

Legislative Council

Thursday, 24 November 1988

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

RULING - BY THE PRESIDENT

Children's Court of Western Australia Bill - Out of Order

THE PRESIDENT (Hon Clive Griffiths): Yesterday the House was informed by message that the Speaker had ruled out of order the *Children's Court of Western Australia Bill* on the ground that it involved an appropriation of public money and was therefore in breach of section 46(8) of the Constitution Acts Amendment Act 1899. It necessarily followed that the Bill, having originated in the Council, fell foul of section 46(1).

What I find curious is that it has taken from 21 September until 23 November for that ruling to be given. It is a matter of record that the same Bill with "No 2" inserted in the short title was immediately introduced and put through all stages in the Assembly last night. The message from the Governor required by section 46(8) was received.

On receipt of that Bill in this House, the rule against putting the same question in the same session applies and must be suspended before the Council may proceed with the Bill. The reason for this is Standing Order No 187 which says -

... no question... shall be proposed which is the same in substance as any question which, during the same Session, has been resolved ...

The rule applies to a Bill that is identical to one already passed by this House in this session. Insertion of "No 2" does not alter this fact.

This is by no means the first time that a Bill has met a similar fate for similar reasons. As well it is not the first time and, regrettably probably not the last, that the occupant of this Chair has risen to make remarks similar to those I am now making. Throughout my term as President, I have given rulings that have caused pain to both Governments and Oppositions, but they have been given on the clear understanding that any Presiding Officer is bound to uphold, not only the rights and privileges of this House, but the interests of those who put us here. In the final analysis it is the people who determine whether those rights should continue to exist.

On one level section 46 simply gives rise to demarcation disputes seemingly incapable of permanent resolution. Repetition has simply raised it to the status of ritual - one House acts and the other reacts. The easy way is to acknowledge that these issues will arise periodically and accept the judgment of the Assembly as to the ambit of its rights of financial initiative. Thus, my role would be to ensure that the Bill, once returned, received a procedurally safe passage. However, that path leads very quickly to passive acceptance in all cases of the Assembly's judgment on all matters arising under section 46. Plainly that is not something which I nor this House should accept. Section 46 has been amended a number of times. It was the subject of a Joint Select Committee report in 1915, and I quote -

The present position with regard to Money Bills has resulted in constant friction between the two Houses and urgently requires a remedy.

The Joint Select Committee tabled a draft Bill annexed to its report and the Bill, as modified, was enacted in 1921 as section 46. Part of the problem lies in the absence of an exhaustive definition of the expression "appropriation", and I doubt that a definition acceptable to both Houses could now be found. The difference is that the Assembly interprets the expression widely so that it includes contingent or projected expenditure that may arise should a Bill be enacted. For example, a Treasurer's guarantee provided for in an agreement Bill, without further recourse to Parliament to obtain the funds to pay out the guarantee, would be held to be an appropriation. So in this case the mere creation of a court involves an appropriation. With that, I can agree. The creation of a court, the appointment of judges and the employment of court staff necessarily creates a charge on revenue but, as I said in 1977 on the mining Bill -

To impose a charge on revenue, a Bill must contain a provision for the actual appropriation of moneys. It is not necessarily an appropriation if expenditure appears to be involved in any proposal, as the funds may be provided from an existing vote contained in the Appropriation Act or another relevant Act.

In 1983, when ruling on the applicability of section 46(2) to the Temporary Reduction of Remuneration (Senior Public Officers) Bill, I said -

The legislative history of section 46 . . . and the substantially similar 53 of the Federal Constitution supports the view that it -

That is, section 46 -

- is to be read narrowly.

So far as this Bill is concerned, clause 7 provides that judges of the court are - and I stress the word - entitled to be paid at an equivalent rate to that of District Court judges. It is common knowledge that all judicial officers are paid from Acts which automatically appropriate their salaries year to year without need for parliamentary sanction. Public servants' salaries are paid from the annual Appropriation Acts. The Capital Works Programs for the Crown Law Department are funded by annual appropriations. I am unable to find any provision in this Bill that appropriates money which is not covered by special or annual appropriations.

Despite Mr Speaker's statement in his ruling that he has a reluctance to rule on points of law, I suggest that he has done just that in going behind the Bill itself and extending the meaning of "appropriation" to encompass appropriations made by other enactments which may well enable the court and its ancillary staff to be appointed and to function. The Speaker also makes mention of section 46(9). However, the subsection refers to "the validity of any Act". Nevertheless, the section leaves open the possibility of either or both Houses seeking a declaration from the Supreme Court on any issue arising from section 46 relating to a Bill. Perhaps if the matter of interpretation is to be resolved, consideration should be given at a future time to the submission to the court by both Houses of a question such as the one now in issue.

As a matter of record, I rule that the Bill as originally introduced in this House is not one to which section 46(8) applies.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Report

HON ROBERT HETHERINGTON (South East Metropolitan) [2.43 pm]: I present to the House the first report of the Joint Standing Committee on Delegated Legislation. In doing so I wish to say a few words about it. The committee seems to have spent a long time apparently doing very little but, in fact, the committee has done a great deal in inquiring into the nature of its tasks and looking at the problems which face it.

The committee has been greatly helped by the approach of the first two sets of members of the Public Service who were good enough to come along at the request of the committee to talk to it. The first of these was the Commissioner for Occupational Health, Safety and Welfare, Mr Neil Bartholomaeus, who brought along two of his officers; the second was Dr Lugg, from the Health Department, who brought along one of his officers. On both occasions the committee had long and relaxed discussions, and I would like to accent the fact that the discussions were relaxed. We were fortunate that the first person was Mr Bartholomaeus who, perhaps because he has not been in the Public Service all that long, or perhaps because having drawn up a good set of regulations he felt confident to deal with any point that came across, did not feel at all threatened by the committee. The result was that we had a relaxed discussion where points were made by both sides. The committee was informed of a number of things and the commissioner went away to look at a number of points that committee members had raised. This inquiry will continue, although not with any sense of urgency because the committee has looked at the regulations and does not want to disallow any of them, but it believes there might be improvements made to the regulations by continued discussion between the commissioner and the committee. If all future members of the Executive who are brought before the committee discuss matters in the free, open and

helpful way that the Executive Director of the Health Department and Commissioner Bartholomaeus did, it bodes well for the future of the examination of delegated legislation by our committee.

One of the problems which faced the committee, which faces all joint committees, was the difficulty of getting members of both Houses together at the same time. The committee found that on occasion it had to fall into informal discussion which, valuable though it was in itself, was necessary because we lacked a quorum. This raises the question of whether this committee would be better if it were a one House committee, although I would be sad to lose the keen, inquiring minds that came from the other place. Certainly the members from the other place made a very valuable contribution to the committee.

The committee has also appointed counsel to advise it in the person of Mr Peter Johnston, whose advice has been most valuable. We have struggled with some difficulty because the Clerk of the Legislative Council has been the secretary and adviser to the committee, and this has not been completely satisfactory - not that I am casting any aspersions on Mr Marquet's abilities, because they are very great and the committee is aware of the value of his advice - because as Clerk of this House he is extremely busy. Other administrative arrangements will be made and we hope that we will get another adviser in due course. Members of the committee said at a meeting today that they would very much regret the loss of Mr Marquet as an adviser to the committee because of the value of his acerbic wit and his wise counsel.

That is all I need to say; the rest is in this very slim report. It is a valuable report, particularly as it examines two very important sets of regulations. The first is the emergency provisions (satellite debris) regulations 1988 which, although they are no longer in existence, raised a whole range of questions which the committee next year will need to examine. There was also the occupational health, safety and welfare regulations 1988 which were important in themselves, and valuable because of the kind of discussions that the committee had with the commissioner and his officers.

It gives me great pleasure to move -

That the report do lie upon the Table and be printed.

Question put and passed.

[See paper No 635.]

MOTION - SELECT COMMITTEE

State Energy Commission Advance Coal Purchase - Appointment

HON A.A. LEWIS (Lower Central) [2.50 pm]: I move -

That -

1. A Select Committee be appointed to inquire into and report on, not later than Thursday 15 December 1988, the advance sale and purchase of coal by the State Energy Commission from Western Collieries, particularly with reference to -
 - (a) the reasons for the purchase;
 - (b) the reasons for the cancellation of the purchase;
 - (c) the method and form of payment;
 - (d) the negotiations surrounding the sale;
 - (e) the circumstances whereby the sale was discontinued and the purchase price refunded,
 and such other matters generally relevant to the foregoing.
2. The committee have power to send for persons, papers and records.
3. The proceedings of the committee during the hearing of evidence be open to the news media and the public.

I do not want to go over ad nauseam the many things that have been stated in the Press and what has been said in this place and the other place over the last few weeks. I do not want to

dwelling on the spending habits of this Government and I do not want to dwell on the money that has been siphoned off into the various organisations because those matters have been amply covered in a number of ways. I believe they need to be backed up and authenticated, if that be the case, from all sides. My main concern is for the people of Collie. Although the Government does not realise it, the people of Collie more than anybody else are affected by what has happened. They have not been affected any more than anybody else by the \$1 600-odd that the Western Australian Government's entrepreneurial skills have lost every family in the State. However, they are affected by the Government's playing around with the coal industry and the power generation industry of this State. Those people are horrified at the thought that this Government would have sold the miners of this State down the drain by having one coal company in the State. I advise Hon Tom Butler that this is not a laughing matter. The unions involved do not think it is funny.

Hon Mark Nevill: You would have sold the industry down the drain - not just one company.

Several members interjected.

Hon A.A. LEWIS: Is it not interesting, Mr President, that the video produced on the 100 years of Collie coal - I know that the member for Collie does not like it very much, but the people of Collie agree with it - shows that the Brand Government's actions contributed most to the benefit of the people of Collie?

Hon T.G. Butler interjected.

Hon A.A. LEWIS: Hon Tom Butler probably only speaks to the member for Collie. I happen to have represented the area for 15 years and I probably know more people in Collie than does Hon Tom Butler. He would not agree with that; he is too busy sacking someone because he has a different attitude from him towards conservation.

Hon Mark Nevill: Do you think it is the collywobbles?

Hon A.A. LEWIS: It may be that the Government has the wobbles and that the people in Collie have got the "Colliewobbles" because of the actions of this Government.

Several members interjected.

Hon A.A. LEWIS: The people in Collie must have received a terrific shock to see Hon Beryl Jones in their town.

Hon B.L. Jones: I thoroughly enjoyed it. They are nice people.

Hon A.A. LEWIS: Hon Beryl Jones may have enjoyed it, but the comments made to me suggest that the people in Collie probably did not enjoy it very much.

Hon T.G. Butler: Get on with your motion.

Hon A.A. LEWIS: I will get on with it. As I told the Minister, I am hoping to get through this in reasonable time.

Several members interjected.

Hon A.A. LEWIS: I never address anyone except the President; it is something that not all members do.

The amalgamation this Government tried to make come true was sold on the score of cheaper coal. Monopolies do not produce cheaper coal; competition produces cheaper coal. That is something that is recognised by the unions and by the people of Collie. Collie coal is the cheapest fuel we have at this time and the industry is one of the most, if not the most, efficient coal industries in existence. Hon Mark Nevill laughs about this and I am glad that he is such an expert on this matter.

Hon Mark Nevill: I think you avoided the question expertly.

Hon A.A. LEWIS: It is amazing that the Labor Party has absolutely no regard for Collie.

Before I was rudely interrupted I was dealing with the difference between a monopoly and competition. There is no doubt in my mind, or in the minds of the people of Collie, that competition will give purchasers cheaper coal. It is interesting if one follows it through to see that as far as contracts are concerned the more coal that is used, the cheaper it becomes. The ability of Collie to produce coal is undoubted.

