

Legislative Council

Thursday, 10 November 1988

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

PETITION - WESTERN AUSTRALIAN MUSEUM

Percy Markham Collection - Sale, Objection

The following petition bearing the signatures of 732 persons was presented by Hon P.G. Pandal -

To: The Honourable the President and Members of the Legislative Council of the Parliament of Western Australia assembled. We, the undersigned citizens of Western Australia express the gravest possible disquiet over the State Government's decision to allow the sale, by the Museum authorities, of the Percy Markham collection of vintage and veteran cars. Accordingly, we:

- [1] Urge the Government to abandon to sell or otherwise dispose of the vehicles; and
- [2] call on all Members of Parliament, regardless of their political affiliation, to support the Bill currently before the Legislative Council which seeks to prohibit the break-up of the Markham collection.

And your petitioners as in duty bound will ever pray.

[See paper No 579.]

LAND TAX ASSESSMENT AMENDMENT BILL

Receipt and First Reading

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

Second Reading

HON J.M. BERINSON (North Central Metropolitan - Minister for Budget Management) [2.33 pm]: I move -

That the Bill be now read a second time.

Two years ago this Government introduced amendments to the Land Tax Act and the Land Tax Assessment Act which provided relief to all those liable for land tax. In particular, the amendments established a new scale of land tax rates which provided for lower assessments for all taxpayers. That represented the first significant modification of the scale for almost 20 years. It reflected the Government's desire to restrain increases in taxes and charges to reasonable levels. Moreover, pending the introduction of a new scale, the Government had had the Act amended to provide for a rebate of 10 per cent on assessments in the previous two years.

The provisions of this Bill are a further indication of a willingness on our part to react quickly to counter an unreasonable increase in the tax burden which could otherwise occur through the operation of the legislation. For so long as property valuations remain the most appropriate basis for the application of land tax, it is proper that they be updated on a regular basis. However, recent increases in the valuation of a great many properties have been extraordinarily severe. For instance, a revaluation of the Perth central business district, which will come into effect for this financial year, provides for new valuations which on average are 175 per cent higher than the previous valuations which came into effect in 1984-85. Although under the principles on which the land tax system is based these increases should not be put aside, I believe that some amelioration of their impact is well justified.

As the Land Tax Assessment Act stands at present an increase in the valuation of properties following a revaluation by the Valuer General must be phased in over three years; that is to say, in the first year one third of the increase is added to the previous valuation, and in the second year two thirds. The full valuation comes into effect in the third year after the increase. This Bill proposes that the present three year phasing-in period for new valuations

be extended to four years. This new measure will apply to all new valuations which come into effect as from the current financial year or any subsequent year. It will reduce by 25 per cent the increase in valuations which would occur if the three year period were to remain.

The Bill seeks also to amend the provisions of section 31 of the Land Tax Assessment Act. Under the Act the Commissioner of State Taxation is authorised to amend an assessment which has been incorrectly issued. However, section 31 provides that no such error may be corrected beyond a retrospective period of three years except where the commissioner believes that the error has been brought about by a taxpayer's attempt to evade land tax by failing to lodge a correct return. Obviously, there must be some limitation on how far back the commissioner has to go to correct an error which has disadvantaged a taxpayer, bearing in mind that each year the taxpayer has the right to object to and appeal against an assessment. The line has to be drawn somewhere. However, in a number of cases where taxpayers have sought the correction of errors which have operated to their disadvantage, the three year limit has appeared inadequate. It is therefore proposed to increase this three year limit to five years.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Neil Oliver.

LIQUOR LICENSING BILL

Third Reading

HON GRAHAM EDWARDS (North Metropolitan - Minister for Consumer Affairs) [2.39 pm]: I move -

That the Bill be now read a third time.

HON P.H. LOCKYER (Lower North) [2.40 pm]: Normally I would not speak during the third reading stage of a Bill, but it is in the interests of the House that before the Bill is read a third time some corrections be made to the assertions made by the Minister responsible for this Bill in the other House. By way of an answer to a dorothy dixer asked by Dr Alexander the Minister for Racing and Gaming emptied the bucket on the Opposition in this House, which had the temerity to reject some clauses of the Bill during the Committee debate. She indicated that if we took clause 117 out of the Bill the community would have no recourse to the Act. I make it clear to the House that the Opposition has not removed clause 117 from the Liquor Licensing Act. It has amended it and rejected a very small part of it. In fact, this clause stands in its original form except for a small alteration.

I also point out that even before this Bill has had its third reading in this House and it is returned to the other House the Minister has written a letter to every licensee in this State advising them that the Bill will be withdrawn if the Opposition does not back down on its amendment. I am very disappointed with the Minister concerned and prior to the Bill being read a third time this House should be aware that the amendments were passed in a democratic way in this House, yet they are being questioned. If the amendments to which this House has agreed are rejected in the other place the Bill will be returned to this House for further consideration.

The PRESIDENT: Order! Without wanting to impinge on the honourable member's right to make some statements or comments on the Bill - I am not suggesting that I intend to do that - before the debate proceeds very much further I want to advise members that one of the things I have noticed in recent times is that one member will deviate from the rules and every other member will accept that as a license to assume that every one else is entitled to deviate from the rules. Members are not content with deviating to the extent that the first speaker deviated, but they go further and by the time 10 speakers deviate any resemblance to the rules which apply is purely accidental. I point out to members that at the third reading stage of a Bill a member is specifically restricted to putting forward views about why the Bill should or should not be read a third time. The merits of various arguments are not issues that can be debated in this place on the third reading. What someone has said outside this place about some aspect of the Bill is not an issue that can be properly debated in the third reading. I am simply saying that providing the honourable member continues on the path he is now following and he can convince me that he is giving reasons that the Bill should or should not be read a third time, I will let him proceed.

Hon P.H. LOCKYER: Thank you, Mr President. As you know I have been one of the better behaved members in this place and have always accepted your views and I accept your view on this occasion.

Mr President, I support the third reading of this Bill but it is incumbent upon me to inform this House that prior to the Bill being read a third time certain things are being assumed. I hope the Minister handling this Bill in this place will convey to the Minister in the other place that the opinion of this House is that it is a good Bill now that the Opposition has amended it.

HON J.N. CALDWELL (South) [2.45 pm]: I support the comments made by Hon Phil Lockyer and I will try not to deviate from supporting the third reading of this Bill. Since this Bill has been in the Parliament a number of people have contacted me regarding the intention of Opposition parties to reject the Bill. I suggest to the House that it is not the National Party's or the Liberal Party's intent to slow down the passage of the Bill or to stop it from being proclaimed. As I said, I support the third reading of the Bill.

HON NEIL OLIVER (West) [2.46 pm]: I have some doubts about whether the Bill should be read a third time, particularly in light of the answers given to me during the Committee stages by the Minister in charge of the Bill in this House. I refer specifically to schedule 1 of the Bill and to those clauses associated with the producers' licences. The Minister gave me to understand that he had spoken to Mr Ted Avery, the President of the Wine Industry Association of Western Australia. The Minister had spoken with him, but he led me to believe the association concurred with the intention of the Bill in its entirety. Since then I have had the opportunity to check the validity of the Minister's claims. I am not accusing the Minister of misleading the House, but I question the manner in which it has been expressed; that is, that after the expiration of two years the specific areas for the tasting of wine on a vineyard will be proclaimed. This is of concern to the vignerons who will ultimately hold a producers' licence. On that basis, I seek the reassurance from the Minister in regard to this matter before I can support the third reading of the Bill.

HON GRAHAM EDWARDS (North Metropolitan - Minister for Consumer Affairs) [2.48 pm]: I do not know whether Hon Neil Oliver will be able to influence the House in the way he seems to want to; that is, for the House not to support the third reading. In view of that I feel I am left with no other option but to reply in some detail to the points raised.

Hon G.E. Masters: Do you have a prepared statement?

Hon GRAHAM EDWARDS: Indeed, I want to reply in some detail to a couple of matters because I and Government members believe, as do some members on the Opposition benches, that it is an important Bill and it is an important industry with which we are dealing and, therefore, it is my view that it should be treated as such. I refer to some questions raised during the very late Committee stages of the Bill and I will answer them in detail in order to convince the House that it should support the third reading of the Bill.

Point of Order

Hon G.E. MASTERS: Mr President, there has never been any suggestion that the House will reject the third reading.

The PRESIDENT: That is not a point of order. The Minister is entitled to answer the points raised in the third reading. He is not entitled to start debating the Committee stage of the Bill or refer to comments made during that stage. They should have been properly dealt with during the Committee stage. I do not want members to misunderstand what I am talking about in respect of the third reading debate. Many times a Minister handling a Bill quite properly will say during the course of the second reading or Committee debate, "I am not able to satisfy that query at the moment, but I will advise the member of the situation at the third reading stage." That is a perfectly correct thing to do. I am not saying that members are gagged to the extent they cannot say anything. I am saying that the third reading stage of a Bill is not another second reading stage of the Bill. In other words, members cannot raise new debate and they certainly cannot rehash issues members talked about in the previous stages of the Bill. Members can give reasons why they believe the Bill should not be read a third time if that is the way they feel, or they may give reasons why they think it should be read a third time if they have reason to believe that it may not be. The Minister is free to answer the points that have been raised by other members who have spoken if he believes

that those points are in doubt, in order to ensure that the third reading of the Bill takes place. If the Minister deviates I am competent to make a decision as to whether he has done so. In the meantime the Minister should proceed.

Debate Resumed

Hon GRAHAM EDWARDS: I accept your advice, Mr President. No concern has been conveyed to me by the vigneron and they have expressed no opposition to this Bill. I am sure they are not concerned about this Bill to the degree that they would contact the Government because the new Bill basically repeats what the existing Act states; namely, that the Sunday trading hours are in each case up to the director to specify on the licence. Vignerons were given the opportunity to look at the Bill and they expressed no opposition to it at that time; neither have they done so since. It is interesting to note that there are 21 vigneron's licences at present, and of those only two do not allow for Sunday trading. No-one in the liquor licensing division can recall an application for Sunday trading being refused. I do not know what basis the member is using to form any concern. Although I was not accused of misleading the Chamber, I make it absolutely clear that I stand by the comments I made in those very important stages of the debate. I will not spend much more time on this matter except, in response to Hon Phil Lockyer and Hon John Caldwell, to quote from a letter written by the Minister in another place which was sent to all licensees. The last paragraph states -

It is clear that the Opposition does not understand the implications of Clause 117 and it is unfortunate that their actions will delay this Bill which has been long awaited by your industry.

