

Legislative Council

Tuesday, 19 September 1989

THE DEPUTY PRESIDENT (Hon J.M. Brown) took the Chair at 3.30 pm, and read prayers.

PETITION - LEDA LAND

Western Ridge - Development Opposition

HON P.G. PENDAL (South Metropolitan) [3.32 pm]: I present a petition from 55 residents and citizens urging that land at Leda known as the Western Ridge should be preserved in its natural state and that all necessary steps be taken to prevent such land from being developed for residential purposes.

[See paper No 374.]

MOTION - STANDING ORDERS Nos 323, 328

Substitutions - Select Committees, Number of Members and Quorum

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

That in place of Standing Orders Nos 323 and 328 the following be substituted -

Number of Members

323. Each Select Committee, not being one appointed as, or intended to be, a joint committee, shall consist of 4 members. Except by leave, 2 shall be appointed from the political party or parties constituting the Government and 2 from the other political party or parties represented in the Council.

Quorum

328. The quorum of a Select Committee is 3 members or, in the case of a joint committee, as shall be fixed by the Council when the committee is appointed.

As members will have noted, this motion is an attempt to have some concentrated attention given to a matter which has often exercised the mind of the Council and which recently came to attention again with my motion to establish a joint Select Committee on the parole system.

For at least the whole of the last Parliament, perhaps before then, we had repeated discussions as to the nature and framework of Select Committees. Standing Orders provide that Select Committees should have three members, unless otherwise ordered, as a matter of practice and principle. I made it my invariable practice, when dealing with proposals for Select Committees, to propose to the House that the membership should be four and that two members should be drawn from the Government side of the House and two members from the non-Government side of the House. That proposition was supported by me on two main grounds: The first was that the Government, simply by virtue of its position as the Government, should have an entitlement to at least equal members on any Select Committee that was established in this House; my second general ground of support was that the Government party in this House is, in any event, the largest party and that should also be recognised.

During that period, so far as I can recall, I did not argue for the position in which the Government party would have either a majority of the numbers or the capacity to exercise a majority of the votes on any such committee. I looked for equality; and on no less than seven occasions in the last Parliament members of the Council agreed that that was a reasonable basis on which to proceed. Frankly, I was surprised with the trend of discussion which emerged from both the Liberal Party and National Party members when we came to the question of a joint Select Committee on parole. Opposition to the proposal that there should be four members from each House was expressed although, I think it is fair to say, the emphasis in the comments that were made in opposition to that proposal was somewhat

different. I particularly recall Hon Phil Pandal, on behalf of the Liberal members in this House, argue that there should be a majority of two to one of Opposition members on a committee because on the floor of this House the Opposition has a majority. Well, it is true that the Opposition has 17 members and the Government has 16 members. However, that does not seem to me to overcome either of the two basic arguments which have regularly been put to the House and which have been accepted so often in previous times.

Hon John Caldwell, as a member of the National Party, put rather a different emphasis, as I understood it, on his opposition to the proposal on the parole committee. As I understand it, he was attracted to the view that having eight members on a committee would make it unwieldy and that would be the result of a joint committee of four members from each House. He supported a view, in the case of a joint Select Committee, that the membership from each House should be restricted to three members. Hon John Caldwell made some constructive remarks during the course of his comments and, going on his own experience as a member of Council committees, he indicated the difficulty which had arisen on one committee where the issue was highly contentious and the membership was, in fact, limited to three members. He went on to say that he believed, if there was to be a change in our approach to committees, that it should be done expeditiously by way of amendments to the Standing Orders and that he would be inclined to support a move that would result in a standard committee membership of four.

As other members had spoken of the desirability of making another standard change to this provision by way of amendment to the Standing Orders, I took the first opportunity after those comments were made to give notice of the motion we are now considering. Its purpose is precisely to invite the House to refer the question to the Standing Orders Committee for the purpose of report and recommendation as to whether we should go down this route. Perhaps the first thing I should stress as far as this motion is concerned is that it is only a motion and it does not seek to change the Standing Orders. It is directed at concentrating attention to that proposal by the Standing Orders Committee with a view to its developing a recommendation on which we can subsequently make some final decision. I would think, given the course of events and the desirability, among other considerations, of trying to avoid the inevitable argument on the very same point which will otherwise arise on every single Select Committee proposition to this House, that the least members should be prepared to agree to is this reference to the Standing Orders Committee and the opportunity which that would provide to have further discussion on the basis of its recommendation.

Although, as I have indicated, my main arguments in the past have been on the two grounds to which I have referred, there is another important ground which has been referred to from time to time, but which has not always been applicable.

I will introduce this part of my comments by referring to the Commonwealth Senate. As we all know, the Commonwealth Government does not have a majority in the Senate. Nonetheless, as I understand the position, the regular practice in that upper House is to have equal numbers of Government and non-Government members on committees, with a Government member as chairman, the chairman, in turn, vested with a casting vote; in other words, the Commonwealth Senate has accepted a position where, in spite of the absence of a Government majority in that Chamber, there should be an equality of numbers in the membership of its committees and, at the end of the day, if necessary, a majority vote available to the Government members of that committee.

My proposal for consideration by the Standing Orders Committee does not go that far; it seeks only equality of numbers and, as members will appreciate from past practice, the Government has never made an issue of the chairmanship of committees; in general, and unless very special considerations are involved, it has been the practice to accept that the mover of a motion should become chairman. I am not proposing that the Standing Orders Committee should consider a proposition which would put our Select Committees on the same basis as Senate Committees. My proposition is much more modest than that. I suppose that my main reason for moving in that direction, apart from certain practical considerations which arise from the numbers in this Chamber, is a search for some consistency with past, regular practice in this Chamber.

Having said that, however, I think it is worthwhile spending a moment on the reasons which might have led the Commonwealth Parliament to adopt the standards that it has adopted. I

do not believe that those reasons are hard to find. The fact of the matter is that one can have two sorts of subject matter for a Select Committee: One subject matter is a straightforward, objective exercise looking for facts in an area which needs to be explored or about which there is some need for detailed study and advice. In committees like that, the numbers do not count; the casting votes do not count. It is quite often the case that members of the various parties will express views which do not necessarily match one with the other - there is cross-party agreement on various propositions, and so on.

There is a second group of subjects which are put from time to time to Select Committees and are of a quite different nature and require a quite different set of considerations. These are the sorts of subjects which are highly contentious and on which the various parties have previously established and strongly conflicting views. It is very difficult, at the end of the day, to get the same sort of useful result from a committee considering such a subject unless there is a willingness by both the members of the committee and the people who might have to be associated with it to approach the activities of the committee in a constructive way. The prospects of that happening are maximised by the position which the Commonwealth Parliament has taken in its approach to committees. They are absolutely minimised by any situation which from the outset would not only give the committee a highly contentious subject to deal with but also would put one side or the other into a position of permanent minority in respect of the activities that are to be engaged in by the committee.

Earlier this session, when he was speaking to Hon Eric Charlton's motion to produce papers, Hon George Cash made some statements apropos of nothing at all we were dealing with but threatening me with all manner of dreadful consequences. As you will recall, Mr Deputy President, I produced the papers required by Mr Charlton's motion on the first opportunity I had to speak.

Point of Order

Hon R.G. PIKE: I submit to you, Mr Deputy President, that what happened with regard to tabled papers is not germane -

The DEPUTY PRESIDENT (Hon J.M. Brown): To which Standing Order is the honourable member referring?

Hon R.G. PIKE: I am not aware of the Standing Order involved, but the comments of a speaker before the Chair should be relevant to the motion before the Chair. I submit that comments made regarding papers submitted to Hon Eric Charlton have nothing to do with the Standing Order relating to Select Committees.

The DEPUTY PRESIDENT: There is no point of order.

Debate Resumed

Hon J.M. BERINSON: My comments, as Hon Robert Pike no doubt realises, go directly to the motion before us because they relate directly to the potential effectiveness or ineffectiveness of committees. The point I am making is that the question of effectiveness cannot be divorced from the nature of the framework in which various committees work; that is directly to the point of my motion. The example I was drawing on related to Mr Charlton's motion for the tabling of papers. I was at the point of indicating that those papers were produced by me on the first occasion on which I had an opportunity to speak to his motion.

Hon George Cash: All of the papers?

Hon J.M. BERINSON: All of the papers called for were tabled, so far as I am aware. Hon George Cash, in spite of that, and perhaps disappointed by the positive response to the motion, nonetheless went on to tell me about the terrible things that he could have done to me if I had not produced the papers. That did not seem to be a particularly relevant exercise at the time as the papers were already there. I referred to his comments for the purpose of making this essential point. It goes to the heart of the motion that I am now moving.

Point of Order

Hon R.G. PIKE: Under Standing Order No 90, headed "Irrelevancy in Debate", the honourable member's talking about the tabling of papers has no relevance to a proposition regarding the membership of Select Committees.

The DEPUTY PRESIDENT (Hon J.M. Brown): There is no point of order. I draw the attention of the House to what the Leader of the House is doing. If I thought he were not doing it in accordance with Standing Orders I would bring that fact to the attention of the House. He is explaining the relevance of the motion in accordance with Standing Orders, and there is no point of order.

Hon R.G. Pike: Your latitude is absurd!

The DEPUTY PRESIDENT: One moment. Was the honourable member reflecting on the Chair?

Hon R.G. Pike: I said your latitude is absurd.

The DEPUTY PRESIDENT: The honourable member is definitely reflecting on the Chair. It is not my intention to ask him for a withdrawal, but I remind the honourable member that, under Standing Order No 106, if he continues to interrupt this debate I shall do something about it.

Debate Resumed

Hon J.M. BERINSON: Members can make whatever threats they like, they can consider whatever powers might be provided under Standing Orders, but the truth of the matter is, and the experience of our past committees demonstrates, that where we have a highly contentious issue to be determined by a Select Committee, we will get nowhere, certainly nowhere near where we would like to get, unless a constructive attitude is displayed by all members of the committee and by everyone who might be called before that committee. Obstacles can be placed in the way of the success of the committee, notwithstanding all its powers. My seat can be declared vacant, if the worst comes to the worst, with the Opposition's 17 to 16 majority in this House. That really does not matter. Committees will not succeed unless a constructive approach is adopted by the members of those committees and by the people who come in contact with the work of those committees. That is the reality, and it is a reality which will not be met if this Chamber suddenly moves from the consistent position it took throughout the whole of the last Parliament and insists that because there are 17 members opposite and 16 on this side of the Chamber, the Government should always be left in a position of minority. Members opposite can burrow their way through the Standing Orders as much as they like, it will not work.

The converse of what I have just been saying is equally valid; that is, given a fair approach to the matters to be considered by Select Committees and to the framework of the committees which have these matters to consider, the prospect is for the sort of constructive approach needed in order to produce positive results rather than periodic headlines of one sort or another. That is the choice which my proposed amendment to the Standing Orders provides. We would be doing this House a great disservice if we did not take this opportunity of at least having that proposition properly and fully examined and made the subject of further debate on the basis of a recommendation by the Standing Orders Committee. It would not involve any great amount of time. I am proposing a limit of seven days for this report.

There is nothing very new about the proposition I am putting forward. We have had substantial experience of it; we are well aware, from our own experience in this House, experience in the other place and in other Parliaments that, if we go down the route of attempting to put one or other side of any Chamber at a perpetual disadvantage, individual committees will not reach their potential and the committee system as a whole will not work; the Parliament or the House, as the case may be, will suffer as a result.

That is precisely the point I understood Hon John Caldwell to make when we were discussing the parole Select Committee. It was precisely the experience of our Select Committees in the last Parliament. The existence of a particular Standing Order, notwithstanding the fact that it has been in operation for a long time, should not be a barrier to a proper and reasoned consideration of a decent alternative. I am not suggesting any radical alternative; I am suggesting an alternative based precisely on what the House itself has decided on very many occasions, but it has decided that to its own benefit and to the benefit of the general functioning of this House and of the Parliament.

The proposal is clear. It is limited in the first instance to an invitation to the House to agree to get the advice of the Standing Orders Committee. I propose that we should spend no more than seven days on that exercise, because a longer period is not required, and in any event, if

we are to make a decision on a question like this, we should make it as early as possible in our deliberations so that we know from that point on precisely where we are going. I put it very seriously to members opposite that, if they want to use their numbers to steamroller this through, that is something for them to decide.

Hon P.G. Pental: This is the pot calling the kettle black!

Hon J.M. BERINSON: That is something members opposite must decide for themselves. If that is what they want to do, naturally they will do it, because they have the numbers to achieve that result. But they must not come back later and say that they did not understand the position. They cannot have a steam roller and a decent committee at the same time.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [4.10 pm]: If one did not analyse what the Leader of the House was saying when he put his argument, one could almost believe that nothing really would happen that would change Standing Orders. However, we all know the Leader of the House, and we know the sorts of things he gets up to; we know the propositions which he puts to this House to try to soften the blow and to try to indicate to members that nothing of any consequence will occur.

Hon J.M. Berinson: I am not saying that at all.

Hon GEORGE CASH: That is, in respect of the propositions he puts forward. However, when one reads the motions put by the Leader of the House, one sees that significant changes are indeed proposed.

Hon Fred McKenzie: Long overdue.

Hon GEORGE CASH: Hon Fred McKenzie suggests these are well overdue. He may be right, but Standing Order No 323 reads as follows -

Unless otherwise ordered, all Select Committees shall consist of three Members.

I put it to the House that this is absolutely adequate, because one knows the first three words of that Standing Orders say it all - "Unless otherwise ordered".

Hon J.M. Berinson: That is more than three words, and your members always ignored it. They kept saying that we wanted to avoid Standing Orders.

Hon GEORGE CASH: I have been on my feet two minutes and already Hon Joe Berinson is starting to get carried away. He realises that his rather weak attempt to convince the House it should accept these changes will not work. I said that the first three words of Standing Order No 323 said it all - "Unless otherwise ordered". The Leader of the House then became all excited and said that it was more than three words. Let me count them slowly - one, two, three; "Unless otherwise ordered".

Hon J.M. Berinson: I grant you that point.

Hon P.G. Pental: He is not very good at adding up. You should know that.

Hon GEORGE CASH: Apart from being Leader of the House, Hon Joe Berinson is also the Minister for Budget Management. I wonder why this State is in such dire financial circumstances. It is probably because the Minister for Budget Management cannot add.

The other point which needs to be raised is that the motion invites the Council to consider referring this motion to the Standing Orders Committee, and for the Standing Orders Committee to report not later than seven days from the date of reference. I think it is important that members should know that the Leader of the House wrote to me last week and asked me whether I would give him a guarantee that this matter would be taken to a vote today. I discussed it with a number of our members and then wrote back to the Leader of the House to advise him that I could not agree to his request. However, this afternoon I walked over to the Leader of the House and advised him I had no objection to its going to a vote today at all; however, it would have been quite improper for me to give him that undertaking in writing. I hope we do take it to a vote this afternoon. The point I make in respect of the seven days is that, if members think that proposition through, they will be aware that the current Chairman of the Standing Orders Committee, Hon Clive Griffiths, the President of this House, is currently overseas. Therefore the Standing Orders Committee would immediately be one down.

Hon J.M. Berinson: All right, make it nine days.

Hon GEORGE CASH: I ask members to consider that proposition, which was not advanced by the Leader of the House, but is a proposition contained in his own motion. I put it to the House that to suggest seven days, knowing that at least one member of that Committee is not even in the State, is an insult to the Committee and, more than that, is an insult to this House. In fact the proposition that only seven days be granted to the Standing Orders Committee was determined in order to try to avoid the scrutiny of that Committee while the President was away.

Hon J.M. Berinson: That is totally untrue.

Hon GEORGE CASH: I put it to the Chamber -

Hon J.M. Berinson: I would be happy to agree to an extension of that time.

Hon GEORGE CASH: At this stage of the game the Leader of the House would be happy to agree to anything; he has just been caught out for the third time. Members should remember that the other day this House censured the Leader of the House for not showing the honesty, credibility and integrity expected -

Withdrawal of Remark

Hon J.M. BERINSON: This is the third time Hon George Cash has misrepresented the motion which was actually passed. He keeps referring to his own words in the course of that debate. Those words do not appear in the motion. The motion was bad enough as it stood, but it does not include those words. That is the third time he has attempted to broaden the terms of that motion. He has no basis for doing that. I ask him to withdraw.

Hon George Cash: On what grounds is the Leader of the House asking me to withdraw?

The DEPUTY PRESIDENT (Hon J.M. Brown): The Leader of the House has asked for the withdrawal on the basis that the words were not part of the motion, which did not reflect on the honesty, credibility and integrity of the Leader of the House.

Hon GEORGE CASH: I am prepared to withdraw on that basis. However, I do not have the motion in front of me, but I will check it later and, if those words are included, I will bring the matter to the attention of the House.

Debate Resumed

Hon GEORGE CASH: I suggest that the current Standing Orders give this House the discretion it requires. I happen to be of the view that any Select Committee of this House should always be of an uneven number, whether that be three, five, seven, nine or 11. Does the Leader of the House want to apologise yet?

Hon J.M. Berinson: Yes I do. I have had the opportunity to check the *Hansard* and I withdraw my earlier comment.

Hon GEORGE CASH: I should have thought so.

The DEPUTY PRESIDENT: I thank the Leader of the House for his help.

Hon J.M. Berinson: I have done it.

Hon GEORGE CASH: Of course the Leader of the House has done it, because he had to do it and he knew it was wrong.

The proposition before us goes further than just suggesting there should be four members on the Select Committee. In fact it also suggests that two of those members should always come from the Government side. That is a new proposition; it is a proposition that party politics be introduced and enshrined in the Standing Orders. I put it to the House that the Leader of the House neglected to raise that in his comments earlier. He thought he would just gloss over the fact that he wants the Standing Orders to indicate that two of four members of a Select Committee should come from the Government side. That would be an absolute roting of our Standing Orders.

If this House agrees to the proposition put forward by the Leader of the House, it is interesting to note that later, if the Opposition wanted to move for a suspension of Standing Orders in this House without giving notice, it would not have the absolute numbers necessary to carry that proposal. Again, that is something which should have been discussed by the Leader of the House. Very significant propositions and implications are contained in the motion which the Leader of the House invites the Standing Orders Committee to discuss.

Hon J.M. Berinson: Can't they consider that?

Hon GEORGE CASH: Quite clearly the Leader of the House does not understand the premise I put earlier, which is that existing Standing Order No 323 clearly allows the House to exercise its discretion. I repeat it again for his benefit: Standing Order No 323 reads as follows -

Unless otherwise ordered, all Select Committees shall consist of three Members.

Why is it necessary to change that unless one is seeking to gain some special advantage? Why is it that the Leader of the House is not prepared to accept that the House itself will determine on the merit of each case how many people will comprise a Select Committee? I favour an uneven number, be it three, five, seven, nine or 11; that would be up to the House. I believe this because it is necessary to look at things in an objective way; that is, assuming that all members cannot agree to the proposals contained in the initial report of a Select Committee, majority and minority reports should be presented. If there is a majority and a minority report, the House can attach some value to either report. If there are to be two Government and two Opposition members - be they Liberal or National Party - the situation will occur of the committee coming back with two separate reports, probably on a two votes each basis, which will attract an evaluation in this House. What are we meant to do? Are we to say that the report produced by Labor members of the committee is of greater value and significance than the report produced by other members of the committee? Once again the Leader of the House was not prepared to discuss that proposition.

It is interesting that the other day, when the Leader of the House clearly recognised that he was losing the debate on the number of members to be appointed to the Select Committee on Parole, he started talking about the need for objectivity and he tried to suggest that by having two Government members and two other members the committee would immediately have objectivity. I admit that I could not follow that argument then, and I cannot follow it today. I would like the Leader of the House to point out why it is that two Labor members on a committee of four would create objectivity, and why a situation of three members - one from each of the parties in this House - would create a position where there would be no objectivity. As members will be aware, the Leader of the House the other day suggested that we should get away from party lines and that we should not take party prejudices into a Select Committee. I do not accept that. Everyone who comes into this place brings many prejudices and particular philosophies, and I suspect members have prejudices regarding the various matters presented to a committee.

Hon Doug Wenn: I look forward to the day when you cross the floor.

Hon N.F. Moore: It will be before you do.

Hon GEORGE CASH: I thank Hon Max Evans for finding for me the original motion that I moved the other day to censure the Leader of the House. Mr Evans has pointed out the words the Leader of the House claimed were not in the motion are, in fact, in the motion. But in the meantime the Leader of the House has apologised, and I accept that.

I put to members that a committee of three, or any uneven number, is a way in which objectivity can be expressed. To try to enshrine in any motion or any Standing Order that two Government members and two other members should be on a committee is totally wrong and an abuse of the system.

Hon J.M. Berinson: How come the seven committees of the last Parliament worked so well?

Hon GEORGE CASH: The Leader of the House is suggesting that because there were four members on some committees -

Hon J.M. Berinson: On seven committees!

Hon GEORGE CASH: - on seven committees - they all worked so well. I guess that is his opinion, which is not necessarily shared by all members in this House. I put it to him that if members of this House can work together, I am sure that three members, five, seven, nine or 11 members can work as well together as any number. I suggest that there is a need for an uneven number to get a majority and a minority report. To do anything less than that, and have a committee of an even number, will create a stalemate and not offer the House the guidance it expects when it first sets up a select or other committee. With those words I oppose the motion.

HON E.J. CHARLTON (Agricultural) [4.25 pm]: It is unfortunate that we have gone down the path of arguing about the make-up of Select Committees and whether this matter should go to the Standing Orders Committee. I believe we are oversimplifying the matter, and applying a whole range of predeterminations that, quite clearly, do not exist. While we may have a series of Select Committees made up of four members, or Select Committees made up of three members, the success or failure of a committee will be based upon the individual people who make up that committee and whether they are genuine in their discussions and research and bring back to this Parliament a balanced point of view. That point of view must be based on the various comments that have been put before that committee, and the members must report on the facts as they see them. It does not matter whether the committee is made up of the number the Leader of the Opposition referred to, or whether it has an even number of members; it still is possible that there will be a minority report. It is not possible to get away from that by altering the numbers.

Another point is that it is a fact that in this place we have representatives of the Labor Party, the Liberal Party and the National Party. It is a fact that the two major parties have the numbers, yet the National Party has an input to make and we have at all times endeavoured to be part of any Select Committee that we have been invited to be a part of. I am pleased about the responsible way the National Party has performed on those Select Committees, along with the members of other parties. It should be recognised that in this Legislative Council neither the Labor Party membership nor the Liberal Party membership constitutes a majority party.

[Resolved, that business be continued.]

Hon E.J. CHARLTON: It cannot be taken for granted that the Labor Party would be able to persuade every member of this House to agree that because it is the major party in this place it should be entitled to equal numbers on a committee. In the same way, members on the Opposition side of the House, whether Liberal or National Party members, are not entitled to take the view that with a committee of three members, with one Liberal Party and one National Party member, the National Party would take the same view as the Liberal Party or vice versa. That does not always happen with Select Committees and it does not always happen on the floor of the Parliament. I have served on several Select Committees and it was refreshing that members of those Select Committee had their own points of view in determining which direction the committee should take.

In the case of a committee with a membership of four, it has not always been the case that the Liberal Party member and the National Party member have joined forces against the Labor Party members. It has not always been two members having different points of view from the other two members. In some cases three members have taken a different view from the other member. If we want to be honest about Select Committees and give them the opportunity to perform - we will obviously have to take into account the issue before a Select Committee - the outcome of the committees cannot be judged prior to evidence being given and being considered.

The motion moved by the Leader of the House simply places before this House the structure of a Select Committee which predetermines the views of the members. There is no need to change the Standing Orders. If the nature of the committee is such that the membership should be more than three members, a determination will be made when its formation is debated in this House. Those sorts of decisions have been made in the past. For example, if the qualifications of a member would add to the possible success of a committee researching an issue, it would be to the advantage of the House to move that more than three members be appointed to the committee.

I do not agree with the Leader of the Opposition that the membership of a Select Committee should be an odd number. I have taken on board the reasons he gave regarding a majority decision. Obviously it is important, but, as I see it, it is not the only requirement.

The Standing Orders Committee should not be requested to consider this proposal. The opportunity is available for a committee to have more than three members - it has been done in the past and it will be done again in the future. The facts are that the Government does not have the majority of members in this House and, although the Opposition has the majority of members, it does not comprise members from the same political party. I make it clear that the position of the National Party should not be predetermined by anybody. The National Party opposes the motion.

HON R.G. PIKE (North Metropolitan) [4.35 pm]: I support Hon George Cash's view in this debate and I refer to the comment, made by way of interjection, by Hon Fred McKenzie when he said, "It is long overdue."

What this proposition is about is blatant hypocrisy and the introduction of an age of unctuous humbug in this place by the Leader of the House. I say that because the facts are that when there are two Labor Party members, one Liberal Party member and one National Party member - given that on the other side of the House we have the socialist Labor Party and on this side of the House we have the free enterprise section of the State of Western Australia -

Several members interjected.

Hon R.G. PIKE: - we will have a situation - this is in answer to the point raised by Hon Eric Charlton - that where there is an equality of votes in a Select Committee situation the question is resolved in the negative.

The real issue is not whether the Liberals or the Nationals in this House can fairly and squarely go back to the hundreds of thousands of people who voted for them and enabled them to obtain their seats in this place and say they were able to initiate a strong move in a particular Select Committee; it is that the idea will not start because it will be throttled at birth by an equality of votes brought about by the Labor Party members' voting according to their instructions.

Several members interjected.

Hon R.G. PIKE: Irrespective of what the Leader of the House is saying it is a proposition to geld the committee system in this House. I say again - and I will say it again and again until eventually the public of Western Australia will hark at it - that on page 83 of the Labor Party's constitution, under the parliamentary candidate's pledge, it is stated that they will vote as a majority of the party decides, in this House. What is all this claptrap from the Leader of the House about being fair and impartial and that they will make proper judgments in the correct atmosphere of this Parliament?

This motion is about unfettered power for the Labor Party; this motion is about preserving the cohesive power of public plunder for the Labor Party; this motion is about frustrating and preventing the establishment of a powerful and effective Select Committee in this House; this motion is about significant hypocrisy being displayed by this Government; this motion is about camouflaging the mendacity of the Labor Government in this State; this motion is about making certain that any Select Committee that has a political content of a contentious nature will come up with a determination where it will be resolved to be unresolved, potent to be impotent and decided to be undecided.

Several members interjected.

Hon R.G. PIKE: Two members in this House who have been members of the State debating team are Hon Joe Berinson and me.

Members heard earlier the persuasive proposition put forward by the Leader of the House that this is really a matter of no great consequence.

Hon J.M. Berinson: I did not say that at all. I would not have moved it if that were the case.

Hon R.G. PIKE: This is a matter of proper and reasonable consideration of the upper House of this Parliament in determining proper decisions made by Select Committees. Labor members always have had the subordination of their individual judgments subject to the determination of the party.

Several members interjected.

Hon R.G. PIKE: Do members opposite visit the sideshows and watch the clowns with their mouths open moving from side to side?

Hon John Halden: We sit here and watch you.

Hon R.G. PIKE: Apart from Government members on the front bench and a Government member who took this House on a Cook's tour of his electorate, has any Government member made a constructive comment in a debate in this House? We only hear them make galah-like noises in support of their leaders, which is what we are hearing now - one at a time or all together, it is of no consequence to me what noise they make.

The real issue here is that Liberal members and National Party members in this place - certainly the Liberal members, and I hope the National members - will not support a proposition which will throttle at birth a proper initiative of a Select Committee. The proposition will be throttled because it will not be born, and because members opposite would use an equality of numbers to destroy any proper initiative of that Select Committee. As my leader, Hon George Cash, pointed out, in the event that there were to be a minority report - a proposition also pointed out by Hon Eric Charlton - then let there be a minority report. What members opposite are afraid of is that the carbuncle that is Rothwells and Petrochemical Industries Ltd needs to be lanced and they are absolutely determined that the Opposition parties in this place will not be given the knife to lance that carbuncle. The people of this State, the people who supported us coming into this House, will support us on this proposition.

If this motion from the leader of the Labor Party were to be carried we would be left with a Legislative Council in this State which had the power but not the willpower, and there is no doubt in my mind, as a member of this House, that this is nothing more than a camouflage for the mendacity of this Labor Party and this temporary Premier, Peter Dowding, and for the time being the Government of this State. I ask members to reject this motion out of hand.

HON FRED McKENZIE (East Metropolitan) [4.42 pm]: I support the motion. I turn, first, to the remarks made by Mr Pike in relation to this motion being a facilitator of unfettered power for the Labor Party. That was a hypocritical remark, if I ever heard one! I remind members that this House has existed since 1829 - for 160 years - and the conservative parties have had a majority in this House for the whole of that time. In effect, that has meant that when the Labor Party has been in Government it has never been in the position that the conservative parties have been in when in Government and when in coalition, of being able to pass legislation through both Houses of Parliament and not have it obstructed here. Therefore, that was a hypocritical remark by Hon Robert Pike. Of course the members opposite have the power; they have always had the power and will do anything to hang onto it.

Let us get down to the business of committees. Do members opposite want the committee system to work? There is only one way for the committee system to work. We have never had the power to pass reforms properly in this House so that one-vote-one-value has applied. Members opposite have always been able to retain the numbers in this House because of the gerrymander.

Hon P.G. Pental: Members opposite are in office because of one; they produced the gerrymander.

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

Hon **FRED McKENZIE**: We have not done that at all. There have been many Labor Governments, but none has had a majority in this House. I am keen to see the committee system operate. What do members opposite want this Chamber to be? When the Labor Party is in Government it wants to turn this into a witch-hunting chamber. That is what it is all about! That is why members opposite will not agree to there being four members on these committees, or to this matter going to the Standing Orders Committee where the conservative parties have a majority anyway.