Why did the State Energy Commission need to purchase more coal in advance? Members heard me speak about the stockpile of coal which I am pleased to say has slightly decreased in the last few months.

Hon Mark Nevill: Are you giving credit to the Government for that?

Hon A.A. LEWIS: No, I am not giving credit to anyone, nor am I discrediting anyone. I am speaking about why someone with a huge stockpile of coal, probably half a year's supply, would want to enter into another deal to buy coal in advance - another 15 or 18 weeks - when it already had 36 weeks' supply.

Hon B.L. Jones interjected.

Hon A.A. LEWIS: I am glad Hon Beryl Jones made that comment. Coal should be paid for as it is received. All the coal in the stockpile is paid for and interest is being paid on the money for the coal that is stockpiled. If an extra \$15 million is paid for coal for an additional 15 weeks, interest is paid on the funds required to pay for 41 weeks' coal, rather than 26 weeks' coal.

Hon Mark Nevill: Where did you learn that lesson - on the North West Shelf project?

Hon A.A. LEWIS: It is interesting to hear the idiots jumping in again. Government members have criticized the North West Shelf project and yet the former Premier and the present Premier have both said that it is the greatest thing to have ever happened. I wish they would make up their minds.

The PRESIDENT: Order! Let us get some order into the proceedings. The members who are interjecting are out of order, apart from being rude, and I suggest that they stop doing so. I suggest that the member addressing the motion direct all his comments to this Chair.

Hon A.A. LEWIS: Certainly, Mr President, I would not dare to do otherwise. We are discussing the coal stockpile and the fact that another \$15 million for advance purchase of coal seems peculiar to anyone who has been in business. You, Mr President, in your electrical contracting business probably purchased conduit in those days - I do not think it is used any longer - and if you had had six months' supply in your business, you would have needed a very good reason for purchasing a further 15 weeks' supply. There may be a dashed good reason that the SEC wanted to purchase extra coal. The public, especially the people of Collie, should be told what this is. The cynics in Collie say that it was purchased so the Government could put pressure on the mining unions; if it had a huge stockpile the mining unions would not have any power to negotiate because the Government would have a nine months' stockpile and the miners could not last for that period without providing coal. I do not believe that a Labor Government - although it tends to trample on its own - would do that sort of thing. What is the reason? If we are given a reason, will that reason be valid? Is that reason something with which we would all agree? Why the conflicting statements by Western Collieries Ltd and the Government?

It appears from the Press - I know very little more about this affair than what I read in the Press - that Western Collieries knew nothing about the purchase of this coal, but the Government said it did. Obviously one party is telling the truth and one party is not. With the recent events, I tend to believe Western Collieries. Why the huge overvaluation when the company was being purchased? It is common knowledge that many people in the industry thought the purchase price was some \$30 million too much. There may have been some good reasons for that. The company may have thought that by purchasing at that price and getting a monopoly it could increase the price of coal and pay for it in that way. One wonders, but will never find out, who made the valuation and why it was made. I believe that will always be covered by the cloak of business confidentiality.

Under this Government, with its lack of foresight, the future of Collie depends on coal and power generation. Therefore, a problem arises. Even if it is only perceived in the public mind - and it is perceived - that some fiddling is going on in the background, people will be worried about their jobs. They were worried about their jobs in relation to the stockpile; they were worried that some workers would be laid off. Many of us went to a lot of trouble to calm the fears of the people of Collie. We should be doing the same again. The people of Collie need to be reassured about their future. That is the main reason for moving this motion to appoint a Select Committee, although there are other reasons.

From some of the media one gets the impression that all is rosy in the garden. Our local daily newspaper does not seem to be telling the whole story. It is the business of the ownership of that newspaper as to what it prints and what it does not. One wonders how accurate the reporters from other newspapers are in the telling of their stories. It seems to me that the score is a love game to the Eastern States newspapers at the moment, because virtually everything they have predicted has come true and virtually everything printed by the local newspaper has been proved to be false. Despite the protestations of the Premier, the Leader of the House and other Ministers, this State has probably lost more than \$600 million of taxpayers' money since the beginning of WA Inc. It is not the Government's money; Governments do not have money; it is taxpayers' money.

Hon P.G. Pandal: Unprecedented.

Hon A.A. LEWIS: It certainly is completely unprecedented.

Hon D.K. Dans: No wonder our wages are so low.

Hon A.A. LEWIS: I could not agree more, and Hon Des Dans will probably have to take a cut in his pension if he is not careful. What would \$650 million purchase for this State? I am asking for a Select Committee to be appointed to deal with one part of this issue; I have always said that if a person wants to be an entrepreneur he must be prepared to lose money. I had not thought of the Government losing money in the amounts this Government has. I can understand the bad investments made by this Government because it has no experience in business. I can understand that some people who allegedly have a lot of experience in business - people like Mr Dans - occasionally lose money.

Hon D.K. Dans: Not very often.

Hon A.A. LEWIS: Not very often, but it hurts when they do. That is what is happening to the State: It hurts. I have singled out this \$15 million because a State instrumentality, SECWA, has had a \$15 million cheque go astray; we can call it nothing else. If I or any other member were in business, and our bookkeeper drew a cheque for \$1 500 out of our account to pay one of our suppliers, and that supplier did not receive that cheque for a month, we would be horrified. That is the situation we are now looking at. The fact that the Government is talking about millions of dollars, rather than hundreds, does not matter. The old story that the cheque is in the mail may be able to cover the situation for a day or two, but not for nearly a month. I understand from the Press that it was a week or 10 days before the directors of Western Collieries knew that they were meant to receive a cheque. This company was allegedly selling coal to the SECWA, but it was over a week before the directors knew that they had been sent a cheque for that purchase. It is all passing strange.

It is our job as members of Parliament to investigate matters like this. I am not prepared to lay the blame in any quarter, because I do not believe one can approach a Select Committee by laying blame or by having preconceived ideas; one has to go into a Select Committee to find out the facts and to report back to the House. For that reason, I ask members to support this motion to appoint a Select Committee.

Adjournment of Debate

On motion by Hon Fred McKenzie, resolved -

That the debate be adjourned until the next sitting, and then to be dealt with without further adjournment.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Second Reading

Debate resumed from 23 November.

HON BARRY HOUSE (South West) [3.15 pm]: This debate gives me the opportunity of making a few comments about how the Budget affects the south west of Western Australia and my electorate in particular. The Budget has obviously been couched as a pre-election Budget; that sticks out like the nose on one's face. The Government has called in all accumulated savings and the interest earned on the short term money market, and has also taken advantage of a 30 per cent taxation windfall, and has spent the whole lot. This means that whatever happens at the forthcoming election, the cupboard will be bare. Hon A.A.

Lewis has mentioned many sums of money which have been lost by the Government, and we have all seen examples of how the Government has spent money that it really could not account for. We have to consider what might have been had that not happened.

I trained as an economist, and one of the principal concepts of economics is the concept of opportunity cost, which is benefit forgone. If we look at the amount of money that has been lost or wasted by this Government through its dealings in business - and on the latest estimate I have seen, that amounts to \$647 million - we find that the opportunity cost in terms of hospitals, roads, schools and so on is immense.

Hon Graham Edwards: Did you study economics or Godel?

Hon BARRY HOUSE: Economics. I could go through a whole list of projects in the south west which could have been financed overnight without any hassles if the Government had not wasted this money, but I will restrict my list to just a few. The Bunbury Regional Hospital is in dire need of finance. The Bunbury and Busselton jetty restoration fund could do with an injection of funds. I am pleased that the Government has allocated some money to the Bunbury entertainment centre, but the latest cost estimates for that project have escalated from \$3.5 million to somewhere near \$10 million. The main area of concern is the schools in the south west. I have been travelling around many areas of the south west and have seen many examples of the chicks coming home to roost for the Government in terms of planning and expenditure on capital works on schools in the south west, which have accommodation and a host of other problems. Other projects which could have been financed overnight had this money been used more wisely are the Busselton Aquatic Centre, and the by-pass road which is urgently needed in that town. The south west airport has been on the back burner for a couple of years. Police stations are required at Australind, Capel, Dunsborough and Augusta.

I welcome the large financial commitment in the Budget to three areas: Law and order, education, and housing. These are areas of need that have been highlighted by the Liberal Party over the last few years, and it is pleasing to see that the Government is eventually plugging the holes and filling the gaps. However, my support has to be qualified because it has only become necessary to have such a large expenditure because of the neglect by the Government in recent years, and there is now a move to correct the large backlog.

Let us take law and order, for instance. The Bunbury police station has had no increase in police officers for 12 years, but I am still not aware of any firm commitment for police stations at Australind or Dunsborough, two areas that are under immense pressure and crying out for attention.

In the field of education there is a move towards correcting the chaos that has been caused over the past three years or so. I will quote some figures to indicate the declining capital expenditure on education in the last six years. The Government made great play of the fact that this education capital works budget is a record budget; and it is, in money terms. The projected figure for 1988-89 is \$59.9 million. Prior to that, in 1987-88 the capital works budget was \$41.85 million; in 1986-87 it was \$47.66 million; in 1985-86 - which was also a pre-election year, surprise, surprise - it was \$51.73 million. The allocations for the two years prior to that are a real indictment of the Minister for Education at that time, and of the Government. In 1984-85 the capital works allocation was \$25.36 million and in 1983-84 it was only \$21.01 million. That indicates a huge backlog in terms of capital expenditure in schools and in the education system generally which will take a long time to correct. We can see some examples of that coming to the surface now.

An additional 500 teachers will be employed, and I welcome that, but there is a teacher shortage in the schools right now due to many resignations throughout the whole system. People are absolutely fed up. Part of that commitment for 500 new teachers includes the normal increase anyway. Hon Norman Moore has also quoted figures in this House which indicate the figure of 500 is not really a true figure. I have one question about the 500 new teachers: Where will they come from? We just cannot train teachers overnight. There was a crazy system of a 10 week training period for teachers to teach science and maths, I think, in high schools.

Hon Garry Kelly: There has been a shortage of science and maths teachers for a long time - I was one of them.

Hon BARRY HOUSE: There has always been a shortage, although it is not a high demand area, but I venture to say the shortage is more acute now than it has ever been before. On Monday night I was at a meeting at a school in Bunbury, where the member for Mitchell attempted to explain how the Government had overcome this problem by indicating the changes made to the education system in the last few years aimed at moving people out of administrative roles in the head office at Silver City back into the classroom. This would be fine if it were true, but it is not. The bulk of the people moved out of Silver City resigned in disgust, snatched their rent and ran. Very few actually ended up in the classrooms.

Hon Doug Wenn interjected.

Hon BARRY HOUSE: He moved them out but he said they would be returned to the classrooms.

Hon Doug Wenn: Those who stayed did go back to the classrooms.

Hon BARRY HOUSE: Yes, but the sad fact is that some of the most capable people in the education system were moved out of the system altogether and resigned in disgust, and the education system as a whole has lost many fine people.

Hon Doug Wenn: There are a lot more coming in, too.

Hon BARRY HOUSE: I turn now to housing. I have quoted in this House before how the full budget in past years has not been spent and all the accumulated funds have been spent in one year to make this Budget look much better than it really is. But for all that it does not hide the present Statewide housing crisis. We are seeing it grow day by day because of such things as inflated land prices, shortages of land everywhere, and rising interest rates. One area that is very well known to me - and I guess to many people who holiday in the south west - is Dunsborough. Housing availability in Dunsborough is at crisis point and there has been an absolute lack of action by the Government to take any heed of that situation.

Hon G.E. Masters: Prices are high, too.

Hon BARRY HOUSE: Prices are not just high, they have rocketed. There is simply no land available; it is impossible for a first home buyer to set up in Dunsborough. People who have lived in that area all their lives and want to start out by buying a block of land and building a house find it is absolutely beyond their means. Prices start at \$80 000 plus, and it is absolutely ridiculous.