Point of Order

Hon A.A. LEWIS: I thought you, Mr President, made a ruling about what could be dealt with. I do not believe the Minister is sticking to that rule.

The PRESIDENT: When the Minister deviates, I will pull him up.

Debate Resumed

Hon GRAHAM EDWARDS: I am trying to restrict myself to the points raised by members opposite during the course of this debate. I have clarified the points raised by the three members opposite and I seek their support for the third reading of this Bill.

Question put and passed.

Bill read a third time and returned to the Assembly with amendments.

COMPANIES AND SECURITIES LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second Reading

HON J.M. BERINSON (North Central Metropolitan - Attorney General) [2.52 pm]: I move -

That the Bill be now read a second time.

The Bill seeks to amend the Western Australian legislation which deals with the regulation of companies and securities and capital markets.

National Companies and Securities Commission (State Provisions) Act 1980: Under the Companies and Securities Legislation (Miscellaneous) Amendments Act 1985 of the Commonwealth, certain amendments were made to the National Companies and Securities Commission Act of the Commonwealth. Similar amendments are required to the National Companies and Securities Commission (State Provisions) Act. This Act acknowledges the role of the NCSC for the purposes of the law in Western Australia. Until all States have made such amendments, the relevant part of the Commonwealth Act cannot be proclaimed. The amendments will enable the NCSC to hold meetings by telephone, closed circuit television, or any other method approved by the NCSC. They also permit it to delegate hearing powers to one member. Although involving a relatively modest and technical change to current arrangements, this amendment will significantly improve the capacity of the NCSC to investigate hearings on relevant matters. The NCSC has stressed the

importance to its nationwide operations of the early enactment of this Bill in Western Australia and the Government has agreed to expedite its passage in spite of the pressures on the current legislative program.

Under the Companies and Securities Legislation Amendment (Futures Industry) Act 1986 of the Commonwealth, consequential amendments to cooperative companies and securities scheme legislation were made following the enactment of the Futures Industry Act of the Commonwealth. Those consequential amendments are being reflected in the State legislation. The amendments extend to futures trading, the secrecy and disclosure of interest provisions, presently applicable only in respect of securities.

The Companies (Administration) Act establishes the office of the Commissioner for Corporate Affairs. It designates the role of the commissioner in administering legislation under the cooperative companies and securities scheme and also State legislation outside the cooperative companies and securities scheme. The National Companies and Securities Commission (State Provisions) Act contains provisions dealing with secrecy, restrictions on dealing in securities and notification of dealings in securities. These provisions impose obligations on persons appointed to perform functions or powers of the NCSC pursuant to the cooperative companies and securities legislation. The Corporate Affairs Department thus administers two categories of legislation. However, the secrecy and other provisions currently only apply in respect of officers appointed to perform functions under the cooperative companies and securities legislation. The Bill extends the secrecy and other provisions to all staff. Operations of the department involve the possibility of any staff member acquiring access to information referred to in these provisions and, therefore, being in a position to misuse that information. The amendment is desirable to ensure that consistency applies in the treatment of officers of the department. Similar amendments have been made in other States. The Companies (Administration) Act also establishes the Companies Auditors and Liquidators Disciplinary Board. Currently, remuneration of the members of the board is by way of ex gratia payment as there is no mechanism for settling this remuneration. The amendments will permit the making of regulations prescribing fees for such members.

Companies (Application of Laws) Act 1981, Companies (Acquisition of Shares) (Application of Laws) Act 1981, Securities Industry (Application of Laws) Act 1981 and Futures Industry (Application of Laws) Act 1986: The main amendments to these four pieces of legislation allow for an expanded operation of the current penalty notice provisions. Under the penalty notice system, a notice is issued specifying a prescribed penalty and asserting the commission of a relevant offence. Payment of the penalty avoids court proceedings. Court proceedings follow in the usual manner if a person denies committing the offence. The system is designed to ensure that routine compliance occurs with numerous provisions of the legislation which are essential to its operation but are not matters of great substance. The current penalty notice provisions are restricted to offences where the monetary penalty does not exceed \$1 000. The maximum penalty which can be imposed by way of penalty notice is one quarter of the maximum statutory penalty. The amendments expand the system to offences which are punishable by a term of imprisonment not exceeding six months, or a fine not exceeding \$2 500. The maximum penalty which can be imposed under the expanded penalty notice system is one half of the maximum statutory penalty. The expanded penalty notice system will enable a greater range of offences to be dealt with more speedily and cheaply than by way of formal prosecution, and will in the long term enable more efficient use of the staff resources and reduce the pressure on the court system. Some increase in revenue may result from enforcement action under the legislation. The increased certainty that a penalty will be collected should, in the longer term, reduce the frequency of less serious breaches of the legislation.

Companies and Securities (Interpretation of Miscellaneous Provisions) (Application of Laws) Act 1981: This amendment recognises the replacement of the Interpretation Act 1918 by the Interpretation Act 1984.

Legal Practitioners Act 1893: This amendment rectifies a cross referencing error in that Act.

Partnership Act 1985: This amendment rectifies a perceived inconsistency between the Companies (Western Australia) Code and the Partnership Act. The Companies Code prevents the formation of partnerships of more than 20, subject to exemptions in the case of

professions which have been declared by the ministerial council. Currently, for example, legal practitioners and accountants are restricted to a maximum of 400 partners per partnership. Section 11 of the Partnership Act does not recognise this exemption. This amendment addresses the inconsistency.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Max Evans.

FORESTRY - STATE FORESTS

Revocation of Dedication - Assembly's Resolution, Motion to Concur Committee

Resumed from 26 October. The Deputy Chairman of Committees (Hon John Williams) in the Chair.

Hon A.A. LEWIS: The Minister referred in her speech to a Class A national park. I know what a Class A, Class B and Class C reserve is, but could the Minister explain what a Class A national park is, because I have never heard of that.

Hon KAY HALLAHAN: The technical answer is that a Class A national park is a Class A reserve for the purposes of a national park.

Hon A.A. LEWIS: The Conservation and Land Management Act does not mention Class A. It has classes under the National Parks and Nature Conservation Authority. To the best of my knowledge, there are no categories of Class A, B or C for land in the Act or the regulations. Is the Minister trying to say she is establishing a Class A reserve, or is she putting that land under the control of the National Parks and Nature Conservation Authority as a national park?

Hon KAY HALLAHAN: No. I accept that Class A is a term used in the Land Act.

Hon A.A. LEWIS: The revocation is from one part of the Department of Conservation and Land Management to another, and is dealing not with land under the Land Act but with land under the Department of Conservation and Land Management. How can we put a Department of Lands Administration class onto something which has been under the control of the Conservator of Forests, and which now comes under the Lands and Forest Commission and is being transferred to the National Parks and Nature Conservation Authority?

Hon KAY HALLAHAN: It is not a Department of Lands Administration classification. All national parks are reserved under the Land Act.

Hon A.A. LEWIS: Is the Minister talking about the Conservation and Land Management Act or the Land Act? The Land Act has no authority over the Hawke-Treen management priority area because that land is at the present moment under the Lands and Forest Commission, and cannot be given a Department of Lands Administration classification. So we cannot have a Class A national park. The Minister needs only to say she made a mistake in her speech, and we could get away from this very quickly; I will have made my point that the Minister, and the Minister in another place, have no idea of how to handle the land we have. The Minister is compounding the issue by trying to make excuses. Her speech is wrong. The Minister is seeking to transfer land from the Lands and Forest Commission to the National Parks and Nature Conservation Authority. But it cannot be given any class designation because there are no classes to transfer it to. The piece of land is taken from the Lands and Forest Commission and put under the National Parks and Nature Conservation Authority.

Hon KAY HALLAHAN: With all due respect to the honourable member, the allegations he has made about how this is being handled are quite erroneous. The fact is that they are to be removed from State forests which are under the Conservation and Land Management Act.

Hon A.A. Lewis: Under whom?

Hon KAY HALLAHAN: Under the CALM Act.

Hon A.A. Lewis: But under whom in the CALM Act?

Hon KAY HALLAHAN: What does the member mean, "under whom in the CALM Act"?

Hon A.A. Lewis: Oh God! It is under the Lands and Forest Commission.

Hon KAY HALLAHAN: That is correct; but then - and this is the part I think we are not connecting on -

The DEPUTY CHAIRMAN (Hon John Williams): Order! Minister, the Hansard reporter is having difficulty hearing you.

Hon KAY HALLAHAN: Oh dear. They will then be made a national park under the Land Act. That is how it comes together. It is not a case of wanting to mislead. The notes given to the Chamber to date are quite accurate. This is the answer to the difficulty we are running into. I would not want at all to reflect on the member's genuine interest and his belief that things are not as they ought to be, but in fact I think they are.

Hon A.A. LEWIS: I am sorry, Mr Deputy Chairman, that we now really have to go back to basics. I am sorry the Minister has not just said, straight up front, "We have made a mistake."

Hon Kay Hallahan: But there is no mistake.

Hon A.A. LEWIS: I will stay here all day to prove it to the Minister, if need be, so she should not say I am making a mistake.

Hon Kay Hallahan: No, I said I had not made a mistake.

Hon A.A. LEWIS: I have dealt before with Ministers of my own colour in this place who have illegally made national parks. The Crown Law Department finally came out on my side and it will come out on my side again. This Government brought this Bill in. I happen to have had a little bit of a look at it at various times with my friend, Hon Fred McKenzie. We have had ample opportunity to study the Bill; we know where it is going and what it is all about. As a matter of fact we made some recommendations from an honorary Royal Commission - and that was only three or four years ago - that the department has not yet picked up on this specific subject; on how the lands are treated under the Lands and Forest Commission. So I am sorry but we will have to start right from the beginning.

Hon Kay Hallahan: I always like to begin at the beginning.

Hon A.A. LEWIS: I am glad, because the Minister has got herself all fouled up by moving in halfway through.

Hon Kay Hallahan: I have not.

The DEPUTY CHAIRMAN (Hon John Williams): Order, please! There appears to be a very technical point which the member and the Minister are very competently dealing with. However, I ask the Minister and the member whether perhaps it would be better if I left the Chair for five minutes while they sorted out the technicality, and perhaps save the time of the Committee.

Government members: Hear, hear!