I turn now to the remarks made by Hon George Cash. The President is away and I do not think it was the intention of the Leader of the House to have this matter debated in his absence. Even if it were, there will be a negative result and therefore nothing happens; nothing changes because the score is three all. The Standing Orders Committee has seven members, and I am surprised that Hon George Cash does not know that. I am pleased to hear that if this matter does not go to the Standing Orders Committee, and if we debate each of these propositions, there is a possibility we will have these committees. I hope that we will have committees consisting of four members when they relate to subjects of a political nature, because when matters are of a highly political nature it is not fair that the Government should have only one representative on a committee - it should have two. We have seen an example of this on a committee I was on.

Hon N.F. Moore: Hon Fred McKenzie did not turn up.

Hon **FRED McKENZIE**: I did not, and I would not turn up again.

Hon N.F. Moore: That was a disgrace! Hon Fred McKenzie was appointed by this House and did not turn up.

Hon FRED MCKENZIE: It finished up, I think as it was described by Mr Caldwell, as a fiasco. If members opposite want these things to work they will be evenhanded about them. They should not go on witch-hunts with a deliberate course of action in mind. I take up what Hon George Cash said about political bias. What does he expect? If a committee has four members at least we can get fairness into the hearing, but that is quite impossible with a committee of three members. If a committee involves matters of a highly political nature it will not be successful. Of course, members opposite can get good publicity out of such committees and that is what they are seeking; they are not seeking the truth, or to get to the bottom of the matter, but are seeking political advantage.

The motion moved by the Leader of the House should be supported. I ask National Party members to give this matter some consideration, if they want the committee system to operate in this House. We should not be saddled with witch-hunts, which is what some committees have been about. I have been a member of a committee of five in the past. Most committees have worked well. However, when one gets to matters of a political nature where one is trying to bring a Government down then committees will not work unless there is some fairness in them. I am dismayed that members opposite will not let this matter go to the Standing Orders Committee where it could be debated properly. Members opposite have the numbers on that committee, so why will they not let this matter go to it? Are they scared of what might result? I support the motion.

HON J.N. CALDWELL (Agricultural) [4.48 pm]: I feel privileged to speak to this debate because Hon Joe Berinson has mentioned my name quite favourably today.

Hon P.G. Pendal: That is the kiss of death, John.

Hon J.N. CALDWELL: Yes, I am worried now. My comments a couple of weeks ago about the committee system and committees generally may have brought on this motion, so I feel rather honoured about that. We have wasted an hour and a half talking about the committee system and the number of people who should be on a committee. Hon Joe Berinson is quite right, I did mention my personal experience on committees. Four person committees have worked better. The three person committee I was on did not work very well because one member did not attend the hearings of that committee. Perhaps if Hon Fred McKenzie had come along the result of that committee might have had some credibility. I guess we were all a bit dismayed about that.

I return to the motion before the Chamber. This motion will not do anything to improve the committee system. The Standing Orders state that the House will decide the number of members on a committee, and that is what this is all about. Committees are put in place to consider certain subjects and events and at the end of the day are supposed to have credibility. Members selected for those committees must have open minds. They should be well versed and skilled in the subject under consideration, and I hope the time will come - if this motion is defeated and only three members are elected to certain committees - when two Government members are elected to the committee, and only one will come from this side. That result may affect the noise coming from the other side of the House. I have exercised my right, and the National Party has exercised its right to make alterations to the composition of committees. The Standing Orders should remain as they are.

HON PETER FOSS (East Metropolitan) [4.51 pm]: I support what has been said by Hon John Caldwell; his comments were very helpful to the debate and fit in with what I said when this matter was previously debated. One of the most persuasive arguments I have heard today in favour of an uneven number of members was put forward by the Leader of the House, because he cited the Senate practice, where equal numbers from the Government and the Opposition form the committee, and there is in addition a Government chairman. The Senate has clearly found an uneven number to be the best way to make a committee work.

The only reason the Leader of the House is opposed to the suggestion of an uneven number of members is that he foresees, instead of a Labor majority, a Liberal-National Party majority. Members of the National Party have indicated that no assumption should be made about them. The Leader of the House seems to be saying that when it is a Senate committee and the chairman is a Labor person and there is a Labor majority, that is a good idea, but in a

State Select Committee where the majority of members are Opposition members, and there may be a Liberal or National Party chairman, that is a bad idea. He gave the example himself of how this system of having uneven numbers has worked in the Senate, and that is an excellent argument for having an uneven number.

HON J.M. BERINSON (North Metropolitan - Leader of the House) [4.52 pm]: I am rather taken aback by the course of events. When I gave notice of this motion I thought I was responding to a very sensible suggestion by Hon John Caldwell. He still agrees that it was a sensible suggestion, but now that it has been taken up he seems to have developed a different view.

Hon P.G. Pendal: He is suspicious of your motives.

Hon J.M. BERINSON: I thought my proposition was reasonably simple and straightforward. It was simply a request that the proposition should go to the Standing Orders Committee, and on that committee many of the questions Hon George Cash thought relevant would have been raised and considered in detail. My greatest mistake was in thinking that I was raising something simple. I thought I was putting up a proposition which had something to do with the Select Committee system in the Legislative Council, but Hon Bob Pike has put me right on that. He has made it very clear that at least from his point of view we are not talking about Select Committees at all; we are talking about the competition between socialism and private enterprise. I suspect that one of the problems we shall continue to have with Hon Bob Pike is that he sees a socialist versus free enterprise dispute under every bed and in every subject we might have to consider.

Before I leave Hon Bob Pike's contribution, I refer to that part of his cracked record where he referred to the Labor candidate's pledge. He keeps quoting that, apparently on the basis that we either do not know about it or we have forgotten about it. No-one questions the fact that Labor Parties operate on a caucus system, and there are very sound democratic reasons to support it. Hon Bob Pike and others like him want to maintain the mirage that a similar system does not operate on the other side of the Chamber. When some members opposite, himself included, make most outrageous statements, the suggestion is that they cannot count on the support of their colleagues because their colleagues are so independent that they are not bound by something as dreadful as a candidate's pledge and they may desert members like Hon Bob Pike in droves!

An Opposition member: Tells us about the last Labor member who crossed the floor.

Hon J.M. BERINSON: Mr Pike should tell us the last time a member of his party crossed this Chamber on anything of any real significance on which he or she did not have prior approval from members opposite.

Hon P.G. Pendal: What about capital punishment? You cannot even tell the truth now.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon J.M. BERINSON: We know all about those little manoeuvres and the occasions on which it is agreed among members opposite that one or two should cross the floor on a particular issue.

Several members interjected.

Hon J.M. BERINSON: Let me come back to the question of committees. It was said that I was arguing that a committee of two to two rather than of two to one would increase the prospects of objectivity, and I was accused of being naive in believing that questions with a high political content would suddenly attract an objective and non-party based approach. I certainly did not mean to suggest that. I was not talking about objectivity in the context of highly contentious questions which I separated from the non-contentious questions; I was talking about the potential for a constructive approach to committee work and to committee appearances where there is an equality of membership as opposed to an inbuilt minority. There is more than a difference of semantics between being objective and being constructive. The point I was making really went to the potential of such committees to operate in a constructive way. The prospects of that happening will be maximised if we maintain the position which was repeated at least seven times in the last Parliament, and that is, Committees composed of four members with two drawn from each side. Difficulties will be

maximised by putting the Government into a permanent minority. It is not a question of making available the opportunity for both a majority and a minority report. I do not believe that anyone with any experience on a committee would believe that is the question to be resolved. The question to be resolved is the orderly and reasonable conduct of the proceedings of a committee. It is a matter of great regret to me to have these indications from the other side that not only is the proposition unacceptable as a final position, but it is not even acceptable in terms of having some proper consideration given to it by the Standing Orders Committee.

Finally, I make this point to people who are arguing that it is all perfectly fair that there should be three members, one from each party - one from the Labor Party, one from the Liberal Party and one from the National Party. On the face of it, that seems perfectly reasonable, does it not? On the face of it, but one only has to go the faintest fraction of a millimetre beneath the surface to see what is wrong with that proposition. One can go that narrow shadow of a distance simply by remembering what happened under the previous Government. What happened then was that there were three parties in here and three members on committees - one from the Liberal Party, one from the National Party and one from the Labor Party. That was a majority of 2:1 to the Government.

Hon E.J. Charlton: That is despicable; that is terrible.

[Questions without notice taken.]

Hon J.M. BERINSON: I commend the motion to the House.

Question put and a division called for.

Bells rung and the House divided.

The DEPUTY PRESIDENT (Hon J.M. Brown): Before the tellers tell, I cast my vote with the Ayes.

Point of Order

Hon GEORGE CASH: My point of order is related, Sir, to your voting while occupying the position of Acting President of this Chamber. Members will be aware that the President of the Legislative Council, Hon Clive Griffiths, is currently overseas. I understand that you in fact now occupy that position and all that goes with it; that in itself means that while occupying that position you can only exercise a casting vote.

The DEPUTY PRESIDENT: I would like to suspend the House, but the bells have been rung and the doors have been locked. A suggestion has been made about the privileges that go with being Deputy President; there is no privilege with that position and there is nothing in the Constitution to the effect that the Deputy President cannot cast a vote. The Constitution Acts Amendment Act states that. I would not cast my vote in contempt of Parliament. I rule that there is no point of order.

Dissent from Deputy President's Ruling

Hon GEORGE CASH: I move dissent from your ruling. The Standing Orders make it perfectly clear -

Point of Order

Hon JOHN HALDEN: On a point of order -

The DEPUTY PRESIDENT: There is no point of order. Dissent has been moved from my ruling and I will consider this matter. I have already given one explanation. If there is dissent from my ruling, the House will make a determination without any points of order being raised.

Dissent from Deputy President's Ruling Resumed

Hon GEORGE CASH: I am happy to go to a vote.

Hon Graham Edwards: Of course you are, you have the numbers.

The DEPUTY PRESIDENT: I am quite happy to go to the House for a vote because I am sure the majority of members will understand I am acting in accordance with the Standing Orders. The President of the Legislative Council, and the President alone, has a casting vote only. He does not have a deliberative vote. He cannot vote except to give a casting vote. That is in our Standing Orders. There is nothing in the Standing Orders to say that the

Deputy President is not entitled to exercise his right to a deliberative vote the same as any other member. I have exercised that right. The Leader of the Opposition has dissented from my ruling. The only way to decide a ruling is to vote on it. I am not going to progress the matter or have any further debate on it. The Leader of the Opposition has moved to dissent from my ruling, so I will complete the division on the question before the House at the present time, and at the conclusion of that we will give consideration to the dissent ruling that has been exercised against the Deputy President. I have appointed the tellers, and given my vote.

Motion Resumed

Division resulted as follows -

Ayes (14)			
Hon J.M. Berinson	Hon Graham Edwards	Hon Mark Nevill	Hon Doug Wenn
Hon J.M. Brown	Hon John Halden	Hon Sam Piantadosi	Hon Fred McKenzie
Hon T.G. Butler	Hon Kay Hallahan	Hon Tom Stephens	(Teller)
Hon Cheryl Davenport	Hon Garry Kelly	Hon Bob Thomas	
Noes (15)			
Hon J.N. Caldwell	Hon Max Evans	Hon N.F. Moore	Hon Derrick Tomlinson
Hon George Cash	Hon Peter Foss	Hon Muriel Patterson	Hon D.J. Wordsworth
Hon E.J. Charlton	Hon P.H. Lockyer	Hon P.G. Pental	Hon Margaret McAleer
Hon Reg Davies	Hon M.S. Montgomery	Hon R.G. Pike	(Teller)
Pairs			
Ayes		Noes	
Hon Tom Helm		Hon W.N. Stretch	
Hon B.L. Jones		Hon Barry House	

Question thus negatived.

Dissent from Deputy President's Ruling Resumed

Hon GEORGE CASH: Mr Deputy President, I indicated earlier, during the division, that I dissented from your ruling, which was, as I understand it, that you are entitled to a deliberative vote while you occupy the position that you are now occupying. You will know that earlier this afternoon I referred to you as the Acting President, not the Deputy President. I put it to the House that while you act in the position of President, and in particular while the elected President is out of this State, you are vested with the powers of the President, and those powers do not extend to your having a deliberative vote in respect of the votes in this House. I urge members to support the proposition I put to them because it is of critical importance if we are to succeed in the proper running of this House.

Hon R.G. PIKE: I second the motion. I draw the attention of the House to the Constitution Acts Amendment Act, section 12, which reads -

In the case of the absence of a President upon leave of absence granted to him by the Legislative Council, or by reason of illness or other unavoidable cause, the Chairman of Committees shall fill the office and perform the duties of the President during such absence.

I contend that if there is a conflict between the Standing Orders and an Act of Parliament, the Act of Parliament prevails. Mr Deputy President, you are in fact the Acting President, and therefore not entitled to vote.

The DEPUTY PRESIDENT (Hon J.M. Brown): May I have a say in this, because the Leader of the Opposition has dissented from my ruling. Standing Order No 32 deals with the role of the Deputy President, and that is the Standing Order which I have utilised. There is no way that I would take a privilege or an advantage to which I am not entitled, but I am entitled to have a deliberative vote as Deputy President of this Chamber. The Leader of the Opposition wrongly suggested that I am Acting President. There is not anything in our Standing Orders that refers to an Acting President; indeed, every Deputy President has the

right to exercise his vote. I will not stop any argument from any member on this matter, because I believe we all want to have it resolved satisfactorily. I am acting in accordance with the Standing Orders and the Constitution Acts Amendment Act, and I gave my deliberative vote in accordance with the way I felt.

Hon PETER FOSS: Mr Deputy President, with due respect, I must also disagree with your ruling. I believe you have concentrated on the Standing Orders, but they cannot be inconsistent with an Act of Parliament, and in particular they cannot be inconsistent with the Constitution Act or the Constitution Acts Amendment Act. The Constitution Acts Amendment Act is quite clear. It says -

In the case of the absence of a President upon leave of absence granted to him by the Legislative Council, or by reason of illness or other unavoidable cause, the Chairman of Committees shall fill the office and perform the duties of the President during such absence.

That means he is pro tem the President.

Hon J.M. Berinson: It does not mean he is the President. It means he performs the duties of the President.

Hon PETER FOSS: That is the next point. If the Attorney General understands drafting, he will see it then goes on to say he shall "perform the duties".

Several members interjected.

Hon PETER FOSS: I happen to be a lawyer, which is more than one can say for the Attorney General. This happens to be my area. If we were talking on an area of which members opposite were knowledgeable, fine; but they should listen to me because they have a lot to learn.

Several members interjected.

The DEPUTY PRESIDENT: Order! Hon Peter Foss is on his feet, and I would like him to be heard.

Hon T.G. Butler: The Attorney General is a Queen's Counsel.

Hon PETER FOSS: I can tell the member he is the only pharmacist who is a Queen's Counsel.

The DEPUTY PRESIDENT: Order! I do not want to name anyone - that is the last thing I want to do on this occasion - but we have a question before the Chair to dissent from my ruling, and I am perfectly happy to abide by the decision of the House.

Hon PETER FOSS: Section 12 of the Constitution Acts Amendment Act makes two points. It says, first, that the Chairman of Committees shall fill the office; and, secondly, shall perform the duties of the President during such absence. I do not have any difficulty with that. I do not believe it is a particularly difficult point of construction. The Deputy President is pro tem filling the office of President.

Hon J.M. Berinson: But he is not the President.

Hon PETER FOSS: Yes, he is. I know this might seem a difficult point, but in law when one is filling the office, it means that one is occupying that position and carrying out the duties of that position for the time being. It might seem a difficult concept, and perhaps an unpalatable one, for members opposite, but all I am trying to do is to put forward to the House what I believe is the clear meaning of this section of the Constitution Acts Amendment Act.

Hon Fred McKenzie: Well, you are wrong.

Hon PETER FOSS: I thank Hon Fred McKenzie very much. He says I am wrong. I am putting forward my opinion on the basis of having had some 25 years in the law and I believe that opinion at least should be listened to with some respect. Hon Fred McKenzie may disagree with me, but I do not know how he can say with so much authority that I am wrong.

Hon Fred McKenzie interjected.

Hon PETER FOSS: The member has used that one before. If he gets up-to-date interjections he might find them more useful. Section 14 of the Act provides that the President of the Council is not to have a deliberative vote but only a casting vote.

Hon Garry Kelly: How many Presidents do we have? One.

Hon PETER FOSS: At the moment we have one person occupying the office. We cannot have two people occupying the office at the same time. It is quite clear that while Hon Clive Griffiths is out of this State his office is being filled in all respects by the Chairman of Committees.

Hon J.M. Berinson: And is he no longer the President during his absence?

Hon PETER FOSS: His office in this State is being filled by the Deputy President for the purposes of the law in Western Australia and for all purposes. For instance, there are many other Acts of Parliament which require the President to do certain things and there is no doubt that in those circumstances the person who would do them in the absence of Hon Clive Griffiths would be the Chairman of Committees, because for the time being he is occupying the office of President.

Hon E.J. Charlton: In the same way as an Acting Premier.

Hon PETER FOSS: That is quite right. The point about this is that there are privileges which go with it and disadvantages which go with it, and it is a fairly simple concept that one cannot be taken without the other. In the present circumstances I do not have any difficulty at all with the interpretation of section 12 of the Constitution Acts Amendment Act; that is, that for the time being, "... the Chairman of Committees shall fill the office and perform the duties ..." - not just perform the duties, but he shall fill the office. For that purpose he is, in the terms of the Constitution, the President. If we were talking about any other Act of this Parliament, while Hon Clive Griffiths is out of Western Australia the Government would not have any hesitation in saying, "It says 'the President'; it actually means 'the person holding the office for the time being'." It is quite clear that if we were to have an election at the moment - when certain things do involve the President of the Council - there would be no doubt that the person who would perform the duties of the President would be the Chairman of Committees.

Where it says in the Act "the President" it does not mean that we must wait until Hon Clive Griffiths returns from overseas. We would have the President pro tem in the Chairman of Committees. There is no great difficulty in that interpretation - it happens all the time. If we turn to the Interpretation Act we will see it is specifically provided for. We may not necessarily rely upon the Interpretation Act, but it provides in that Act that where a person is deputed to take over from another person, then for the purposes of the Act a reference to that person is a reference to the deputy as well. It is not a difficult concept, it is regularly used not only in Western Australia but also throughout all of the places which use a Westminster system of government. It would be extremely inconvenient for the Government if that were not the case. On many occasions we wish to have a person acting pro tem to carry out the duties under an Act and normally we would have no hesitation whatsoever in asking that that be done by the person occupying that position pro tem. It is not a difficult or novel concept and I believe it is a matter that is simply resolved.

Hon MARK NEVILL: We can argue the semantics of section 12 of the Constitution Acts Amendment Act, but I do not think it will achieve very much because the simple fact is that the President has not been granted leave of absence by the Council and in this case it does not apply anyway. At some later date we should decide whether the Deputy President can vote when he is acting in the President's position.

Hon P.G. PENDAL: I support the motion of dissent moved by the Leader of the Opposition and make the comment that the real import of the words we are dealing with is in the plain meaning of the words that are in the last two lines of Standing Order No 32; that is, that the Chairman of Committees "... shall fill the office ..." - and those words have been dissected by Hon Peter Foss but I go on to touch on these words - "... and perform the duties of the President ..."

Hon Garry Kelly: As Deputy President.

Hon P.G. PENDAL: That is right; I am not disputing that. Mr Deputy President, one of the duties of the President is not to vote.

Hon J.M. Berinson: That is not a duty at all - that is a restriction on the President.

Hon P.G. PENDAL: The Leader of the House presumably will get a chance to defend your

ruling, Mr Deputy President, if he wants to, but he is not entitled to do that while he is sitting down.

Hon John Halden: Do you want to be the Chairman as well?

Hon P.G. PENDAL: Mr Deputy President, the plain meaning of the words that you shall "perform the duties of the President" is that you shall not take on any greater powers than those the President himself exercises, otherwise it is an absurd situation - so absurd that we get to the position that is now being put forward by Hon Mark Nevill, to the extent that the President is somehow or other out of this Chamber without the concurrence of the rest of the members, when everyone here knows he is on parliamentary duties overseas on behalf of this Chamber and as a result of being the President of this Chamber.

So I put it to you that you, Mr Deputy President, do not have the right -

Hon J.M. Berinson: Is he the President?

Hon P.G. PENDAL: The Leader of the House can speak in a few minutes. Mr Deputy President, you do not have the right as the Deputy President to take on powers or responsibilities or the exercise of votes that do not reside in the President in the first place, and to that extent you have exceeded the authority, I say with respect -

Hon Mark Nevill: In your opinion.

Hon P.G. PENDAL: Yes, of course it is my opinion. Hon Mark Nevill is a silly man. The whole point of having a debate is to express an opinion.

Hon J.M. Berinson: Yes, but you are not even a pharmacist.

Hon P.G. PENDAL: Mr Deputy President, it is still clear that the President does not exercise the power that you exercised a few minutes ago. May I take it one step further? Perhaps the members on the other side of the Chamber do not realise it, but the President, by convention, is not paired. If we add to that the position that the Deputy President, upon assuming office, not only replaces someone who is not being paired but who actually gets to exercise a vote that the President does not himself exercise, it is clear that the result will be two differences, and even someone who is as bad at arithmetic as is the Leader of the House would have to acknowledge that -

Hon J.M. Berinson: But I don't.

Hon P.G. PENDAL: - because that is the immediate consequence, Mr Deputy President, of your assuming powers that the President does not assume and which our current President, in his absence, is not able to assume. Therefore, Mr Deputy President, I say to you that you have exceeded the powers that have been conferred upon you, and that your ruling should be dissented from; indeed, that the House should rule that you are wrong.

Sitting suspended from 5.59 to 7.30 pm

Hon T.G. BUTLER: I was not going to participate in this debate until -

Hon P.G. Pendal: You didn't want to set a precedent.

Hon T.G. BUTLER: Order!

Hon P.G. Pendal: You are not in the Trades Hall now!

Hon T.G. BUTLER: You need hosing down, the lot of you! As I say, I was not going to participate but after listening to Hon Peter Foss and Hon P.G. Pendal I felt an urge to rise to my feet. If it pleases members of the Opposition, then I am happy. It seems that on every occasion Mr Foss gets to his feet he reminds us of his 25 years' experience at law; that is something of which he is entitled to be proud.

Hon P.G. Pendal: So are we.

Hon T.G. BUTLER: Hon P.G. Pendal should not be proud; he has nothing.

I am sure Mr Foss is very proud, and he is entitled to be. I am sure that he has achieved a great deal at law. The only problem is I have not always received the best advice from lawyers, and the advice given by Mr Foss tonight is not the best type of advice. Mr Foss pulled the typical lawyer's trick by selectively quoting sections of the Constitution Acts Amendment Act. He went to section 12 at page 211, and drew attention to the fact that the

Chairman of Committees was filling the office and performing the duties of the President during his absence. But section 14 clearly states that when the votes are called the President shall have a casting vote. Mr Foss attempted to lead us to believe -

Hon P.H. Lockyer: Where is that?

Hon T.G. BUTLER: Hon Phil Lockyer has been here longer than I; he should be able to find it. Look at page 212.

Hon P.H. Lockyer: With respect, this is a serious subject.

Hon T.G. BUTLER: I wish that the member would treat it that way.

Mr Foss would have us believe that the Chairman of Committees assumed the entire role of the President and as such had only a casting vote and not a deliberative vote in this instance. Standing Order No 32 goes one step further. It states that the Chairman of Committees shall fill the office and perform the duties of the President as the Deputy President in such an absence. That is the intention of section 12 in the Constitution Acts Amendment Act. We should be cognisant of that. The point to be made is that the Deputy President assumes the role of President.

Hon Phillip Pandal raised the point in relation to when the President is not here the President is not paired, because he does not have a deliberative vote; he only has a casting vote. If we take that argument to its logical conclusion - and I am sure this is not what Hon Phillip Pandal intends - we would have to say a person acting as President would lose voting rights as Deputy President, as put forward by Mr Foss. It would mean in the absence of the President if you, Sir, were absent also, you would not be paired or entitled to be paired, when the Deputy Chairman of Committees takes over. I am sure that is not what Mr Pandal means.

Hon P.G. Pandal: And that is not what I said.

Hon T.G. BUTLER: Yes, it is! Be quiet, I am speaking, silly man!

The DEPUTY PRESIDENT: Order!

Hon T.G. BUTLER: I am sure that is not what was intended, but that is the logical conclusion to which his argument takes us. His argument is as irrelevant as is he. On that point, Mr Deputy President, I support your ruling.

Hon J.M. BERINSON: I concede at once that Mr Foss' 25 years in legal practice far exceeds mine. I concede as well that even if I once could compound pills and even suppositories that does not help to make up the difference. On the other hand, Mr Deputy President, Mr Foss might be prepared to agree that 25 years of practice, respected as it is, is no guarantee of infallibility and in fact the decisions of our appeal courts are filled with examples to indicate that the opposite is the case.

Obviously enough, the Constitution Acts Amendment Act has to be the focus of our attention. Section 12, omitting the words irrelevant for present purposes, reads "In case of the absence of the President, the Chairman of Committees shall fill the office and perform the duties of the President during such absence." It appears to me that Mr Foss is arguing that the words "fill the office of the President" mean becoming the same as the President in all respects. That would give rise to some peculiar results because if in fact the absence of the President makes a President out of a Chairman what then is the position of the elected President? Let us refer to the actual case. I refer to Hon Clive Griffiths; if during his absence, Hon Jim Brown is President, does that mean that Hon Clive Griffiths is no longer President, or are we suddenly blessed with two Presidents?

Hon P.G. Pandal: Don't be ridiculous; that is pathetic! It is like having a Governor and somebody standing in for the Governor.

Hon J.M. BERINSON: That is precisely the argument the member is raising. Let me offer another question.

Hon P.G. Pandal: I hope it is better than the last one.

Hon J.M. BERINSON: Section 12 provides that "the Chairman of Committees shall fill the office and perform the duties of the President during such absence." If the phrase "fill the office" means all that Mr Foss claims that it means, what possible purpose is served by the words "and perform the duties"? If filling the office means attaching everything to the

Chairman that the President does, the sense of the words "and perform the duties of President" would self-evidently follow. If that person were the President in all respects, of course he would perform the duties of the President. Why is that expressed? I do not believe those words are superfluous, although they would be on the Opposition's attempted interpretation. The words "and perform the duties" are not superfluous because what is clearly intended by the provision "the Chairman of Committees shall fill the office and perform the duties of the President" is that we should have a position where the Chairman shall fill the office for the purpose of performing the duties of the President. I believe that Hon Peter Foss recognised that and, as a result, he was forced to talk in terms of the President having a duty to abstain from a deliberative vote. The loss of a vote is not a duty; it is a disability and that is recognised in many ways in respect of the President. It is, in fact, a deliberate attempt to encourage, so far as it can be reasonably done in the context in which we are all working, his impartiality. That is not expected of the Chairman of Committees who, in that role, can quite clearly participate in votes in his official capacity.

It goes without saying that the provisions of a Statute could not be overridden by the Standing Orders of this Council. Nonetheless, Hon Tom Butler is quite right in drawing attention to the significance of Standing Order 32. It does not override the Act, but it certainly gives a clear indication of the proper meaning to be attached to the words of the Act, and what the Standing Order provides is, to repeat Hon Tom Butler's comments, that during the absence of the President, the Chairman of Committees shall fill the office and perform the duties of the President - they are the words drawn directly from the Constitution Acts Amendment Act - but he shall do that as Deputy President.

We are in a position where it is probably fair to say that we are dealing with a Statute that could have been better drafted. That is a common enough experience. When we have that experience we are forced, for proper interpretation, to look sometimes to other avenues for assistance. In this Council I can hardly think of a more proper place to go than the Standing Orders. The Standing Orders make it perfectly clear that the Chairman of Committees should not be regarded as filling the office, in the absence of the President, as President, but that he should fill that position as Deputy President. There is certainly nothing in the Act or Standing Orders to suggest that a Deputy President should be deprived of his vote.

Finally, we come down to the question which quite correctly could be headed as "commonsense and precedence". Since any member can remember, any party nominating a member for President has been aware that its voting strength would be reduced by one. In answer to an earlier argument, that is precisely the reason that, during his absence from the House, the President is not paired; the Chairman of Committees is certainly paired. It has never been suggested he should not be, no matter where the President is at the time, and that is because it has never been suggested that more than one person should be deprived of his right to vote as an elected member in this place.

This is not the first time a member acting in the Chair has cast a vote. That vote has not been previously challenged and I put it to the House that the challenge should not be supported now. Mr Deputy President, I do not deny that the moving of the dissent from your ruling is quite a tricky manoeuvre, but it is not justified by the Act and the result, if this motion of dissent were carried, would simply be unfair.

Hon P.H. LOCKYER: I rise reluctantly because there is no member who respects more than me the Chair of the House and you, Mr Deputy President, in particular, but in this case you are wrong on two counts. Members should read into the Statutes the Westminster system, which is clearly an Act of fairness.

Two matters disturb me: One is, with respect to you, Mr Deputy President, that I do not believe you have the right to argue the subject matter from the Chair. Ample arrangements are contained within the Standing Orders for you to vacate the Chair to one of your deputies to allow you to argue your case from the floor of the House. That is where your argument should be heard from. I would be very interested in your point of view, but I do not believe you can argue your case from the Chair, because the Presiding Officer must preside over the will of the House. It is not to say that you should be denied a say in the matter. Your argument should be put and we should listen carefully to it.

Over 100 years of tradition is in the hands of this House at the moment. If we take the decision to agree to the Deputy President's ruling there is no way our present President can

leave this place again. He would be forced to regard the high office that we, as a Parliament, have allowed him to fill as a delegate to the Commonwealth Parliamentary Association conference -

Hon J.M. Berinson: Can you explain why?