I also welcome the line fed to the public that there were no increases in taxes and charges. If only it were true! But it is patently not true. The qualification here is that water charges have increased, country sewerage charges have increased, and some Homeswest charges have also increased. How can the Government say there have been no increases in taxes and charges when all those charges have escalated in the last 12 months? Let us take the figures for the last six years to put the whole thing in perspective. Since 1983 two new taxes have been introduced which did not exist before: First there was the financial institutions duty which has raised approximately \$210 million since that date; the second was the tax on cigarettes which has raised approximately \$190 million. So that is a brand new ball game. The total tax take in 1982-83 was \$475 314 902, which amounted to approximately \$351 per capita. The Estimates for 1988-89 amount to a total tax take of \$1 172.220 million, which is approximately two and a half times the 1982-83 figure. On a per capita basis that amounts to \$704, an increase to nearly double the tax take per capita during the six years of Labor Governments; so let us qualify the statement that there has been no increase in taxes and charges.

In my electorate and neighbouring areas I certainly welcome the commitment to the Margaret River Hospital, which has at last got off the ground. It is interesting to note that the cost of that hospital is about \$3 million which, in terms of the figures being tossed around now as having been lost to the taxpayer, is really a piddling amount. The fact that Governments of all descriptions have hedged for some 10 years on the Margaret River Hospital pales into insignificance when we talk about -

Hon Doug Wenn interjected.

The DEPUTY PRESIDENT (Hon John Williams): Order! Order!

Hon BARRY HOUSE: I would venture to say that the local member had tired of it almost

before Hon Doug Wenn came on the scene. The Warren District Hospital has also received a commitment from the Government, which I am very pleased to see. It is interesting to note that that commitment from this Government followed hard on the heels of a commitment made by the Leader of the Opposition and the candidate for Warren; the latter is already doing a fantastic job and will make an excellent member of Parliament next year.

Hon Doug Wenn interjected.

The DEPUTY PRESIDENT: Order! Order! I will not call Hon Doug Wenn to order again. He has been continuously interjecting throughout the whole of this speech. The fact that I cannot see his face does not alter the fact he is doing it. Hon Barry House.

Hon BARRY HOUSE: Thank you, Mr Deputy President. As I mentioned earlier, the Bunbury entertainment centre has been allocated \$3.5 million and I certainly welcome that. There is some doubt about the cost of that facility at the moment - the cost to obtain what is wanted in Bunbury may be as high as \$10 million.

Hon Doug Wenn: Are you opposed to that?

Hon BARRY HOUSE: No, not at all. If we did not have a Government which takes gambles with taxpayers' money, those things could have been allocated overnight.

I have spent a fair bit of time looking at the situation confronting schools in the south west. I welcome commitments to such schools as the Bridgetown Primary School, the Bunbury Preprimary Centre and the Busselton Primary School.

Hon Doug Wenn interjected.

Hon BARRY HOUSE: It is not a bad record, but the Budget will not be remembered for those things in the south west; it will be remembered for the things left out. The most glaring example of something left out is the Bunbury Regional Hospital. No capital expenditure has taken place on the Bunbury Regional Hospital for 22 years, although it urgently needs a \$10 million face-lift. However, the Geraldton Regional Hospital, which has a lower bed occupancy rate than the Bunbury Regional Hospital - and in almost every way does not qualify as well - receives an allocation. Of course, that would have nothing to do with the political sensitivity of the area?

Hon Doug Wenn: Thirteen of those years were under your lot.

Hon BARRY HOUSE: I asked the Leader of the Opposition, Mr MacKinnon, to inspect the Bunbury Regional Hospital recently. We could not have had a clearer example of the problems faced by the hospital; it could not have been better planned, because on the day we visited the hospital, the children's ward was overflowing; two crook kids were in the corridor.

Hon Kay Hallahan: Crook kids?

Hon BARRY HOUSE: Sick children, in appalling conditions.

Turning again to schools, the Bridgetown High School situation represents another saga which has gone on for almost 20 years. The school is in a bad condition, and perhaps even in a worse state than when Barry MacKinnon attended as a student. We have been prepared to speak out on the Bridgetown High School. Hon Norman Moore and Barry MacKinnon have made a commitment that during the first term of a coalition Government they will provide funds for that high school.

Hon Doug Wenn: It is a coalition Government now?

Hon BARRY HOUSE: It always has been.

Several members interjected.

The DEPUTY PRESIDENT (Hon John Williams): Order! Members know my opinions when I am in the Chair. Please do not make anyone have an early night.

Hon BARRY HOUSE: The Bridgetown community eagerly awaits a commitment by the Government. The Adam Road Primary School and the Dardanup Primary School are also in dire need of attention. These schools are in Mr Wenn's area, and I wonder whether he has ever visited them. Another school in need is the Boyanup Primary School, together with the Picton Primary School. Children at the Dunsborough Primary School do not have any covered area.

Hon Doug Wenn interjected.

The DEPUTY PRESIDENT: Order! Could members continue the conversation outside? That is the way things are moving.

Hon BARRY HOUSE: The schools I have mentioned have outgrown their facilities long ago. They have transportable classrooms; in some cases, demountable classrooms, or whatever came before that. The classrooms are ancient. The schools suffer a shortage of storage space and administration space; some schools urgently need covered areas for assemblies. The Carey Park Primary School was built of asbestos in the 1950s to fit in aesthetically with the surroundings. The toilet area in that school looks and smells more like a zoo than a toilet area.

Busselton Senior High School represents a broken promise by the Government. The amount of \$17 000 has been allocated to complete stage 1 of the renovations. I can assure the House that the staff, parents and the community are very angry and upset about the refusal to fund stage 2, despite a clear undertaking by the Minister for Education. She attended the school, and in front of staff and parents gave an undertaking that stage 2 would proceed without budgetary interruption. The member for Vasse in another place asked why this had not been achieved, and was told that this was due to insufficient funds. That is interesting, when the capital expenditure in this Budget is supposed to be a record. To give members an indication of the feelings of the people associated with the Busselton Senior High School, I will read a passage from a newsletter which I received as a parent about a week ago. The newsletter reads -

Your children's work performance and results are being adversely affected by a lack of facilities and resources.

Your children's future and results are important. I am reliably informed that Pre Primary Centres in the Mount Hawthorne area are being given computers. Guess whose constituency is Mount Hawthorne?

The three proposed motions put to the meeting read -

1. That the P & C Executive prepare a full page advertisement detailing the course of events and lack of progress toward resolution of the accommodation crisis at the school. To be published in the WEST AUSTRALIAN Newspaper as required. We request the Newspapers to carry an editorial on the plight of education in this State.
2. We enlist the support of all members of Parliament to force some action in this matter before next year, and before we have a health tragedy at the school.
3. In the event that 1. and 2. do not generate some momentum, then we ask for the support of TV programmes such as 60 Minutes and The Investigators to help us bring the appalling lack of Government concern to the public focus.

Those motions give some idea of the extent of the frustration felt by the people of the area, and the actions they intend to take to achieve their ends. Incidentally, the motions were not moved by somebody of my ilk; they were moved by the secretary of the P & C association who happens to be the son of a former Labor candidate in the area.

Hon T.G. Butler: What does that make him?

Hon BARRY HOUSE: I just make the observation. I am sure that he would like to support Hon Tom Butler's party but he has absolutely no reason to do so now.

Newton Moore High School is another school facing acute accommodation problems. A newspaper article in the *South Western Times* on 1 November reads -

Overcrowding at Newton Moore Senior High School has become a desperate problem, according to principal Vic Puzey.

One of the results is that normal teaching classes are forced to use the library because of a lack of classroom space.

Up to five classes are using the library at any one time, along with those students trying to do research.

"The library is not being used half as much as it should be (for research) because students cannot get in there to use it for what it was intended for," Mr Puzey said.

He said that in the four years he had been at the school it had been desperate for more facilities, and the situation was getting worse.

The situation has led the people at Newton Moore High School to become so frustrated that they felt the need to send home a note expressing the severity of the situation. The note refers to the article in the newspaper as follows -

In it, the Principal drew attention to the already inadequate classroom space which necessitates up to 5 classes in the Library at any one time. The Ministry's own formula counts the Library as ONE classroom.

In 1989 the situation will worsen. Student numbers will rise to nearly 1100 so 40 form classes instead of 38 will be needed.

The Ministry's building section personnel have checked out our buildings and after applying the formula, have agreed we need 3 extra transportables for next year to cater for the expected enrolment.

The school has since been informed that Newton Moore will get no extra classrooms in 1989.

That school cannot even get temporary classrooms to cover the bare minimum necessary under the Ministry's own formula. It needs three transportable classrooms just to cope along the same lines as it did this year, but that will not overcome in any way the problem of the library where five classes are allocated to an area which is supposed to have one.

I would now like to refer to something that has come to my notice since I became a member of Parliament just over a year ago. In this time I have seen examples in this Parliament of negative and punitive measures directed against young drivers, in particular, with the aim of reducing the road toll. Not once have I seen anything of a positive nature, and that concerns me, because I have been associated with young people, particularly young drivers, for many years. This year we have seen random breath testing as one example of a negative, punitive measure directed at drivers of all ages but, particularly, young drivers. I have also heard statements from the Minister for Police and Emergency Services threatening, firstly, to increase the probationary period from 12 to 18 months and, secondly, to increase the drinking age from 18 to 21 years. This may be necessary, I am not disputing that.

Hon S.M. Piantadosi: You just said they were punitive.

Hon BARRY HOUSE: That does not mean they may not be necessary.

Hon S.M. Piantadosi: They are necessary, even for the people who don't drink.

Hon BARRY HOUSE: I am saying they may be necessary but, on the other side of the coin, I have heard nothing from the Government about exploring any positive alternatives. The Government is treating the symptoms, not the cause of the problem. One glaring example of a positive measure in this area which needs to be addressed is driver education in schools. I am a great advocate of the driver education scheme which used to operate in schools.

Hon S.M. Piantadosi: You need drink education to overcome the problem, not driver education.

Hon BARRY HOUSE: As a youth education officer from 1979 to 1983 I was responsible for operating the driver education scheme in high schools. I believed it was a very good program and resulted in a very knowledgeable and skilled young driving population. In 1981, I think it was, the scheme was abolished by a Liberal Government. One of the reasons was that General Motors Holden withdrew its subsidy to the dealers who had allocated their cars to the schools. I thought at the time that it was a very miserly thing for the State Government to do, and I objected very strongly. I opposed the scheme's abolition and fought for its retention. The abolition of the scheme acted as something of a catalyst for me to become involved in the Liberal Party at branch level.

I believed in the scheme so much that a few of us got the scheme operating in Busselton on a local basis. We approached a dealer - Fennessy's Motors - who offered support. I am pleased to acknowledge that dealer's support and its 21 years of continuous contribution to

the driver education scheme, for which it deserves a tremendous pat on the back. Also, service clubs in and around the district have contributed towards retaining the scheme which still operates today in Busselton. I believe there are a couple of other high schools where it operates - Narrogin is one, but I do not remember the other. It seems that with a little bit of encouragement from the Government this scheme, which I believe has proved its merit in schools, could operate very successfully and beneficially to young drivers. The scheme needs a catalyst.

The Labor Government compounded the original mistake made by the Liberal Government in 1981 by choking the National Safety Council to death. It was choked of funds which eventually led to its closure 12 months ago. I would look for a commitment from the coalition Government next year to reintroduce the driver education scheme.

Debate adjourned, on motion by Hon Robert Hetherington.

Sitting suspended from 3.45 to 4.00 pm

[Questions taken.]

STANDING ORDERS - SUSPENSION

No 188 - Order Discharged

HON KAY HALLAHAN (South East Metropolitan - Minister for Community Services) [4.16 pm]: I move -

That Order of the Day No 27 be discharged from the Notice Paper.

