PIKE to the Leader of the House:

Is the detailed information regarding the employment of journalists by the Government and the past employment of journalists by the previous Government of Sir Charles Court information he has just been able to produce - which is what he said - or is it information produced by the many hired lackeys working for Government, listening in to the loudspeakers to answer questions and doing his work for him?

Hon J.M. BERINSON replied:

That is a disgusting question. The people who work for this Government are

employees of this Government and to talk about them as lackeys is demeaning to them.

Hon R.G. Pike: Answer the question!

Hon J.M. BERINSON: The member ought to be ashamed of himself. If Mr Pike wants to have a go at me, he can have a go at me; but he should not have a go at people who are doing their jobs correctly.

Hon R.G. Pike: Are they doing your work for you? Answer the question!

The PRESIDENT: Order!

Hon J.M. BERINSON: Do not have a go at the people whose functions are precisely the same as that of people who worked for the Government of which the member was an undistinguished member.

Several members interjected.

The PRESIDENT: Order!

Hon J.M. BERINSON: The truth of the matter is that when the matter was raised I sent a note out of the Chamber asking my office to obtain some facts that would enable me to respond. That Mr Pike should regard that in some sense as improper is quite extraordinary, or at least it would be extraordinary for most members other than Mr Pike.

WESTERN AUSTRALIAN MUNICIPAL ASSOCIATION - NEW ASSOCIATION *Function*

567. Hon B.L. JONES to the Minister for Local Government:

Would the Minister inform the House what is to be the function of the newly formed Western Australian Municipal Association?

Hon KAY HALLAHAN replied:

I thank the honourable member for giving me some notice of the question.

Hon P.G. Pandal: How much notice? A week's notice?

Hon KAY HALLAHAN: Members are no doubt interested in local government, and I am sure they will pay attention to the answer.

The Western Australian Municipal Association has been formed to represent local governments across the State. The inaugural chairperson of the new association will be Councillor Humphrey Park, who as a former President of the Local Government Association has very sound credentials for the position. WAMA has announced the appointment of Mr Tim Shanahan as its chief executive officer. Mr Shanahan is also eminently qualified and was formerly the Deputy Director of the Country Shire Councils Association. The existing services provided by the Country Shire Councils Association, the Local Government Association and the Country Urban Councils Association will come under one umbrella. This will no doubt lead to greater coordination of matters of concern to councils around Western Australia.

The new association is already dealing with several important aspects of local government activities, including negotiations on the proposed new Local Government Act and some Federal matters. I look forward to seeing the close links that the Government has had through the existing Local Government Association's continuing to strengthen. The formation of WAMA is a step forward for local government in Western Australia and I anticipate greater recognition of local government's important role as the third sphere of Government in Western Australia.

RACECOURSE DEVELOPMENT TRUST BILL - PROVINCIAL RACING CLUBS *Pre-Legislation Discussions*

568. Hon N.F. MOORE to the Minister for Racing and Gaming:

(1) Did the Minister confer with any provincial racing clubs or trotting clubs,

non-TAB race clubs or trotting clubs, or racing or trotting associations before introducing the Racecourse Development Trust Bill?

- (2) If so, which clubs and associations did he meet with and when did he meet with them?

Hon GRAHAM EDWARDS replied:

(1)-(2)

My office has had long and lengthy discussions about the matters contained in the Racecourse Development Trust Bill. Members should be aware that the previous Minister gave a commitment that the WA Turf Club, the principal club, would be able to access the racecourse development trust's funds. Numerous matters have been discussed with different representatives.

I am not sure whether the member is aware of a group called TRAC, the thoroughbred racing advisory committee, which is representative of racing across the State. These matters have been discussed with two principal people. Before the Bill was introduced, it was not presented or made available to the industry. That has been addressed. A copy of the second reading speech was also circulated. A full and proper briefing was given to the WA Trotting Association and the WA Turf Club by the Chief Executive Officer of the Office of Racing and Gaming. When that briefing was organised, both of those organisations were invited to bring with them any groups or individuals that they thought should be invited.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL - ITEMS *Government Ordinary Annual Services*

569. Hon GEORGE CASH to the Minister for Budget Management:

- (1) What specific action did the Minister take to ensure that the items contained in the Appropriation (Consolidated Revenue Fund) Bill deal only with the ordinary annual services of the Government?
- (2) Does he agree that, if the Bill contains items other than those for the ordinary annual services of the Government, the Bill may be unconstitutional?

Hon Fred McKenzie: You can't ask that; you are asking for an opinion.

The PRESIDENT: Order! The second part of the question is out of order.

Hon J.M. BERINSON replied:

(1)-(2)

I have no reason to doubt that the Budget this year, as has been the case with Budgets over many years, deals only with the ordinary annual services of Government. The reason for my not having any basis to doubt that is that precisely the same standards have been applied by the same professional officers of the Treasury Department and they would not have departed this year from the standards which have been established over that lengthy period.

STATE FINANCE - CRF ESTIMATES OF EXPENDITURE *Rothwells Ltd, Liquidators' Payment - Advance, Industry (Advances) Act, Solicitor General's Denial*

570. Hon J.M. BERINSON (Minister for Budget Management):

Mr President, I seek your indulgence to refer to an earlier question by the Leader of the Opposition which related to whether payments to Rothwells were made under the Industry (Advances) Act. As I indicated on several occasions, I was not in a position to respond today of my own knowledge, but, as I also indicated, if the Solicitor General had said something to that effect, I would have no reason to doubt it. Even the Leader of the Opposition will concede that I reserved my ability to check further.

As a result, my further comment is based on very quick advice. I again put it on the basis that I will ensure that a more comprehensive answer is subsequently made available. However, to avoid any misunderstanding on the

matter, the Solicitor General has confirmed that he did not say that the Rothwells advance was made under the Industry (Advances) Act. He said that the WA Government Holdings items were made under that Act, and his comment appeared under the heading "WA Government Holdings". As I understand the position now, the Rothwells advance was not made under that Act. I repeat that I will ensure that a more comprehensive reply is available later.

PRISONERS - DEATHS IN CUSTODY

100 Per Cent Increase - Reasons

571. Hon J.M. BERINSON (Minister for Corrective Services):

I seek your indulgence again, Mr President, to meet an undertaking which I gave to the Leader of the Opposition in November when he asked the following question -

Can he advance any reasons behind the 100 per cent increase in deaths in custody between the years 1987-88 and 1988-89 given the initiatives of the Government to reduce deaths in custody?

The answer is as follows -

The number of prisoner deaths in the five years from 1984-85 to 1988-89 are as follows -

1984-85	1985-86	1986-87	1987-88	1988-89
5	1	3	3	6

While the 1988-89 figure is higher than in the three preceding years it is not significantly higher than the 1984-85 figure. All three deaths in 1987-88 were found by the Coroner to be as a result of natural causes. Of the six deaths during 1988-89, the Coroner found that two occurred as a result of natural causes, and three as a result of suicide. A finding has not been handed down on one of the deaths. One of the deceased was Aboriginal. The increase in a number of deaths may therefore be attributed to an increase in the number of deaths by suicide. However, there is no pattern to these deaths and no common factor or factors can be readily identified. In part, recent media publicity regarding suicide in prisons may have contributed. In one case, the Coroner recommended that attention be given to procedures for the transfer of medical records when a prisoner is transferred from one prison to another. However, in no case did the Coroner find evidence of absence of care on the part of the Department of Corrective Services or its officers.