Hon P.H. LOCKYER: Before I answer that interjection I would be interested to hear from the Deputy President whether, in regard to the comments he made today, he sought advice from the President before he left this place or whether advice was given to him in his capacity as Deputy President. I would be surprised if you were given advice to vote during a division. It is against the Westminster system.

Hon Sam Piantadosi: It is provided in the Act.

Hon J.M. Berinson: There is no disadvantage. You would have someone with a deliberative, but not a casting vote. That is what he has without any of this discussion.

Hon P.H. LOCKYER: I am not a lawyer; I do not have 25 years' experience in law.

Several members interjected.

Hon P.H. LOCKYER: I am a person who needs things put to him in a simple way. I have a great regard for fairness and I am sorry that you, Mr Deputy President, on your first opportunity to take the Chair have been placed in a dilemma like this. I feel for you and I would not like to be in the same situation. It is a serious thing and I impress on members that the decision that will be taken tonight will have enormous ramifications.

I do not know how much research has been done. I hope that during the dinner adjournment someone contacted some of the other Parliaments of Australia about this matter. I will certainly be doing that tomorrow. You should take into consideration, Mr Deputy President, the fairness of the Westminster system. With regret, I support the motion moved by the Leader of the Opposition to dissent from your ruling.

Hon D.J. WORDSWORTH: I offer you my sympathy, Mr Deputy President (Hon J.M. Brown), on finding yourself in this situation. I decided to become involved in this debate after hearing the argument of the Leader of the Government that we cannot have two Presidents and that while the President is away he remains President. There are rules laid down relating to the behaviour of the President when he is in the House and the person who takes his place has to follow those precedents. It has been argued that Hon Bob Hetherington once voted from the Chair and members on this side should have objected then and not allowed that to remain as a precedent. With due regard, I think we should have done that. However, those who knew Hon Bob Hetherington knew he was dying to do that - he felt that was his contribution to democracy and we let it be.

However, that was a different situation as the President was not out of the State at the time and could have come into the Chamber and taken over. I think the thing that members will notice is that whenever there is a difficult situation the President accepts his responsibility by being here and not putting a deputy in his place. What worries me, if one argues that the President remains the President of this Chamber even when away, is what happens when we have a tied vote because the section in the Constitution Act Amendment Bill goes on to say that the President shall have the casting vote. We have not debated that issue.

Hon J.M. Berinson: Hon David Wordsworth is saying he is not the President; he is the Deputy President acting in the President's absence, he would therefore have a deliberative vote only.

Hon D.J. WORDSWORTH: What happens if the vote ends up equal?

Hon J.M. Berinson: Equal votes are lost. That does not change anything about the respective voting strengths, whether the President is here or not.

Hon D.J. WORDSWORTH: We are maintaining a position where we can resolve an issue when the vote is tied.

Hon J.M. Berinson: It is resolved in the negative. Hon David Wordsworth has sometimes had that experience as Chairman of Committees during the Committee stage of a Bill.

Hon D.J. WORDSWORTH: If that were the reason, why did we have this in the first place?

Hon J.M. Berinson: That is to cover the position where the President is present, not when he is absent.

Hon D.J. WORDSWORTH: I think, with due regard, that it is quite explicit that the Deputy President or Chairman of Committees must take the place of the President when he is absent. It has been argued by the Leader of the House that if this was so, why is it stated that, "He shall fill the office and perform the duties." There are many duties that the President has to perform -

Hon J.M. Berinson: As I tried to point out, those words are not necessary on Hon David Wordsworth's interpretation. Why are the words "and perform the duties" there?

Hon D.J. WORDSWORTH: Those matters must be attended to. Should a member die and there were an election, Hon J.M. Brown would have to carry out those duties. That is why it is written as it is.

Hon GEORGE CASH: In exercising my right of reply I say quite clearly that members on this side of the House recognise the fact that Standing Orders Nos 32 and 206 and sections 12 and 14 of the Constitution Acts Amendment Act are critical in determining whether the Deputy President is entitled to exercise a deliberative vote in respect of matters before this House. It is the view of members on this side of the House that that is not the case and that you, Mr Deputy President, have exceeded your authority.

The Leader of the House has attempted to argue this matter in a somewhat convoluted form and to offer support to you, Mr Deputy President, but I think it is fair to say that he made the point that he is a qualified pharmacist with considerable years of experience in that area. I must say that if I were looking for a compound or some pills, or a prescription to be filled, I might turn to the Leader of the House in that capacity. However, I would not turn to him in the capacity of a legal adviser. I would prefer to rely on the advice of my colleague, Hon Peter Foss.

Hon Kay Hallahan: That is very insulting.

Hon GEORGE CASH: Whether or not Hon Kay Hallahan believes that to be an insult, I state that as a fact. I prefer to rely on the advice of my colleague, Hon Peter Foss, than on the legal advice of the Leader of the House.

Hon J.M. Berinson: How about addressing my arguments?

The DEPUTY PRESIDENT: Order!

Hon GEORGE CASH: I refer members to the Parliamentary Privileges Act, in particular section 9 which has some bearing on the authority that you, Mr Deputy President, exercise while you sit in that Chair. It states -

For the purpose of punishing any of the contempts aforesaid, the President or Speaker, as the case may be, is hereby empowered upon the resolution in that behalf of the House to issue his warrant under his hand for the apprehension and imprisonment as aforesaid of any person adjudged by the House guilty of any contempt if such fine shall not have been paid as aforesaid.

Section 10 states -

Any person creating or joining in any disturbances in the House during its actual sitting may be apprehended without warrant on the verbal order of the President or Speaker as the case may be, and may be kept in the custody of the officer of the House until a warrant can be made out for the imprisonment of such person in the manner aforesaid.

The reason I raise those two sections is that if we were to rely on the comments made by the Leader of the House and should a contempt occur tonight, for instance, in this House, we would be obliged to wait until Hon Clive Griffiths returned as President before he could exercise the authority vested in him. I say that that argument is absolutely ludicrous and does not stand because this House well knows that if there were a need tonight for the exercise of authority under those sections of the Parliamentary Privileges Act you, Sir, in your capacity as the person sitting in the President's Chair, would be required to act in either verbal or written form.

Hon J.M. Berinson: And could do so in terms of the argument I put to Hon George Cash.

Hon GEORGE CASH: Again, Mr Deputy President, I say to you that it is clear to the Opposition that you have exceeded the authority presently vested in you and, accordingly, I

thank members who have supported this motion and urge the House to carry this motion of dissent.

The DEPUTY PRESIDENT (Hon J.M. Brown): It is not my intention to canvass any of the questions raised but simply to put the question to the vote.

Question put and a division taken with the following result -

Ayes (15)			
Hon George Cash	Hon Peter Foss	Hon N.F. Moore	Hon Derrick Tomlinson
Hon E.J. Charlton	Hon Barry House	Hon Muriel Patterson	Hon D.J. Wordsworth
Hon Reg Davies	Hon P.H. Lockyer	Hon P.G. Pandal	Hon Margaret McAleer
Hon Max Evans	Hon M.S. Montgomery	Hon R.G. Pike	(Teller)

Noes (13)			
Hon J.M. Berinson	Hon John Halden	Hon Sam Piantadosi	Hon Fred McKenzie
Hon T.G. Butler	Hon Kay Hallahan	Hon Tom Stephens	(Teller)
Hon Cheryl Davenport	Hon Garry Kelly	Hon Bob Thomas	
Hon Graham Edwards	Hon Mark Nevill	Hon Doug Wenn	

Pairs	
Ayes	Noes
Hon W.N. Stretch	Hon Tom Helm
Hon J.N. Caldwell	Hon B.L. Jones

Question thus passed.

ACTS AMENDMENT (DETENTION OF DRUNKEN PERSONS) BILL

Second Reading

HON J.M. BERINSON (North Metropolitan - Minister for Corrective Services) [8.05 pm]:
I move -

That the Bill be now read a second time.

This Bill will implement the last major item in the package of measures to reduce the rate of imprisonment which I announced in this House on 29 October 1987. This package was part of the Government's program of reform of the criminal law. In relation to punitive measures, that program has been guided by the principle that more severe penalties should be provided for the most serious offences, especially those involving violence and drugs, but that greater emphasis should be placed on non-custodial alternatives for what may reasonably be regarded as lesser offences. The Government has also enacted the principle, regularly expressed by the Court of Criminal Appeal, that imprisonment should be the sentencing option of last resort. Since my statement in 1987 a number of measures have been approved by the Parliament including -

amendments to the parole system;

the removal of mandatory imprisonment for various traffic offences;

statutory expression of the principle that imprisonment should be the sentencing option of last resort; and

the introduction of a community corrections centre program for dealing with the non-payment of fines.

The present Bill strikes a balance between the continuing need to remove drunken persons from public places and the desirability of reducing the role of the criminal justice system for this purpose. The Bill in fact enhances the ability of the police to deal with drunken persons and with other more substantial duties by removing much of the administrative work which is associated with the present system of detention. This requires police officers to book in drunken persons, take care of them, charge them, prosecute them in court, and then in many cases subsequently pursue the non-payment of a relatively insignificant fine. Imprisonment in default of payment of fines has frequently followed, and while this aspect of the matter

should be assisted by the community corrections centre program, it would be unrealistic to expect it to be wholly overcome.

The immediate effect of this Bill will be to reduce significantly the number of court appearances and the pressures on police time. It will also contribute to a reduction in the rate of imprisonment because as there will be no court hearings on charges of drunkenness there can be no subsequent imprisonment in default of payment of fines for such offences. The police will simply apprehend drunken persons and either place them in a police facility until they are sober, or release them to a third party, whereupon they will cease to be in custody. An added imperative to the introduction of this measure has been the increasing incidence of deaths in custody, especially of Aboriginal people. Both the Western Australian interim inquiry - the Vincent inquiry - and the Royal Commission into Aboriginal Deaths in Custody have recommended measures of the sort contained in this Bill. Commissioner Muirhead, in his interim report, pointed out that in 1985, for example, 90.9 per cent of drunkenness convictions in Western Australia were recorded against Aboriginal people. He said -

I have no doubt as to the significance of alcohol as a factor in custodial deaths, a significance not confined to the deaths of Aboriginal people. The evidence before the Commission, including oral evidence and written submissions, suggests that both in Australia and overseas alcohol is the single factor most consistently linked with deaths in police custody. Intoxication at the time of arrest or detention plays a predominant role in ensuing tragedies.

The vulnerability of an intoxicated person at the time of arrest and detention cannot be overemphasised. There is much medical evidence and material which shows that a person who is intoxicated or suffering from withdrawal may be under a great deal of stress, both physiological and psychological, and thereby at risk if unsupervised. People who are seriously affected by alcohol need proper treatment and care. Lonely isolation of such people in custody has proved a disastrous recipe. Other ways and means must be found.

Traditionally in Australia, people found intoxicated in public, particularly Aboriginal people, have been dealt with by arrest and detention in police cells. In more recent times a better understanding has been gained and the trend, a slow one, is to accept drunkenness as the social or health problem that it really is.

This Bill deletes the summary offence of public drunkenness and inserts a new part VA in the Police Act which creates a special form of apprehension and detention without arrest. This special form of apprehension and detention only applies to persons who are intoxicated, which is defined as "seriously affected by alcohol", and in a public place, or trespassing on private property. Where a person is taken into custody under these circumstances, a police officer may search the person and remove for safekeeping, until the person is released from custody, any personal property, especially that which is potentially harmful to the detainee or to others. The Bill specifies arrangements for the recording and return of such property.

Having apprehended a person, a police officer has three options. Firstly, he may arrange for the person to be admitted to an approved hospital, in which case any personal property is also handed over to a responsible person at the hospital and the detainee ceases to be held in custody. Secondly, he may release the detainee into the care of a person who applies for his or her release, if he is satisfied that the applicant is capable of taking adequate care of the intoxicated person. The detained person must agree to be released to such an applicant. Such a person could be a relative or friend or a responsible person at a sobering up centre or other refuge.

Hon D.J. Wordsworth: Would he be in a fit position to do so?

Hon J.M. BERINSON: Who is "he"?

Hon D.J. Wordsworth: The person being apprehended. I am sorry - go on.

The DEPUTY PRESIDENT: Order!

Hon J.M. BERINSON: The requirement that such a person apply for the release of the detainee will ensure that intoxicated persons are not imposed upon unwilling parties. For example, a wife may not wish to take care of a husband who regularly beats her when he is intoxicated, or sobering up shelters may not wish to accommodate persons whom they know

to be disruptive. On the other hand, it is the Government's clear intention that police officers should not passively wait for applications for the release of detainees. They will be expected to exercise some initiative in arranging placement in the community rather than in the lockup. The Government will assist by encouraging and supporting the establishment of special sobering up centres in areas where public drunkenness presents a special problem. In cases where the detainee is a juvenile, the Bill places a duty upon the police, where practicable, to return the child to his or her residence or place the child into the care of a responsible member of the community. A detained person may appeal to a justice against a police officer's decision not to release him or her to an applicant.

The third option, the option of last resort, is to place the intoxicated person into a police facility until he or she is no longer intoxicated. While a detainee is held in police custody, a range of protective measures apply, which reflect the fact that the detention is not part of a criminal process but aimed at the wellbeing of the person and the protection of the community. A person detained for drunkenness only cannot be charged with or questioned in relation to an offence, or photographed, measured or fingerprinted. A detained person may at any time request a police officer to take him or her before a justice to make application for release, and the police officer must do so as soon as practicable. In any event, if the person still appears to be intoxicated after eight hours, the police officer must bring them before a justice as soon as practicable. In either case, the justice may order the release of the detained person, if satisfied that the detained person is no longer intoxicated, or may give directions to the police officer for the safety and welfare of the person. Such directions may include further detention in police custody, or release of the person to a third party.

The Bill provides, however, that the release or review by a justice of a detained person may be deferred in order to meet the reasonable organisational requirements of the police station concerned or where continued detention would be in the best interests of the detained person. This provision is intended to have extremely narrow application. It would apply where it is physically impossible for police to release a person or to have his or her continued detention reviewed due to other more pressing duties such as a call out to a serious offence or traffic accident. It might also be appropriate to defer waking persons who are merely sleeping off the effects of their intoxication, although no longer intoxicated, rather than turn them out into the streets, say, at two o'clock in the morning. This would be particularly relevant in winter, or if the person were homeless. This Bill represents a most significant initiative aimed at reducing the rate of imprisonment and, as a result, it is hoped, the rate of death in police custody. As an associated effect, it will allow for more effective use of police and court resources. Similar measures have been implemented successfully in the Northern Territory, New South Wales, South Australia, Tasmania and the Australian Capital Territory. There is no reason to doubt that the move will prove equally effective in this State.

I commend the Bill to the House.

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

MOTION

President's Statement - Reference to Standing Orders Committee

Debate resumed from 6 September.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [8.15 pm]: I want at the outset to indicate to the House that we are prepared to support this motion. It is in fact a most important and significant motion that should be dealt with by the Standing Orders Committee. For the information of the House it is important to recognise the history of this motion and in that regard I remind members that on 30 August last I moved a censure motion against the Leader of the House and, by a majority vote, it was determined by this House that the Leader of the House had misled the House in providing certain information which related to a question on notice in which the Leader of the House had acted in a representative capacity on behalf of a Minister from the Legislative Assembly.

Hon Tom Stephens: It was a shameful motion.

Hon GEORGE CASH: During the debate on the censure motion there were various interjections between me and other speakers and members of the Government, and at one stage of the debate the Leader of the House attempted to dissociate himself from the information that he had provided in respect of the original question that was under discussion at the time.

Hon J.M. Berinson: How did I do that?

Hon GEORGE CASH: He went so far as to say that at times he did not even bother to read or check the information that was provided to him by other Ministers when he, the Leader of the House, was acting in a representative capacity.

Hon J.M. Berinson: I said more than that - I said I never did.

Hon GEORGE CASH: Well, Mr Deputy President, the Leader of the House confirms his position by saying that in fact he never checks the information.

At the time he made that original interjection I made the point to the Leader of the House that I thought it to be an astounding admission on his part, considering the notion of ministerial responsibility, and was absolutely flabbergasted.

Hon J.M. Berinson: It was simply a fact based on our representative system on behalf of other Ministers.

Hon GEORGE CASH: The Leader of the House argued his position when he moved the motion originally and what he has just said formed part of his original argument. I must say that I did not accept many of the things that the Leader of the House mentioned when he moved the motion, and for that reason I am relating some of the history of the situation to the House so that a proper perspective can be drawn of the actual events. As to the words used by the Leader of the House, quite clearly he was trying to avoid his ministerial responsibility.

Hon J.M. Berinson: Untrue.

Hon GEORGE CASH: I guess the Leader of the House and I could have a slanging match -

Hon J.M. Berinson: We could, if you keep insulting me.

Hon GEORGE CASH: - for the balance of the time I am on my feet, but I must say that I do not think it will achieve much. Perhaps the Leader of the House would do well to listen to me in the silence that I afforded him when he spoke in support of his original motion. However, that is something the Leader of the House will have to work out for himself.

Hon J.M. Berinson: I am happy to do that, with or without your advice.

Hon GEORGE CASH: He was offended by the original censure motion; but, as I said earlier, it was carried by a majority on the floor of this House and in my view was a very serious matter. Quite clearly the Leader of the House doubts the seriousness of the motion. The point I am making is that the Leader of the House seems to want to suggest that when information is provided to him in a representative capacity, be that by a Minister in another place or perhaps by a public servant or some other adviser -

Hon J.M. Berinson: When have I said that? Why are you expanding in that way?

Hon GEORGE CASH: Calm down, Mr Leader of the House.

Hon J.M. Berinson: I am very calm; I am even bored. I do not want to have words put in my mouth.

Hon GEORGE CASH: If the Leader of the House is bored, quite clearly -

The DEPUTY PRESIDENT (Hon J.M. Brown): Order! I ask the Leader of the Opposition to address his remarks to the Chair; I ask the Leader of the Government to allow debate to continue.

Hon GEORGE CASH: As I was suggesting, the Leader of the House has taken a number of positions in respect of the responsibilities he accepts regarding the questions he has answered in this place in a representative capacity. In recent days he has tried to dissociate himself from advice that has been tendered to him by his brother Ministers, public servants and advisers. That is his prerogative as a Minister.

Hon J.M. Berinson: That is not true.

Hon GEORGE CASH: I do not blame the Leader of the House for wanting to dissociate himself from information he has provided to this House. The point is the Leader of the House as a Minister of the Crown in this House has an obligation to members of this House whether he likes that or not because as most members would recognise the members of this House are only entitled to question the Ministers in this House. The situation with the

present Government is that there are 14 Ministers in another place and only three Ministers in this place. As members in this House have no standing whatsoever in the other place, their only chance to question Ministers or actions of Ministers in another place or, I should say, actions of the Government generally through the Ministers in another place, is to address questions to Ministers in this House.

Hon Doug Wenn: Put it on notice.

Hon GEORGE CASH: It was on notice, and the notion of ministerial responsibility does not absolve a Minister in this House of answers which he publishes in this House whether they are published orally or in writing.

Hon J.M. Berinson: That is your opinion.

Hon GEORGE CASH: That is the point of the argument. To sustain the comment I made, one only has to go to the statement of the President on 31 August 1989 where, in response to interjections of the Leader of the House the previous day in respect of his apparent lack of ministerial responsibility, or recognition of his ministerial responsibility, the President of the Legislative Council was moved to state in part, "It is therefore very important that all members understand that the Government of the State answers to this House through the Ministers who sit here. They are the only ones against whom this House may take action and it is for this reason that they are responsible for the content of replies given to questions."

It is also interesting to note that Ministers in this House retain an absolute discretion as to which questions they care to answer. If it is that a Minister in this House is not satisfied with information that is provided to him by brother Ministers, public servants or advisers or some other party, he can stand in this place and advise the member asking a question that he is unable to give an answer to that question on the basis that he is not prepared to rely on the information tendered or he requires more investigations to be made of information that has been provided to him. That is the absolute discretion that rests with the Ministers of the Crown here. If they choose not to exercise that discretion, or by not exercising that discretion are prepared to advance information to this House, this House is entitled to believe that the Minister himself believes in the truth or veracity of the information he provides. If it is that the Ministers in this House are not prepared to stand and answer for the information that they tender in this House, I suggest we might as well close the doors of this Parliament because clearly members of this House have no access at all to the 14 Ministers of the Crown in that other place.

Mr Deputy President, I put to you that that would be an absurd position, and one which could not be supported at any cost. Members in this place can only question Ministers of the Crown in this place; members of this Legislative Council have no standing at all in the other place.

Hon Garry Kelly: Do you want a bit each way?

Hon GEORGE CASH: It is important to recognise that there are two distinct Houses of Parliament. This place is not an appendage of the other place, nor is the other place an appendage of this House. They are absolutely distinct Houses of Parliament and the Ministers of the Crown in this place have those responsibilities that are ascribed to them, whether they be direct ministerial portfolios or those other areas in which they act in a representative capacity.

It is interesting that in recent times this Government has been very keen to advance the argument that it is prepared to accept the criteria of accountability laid down by the Burt Commission on Accountability. Only recently the Leader of the House tabled a White Paper which tended to lend strength to the notion that the Government was keen to be seen as accountable. Yet when the acid is put on the Ministers in this place we have the situation - I do not reflect on Hon Graham Edwards and Hon Kay Hallahan because they have not defined their positions in regard to the matters under discussion at the moment - where the Leader of the House believes he can dissociate himself from the answers he gives in a representative capacity. I understand there are times when the Leader of the House would not want to be scrutinised on some information that is tendered in his name, but I say that if we members of this House are not able to call the Government to question in this House and scrutinise the actions of the Government then we are wasting our time.

I repeat, I believe Ministers in this place have an obligation, if they are to publish answers in

their own names either in writing or orally, to be satisfied with the validity of the information put forward. The other day, the Leader of the House in a somewhat jovial sense, as I understood it, asked how could he be expected to answer on the number of offences or cases that had been conducted at the Pinjarra courts in recent times. He asked should he in fact send the Under Secretary for Law to check it out, or should he get the local police officer or the office boy to check it out; how could he rely on the information?

Hon J.M. Berinson: I said I did rely on the information.

Hon GEORGE CASH: If the Leader of the House is prepared to accept the information tendered to him then he must accept the ministerial responsibility that goes with it.

Hon J.M. Berinson: I agree.

Hon GEORGE CASH: I am glad that at last we agree on something.

Hon J.M. Berinson: That relates to my portfolio.

Hon GEORGE CASH: The point I make is that the other day the Leader of the House attempted to dissociate himself from a number of matters, not necessarily those just connected with his portfolio. I have had the opportunity in the last few days to read a fair bit on the notion of ministerial responsibility. It is clear while nothing important may be laid down in Statute - I have not been able to identify anything for the time being - as to the extent of ministerial responsibility, and in that regard it is more a convention based on morality rather than a Statute on legality. There is no question that convention has been maintained for many years and that there is a recognised standard which is adopted in Parliaments following the Westminster system. For the information of the House, I quote a very learned person in politics, John Stuart Mill. In 1864, on the question of general responsibility, he said -

Responsibility is null when nobody knows who is responsible. To maintain it at its highest there must be one person who receives the whole praise of what is well done and the whole blame for what is ill.

Ministers in this House receive the accolades for the good things the Government does; they must also be the members of the Government in this House who accept the blame for the ills or wrongs that are perpetrated by this Government.

The Leader of the House and I basically agree on the question of collective responsibility in respect of Cabinet decisions. In fact, Lord Salisbury in 1878, in what has been accepted generally as a classical statement on Cabinet's collective responsibility, said -

For all that passes in Cabinet every member of it who does not resign is absolutely and irretrievably responsible and has no right afterwards to say that he agreed in one case to a compromise, while in another he was persuaded by his colleagues . . . It is only on the principle that absolute responsibility is undertaken by every member of the Cabinet, who, after a decision is arrived at, remains a member of it, that the joint responsibility of Ministers to Parliament can be upheld and one of the most essential principles of Parliamentary responsibility is established.

Again, I suggest that the Leader of the House and I are probably at one in that regard because the other day he accepted and fully supported the notion of collective Cabinet responsibility.

The purpose of my raising these matters tonight is to distinguish between the collective Cabinet responsibility and individual ministerial responsibility. That, I guess, is where I differ with the comments of the Leader of the House. It is fair to say that, from time to time, Ministers of the Crown make mistakes: They publish information, either in writing or orally, to the House which, on further investigation, turns out to be inaccurate. It is fair to say that Houses of Parliament generally are quick to recognise the Minister who is prepared to admit his or her mistake rather than the Minister who attempts to shuffle away from his or her responsibility by either continuing to support the department at all costs or attempting not to explain that error. In that regard, Herbert Morrison, some years ago, made an interesting statement in relation to Ministers who admit their errors. He said -

In all those matters it is well for the Minister to be forthcoming in Parliament. Unless the matter is exceptionally serious nothing is lost by an admission of error. The House of Commons is generous to a Minister who has told the truth, admitted a

mistake, and apologized; but it will come down hard on a Minister who takes the line that he will defend himself and his Department whether they are right or wrong or he shuffles about evasively rather than admit that a blunder or an innocent mistake has been made.

I understand that the House would accept, without question, an explanation by a Minister that he had made an error. It may even be prepared to congratulate the Minister for admitting his mistake. That is the only way that a Government can be credible and accountable and have integrity. I have made the point that Ministers do not have to answer questions and that, perhaps, will be the crux of events that may occur in this place in the future. If the Standing Orders Committee decided that ministerial responsibility existed for the information provided by Ministers of this place, even in a representative capacity - again I suggest that all the readings that I have been able to find in recent weeks certainly indicate that that is the case - the general flow of information in this House may be quite different from what it has been in the past.

I regret that the Leader of the House suggested the other day that he does not even check some of the answers that are brought forward in his name. I suggest that, in due course, that will be seen to be a very foolish interjection, one that does not lend credit to the Leader of the House and one that I suggest he probably regrets he made.

There is no question that there is an awful lot of printed material on ministerial responsibility. In the terms of reference included in the motion moved by the Leader of the House, he invites the Standing Orders Committee to seek out much of the material that is available, to consider the custom and usage of both Houses of Parliament in this State, the custom and usage and understanding of the Houses of the Commonwealth and the States, any comment on the issue by recognised parliamentary and constitutional authorities and the practical impact of adhering to the principles in the statement or a modified version of those principles. Finally, he invites the Standing Orders Committee to make recommendations to the House on whether we should formalise ministerial responsibility so that there is a very clear understanding in the written form for all members of this House to recognise.

While I support the terms of reference proposed by the Leader of the House in setting the standards of ministerial responsibility that are to be imposed by this House in a written form, perhaps part of the Standing Orders may not be the correct way to go. However, we, like members of most Houses of Parliament, should rely on the conventions that exist and that have existed over many years, recognising that, as technology changes and time goes by, the conventions themselves sometimes change in their impact on Ministers of the Crown and certainly on Parliaments generally.

Finally, I refer to some of the writings of the current Governor of Western Australia, Professor Gordon Reid, who is, I think most people recognise, one of the most foremost academics in the area of Government in Australia generally. Some time ago, in a paper that he delivered, he suggested -

The sole imperative that applies to the value called ministerial responsibility is that it must not be neglected. The probity, efficiency -

The DEPUTY PRESIDENT (Hon J.M. Brown): Order! I understand that the Governor's paper should not be used in a debate.

Hon GEORGE CASH: I take your point, Mr Deputy President, and will refer to him as Professor Gordon Reid. The comment that the then Professor Gordon Reid made was -

The sole imperative that applies to the value called ministerial responsibility is that it must not be neglected. The probity, efficiency and vigour of the parliamentary system . . . depends upon it,

He continued -

There is an inescapable need to rebuild the elected Parliament, physically and spiritually, and to make the doctrine of Ministerial Responsibility meaningful. In its present state that doctrine is the seed of our present discontent. It is a means for cloaking the growth of powerful, secretive, privileged and largely self-regulating groups of Executive officials. It is causing much disillusionment by its frustration of our democratic aspirations.

I mention those comments by the then academic, Gordon Reid because -

The DEPUTY PRESIDENT (Hon J.M. Brown): Order! Whether Hon George Cash calls him the Governor, the Queen's representative, Professor Gordon Reid, or otherwise, I draw to his attention that I have allowed him to continue but I think he is drawing a long bow in persisting in using his name.

Hon GEORGE CASH: I will not refer to that person again. In conclusion, the Opposition is happy for the Standing Orders Committee to consider the terms of reference proposed by the Leader of the House. Quite clearly, he and I differ markedly on the degree of individual ministerial responsibility. It is true that a great deal has been published on this subject. Indeed, it is a subject that will no doubt take the Standing Orders Committee a considerable amount of time if it is to adequately research the subject and carry out the various functions set out in the terms of reference. I hope the Standing Orders Committee will present this House with a report that clearly recognises the current convention in respect of individual ministerial responsibility; that is, that any Minister must accept absolute responsibility for anything uttered by him or her in this House, either orally or in writing. I support the motion.