This motion is necessary because an error was made in that a message came from the Legislative Assembly and it was assumed that the Bill which was the subject of the message had arrived in this Chamber. A motion was put which was consistent with a Bill having arrived when it had not, so we have an anomalous Order of the Day on the Notice Paper which we need to discharge. I ask members to support the motion.

HON G.E. MASTERS (West - Leader of the Opposition) [4.17 pm]: Mr President, if this Order of the Day is discharged, and bearing in mind that I have already spoken on the motion, if a similar motion is introduced later will I be able to speak on that new motion?

The PRESIDENT: Yes, because the motion will be discharged.

Question put and passed.

BILLS (2) - RETURNED

1. Acts Amendment (Children's Court) Bill
Bill returned from the Assembly without amendment.
2. Criminal Law Amendment Bill
Bill returned from the Assembly with amendments.

WESPLY (DARDANUP) AGREEMENT AUTHORIZATION AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Kay Hallahan (Minister for Community Services), read a first time.

Second Reading

HON KAY HALLAHAN (South East Metropolitan - Minister for Community Services) [4.19 pm]: On behalf of Leader of the House, I move -

That the Bill be now read a second time.

The purpose of the Bill is to ratify a variation agreement between the State and Wesfi Pty Ltd - hereinafter referred to as the company - which will enable the company to construct and operate a medium density fibreboard - hereinafter called MDF - plant on land owned by the company at Kewdale and utilising thinnings from the Department of Conservation and Land Management pine plantations, mainly from the northern pinaster forest. To put the

variation agreement into context I shall briefly describe the background of the principal agreement.

Members may recall that the principal agreement was passed in May 1975 by both Houses of Parliament. The purpose of the agreement was to enable the company to construct a particle board plant at Dardanup. The particle board plant has now been in operation for some time and has made a significant contribution to the south west region and to the State. The company is the largest particle board producer in Australia and the largest exporter. Its turnover is around \$100 million per annum with 60 per cent of sales in the Eastern States, 15 per cent going to export and the balance to local markets. The principal agreement was amended in December 1986 to allow for changes resulting from the creation of the Department of Conservation and Land Management and to allow for variations in stumpage rates paid by the company.

It is now appropriate for me to describe briefly the new proposals which are the subject of this agreement. The company proposes to construct a plant to produce 90 000 cubic metres of MDF per annum. It will utilise thinnings from pine forestry operations managed by the Department of Conservation and Land Management - hereinafter called CALM - mainly in the northern pinaster forest above the Gngangara mound.

The Water Authority of Western Australia has been concerned for some time that the draw on the water resource of the Gngangara mound by the pine forest has been excessive. CALM's proposal to thin the forest will substantially improve this situation and the Water Authority supports the forest thinning aspect of the project. In any forestry operation more than the required number of trees is initially planted in order to produce straight growth. The excess trees are subsequently removed and this thinning process reduces the watertable evaporation.

The wood obtained by thinning is an ideal feedstock for the MDF plant. MDF is a fine grain compressed board which has a special application in the furniture industry. Its edge finish and uniform density have advantages over particle board in many applications. To produce MDF, chips are broken down by mechanical action at high temperature and pressure to produce fine fibres which can be reconstituted into board in thicknesses from three to 50 millimetres.

The process has a number of significant advantages including a very efficient use of resources with no timber going to waste. All wood is chipped for fibre production. Bark is sold to the local horticulture and landscaping industry. Fine waste is burnt to produce processed heat. The present market for MDF is growing whereas the indications are that the particle board market has reached a plateau. It should also be noted that MDF presently sold in Western Australia from the Eastern States is \$90 per cubic metre above the national price and this creates a penalty for the local furniture industry.

The company had considered reopening its Kewdale particle board plant to use the wood from forest thinnings. However, this plant has not been operated since 1982 and is considered obsolete. In view of the levelling off in world demand and the obsolescence of the Kewdale facility, the company now proposes to move into MDF using its Kewdale premises. This project will involve an investment of about \$40 million and the creation of an additional 50 new jobs within the plant. Additional indirect employment will be generated in areas such as forest harvesting.

I will now summarise the clauses contained in the proposed amendment and in doing so will refer to those clauses in the Wesply (Dardanup) Agreement Authorization Acts 1975-1986.

Referring to the schedule to the Bill, clause 1(1) ensures that the company's whole range of activities is defined for the purposes of this agreement. Clause 4(a), subclause (5) increases the supply of timber to meet the additional demand created by the new facility and ensures that the State does not sell any unused portion of a year's projected demand to another manufacturer of particle board. A new subclause (6) is inserted to ensure that any timber over and above the 330 000 cubic metres specified in the original Act is not directed to the Dardanup factory without the Minister's consent. Clause 31(1) is a minor revision to clarify the day on which the agreement expires. Clause 32(1) links the renewal provisions back to the expiry day specified in clause 31(1) above. Clause 33(1) provides the stamp duty exemption currently in the agreement to apply to this variation.

I believe the Wesfi MDF proposal, the subject of this amendment, will secure for the State a substantial investment and allow the company to react appropriately to changing conditions in the market for reconstituted wood based products.

I commend the Bill to the House.

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

SHIPPING AND PILOTAGE AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Graham Edwards (Minister for Consumer Affairs), read a first time.

Second Reading

HON GRAHAM EDWARDS (North Metropolitan - Minister for Consumer Affairs) [4.24 pm]: I move -

That the Bill be now read a second time.

The Shipping and Pilotage Act currently applies special provisions relating to the control of shipping and the provision of pilotage in and about ports to which the Act applies. In particular, it establishes the boundaries of proclaimed ports and regulates the movement and control of shipping within these waters. This Bill will extend shipping controls by allowing harbour masters to control the movement of shipping in approach channels which extend beyond declared limits and make pilotage compulsory in these areas. Several ports, particularly the iron ore ports in the north west of the State, have buoyed and marked channels which extend seaward well beyond the declared port boundaries. These channels and associated navigation aids have been established at considerable cost to provide safe and secure entry for vessels using the port. An example is Port Walcott where very large vessels associated with the export of iron ore use approach channels which were established by the operating company at the port. It is essential that appropriate shipping controls are maintained to ensure that channels are kept open at all times to commercial shipping that uses the port in connection with an industry which is very important to this State.

This Bill will provide harbourmasters with the power to exercise those traditional safety controls and pilotage services which apply already within the limits of the port to navigation and approach channels located outside the port limits. The Government has examined the option of extending port boundaries to cover approach channels. However, this option may disadvantage exporters by the imposition of additional shipping costs which arise when ships under their contract of affreightment may claim demurrage from the time their vessel enters the limits of the port until loading is able to commence. In the past, pilot boarding grounds have in some instances been located outside the port limits for a number of reasons including the convenience of ships using the ports. These amendments will also remove any doubt that might now exist regarding legislative authorisation of this practice which has been in place in some cases for many years. A validation provision in the Bill will give lawful effect to past services provided. I commend the Bill to the House.

Debate adjourned, on motion by Hon G.E. Masters (Leader of the Opposition).

ACTS AMENDMENT (EVENTS ON ROADS) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Graham Edwards (Minister for Consumer Affairs), read a first time.

Second Reading

HON GRAHAM EDWARDS (North Metropolitan - Minister for Consumer Affairs) [4.27 pm]: I move -

That the Bill be now read a second time.

This Bill seeks to accomplish the effective closure of roads for the purpose of conducting street parties and other events subject to the approval of the local authority concerned and the traffic board. In the earlier part of 1988, in accordance with the bicentennial celebrations,

this Government approved the conduct of street parties along similar lines to those held during the 150 year celebrations in 1979. Further, a committee comprising officers of the Police Department, representatives of other Government departments and instrumentalities and a representative of the Local Government Association was established to monitor such parties and report upon any legislation changes required or other actions necessary. The committee concluded that legislation for the conduct of street parties was appropriate, and that such legislation should encompass other events including parades, cycle, foot, hill trolley and other vehicle races and any other circumstances considered worthwhile which may warrant the closure of all or a portion of a road or a number of roads. It was considered desirable that legislation be by way of amendment to the Road Traffic Act.

For closure of roads in the past, authorities, especially during the 150 year celebrations, utilised the provisions of regulation 307 of the Road Traffic Code. In order that the legislation may adequately provide for not only the closure of roads but also the actual conduct of the specific events thereon - that is, street parties, parades, cycle, foot, hill trolley and other vehicles races and worthwhile events - it is considered essential for specific provisions to be provided.

I commend the Bill to the House.

Debate adjourned, on motion by Hon G.E. Masters (Leader of the Opposition).

NATIONAL CRIME AUTHORITY (STATE PROVISIONS) AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Graham Edwards (Minister for Consumer Affairs), read a first time.

Second Reading

HON GRAHAM EDWARDS (North Metropolitan - Minister for Consumer Affairs) [4.30 pm]: On behalf of the Attorney General, I move -

That the Bill be now read a second time.

In 1985 in this State, the National Crime Authority (State Provisions) Act was passed so that Western Australia might participate in the National Crime Authority scheme in order that organised crime might be investigated. That Act allows the authority to operate in this State under provisions complementary to the Commonwealth's National Crime Authority Act 1984. Since 1985 certain provisions of the Commonwealth Act have been amended without the necessary changes being made to the National Crime Authority (State Provisions) Act. Accordingly, as the provisions therein no longer reflect those of the Commonwealth, this Bill merely seeks to rectify this situation in order to ensure conformity with the Commonwealth Act.

In this regard the Bill will amend section 16 so as to preclude the right of counsel - or any other person - to be present before a hearing of the authority as a matter of right. This in no way precludes the right of counsel to be present at a hearing in instances where the counsel's client is in attendance for the purpose of giving evidence at such a hearing. Where the authority makes an order in respect of the attendance of a person to give evidence at a hearing of the authority, the Act provides for the issue of a warrant of apprehension where the person is likely to leave Australia for the purpose of avoiding giving such evidence. Although the Act also allows for a person to be summonsed to give evidence, it makes no provision in respect of the non compliance or evasion of service of a summons.

Clause 5 of the Bill seeks to amend section 20 by allowing for the issue of a warrant of apprehension where the person to whom a summons has been issued has absconded or is otherwise likely to evade service of the summons. The clause also enables a person to be apprehended by the person executing the warrant even though not in actual possession of the warrant, but aware of its existence in a similar manner to that applying to warrants issued under the Justices Act. Clause 6 seeks to repeal section 34 to remove the sunset clause and allow the Act to operate beyond 30 June 1989.

I commend the Bill to the House.

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

ART GALLERY AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Graham Edwards (Minister for Consumer Affairs), read a first time.

Second Reading

HON GRAHAM EDWARDS (North Metropolitan - Minister for Consumer Affairs) [4.34 pm]: On behalf of the Leader of the House, I move -

That the Bill be now read a second time.

The Board of the Art Gallery of Western Australia has long recognised the need to have a reserve of funds to strengthen its buying powers. It is the least generously endowed State gallery in Australia from private and corporate sources. The Art Gallery of Western Australia Foundation aims to change this situation. To achieve the board's aim of establishing an outstanding collection, it is essential to seek the ongoing financial support of both the corporate and private sectors of the State. The Art Gallery of Western Australia Foundation will be the means of achieving this.

The foundation will broaden appeal for the visual arts in this State by enlarging this State's collection of contemporary Australian and Western Australian arts, with particular attention being given to Aboriginal art. However, the foundation will also attract gifts and bequests to all areas of the State's permanent collection. This will enhance the State's cultural identity and, at the same time, lend substantial support to living Australian artists, greatly enhancing the gallery's national and international reputation. There has been a perceptible surge of local interest in the Art Gallery. In 1987 the gallery had over 235 000 visitors and to the end of September this year this figure has already been exceeded - so far nearly 260 000 people have enjoyed its many and varied exhibitions and collections.