The DEPUTY CHAIRMAN: I offer that suggestion in light of the fact that both the member and the Minister have very strong views.

Hon A.A. LEWIS: I am quite willing for you to leave the Chair, Sir, and I am quite willing to discuss it with the Minister. I also am quite willing to stay out until we really get it decided, and that may take more than five minutes.

The DEPUTY CHAIRMAN: In that case I suggest I leave the Chair until the ringing of the bells. Does that satisfy the Minister and the member?

Hon A.A. LEWIS: Yes.

Hon KAY HALLAHAN: I think that is a good solution. If the member and I have an informal discussion I hope we will be able to reach a resolution fairly quickly. That would be my hope and my belief, Mr Deputy Chairman, and I appreciate your advancing a resolution to the impasse in this way.

Sitting suspended from 3.15 to 3.35 pm

Hon KAY HALLAHAN: The member and I have reached consensus about our terminology.

The three reserves that we will be referring to are Class A reserves for the purposes of national parks vested in the National Parks and Nature Conservation Authority. They will be vested under the Land Act. We have had amicable discussions because they are areas about which the member feels very strongly and has considerable knowledge. I hope that we have been able to resolve that problem which was, to him, a major area of contention.

Hon A.A. LEWIS: I thank the Minister for her cooperation in this matter. The State considers these reserves are major. If it was only me who was concerned about them I would not be making much fuss. I have a horror, as I explained to the Minister, of people placing national parks into these reserves whether they be A class, B class, C class or D class reserves without due consideration. The Minister and I have come to a sensible accommodation. The business of classing national parks may have given officers of the department a great deal of heartburn and will give Ministers heartburn in the future, and I thank the Minister for realising the State's problem and going along with me.

The DEPUTY CHAIRMAN (Hon John Williams): Order! I hope there is no question of members' attempting to amend the Message because we cannot do that.

Hon A.A. LEWIS: I understand that. I will discuss the problems of these revocation of these reserves and I will deal with it as I do with Bills at the second reading stage.

The DEPUTY CHAIRMAN: On behalf of the Committee, I thank the Minister and the member for their clarification.

Hon A.A. LEWIS: I chuckle to myself when I see this Government come under pressure from what I call 'the ambit claim conservationists'. The Australian Labor Party has a few conservationists in its lay ranks, especially in its environmental committee, who must give some Ministers many sleepless nights. The Hawke-Treen block is a management priority area under the former Forests Department's working plans and was set down to be guarded at all costs and nurtured for the future. Its flora and fauna were to be protected for years to come. However, it happened to be administered by the former Forests Department. There is absolutely no need for the Government to revoke this block. However, the ambit claim conservationists believe it should be put in a national park. What those preservationists - not conservationists - have done is to convince the Government to take a piece of land from an MPA, where it has been cossetted and nurtured for the future and on which foresters and others may say that far too much money has been spent because of its nature conservation values, and add it to the plethora of national parks which have been underfunded over the years despite this Government's many promises. The promises the Government made to the conservation movement and did not keep were scandalous. Hon Fred McKenzie is one of the people in the Chamber who know all about these things. No-one in his right mind would change the vesting of a management priority area; they have been managed so well. The Government has caved in to a section of its political party which wields the big stick. In land management terms, it is an utter disgrace that a Government should fall for the three card trick and allow this nurtured piece of land to be thrown in with the other 11.5 million hectares of unmanaged national park.

The beauty of a management priority area is that it can be managed. The foresters can see such areas virtually every day. We do not have enough rangers to look at this country every day. Despite the Government's promise that it would put into national parks an allocation representing an increase above that which would be required to keep up with the consumer price index and the like, nothing has been done. Anybody who knows national park management knows that the quality of management in national parks is being reduced every year. I am not blaming the Government because the Government has very little money to spend on national parks. It has even less money for these things as a result of some of the investments it has made. But changing an MPA into a national park defies description. I want a guarantee from the Minister that the same amount of money that has been spent on the MPAs over the last 15 years will be spent on these areas in the future. She probably cannot give that assurance.

Hon Kay Hallahan: I will think about it.

Hon A.A. LEWIS: The Minister might remember that the Minister for Budget Management sits right next to her.

It is stupid in the extreme for this sort of attitude to be adopted by the Government when the

area has been properly managed. If the area were not being managed at all, I could understand a revocation. Virtually all major areas are today well managed. Why do we need to change their vesting and under whom they are put? Pressure is being put on the Government by people who do not really understand land management. That pressure is political, not professional. I am sure the political pressure will be one of the things that has to be cured when the Government changes in February.

Sitting suspended from 3.45 to 4.00 pm

[Questions taken.]

STATEMENT

Dress in the Chamber

The DEPUTY CHAIRMAN (Hon John Williams): Due to the intemperate conditions the privilege has been extended to members et al to remove their coats. I would ask members not to litter the Chamber with their discarded clothing and I ask them, if they take off their jackets, to leave them outside or in their rooms.

FORESTRY - STATE FORESTS

*Revocation of Dedication - Assembly's Resolution, Motion to Concur
Committee*

Resumed from an earlier stage of the sitting. The Deputy Chairman of Committees (Hon John Williams) in the Chair.

Hon KAY HALLAHAN: The point at which we left Hon Sandy Lewis was his query on the amount available for continuing to look after our land mass. For his information, may I indicate that earlier this year the Government announced a major parks improvement program to upgrade facilities and enhance the management of national parks. In all, \$5 million in capital funds will be provided over the next three years. The first instalment of \$2 million is in the CALM capital budget for this year. CALM has prepared a comprehensive works program to be funded from these monies, and the extent of the program will be apparent to visitors to national parks as the works program is undertaken. In addition to the capital program, extra revenue funds will be provided to enhance day to day management in the parks. Twelve extra staff have been approved for CALM, which will result in better planning, improved on-the-ground management, and the production of further publicity and educational material. Six of these staff will be national parks rangers who will be located in various parks throughout the State. I assume that Hon A. A. Lewis will be pleased with that investment in our State's resources, and I am sure he will let me know in a moment if that is not the case.

In relation to the Hawke-Treen MPA, it will continue to be managed by CALM's officers based in Pemberton. It is difficult for me today to give the assurance that was asked for about money spent over the last 15 years, and the real value of the money spent fourteen and a half years ago, but I can give a commitment that there will be a very high level of management, and if the honourable member would like to make quite clear and specific his concern I will endeavour to deal with it.

Hon A.A. LEWIS: It is marvellous that \$5 million has been allocated over three years. Hon Fred McKenzie would agree with me that we thought \$15 million should be allocated in one burst. This Government made many noises about providing that sort of money, but it has not lived up to its promises.

Hon Fred McKenzie: They put quite a bit into it.

Hon A.A. LEWIS: If we look at it fairly and squarely, we will see that the money that went into the national parks section bled the equipment section of the old Forests Department. Members will remember the fire trucks and other equipment that the national parks had. We have now seen a bleeding of the forestry section to the benefit of the national parks section, and I do not call it allocating extra money.

Hon Fred McKenzie: I am not aware that has happened.

Hon A.A. LEWIS: I think the member would believe me when I say that it has happened.

Several members interjected.

Hon A.A. LEWIS: The debate hinges around the fact that the Government has really juggled money in providing for the national parks and nature conservation service. It is a worry to some members that the burning of the forest during the time the Department of Conservation and Land Management has been in existence is running at about half of what has been planned. We will have a fire of enormous proportions unless the money for the burning is increased. We have been extremely lucky in the latter part of this year. The figures that have been given in answer to questions show that the lack of burning is a paramount consideration for both park and forest management. In August last year I had the privilege of visiting Yellowstone, and I told the park management of that national park that they would find themselves in trouble because they had not carried out hazard reduction burning. They laughed at me and told me that I really did not understand the situation.

Hon Doug Wenn: They are not allowed to under their law.

Hon A.A. LEWIS: That is a good point and I thank Hon Doug Wenn for making it. I think he will find that virtually each park in the United States operates under its own law which is enforced by the park superintendent. Some of those superintendents believe in burning and others do not. I have heard stories about how burning cannot be carried out in national parks, but when I visited Yosemite Valley I noticed signs in that park requesting people not to report the fire that was burning because it was a management fire. I thought it was a good idea which could be used in this State.

Hon Doug Wenn: I was there two months ago and I did not see any.

Hon A.A. LEWIS: It probably would have been too late two months ago. They usually burn in June, July and at the beginning of August. I know that the park manager of Yosemite Valley, Mr Moorehead, is committed to hazard reduction burning in that national park, because I had a long discussion with him. The park superintendent at Yellowstone was not committed to hazard reduction burning. I am worried that we will run into some of those problems in this State, and the members who remember the fires at Dwellingup would not want to see them occur again.

The Minister did not advise how the national parks section of CALM will manage MPA areas better than the foresters who previously managed them. I do not believe, when we speak of a minuscule figure of \$5 million over three years, that the same amount of resources can be put into MPA's as was put into them previously by the Forests Department. I do not think members realise the amount of time, effort and expense that went into MPA's from the old Forests Department. It is very easy for people from other Government departments which have amalgamated with CALM to be critical of the management undertaken by the old Forests Department. The people from that department created and managed most of the parks in the best possible way. A problem will occur because of the lack of resources allocated to the conservation of national parks.

In relation to the Brockman area I ask the Minister how much of the management priority area had been previously cut and whether it will, as a result of this movement, be cut again. I also note that this matter is under consideration by the Manjimup Shire Council. The Minister has not told the Chamber what the shire has to say about it. The Minister has told the Chamber that the town boundary is under consideration. I ask her what the shire thinks about the excision being carried out now. Will it then make it more difficult to undertake further excisions of town boundaries than it would have been had it been left as an MPA and both jobs had been done at the same time?

Hon KAY HALLAHAN: I will deal first with the last point raised by the member. The matter has been considered in consultation with the Manjimup Shire Council. As I understand it, we are revoking the status of that land, and from there it can be given a new status which will assist the Manjimup Shire Council. It is not a matter of conflict with that council. I am not sure whether the material relating to Brockman is available. If it is available and the member wishes me to pursue it, I will obtain the information for him next week.

Hon A.A. Lewis: You can report progress.

Hon KAY HALLAHAN: I prefer not to report progress. If the material is available, I would prefer to convey it to the member next week. The material may not be available and it would be a pity to report progress. The answer to the other question raised by the member is that the area will not be logged again.

