Legislative Council

Tuesday, 22 October 1991

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

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

Davies, Hon Reg - Resignation

THE PRESIDENT: I have just received this letter delivered by hand -

> Dear Mr President,
>
> Please accept this letter as my resignation from the Estimates and Financial Operations Committee. My resignation is effective immediately.
>
> Yours sincerely,
>
> Reg Davies, JP, MLC
> Member for North Metropolitan

For the information of honourable members, this vacancy needs to be filled within six sitting days.

STATEMENT BY THE PRESIDENT

Misleading the House Offence

THE PRESIDENT: This morning's *The West Australian* carries an article on page 13 dealing with the sentence passed on Robert Smith consequent on his conviction for lying to a committee of this House. The article reports the District Court judge as stating in the course of passing that sentence -

> . . . the charges were not as serious as perjury - lying in court - but it was important to the function of Parliament and its committees that people called before it told the truth.

If the article is an accurate report of what the judge said, I must respectfully disagree with those sentiments. It is a serious offence for any person, including a member of the House, to mislead the House deliberately. Parliament, as much as the courts, relies on the accuracy and probity of the information it receives in reaching a decision. Although parliamentary procedure differs in many respects from that applying in the courts, the intent in both cases is the same: To reach decisions based on the best information that it is possible to obtain. Any departure from those standards places us, as members, on the slippery slope of corruption of office. This House is entitled to expect that persons offering or required to give it information will not set out to mislead it and thus open it to ridicule.

Honourable members: Hear, hear!

MOTION - WESTERN AUSTRALIAN MEAT INDUSTRY AUTHORITY AMENDMENT REGULATIONS

Disallowance

Debate resumed from 17 October.

HON TOM HELM (Mining and Pastoral) [3.36 pm]: I shall not take up much more of the time of the House, except to remind members of some of the comments I made before the debate was interrupted last week by the time limit for debate on motions. I was trying to explain that the Standing Committee on Delegated Legislation asked me, as its chairman, to make the House aware of the dangers of allowing any legislation giving unfettered powers to anybody without the concurrence of this House. Not only will our job as parliamentarians be undermined, but it will also become irrelevant if regulations are proclaimed in the *Government Gazette* allowing anyone to be given powers that this House itself does not have.

I reminded the House of what the committee ordered me to do when the motion was moved to disallow the regulations to allow emergency powers under the Health Act. This is the same sort of thing. The House may have unfettered powers. A meat inspector may have unfettered powers to search, seize and do anything he sees fit at a given time. The committee

is not trying to usurp the powers of this House, but if there is a need for that to happen - and people in the industry might recognise that need - there is no reason that the argument should not be debated on the floor of this Chamber. There is no reason for regulations which come outside the Act to be published in the *Government Gazette* rather than come before the Chamber for debate. We as members of Parliament would be acting irresponsibly if we refused to ensure that happened. All that is necessary is for this House to pay attention to those sorts of things, and for Ministers and public servants to understand that we are not here to rubber stamp the sorts of things they need to do. We are here to try to advise, guide, and if necessary debate and prevent things which are happening from happening. I urge the House to support this disallowance motion.

Question put and passed.

MOTION - ABORIGINES

Ministers' Public Statements - Racial Tensions Increase

HON E.J. CHARLTON (Agricultural) [3.40 pm]: I move -

That this House -

(a) views recent public statements by the Minister for Aboriginal Affairs and the Minister for Housing as -

(i) causing racial tensions to increase in Western Australia;

(ii) creating division within the Aboriginal community; and

(iii) creating division between the Aboriginal and non-Aboriginal communities;

(b) requires the Government to implement urgent practical measures for the advancement of Aboriginal people to enable them to achieve current community standards in education, health and housing;

(c) recognises the achievements which are already being made by Aboriginal families who have taken advantage of opportunities to be self-reliant and that these achievements are not the result of patronising and interfering Government policies;

(d) calls for the dismissal of any Minister who stirs up racial tensions by irresponsible public comment; and

(e) urges the Government to heed the criticism of its Aboriginal policy by Labor MP Graeme Campbell.

Some weeks ago Western Australia celebrated Aboriginal Week. The occasion should have been an opportunity for the Government to demonstrate to the people of Western Australia, particularly the Aboriginal communities, whether in the north or the south of this State, that it was prepared to take positive action regarding the plight of Aboriginal people. The Government should have taken the lead and demonstrated to the wider community that in 1991 the Government would put in place initiatives for the benefit of the State; it should have highlighted the overall contribution that Aboriginal communities make. The wider community would be able to reflect upon the situation and acknowledge the participation of Aborigines in the progress of the State. Unfortunately, the Minister for Aboriginal Affairs and the Minister for Housing acted in a very negative way. The newly appointed Minister for Aboriginal Affairs adopted a very disruptive and negative attitude, and that did absolutely nothing for the Aboriginal communities other than to create divisions within them. That attitude also had a disruptive influence on the wider community. I do not need to remind members or the public of Western Australia of the great problems confronted by Aboriginal people. I refer specifically to juvenile crime, and absenteeism from the education system; indeed, a whole range of law and order problems. It is a very depressing situation not only for Aboriginal people who are directly affected but also for the entire population of Western Australia.

We often hear comments by the media and in the course of conversation when travelling around the State regarding the serious problems some Aboriginal people have in attempting to maintain reasonable standards of living within our society. We do not hear about

Government initiatives to overcome the problems or to address the effects of the problems on the community or, more importantly, to enable Aboriginal people to lift themselves out of this depressing situation. Instead, we hear the Minister for Aboriginal Affairs making outlandish and irresponsible statements that fuel the fire that has burnt for a long time. Worse than that, her comments compound the situation. The Minister for Housing made the statement that the settlement of Australia was an illegal act. She stated that the situation should be overturned; she referred to land ownership and said that the original inhabitants of this nation should be recognised as the owners of the land. How do these statements benefit the Aboriginal people?

One would expect the Minister for Aboriginal Affairs in this State to make positive statements, to recognise the positive contribution made by Aborigines; she should use that contribution as a yardstick to improve the situation. The divisions within society caused by those statements are unbelievable. As I travel around the State I am shocked at the hatred expressed by the Aboriginal communities and the wider community. Those expressions of hatred are of such magnitude it is almost impossible to deal with the situation. I cannot understand how the Premier could appoint a Minister for Aboriginal Affairs who takes such a negative attitude. The Minister has a hand-out mentality, although that takes the form of a person who cares. The Minister gives the impression that the Government is all about caring and heartfelt sympathy for Aboriginal people at a time when Aboriginal people need education, job opportunities, better health conditions, and many other Government initiatives which will allow them to take a meaningful place in society.

Another factor in this situation is that the Government does not acknowledge the success of some Aboriginal people. The Government does not recognise that some Aborigines have progressed in a very positive way. We can do without the Minister's ridiculous opinions about history or about how people should return to the way they lived in the past. None of us can do that; we cannot return to the way of life enjoyed by our ancestors - in the case of Aborigines, 50 000 years ago. The statements by the Minister were ridiculous.

Attempts are being made currently to set up industries in this State at a time when the whole nation is facing the worst economic crisis for 60 years. The mining industry is set to take the initiative with certain projects, and yet the Minister for Aboriginal Affairs has made the statement that to fly over those areas and to take seismic surveys will affect the spiritual activities of Aboriginal people. The Aboriginal people think that is a joke. Those statements make me wonder how serious and how dedicated anyone can be about ministerial responsibilities. How can the Minister for Aboriginal Affairs make such outlandish comments? The recognition of Aboriginal Week caused me to reflect on the situation. It is our responsibility to bring this matter to the forefront so that in future such stupid statements will not be repeated. In the meantime, we should concentrate on the positive aspects of the Aboriginal situation and the important part Aborigines play in the wider community. There is no place for two Australian nations within the one continent.

Are we going to give those people who settled here from a half a dozen European countries, their own area of responsibility or interest dedicated to pointing out how badly they were treated? Are we going to do the same for the descendants of those people who came out in chains 200 years ago, and were put into solitary confinement in areas not big enough to stand up in?

Hon Tom Helm: Like a boab tree?

Hon E.J. CHARLTON: Are we going to reflect on all the terrible things that were done to those people and say that anyone who is descended from them must be treated in a different way? Those are the sorts of irresponsible and outlandish perceptions that are being created by the two Ministers to whom I have referred. They are not doing a great deal of good. They should spend some time with Aboriginal people who work in the wider community and see the positive things that happen. In future the Ministers should consider their position before making a series of statements that fall on receptive ears. If we have Ministers, Governments and people within our community who consider that the place of Aboriginal people in our society is not what it should be, let us repeat some of the initiatives that have been taken by other Aboriginal people. I refer members to the current Select Committee on Endeavours and Achievements of Indigenous Peoples of Australia chaired by Hon Muriel Patterson, which is considering the achievements of Aboriginal people. Immediately the

comment would come back that not everyone can be a winner, or has the opportunity to participate in those sorts of operations. However, if young Aboriginal people in our society do not go to school every day, it does not matter what other areas in the curriculum are made available to them for their special interests, capacities and the gifts that so many Aboriginal children have, they will not learn the basic subjects of reading and writing which will enable them to participate and obtain work skills and training and they will have no hope.

Members may have heard last week from the media that Western Australian school children have the highest rate of absenteeism in Australia; particularly Aboriginal children. If we are to change the way that Aboriginal people take their place in the wider community and in our nation we must look at the success stories and the great achievers. Most of the great achievements of Aboriginal people are in the sporting arenas in this nation, but many have been successful in their jobs and their family situation. They have been able to educate their family and to give them a chance in life. While on that point a very important fact needs to be recognised: An Aboriginal family with an income earner receives no hand-outs, no benefits, no accommodation assistance and no social security. In effect, that family is penalised for being successful. That is one of the most negative attitudes which can be imposed on a group of people who have come such a very long way in a very short time. We must remember that 200 years ago they had no access to and had seen nothing quite like our ancestors.

Hon Mark Nevill: It follows from what you have said that the more successful Aboriginal people should also be treated differently from whites.

Hon E.J. CHARLTON: My point is, why are Aboriginal people who do not have an income treated differently? I would be happy to help Aboriginal people who earn an income with assistance to educate their children to secondary and tertiary level, or with rental accommodation or to buy a house. I support those sorts of initiatives. I do not like those people with an income being penalised and seeing their fellows with a similar background being assisted because they do not have an income. It is a total disincentive for those people who have taken that giant step forward to getting employment. Not only do I not apologise, I publicly say that I would support any initiative that gave encouragement, incentive and reward for people to uplift themselves. I suppose members opposite would challenge that sort of statement, and say that I want to bring people from the Aboriginal community and put them into the white community; that I am not interested in allowing Aborigines to stay in their own culture. It is pretty much bulldust to promote that attitude. Generally, most Aboriginal people who live below the 26th parallel or in the southern half of the State do not have an affinity with the land as do the Aboriginal people of the north. Obviously Hon Mark Nevill knows far more about that than I do. I have gone to school, played sport and exchanged lifestyles with Aboriginal people.

Hon Cheryl Davenport: How many of those kids that you went to school with went on into the secondary school system and survived?

Hon E.J. CHARLTON: Not many.

Hon Cheryl Davenport: Ask yourself why.

Hon E.J. CHARLTON: I am asking Hon Cheryl Davenport - why, tell me?

Hon Cheryl Davenport: Because they experienced racism within the school system.

Hon E.J. CHARLTON: That is the shot! Members are now going to give me a bit of this racism talk. That is the sort of stupid irresponsible statement that flows from the current Minister. Instead of helping these young people, members opposite talk about racism. This Government and other Governments, not only Labor Governments, but also Governments from our side of politics, have enhanced racism over the last 20 years with hand-outs. The more governments hand out to people for sitting back and doing nothing, for not participating in the mainstream society, the more racism we will get. It will be the same situation as the often referred to pommy shop stewards.

Hon Mark Nevill: It is just as well we do not have Aboriginal shop stewards.

Hon E.J. CHARLTON: People are racist by nature and they have attitudes about different groups in our society. Often they become obsessed about those groups. Do members think Chris Lewis is looked upon as a racist?

Hon Graham Edwards: The Victorians tried to do to Chris Lewis what they did to Ned Kelly years ago.

Hon Garry Kelly: They persecuted Ned Kelly.

Hon Graham Edwards: In fact, Ned Kelly was hanged.

Hon E.J. CHARLTON: In the area in which I live and travel the greatest incentive to creating racism - no-one disagrees that it does exist - is to give something to one group of people in the community while not giving it to others. I know of Aboriginal families in my district who have never bought a bottle of LP gas because not only do they receive their social security benefits but also they go to the social security office and get a chit to purchase that sort of thing. It is those benefits accorded to one group and not another which create division in a local community. Nothing positive is being achieved when Aboriginal people come to me - as I am sure they come to all members - and tell of this sort of thing occurring. We should encourage young Aboriginal people to participate in mainstream society. If we continue to do what we have done in recent times we will hold Aboriginal people back from participating fully in the wider community. It is no good for one section of our community to be left behind, whether they be Aboriginal people or any other group of people. The great emphasis of this Labor Government has been on promoting equality for all, even though it is a totally ludicrous objective because we are not born the same and will never be the same.

Hon John Halden: This speech is putting back democracy three generations.

Hon E.J. CHARLTON: This Government and other Governments have advocated this philosophy for many years; however, when it comes to implementing that philosophy they have missed the point. Ministers should not make such outlandish and irresponsible statements during Aboriginal Week. It would have been more proper to refer to the successes of Aboriginal people and to the admiration that we hold for Aboriginal people's achievements. We should acknowledge what a difference their contributions have made to the rest of society. We should look at the many successes of Aboriginal people; for example, Aboriginal artists have achieved great things and have contributed greatly to the culture of the whole of Australia. We should also support the achievements that have been made in other professions by Aboriginal people. They should be held up as examples of what we are trying to achieve. Graeme Campbell, a Federal Labor member of Parliament who represents the largest Aboriginal population in the nation, has made similar statements. I applaud him for his comments and for showing a lead in demonstrating the things that must happen.

An example of a lack of success is the Aboriginal Legal Service. It is despised by everyone, including Aboriginal people because of the dictatorial approach that it engineers for its own benefit. That agency is run by the Federal Government and it is the intention of the State and Federal National Party to do away with it. It would be more appropriate to put those people with special qualifications into a service to assist Aboriginal people.

I urge the House to recognise that the racial tensions caused in Western Australia, the division within the Aboriginal community and the division between Aborigines and non-Aborigines were manifested in Aboriginal Week because of ridiculous, outlandish and patronising statements made by the Minister for Aboriginal Affairs. I urge the Government to implement practical measures to prevent this occurring again. A few years ago I initiated the creation of a Select Committee which made recommendations to the Government to ensure that there was new hope for Aboriginal people. I will continue to repeat those recommendations until they are adopted. The whole emphasis of Government administration in this nation is on centralising everything in Canberra, including transport.

Hon P.G. Pendal: And TAFE.

Hon E.J. CHARLTON: Yes. It does not matter what aspect of Government one is talking about, it will always be run by Canberra. The Department of Aboriginal Affairs in Canberra has a huge staff with an allocation of about $1 billion a year. Most of that money is used by white people; that shows how much they care for the Aboriginal people. Who will get the money, how it will be spent, where it will be spent and what people are involved in the expenditure of those funds is determined by Canberra. What do public servants in Canberra know about the needs of the Aboriginal people? All they do is travel to and from Canberra and have very little contact with Aboriginal people. That applies to funding for not only Aboriginal people but also every area.

Hon Graham Edwards: You are right about that.

Hon E.J. CHARLTON: I support totally the Federal Government's desire to allocate $1 billion for Aboriginal affairs; I do not promote a reduction in funding for Aborigines. However, I would like Western Australia to receive $100 million or $200 million of that allocation to use for health education and housing for Aboriginal people. The Federal Government can stipulate for what purpose that money should be spent but it should hand it over to the State Government to hold it in trust. Let the State Government have the responsibility of ensuring that the money is spent in direct consultation with local government. That is one way of ensuring that taxpayers' funds are properly expended. If this method is not adopted there will certainly not be any cooperation or harmony between the different races in the community and there will be no benefit to the Aboriginal people. All we will do is add to the racism which members referred to earlier. White people in Canberra are allocating funds to programs they think are a good idea and nine times out of 10 the allocations are to the detriment of all concerned. It is high time we acknowledged that the system is not working and that it has never worked. The mechanism which is in place is most inefficient and is not dealing directly with Aboriginal people. In the final analysis it will be the Aboriginal people who will overcome their problems; it will not be a whole host of smart alec white advisers who will lead the Aboriginal people out of their existing lifestyle into a happier and more rewarding lifestyle.

If we have a repeat performance of the events that occurred during Aboriginal Week we should call for the dismissal of the Minister, and for that matter any Minister who stirs up racial tensions by irresponsible public comments. That is what occurred a couple of months ago. There is no doubt that those comments hindered the progress of Aboriginal people and it will take a much more broad-minded and positive view by the people in our society who do the right thing by consulting with Aboriginal people to assist them to overcome their plight.

The other aspect about centralism - again it is not specific to Aboriginal people - is that around the world people from various nations are discarding their centralist Governments and their domineering-type administrations and opting for an administration at a local level. Those people have worked and suffered for many years to obtain that end. What do we see happening in this nation? It is a nation which is in the depths of depression; the worst economic recession for 60 years since the Great Depression. Every day we see examples of a centralist Government with organisations which are within a stone's throw of Canberra preparing proposals for funding to take to Canberra for approvals. There can be no worse example than what is occurring with Aboriginal affairs. If the Minister for Aboriginal Affairs and the Minister for Housing want to do something positive for Aboriginal people during their term in office it is time they took on their Federal counterparts. The successive Federal Ministers for Aboriginal Affairs have been nothing more than do-gooders and their scores on the board are dismal. It is time the State Ministers demanded from their Federal counterparts a change in the allocation of funding in order that Aboriginal people are not only given a chance, but are encouraged by incentive to upgrade their lot and improve their health standards. They should not be confronted continually with statements about the conditions under which they live. I can see no excuse at all for substandard hygiene levels in this day and age and anyone who does not achieve an acceptable standard of hygiene is not trying. The same thing applies to housing and other health related issues. As soon as the State Minister starts to perform and adopts a positive attitude to this issue something may be done for Aboriginal people. I urge members to support the motion.

HON B.L. JONES (South West) [4.16 pm]: If I thought for one moment that Hon Eric Charlton's motion was framed out of a genuine concern for Aboriginal people -

Hon P.G. Pendal: That is a terrible thing to say.

Hon B.L. JONES: - and he somehow thought that his motion would improve their lifestyle, I would be the first to congratulate him. Regrettably for Aboriginal people I see this motion as nothing more than an echo of the comments made by the Leader of the Opposition during Aboriginal Week; it is nothing more that an attempt at political mischief.

I must admit I am a little confused by the statements made by Hon Eric Charlton. He referred to the State Minister for Aboriginal Affairs as having a negative, disruptive attitude, but he did not say what that attitude was. He went on to talk about the path she was taking

and I have to admit that for a minute I thought that Joh Bjelke-Petersen was in the Chamber because Hon Eric Charlton was ranging wide and far, but did not enlarge on what he said.

Hon E.J. Charlton: We know what she said.

Hon B.L. JONES: If the member did not take the opportunity to elaborate on the Minister's statements when he moved his motion, that is his problem. The member did not substantiate any of his claims. He said that the Minister's statements were airy fairy, stupid and a lot of nonsense, but he did not specify the part of the Minister's comments he considers constituted racism. The Minister for Aboriginal Affairs and the Minister for Housing are on record as being very concerned about the plight of Aboriginal people and to suggest otherwise is, frankly, ludicrous. The member did not substantiate his statements and I will not waste my time rebutting something that was very confused. However, I will refer to the substance of his motion.

While the member was talking about wanting to help Aboriginal people and improving their situation he said he did not believe in handouts. He became enraged when comments were made about racism in schools. He has to sort out whether he is concerned about implementing schemes to help Aboriginal people or whether he considers all schemes to be simply handouts. Paragraph (b) of the member's motion is built on a false premise because it requires the Government to implement urgent practical measures for the advancement of Aboriginal people. The supposition that these measures are not in place is incorrect and I will demonstrate that they are being put in place. This paragraph of the motion is contradictory to the member's comment that the relevant Ministers are trying to implement certain schemes for housing and education to improve conditions for Aboriginal people. On the one hand he says that those schemes should not be implemented, and, on the other hand he says that we need, as a matter of urgency, to put some of these schemes into practice. Members must admit that there is some confusion in his statements.

I should preface my remarks by saying that non-Aboriginal people cannot hope to fully identify with the cultural and social disadvantages of Aboriginal people. Some of us try, and some of us care, but we cannot truly identify with the cultural heritage of Aboriginal people. Hon Eric Charlton was right when he highlighted the severe disadvantages that many Aboriginal people face. He kept referring to "those people" and I assumed he was referring to Aboriginal people. Aboriginal people are severely disadvantaged. Before I turn to some of the steps the Government has taken in an attempt to rectify these problems I will outline some of the serious areas of disadvantage facing Aboriginal people, because I am sick and tired of the people coming up to me and saying, "You are giving handouts all the time. These Aborigines are not disadvantaged. They are advantaged. Look what you give them all the time."