The Art Gallery has been a major success story in this State's development. The achievements of the past, however, need to be continued into the future and the future is intrinsically tied up with the private sector. It is crucial that the gallery's acquisitions keep pace with rising prices. The works the Art Gallery of Western Australia is buying today will be unaffordable and unavailable to it in 20 to 30 years' time. The need for a foundation to generate additional funds has been recognised in all other States of Australia. For example, the Art Foundation of Victoria has been established for 12 years and has acquired works worth a total of \$12 million in that period. Similar foundations exist in all other Australian States and the Australian Capital Territory. The support of an Art Gallery of Western Australia Foundation is essential.

I commend the Bill to the House.

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

ACTS AMENDMENT (RACING INDUSTRY) BILL

Assembly's Message

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

HORTICULTURAL PRODUCE COMMISSION BILL

Second Reading

Debate resumed from 16 November.

HON W.N. STRETCH (Lower Central) [4.38 pm]: This Bill indicates the danger of taking legislation on first sight. As we picked up the Bill and read the Minister's second reading speech, I think we would have been justified in thinking, "Well, this does not look too bad." The objectives on the surface appear to be reasonable, but on further study this Bill becomes a rather horrifying document. The second reading speech set out in its initial phase to praise the performance of the horticultural industries up to date, and their performance has been most impressive.

The intensive horticultural industry is a relatively young industry when looked at in a worldwide context, but its growth in recent years, particularly in the south west, has been nothing short of meteoric. The industry has become very intensive and well organised in other parts of the State and I am sure my colleague, Hon Phil Lockyer, will enlighten us on that a little later in the debate. The export of cauliflowers and other horticultural produce from the south west has burgeoned and set an example to other farmers in that area.

Having praised the performance of the industry as a whole, the Bill then sets about creating a monster to sit on top of the industry to supervise it and, hopefully, give some regulatory direction and legislative basis to the plethora of grower organisations which have been set up for their own administrative purposes within the industry.

Hon Graham Edwards: Only if they want to set them up.

Hon W.N. STRETCH: We will come to that in due course. This Bill is something of a socialist's dream. It is something that every good socialist Minister would want to introduce. It sets in place, although it does not go as far as executing, the control of production, distribution and exchange. It will be a blazing jewel in any Marxist-Leninist crown.

Hon Graham Edwards: We are responding to an industry.

Hon W.N. STRETCH: No, Minister, this Bill is not doing that.

Hon Graham Edwards: Yes, we are. I can tell you that we are responding to an industry in bringing in this Bill.

Hon W.N. STRETCH: The Minister will have a chance later on to put the point of view of the Minister he is representing, but he is not correct. We have not received any support for this legislation from the people we have contacted, and those who have contacted us. I am aware that the table grape growers of the Swan Valley approached the Minister. I have heard, but I have not had it confirmed, that that body asked for more input, which may have instigated the thought in the Minister's mind. For the Minister to say he has been approached by industry -

Hon Graham Edwards: By an industry.

Hon W.N. STRETCH: That is correct if the table grape growers' industry counts as one, but when we set up something like this we are not looking at the interests of one sector of the industry. There is nothing in the Statutes of this State which prevents the table grape growers, the two headed avocado growers, or anyone else, forming their own incorporated association in exactly the same way as is being set up by this Bill in an umbrella way. In other words, there is no reason why such groups cannot operate as autonomous growers' organisations, looking after their own interests.

At no stage has - and I believe he cannot - the Minister demonstrated that this proposed commission will do anything that the industry is not doing now. As the industry grows it will get better. The thought of having an umbrella organisation to cover such a diverse field does not appeal to me in any respect. The input I have gained from people who have spoken to me is that they cannot see any virtue in this either.

I refer to *The Farmers' Weekly* dated 23 November 1988. There is an article on page 11 called "Help on caulies welcome". At first reading one would think the article is going to back the commission, but it does not. The article says that the industry would welcome some help in developing the production of cauliflowers which would enable it to have an extended growing and production season. The spokesman, Keith Liddlelow, is a very active grower and agro politician, and a hard working member of my electorate. He said -

"While we are not seeking regulation of the industry, we would certainly welcome any aid the Minister can provide to our \$5 million export industry."

The industry welcomes the help but does not want to be regulated; it sees no need for such a body to be set up over it. I will deal with that aspect a little later on.

This Bill is a little difficult to follow. On page two there are definitions of "Commission", "growers' committee" and "horticultural produce" but there is no definition of "grower". There is no definition of the amount of produce which has to be produced before one qualifies as a grower and, consequently, gets voting rights. One could well say that that matter will be sorted out by the committee, but it cannot be. If we are to have a nonsense

like this then it has to set out how the committees will be constructed and who will have voting powers. It is all very well to leave the definition open but it will not work because, further down the track, it will lead to a misleading final result simply through not having a definition of a grower in the first place. In other words, a grower will be a person who grows one cauliflower, or two carrots, or one cauliflower and two carrots, or six daffodils, or four fruit trees. Members may think that this is a flippant observation but it is not because it is the very same thing which got us into trouble with the old Meat Marketing Board. There was then a furious and divisive debate on whether a grower was any grower, whether he reared 50 lambs or five lambs or whether he was a constant supplier or supplied every couple of years. Half the difficulties arose through not having clear definitions in the first place.

I mention this in a constructive, not a destructive, way. It is terribly important to set ground rules from the start if we are going down this track. It is a mistake when there is such diversity to have a general cover. The Minister will be aware that most vegetable producers have their own growers' committees and organisations. I have not had any of them tell me they want this commission. They believe they are operating perfectly well on their own, particularly in the export field.

Members will recall that recently there was a glut of cauliflowers on the market, but the well organised growers' groups had no difficulty. Last weekend I was speaking to a fellow who operates a cool store in Manjimup. He told me that he has no problem because he finds a market and organises his growers and that automatically organises the supply, in a self-regulated fashion, into the cool store and it satisfies the export requirements. We already have in place other Government bodies which are attempting to develop further markets. While in some cases they have been successful, in other cases where they have not worked in direct contact with the growers' committees they have not been successful and, in many cases, they have created a demand when the supply could not be met. That was the basis of the objection in the article which I read from the *Farmers Weekly*. Mr Liddelow said in that article that the growers would welcome research but they do not want this umbrella type commission because they do not believe it will be of assistance to them.

Hon Graham Edwards: They do not have to have it.

Hon W.N. STRETCH: The Minister is quite right. They do not have to have it, but ultimately they will have to pay for it and that is what they are concerned about.

Hon Graham Edwards: Not if they can show good reason why there should not be a commission.

Hon W.N. STRETCH: That brings me to the question of who will pay for the commission and what will it achieve.

Hon Graham Edwards: I will not get a chance to reply today because I understand you want to adjourn the debate. You need to understand it.

Hon W.N. STRETCH: Page 3 of the Bill refers to the establishment of the Horticultural Produce Commission. The commission will be a body corporate which can acquire, hold, manage, lease and dispose of real and personal property; it can sue and be sued and it is capable of doing and suffering all such acts and things as a corporation may lawfully do and suffer. With the possible exception of the latter the commission cannot do anything that a properly incorporated and individual industry committee cannot do. Also on page 3 of the Bill reference is made to the constitution of the commission and it states that the commission shall consist of a member who is not a member of the Public Service of the State who shall be the chairperson; one member who is an officer of the Public Service of the State and one member who has a knowledge and an understanding of the horticultural industry and who is not a member of the State Public Service. While I accept that the member of the committee who has an understanding of the horticultural industry and who is not a member of the State Public Service could be a grower, it does not necessarily follow that he will be a grower or an ex grower. There may be a good reason that the Minister does not want a grower representative on the commission. It is not a sensible step and if the commission is established the Bill should be amended in order that an active grower is represented on the commission to point out the difficulties that may confront the commission and hopefully he will steer it clear of some of the minefields.

We must remember that with the vegetable side of the horticultural industry we are dealing

with perishables and transport; timing of growing and timing of supply is absolutely critical. A person involved in the industry must be very close to it to ensure that all the factors are coordinated in order that the marketable product reaches the direct buyer or the marketplace. It is very difficult to understand how a commission can contribute in any meaningful way to that process. The quality of the produce and the continuity of supply has always been the Achilles heel of this industry. Perhaps the Minister in this place may be able to enlighten me in this regard, but I certainly have not been enlightened from reading the speeches relating to this Bill in the other place. I am doubtful that this Bill will be of worthwhile benefit to the growers.

Hon Graham Edwards: Have you had a look at the industry in Queensland?

Hon W.N. STRETCH: No, I have not.

Hon Graham Edwards: I suggest you do.

Hon W.N. STRETCH: Lately we have stopped holding up Queensland as a model.

Hon Graham Edwards: I understand that in many respects, but the horticultural industry and the promotion of it in that State is absolutely incredible.

Hon W.N. STRETCH: My colleague, Hon Phil Lockyer, travelled extensively with a horticultural Select Committee.

Hon Graham Edwards: I was the chief adviser on it and it was an interesting committee.

Hon W.N. STRETCH: The Minister did undertake a study of Queensland.

Hon Graham Edwards: You should read the report.

Hon W.N. STRETCH: I have read parts of it and it is worthwhile.

Hon Graham Edwards: Unfortunately we did not travel to New Zealand.

Hon W.N. STRETCH: If the Minister wants to learn something about keen edge marketing the New Zealanders will, at any time, turn it on for him. They are top marketers.

Hon Graham Edwards: I raised the point because it was noticeable that Queensland leads Australia in promotion.

Hon W.N. STRETCH: The functions of the commission are outlined in clause 6 of the Bill. The Bill states -

- (1) Subject to this Act the Commission may -
 - (a) establish growers' committees in relation to horticultural produce;
 - (b) appoint members to growers' committees;
 - (c) advertise for the formation of growers' committees;
 - (d) conduct polls . . .
 - (e) dissolve growers' committees and appoint liquidators for the winding up of growers' committees;

The clause does not contribute very much to the grassroots of the growers' committees. The first half of the clause indicates that the committees will be set up by people who hold high positions in the industry. I know that is not really the case, but the Bill is sloppy in that regard.

Paragraph (f) states that the commission may provide such services in relation to the functioning of growers' committees as are necessary and paragraph (g) states that the commission can coordinate and supervise the functioning and expenditure of growers' committees. It does say much about providing the wherewithal as far as expenditure is concerned. Paragraph (h) states that the commission may provide such other services to growers' committees as the Minister may direct. One would hope that if this Bill is passed paragraph (h) will provide the research that is required in the industry.

Clause 7 refers to the funds of the commission and states -

- (1) The funds of the commission shall consist of -
 - (a) moneys the Commission receives in respect of fees and charges in

respect of services provided by the Commission to growers' committees.

In other words it appears that anything the commission does will be funded by the growers. The growers have not demanded the establishment of the commission and, therefore, it is an impertinence to the industry to establish it. There may be widespread support for the commission, but we have not heard very much about it. The people I have spoken to in order to obtain some input in relation to this Bill did not have a clue what I was talking about. They had heard of the Federal Government's horticultural commission and they asked me whether the proposed commission was the same as that. I told them that it was not the same. They asked if it was a State branch and I replied that it had nothing whatsoever to do with it. The officers of the Department of Agriculture made it clear that there was no connection, although there was a possibility of joint promotions taking place, if considered advisable. The funding of the commission is left very much up in the air. The Bill provides that it will have -

- (b) moneys paid to the Commission upon the dissolution of any growers' committee under section 15; and
- (c) such moneys as may be lawfully received by the Commission.