Hon A.A. LEWIS: If the Shire of Manjimup has agreed to this, why did the Minister state in her speech that it was currently under consideration by the shire? I am horrified that the Minister's speech, instead of being written by professionals, was obviously written by a scenario writer or Press person with absolutely no knowledge of the practicalities.

Hon Kay Hallahan: The rationalisation of the Pemberton townsite boundary is currently under consideration by the Shire of Manjimup.

Hon A.A. LEWIS: The Minister said that the shire has agreed with everything that has been done; therefore, it is not currently under consideration. I will not dwell on this point, but it is peculiar that this statement should be contained in a speech when the decision has already been made. Why not state that the Shire of Manjimup and CALM have already made a decision?

Hon Kay Hallahan: No, they have not. They are making that decision.

Hon A.A. LEWIS: The Minister said the shire had agreed to everything, but in her speech she said that it was under consideration, and by interjection she said it still was.

Hon Kay Hallahan: I said they are still making their plans.

Hon A.A. LEWIS: That is just as bad. The Minister said the shire had agreed to the whole lot and she now says that it is still making plans, obviously, relating to the boundaries of the town of Pemberton.

Hon Kay Hallahan: That is right.

Hon A.A. LEWIS: If the Minister is right when she says that the boundaries are under consideration, then obviously what she said before is not correct. I will not be pedantic about this matter, but I wish the Minister and the speech writers would get these things right when they first attempt them. I ask the Minister why area 4 - 3 110 hectares situated approximately 14 kilometres east of Walpole - will be better managed by transferring the land. I want to know why and how it will be better. It is easy to transfer land and to make these wonderful statements, but how will the management be better?

Hon KAY HALLAHAN: The basic value of this area is for recreation. That has been recognised, and the land will be managed in that way. It will make consistent the use that it is currently valued at and recognised for, and that will be rationalised. If the member will indicate the reason for his query, I will address that.

Hon A.A. LEWIS: The area has been managed for recreation for as long as I can remember by the former Forests Department. Why does the Government think that by transferring it from the Lands and Forest Commission to the National Parks and Nature Conservation Authority its management for recreation will be better than it is now? The former Forests Department, which managed that recreation reserve, did a damned sight better job than does the National Parks and Nature Conservation Authority or any other department. Where is the proof that this transfer will result in better management? If there is no proof, why transfer it?

Hon KAY HALLAHAN: It will continue to be managed by CALM, but the reason for the transfer is that it adjoins the area known as the Valley of the Giants. It will bring cohesion into this area which will continue to be managed by CALM. It will be managed better in that it will be added to an existing national park. That makes good sense. We should recognise that these areas are of a similar nature and manage them in that way.

Hon A.A. LEWIS: I am more horrified every day. I know that it is not the Minister's fault, but she has virtually admitted that there will be damn all change in the management. The area is in the Valley of the Giants. No change will take place in the management procedure but the Government is doing this for some weird reason. If there will be no change in the department's management of this reserve, why does the Government want to transfer it from the Lands and Forest Commission to the National Parks and Nature Conservation Authority? That gets to the nub of what I have been saying all day. This Government has been influenced by the conservation lobby group, which thinks this transfer would be better for it.

In the eyes of its members the lobby group will be seen to be achieving something but there will not be much difference in the management procedures. However, I am prepared to wager here and now that the management of that area will be worse under the National Parks and Nature Conservation Authority, because that has been the case everywhere else. CALM has bled the forestry section for as much as it can; a measly \$5 million will be allocated over the next three years for capital works. This Government has surrendered any land management principles it may have had and has given in to one section of people who have virtually no land management knowledge. It is well known among land managers in this State that the nature conservation and national parks people do not have the experience or professional competence that the foresters have in land management. There seems to be a move both within and without the department to push the views of a minority in the community and in the department, and to shed this State of the experience and land management expertise in CALM. It horrifies me.

Hon Fred McKenzie: But the executive director is a former forestry officer.

Hon A.A. LEWIS: At this time on a Thursday afternoon I will not turn both full barrels on Mr McKenzie for that comment, because he is such an honourable fellow, but I could give him a few smart words, if he wanted them, or if you would let me, Mr Deputy Chairman. I am sure you would not because you want me to debate the point before the Chair.

Hon KAY HALLAHAN: I have accommodated patiently a lot of what the member has said because I think he has a genuine interest in this area, but what he has just said is a bit misleading, and I want to set the record straight. We are talking about the Valley of the Giants. The member misunderstands the great affection Western Australians have for this area when he suggests that minority groups are putting pressure on the Government. This revocation aims to turn the area into a national park, which will be adjacent to the adjoining Walpole-Nornalup National Park. So even though I have listened to the rhetoric that the member so splendidly goes on with - and I often find it persuasive - I believe he is missing the point on this issue. I do not doubt his genuine interest, but it seems to me to be a good idea to make this area a national park. I assure the member that the people currently managing the area - the local divisional foresters - will continue to play that management role. In respect of the amount of money to be spent, this will come under the parks improvement program, and there will be an additional expenditure provided, although it may not be as much as we would all like to see. I would have thought members would all like to see this area preserved for posterity.

Hon A.A. LEWIS: I have never heard so much emotional, political mumbo jumbo in my life. The Minister is seeking to have this area controlled by the divisional managers, rather than by the people who have managed it for recreational purposes for many years - probably 40 or 50 years. This area will not be run by divisional foresters because it will come under the National Parks and Nature Conservation Authority.

Hon Kay Hallahan: Managed.

Hon A.A. LEWIS: They will do some of the actual physical work. They will not manage the area. The Department of Conservation and Land Management has nobody else to do the physical work required. The Government has not given it enough rangers to do the job. It is emotional claptrap to say that by changing the vesting of this land, we are going to get better management. I am sorry to be rude about it, but that is what it is. The management will be no better. It will be done by political whim and under the orders of the environmental committee of the ALP.

Hon Kay Hallahan: Three cheers for them, if that is the case.

Hon A.A. LEWIS: I think the Minister and Labor Party members in this Chamber will live to regret this decision and the fact that they are not allowing the proper managers to continue to manage areas they have managed for many years. We are having pieces of land moved about like checkers on a checkerboard, all because of the political whim of the Government and its alleged draft management plans, which will make it easier for some people in head office, but certainly not for reasons of good management. It is disgraceful that this Government has not done a good job in land management. What it has done is illusory, and the public are waking up to that fact.

Hon J.N. CALDWELL: I suggest to the Minister that by changing the status of this land, the Valley of the Giants, it would perhaps attract more Government funding from any source.

Hon KAY HALLAHAN: It will come under the parks improvement program, so to that extent the answer is yes, it will.

Question put and passed.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

ROAD TRAFFIC AMENDMENT BILL (No 3)

Second Reading

HON J.N. CALDWELL (South) [5.08 pm]: I move -

That the Bill be now read a second time.

Under section 48(7) of the Road Traffic Act a person who is over 75 years of age and who seeks the renewal of a driving licence is required to satisfy the Traffic Board that he or she is still capable of controlling the relevant class of motor vehicle. Where a person over 75 years of age fails to satisfy the requirement of section 42(2)(c), the driver's licence is not renewed and the person is no longer allowed to drive. The application of section 48(7) is causing some difficulty, particularly in those areas of the State where there is little or no public transport.

The purpose of this Bill is to provide the Traffic Board with the power to grant conditional licences to persons who fail to satisfy the minimum requirements under general driving conditions, but who would be able to comply under certain conditions. A person over 75 years of age may be refused the renewal of a licence because his or her eyesight may no longer be adequate for driving under all conditions, yet that person's eyesight could be perfectly adequate for daytime driving. Under existing legislation, that person would be denied the renewal of the licence. Under the provisions of this Bill, that same person will be able to drive under certain conditions; for example, during daylight hours only, and possibly only on certain roads. All members would agree that a driver's licence has a special significance for country people, particularly for those living outside the major regional centres. Simple things like shopping, visiting friends, or taking part in sport can be all but impossible for those who lose their driver's licence. Some country police officers are aware of this and are, perhaps, lenient in their assessment of the capacity of a person over 75 years of age to drive. Regrettably, I have been made aware of a couple of examples where country police officers were not so understanding and applied eyesight standards which I am certain some members of this House would have difficulty in satisfying.

The Bill is not a radical proposal, and its provisions would have only a limited application. I envisage that the Traffic Board would use the discretionary power contained in this Bill only where it could be demonstrated that a conditional licence was necessary for the person to live what we all take for granted as a normal life and where there is little or no public transport.

In conclusion, I thank the Minister and members of both the Liberal and Labor parties in the other place for their support of this legislation. It is rare, indeed almost unknown, for this Parliament to agree to a private member's Bill. The people who stand to benefit from this Bill will be grateful if this House follows the example set in another place. I commend the Bill to the House.

Debate adjourned, on motion by Hon J.M. Brown.

WORKERS' COMPENSATION AND ASSISTANCE AMENDMENT BILL

Second Reading

Debate resumed from 18 October.

HON G.E. MASTERS (West - Leader of the Opposition) [5.11 pm]: The Opposition supports the legislation and the second reading, although I have to say that it is my intention to pursue some of the matters contained in the legislation during the Committee stage. I am sure the Minister would not expect it to be otherwise. Nevertheless, I will bring to the Minister's attention a number of areas I am concerned about so that over the weekend he might be able to come up with some answers and thereby save time during the Committee stage.

In introducing the Bill the Minister referred to the role played by the tripartite council and seemed to suggest that council was the brainchild of the Labor Party and that it could take full credit for bringing in an innovation. That is just not true. The tripartite council was originally, I understand, the brainchild of the then Minister for Labour and Industry, Hon Ray O'Connor, who set up this council, comprising representatives of employer groups, the Trades and Labor Council, and the Government of the day. It was interesting to note that, certainly in my time, the representative of the TLC was Mr Peter Cook or his nominee; and Mr Cook, because he did not get his way in discussions during the tripartite council considerations, refused finally to attend.

Hon T.G. Butler: When did you have a tripartite council?

Hon G.E. MASTERS: When I was a Minister.

Hon T.G. Butler: You didn't.

Hon G.E. MASTERS: Mr President, I inherited that tripartite council from Hon Ray O'Connor, and the honourable member would know that very well. I have ample documentation to prove that is the case and I also took the trouble to keep a record, which I still have, of the meetings that were called and the failure of the then Mr Peter Cook - now Senator Peter Cook - to attend, even when he had an invitation on a regular basis. That was when he took his bat and ball and went home simply because he did not get his own way.