I wonder how many people, including members of this place, have been into the homes of Aboriginal people in their constituencies. I have. I am proud to say that I am invited into those homes. I am also proud to say that I have been so horrified with some of those homes that I have been instrumental in causing substantial improvements to be implemented for some families in my electorate. I have a close association with the Aboriginal people in Pinjarra. I am proud of that fact. I can speak with some insight about the difficulties that they endure. I will highlight some of the disadvantages faced by Aboriginal people. For example, infant mortality is three times higher for Aboriginal babies.

Hon E.J. Charlton: Why?

Hon B.L. JONES: I thought even Hon Eric Charlton would know a problem exists with Aboriginal health. Does the member think that has something to do with it?

Hon E.J. Charlton: Of course it is.

Hon B.L. JONES: They do not grow at the same rate as non-Aboriginal people.

Hon E.J. Charlton: Of course they do not.

Hon B.L. JONES: School retention rates -

Several members interjected.

The DEPUTY PRESIDENT (Hon J.M. Brown): Order! Hon Eric Charlton was provided with an opportunity to move his motion without interjection. I believe that he and Hon Tom

Butler are not facilitating this debate while Hon Beryl Jones is on her feet. I therefore ask members to cease interjecting.

Hon B.L. JONES: The school retention rate for Aboriginal children up to year 12 is less than 10 per cent as against 58 per cent for non-Aboriginal children. Of the total youth incarcerated, 68 per cent are Aboriginal. Of those, 86 per cent were not in employment, at school or attending any sort of training prior to their infringement. Generally, Aboriginal education is characterised by a lower level of achievement, lower retention rates at school and inadequate and inappropriate curricula.

Hon Eric Charlton raised the matter of education and the need for children to continue at school. I wonder how many members are aware that Aboriginal children were not allowed into schools until 1949 and even then only into mission schools. That is only 40 years ago. We are talking about the current generation's parents and grandparents who had no background in the white man's formal education. We have been steeped in the thought that we need to go to school and that it is important to us. However, we have taken children with a vastly different culture and ways of learning that are relevant to them and put them into the white man's formal school. We are then surprised that they find it irrelevant.

These are some of the things that we should dwell on. We talk about why we need to encourage Aboriginal parents to send their children to school. First, I suppose we must encourage them to believe that there is some relevance in schooling for them. At the moment I doubt that that is possible A well established link exists between poor education, unemployment, poverty and imprisonment. These are all reflected in the figures I have just quoted. How can people claim when they hear of these sorts of disadvantages that all Australians should be treated equally? We are not on the same level playing field. I hope that the day will come when we are able to improve the conditions not only of Aboriginal people but also of all people from different cultural and racial backgrounds. Only when we lift them to the same educational and social standing of the rest of the community will we be able to say that there is no need for special programs to be put in place, that people can be considered to be equal and that all resources should be available equally to all Australians. When that day comes it will be a wonderful time. Regrettably, it will be a long time coming.

Many of the Government agencies presently available are not relevant to Aboriginal people. They do not have the experience or confidence to go into some place and access resources and information. I used to be on the Armadale Joblink committee. When I asked how many Aboriginal people were on the books I was told there were none. I asked why that was so and was told, "They do not come in here." When I pursued the matter and asked why they did not come I was told, "We do not know." I am happy to say that, as a result of the employment of a new Aboriginal coordinator, programs have now been devised which provide initiatives which attract Aboriginal people into the Joblink centre, which is performing a valuable service for the community. This is one example of why Aboriginal people do not feel confident to access many of the programs available to non-Aboriginal people.

The Government has recognised many of the difficulties facing Aboriginal people and is moving to train and empower Aboriginal people to take responsibility for their own lives. That is the key. The task is an enormous one and clearly will not be resolved in a short period.

Hon E.J. Charlton: I said exactly that.

Hon B.L. JONES: No, the honourable member did not. He went from one thing to another. On the one hand he was saying we should do something while on the other hand he was saying we should not. It was hard to get a picture of what he feels should be in place. I think that generally his heart may be in the right place and that he recognises that Aboriginal people are severely disadvantaged. However, how to overcome the situation seems to be the problem.

I turn to some of the Government's achievements for Aboriginal people. We have spoken about what the Government is or is not doing. The honourable member seems to think that the Government is doing nothing for Aboriginal people. Therefore, I will run through a few of the Government's major achievements. Employment and training programs now in place provide Aboriginal people with the opportunity to work in national parks. Joint funding is in

place from the State and Commonwealth Governments for five years for the Aboriginal communities development program for projects in land tenure and community infrastructure, especially housing, power and water services. These are the very things needed to improve the health of Aboriginal people. In the final phase of that program funding was extended to a number of beneficial projects such as employment, language maintenance, cultural expression, health and education.

Action is being taken to address the plight of Aboriginal fringe dwellers through provision of funding for basic shelter, ablutions and social development programs. That may help to address the problem of the infant mortality rate. A State committee on solvent abuse has been formed to address the problem of petrol and solvent abuse in Western Australia which has been a severe problem for many Aboriginal youth. Support for Aboriginal health has been undertaken including the establishment and funding of Aboriginal medical services in Perth and various rural centres. I say to anyone who asks why we need special services that many Aboriginal people feel threatened when they go to some non-Aboriginal facilities. I know that in Pinjarra we are trying to ascertain whether we can start a women's medical service in an attempt to encourage Aboriginal women to go for pap smears and things that they do not feel comfortable doing in a non-Aboriginal environment. There is assistance to Aboriginal women's groups aimed at cultural enterprise, and an increase in the participation of Aboriginal women in Government planning and implementation, including the advisory council to the Premier, implementation of the report into the needs of older women, and domestic violence. By getting Aboriginal people onto these advisory boards and involving them in the decision making process we are helping them to become empowered.

[Debate adjourned, pursuant to Standing Order No 195.]

CRIMINAL LAW AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Hon J.M. Berinson (Attorney General), and read a first time.

Second Reading

HON J.M. BERINSON (North Metropolitan - Attorney General) [4.31 pm]: I move -

That the Bill be now read a second time.

Since 1983 the Government has initiated amendments to more than two-thirds of the Criminal Code. This Bill is a further step in the continuing commitment to modernise the criminal justice system. Most of the provisions in this Bill deal with issues which have been the subject of considerable community interest. These include a change from the offence of unlawfully using a motor vehicle, to stealing. The Bill also amends the provisions of the Criminal Code to extend a person's right to use force to defend his personal property. The Government has announced other amendments to the Criminal Code which are planned to be introduced later in the current session. These include a new offence of deliberately spreading HIV or other infectious diseases, and provisions to facilitate DNA testing of suspects by compulsory procedures for taking bodily samples.

The Bill now before the House deals with six main areas. These are -

(a) an amendment to section 19 to replace the present maximum fine of $250 000 with a discretion in the courts to impose fines of unlimited amounts;

(b) a new provision dealing with pre-empanelment procedures in criminal trials;

(c) changes to chapter 28 to repeal the year and a day rule;

(d) amendments to chapter 26 concerning citizens' power to protect personal property;

(e) amendments to section 371A of the Criminal Code and similar provisions in the Road Traffic Act concerning motor vehicle stealing; and

(f) amendments to chapter 39 dealing with housebreaking offences.

I will deal with each of these in turn.

Maximum fine: Section 19 of the Criminal Code empowers courts to impose fines and the maximum amount of a fine has always been specified since the Code was introduced in

1913. At that time the maximum fine was £500; that is, $1 000. The maximum fine was last increased in 1988 when the then maximum of $50 000 was increased to $250 000. This Bill proposes to remove the statutory maximum. Judges will then have a discretion to impose whatever fine they consider appropriate in the circumstances of each case. This will allow a more adequate penalty in such cases as large scale fraud where very large sums of money are involved. There are other cases where a greater fine could remove the need for imprisonment or where a greater fine plus a lesser term of imprisonment would be more appropriate than longer imprisonment without a fine. The amendment recognises disparities in personal wealth and that, although $250 000 would be a fortune to most people, to others it may be a small price to pay. The amendment will not require judges to impose fines of any particular amount. That, as has been indicated, will be a matter for the court's discretion.

Pre-empanelment proceedings: To streamline proceedings which take place before a jury is sworn in, clause 7 of the Bill proposes a new section 611A of the Code. Before a trial commences, it should be possible for the court to decide on the admissibility of evidence, settle questions of law which affect trial strategy, or ascertain what the defence and prosecution are prepared to concede. At present, these questions can be determined only after the empanelment of a jury. The court must then decide the questions in the absence of the jury. A jury, having been empanelled, may immediately be excused from attendance for a considerable time while argument on questions takes place. This procedure can lead to considerable inconvenience and waste. The Murray review of the Criminal Code recognised that a procedure is needed to permit these questions to be determined after the accused is arraigned but before the jury is empanelled. Even with such a procedure, parties who are determined to cause as much delay as possible could still withhold questions until after the trial begins. This possibility is more appropriately dealt with by Supreme Court practice directions; for example, by placing an obligation on the prosecution and defence to raise all appropriate questions during the preliminary proceedings. The amendment outlines the steps which may be taken before the jury is sworn or before evidence is tendered. Courts will be given power to direct defence and prosecution counsel to confer for the purpose of deciding whether such steps should be taken. The amendment also permits a judge to preside at the trial although that judge was not the presiding judge when the preliminary steps were taken. This amendment will increase the flexibility of the courts and improve efficiency in trial listings, and the use of judicial and court time. Some savings in court costs should also be achieved.

Abolition of the year and a day rule: Section 276 of the Criminal Code now provides that -

> A person is not deemed to have killed another if the death of that other person does not take place within a year and a day of the cause of death.

That is, a person is not legally responsible for killing another if death did not occur within 366 days of the cause of death. This rule, which apparently dates back to the thirteenth century, imposes an artificial cut-off point for criminal responsibility. Advances in medical science can now keep victims alive for very long periods after an injury. In these circumstances, and with associated advances in pathology, the year and a day rule is now clearly inappropriate and it is proposed to repeal it.

Clause 6(3) of the Bill refers to part A of the schedule. It makes consequential amendments to the Road Traffic Act so that the offence under that Act of dangerous driving causing death will be dealt with consistently with the repeal of section 276.

Defence of property: There has been considerable community concern about the extent and limits of a person's current right to use force to protect personal property. The member for Stirling recently introduced a Bill to deal with these issues by aligning those provisions of the Code which deal with the use of force to protect personal property with those which permit force to be used when protecting a dwelling house against forcible breaking and entering. Although that Bill was defeated, the Government agreed to review the relevant provisions of the Code as some anomalies did appear to exist and a more extensive review of them was required.

In 1983 the Murray review proposed only minor changes to these provisions. However, the Government recognises that the Criminal Code should be more substantially amended to provide better protection for victims of crime and to provide citizens with a clear indication of the circumstances in which "reasonable" force may be used in the protection of property.

Under the Code, people are not now permitted to use force in protecting their possessions if that causes bodily harm to another. The broad interpretation of "bodily harm" which has developed has the result that a person attempting to prevent property being stolen is, in effect, unable to inflict any injury which interferes with the health or comfort of the offender. This may lead to the result or perception that people who defend their cars or other property could face more serious charges than those who steal or try to steal them. The Government is proceeding on the view that the existing restrictions to which I have referred are excessive.

It should be noted that some Code provisions which deal with the defence of property provide that defence not only to the actual owner, but also to any person in "peaceable possession" of property. As a result section 252, for example, could allow a thief in possession of property to resist an owner who attempts to reclaim possession. It is clearly not appropriate in such a case to permit the use of such force as may cause bodily harm. To meet that situation the proposed amendments do not include a change to section 252.

Section 256 of the Code also deals with a special sort of dispute which should properly be settled before the courts and not by action causing bodily harm. Accordingly, the Bill does not propose to extend the degree of force permitted by section 256. On the other hand, section 251 deals with defence of moveable property. This covers an owner who is attempting, for example, to prevent a thief from taking his motor vehicle. Here, the Government supports the community view that the law should not prevent an owner of property from using reasonable force to protect that property, even if bodily harm does occur. The amendment to section 251 will allow an owner or other person in peaceable possession, or a person acting with his authority, to use such force, but less than that which is likely to cause death or grievous bodily harm, to resist a thief or other trespasser. It is proposed to amend section 253 in a similar way. That section permits a person in possession of property under a claim of right to use force to defend property.

Clause 10 proposes to insert a new section 254 which will permit force to be used in the defence of premises against trespassers and for the removal of disorderly persons. Dwelling houses are dealt with under section 244 and a person defending a house has wider powers. Clause 10(1) expands the definition of place so that the proposed new section 254 applies to vehicles, land and vessels. Although the degree of force permitted to be used is proposed to be extended by subclauses (2) and (3), the persons permitted to use that force will be limited. This is because section 254 is not intended to allow persons employed to eject disorderly persons or remove trespassers - for example, nightclub bouncers - to use such a degree of force as is contemplated by proposed new section 254. However, people employed to remove disorderly persons may come within other provisions of the code which allow force in specified circumstances and which may apply to bouncers and others in the performance of their employment. These include power to use reasonable force to prevent breaches of the peace, or in response to an assault committed under provocation, or to prevent the repetition of an assault, or in self-defence against a provoked or unprovoked attack. The relevant provisions are in section 237 and sections 246 to 249 of the code. As a result, persons employed as bouncers, for example, will not be vulnerable to assault charges if they use only reasonable force. The proposed amendments retain the current requirement that any physical force used against a person for the protection of property must be reasonable and necessary. Here, as with the use of force for self-defence, the use of more force than is justified under the circumstances will remain unlawful.

The amendments to the defence of property provisions have required careful consideration of the scope and interrelationship of each section. They have been very carefully framed so as not to permit, promote or encourage vigilante groups, or the use of more force than is appropriate. The amendments recognise the community's concerns and the need for clear and extended rights under the law for those citizens who are unfortunate enough to be placed in the position of needing to defend their property.

Stealing motor vehicles: The offence of stealing is in section 371 of the code. It is defined as the fraudulent taking or conversion of property. The term "fraudulent" is defined in section 371(2) in terms of intent. In general, that intent must be to permanently deprive the owner of possession of the property. If a person takes a motor vehicle, drives it and abandons it, and is then charged with stealing, the offender can argue under current provisions that he was merely joyriding and had no intention of permanently depriving the car owner of possession. As a result of this defence to car stealing, an unauthorised use

offence was created in 1932. Unlike stealing, the prosecution need only prove use of the car without the permission of the owner or person in charge of the vehicle. A perception is held by some in the community that unlawful use of a motor vehicle or joyriding is less serious than stealing; the amendments are proposed to dispel that view. Part V of the Bill will repeal the offence of unauthorised use of a motor vehicle in section 390A of the Criminal Code, and insert a new offence of stealing a motor vehicle in proposed section 371A. The new offence will cover the same elements as now constitute the offence of unauthorised use or joyriding.

Housebreaking offences: Part IV of the Bill will permit summary disposition of specified housebreaking offences. In 1987 the Government expanded the ability of the courts to deal with burglary offences summarily where the offence related to property of a specified value. The 1987 amendments did not include housebreaking offences. However, the same rationale for summary trial applies to burglary and housebreaking offences. Where a case can be adequately dealt with in petty sessions, and the accused so elects, this course should be followed. Apart from other benefits, this should result in a considerable saving of the time of the superior courts and assist in keeping court lists more up to date.

The amendment distinguishes between burglary involving a dwelling house and that involving other buildings. The summary penalties set out in proposed section 401 are greater for burglary involving housebreaking; that is to reflect the seriousness with which the Government and the community regard the latter offence. Also, under the proposed amendment there will no longer be separate offences for burglary involving a dwelling house and burglary involving other buildings. Instead, the new offence will apply to all places, and circumstances of aggravation are specified.

In conclusion, this Bill maintains the Government's ongoing commitment to the reform of the State's criminal law. I commend the Bill to the House.

Debate adjourned, on motion by Hon Derrick Tomlinson.

PARLIAMENT ADMINISTRATION BILL

Introduction and First Reading

Bill introduced, on motion by Hon R.G. Pike, and read a first time.

Second Reading

HON R.G. PIKE (North Metropolitan) [4.46 pm]: I move -

That the Bill be now read a second time.

This Bill has the specific purpose of removing the funding of Parliament from Government hands. It establishes -

(a) the Parliament Authority;

(b) the Council Authority; and

(c) the Assembly Authority;

which will be responsible for the Parliament and its Houses to ensure the carrying out of their functions. They will have authority over -

(a) the budget of the Parliament and its Houses;

(b) the fabric of the Houses of Parliament and their precincts;

(c) its or their servants and agents;

(d) the goods and services to be provided to each of them; and

(e) the expenditure of its or their money.

The authorities will continue to have power notwithstanding the prorogation or dissolution of the Parliament. The authorities shall have no separate existence from the Parliament or the Houses, and Parliament shall mean the Houses of Parliament. The Parliament Authority will consist of the President of the Legislative Council, the Speaker of the Legislative Assembly and eight other members of Parliament, four appointed by each House. The chairmanship of the authority will alternate yearly between the President and the Speaker. The constitution of the Council and Assembly Authorities, and all other matters concerned with them, shall be determined by their respective Houses.

This Bill will enhance the independence of the Parliament from the Executive, and will enhance the Parliament's effectiveness as the people's watchdog over the Premier and Cabinet. The Bill will properly strengthen the control of Parliament over its own affairs and will further protect the Parliament's legislative independence from the Executive, and enhance its role of supervising Government and making Government accountable.

The Standing and Select Committees of the Parliament are adopting a much more vigorous and challenging approach to their activities. It is bad in principle for these committees to be dependent upon the Premier and Cabinet for the money to enable them to carry out their functions. These committees must be independent of the Executive to properly purview that Executive because Parliament is the ultimate custodian of truth and integrity in Parliament itself. At present the Government controls the budgets of both Houses; therefore, it controls the means used by Select and Standing Committees to challenge, question and call to account the Government, particularly the Executive Government. If Parliament and its committees are to do a proper and continuing job, the Parliament must show that it has the power and the willpower to determine its own estimates and should never be subject to Executive Government for its financing.

In Western Australia there has been for many years an ongoing trend for Executive Government to erode the power of Parliament. Executive Government has become too powerful compared with the Parliament. We must prevent this and ensure a continued healthy separation of powers. We must not allow any Premier and Cabinet to take the control of Parliament and erode its role and leave it weak and ineffective. This Bill will, of its very nature, enhance the role of the President and of the Speaker, and ensure an enhancement of the role and importance of backbench members of Parliament, both Government and Opposition. Parliament has the authority to continuously investigate, pronounce upon and take action against the betrayal of the integrity of the Parliament by the Government when necessary.

The present arrangements for financing the Parliament facilitate a situation which encourages Executive dominance of the Parliament. Good Government relies on an inquisitive Parliament supervising and questioning the activities of Government. Integrity and truthfulness in Parliament will be enhanced when the Premier and Cabinet, the statutory authorities, Government agencies and departmental heads know that their actions are separately subject to continuous supervision by Parliament and its committees. The checks and balances in our Westminster system must remain strong. It is high time that we were masters of our own Parliament and that we make our own decisions about the services of that Parliament. This is a very real and substantial reform.

Debate adjourned, on motion by Hon Fred McKenzie.

MOTION - ATTORNEY GENERAL

Documents Tabling - Discharge

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [4.53 pm]: I move -

> That Order of the Day No 1 be discharged from the Notice Paper.

A brief history of the events leading up to the motion is as follows: On 17 September this year the Legislative Council resolved to require that certain papers be tabled in this House by the Attorney General by 15 October this year. It became obvious at 11.00 pm on 15 October that the Attorney General would not comply with that order. Consequently, on 16 October I moved a motion that would have required the Attorney General to be suspended for seven days and then for other action to be taken if the documents were not tabled. It is now history that during the debate on the motion of 16 October the Attorney General sought leave of the House to, and I quote -

> I seek leave to comply with the order of the House made on 17 September by tabling the relevant document or documents with the Clerk provided in and subject to the confidentiality provisions of that order. It has been put to me that leave is required to table this paper because the original time limit for tabling expired yesterday. I do not accept that leave is necessary, but seek it in any event for greater certainty.

I understand that the Attorney General has tabled a document or documents with the Clerk of the House. To this date I have not been able to inspect those documents, but the reason for my moving this discharge motion today is based on the undertaking given by the Attorney General to this House on 16 October that he would comply with the orders of this House.

HON J.M. BERINSON (North Metropolitan - Attorney General) [4.55 pm]: I support the motion. It stands to reason that I should, as it has always been, and remains, my firm view that the motion should never have been moved. Unlike the Leader of the Opposition, I do not think much purpose is to be served by rehashing the whole history of this sorry and, one might say, sordid procedure.

Hon George Cash: Effective nonetheless.

Hon J.M. BERINSON: It was not effective, and that is not the least of the distortions in which the Opposition has engaged. I do not include the Leader of the Opposition's statement today in that category. However, it is part of its distortions to have encouraged the view that the tabling of the papers was in response to the threat. That is simply untrue; Mr Pendal knows that just as all his colleagues know it.

Hon P.G. Pendal: We know nothing of the kind.

Hon J.M. BERINSON: I do not know why members opposite persist in their attempts to distort history. The clear fact of the matter is - every single member in this Chamber is aware of it - I came into the Chamber on the relevant day with a lengthy ministerial statement the purpose of which was to indicate that I intended thereafter to proceed with the limited tabling of the documents, and to indicate my reasons for doing so.

Hon George Cash: Limited in what respect?

Hon J.M. BERINSON: Limited in respect of the confidentiality provisions.