I am glad that it will be lawful. However, apart from that, no details are provided. For argument's sake, there may be some Government funding. Clause 8 provides for the Treasurer to make an input to pay the officers of the commission primarily, and hopefully to provide other services, until such time as enough growers' groups form to provide a revenue base for the commission. It is very strange legislation. Clause 7(3) states -

All moneys received by the Commission and by any growers' committee shall be paid into the Horticultural Produce Commission Account.

It will not be paid into the growers' committee account but into the Horticultural Produce Commission account. In another place the question was asked as to whether the committees could have their own accounts. I understand the answer was that they could not, and that it would be more efficient for all funds to be forwarded to the central commission. I cannot see growers in places such as Kununurra or Esperance being favouring the forwarding of funds from their committees to a central account and then having the funds diverted to them for whatever purpose. If they wanted to put on a promotion at the local show, would it be necessary for them to apply to the central commission to release funds for that local show? It is very centralist and almost leads one to believe that the major objective is to pay the commissioners, to make sure the money goes to the commission, and, if anything is left, it will go to the industry. I believe the cart is being placed well and truly before the horse.

Clause 8 refers to the topping up of the funds of the commission. It states -

- (1) The funds of the Commission shall be applied for the purposes of carrying out the functions of the Commission under this Act.

That could be any of the things I referred to in relation to clause 6. Clause 8 further states -

- (2) Where the funds of the Commission are not sufficient the Treasurer may make advances of moneys to the Commission from time to time to make up any deficiency in those funds.

Bearing in mind the response we have received, I would hazard a guess that in the foreseeable future the Treasurer will be carrying by far the majority of that funding. The other interesting provision in that clause is -

- (3) The Treasurer may recoup any moneys advanced to the Commission under subsection (2) whenever the Treasurer is of the opinion the Commission has sufficient funds for carrying out its functions under this Act.

I understand that to mean that if at the beginning the table grape growers and one other group are enthusiastic and pay the levy set by the Minister on advice from the commission, they will carry the can for two, three or four years. If this proves to be of any value, hopefully other growers' committees will be formed and they will be levied. When the levies make up a large enough nest egg, the Treasurer will ask them to pay back the Treasury advance. The growers will be back where they started from, and in some cases they will be behind. Clause 9 states -

The Commission may, with the approval of the Minister employ or engage such officers, servants and other persons as are necessary for the purposes of carrying out its functions under this Act.

That is reasonable if the money is available. I am blessed if I know how they will get the money in the first place unless it is provided by Treasury. If that is to be the case, why all the messing around in the first place? Why get tangled up in committees?

This Bill is an attempt to set up a bureaucracy - nothing more and nothing less. It is using the pretext of a couple of growers' committees out of a plethora of other things to make it look respectable. It has no funds and no credibility. Clause 10 in part 3 of the Bill states that growers' committees can form themselves into a committee at any stage they like. It states -

- (1) Before appointing a growers' committee the Commission shall cause notice to be published of its intention to establish a growers' committee. . .

The commission itself will be giving notice that it intends to set up a committee, rather than the group of growers advertising in the local newspaper their intention to form a committee. That is all back the front. Subclause (2) states that a notice -

- (a) shall be published in the manner directed by the Minister;
(b) shall explain in simple terms the objects sought to be effected by the proposal;

If the growers want a committee to organise their industry, why should the Minister think that the commission can explain in simple terms in the advertisement what they want? The growers know what they are talking about, and I hazard a guess that they know as much as the Minister knows, however well advised he may be. Clause 10 also refers to the right of growers affected by the proposal to make submissions; in other words, if the growers do not like a proposal, they have the right to object to it. However, although this clause refers to establishing a poll of growers, in no part of the legislation is the term "grower" defined. What is a grower? What is the statutory level of production required before a person is recognised as such - whether he is a commercial grower, hobby grower or a person who grows produce for his own use? Subclause 6 states -

- (6) A poll shall be declared to be in favour of the establishment of a growers' committee if and only if -
(a) the growers who vote at the poll constitute not less than 75% of the persons eligible to vote as growers;

Again, no definition is provided of the word "grower" and we do not know which 75 per cent this provision refers to; we do not know whether they will be registered or what their qualifications will be in order to vote. It does not make sense. I agree with the clause insofar as a vast majority of the growers will be expressing an interest and will make the final decision. That is fine; 75 per cent of the persons eligible to vote must vote, and of those, 70 per cent must vote in favour of a proposal. I get back to the point that by not clearly defining where the polling rights will start, the whole matter is set in jelly rather than concrete.

Hon T.G. Butler: What is so important about the definition of a grower.

Hon W.N. STRETCH: I hesitate at this stage on a Thursday evening to take Hon Tom Butler on a tour through the early days of the Lamb Marketing Board, and indeed to do so would verge on the disorderly.

Hon Graham Edwards: I will explain it to him later on.

Hon W.N. STRETCH: The Minister should take him aside over a quiet ale and explain it to him, but suffice to say -

Hon T.G. Butler: In words of one syllable.

Hon W.N. STRETCH: No; Mr Butler has as good a grasp of words of two syllables as most of us. The base is very important, because one can get any result one likes, depending on how one sets the parameters for voting. I am sure that Mr Butler, as a good union man and as the State President of the ALP, will know all about that.

Hon Graham Edwards: I am pleased to hear that.

Hon W.N. STRETCH: So the results can be somewhat misleading if the base is not set firmly so that everybody knows what we are talking about.

I have dealt with the major points of concern I have about this legislation. I know that I have other colleagues in both the Liberal and National Parties who are keen to add to this debate, but I must say that I believe there are very serious points to be considered here by the Minister, and the legislation will have to be taken away, worked out and polished up before it will be of service to the industry, if it can be of service, which I would very much doubt.

Hon Graham Edwards: Keep your options open.

Hon W.N. STRETCH: Yes, I will, and I will explain why I believe this is necessary and how it should be done. At this stage of the debate, and despite having had a briefing and having done considerable research among the grassroots committee, I can find no reason to support the Bill in its present form. I can see no need for it. This Bill does not have widespread support throughout the horticulture and floriculture industries. The Bill seeks to set up what will in fact be another quasi autonomous non Government organisation - a qango - one which will duplicate other organisations and, indeed, other quasi departments that have dabbled in this industry at various levels and with varying degrees of success. Great caution is required with this legislation because it deals with a highly perishable and very delicate product, which is at the same time an extremely valuable and necessary export earner for Western Australia. This Bill, in view of its qango-type nature, should be referred to the Standing Committee on Government Agencies, because that committee was set up to investigate the need for bodies such as this. This committee would need to study in detail the need for a further regulatory body, which is to be set up ultimately at taxpayers' expense, although there will be a growers' contribution in the early stages. The committee would also need to examine the method of funding for the proposed Horticultural Produce Commission, because that has not yet been clearly spelled out. The impact of the commission on the export industries and the efficient marketing that is being carried out at present would also need to be studied.

In order to be able to listen to the contributions from my colleagues in the Liberal and National Parties, I will not move in that direction at this stage, but I hope that a later speaker in the debate will refer this Bill to that committee because that is the proper way to go with such a complicated and delicate piece of legislation. I cannot at this stage give my support for the Bill, but I would be happy to reconsider it after that committee has made an input; and after receiving more feedback from the grassroots of the organisations, I hope we would then be in a better position to make a decision about this legislation.

HON J.N. CALDWELL (South) [5.15 pm]: One could say that my claim to fame is not great when it comes to horticulture because I have one dead apricot tree, one half dead plum tree, three grapevines that do not bear fruit because the ants eat all the grapes, and one very large rose bed that is suffering from a lack of attention since I have been a member of Parliament.

Hon Fred McKenzie: What about fruit fly?

Hon J.N. CALDWELL: I have done a fair amount of research into this Bill, and I must say I am rather bewildered about it because when I tried to contact most of the people who will be affected by it, I seemed to run up against a brick wall, which is what worries me about this Bill. I have contacted one of the largest growers of vegetables in this State, Sumich's, and Mr Sumich said he had glanced at the Bill but had not studied it, and did not really know what to think about it. He is a very large grower, and if some sort of fee were to be introduced which related to the amount of produce produced, he would have to come up with a very large sum of money. So I suggest that he should study this Bill rather closely because there are a lot of smaller growers who could vote him into a position that he would not come out of very well financially. I notice that the Minister said in his second reading speech that, "So far, horticultural producers have been able to fairly easily adapt to the requirements of highly organised international markets in order to compete successfully." I must say that Sumich's is one of those growers that has adapted, and has done so extremely successfully. The Minister said also, "This is not likely to continue into the future."

The members of the Select Committee on Agricultural Education studied horticulture at length and looked at how people were being educated for that industry, and we found that there was a lot lacking. I quote from page 4 of the final report of that committee as it relates to horticulture -

Movements in the horticulture industry indicate a strong growth since 1981 (25-30% per year) in exports of Australian vegetables to Singapore, Malaysia, and Hong Kong. It is expected that similar results will be obtained in the Middle East and Thailand.

Floriculture is another area of horticulture where a significant increase in export earnings may be expected.

According to Universal Waldeck Ltd's 1987 Report entitled "An Export Expansion Opportunity":

"Current world demand for floriculture products, excluding live plants, is recorded at US\$16 billion per annum and is expected to grow by 15 per cent per annum in the medium term . . . Australia's share of the world market is put at US\$10 million".

Waldeck Nurseries have experienced an increase in export earnings of 100% each year for the past three years.

It just goes to prove the importance of horticulture and what it will do in the future for Western Australia.

I return to the second reading speech of the Minister, in which he states that it is expected that the commission will be self-financing in the long term, and that it will not be another bureaucracy serving only to consume funds. We must all question any body that is set up to accumulate funds. We are not too sure who will administer the funds and how it is to be financed. I ask the Minister just how the commission will be set up, because it must be set up with funds from somewhere but the second reading speech says initially it will not be self-financing. We want to know where the money will come from right at the start.

The second reading speech of the Minister also indicates that a growers' committee will have a great deal of autonomy to provide the proposed services. We wonder exactly what autonomy the growers' committee will have because the Bill states that the committee will be directed and overridden by the commission, and the commission can be directed by the Minister. This means the growers will not necessarily be able to decide what they want to do - they will be directed by the three people on the commission, who can then be overridden by the Minister. The Minister also said in his second reading speech that individual growers will be able to go to the commission for advice and expertise, but it does not say anywhere in the Bill exactly how the commission will charge a fee for that service. The Government may say that regulations will be drawn up for the Bill, if it goes through, but I fear the regulations would be many times bigger than the Bill itself and these sorts of things must be examined. Also in his second reading speech, the Minister stated -

The Bill provides for the recovery of charges and fees imposed under the Act by the commission. It also gives power to the Governor to make regulations for the purpose of conducting polls and compiling lists of growers, and for the physical collection of fees and charges imposed under the Act.

The question here is: Will the Minister have the power to recommend and oversee those charges? I think he will, because the Bill states that he has the overriding power or that he can direct the commission.

I want to comment also on the lack of definition of a producer. When the Sheep Lice Eradication Fund Bill came into this place it spelt out very clearly what a producer was; it was clearly defined. In that case a person had to sell three bales of wool to be classified as a producer; hence he had to pay a fee to help eradicate lice. In this case there is no definition of a producer in the Bill. I endorse Hon Bill Stretch's comments - this is something that should be spelt out. I know many ladies in my home town who sell chrysanthemums on Mothers' Day and belong to the floriculture industry. Will those people have to pay a fee if this Bill comes into effect?

In clause 13 - I will not go through the whole Bill clause by clause, but I would like -

The PRESIDENT: Order! The honourable member cannot do that anyway.

Hon J.N. CALDWELL: Thank you, Mr President. The Bill says the commission has the power to require information and if that information is not forthcoming to the commission there will be a fine of \$1 000. If the Government were dinkum about this Bill the fine would be "up to a maximum of \$1 000". For instance, let us take the Vietnamese migrants who

have recently come in to Australia. They are excellent growers of vegetables, strawberries and so on, and if they do not fill out their forms correctly, under the direction of the commission they could be fined \$1 000.