HON E.J. CHARLTON (Agricultural) [8.43 pm]: I will be very brief on this subject because the whole spectrum of the question before the House has been widely canvassed and considered, not only as part of this debate but also when the statement was made by the Leader of the House. The National Party, after lengthy discussion, has formed the opinion that this matter should be referred to the Standing Orders Committee. The National Party places significant emphasis on the essential point of this question; that is, in order to respect the positions held by Ministers in this House and the Ministers who have significant responsibility on behalf of the Government and the people of Western Australia, it is essential that statements made and answers provided to questions in this House should be binding on the Government. I am aware of the enormous responsibility which Ministers have for a wide ranging number of subjects and even we, as members of Parliament, are expected to know the answers to all questions, covering legal, medical, pharmaceutical, and a host of other matters. Obviously, no one human being has the capacity to provide the answers to all these questions without receiving some advice, or researching the matter. While recognising the enormous responsibility borne by Ministers, when a specific answer is given on important issues the National Party's view is that the answers should not only be accurate but also have the full authority of the Leader of the House, whether or not he has direct responsibility for the subject under discussion. I certainly would not expect any Minister to have full knowledge of or be responsible for every detail of the matters inquired into. If a genuine mistake were made or a statement misinterpreted, no fair minded individual would hold a Minister to a particular answer. However, the areas under question in recent times - and which will be under question in the future no doubt - are of such significance that we expect the answers to be binding on everybody involved. If that is not the case, there is not a great deal of point in asking questions. If answers are given in such a way as to indicate that the Minister is providing the answer but does not take responsibility for it, members can no longer rely on the accuracy of the information provided. Obviously that is totally unacceptable. If we are serious about this matter, it would be a positive step to refer it to the Standing Orders Committee. The essential point is that when an answer is given to questions of great significance to the wellbeing of this State, the Minister providing that answer, whether or not he or she is directly involved in that portfolio, should be bound by that answer. I support the motion.

HON GARRY KELLY (South Metropolitan) [8.49 pm]: I rise to support the motion, and I am gratified that there is a measure of broad agreement, dare I say consensus, in the Chamber on this occasion. I draw to the attention of the House today's supplementary Notice Paper; while acknowledging the one week recess, 242 answers have been provided to questions on notice. The questions were asked on 29 August and 8 September; 242 were answered, and nine have been postponed. Today there are 57 questions on the Notice Paper. Hon George Cash referred to the effect on the flow of information in this place and expressed his view that the Ministers in this place had to take responsibility for the answers supplied by the Ministers in the other place. I believe there would be a sharp reduction in the flow of information, not because the Ministers in this place would be bloody minded, but because it is simply a matter of practicality.

The intention of asking questions, either with or without notice, is to get information in this

Parliament. The turnaround time for the receipt of answers to questions is pretty quick; we are working on roughly a day's turnaround for questions when the House is sitting. That situation does not obtain in other Parliaments, and we find in the Federal Parliament that questions on the House of Representatives' Notice Paper often take weeks or months before they are answered. I do not believe we can complain about the length of time taken to answer questions in this place.

The Leader of the Opposition has suggested that each answer which comes into this place via the three Ministers in their representative capacities must be checked physically, and the Ministers must make absolutely sure that the content and background of each question is correct and that they are happy with it; but bearing in mind that we have large numbers of questions asked, I would say we would be lucky to get any questions answered at all. I want members to consider the situation where a Minister in the other place supplied an answer, via a Minister in this House, which was obviously incorrect and misleading. It would not take very long before someone, either here or in the other place, cottoned on to that, and the Minister would be brought to account for the error or contradiction contained in the answer. It is very rare for answers to have to be corrected or changed, in even a minor way.

It is crazy for members opposite to seek to throw out the baby with the bath water and get rid of the system we have in this Parliament, and tie up the Ministers in this House in second-guessing the answers supplied by the Ministers whom they represent. The Ministers' officers devote a lot of time and resources to answering parliamentary questions, yet members opposite want the three Ministers in this House - who have a large enough workload in looking after their own departments - to go through those answers and recheck them. The purpose of this Parliament is not to go on re-answering questions, or reinventing the wheel, every time someone asks a question of a Minister in another place. We have to realise what it is that we really want to achieve, and whether we want to gum up this place in red tape and unnecessary paperwork. Ministers of the Crown are paid a fair amount of money for the offices they hold, and it would be a waste of their time to tie them up in addressing things which have already been answered by the Ministers whom they represent.

Hon E.J. Charlton: That is not the point; you believe the answers which the other Ministers give.

Hon GARRY KELLY: That is right. They are giving the answers, and if a Minister in the other House were to give an answer which was incorrect or misleading, it would not be very long before that would be noticed. There are remedies to address that situation, and I do not see the need to tie up the Ministers in this House in unnecessary time and energy to recheck answers which have already been researched by the officers of the Ministers whom they represent. I have said enough; I am really stonewalling this motion now because everyone agrees with it, and I commend the motion to the House.

HON P.G. PENDAL (South Metropolitan) [8.55 pm]: I support the referral of the motion to the Standing Orders Committee, but I want to raise a number of matters in the hope that, when this issue is before that committee, a number of fresh issues might also be considered.

Before I get on to that, I will make a brief response to a good point which was raised by Hon Garry Kelly. I have some sympathy for the argument that it would be an impossibility for a Minister in this House to personally check the information provided to him or her by way of answers given to questions asked in this House. However, the point is not a Minister's inability to go through the answers to, say, 100 questions; it is whether that Minister is exercising responsibility for what he or she tells the Parliament. That is not very different from an answer being given by the Attorney General when he gives the House information provided to him by, for example, the Crown Law Department.

Hon J.M. Berinson: But I have a reasonable chance of knowing what the answer should be.

Hon P.G. PENDAL: The Attorney General might be surprised; I might be partly supporting some of his comments. It is true that Ministers in this House have a chance, if they are answering questions in relation to their own portfolio responsibilities, of verifying that information, but when a piece of information comes to the Attorney General, by virtue of his office, it may occur to him that the information being provided by an officer of the Crown Law Department is in fact at odds with what he knows, and I guess he would then get on the telephone and tell that person, "My understanding was such and such, and you have told me

to the contrary." That is at best an early warning signal to the Minister. There are many occasions when the Attorney General, or the Minister for Sport and Recreation, give information to the House which they cannot physically check, but which they do not doubt the veracity of. Therefore, it does not even cross their minds to check that information; they simply stand up and give that information to the House.

Hon J.M. Berinson: That is mainly questions relating to statistics.

Hon P.G. PENDAL: It can even be policy matters which are decided in a traditional sense, and which are in place, regardless of who is in Government. But my point is this: When a Minister gives that information he is taking responsibility because the buck stops there. That is what being a Minister is partly about.

Hon J.M. Berinson: That is agreed.

Hon P.G. PENDAL: So that is agreed. When a Minister is given bad information by an officer in his own department - let us leave aside for a moment the possibility of his being given bad information by someone else's department - his resignation may well follow for having misled the House, but ultimately the sanction is that that officer also is brought to task by the department itself for having fed incorrect information. Otherwise the system, whether it operates just for this House or another House, breaks down if no-one has to accept responsibility.

Hon J.M. Berinson: But the Minister supplying the answer accepts responsibility.

Hon P.G. PENDAL: Yes, he did, but not too much here, we are starting to understand.

Hon Graham Edwards: That is not true.

Hon J.M. Berinson: I am saying the responsible Minister accepts responsibility irrespective of which House he is in.

Hon P.G. PENDAL: Yes, but a Minister in another place has no standing here; indeed, the person supplying the ministerial answer from another place has as much standing here as does the officer in a Minister's own department who is giving the information. The point we are trying to get at - and I do not think it is a political thing; it is very central to the whole question of accountability and responsibility to the Parliament - is that that Minister in another place, asking a Minister in this place to answer for him, does not have any standing here - this Minister does. The person in the Minister's own department does not have any standing here - this Minister does. So what is it that we are trying to convey?

Hon J.M. Berinson: Could you answer this question seriously? You are not suggesting that a responsible Minister in the Legislative Assembly who provided an incorrect answer would go unscathed and would not be held to his responsibility because that could not be done here?

Hon P.G. PENDAL: How would the Leader of the House suggest the mechanism work? I heard Hon Norman Moore interject on much the same thing when Hon Garry Kelly was speaking. How, then, do we as a House begin to take to task a Minister in another place who, to all intents and purposes, does not exist?

Hon J.M. Berinson: That is not true. Since when have you been shy in this House of attacking a Minister in another House?

Hon P.G. PENDAL: Never.

Hon J.M. Berinson: That is right. So you could make the same attack on him whether he is here or not.

Hon P.G. PENDAL: No. It is not just a question of making attacks on that person, it is getting that person who has made the information available to be somehow accountable to the Parliament. That is the point I keep referring back to. As unfair as it may be, if a Minister gives information to this House which turns out to be false information, that Minister still must be responsible. There is no question in my mind that it is an impossibility to check everything that comes from a Minister in another place. My argument to that is that it becomes a question, ultimately, of a Minister's being responsible to this House because it is he who is the conduit for the information. I make that comment only in response to Hon Garry Kelly, who has now resumed his seat.

I now want to move quickly to the point that prompted me to get to my feet; that is, part (d) of the motion, where we are asking the Standing Orders Committee to look at the practical impact of our adhering to the principles in the President's statement or a modified version of those principles. I draw to the attention of the House the rate at which we have in a very short time departed from one of the time honoured and most fundamental of all of the Westminster practices - that is, the subject under discussion. We are arguing tonight about whether a Minister in this House should be held responsible for things given to him by a Minister in another House. I believe the situation is even worse than that, and that in itself is a serious enough matter.

I will explain why the situation is worse than that. Earlier this year I wrote a letter to a Minister in order to get to the bottom of an investment made by the Western Australian Development Corporation in a tourist venture at Sentosa Island in Singapore. Ironically, as it turns out, having made my original inquiry on 29 May, I received an answer today. That is part of the frustration that is being felt on this side of the House, when our colleague, Hon Garry Kelly, wants us to believe, as he did a few minutes ago, that we are able to get a quick turnaround of questions. It may be so on most occasions, but it is drawing a long bow when we must wait nearly four months to receive an answer to a query.

Hon Fred McKenzie: You should demand an apology too.

Hon P.G. PENDAL: I will mention that, because now it comes down to what part (d) of the motion refers to.

Because I did not receive a response to that query, which I put in a letter, I put a question on notice to the Leader of the Government in this House who takes responsibility for matters relating to the Premier. So the reply that came back today was prefaced by the words we have seen used frequently in recent weeks, ever since the President made his statement. It begins by saying, "The Premier has provided the following reply". At the moment I will not query that because really that is what we are arguing about. I will not bother members with those arguments.

Hon J.M. Berinson: I think the committee should consider whether there is any significance to the changed form.

Hon P.G. PENDAL: I am sure it should, and I am sure it will; but my question on the Notice Paper was in six parts and the first two parts were disposed of by that answer, whose preface was, "The Premier has provided the following reply to (1) and (2)". That is okay; but then - and this shows the rate of deterioration - in respect of the answers to my questions (3), (4), (5) and (6), we are not even getting an answer. Not only are we not getting it from the Leader of the House; not only are we not getting it from the Premier; but also I reckon for the first time in parliamentary history we are now getting a reply from the Western Australian Development Corporation.

Hon J.M. Berinson: What is the number of the question?

Hon P.G. PENDAL: It is question 273. In answer, once the Leader of the House has dispensed with responsibility for the first two parts of the question by saying "The Premier has provided the following reply", he then proceeds to the last four parts and says that the Premier has not advised this but the Western Australian Development Corporation has.

Hon George Cash: How can that happen?

Hon P.G. PENDAL: Exactly. How is the WADC accountable to this Parliament? So do you see, Mr Deputy President (Hon Doug Wenn), we are debating something far more serious than the Leader of the House or the Leader of the Opposition was led to believe, and were it not for the fact that this question was answered only today, I suggest we might have gone longer thinking the argument was about the fairly narrow problem of how a Minister in this House represents an answer from a Minister in another place. But it is far more serious than that for the reasons that I have mentioned. It is not just a slip of the pen or a slip of the tongue in terms of verbal instructions given to whoever composed that response; it is a deliberate and conscious effort on the part of that answerer to say that that answer comes not from the Premier, not from the Leader of the Government in this House, but from a statutory agency of this House.

So I am entitled, I presume, to ask a question here of all members: Who is taking

responsibility for the information contained in those four bits to the answer? Clearly the Premier is not, because that has already been dispensed with; clearly the Leader of the House is too bright to accept responsibility, so all of a sudden we have an answer coming to Parliament which is the responsibility of neither of those two Ministers; indeed it is the responsibility of no Minister at all. It becomes the responsibility of a statutory organisation set up by Parliament. That is a very serious matter, when it is referred off. Whatever the Standing Orders Committee says on the matter, I at least as one member of the House give notice to the Government and to the Chair that I will not accept an answer for which responsibility is accepted by no-one on the Government side of the House. This is a most serious matter and a serious turn of events.

I wish to make another point in supporting the referral. It is also a matter to which I would hope the Standing Orders Committee would give serious consideration; a matter that has been referred to by Hon George Cash, a matter of utmost significance. Hon George Cash quoted Lord Salisbury on the general principle of the collective responsibility of those members who sit in Cabinet.

An interesting exercise occurred a year ago when I can recall a senior Minister of the Crown in this State - I refer to the Minister for Fuel and Energy, Mr Carr - experienced some electorate difficulty in his home town of Geraldton with the local media about the Government's disastrous attempts to invest in business ventures. He responded very quickly by saying that it was not really his responsibility; it was not something that he took to Cabinet. He went so far as to say on that occasion that the people who had mucked up the venture were the Premier and the Deputy Premier, Mr Parker, and our friend the Minister for Budget Management in this House. I think he also mentioned another Minister, Mr Grill. This is a classic case of Cabinet responsibility in this State simply going out the window. That went unchallenged in the sense there was no point of order taken because of course it was something that had happened outside Parliament. It was something that was certainly acted on by the Opposition in another place subsequently; it was certainly a matter that the Opposition commented upon in this House.

That is a dramatic example of the extent to which, on a secondary level, the idea of the collective responsibility of Cabinet is non-existent in this State. If we can have a situation in Parliament where a Minister avoids responsibility along the lines that the Leader of the House wishes to assert, that is bad enough. But if we then have a position that has developed in the State where Ministers outside Parliament, in the public arena, are able to dissociate themselves from the actions of their colleagues, not only do our Standing Orders mean nothing but so too do the dictums of people like Lord Salisbury who, as Hon George Cash said, is one of the cornerstones of the practice of Westminster. Lord Salisbury is quoted around the world. If we are to dispense with that as though it means nothing more than a row of beans, we have come to a pass where not only Parliament is irrelevant but also the Government's word outside Parliament, such as it was in the case of Mr Carr, is irrelevant.

A comment was made earlier tonight by Hon Phil Lockyer on another matter when he appealed to members of the House to realise that what they are dealing with is of the utmost importance to the Westminster tradition. It is strange that less than an hour or two later there should come to the attention of the House - I hope by way of the two examples I have given - another serious deterioration in the way in which Westminster and its practices are observed by the Government, not only in this House but outside the House as well. I hope therefore they do not attempt to rewrite Westminster and do not attempt to rewrite the rules just for the sake of political expediency.

I hope that this reference is made to the Standing Orders Committee and that it reads the point made at part (d). I hope also that the committee will take a serious look at the practical impact of the principles outlined by the President on the two occasions I have mentioned. I support the motion.

HON D.J. WORDSWORTH (Agricultural) [9.17 pm]: I appreciate that this motion provides for the Standing Orders Committee to consider the matter. As I am a member of that committee perhaps I am having two bites at the cherry. I do not necessarily agree that the matter should go to the Standing Orders Committee. It is too important and significant a matter for that. As has been pointed out, this is an endeavour to change the whole Westminster system.

Hon J.M. Berinson: It is not. You are now prejudging what you intend to do; that is a shame.

Hon D.J. WORDSWORTH: And, therefore, I should not speak to the motion?

Hon J.M. Berinson: It is a shame you are going in with a closed mind.

Hon D.J. WORDSWORTH: I am trying to suggest that perhaps the issue is too important to be considered by just a few people. I believe we are changing the whole Westminster system of responsible Government. It arises over the matter of questions and indeed the embarrassment of the Leader of the House about answers given.

Hon J.M. Berinson: That is not the point at all; that misrepresents the position.

Hon George Cash: That is the only reason you moved the motion.

Hon J.M. Berinson: How do you explain that none of the texts confirms the view of Ministers' responsibility for other Ministers' answers? Why does not May refer to it? Why does not Odgers refer to it?

Hon D.J. WORDSWORTH: We have two Houses of Parliament, each standing alone and debating Bills and other matters that come before it. The questions being asked are about administration. Questions to this House are not confined to administrative matters - they can be referring to Bills that we are debating. Does the Leader of the House mean to say that if we are asking a question regarding a Bill and the Standing Orders allow that, we will get an answer and later on the Minister can say that that is not right; it was not within his portfolio; he is not responsible for that? How can we debate Bills if Ministers are not responsible directly for any answers given? Obviously, they have to be responsible. That is part of the collective responsibility of the Executive. I sympathise with the Leader of the House that he cannot read all the answers that he gives; indeed, I do not expect him to. However, I expect him to be responsible.

Hon John Halden: That is outrageous.

Hon D.J. WORDSWORTH: It is collective Government on behalf of the Executive.

Hon John Halden: It is an outrageous proposition.

Hon D.J. WORDSWORTH: Ministers are rushing for cover. However, the buck must stop somewhere.

Hon Fred McKenzie: It should stop with the responsible Minister.

Hon D.J. WORDSWORTH: It goes beyond that; it goes to the Premier of the State. I have been a member of the Executive Council and had it pointed out to me on numerous occasions by the then Premier, Sir Charles Court, that I must be responsible. Members realise that he was given a commission by the Governor to form a Government and he told us on many occasions that the buck stopped with him. He said, "You are answering questions on my behalf. I am the one that finally has to accept responsibility. I am giving you a bit of responsibility because I cannot do the lot myself."

In a two House system, someone has to accept responsibility in both Houses. That is the basis on which have the two Houses. It is all very well to ask why a Minister in this place should accept responsibility for a Minister in another place. There are times when the Minister in the other place is on leave or overseas. Who will accept responsibility then? During his absence, another Minister is appointed to take on his responsibilities. During that time he runs the risk of being supplied with a dud answer by his department. I have been in that position. I am sure I was set up by the railways at that time because I was trying to introduce reforms. I was provided with a dud answer and had to come back to the House and apologise for misleading it. I apologised because the buck stopped with me. I recall another occasion when I was asked whether a statement I had made and was quoted on the ABC at 6 o'clock in the morning about the railways was correct. I said that I was asleep at 6 o'clock in the morning and was not sure what I had been quoted as saying. I think that answer is written in the Press Gallery. However, I was still responsible for that answer.

Hon Fred McKenzie: The difference is, you were the Minister.

Hon D.J. WORDSWORTH: That is right. However, Ministers in this House have to be responsible for all the answers they give. If they give a dud answer they should go back to

their colleagues in the other place and tell them that they were embarrassed because they had been supplied with a false answer. The Executive has to work that out in its own way. It is unnecessary that this House should be considering sending this matter to the committee. It is a longstanding matter of responsibility. Perhaps we should be asking questions of the Executive. That would be a matter of just changing the format. Instead of asking questions of Ministers representing other Ministers, we should ask them of the Executive. Mr Berinson would answer the lot. That is done in other places. I believe it is done in the House of Lords and it is certainly done in Tasmania where only one Minister represents the Government in the upper House.

Our Constitution says that we should have at least one Minister in this House. Perhaps the alternative should be that there be no Ministers in this House and that it be purely a House of Review. That has been debated many times.

Hon P.G. Pendal: I note that that suggestion is always made by an ex-Minister.

Hon D.J. WORDSWORTH: That is the quandary that the Standing Orders Committee will be in. No doubt it will handle the issue and return to this House with recommendations. I believe that this motion is deferring the debate, but finally this House will have to decide its destiny and I believe this matter is one of those issues.

HON FRED McKENZIE (East Metropolitan) [9.27 pm]: I support the motion. It has been a very interesting debate. It arose from a statement made by the President of the Legislative Council with which the Leader of the House did not agree. It is obvious from the discussions that we have heard tonight that members opposite believe that Ministers in this House who provide answers to questions, whether they relate to their portfolio or not, are responsible for those answers. The Government, on the other hand, maintains that the Minister who is responsible for the answer is the person ultimately responsible. It has been said often by way of interjection that the buck has to stop somewhere. I believe it stops with the Minister who is responsible for the portfolio. I cannot see anything unfair about that; that is where it ought to stop. The Minister directly responsible for that portfolio has to answer allegations about whether he has misled the House. If the House has been misled by a Minister in another place he is the person responsible. However, I do not believe it is fair that three Ministers in this House who have the task of answering questions on behalf of the 14 Ministers in another place are to bear the responsibility for all of the answers they give in this place.

We have reached an impasse because the President has made a statement with which the Leader of the House did not agree. What do we do with the matter? The only thing we can do is to refer it to the Standing Orders Committee. I believe that this debate has taken much of the work the Standing Orders Committee would have to do from it. We have discussed the matter for some time. Nevertheless there will still be plenty for the committee to do.

Hon David Wordsworth indicated that this is a very interesting matter for the Standing Orders Committee to handle. I do not believe that we are attacking the Westminster system. The fact is that nothing has been laid down. Members opposite are maintaining the buck stops with the Minister in this place. We maintain that it does not. Nobody has said tonight that there are hard and fast rules. Lord Salisbury has been quoted on a number of occasions but nobody has been able to suggest that hard and fast rules have been laid down for where the buck stops.

Hon George Cash: A lot of rules have been laid down by convention over the years rather than by Statute.

Hon FRED McKENZIE: Of course, and that is a good thing; I do not think at all times that we should abide by hard and fast rules. Ultimately if we want to know who is responsible, we are looking for hard and fast rules to be laid down, rather than relying on conventions. How much has been pointed out with regard to convention and the Minister's responsibility? In the past Ministers have made mistakes when replying to questions, for example the Federal member Mr Morrison made such a mistake in one of the Labor Party Governments. If a Minister makes an error and then apologises, the Parliament is not harsh on him. Hon David Wordsworth explained that he had been in that predicament and we were not hard on him. We accepted the fact that he had made a mistake.

Hon D.J. Wordsworth: Were you not hard on me?

Hon FRED McKENZIE: We could not be harsh on David Wordsworth. It is a very difficult

task for the Ministers. When I came to this place almost 13 years ago there were 13 Ministers in the Government, three of whom were members in this House. Those three Ministers were responsible for the portfolios of the 10 Ministers in another place. The Government now has 17 Ministers which means that the three Ministers on the front bench of this House are responsible for the portfolios of 14 Ministers in another place. The workload has increased because we are in a fast moving State in a fast moving world. If ever members opposite are fortunate enough to sit on this side of the House - it does not appear that this will be the case - I anticipate that the arguments they have put forward tonight will be reversed.

Hon George Cash: Within a matter of months when things change, I can assure you that we will stand by the arguments we have put.

Hon FRED McKENZIE: That is the Leader of the Opposition's hopeful resolution. Is he referring to the fact that the Government has a few months before the Opposition will block Supply?

Hon George Cash: No, not at all.

Hon FRED McKENZIE: I am getting a little edgy with regard to that matter, although I had felt safe previously. I understand the National Party will introduce a Bill in another place to the effect that members in this House will be required to vacate these benches at the same time as Assembly members do. I listen intently when the Leader of the Opposition talks of "a few months".

Hon P.G. Pendal: Do you think your 13 years will come to a stop?

Hon FRED McKENZIE: I hoped this would be my last term, but if the Opposition plans to shunt me out in the short term, I shall stand again for election. I am too young to retire.

This matter should be referred to the Standing Orders Committee and I am pleased that members are supporting it. It needs a great deal of consideration, much more than we can devote to it in the short time available to us. It may well be that ultimately it will go to the Executive. I was interested to hear Hon David Wordsworth say that eventually, if all else fails, the buck stops with the Premier who is the person ultimately responsible for everyone. However, I have yet to know of a Premier or Prime Minister resigning as a result of one of his Ministers misleading a House of Parliament. I have known of Ministers resigning because they have given misleading information, but not of Prime Ministers resigning. It is a very interesting question and I hope that the Standing Orders Committee is able to devote some time to this matter and is able to provide this House with some guidelines. I do not consider that would be destroying the Westminster system which has been around for a long time and of which we are all proud. However, that does not mean it cannot be modified and, indeed, substantial modifications have been made over the years. The basis put in place in England many years ago still applies with those modifications. There may be a case for such modification on this occasion. I support the motion that the matter be referred to the Standing Orders Committee and I hope that the committee will present the House with some guidance on how to overcome this impasse.

Question put and passed.

MOTION - STANDING ORDERS AMENDMENTS

Sessional Orders - Time Limits, Sittings and Adjournment of Council, Precedence of Address-In-Reply

Debate resume from 7 September.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [9.35 pm]: The motion moved by Hon J.M. Brown invited members to consider the adoption of certain Standing Orders which currently are the sessional orders relating to time limits, sittings, and adjournments of the Council and the precedence of the Address-in-Reply debate. I took the opportunity of looking at past editions of *Hansard* and tried to reach some understanding of how sessional orders as they are today came into being. I note that three years ago, on 12 June 1986, Hon Des Dans, who was then the Leader of the House, moved that certain rules be adopted as sessional orders at that time. It is true that as a result of his motion two and a half hours debate took place on the propositions put forward. The members who contributed to the debate were Hon Des Dans, Hon Gordon Masters, Hon Phil Lockyer,

Hon Sandy Lewis, Hon Mick Gayfer, Hon Norman Moore, and Hon David Wordsworth. In all, seven members contributed to that initial debate and it is interesting to note that three years later only three of those members are still members of this House - the others having retired in the meantime. The decision of the House on 12 June 1986 was that the proposal be referred to the Standing Orders Committee for its consideration. The committee was given seven days in which to report on the proposals, and on 19 June it duly reported. At the next sitting day, on Tuesday 24 June, the recommendations of the Standing Orders Committee were considered by the House; the debate again lasted two and a half hours and on this occasions 11 members spoke on the recommendations. Those members were the President, Hon Mick Gayfer, Hon David Wordsworth, Hon Gordon Masters, Hon John Williams, Hon Sandy Lewis, Hon Norman Moore, Hon Garry Kelly, Hon Des Dans, Hon Vic Ferry, and Hon Robert Hetherington. It is interesting to note that only four of those members remain members of this House today.

On the surface the proposed Standing Orders may, in fact, become Standing Orders without any amendment but as a courtesy to the Standing Orders Committee and because there has been a considerable turnover of members in this place in the ensuing years since the sessional orders were agreed to, I believe it would be appropriate to send the proposal as moved by Hon J.M. Brown to the Standing Orders Committee for its consideration and report to this House. I add that the composition of that committee is now quite different from the way it was in 1986. It is true that that in itself may lead to the Standing Orders Committee putting a big tick in a box and reporting to this House that it is satisfied with the sessional orders, that they have worked for the past three years, and that it recommends their adoption as Standing Orders. If the committee makes that recommendation, I have no doubt the House will see fit to adopt the sessional orders as Standing Orders. I am not sure, however, whether that will have an impact on the recommendation of the Standing Orders Committee. I believe that committee should be consulted on this matter and be invited to make a report. I have discussed this proposition with a number of members of this House, and find no real objection to having this matter referred to that committee.

Amendment to Motion

I move -

That the Standing Orders Committee consider the proposed new Standing Orders and report thereon not later than Thursday, 26 October 1989.

The reason I have chosen that date is because it is clear that the Standing Orders Committee has other matters to consider at this stage, and rather than require it to report in, say, just seven days, it provides it with a few extra days in which to consider the matter and report to the House. I urge members to support this amendment.

HON E.J. CHARLTON (Agricultural) [9.41 pm]: The National Party supports the move to send this matter to the Standing Orders Committee for its consideration. There needs to be a change made to the Standing Orders. We have had sessional changes made on previous occasions, and I considered at that time that they were beneficial to the running of this Chamber. I know there is a great deal of conjecture about the sitting times, and a number of committees obviously require the extra time available to them in order to operate efficiently. There are a number of other changes which could be made, and rather than debate them in the Parliament, we should leave it to the members of the Standing Orders Committee, who are best equipped to look at this matter. We agree to the amendment put forward by the Leader of the Opposition.

HON J.M. BERINSON (North Metropolitan - Leader of the House) [9.43 pm]: I must confess that for a few moments during Mr Cash's comments I was starting to get a bit concerned as to whether I should participate in this debate. Members will recall that his comments included some interesting statistics going to the high rate of attrition from the Parliament of people who have participated in debates on the Standing Orders. He reminded us of the very high proportion of former participants in debates on this matter who are no longer among us. I thought I might ask Hon Fred McKenzie to represent our position, but he anticipated that, as members will note, and has accordingly found himself engaged in other parliamentary business elsewhere.

In the ordinary course of events, I would have thought that any detailed suggestion for amendments to the Standing Orders was most appropriately directed to the Standing Orders

Committee in the first place, and now that that point has been made, I have no objection to the amendment moved by Mr Cash. However, in support of the approach taken by Hon Jim Brown originally, and in fairness to the position he took, I think it is only right to point to the significant difference between this set of proposed amendments and others which we may from time to time consider. It has already been noted that the amendments which Hon Jim Brown has put to the House have already stood the test of some considerable length of time. They go back to 1986, and have consistently been reintroduced and accepted on a sessional basis since that time. Notwithstanding the change of membership which has occurred in the Council over that period, it is difficult to believe that a set of Standing Orders which has been applied and reapplied so consistently would not be acceptable on a permanent basis. I am sure that is the only reason why Hon Jim Brown moved these amendments in the way that he did, and given his present inability to participate in the debate, I think it is only fair that that point should be made.

There really can be no objection in principle to the proposed amendment, and I accept what Mr Cash has said; namely, that in practice as well, it has everything to commend it. We are also committed to this set of orders on a sessional basis, so whether we wait until the end of October or the middle of November, or whatever is a convenient time, makes no difference in that respect. The Government accepts this proposal.

Amendment put and passed.

Question (motion, as amended) put and passed.