Hon T.G. Butler: What a load of rubbish.

Hon G.E. MASTERS: I draw that matter to the attention of the House, and particularly to Hon Tom Butler's attention. He obviously has not been kept informed, and I find that sad because of the position he used to hold. It indicates the sort of communication they had. I thought I should raise that matter because it did seem as though the Minister was trying to take undue and unwarranted credit for that tripartite council. In any event I can understand the honourable member's concern, and when the Liberal Party gets in next year I am absolutely certain -

Hon S.M. Piantadosi interjected.

Hon G.E. MASTERS: The member obviously has not been reading the papers lately.

Hon Fred McKenzie: But you said that before.

Hon G.E. MASTERS: Mr McKenzie knows as well as I do that times change and the pendulum swings. The trouble is, it has gone so far the other way that it has fallen off the end.

Hon P.G. Pendal: You are one of the few people with any honour left, Mr McKenzie.

Hon G.E. MASTERS: I can assure members that the tripartite council will be continued by Barry MacKinnon and his Government when they are in power.

This is an important piece of legislation, and I am aware of the way it has been developed over many years. In fact there was legislation dealing with these matters some years ago, and many of the issues that have been raised have been simply repeated and improved upon in this legislation. We all know that in business and in industry - and, indeed, in our own lives - we lack care, if you like, when it comes to protecting our ears from noise. There would not be a member in this Chamber who has not used some sort of equipment privately which, if used in the workplace, would require the wearing of earmuffs. I have used a chain saw which rattles and bangs and my ears ache, but for some reason or another I do not bother to get earmuffs. It is just carelessness, and many people are guilty of it. I am not saying it is right or wrong; I am just saying that in our private lives we fail to take a certain amount of care. However, it is only proper that in the workplace there should be regulations which force us to take more care than we normally do in our private lives, and that applies to both employers and employees. Both have been guilty, and still are, of a lack of care, even for their own sakes.

Hon S.M. Piantadosi: You should check up some of your old records.

Hon G.E. MASTERS: I was going to talk about records and the noise that come from some of those bands. I cannot understand why some of those young people -

Hon S.M. Piantadosi interjected.

Hon G.E. MASTERS: This is a serious Bill, and I am trying to make the point that there needs to be more care in the workplace.

Hon S.M. Piantadosi: You are not yourself.

Hon G.E. MASTERS: All Mr Piantadosi is doing is delaying the debate, and his leader will not be pleased. I am supporting the legislation.

It always amazes me how young people particularly can have their radios turned up and can go to discotheques and hotels where the music is thumping. If one tries to move away from it one cannot because it thunders around. It must do enormous harm to people who constantly go to those sorts of functions and venues. I read the debate in another place, where one of the Labor members said, "Yes, but that is not continual noise whereas in the workplace the noise is continual." I acknowledge that it is not continual but it goes on for three or four hours at a time. I am sure many members, when driving in Perth, would have drawn alongside a car in which there are two or three youngsters who have the windows open and the music blaring away. They are imprisoned in the vehicle, and listening to the music must do enormous, almost immeasurable, harm to their ears. One can almost see the vehicle expanding with the racket.

Hon Doug Wenn: You are getting old.

Hon G.E. MASTERS: Yes, I am. Does the member like that sort of noise?

Hon Doug Wenn: I have a 15 year old and a 17 year old, and I suffer it.

Hon G.E. MASTERS: Yes, the member suffers it - that is the point I am making.

Hon Doug Wenn: It is all right. I put up with it.

Hon G.E. MASTERS: I just wonder whether account has been taken of the damage those people do to themselves because they just do not take enough care. Everyone going to discotheques should be provided with earmuffs, but obviously that is not the idea. The best thing that has ever been invented are the little gadgets one can put on one's belt and use the headphones to listen privately - people seem to love them. But those noises must cause people damage. If they work in a prescribed workplace - where there is a lot of noise - it simply adds to the damage that is being done. I do not know whether it is realistic to say that this damage could ever be measured or gauged. We just have to hope that sooner or later people will grow out of these activities and perhaps not a great deal of damage is done.

The Minister handling the Bill in this House will probably forgive me if I make reference to the second reading speech made in another place. I am not sure whether the two speeches were delivered word for word although I have read both of them. A reference was made during one of the second reading speeches to vigorously applying regulations and rules in the workplace.

The PRESIDENT: Order! Standing Order No 84 states that a member cannot refer to debate in another place.

Hon G.E. MASTERS: Thank you, Mr President. I am not doing this on a critical basis.

The PRESIDENT: Order! Standing Order No 84 does not make any distinction on whether this is done on a critical basis.

Hon G.E. MASTERS: I accept your ruling, Mr President. The Minister's second reading speech made reference to vigorously applying the rules and regulations under this legislation. I know that needs to be done if the legislation is to be successful. Nevertheless, when Government departments move into workshops which have been established for a long time, where maybe the equipment is not the most modern, the cost of putting things right can be enormous. In the application of the rules, I hope that some consideration is given to that cost because the result could be that some businesses close down. I am sure the Minister would understand those circumstances and act accordingly.

How will the employer properly enforce the regulations that will apply? I have mentioned the situation where people working with noisy equipment in what will be a prescribed workplace are supplied with safety gear such as earmuffs and then fail to use it. Maybe the gear is too hot or uncomfortable, or maybe the employees just do not like the gear. Could the Minister tell us whether, having warned an employee that he must wear earmuffs - or some

other equipment - and the employee fails to comply after numerous warnings, an employer can sack that person? I would hope that does not occur very often, if at all. Maybe the employer would take that action to protect his own interests. What does the law say?

With all the regulations and rules to be applied as a result of this legislation, education will be most important. People need to be educated, particularly in workshops, to take care of their hearing by taking reasonable precautions. Those educational exercises would then flow on to people such as myself who do not bother in the short term to take as many precautions as they can to protect their hearing. As I have already stated, I often use a chain saw without putting on earmuffs. The danger is that at the end of the day our hearing may be seriously damaged.

Provision is made in the Bill for compensation arrangements which begin on the date that this legislation is proclaimed. Clause 6(2) states -

A worker is entitled to compensation under this section only in respect of noise induced hearing loss incurred after the date on which this section comes into operation . . .

New sections 24A and 24B will come into operation as soon as possible. Audiometric testing will take place in a prescribed workplace as soon as possible after the legislation is proclaimed - I think that means a maximum of 12 months. After that, I guess, people will be breaking the law. The requirement will be that within a prescribed workplace the employees will undergo audiometric testing within 12 months. I understand that where people have had an audiometric test and then at a later stage are tested further, they can claim for loss of hearing provided that loss is more than 10 per cent. In other words, a person cannot start claiming until the loss exceeds the 10 per cent level. From that stage on claims can only be undertaken at increased loss levels of five per cent.

I understand also that people suffering a loss of hearing can simply leave their claims; they do not need to claim at the 10 per cent to 15 per cent level. A person can wait until the age of 65 years - if a person has suffered a hearing loss over the years, within the ambit of the legislation a claim may be made at that age for a 50 per cent hearing loss. The Minister will no doubt tell me whether claims are made in this way and at that stage, or whenever a person feels like making a claim. For instance, a person may be working in a prescribed workplace from the age of 20 but not lay claim to compensation until reaching the age of 45. Is that the case? Is this the choice of the person suffering the hearing loss? Another example is where a person commences work at 20 years of age and, having worked with four different employers, at the age of 45 lodges a claim. Let us say that the hearing loss is 25 per cent. With whom and against whom does that person lodge the claim? Does the most recent employer have to foot the bill or is the hearing loss claim spread over the four employers?

Clause 6 of the Bill seems to indicate that all persons are entitled to compensation for loss of hearing regardless of whether the loss was incurred in a prescribed workplace or elsewhere. I did not understand that to be the intent of the legislation but it appears to me that clause 6 shows that intent. Could the Minister tell me if I am wrong? I apologise for referring to the Bill, but I feel that rather than drag out the Committee stage, if I draw the Minister's attention to my concern he can deal with it during the second reading debate.

On page four, clause 24B(1) states that the claim will be lodged with the last employer. I have already raised this question and I now refer to the particular clause. I want to know whether the last employer is responsible for the whole liability, or whether it is shared across the board. It does not seem to me that the Bill will permit an employer to demand an audio test. Let us suppose that a person comes along to an employer and says, "I would like a job." The job is in a prescribed workplace. It would be foolish, I would have thought, for the employer to give a person a job if he suspected that that person was partially or largely deaf. If he was, and suffered an accident or death as the result of loss of hearing, or a hearing defect - perhaps he did not hear a warning - it seems unfair to the employer. An employer should be able to say to a worker, "I will pay for the facilities, but before I give you a job I want you to undergo a hearing test, and that will be a condition of your employment." Can the employer do that? Can the employer say, "Unless you have a hearing test and I see the result, I cannot give you a job because the job is too dangerous." That needs to be worked out. If the person is required to undergo a test, where will that test take place?

I would also like the Minister to find out whether an employer, employing a large number of people in a prescribed workplace, can require workers to undergo regular audiometric tests. Can the employer use such tests to check whether an employee is safe in the workplace and, more importantly, satisfy himself that the arrangements in the workplace are good enough? If people are losing their hearing as a result of noise in the workplace, and it is not picked up, it would be an advantage to a conscientious employer who is looking after the welfare of his work force to know whether the arrangements in the workplace are satisfactory. I want to know whether the legislation prevents an employer from carrying out that task because if it does, that will be unreasonable.

Could the Minister advise whether the legislation covers contractors, and whether it is intended to? If it is, we must look at the way the regulations will apply in those circumstances. How will the Department of Health, Safety and Welfare enforce those requirements on contractors, and under which powers? There can be no better example in this respect than that of the home building industry where probably 80 to 90 per cent of the work force would be self employed - in other words, small contractors and subcontractors. I suggest that such people have exactly the same attitude as, perhaps, many of us do. They have never trained themselves to take the care they should; perhaps they do not wear earmuffs at the right time, or perhaps they use equipment which is not good enough and damages their hearing. How will it be possible, under this legislation, to apply the regulations? Does the legislation cover this area? The Bill frequently uses the word "employed" rather than "engaged". Maybe that is a technical point, but there could be a difference between the two, and I think that should be looked at.