The DEPUTY PRESIDENT: Order! I draw the attention of the House to the fact that the motion before us is for discharging an Order. I allowed the Leader of the Opposition to canvass certain matters and I am sure the Attorney General will understand the direction I am suggesting is being taken.

Hon J.M. BERINSON: The record will demonstrate quite clearly what I have said; that is, that the threat was an empty threat. The Opposition had notice before we came into the House of my intention to give a ministerial statement.

Hon George Cash: We did not know the content of the statement.

Hon J.M. BERINSON: The Opposition did not know the content! I did not even know it intended to move a motion, let alone the content of the motion. I link that with the other discreditable aspects of its move on that day. It was a disgraceful motion; it defied the standards of this and every similar Parliament and it should not have been moved. Now that we have the opportunity to dispose of the motion, we should do that. Perhaps I should limit my comments on that point in order not to persuade anyone to the contrary.

Question put and passed.

MOTION - FOREST AMENDMENT REGULATIONS

Disallowance

Order of the Day read for the resumption of debate from 17 October.

Question put and passed.

MOTION - MINES REGULATION AMENDMENT REGULATIONS (No 2)

Disallowance

Order of the Day read for the resumption of debate from 17 October.

Question put and passed.

EAST PERTH REDEVELOPMENT BILL

Second Reading

Debate resumed from 20 August.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [5.00 pm]: This

Bill proposes the establishment of an authority for the purposes of redeveloping certain land in East Perth. The authority, which will be known as the East Perth Redevelopment Authority, will be empowered to exercise planning and development control over that area of land the subject of the Bill and further, to exercise such other functions in respect of that land as are enumerated in the Bill. The redevelopment project for the East Perth area has been the subject of public comment for nearly seven years. The land which is the subject of the Bill is bounded by Wittenoom Street to the south, Lord Street to the west, Summers Street to the north and the Swan River to the east.

[Questions without notice taken.]

Hon GEORGE CASH: Before recommencing my comments about this Bill, I want to take the opportunity of recognising the presence of Mrs Lyn Curnow, one of the senior mistresses at Perth College, and the young ladies from Perth College who are members of one of the politics classes, who join us today in the Legislative Council.

Most members will be aware that in October 1990 the Government released an outline development plan for the East Perth project. The plan stated that the redevelopment of the East Perth area was the biggest and most exciting urban renewal project ever undertaken in Western Australia. It was noted that a large area of what was claimed to be unattractive industrial land on Perth's eastern doorstep would be transformed into a new urban community. The Swan River foreshore would be enhanced, the land previously degraded by long term industrial use would be rehabilitated, and thousands of Western Australians would be attracted back into East Perth to live, study, work and relax. The East Perth project would be a catalyst for the redevelopment of nearby inner Perth, and would help slow the outward growth of the metropolitan area. The plan stated also that the project demonstrated the State Government's desire for a more diverse, functional and lively central city area, and that the proposals also supported the broader social and economic objectives of the Government. The plan noted further that a project of this size would require cooperation and a sense of purpose, and that the problems which needed to be overcome to achieve the aspirations for the area could be realised only if all levels of Government and the private sector worked together.

We are talking about different levels of Government and the private sector working together. It is important to note the position of the City of Perth as the local authority controlling the land the subject of this redevelopment Bill, and also to recognise that the City of Perth will be significantly affected by the introduction and implementation of this legislation as it will retain the planning control and regulation of the land adjoining the redevelopment area, as well as the balance of the City of Perth locality. In that regard I make it clear to the Government that while the Bill currently provides for one member of the City of Perth council to be a member of the East Perth Redevelopment Authority, the Liberal Party is of the view that that is not sufficient representation for the City of Perth, having regard to the impact that this legislation will have on the City of Perth. It is my intention during the Committee stage to propose an amendment to provide for two members of the authority to represent the City of Perth. That in itself would still not satisfy all members of the City of Perth council; however, it is a significant improvement on what the Government currently proposes.

It is important that members note that we are talking about a fairly significant area of land comprising approximately 120 hectares. It is said that more than 70 per cent of the land east of the Perth-Midland railway line is currently under some form of public ownership. If members have read the outline of this redevelopment plan they will be aware of its objectives. I mention this to get the debate into some perspective by recognising the size of the land we are dealing with and the objectives of the Government in promoting this legislation. The major objectives of the proposal are, firstly, to rejuvenate East Perth by promoting and assisting the development of a mixture of land uses which reflect the main living, working and recreation elements of urban life; secondly, to create an attractive, vital and functional environment; thirdly, to support the development of the Perth central area by promoting investment which would create new industries and implement opportunities, particularly in the tertiary education, research and commercial areas. The fourth objective is to create new recreational opportunities focused on public enjoyment of the Swan River. The fifth objective is to maximise accessibility to the Perth central area and accommodate regional road and rail requirements, which include a new major river crossing. The sixth

objective is to promote development which is viable and attractive for private investment, and the seventh, to provide a staged and flexible planning approach which can respond to changing economic conditions and community needs.

The Liberal Party has considered the contents of the Bill, the objectives set out in the outline of the redevelopment plan, and the functions intended to be conferred upon the redevelopment authority, and it is prepared to give its qualified support to the attainment of those objectives, subject to stringent accountability by those who in due course will have the responsibility of managing the East Perth Redevelopment Authority. It should also be noted that it is intended, through the provisions of this Bill, to grant to the East Perth Redevelopment Authority exceedingly wide powers for the acquisition, holding and disposal of land within the subject area. The authority will also have exceedingly wide powers to plan, undertake, promote and coordinate the regional redevelopment of the land in the subject area. It is also intended that the authority should be granted the authority to control all redevelopment in that area. I hope members will recognise what that means in regard to the transfer of planning powers. We are really transferring the planning powers in respect of that area which is currently managed by the City of Perth to a statutory authority, which will mean that the City of Perth, apart from its membership of the authority, will have a limited opportunity to comment on what the East Perth Redevelopment Authority proposes for the redevelopment area.

The Bill contains provision for the authority to consult with the City of Perth, and indeed with the State Planning Commission and other Government agencies; but it must be clearly understood at this stage that the Bill will provide the East Perth Redevelopment Authority with powers which have never before been conferred upon a statutory authority. The East Perth Redevelopment Authority will be not only be a planning authority as such, but also a developer in its own right. It will be required to raise finance for the redevelopment, and it will also be in the business of selling, leasing, and generally managing the investments within that redevelopment area. It could be said that in conferring all these powers on the East Perth Redevelopment Authority we will be making that authority both judge and jury in respect of the redevelopment carried out within the area, and that in itself concerns me greatly.

I should remind members at this stage that when the redevelopment of this area of East Perth was first mentioned some seven years ago it was difficult for members of Parliament to obtain relevant information about what the Government intended to do. At that early stage there was a considerable amount of secrecy in the Government's dealings in regard to redevelopment in this area. On many occasions the accusation was made that the redevelopment proposal was another element in the WA Inc saga. Members will probably recall that the former member for Perth, Mr Terry Burke, was the original Chairman of the East Perth Redevelopment Committee, and as we now know, he featured fairly prominently, along with his brother, in matters which are now referred to as the WA Inc saga; a saga which has cost this State millions of dollars. I raise that matter at this stage so that the House will understand that the Liberal Party is wary of the general proposal only because it is somewhat tainted by the proposals associated with WA Inc.

Hon Sam Piantadosi: In what way?

Hon GEORGE CASH: In so far as a veil of secrecy was thrown across this proposed redevelopment some years ago to prevent people obtaining information about it.

Hon Sam Piantadosi: Are you telling us that this is "East Perth Inc"?

Hon GEORGE CASH: No. I warn members that while this project many years ago was regarded by some as potentially another element of what is known as WA Inc, because we are granting very wide powers to the East Perth Redevelopment Authority it is important to recognise that when the project was first introduced it was done so under what one could call a veil of secrecy. That is almost confirmed by the fact that the Government in recent years has failed to progress the Bill. It is almost as if the original players - and I do not know who they were - lost interest in continuing the proposal, for some reason or another. However, the Government now wants to proceed with the proposal. I want the House to understand the exceedingly wide powers being granted by this Bill, and that, if we are to proceed, stringent standards of accountability must be imposed on the authority because it will be judge and jury, the planning authority, the development authority, and the finance authority. It will be

responsible for all those matters which are set out in the Bill in order for it to fulfil its objectives and to carry out the functions conferred on it. We must recognise that those other functions will include land assembly, site preparation, project management, arrangements for the provision of service infrastructure and community facilities, the overall planning, and urban design development coordination, and that the power covers the approval of the development scheme. They are very wide powers which will be granted to the East Perth Redevelopment Authority - powers which should not be given away lightly or without proper accountability being attached to them.

The interpretation clause in the Bill states that development in the past has been given a very wide definition. Rather than read that definition to the House, I will leave members to study that clause to see that we are talking about granting this authority almost the ultimate power to deal with the subject area.

I said earlier that the Bill provided for an authority of seven members, one of whom shall be a member of the Perth City Council. I also said that at the Committee stage I will move that there be two members of the Perth City Council, nominated by a resolution of that council. The Bill provides that the other members of the authority shall be appointed by the Minister, subject to their possessing relevant qualifications which, for the purposes of the Bill, could be knowledge of or experience in the fields of urban planning, business management, property development, financial management, engineering, transport, housing and community affairs. That provision covers a very wide field. I am sure there will be little problem in finding people who fit into those categories. The problem will be to find the right people to carry out their responsibilities in a way that is satisfactory to the Parliament; that is, to be sufficiently accountable to the Parliament so that everyone understands what is intended.

Some time ago, when the Government first spoke about this Bill, it was proposed that the chief executive officer should be a member of the East Perth Redevelopment Authority. The Liberal Party clearly stated its view that it did not favour having a chief executive officer as a director or a member of a particular body. The chief executive officer should carry out the policy directions of the board. The authority should be completely independent in its day to day workings.

Clause 18 outlines the specific functions of the authority, and the provisions of the clause are very wide ranging. Members will realise that for a development proposal that required the usual approval of the City of Perth, the Metropolitan Region Planning Authority, and various other Government agencies, the number of applications necessary and the time wasted to get those approvals through the various Government agencies would be considerable. However, this Bill proposes to give the authority the power to bypass many of those bodies. Admittedly, the Bill provides that there must be consultation between the authority and some other Government instrumentalities on planning and other matters, but in general terms the overriding power in the Bill allows the East Perth Redevelopment Authority to get almost a rails run for development approvals. The authority itself will be the approving body. That is to say, irrespective of current planning provisions, if the East Perth Redevelopment Authority determines zoning within the subject area, subject to the Minister's consent, that will be the zoning within the area. Again, all sorts of matters will come into play when we consider the effect on the City of Perth planning schemes currently in operation.

It might be said that the statutory obligations imposed on other corporations and individuals are far greater than what is proposed for this authority. One example is that the Bill provides that the authority need not comply with section 20 of the Town Planning and Development Act. Again, another provision inherent in the clause allows the authority to negotiate with the Minister who for the time being shall be responsible for the legislation. Admittedly, the Minister is required to seek and to consider the advice offered by the State Planning Authority. However, I stress that the authority is being given a rails run for development approval. One clause of the Bill provides that the authority need not comply with obligations of section 21 of the Town Planning and Development Act. That again is an indication that, although the authority needs to discuss certain matters with the responsible Minister and the Minister is to take advice from the State Planning Authority and other authorities, it is to be given a rails run.

It is also important to recognise that the Bill contains a provision that will give the East Perth

Redevelopment Authority the same powers contained in the Public Works Act to resume or acquire land. That is an interesting situation because members will be aware that earlier I said that about 70 per cent of the land east of the Perth-Midland railway line is currently under Crown ownership. The redevelopment authority will no doubt want to resume or acquire other land within the area and the necessary authority will be provided in the Bill to enable that to occur. I have described the land and members will no doubt be aware that it comprises in part on the northern boundary the SECWA power station in East Perth, the SECWA switch yard adjacent to the power station, and the gas works which abut the Swan River south of Summers Street. Other Government instrumentalities or institutions in the area include the Department of State Services store, which is a fairly large development, the Westrail workshops and marshalling yard in East Perth, the Transperth workshop located near the eastern end of Kensington Street and also the Transperth training centre located at the west end of Kensington Street. Within the redevelopment area are a number of public open spaces including Victoria Park and Haig Park; and also substantial road reserves, some of which form the old freeway reserve in the southern portion of the project area and the proposed freeway reserve to the north west of the project area. Also within the area is a very substantial Perth City Council car park, a number of other State Government and Commonwealth Government office facilities, a Telecom storage depot and significant areas of light industrial and commercial land which are owned by the private sector and which comprise various factories, offices and vacant sites.

One of the major physical features of the redevelopment area is the Claisebrook main drain. Most members would recognise, in particular, Hon Sam Piantadosi who has a particular interest in the operations of the Water Authority of Western Australia, that the Claisebrook drain currently serves an extensive catchment area. It takes in part of the city, East Perth, Mt Lawley, Inglewood, Yokine, Mt Hawthorn, Leederville, West Perth, Highgate and North Perth. Members who know the area reasonably well will understand that the Claisebrook drain is in need of substantial maintenance and repair. In some parts the drain is in such a poor state it is falling in on itself. Clearly the East Perth Redevelopment Authority as part of the engineering facilities that need to be installed in that area, will have to upgrade that drain and that will be one of the positive aspects of the works that will be necessary in the area. It is positive in that we will at least get a better drainage system for the catchment area it currently serves.

One can see from the original 1990 outline that the Government consulted with a number of town planners and other professionals in the planning area. The urban design objectives that have been considered by those planners have taken into account a number of different designs and planning methodology. One of the design objectives will be to create high quality developments which will enhance the Perth central area in general and East Perth in particular. It is intended by way of forward thinking urban design to create a mix of land uses and activities which will produce an environment with an identity and vitality, and with its own opportunities for social interaction. The intention is to employ distinctive architectural and landscape themes to provide a sense of purpose and placement to the redevelopment area. It is also intended to produce a network of safe and attractive roads, parks and open space that can be enjoyed not only by those who will live within the redevelopment area, but also those who will have occasion to visit it given the substantial improvements to the environment generally. The 1990 outline plan which included a substantial number of high quality coloured photographs and montages of the existing situation and the proposed or possible situation intended that some of the major land uses include residential and office use, hotel and serviced apartments, shops and restaurants, recreational facilities, educational establishments, civic buildings and day nurseries, warehouse and showroom facilities, developments for public utilities and a very significant transport depot and car park. Transperth, which currently occupies a site in Adelaide Terrace with a bus depot and a holding car park for buses, intends to relocate into the East Perth area. That will free up what is now a very valuable site in Adelaide Terrace, but more than that it will provide Transperth with more modern facilities in an area that can better serve what will be a network of regional roads in the redevelopment area.

In reading the outline plan, one sees four distinct planning precincts have been set aside. The first is a precinct to be named Trafalgar after the area's main north south road, and the second is to be known as Claisebrook after the original Claise Brook, which I referred to

earlier as now part of the main drainage network of Perth. The third precinct is to be named Eastbridge because it will have a gateway role which will occur when the new Burswood bridge is constructed and completed, and will offer somewhat of a gateway from the eastern part of the city through to the central business district. The fourth and final precinct is Gladstone, named after a street in the north west of the project area. The planners who considered the area and the Government in endorsing the planning concept have a particular view on the composition of the utilities and other developments that will comprise the various precincts.

Sitting suspended from 6.00 to 7.37 pm

The PRESIDENT: Order! I direct honourable members attention to Standing Order No 64. Members may wish to read that Standing Order during the course of the evening because it will inform members, among other things, that when the bells are ringing to call the House together it is not permissible for a member to leave the Chamber until a quorum is formed.

Hon GEORGE CASH: Within the Trafalgar precinct will be located Claise Brook inlet. That area is planned to be developed into a unique residential environment, including residential row houses and apartments, retirement villages, town houses and a large hotel. On the other hand, Claisebrook precinct will be principally devoted to training and commercial research, with the major development within the Claisebrook precinct being the new central metropolitan college of TAFE. That facility will be located north of the Ministry of Education buildings. Sectors 33 and 34 outlined in the October 1990 report are close to the Royal Perth Hospital area and facilities in that area will be developed for health services and medical research. The big advantage is that those facilities will be in close proximity to Royal Perth Hospital. The Eastbridge precinct is to be developed into an office and commercial development area with longer term possibilities for the mixing of residential and office uses within the same buildings. Gladstone precinct, as I described earlier, will generally be set aside for the future home of Transperth. The Westrail marshalling yards will be screened off and the land that is not currently used by Westrail will be developed for other purposes.

As I mentioned earlier when discussing the proposed upgrading of the Claisebrook main drain, an opportunity exists for the authority to upgrade services such as sewerage, water, SECWA gas and power, and the road system generally. It will also provide an opportunity for the redevelopment authority to consider upgrading the transport links in the East Perth area, especially those that impact on the adjoining central business district.

The brief overview of the development points out that significant changes will be made within the approximately 120 hectares of land to comprise the redevelopment project area. This will provide an opportunity for a unique residential-business-commercial-office area for visitors who arrive on the *Indian Pacific* train at East Perth station. It will provide an opportunity to improve the eyesore that is that area, particularly when the new Burswood bridge is completed, providing an additional eastern entrance to the East Perth area.

I wish the East Perth Redevelopment Authority well in its efforts. I point out again that the Liberal Party gives qualified support to the project and will be looking in particular to ensure that the authority provides better accountability to the Parliament than has been exhibited by some similar bodies in the past, although I accept that this is a unique planning development for Western Australia. However, we have in the past taken the word of various Ministers on similar projects only to be sadly disappointed months or years down the track when the responsible Minister has not been prepared to provide the House with required information about those projects. The Liberal Party adopts the view in giving its qualified support to this project that if at any time the redevelopment authority is unprepared to comply with its function and role as outlined in the legislation, or a situation arises where a Government Minister is not prepared to advise the Parliament of the true state of affairs related to the huge expenditure involved in getting the project off the ground, the Liberal Party will have no hesitation in coming into this place with appropriate amendments to this legislation to ensure that the authority is put back on the rails and that taxpayers get what is intended, nothing more or less.

A report titled "The Capital City Planning Authority for the Capital of Western Australia" dated September 1990 was released a month before the outline plan for East Perth was released. The report was a submission to the Premier inviting the Government to establish a

new planning authority to meet the objectives of a capital city of Western Australia authority. It was compiled by the Australia Institute of Urban Studies, Western Australian division, the Western Australian Chamber of Commerce and Industry and CityVision. This report preceded the legislation before us. The various groups who compiled it put together suggestions to be used by the Government in establishing a capital city authority. The Liberal Party has given consideration to the various matters raised in the proposal. Its planning policy reflects many of the matters raised in this document. However, the capital city authority will have to be placed on the back burner because the Bill before the House will take in a considerable area of the land proposed by these organisations as part of the capital city authority area. An opportunity will arise during the Committee stage to move amendments to this Bill. In the meantime, the Liberal Party gives its qualified support for the Bill.

HON P.G. PENDAL (South Metropolitan) [7.46 pm]: I will introduce a new element into this debate. Not many people are aware that the area under discussion of about 120 hectares of land abuts an important part of the city's early colonial heritage. I have a few remarks to make about a foreshadowed amendment that I believe should be moved during the Committee stage to accommodate concern that has arisen because of the abuttal of that land to that important part of the city's heritage. No doubt the redevelopment of this area will have a substantial impact on not only that area in particular but also the wider metropolitan area.

The second reading speech made in the other place gives an insight into the sorts of people who will impact on the development. For example, during the early stage of the project more than 600 medium density dwellings will be built. If one estimates a modest three people per household that will result in an injection of 1 800 people into the area. The Minister's comments also indicate that more than 1 000 additional homes are expected to be built in the wider East Perth area. On the same estimation that will result in another 3 000 people moving into the area. The Minister also mentioned a new education and training centre catering for up to 10 000 students. That means that at least 10 000 people will enter the area daily. The Minister also referred to the project as a catalyst for commercial and research development bodies locating in the area. One could hazard a guess that that could easily amount to a couple of thousand employees entering the area on working days. Therefore, 17 000 people will each day impact on the area, and that does not take into account people passing in and out of the area during the day.

Those statistics relate to that part of my argument that whatever happens under the East Perth Redevelopment Authority will, first, have a large impact, and second, if we are not careful an adverse one. The Minister drew a parallel between what will be done in East Perth and what has been done in other urban renewal projects across the world such as the London docklands development and Darling Harbour in New South Wales. That brings home to me a matter that the Government has overlooked in planning for the East Perth authority; that is, that not one mention is made of the word "heritage" or the history of the area. The Bill allows us to provide for people's work, recreational needs, professional needs and all sorts of other needs, but there is no hint that cultural heritage will be taken into account. I mention that quite specifically because abutting this area to the south, though admittedly not part of it, the southern boundary being Wittenoom Street and Nile Street, is the East Perth cemetery. I know most of us are not deeply into passionate debate about metropolitan cemeteries -

Hon Mark Nevill: Some are deeply into the cemetery, though.

Hon P.G. PENDAL: I take the member's point! The East Perth cemetery is very important, at least to the European heritage of Perth, because it was used as a burial place as far back as 1830. In fact it contains the remains of the only Governor who saw fit to stay behind in Western Australia and have himself buried here; all the others made it back to England as soon as their terms came to an end. I think it is Lieutenant Colonel Andrew Clarke who is buried there, along with close relatives of Governor Stirling.

Hon J.M. Berinson: I agree with the importance of that area, but why should it be adversely impacted upon?