DAYLIGHT SAVING BILL

Second Reading - Defeated

Debate resumed from 6 September.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition). [9.49 pm]: The proposal now before the House is to introduce daylight saving to Western Australia on a permanent basis. The Bill proposes to advance the clocks forward by one hour on Sunday, 3 December 1989, at 2.00 am, until 2.00 am on 18 March 1990; and, secondly, to allow that in the future, the last Sunday in October until the third Sunday in March will be a period where the clocks are advanced by one hour.

It is true that in recent years there have been a number of attempts by Governments of the day to introduce daylight saving in Western Australia; in fact, in 1974-75 there was a period of daylight saving. That was followed by a referendum on 8 March 1975 which clearly rejected the proposition. Another referendum was held on 7 April 1984 and again the community rejected the proposition.

Hon John Halden: But not by much.

Hon GEORGE CASH: It is quite clear that the Government itself is not too keen on the proposal.

Hon T.G. Butler: Why do you say that?

Hon GEORGE CASH: I will explain why I say that. If members opposite care to read the second reading speech of the Leader of the House, they will see that the only saving grace that is tendered in support of the argument is a suggestion that a change to daylight saving would foster more orderly business links between Western Australia and the Eastern States, as well as save time and money and make life less frustrating for travellers.

Hon T.G. Butler: Do you disagree with that?

Hon GEORGE CASH: If that is the best the Government can offer I do not believe it really deserves support. In fact I would suggest to members of this House that the original intention of the Government's introducing this Bill was to do no more than divert attention - that it is no more than a cheap political trick.

Hon P.G. Pandal: Hear, hear! It is a fraud.

Hon GEORGE CASH: It is based on expediency and, as my friend and colleague Hon Phillip Pandal said, it is nothing more than a fraud on the public of Western Australia. Is it not interesting that, at a time when this House could be discussing the tabling of important documents, as moved by Hon Eric Charlton -

Hon John Halden: This is the same speech that was given in another place. You are reading it word for word.

Hon GEORGE CASH: No, there are my notes. Hon John Halden should just settle down a little. There are other matters of importance which this House could be discussing. If it were not the tabling of documents motion it could be the proposition advanced by Hon Bob Pike for a Select Committee to inquire into the petrochemical industry; but what do we have? We have a diversionary tactic. I do not believe this Government is entitled to be taken seriously when the best it can do is to make a claim that daylight saving will assist business. That is what is proposed in the second reading speech, and no more.

For the information of members, while it is claimed it would be in the interests of business to have our clocks advanced by one hour for a period of time during the year - and I assume that is to assist Western Australia and the Eastern States in their business dealings - there is a time difference of three hours between the west coast and the east coast of the United States, and the businesses in that country seem to survive. The time zones in South East Asia are in many instances the same as that in Western Australia and I question what the Government is trying to achieve by this Bill. Again I make the point that it is no more than a cynical political exercise based on expediency and is, indeed, a fraud.

Perhaps members should note that the meridian from which we take our time in Western Australia is already some 20 minutes to the east of Perth. That is certainly something that members should take into account.

Hon John Halden: It is word for word - you will have to do better.

Hon GEORGE CASH: Another interesting point is that in its proposition advanced in the second reading speech, in no way at all did the Government attempt to prove its case. It has not produced any quantified statistics or information supporting the propositions that it makes. It talks about alleged benefits for business but it does not quantify possible disadvantages to business and other areas. It really is no more than sheer hypocrisy on the part of the Government. For instance, one would be entitled to ask why the Government did not come up with any commercial alternatives. Why is it that the Government, on wanting some change, immediately rushed into this House to make legislative change? If there were propositions that could be supported for the business community it would seem to me that they may have been able to be implemented by administrative change, and I refer to the extension of flexible working hours and other opportunities that exist within the commercial community in Perth.

Hon Graham Edwards: At what cost to the commercial community?

Hon GEORGE CASH: I do not believe that the Government explored any of those alternatives. It certainly did not introduce any evidence in the second reading speech as presented by the Minister in this place. It is fair to say that the Government has failed to prove its bona fides in respect of the proposition before the House. It clearly was designed to divert attention from the massive, multi million dollar losses that this Government has suffered in its recent financial dealings. I oppose the Bill.

HON E.J. CHARLTON (Agricultural) [9.56 pm]: Mr Deputy President -

Hon T.G. Butler: How are things down on the farm?

Hon E.J. CHARLTON: If ever one had the slightest question about whether we should have daylight saving, it is that very low sort of interjection - in poor taste, and showing low intelligence and an incapacity to understand what the question is about - that would change one's mind.

Hon Graham Edwards: Does that mean you will support the Bill?

Hon E.J. CHARLTON: Does the Minister want me to say all that again? It is quite unbelievable, and I must make a comment about my friends at *The West Australian*. I do not see some things in the same way that they do. I refer to editorials such as one that appeared some days or weeks ago, commenting on this subject. This is a very important matter. It is so important that the Government saw fit to introduce a Bill to advance our clocks by an hour. That editorial can talk about some of those absolutely shallow things which guys in the public bar have a joke about at 11 o'clock, before they go home - they have a chauffeur to drive them because obviously they cannot drive in any other way. Those are the sorts of stupid statements that have been attributed to this debate, and that is unfortunate.

This is a serious matter. I respect the point of view of everyone who wants to promote the idea of daylight saving. They have a valid argument, and it is a shame that the people who hold the other point of view do not have their opinion respected in the same way. It is disgusting that that has been allowed to occur, and it has been compounded by some irresponsible statements.

Be that as it may, I cannot believe how a Government, by referendum or even by an Act of Parliament, could see fit to advance Western Australia's clocks by one hour. In this day and age, with all of the technical assistance we have to enable one place to deal with another, and organisations to deal with each other, and with flexitime and the various timetables that people adhere to, if an industry or business operation wishes to start an hour earlier - or two or three hours earlier - or continue running all night, it certainly has the option to do so. Changing the clock will not have any bearing on the matter. The efficiency of the State and of the business world would be enhanced if they took the initiative. We do not need to change the timetable for everybody. I know that these arguments have been put forward a thousand times, but in dealing with departmental people, the health service industry, or the Police Department, we know that these people work on shifts or rostered hours, so daylight saving will not make any difference. Those areas have the option to change their hours of work.

The Stock Exchange has been singled out but I do not understand why workers in that area cannot operate on a different timetable. They should be encouraged to do so. The point has also been made that daylight saving will alleviate the pressures brought about by traffic congestion during peak hours, and that significant amounts of money will be saved. It is incredible to me that the Government promotes this sort of thinking. Maybe it has an ulterior motive. We cannot take the Government seriously when it brings in this sort of legislation. Many people have said that they will support daylight saving - not because we need it but because if it is brought in they will become accustomed to it. The various groups I have mentioned should go ahead and start their working day earlier if that is what they want to do.

Many people in this State have taken the initiative and promoted various organisations, both in the city and the country. Governments of all colours benefit from the operations of those organisations, and it is a shame the Government does not encourage them to change their hours of work. We are so tightly governed by regulations in some areas that the consideration given to changing the clocks is irrelevant.

On previous occasions we have heard that Western Australia is about 36 minutes ahead of the Eastern States on a sunlight basis. Therefore, people who are using the argument that we need more daylight hours are missing the point. If daylight saving were needed, the argument would be that we needed it in the winter time. There are two sides to the argument.

Hon J.M. Berinson: You would be going to work in the dark.

Hon E.J. CHARLTON: Let me finish; give a bloke from the bush a go. Some people say we need daylight saving to allow more leisure time. I do not know whether that argument reflects on people or the business sector. Mr Berinson says that people would have to go to work in the dark, but a lot of people go to work in the dark at the moment. We need more daylight when we are not at work. In the summer we have three or four hours daylight before we go to work so I cannot see why we should force people to go to work an hour earlier. If daylight saving is brought in it should be in the winter so that people can have more freedom to enjoy leisure time with their families.

Hon J.M. Berinson: To enjoy the rain in the light.

Hon E.J. CHARLTON: I would very much enjoy the rain in the light or in the night. If the Leader of the House can organise a half an inch of rain across the wheatbelt by the weekend, I will consider voting for daylight saving.

Hon P.H. Lockyer interjected.

Hon E.J. CHARLTON: Does the member think he might fix it? Once upon a time I believed that this Government could fix anything.

Hon P.G. Pandal: It did fix things.

Hon E.J. CHARLTON: Besides fixing the books - perhaps it could fix the rain as well. I think those days are over. My argument is that daylight saving is over as well. I do not support the Bill.

HON JOHN HALDEN (South Metropolitan) [10.07 pm]: I support the legislation. The hype and hysteria about daylight saving in the 1970s, the early 1980s and now in the late 1980s are reflected in the comments made in another place recently and here tonight.

Hon Eric Charlton could not resist talking about how the meridian which lies through Southern Cross gives an extra 36 minutes of light. The reality is it gives us no extra light.

Hon E.J. Charlton: Daylight saving will give extra light.

Hon JOHN HALDEN: Every time this debate has arisen, be it in this State or in the Eastern States, in Scandinavia, Western Europe, or the United Kingdom we hear a rush of arguments from the rural communities.

Hon E.J. Charlton: Not only from the rural communities; the debate was lost in the city last time too.

Hon JOHN HALDEN: Maybe, but I am talking about the history of those regions I have mentioned.

Hon P.G. Pendal: In the suburbs you represent. Mr Charlton says you have been cooking the books and probably this as well.

Hon JOHN HALDEN: The Opposition wants to turn the issue of daylight saving into a frivolous attack on the Government. I propose to direct my debate to the issue. The issue gets lost easily in the argument about extra sunlight. No doubt the Deputy Leader of the Opposition believes he can create extra sunlight, and walk on the water and other tricks. We have heard the proposition over decades that the curtains will fade.

Hon E.J. Charlton: That is not responsible; you should not say stupid things.

Hon JOHN HALDEN: That is not irresponsible; we have heard that.

The DEPUTY PRESIDENT (Hon J.M. Brown): Order! The member will be heard in silence.

Hon JOHN HALDEN: We have heard arguments about the curtains fading, the cows not giving milk, and wheat not being able to be cropped if daylight saving is brought in. Of course, wonderful statements about daylight saving were made in the other place. One of them was that daylight saving would be the ruination of family life. We have now forgotten about poverty and violence in the home; daylight saving will ruin the rural families of this State!

Hon N.F. Moore: That is a stupid argument.

Hon JOHN HALDEN: They were made in another place less than six months ago by members from the same party as Hon Norman Moore. If he is calling my statements stupid, the people who made them must also be stupid.

Hon N.F. Moore: You won't address this Bill in an appropriate and sensible fashion.

Hon P.G. Pendal: It is a diversionary tactic by your leader. Why is this the only speech you have made this year and it is on a non issue? Why have you been silent on all other issues? You are a fraud.

The DEPUTY PRESIDENT: Order!

Hon JOHN HALDEN: Hon Andrew Mensaros said that the issue of daylight saving was not pertinent to political beliefs, to ideology or to religion.

Opposition members interjected.

Hon JOHN HALDEN: This matter engenders comments from everybody. It is driving them wild. The Opposition does not want to look at the facts; it wants to create a series of fantasies. This debate has been one long fantasy. It has had some unbelievable political consequences. The Minister who introduced the matter into the Parliament in 1974 voted against it one year later at the referendum. It was introduced again in 1983. When the referendum was held, 62 000 people voted against it. A decade before, 40 000 voted against it.

Hon N.F. Moore: One hundred thousand people would vote against it in a referendum today.

Hon JOHN HALDEN: The percentage was roughly the same. The percentage of the majority did not vary from referendum to referendum, and that percentage was very small.

Hon Barry House: It must be a full moon.

Hon JOHN HALDEN: It probably is; that is why they let the member off the lead. Six years later, the Government was told by the people represented by the Liberal Party that they wanted daylight saving. It was to their advantage. So six years after 62 000 people voted against it - about a one per cent majority - the Government said the people of Western Australia should have it. It was the Liberal Party supporter who began debate on the issue. They put the matter on the political agenda and we took it up as a responsible Government.

Hon Eric Charlton did exactly as his leader in the other House did on daylight saving. He did not want to talk about the faded curtains, the milking process being upset, the children being too tired, and family life being destroyed. He also did not want to talk about how the chickens would not lay or what would happen to the sheep. Whether we lived by western standard time or by western daylight saving time, the Opposition would be worried about the marauding shepherds.

Hon E.J. Charlton: You have allowed yourself to make stupid statements.

Hon JOHN HALDEN: That has been the standard of debate about daylight saving.

Hon E.J. Charlton: By members on your side.

Hon JOHN HALDEN: It has not. Recently I went to Bunbury and Collie. On my way there I heard a phone in to the local radio station in Bunbury about daylight saving and these sorts of comments were made. I will bet that if Hon Bob Pike was in the House at this moment he would refer to daylight saving as creeping socialism because he has an obsession about the Labor socialist Government.

Hon J.M. Berinson: He is there.

Hon JOHN HALDEN: The argument about the meridians and whether we create time was referred to in the other place.

Point of Order

Hon P.H. LOCKYER: Mr Deputy President, I refer you to Standing Order No 84 which states -

No Member shall elude to any debate of the current Session in the Assembly, or to any measure impending therein.

I believe the member may be inadvertently infringing that Standing Order.

The DEPUTY PRESIDENT (Hon J.M. Brown): I agree with the point of order.

Debate Resumed

Hon JOHN HALDEN: I agree with the Standing Order and will, of course, adhere to it. Members opposite are obviously embarrassed by the arguments put in the other House. We have upset members opposite and they hate us for it.

Hon P.G. Pendal: It will take more than that to upset us, my friend.

Hon JOHN HALDEN: The member is wrong.

The DEPUTY PRESIDENT: Order! I have been very tolerant today in allowing interjections, which I think sometimes benefit debate. However, members are interjecting now for the sake of interjecting. I ask members to refrain or I will take appropriate action.

Hon JOHN HALDEN: In relation to meridians, nobody can work out how much extra time is being created. Hon Eric Charlton and the many other people who have spoken about meridians cannot either. The reality is that there is no extra time.

When one reads much of the literature about daylight saving, one is amazed by the arguments put against it which people believe. Some of the classics are that it affects people who have to prepare dinner in the hottest part of the day. Surely people prepare dinner when they want to. It has also been said that daylight saving is an attempt at artificially interfering with the clock; we cannot adjust nature. Time is arbitrary anyway; surely we can do with the clock whatever we want. Another classic was that we will only have a certain number of daylight hours; I think the answer to that is fairly obvious.

The legislation proposes moving the clock forward to assist businesses and to allow people to enjoy their recreation time a little more. Those advantages should not be discredited by the piffle that has been presented by the Opposition from time to time.

Hon P.H. Lockyer: If you go on any longer, you will talk me out of it.

Hon JOHN HALDEN: I am sure I could not do that. It has been said also that we should not follow the Eastern States, that we should stand on our own feet. Arguments have been presented that they have a different climate and fewer hours of leisure and therefore they need more hours for recreation. Those arguments likewise are fallacies. Adelaide, for instance, has a similar climate to Perth. Melbourne and Hobart have more hours of sunlight than Perth does with or without daylight saving. There is no more sunlight around.

Hon E.J. Charlton: Nobody said there was.

Hon JOHN HALDEN: I am referring to arguments presented in public forums by supporters of the member's party; these are not my statements.

Hon E.J. Charlton: Nobody here said that.

Hon JOHN HALDEN: The member did not say it tonight. The argument about flexitime is one that can be put forward, but if the clocks are not advanced an hour, and Western Australia is only two hours behind the Eastern States, the number of hours a business will operate is still one hour longer than usual.

Hon E.J. Charlton: They can shut an hour earlier.

Hon JOHN HALDEN: What about the Western Australian market? If a business closes at four o'clock, does it just forget about people in Perth, Midland, Fremantle and other places who may require its services. There is a cost of wages for the extra hour.

Hon P.G. Pental: There is a cost for everything.

Hon Barry House: If the Labor Government deregulated the labour market there would be no extra cost.

Hon JOHN HALDEN: We can talk about those issues when Hon Barry House is ready and I am happy to debate it with him.

Hon Barry House: It is a hypocritical argument.

Hon JOHN HALDEN: The member makes statements but does not back them up; he said I was hypocritical and I ask him to prove that.

Hon Barry House: Why not allow workers to be deregulated?

Hon JOHN HALDEN: We are talking about daylight saving now, and I will not be sidetracked with that rubbish. The argument has been put forward that daylight saving will lead to a complete breakdown in the family. I do not believe that in 1989 people consider that daylight saving will be responsible for the breakdown of family life in rural communities or other such units.

Hon E.J. Charlton: You have done enough already towards the breaking down of family life.

Hon JOHN HALDEN: That may or may not be the case. Another issue has been raised about the harvesting of crops. I will read a statement to the House. It was prefaced by the following statement -

It must be said that the rural community, especially, will be very severely affected by the introduction of daylight saving, because the majority of rural pursuits, and especially the harvesting operation, cannot be set by the clock.

Why, therefore, are complaints made about daylight saving?

Hon N.F. Moore: Who said that?

Hon JOHN HALDEN: I do not know, but I will provide the quote which also states -

It does not matter what time one calls it, harvesting can only start when the harvesting conditions are right, and they are dictated by the sun, the heat, and the lack of moisture in the crops. Until those conditions have been reached harvesting cannot be commenced. The same applies at the end of the day - harvesting will continue until the moisture content has become too high for harvesting to continue. The argument is absolutely flawed.

Hon E.J. Charlton: Do you know what a farmer does when he harvests a crop?

Hon JOHN HALDEN: Yes.

Hon E.J. Charlton: What does he do?

Hon JOHN HALDEN: He takes out the tractor.

Hon E.J. Charlton: No, we do not use tractors.

Hon JOHN HALDEN: Hon Eric Charlton can tell me about harvesting later on, but now I will continue my comments. The situation is clear; for two decades fallacious arguments have been put in the Houses of Parliament by members of Parliament and by other people. Those arguments are fantasies of people's imaginations.

Hon Peter Foss: Fifty two per cent of the population?

Hon JOHN HALDEN: That may be the case, but they are still fantasies which can be proved wrong by looking at the logic of the arguments put forward. It can never be said that good logic will win a debate; one has only to consider the debates in this House.

There appears to be a predisposition from some sectors of the community that people should not enjoy more hours of recreation in which to swim, garden or engage in other activities.

Hon N.F. Moore: Who said that?

Hon JOHN HALDEN: It was said in another place and I will quite happily show Hon Norman Moore the quotation. The Government does not accept those sorts of arguments and Hon Norman Moore gets angry when they are read in this House.

Hon N.F. Moore: I am not angry but it is the rule of this House that you are required to say where you are quoting from.

Hon P.G. Pandal: It is abundantly obvious that he was given three minutes notice to make this speech and even his Leader is now wishing that he would finish.

Hon JOHN HALDEN: I will make the speech.

The DEPUTY PRESIDENT: Order! I ask the member to direct his comments to the Chair.

Hon JOHN HALDEN: I will do so, and I will not answer the piffling and unruly interjections. The business community has clearly put forward its case to the Government. The Stock Exchange of Perth wants daylight saving. That has not been refuted by members opposite, and they do not suggest that members of the Stock Exchange have lied or that they have been led down the path of disaster. They have friends there and they want to disassociate themselves from that. Once again, these people are asking the Government to respond and to act in a reasonable way. The people in my region say they would enjoy the extra hour of daylight for recreation, and would like to start work earlier and avoid the hottest part of the day. That has been stated by both blue collar and white collar workers, and it is a reasonable argument. The Opposition should not continue to block the passage of this legislation. It should seriously consider all the facts at this time, both financial and social, which facts are in essence very positive and reasonable.

I conclude by referring to Hon George Cash's comments. He alleged that the Government is attempting to divert attention from its other activities and that this whole matter is a diversionary tactic. We are talking about daylight saving, not about buying a navy or selling half the State. It is a very reasonable and appropriate step for the Government to take. This debate is often allowed to be taken out of context and to become frivolous. Clearly there are those in the community who think it is time for the Government to act and, as it is six years since the last referendum which was lost by a small margin, they consider it is appropriate for the Government to take the action it has and I support the Bill.

HON SAM PIANTADOSI (North Metropolitan) [10.29 pm]: I support the Bill introduced by the Government. I have canvassed the opinions of several people within my community, including small business people, people in the Government departments with which I deal, parents, school teachers and students. I have also canvassed opinions in the agricultural and rural communities in the North Metropolitan region. Members opposite might be amazed that I made inquiries within the rural and agricultural communities, but I have at least taken into consideration that my electorate includes a significant sector in the agricultural industry. I have yet to hear from members opposite, or to learn from what I have read in debates held in another place of specific reference to certain sectors of the agricultural community.

This debate has been taking place for 75 minutes, and probably less than 60 minutes of that time has been taken up by debate on the Daylight Saving Bill, when we take into consideration what was stated in this House earlier by the Leader of the Opposition, and others, who were more concerned about Rothwells and Petrochemical Industries Ltd than they were with this Bill. The only smokescreen in this debate was that put up by members opposite in their comments; and when nine members took about six minutes each to demonstrate their interest in debating this Bill, it reflected the depth of their interest in this area, because they were making only a token effort to satisfy certain sections of the people whom they allegedly represent.

Hon N.F. Moore: It is 52 per cent of the population.

Hon SAM PIANTADOSI: Is that who you represent?

Hon N.F. Moore: We do that in more ways than one; that is the result of the last referendum, and the result of the last election.

Hon SAM PIANTADOSI: I hope that within the next period of time, the member will enjoy that 52 per cent.

Where is the commitment and depth of debate by members opposite in respect of this legislation, and are they really concerned about contributing to the debate, or are they just making a few noises on behalf of certain people? The most interesting remark - as Hon John Halden alluded to earlier - is about some of the dangers that will occur and some of the difficulties that will arise, particularly in respect of disciplining children, and I find it quite amazing that the statement was made that women would have the greatest difficulty. I have always thought that the discipline of children was a joint parental task, and should not be left to the woman or the man alone. I do not see how the introduction of daylight saving will make it more difficult to get children to go to bed earlier.

Hon N.F. Moore: That is an actual fact. Have you raised your children during a period of daylight saving?

Hon SAM PIANTADOSI: Actually, I have.

Hon N.F. Moore: It is a severe problem.

Hon SAM PIANTADOSI: No, it is not. My experience has always been that the disciplining of children is not just something which one does during the summer time; it is a continuous occurrence. If children are disciplined properly, it will not matter whether they have an extra hour of daylight; they will go to bed at their normal time.

Hon N.F. Moore: Not when the sun is way up in the sky.

Hon SAM PIANTADOSI: It is obvious that the member is lacking an ability to discipline.

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

Hon SAM PIANTADOSI: If it were not so, the member would be in the position that I and my wife enjoy, where we have a very good relationship with our son. We have tried to bring him up in the manner which we think is correct, and I am proud to say that he has accepted what we have tried to instill in him, and he will obey us when we say it is his bed time. There is no argument about it, whether it is during a period of daylight saving or during winter. Our ground rules have been laid down, and he obeys them. I cannot see how a climatic or time change can affect that if one has the right disciplinary procedure established within the home. I think the member needs to ask himself a few questions and look at ways and means of overcoming his difficulties in that regard.

Hon N.F. Moore: That is a nasty comment, which is uncalled for because it happens to be a serious problem which many people are concerned about.

The DEPUTY PRESIDENT: Order! The member will direct his comments to the Chair.

Hon SAM PIANTADOSI: My son, and the many children who attend the Good Shepherd school at Lockridge, will be very pleased to be able to finish school an hour earlier during the day, and to go home at 2.00 pm.

Hon N.F. Moore: That is the hottest time of the day.

Hon SAM PIANTADOSI: It has been established that the hottest part of the day is 4.00 pm.

The member can check that out with the Bureau of Meteorology, and he will find that I am correct. If children are able to get away from school at 2.00 pm, they will be able to escape the heat by two hours.

Hon N.F. Moore: That does not sound right to me. I will check it out.

Hon SAM PIANTADOSI: I am sure the children would rather be home in a more relaxed environment, or possibly at the pool or the beach, to escape the heat and enjoy themselves, rather than to be travelling in a hot car, which their mother has probably had parked for half an hour, while waiting to pick them up. I challenge the member to check those times and to find out whether I am correct.

I am amazed at the statements made by members opposite, who lay claim to representing people in agricultural areas. We have seven or eight members in this Chamber who have constituencies in agricultural areas, and there are some members in the metropolitan area who represent agricultural interests. They have talked of wheat, sheep and dairy farming as being the only areas in agriculture, but what about market gardening? The Leader of the Opposition made no reference to the plight of the market gardeners, and he should check out the situation of the people at Wanneroo and Yanchep, and the problems they have with their produce by having to harvest during the heat of the day. I am referring not only to horticulture, but also to viticulture and exotic fruits, which are ever increasing in terms of export income for this State and country.

Hon Eric Charlton talked about grain handling, and I interjected during his statement to ask about other crops. I referred specifically to some of the more exotic fruits which are now being grown. I think Hon Phil Lockyer will agree with me that one of the largest areas of agriculture in this State is the fruit and vegetable industry, which has been growing at a rapid rate while other areas of agriculture have been in a state of decline. One should also consider the leafy vegetables which need to be collected, packed and transported in the cool of the day to ensure they have a longer life. This would mean they would not only get to the local markets in a better condition, but it would also provide all Western Australians with better produce which costs less because when the producers are able to harvest their produce in the right environment it is less likely to be damaged; therefore there will be more produce available and in the long run it would be cheaper. The varieties of fruit available - just to give members an idea, there are stone fruits, tomatoes, grapes, kiwi fruit, paw paws, mangoes, strawberries and avocado - are delicate and need to be protected. The producers need the central market system to operate an hour earlier so that such fruit can be delivered to the markets and handled earlier.

Reference was also made to the continuous links with Asia for the business sector and that the Government should look at the effect of daylight saving on the Asian market. I remind members opposite that the horticulture industry and the fruit and vegetable industry have made inroads there. A lot of small businessmen are involved in the export market to Asia; they need those links, sure, but they also need to have that extra time in order to get vegetables of top quality to market earlier, so that we can increase revenue from the markets in those places.

Members opposite have indicated they are against this legislation and that they are reflecting the opinions of their constituents. I ask those members whether they have canvassed the views of people involved in the horticulture, fruit and vegetable industries in order to find out their opinions. I would also like members opposite to read the latest edition of *The Farmers Weekly*; it is very interesting that it does not even mention this issue. Obviously most farmers, even in the agriculture, wheat, sheep and dairy farming areas are not concerned if it is not mentioned in that paper. It is what is not said in the 13 September issue of *The Farmers Weekly*, which does not contain one statement by any representative of those industries, that is important. That weekly paper is the farmers' journal, particularly in respect of daylight saving and the farmers' concerns about it. I ask members opposite to read it and to take that into consideration because it probably more clearly reflects the position of people in the agricultural areas than some of the comments made by members opposite.

HON J.M. BERINSON (North Metropolitan - Leader of the House) [10.43 pm]: In order to ensure that this item can be completed tonight, I move -

That the debate be adjourned to a later stage of this sitting.

My purpose is solely to provide an opportunity to extend time beyond 11.00 pm for the completion of this item.

Question put and passed.

MOTION - SITTINGS OF THE HOUSE

Extended After 11 00 pm - Tuesday 19 September 1989

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

That the House continue to sit beyond 11.00 pm for the purpose of completing consideration of Order of the Day No 5.

DAYLIGHT SAVING BILL

Second Reading - Defeated

Debate resumed from an earlier stage of the sitting.

HON GRAHAM EDWARDS (North Metropolitan - Minister for Racing and Gaming) [10.45 pm]: It really is unfortunate that this serious matter has not been taken at all seriously by the Opposition. I think that the disparaging way in which the Opposition has dealt with it, the token effort it has put into the debate and the manner in which the Opposition has disregarded what is as I said a very serious and important -

Hon R.G. Pike: You can see how serious it is -

Hon GRAHAM EDWARDS: Hon R.G. Pike did not even talk about it, so he should not dare to interject.

Hon R.G. Pike: I will dare what I please.

The DEPUTY PRESIDENT: Order! I refer members to Standing Order No 91.

Hon GRAHAM EDWARDS: I bet Hon R.G. Pike does too. It is amusing to me to see that members who were not even prepared to get off their backsides and to stand up and debate what I said is an issue which is very important to the State are prepared to make inane interjections. I guess that is a further reflection of just how little importance members opposite attach to this issue. It is interesting also, knowing the commercial background of Hon R.G. Pike, that he could not even make a token effort in this matter. I can only assume that there is a redeeming factor in the Opposition and it will more fully debate this matter in the Committee stages.

Hon R.G. Pike: You keep saying how important it is to you, yet none of your members are listening; they are not even in their seats.

The DEPUTY PRESIDENT: Order!

Hon GRAHAM EDWARDS: I am glad the member who is interjecting is back in the House because I can well recall when he was in Government. He was dubbed the Minister for silly smiles. It seems to me that he will soon pick up a reputation as a member for silly interjections and questions. Certainly that is the way he is going.

An interjection by Hon Phillip Pandal suggested that this matter had not been carried in the electorate of North Metropolitan Region which I represent. That is simply not the case and I would like to run through a few figures of the then lower House seats when the last referendum was taken in 1984.

Hon N.F. Moore: Will you give us the total number for and against?