Hon Graham Edwards: You will find that is the maximum.

Hon J.N. CALDWELL: It could well be the maximum, but it does not state that in the Bill. I am not sure whether it should be stated in the Bill, but I feel it should be clear.

Hon Graham Edwards: It is, by interpretation. It is always expressed that way in Bills.

Hon J.N. CALDWELL: That is fine, but I still think the amount of \$1 000 is an extreme. As I have already said, people who are not up with the English language or who might have mislaid the "directional information" paper that is sent to them by the commission could face a fine of \$1 000, which is just not on.

Hon Graham Edwards: It is still a maximum.

Hon J.N. CALDWELL: The Minister says it is still a maximum, but it could be awarded against those growers.

The Bill also states the Minister may direct that any amount specified in the direction shall be paid out of the account of the growers' committee held at any bank or at the Treasury. Previous to that, the Bill says growers' committees must have their money in the Horticultural Produce Commission Account. I do not think it would be very good if they have to take it out of some other account they have; they should not have another account. The Bill states they must put the money in the Horticultural Produce Commission Account, and if the Minister is going to direct the commission to grab money from somewhere else that is not fair or correct; it is an anomaly in the Bill.

To sum up, I share the fears Hon Bill Stretch has about this Bill. I do not believe that the producers of horticulture have been given a fair hearing. I think the grape growers were the producers who approached the Government to introduce this Bill, but they represent a very small part of the horticulture industry. If they are the only ones who want this Bill, why did not the Government bring in a grape growers' Bill? When I made telephone calls to try to get information from other growers - vegetable growers, floriculture growers and so on - they did not seem to know much about the Bill. Because of the anomalies in the Bill I am of the opinion that it should lie on the Table or be investigated by a committee to ensure that it is actually what all the growers want.

Debate adjourned, on motion by Hon.P.H. Lockyer.

CRIMES (CONFISCATION OF PROFITS) BILL

Returned

Bill returned from the Assembly without amendment.

BILLS (2) - ASSEMBLY'S MESSAGES

Messages from the Assembly received and read notifying that it had agreed to the amendments made by the Council to the following Bills -

1. Official Corruption Commission Bill
2. Education Amendment Bill

BILLS (2) - RETURNED

1. Companies and Securities Legislation (Miscellaneous Amendments) Bill
2. Residential Tenancies Amendment Bill

Bills returned from the Assembly without amendment.

POTATO GROWING INDUSTRY TRUST FUND AMENDMENT BILL

Second Reading

Debate resumed from 22 November.

HON W.N. STRETCH (Lower Central) [5.31 pm]: The Minister will be glad to hear that the Opposition supports the Bill. The Potato Growing Industry Trust Fund has been operating since 1947, or thereabouts, and over the years has served to stabilise the industry to a great extent. The fund is generally supported by potato growers and most organisations to which I have spoken. The fund is administered by the trust fund advisory committee, and the Bill mainly serves to alter the method of collection of the levy, which is at present set at the rate of \$1.20 per tonne.

In the past, most potatoes have been sold through the Potato Marketing Board, resulting in a fairly general level of return to growers, so the \$1.20 levy per tonne has been reasonably fair. A tonne is a tonne, and the grower price paid has been a price per tonne so the result has been fairly equitable. Slight price adjustments have been made where potatoes are sold to a small processor for chipping and flaking, and so on, but as a rule that has been accepted as satisfactory by the industry.

The more aware members of the House would realise that the Edgell Birdseye company made a \$23 million-plus investment at Manjimup recently for the purpose of producing potato chips, commonly known as French fries. That processing plant is up and running and has given a major boost to the potato industry in the south west. Because the processing plant deals with large tonnages of potatoes, and often of varieties, those potatoes can be handled in bulk. Because of the somewhat reduced costs of growing and handling the potatoes, a lower price is paid at the cannery, or the processing works. Members will forgive me if I revert to calling the works a cannery because for many years it has been known as the Manjimup cannery. That establishment has been taken over by Edgell Birdseye. However, a considerably lower price per tonne is paid to growers for the product delivered in bulk to the organisation. Previously, potatoes were delivered to the board in Perth which involved a heavier freight charge and a heavier rejection rate by the board. Consequently, the growers are now in a position to accept a lower rate per tonne from the processor. In some cases, this has meant a very marked difference - in the vicinity of \$100 or more per tonne. To pay the \$1.20 a tonne levy was a little inequitable for growers receiving a lower rate.

The Bill now changes the levy from a per tonne rate to a percentage of the gross proceeds that the grower receives, at whatever source. That is, it does not matter whether potatoes are delivered to the present works, to the board, or exported to Europe as special yellow flesh. It is a case of how many dollars received, and the percentage is deducted and paid into the trust fund. This major change is welcomed by growers because the change recognises that they are sacrificing price for proximity and continuity, which has simplified the growing and delivery process.

The second part of the Bill changes the ways in which income to the fund is administered. Under the present restrictions only 50 per cent of trust fund income can be committed to either research administration or specific activities. Another restriction allows the spending of only 80 per cent of income in any one year. In some ways, it is a pity that these restrictions were not imposed on some other organisations because if some other organisations spent only 80 per cent of their income in any one year the Government would not be facing half the mess in which it has placed itself. The advisory committee has agreed that it should be able to expend the funds virtually how it sees fit without those restrictions.

As this legislation, unlike the previous Bill, has widespread growers' support, I include our support. I understand that the rate of collection will be at about 0.5 per cent of the gross proceeds but that can be set by the Minister. We presume that can be varied to meet the demands of the trust fund advisory committee.

In conclusion, the potato industry over the last couple of years has responded magnificently to new market initiatives and challenges placed before it. I am proud that the Legislative Council has made the changes to the marketing legislation and has played at least a small part in helping that growth come to fruition. The growers' committee has widespread support across the industry and is in a position to continue the forward growth. Provided the Minister maintains close cooperation and contact with the committee the rate can be adjusted equitably and sensibly. On that understanding, we support the Bill.

HON J.N. CALDWELL (South) [5.39 pm]: The National Party supports the Bill. As stated previously, the growers have wholeheartedly endorsed the provisions. Many other industries should consider the moves made in the potato industry. In the past, a levy of \$1.20

per tonne on potatoes produced was paid into the trust fund. It has now been decided to change that to the gross amount of potatoes they grow. I believe the charge is half a per cent. It is probably just as well that there is provision to change that amount because it will have to be increased in future. It does not seem a lot when one considers that an industry like the wool industry is putting a far greater percentage of its earnings towards promoting its industry.

As we are talking about potatoes I would like to mention a problem that has arisen in the industry in Albany. As we all know, the Great Southern Development Authority has taken off in that area. We passed a Bill two or three years ago and the authority is making great strides in improving the area with industries and the beautification of the town of Albany.

Hon T.G. Butler: It is also a result of the economic buoyancy of the State, brought about by the Labor Government.

Hon J.N. CALDWELL: The potato industry in Albany is thriving, with the majority of small growers producing seed potatoes. Seed potatoes are put in cool storage for many months until they are required for planting in other parts of the State. The potato industry survives on the production of seed potatoes at Albany.

Unfortunately, the cool shed where the potatoes are stored is standing, one might say, in the way of progress. Progress, devised by the Great Southern Development Authority, dictates that the railway line must be shifted. Because the railway line has to be shifted the shed where the potatoes are stored has to be demolished, and there is nowhere else to put the potatoes. The immense cool shed stores many thousands of tons of potatoes and is run by a company called Melan. That company is in a predicament because once the potatoes are dug up in April there will be nowhere to store them. There is a chance that the seed potato industry in Western Australia will be lost.

I appeal to the Minister for Transport to look at this matter thoroughly and perhaps leave the shed where it is for 12 months so that the industry can get itself into gear and find another place to store its seed potatoes. It is interesting to note that the port authority down there is quite happy to leave the shed where it is. It seems the Great Southern Development Authority is not making any exceptions, although it has formed a committee to look at this problem. We are getting close to the time when a decision will have to be made. I hope the Minister concerned will look at the matter favourably and help the industry, which is a million dollar industry, out of its predicament.

Hon S.M. Piantadosi: Shift them out to Katanning.

Hon J.N. CALDWELL: That might be a good idea, although potatoes are not grown there.

With those remarks I support the Bill.

HON GRAHAM EDWARDS (North Metropolitan - Minister for Consumer Affairs) [5.44 pm]: I thank members opposite for their indications of support for these moves, which were initiated by the industry itself. It is a bit difficult to reply to the wide ranging areas canvassed by the last speaker, but I will attempt to bring those matters to the attention of the Minister responsible.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon John Williams) in the Chair; Hon Graham Edwards (Minister for Sport and Recreation) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 21 amended -

Hon W.N. STRETCH: The Minister has given an assurance that adequate funds will be made available in future years to fund the association. Will this be outside the total available now, or does it mean that if the trust fund runs short of money the Treasury will top it up?

Hon GRAHAM EDWARDS: It is very difficult for me to respond to that as it goes beyond

what we are dealing with in clause 4. The Minister has given the assurance and I foresee no difficulty with funding at all, but it is difficult for me to respond to that question.

Hon W.N. STRETCH: I appreciate that. The second reading speech states that the Minister has given an assurance, but it does not clearly spell out whether the department will take over the funding of the administration of the Potato Growers Association, or whether the funding will continue to rely on levies. I think I know what the answer is, but I would like the Minister to have the Minister for Agriculture clarify that for me in writing so that we know exactly where we stand.

Hon GRAHAM EDWARDS: I am quite happy to undertake to do that.

Clause put and passed.

Clause 5 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon Graham Edwards (Minister for Consumer Affairs), and passed.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON KAY HALLAHAN (South East Metropolitan - Minister for Community Services) [5.49 pm]: I move -

That the House do now adjourn.

Environment - Chlorofluorocarbon Use

HON DOUG WENN (South West) [5.50 pm]: Recently I received in the mail a document involving a pet concern of mine, the problems we have created with chlorofluorocarbons and the Greenhouse Effect. It was a circular from the Aerosol Association of Australia. The circular refers to the action taken by the association to institute CFC controls. Since 1974, the Australian aerosol industry has voluntarily cut the use of CFCs as a propellant by 70 per cent. It is obvious that the industry is very concerned. It has been under heavy attack from many people around Australia who have asked it to take action to restrict the use of CFCs. I want to commend the aerosol industry for taking action.

The industry has given a commitment that by December 1989 there will be no CFC propelled aerosols on sale in supermarkets following the decision by the industry to restrict the use of CFCs. Of course, a small group of aerosols will still need to use CFCs. They will need to be approved by the Federal Government. These are medical sprays, such as asthma inhalants, which must be obtained on prescription, and they will not be sold in supermarkets.

Australians actually buy 161 million aerosols annually, or 10 per person. The German Government, which was concerned about the level of use of CFC propelled aerosols, implemented the use of a stick-on label to indicate that a product was environmentally friendly. It called it the "Blue Angel". In many areas Germany is suffering much bigger problems than we are. The Government was so concerned that it created a Commissioner for Environmental Protection to work solely on a program to eliminate CFCs in aerosol cans. The "Blue Angel" program has resulted in more than 2 000 products from 50 different product lines now carrying the sign. The people of Germany look for the sign more regularly and are creating a pattern of buying items that carry the label. They then know that in their own way they are doing their bit towards the control of CFCs throughout the country.

The Aerosol Association of Australia voluntarily decided in 1987 not only to endorse the Montreal Protocol to halve CFC use within 10 years, but also to reach even lower levels at a faster rate. The fact sheet put out by the AAA mentions that the AAA put that proposition to the Federal Government and is committed to it. It is doing a great job.