Hon P.G. PENDAL: I am about to come to that. I appreciate the Attorney General's interest, because I think there is a way to accommodate what the Government wants and what I suggest in the amendment I have already foreshadowed on the Notice Paper. The East

Perth cemetery is in a very poor state of repair. Things have become so bad in that part of Perth, being a relatively run down area, that the Department of Conservation and Land Management has put up a cyclone fence. One cannot get into that cemetery unless one is a vandal, and vandals can get into anything. Over the years we have lost a lot of visual and recorded history on the tombstones alone. With more people being attracted to that area, we will inevitably find a percentage who will go there for purposes other than what the Government intends.

Hon Mark Nevill: Haven't the underground crypts been interfered with also?

Hon P.G. PENDAL: Yes, that is another problem. The member is helping me to make my point. I do not think the problem will go away. Hon Mark Nevill made the valid point that one of the difficulties in the past has been that some of the vandals have got into the underground crypts and vaults and disturbed the remains. That may be one of the reasons for the perimeter fence being put in. This is not a cemetery protection Bill, but once it is passed it will be the vehicle which will prompt a lot of economic activity. I dare say it will prompt profits; I hope it does. At the very least the East Perth Redevelopment Authority should have as part of its charter a recognition that immediately abutting the area to the south is that important part of the metropolitan area's heritage.

Hon Mark Nevill: Isn't that on the National Estate Heritage Register?

Hon P.G. PENDAL: I do not think so.

Hon J.M. Berinson: Are you sure it is immediately to the south?

Hon P.G. PENDAL: Yes.

Hon J.M. Berinson: I think a substantial area of playing field is to the south of the redevelopment area, and the cemetery is to the south of that and on a different level.

Hon P.G. PENDAL: I am going on the boundaries outlined, if not in this House, in the second reading speech in another place. The southern boundary is described as being Wittenoom Street and Nile Street. That is what led me to make the fill-in map I have in front of me.

Hon Peter Foss: It is in schedule 1.

Hon P.G. PENDAL: According to the road map I have here, that would mean the East Perth cemetery will abut the area which will be the subject of this Bill.

Hon J.M. Berinson: What you will probably find is that the whole of the grassed reserve area is described in the map as the cemetery, but in fact it is subdivided into what is clearly cemetery and what are actually playing fields.

Hon P.G. PENDAL: Down below?

Hon J.M. Berinson: Yes. There is no road in between.

Hon P.G. PENDAL: There is, actually.

Hon J.M. Berinson: Between the playing fields and the cemetery?

Hon P.G. PENDAL: Yes.

Hon Peter Foss: You are not talking of Haig Park, are you?

Hon Mark Nevill: I think we should go out and have a look.

Hon J.M. Berinson: The committee should have travel rights.

Several members interjected.

The PRESIDENT: Order!

Hon P.G. PENDAL: It is important to know whether this area immediately abuts the East Perth cemetery. It is important for the Bill to recognise that the redevelopment of East Perth will bring within the immediate proximity of this historic cemetery many thousands of people in the course of a day. I think Hon Joe Berinson would agree with that, even if we do not necessarily agree on how far the cemetery boundary is from the redevelopment area.

I have already suggested - in fact I do not need to suggest it; it is a reality - that the East Perth cemetery is a mess. I do not think the church which occupies the central site is much better

off, because it has now forced the department to enclose the whole of that block. That means that the cemetery is not accessible to people. In some respects that is good, because it keeps the vandals out, but it also keeps out people who may well have an interest. This redevelopment of East Perth may well give us an excellent opportunity to generate a small amount of funds to put to the use I have been referring to. Up to now successive Governments have not been able to do that. For the last eight or nine years this Government has not been able to do anything, except put up the perimeter fence. The amendment has been circulated in my name, but I thank my colleague, Hon Peter Foss, and the Clerk, for the wording. I know this is not the time for the Committee debate, but I am asking no more at this stage than that the functions of the new authority have regard to and seek to enhance and preserve the colonial heritage nearby. We go a little further by suggesting that if the East Perth Redevelopment Authority wants to, it should be able to commit funds to that cemetery as though it were part of the redevelopment area.

I emphasise that, as is often the case, one does not attract tourists to an area because it is full of factories. One does not bring tourists to an area because it is full of urbanised homes. One attracts people and money partly because of tourist attractions, but an even stronger draw card throughout the world is history. Incidentally, many people throughout the world have the impression that in Western Australia these things wallow in neglect. Western Australia's record is not so bad in that regard when we look, as I did at this time last year, at the city of Boston in the United States. I saw the famous tomb of Paul Revere, who is as important to America's north eastern history as anyone else in those parts. That was in a graveyard not dissimilar to this one in East Perth, and it was in a state not dissimilar to East Perth either. Any member who may think that the Americans have a respect for their heritage that we do not will be disabused of that thought, as I was on that occasion.

I will be seeking to insert a new subclause along the lines I have suggested, and I implore the Government to consider that seriously. It will be at no cost to the Government, and will not demand that certain actions take place. What it will do is give us an opportunity as a city to do something about that part of our colonial heritage which has been badly neglected up to now, with the hope that this foreshadowed amendment may overcome that in the future. To that extent, and with some of the reservations expressed by Hon George Cash, I also support the Bill.

HON PETER FOSS (East Metropolitan) [8.00 pm]: I share some of the concerns expressed by Hon Phillip Pendal. First of all, I believe that the proposal for East Perth is a very exciting and imaginative one. It is always pleasing to see people putting their minds to benefiting our city and coming up with a fresh and new idea, and that is the exciting part about this proposal. Having come up with an exciting idea, the next thing we must come up with is some legal framework to put it in place, and I have some extreme reservations about what is being done in this regard. One of the basic things about planning is that, as the word suggests, it is doing something now in order to provide for the future.

There are various levels of planning. In our State we have the concept of two levels of planning, regional planning and local town planning, and both views are important. We must have the local view put forward, otherwise it is possible that some sort of solution will be imposed on the local people which is not appropriate, and only the local people can say what they want done with their locality. We need planning at the regional level too, because someone must give the overall, broad brush view and overcome the nimby - not in my back yard - attitude. However, here we are setting up a third level of planning which does not really fit in with either of the other two. That is dangerous, for a start, because it means that this planning will take place without having regard for what is happening outside the area, except to the extent that the East Perth Redevelopment Authority decides to do so. Hon Phillip Pendal has picked up one such matter, the old East Perth cemetery, and I agree with him entirely. It is just the sort of problem created when we have a spot planning process. Although I do not object to the idea of having an authority which can put forward a proposal, it is dangerous to some extent to cut out the local planning authority - the Perth City Council - in the way in which it has been cut out in this instance. It is dangerous for the East Perth Redevelopment Authority not to have to consider matters beyond its boundary.

I would like to add another building for consideration which I believe will be vitally affected by this legislation and should be considered. I do this mainly by way of illustration as to how we cannot plan in isolation. The building I wish to draw to the attention of the House is

the old Perth Girls' School, now the home of the Police Department's Traffic Branch. It is a fabulous building - a really outstanding building - which is owned by the Government and which I believe is being sadly neglected at the moment; not by the police, of course, who are living in it in a model fashion. It has been neglected by not having money spent on it to give it a use which is more appropriate to the building. I do not know if any member here has seen that building, but I sympathise with the police who have to try to work there, because it is highly unsuitable for their use.

Hon Derrick Tomlinson: Especially for the Traffic Branch.

Hon PETER FOSS: That is right, it really does not work for them. Secondly, the police use is highly inappropriate for the building, so neither the building nor the police are being adequately served by that building's being used by the Police Department. I urge the Government, first of all, as part of this whole procedure, to consider reusing the old Perth Girls' School. It may very well be a suitable public building to be incorporated in the East Perth redevelopment because there really are not any appropriate public buildings in the area. The authority will be looking for public buildings and I cannot think of any better use for the old Perth Girls' School than perhaps as some form of educational institution, because that is what it was originally designed for and its use as an educational institution would allow people to see the interior of the building. It is nice to look at from the outside but it is magnificent from the inside, once one looks past the clutter of the additional things that have been put in there in order to allow its use by the police. That must be considered and I cannot see how it can be appropriately dealt with under the statutory regime set up under this legislation.

Hon Phillip Pendal's amendment goes some way towards dealing with that because it talks about colonial buildings; unfortunately, the old Perth Girls' School is not colonial. If it dealt with the other matters of cultural significance in the area we would have a better way of dealing with it, but a better approach is to try to link the planning for this area into the planning for the surrounding area. I am sure the people charged with planning of the East Perth redevelopment area will think about that, but they are cut off at their boundary. They have no power to go beyond that boundary, nor any real authority to determine how to mesh in with matters beyond that boundary.

Another area close to that which should be considered is the Bronte Street area, which has recently been in the news because some of the houses in that street have been demolished without permission. Quite apart from the fact that that is now a breach of the Town Planning Development Act, it is an indication as to how an important area in East Perth can be lost if we lose sight of its importance. Once the East Perth redevelopment goes ahead, because of the extra value and importance the East Perth redevelopment area will acquire we will find commercial pressures coming onto the buildings around that precinct. I am very concerned that we are possibly setting up an authority which will lead to some sort of disjointed control of the East Perth area, and it is too small to be a suitable planning unit. Therefore the first thing I must say is that a basic philosophical problem exists with separating out the authority of the Perth City Council to have some control over the overall planning of that area.

The second way in which we could perhaps bring this back in line is if applications by the East Perth Redevelopment Authority, instead of being made to the Minister, who will take the place of the approving authority, were made to the State Planning Commission. That would bring it back into the fold of the ordinary planning considerations. As a wise move, the Bill provides that when the authority is itself making an application for development it cannot approve its own development but must apply to the Minister. Frankly, I believe the more appropriate body for the authority to apply to would be the State Planning Commission, thereby bringing it back into the ordinary run of planning approvals. That would give local governments and other people involved in ordinary planning considerations a say in how the developments happen. That is a very fundamental concern about the principle of the Act.

I would like to say a little about another area in which it perhaps steps outside the planning that might otherwise be available to it. I had occasion to look at the IP20, which is an interim planning order covering the area near the Ascot Racecourse. Members may be aware that this area is looking quite desolate at the moment. A brick and tile manufacturing works was knocked down and the area now involves a great deal of wasteland. This is despite the fact that over the years people have tried to create a development proposal for the area.

However, a number of problems have arisen to prevent that from occurring. I am aware that Hon Fred McKenzie has been working on this matter with the City of Belmont and the Department of Land Administration to achieve a resolution.

Hon Fred McKenzie: By the same token, I would not hold my breath.

Hon PETER FOSS: We will both try though because such development will be for the great benefit of the City of Belmont. This matter must be pushed along because the area looks like wasteland, and that certainly does not benefit the City of Perth or the City of Belmont.

Hon Fred McKenzie: I agree with that, but there is a problem with the old tip site.

Hon PETER FOSS: Yes, that is a difficulty. However, more progress is being made with this issue than was the case for some considerable time. The Ascot peninsula has a view down the river. If one views the area from above, it is possible to notice a feature which is not evident from the roads on either side of the river; that is, that the river meanders through the Swan Valley and on both sides of the river promontories form. The first of these promontories is at Ascot, the second at Maylands, the third at Belmont, and the next at Perth. An aerial photograph indicates that each of the promontories is, or is virtually, unoccupied. A clear corridor runs down the Swan River towards Perth, and part of the vision for Perth is that each of these promontories can be developed to provide an excellent entry to Perth from the airport and from the east.

Most members will be aware that the entry to the city from Perth Airport is not very attractive. It is possible, through parklands and recreational development along that area of the river, to provide a beautiful entry for Perth. Therefore, one cannot consider East Perth in isolation. This is the last of the promontories to which I refer, and this is an opportunity - one we are unlikely to get again - to develop a beautiful entry point to Perth. Such a development would emphasise the river - one of the most pivotal points of Perth - and would tie together the peninsulas as part of an overall plan.

However, by isolating the East Perth Redevelopment Authority, we run the risk of becoming inward rather than outward looking in the planning process. I am not opposed to the concept of an authority with the ability to develop an area plan and to redevelop many of the old titles in the East Perth area. However, I have problems with the concept of isolating that planning authority from all other planning authorities in this State. The only link between these bodies will be the Minister - a tenuous link. Of course, any person who is not part of the planning authority may appeal to the Town Planning Appeals Tribunal, but that is not a reasonable input to the planning process.

To illustrate how this authority could go wrong, a proposal exists to link by bridge Maylands to the Burswood site. Frankly, that would be a very bad development. One of the benefits of Maylands at the moment is that the promontory is a dead end and the people of Maylands do not have a problem with traffic flow. Such a scheme would not be acceptable in a plan dealing with the four promontories together, and such narrow planning decisions would not emerge if an overall view of the region were taken.

The Minister can assist members by explaining during the Committee stage the Government's view of the overall concept of regional development. However, we must be conscious of the fact - I hope this is being explored - that the four promontories and their surrounding areas should be considered by the redevelopment authority. It is not sufficient to say, "Of course the authority will consider such things. When people are planning they look at these issues on a regional basis." That is not a satisfactory answer because the same thing could be said about any local authority. However, the different areas within this region have different perspectives, and perspective is important when dealing with any matter. Unless the person responsible for such decisions has a clear perspective, unsatisfactory views will be formed. If one has two perspectives, the view will be stereoscopic; if one has one perspective, it will be a flat view.

Hon Tom Helm: A myopic view.

Hon PETER FOSS: It will be a "monoscopic" view; I am grateful to Hon Tom Helm for his suggestion.

A review process is an important feature of this matter. A legal matter causes me some concern: Members of the authority will be handling large amounts of money and will have

enormous power which could be used to benefit or to cause great detriment to people by virtue of their decisions. The authority members will be dealing with public moneys, but what is the obligation to be placed on these people? Clause 13 of the Bill states that the members of the board should act at all times honestly in performing their duties. However, there is no obligation to act diligently, and that is a great omission. I see no reason that the Act should not require that members of the authority should act honestly and diligently.

Clause 11 of the Bill states that members of the authority will not be personally liable for any act done, or omitted to be done, in good faith by the authority. Therefore, it is not possible, in the light of clause 11, to have an obligation for board members to act diligently - one can act in good faith and not be diligent. Therefore, if one were to add that a person should act honestly and diligently, one would need to remove clause 11. As a matter of principle I would have thought that for an authority of this nature dealing with what one would have thought were very substantial amounts of public funds and having so much control over the making or breaking of fortunes, it would be appropriate that the obligations go considerably further than indicated in the Bill. Other duties are imposed on the board; and I am pleased to see that it also says that this clause is in addition to and not in derogation of any other law relating to the duty or liability of the holder of a public office. That is an important addition. I have always believed that people in positions of responsibility on boards of statutory authorities have a fiduciary duty irrespective of what an Act may entail. However, it concerns me that, to a large extent, that has been offset by clause 11. One part of the Bill provides that these obligations are in addition to any obligations the board has which would leave the way open for the fiduciary duties owed by a member of a board dealing with other people's money. However, in clause 11 that is being taken away by saying if one acts in good faith there will be no liability. I see no reason why that should stay that way.

Another matter which I previously mentioned concerns appeals by the authority. The scheme of the Bill is that the authority is virtually the planning authority for everyone else's applications, but it is not the planning authority for its own application. That is stated in clause 44. That is extended, where it is not only the applicant, but where it also has a financial interest in the subject matter of the application, by reason of its participation in a business arrangement. Under those circumstances, the Minister performs the functions of the authority. In South Australia one of the functions of the State Planning Commission is to receive the planning application of everyone else who is a planning authority. It is also appropriate that there be somebody to receive the applications of every other planning authority. It would be quite inappropriate for the them to approve their own applications. I am pleased to see the inclusion of clause 44. However, it should go further than it does and direct the application not only to the Minister, but also to the State Planning Commission which I see as a more appropriate body to deal with that than the Minister. I am also very pleased to see that appeals from a decision of the authority are under part V of the Town Planning and Development Act which means that the Town Planning Appeals Tribunal has the ability to affect the matter.

I am able to support the basic concept of this Bill; it is thrilling. However, I share the concern as does, I think, everybody else on this side of the House, that Mr Terry Burke was involved in the project. We have some knee-jerk reaction to Mr Terry Burke and wonder what is actually behind things when he is involved. He was involved in the multistorey development in William Street, Northbridge, which is an abortion of a building and should never have been built.

Hon P.G. Pendal: Do you mean the new tax office?

Hon PETER FOSS: Yes it is totally inconsistent with the nature of that precinct. It is one of the most backward steps that has been taken in that area, and it spoils it significantly. We continue to have a sneaking suspicion that, if Mr Terry Burke -

Hon J.M. Berinson: It is appalling to make those comments without anything to back yourself up. He has put years of work into that and there is no personal benefit attached.

Hon PETER FOSS: I sincerely hope his reasons for building it are good ones which support what on the face of it this Bill intends to achieve. However, the Government must recognise that his presence causes some concern. Nonetheless, the Opposition believes the Bill, on the face of it, is a good and exciting one.

Hon J.M. Berinson: He has played a very significant role in developing it, so why cast aspersions when there is no basis for them?

Hon PETER FOSS: The Attorney General knows perfectly well why the Opposition is concerned that Mr Terry Burke is involved; it has good reason to be concerned when he is around. If, in this instance, it becomes apparent that he has done the right thing, I will be pleased. If we did not believe this proposal was a good one we would not support it.

Hon J.M. Berinson: Your comments are gratuitously insulting without having any basis.

Hon PETER FOSS: They are not gratuitous; we are seriously concerned about his involvement and want people to know that, but we support the Bill nonetheless. The Opposition hopes this project will proceed as planned, as shown and as a good project. However, the Government must appreciate that it has consistently said it was doing things for one reason and it has turned out to have done them for another reason. Consequently, the Opposition is a little suspicious. I remember being told that the State Government Insurance Commission bought properties from Mr Holmes a Court because it quite independently came to the view that it was a good commercial decision. It turned out later that we were being led up the garden path and were being fed a line by the Government.

Hon Mark Nevill: What does that have to do with the tax office? Is it any more offensive than the Perth Technical College?

Hon PETER FOSS: May I finish my line please? We later found out that the directors of the SGIC bought the properties because they understood the Government wanted to help the rescue of Rothwells Ltd.

Hon J.M. Berinson: You have hardly even got that right.

Hon PETER FOSS: We were also told that the acquisition of Petrochemical Industries Co Ltd had nothing to do with the rescue of Rothwells, although we all knew it anyway.

Hon J.M. Berinson: We understand your obsession, Mr Foss, but what about East Perth?

Hon PETER FOSS: The Opposition is concerned that whenever the Government has been involved in these transactions concerning acquisition of property, the stated reason has not always been the actual reason. We are concerned this project may also turn out to have the same character. However, we are prepared to accept it because, outwardly, it appears to be a very good project. I hope some ulterior reason or benefit does not exist. I am sure the Government will be able to assure me that is not the case and I hope we can rely on that assurance. My only concern is that in the past, assurances from this Government about why it was taking action and about who was benefiting, have not always been reliable. I cited two examples concerning the acquisition of Holmes a Court property and PICL shares. Yet, Mr Parker said that Premier Dowding made a decision to deceive the public about the reasons for buying PICL shares.

Hon Mark Nevill: How does that relate to the North Perth tax office?

Hon PETER FOSS: I think that building was a bad decision.

Hon Mark Nevill: It is no worse than the Perth Tech.

Hon PETER FOSS: Hon Mark Nevill is wrong there; I will deal with that in a moment.

The PRESIDENT: Order! I want Hon Peter Foss to deal with the Bill.

Hon PETER FOSS: As we have found in the past, the assurances of this Government are not always what they seem. With that concern and the concerns I expressed regarding the structure of the Bill, and having in mind the exciting prospects of the proposed redevelopment, I am happy to support the Bill.

HON J.N. CALDWELL (Agricultural) [8.30 pm]: The purpose of the East Perth Redevelopment Bill is to redevelop 120 hectares of the East Perth riverside and to establish a redevelopment authority to oversee this development. I guess members are wondering why a member of the National Party who represents the Agricultural Region would wish to contribute to this debate.

Hon John Halden: We are still trying to figure out why Hon Peter Foss wanted to contribute to this debate.

Hon J.N. CALDWELL: Any legislation which involves the expenditure of taxpayers' funds on a project which will improve the attractiveness of this city deserves some comment. The proposed redevelopment of East Perth has the possibility of attracting country residents to the city to live and that will lead to the city being congested in the future. In the last week or two we have all witnessed the pollution and smog problems confronting this city. The majority of residents who live in the East Perth area are not affluent and are middle and lower income earners. If the area is redeveloped for the yuppy set it will become a residential area for the middle to upper income earners and I wonder where the current residents of that area will reside.

Hon John Halden: Katanning!

Hon J.N. CALDWELL: As members of Parliament we should be concerned about their future welfare.

It has been mentioned in this debate that several members have properties in the East Perth area. I certainly hope that they will declare their interest in this redevelopment project. I do not have any property in the East Perth area, but I am lucky to have a small unit in South Perth and I am very pleased that it will not be demolished for redevelopment.