It is stated that there will be a review of the legislation after a certain period of time. That review, as I understand it, will be carried out by the department. I suggest that it would be better for the review to be carried out by the tripartite council. It may be that the council has not got the facilities to carry out such a review but, without a shadow of doubt, sooner or later the tripartite council will be required to consider the review reports and recommend to the Minister accordingly.

On page seven, schedule 7 requires that people in prescribed workplaces undergo tests within 12 months, and that would be compulsory. My understanding is that those tests will be carried out at the expense of and during the time of the employer. What about the case of a person working in Port Hedland who decides to leave, or gets the sack, and goes to the Eucla - I know this is a bit unusual. Let us say that two months later - he has three months in which to do this - he decides that his hearing is not so good, he is entitled to some compensation and asks for an audiometric test. That person would contact his previous employer in Port Hedland and say, "I have lost a bit of my hearing. I think my hearing has been damaged as a result of working for you, and I want a test. By the way, under the legislation you, as my previous boss who gave me the sack, are required to pay for my board, travel, and other reasonable expenses involved in having my hearing tested."

That person in the Eucla then asks where the nearest place is for a test. It might be Kalgoorlie or Perth. I am sure there would not be facilities in the Eucla. This is an extreme example, but I am talking about country towns as well. Does that employer have to foot the bill for that person to go to the nearest place where a test can be carried out, and to be housed and fed while undergoing the test? At the end of the day it might be proved that there has been no loss of hearing. I know this is an extreme example, but it may happen with someone who has worked in Perth and goes to Lake Grace. There could be considerable cost for the employer when it is a frivolous claim. Even if it is a genuine claim, it is still a big cost to the employer. I would like to know how that situation could be resolved.

I ask the Minister to advise the House of the testing facilities which are likely to be made available in country areas. There are many country towns where there may be prescribed workplaces. Will the department provide facilities in the form of mobile testing units? Is it thought that because there is a 12 month break, the Government or the department would simply work through the State over nine to 12 months, carrying out tests across the board? Or is it the case that the employer would have to pay for employees in country and farming towns to go to the nearest town where such facilities are available? I suspect there will not be these mobile facilities and that country businesses will be very seriously and badly disadvantaged as a result.

What happens if an employer employs a person with a 70 per cent loss of hearing and that person is killed, maimed or injured as a result of a loss of hearing when the employer was never able to find out whether the employee was partly or totally deaf? As I understand it, the results of the audiometric tests will be kept confidential and will not be available to the employer. That seems the wrong way to go. It should be borne in mind that the regulations and the legislation dealing with occupational health, safety and welfare oblige the employer to take all reasonable precautions to keep the workplace free from hazards. That is difficult for the employer to do without having available to him the records dealing with the hearing of a particular employee.

I have a query with respect to the definition of "prescribed workplace". Who decides what will be a prescribed workplace? Would all workplaces within a certain industry be regarded as coming under that category? Would the workplaces of all panelbeaters, sheet metal workers, refrigerator makers, or whatever be regarded as prescribed workplaces? If they are regarded as prescribed workplaces, the regulations would apply to them regardless of the steps taken by an employer to abate the noise in the workplace and regardless of the money such employer spent. Will each workplace be assessed on its merits? For example, might one sheetmetal workplace be prescribed, while another down the road not be prescribed? There appears to be no appeal provision for an employer who feels his workplace should not be a prescribed one in view of the fact that all the rules are obeyed and the workplace is a safe one in which to work. Such an employer would feel he had the right to be free of the restrictions, regulations, and requirements placed on him by this legislation.

Hon T.G. Butler: Clause 4(a)(i) makes reference to the nature of any employment in which the worker was employed, so it would be fairly all embracing, wouldn't it?

Hon G.E. MASTERS: I think so, but it is important to get it on the record. I support the legislation, but Hon Tom Butler would know, as I do, that some areas are open to interpretation. Before we had the pleasure of Hon Tom Butler's company -

Hon T.G. Butler: It must have been pretty dull for you.

Hon G.E. MASTERS: - we put through a lot of legislation, the interpretation of which was often left to the courts with no reference to the debates in *Hansard*. In more recent times, if there are any doubts about interpretation, a scrutiny of the *Hansard* reports is made and the intent of the legislation is then taken into account. It is necessary to put whatever one can on the record so that if there are any doubts they can be sorted out. It is also a help to the Minister whose wishes are then observed as far as possible.

Hon T.G. Butler: I appreciate what you are saying.

Hon G.E. MASTERS: That is the purpose of my comments today. I will probably raise more matters in the Committee stage, but I have tried to cover as much as I could during debate on the second reading of the Bill. I support the legislation.

Debate adjourned, on motion by Hon Fred McKenzie.

House adjourned at 5.45 pm

QUESTIONS ON NOTICE

AGRICULTURE - AGRICULTURE PROTECTION BOARD

Employees - Overtime Work Pay

483. Hon W.N. STRETCH to the Minister for Consumer Affairs representing the Minister for Agriculture:

- (1) Is it correct that officers and staff of the Agriculture Protection Board cannot be paid for overtime work under current policy and/or legislation?
- (2) Will the Government undertake an urgent review of this situation and institute necessary administrative action to ensure that APB staff are not financially hampered or disadvantaged in the execution of their duties.

Hon GRAHAM EDWARDS replied:

- (1) At present no overtime is paid although time in lieu is available, but should the demands of urgent work require overtime special arrangements would be approved.
- (2) It is not believed that Agriculture Protection Board staff are hampered or disadvantaged in the execution of their duties. In high priority programs, such as starling control, additional staff are allocated as necessary.

ENVIRONMENT - ORANGE GROVE CHEMICAL DUMP

Report

502. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Environment:

- (1) Has a report been conducted by Curtin University into the Orange Grove chemical dump?
- (2) If so, will the Minister table the report and, if not, why not?

Hon KAY HALLAHAN replied:

(1)-(2)

The Environmental Protection Authority has not commissioned Curtin University to conduct such a report.

EDUCATION - AUSTRALIAN LABOR PARTY CANDIDATE

Nollamara - Homeswest Opening, Dianella

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

- (1) Was the ALP candidate for Nollamara given leave from his school to attend the opening of Homeswest buildings in Dianella on Wednesday, 2 November 1988?
- (2) If so, what type of leave was he granted?
- (3) If not, how was he able to attend the opening during school hours?

Hon KAY HALLAHAN replied:

(1)-(2)

Leave was granted by the principal under powers delegated to him by the CEO for the period from 1.40 pm to 3.00 pm on 2 November 1988. The leave was granted under the provisions of regulation 120(1). It involved no disruption to classes since the period fell within the teacher's non contact time.

(3) Not applicable.

PASTORAL INDUSTRY - PASTORALISTS

Tenure Security - Legislation

505. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Lands:

- (1) Is it expected that legislation will be introduced this session to provide pastoralists with greater security of tenure?
- (2) If not, why not?

Hon KAY HALLAHAN replied:

- (1) Yes.
- (2) Not applicable.

EDUCATION - DEPARTMENT

"Student Services 1989 and Beyond" Report - Current Status

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

- (1) Is it correct that a report has been compiled by the Education Ministry entitled "Student Services 1989 and Beyond"?
- (2) What is the current status of this report?
- (3) Will the Minister make available to me a copy of the report and, if not, why not?

Hon KAY HALLAHAN replied:

- (1) A report "Student Services 1989 and Beyond" is currently being prepared within the Ministry of Education.
- (2) The report has not yet been released. Copies will be available for general distribution before the end of this month.
- (3) Yes.

EDUCATION - PRIMARY SCHOOLS

Canning Vale - Demolition

507. Hon P.G. PENDAL to the Minister for Community Services representing the Minister for Lands:

- (1) Is the Minister aware that the Canning Vale school building has been demolished recently?
- (2) Why was the building demolished, especially as local residents fought, in recent years, to have it preserved?

Hon KAY HALLAHAN replied:

- (1) No.
- (2) The matter referred to is outside the responsibility of the Lands portfolio.

EDUCATION - ABORIGINAL STUDIES PROJECT

Memo 14 September 1988 - "European Invasion"

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

In a memo to Principals and Staff of Schools, dated September 14 1988 relating to an Aboriginal Studies Project, the Director of Curriculum states, in part, as follows:

"The themes so far identified include . . . (c) External influences, including . . . - European invasion."

Does this mean that the curriculum directorate considers the European settlement of Australia as "an invasion" and, if so, will this view be included in any curriculum developed by the Education Ministry?

Hon KAY HALLAHAN replied:

From the perspective of the Aboriginal people the arrival, settlement and development of Australia by European people represents an invasion of the land which for many thousands of years they had inhabited and with which they had an intense cultural and spiritual relationship.

At different times the settlement of Australia did not take on the connotation of invasion that might be attached to a planned, systematic military campaign.

The task of developing curriculum in the Ministry of Education is to represent a range of views on historical and contemporary issues in order that students have the opportunity to gain a balanced perspective.

EDUCATION - PRIMARY SCHOOLS

Bellevue - Remedial Teaching Requests

510. Hon NEIL OLIVER to the Minister for Community Services representing the Minister for Education:

I refer to question 492 of 1988 regarding Bellevue Primary School.

- (1) In regard to remedial teaching, how many requests have been made for remedial teaching assistance at the school?
- (2) Has every request enabled prospective pupils to be accepted?

Hon KAY HALLAHAN replied:

- (1) Thirty four students at Bellevue Primary School have been identified as in need of remedial assistance.
- (2) All students in need of remedial assistance receive attention from their regular class teachers within the normal teaching program. Class teachers call on the support provided by the school's remedial teacher as required. In addition, 22 of the 34 students requiring supplementary assistance in specific subject or skill areas are withdrawn from regular classes for short periods of time under the supervision of the remedial teacher.

LAND - RESERVES

No 36853, Karawara - South Perth City Council Request

512. Hon P.G. PENDAL to the Minister for Community Services representing the Minister for Lands:

I refer to Reserve No 36853, in Karawara, and ask -

- (1) Is the Minister aware of the South Perth City Council's request to the Department of Land Administration for the above reserve to either be vested in or leased to the council for use as a public recreation area?
- (2) If so, will she give favourable consideration to the council's request, as there is a scarcity of public recreation area in Karawara?

Hon KAY HALLAHAN replied:

- (1) Yes.
- (2) The South Perth City Council's request will receive full and proper consideration.