Hon GRAHAM EDWARDS: I will do even better than that. I researched this a bit further and took it into the then lower House seat of Moore; which was not then included in North Metropolitan Region, but which is now in that area. I just took out the figures for those booths which were in the then southern part of Moore but which are in the northern part of North Metropolitan Region now. It is interesting that members opposite are more keen to interject than to stand up and make a real contribution to this debate. However let us look at the lower House seats: Balcatta, those in favour, 8 287, those opposed, 8 969; Balga, those in favour, 9 189, those against, 8 080; Floreat, those in favour, 8 675, those against, 8 368; Joondalup, those in favour, 11 772, those against, 8 511; Karrinyup, those in favour, 10 301, those against, 8 378; Nedlands, those in favour, 6 992, those against, 7 547; Nollamara, those

in favour, 7 735, those against 7 152; Scarborough, those in favour, 7 722, those against, 7 569; Whitford, those in favour, 11 878, those against, 7 287; and Subiaco, those in favour, 7 036, those against, 7 592. The total within those seats was 96 988 in favour and 87 458 opposed.

I will refer to those areas in the lower House seat of Moore, the areas of Quinns, Two Rocks, Wanneroo Primary School and Yanchep High School. There were 895 people in favour and 1 107 against. The interesting fact about those figures is that it indicates that in that very quickly growing area of the metropolitan area there were more of the recent arrivals in favour of it than there were against it. A total of 184 000 people voted. I find it insulting to those people in my electorate that members opposite have not been prepared to consider or at least seriously debate the matter on which these people took the time to express an opinion.

Hon N.F. Moore: They told you what they thought twice in referendums.

Hon GRAHAM EDWARDS: That shows the scant regard shown by members opposite for these people in saying this matter is a red herring to divert the attention of the State from other things. What a load of nonsense! As I said earlier, it is a very important issue to this State and, if it is not carried, it will undoubtedly cost us money. There is another reason for quoting those figures: I wanted to refer members back to the figures of Joondalup and Whitford, and to a lesser extent, Karrinyup because it is in those seats that there is a large percentage of recently arrived migrants and there is no doubt in my mind that they are people who have swung the vote in those seats overwhelmingly in favour of daylight saving. That is a reflection of the fact that they have come from countries where daylight saving is taken as a norm and do not have the ridiculous problems that some people in this State would suggest are a result of daylight saving.

Another point is that people in Queensland have managed to just about reach an all party agreement on this matter and one of the greatest supporters of daylight saving in Queensland is the Liberal Party. Picking up on the argument of the Leader of the Opposition, I wonder why the Liberal Party supported it over there? Was there some need for a diversion or was it because it wanted to talk about things other than matters that were seen to be important to Queensland? I suggest not. It was seen to be a very important indeed in Queensland, and in some instances it was seen as crucial. That is the way it was dealt with in Queensland; that is, responsibly and seriously. It is a sad reflection on the Opposition of this State that it has not been prepared to adopt that responsible approach to this Bill.

I refer to a debate between a member of the Liberal Party and a person by the name of Poynton from one of the -

Hon P.G. Pental: A top grade gentleman.

Hon GRAHAM EDWARDS: Right. I am sorry that the member sees fit to extend that description of his character, but he is not prepared to lend support to his argument.

Hon P.G. Pental: He is a top grade gentleman, but I just happen to disagree with him.

Hon GRAHAM EDWARDS: He argued on a radio program that this was very much a matter of productivity and efficiency that confronted the State. I did not listen to all Mr Poynton had to say, but he did make mention of the fact that his offices would need to be staffed from 5.30 am to 7.00 pm at night to cover the gap that would be caused by the three hour difference. That is a measure of the time that these people would have to put in and it cannot be covered by flexitime or flexihours.

I have said many times during the course of my remarks that this is an important issue to the State, so I simply urge Opposition members to debate the matter more seriously during the course of the Committee stages than they have indicated they are prepared to do during the course of the second reading debate. I thank those members who have made a contribution to the debate, especially the very good contributions by Hon John Halden and Hon Sam Piantadosi in which they certainly indicated to me that they have a full grasp of the issue in relation to their own electorates and the broader view of the State. I am sure the rational arguments they put forward will have a bearing on members opposite when they decide to support the second reading question.

In conclusion, I wonder what sort of comments our forbears would make if they were given the opportunity to have a say in this debate tonight. I am talking about the pioneers of this

State who crossed oceans, faced greatly different climatic conditions and confronted all sorts of hardships and problems as they set the birth of this nation in train. I wonder what sort of comments they would make about this generation if they thought we could not cope with the mere factor of bringing ourselves in line with the rest of Australia by putting the clock forward for those few months of the year. I congratulate those members of the Government who have spoken and I urge everyone to give support to the Bill.

Question put and a division taken with the following result -

Ayes (13)

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

Noes (15)

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

Pairs

Ayes	Noes
Hon Tom Helm	Hon W.N. Stretch
Hon B.L. Jones	Hon J.N. Caldwell

Question thus negatived.

Bill defeated.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Metropolitan - Leader of the House) [11.00 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Police Force - Newspaper Articles - Opposition's Attacks

HON T.G. BUTLER (East Metropolitan) [11.01 pm]: I take this opportunity to refer members to a couple of newspaper articles which appeared in *The West Australian* last week. Like Hon Eric Charlton I do not have a great deal of faith in newspaper reports and we should not take them as authentic references. However, the Opposition in this place seems to do that and it quotes from the Press ad nauseam. On that basis, I think it is fair enough for me to do the same.

The first article I will refer to was headed "'Rampage' police criticised" and it commenced as follows -

The Opposition spokesman on police, Mr Cash, yesterday criticised police handling of a two-hour rampage by Aborigines at Clontarf Aboriginal College at Bentley at the weekend.

Hon P.H. Lockyer interjected.

Hon T.G. BUTLER: With Hon Phil Lockyer correcting my pronunciations and Hon Peter Foss lecturing me on law I will improve every day.

Several members interjected.

Hon T.G. BUTLER: I do not know why members opposite do not give me a fair go. Every time I speak they laugh at me and say it is my maiden speech.

Hon George Cash obviously based his comments on a previous article which appeared in *The West Australian*. It was reported that Aborigines were bashing each other during the early hours of one Sunday morning. Two days later another article appeared in the Press which was headed, "Officers handled clash well: locals". In that article the residents living near the

college had nothing but praise for the police. Hon George Cash's criticism was that a host of police were gathered at the site, but they did absolutely nothing to resolve the situation. He picked up on the *The West Australian's* early report.

The locals reported that no action was needed by the police because no real problem existed at the college. It is difficult to treat Press articles as authentic. The Opposition spokesman for police continually criticises the Police Force. It seems he does not understand that with the position he holds in our society he has a responsibility to ensure that the community has faith in our Police Force. It is obvious from some of the comments made and some of the actions taken in this place - like the action taken about 30 seconds ago -

Several members interjected.

Hon T.G. BUTLER: The situation is that Hon George Cash continues to criticise and make unwarranted attacks on the Police Force. He is the third ranking member of the Liberal Party and, therefore, he speaks on behalf of the Liberal Party and the community listens to him. Like the rest of us he has a responsibility to the Police Force which works under difficulties in Western Australia and, in my opinion, does a marvellous job. The members of the Police Force do not need to be hindered by a person like Hon George Cash who holds a responsible position in society. He is a cheap headline seeker who will take it out on the police at every opportunity. The public needs to have some faith in the credibility of the Police Force.

Hon P.G. Pandal: Hear, hear!

Hon T.G. BUTLER: Mr Pandal said, "Hear, hear!" The point is that the Police Force does a wonderful job with no thanks to the Liberal Opposition and certainly with no thanks to its spokesman for police.

Hon P.G. Pandal: They think the world of George Cash and they reckon your blokes are a joke.

Hon T.G. BUTLER: They do all right - that is why they cut out his briefings!

Several members interjected.

Hon T.G. BUTLER: I do not think Hon Phil Pandal's reference to his briefings are of any great importance to me. He is probably talking about the space between his eyes.

I go back to the point I was making: Hon George Cash has a responsibility to the community to ensure it has faith in the police and that the credibility of the police is not put under stress. He runs to the Press whenever he reads an irresponsible report.

Several members interjected.

Hon T.G. BUTLER: I know the Liberal Party's attitude to the police. If members opposite want to know what gets up my nose it is that the third ranking member of the Opposition has nothing good to say about the Police Force and continuously undermines the community's faith in it.

Hon P.H. Lockyer: That is not so.

Hon T.G. BUTLER: It is so. I ask members opposite to tell me the last time Hon George Cash praised the police. He is constantly talking them down and looking for reasons to do that. He is irresponsible and I draw that matter to the attention of the House.

9HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [11.08 pm]: Mr Deputy President, I thank you for giving me the call before my colleague, Hon Phil Lockyer. It is my understanding he was to take on Hon Tom Butler for his ridiculous and pathetic comments. I said earlier to my colleague, Hon Phil Lockyer, that I would not dignify Hon Tom Butler's comments by even bothering to rise to speak.

However, as the allegation was made that I do not support the Western Australian Police Force, I thought it was important to at least put on record that in the last three or four years during which time I have had the responsibility for the police shadow portfolio I do not think anyone else in the Parliament has done more in support of the Police Force than I have. I do not want to be seen to be blowing my own trumpet, but clearly people like Hon Tom Butler and the hecklers on the Government backbench who are paid to do their little bit are not aware that during my term as Opposition spokesman for police I have seen about five Government Ministers appointed as Minister for Police; the first being Hon Arthur Tonkin.

We all know where Arthur Tonkin finished up. He finished up on the front page of the newspaper accused of terrible things. He decided to get out. He could not cop the situation he was in.

Hon T.G. Butler: You attack people who cannot answer you.

The DEPUTY PRESIDENT (Hon J.M. Brown): Order! The question before the House is that the House do now adjourn. The Leader of the Opposition has my call. I remind members of the provisions of Standing Order No 91. The hour is late and I intend to proceed through this debate as quickly as possible.

Hon Graham Edwards: You stuck your tail between your legs and went away from the lower House as quickly as possible.

Hon GEORGE CASH: The Minister should not talk about legs like that.

The second Minister for Police and Emergency Services whom I worked opposite was Hon Bob Pearce. He was a substantive Minister for Police and Emergency Services who lasted only a very short time. The next was the one we referred to as "Fawltly Towers", Hon Gordon Hill. He was one of the most hopeless Ministers for Police and Emergency Services -

Hon Graham Edwards: He cost you the membership of the Liberal Party.

Hon GEORGE CASH: I am still a member of the Liberal Party.

Hon Graham Edwards: I meant the leadership of the Liberal Party.

Hon GEORGE CASH: Hon Gordon Hill left the portfolio in disgrace after motions of no confidence were moved against him by the police. Hon Ian Taylor was then appointed to the portfolio. Of all the Ministers that I have had the pleasure of working opposite, Ian Taylor is regarded by police as the most positive they have had.

Because I got on particularly well with the Police Force in Western Australia, and because I recognised that it lacked the resources necessary for the police to do their jobs in a proper manner - that is, to provide a measure of law and order in this State - I put pressure on this Government and made it clear to the people of Western Australia that the Government was not recognising the breakdown of law and order in this State and proposed that there should be a considerable increase in the number of police officers in Western Australia. Later, the Government, in recognising that law and order by that time had been elevated to a high priority by the public, decided that it would increase the number of police officers. During the last election campaign the Government promised an additional 1 000 police officers. It was interesting - this is not something that I want to have to remind Hon Tom Butler about - that when the Government made its announcement that it would increase the force by 1 000 men, not only did members of the Police Force come to me and thank me because I had placed pressure on the Government to do it, but also other members of the community were good enough to ring up and say that the Liberal Party had actually done its job particularly well and had succeeded in making the Government recognise the breakdown in law and order in this State.

The bad news was yet to come because soon after the last election, the Government reneged on its promise; it let the Police Force down.

Hon Graham Edwards: That indicates your lack of knowledge about the Police Force.

Hon GEORGE CASH: Any suggestion that I or other members of the Liberal Party do not support the Police Force in Western Australia is absolute garbage.

Hon Tom Butler has spoken on two occasions tonight. That must be a record for him. All I can say is that I must be doing my job well to have him get to his feet at all. I do not know who instructed him or who wrote his speech, even though it was wrong in substance. However, I give him credit for at least making the comments that he made. The only problem is he was totally wrong. I happen to enjoy the support of the Police Force in Western Australia and I will continue to do so while I support it in the manner that I do.

Adjournment Debate - Deputy President's Ruling - Challenge - Vote Loss

HON R.G. PIKE (North Metropolitan) [11.15 pm]: The House should not adjourn until reference is made to an occurrence earlier this evening when a motion of dissent against your

ruling, Mr Deputy President, was carried. I do not wish to be controversial but I want to make the following observation.

At the time that the Deputy President had his ruling challenged, he quite properly had to proceed with the division because the tellers had been appointed and he found himself in the invidious position of having his ruling challenged while Standing Orders of the House provide that in no way could he prevent the vote that was taking place. The irony was that he had so declared his vote with the losing side of the vote.

The reason I raise this point is for the record. I have confirmed my thoughts on this matter by having a conversation with an authority during the break. The matter in which the Deputy President cast his vote was such that the side for which he cast his vote lost the vote. What we must write in the records of this place is that, had the side for which the Deputy President cast his vote won, the vote would have been a valid vote, notwithstanding the fact that the House, by resolution, found subsequently that the Deputy President, acting as the President, ought not to have cast the vote at all!

Had that question been one of significant import, and carried with the Acting President's vote, the only action open to the House then would have been for it to move for the rescission of that vote and for the whole procedure to take place again in order that the voting of the House be properly recorded. There is, however, no provision for the minutes to be altered. They are the minutes of the procedures of this House. However, the sort of comment that I am making should be made for the record so that, should such an occurrence happen again, the House will need to have the precedent of knowing that its only action in the matter would be to rescind the vote and start again, predicated on the singular fact that, notwithstanding that the House subsequently found the determination of the Deputy President to be incorrect, his vote at the time it was cast was nevertheless valid.

Question put and passed.

House adjourned at 11.18 pm

QUESTIONS ON NOTICE

YOUTH - CURFEWS

Legislation Provision

205. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) Can the Minister indicate the provision of the relevant Act which allows for the imposition of curfews on youths?
- (2) Can he indicate any areas in Western Australia in which curfews have been, or are being successfully enforced?
- (3) If yes to (2), can he advise of any statistics in relation to such curfews?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services represented by the Minister for Racing and Gaming has provided the following reply -

- (1) The form of "curfew" operating at Exmouth and referred to in the media is supported by section 138B of the Child Welfare Act.
- (2) Exmouth.
- (3) Total Offence Reports - Exmouth Police Station
1 January-30 June 1988 - 81
1 January-30 June 1989 - 56.

Initiative introduced on 15 March 1989.

Total Offence Reports - Exmouth Police Station
15 March-30 June 1988 - 65
15 March-30 June 1989 - 27.

POLICE - HIGH SPEED CAR CHASES

Metropolitan Police Region

215. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) How many high speed car chases have the police been involved in the metropolitan police region this year?
- (2) How many of these chases have resulted in personal injury?
- (3) How many of the drivers involved in these chases were -
(a) unlicensed; and
(b) under age and unlicensed?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services represented by the Minister for Racing and Gaming has provided the following reply -

- (1) From 1 January 1989 to 20 August 1989 368 pursuits have been recorded.
- (2) Fourteen of the 368 have resulted in personal injury.
- (3) Statistics in this category have been kept only since 1 July 1989.
From 126 recorded pursuits during the aforementioned period, 56 drivers were approached and of these -
(a) Twenty-four drivers were unlicensed; and
(b) sixteen drivers were under age and unlicensed.

POLICE - CAR WATCH SCHEME
Establishment

223. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) Will the Minister advise when the car watch scheme was established?
- (2) Has car theft reduced substantially since the establishment of this scheme and, if so, will he advise the level of reduction?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services represented by the Minister for Racing and Gaming has provided the following reply -

- (1) The car watch scheme to which Government was initially attracted is known as HOT CAR.

The Australian licensee of HOT CAR has recently advised that he does not intend to proceed as originally planned in conjunction with the insurance industry due to a lack of interest on their part. However, other avenues for establishing the scheme are to be examined by the licensee.

- (2) Not applicable.

POLICE - CELLS
Prisoners - Human Rights Commission Standards

225. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) Is the Minister aware of the standards set down by the Human Rights Commission for police cells used for holding persons in custody?
- (2) Do the police cells used to hold prisoners in Western Australia meet the standards of the Human Rights Commission and, if not, will he advise the aspects which do not meet such standards?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services represented by the Minister for Racing and Gaming has provided the following reply -

(1)-(2)

I am not aware of any report from the Human Rights Commission on the standard of police cells used for holding persons in custody. However, police cells throughout WA are being progressively upgraded to the standard recommended by the intradepartmental working party established in 1988 to investigate lockup design and make recommendations for the purpose of preventing suicides by persons in custody. These standards will be introduced into all new police complexes and to those undergoing major additions and alterations.

A program is well under way to convert existing cells into a safe environment by removing all 'anchor' points by screening the cell bars with wire mesh, encasing toilet bowls to eliminate exposed pipes, etc. The modifications are being carried out on a priority basis, with two to four cells being attended to at stations identified "at risk".

The recently completed lockup at Merredin is an example of the new design features. Following an inspection in April this year, Commissioner I.H. Muirhead, Chairman of the Royal Commission into Deaths in Custody reported, "I was very impressed with the finished product, clearly designed to facilitate security and surveillance, at the same time paying regard to the reasonable comfort and safety of detainees." His memorandum, forwarded to colleagues in other States, reads as follows -

COMMISSIONER O'DEA
COMMISSIONER WOOTTEN
COMMISSIONER WYVILL
DAVID BILES
GEOFF EAMES

FROM: COMMISSIONER MUIRHEAD

DATE: 6 APRIL 1989

SUBJECT: SAFE CELL DESIGN

In January 1988 the Hon. Minister for Police in Western Australia set up a working party to investigate lockup design and make recommendations for the purpose of preventing custodial suicide.

Yesterday, with Kevin Gordon, I had the opportunity of inspecting the new lockup at Merredin, situated well to the east of Perth in the wheat belt area.

I enclose for consideration:

- (1) The Report of the Special Working Party
- (2) A plan of the complex
- (3) Working drawings of typical three-bed safe cell
- (4) Coloured photographs with legend, which is, I believe, self-explanatory.

Will you please pass this report to those in your office who are interested in this aspect of our work. A copy has been sent to David Biles at Central Office for retention in our information bank. I am aware that other offices have indicated interest in this Western Australian project, in view of similar work by Police Departments in other States, and I suggest that the report should be made available to appropriate officers in those States.

I was very impressed with the finished product, clearly designed to facilitate security and surveillance, at the same time paying regard to the reasonable comfort and safety of detainees.

The enclosed documents and photographs speak for themselves. Should members of your staff require further information I suggest they should speak to Kevin Gordon of this office who was himself formerly a Superintendent of Police. I merely comment that I have, in my life time, seen many cells in many places both in Australia and Asia. These are of high standard and whilst I accept that cell designs will not alone eliminate custodial deaths (no design can do this) their construction should do much to promote safety, facilitate the work of police officers and to ease some of the difficulties under which they work in 'traditional' lockups.

J H MUIRHEAD
COMMISSIONER

JUVENILE OFFENDERS - CURFEWS
Kalgoorlie Children's Court

229. Hon GEORGE CASH to the Minister for Local Government representing the Minister for Community Services:

- (1) Is the Minister aware of a sentence handed down in the Kalgoorlie Children's Court in May 1989 which imposed a 7.00 pm to 7.00 am curfew on an 11 year old juvenile?
- (2) Can he advise the section of the relevant Act under which this curfew was imposed?

- (3) Which authority is required to ensure that the curfew is observed?
- (4) What action, if any, can be taken against the parents of a juvenile who does not observe a curfew?

Hon KAY HALLAHAN replied:

The Minister for Community Services has provided the following reply -

- (1) Yes.
- (2) The order was a condition of probation imposed under section 34(1)(d) of the Child Welfare Act.
- (3) The authority to ensure that a curfew as a condition of probation is observed is section 38(1) of the Child Welfare Act which gives the power to apprehend and section 38(2) which gives the power to bring the child before the court and deal with the child for such a breach of probation.
- (4) Possibly the imposition of a parental bond under section 34(1)(b) of the Child Welfare Act, but of course any action is up to the court concerned.

WESTERN AUSTRALIAN DEVELOPMENT CORPORATION - SENTOSA

ISLAND

Tourist Venture Investment

273. Hon P.G. PENDAL to the Leader of the Government in the Legislative Council representing the Premier:

I refer to a letter I wrote to the Minister on 29 May 1989 on the Western Australian Development Corporation's investment in a tourist venture on Sentosa Island, Singapore, and ask -

- (1) Did he receive my letter?
- (2) If so, why has he failed to respond?
- (3) Is it correct that the WADC invested in the Sentosa Island venture?
- (4) If so, was the WA Tourism Commission consulted on the decision related to this investment?
- (5) If such an investment occurred, what amount of money was invested in the project?
- (6) Will he table all documents relating to the investment?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

(1)-(2)

I am advised the Minister regrets that he did not reply to the letter from the honourable member. WADC has advised -

- (3) Yes.
- (4) No.
- (5) Underwater World International Pty Ltd has advanced loans for the Sentosa project which totalled \$4.135 million at 31 July 1989.
- (6) WADC is currently disposing of the investment and tabling of documents at this time would seriously disadvantage WADC commercially.

CYCLING - SAFETY HELMETS

Children - Injury Comparison

276. Hon P.G. PENDAL to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) Are child cyclists who wear helmets less likely to suffer injury than those who do not wear helmets?

- (2) If yes, will he provide copies of the statistics and/or research studies which support that opinion?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services represented by the Minister for Racing and Gaming has provided the following reply -

(1)-(2)

In response to studies that showed a growing incidence of injuries resulting from the use of bicycles, the State Government instigated a helmet rebate scheme in December 1987. The scheme operated with the assistance of the R & I Bank and retailers with 10 000 \$10 rebates being given. In the 1988 school year, rebates were given through the school P & C associations with 43 000 \$10 rebates being given. This money was made up of Government and sponsors' contributions. In 1989 13 000 \$10 rebates have been given. I am advised that the number of children of primary school age wearing helmets has increased dramatically.

A Health Department report by Brooks & O'Neill titled "Bicycle Hospitalisations Western Australia 1981-1987" has identified a trend in hospitalisation statistics that shows a decrease in the number of head injuries suffered by cyclists and it is expected that if this is due to the increased rate of use of helmets, the figures for next year will continue to follow the trend.

Other studies such as a 1985 Victorian Road Traffic Authority study showed that between February 1983 and February 1985 helmet wearing increased from 3.5 per cent in 1983 to 38.6 per cent in 1985. During that time there was a significant decrease in head injuries resulting from bicycle accidents.

OPERA - WESTERN AUSTRALIAN OPERA CO INC

Audience Decrease - Audience Lists

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

I refer to his remarks on "The 7.30 Report" on 16 August in relation to his claim that WA Opera Company audiences had fallen significantly over recent years and ask -

- (1) Will he list the main stage audiences for each of the last nine years; that is, since the WA Opera Company went into the refurbished His Majesty's Theatre?
- (2) Will he list the audiences for other productions conducted for that period, such as school and country audiences?
- (3) Will he list the growth or decline in the grand total of these audiences over this period?

Hon J.M. BERINSON replied:

(1)	1980	14 436
	1981	25 456
	1982	25 685
	1983	27 973
	1984	27 306
	1985	25 925
	1986	11 799
	1987	19 275
	1988	22 796
	1989	16 889.

- (2) Full details of this information are not available. Material contained on the attached sheet provides some indication of recent schools and country audiences.

- (3) Figures indicate that there has been a steady decline in audience levels for activities presented by the Western Australian Opera Company.

GOVERNMENT DEPARTMENTS AND AGENCIES - ACCOUNTS

Payments Instruction

326. Hon GEORGE CASH to the Leader of the House representing the Minister for Economic Development and Trade:

In a media statement dated 30 June 1988 the Minister for Small Business indicated that, "All State Government departments and agencies had been instructed to pay accounts within 30 days, and this practice was now firmly embedded in Government policy." Can he advise which Government departments and agencies have not adhered to this instruction, and the reasons for not paying accounts within 30 days?

Hon J.M. BERINSON replied:

The Minister for Economic Development and Trade has provided the following reply -

Inquiries I have made indicate that Government departments and agencies have adhered generally to the 30-day rule. Some 138 calls have been received by the Small Business Development Corporation's "30 day late payment" hotline since it was established 19 months ago. Whilst this number is extremely low, investigations have shown that faults have not necessarily been as a result of neglect by the departments or agencies. In most instances the delays in payment were caused by suppliers providing incorrect documents, disputed accounts and payments received by the supplier but not processed. Of the accounts queried through the hotline, some 86 per cent were resolved within a week. I will continue to monitor figures gathered by the Small Business Development Corporation's hotline.

MOTOR VEHICLES - SECOND-HAND IMPORTS

Saturday Session Licences - Recall, Newspaper Article

338. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) Is the Minister aware of an article published on page 34 of *The West Australian*, Tuesday, 8 August 1989 in which it was alleged that some imported used cars which were licensed in special Saturday sessions should be recalled and re-inspected?
- (2) If so, can he advise if there is any substance to this newspaper article?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services represented by the Minister for Racing and Gaming has provided the following reply -

- (1) Yes.
- (2) I am advised that there is no substance in this article.

HOSPITALS - WANEROO

Speech Pathology Service - Reduction Proposal

348. Hon GEORGE CASH to the Minister for Local Government representing the Minister for Health:

- (1) Has the Minister received a request from the City of Wanneroo expressing concern at the proposed reduction of the speech pathology service at the Wanneroo Hospital and, if so, what action has he taken on this matter?
- (2) Why has the child psychology service at Wanneroo Hospital and the Koondoola Child Health Service been withdrawn?
- (3) What action does he intend to take to provide the community with this service?

- (4) Will the Minister consider all the arguments advanced to him by the City of Wanneroo in respect of these two matters?
- (5) If not, why not?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) There has been no reduction in speech pathology services at Wanneroo.
- (2) The child and adolescent psychology position was a temporary service funded from a salary made available by the absence on study leave of another staff member. When she resumed her position as a gerontological psychologist the above service was discontinued.
- (3) Following a review as a result of representations from the member for Wanneroo, a sessional service for child and adolescent psychology to serve the area is to commence shortly.
- (4) These arguments have been considered and the responses to them are outlined above.
- (5) Not applicable.

**TECHNOLOGY AND INDUSTRY DEVELOPMENT AUTHORITY - AUSTRALIAN
SHIPBUILDING INDUSTRIES (WA) PTY LTD**
Defence Maintenance Work - Tender Procedures Report

355. Hon GEORGE CASH to the Leader of the House representing the Minister for Economic Development and Trade:

- (1) Did the Technology and Industry Development Authority commission a report which considered the tendering procedures for defence maintenance work and other associated matters at the Australian Shipbuilding Industries facility at Cockburn Sound?
- (2) To whom was the commission for the writing of the report extended and what was the fee paid for this report?
- (3) Has access to this report been granted to members of the public?
- (4) Will he table the report?
- (5) If not, why not?

Hon J.M. BERINSON replied:

The Minister for Economic Development and Trade has provided the following reply -

- (1) No report on tendering procedures has been commissioned. However, the Technology and Industry Development Authority has commissioned a report reviewing Western Australian industry participation in recent defence maintenance contracts undertaken at the Jervoise Bay Marine Support Facility. The purpose of the review is to identify areas for increasing local industry participation in future defence contracts.
- (2) The report was prepared by GM and Associates Pty Ltd at a fee of \$15 000.
- (3) No.
- (4) No.
- (5) The report was compiled from interviews with individual companies on the basis that information obtained would be treated on a "commercial-in-confidence" basis. It is therefore not available for wider distribution.

LANDCORP - CURRENT STATUS

Future - Leda Land Control

387. Hon BARRY HOUSE to the Leader of the House representing the Premier:

- (1) Would the Premier define the current status of LandCorp now that the Western Australian Development Corporation is being wound up?
- (2) Is LandCorp to become a statutory authority, a separate Government authority, or some other structure?
- (3) Is the tract of land at Leda in the southern suburbs controlled by LandCorp?
- (4) Which department previously controlled this land?
- (5) At what value was this land transferred to LandCorp?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

(1)-(2)

LandCorp will continue to operate under the amended Western Australian Development Corporation Act.

(3) LandCorp is responsible for the planning of approximately 1 400 hectares of Government owned land at Leda. Approximately 664 hectares is being acquired and developed for residential uses by LandCorp.

(4) Department of Land Administration.

(5) At current market valuation advised by the Valuer General.

TOBACCO ADVERTISING - GOVERNMENT STOPPAGE

Amatil Ltd - Donation Repayment

394. Hon P.G. PENDAL to the Leader of the House representing the Premier:

In the light of his Government's announced moves to end the advertising of tobacco products, and the Government's apparent desire to not profit from the sale of tobacco products, will the Premier -

- (1) Arrange to refund to Amatil Ltd the \$100 000 that this tobacco company donated to the Dowding Government for the restoration of the old Observatory residence?
- (2) If not, on what basis can the Premier receive and retain \$100 000 from a tobacco manufacturer while at the same time moving against tobacco companies?

Hon J.M. BERINSON replied:

- (1) Amatil did not donate \$100 000 to the State Government. I understand the company made a donation to the National Trust in relation to this project.
- (2) Not applicable.

EDUCATION - MT MAGNET DISTRICT HIGH SCHOOL

Capital Works Program - Work Details

401. Hon N.F. MOORE to the Minister for Local Government representing the Minister for Education:

I refer to the Capital Works Program for 1989-90: What work is to be carried out at the Mt Magnet District High School at the budgeted cost of \$300 000?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following reply -

The allocation of \$300 000 will be used to purchase and install four new air-conditioned transportable classrooms on the secondary annexe site as part of the consolidation of the school.