One of the benefits from this proposed project is that it will provide a much needed shot in the arm for the building industry. Goodness knows, we need every kind of shot we can fire to provide jobs for Western Australians. I am bewildered that a redevelopment authority will be established. I am amazed that the Government considers that the existing machinery of Government is not adequate to deal with the redevelopment of this project area in a proactive way. In other words, the Government is of the opinion that the Perth City Council does not have the ability to redevelop this area. As a consequence, an authority comprising a councillor from the Perth City Council and five other people will be established. I am of the opinion that local authorities should be given the authority to approve plans for this type of redevelopment. It appears that the proposed authority will be a de facto local authority to approve development plans. The creation of the proposed authority will establish yet another bureaucracy. The exact size of the authority has not been outlined in the second reading speech, but I understand that it will not be large; I certainly hope it will not. The whole rationale behind the establishment of the proposed authority will surely be based on the fact that there are too many bureaucrats in Government departments and it does not require a large bureaucracy to get the project off the ground.

The Bill does not describe the redevelopment that will take place, but it does indicate that many millions of dollars will need to be allocated to this project when the Bill is proclaimed. Of course, it will include landscaping and the removal of contaminated soil from the foreshore area. It is anticipated that the project will be self-sustaining and that raises questions because some projects envisaged by this Government in recent times have floundered and become quite a burden on the taxpayers of this State. I refer to the old Swan Brewery which is not only an eyesore, but is causing financial pain to taxpayers because funds, which should not have been allocated in the first place, are being spent on the project. It is interesting that the authority will have a Government guarantee. When one hears the words, "Government guarantee" it sends a shudder up one's spine because the Government has experienced enormous problems with such guarantees. I am very wary about a project like this having a Government guarantee.

Whenever a redevelopment proposal comes before this House conservation issues are raised. The same applies to mining ventures and many of them are experiencing problems in this area. I am not aware of any heritage problems in the East Perth area but perhaps the Minister will advise whether that is the case. It is reasonable to expect that we will be confronted with the odd Wagyl and that we will hear dreamtime stories from people who have, or have not, had some association with the area. No doubt we will be faced with the prospect of commercial development on the East Perth foreshore which could eventually lead to a repeat of the old Swan Brewery wrangle. I sincerely hope that does not occur.

Another problem that could be experienced with the proposed redevelopment is the construction of a bridge over the Swan River and a freeway which will bypass Northbridge. It has been suggested that if this occurred businesses in Northbridge would suffer greatly. The winners from the proposed project will be builders, the real estate industry, proposed developers, including overseas developers, and overseas investors. The losers will probably

be those people on low incomes who live in that area at the moment. Where will they move to? It would be an enormous problem to relocate these people, many of whom live close to the city because they cannot afford the luxury of motor cars or motorcycles. Some cannot even afford to pay bus fares and, therefore, they walk into the city. The provisions of this Bill will present a major problem. The National Party would dearly love to vote against the Bill in its entirety because, as I said at the outset, it does not agree with enormous amounts of taxpayers' money being spent in the city when country people have such devastating financial problems. However, the National Party realises that some progress must be made in city development to make it a more pleasant place in which to live, and perhaps this is one development from which the city can benefit.

I hope the Government does not intend to disrupt the East Perth Football Club. That is one part of the city that should remain in its present location. It has not been very successful in the past two or three years but its time will come one day, and I shall be there to support it. With those few comments, I reluctantly support the Bill on behalf of the National Party.

Debate adjourned, on motion by Hon Doug Wenn.

CORPORATIONS (WESTERN AUSTRALIA) AMENDMENT BILL

Second Reading

Debate resumed from 12 September.

HON PETER FOSS (East Metropolitan) [8.42 pm]: This Bill can be divided into three parts. I will deal firstly with the simplest part, which is easiest to support; that is, the part dealing with the Family Court. The Bill will extend to the Family Court with regard to matters involving corporations law the same powers of cross-vesting of jurisdiction that have been the principle of the Acts which relate to cross-vesting jurisdiction. It seems to be a very sensible move to ensure that the Family Court has this jurisdiction. It has become quite clear over the years, both in the United Kingdom and in Australia, that artificial division between courts of various jurisdictions can lead to severe injustice. Although it is appropriate to have specialised courts to deal with various areas, it should not follow that the breaking up of the jurisdiction means that people are unable to raise a matter simply because they are in the wrong court or that court does not have the appropriate jurisdiction. The scheme followed here appears to be appropriate to enable the Family Court to deal with matters arising under corporations law. The Opposition has no hesitation whatsoever in supporting that.

A second part of the Bill relates to regulations under Commonwealth administration laws, and that can be followed through the Act in sections 4, 6, 16 and 18. The Opposition has no problem with the basic principle, but is concerned that each of these, by clause 2, is deemed to have come into operation on 1 January 1991. It seems that the provisions which have been inserted in the corporations law by these sections can have two effects: The first is an enabling effect and the other is the effect of being able to be prosecuted. It is a matter of some concern, to the extent that it may lead to prosecutions, that the law is expressed to be retrospective. Members may recall that when the Parliament originally passed this Act and when we were dealing with the question of regulations under it there was a specific provision in the principal Act covering the making of regulations. Members will recall that there is a possibility under some circumstances that regulations made under that Act could have retrospective effects. When effect was given to the regulations under that Act, the retrospective effect was preserved to the extent that it was enabling but avoided to the extent that it was incriminating. It is important for us to know, firstly, whether any offences are presently under contemplation which cannot be prosecuted by virtue of a deficiency in the Act, which deficiency would be affected by this retrospective amendment. I would be extremely concerned about supporting the retrospective effect without qualification if existing prosecutions could be affected. In any event, we should consider the possibility of making it quite clear that the retrospective effect is not intended in any way to allow prosecutions to take place for events that occurred between 1 January 1991 and the coming into operation of this Bill. I do not believe that retrospective legislation should impose criminal offences. To the extent that the incorporation of these provisions is enabling, obviously there is a great deal to be said for a starting point to be set for the law which is similar for all parts of that law, as opposed to some parts starting at one date and others at a later date.

The third part of the law is the repeal of the National Companies and Securities Commission (State Provisions) Act 1980. As a result of this proposed repeal, I asked the Minister some questions relating to the Ministerial Council and the cooperative scheme agreement. I asked those questions because this law has been an extremely difficult law. I do not say that as a criticism of the people who drafted it, because it is a huge piece of law, and individual sections of it have caused enormous problems. For example, a case is presently under consideration in respect of section 10 of the principal Act, which one would have thought would not cause any problems at all. Section 10(1) of the Corporations (Western Australia) Act states -

> Subject to Part 1.2 of the Corporations Law of Western Australia, the *Acts Interpretation Act 1901* of the Commonwealth as in force at the commencement of section 8 of the Corporations Act, applies as a law of Western Australia in relation to the Corporations Law, and the Corporations Regulations, of Western Australia and any instrument made, granted or issued under that Law or those Regulations (other than application orders under section 111A of that Law) and so applies as if that Law were an Act of the Commonwealth and those Regulations or instruments were regulations or instruments made under such an Act.

That applies the Commonwealth interpretation law to these new ASC laws. It is interesting that the cooperative scheme laws are also continued for various purposes. They are not laws to which the Commonwealth Interpretation Act applies. In a case which is soon to come before the High Court, an important point is the fact that the old cooperative scheme laws are not picked up by the Interpretation Act. That is just a tiny matter, but it will end up in the High Court.

The problem with this legislation is that it is so complex that even the tiniest section of the Act has led to enormous ramifications in interpretation. Therefore, we are very concerned when we look at the effect of the repeal of this Act, because this Act has annexed to it the cooperative scheme agreement. A Ministerial Council was set up under the cooperative scheme agreement. It was set up not by Statute but by agreement; however, it is referred to in various Statutes. The particular Statute about which I am concerned is that part of the old Companies Code which deals with prosecutions. One argument is that, because of the application of the new corporations law, we may take it that the time limit for prosecutions under the old law will be the time limit under the new law, in which case we will have nothing to worry about. However, in respect of the illustration I gave with regard to section 10(1), where an offence was committed under Western Australian law - which was the Companies Code at the time the offence was committed - and where a time limit was imposed under that Companies Code, is it beyond doubt that the time limit that will apply under the corporations law will be the one that applies to offences that were committed prior to the coming into effect of the corporations law? Can the corporations law change that provision, which is still continued by virtue of the corporations law of the State? It would be a matter of considerable concern to us if the Ministerial Council were to disappear without in some way tidying up this question about time limits on prosecutions under the Companies Code.

Section 34 of the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act, which will continue to be applied, provides -

> Notwithstanding anything in any other law, proceedings for an offence against a relevant Act may be instigated within the period of 5 years after the act or omission alleged to constitute the offence or, with the consent of the Ministerial Council, at any later time.

I may have missed it, but I am not able to see any specific provision to the effect either that somebody else will substitute for the Ministerial Council in respect of section 34 of that Act, or that the new time limits and the new way in which prosecutions may be brought under the corporations law will apply to prosecutions that would be brought under the Companies Code. There is an argument that it is merely a procedural matter; therefore, the new procedural law will apply to prosecutions under the old substantive law. However, I have some concerns about that because of some other cases which deal with the question of whether it is procedural. One case in particular, that will also go to the High Court, relates to the ability to bring an action where a company is in liquidation: Is that a substantive matter

affecting the Commonwealth, and where the Commonwealth would not be bound by it, or is it a procedural matter which the States are able to determine? That matter has been determined, somewhat surprisingly, against the concept of it being something by which the Commonwealth is bound.

We should look at the consequences of the repeal of this Act, because this is the only local Act which appends the cooperative scheme agreement, which in turn sets up the Ministerial Council. There are other references to the Ministerial Council, apart from the references in the Act which is being repealed. The definition of "Ministerial Council" is repeated in many Acts, and is always referring to the Ministerial Council established under the cooperative scheme agreement. Presumably the cooperative scheme agreement will continue to exist, and the Ministers can continue to meet merely for the purpose of extending the period of time for the bringing of prosecutions. However, I do not think the Attorney General would relish the idea of that Ministerial Council being reconstituted purely for the purpose of considering extensions of time for prosecutions; and quite plainly under the new scheme we are contemplating it would be ludicrous for that to be considered.

Under the scheme of the new corporations law, all the functions of the National Companies and Securities Commission will be transferred to the new Australian Securities Commission. It is quite clear that anything that was done previously by the NCSC will be done by the ASC. However, I have been unable to find such a clear statement in the law that what was previously done by the Ministerial Council will now be done by the Federal Minister or by the ASC, or whoever; or, alternatively - to deal specifically with the problem I have raised, which comes from the companies and securities interpretation Act - to say that that time limit does not apply; that we are to ignore that as being merely a procedural point; and that we are to take the modern provisions contained in the corporations law as being the appropriate law to apply. It seems to me that if we repeal this Act, being the only tie to this cooperative scheme agreement, it may be taken as an indication by this Parliament that we wish to wrap that up and recognise that the cooperative scheme agreement has gone. The Attorney General seemed to indicate that he believed the Ministerial Council and the agreement had gone; although I do not know that there has been a specific formal deed to effect the winding up of the Ministerial Council or to get rid of that agreement. That is a problem which does not go to the basic idea of getting rid of the Act. We do not have any concern with abolishing the Act itself, provided we can be satisfied that, one way or another, the point about which I am concerned - the extension of time with regard to prosecutions under the relevant law - does reside with somebody, should that be necessary. I do not think it will be sufficient for us to be told that it is not necessary, unless there is a specific provision, because the corporations law has proved to be such a difficult law for interpretation that the combination of the old law and the new law, and the idea of a new Australian law arising out of a combination of various State laws, is a very difficult one to grasp. It has led to many long, hard, philosophical discussions about how exactly it will work, most of which have led to fairly vague conclusions, because people still do not really know at this stage how it will work in practice. That is by no means a criticism of the scheme, the people, or the draftsman. It is just that if one tries to set up a scheme as complicated as this one, inevitably the time will come to work out precisely how it will operate. It is a matter of considerable concern that people should escape prosecution if people are able to argue the technicality that the Ministerial Council, which is the only body able to extend the time for prosecution, has vanished; that the intent of Parliament to cause it to vanish was expressed by the repeal of the Act which annexed it, and by the actual disuse of meetings of the Ministerial Council.

We support without qualification the extension of the jurisdiction of the Family Court and the scheme as set out. We would like to know about the retrospectivity aspect on the adoption of the regulations and the other matters of retrospectivity, and whether it would be appropriate to have a provision similar to that in the principal Act regarding regulations; and lastly, we would like to know whether there is to be a specific provision to reserve the time, one way or another, for prosecution under the relevant Acts of the cooperative scheme. We support the Bill.

HON MAX EVANS (North Metropolitan) [9.01 pm]: I support the comments made by Hon Peter Foss. I do not wish to buy into Family Court matters, but on the abolition of the National Companies and Securities Commission we should consider two lines of the legislation; that is, those that indicate that this is a Bill to repeal the National Companies and

Securities Commission (State Provisions) Act. They represent the punch line. The remainder of the legislation is irrelevant. Clause 20 of the Bill refers to reports and financial statements and provides that the Minister shall supply such documents. The NCSC had its own finance, and taxed people. That part of the Bill is mostly a statutory matter relating to the audit of accounts and the tabling of them.

Having heard what the Attorney General said the other day about the Ministerial Council and its lack of punch, it is a worry that the NCSC legislation is to be repealed. A void will be left. Why was the legislation not repealed when the Australian securities legislation was being considered? Was it overlooked? Some reason must be given for that, and for the repeal of the NCSC Act now. Did someone decide to overlook it? The NCSC was involved in many areas, and lawyers make a fortune as a result of loopholes in legislation. I ask the Attorney General to give an assurance that this will not happen, because with the repeal of the Act the safeguards go. We have been told that the Ministerial Council does not have any teeth -

Hon J.M. Berinson: I think the effect of the answer I gave to Hon Peter Foss is that the Ministerial Council does not exist, irrespective of any legislative action we now take.

Hon MAX EVANS: I support the legislation and the comments of Hon Peter Foss. Most of the last part of the Bill relates to financial accounts and is irrelevant. The Bill will repeal the National Companies and Securities Commission (State Provisions) Act. We are aware of the problems with the Australian Securities Commission legislation, even though we had all the assurances in the world that there would be no problems, and that it will operate from 1 January. We are aware of the problems, and so the assurances were not very good. I ask the Attorney General for some reassurance that everything will be in order, because once the Act is repealed that is the end of it.

HON MURRAY MONTGOMERY (South West) [9.04 pm]: I am not happy with the Corporations (Western Australia) Amendment Bill, particularly as it involves the repeal of the National Companies and Securities Commission (State Provisions) Act, because once the legislation is passed we will hand over State powers to the Commonwealth. Once we lose our powers we compromise Western Australia's status as a sovereign State. We seem to do that frequently. Obviously we are amending some laws in the administrative area; the Commonwealth Government will determine the laws and the State will implement them. In that way, we are leaving ourselves wide open; the Commonwealth will make the decisions and we must abide by those decisions whether we like it or not. That agreement has been reached. Determinations will be made for Western Australia in relation to the Family Court as a result of this legislation. I have a query about the laws relating to the NCSC when the corporations legislation was passed in this House 10 months ago. Those sorts of questions remain; they have not been sufficiently answered. Perhaps the Attorney General will answer those questions tonight. Many areas of the Family Court system will be dealt with as corporate law matters. Of course that will make the situation somewhat easier for the Family Court. However, the National Party has some grave reservations about the Bill because it does not like the idea of handing over State powers to the Commonwealth.

Debate adjourned, on motion by Hon Fred McKenzie.

SUMMER TIME BILL

Second Reading

Debate resumed from 21 August.

HON J.M. BERINSON (North Metropolitan - Attorney General) [9.07 pm]: Especially given the amendments circulated in my name, it may be helpful if I summarise the attitude of the Government to the Summer Time Bill. Briefly put, the Government will support this Bill subject to amendments which I have foreshadowed; that is in keeping with the Government's support of daylight saving as such over a considerable period. Of course, in arriving at this position we are looking to a compromise of our views on the desirability of further referendums, but taking all relevant matters on balance we believe that it is preferable to proceed. The Government understands very well that the numbers in the community for and against daylight saving are very close, and that two referendums on the issue have failed.

Hon Derrick Tomlinson: Perhaps they have succeeded.

Hon J.M. BERINSON: They have succeeded in failing.

It is important by way of a preliminary comment to counter what appears to be a widespread view that people such as Hon Reg Davies and others who support daylight saving are doing so in the interests of the business community alone. I heard a radio program this morning in which the interviewer seemed to be putting the issue on the basis of the business community versus the rest. That is quite wrong. A very substantial proportion of the population, very close to half, have indicated clearly by way of referendum that they support daylight saving for a whole range of reasons. Even apart from that it is simply wrong to say that, because the business community on the whole supports daylight saving, this is a proposal for their interests in some sort of isolation from the general interests of the State. If the business community feels, as it obviously does very strongly feel, that the absence of daylight saving puts business and commerce in this State at a disadvantage, that is something that reflects on the interests of all the employees as well as employers in Western Australian industry and commerce. It reflects on our capacity to generate jobs which are of primary consideration at this stage; and it reflects adversely, if they are right, on the interests of the whole economy. There is no question therefore of the Government, and I think those sections of the Opposition and Mr Davies as well, moving on this matter in the interests of some sections of the community only. It is a matter to be approached on a much more general basis than that.

I have already conceded that referendums on this question have previously failed. The question therefore needs to be asked whether that perhaps means it is somehow undemocratic to move in the same direction again and, as the Government has done, to argue in favour of daylight saving without the need for another referendum. Needless to say, in the view of the Government it does not amount to anything of that nature; it is simply another example of the exercise by Government and Parliament of a proper Executive and parliamentary discretion. It is a trite, but nonetheless true saying, that if every Government and Parliament initiative had to have the support of a referendum, very little would happen. By any logical measure it is also true to say that there is no real basis for treating daylight saving differently. The fact that we do appears to be something of an anomaly, but it has the support of longstanding practice and we have long passed the point where any real argument can be made about that.

I turn to the differences between the Government's and Hon Reg Davies' Bill, and foreshadow the sort of amendment that I will subsequently be proposing to move. In the first place the Bill proposes a two year trial for daylight saving. I will be moving an amendment to reduce that to one year. The justification for that amendment is simply that the Government's view is that a trial is a trial; it is not two trials. That is what is really involved in a two year trial period.

Hon Reg Davies: Two summer trials.

Hon J.M. BERINSON: For analogous reasons we will oppose clause 7, which would allow various areas of the State to seek exemption from daylight saving in a various although not universal respect. Here the position of the Government again is for a trial; it should not be a partial trial, especially on the basis of the discretionary powers which clause 7 contemplates. For practical purposes it is no longer possible to look to the implementation of daylight saving by this coming Sunday. I have accordingly inserted an amendment to change the date from 26 October to 17 November.

Hon Reg Davies: Now it is only a partial trial.

Hon J.M. BERINSON: That is a partial trial, but for practical legislative reasons it is either that or nothing, and I assume the member would prefer that.

Hon Derrick Tomlinson: We would prefer nothing.

Hon J.M. BERINSON: In spite of Hon Derrick Tomlinson's preference for nothing.

Hon Peter Foss: Is this the tyranny of numbers?

Hon J.M. BERINSON: Another matter which Hon Reg Davies referred to in his second reading speech was the desirability of a referendum following the trial period being at some date after 30 June of the year in which the trial comes to an end. The Government supports that, but the Bill does not seem to include a provision along those lines. I have therefore also included in the circulated amendments a proposal to adopt what Mr Davies apparently intended to have in the Bill in any event.

It is important that the Bill should pass all stages in this House this week so that the Legislative Assembly can consider it when it returns after the recess next week; that is on the assumption that we proceed on the basis that the Bill is acceptable in one form or another to both Houses. There is a certain minimum period required for adequate notice. The timetable which the Government has in mind would have the Bill out of this House by the end of this week, considered and brought to a conclusion in the Legislative Assembly during the first week after the recess, and then a reasonable period of days between enactment and 17 November to make that date possible without undue inconvenience to any section of the community that is involved. With those preliminary comments and reserving others for the Committee stage, I support the second reading.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [9.19 pm]: The Liberal Party's position, which was stated publicly in June of this year, remains unchanged. The Liberal Party is prepared to support a daylight saving trial so long as a referendum is part of the relevant Bill. Members will recall that when the Government introduced a similar Bill some two years ago one of the reasons that the Liberal Party was not prepared to accept it was that the Government failed to recognise that daylight saving is a people's issue.

Hon Reg Davies: And a very emotive one at that.

Hon GEORGE CASH: Quite so. When we are dealing with something as emotive and as close to the people as daylight saving, one of the important points to consider is the need for the community to be able to comment on the proposed change. In recent times there have been a number of referendums on this matter and the results of those referendums are important. In 1974, 53.66 per cent of people were against and 46.34 per cent were in favour of daylight saving. In 1984, when this matter was last officially tested, 54.35 per cent of people were against and 45.65 per cent were in favour of daylight saving. Between 1974 and 1984 there was a one per cent increase in those who were against the proposition. However, it was important that the community was given the opportunity to comment on the matter. In 1974, 30 out of the 51 electorates in the Legislative Assembly voted against daylight saving. In 1984, 43 out of 57 electorates in the Legislative Assembly voted against daylight saving. No-one should assume that just by agreeing to this Bill tonight and to the various amendments that are listed on the Notice Paper daylight saving is to be in Western Australia forever, because the community will judge that when the time comes. A diversity of views exists within the community, indeed within the Liberal Party, about whether there should be daylight saving in Western Australia. The Liberal Party allows its members to vote according to their consciences on matters such as this and I would not be surprised if some of my colleagues, representing the diversity of views in the community, were not inclined to support this Bill, irrespective of whether the referendum clause was included.