LIQUOR - LICENCES

Historic Inns

515. Hon P.G. PENDAL to the Minister for Consumer Affairs representing the Minister for Racing and Gaming:

- (1) Does a licence category exist for historic inns?
- (2) If so, what are the conditions attached?

Hon GRAHAM EDWARDS replied:

- (1) Yes. Section 176 of the Liquor Act 1970 authorises the issue of a licence for the sale of liquor at an historic inn. The building for which the licence is sought has to be one of historic significance.
- (2) Conditions are similar to those that apply to a hotel or tavern licence but may be subject to extra conditions imposed or exemptions granted by the Governor.

HOUSING - PURCHASE

Homeswest - Private Units, Ranleigh Crescent, South Perth

516. Hon P.G. PENDAL to the Minister for Community Services representing the Minister for Housing:

- (1) Is it correct that the Government has now purchased a private block of units in Ranleigh Crescent, South Perth, for use as Homeswest accommodation?
- (2) If so -
 - (a) how many people will be accommodated in these units;
 - (b) how much was paid for the units;
 - (c) how many units are in the complex; and
 - (d) is it correct that the units will be used to house unemployed people?

Hon KAY HALLAHAN replied:

- (1) Yes.
- (2)
 - (a) Nine;
 - (b) \$310 000;
 - (c) Nine x one bedroom; and
 - (d) these units will be used to house single people who may or may not be employed.

ARTS - WESTERN AUSTRALIAN MUSEUM

Vintage Cars - Opposition Restoration Proposal

517. Hon P.G. PENDAL to the Leader of the House representing the Minister for The Arts:

- (1) Is the Minister aware of an Opposition announcement on Sunday, 30 October 1988, in which a proposal is outlined for the restoration of the vintage/veteran cars at the centre of the recent controversy without the need to sell these cars?
- (2) If not, is she prepared to examine the proposals?

Hon J.M. BERINSON replied:

- (1) Only through Press reports.
- (2) A number of public statements have been made outlining the Government's plans to ensure that the cars are retained in Western Australia as a collection and are available for public viewing.

QUESTIONS WITHOUT NOTICE

PRISONS - PRISONERS

Drug-Alcohol Problem - Department's Internal Report

284. Hon G.E. MASTERS to the Minister for Corrective Services:

Is there any truth to the internal report by the Department of Corrective Services that half of the prisoners entering Western Australian gaols have either a drug or an alcohol problem, as the report indicates that more than half of the prisoners that are tested for drugs and alcohol return positive readings? These reports indicate that there is a massive drug problem in our prisons. Can the Minister advise the House what is being done to tackle the problem? I advise the Minister that my question relates to the report in *The West Australian* on 10 November 1988, headed "Report tells of jail drug worry".

Hon J.M. BERINSON replied:

Without notice I am unable to deal in detail with the specific findings of the nature the Leader of the Opposition referred to. In fact, listening to the question it occurred to me that it might involve a number of quite separate issues.

Firstly, there is the issue of the extent of the drug and alcohol problem among prisoners coming into the prison system. Certainly, without being able to confirm particular proportions, for the moment, I can confirm that all the advice coming to me does indicate a disturbingly high proportion of drug taking among offenders who are convicted and are in prison; and an extremely high proportion of offenders come into prison with a record of serious alcohol consumption. However, all of that refers to the background of the prisoners with whom we are dealing.

I understood the Leader of the Opposition to go from there to some discussion on the proportion of prisoners who are already within the prison system who are detected as having consumed alcohol or drugs there.

Hon G.E. Masters: That is right.

Hon J.M. BERINSON: Once again, I am unable to provide any precise statistics on the issue, but I can say that the incidence of alcohol and drug consumption within the prison system that has been detected over a lengthy period is very small compared to the number of prisoners being dealt with. Hon Gordon Masters, if I remember correctly, said that something like half of the prisoners tested showed positive readings.

Hon G.E. Masters: I said that more than half of the prisoners entering Western Australian gaols have either a drug or an alcohol problem.

Hon J.M. BERINSON: I have already dealt with that part when I referred to the history of prisoners outside the gaols. Did Hon Gordon Masters not go on to produce figures relating to the testing within the prisons?

Hon G.E. Masters: I said that more than half of the people tested within the prisons reacted positively in relation to drugs or alcohol.

Hon J.M. BERINSON: I cannot confirm or deny that the figure is exactly half, or whatever the proportion is. The important point to make though is that the only persons tested are those who provide a significant reason for suspicion that they have in fact taken drugs or alcohol while in prison.

Hon G.E. Masters: There were about 300 last year.

Hon J.M. BERINSON: I cannot say whether that figure is right. I do say that the total group that comes under suspicion is a very small proportion of the 4 000 or 5 000 prisoners who enter the prisons; and a smaller proportion of those test positively.

Having said that, I indicate to the Leader of the Opposition that if he is interested in pursuing the particular figures or proportions further, I will be happy to obtain the information for him.

Hon G.E. Masters: Thank you.

PRISONS - DRUGS *Visitors - Searches*

285. Hon G.E. MASTERS to the Minister for Corrective Services:

I hope that the Minister can give some background to this question because it is of concern to the community that obviously there are large quantities of drugs entering the prisons. Does the Minister know, or is he aware, whether visitors, welfare people and the like are searched as a matter of course at irregular intervals to determine whether these people bring the drugs into the prisons?

Hon J.M. BERINSON replied:

I am not aware of any evidence of large scale entry of drugs into the prison system, if, for the moment, we use the term drugs to exclude alcohol.

Hon G.E. Masters: Yes.

Hon J.M. BERINSON: By far the majority of the problems detected relate to the consumption of alcohol and not to illegal drugs. Very often the experience is that a relatively small amount of liquor is brought into the prison and most often into the minimum security prisons, which is then shared and consumed by a fairly large number of prisoners. That can easily boost the statistics without indicating any major problem in respect of that alcohol consumption. Very great care is taken to prevent the entry of illegal drugs into the prison system, and the measures taken include the search of visitors where that is considered appropriate or where there is any evidence to cause concern.

Each year a number of visitors to prisons are detected making an attempt to introduce drugs into the prison system, and that leads to charges. In searching my memory, the matters which have been brought to my attention in this respect almost invariably involve very small amounts of these drugs, and it is nearly always cannabis rather than harder drugs. Nevertheless, these instances are treated as matters of utmost seriousness, and not only lead to charges against those attempting to introduce them, but also disciplinary measures against prisoners who are found to be participating in any effort of that kind.

SPORT AND RECREATION - SWIMMING
World Championships - Melville Pool

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

- (1) Has the Minister visited the Melville water polo field?
- (2) If so, can he explain why we have to spend more money at the Melville water polo field rather than have an additional pool at the Superdrome?

Hon GRAHAM EDWARDS replied:

(1)-(2)

I have not visited the Melville pool. That is the one on the river?

Hon Max Evans: Yes.

Hon GRAHAM EDWARDS: I have had a look, but I have not actually gone into it. The member should understand that we have to make certain provisions for the conduct of what is a major event - probably the biggest single sporting event in the history of this State, aside from the America's Cup. We need to make adequate provision to cater for that event, and to cater for it properly. I am acting on advice which suggests that we need the pools we shall be putting in at the Superdrome. If the member has any advice to the contrary I would be happy to look at it. I do not think we should underestimate the size or the importance of this event, which is of real magnitude. For instance, it has more competitors in it than did the Commonwealth Games which we hosted in this State some time ago. If the member has anything to put before me I would be only too happy to look at it.

SPORT AND RECREATION - SWIMMING
World Championships - Melville Pool

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

I ask the Minister to go back to his advisers and ask about the facilities at the last Olympic Games, which consisted of temporary stands at a university pool. Why could we not consider enhancing the facilities at the Melville pool? They would be better than the university at Peppadine, which was one and a half hour's drive from the Los Angeles stadium.

Hon GRAHAM EDWARDS replied:

We have taken advice from people such as Tom Hoad, who was the President of the WA Sports Federation and who was very much involved in the attempt to win this bid. I am perfectly happy to take his advice, along with advice we have collected from other people. If the member has something he would like considered I would be happy to listen to whatever he wants to put before us. I

have before offered him a full briefing on everything we are doing to bring this event together and to bring it together properly. That offer has not yet been accepted. I do not know whether it is the intention of the member to accept that offer, but he might recall it was first made some 12 months ago. I am aware of the fact that the Olympic Games were held outdoors with temporary arrangements. We will accept some of that temporary consideration in the construction of seating and what have you should we require it. The important thing is to have some residual benefit for the people of the State in whatever expenditure we become involved in. At the same time, we need to make sure that we adequately and properly cater for an event of this magnitude. It is with that aim in mind that all the planning and spending is being directed.

SPORT AND RECREATION - SWIMMING

World Championships - Perth City Council Discussions

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

- (1) Originally the world championships were to be held using the facilities at Beatty Park and the Superdrome. What discussions were held with the Perth City Council?
- (2) What was originally going to be done when the bid for the competition was put up?
- (3) Where did it fall down?
- (4) What was the cost?

Hon GRAHAM EDWARDS replied:

(1)-(4)

One of the reasons I offered the member opposite a briefing was so that if he wanted to raise questions of this nature, which I am happy for him to raise, he would be able to raise them on the basis of some knowledge of what had transpired over the course of that period. The negotiations with the Perth City Council fell down on the basis that we have a document from the council which wants the State Government - talking about money in 1988-89 terms - to spend something in the vicinity of, I think, \$7.9 million, while the Perth City Council at the same time will spend something in the order of \$2 million or \$3 million. I have made a judgment that the proposal put before us is not in the best interests of the State and not in the best interests of us hosting that event in the best possible manner. We will be spending something in the vicinity of \$3.6 million at the Superdrome. I recognise that that does not suit the Perth City Council, but I am not in this position to look after the good of the Perth City Council; I am here to find a balance and meet the needs and responses of the whole State.

SPORT AND RECREATION - PARAPLEGIC OLYMPICS

Liberal Party - Function

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

The Liberal Party is hosting a function next week for the Paraplegic Olympics. Did the Minister know the Liberal Party was hosting such a function when he sent out his invitation?

Hon GRAHAM EDWARDS replied:

I think that is an absolutely stupid question!

Hon P.G. Pandal: Yes or no?