I raise the matter to bring it to the attention of members. I think most of them would have received the aerosol fact sheet from the AAA in the mail. I commend the AAA for the action

it is taking towards solving a problem that exists throughout the world. I suggest that the Liberal Party revamp its environmental policy and consider the fact that we have this problem, because it was not mentioned in its policy.

Question put and passed.

House adjourned at 5.53 pm

QUESTIONS ON NOTICE

EDUCATION - TECHNICAL AND FURTHER EDUCATION

Student Activities Coordinators - Permanency

534. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

Further to my question 364 of Thursday, 26 May 1988 -

- (1) Is the Minister in a position to announce the decision on permanency for TAFE student activities coordinators?
- (2) Is the Minister aware that of the 10 student activities coordinators currently employed, two have 10 years' service and one has six years' service - all of which has been on a temporary, annual reappointment basis?
- (3) With only four weeks until the end of the academic year, will the Minister have an immediate announcement made concerning the appointment of student activities coordinators for 1989 so that college planning might proceed?

Hon KAY HALLAHAN replied:

The Minister assisting the Minister for Education with TAFE has advised me that -

- (1) No.
- (2) Yes. There are actually 11 student activities coordinators currently employed. As Commonwealth grants are the source of funding these positions, all such positions must be on an annual reappointment basis.
- (3) Yes. The existing number of student activities coordinator positions will be funded in 1989.

STATE GOVERNMENT INSURANCE COMMISSION - AUTOCHECK

539. Hon P.G. PENDAL to the Leader of the House representing the Treasurer:

- (1) Does the State Government Insurance Commission operate Autocheck?
- (2) If so, what was the net operating financial result for the year ended 30 June 1988 to Autocheck?
- (3) Do these results include all forms of advertising undertaken by Autocheck?
- (4) How many vehicle inspection services were provided by Autocheck for the year ended 30 June 1988?

Hon J.M. BERINSON replied:

- (1) No. The State Government Insurance Corporation, trading as SGIO, operates Autocheck.
- (2) The trading loss on establishment at 30 June 1988 was \$349 397.
- (3) Yes.
- (4) This business is in competition with other private companies and therefore the number of inspections provided during the year is commercially sensitive. However, the number of inspections are well in excess of 5 000, demonstrating a demand for this service.

STATE FINANCE - BUDGET ALLOCATION

Seniors' Card, 1988-89 - Aged Open Hotline, 1988-89

540. Hon P.G. PENDAL to the Minister for Community Services:

- (1) Would the Minister advise me of the Budget allocation for 1988-89 for the Seniors' Card?
- (2) What is the Budget allocation for 1988-89 for the "Aged Open Hotline"?

Hon KAY HALLAHAN replied:

- (1) There was a zero Budget allocation for the Seniors' Card in 1988-89. The Seniors' Card was funded by a one-off allocation of \$100 000 under the Government's family package in 1987-88. Thirty thousand dollars of this was carried over into the 1988-89 Budget.
- (2) \$36 000.

EDUCATION - PRIMARY SCHOOLS

Gosnells - Deep Sewerage Facilities

542. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

- (1) Is it correct that deep sewerage facilities are in place at the Gosnells Primary School?
- (2) If so, when is it envisaged that the school will be connected to the system?

Hon KAY HALLAHAN replied:

- (1) Yes.
- (2) The school is listed for a Capital Works Program of improvement and upgrade, inclusive of toilets. At the time of this upgrade, the sewer connection will be made. This work is listed on the draft program for 1989-90, pending fund availability.

FAMILY DAY CARE CENTRES - ROSTRATA PRIMARY SCHOOL

Proposed Location

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

- (1) Is it correct that a family centre is to be built in the vicinity of the Rostrata Primary School?
- (2) If so, where is the proposed location of the family centre?

Hon KAY HALLAHAN replied:

- (1) Yes.
- (2) On adjacent land presently owned by the City of Canning.

QUESTIONS WITHOUT NOTICE

COMMUNITY SERVICES - BUDGET ALLOCATION

Financial and Material Assistance - 1988-89 Decrease

384. Hon P.G. PENDAL to the Minister for Community Services:

I refer to the Community Services estimate of expenditure for the current year under item 7 of the Budget titled Financial and Material Assistance and ask -

- (1) Is the Minister aware that \$7.1 million was spent on financial and material assistance last year, but that only \$5.4 million is allocated this year? This is a drop of 24 per cent.
- (2) What explanation is there for the decrease?
- (3) Is this amount of assistance to people in desperate straights to further decrease as a result of recent Government losses in the business arena?

Hon KAY HALLAHAN replied:

(1)-(3)

I ask the member to put the question on notice because I do not have the item before me. However, I can assure him that there has been no decrease in assistance for those in needy circumstances. In fact, under this Government there has been an extraordinary increase of well over 300 per cent in one particular area. There is certainly no basis for his projecting that there will be a decrease in assistance in the future.

COMMUNITY SERVICES - BUDGET ALLOCATION
Financial and Material Assistance - Needy People, Fund Decrease

385. Hon P.G. PENDAL to the Minister for Community Services:

I direct a supplementary question to the same Minister.

The PRESIDENT: Order! The honourable member cannot ask a supplementary question when the Minister did not answer the first one.

Hon P.G. PENDAL: The Minister answered part of the question.

The PRESIDENT: Well, ask another question.

Hon P.G. PENDAL: I ask another question to the extent that she answered the first one.

- (1) Did the Minister tell the House, as I understood her to, that there has been no decrease in funds for those needy people?
- (2) If that is correct, why does her current Budget show a 24 per cent decrease under that heading listed?

Hon KAY HALLAHAN replied:

(1)-(2)

I do not think that that is an unreasonable question, however, I do not have the item before me. It is possible that there is an explanation of an offsetting amount under another item and that is what I would like to look at in order to give the member an accurate response. I can assure him that there is an increase in the funds made available, not a decrease.

COMMUNITY SERVICES - BUDGET ALLOCATION
Financial and Material Assistance - Employee Increase

386. Hon P.G. PENDAL to the Minister for Community Services:

- (1) Is the Minister aware that in the same year that has seen a 24 per cent decrease in the funds available to the needy people under the financial and material assistance item, there has been an increase of 21 in the staff members of her department?
- (2) Is she concerned about this staff increase at a time when the funds for these needy people have been reduced?

Hon KAY HALLAHAN replied:

(1)-(2)

That question is based on false assumptions and I do not think that it warrants an answer as it stands.

Hon P.G. Pendal: They are your figures. It is not a false assumption.

Hon KAY HALLAHAN: I explained to the member that it is a false assumption because there is additional spending.

Hon P.G. Pendal: But, they are your figures, not mine.

Hon KAY HALLAHAN: I said that I would get an interpretation for Mr Pendal, if he heard me, and that is what I will do! There is no decrease in spending by 24 per cent and I want that on the record.

I make the point to the honourable member that I do not believe there has been a 21 per cent increase in staff either.

Hon P.G. Pendal: I did not say 21 per cent; I said a 21 increase in staff members.

Hon KAY HALLAHAN: I will have that scrutinised and see whether Hon Phil Pendal, who has such an ability to get the facts wrong, is making the right statement in this regard. I make this point to the honourable member, because, no doubt, it will be of great interest to him; a minimal staff increase has occurred in the Department for Community Services but an extraordinary increase has taken place in the spending on non-Government community

organisations which deliver a lot of services in localised areas in a responsive manner to a lot of communities. The Government has directed its funding to the community rather than to staffing within the department.

COMMUNITY SERVICES - BUDGET ALLOCATION

Salary Bill Increase - Needy People, Fund Decrease

387. Hon P.G. PENDAL to the Minister for Community Services:

- (1) Will the Minister investigate why the salary bill for her department has increased by 10 per cent in the current financial year when funds available for the needy under item 7 of her own department's Budget estimate have shown a decrease by 24 per cent?
- (2) Will she undertake to report the results of her investigations to the House as a matter of urgency?

Hon KAY HALLAHAN replied:

(1)-(2)

Obviously we will have the member running around the community feigning an interest in disadvantaged people, which is an extraordinary new direction for Hon Phil Pendal.

Hon P.G. Pendal: You have cut funds and hidden them!

Hon KAY HALLAHAN: The funds are not hidden and I will provide an explanation to the member. I absolutely deny the member's claims, and I find it most annoying that in spite of my saying that I will provide the information to him, he insists that his figures are a matter of fact; just because he utters them does not make them a fact. If the member puts his question on notice I will give him an answer. He claims the staffing has increased by 10 per cent but it is something like the normal inflation rate for the normal measures taken for additional staffing, and there is nothing more extraordinary about it than that. I will be happy to get the information for him and I would be even happier if he was genuinely interested, and not stupidly politically motivated.

Hon G.E. Masters: Of course he is interested. That is insulting.

COMMUNITY SERVICES - BUDGET ALLOCATION

Financial and Material Assistance - 1988-89 Decrease

388. Hon P.G. PENDAL to the Minister for Community Services:

- (1) I direct the Minister's attention to her remarks that there has been no such reduction in funds and ask her, in view of that statement, whether she will confirm that on page 66 of the Budget a total of \$7.1 million was spent on financial and material assistance in the last financial year, and this year the amount has been reduced to \$5.4 million?
- (2) If that is not a fact, will she tell us why it is published in the Budget papers?

Hon KAY HALLAHAN replied:

(1)-(2)

I will be happy to get the response that the honourable member requires if he puts the question on notice.

FAMILIES - WESTERN AUSTRALIA

De Facto Capital - Newspaper Article

389. Hon J.N. CALDWELL to the Minister for Community Services:

In the *Daily News* today it states that Western Australia is the de facto capital of our nation. This is something that we are not particularly proud of and there is a paragraph in the article which states that one in every three people who get married is likely to be divorced.

The statistical information about deaths on roads always makes a big thing about comparing metropolitan and country areas. Are there any divorce statistics available in Western Australia which compare city and country areas?

Hon KAY HALLAHAN replied:

I thank the honourable member for his question. It is very satisfactory that the member has raised this matter as today we have published the most comprehensive data available on families in this State in a way not available in any other State. It is very accurate data based on the 1986 census and I pay tribute to the Australian Bureau of Statistics and the Institute of Family Studies, which the Family Ministry commissioned to draw up the publication. This is a large document which Hon J.N. Caldwell may be interested in reading. There is a shorter version that will be of much more interest for community use. I will look at that to ascertain whether it gives the sort of information the member wants, or make the document available to him so that he can look at it and maybe draw from it a lot of the information for the attention of his constituents.

I was interested in a lot of the information that emerged because it shows that the rate of divorce is apparently levelling off, that people are marrying later and that when they do divorce they are doing so at an earlier stage in their marriage. If that continues we will see many less children involved in divorce proceedings. I guess we would all think that is a very good thing.

It was interesting to note that eight in 10 Western Australian children live with both parents, one in eight families has adult children living at home and more than one in every two mothers with dependant children is now in the work force. That is a marked change from 1960 when one in four married women went to work.

The other interesting thing which indicates a sharp change is the fact that, in 1966, 23 per cent of births were to teenage mothers and that has decreased dramatically to where in 1986 only four per cent of births were to teenage mothers. This is an interesting document.

Hon P.G. Pental: How is it that the Minister for Community Services knows so much about those statistics and nothing about her own department's statistics?

Hon KAY HALLAHAN: I have been studying this matter today whereas, as Hon Phillip Pental knows, the Budget was dealt with a month or two ago.

Hon P.G. Pental: No, we will start going through it with a fine toothed comb.

Hon KAY HALLAHAN: I will bone up on the Budget for this week or next week.

Hon P.G. Pental: I hope the Minister is better than she was today.

Hon KAY HALLAHAN: It is most unusual to go through the Budget with a fine toothed comb, so I will be interested to see if the Opposition acts differently from the way it normally does.