HEALTH - COOLGARDIE HOSPITAL
Patient Accommodation - Nursing Home Service

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

- (1) Following the Minister for Health's answer to question 308 of 29 August 1989, will the Minister inform me of the Government's intentions with respect to the future accommodation for Coolgardie Hospital patients who require a full nursing home service?
- (2) Is it correct that the Government made a commitment, prior to the last State election, to maintain a full nursing home service in Coolgardie and, if so, why has this promise been broken?

Hon KAY HALLAHAN replied:

- (1) The residential care needs of all present Coolgardie Hospital patients have been assessed, and will continue to be assessed by the visiting medical officer and the geriatric assessment team. If any patient has a need for nursing care which cannot be accommodated at the existing or proposed facility, a placement in an appropriate environment will be arranged in consultation with the patient and family.
- (2) The plans for redevelopment of Coolgardie Hospital were extensively discussed with the community last year, and the needs of the residents at the time were professionally assessed. The sheltered residential care facility proposed as part of the redevelopment was considered to meet their assessed needs. However, it was clearly stated, for instance, in Mr Grill's statement of 1 December 1988 that, should patients become more dependent, transfer to a facility providing round-the-clock nursing care would be arranged.

EDUCATION DEPARTMENT - COUNTRY HIGH SCHOOLS HOSTELS
AUTHORITY
Subsumption

406. Hon N.F. MOORE to the Minister for Local Government representing the Minister for Education:

- (1) Is it correct that the Country High School Hostels Authority is to be subsumed by the Ministry of Education?
- (2) If so -
 - (a) what are the new arrangements to be; and
 - (b) what is the rationale behind the decision?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following reply -

- (1) A proposal for the transfer of the functions of the Country High School Hostels Authority to the Ministry of Education is being considered at present in consultation with the authority and others.
- (2) (a)-(b)
Not applicable.

WATER RESOURCES - WATER AUTHORITY
Water Softeners - Country Towns

407. Hon D.J. WORDSWORTH to the Minister for Racing and Gaming representing the Minister for Water Resources:

- (1) In what country towns, serviced by the WA Water Authority, are water softeners currently installed or closed down?
- (2) What is the degree of hardness in each of these services before and after processing?
- (3) What is the cost of water softening each supply?

- (4) Are these water softening units being repaired or replaced when they break down?
- (5) What is the complete cost to a householder of installing his own water softeners of a type recommended by the authority?
- (6) What is the annual running cost of a domestic water softener?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following reply -

- (1) Albany: softened water is supplied to a few selected industries.

Esperance.

- (2) Albany Hardness (mg/L)

Unsoftened 250

Softened 15

Esperance

Unsoftened 310

Softened 160

- (3) Albany: Approximately 20¢/kL

Esperance: Approximately 10¢/kL

- (4) Albany: Subject to industry negotiation, it is planned to phase out softeners.

Esperance: Repairs carried out as required.

- (5) The Water Authority does not recommend any particular type of domestic water softener.

- (6) No quantitative information available to determine this figure.

FISHING - PILCHARDS, MULLIE FISHERY

Trawlers, Large - Tonnage Increase

408. Hon M.S. MONTGOMERY to the Minister for Racing and Gaming representing the Minister for Fisheries:

- (1) Is the Minister allowing large trawlers into the mullie (pilchard) fishery in King George Sound and the South Coast?
- (2) Is it correct that the tonnage that is to be taken from that fishery has been increased from 7500 tonnes to 9000 tonnes?
- (3) Has research been recently completed into the state of the mullie fishery off Albany?
- (4) If no to (3), on what basis has the Minister decided to allow large trawlers to operate in the fishery?
- (5) Has an existing licence holder been granted a licence for a larger vessel to trawl in the fishery?
- (6) If yes to (5), what area is to be purse seined?
- (7) Will the proposed flat can cannery be operational in Albany for the coming mullie season?
- (8) If not, when will it become operational?

Hon GRAHAM EDWARDS replied:

The Minister for Fisheries has provided the following reply -

- (1) Kailis and France Pty Ltd will be permitted to use up to two large - 20-24m - purse seine boats to take the quota of pilchards allocated to them outside the King George Sound limited entry purse seine fishery.

The other boats which will be permitted to fish will be limited to a size of less than 20 metres.

- (2) A 9 000 tonne annual total allowable catch for the Albany zone and King George Sound will be imposed for the next three years. The 1988 calendar year catch for this area was 7 900 tonnes.
- (3) A research officer was appointed in mid-1988 to investigate pilchard biology and the size of the resource. Research is ongoing.
- (4) The total allowable catch imposed for this fishery is based on analysis of all available information on both the WA pilchard and stocks elsewhere in Australia and overseas.
- (5) No.
- (6) Not applicable.
- (7) No.
- (8) Kailis and France Pty Ltd has indicated that it plans to have a flat can cannery operating in Albany at the end of the third year of the development period. The final decision on location and size of the cannery will depend upon gathering further information on pilchards stocks and other small pelagic species.

QUESTION 301 - REPORT TABLING

Minister for Planning's Refusal

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

I refer to her answer to question 301 of 1989 in which she advises that she will not table the reports referred to, and ask -

What is her reason for such refusal?

Hon J.M. BERINSON replied:

The Minister for Planning has provided the following reply -

The Rottnest Island management plan provides that the Environmental Protection Authority will be consulted on all proposed major developments. As a result of consultation the EPA wrote a letter to the Rottnest Island Authority on this matter.

If this letter is what is meant by reference to "the EPA report", the Minister has no objection to providing a copy to the honourable member. However, if he wishes it to be tabled then he should direct his question to the Minister for Environment.

HEATHCOTE HOSPITAL SITE - HISTORIC BUILDINGS

Safety Assurance

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

I refer to her answer to question 297 of 1989 on the subject of saving the historic buildings at Heathcote Hospital and ask -

Will the Minister give an assurance that these historic buildings will not be demolished as were the historic stables at the Old Brewery site?

Hon J.M. BERINSON replied:

The Minister for Planning has provided the following reply -

The Minister for Planning is not the Minister responsible for the disposal of the Heathcote Hospital site. If the Government's proposed heritage legislation succeeds in Parliament the Minister will be in a position to offer such an assurance.

PETROCHEMICAL PROJECT - GRILL, MR JULIAN
Government Business Arrangements - Letter of Assurance Tabling

411. Hon GEORGE CASH to the Attorney General:

- (1) Will the Attorney General table the letter of assurance from Mr Grill, referred to in the Press statement from Mr Peter Beckwith, Managing Director, Bond Corporation Holdings Limited, dated 31 August 1989, in which it was claimed that the letter of assurance from Mr Grill was used to induce the Bond participation in certain business arrangements?
- (2) On what date did the Cabinet consider the proposals outlined in the letter of assurance, and on which date did the Cabinet approve the involvement of the Government in the proposals outlined in the letter of assurance?

Hon J.M. BERINSON replied:

The Minister for Economic Development and Trade has provided the following reply -

(1)-(2)

It is not possible, given the vague nature of the description in Mr Beckwith's statement, to identify the correspondence mentioned.

QUESTION WITHOUT NOTICE NO 168 - ACTS
Proclamation - Unproclaimed Sections

413. Hon GEORGE CASH to the Attorney General:

Further to question without notice No 168 on Thursday, 31 August 1989, can he advise which sections of those Acts under his control have yet to be proclaimed and the reason for those sections not having been proclaimed to date?

Hon J.M. BERINSON replied:

This would take a considerable amount of research and I am not prepared to divert scarce resources for that purpose. If the honourable member has a query relating to a particular Act, I would be pleased to provide an answer.

PETROCHEMICAL PROJECT - DOCUMENT TABLING
Western Australian Government Holdings Ltd - Guarantee Execution

414. Hon GEORGE CASH to the Attorney General:

With reference to the documents the Attorney General tabled in the Legislative Council on Wednesday, 30 August 1989, and in particular to a deed of undertaking dated 17 October 1988 and the annexures to that document and, in respect of the guarantee which was referred to as annexure "C" to the deed of undertaking, will he advise when the guarantee was executed by Western Australian Government Holdings and the other parties to the guarantee?

Hon J.M. BERINSON replied:

The question should be directed to the Deputy Premier.

PETROCHEMICAL PROJECT - TREASURER'S GUARANTEE
Solicitor General's Opinion - Tabling

415. Hon GEORGE CASH to the Attorney General:

- (1) Did the Government provide to any party to the petrochemical project the written opinion of the Solicitor General, suggesting that a Treasurer's guarantee would be legal, binding and effective, to enable the Government to honour its previously agreed commitments to the parties in the petrochemical project?

(2) Will he table the written opinion of the Solicitor General referred to above?

(3) If not, why not?

Hon J.M. BERINSON replied:

(1) The question should be addressed to the Minister for Regional Development.

(2)-(3)

No. Legal advice to the Government is confidential.

PETROCHEMICAL PROJECT - PROPOSITION

First Cabinet Discussion - Party Participation Invitations

416. Hon GEORGE CASH to the Attorney General:

(1) Further to question without notice No 165 on Thursday 31 August 1989, can he advise the date on which the petrochemical project proposition was first discussed by Cabinet?

(2) Did the Government invite Bond Corporation to participate in the petrochemical project or did the Bond Corporation ask the Government to participate in the project?

Hon J.M. BERINSON replied:

(1) Cabinet considerations are confidential.

(2) The honourable member is referred to parliamentary and public statements on this issue by the Premier and the Deputy Premier.

EDUCATION - PEMBERTON DISTRICT HIGH SCHOOL P & C MEMBERS

Air Charter - Minister for Education Meeting

417. Hon BARRY HOUSE to the Leader of the House representing the Premier:

(1) Was an air charter arranged to transfer members of the Pemberton District High School P & C to Perth for a meeting with the Minister for Education on 29 June 1989?

(2) If air charter was used -

(a) who authorised the air charter;

(b) what was the cost of the air charter and any other transport cost used in conjunction with this visit;

(c) were these accounts paid by the Department for Premier and Cabinet; and

(d) why was air charter used in preference to other modes of transport?

(3) If this air charter was paid for by the Department of Premier and Cabinet, will other community groups be treated in like manner in the future?

(4) Was the trip taken in adverse weather conditions?

(5) If so, why?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

(1)-(5)

Inquiries reveal that the question relates to the use of a charter allowance by the Minister for South-West, Bob Thomas. No suggestion or irregularity has been made and I do not propose to investigate the matter further.

ROADS - PINJARRA-WILLIAMS ROAD

Condition Concern - Main Road Status

418. Hon BARRY HOUSE to the Minister for Racing and Gaming representing the Minister for Transport:

- (1) Is the Minister aware of the concern being expressed over the state of the Pinjarra-Williams Road?
 - (2) Is it the Minister's intention to declare this road a main road?
 - (3) If not, why not?
- Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

(1)-(2)

Yes. The classification of the Pinjarra-Williams Road has been reviewed and the Minister for Transport advised the council recently that it is appropriately classified as a secondary road.

- (3) Consideration is being given to the upgrading of the Pinjarra-Marradong section of the Pinjarra-Williams Road and also the Bannister-Marradong road at a total cost of \$4.7 million. Both are secondary roads which are the responsibility of local government. The Boddington and Murray Shire Councils, Main Roads, Department of Resources Development and two mining companies operating in the area are negotiating a cost sharing arrangement. The Government has already indicated it is prepared to allocate substantial funds towards these upgrading works. The roadworks can commence when agreement is reached on the sharing costs.

PEEL INLET MANAGEMENT AUTHORITY - MEMBERSHIP

419. Hon BARRY HOUSE to the Minister for Racing and Gaming representing the Minister for Waterways:

- (1) What is the current membership of the Peel Inlet Management Authority?
- (2) Does the Minister intend to review the membership of the Peel Inlet Management Authority?

Hon GRAHAM EDWARDS replied:

The Minister for Waterways has provided the following reply -

- (1) Mr O.H. Tuckey (Chairman)

Mr W. Johnson (Deputy Chairman)

Mr G. Tewes (Community)

Ms G. Hitchcock (Community)

Mr G.T. Halpin (Community)

Mr B.W. Tetham (Community)

Mr B.N. Devereux (Community)

Dr M.J. Paul (Department of Marine & Harbours)

Mr J.R. Bartle (CALM)

Mr B.P. Creswell (Town of Mandurah)

Mr W.J. Carter (Shire of Murray)

Vacant (Shire of Waroona).

- (2) Yes. As part of a wider review of the Waterways Conservation Act and waterways management in the State.

SEWERAGE - MURRAY SHIRE COUNCIL

Problems - Government Assistance

420. Hon BARRY HOUSE to the Minister for Racing and Gaming representing the Minister for Water Resources:

What assistance is the Government prepared to give the Murray Shire Council to overcome sewerage problems within its shire boundaries?

Hon GRAHAM EDWARDS replied:

The Minister for Water resources has provided the following reply -

The Water Authority together with Homeswest and the Department of Resource Development are investigating land availability and opportunities for further urban development that can be provided with sewerage facilities within the Murray Shire.

HERBICIDE SPRAYING - LEA, MR AND MRS

McKellar, Mr R. - Report Release

421. Hon BARRY HOUSE to the Minister for Racing and Gaming representing the Minister for Agriculture:

- (1) When will the report by Mr R. McKellar relating to spraying of herbicide adjacent to the property of Mr and Mrs C. Lea of Bridgetown be released?
- (2) Was the content of this report referred to the Agricultural Protection Board and then subsequently to the SGIC?
- (3) Has a copy of the report, prepared by George Harrison - assessors for the SGIC - been made available to Mr and Mrs Lea?
- (4) If not, why not?
- (5) What course of action has been taken to satisfy the Lea's claim for compensation?
- (6) Why has information on this matter been withheld from both the Lea family and members of Parliament acting on their behalf?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following reply -

- (1)-(5) The alleged spraying of herbicide adjacent to the property of Mr and Mrs Lea has been made the subject of a claim by them for damages against the Agricultural Protection Board. For this reason the matter has been referred to the board's insurer, the State Government Insurance Commission. The question of the release of any reports relating to the matter should therefore be directed to the State Government Insurance Commission.
- (6) Not applicable.

INDUSTRIAL DEVELOPMENT - KEMERTON INDUSTRIAL ESTATE

Land Acquisitions - Boundaries

422. Hon BARRY HOUSE to the Minister for Racing and Gaming representing the Minister for South-West:

- (1) Are land acquisitions complete at the Kemerton Industrial Estate?
- (2) Have the boundaries of areas for industrial development and buffer zones been set and fixed for the future?
- (3) What landscaping will take place in the buffer zone at Kemerton Industrial Estate?

Hon GRAHAM EDWARDS replied:

The Minister for South-West has provided the following reply -

- (1) A number of properties were identified for acquisition at Kemerton. The majority of these purchases have been completed. The remaining properties are subject to further negotiation or the owners have declined to sell.
- (2) Yes, as per the Kemerton structure plan.
- (3) Landscaping will be one of the considerations of the Kemerton Advisory Board.

INDUSTRIAL DEVELOPMENT - SOUTH WEST*Noxious Industries Estate - Site Consideration*

423. Hon BARRY HOUSE to the Leader of the House representing the Minister for Economic Development and Trade:

- (1) Are any sites in the south west being considered for a noxious industries estate?
- (2) If so, where?

Hon J.M. BERINSON replied:

The Minister for Economic Development and Trade has provided the following reply -

(1)-(2)

There are no "noxious industrial estates" being considered for the south west region. Shire councils will give consideration to specific requests for the establishment of industries termed "noxious". Currently the Shire of Capel is processing two separate applications involving adjoining blocks of land for the establishment of:

a tannery - 106 hectares; and

a woollscour - 103 hectares.

The tannery application is well advanced and has gone to public comment whereas the woollscour application is relatively new. Although the two applications are adjacent, these projects do not constitute an "estate" which would provide easy access for other noxious industries.

INDUSTRIAL DEVELOPMENT - "SOUTH WEST INDUSTRIAL SITE AND INFRASTRUCTURE"*Budget Expenditure Proposal - Noxious Industries Site*

424. Hon BARRY HOUSE to the Minister for Racing and Gaming representing the Minister for South-West:

- (1) Is the \$450 000 proposed expenditure in the 1989-90 Budget for a "South West Industrial Site and Infrastructure" for a noxious industries site?
- (2) Is a site in the south west for a "Noxious Industries Site" being considered?
- (3) If so, where?

Hon GRAHAM EDWARDS replied:

The Minister for South-West has provided the following reply -

(1)-(2)

No.

(3) Not applicable.

LAND - GLEN IRIS*Acquisition Prices - Acquisition Completion*

425. Hon BARRY HOUSE to the Minister for Racing and Gaming representing the Minister for South-West:

- (1) What were the prices (in total and per hectare) paid for Glen Iris land acquired in the past five years?
- (2) Has land acquisition at Glen Iris been completed?
- (3) If not, which owners are still negotiating and are awaiting settlement?

Hon GRAHAM EDWARDS replied:

The Minister for South-West has provided the following reply -

- (1) Total price for land in Glen Iris area \$2 689 124.25. Average per hectare price was \$27 261.06 including improvements.
- (2) No.
- (3) The South West Development Authority is standing in the market place and/or negotiating to purchase properties owned by -

P.F. & C Vinci
 E. Scibilia
 W.H. Harvey
 J.B. Barker, Estate of
 G. Frisina
 J. Howes
 A. & M. Gianfrancesco
 P. Beaglehole
 J.L. & M.E. Anderson.

**ECONOMIC DEVELOPMENT AND TRADE, DEPARTMENT OF -
 BUNBURY OFFICE**

Proposed Expenditure - Employee Statistics

426. Hon BARRY HOUSE to the Leader of the House representing the Minister for Economic Development and Trade:

- (1) What is the proposed expenditure for 1989-90 on the recently established Bunbury office of the Department for Economic Development and Trade?
- (2) What is the current staffing level of this office?

Hon J.M. BERINSON replied:

The Minister for Economic Development and Trade has provided the following reply -

- (1) \$357 000, consisting of:

Salaries and Allowances	\$137 000
Operating Budget	\$220 000.
- (2) Currently one person, with two other staff to be appointed in the near future.

TOILETS, PUBLIC - FREMANTLE RAILWAY STATION

Kwinana Bus Station - Restricted Opening Hours

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

- (1) Is it correct that public toilet facilities at the Fremantle Railway Station and the Kwinana Bus Station are open only on a restricted hours basis?
- (2) Is the Minister aware that such restricted opening hours cause inconvenience to the public using the stations?
- (3) Will he undertake to have these facilities open at all times, when trains/buses are operating from the stations?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) Yes.
- (2) Yes.
- (3) The policy of locking toilets when supervisory staff are not in attendance is a policy adopted some years ago in an effort to contain incessant vandalism, and is presently under review.

MINERAL SANDS - CABLE SANDS MINING COMPANY
Trucking Route Proposal - Nannup Tourist Operators' Concern

429. Hon P.G. PENDAL to the Minister for Racing and Gaming representing the Minister for Tourism:

I refer to Cable Sands Mining Company's proposal to truck mineral sands along the Brockman and Vasse Highways to Capel, via the town of Nannup, and ask -

- (1) Is it correct that a minimum of 56 company trucks per day will operate on this route?
- (2) Is the Minister aware of concern among Nannup tourist operators that so many heavy trucks will spoil the present tranquillity of the area and destroy its newly established tourism industry?
- (3) Will he agree to meet the Cable Sands Company and the local shire to discuss alternatives to this proposal?

Hon GRAHAM EDWARDS replied:

This question has been transferred from the Minister for Tourism and the Minister for Mines has provided the following reply -

- (1) The company's preferred option proposes that 14 trucks each undertake two trips per day making 56 truck movements in a 13 hour day, five days per week.
- (2) The Minister is aware that Nannup residents are concerned that road haulage of mineral sands concentrates through Nannup may impact upon their lifestyle.
- (3) Alternative routes and means of haulage are currently being evaluated by the mineral sands transport task force which will report to Cabinet in due course.

TOURISM - CAPEL-BUSSELTON, WONNERUP-NANNUP RAILWAY LINES

Closure - Mineral Sands Road Transport, Tourist Driver Risk

430. Hon P.G. PENDAL to the Minister for Racing and Gaming representing the Minister for Tourism:

- (1) Is the Minister aware that the Capel-Busselton, Wonnerup-Nannup railway lines may be closed resulting in heavy trucks hauling mineral sands from Scott River to Bunbury, thereby creating hazards for tourist drivers in the area?
- (2) Will he examine this situation and its potential effects on the south west tourism industry?

TRANSPORT - CAPEL-BUSSELTON, WONNERUP-NANNUP RAILWAY LINES

MacFarlane Report - Closure Recommendation

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

I refer to the MacFarlane Report (May 1989) on the feasibility study into the recommissioning of the Capel-Busselton and Wonnerup-Nannup railway lines and ask -

- (1) Does this report recommend closure of the railway lines?
- (2) If so, is this recommendation to be implemented?
- (3) Is the Minister aware of local residents' concern that the closure of the lines will result in transportation of mineral sands by road, from Scott River to Bunbury, thereby increasing heavy haulage traffic on south west roads with adverse effects for tourists driving in the area?
- (4) Will the Minister therefore investigate the environmental and social effects on the local community before implementing the closure of the railway lines?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) The MacFarlane report commissioned by the South West Development Authority, the Shire of Busselton, and the Shire of Nannup recommends -
 - the Capel-Busselton rail line be recommissioned.
 - the Woonerup-Nannup rail line not be recommissioned now but that the rail easement should be retained.
- (2) The Government is presently reviewing options for the transport of mineral sands in the south west. The options being reviewed include the use of the two lines in question. When the review is complete the Government will be in a position to consider the future of the lines taking into account the MacFarlane report recommendations.
- (3) The concerns of local residents are known. A number of the transport options under review were developed following input from communities likely to be affected. The impact on tourist traffic of mineral sands trucks is also a factor being considered in the review of transport options.
- (4) Answered by (2).

PETROCHEMICAL INDUSTRIES CO LTD - PREMIER'S UNDATED LETTER

Writing and Delivery Date - Recommendation

432. Hon PETER FOSS to the Leader of the House representing the Premier:

I refer the Premier to the undated letter (Assembly table document No 266R) from the Premier to PICL and ask -

- (1) When did the Premier -
 - (a) write; and
 - (b) deliver the letter?
- (2) Did the Premier make the recommendation referred to in the last sentence of the letter?
- (3) If the Premier made the recommendation, was it acted upon by His Excellency and what, if anything, has occurred as a result thereof?
- (4) If the Premier did not make the recommendation -
 - (a) did the Premier at the time he signed the letter and at the time he delivered the letter have the intention of making the recommendation referred to; and
 - (b) if so, for what reason did he not make the recommendation and on or about what date did he form the intention not to make the recommendation?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

(1)-(4)

On or about 14 October 1988. The balance of this question relates to matters potentially in dispute with Bond Corporation and I do not propose to risk disadvantaging the State in that litigation.

"NOONKENBAH" PUBLICATION - HAWKE, STEVE, GALLAGHER, MICHAEL

Government Files and Correspondence - Availability

434. Hon N.F. MOORE to the Leader of the House representing the Premier:

I refer to the publication, "Noonkenbah", written by Steve Hawke and Michael Gallagher (Fremantle Arts Centre Press) and ask -

- (1) Which Premier's Department files and correspondence were made available to the authors and under what conditions were they made available?
- (2) Which files and correspondence of other Government departments were made available to the authors and under what conditions were they made available?
- (3) What other Government and Cabinet files, documents and correspondence were made available to the authors and under what conditions were they made available?
- (4) Were any State Government funds provided to assist in the writing and/or publication of the book, and if so, how much was made available and to whom?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

(1)-(3)

Restricted access to certain files from relevant departments such as mines and Premiers were provided to Mr Hawke on the basis that no Cabinet, or Cabinet-related documents, were to be provided, as there was to be no identification of public servants providing advice to Ministers etc.

- (4) No direct funding was made by the Department for the Arts for either the writing or publication of this book. The publisher of the book, the Fremantle Arts Centre Press is, however, in receipt of an annual grant from the Department for the Arts.

The objective of this grant is to allow the Fremantle Arts Centre Press to publish a range of books, either written by West Australians or relating to Western Australia. The Department for the Arts does not have an editorial role in the selection of titles.

LAND ADMINISTRATION DEPARTMENT - GARSTONE, MR, WARD, MR
Horticultural Leases, Freehold Title Request - Review Completion

435. Hon BARRY HOUSE to the Minister for Lands:

- (1) Has the review by the Department of Land Administration into the requests by Mr Garstone and Mr Ward of Broome to obtain freehold title over their horticultural leases been completed?
- (2) If completed, has freehold title been granted?
- (3) If not, why not?

Hon KAY HALLAHAN replied:

(1)-(3)

No. I am aware that the State Planning Commission has recently confirmed its strong opposition to the granting of freehold title to Messrs Garstone and Ward. However, as previously indicated, my decision on whether freehold will be granted will be based on the attitudes of all relevant Government departments and the Shire of Broome.

MINING - ACCIDENT RATE

Serious and Minor - Open Pit, Coal and Underground Mining

436. Hon MARK NEVILL to the Leader of the House representing the Minister for Mines:

Would the Minister advise -

- (a) the serious accident rate in the:
 - (i) open pit mining industry (non coal);
 - (ii) coal mining industry;
 - (iii) underground mining industry (non coal)
 in each year since 1970;

- (b) the minor accident rate in the:
- (i) open pit mining industry (non coal);
 - (ii) coal mining industry;
 - (iii) underground mining industry (non coal)
- in each year since 1970;
- (c) the trends in the serious accident rate (which includes fatalities) in the last six months with the rates over the previous six or 12 months; and
- (d) the level of inspectorate activity undertaken during the last 12 months?

Hon J.M. BERINSON replied:

The Minister for Mines has provided the following answer -

- (a) The Mines Department does not have a complete record of persons employed above and below ground for years prior to 1987. However, information is available for the metalliferous and coal sectors. The serious injury rate (injuries per thousand employees) for metalliferous mining and coal mining since 1970 is:

Year	Metalliferous Mining	Coal Mining
1970	23.5	44.1
1971	28.7	53.0
1972	29.6	58.2
1973	26.9	61.4
1974	33.2	102.2
1975	36.0	120.6
1976	29.5	85.2
1977	29.3	70.9
1978	23.9	88.4
1979	19.4	48.0
1980	20.0	85.9
1981	25.3	82.7
1982	22.3	40.4
1983	19.3	59.9
1984	19.1	45.3
1985	18.2	20.2
1986	18.2	32.3
1987	20.6	60.2
1988	20.4	74.4
1988-89	20.4	55.6

In 1970 the serious injury incidence for metalliferous mines was 23.5 injuries per thousand employees. Between 1970 and 1975 the incidence worsened, peaking in 1975 at 36 per thousand. This adverse trend was at a time when the iron ore and nickel sectors of the mining industry were increasing rapidly in terms of production and the number of persons employed.

From 1975 there was a good downward trend for metalliferous mines until 1986 when the serious injury incidence was 18.2 injuries per thousand employees. This deteriorated to 20.6 in 1987, improved to 20.4 in 1988 and is currently running at 20.4 in 1988-89.

There is no ready explanation for variations from year to year in the serious injury incidence for coal mining. The incidence rate has fluctuated markedly from year to year. It peaked in 1975 at 120 per thousand employees and had fallen to 20.2 by 1985. For the current year the incidence is running at 56 per thousand employees.

- (b) The Mines Department does not have a complete record of persons employed above and below ground for years prior to 1987. However,

information is available for the metalliferous and coal sectors. The minor injury rate - injuries per thousand employees - for metalliferous mining and coal mining since 1970 is -

Year	Metalliferous Mining	Coal Mining
1970	104.2	305.5
1971	112.2	297.0
1972	95.6	271.4
1973	80.1	290.8
1974	99.0	461.3
1975	106.5	447.3
1976	99.1	551.9
1977	89.9	574.4
1978	76.9	567.2
1979	62.5	501.1
1980	66.2	479.8
1981	69.6	551.4
1982	70.9	491.0
1983	51.3	417.5
1984	56.0	430.4
1985	53.9	381.8
1986	48.7	343.8
1987	50.3	197.9
1988	49.3	215.1
1988-89	50.4	186.7

The minor injury rate shows a similar trend to that for serious injuries. The incidence rate for minor injuries in metalliferous mines has fallen from 104 injuries per thousand employees in 1970 to around 50 at present.

In coal mines the incidence rate has fluctuated markedly from year to year. It peaked in 1974 at 574 per thousand employees and had fallen to 215 by 1988. For the current year the incidence is running at 186 per thousand employees.

- (c) The trends in the serious injuries per thousand workers rate (which does not include fatalities *) in the last six months compared with the previous 12 months are -

Period	Metalliferous Mining		Coal Mining	
	Surface	Underground	Surface	Underground
1988	17.2	53.9	58.4	119.5
1988-89	17.3	54.9	43.4	95.5
Jan-June 89	17.6	57.6	36.9	89.5

There has been an improvement in the coal mining industry. The rate in metalliferous surface mines has increased slightly due to the number of new gold mines coming into operation. The serious injury rate for underground metalliferous mines has worsened. This has been recognised by both the Mines Department and industry and attention will be focused on ways to reverse this trend. A greater effort is needed in training new employees and in the strict enforcement of safe work practices.

- (d) The following numbers of inspections were undertaken by inspectors of mines in 1988-89 -

General Safety	1 209
Noise & ventilation	482

Machinery	339
Electrical	842
Chemical	74
Rail	<u>9</u>
Total	2 955

There were 30 322 employees in the industry during this period.

- * Fatal accidents are recorded separately from serious injuries and figures combining the two are not published to avoid confusion. The incidence rate is so small compared to that for serious injuries that the change in the serious incidence would not be noticable.