Hon GRAHAM EDWARDS: I will answer this question fully. I am sorry that the member has asked such a question in this House. I will tell members why I am sorry. It makes some sort of suggestion that there is something political about -

Hon P.G. Pandal: Your invitation.

Hon GRAHAM EDWARDS: Come on! I would be appreciative if the member could put questions like this above the sort of politics members opposite continually attempt to introduce into sport.

Several members interjected.

The PRESIDENT: Order! Questions without notice, or all legitimate questions asked in the Parliament, are for a very specific purpose. I have said on many occasions that any action by members to denigrate or play down the importance of this very major feature in the Parliament does not do the place any good. I allowed the question, which I think was a borderline question at best, although it really does not have anything to do with the Minister's portfolio . . .

Hon P.G. Pental: It has.

The PRESIDENT: I am saying it has not. However, I did not intervene because, in the past, the Minister has not withdrawn from the desire to answer questions which have nothing to do with his portfolio but which frequently are of general interest to everybody anyway, albeit they do not strictly meet the terms of the rules governing the asking of questions. I have always let those go, but when a question of this nature develops into a yelling match across the Chamber, members would expect me as the President to jump in and say enough is enough. I suggest to the Minister, if he has anything further to add, he does it fairly quickly.

Hon GRAHAM EDWARDS: Very quickly. We are not interested politically in hosting events but in recognising the very important achievements and inputs of groups, particularly disabled sporting groups. We are not trying to compete with anyone. We are not in the business of trying to compete with anyone. I was very pleased to host the last team that went away to a dinner here. Indeed I took the team down to the floor of the other place. I could well ask whether the Opposition issued its invitation in light of the fact that we were probably going to do the same. I think questions like this are best not asked.

STATE GOVERNMENT INSURANCE COMMISSION - LEGISLATION DEBATE *Insolvency Compliance*

290. Hon A.A. LEWIS to the Minister for Budget Management:

- (1) Will the Minister restate to the House the assurance he gave during the debate on the SGIC legislation concerning the commission's complying with the Australian Insurance Commission's guidelines on insolvency?
- (2) Will he also restate his assurance that the SGIC has no advantage at the moment compared with private insurance companies?

Hon J.M. BERINSON replied:

- (1) The first question seems to require me to have a detailed knowledge of the State Government Insurance Commission's accounts and affairs, which I cannot be expected to have. If the member wishes to pursue that part of his question, I can only ask him to put it on notice.
- (2) The member's second question relates to the general principle which the Government adopted in implementing that Bill, and that remains the Government's position.

McDONALD, MR GRAHAM - COMMISSIONER FOR CORPORATE AFFAIRS *Retirement*

291. Hon MAX EVANS to the Attorney General:

- (1) Is Graham McDonald still the Commissioner for Corporate Affairs?
- (2) If not, when did he retire?

Hon J.M. BERINSON replied:

(1)-(2)

No. Mr McDonald retired upon taking up a position on the bench of the Commonwealth Administrative Appeals Tribunal. That was perhaps three or four weeks ago.

McDONALD, MR GRAHAM - ATTORNEY GENERAL

Rothwells Ltd - Discussions

292. Hon MAX EVANS to the Attorney General:

How often did the Commissioner for Corporate Affairs, Mr Graham McDonald, have discussions with the Attorney General on Rothwells, particularly whether any action should be taken in respect of Rothwells, and the problems which were known to the National Companies and Securities Commission in New South Wales?

Hon J.M. BERINSON replied:

I do not recall any discussions with Mr McDonald on that question.

McDONALD, MR GRAHAM - ATTORNEY GENERAL

Rothwells Ltd - Discussions

293. Hon MAX EVANS to the Attorney General:

Considering the immensity of the problem and the fact that it has gone on for a long time, does the Attorney General not think he should have discussed the matter with the Commissioner for Corporate Affairs?

Hon J.M. BERINSON replied:

I do not know how one is supposed to answer a question which presumes certain states of knowledge by other people on which I am unable to comment. I do not believe that question was put in a form which was capable of a sensible answer.

CORPORATE AFFAIRS DEPARTMENT - ACTING COMMISSIONER

294. Hon MAX EVANS to the Attorney General:

I would like to ask -

The PRESIDENT: The member is allowed to ask a question as long as it does not call for an opinion, is not hypothetical and does not otherwise conflict with Standing Orders.

Hon MAX EVANS: Who is the Acting Commissioner for Corporate Affairs?

Hon J.M. BERINSON replied:

The acting director is Mr Michael O'Connor, who was previously the deputy commissioner.

CORPORATE AFFAIRS DEPARTMENT - O'CONNOR, MR MICHAEL

Investigations

295. Hon MAX EVANS to the Attorney General:

I understand that Michael O'Connor was in charge of investigations.

(1) Is he still performing that function?

(2) Who is in charge of investigations, considering that a lot of companies need to be investigated?

Hon J.M. BERINSON replied:

(1)-(2)

I may have been incorrect in saying that Mr O'Connor was previously the deputy commissioner. I do not know whether we had a deputy commissioner; now that I think about it I am a bit confused about who has what title. Nonetheless, Mr O'Connor has been on the second level of seniority, if I may

put it that way, in the Corporate Affairs Department for some years. I cannot give the honourable member the name of his replacement over the interim period of investigations, but I am happy to obtain that information and convey it to him.

CORPORATE AFFAIRS DEPARTMENT - INVESTIGATIONS
National Companies and Securities Commission

296. Hon MAX EVANS to the Attorney General:

Can the Minister assure the House that he will look at this matter of investigations, particularly that of the NCSC and the appointment of the person in charge?

Hon J.M. BERINSON replied:

The Government has indicated this week that, as part of its package of measures arising from the Rothwells Ltd position, it will significantly strengthen the establishment of the investigative section of the Corporate Affairs Department. However, it is not for me to take any part in the investigations themselves. I have previously advised the House that the NCSC has indicated to me its close interest in the affairs of Rothwells Ltd. That is an interest which goes back some months. I think it is a matter on the public record that it led the NCSC to apply pressure in respect of the full year audits of that company. I assure the House that it can rely on the NCSC to take all necessary action in respect of the affairs to which we have been referring. As to the extent to which it calls upon the services of the Corporate Affairs Department as opposed to its own resources, that is a matter for the NCSC to determine.

STATE FINANCE - BUDGET PROVISIONS
Liability - Western Australian Government Holdings Ltd

297. Hon G.E. MASTERS to the Minister for Budget Management:

I refer to question without notice 274, which I asked yesterday. In his reply the Minister for Budget Management acknowledged that to the extent that liabilities arise in any particular year which require allocation from State resources, that would be done on a year to year basis.

Why is there no provision in the State Budget for the yearly interest which is accruing and will have to be paid on the \$175 million loan to Western Australian Government Holdings Ltd from the SGIC, bearing in mind that Western Australian Government Holdings has no cash and, as I understand it, no income? This is a new liability and not a contingent liability, which will have to be met somewhere.

Hon J.M. BERINSON replied:

The first reason that explains the absence of any such provision in this year's Budget is that this particular investment, and the financial arrangements associated with it, were not known at the time the Budget was drawn up. As to future requirements, I can only refer to the question acknowledged by the Leader of the Opposition to be the same as yesterday with the same response as I gave him yesterday - namely, that all requests for details of these investments should be put to the responsible Minister, who is the Minister for Economic Development and Trade.

STATE FINANCE - BUDGET PROVISIONS
Liability - Teachers Credit Society

298. Hon MAX EVANS to the Minister for Budget Management:

It being the case that the Minister for Budget Management did know the extent of the liability in respect of Teachers Credit Society of \$119 million, why was not full provision made for that in the accounts for this year?

Hon J.M. BERINSON replied:

It was not certain at the time the Budget was drawn up that all the liability in this respect would mature in this financial year. Provision was made to the extent of the position as it was understood to be at the time the Budget was determined. Of course, as other developments occur appropriate arrangements must be made.

Hon G.E. Masters: So you are going to give us one helluva job next year.

STATE FINANCE - BUDGET PROVISIONS

R & I Bank - Losses

299. Hon MAX EVANS to the Minister for Budget Management:

The R & I Bank made the comment about losses of \$119 million, which proved to be the fact. The bank could not get that money back. For that reason, why was not provision made?

Hon J.M. BERINSON replied:

Because it was not necessarily the case that that whole sum would be called on this year.

STATE FINANCE - BUDGET PROVISIONS

R & I Bank - Losses

300. Hon MAX EVANS to the Minister for Budget Management:

A bad debt is a bad debt. It does not get any worse or any better. It is bad, it is written off, and one cannot say it will not come up because the decision had already been made that no more money could come in. Therefore, why was it not brought in?

Hon J.M. BERINSON replied:

Let me give an analogy with the position of the State Superannuation Board, which is facing very substantial up front payments arising from the lump sum payments made possible by recent changes to legislation. Those lump sum payments are well in excess of the State's normal CRF allocation to the State Superannuation Board, and it is not necessarily the case that they would all be met as they fall due. It may be necessary in some cases to have the board itself carry some part of that initial burden, on the basis that we know that we are assured of the long term benefits of the scheme, and that eventually the early boost to payments will taper off and payments out of CRF will be easier.

I am not saying that is the way that we are approaching the whole question of that lump sum payment liability, but that is one of the alternatives which has to be considered when a new situation, such as the modified superannuation scheme, arises. In the present case I cannot remember at this stage precisely the point that the R & I administration and Teachers Credit Society had reached at around the time that the Budget was finalised. I am unable to say whether the final figure was, in fact, then known.

Whether it was known or not, however, it had to be open to the Government to smooth out the costs of that liability by spreading it over more than one year, if necessary. As it happened, we provided \$43 million at that time. Again, I can only say that there is a limit to how far I can take any further indication of detail on this matter. If the honourable member would like to put his question on notice I will draw that also to the attention of the Treasurer for his reply.

STATE FINANCE - BUDGET PROVISIONS

Contingent Liabilities - R & I Bank

301. Hon MAX EVANS to the Minister for Budget Management:

Can the Minister confirm that the \$76 million net will be shown as a contingency liability of the Government?

Hon J.M. BERINSON replied:

I am unable to say, without the ability to refer to Treasury, what the precise figure is. I can, however, repeat the advice which I gave to the House yesterday which is that the Budget papers each year include an item which totals the State's contingent liabilities. I would expect that total to include a provision for the R & I Bank's commitment on the Teachers Credit Society, but without reference to Treasury I cannot be certain of that.