The Liberal Party considers the issue of daylight saving a people's issue. It involves questions of lifestyle and is a proposition which deserves the consideration of the community. The Liberal Party is prepared to support the Bill subject to a number of amendments that will be discussed during the Committee stage and on the clear understanding that a referendum will be held on the issue. That referendum should occur within a few months of the conclusion of daylight saving next year. One would hope that the Government, and the Parliament also, would recognise the will of the people at that referendum and not continue to bring this matter up, as the Government has done in the past for political reasons. The Liberal Party will support the Bill with the inclusion of the referendum clause.

HON E.J. CHARLTON (Agricultural) [9.24 pm]: I never fail to be amazed with the persistence of some people in pursuing with regularity the most paltry of propositions, including the iniquitous proposition of daylight saving. With all the problems that beset this nation we are preoccupied with the business of so-called daylight saving. I do not know where the term originated but nothing could be further from the truth when people are led to believe they will have more daylight hours with daylight saving. No matter how often we hold referendums or for how long people sit back and let the issue cool down, this stupid proposal is always reintroduced. Why is the Government running hard with a proposal which has been decided upon at the drop of a hat?

Hon J.M. Berinson: We are not running with it any harder than Mr Cash and his colleagues are.

Hon E.J. CHARLTON: That is right, but why has the Government changed its mind when it decided only a few months ago that under no circumstances would it introduce daylight saving regardless of whether the Bill included a clause for a referendum? The Government is falling over itself to implement daylight saving.

Hon J.M. Berinson: The fact that we are in favour of it without a referendum does not make it insistent for it with a referendum, because either way we have daylight saving this year.

Hon E.J. CHARLTON: That is the Government's priority.

Hon J.M. Berinson: No, it is not a priority; it is a matter up for discussion.

Hon E.J. CHARLTON: The Government's priority is to introduce daylight saving as quickly as it can because it considers the political benefits far outweigh the detrimental effects it will have on certain people, the same people who do not count for much anyway; that is the reason we are being forsaken.

We have heard over the last few days that this issue is a fait accompli, that daylight saving will be implemented. Only tonight on "The 7.30 Report" we saw questions put in a serious fashion to the business sector about the economic benefits of daylight saving for the State. When the other side of the story was raised the questions were treated with some comedy. That demonstrates the seriousness with which some people in our society view the opposing point of view. I will not repeat the stupid comments that were made because it would only encourage people to dwell on those points. However, the quite ludicrous revelations that came forward and the references that were made to all sorts of erroneous proposals demonstrates the lack of sincerity that people have toward the issue.

It is almost impossible, because of our disastrous economy, to extract money from the Government for much needed projects. However, the Government is prepared to spend money on a referendum on this issue. The Government is not prepared to allocate money to allow the Northampton hospital to keep its administrator or to allow a number of schools in country areas, where the numbers are down, to remain open.

Preschool centres have been told that they cannot continue beyond this year. The list goes on and on. I should not let the opportunity go by without mentioning the agricultural and pastoral disaster which has occurred in this State and which was brought about by the losses incurred by this Government through its blatant mismanagement of the State's affairs. The mismanagement of the economy by the Federal Government has brought about the worst depression in 60 years.

Hon J.M. Berinson: I agree with what you are saying about the shortage of money for various matters. However, that did not stop us making a commitment to the wheat price guarantee and it has not prevented our acknowledging the difficulties of the latest land tax revaluations. Therefore, we cannot meet everything. It is unfair for you to leave an impression that we are not meeting any needs.

Hon E.J. CHARLTON: I am pleased that the Attorney General mentioned that because I remember him saying to me that the Government could not afford to underwrite the wheat crop.

Hon J.M. Berinson: But we did it.

Hon E.J. CHARLTON: I said to him, "Mr Berinson, you cannot afford not to underwrite the wheat crop."

Hon J.M. Berinson: Every other State found that it could not afford it.

Hon E.J. CHARLTON: We all know what happened on the steps of Parliament House following that announcement. I applaud the Government's decision to underwrite the wheat crop and I say so wherever I go in this State. It was a sound economic decision and a good business decision because every dollar that the Government puts into it will come back three and a half fold to the community because that is how it works. That decision meant that 20 or 30 per cent more of the crop area in Western Australia was sown, and so everybody will win from the decision.

However, the decision made on daylight saving will be detrimental. Why can the people who want daylight saving not put their clocks forward and tell everyone that their business operations will commence and finish one hour earlier each day? I cannot understand why

that minority cannot adjust their operations with what goes on in the Eastern States without everybody having to come into line. I heard today a business representative saying that, instead of our having only a one and a half hour to two and a half hour trading time with the Eastern States, we will now have an hour longer; that is, a two and a half hour to three and a half hour trading time. What a big deal that is! What a big change! I have said in this place before - I will not elaborate further this time - that the United States of America copes with four different time zones. That economy with its manufacturing industries, share market operations and business dealings makes our economy look like a monopoly game for a kindergarten group. Yet, it is critical for Western Australians to put their clocks forward an hour to come in line with the Eastern States! We are closer to our future trading partners in Asia than we are to Melbourne, and Asian countries are in the same time zone as we are. I do not think there is any economic argument to support the proposal; it has been put forward on a whim. I do not think anybody will win out of this proposal and I hope that, when the time comes for the referendum to be held - if, indeed, Western Australians are given the opportunity to vote on the matter - they will vote no. I hope that they again demonstrate that they do not want daylight saving. However, I guarantee that, if and when a referendum is held, that will not be the end of it, because a year or two after that the proposal will be back on the agenda for debate. This issue is like a grand final; that is, the team that loses wants to play again next week.

HON REG DAVIES (North Metropolitan) [9.36 pm]: I thank the Government and the Liberal Party for partially supporting my proposal. The arguments I have heard this evening for and against the Bill have not changed over the years. Nothing new was introduced. The Attorney General suggested that the main reason I introduced this Bill was to support the business community.

Hon J.M. Berinson: No, I said the opposite. I said I heard it suggested elsewhere, including on radio programs, that it was only for the business community. I disagreed with that.

Hon REG DAVIES: It has very much more depth than just considering the business community, although I believe that the business community has had many knocks over the years and if we can do something to help it create jobs for the vast numbers of unemployed in this State, it will be worthwhile and worth the inconvenience that people may suffer through the 13 week trial period of daylight saving. Christmas holidays will take up four to six weeks of that period.

I thank the Government for agreeing to the referendum because I believe that this constitutes a fundamental change in lifestyles for Western Australians. Previous Governments of various political persuasions have always sought a bipartisan approach to referendums on this issue. We must get the views of Western Australians if we change their lifestyles. We have all seen the problems that have arisen in Queensland, where legislation was bulldozed through the Parliament forcing daylight saving on the people of that State. The Government has come unstuck on the issue and I understand that a referendum will now be held to find out the views of the people.

Hon George Cash also touched on the need for a referendum. He pointed out rightly that two groups in the community will decide the fate of daylight saving: The Parliament of Western Australia and the citizens of this State. It was interesting to look at the results this evening of telephone polls conducted by both Channel Seven and Channel Nine. Channel Seven recorded 15 425 yes responses and 16 035 no responses. Therefore, it was a fairly close vote with a difference of some 700 votes. The Channel Nine poll, which did not have figures, closed with 43 per cent of respondents saying yes and 57 per cent saying no. That channel made a special point of mentioning that its poll included many thousands of calls from country people.

Hon J.M. Berinson: I think that is why Mr Charlton has a bandage on his finger.

Hon E.J. Charlton: Mr Charlton did not have to make one phone call. The line to the ABC was jammed. People from the country tell me that when they went to phone the ABC they heard their next door neighbour phoning through Perth and back, that is how keen people out there were to get through.

Hon REG DAVIES: Mr Charlton has said that this proposal is a stupid and paltry one. However, the community is entitled to change its attitude over a seven to 10 year period. We

must consider that many thousands of young people aged between 17 and 25 years have never been able to vote on whether we should have daylight saving in this State.

Hon E.J. Charlton: They haven't got jobs either.

Hon REG DAVIES: Hopefully daylight saving will help create jobs for people if it helps the business community as much as it believes it will be helped. If this Bill creates jobs for people aged between 17 and 25 years that will be a bonus.

Hon Derrick Tomlinson: A vain hope.

Hon REG DAVIES: It is, but I have always been an optimist. I refute the claim that this legislation is being bulldozed through the Parliament this evening. Members will recall that the Bill has been on the Notice Paper since 21 August and that I made my second reading speech on 22 August. The Bill has been working its way down the Notice Paper since that time. I introduced the Bill at that stage because I knew the rest of Australia would be going to daylight saving on Sunday, 27 October and I wanted to allow time for things such as changes in timetables, travel arrangements, aircraft scheduling, and in the time people start work so that the community could be prepared for daylight saving. Unfortunately that did not happen.

The Attorney General has outlined certain amendments he proposes to move during the Committee stage of the Bill. I have discussed the matter with the Attorney General, the Leader of the Opposition and the Leader of the National Party. Clause 7 of the Summer Time Bill is the cause of some concern. It refers to amelioration of summer time on country people. This clause is the cornerstone of the Bill and puts it apart from previous daylight saving Bills. In addition the title is different from that of previous legislation.

The largest group of detractors of this Bill has been country based people. My present tiredness is a testimony to that. I was harassed all last evening and today commencing at 4.00 am at my home when people rang me to say it was 5.00 am, daylight saving time. I was not impressed by that, but I can understand those people being upset by the proposal. The calls came mainly from disgruntled southern country people. Strangely, the people in the northern part of the State seem to be happy with the proposal. The abuse lasted for only a short time after I explained to those ringing that the special concerns they held would be considered by their elected representatives in this place when discussing clause 7. Although unhappy, they know they are being considered.

Without the amelioration clause I believe the Bill would be gutted. It is a good Bill. It is time Western Australia got out of the dark ages and in line with the rest of Australia. If this Bill helps families to get to know their fathers a little better after work that is a good thing; if it helps the tourism industry in any way it is a good thing; and if it creates employment for people in this State the little bit of inconvenience it creates for a few people is worthwhile. People only have to put up with this one hour a day for 13 weeks, during which time the Christmas holiday period falls.

Division

Question put and a division taken with the following result -

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Ayes (18)

Hon J.M. Berinson	Hon John Halden	Hon Bob Thomas
Hon T.G. Butler	Hon Kay Hallahan	Hon Derrick Tomlinson
Hon George Cash	Hon Tom Helm	Hon Doug Wenn
Hon Cheryl Davenport	Hon Mark Nevill	Hon Fred McKenzie
Hon Reg Davies	Hon P.G. Pendal	*(Teller)*
Hon Max Evans	Hon Sam Piantadosi	
Hon Peter Foss	Hon Tom Stephens	

Noes (7)

Hon E.J. Charlton	Hon Murray Montgomery	Hon Margaret McAleer
Hon Barry House	Hon Muriel Patterson	*(Teller)*
Hon P.H. Lockyer	Hon W.N. Stretch	

Pairs

Hon Graham Edwards	Hon J.N. Caldwell
Hon Garry Kelly	Hon N.F. Moore
Hon B.L. Jones	Hon D.J. Wordsworth
Hon J.M. Brown	Hon R.G. Pike

Question thus passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon J.M. Brown) in the Chair; Hon Reg Davies in charge of the Bill.

Clause 1: Short Title -

Hon REG DAVIES: There have been several versions of this Bill, and I apologise for the final copy not having numbers on it. The amendments have been foreshadowed, and I have agreed to most of them in order to accommodate the Government and the Opposition. I am happy to discuss the amendments as they are moved.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Interpretation -

Hon J.M. BERINSON: I move -

After the definition of "Minister" to insert the following definition -

"the hour of 2 a.m." means that hour as determined by standard time.

I think there are three points in the Bill at which the term "the hour of 2 a.m." is used. This addition to the interpretation clause is in order to make sure which 2.00 am we are talking about; standard time or daylight saving time.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 4: Trial period of daylight saving -

Hon J.M. BERINSON: I move -

To delete the clause and insert the following clause to stand as clause 4 -

Trial period of daylight saving

4. Notwithstanding *The Standard Time Act 1895*, from the hour of 2 a.m. on 17 November 1991 until the hour of 2 a.m. on 1 March 1992 Western Australian summer time shall, throughout the State, be one hour in advance of standard time and shall be observed accordingly.

This redraft substantially abbreviates the clause, but the main purpose of the amendment is to recognise that it is no longer possible to commence daylight saving from 26 October, as the Bill itself contemplates. Instead of that the amendment specifies 17 November as the beginning date for a daylight saving period this year.

Hon REG DAVIES: I am quite prepared to accept that amendment, but I must express disappointment that we will not have two summer trial periods of daylight saving, because that would have given people in this State a better opportunity to get used to the change. If we have a really hot summer this year, and a milder summer next year, people would have the opportunity to make a better decision when they vote at the referendum. However, as I said, to get this Bill through the agenda, I am happy to accept the compromise.

Hon J.M. BERINSON: I am sorry, but I neglected to point out that the more important effect of this amendment was to reduce the trial period from two years to one. That is what Hon Reg Davies has indicated, and it is an important element in the Government's support for this Bill.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 5: Referendum on daylight saving -

Hon J.M. BERINSON: I move -

Subclause (1) - To insert after "Governor" the following -

being a date after 30 June 1992

As I indicated during the second reading debate, this amendment is to give effect to the intention which Hon Reg Davies indicated in his second reading speech. I would expect the amendment to be non-contentious. To avoid the need to speak again on this subclause, I indicate that I have noted that the Leader of the Opposition intends to move to add further words so as to limit the period during which the referendum can be held to the period between 1 July 1992 and the last Saturday in August 1992. The Government supports that further amendment. I am not sure of the reason for the Leader of the Opposition's moving it.

Hon George Cash: It gives some certainty rather than leaving it open ended.

Hon J.M. BERINSON: Apart from other reasons, it has in its favour the fact that it would avoid any possibility of the referendum being held so late in the year that we would face the same problem we face now.

Hon MURRAY MONTGOMERY: I move an amendment on the amendment -

To delete "after 30 June 1992" and insert "before 30 April 1992".

This will make sure that after a trial period - we have been through two already and been put under the hammer - people will be able to express their views within six or eight weeks of the end of the trial period of daylight saving. In this way the people will be able to put the record straight about what they wish to do and, after the referendum has been held, the community will be able to return to some kind of normality and know what will occur in the ensuing years; at least until somebody else decides to try again for daylight saving.

Hon REG DAVIES: It is a matter of whether one supports daylight saving or not. Holding the referendum after 30 June 1992 would give people time to get over the emotive issues of daylight saving and enable them to think more clearly about it in the cooler months. The vitriolic attacks I have received from many people over the last few days have demonstrated to me that it is an emotive issue. Obviously those who support the introduction of daylight saving would want the referendum to be successful and therefore would want a fair length of time between the trial period and the referendum. Perhaps the idea of holding the referendum after 30 June 1992 is that its funding would come from the Budget for next financial year. However, I am prepared to go halfway and accept Hon Murray Montgomery's proposed amendment to the amendment of Hon Joe Berinson.

Hon E.J. CHARLTON: I also thought the Government wanted to hold the referendum after 30 June 1992 in order to take it into the next financial year. If it were held before then, perhaps that $4 million would have to come out of this year's Budget.

Hon J.M. Berinson: It is nowhere near $4 million - try $500 000.

Hon E.J. CHARLTON: It is very inconsiderate of the Government to hold a referendum in the middle of winter, when the State not only has no money but also is cold, miserable and rainy. When it is raining and perhaps hailing people will have to decide whether they want an extra hour of sunshine. I cannot see any other reason why the Government would want to hold the referendum after 30 June. I trust that at least some commonsense will prevail and that the Government and other members will support Hon Murray Montgomery's amendment to the amendment of Hon Joe Berinson.

Hon J.M. BERINSON: I said earlier that I did not expect to speak again on this clause; perhaps I should have said that I hoped it would not be necessary to speak again on it. It is necessary, given Hon Reg Davies' most recent comment. I think flexibility is greatly to be admired in parliamentary activity.

Nonetheless, I must say that it comes as something of a surprise, having moved an amendment to implement Mr Davies' own expressed intentions, to find him indicating that he no longer supports his own earlier position but supports the earlier date. I want to make

clear that the Government does see it as, if not a vital certainly a significant, part of this exercise that there should be a good break between the trial period and the test of the community by referendum. In that respect it believes that Hon Reg Davies' original view does add something new to this trial, and is one of the justifications for it for those who might be concerned that we should be going this route again after previous referendums have failed.

I suggest to Hon Reg Davies that he really should stick with his own original intentions because I think that represents the better and more practical way of proceeding.

Hon GEORGE CASH: I support Hon Murray Montgomery's amendment to the amendment moved by Hon Joe Berinson. One reason I found it necessary to foreshadow an amendment, which I would have had to move had the Attorney General's amendment been successful, was in order to add some certainty to the date on which the referendum might be held. It seemed to me and to many of my colleagues that just having a date after 30 June 1992 was too open ended; it again cast uncertainty on the question of daylight saving and did not offer anything to the community. Hon Murray Montgomery has now been very specific in nominating the date on which the referendum should be held. I was looking for some certainty in the matter and he has provided that with his amendment.

Hon Murray Montgomery: I propose that it should be before 30 April 1992.

Hon GEORGE CASH: That is as certain as we are ever going to get; therefore, I support the amendment.

Hon J.M. BERINSON: Let us look at some practical features of this. I think the detail is not unimportant. I have just had the opportunity to look at the 1992 calendar. The last Saturday in April is 25 April, which is Anzac Day and obviously not available for a referendum. The previous Saturday, 18 April, is Easter Saturday, which means that if we are to stay within the 30 April limit we must have the referendum on 11 April at the latest. In other words, that would return us to precisely the position we have had before; there would be no different test of the proposition in any respect, and I think that is a bad idea.

Hon E.J. Charlton: It is consistent.

Hon J.M. BERINSON: If we were talking about some earlier limit, something could be said for it; however, to place the referendum in the first half of April, as was the case with the previous referendum, is not a trial in any sense - it is a rerun. Again I suggest to Hon Reg Davies as the sponsor of this Bill that his first idea is better than his second, especially given the practical effects of the dates at which we are looking.

Hon DERRICK TOMLINSON: The Government has argued consistently that since the last referendum on this issue a change in perceptions may have occurred; indeed, some members of the Government argued quite confidently that community opinion had changed. However, if one wants to test whether that change has occurred, the most sensible thing to do is to replicate as closely as possible the circumstances of the previous referendum. Therefore, if the previous referendum was held immediately after the completion of the trial period, the sensible time to hold the referendum is as close as possible to the same date as the previous referendum to test whether a change in the community opinion had occurred in the elapsed decade - otherwise one is testing something quite different.

I put it to both Hon Reg Davies and the Attorney General that to defer the referendum to some later date in June or July is not a test of the community's attitude to daylight saving; it is nothing more than political chicanery. The proposal that the people may be able to make more rational judgments during cooler months is about as meaningful as the argument for the placement of the Australian Capital Territory at Canberra; that is, that it is placed midway between Melbourne and Sydney at an altitude in excess of 2 000 feet because the cooler climes are more conducive to rational disputation. It is my observation that no more rational disputation takes place in that place than occurs in this place. Likewise, no more rational disputation on the referendum would occur if it took place in June rather than March or April.

Hon J.M. Berinson: That would be better than October. Little rational disputation is taking place at the moment!

Hon DERRICK TOMLINSON: I support the amendment moved by Hon Murray Montgomery on two grounds: Firstly, it is much more sensible to test people's attitudes to

this change of lifestyle immediately after the trial rather than play the game of delaying it so that one is testing something quite different, as the Attorney General has suggested. Secondly, if a change has occurred in public opinion in the decade which has elapsed since the last referendum, it is necessary to replicate the test as nearly as possible on this occasion. Therefore, the referendum should be held as close as possible to the completion of the trial period.

Hon PETER FOSS: I support the amendment. The reason for the trial is to give people experience with which to make a decision. Obviously, some people may be able to remember the experience of the last trial -

Hon Reg Davies: People who are 17 to 25 years old will not remember it.

Hon PETER FOSS: Exactly; that is an important point. Even those of us who are older forget what it was like due to the failure of our memories. Therefore, it is important to have this trial so people can determine what daylight saving is like. It seems strange not to ask people for their views just when the experience has been gained rather than waiting a little longer so they can forget the experience.

Borrowing a phrase which appears towards the end of the Attorney General's favourite reading material, *Alice in Wonderland*, "Hang 'em and have a trial afterwards."

Hon Mark Nevill: I read it too; the phrase was "Verdict now; trial later". It is a great book.

Hon PETER FOSS: We have another reader of *Alice in Wonderland*! The phrase "Verdict now; trial later" fits into my argument even better; the applicable phrase would be "referendum now; trial later", but nobody is proposing that.

Hon E.J. Charlton: You had better sit down now while you are still in front.

Hon P.G. PENDAL: Like the Attorney General, I want to see this matter out of the way. By way of comparison, in 1984 some 35 days elapsed from the end of the trial until the holding of the referendum. If we followed the Attorney's advice and held the referendum on 11 April - the first available date after Anzac Day and Easter, so we are told - 42 days would elapse from the end of the trial.

It is within the Government's power to bring the referendum date a further week back so that it replicates the 1984 benchmark. Therefore, the figures suggested by Hon Murray Montgomery should be supported.

Hon REG DAVIES: We are discussing a matter of politics. It is a matter of whether members support or oppose daylight saving.

Hon J.M. Berinson: Are you sure that you support it?