BUILDING AND CONSTRUCTION - ACCIDENT RATE

Workers' Compensation Premiums - Mining, Building and Engineering

437. Hon MARK NEVILL to the Leader of the House representing the Minister for Labour:

Would the Minister advise -

- (a) the accident rate per 1000 employees in the building and construction industry in each of the last four financial or calendar years;
- (b) the workers' compensation premiums in each of the last four years for:
 - (i) open pit mining industry (non coal);
 - (ii) coal mining industry;
 - (iii) underground mining industry (non coal);
 - (iv) brickworks;
 - (v) homebuilders;
 - (vi) builders; and
 - (vii) engineering works structure;
- (c) the serious accident rates in the building and construction industry in each year since 1970; and
- (d) the definition of a serious accident?

Hon J.M. BERINSON replied:

The Minister for Labour, represented by the Attorney General, has provided the following reply -

- (a) Lost-time accident rates per 1 000 workers -

	1984-85	1985-86	1986-87	1987-88	1988-89	1989-90
Building and other construction	113.1	123.9	123.9	99.0	+	--
	+ not yet available					

- (b) Recommended Workers' Compensation Premium Rates -

	84-85	85-86	86-87	87-88	88-89	89-90
	%	%	%	%	%	%
Coal Mining	20.22	15.57	13.05	9.67	7.81	5.05
Gold Mining (not open cut)	18.54	19.07	15.21	10.69	9.51	9.22
Ilmenite Mining	6.98	5.38	5.21	3.84	3.57	3.46
Gold Mining (open cut)	6.98	5.38	5.21	3.84	3.57	3.46
Tin Mining	6.98	5.38	5.21	3.84	3.57	3.46

Iron Mining	2.57	2.64	2.49	2.22	2.63	2.81
Additional Industrial Disease Rate:						
Class A Mines	1.83	1.81	1.58	1.43	1.43	*
Class B Mines	0.32	0.32	0.24	0.18	0.18	*
Brickworks	8.53	8.71	8.95	10.20	10.92	10.59
Builders, up to 2 storeys	12.76	13.13	12.39	13.24	13.24	14.02
Other builders	20.17	20.75	19.59	21.24	17.24	19.22
Engineering, Structural	27.64	28.43	26.84	23.33	23.33	22.63

* rate not yet struck

- (c) Serious accident rates per 1 000 workers since 1981-82 (earlier years not available)

	81-82	82-83	83-84	84-85	85-86	86-87	87-88	88-89
Building and Other Construction	47.8	41.3	51.0	43.3	46.8	45.5	36.8	+

+ not yet available

- (d) Serious accidents are those resulting in 10 or more working days in lost time.
NB Premium rates supplied by Workers' Compensation and Rehabilitation Commission.
Accident rates supplied by Department of Occupational Health Safety and Welfare.

STATE ENERGY COMMISSION - MAINTENANCE SUPERVISORS

Murchison Area - Kalgoorlie Location Proposal

438. Hon BARRY HOUSE to the Minister for Racing and Gaming representing the Minister for Regional Development:

- (1) Is the Minister aware of the SECWA proposal to have the maintenance supervisors, for the Murchison area located in Kalgoorlie rather than Geraldton, and that this proposal cuts across the boundaries of the Geraldton Mid-West Authority and does not fit in with the Murchison community's needs?
- (2) Has the Minister made any representations to change this proposal?
- (3) If so, what is the final proposal on the SECWA supervisors location?

Hon GRAHAM EDWARDS replied:

The Minister for Regional Development has provided the following reply.
Please see the reply to question 439.

STATE ENERGY COMMISSION - MAINTENANCE SUPERVISORS

Murchison Area - Kalgoorlie Location Proposal

439. Hon BARRY HOUSE to the Minister for Racing and Gaming representing the Minister for Mid-West:

- (1) Is the Minister aware of the SECWA proposal to have the maintenance supervisors for the Murchison area located in Kalgoorlie rather than in Geraldton, and that this proposal cuts across the boundaries of the Geraldton Mid-West Authority and does not fit in with the Murchison community's needs?
- (2) Has the Minister made any representations to change this proposal?
- (3) If so, what is the final proposal on the SECWA supervisors' location?

Hon GRAHAM EDWARDS replied:

The Minister for Mid-West has provided the following reply -

- (1) Yes.

(2) Yes.

(3) SECWA has reorganised the distribution and diesel power station functions in remote areas. These functions within the Murchison now report to the District Officer, Meekatharra. He is responsible for all SECWA activities in this district. The District Officer, Meekatharra now reports to Geraldton. For an interim period after the reorganisation the district officer reported to Kalgoorlie.

EDUCATION - GOVERNMENT SCHOOLS

Educational and Economic Viability - Reviews

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

- (1) Has the Minister for Education reviewed Government schools this year to assess their educational and economic viability?
- (2) If yes, which schools were reviewed?
- (3) Has the closure of any schools from the beginning of 1990 been sanctioned by the Minister?
- (4) If yes, which schools will close?
- (5) Will further reviews be made of any of the other schools assessed for their educational and economic viability in 1989?
- (6) When will the Minister decide whether those schools will be closed?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following reply -

(1)-(6)

The Ministry has initiated a small scale investigation on the use and viability of some schools. These range from small schools with few students for possible closure, through junior primary and their associated senior primary schools for possible amalgamation, to larger schools with considerable underutilization of facilities. An assessment of this type is done each year when enrolment and classroom accommodation information is received from schools. As a result of this information, negotiation may be held with some schools about their future. Such has been the case with Marvel Loch, Benger and Karratha Junior Primary Schools this year. The secondary sections of some small district high schools are also included in the assessment which is wide ranging, and includes possible upgradings or changes in classification as well.

Schools involved in possible closure or amalgamation are included in the discussions, which usually occur at the district level. Overall assessments on school viability are a necessary aspect of any educational enterprise, and these will continue to be made in the future. Any decisions on closure will only be made after full consultation with the schools concerned, and would usually involve a 12 months or two year lead time.

EDUCATION - GOVERNMENT SCHOOLS

Full Time Equivalent Teachers - Teacher-Aids, Employment Statistics

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

How many full-time equivalent teachers and teacher-aides were employed in Government preprimary, primary and secondary schools as at -

- (a) the commencement of the school year in February 1988;

- (b) the time of the annual census in August 1988; and
- (c) the commencement of the school year in February 1989?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following reply -

Number of full-time equivalent teachers in Government schools

Education Level	Feb 1988	Jul 1988	Feb 1989
Preprimary (1)	585.5	594.1	611.1
Primary (2)	6 930.8	7 010.8	7 287.5
Secondary	5 778.5	5 868.7	5 866.1
Total	13 294.8	13 473.6	13 764.1

Notes:

- (1) Preprimary teachers includes those teachers working in preprimary centres and community-based pre-schools.
- (2) Primary teachers includes those teachers working in education support schools and centres.

Number of teacher aides in Government schools:

	Feb 1988	Jul 1988	Feb 1989
Total	1 158	1 254	1 568

Notes:

- (1) The above figures are the total number of teacher aides employed, not full-time equivalents (FTEs).
- (2) The number of classifications under which teacher aides are employed precludes a breakdown of these figures into preprimary, primary and secondary.
- (3) The 1988-89 financial year has resulted in an additional 95.0 FTE teachers aides being employed over the 1987-88 year.

Source: Education Statistics System

ACTS OF PARLIAMENT - PARTLY PROCLAIMED

Distortion Occurrences - Register Request

443. Hon W.N. STRETCH to the Leader of the House:

- (1) In view of the distortion of legislative intent that can occur through the process of selective staggered part-proclamation of Acts of Parliament, will the Leader of the House undertake to:
 - (a) ensure that, when it is envisaged by his Government that a Bill when passed by this Parliament will be proclaimed other than as a whole, that intention be written into the second reading speech and, if possible, the legislation;
 - (b) investigate and report back to this House in the current session, on the constitutional propriety of not proclaiming Acts of this Parliament in full without stating such an intention within the legislation;
 - (c) provide this House with precedents of Acts being part-proclaimed in WA without such intention being stated either within the legislation or by the Government during the relevant debate before 1983; and
 - (d) provide an annual register to this House within six months of an annual constant date of his choosing, setting out which Acts of the WA Parliament have been within that annual period -

- (i) proclaimed in full;
 - (ii) proclaimed in part;
 - (iii) withheld from proclamation?
- (2) If the Leader of the House will not agree to set up such a register as requested in (1)(a) will he explain to this House why he will not follow such a course?

Hon J.M. BERINSON replied:

- (1) (a) Where it is possible to do so, the particular dates on which particular parts of an Act will come into operation are specified in the commencement clause (usually clause 2 of a Bill).
Where it is not possible to specify particular dates but it is envisaged that some provisions may need to be brought into operation before others, power to do this is always specifically provided in the commencement section.
 - (b) An Act cannot be proclaimed in part unless it contains a provision of the kind set out in (a) above.
 - (c) See (a) and (b) above.
 - (d) The information can be ascertained, on an annual basis, from the Index to Legislation of Western Australia, Table 1 - Index of Statutes in Force.
- (2) See 1(d).

HARVEY FRESH - GOVERNMENT GUARANTEE

444. Hon E.J. CHARLTON to the Leader of the House representing the Treasurer:

- (1) Has the State Government or any of its agencies or instrumentalities made or arranged any financial guarantee for Harvey Fresh?
- (2) If yes, what is the extent of that guarantee and why was it entered into or arranged?

Hon J.M. BERINSON replied:

- (1) Not to my knowledge.
- (2) Not applicable.

HARVEY FRESH - SOUTH WEST DEVELOPMENT AUTHORITY *Financial Guarantee*

445. Hon E.J. CHARLTON to the Minister for Racing and Gaming representing the Minister for South-West:

- (1) Has the South West Development Authority made or arranged any financial guarantee for Harvey Fresh?
- (2) If yes, what is the extent of that guarantee and why was it entered into or arranged?

Hon GRAHAM EDWARDS replied:

- (1) No.
- (2) Not applicable.

HARVEY FRESH - MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE *Government Assistance*

446. Hon E.J. CHARLTON to the Leader of the House representing the Minister for Economic Development and Trade:

Has the Minister for Economic Development and Trade made any offer of Government assistance to Harvey Fresh?

Hon J.M. BERINSON replied:

The Minister for Economic Development and Trade has provided the following reply -

No.

UNDERWATER WORLD - SORRENTO

Government Ownership - Sale

447. Hon P.G. PENDAL to the Leader of the House representing the Premier:

- (1) Is "Underwater World" at Sorrento, still owned by the Government, the Western Australian Development Corporation or some other Government agency?
- (2) If so, is the venture to be sold?
- (3) If it is to be sold, by what method will the disposal occur?
- (4) Has any deadline been set either for tenders to be called or a sale to be completed?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

- (1) The Western Australian Development Corporation owns 40 per cent of Underwater World at Hillarys.
- (2) Yes.
- (3) Tenders called for disposal of the venture closed on 25 August 1989. In conjunction with the other equity participants, the WADC is still evaluating the response. A decision on the same will be made in accordance with prudent commercial practice.
- (4) The corporation has been asked to wind up its equity investment program as soon as commercially practicable. This process is at present about 80 per cent complete. The Government has advised the WADC to use normal commercial practice to maximise the return when disposing of its assets.

QUESTIONS WITHOUT NOTICE

STATE GOVERNMENT INSURANCE COMMISSION - BOND CORPORATION

Indemnity, Bell Shares Purchase - Petrochemical Project, Terms Binding Claim

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

- (1) Is the Minister aware of a claim by representatives of Bond Corporation that the alleged indemnity between the State Government Insurance Commission and Bond Corporation in respect of the purchase of certain Bell shares is inextricably bound in the overall terms negotiated between the Government and Bond Corporation on the petrochemical project?
- (2) Should Bond Corporation refuse to pay out on the indemnity this financial year -
 - (a) will this have any effect on the current Budget; and
 - (b) will this cause the State Government Insurance Commission to become technically insolvent and require additional Government financial support?

Hon J.M. BERINSON replied:

- (1) To the first part of the question I should indicate that I am aware of any claim by Bond Corporation to that effect only as a result of media reports.
- (2) I am bound to reply that this question is a hypothetical one. In respect of the

final part of this question I must indicate to Hon George Cash that he is directing a question in an area which is outside my authority and which should be put on notice.

Hon George Cash: Are you saying it does not affect Budget management at all?

Hon J.M. BERINSON: No, the final part of the member's question, as I understood it, went to the position of the SGIC in the event of certain hypothetical events occurring. I am saying that this question should be directed to the Minister responsible for the SGIC, and that is not me.

Hon George Cash: You are not denying they were technically insolvent?

Hon J.M. BERINSON: I do not want that last comment to go unchallenged. Hon George Cash is attempting to put words into my mouth. The only words which have come from me are to the effect that the final part of his question relates to a matter within another Minister's area of responsibility and it should accordingly be put on notice.

McCUSKER, MR MALCOLM - ACCOUNTABLE AUTHORITY

212. Hon GEORGE CASH to the Attorney General:

To whom is Mr McCusker, QC accountable? Is it the Attorney General or the National Companies and Securities Commission?

Hon J.M. BERINSON replied:

The actual authority for the appointment of Mr McCusker came I think originally from me, but the appointment itself was made by the NCSC. I have to confess that the formalities of that situation are a bit complex and, as it is some time since I have had to address my mind to the nature of those formalities, I have to qualify that answer by indicating that it is given to the best of my recollection. In any event -

Hon George Cash: Are you saying you do not know to whom Mr McCusker is accountable?

Hon J.M. BERINSON: No, I am not saying that at all.

Hon George Cash: You are making a good job of it.

Hon J.M. BERINSON: No, so far I have referred only to the nature of the instrument which actually appointed him in the first place. Irrespective of the technical question related to his initial appointment, Mr McCusker's primary point for the referral of his report is the NCSC.

ROTHWELLS LTD - McCUSKER, MR MALCOLM *Inquiry - Time Commitment Assurance*

213. Hon PETER FOSS to the Attorney General:

(1) Was Mr McCusker, QC given an assurance as to the time commitment to the Rothwells investigation? When he was engaged, was there an assurance, as to the time commitment -

Hon J.M. Berinson: By whom?

Hon PETER FOSS: By the Attorney General or any person on his behalf.

(2) If so, what was that time commitment?

Hon J.M. BERINSON replied:

(1)-(2)

I am not sure about the point Hon Peter Foss is actually driving at, but I think I can cover it in any event. The position is that Mr McCusker's appointment was on the basis that as much time as was required by his duties would be made available by him, and his brief is on the basis that his own judgment on that will be accepted.

ROTHWELLS LTD - McCUSKER, MR MALCOLM

Inquiry - Time Commitment Assurance

214. Hon PETER FOSS to the Attorney General:

A supplementary question: At the time of engaging Mr McCusker, did the Attorney General give him an assurance that he would not be required to commit more than two days a week to the investigation?

Hon J.M. BERINSON replied:

I cannot recall discussions which involved my giving assurances. In the early stages of his investigation, Mr McCusker indicated to me and to the NCSC that he believed the duties of the special investigation would occupy him for about a day and a half a week in the early stages. At all points, however, it was clearly understood by Mr McCusker, by the NCSC and by the Ministerial Council that any further time required would be made available by Mr McCusker and that his brief would cover any such additional time.

Mr Deputy President, Mr McCusker has advantages which to my knowledge have never been experienced by any special investigation before or since. Other special investigators have spent their whole time on the special investigations to which they were appointed, but none of those special investigators has had the advantages which Mr McCusker has of 17 full time staff under his direction. Most of the others have very limited staff - as few as two or three - and under these circumstances one could understand that they could not perform their duties other than on a full time basis. In Mr McCusker's case there are 17 full time officers working under his direction. He is working in an entirely independent capacity in all respects, including the direction of those officers, and he is also working with the clear understanding on all sides that whatever time is required for the proper performance of his duties will be available and acceptable as being within his brief.

Finally, it has been a great concern of mine, of the Government and of the NCSC, that the timetable of this inquiry should be met. We did not want to share the experience of other special investigations which, in some cases, went on for two or three years and I think in one case even five years. The McCusker inquiry has a 12 months' timetable and my most recent advice is that that timetable will be met.

SPORT AND RECREATION - FOOTBALL

Government Assistance - Future Viability

215. Hon GARRY KELLY to the Minister for Sport and Recreation:

Can the Minister explain what effect the Government's recent decision to assist football will have on the long term viability of the game?

Hon GRAHAM EDWARDS replied:

I am very pleased to answer that question. Members would be aware that earlier this year I withheld approval for further financial assistance to football until it was prepared to make some fundamental changes to its management structure so that it could resolve its problems. That resulted in the formation of the new Western Australian Football Commission. Since its formation the commission has put together a comprehensive strategy to resolve its financial difficulties and put the game on a viable footing. In doing this the commission has made some hard decisions necessary to achieve its objectives. The Government believes the commission has the will to follow through with its plan and has agreed to a series of measures for the long term benefit of football in Western Australia.

The Government support will include vesting of Subiaco Oval in the hands of the Football Commission. This will address an amazing situation in that for the 100-odd years in which the Australian game has been played in this State neither the commission - formerly the league - nor any football club has enjoyed the ownership or the security of its own ground. Furthermore, a five

year moratorium will be applied to debt servicing for the two tier grandstand at Subiaco Oval. We will also establish a \$2.1 million Government guarantee to provide the Football Commission with the financial flexibility to secure the future of football. This includes allowance to negotiate for the repurchase of the West Coast Eagles' sublicence from Indian Pacific, a move which I think the total football community supports.

The Government has made it quite clear that this really is the last chance for football to put its house in order. However, it does acknowledge that football is approaching its problems in a positive manner and aims to become self-sufficient and free of Government subsidy within five years and completely debt free by the year 2000. I do not know whether this can be achieved but that is certainly the aim. In my view the Government's initiatives, coupled with the manner in which football is addressing its problems, will ensure that the future is secured for football in this State.

SPORT AND RECREATION - FOOTBALL

Subiaco Oval - Football Commission Control

216. Hon P.H. LOCKYER to the Minister for Sport and Recreation:

- (1) Will the Minister explain how Subiaco Oval will be vested in the Football Commission?
- (2) Will he also explain how he will convince the Subiaco City Council to give up control of the oval?

Hon GRAHAM EDWARDS replied:

(1)-(2)

I do not think I will be able to convince the Subiaco City Council that the action we are taking is correct.

Hon E.J. Charlton: That will be for the Minister for Local Government.

Hon GRAHAM EDWARDS: It is yet to be decided how we will do that. There are certainly some technicalities to be dealt with.

Hon George Cash: Just move in the Army.

Hon GRAHAM EDWARDS: It may well be that it is brought in by Hon Kay Hallahan. Either way, that is a question that will need to be determined by Parliament, allowing the honourable member the opportunity to have his say.

I have met with the Mayor of the Subiaco City Council and two of her councillors. We had a very frank and honest discussion which finished with them fully understanding my point of view and with my fully understanding their point of view. Ultimately, as I said, the question will need to be determined by Parliament.

Hon P.H. Lockyer: How is it going to be vested?

COMPANIES AND SECURITIES LAW - FEDERAL TAKEOVER

Victorian Stance Reversal - State Opposition

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

I refer to the Victorian Labor Government's decision to reverse its earlier stance and to now confer on the Commonwealth full powers to regulate company law in that State in return for certain benefits. I ask -

- (1) Has such a reversal been contemplated by the Western Australian Labor Government?
- (2) Will the Victorian reversal in any way affect the WA challenge in the High Court?
- (3) If so, will he give details?

Hon J.M. BERINSON replied:

- (1) No. The Western Australian Government remains firm in its opposition to the Commonwealth takeover of companies and securities law.

(2)-(3)

It is very kind of Hon Phillip Pendal to ask me the second question, but I would have to be a High Court judge in order to provide an answer.

Hon E.J. Charlton: Is that likely in the near future?

Hon P.G. Pendal: You misunderstood. I am asking whether the reversal of the Victorian stance will affect the way the Attorney General conducts his case, not what the High Court will decide.

Hon J.M. BERINSON: In that case I either misunderstood the question or the question was not put in precisely those terms.

Hon P.G. Pendal: The question was put in precisely those terms. I will read it out to you again if you like.

Hon J.M. BERINSON: The Victorian Government's decision has not and will not affect the presentation of the Western Australian case in opposition to that takeover, and that challenge continues to be a question of consultation and indeed cooperation between legal representatives of Western Australia, South Australia, New South Wales and Queensland.

COMPANIES AND SECURITIES LAW - FEDERAL TAKEOVER

High Court - State Opposition

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

Has the Western Australian Government diluted, narrowed or in any other way amended its case in the High Court to reject the Commonwealth's attempted takeover of company law and, if so, in what way has this occurred?

Hon J.M. BERINSON replied:

I referred a moment ago to the consultation between the legal representatives of the various States. As a result of that it has been agreed that the initial approach to the High Court should concentrate on the major issue of the Commonwealth's power to control the incorporation of bodies. That has been done after careful consideration of all aspects, including what one might refer to as the tactical aspects involved, but has also been approached without prejudice to the capacity of the challenging States to challenge remaining issues whichever way the initial question goes.

Hon P.G. Pendal: We do not lose that capacity then to pursue other parts of the original challenge if the first one fails the narrow version?

Hon J.M. BERINSON: From all the advice that I have had on this matter that is precisely the position.

CORPORATE AFFAIRS DEPARTMENT - INQUIRY POWERS

Attorney General - Cessation Direction

219. Hon GEORGE CASH to the Attorney General:

(1) Has the Attorney General directed the Corporate Affairs Office to not exercise any of its powers of investigation?

(2) Has he directed that, instead, those powers be exercised directly by his own department?

Hon J.M. BERINSON replied:

Would the honourable member indicate to what he is referring as my own department, as the Corporate Affairs Department is also my department? It would also be helpful if he could elaborate on his question a bit.

CORPORATE AFFAIRS DEPARTMENT - INQUIRY POWERS

Attorney General - Cessation Direction

220. Hon GEORGE CASH to the Attorney General:

The question is clear. I will read it again for the Attorney General.

(1) Has the Attorney General directed the Corporate Affairs Office to not exercise any of its powers of investigation?

- (2) Has he directed that, instead, those powers be exercised directly by his own department?

In the second part of the question "his own department" refers to the Crown Law Department.

Hon J.M. BERINSON replied:

- (1) No.
(2) Not applicable.

AGED - ALARM SYSTEMS, PERSONAL

Availability - Government Proposals

221. Hon JOHN HALDEN to the Minister for The Aged:

I have been approached by a number of seniors and their families who have seen reference to personal alarm systems in the media recently. Will the Minister clarify the current position on the availability of personal alarms and the Government's proposals in that regard?

Hon KAY HALLAHAN replied:

This is an important issue for elderly Western Australians. It refers to electronic emergency personal alarm systems. At present, six alarm systems are available in Western Australia, most of which are provided by private businesses and at least one of which is provided by a community based organisation. Access to these may be limited by people's ability to pay. Under the care and respect program, the Government has asked the Bureau for the Aged to investigate this area because it could be significant to older people spending more of their later years living independently in the community.

The most commonly available alarm sends a telephone message to a predetermined number. That call may be sent from a radio transmitter worn around the neck as a pendant. It is the best means of achieving some sense of security. At present, if aged persons have a fall in the home or are disturbed by a stranger and they cannot get to a phone to ring relatives, neighbours, or whoever they would ring in such a circumstance, they have no protection. We know these pendants are reliable and will promote them throughout the State.

Two studies are being undertaken at present under the care and respect program. A feasibility study is being carried out in the metropolitan area and a project involving the use of a community switchboard is being investigated in Bunbury. When the results of those projects are known we will be able to advise older Western Australians about the most effective system and its likely cost.

VIDEOS - X RATED

Importation - Minister for The Arts, Public Statements

222. Hon E.J. CHARLTON to the Attorney General:

Does the Attorney General condone the public statements made by the Minister for The Arts in relation to the importation of X rated videos into Western Australia?

The DEPUTY PRESIDENT (Hon J.M. Brown): Is the member asking for an opinion on videos?

Hon E.J. CHARLTON: I asked whether the Attorney General condoned the public statement by the Minister for The Arts reported in the Press relating to the importation into Western Australia of X rated videos, bearing in mind the opposition of the Attorneys General.

Hon J.M. BERINSON replied:

With his last comment, Hon Eric Charlton made his question clear. It is perfectly clear that there is a lot of confusion in his question.

Hon E.J. Charlton: There is also confusion in people's minds.

Hon J.M. BERINSON: I am mainly concerned about confusion in my own role. Many Attorneys General are responsible for censorship in other States. I am not the Minister with responsibility for censorship in Western Australia. That is within the portfolio of the Minister for The Arts. Accordingly, any question going to that Minister's views would need to be put on notice.

WESTERN AUSTRALIAN MUSEUM - PERCY MARKHAM COLLECTION

Vintage and Veteran Car Sale - Trustees Decision, Concern

223. Hon DOUG WENN to the Leader of the House representing the Minister for The Arts:

The Leader of the House will be aware of the concern expressed by various vintage and veteran car collectors over recent weeks about a decision taken by the trustees of the Western Australian Museum -

Opposition members interjected.

Hon P.G. Pandal: Read it again, Dorothy.

Hon DOUG WENN: They are not always dorothy dixers. Some of us have real concerns.

The Leader of the House will be aware of the concern expressed by various vintage and veteran car collectors over recent weeks about a decision taken by the trustees of the Western Australian Museum to sell by auction 10 cars from its collection of vintage and veteran cars.

Hon P.G. Pandal: Shame!

Hon DOUG WENN: Will he explain to the House in what way that decision will benefit the public of Western Australia?

Hon P.G. Pandal: Flogging the family jewels!

Hon J.M. BERINSON replied:

I am advised by the Minister for The Arts that proceeds from the sale by auction of the 10 cars will be used by the trustees to enhance the museum's existing collection of vintage cars. The trustees will add to the museum's already substantial collection, improving upon it through the acquisition of further vehicles of importance and significance to the history of Western Australia.

Even after the sale of the 10 cars, the museum's collection will still be in excess of 30 vehicles. Since 1969, the museum has acquired more than a dozen vehicles important in the development of transport.

The museum would like to add to its transport collection such vehicles as a Fowler Traction engine used to clear parts of the south west in the 1920s, and work vehicles from the 1930s such as Dodges, Fords and Chevrolets. It also hopes to acquire popular post war cars such as Morrisies, Volkswagons and Valiants. What a shame that I did not keep mine.

It is the considered opinion of the trustees and director of the Western Australian Museum that the 10 vehicles being sold are not of Australian heritage significance nor have they any direct links with Western Australia's early days.

The Government is acting in a responsible fashion in pursuing the true value of the cars, estimated by Sotheby's to be in excess of \$1.4 million. The cars were offered for tender earlier this year with the proviso that they remain in the State, but tenders came nowhere near the true value of the cars. It would have been irresponsible of the Government to have accepted even the highest tender. The sale, probably by satellite link to an auction in the United Kingdom, will mean the cars will remain in Perth for inspection and sale.

TOBACCO ADVERTISING - PREMIER

Television Advertisement - Order of the Day No 23, Earlier Debate

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

In view of the Premier's appearance in a television advertisement which blatantly seeks to prop up the Government's position on the tobacco advertising issue -

Point of Order

Hon TOM STEPHENS: The Standing Order that governs the asking of questions seeks to ensure that argumentative material is not included in the question. Because the member is using argumentative and inflammatory language in asking his question, I ask that you, Mr Deputy President, rule the question out of order.

The DEPUTY PRESIDENT (Hon J.M. Brown): There is no point of order.

Questions without Notice Resumed

Hon P.G. PENDAL: I repeat my question to the Leader of the House. In view of Premier's appearance in a television advertisement which blatantly seeks to prop up the Government's position on the question of advertising tobacco products, will the Leader of the House agree to move up the Notice Paper Order of the Day No 23, which is a Bill seeking to outlaw the misuse of Treasury funds to promote such Government positions?

Hon J.M. BERINSON replied:

I am not aware of the advertisement to which the honourable member refers but, in any event, given the huge support for the measure opposing continued advertising of tobacco products, the enormous health implications of that measure, and the competing advertisements by the industry, I believe it would be irresponsible of the Government not to make its position clear at an early stage in the interests of the community's health.

ROTHWELLS LTD - McCUSKER, MR MALCOLM

Inquiry - Weekly Briefings

225. Hon GEORGE CASH to the Attorney General:

In view of the Government's close involvement in the Rothwells rescue, will the Attorney General permit the Leader of the Opposition and the Leader of the National Party to have a weekly briefing from Mr McCusker in order that -

Hon John Halden: You used to have a weekly briefing from the Minister for Police and Emergency Services and it had to be cancelled.

Hon GEORGE CASH: I am aware that possibly backbenchers do not want this to occur.

Hon John Halden: We know your reputation.

The DEPUTY PRESIDENT: Order! We have only limited time for asking questions.

Hon GEORGE CASH: To continue: I ask for that briefing from Mr McCusker so that the community can be satisfied that the investigation is being properly carried out.

Hon J.M. BERINSON replied:

The Leader of the Opposition is asking for something I do not have myself, quite deliberately, in the interests of the independence of that inquiry.

Hon George Cash: Irrespective of that, I ask the question.

Hon J.M. BERINSON: I have refrained from other than minimum contact with Mr McCusker, and certainly I have refrained from involving myself or even being advised in detail of the nature of his investigations. The investigations

are of a most serious nature; they have already led to a number of charges being laid and I would see it as no more appropriate to adopt the Leader of the Opposition's position in this case than perhaps an equivalent proposition that he and others should have weekly briefings from the Commissioner of Police on matters relating to police investigations and possible charges. The suggestion is not one that is compatible with the nature of the investigation, and particularly the independence of that investigation. Frankly, I find it hard to believe that the questioner is serious.