Hon REG DAVIES: In considering the Attorney General's comments about my making up my mind, I reiterate my interjection; that is, one learns from one's mistakes and one must change one's mind from time to time. However, to get this Bill out of the way tonight I will support Hon Murray Montgomery's amendment, even though I would have preferred to see my original proposal passed; that is, that the referendum be held on 30 June 1993. Nevertheless, I am prepared to accept the April option.

Division

Amendment on the amendment put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before the teller's tell I give my vote with the Noes.

Division resulted as follows -

Ayes (13)

Hon George Cash	Hon Barry House	Hon W.N. Stretch
Hon E.J. Charlton	Hon P.H. Lockyer	Hon Derrick Tomlinson
Hon Reg Davies	Hon Murray Montgomery	Hon Margaret McAleer
Hon Max Evans	Hon Muriel Patterson	*(Teller)*
Hon Peter Foss	Hon P.G. Pendal	

Noes (12)

Hon J.M. Berinson	Hon Kay Hallahan	Hon Doug Wenn
Hon J.M. Brown	Hon Tom Helm	Hon Fred McKenzie
Hon T.G. Butler	Hon Mark Nevill	*(Teller)*
Hon Cheryl Davenport	Hon Sam Piantadosi	
Hon John Halden	Hon Bob Thomas	

Pairs

Hon J.N. Caldwell	Hon Graham Edwards
Hon N.F. Moore	Hon Garry Kelly
Hon D.J. Wordsworth	Hon B.L. Jones
Hon R.G. Pike	Hon Tom Stephens

Amendment on the amendment thus passed.

Amendment, as amended, put and passed.

The CHAIRMAN: The amendment foreshadowed by the Leader of the Opposition is no longer valid.

Hon J.M. BERINSON: I move -

Subclause (2) - To delete "1993" and substitute "1992".

This necessarily follows from the reduction of the trial period from two years to one year.

Amendment put and passed.

Hon J.M. BERINSON: I move -

Subclause (2) - To delete "1994" and substitute "1993".

Amendment put and passed.

Hon J.M. BERINSON: I move -

Subclause (3)(a) - To delete "in favour of" and substitute "opposed to".

Members will know that Hon Reg Davies has proposed that the prescribed question in the referendum request a person to declare support for or opposition to the proposition that daylight saving be opposed. The original form of subclauses (3)(a) and (3)(b) does not carry that pattern through. This amendment is therefore proposed to put the matter in order. In other words, if the question is, "Are you opposed to standard time?", the answer must be "yes" if one is opposed to standard time. I hate to be circular, but that is as clear as one must put it. As the Bill is presently drafted, one would be in the position of looking at the question, "Are you opposed to standard time?" and then saying yes if one was in favour of standard time. I hope that is clear. It seems to be self-evident to me. Looking at Hon Phil Pendal, it occurs to me that he may not have reached the same point yet. The amendment is essential to having the Bill make sense.

Hon REG DAVIES: I am a little confused about the amendment. The question asks whether one is opposed to daylight saving. The answer can be that, yes, one is opposed to it.

Hon J.M. Berinson: That is what I am saying in the amendment.

Hon REG DAVIES: No; the Attorney General is saying "opposed" to it. The word "no" is in the space provided. He has it the wrong way around.

Hon J.M. Berinson: No I don't.

Hon REG DAVIES: The question asks whether one is opposed to daylight saving. Why would one say no?

Hon J.M. Berinson: I say yes in subclause (3)(a) and no in subclause (3)(b).

Several members interjected.

The CHAIRMAN: Order! There is only one member on his feet.

Hon J.M. BERINSON: I will try again. In my explanation I will substitute "being advanced one hour" by the term "daylight saving". In subclause (2) the prescribed question is -

Are you opposed to Standard Time in the State being advanced . . . ?

If the elector is opposed to daylight saving he will vote yes.

Hon E.J. Charlton: That is no good.

The CHAIRMAN: Order! The member will have a chance to speak.

Hon J.M. BERINSON: I do not see how members can arrive at any other conclusion. If electors are opposed to daylight saving they will vote yes because the prescribed question is, "Are you opposed to . . . ?" I hope, having got the nod from Hon Reg Davies, he has changed his mind.

Hon PETER FOSS: Let us assume that the Attorney General is correct. We will have to go back to clause 2(2), which states that section 6 of the Act shall come into operation if the no vote exceeds the yes vote.

Hon J.M. Berinson: That is right, because the no vote means that a person is not opposed to daylight saving.

Hon PETER FOSS: The Attorney's amendment does not say that; it says that a person is opposed to it.

Hon J.M. BERINSON: Unless we are looking at different prints of the Bill that simply cannot be right. My subclause (3)(a) states that if a person is of the view that there should be daylight saving he should vote yes.

Hon Peter Foss: The Bill which I have in front of me says "no".

The CHAIRMAN: I advise the Committee that we are dealing with the Summer Time Bill, C09-1.

Hon J.M. BERINSON: I am referring to the Bill which was distributed at the time of the second reading.

Hon E.J. Charlton: Is it C09-1 or C09-1a?

The CHAIRMAN: It is C09-1. No; I am now advised that the correct Bill is C09-1a.

Hon E.J. CHARLTON: It seems to me that we are dealing with double negatives. When trying to arrive at whether a person is in favour of or opposed to daylight saving, the simple question is surely, "Are you in favour of daylight saving?" The answer is either yes or no. The way in which the question is phrased now is double Dutch.

Hon J.M. BERINSON: Mr Chairman, we have quite a serious matter to clarify. Members, including me, were obviously arguing at cross purposes earlier and it is very clear now that the Bill from which I was working is not the Bill from which other members were working. I have now been provided with a copy of the Bill numbered C09-1a and I would certainly agree, given the terms of this draft, that I would not want to continue with the amendment I have moved to subclause (3)(a). I should like to clear the decks in this respect, first, by seeking leave to withdraw the amendment I have moved to subclause (3)(a) and, second, to have your clarification, Mr Chairman, that everyone, including you, is now working from the print of the Bill numbered C09-1a.

The CHAIRMAN: For the benefit of all members I advise that I made the point at the beginning of this debate that the Bill I had before me was C09-1. I now have C09-1a before me. As Chairman of Committees I was working from C09-1. We can proceed now on the understanding that all members have the correct copy of the Bill before them. The Attorney General has sought leave to withdraw his amendment to subclause (3)(a). I have not had the opportunity to ascertain whether it is right or wrong, compared with the previous Bill that was before me.

If the Committee wants to start again with subclause (3)(a) so that there is no confusion about clause 5, I am happy to seek leave of the Committee not to proceed with the amendment moved by the Attorney General. The question is that leave be granted for the withdrawal of the amendment to subclause (3)(a) which has been moved by the Attorney.

Hon PETER FOSS: Mr Chairman, before we proceed with the question, I believe that the amendments foreshadowed by the Attorney General are correct. They may require other amendments because the amendments are not directed to the question of "yes" or "no", but to

the proper grammatical response; that is, the question is, "Are you opposed?" Subclause (3)(a) should include the words "opposed" or "not opposed". The question then is, what do we do with "no" and "yes" in clause 2(2)? The amendment is appropriate and should not be withdrawn. We have to change the word "no" to the word "yes" or the word "yes" to "no" and change that accordingly in clause 2(2). I agree with Hon Eric Charlton: If there is total confusion in this place about this subclause we must expect the general public of Western Australia to be totally confused.

Hon E.J. CHARLTON: I suggest that the Committee report progress to enable it to sort out this matter so that members know exactly where they stand. It is an important issue and members should not be confused in this manner.

The CHAIRMAN: I have not had the opportunity to consider the question before the Committee. I was not prepared to give a determination on the question. Even now I can see merit in what Hon Peter Foss has indicated to the Committee. The question the Committee has to consider is whether it is a "yes" or "no" vote. I am here to abide by the wishes of the Committee. The question before the Committee is that the Attorney General be granted leave to withdraw his amendment which seeks to substitute the words "opposed to" in subclause (3)(a) of clause 5.

Hon PETER FOSS: I support the amendment moved by the Attorney General but it will necessarily involve recommitting clause 2 at a later stage. The effect of this amendment is that anyone who is against daylight saving should oppose the question and those in favour should support the question.

Hon J.M. Berinson: Since I was amending what was apparently a different Bill, that cannot be taken for granted. How can you support or oppose an amendment on the basis that you will change the prescribed question? If there is a problem with the prescribed question it should be changed.

Hon PETER FOSS: It is not the prescribed question that will be changed. It is necessary to change clause 2(2).

Progress

Progress reported and leave given to sit again, on motion by Hon Reg Davies.

House adjourned at 10.46 pm

QUESTIONS ON NOTICE

WOMEN'S REFUGES - BROOME PROPOSAL

901. Hon P.H. LOCKYER to the Minister for Education representing the Minister for Community Services:

(1) Is it the intention to place a women's refuge in Broome?

(2) Are any State Government funds being used for a proposed purchase of a property in Broome for this purpose?

(3) What are the addresses of properties being considered for purchase in Broome?

Hon KAY HALLAHAN replied:

The following information has been supplied by the Minister for Community Services -

(1)-(2) Yes.

(3) (i) Forest House, 59 Forest Street, Broome;

(ii) The Back Packers' Hostel, Bagot Street, Broome.

WEST ED MEDIA - GOLDEN WEST NETWORK
Live Interactive Programs Source - AUSSAT Satellite Transponder Lease

928. Hon DERRICK TOMLINSON to the Minister for Education:

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

Hon KAY HALLAHAN replied:

West Ed Media is at present the principal source of live interactive programs broadcast by the Golden West Network in the time reserved for educational programs. The Ministry of Education, however, does not make any payment to GWN in respect of the cost of an AUSSAT satellite transponder lease.

EDUCATION RESOURCE CENTRE - BUNBURY
Closure

941. Hon BARRY HOUSE to the Minister for Education:

(1) Is the education resource centre in Bunbury to be closed?

(2) If not, what is its future?

Hon KAY HALLAHAN replied:

(1)-(2) The future of education resource centres will be determined in the light of recommendations contained in the report of the review of the provision of support to schools recently undertaken by the Ministry of Education and recommendations contained in the report entitled "Review of Resource Centres - June 1989".

ONE PARENT CENTRE, EAST FREMANTLE - CLOSURE

951. Hon P.G. PENDAL to the Minister for Education representing the Minister for Community Services:

(1) Why is the One Parent Centre located in East Fremantle facing closure?

(2) Why is the Government withdrawing its funding of this centre?

(3) Is the Minister aware of the difficulties and distress that will result from the centre's closure, for many of the parents, in financially stringent circumstances, who currently rely on the facility?

Hon KAY HALLAHAN replied:

The following information has been supplied by the Minister for Community Services -

(1)-(2)

The One Parent Centre will be replaced with a neighbourhood house. The centre was a pilot project which has never been duplicated as alternative measures to support families have been developed. The One Parent Centre represents an expensive service delivery model not provided in other districts.

(3) The Minister is aware that some parents will oppose the closure of the One Parent Centre. However, since the decision was announced staff at the One Parent Centre have assisted clients to determine their future options including assisting with referral to alternative services. Neighbourhood houses enable communities to develop locally based support services for those in need. Neighbourhood houses that are already in operation provide a range of services including life skills programs, information and referrals, parenting skills programs, parent managed creches, baby sitting clubs and toy and book libraries. The clients of the One Parent Centre will be involved in establishing the new Neighbourhood House which will meet the needs of disadvantaged families in that area.

HEALTH DEPARTMENT - CHILD HEALTH SERVICE, MOORA
Temporary Withdrawal

956. Hon MARGARET McALEER to the Minister for Education representing the Minister for Health:

(1) Is the Minister aware that the infant health service to Moora and surrounding districts has been withdrawn temporarily because of the retirement of the officer presently holding that position?

(2) Is it correct that it is Government policy not to replace such officers until all leave entitlements due to the retiree have expired?

(3) If the answer to (2) is yes, can the Minister confirm that families for whom this service is provided are not disadvantaged because of this policy?

(4) If the answer to (3) is no, will the Minister initiate a change of policy to rectify this situation?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

(1) The child health service to Moora and surrounding districts has not been temporarily withdrawn. However the resident child health nurse in Moora has proceeded on long service leave and owing to the sudden resignation of the regional reliever it has been necessary to introduce a reduced service as a temporary measure.

(2) No.

(3)-(4)

Not applicable.

HOSPITALS - ROYAL PERTH HOSPITAL
Outpatient Consultations Waiting Time

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

Will the Minister advise what is the average waiting time for outpatient consultations at Royal Perth Hospital on -

(a) weekdays;

(b) Saturdays; and

(c) Sundays?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

(a)-(c)

It is not clear whether the member is referring to the outpatients treated in the accident and emergency section or the hospital's outpatients clinics. Each outpatient department and consultant clinic has variable waiting times depending on urgency of referral and specialty concerned. If the honourable member can be more specific about which area and speciality his question refers to, I would be happy to provide an answer.

SPENT CONVICTIONS ACT - PROCLAMATION

967. Hon GEORGE CASH to the Attorney General representing the Minister for Justice:

(1) Has the Spent Convictions Act 1988 been proclaimed?

(2) If not, why not?

Hon J.M. BERINSON replied:

The Minister for Justice has provided the following reply -

I refer to the answer given to Legislative Council question 883 of 1991.

COMMUNITY SERVICES DEPARTMENT - HOSTELS
Closure

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

(1) Which Department of Community Services' hostels are to be closed?

(2) Why are these hostels being closed?

Hon KAY HALLAHAN replied:

The Minister for Community Services has provided the following reply -

(1) Burawa Hostel, Fitzroy Crossing; Oolanyah Hostel, Marble Bar; and Gilliamia Hostel, Onslow.

(2) (a) Burawa Hostel, Fitzroy Crossing was a primary school hostel used by the children of the Muludja Community. On 12 August 1991 this community opened their own school and the children now attend this school. Following consultation with the Fitzroy Crossing people this hostel is now used by the community for a variety of purposes. The hostel was leased by the Aboriginal Lands Trust and has subsequently been returned to the local Aboriginal people.

(b) Oolanyah Hostel, Marble Bar closed on 27 September 1991 as the number of children attending this facility had decreased significantly. Prior to the hostel's closure four local children had returned to their own homes and the remaining three out of town students were placed in alternative accommodation in the town. Consultation is currently taking place with the local community regarding the possible future use of the hostel buildings. It is intended that the buildings be transferred to the aboriginal lands trust as per the recommendations of the first schedule of the seaman land enquiry.

(c) Gilliamia Hostel, Onslow is in the process of closing. It was originally established as an educational hostel and over time the number of children attending the hostel has decreased. Children currently in the hostel are there for reasons other than

education; for example, respite care. The Onslow community is being consulted as to the future use of the hostel. The local people have formed a committee to assist in this process. One option being considered is an alternative model of care for children in the community who may need to spend time away from their families.

WILSON, OLIVIA - NEWMAN-JIGALONG VISITS

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

(1) Is it correct that Olivia Wilson has been sent from Newman to Jigalong on a number of occasions in the past?

(2) If so -

(a) when were these occasions;

(b) why was she sent;

(c) to whom was she sent; and

(d) why did she not remain at Jigalong?

Hon KAY HALLAHAN replied:

The Minister for Community Services has provided the following reply -

(1)-(2)

The department has not sent Olivia Wilson from Newman to Jigalong prior to the current acclimatisation program. However, Department for Community Services records show that Olivia has been taken to Jigalong by her mother, Susan Wilson, and her grandmother, Lorna Mintern. Olivia was cared for in Jigalong by Susan Wilson, Lorna Mintern, Susan Wilson's aunt, Dawn Mintern, or by people chosen by these three women.

JIGALONG - ADMISSION RESTRICTIONS

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

(1) Are there any restrictions on who is entitled to enter Jigalong?

(2) If so, what are the restrictions?

Hon KAY HALLAHAN replied:

The Minister for Aboriginal Affairs has provided the following reply -

(1) Yes.

(2) On 21 June 1991 by-laws pursuant to the Aboriginal Communities Act 1979 were gazetted which require non-Aboriginal persons to obtain oral or written permission from the council of the Jigalong Community Incorporated to enter or remain upon community lands.

CIRCUMCISION - ABORIGINAL WOMEN

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

(1) Is female circumcision part of Aboriginal culture in any areas of Western Australia?

(2) If so, is it still being practised?

(3) Does the practice of female circumcision constitute an offence under any Western Australian law?

(4) If so, what law?

Hon KAY HALLAHAN replied:

The Minister for Aboriginal Affairs has provided the following reply -

(1) According to informed sources female circumcision is not practised by Aboriginal people in any area of Western Australia.

(2) Not applicable.

(3)-(4)

According to Crown Law Department advice female circumcision may constitute assault.

THIRD PARTY INSURANCE - TRANSPERTH PASSENGER BUSES

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

(1) Is normal third party insurance included in the registration of Transperth passenger buses?

(2) What is the breakdown of the bus registration for typical Transperth passenger buses, including licence, insurance and other costs?

(3) Are Transperth passenger buses covered by the provisions of the Motor Vehicle (Third Party Insurance) Act 1943?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

(1) Yes.

(2) All vehicles are registered on 1 July each year.

Breakdown of costs per vehicle:	
Third party insurance	$651.60
Recording fee (Police Department)	$ 11.15
TOTAL	$662.75

(3) Yes.

JOONDALUP GOLF CLUB - TENDER
Government Acceptance

977. Hon GEORGE CASH to the Minister for Education representing the Minister for Planning:

(1) Has the Government accepted a tender for Joondalup Golf Club for $22 million?

(2) Is it correct that it is proposed to have corporate membership fees at $30 000 a year?

(3) What will the public course fee be for 18 holes of golf?

Hon KAY HALLAHAN replied:

The Minister for Planning has provided the following reply -

(1) Negotiations with the highest tenderer - which was more than $22 million - are continuing.

(2)-(3)

These matters are the subject of negotiation. The Government is seeking to ensure that equity is done by the existing members of the club and users of the course.

ROADS - MALCOLM STREET BRIDGE, MITCHELL FREEWAY
Road Surface Inquiry

1010. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

(1) Will the Minister undertake to have the Main Roads Department carry out an investigation on the condition of the road surface on the Malcolm Street bridge over the Mitchell Freeway as there is an inordinate number of cars and motor cyclists skidding on this section of roadway when the surface is wet?

(2) If the surface of this section of roadway is found to be defective, will the Minister undertake to have work done immediately to bring the surface up to standard?

(3) If not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

(1)-(3)

The Malcolm Street bridge forms part of the approach to the Malcolm Street-Elder Street-St George's Terrace intersection which is under the control of the City of Perth. Council officers recently examined the road surface in this area and were satisfied that it did not require work to be done at this stage. It is desirable that the characteristics of the bridge surface and adjacent road surface remain consistent on the approach to the signals. If any subsequent investigation is shown to require work on the bridge surface, it will be necessary to negotiate with Perth City Council for similar work to be undertaken on the adjacent road surface. Arrangements will be made by the Main Roads Department, in association with the City of Perth, to investigate this matter further.

ADOPTION BILL - DELAY

1016. Hon P.G. PENDAL to the Minister for Education representing the Minister for Community Services:

(1) When will the Bill to amend the adoption laws be introduced?

(2) Why has there been a delay in introducing this Bill?

Hon KAY HALLAHAN replied:

The Minister for Community Services has provided the following reply -

(1) It is proposed to introduce the adoption Bill either in the current spring session of Parliament or in the autumn session, in 1992.

(2) The final report of the Adoption Legislative Review Committee was released for public comment in April 1991. Opportunity has been provided for members of the public to comment and consideration is being given to all the views presented.

JOONDALUP - LAW COURTS
Operations Commencement Date

1017. Hon GEORGE CASH to the Attorney General:

When is it anticipated that the law courts at Joondalup will be operational?

Hon J.M. BERINSON replied:

December 1992.

RAILWAYS - LEEDERVILLE TRAIN STATION PETITION

1019. Hon GEORGE CASH to the Leader of the House representing the Premier:

(1) Did the Premier receive a petition containing 3 000 signatures earlier this year requesting that a train station be provided at Leederville?

(2) If yes, has the Premier held discussions with the Minister for Transport and/or Westrail on the possibility of erecting such a station at Leederville?

(3) If yes, what was the outcome of those discussions?

Hon J.M. BERINSON replied:

The Acting Premier has provided the following reply -

(1) Yes.

(2) Yes. The Premier requested that further consideration be given to the viability of a station at Leederville on the northern suburbs link.

(3) A more detailed review of the transport projections was undertaken relating to a possible station at Leederville. This review indicated the need for more intense development at Leederville as a destination station. Subsequently an urban planning study was commissioned jointly by the Department of Planning and Urban Development, the Perth City Council and Westrail, and the report on that study has been accepted by Westrail and DPUD and is now under consideration by the Perth City Council.

JIGALONG - SAILOR, JULIE; PINCHER, RUBEN
New House - Foster Child

1022. Hon N.F. MOORE to the Minister for Education representing the Minister for Community Services:

(1) When were Julie Sailor and Pincher Ruben provided with a house and furniture at Jigalong?

(2) Was the provision of a house expedited by the decision to send Kerry-Anne Wilson to the couple at Jigalong as a foster child?

(3) Did the Minister inspect this house during his recent visit to Jigalong?

(4) If not, why not?

Hon KAY HALLAHAN replied:

The Minister for Community Services has provided the following reply -

(1) Julie Sailor and Pincher Ruben moved into their new house in the last week of August 1991. Their new furniture arrived on 20 October 1991. They had the use of second-hand furniture until then.

(2) The Jigalong Council decides who is to be allocated new housing and why.

(3) Yes.

(4) Not applicable.

ROADS - PORT HEDLAND-MARBLE BAR ROAD
Sealing Date and Cost

1023. Hon N.F. MOORE to the Minister for Police representing the Minister for Transport:

(1) When is it anticipated that the Port Hedland-Marble Bar road will be totally sealed?

(2) What is the anticipated cost of the sealing of this road?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

(1) The completion of the Port Hedland to Marble Bar road to a sealed stage is dependant on the availability of future funding. In view of the magnitude of the task involved, a firm date when the road will be totally sealed cannot be realistically provided.

(2) The current anticipated cost to complete the sealing of the road is approximately $36 million.

RURAL ADJUSTMENT AND FINANCE CORPORATION BOARD - FARMER REPRESENTATIVES

1024. Hon MARGARET McALEER to the Attorney General representing the Treasurer:

(1) Are there farmer representatives on the board of the Rural Adjustment and Finance Corporation?

(2) If yes to (1) -

(a) how many farmer representatives are there;

(b) for what term are they appointed; and

(c) what are the names of the current appointees?

Hon J.M. BERINSON replied:

The Acting Treasurer has provided the following reply -

(1) Yes.

(2) (a) Two.

(b) Three years.

(c) Ben Mouritz of Hyden and, up until 30 September 1991, Mrs Grace Brown of Burracoppin.

LOCAL GOVERNMENT - BATTLEAXE BLOCKS
Accessway Width Regulation Changes

1026. Hon P.G. PENDAL to the Minister for Education representing the Minister for Planning:

With reference to local government authority regulation changes related to the width of accessways for battleaxe residential developments -

(a) does any avenue exist whereby an individual can appeal against such a regulation change; and

(b) if so, how should an individual proceed with an appeal?

Hon KAY HALLAHAN replied:

The Minister for Planning has provided the following reply -

The width of accessways to battleaxe lots is determined by the State Planning Commission through the subdivision approval process. An appeal against State Planning Commission decisions lies either to the Town Planning Appeals Tribunal or to the Minister for Planning. In some instances local government authorities refer to requirements for battleaxe accessways in their town planning schemes or alternatively prescribe by policy their approach to recommendations provided to the commission in response to referrals on subdivision applications. Such scheme requirements and policy standards do not bind the commission, although they are taken into account in each case. Where battleaxe lots are proposed to be created by strata title subdivision, approvals are required separately from the commission and the local government authority, and decisions are appealable in the manner already described.

JUVENILE OFFENDERS - VICTORIAN PROGRAM
Western Australia Implementation

1030. Hon GEORGE CASH to the Minister for Corrective Services:

(1) Is the Minister aware of the Victorian juvenile offenders program developed by five long term Pentridge prisoners which requires selected juvenile offenders to spend one day at Pentridge Prison to gain an understanding of the rigours of prison life and to encourage the juveniles to cease offending and not establish a career in crime and subsequent imprisonment?

(2) Will the Minister give consideration in conjunction with the Minister for Community Services to implement such a scheme in Western Australia?

Hon J.M. BERINSON replied:

(1) Yes.

(2) The Victorian and similar overseas programs are under review by the Department of Corrective Services. Proposals to implement a similar scheme in Western Australia will be considered when the department's report is received.

RIDA, MRS ANNE - CONSUMER AFFAIRS DEPARTMENT
Pram-Transperth Bus Incident

1046. Hon GEORGE CASH to the Minister for Police representing the Minister for Consumer Affairs:

(1) Will the Minister confirm that Mrs Anne Rida, who approached the Department of Consumer Affairs as a result of a terrifying incident which occurred to her on 3 October in endeavouring to hook a pram to the rear of a Transperth bus, was advised to contact a women's lobby group in relation to this matter?

(2) If yes, what was the rationale behind this suggestion?

Hon GRAHAM EDWARDS replied:

The Minister for Consumer Affairs has provided the following reply -

(1) Mrs Rida was advised that the Ministry of Consumer Affairs has no jurisdiction to investigate complaints about other Government agencies and that she should approach Transperth in the first instance. The officer handling the inquiry did also suggest that Mrs Rida may wish to bring the matter to the attention of a women's group.

(2) Safe access to public transport to mothers with young children is a matter of interest to women's groups. These groups, like all community organisations, have a role in raising awareness about issues of concern to their members and assisting the Government to find acceptable solutions to them.

PERMANENT BUILDING SOCIETY - EXPERT ADVICE
Government Disagreement

1047. Hon GEORGE CASH to the Attorney General:

(1) In which areas does the Government disagree with the advice given by the experts used by the former management of the Permanent Building Society and in particular the advice given by -

(a) Deloitte Ross Tohmatsu on the management contract acquired from Permanent Building Society Management Pty Ltd in October 1990;

(b) Parker and Parker on the management contract;

(c) Page Kirk and Jennings on Bankbridge Ltd and Roy Western Limited;

(d) Joseph Charles Learmonth Duffy Limited on Denmark;

(e) Colliers International on the proposed Padbury shopping centre extension;

(f) Colliers International on the old Vickers Hadwa site in Bassendean;

(g) Ernst and Young on the management contract; and

(h) Mr McCusker QC on the management contract?

(2) Did the administrator obtain independent advice on -

(a) the management contract;

(b) the valuation of and development of the society's Denmark property at Williams Bay;

(c) Padbury shopping centre extension;

(d) the old Vickers Hadwa site; and

(e) the valuation of the society's Barrack Street and St George's Terrace properties?

(3) If yes, will the Attorney General table that advice?

Hon J.M. BERINSON replied:

(1)-(3)

The administrator's report has been tabled today, and deals with the above matters.

TELECOM - PRINCESS MARGARET HOSPITAL
Time Charge Changes

1050. Hon GEORGE CASH to the Minister for Education representing the Minister for Health:

(1) Is it correct that Telecom has introduced a system of time charge for all calls emanating from Princess Margaret Hospital?

(2) Is it correct that after a two minute telephone call at the standard rate, the time charge system comes into operation?

(3) If yes, what is the charge per minute after the initial two minutes at the standard rate?

(4) Have staff at Princess Margaret Hospital been advised of the changes, and if so, will the Minister table a copy of the procedural changes?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

(1) The system of time based charges was chosen by the hospital when its PABX was upgraded in February 1991. The system used in the hospital is similar to that used in several other departments and hospitals. As a result of the new system a saving of six to eight per cent on call charges is anticipated. It is not at this stage appropriate to make a direct comparison with previous years, and not all savings made can be related to time based calls. Nonetheless, during the period 1 July to 30 September 1991 the hospital's communication costs have been over $30 000 below budget.

(2) No. Call charges are charged on the following basis -

16.8¢ for the first 120.2 seconds of the call and 7.2¢ for each 120.2 seconds thereafter during normal business hours; and 16.8¢ for seven minutes and 7.2¢ for each eight minutes thereafter outside normal business hours.

(3) See (2).

(4) Yes.

QUESTIONS WITHOUT NOTICE

STATE GOVERNMENT INSURANCE COMMISSION - ALLWOOD FURNITURE HOLDINGS LTD
Shareholding

619. Hon GEORGE CASH to the Leader of the House representing the Treasurer:

Some notice of this question has been provided. I refer to the purchase by the State Government Insurance Commission of a substantial number of shares in Allwood Furniture Holdings Ltd and ask -

(1) What was the total amount of the investment?

(2) Who introduced the investment to the SGIC?

(3) What investigations were made by the SGIC before committing itself to the investment?

(4) Who carried out the investigations on behalf of the SGIC?

(5) To whom were these investigations directed?

(6) Is there any explanation as to why the company failed so soon after the SGIC investment was made?

(7) What action has the SGIC taken in respect of the failure of the company and the subsequent losses of SGIC funds?

(8) Has action been taken by the SGIC against any persons, and if so, who?

(9) Was there any pre-existing relationship between any person at any senior executive level at the SGIC and the directors of Allwood Furniture Holdings Ltd, and if so, what was that relationship?

Hon J.M. BERINSON replied:

I thank the Leader of the Opposition for some advance notice of this question. However, the requested information is not readily available. The Minister assisting the Treasurer has requested that the question be put on notice.

HOMESWEST - ABORIGINAL HOUSING
$17.5 million Cost

620. Hon GEORGE CASH to the Leader of the House representing the Minister for Housing:

(1) Will the Minister confirm that, as announced in *The West Australian* on Tuesday, 15 October, Homeswest intends building 99 houses for Aboriginal people at a cost of $17.5 million which equates to an average of $176 767 per house?

(2) If yes, does this cost include the cost of the land for the houses?

Hon J.M. BERINSON replied:

I thank the Leader of the Opposition for some notice of this question. The Minister for Housing has provided the following response -

(1) No. The figure of $17.5 million is correct, but includes not only the cost of constructing 99 dwellings in urban areas, but also the purchase of the land for construction, the completion of 130 dwellings from previous years, the construction of 69 units of village housing, and additions to and upgrading of existing rental dwellings.

(2) The land component of $1.2 million is included in the $17.5 million. The average cost per dwelling is not $176 767, but $60 700 for the 99 units in the urban housing program.

EDUCATION MINISTRY - W.J. ROONEY LIBRARY
Closure - Library and Information Service of Western Australia Review

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

I refer to the review by the Library and Information Service of Western Australia and the Ministry of Education of the possible closure of the W.J. Rooney Library and ask -

(1) Has the ministry made up its mind already to close the library on 31 December and is it simply going through the motions to mollify critics?

(2) If so, is this not a waste of LISWA and ministry resources?

Hon KAY HALLAHAN replied:

(1)-(2)

It is true that the W.J. Rooney Library will be transferred to the Library and Information Service of Western Australia. I understand a review of the location for the books and documentation presently in the Rooney Library is going on. The books in current and frequent use will be transferred to a section in LISWA where there are librarians who have expertise in those areas so that continuing assistance will be provided. However, people believe that other documents in the Rooney collection should be located in the Battye Library. The relocation of that important material from the Rooney Library needs to be clarified. There is no doubt that it will be transferred to the Library and Information Service in the Alexander Library building.

GUARDIANSHIP AND ADMINISTRATION ACT - IMPLEMENTATION

622. Hon PETER FOSS to the Attorney General:

(1) What is the current situation in relation to the implementation of the Guardianship and Administration Act?

(2) Is the Minister aware that, since the Act was passed by this Parliament, a number of people are holding action pending using the simple procedures in that Act in order to take measures in relation to their relatives who are infirm?

Hon J.M. BERINSON replied:

(1)-(2)

This matter was the subject of a public statement by me at least a couple of months ago. If I remember correctly, I advised the House to the same effect at that time. The position is that a registrar of the Guardianship Tribunal will be appointed in January and that, on the basis of his work and after an opportunity for some amendments to the Act, the need for which has been thrown up in fairly recent times, the tribunal will commence operations at the beginning of July 1992.

SCHOOLS - ROOFS ENCAPSULATION

Asbestos Management Consultative Committee Priority Listing

623. Hon DERRICK TOMLINSON to the Minister for Education:

Some notice of this question has been given to the Minister. I ask -

(1) Has the Asbestos Management Consultative Committee completed its priority listing of school roofs for encapsulation?

(2) If yes, which category 5 school roofs will be treated this financial year?

(3) Will any category 5 school roofs not be treated this financial year?

(4) Has the committee decided priority listing of schools in category 4 and have those schools been advised?

(5) If no, when is it expected that the priority listing of category 4 schools will be completed and schools advised?

Hon KAY HALLAHAN replied:

I appreciate the member's giving prior notice of the question. However, I regret that I do not have the full information.

(1) Yes.

(2)-(5)

The information has not been provided for today. The second question involves approximately 60 schools and it is not possible for me to give an answer off the top of my head. I will endeavour to have the information available for the member tomorrow.

CHILDREN AS WITNESSES - TRIALS
New Legislation - Videotaped Evidence in Chief

624. Hon MARK NEVILL to the Attorney General:

(1) Is any legislation proposed to enable the presentation of a child's evidence at trial in a videotape form in lieu of evidence in chief?

(2) Is any legislation proposed to introduce closed circuit television either enabling the child to give evidence from a room outside the courtroom from which all persons other than those specified by the court are excluded, or, alternatively, to permit the child to give evidence in court and make provision for the accused in a room outside the courtroom to see and hear the child give evidence by closed circuit TV?

(3) What changes to the Criminal Code, the Evidence Act and related legislation are being drafted in relation to child sexual abuse?

(4) Is it proposed to introduce any of the above legislation this session?

Hon J.M. BERINSON replied:

(1) Yes. In response to the Law Reform Commission's report on "Evidence of Children and Other Vulnerable Witnesses" which was released on 10 May 1991, I indicated that the commission's recommendations would be open for public comment for three months, and legislative changes would then be promptly introduced. These recommendations include that a court may order that videotaped evidence in chief be given by a child witness at trial. Cross-examination of the child may take place at the order of the judge, who can give directions as to the procedure to apply for cross-examination.

(2) Yes. The commission's recommendations include provisions that in child sexual abuse cases -

(a) children be allowed to give evidence on audio or videotape at committal proceedings, and they should not be ordered to appear unless there is a special need;

(b) children be permitted to give evidence at a pre-trial hearing with only the judge, counsel for both sides and the witness being present, while the accused observes the proceedings from another room by closed circuit television;

(c) such informal hearings should be videotaped and the videotape presented in the trial as the child's evidence in chief, without the child appearing unless willing to do so. The child's evidence on cross-examination and re-examination should be by closed circuit television. If closed circuit television facilities are not available, then either screens or one way glass must separate the accused and the child witness; and

(d) in certain serious cases where the pre-trial hearing procedure has not taken place beforehand, children will be permitted - unless the judge orders otherwise - to give evidence at the trial by closed circuit television while the child is outside the court room or, alternatively, a child will be permitted to give evidence in court while the accused watches by closed circuit television in a room outside the court. Again, if closed circuit television facilities are not available then either screens or one way glass must separate the accused and the child witness.

(3) Amendments are currently being drafted to the Evidence Act, the Justices Act and the Child Welfare Act in order to implement these aspects of the commission's recommendations.

(4) I hope to be able to introduce a Bill in the current session to give effect to the above amendments.

COMMUNITY SPORTING AND RECREATION FACILITIES FUND - $5 MILLION ALLOCATION

625. Hon MARGARET McALEER to the Minister for Sport and Recreation:

Is it correct that the $5 million set aside each year, for three years commencing 1991-92, for capital works from the community sporting and recreation facilities fund will not be available for community projects for the financial year 1991-92?

Hon GRAHAM EDWARDS replied:

The Ministry of Sport and Recreation has moved to a triennium of funding, and an up-front amount of $15 million is available from the community sporting and recreation facilities fund in that period.

Hon Barry House: That sounds better than it is.

Hon GRAHAM EDWARDS: If Hon Barry House is not happy with that situation, his view is contrary to that of the various people with whom I have discussed this, particularly those directly involved in local government who for some time have asked for this type of funding base to be created. I invite the member to inform himself of those views. It is a very good program which gives a three year guarantee of funds and will allow for a far greater degree of planning by local authorities, Government and community groups. Applications have been called and the closing date for applications will be at the end of February. Decisions will be made about the applications and local authorities will be advised of those decisions by June. This will enable them to build into next year's financial planning whatever is necessary to take advantage of the CSRFF program. I have discussed the matter with various groups in local government and they are happy with the program. I earnestly urge all members of the House to make themselves aware of the proposals under the CSRFF program, and I hope they will encourage local authorities and community groups in their electorates to use it. The fact that money will not be available this year is not important; it is far more important that an allocation of $15 million has been made this financial year. That money will not be spent this financial year; it will be spent in accordance with the requirements of local government and community groups over the next three years. I imagine that the cash flow in 1992-93 will be in the vicinity of $7 million or $8 million, in the following year it will be $5 million, and the balance will be spent in the third year when we shall again call for applications for the up-front money.

COMMUNITY SPORTING AND RECREATION FACILITIES FUND - $15 MILLION ALLOCATION

Narrogin Shire - Lack of Access

626. Hon MARGARET McALEER to the Minister for Sport and Recreation:

It is true that all local government is appreciative that the fund has been restored; however, in the light of the Minister's remarks, will he say whether he is aware of the sharp disappointment of the Shire of Narrogin at not being able to access the fund this year?

Hon GRAHAM EDWARDS replied:

I am aware that the Narrogin Shire Council has written to the department, but I am not sure of the nature of its problem. I have been approached by Hon Jim Brown on this matter, who has asked me for a detailed response to the letter. I will provide that response.

The ministry has endeavoured to put in place a program that will give local authorities, particularly country local authorities, a far better opportunity to access and take advantage of this fund, for both major programs within the local authority and minor works that might involve community groups. I am sorry that the Narrogin Shire Council is adopting that attitude to the fund, and

I am happy to encourage it to reconsider the matter to determine how it can benefit from the arrangement, as I am sure it can.

COMMUNITY SPORTING AND RECREATION FACILITIES FUND - $15 MILLION ALLOCATION
Local Authority Applications - Expressions of Interest

627. Hon BARRY HOUSE to the Minister for Sport and Recreation:

Will the Minister require detailed submissions from local authorities applying for funds from the community sporting and recreation facilities fund program, or will it be sufficient for a local authority to submit an expression of interest in the initial funding application?

Hon GRAHAM EDWARDS replied:

The department will not be looking for expressions of interest, but will be allocating money on the basis of the substance of the application. The reason for the long lead period is to enable local authorities to put their applications together. I accept that the process will be very competitive because many local authorities want money from this fund. I encourage them to apply because the more successful they are the more they will assist the development of sporting and recreational facilities which will benefit their communities. I make no apology for the fact that it will be a very competitive process and, although we shall take the broadest possible view of each application, they will all be judged on their merits. The better the application, the greater its chance of succeeding.

By the same token, we will be giving special consideration to some of the smaller local authorities, which might find it more difficult to get together funds and to put together a complete application; and in order to assist them we are making our regional people available to those local authorities and also to the community groups involved. If the member is aware of any difficulties that any local authorities have with a particular project, I encourage him to point them in the direction of the local regional officers, who will give them as much help as they can. I urge the member to ensure that they do that fairly soon. We genuinely want to help local authorities, through the disbursement of this fund, and particularly local authorities in country areas.

COMMUNITY SPORTING AND RECREATION FACILITIES FUND - $15 MILLION ALLOCATION
Unsuccessful Applications

628. Hon BARRY HOUSE to the Minister for Sport and Recreation:

Once the allocations are made next year, will that exclude for at least three years any possibility of funding for any local authorities which are not on the successful list?

Hon GRAHAM EDWARDS replied:

Yes, except in the instance where perhaps a local authority has dropped off a project. In the past there has been room to accommodate another project in lieu of one which has been dropped off. However, on the basis of a triennium, that is exactly how it will work: We will call for applications this year; we will make allocations over the next three years; and we will not call again for applications until the third year of that triennium.

AUSTRALIAN SECURITIES COMMISSION - COOPERATIVE SCHEME LAWS
Agreement - Ministerial Council

629. Hon PETER FOSS to the Attorney General:

Further to my question last week about the Ministerial Council and the cooperative scheme agreement, has the Attorney been able to ascertain the current status of the Ministerial Council and of the cooperative scheme agreement?

Hon J.M. BERINSON replied:

I am under the impression that I have provided a written response to the member; if I am mistaken in that, I will ensure that a response goes to him direct. The short answer is that all relevant provisions of the previous Act in respect of companies regulation are repealed.

ATTORNEY GENERAL - RESIGNATION

630. Hon P.G. PENDAL to the Attorney General:

Is it the Attorney General's intention to step down from the Ministry before Christmas or early in the New Year?

Hon J.M. BERINSON replied:

This question now comes into the category of hardy perennial, and perhaps my answer should follow suit. The answer last year, as I recall it, was, "Why should I?" I think that is a fairly reasonable answer now as well.

PETROCHEMICAL INDUSTRIES CO LTD - ROTHWELLS LTD
Rescue Transaction - Attorney General's Awareness

631. Hon PETER FOSS to the Attorney General:

Was the Attorney General, like Mr Kevin Edwards, aware that the Petrochemical Industries Co Ltd transaction was entered into for the purpose of rescuing Rothwells?

Hon J.M. BERINSON replied:

This question comes into the category of hardy perennial daily. My answer to the member will be to the same effect as were my previous answers to him, Hon George Cash, Hon Phillip Pendal and various other of his colleagues on similar matters. I am very happy to answer any questions on matters before the Royal Commission, at the appropriate time. It is not appropriate - in fact, it is quite impossible - to deal with matters simultaneously at the Royal Commission and within the Parliament on the sort of ad hoc basis that members apparently would like to encourage. I therefore invite Hon Peter Foss, as I have invited his colleagues, to put that question on notice if he wishes to pursue it further; I will be very happy indeed to respond to it, but after the commission has dealt with its part of the relevant proceedings.

EDUCATION MINISTRY - PROPERTY SALE
Lease Agreements

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

Are the Ministry of Education and other Government agencies under the Minister's control embarking on a program of selling property owned by them and relocating into leased premises, where leases of up to two years rent free have been negotiated, but where huge and disproportionate rentals will be imposed for subsequent years of such agreements?

Hon KAY HALLAHAN replied:

There is some value to question time because every now and again something of a potentially interesting nature comes up. If the member has more information on the question he has just asked, I would be pleased to have it.